

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, SECOND SESSION.

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CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

SENATE.

THURSDAY, February 15, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Cecile W. King, daughter and only child of Stephen Moore Westmore, otherwise known as Stephen West-Moore, *v.* United States (S. Doc. No. 311);

Charles P. Cammack, Lillie V. Oldham, Mary B. Harbin, and Frances H. Glover, sole heirs of Mary R. Cammack, deceased, *v.* United States (S. Doc. No. 310); and

The Trustees of the Methodist Episcopal Church South, of Centerville, Va., *v.* United States (S. Doc. No. 308).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 8853. An act for the relief of John L. Baird; and

H. R. 14055. An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the faculty of Swarthmore College, Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Trades and Labor Assembly of New Athens, Ill., praying for the enactment of legislation to insure to civil-service employees their inherent rights as American citizens to freedom of speech and the right of petition, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Chicago, Irving, Batavia, and Aurora, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of the Woman's Christian Temperance Union of Little River, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Table Grape Growers' Association of San Joaquin County, Cal., praying for the passage of the so-called Bristow bill, providing for the construction of 15 large ocean-going steamers, which was referred to the Committee on Inter-oceanic Canals.

Mr. OLIVER presented a memorial of S. C. Potts Post, No. 62, Department of Pennsylvania, Grand Army of the Republic, of Altoona, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a memorial of members of the Ancient Order of Hibernians, of Scranton, Pa., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented petitions of Local Granges No. 536, of Luzerne County; No. 444, of Trough Creek; No. 60, of Dauphin

County; No. 1343, of Halifax; No. 13, of Center County; and No. 1128, of Dysert, Patrons of Husbandry, and of the Farmers' Institute of Saxonburg, all in the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the United Evangelical Church and the First Methodist Episcopal Church of Franklin; of the United Brethren Church and the Trinity Wesleyan Episcopal Church, of Mount Joy; of the Mount Washington Presbyterian Church, the First Pentecostal Church, the Mount Washington Methodist Episcopal Church, and the Mount Washington Baptist Church, of Pittsburgh; of the Bethany Wesleyan Episcopal Church, the Olivet Baptist Church, and the Faith Reformed Church, of Lancaster; of the Central Reformed Presbyterian Church of Allegheny; of the Woman's Christian Temperance Unions of Crafton, Van Ormer, and Mount Joy; of the Christian Endeavor Society of Van Ormer; the Woman's Union Missionary Association of Pittsburgh; the Young Men's Christian Association of McKeesport; and of Local Grange No. 868, Patrons of Husbandry, of Thompson, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GARDNER presented petitions of Mystic Tie Grange, of Kenduskeag; of Local Grange of Fort Fairfield; and of Katahdin Grange, of Lagrange, all of the Patrons of Husbandry; of the congregations of the Congregational Church of Calais and the Pine Street Baptist Church, of Lewiston; and of the Woman's Christian Temperance Unions of Raymon, Union, Machias, and Cherryfield, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a memorial of sundry citizens of Blair, Nebr., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of members of the Nebraska National Guard, residents of Beaver City and Blair, in the State of Nebraska, praying for the enactment of legislation to regulate the pay of the Organized Militia, which were referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Commercial Club of Omaha, Nebr., and resolutions adopted by the Commercial Club of Beatrice, Nebr., favoring the enactment of legislation granting to aliens full information relating to industrial opportunities in Nebraska and other Western States, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of members of the Lincoln Club of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. KERN presented petitions of the congregations of the churches of Warren, Marion, and Richmond, and of sundry citizens of North Vernon, all in the State of Indiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Progress Club of South Bend, Ind., and a petition of members of the Woman's Club of Mishawaka, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange, Patrons of Husbandry, of Columbus, Ind., and a petition of sundry citizens of Seymour, Ind., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Travelers' Protective Association of New Albany, Ind., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of members of the Fleur-de-lis Club of Mitchell; of the Methodist Ministers' Association of Indianapolis; and of sundry citizens of New Paris, all in the State of Indiana, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Wadsworth Post, No. 127, Department of Indiana, Grand Army of the Republic, of Franklin, Ind., praying for the enactment of legislation proposing to

abolish the pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented petitions of Chaplain Brown Post, No. 106, of Valparaiso; of Calkins Post, No. 502, of Hammond; and of James Price Post, No. 203, of Tipton, all of the Department of Indiana, Grand Army of the Republic, in the State of Indiana, praying for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented a resolution adopted by the Farmers' Institute, of Sullivan County, Ind., favoring an appropriation for the endowment and support of the agricultural colleges of the country, which was referred to the Committee on Agriculture and Forestry.

Mr. HEYBURN presented memorials of sundry citizens of Kellogg and Lewiston, in the State of Idaho, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Baker, Idaho, remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Woman's Club of Meadows, Idaho, praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Rupert, Idaho, and a petition of sundry settlers on the Minidoka reclamation project, Idaho, praying that an investigation be made into the administration of affairs on the Minidoka reclamation project in that State, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented resolutions adopted by the Commercial Club of Sand Point, Idaho, favoring the enactment of legislation granting to aliens full information relating to industrial opportunities in Idaho and other Western States, which were referred to the Committee on Agriculture and Forestry.

Mr. DU PONT presented a petition of the Woman's Christian Temperance Union of Seaford, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of Burlington, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PAGE presented resolutions of the Grand Council of New England, Order of United Commercial Travelers of America, adopted by the supreme council of the order at its twenty-fourth annual session, held at Columbus, Ohio, favoring the enactment of legislation to promote the efficiency of the Life-Saving Service, which were referred to the Committee on Commerce.

Mr. BURTON presented a memorial of sundry citizens of Peketon, Ohio, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. STEPHENSON presented a memorial of sundry citizens of Tomah, Wis., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. CRANE presented petitions of sundry citizens of Cambridge, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Worcester, Mass., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. PENROSE presented petitions of the Woman's Christian Temperance Unions of Concord, Claysville, and New Providence, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's Christian Temperance Union of Shenandoah, Pa., remonstrating against the repeal of the anticantien law, which was referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of sundry citizens of Harris, Minn., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of the Methodist Ministers' Association of Indianapolis, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of members of the Woman's Club of Mishawaka, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of New York City, N. Y., residents in the eleventh assembly district, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of sundry members of the Alliance of German Societies of Michigan City, Ind., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. RAYNER presented a petition of the Young Men's Christian Association of Frederick, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. OWEN presented petitions of the Woman's Christian Temperance Union and of sundry citizens of Westville and Mutual, all in the State of Oklahoma, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of the Woman's Christian Temperance Union of Winsted, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 29, Patrons of Husbandry, of Meriden, Conn., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a memorial of members of Local Branch, National Metal Trade Association, of New Haven, Conn., remonstrating against the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. ROOT presented petitions of the congregations of the Presbyterian Church of Warsaw, the Baptist Church of Parishville, the Methodist Episcopal Church of Danby, and the First Methodist Episcopal Church of Ithaca, of the Woman's Christian Temperance Union of Peruville, and of the Christian Endeavor Society of Rouses Point, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BORAH. I present four telegrams in the nature of memorials from citizens of Idaho, remonstrating against any reduction of the duty on lead and zinc. I ask that the telegrams be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

MURRAY, IDAHO, February 11, 1912.

Senator W. BORAH,

United States Senate, Washington, D. C.:

Removal of duty on lead will be disastrous to this mine and to district as a whole. Mexican mining camps can deliver lead in New York at 3.15 and earn reasonable profit, due to nature of their deposits and cheap labor. Impossible to operate under these conditions. Why should we develop Mexico?

BENJAMIN G. HARMON,
Superintendent Bear Top and Orifino Consolidated Mining Co.

WALLACE, IDAHO, February 14, 1912.

Hon. W. E. BORAH,

United States Senate, Washington, D. C.:

The Wallace Trades and Labor Council, embodying 20 labor organizations, desires to emphatically protest against the measure pending in Congress known as the Underwood bill, as an immediate and very great menace to the interests of every laboring man in the Coeur d'Alene district. We respectfully urge you to put forth your best efforts to prevent its passage in the Senate.

IRVING WILSON, President.

SPokane, WASH., February 12, 1912.

Senator W. E. BORAH,

Washington, D. C.:

Business conditions at our northern Idaho branches have shown a gradual improvement for the past year, and it is to be regretted that this prosperity is retarded by the possible passage of the Underwood bill. Any reduction in the present lead and zinc tariff will work a hardship on us.

THE UNITED STORES CO.

Senator BORAH,
Washington, D. C.:

We, the undersigned committee, were appointed at the last regular meeting of Burke Miners' Union, No. 10, of the Western Federation of Miners, to draft resolutions opposing the reduction of the tariff on lead and zinc, believing said reduction would be detrimental to the best interests of the men employed in the mining industry. Owing to the present conditions prevailing throughout the country, we believe the proposed reduction would have a very injurious effect, and we trust you will use your best efforts to oppose it. Thanking you in advance for your efforts, we remain,
Most respectfully,

P. S. DUMBOLTON.
MARK McKENNA.
C. V. SPYERS.

Mr. GALLINGER presented a petition of sundry citizens of Brentwood, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Connecticut Avenue Citizens' Association, of Washington, D. C., praying for the passage of the so-called public-utilities bill, which was ordered to lie on the table.

THE EMERGENCY HOSPITAL (S. DOC. NO. 309).

Mr. GALLINGER. Mr. President, I present the report of the committee on public health of the Washington Chamber of Commerce in favor of continuing the Emergency Hospital and granting an appropriation toward the construction of a new building. I move that the paper be printed as a public document and referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 3873) for the relief of Lewis F. Walsh, reported it without amendment and submitted a report (No. 357) thereon.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 4319) for the relief of John Schnoor, submitted an adverse report (No. 358) thereon, which was agreed to and the bill was postponed indefinitely.

Mr. DU PONT (for Mr. BRIGGS), from the Committee on Military Affairs, to which was referred the bill (S. 4778) to correct the military record of John T. Haines, reported it without amendment and submitted a report (No. 359) thereon.

He also, from the same committee, to which was referred the bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act, reported it without amendment and submitted a report (No. 360) thereon.

Mr. NELSON, from the Committee on Public Lands, to which was referred the bill (H. R. 9845) to authorize the sale of burnt timber on the public lands, and for other purposes, reported it without amendment and submitted a report (No. 361) thereon.

Mr. LODGE, from the Committee on the Philippines, to which was referred the bill (S. 4829) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," reported it with an amendment and submitted a report (No. 362) thereon.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 2194) to amend section 2288 of the Revised Statutes of the United States, relating to homestead entries, reported it with an amendment and submitted a report (No. 363) thereon.

Mr. PERKINS, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5072. A bill to establish a fog signal and additional quarters at Point Loma Light Station, San Diego, Cal. (Rept. No. 364); and

S. 5074. A bill to authorize the improvement of Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling (Rept. No. 365).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BOURNE:

A bill (S. 5334) to regulate radio communication; to the Committee on Commerce.

By Mr. DU PONT:

A bill (S. 5335) granting an increase of pension to James Maull; to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 5336) for the relief of William Abbot and others; to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 5337) granting an increase of pension to William A. McLean (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5338) to correct the relative and lineal rank of an officer of the United States Army; to the Committee on Military Affairs.

By Mr. McCUMBER:

A bill (S. 5339) granting an increase of pension to Hugh McLaughlin;

A bill (S. 5340) granting an increase of pension to James L. Grant; and

A bill (S. 5341) granting a pension to Arthur W. S. Maw (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 5342) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead" (with accompanying paper); to the Committee on Public Lands.

By Mr. OWEN:

A bill (S. 5343) amending an act appropriating the receipts from the sale and disposal of public lands in certain States and Territories and the construction of irrigation works for the reclamation of arid lands; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 5344) authorizing the Secretary of the Interior to remove restrictions from the allotment of Eva May Peery; to the Committee on Indian Affairs.

A bill (S. 5345) for the relief of the heirs of Mahaly Fields, deceased (with accompanying paper); to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 5346) granting an increase of pension to Matthew McGoldrick; to the Committee on Pensions.

GENERAL SERVICE PENSIONS.

Mr. WORKS. I submit an amendment intended to be offered by me to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, as amended. It is in part a copy of what is known as the Sherwood pension bill, with some additions of my own. I move that the proposed amendment be printed and lie on the table.

The motion was agreed to.

IMPROVEMENT OF DUCHESNE RIVER, UTAH.

Mr. SMOOT submitted an amendment proposing to appropriate \$2,000 to complete the work of strengthening the Duchesne River within the limits of the town site of Duchesne, in the State of Utah, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

RECEIPTS FROM FOREST RESERVES.

Mr. GUGGENHEIM submitted an amendment proposing that hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1912, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which the reserve is situated, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PROPOSED PENSION LEGISLATION.

Mr. McCUMBER. Mr. President, I have information from the document room that there have already been requests sent in for more than the usual number of the report on the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, which was submitted yesterday. I am therefore constrained to move that there shall be printed 10,000 extra copies of that report.

The VICE PRESIDENT. The Senator from North Dakota asks unanimous consent for the printing of 10,000 extra copies of the report accompanying House bill No. 1.

Mr. McCUMBER. The Senator from Utah [Mr. Smoot] suggests that I modify the request and make it 15,000 extra copies. I will put the request in that form.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 15,000 additional copies of Senate Report No. 355 be printed for the use of the document room.

DIVISION OF MARKETS, AGRICULTURAL DEPARTMENT.

On motion of Mr. SMITH of Georgia, it was

Ordered, That 1,000 additional copies of the bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets be printed for the use of the document room.

THE CLASSIFIED CIVIL SERVICE.

Mr. GALLINGER submitted the following resolution (S. Res. 220), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Civil Service Commission is hereby directed to communicate to the Senate, at the earliest practicable day, the number of persons in the classified civil service in the United States who were admitted upon examination and the number who were admitted by Executive proclamation or otherwise than by examination.

ARMY RETIRED LIST.

Mr. BRISTOW submitted the following resolution (S. Res. 221), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the Senate—

1. The number of officers and enlisted men on the retired list of the Army, of each rank, and the total amount of yearly compensation paid to such officers and enlisted men of each such rank.

2. The number of officers and enlisted men on the retired list of the Army, tabulated according to present age, and the total amount of yearly compensation paid to such officers and enlisted men of each such present age.

And that the Secretary of War be further directed to submit to the Senate an estimate, based on the present authorized strength of the Army, as to what the total cost for retired pay will be in the year 1920 and a similar estimate as to what the total cost for retired pay will be in the year 1930.

NAVY RETIRED LIST.

Mr. BRISTOW submitted the following resolution (S. Res. 222), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to report to the Senate—

1. The number of officers and enlisted men on the retired list of the Navy, of each rank, and the total amount of yearly compensation paid to such officers and enlisted men of each such rank.

2. The number of officers and enlisted men on the retired list of the Navy, tabulated according to present age, and the total amount of yearly compensation paid to such officers and enlisted men of each such present age.

And that the Secretary of the Navy be further directed to submit to the Senate an estimate, based on the present strength of the Navy, as to what the total cost of retired pay will be in the year 1920, and a similar estimate as to what the total cost for retired pay will be in the year 1930.

HOUSE BILL REFERRED.

H. R. 16571. An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington, July 7, 1911, was read twice by its title and referred to the Committee on Foreign Relations.

SHERMAN ANTITRUST LAW.

The VICE PRESIDENT. The Chair lays before the Senate Senate resolution 219, coming over from a former day. It will be stated.

The SECRETARY. Senate resolution 219, by Mr. RAYNER, directing the Judiciary Committee to report to the Senate what changes, if any, it can recommend in the Sherman antitrust law, etc.

Mr. RAYNER. I ask that the resolution may lie on the table for the present.

The VICE PRESIDENT. The resolution will lie on the table, subject to the call of the Senator from Maryland.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

REGULATION OF IMMIGRATION.

Mr. LODGE. I move to take up the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Immigration with amendments.

Mr. LODGE. I ask that the formal reading of the bill, which is a long one, be dispensed with, and that the bill be read for amendment, the committee amendments to be considered first.

The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent to dispense with the formal reading of the bill.

Mr. HEYBURN. I ask that the bill be read.

Mr. OVERMAN. I think we had better have the bill read. The VICE PRESIDENT. Objection is made. The Secretary will read the bill.

The Secretary proceeded to read the bill and read to line 10, page 43.

Mr. LODGE. Mr. President, I desire to interrupt the reading for a moment. It became necessary to have a reprint of the bill, owing to certain errors in amendments. The reprint, the corrected bill, has just come from the Printer.

I ask that corrected copies of the bill may be given to Senators, because the copies in the files are incorrect.

Mr. HEYBURN. Then, Mr. President, I withdraw my request for the reading of the bill at length.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Without objection, the further formal reading of the bill will be dispensed with.

Mr. LODGE. The bill will be read for amendment, and the committee amendments will be first considered.

The PRESIDING OFFICER. The bill will be first read for action on the committee amendments.

Mr. OVERMAN. I was going to offer an amendment. I understand the bill will be read for amendment, section by section?

Mr. LODGE. Certainly; it will be read for amendment, right through.

The PRESIDING OFFICER. It will be read first for action on the committee amendments.

Mr. OVERMAN. I offer the following amendment to section 2 of the bill—

Mr. LODGE. I ask that the corrected bill may be distributed to Senators.

The PRESIDING OFFICER. The corrected bill will be distributed.

Mr. LODGE. I understand, under the agreement, that the bill is to be read for amendments, the committee amendments to be considered first.

The PRESIDING OFFICER. That is as the Chair understands. Without objection, the committee amendments will be first considered. Copies of the bill are being distributed. Is it the request that the reprint of the bill be read, or simply that the committee amendments be read?

Mr. LODGE. The bill has been practically read through.

The PRESIDING OFFICER. The further reading of the bill will be dispensed with by unanimous consent.

Mr. OVERMAN. I thought this was the committee bill.

Mr. LODGE. It is the committee bill.

Mr. OVERMAN. The committee has proposed amendments in its own bill?

Mr. LODGE. No. The bill was introduced by the Senator from Vermont [Mr. DILLINGHAM], and the committee reports back the bill with sundry amendments.

Mr. OVERMAN. Amendments to the bill introduced by the Senator from Vermont?

Mr. LODGE. Amendments to that bill.

I desire to call the attention of the Senate to the statement on the first page of the bill. Those portions of the bill which are printed in small capitals are changes in existing law, but are not amendments to the bill as introduced. The amendments to the bill as introduced are printed, as usual, in italics.

The PRESIDING OFFICER. The Secretary will report the first committee amendment printed in italics.

The first amendment was, in section 2, page 3, line 11, after the word "Cuba," to insert "the Bermudas."

Mr. LODGE. Mr. President, that is a mistake which I thought had been corrected. It should be "the Bahamas."

The PRESIDING OFFICER. Without objection, it will be changed to read "the Bahamas."

The amendment, as modified, was agreed to.

The next amendment was, in section 2, page 4, line 2, after the word "section," to strike out "twenty-three" and insert "four."

Mr. LODGE. That is another misprint. It should be "twenty-four," not "four."

The PRESIDING OFFICER. Without objection, the correction will be made, and the word "twenty-four" will be inserted.

The amendment, as modified, was agreed to.

The next amendment was, in section 3, page 5, line 7, after the word "which," to strike out "may affect" and insert "is likely to impair"; in line 13, after the word "or," to strike out "of all" and insert "who disbelieve in or are opposed to"; in line 14, before the word "all," to strike out "of"; in the same line, after the words "forms of law, or," to insert "who advocate"; in lines 15 and 16, after the word "officials," to strike out "persons who disbelieve in or who are opposed to all organized government"; on line 19, after the word "to," to

strike out "all"; on page 6, line 18, before the word "persons," to strike out "any," so as to read:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which is likely to impair the ability of such alien to earn a living; persons who have committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or who disbelieve in or are opposed to organized government, or all forms of law, or who advocate the assassination of public officials; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform manual labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for manual laborers printed, published, or distributed in a foreign country; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port, the Secretary of Commerce and Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway may be admitted in the discretion of the Secretary of Commerce and Labor; all children under 16 years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe.

The amendment was agreed to.

The next amendment was, in section 3, page 7, line 5, after the word "prescribe," to strike out all down to and including the word "excluded," in line 1, page 8, in the following words:

All male aliens 16 years of age or over who are physically capable of reading and writing, but who are unable to read and write in some language or dialect, such aliens to be tested in this regard in accordance with methods and rules to be prescribed by the Secretary of Commerce and Labor, but an admissible alien may bring in or send for his father or grandfather over 55 years of age, or a son not over 18 years of age, otherwise admissible, whether said father or grandfather or son are able to read and write or not. This provision, however, shall not apply to citizens of Canada, Newfoundland, Cuba, the Bermudas, or Mexico, nor to alien residents of continental United States returning from foreign contiguous territory after a temporary sojourn therein, nor to aliens in continuous transit through the United States, nor to the inhabitants of the Philippine Islands, Guam, Porto Rico, or Hawaii except as hereinafter provided, nor to aliens arriving in the Philippine Islands, Guam, Porto Rico, or Hawaii, but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American continent, the reading and writing requirement shall apply unless otherwise excluded.

MR. LODGE. Mr. President, I ask that that amendment be passed over. It is the amendment striking out the provision for the illiteracy test. Senators have spoken to me who said they desired to speak on that question, and they are not prepared to speak on it to-day. I therefore ask that the amendment be passed over.

THE PRESIDING OFFICER. Without objection, the amendment on page 7 will be passed over.

The next amendment was, in section 3, page 8, line 3, after the word "naturalization," to insert "unless otherwise provided for by treaties, conventions, or by agreements as to passports," so as to read:

Persons who are not eligible to become citizens of the United States by naturalization, unless otherwise provided for by treaties, conventions, or by agreements as to passports.

The amendment was agreed to.

The next amendment was, in section 3, page 8, line 4, after the word "passports" and the period, to strike out "This" and to insert "The foregoing"; on page 9, lines 12 and 13, after the word "interested," to strike out "prior to any action in that direction by such person" and insert "such application to be made either before or after such importation and"; on page 10, line 4, after the word "citizens," to insert "or subjects"; in line 21, after the word "persons," to insert "Provided further, That nothing in this act shall exclude the wife or minor children of a citizen of the United States."

The amendment was agreed to.

The next amendment was, in section 4, page 11, line 3, before the word "shall," to strike out "whoever"; in line 5, before the word "shall," to strike out "whoever"; in line 8, after the word "purpose," to insert "any alien"; and in line 9, after the word "importation," to strike out the words "any alien," so as to read:

SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States, any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof be imprisoned not more than 10 years and pay a fine of not more than \$5,000.

The amendment was agreed to.

The next amendment was, in section 5, page 12, line 18, after the word "person," to insert "or persons or officers of an offending company or corporation," so as to make the section read:

SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or any in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person or persons or officers of an offending company or corporation violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction shall be punished by a fine of \$1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

The amendment was agreed to.

The next amendment was, in section 7, page 14, line 1, after the word "in," to insert "the business of"; in line 2, after the words "United States," to insert "or promoting emigration thereto"; in line 4, before the word "directly," to strike out "to"; in line 5, before the word "solicit" to insert "to"; in line 21, after the words "such fine," to strike out "and in the event such" and insert "or while the"; in the same line, before the word "imposed," strike out "is"; in line 22, before the word "remains," to strike out "while it"; on page 15, line 2, after the words "satisfaction of the," to strike out "President of the United States" and insert "Secretary of Commerce and Labor"; in lines 5 and 6, after the words "transportation company," to strike out "he shall have the power" and insert "it shall be the duty of said Secretary"; and in line 10, after the word "insure," to strike out "a proper" and insert "an," so as to make the section read:

SEC. 7. That it shall be unlawful for any person, association, society, company, partnership, or corporation, and others engaged in the business of transporting aliens to the United States or promoting emigration thereto, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, or oral representation, to solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution prescribed by section 5 of this act; or if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a violation by an owner, master, officer, or agent of a vessel, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is located or in which any vessel of the line may be found the sum of \$400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Commerce and Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements confined strictly to stating the sailings of their vessels and terms and facilities of transportation therein.

The amendment was agreed to.

The next amendment was, in section 8, page 15, line 18, after the words "otherwise, or," to strike out "who," and in line 20, after the words "otherwise, or," to strike out "who."

The amendment was agreed to.

The next amendment was, in section 9, page 16, line 13, after the word "idiots," to insert the words "insane persons."

The amendment was agreed to.

The next amendment was, in section 9, page 17, line 5, to strike out "may affect" and in lieu insert the words "is likely to impair," so as to read:

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which is likely to impair his ability to earn a living.

The amendment was agreed to.

The next amendment was in section 9, page 17, before the word "hundred," to strike out "one" and insert "two," so as to read "\$200."

The amendment was agreed to.

The next amendment was, in section 9, page 17, line 15, after the word "of," to strike out "twenty-five" and insert "one hundred," so as to read:

And if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$100 for each and every violation of this provision.

The amendment was agreed to.

The next amendment was, in section 9, page 17, line 19, after the word "alien," to strike out the words "who is unable to read and write, or," so as to read:

It shall also be unlawful for any such person to bring to any port of the United States any alien who is not eligible to become a citizen of the United States by naturalization, as provided in section 3 of this act.

Mr. LODGE. I ask that the amendment be passed over, as it is a part of the illiteracy test amendment.

The PRESIDING OFFICER. The amendment in line 19, page 17, without objection, will be passed over.

The next amendment was, in section 9, page 18, line 8, after the word "fine," to strike out "and" and insert "or"; in the same line, before the word "while," to strike out "in the event" and insert "while the"; in line 9, before the word "fine," to strike out "such"; and in the same line, after the word "fine," to strike out "is imposed, while it," so as to read:

And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

The amendment was agreed to.

The next amendment was, in section 10, page 18, line 15, after the word "the," to strike out "mandatory and unqualified," so as to read:

That it shall be the duty of every person, including owners, officers, and agents of vessels or transportation lines, etc.

The amendment was agreed to.

The next amendment was, in section 10, page 18, line 19, after the word "section," to strike out "twenty-three" and insert "four," so as to read:

Other than those railway lines which may enter into a contract as provided in section 4 of this act, bringing an alien to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers.

Mr. LODGE. The word "four" should be "twenty-four."

The PRESIDING OFFICER. The amendment will be agreed to as modified, striking out "twenty-three" and inserting "twenty-four."

The next amendment was, in section 11, page 21, line 15, after the word "also," to insert "if requested by the examining board, furnish any information he may possess in regard to," so as to read:

Such surgeon, on arrival at ports of the United States, shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service, and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act.

The amendment was agreed to.

The next amendment was, in section 11, page 22, line 15, after the word "fine," to strike out "and, in the event such fine is imposed" and insert "or," so as to read:

And no vessels shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded.

The amendment was agreed to.

The next amendment was, in section 14, page 28, line 2, after the word "failure," to insert "or that the lists delivered are

not accurate and full"; and, in line 13, after the word "fine," to insert "and, in the event that such fine is imposed," and insert "or," so as to make the section read:

SEC. 14. That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessels required by this act, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of \$10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

The amendment was agreed to.

The next amendment was, in section 15, page 29, line 8, after the words "United States," to strike out "they" and insert "said transportation lines, masters, agents, owners, or consignees," so as to read:

SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said transportation lines, masters, agents, owners, or consignees, and each of them, shall, so long as detention there lasts, be relieved of responsibility for the safe-keeping of such aliens, etc.

The amendment was agreed to.

The next amendment was, in section 16, page 30, line 16, after the word "Labor," to insert:

Medical officers of the United States Public Health and Marine-Hospital Service, who have had especial training in the diagnosis of insanity and mental defect, shall be detailed for duty or employed at all large ports of entry, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the exclusive services of interpreters shall be provided for such examination.

The amendment was agreed to.

The next amendment was, in section 16, page 31, line 23, after the word "section," to strike out "5392, United States Revised Statutes," and insert "125 of the act approved March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States,'" so as to read:

Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States."

The amendment was agreed to.

The next amendment was, in section 16, page 32, line 7, after the word "any," to strike out "circuit or," so as to read:

Said inspectors shall also have power to require the attendance and testimony of witnesses and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpoena issued by such inspector, or refusal to testify before such inspector, issue an order requiring such person to appear before said inspector, produce books, papers, and documents, if demanded, and testify, and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

The amendment was agreed to.

The next amendment was, in section 16, page 33, line 10, after the word "inquiry," to insert "on such examination by the board of special inquiry the alien shall have the right to be represented by counsel or other advisor," so as to read:

Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. On such examination by the board of special inquiry the alien shall have the right to be represented by counsel or other advisor. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

The amendment was agreed to.

The next amendment was, in section 19, page 40, line 21, after the word "the," to strike out "voyage" and insert "ship or other conveyance," and, in the same line, after the word "which," to insert "the alien is," so as to read:

No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless it is shown that the disease did not develop until after embarkation on the ship or other conveyance from which the alien is seeking to land and, in the opinion of the Secretary of Commerce and Labor, such treatment is imperatively required as a measure of humanity, in which event authority therefor may be granted, the expense, however, not to be borne by the Government.

The amendment was agreed to.

The next amendment was, in section 20, page 41, line 22, after the word "who," to insert "within three years after entry," and, in line 24, after the word "landing," to strike out "any alien who becomes a public charge from any cause within three years after entry into the United States, in the discretion of the Secretary of Commerce and Labor," so as to read:

SEC. 20. That any alien who shall enter the United States in violation of law; any alien who within three years after entry becomes a public charge from causes existing prior to the landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, etc.

The amendment was agreed to.

The next amendment was, in section 21, page 44, line 12, after the word "was," to strike out "for" and insert "from."

The amendment was agreed to.

The next amendment was, in section 23, page 47, line 21, after the word "father," to insert "or other responsible person," so as to make the section read:

SEC. 23. That wherever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or, if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted.

The amendment was agreed to.

The next amendment was, in section 24, page 48, line 10, after the word "thereunder," to strike out the period and the word "He" and insert a semicolon and the word "he," so as to read:

SEC. 24. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Commerce and Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, etc.

The amendment was agreed to.

The next amendment was, in section 24, page 48, line 23, after the word "removed," to strike out the period and the word "He" and insert a semicolon and the word "he," so as to read:

And shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy persons in ordinary travel between the United States and said countries.

The amendment was agreed to.

The next amendment was, in section 24, page 49, line 4, after the word "purpose," to strike out the period and the word "And" and insert a semicolon, so as to read:

And shall have power to enter into contracts with transportation lines for the said purpose; it shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges.

The amendment was agreed to.

The next amendment was, in section 26, page 51, line 16, before the word "district," to strike out "circuit and," so as to make the section read:

SEC. 26. That the district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and

criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such suit when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

The amendment was agreed to.

The next amendment was, in section 31, page 54, line 16, after the word "aliens," to strike out "who may ask for such information," so as to read:

It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same.

The amendment was agreed to.

The next amendment was, in section 36, page 59, line 6, before the word "while," to strike out the words "in the event such fine is imposed," so as to read:

And no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid.

The amendment was agreed to.

The next amendment was, on page 61, after line 11, to insert the following as an additional section:

SEC. 38. The word "person" as used in this act shall be construed to import both the plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association, acting within the scope of his employment or office, shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association as well as that of the person acting for or in behalf of such corporation, company, or association.

The amendment was agreed to.

The next amendment was, in section 39, page 61, line 24, after the words "July 1," to strike out "1911" and insert "1912," so as to read:

SEC. 39. That this act shall take effect and be enforced from and after July 1, 1912.

The amendment was agreed to.

MR. LODGE. That, Mr. President, completes the committee amendments, except one, which was passed over and which can not be disposed of to-day, because, as I have said, there are Senators who desire to speak on that particular amendment.

MR. OVERMAN. Does the Senator from Massachusetts propose to act on amendments to-day or just to have them submitted and let them go over?

MR. LODGE. If there are any amendments to be presented to the bill, I think they had better be submitted to-day and printed and go over with the bill.

MR. OVERMAN. I move to amend section 2, page 2, line 15, by striking out the word "four," before "dollars," and inserting in lieu thereof the word "ten," increasing the head tax from \$4 to \$10.

I suppose that amendment will be printed.

I also submit an amendment to follow section 2, which I ask to have read.

THE PRESIDING OFFICER. The amendment will be read.

THE SECRETARY. At the end of section 2, on page 4 of the bill, insert the following:

That the annual amount collected from said aliens shall be used in defraying the expenses of administering the immigration laws and the maintenance of immigration stations, and any surplus remaining at the end of the fiscal year is hereby annually appropriated, to be paid as herein provided, to each State or Territory for the more complete endowment and maintenance of the farm-life schools now established, or which may be hereafter established, for the benefits of agriculture, to be applied only to instruction in agriculture, the English language, and various branches of mathematical, physical, natural, and economic science, with special reference to their applications in farm life, and to the facilities of such instruction, such as "to prepare boys for agricultural pursuits and farm life and girls for home making and house-keeping on the farm, including practical work on the farm by the boys and practical work in all subjects relating to housekeeping and home making by the girls": *Provided*, That no State or Territory shall receive any of the benefits of this act unless such State or Territory shall appropriate a sum at least equal to the amount herein appropriated for a similar purpose.

That the sums hereby appropriated to the States and Territories for the endowment, support, and maintenance of farm-life schools now established, or hereafter to be established, shall be annually paid on or before the 31st day of July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officers as shall be designated by the laws of said State or Territory to receive the same, who shall pay over said sums to the treasurers of the respective farm-life schools entitled to receive the same; and such treasurer shall be required to submit to the superintendent of public instruction in each State or Territory, and the superintendents of public instruction to the Secretary of Agriculture, on or before the 1st day of September of each year, a detailed statement of

the amount so received and of its disbursements. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants.

That if any portion of the moneys received by the designated officers of the State or Territory for the further and more complete endowment, support, and maintenance of the farm-life schools as provided in this act shall, by any action or contingency, be diminished, lost, or misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said farm-life schools shall be made to the superintendent of public instruction of each State, and the superintendent of public instruction shall report to the Secretary of Agriculture regarding the condition and progress of each school, including statistical information in relation to its receipts and expenditures, its library, the number of its students and instructors, and also as to any improvements and experiments made under the direction of any experiment stations attached or connected with said farm-life schools, with their costs and results, and such other industrial and economic statistics as may be regarded useful, one copy of which shall be transmitted by mail free to all other farm-life schools endowed under this act.

That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for farm-life schools under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of Agriculture is hereby charged with the proper administration of this law.

That the Secretary of Agriculture shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reasons therefor.

THE PRESIDING OFFICER. The understanding of the Chair is that the amendments submitted by the Senator from North Carolina are to be printed and lie on the table, to be acted upon at some future time.

MR. OVERMAN. A part of the amendment has been printed, and the other part has not. Therefore I want to have it printed as a new amendment.

THE PRESIDING OFFICER. It will be printed entirely as a new amendment.

MR. WATSON. I desire to offer an amendment to the amendment. I thought it was to be acted on now, but as that is not the case I can offer it later.

THE PRESIDING OFFICER. At the suggestion of the Senator from Massachusetts, none of the amendments that are submitted are to be acted on at present.

MR. LODGE. No.

THE PRESIDING OFFICER. The amendments submitted now will lie on the table, to be offered hereafter.

MR. LODGE. If Senators have amendments that they propose to offer, I think it will be very desirable that they shall be printed and go over with the bill. When Senators have offered their amendments, it is my intention to move an executive session.

THE PRESIDING OFFICER. Is there objection to that course of procedure in regard to amendments? The Chair hears none, and it will be so ordered.

MR. WATSON. My amendment is, on page 1, line 2, to strike out "ten" and insert "twenty-four" before the word "dollars."

MR. SIMMONS. I was not in the Chamber at the time the amendment the Senator from Massachusetts referred to a little while ago was passed over. I suppose it was the illiteracy-test amendment.

MR. LODGE. That amendment was passed over. It has not been acted on at all.

MR. SIMMONS. I have submitted a proposed amendment to the bill prescribing an illiteracy test, and I think I will probably want to offer it as a substitute for the provision in the bill which is intended to accomplish the same general purpose. I may, however, after a closer study of the provision, desist from my present purpose of offering it as a substitute. I make this statement so that I may not be hereafter precluded from that course should I so desire.

THE PRESIDING OFFICER. The Chair will call the attention of the Senator from West Virginia to the fact that he should offer his amendment to the reprint of the bill. As it was proposed to the old print it does not come in at the proper place.

MR. WATSON. I have offered it as an amendment to the amendment of the Senator from North Carolina [Mr. OVERMAN].

THE PRESIDING OFFICER. Oh, very well.

MR. SIMMONS. I should like to inquire of the Senator from Massachusetts if it is his purpose to take this matter up early and press it to a vote?

MR. LODGE. I should like to dispose of it as soon as possible, but if the Senator desires to speak to his amendment, of course I shall endeavor to call up the bill at such time as will be agreeable to him.

MR. SIMMONS. I will state to the Senator that it is my present purpose to discuss the amendment somewhat at length. On account of a pressure of other matters I have not had time yet to get ready, and I hope the Senator will not press the bill until some days to come.

MR. LODGE. I shall certainly endeavor to give the Senator every opportunity. Of course, I desire to have the bill disposed of as soon as possible.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had on this day approved and signed the act (S. 4651) to amend section 171 of the penal laws of the United States, approved March 4, 1909.

EXECUTIVE SESSION.

MR. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 23 minutes spent in executive session, the doors were reopened.

AMERICAN INSTRUCTORS OF THE DEAF.

MR. SMOOT, from the Committee on Printing, to which was referred the resolution (S. Res. 190), submitted by Mr. PERKINS on the 17th ultimo, reported it favorably, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed for the use of the American instructors of the deaf, in style similar to that of the last report of said convention, and wrapped for mailing, 600 copies of the report of the nineteenth meeting of the convention of American instructors of the deaf, being Senate Document No. 139, Sixty-second Congress, second session.

EVERGLADES OF FLORIDA.

MR. SMOOT, from the Committee on Printing, to which was referred Senate resolution 203, submitted by Mr. BRYAN, for Mr. FLETCHER, on the 1st instant, reported it favorably, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there shall be printed 4,800 additional copies of Senate Document No. 89, Sixty-second Congress, second session, entitled "Everglades of Florida," 2,000 copies of which shall be for the use of the Senate document room and 2,800 copies of which shall be placed on sale by the superintendent of documents.

MR. FLETCHER. Mr. President, I desire just a few minutes of the time of the Senate to make some observations with reference to Senate Document No. 89. The necessity for my doing so arises by reason of some general statements which have been made with reference to the Everglades of Florida and their reclamation. Such statements have been made so broad and there is such an absence of specification that the effect upon this great enterprise has been such as, in my judgment, to call for some explanation in connection with especially this document and the work which has been undertaken there.

In the Evening Star, of this city, of February 7, there appears this statement:

WRIGHT REVISES HIS REPORT.

The Senate document ordered printed last summer containing all public papers relating to the Florida Everglades did not contain the report made by former Department Engineer J. O. Wright, as revised by Chief Engineer Elliott, but contained a second revision of the report as made by Wright himself after he had left the employ of the Government and had become chief engineer of the State of Florida.

That is not true. There never was any revision of that report made after Mr. Wright severed his connection with the Government and was employed by the trustees of the internal improvement fund of Florida; there never was any attempted revision of it; there never was any opportunity for revision; there never was any desire to revise it; there never was any disposition on the part of Mr. Wright or the trustees of the internal improvement fund or the Florida authorities to revise in any way whatever the original report made by Mr. Wright while he was connected with that department of the Government. So the statement is absolutely without any foundation in fact whatsoever.

The further statement appears in the same newspaper to this effect—this is a quotation, apparently, from a letter written by Mr. Wright to the Secretary of Agriculture regarding the proofs of Senate Document 89 and proposed changes and insertions submitted by Mr. Elliott and sent with the proofs for consideration in connection with the proofs from the printer:

Senator FLETCHER was amazed, and requested me to come to Jacksonville and go over the matter with him. I did this, and the report was corrected to conform to the manuscript secured from your department. I have recently received a page proof of this document.

The reference in this letter was to the proofs of Senate Document 89, which were sent to Florida at my request for my examination before the document was finally printed. What was corrected was not the Wright report, but the proofs of Senate Document 89 as proposed to be amended by suggestions originating with Mr. Elliott, of the Agricultural Department. The only correction was to eliminate from the proofs of that document, as altered in pencil by Mr. Elliott, anything whatever that might in any degree change the Wright report. The effort on my part and on the part of Maj. Wright, who was thoroughly familiar with his own report, of course, and the work he had done in connection with the surveys of the Everglades, was to have the Senate document contain the Wright report as prepared by him, as ordered to the press by the Secretary of Agriculture, and as certified to the Secretary of Agriculture by the director, Dr. True.

In the Evening Star of Thursday, February 8, there appears this statement:

In connection with the Senators' visit it became known that a Senate document printed last summer, which was supposed to embrace all public papers relating to the Florida Everglades, did not, in fact, contain the report made by J. O. Wright when he was a department employee, but instead contained a second revision of the report made by Wright himself after he had left the employ of the Government and had become chief engineer of the drainage project under the State of Florida.

Neither of those statements is true. No foundation in fact exists for either statement. Senate Document 89 does contain the Wright report; Senate Document 89 contains the Wright report as originally made by him, prepared by him, submitted by him to his chief, approved by the chief, and as put upon the press for print. Senate Document 89 does not contain any sort of revision of the Wright report made at any time, and, as a matter of fact, as I have heretofore stated, Maj. Wright never attempted to revise that report after he left the employment of the Government and became engaged by the authorities in Florida. He made that report and submitted it while connected with the engineering department of the Government. It was agreed upon and ordered to press a year before he was ever considered by the trustees of the Internal Improvement Fund of Florida as a possibly available man to carry on the drainage operations in the Everglades, and his employment in Florida had no connection or relation whatever with his assignment by the Government to make that survey and examination and finally to make that report.

Another statement in the same paper of February 8 is as follows:

In the Senate document it was Mr. Wright's revised and approved report—that is, the report revised and approved by him after he had left the department and was connected with the drainage project—that was printed.

That statement is untrue and wholly unwarranted. There never was any revision, as I have said, of that report by him after he became connected with the drainage operations in Florida, and there was no desire or attempt to revise or change that report by him or by me or by the trustees. So far as I know, that applies to land companies and individuals interested in Everglade lands.

In the Washington Times of February 7 appears this statement:

Following the visit of Senator FLETCHER to Chairman Moss, it became known that the Senate document printed last summer, which was supposed to contain all papers relating to the Everglades and the investigations of the Federal Government, did not contain the full report made by J. O. Wright, former department engineer. The report, it appears, was once revised by Chief Engineer Elliott, and a second revision was made by Wright himself.

That statement is not true. The document does contain the report made by J. O. Wright, without the change of a word or a letter; there is not an "i" dotted in the original report that is not dotted in Senate Document 89, nor a "t" crossed in that report that is not crossed in that document. The further statement is made in that same paper:

This edition of the Wright report, it is said, was the one that finally was printed in the Record. It contains none of the references such as were included in the Elliott circular prepared in answer to a large number of requests for information from prospective investors in Florida Everglades lands.

Senate Document 89 does not contain what is here referred to as "the Elliott circular." I do not know who prepared that circular. In all the matter that has been printed on the subject it has obtained the name of "Elliott's circular." Whether Mr. Elliott prepared it or not, I do not know; but this I do know: That it was an unauthorized circular; that it was never an official document; that it has no place in any document that purports to give the public records and the official documents bearing on any subject; and that it therefore ought not to have been included in Senate Document 89, and was not included in that document. No fault can be found with me or with anybody

else for leaving it out; no discredit can be brought upon Senate Document 89 for leaving out what is known as "the Elliott circular." Everyone will concede that when I mention the fact that when that circular was brought to the attention of the Secretary of Agriculture, not by land companies, not by people exploiting the Everglades or other lands in Florida, but when that circular was brought to his attention he disclaimed any knowledge of it, and when it was shown to him he condemned it and ordered that it be not printed or circulated. He did this on the ground that it did not purport to give data based upon scientific information; that it purported to express some opinions more or less relevant to the subject in a general way, but it did not give, what the Secretary very properly conceived to be the only duty of that department to give, the results of scientific research and scientific data. The Secretary therefore ordered it not to be printed, and ordered its circulation to be discontinued. That is the circular which, according to the comment that has been indulged in, was not included in Senate Document 89, and because the document does not contain that circular, condemned, denounced, and suppressed by the official head of the department, it is sought to discredit to some extent the document ordered printed by the Senate.

That document does contain the original Wright report, which was the result of investigations made by the engineering officers connected with the Agricultural Department of the Government, as finally agreed upon, adopted, and determined upon in that department, and as finally certified to the Printer for publication. Senate Document No. 89 contained every word, every letter of the Wright report. It has been all along the purpose, the hope, and the desire of the authorities in Florida that the Wright report should be published. There has never been any effort on their part to suppress it. There has been no effort on their part to suppress anything in connection with the Everglades that had any authenticity or had any responsible agency back of it; but, on the contrary, it has been their effort all the while to get all the data in reference to the Everglades and their reclamation published, and to give to the people of this country as full and accurate information on that subject as could be obtained.

The authorities in Florida have never at any time sought or desired to give other than the fullest and most accurate information bearing upon this great enterprise, which in importance and magnitude is second to none in this country. No other State is undertaking what the State of Florida is undertaking with reference to that great reclamation scheme. The State is interested to the extent of over a million and a half acres of land in what are known as the Everglades; and therefore statements intended or having the effect in a general sort of way to throw doubt upon land values in Florida, to bring discredit upon the Everglades and upon the work and operations in connection with their reclamation, and statements calculated to bring discredit, to some extent at least, upon this document, which is the last word upon the subject, containing, as it does, the records from the treaty with Spain down to date, and showing everything that has been done so far as the public records afford information, I say such statements, made for some reason or other I am unable to understand, reach to the interests of the State of Florida, reach to the trustees themselves in the management of that great trust, and they also concern people from all over this country who have invested in those lands. People from 40 States and Canada—perhaps more than 40 States, but at least that number—are interested there, and therefore it is a subject which concerns not only Florida, but people all over this country who have become interested in that region.

Therefore, in connection with the order for the printing of additional copies of Senate Document No. 89, for which there is great demand—the document room, the folding room, and Senators and Representatives are asking for additional copies of it—I thought it proper to make this statement in explanation of some of the matters which have been published in the public press and also to show that this document is an authentic publication containing public records which are official and which give the truth. The truth and the whole truth is all that is desired both by the officials in the State of Florida and those interested in that great enterprise.

Mr. BRYAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to his colleague?

Mr. FLETCHER. Certainly.

Mr. BRYAN. I want to suggest to my colleague, while he is making his statement, that I think it is due to him and to the Printing Office to state the changes that were made in the report from the time it was submitted to the Printing Committee by him until it reached him at Jacksonville some weeks

later. Does not the Senator think a statement on that subject should be included in his statement in connection with this document?

Mr. SMOOT. The Senator means the suggested changes?

Mr. BRYAN. Yes; I mean the suggested changes. I think such a statement would be appropriate at this time.

Mr. FLETCHER. Mr. President, I did not intend to take up too much time on this subject, but I am perfectly willing to state everything in connection with the printing of this document and the facts leading up to the final proofs and the completion of the document. The particular reference by my colleague may be detailed briefly, as follows:

After the galley proofs had been run off it seems the Agricultural Department requested that they be sent down to that department. Congress had adjourned, and I was then in Florida. I had numerous requests for the document, and I inquired what was causing delay in getting out the proofs. I found that the proofs had been delivered to the Agricultural Department, I believe, on the request of Mr. Elliott. I wanted to know what that meant, because no one had solicited any help in that direction, so far as I knew. I thought I had all the data bearing on that subject already collected, and I could not understand this voluntary interference. After two weeks of delay occasioned by this interference, I was informed that the document had been returned by the Agricultural Department with numerous suggestions of changes in the Wright report as originally prepared, authorized, and determined upon, and with numerous suggestions for additional matter.

The additional matter consisted largely of correspondence, of general statements which had no real pertinency or bearing upon the facts and records proper to be included in the document. They would have made the document cumbersome and much more expensive, and contained matter really irrelevant and immaterial.

I called in Maj. Wright, who was then in Florida, because he had a copy of his original report with him, and I wanted to know about the suggestions submitted by Mr. Elliott. We found that Mr. Elliott sought to change the date of the original Wright report from June, 1909, to January, 1910; that he proposed to change the index of the document, so that instead of the index showing the Wright report on this subject it should show the report of C. G. Elliott, chief of engineers, instead of Wright. In other words the Wright report was to be appropriated and called the Elliott report. Numerous other changes were suggested by him which would have amounted to a change of the Wright report as prepared and as certified by Dr. True, and as ordered printed in June, 1909. I insisted that those changes should not be made; that we must stand upon the original, official, authenticated document, and there we have stood.

Mr. WILLIAMS. And which the Senate had ordered to be published.

Mr. FLETCHER. And which the Senate had ordered to be published. That report does appear in this document in that precise way. The word "corrected" is used by Maj. Wright in his letter to the Secretary. The correction which he mentioned referred to the proofs which had been sent down, containing suggestions, interlineations, pencil memoranda, and so forth, made by Mr. Elliott, of the Agricultural Department. Those were eliminated, and the document contains the original Wright report as it was prepared, and not as prepared, altered, or changed by Mr. Elliott.

That is the story with reference to the document; and thus "corrected" means the Wright report was made to conform to the Wright report as set up on the press by direction of the department itself. The proofs were sent back and the document was finally printed, containing this report in full, and is known now as Senate Document No. 89, which has the approval of the trustees and all persons, so far as I have been informed, who value trustworthy, accurate data on this important subject, and I am glad the Senate is willing to supply additional copies in response to the widespread demand.

I believe that is all, Mr. President, that I care to submit to the Senate at this time.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, February 19, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 15, 1912.

COLLECTOR OF CUSTOMS.

Walter F. Osborne, of Massachusetts, to be collector of customs for the district of Gloucester, in the State of Massachusetts, in place of William H. Jordan, whose term of office will expire February 29, 1912.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 13, 1912.

Arturo Carbonell, of Porto Rico.
William Henry Clewell, of Pennsylvania.
George Patrick Gill, of Illinois.
Paul Gronnerud, of Illinois.
Joseph Arda Hall, of Ohio.
Samuel Archer Rulon, jr., of Pennsylvania.
James Edwin Thompson, of Texas.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Hugh H. Broadhurst, Fifteenth Cavalry, to be first lieutenant from February 13, 1912, vice First Lieut. Reynolds J. Powers, Eighth Cavalry, who died February 12, 1912.

INFANTRY ARM.

First Lieut. Harry D. Mitchell, Infantry, unassigned, to be captain from February 8, 1912, vice Capt. Joseph F. Janda, First Infantry, detailed in the Signal Corps on that date.

First Lieut. Ode C. Nichols, Thirtieth Infantry, to be captain from February 9, 1912, vice Capt. James D. Reams, Thirtieth Infantry, resigned February 8, 1912.

Second Lieut. Irving J. Palmer, Eleventh Infantry, to be first lieutenant from February 9, 1912, vice First Lieut. Ode C. Nichols, Thirtieth Infantry, promoted.

Second Lieut. Melvin G. Faris, Thirteenth Infantry, to be first lieutenant from February 9, 1912, vice First Lieut. H. Clay M. Supplee, Twenty-sixth Infantry, detached from his proper command.

POSTMASTERS.

CALIFORNIA.

Robert K. Haines to be postmaster at La Mesa, Cal. Office became presidential January 1, 1912.

Oran A. King to be postmaster at Benicia, Cal., in place of James S. Stevens. Incumbent's commission expired December 10, 1911.

COLORADO.

Charles D. Pickett to be postmaster at Wray, Colo., in place of Charles D. Pickett. Incumbent's commission expires March 31, 1912.

HAWAII.

John H. Travis to be postmaster at Waipahu, Hawaii, in place of John H. Travis. Incumbent's commission expired January 22, 1912.

IDAHO.

Frank S. Stevens to be postmaster at New Plymouth, Idaho. Office became presidential January 1, 1912.

ILLINOIS.

Hilery J. Campbell to be postmaster at Roberts, Ill. Office became presidential January 1, 1912.

Charles E. Healey to be postmaster at Loda, Ill., in place of Charles E. Healey. Incumbent's commission expired February 4, 1912.

IOWA.

Howard L. Rann to be postmaster at Manchester, Iowa, in place of Howard L. Rann. Incumbent's commission expired December 9, 1911.

S. W. Shutes to be postmaster at Woodward, Iowa, in place of Zenas G. Preston. Incumbent's commission expires February 17, 1912.

KANSAS.

Thomas R. Jones to be postmaster at Girard, Kans., in place of Thomas R. Jones. Incumbent's commission expires March 11, 1912.

Clyde B. Scott to be postmaster at Greenleaf, Kans., in place of Clyde B. Scott. Incumbent's commission expired December 9, 1911.

Joseph A. Whitehair to be postmaster at Chapman, Kans., in place of Joseph A. Whitehair. Incumbent's commission expired December 18, 1911.

MAINE.

Walter H. Downs to be postmaster at South Berwick, Me., in place of Walter H. Downs. Incumbent's commission expires March 25, 1912.

Harry J. Jameson to be postmaster at Cornish, Me., in place of Harry P. Jameson. Incumbent's commission expires March 20, 1912.

MARYLAND.

William T. Kelley to be postmaster at Preston, Md. Office became presidential January 1, 1912.

MASSACHUSETTS.

Oliver P. Kendrick to be postmaster at West Brookfield, Mass., in place of Oliver P. Kendrick. Incumbent's commission expires March 30, 1912.

Frank E. Nichols to be postmaster at Warren, Mass., in place of Frank E. Nichols. Incumbent's commission expires March 30, 1912.

MICHIGAN.

James H. Clark to be postmaster at New Lothrop, Mich. Office became presidential January 1, 1912.

Edwin P. Radford to be postmaster at Hermansville, Mich., in place of Edwin P. Radford. Incumbent's commission expired February 4, 1912.

MINNESOTA.

Ole C. Enge to be postmaster at Elmore, Minn., in place of Ole C. Enge. Incumbent's commission expired February 4, 1912.

MISSOURI.

John P. Rankin to be postmaster at Higbee, Mo., in place of John P. Rankin. Incumbent's commission expires March 10, 1912.

NEBRASKA.

Joseph G. Alden to be postmaster at Aurora, Nebr., in place of Joseph G. Alden. Incumbent's commission expires March 31, 1912.

Daniel N. Wonder to be postmaster at Blue Springs, Nebr., in place of Daniel N. Wonder. Incumbent's commission expires March 11, 1912.

NEW HAMPSHIRE.

Joseph P. Conner to be postmaster at Portsmouth, N. H., in place of Joseph P. Conner. Incumbent's commission expired December 10, 1911.

NEW YORK.

Henry R. Bryan to be postmaster at Hudson, N. Y., in place of Henry R. Bryan. Incumbent's commission expired January 28, 1912.

Arthur Hartt to be postmaster at Ravena, N. Y., in place of Arthur Hartt. Incumbent's commission expires February 26, 1912.

William F. Lewis to be postmaster at Arcade, N. Y., in place of William F. Lewis. Incumbent's commission expired February 10, 1912.

Charles E. Tracy to be postmaster at Newfane, N. Y. Office became presidential October 1, 1911.

NORTH DAKOTA.

Harry Leighton to be postmaster at Cavalier, N. Dak., in place of Harry Leighton. Incumbent's commission expired January 13, 1912.

OHIO.

Mary S. Hill to be postmaster at Berlin Heights, Ohio, in place of Mary S. Hill. Incumbent's commission expired February 11, 1912.

Robert V. Jones to be postmaster at Sidney, Ohio, in place of Robert V. Jones. Incumbent's commission expired December 16, 1911.

VIRGINIA.

Ozias B. Livingston to be postmaster at Falls Church, Va. Office became presidential January 1, 1912.

WASHINGTON.

George Vetter to be postmaster at Sunnyside, Wash., in place of George Vetter. Incumbent's commission expired February 13, 1912.

WISCONSIN.

Walter Kleinpell to be postmaster at Cassville, Wis., in place of Walter Kleinpell. Incumbent's commission expired February 10, 1912.

Mary A. McAskill to be postmaster at Glidden, Wis., in place of Mary A. McAskill. Incumbent's commission expired January 27, 1912.

John A. McDonald to be postmaster at Arbor Vitae, Wis. Office became presidential January 1, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 15, 1912.

AMBASSADOR.

Myron T. Herrick to be ambassador extraordinary and plenipotentiary to France.

SECRETARY OF EMBASSY.

H. F. Arthur Schoenfeld to be third secretary of the embassy at Constantinople, Turkey.

SECRETARY OF LEGATION.

Edward Bell to be second secretary of the legation at Habana, Cuba.

POSTMASTERS.

CALIFORNIA.

Thomas J. Thorp, Soldier Home.

IOWA.

John B. Cook, Farley.
Edward B. Gundrum, Casey.
Charles F. Le Compte, Corydon.

OHIO.

Thomas E. de Bruin, Winchester.
Carl J. Eckert, Berea.
Cary A. Watts, Peebles.

VERMONT.

William E. Denison, Pittsford.

WASHINGTON.

Thomas J. Atwood, Sultan.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from a naturalization convention between the United States and Costa Rica, signed at San Jose on June 10, 1911. (Ex. J, 62d Cong., 1st sess.)

HOUSE OF REPRESENTATIVES.

THURSDAY, February 15, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for that providence which has shaped and guided the destiny of Thy children and which has led them, step by step, to the splendid civilization of our day; that we are privileged to live in this age of the world's history; that we are American citizens, blessed under our Constitution with civil, political, and religious liberty. Help us, we beseech Thee, to realize fully that as eternal vigilance is the price of liberty, so it is the price of everything sacred to our hearts. Inspire us, therefore, to use these gracious privileges to the honor and glory of Thy holy name. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

BATTLE OF KINGS MOUNTAIN.

Mr. BYRNS of Tennessee. Mr. Speaker, a short time ago Bishop E. E. Hoss, of the Methodist Episcopal Church South, delivered a most instructive and interesting address before the Committee on the Library, which has under consideration House bill 4035, for the erection of a monument to the memory of Gen. William Campbell.

Bishop Hoss is one of the most learned and eloquent and also one of the best-beloved members of the college of bishops of the Southern Methodist Church. The Battle of Kings Mountain, of which he spoke, was fought at a crisis in the struggle for independence, and the victory achieved is conceded to have been a turning point in favor of the success of American arms. Gen. John Sevier, of Tennessee, and Gen. Isaac Shelby, of Kentucky, who first conceived and planned that great battle, will live in the history of the Revolutionary War along with Gen. Campbell and the other patriots who participated in it. The address of Bishop Hoss is an eloquent and instructive presentation of the difficulties encountered and the events leading up to the battle, as well as of the battle itself, and I ask unanimous consent to have it printed in the RECORD.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the address referred to:

"Mr. Chairman and gentlemen of the committee, I thank you very sincerely for the courtesy of this hearing, and I shall try to show my gratitude by confining my remarks within due limits. If I should, out of my exceeding interest, trespass too much on your time and attention, I beg that you will not for a moment hesitate to indicate the fact.

"That there may be no misunderstanding of my purpose in appearing before you, I shall begin by saying that I am here to oppose the passage in its present form of House bill 4035, which is identical with Senate bill 5295, and the object of which is to provide for the erection in the town of Abingdon, Va., of a monument to the memory of Gen. William Campbell,

as the chief hero, so alleged, of the Battle of Kings Mountain in our Revolutionary War. Desiring to make no statement that would not stand the test of discussion and criticism, I solicited the presence on this occasion both of Senator MARTIN and of Representative SLEMP, who are the sponsors of the measure under consideration, and I very much regret the fact that they could not comply with my request. Their absence, however, will only make me the more careful to be utterly candid and fair in all that I shall say. In the end the exact truth will prevail, and any attempt to distort it, no matter by whom made, would prove a boomerang.

"There can be no shadow of doubt, Mr. Chairman, that the Battle of Kings Mountain is abundantly worthy to be commemorated by the Federal Government. In every important sense of the word it was a crisis in the struggle of our fathers for independence. Coming at a time when Georgia and South Carolina were in the iron grip of the British forces, and following hard upon Gates's disaster at Camden and Cornwallis's invasion of the Old North State, it put new heart into the desponding patriots throughout the whole country and set in motion that train of influence which issued in the crowning triumph at Yorktown.

"Among students who have given it their careful attention there is not the slightest difference of opinion as to its tremendous significance. Thomas Jefferson, who was good contemporary authority, said of it:

"It was the joyful enunciation of that turn in the tide of success that terminated the Revolutionary War with the seal of our independence.

"A hundred years later Theodore Roosevelt—who is always right except when he is wrong, and always interesting even when he is wrong, and frequently irritating even when he is right—added, in his *The Winning of the West*, volume 2, page 286:

"The victory was of far-reaching importance and ranks among the decisive battles of the Revolution. It was the first great success of the Americans in the South, the turning point in the southern campaign, and it brought cheer to the patriots throughout the Union. The loyalists of the Carolinas were utterly cast down and never recovered from the blow, and its immediate effect was to cause Cornwallis to retreat from North Carolina, abandoning his first invasion of that State.

"Similar judgments from competent historians could be multiplied by the score, and nobody with a right to speak has ever ventured to utter a contradictory opinion.

"All these things get an added emphasis from the circumstances that preceded and accompanied the expedition—circumstances which, in comparison, make such contests as those of Lexington and Bunker Hill look like holiday parades. For, bear in mind, Mr. Chairman and gentlemen of the committee, that the men who conceived and set on foot this great enterprise were members of a frontier community only a few thousand strong; that their own homes were in constant danger of attack from the Cherokee Indians, a fierce and valorous tribe, who were in close league with the British, and hung like a storm cloud upon the western skirts of the settlements; that they acted on their own initiative, being summoned by no government and receiving neither equipment nor compensation for their services; that they did not wait till the enemy was at their own gates, but took the offensive and went in search of him, thus making common cause with all the colonies, and especially with the two Carolinas; that they marched 12 full days over one of the roughest routes ever traveled by a mounted army, right square across both the Alleghanies and the Blue Ridge; that for the last 36 hours, the most of the time in a pouring rain, they were out of their saddles only once, and then for but an hour; that at the end of this long ride, tired almost to exhaustion though they were, they threw themselves on a foe numerically as strong as themselves, securely posted, well drilled, and commanded by one of the bravest and most accomplished officers in the British Army; and that, within a little more than an hour they achieved what, taken all in all, was one of the most signal victories of the war, killing, wounding, or capturing nearly every one of their antagonists. Sirs, if there be any citizen of the United States whose blood does not flow a little faster at the recitation of such a story, I envy him not.

"For elaborate accounts of all that I have thus in brief set forth, and for a vast array of other related facts and incidents, see the chapters ad rem in Haywood's *Civil and Political History of Tennessee*, Ramsey's *Annals of Tennessee*, Wheeler's *History of North Carolina*, Kirke's *Rear Guard of the Revolution*, Roosevelt's *The Winning of the West*, and, especially, the wonderfully full account in Draper's *Kings Mountain and Its Heroes*, in the preparation of which the author spent 40 laborious years. I might add an indefinite number of other authorities, but do not wish to cumber the pages of this brief.

"Why, then, you may be inclined to ask, am I opposing the bill under notice. My answer to such an inquiry shall be very

concise; it is because this bill coolly proposes to bestow upon the single State of Virginia the honor of the whole undertaking, which primarily belongs to the States of Tennessee and North Carolina, and upon Col. William Campbell the whole credit, which primarily belongs to Isaac Shelby and John Sevier. When I tell you that I am a Tennessean and a descendant of Sevier, you will perhaps need no further explanation of my attitude.

"The report on which the Senate has already acted was drawn up, or was at least presented, by the late Senator John W. Daniel, a man so high and clean in character that it would be folly to call in question the sincerity of his motives. Nearly everything in it is strictly true. The only paragraph to which I should seriously object is the quoted one that suggests the superior quality of the Virginians on the upper Holston to their Tennessee neighbors lower down the same stream. It is unfortunate that such a hint—so wide of the fact, and so entirely without bearing on the case—should have been introduced into a printed document. I shall not waste time in seeking to rebut it. My chief quarrel with the report is based not on what is in it, but on what is left out of it. A casual reader, glancing through it, would not infer that the Tennesseans and North Carolinians played anything more than a very unimportant part in the affair with which it deals, though at one place, presently to be noticed, their primacy is conceded in two or three lines.

"Do not suppose for one moment, gentlemen, that I wish to belittle what the Virginians did at this great juncture. Then, as ever, they played the man. Myself of Virginia blood and ancestry reaching back to 1650, I am proud of the record which the Old Dominion has put into our national history. Nor shall I be guilty of the low task of trying to asperse the good name of Col. Campbell, who was unquestionably a brave and patriotic man, and whose posterity embraces a body of American citizens equal to the best to be found in all the land. The old controversies, which did not touch any essential point in his character but bore only upon his action during the latter part of the battle, ought never to have been raised, and should certainly now be allowed to rest.

"All this said, however, there are some important facts that, in the interests of truth and justice, must not be overlooked.

"WHO ORIGINATED THE EXPEDITION?"

"It is certain that Gen. Campbell had nothing in the world to do with it. The credit of it belongs solely and wholly to Isaac Shelby and John Sevier. More than this, Col. Campbell was with difficulty persuaded to join in it, even after it was set on foot. See Shelby's pamphlet published as an appendix to Draper's *Kings Mountain and Its Heroes*, pages 560-563; Draper's own statement, pages 168-173; Roosevelt's *The Winning of the West*, pages 252-255; Ramsey's *Annals of Tennessee*; and Senator Daniel's report, page 6, lines 26-30.

"The following short outline embodies the substance of what is contained in these volumes: During the summer of 1780 Col. Shelby, Maj. Charles Robertson, and Capt. Valentine Sevier, a younger brother of Col. Sevier, went on a campaign into South Carolina with about 200 men and participated in the successful battles of Thicketty Fort, Musgroves Mills, and Cedar Spring. On their return to their homes they were pursued as far as to Gilbert Town, N. C., near the foot of the mountains, by the British colonel, Ferguson, who, by all accounts, was one of the most courageous and most capable soldiers in the King's army. Through a paroled prisoner, one Samuel Phillips, he sent word to the mountain men from that point that if they did not at once lay down their arms he would cross over the intervening ranges, hang their leaders, and devastate their country. Never did a vain and insolent message meet with a swifter response. Phillips took it straight to Col. Shelby, of Sullivan County, who was his kinsman and lived near the present city of Bristol. Within a day or two Shelby mounted his horse and rode about 50 miles to see Col. John Sevier, of Washington County. When he started on that ride there is not the slightest evidence that he had formed any definite plan of action. On the contrary, he himself affirms over and again that he and Sevier between them—they were together two full days—determined, 'after some consultation,' what they would do. Here is his exact language, repeated for substance in many places: 'In a few days I went 50 or 60 miles to see Col. Sevier, who was the efficient commander of Washington County, N. C., to inform him of the message I had received and to concert with him measures of defense.' But before they separated all thought of mere 'defense' was abandoned, and an agreement was reached to strike the first blow. 'After some consultation,' continues Shelby, 'we determined to march with all the men we could raise, and attempt to surprise Ferguson by attacking him in his camp, or at any rate before he was prepared for us.' Which of the two

leaders first proposed this bold stroke can never now be known. Neither of them, as far as I am aware, ever claimed the exclusive honor of it. Somehow or other it came out in the course of their discussion, but any attempt to say just how must now be futile. The minds of the two men were like flint on steel. (See Appendix to Draper, p. 562.)

"Having decided on the main point, Shelby and Sevier went vigorously to work to arrange all the details of the proposed campaign. They resolved, first, to get their regiments in readiness and rendezvous at the Sycamore Shoals of the Watauga on September 25; secondly, to secure, through Sevier's efforts, the cooperation of Col. Charles McDowell and the 160 North Carolina refugees, who had crossed the mountains for safety and were scattered among the residents of the Watauga and the Nolichucky; thirdly, to secure through Col. Shelby the cooperation of Col. William Campbell and the men under him in the adjacent district of Virginia; and, fourthly, to raise on their personal security the sum of \$15,000 for the purchase of necessary equipment.

"Everything went through without a hitch, except that Col. Campbell at first positively declined to lend his assistance, stating that he was minded to raise what men he could and march down into southern Virginia, to oppose Lord Cornwallis as he approached that State. Shelby himself shall tell the rest of the story. He says:

"Of this"—

"Campbell's refusal—

"I notified Col. Sevier by an express the next day, and at once issued an order calling on all the militia of the country to hold themselves in readiness to march at the time appointed. I felt, however, some disappointment at the reply of Col. Campbell. The Cherokee towns were not more than 80 or 100 miles from the frontiers of my county; and we had received information that these Indians were preparing a formidable attack on us in the course of a few weeks. I was, therefore, unwilling that we should take away the whole disposable force of our counties at such a time; and without the aid of the militia under Col. Campbell's command I feared that we could not otherwise have a sufficient force to meet Ferguson. I, therefore, wrote a second letter to Col. Campbell, and sent the same messenger (Moses Shelby) back with it immediately, to whom I communicated at large our view and intentions, and directed him to urge them on Col. Campbell. This letter and messenger produced the desired effect, and Campbell wrote me that he would meet me at the time and place appointed. It surely can not detract from the merits of Col. Campbell that this expedition was set on foot, not by him, but by others. He lived in Virginia, in a state of comparative security, and was preparing to aid his own State when she should be invaded. We lived in North Carolina, a great part of which was prostrate before the British arms. We were nearer to the enemy and were threatened. We determined, therefore, to anticipate the invasion and vengeance that were meditated against us, and to strike the first blow. To do this effectually, we asked for, and we received, the aid of the nearest county in a neighboring State. This was surely the natural and ordinary course of things."

"Such first-hand evidence from such a man as Shelby, even if it stood alone, would be sufficient to establish my contention; but it does not stand alone. Every historian of any consequence confirms it in toto. In short, then, Shelby and Sevier, with Campbell or without him, and even if they had to strip their own counties of every available fighting man, had fully made up their minds to take the risk of meeting Ferguson's bluff; but they naturally desired to avoid, if it were possible, the necessity of leaving their families utterly exposed to the tender mercies of the Cherokees. For this latter reason, they asked for and, after some delay, received the generous support of Col. Campbell and his men.

"The later career of Gen. Campbell is given so fully in Senator Daniel's report that it is scarcely necessary to repeat it here. Suffice it to say that he took an honorable part in the Battle of Guilford Court House and one or two other minor engagements, then resigned his commission in the Army and was elected to represent Washington County, Va., in the State legislature. In 1781, however, he was made a brigadier general of the Virginia line and recalled to the field under Lafayette. During August of the same year he was seized with a sudden illness and died a few days afterwards in his thirty-sixth year, to the grief of the whole Commonwealth.

"Both Shelby and Sevier lived on until old age, with increasing fame to the end, the latter expiring in 1815 and the former not till 1826. The following sketch of Shelby is taken without change from the Souvenir Program published on the occasion of the presentation of a portrait bust to Memorial Continental Hall at the Twentieth Congress of the National Society of the Daughters of the American Revolution:

"Born December 11, 1750, in Frederick County, Md., near the North Mountain and in the vicinity of Hagerstown. Employed until 21 years of age in farming and herding cattle for his father, Capt. Evan Shelby. In 1771 removed with other members of the Shelby family to the Holston region in southwest Virginia. Shared the customary experiences and adventures of a pioneer and frontiersman. Served as lieutenant in company of Fincastle troops, of which his father, Evan Shelby, was captain, in Dunmore's War, fighting valiantly at Point Pleasant on October 10, 1774. Of the affair at Point Pleasant, which has often been called 'the first battle of the American Revolution,' Lieut. Shelby, in a letter to his uncle, John Shelby, written a few days

after the battle, has left us the best first-hand account. He remained as second in command of a garrison at the mouth of the Great Kanawha until July, 1775. For nearly a year following he explored, located, and surveyed lands in Kentucky. In July, 1776, while in Kentucky, he was appointed captain of a minute company by the committee of safety in Virginia. In 1777 he was appointed by Gov. Patrick Henry, of Virginia, a commissary of supplies for an extensive body of militia guarding the frontier posts. In 1778 he was engaged in the commissary department, providing supplies for the Continental Army and for an expedition, by way of Pittsburgh, against the northwestern Indians. He rendered similar service in 1779. In the spring of that year he was elected a member of the Virginia Legislature from Washington County, and in the fall of the same year was commissioned a major by Gov. Thomas Jefferson, in the escort of guards to the commissioners for establishing the boundary line between Virginia and North Carolina. By the extension of this line his residence was found to be in North Carolina, and shortly afterwards he was appointed by Gov. Caswell a colonel of the new county of Sullivan. On the 30th of July, 1780, he captured a formidable Tory stronghold on the Pacolet River. He was largely responsible for the victory in the Battle of Musgrove's Mill, August 18, 1780; was one of those in chief command in the Battle of King's Mountain, October 7, 1780, and contributed most largely to the success there achieved. A few months later, in command of a troop, he joined Gen. Francis Marion, and served under him until near the end of the war.

"In 1781 he was elected a member of the North Carolina Legislature; in 1783 moved to Kentucky; member of three of the Kentucky conventions held in 1787, 1788, and 1789, preparatory to applying for statehood; in January, 1791, appointed with Gen. Charles Scott, Benjamin Logan, and two others a member of the local board of war, created by Congress for the district of Kentucky, with full discretionary power to provide for the defense of the frontier settlements and the prosecution of the war with the Indians; high sheriff of Lincoln County, Ky., until his election as governor in May, 1792; member of convention which framed first constitution of Kentucky in April, 1792; one of the first trustees of Transylvania Seminary (afterwards Transylvania University), appointed in 1783; also member and chairman of the first board of trustees of Center College, founded in 1819; first governor of Kentucky, 4th of June, 1792-1796; again elected governor, 1812-1816; and led 4,000 Kentucky volunteers to join Gen. Harrison in the Northwest for the invasion of Canada, where the British were defeated at the Battle of the Thames, 5th of October, 1813. For his heroic services in this campaign and battle he was awarded a gold medal by Congress on the 4th of April, 1818. In 1817 selected by President Monroe as Secretary of War, but declined office on score of age. Was one of the presidential electors for Kentucky in 1797, in 1801, and in 1805. In 1818 was commissioned with Gen. Andrew Jackson to hold treaty with Chickasaw Tribe of Indians for purchase of lands west of Tennessee River, which service he performed with entire satisfaction to all parties concerned. Died 18th of July, 1826, at his historic home, "Traveler's Rest," Lincoln County, Ky. Counties in nine States have been named Shelby in his honor. Married at Boonesboro, Ky., in 1783, Susannah Hart, daughter of Capt. Nathaniel Hart, one of the proprietors of the Transylvania Co.

"Sevier was born September 23, 1745, 6 miles from the present village of New Market, in what was then Augusta and is now Rockingham County, Va. His father, Valentine Sevier 1st, the son of a Huguenot refugee and an English mother, had come to the colony from London between 1730 and 1740, settling first in Culpeper and removing thence to the valley; and his mother, Joanna Goode, was the granddaughter of John Goode, who immigrated by way of the Barbados in 1650, and became the ancestor of an immense posterity. Sevier himself, after securing at Staunton the best education obtainable on the border, was married in his seventeenth year to Miss Sarah Hawkins, the daughter of Mr. Joseph Hawkins and the granddaughter of Samuel Hawkins, one of four brothers who came over about 1685. Before he was 25 he had amassed what was for that time a comfortable fortune in farming and merchandising. He had also taken some part in the French and Indian War and had been appointed a militia captain by Lord Dunmore, the last royal governor of Virginia. After two trips in 1771-72 to the infant settlement on the Holston he removed his family thither in the early winter of 1773, reaching his destination on Christmas Day of that year. His next brother, Valentine Sevier 2d, had preceded him, and his venerable father, then 74 years of age, and his four brothers and three sisters, accompanied him.

"From the day of his arrival in the Holston country he was a marked man, as he would have been anywhere. His primacy on the border for the next 40 years is an indisputable fact. Almost at once he was elected one of the five judges of the Watauga Association, the self-governing community, which the newcomers, with the hereditary political instincts of English-speaking people, had organized for their own protection. In 1776, in connection with James Robertson, he defended Fort Lee, near Elizabethton, against an attack of the Cherokee Indians. In the autumn of the same year he drew up the petition to the provincial council of North Carolina, praying to be

formally annexed to that colony. This document, full of courage and patriotism, was signed by 115 persons, only 2 of whom found it necessary to make their marks. A little later he was chosen, together with John Carter and John Haile, to represent the Watauga and Nolichucky region, thenceforth known, first, as Washington District and after 1777 as Washington County in the provincial congress, which met at Halifax November 12, 1776, and framed the first constitution of North Carolina. Even at that early date he foresaw the necessity at some future time of a new State beyond the mountains, and secured the insertion into the constitution of a clause providing for it.

"In 1777 he was made lieutenant colonel of the Washington County militia, and full colonel, to succeed Col. John Carter, on February 3, 1781. Between the first-mentioned date and 1793 he was in 35 battles or skirmishes with the British and Indians, and was never once defeated. John Fiske says that he speedily won for himself the title of 'the lion of the border.' Gov. Blount declared at the time that 'his name carried more dismay than a regiment of soldiers.' McMaster affirms that 'he lived more romances than were ever written in any book.' Phelan says:

"No one, indeed, was more generous than he. In many respects he was one of the heroes of our history, a veritable knight templar.

"Roosevelt adds at greater length:

"For many years Sevier was the best Indian fighter on the border. He was far more successful than Clark, for instance, inflicting greater loss on his foes, though he never had anything like Clark's number of followers. His mere name was a word of dread to the Cherokees, the Chickamaugas, and the Upper Creeks. He wielded great influence over his own followers, whose love for and trust in 'Chucky Jack' were unbounded. He was open-hearted and hospitable, with winning ways toward all, and combined a cool head with a dauntless heart. He loved a battle for its own sake, and was never so much at ease as when under fire.

"The mere list of Sevier's services, civil and military, would fill a page. From 1780 to 1784 he led half a dozen brilliant campaigns against the Indians, besides joining with Shelby, in response to an appeal of Gen. Greene, on an expedition of relief to Marion. From 1784 to 1788 he was governor of the abortive State of Franklin, which was created out of necessity when North Carolina ceded its western territory to the moribund Continental Congress. That this movement was not intended as an act of disloyalty to the General Government is evident from the fact that it promptly sent its Representative, in the person of William Cocke, to Congress, asking to be admitted with the other Colonies. When it collapsed in 1788, Sevier was indicted for treason against the State of North Carolina. With this indictment hanging over him he was elected to the State senate in 1789, and went to Fayetteville to claim his seat. By act of the legislature all his disabilities were promptly removed, and he was designated brigadier general for the whole section from which he came. What is now the State of Tennessee was also set up as a congressional district, and in 1790 he was, without opposition, elected to the Federal Congress, and sat in that body as the very first Representative from the Mississippi Valley.

"North Carolina having made, in 1790, another act of cession of the territory to the Federal Government, Sevier was named by President Washington both as brigadier general of the militia and as a member of the governor's council or Territorial senate, both of which positions he continued to hold till 1796, when Tennessee was admitted into the Union. He was then chosen first governor of the State, and by two subsequent re-elections occupied the gubernatorial chair till 1801. Being succeeded by Archibald Roane, he became a candidate for the major generalcy of the State militia, a post then for the first time created, with Andrew Jackson, 20 years his junior, as his antagonist. The choice was in the hands of the field officers, and the balloting resulted in a tie. Roane, as governor, cast the deciding vote, which, by the way, sent Jackson to New Orleans and probably affected the whole subsequent history of the country.

"In 1802 Sevier was one of the commissioners to run the boundary line between Virginia and Tennessee. The next year, being again eligible under the constitution, he once more sought the governorship, and though Roane, with the active and vociferous backing of Jackson, stood against him, he was elected by a large majority, and continued for three other terms, the last two without even a show of opposition. For 1810-11 he was a member of the State senate. From 1811 to 1815 he was a Member of Congress from the Knoxville district, serving during the whole period of our second war with England as a member of the Committee on Military Affairs. Mr. Madison, at the beginning of the war, offered him a generalship in the Army, but he declined it on the score of advanced age. It is also to be said that President Adams had given him a similar post in the Provisional Army in 1798, when war was threatened with France.

"At the close of the congressional session of 1815 President Monroe appointed him one of the commissioners to run the lines of the Creek Indians in Alabama. While on that service he died in camp on the east side of the Tallapoosa, near Fort Decatur, Ala., September 24, 1815, being 70 years and 1 day of age. During his absence from home his constituents had unanimously reelected him to Congress. His remains rested in their lonely grave until 1887, when the State of Tennessee, which had treated his memory with a niggardliness beyond conception, appropriated the munificent sum of \$500 to remove the dust to Knoxville. A ceremonious reinterment, participated in by thousands of people, took place in the courthouse grounds of that city. Private citizens, in default of public action, erected a handsome monument over his grave.

"In view of the foregoing facts, Phelan is doubtless justified in saying:

"John Sevier is the most prominent name in Tennessee history, and within these limits and upon this field he is the most brilliant civil and military figure this State has ever produced. * * * His enthusiasm, his daring, his resolute quickness, his knightly disposition made him the idol of his soldiers and his neighbors. * * * To say that he was in his sphere a statesman of the first order of ability, and that as a warrior he was excelled by none who engaged in the same mode of warfare, and that he never lost a battle, claims for him a high place among the great men of the world. * * * The basis of his character was laid in truth and in honor. He was loved because he had a loving heart. * * * The gentle word, the quick sympathy, the open hand, the high purpose, the dauntless courage, the impetuosity, the winning suavity were the wings and the turrets and the battlements of a magnificent and harmonious structure.

"It is a somewhat remarkable fact that while most American historians seem to have a personal grudge against our other Tennessee hero, 'Old Hickory,' they are all fascinated by Sevier. With one more quotation from Roosevelt I shall close my account of him:

"Sevier, who came to the Watauga nearly a year after Robertson and his little colony had arrived, differed widely from his friend in almost every respect save high-mindedness and dauntless, invincible courage. He was a gentleman by birth and breeding. * * * To the end of his days he was an interested and intelligent observer of men and things both in America and Europe. He corresponded on intimate and equal terms with Madison, Franklin, and other of our most polished statesmen. * * * Sevier was a very handsome man, reputed during his life the very handsomest in Tennessee. He was tall, fair-skinned, blue-eyed, brown-haired, of slender build, with erect, military carriage and commanding bearing. * * * From his French forefathers he had inherited a gay, pleasure-loving temperament that made him the most charming of companions. His manners were polished and easy, and he had great natural dignity. * * * Such were Sevier and Robertson; and these two men afterwards proved themselves to be, with the exception of George Rogers Clark, the greatest of the first generation of trans-Allegheny pioneers.

"WHAT FORCES THE VARIOUS STATES PUT INTO THE EXPEDITION.

"On September 25, as above stated, the backwoodsmen mustered at Sycamore Shoals, on the Watauga River, in what was then Washington County, N. C., and is now Carter County, Tenn. Shelby and Sevier brought each 240 men, or about one-half the fighting strength of their respective regiments. McDowell brought 160 North Carolina refugees, eager to return and fight for their own soil, and William Campbell 200 Virginians. The next day Arthur Campbell appeared with 200 more, gathered from farther east. These he turned over to his cousin, while he himself went back home. The start was made, therefore, with 1,040 men. A more romantic scene was never witnessed. Beside the soldiers, who were clad in homemade hunting shirts and buckskin shoes, armed with Dechard rifles, and mounted on tough horses, there were hundreds of others present to say good-by. Among the latter was Samuel Doak, the Presbyterian minister, a graduate of Princeton and the founder of the first college west of the Alleghenies, who feared God so much that he feared nothing else, and would have made a fit chaplain for a regiment of Cromwell's Ironsides—a man of immense influence on the early history of the State.

"On September 30, having made the passage of the mountains, the army reached Quaker Meadows, the beautiful home of Col. McDowell, and received its first reinforcement of 350 North Carolina militiamen from the counties of Wilkes and Surrey, who were creeping along through the woods, hoping to meet with some party going to harass the enemy.

"They were commanded by Benjamin Cleaveland, a mighty hunter and Indian fighter and an adventurous wanderer in the wilderness. He was an uneducated backwoodsman, famous for his great size and his skill with the rifle, no less than for the curious mixture of courage, rough good humor, and brutality in his character.

"It can not be said that he was very devout in his life, but he was, nevertheless, a most orthodox Presbyterian in his belief. One of his grim pieces of humor, as we learn from the diary of Lieut. Allaire, of the British Army, who was captured at Kings Mountain, was to require the prisoners under his charge, officers and all, to attend divine service and listen to a Calvinistic sermon 'as full of republicanism as the rebel army is of horse

thieves.' It is even said that he was a ruling elder, with the accent, no doubt, on the word ruling.

"Five days later Hill, Hampton, Lacey, and Williams fell in with about 400 men, chiefly from York and Chester Counties, S. C. Smaller detachments under Chronicle and Hambright, from Burke and Lincoln Counties, N. C., and under Maj. William Chandler, from Georgia, as well as a number of straggling bands, were likewise taken up on the march, raising the total strength of the army to between 1,850 and 1,900 men. It will thus be seen that Virginia furnished only a little more than one-fifth of the men on the march. That they were real men nobody should be rash enough to deny.

"Late in the evening of October 5, after a march of only 12 miles during the whole day, a halt was made at Green River. Both men and horses were so jaded that the leaders knew it would be impossible for the whole of them to move fast enough to overtake Ferguson, who had rapidly fallen back in front of them from Gilbert Town. They, therefore, determined to select about 750 of their least tired and best mounted men, and make a bold push for their game, leaving the rest to follow as rapidly as possible. For days they had been living on green corn, but before starting on the final stretch they slaughtered some beeves and had a great feast. At the Cowpens on the evening of the 6th they met the South Carolinians before mentioned, enough of whom joined in the advance to bring their strength up to 910, besides a squad of perhaps 50, who followed on foot, and some of whom managed to get up in time for the fighting. Of the 910, only 200 were of Campbell's Virginians.

"Then came a marvelous feat of endurance. Leaving Cowpens after dark, these resolute patriots marched without halting through the whole night, which was dark and drizzly. Many of them got scattered in the woods, but rejoined their commands at break of day. Right on to the south they bore, never pausing nor slacking their gait. In the course of the morning a pouring rain came down upon them, but they wrapped their blankets about their rifles, sat in their saddles, and spurred ahead. At a little after noon, October 7, they had reached the end of their journey, and were not more than 3 miles from the elevated spur, 500 or 600 yards long and 250 wide from base to base, on which Ferguson had taken his position and was waiting for the help from Cornwallis which never came. Of the battle itself I shall speak hereafter. Another matter demands attention now.

"THE QUESTION OF A COMMANDER.

"Until the expedition had reached Cane Creek, on October 4, no question appears to have arisen about a commander in chief. Each colonel, as was customary in border warfare, led his own men. As, however, some lack of discipline had shown itself, and as they were now approaching the enemy, it was wisely thought necessary to have one head for the rest of the march and for the battle which seemed certain to be fought. This place would naturally have fallen to Col. McDowell, who was the senior officer present, and, besides, was then in his own district. But he was not deemed sufficiently alert for such a post. So the determination was formed to send a messenger to the camp of Gen. Greene and ask for a general officer to assume the command. McDowell consented to the plan and volunteered to be the bearer of the written message, which was signed by the colonels in the following order: Cleaveland, Shelby, Sevier, Campbell, Hampton, and Winston. (See Roosevelt, Vol. II, p. 263, footnote.)

"In the meantime Shelby nominated Campbell as temporary commander, and he was chosen *nem. con.* The reasons assigned by Shelby for his action were as follows: McDowell would not have submitted gracefully if any one of the North Carolina colonels, all of whom were his juniors in rank, had been preferred before him; and, secondly, Campbell was not only a Virginian and less likely to arouse McDowell's jealousy, but he was also at the head of the largest regiment.

In this way—

"Says Shelby—

and upon my suggestion, was Col. Campbell raised to the command, and not on account of any superior military talents or experience he was supposed to possess. He had no previous acquaintance with any of the colonels except myself, nor had he at that time any experience or distinction in war that we knew of.

"How much and how little Campbell's elevation meant is indicated by Draper, who says, page 190:

Col. Campbell now assumed the chief command, in which, however, he was to be directed and regulated by the determination of the colonels, who were to meet every day for consultation. Equally significant is the fact that the report of the battle, which was made several days after it occurred, was signed first by Cleaveland, then by Campbell, and then by Shelby. Sevier's name was not attached, he having already started home to meet a threatened uprising of the Cherokees.

"Dr. Draper says, footnote to page 352:

Perhaps, as a compliment, Col. Cleaveland was permitted to head the list in signing the report, as shown in facsimile in Lossing's Field

Book of the Revolution. But when Gen. Gates sent a copy, November 1, 1780, to Gov. Jefferson, to forward to Congress, having properly placed Campbell's name first, Shelby's next, and Cleaveland's last, and so they appear as published in the gazettes at the time by the order of Congress.

"Whether Col. Campbell, who carried the report to Jefferson, suggested the change, which there would have been no impropriety in his doing, can not now be told. The circumstances are warranted simply as showing that Campbell's command carried no such precedence, in the estimation of his associates, as would belong to a commander in a thoroughly organized modern army.

"THE BATTLE ITSELF.

"And now, gentlemen of the committee, having followed the track of the patriot army from Sycamore Shoals to within about 3 miles of Kings Mountain, it remains to give a brief account of the battle itself, which will show that no one of the colonels in command had such a preeminence in the actual fighting as to entitle him to the sole credit of the victory.

"After falling back for some days in a leisurely and circuitous fashion, Ferguson had halted here and gone into camp. Why he should have done so it is difficult to say. He knew that he was pressed by a strong force. His appeal to Cornwallis for 300 or 400 dragoons shows that he was not insensible to the dangers that compassed him about, though it is evident that he had taken no accurate gauge of the martial qualities of his adversaries. If he had moved right on from Gilbert Town without needless delays, he might easily have reached Cornwallis's main army at Charlotte, 35 miles distant. The only rational explanation of his conduct is to be found in the assumption that, as a proud and successful British officer, unused to defeat or retreat, he could not bear the thought of being driven in for safety by what he was pleased to describe as 'a horde of banditti.' In short, it was simply another case of pride going before destruction and a haughty spirit before a downfall.

"The spot which Ferguson chose for a 'secure encampment' was simply one of the ridges of Kings Mountain, 60 feet high, 500 or 600 yards long, 70 yards broad on top, and 250 or 300 yards from base to base. It was bare on the summit, but covered with bowlders and trees on the sides, a fact which, as ought to have been foreseen, gave a great advantage to an attacking force. The only supply of water was a rather inconveniently situated spring on the northwest of the mountain. An abundance of wood might have been secured for abatis, but Ferguson did not take the precaution to use it. In fact, the only appearance of defense was the line of baggage wagons drawn up in the neighborhood of headquarters along the northeastern part of the mountain. Confident that he could not be dislodged, Ferguson fatuously awaited his doom. As to the exact number of men under his command there is some doubt. The official report of the American officers, based on papers found in the camp after the battle, puts it at 1,125; but it appears probable that some 200 had gone away in the morning on a foraging expedition, leaving, say, 900 in the fight. Of these about 100 were provincial rangers, gathered largely from New York and New Jersey. They were seasoned soldiers, a sort of corps d'élite, having seen much service and being especially expert with the bayonet. The rest of the corps was made up of Tory militiamen from the two Carolinas. They had been carefully drilled under Ferguson's direction and were formidable fighters.

"The mountaineers were well aware that Ferguson might yet change his mind and continue his retreat or that he might receive such a reinforcement from Cornwallis as would make him too strong to be safely attacked, so they resolved to deliver an instant blow. Having traveled so far and undergone such hardship in pursuit of their game, they were not in the least inclined to miss it at the very last.

"It was determined to march at once upon the camp and decide the conflict without further rest or refreshment. Each man was ordered to tie up his overcoat and blanket, throw the priming out of his pan, pick his touchhole, prime anew, examine his bullets, and see that everything was in readiness for the battle. While this was being done the officers agreed upon the general line of attack, which was to surround the eminence and make a simultaneous assault upon every part of the camp. The men were soon in their saddles and on their march.

"When not more than half a mile from Ferguson's camp and in full view of it, they dismounted, tied their horses, leaving a small guard with them, and proceeded on foot. To march as cavalry and fight as infantry was their uniform habit. On this particular occasion no other course would have been a possibility.

"Draper gives an excellent diagram, facing page 236, the careful study of which will be a great help to anyone wishing to understand the exact order of the battle. It shows that the

regiments of Campbell and Shelby were thrown almost square across the southern end of the mountain, the former on the right and the latter on the left, and the two together constituting the center of the American Army. Joining Campbell on the right, and stretching thence to the east along the northern base of the mountain, Sevier, McDowell, and Winston, in that order, made up the right wing; while joining Shelby on the left, and stretching north along the southern base of the mountain, Williams, with several small detachments, Lacey, and Cleveland, in that order, made up the left wing. At the northern end of the mountain, Hambright and Chronicle completed the circle of investment, touching Winston on the right and Cleveland on the left, and thus making the escape of the British impossible, except by their breaking through the lines. To use different language, Campbell commanded in person the right center, Shelby the left center, Sevier the right wing, and Cleveland the left wing. Under these four the other officers took their places according to rank.

"Up to about this time, owing to the nature of the ground and the thick screen of forests, Ferguson had not become aware of the proximity of his foes. As soon, however, as he spied them he prepared for action. The facility with which he got his men into line is a great tribute to his ability. There can be no doubt that he was a true British bulldog, and had also a rare capacity for infusing his own spirit into those who fought under him. It is not belittling our countrymen to admit that they had found a foe worthy of their steel. On the contrary, it is enhancing their merit to say that they dared to precipitate themselves upon even such an antagonist.

"At length the several divisions started for the scene of action, marching two men deep, and led by their commanders. As the right and left wings had to make a considerable circuit to get into their assigned places in the line, they were delayed 10 minutes longer than had been expected. The first fire of the enemy was delivered, it appears, on Shelby's column, wounding some of his men, but he bade them keep quiet and press on till they were in position to give an effective return. Campbell opened the ball by pressing up the southern front of the mountain, his men loading and firing with great execution as they went. Before they reached the summit, however, they were met by De Peyster and his rangers, whom Ferguson had sent to check them, and were driven with considerable confusion to the bottom of the hill. Indeed, they did not stop until they had crossed a narrow hollow and climbed another elevation beyond it. Facing cold steel was an unusual experience with them, and naturally they recoiled from it. But with true courage they soon rallied to the call of their officers and again moved forward.

"The Rangers, meantime, had found other work to do, for Shelby also had pushed his line against the enemy immediately in his front. This bold action on his part drew the Rangers off to oppose him. He fought most bravely, as he always did. Bancroft describes him as 'a man of the hardest make, stiff as iron, among the dauntless singled out for dauntlessness.' But he, too, was compelled to retreat before the charging column.

"By this time the right and left wings were in place and pressing hard against the British position. When Campbell and Shelby, therefore, came on once more they found less difficulty than at first. Ramsey says that the next bayonet charge against them, though the Rangers were joined in it by a considerable number of the militiamen, who had butcher knives, was 'short and feebly executed.' This statement does not agree with the declarations of some who were present, but all the circumstances indicate that it is probably correct. Nevertheless, the fact that Campbell lost 14 men killed, of whom 13 were officers, shows how fierce the fighting was in his front. Shelby also lost heavily, though, strangely enough, no complete list of the killed and wounded in his regiment has ever been published. It is also a fact that both Campbell and Shelby were again driven down the declivity, though not as far as before. It was at this juncture that the report spread among the mountaineers that Tarleton was coming with his cavalry.

"It seemed to have a dispiriting effect, when the officers, including Col. Sevier, rode along the lines, calling upon the men to halt, assuring them that Tarleton was not there; and that if he were, they could also make him, like Ferguson's Rangers, turn his back and flee up the mountain. (Draper, p. 267.)

"The battle lasted for about an hour and every part of the army behaved admirably. Hambright and Chronicle, weak as they were in numbers, ventured to clamber up the northern end of the ridge, though Chronicle himself was killed at the very beginning of the onset, and several other of the officers and men before they reached the summit, and the rest were met and temporarily repulsed by the bayonet. Cleveland was a little late getting started on the left wing, but played a man's part

to the end. On the right Sevier never wavered. A portion of his regiment on the left got mixed up with Campbell's men and were in the rushes from the front. But his main body was not charged. So says his son, Maj. James Sevier, who, as a boy of 16, fought through the whole battle, as did also an older son Joseph and his four brothers, Capt. Valentine and Robert and Privates Abraham and Joseph Sevier. Capt. Robert Sevier was mortally wounded toward the end of the engagement and died while on the way back to Watauga.

"As to which particular commander was the first to reach and hold the summit there has been some dispute, but the question would appear to be settled by the official report, signed a few days later by Campbell, Shelby, and Cleveland. It says:

"The troops upon the right, having gained the summit of the eminence, obliged the enemy to retreat along the top of the ridge where Col. Cleveland commanded, and where they were stopped by his brave men.

"The Hon. W. C. Preston quoted this passage many years later to show that Campbell was entitled to the distinction in question, in apparent oblivion of the fact that Campbell commanded the right center, while the whole of the right wing was commanded by Sevier, with Maj. McDowell and Winston under him. Draper fully confirms the view that I have expressed, page 226:

"Sevier's column at length gained the summit of the hill, driving the enemy's left flank upon his center.

"But, really, the whole matter is comparatively trivial, for before the end came all the different commands were on the summit and had girdled Ferguson's men, who were now huddled together on the northern end of the ridge with a ring of fire. In spite of his heavy losses and of the utter desperateness of his situation he refused to think of surrendering. Once and again his men hoisted white flags, but he promptly rode up and cut them down with his sword. It is said that even De Peyster begged him to submit to the inevitable, and that he profanely spurned the suggestion. At last, satisfied that all was lost, he rose in his stirrups and started to escape by dashing through his foes. But in the very act of doing so he was pierced by half a dozen rifle balls. 'It was in the region of Sevier's column,' says Draper, 'that he received his fatal shots.' De Peyster then promptly raised a white flag, but owing to some misunderstanding the firing did not cease till a few moments later.

"After some confusion the prisoners were disarmed and put under guard, Shelby and Sevier appearing instantly on the spot, and Col. Campbell a few moments later. There are positive statements from equally reputable men as to who received De Peyster's sword, some saying that it was Maj. Evan Shelby, and others that it was Col. Campbell. The only possible reconciliation of the contradiction is that it may have been handed first to Maj. Shelby and then passed on to Col. Campbell. Ferguson's sash, a magnificent one of red silk, and his long and heavy field glass, as well as his lieutenant colonel's commission, were brought off by Sevier, and are now in possession of the Tennessee Historical Society. Draper says that Sevier also got De Peyster's sword, page 308. Of this there must be some doubt. Each of the commanders secured some memento of the battle.

"The victory was complete. On the American side the loss was only 88 killed and wounded; on the British it was 334 killed and wounded and 648 taken prisoners. Thus closed a great day in the woods. A humane and Christian man must revolt from bloodshed, and yet he may well feel that resistance to cruel aggression is justified, and may admire without stint the heroism of the men who offer it.

"IN CONCLUSION.

"And now, gentlemen of the committee, I invite your attention to the claims with which I set out. Not saying a word to which any partisan of Col. Campbell could rationally object, I think I have shown, first, that he was not in any sense the originator of the expedition, but simply, after urgent and repeated solicitation, fell in with the plans of Shelby and Sevier; secondly, that, including both his own muster of troops and those that were brought to him by Arthur Campbell, he had under his command less than one-fourth of the men who were actually on the march or in the fight; thirdly, that the fact of his being appointed chief commander was not due to his superior military ability or experience, but was simply a piece of wise magnanimity on the part of the other colonels, and especially of Isaac Shelby, who really ranked him in seniority; fourthly, that even so his command was chiefly nominal, and that, after he received it, all the plans of the expedition, and finally the battle, were determined, not by him, but by a council of the colonels; fifthly, that while his part in the battle was honorable and courageous, it was not a whit more so than that of the other gentlemen associated with him. On what ground

of right or justice, then, can he be elevated to a pinnacle of honor, while Sevier and Shelby, without whom certainly this chapter of our national annals would never have been made, are left to oblivion? If Virginia desires to put Gen. Campbell into such a lofty place, let her do it. But she ought not to ask the Federal Government to give its official sanction to such unhistorical pretensions.

"Nor is it, gentlemen of the committee, for Shelby and Sevier alone that I plead, but for McDowell, and Cleaveland, and Winston, and Lacy, and the other notable men who contributed so much to American independence on that fateful October 7, 1780, and for the subaltern officers and private soldiers who matched the courage of their leaders with a spirit that was equally as high. As a Tennessean, moreover, I ask justice for my native State and for the mother State of North Carolina. Kings Mountain, though not our first or last, was yet our chief point of contact with the Revolutionary War, and we cling to it. Why should Virginia, whose inheritance is so rich, desire to deprive us of our due share of the honors which our fathers fairly won? Sirs, we may safely claim to be a patriotic people. It is a source of pride to us that our ancestors, even in the lusty infancy of our great State, showed the metal of their manhood. When have Tennesseans ever failed to do so since? At the very time when Shelby and Sevier were leading their riflemen through the woods to South Carolina James Robertson and John Donelson were leading another band of Watauga folk 300 strong, who less than a year before had plunged 400 miles farther into the depths of the wilderness to found the fair city of Nashville, at that time the uttermost outpost of the Republic in the valley of the Ohio. At their first gathering on the banks of the Cumberland to form some sort of provisional government, they had nobly resolved that they would 'hold themselves liable for their ratable share of the expenses of the war for freedom.'

"In later years the descendants of these same men broke up the Creek Confederacy at the battle of the Horseshoe and liberated the Southwest from the further fear of savage wars. They went with Andrew Jackson to New Orleans, and put a glorious and emphatic period to our second struggle with England. They were present in large force with Houston and Crockett in the contest for Texas independence. At the outbreak of hostilities with Mexico, being called on for 4,000 men, Tennessee offered 27,000, and thus anew vindicated her ancient title of 'the Volunteer State.' In our civil strife nearly the whole body of our citizenship shouldered arms on one side or the other. The first congressional district, in which Sevier and Shelby both lived and from which their force was entirely recruited, put regiment after regiment into the Confederate Army and then furnished more volunteers for the Federal Army than any other congressional district in the United States.

"And once again, in 1898, when the Nation rose up in mortal combat against Spain, Tennesseans were in the front rank and eager to take part in the fray. In the Philippines and in Cuba the records show that they deported themselves in a manner worthy of the fathers from whose loins they had sprung.

"If, therefore, a memorial of any sort is to be erected on what was in 1780 our western border, it should be either at Sycamore Shoals, from which point the army set out, or at Bristol, on the line between the two States of Virginia and Tennessee and in the immediate vicinity of the home of Shelby; and when it is built it should stand not for one of the leaders only nor for one above the rest, but for all of them alike. In case any discrimination must be made, let it be made in the interest of those who conceived the great project in advance of the rest and made its execution a feasible thing.

"But I insist, Mr. Chairman, that such an event as that which I have been discussing ought not to be belittled by any cheap or common monument in a country village. It deserves to be glorified here in our National Capital. There is an epic grandeur, sirs, in the movement of our Anglo-Saxon stock across the Alleghanies and into the wide stretches of the Mississippi Valley, a grandeur that has never yet had adequate recognition. Does it not appeal both to our imaginations and to our hearts to think of the manly audacity of the pioneers, who, in their own strength, and without help from any external source, planted our civilization on that fertile soil, and with unequalled constancy guarded it against all intrusions till it grew to imperial dimensions? In that line of movements which has the majesty of a pageant stands out the Battle of Kings Mountain, not isolated and solitary in its character, but part of that great and orderly chain of sequences which has made the Middle West and the Southwest what they are to-day.

"Surely it would be most fitting to select some suitable site in this city of Washington, and rear on it a column of marble as a testimonial to the foresight and the fidelity of these men who in their day and generation 'had knowledge of all things

to know what Israel ought to do,' and did not hesitate to take the lead in the doing of it. On this marble pillar let the names be carved of Campbell, and Shelby, and Sevier, and McDowell, and Cleaveland, and Lacy, and under them a group of riflemen clad in hunting shirts and armed with Dechard rifles. So may the Nation acknowledge a debt of gratitude which it can never fully repay."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 275. An act to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston;

S. 278. An act authorizing the Secretary of the Treasury to give to the city of Newburyport, in Massachusetts, the United States customs building in that city and the land upon which it stands; and

S. 548. An act retiring Thomas Harrison, a clerk in the Naval Observatory, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 275. An act to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston; to the Committee on Ways and Means.

S. 278. An act authorizing the Secretary of the Treasury to give to the city of Newburyport, in Massachusetts, the United States customs building in that city and the land upon which it stands; to the Committee on Ways and Means.

S. 548. An act retiring Thomas Harrison, a clerk in the Naval Observatory, and for other purposes; to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SWITZER, for 10 days, on account of important business.

To Mr. KENT, for 2 weeks, on account of important business.

To Mr. SLEMP, for 10 days, on account of illness in his family.

CHANGE OF REFERENCE.

The SPEAKER laid before the House a request for unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the bill (H. R. 17936) to establish standard packages and grades for apples, and for other purposes, and that the same be referred to the Committee on Coinage, Weights, and Measures.

Mr. ADAMSON. Mr. Speaker, reserving the right to object, I wish to say that I understood that by the approval of the Speaker bills similar to this were referred to the Committee on Coinage, Weights, and Measures. While it was my own opinion that the reference was perhaps wrong, I had no disposition to dispute with the Speaker about it, or question his decision, or appeal from it. Therefore I have answered letters in regard to the bill remaining before our committee, stating that the Committee on Coinage, Weights, and Measures had taken jurisdiction of the subject and was considering other similar bills, and that I did not consider it necessary for two committees to be working on the same subject at the same time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18956) making appropriation for the support of the Army.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The committee is in session for the further consideration of the bill (H. R. 18956) for the support of the Army. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913.

The CHAIRMAN. The Chair will not weary the committee by a restatement of principles heretofore announced in a previous decision, but before ruling will advert to certain arguments advanced in the debate of Tuesday.

In that debate it was contended that in ruling on amendments, or provisions of a bill, under the Hohman rule, the Chair

must look to the face of the paragraph, or amendment, to determine from such paragraph, or amendment, without extraneous aid or assistance, whether it will effect a retrenchment in expenditures. This is error. Speaker Kerr expressly ruled, and this ruling has been uniformly followed, that in determining whether an amendment will operate to retrench expenditures, the Chair can look to the pending bill, the specific section or amendment under consideration, the law of the land so far as applicable, and the parliamentary rules and practices of the House. Keeping these aids to a decision in mind, the Chair must determine whether the amendment, or included paragraph, will operate of its own force to retrench expenditures. The mere fact that the Chair may think that it is likely that a section, or an amendment will very probably save a considerable sum of money to the Treasury of the United States, is not a sufficient ground on which to hold that such an amendment, or section, is in order. In the view of the Chair, there must be something more. The amendment, or section, must necessarily bring about such a result, *ex proprio vigore* in order to be sustained.

Again the view was urged upon the Chair that if the conclusion of retrenchment from the operation of an amendment, or paragraph, is a matter of debate or of argument, if it requires evidence to establish such conclusion, then it does not appear from the provision itself, that it will work a retrenchment, and the same will not be in order. This again is error. Any proposition may be the subject of debate. Conceding that the Chair is limited to the inspection of the face of an amendment or paragraph, even then the proper conclusion to be drawn therefrom may be very appropriately debated. The opponents of the amendment may contend with vehemence that no result of retrenchment will attend its operation, while with equal vehemence and superior logic the friends of the amendment may be able to demonstrate that from its operation such a result would be an inevitable sequence.

Hence, the mere fact that the effect of a proposition may be assailed in debate will not operate to establish its invalidity or put it beyond the pale of the Holman rule. The true doctrine is that with or without discussion the Chair must be satisfied, as a condition precedent to holding an amendment to be in order, that the necessary effect of the same operating by its own force will be a retrenchment of expenditures in one of the three ways indicated by the rule.

The legislative provision which is under attack provides that hereafter all enlistments in the Army shall be for a term of five years. The present law provides that such enlistments shall be for a period of three years. In each case a man may reenlist at the expiration of his term. Provision is made by law for a bonus and an increase of pay on reenlistments. It is perfectly manifest, except under conditions so extraordinary that they may be eliminated from consideration, that under the five-year system of enlistment, compared with the existing three-year system, say, for a period of 15 years, there will be more reenlistments under the three-year than under the five-year system. Hence, the system that will reduce the number of enlistments will effect a retrenchment of expenditures under this head. It is contended, however, that certain other results will attend the five-year system which will make it on the whole a more expensive system than the other. But these results are purely speculative and problematical, and though vehemently asserted are with equal vehemence denied. In its first and immediate operation this provision will certainly effect a manifest and considerable retrenchment.

The Chair is not satisfied that there will be any other result, as a consequence of the five-year system, which will make this system on the whole more expensive, or even as expensive, as the three-year system. The Chair is satisfied as to the immediate retrenchment which will be afforded by this provision, and is far from being satisfied as to any other results. Standing alone this paragraph is in order. The next sentence of the section under consideration is in the form of a proviso, and provides, in substance, that hereafter no changes shall be made in the uniforms of officers and enlisted men, except such changes as may be made in the uniforms of enlisted men without loss or additional expense to the Government. This provision is designed to secure economy of administration, but looking to the same, to the bill, and to the law of the land so far as applicable, will this result be necessarily secured by this language standing alone? Does it require the department to do anything that it can not do, or that it may not do, under existing law? Non constat but that the department, in the absence of this provision, will pursue the very course which the proviso is intended to prescribe. It may decide of its motion, without compulsion, to make no changes in the uniform of soldiers, save such as can be made without loss or additional cost to the Government. Hence, it can not be said that the necessary compelling effect of

this proviso is to secure retrenchment. This situation is not like the one presented in the preceding sentence. In that case a three-year term provided for by law, and in present operation, is proposed to be substituted by a five-year term. Hence a comparison can be made between the two systems. Unless the present law is changed the department has not volition save to live under the law of three-year enlistments as it is written. In the instance under present consideration the department is under no compulsion to make changes in uniforms that will cause loss or add expense to the Government. There is no way of demonstrating that in the future it will pursue such a course. Hence, as the Chair has said, there is no way of showing that this proviso will compel a course of action other and different from that which would be pursued in its absence.

Unless it can be reasonably shown that the course hereafter to be followed by the department will add cost and expense to the Government in the matter of uniforms, and that the adoption of the proviso is necessary to compel a different course and reduce that expenditure, then this proviso does not come within the principle of the Holman rule.

The Chair is not unmindful that many amendments are likely to be offered under this rule which are on the border line of order, requiring nice discrimination to determine the side of the line to which they appropriately belong. But the Chair must be satisfied that an amendment is in order to support a favorable ruling. In the present instance the Chair is of opinion that the latter portion of the section is not in order. The point of order is made to the whole section, and under the precedents, if sustained at all, it must be sustained in its entirety. The point of order is sustained to the whole section.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment to the committee.

The Clerk read as follows:

SEC. 2. That hereafter all enlistments in the Army shall be made for the term of five years, and for all enlistments which are accomplished five years shall be counted as an enlistment period in computing continuous-service pay.

Mr. PRINCE. I make the point of order against that section as offered.

The reason for my making the point of order is as follows: On page 400 of the House Manual, at the bottom of the page, I find this language pertaining to Rule XXI:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House members of any such commission, having jurisdiction of the subject matter of such amendment.

This amendment is not offered by the committee. This is an amendment offered by an individual member of the Committee of the Whole to amend this bill. This is an amendment offered by an individual member of the Committee of the Whole and not an amendment to the bill upon the report of the committee or any joint commission authorized by law, or the House member of any such committee having jurisdiction of the subject matter.

To put it a little plainer, if I can, the objection to the amendment consists of three propositions:

First, this being an amendment offered by an individual Member in the Committee of the Whole for the consideration of this bill does not put it under the rule. The rule says it shall be in order to amend the bill on the report of the committee. The committee has not made a report. True, it was in the original bill; but the paragraph was subject to a point of order, and the Chair has ruled that section entirely out of the bill. Therefore, the action of the committee was unauthorized, as evidenced by the ruling of the Chair when the point of order was made against the report of the committee. So far as section 2 is concerned, it promptly went out.

Now, the committee has not had another meeting, they have not even been called together for the purpose of considering whether they want the amendment made as a committee amendment or not, and therefore, not being a committee amendment, the Member has no right to offer it.

Neither does it come from any commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment. I insist again that under this rule the amendment brought in in the manner it is, without a report of the committee, is still subject to a point of order, and I confidently expect the Chair to rule it out.

Mr. HAY. Mr. Chairman, I have only to say that this amendment which I have offered was authorized by the Committee on Military Affairs because it was reported in the bill and is the action of the Committee on Military Affairs.

But apart from that, even if it had not been approved by the committee, it would be in order under the ruling of the Chair

the other day on the question of the reduction of Cavalry regiments. So that in any event the amendment is in order. I do not care to take up any further time.

Mr. TILSON. Mr. Chairman, just a word on the point of order. Since this paragraph has been ruled out by the Chair a different question has been presented. Now, if this amendment is in order it must be in order under one of these three provisions. I read from from the rule:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

The bill does not purport to do either—

by the reduction of the compensation of any person paid out of the Treasury of the United States—

It does not purport to do that—

or by reduction of amount of money covered by the bill.

It does not purport to do that, and could not do that, because the present enlistments are for three years, and the enlistment provided for in this amendment is five years. So that the effect, if it is to be one of economy, is at least three years in the future, and this appropriation, of course, covers only the fiscal year 1913. Therefore it does not effect a reduction of the amount of money covered by this bill. To be in order this amendment must come under one of these three provisions. Being an amendment presented by an individual member of the Committee of the Whole from the floor, it does not fall within the terms of the last provision of the rule, and is consequently out of order.

Mr. MANN. Mr. Chairman, I agree fully with the ruling of the Chair just announced on both propositions involved in the section. I think if the provision for the five-year enlistment had been in the bill originally by itself it could be properly said that it would result in the retrenchment of expenditure, taking into consideration the undoubted fact that reenlistments do occur.

But the committee reporting the bill reported section 2 as an entirety, not merely the five-year enlistment, but the five-year enlistment with the proposition of the change of clothing. That was an entirety. That has gone out of the bill on a point of order, and the question now is whether the amendment offered by the gentleman from Virginia for the five-year enlistment is in order.

I concede, as far as I am concerned, that if this be a committee amendment reported from the Committee on Military Affairs it is in order, that committee having jurisdiction of the subject matter of the amendment and it being germane to the bill.

But I do not understand that the amendment now pending is offered as a committee amendment. Under the provisions of Rule XXI, the amendment is not in order as a reduction of the number or salary of the officers of the United States, because there is no reduction as there was due to the amendment relative to the Cavalry regiments, where the Chair held that cutting off a portion of the regiments of Cavalry did reduce the number of the officials of the United States. There is no reduction in the compensation of any person to be paid out of the Treasury. There is no reduction in the amounts of money covered by the bill. The provision, if in order at all, as I understand it, would be in order under the latter clause of the rule:

Provided, That it shall be in order further to amend such bill upon the report of the committee * * * having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

I do not understand that this amendment is made upon the report of the committee at all. It is not offered as a committee amendment, nor has the committee reported upon this proposition standing by itself. The committee in the bill reported section 2 covering two propositions, and, in my judgment, it can not be said that the Chair can separate those two propositions and say that the committee reported upon one separately when the committee reported upon the two combined. I do not see how the amendment can be held in order unless it is offered as a committee amendment.

The CHAIRMAN. The Chair has no difficulty with this situation. Section 2 is composed of two parts. While they are reported together, they have no sort of relation or connection with each other. They are not dependent the one upon the other. The merits of the one have no relation to the merits of the other. While embodied in one paragraph, they are as separate and distinct in their nature and intended operation as two things can well be. The Chair is required under the precedents to support a point of order directed to a whole section when a segregated portion of that section is, in the judgment of the Chair, not in order. But the balance or offending portion of

the section has been eliminated in the amendment submitted. It may be fairly said of the amendment now offered by the gentleman from Virginia that it has been reported by the committee to this House since it was included in the committee's bill. But, while the amendment can be supported on the ground indicated, the Chair does not rest its conclusion on that ground alone. The ruling that was made by the Chair a few days since on the amendment respecting the Cavalry regiments would support the regularity and order of the amendment now submitted by the gentleman from Virginia [Mr. HAY] in his individual capacity. So that, from either point of view, the Chair thinks the amendment is in order. The Chair, therefore, overrules the point of order.

The Chair will have read for the information of the committee the unanimous-consent agreement of last Tuesday regulating debate on this amendment.

The Clerk read as follows:

Mr. HAY. Then, Mr. Chairman, I ask unanimous consent that in the event the Chair holds the paragraph in order, or if the paragraph be held out of order and the Chair holds any amendment I may offer to be in order, that all debate upon that paragraph or on that amendment and all amendments thereto be limited to two hours and a half, one hour and a quarter to be controlled by the gentleman from Illinois [Mr. PRINCE] and one hour and a quarter to be controlled by myself.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that in the contingency indicated by him debate shall be limited to two hours and a half, one-half of that time to be controlled by himself and one-half to be controlled by the gentleman from Illinois [Mr. PRINCE]. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, in the 10 minutes allowed me I can barely state the case we are asking the House to consider, and I shall therefore ask that I be permitted to proceed without interruption.

This is the first military appropriation bill that I have ever seen brought into this House in my 15 years of service in which any serious effort at economy has been made.

For years the people have cried out in vain for relief from the almost intolerable burden of military and naval expenses. They gave control of this body to the Democratic Party with the distinct understanding that it should reduce the cost of government. To my fellow partisans in this House I want to say that there rests upon them a solemn injunction, coming from what is for us the highest tribunal on earth, the American people, to practice the most rigid economy.

Your committee that was charged with the preparation of the bill for the support of the Army has earnestly and honestly endeavored to discharge that duty with fidelity to the people and the country. We believe that we have brought you a bill that will be in the interest of the Army and of the people who support the Army. We do not make the Army less efficient. Indeed, we have proposed legislation that will make it more efficient and at the same time lessen the burden of the people who maintain it.

Democrats ought to be proud, and should rejoice in the fact, that the first real, constructive military legislation that has been proposed in many years comes under the name of a great Democrat, the Hon. JAMES HAY, of Virginia. [Applause on the Democratic side.] Unlike the reorganization act of 11 years ago, this reduces expenses. But that is quite natural and to be expected. This is a Democratic measure; that was a Republican bill. That added largely to the cost of government; this will reduce it.

FIVE-YEAR ENLISTMENT.

Section 2 of the bill we are now considering proposes to make the enlistment period of the noncommissioned soldier 5 instead of 3 years. It is not a new or radical suggestion. An examination of the record discloses the fact that for 39 years of our history we have had a straight 3-year term of enlistment. For 80 years we have had a straight 5-year enlistment. For 3 years, say, or from July 28, 1866, to March 3, 1869, we had a peculiar law that enlisted the Artillery and Infantry for 3 years and the Cavalry for 5 years. Thus, as you see, for two-thirds of our history the enlistment term in the Army has been for 5 years, as proposed in this bill. It is not merely justified in history; it is supported by soldiers of experience with both plans.

The head of the recruiting service is The Adjutant General.

No man who knows Gen. Ainsworth will question his zeal in his profession, his high intelligence, or his ability to reach accurate conclusions from facts that come under his observation. Every Member of this House who has had business with The Adjutant General knows and must admit that he is perfectly familiar with all the details of his branch of the service. He is then, I take it, qualified to speak with authority and knowledge about this matter of recruiting for the Army.

He gives it as his opinion, based on observation and experience and from a study of the records, that it will not be materially more difficult to secure recruits under the 5-year enlistment period than it is under the shorter term.

He says, what we all know to be true, that the work of the recruiting officer is easy when times are hard, when employment is not readily found, and when wages are low. On the other hand, when there is plenty of work at good wages the soldier's trade is not so attractive. Everyone who has given the matter any attention knows that. It is he very primer of the business.

DESERTIONS.

It will be charged, I suppose, by those who oppose this reform that the longer enlistment period will increase desertion. In reply to that, I will say that the records disclose the fact that most desertions occur in the first year of service. Men who have served two or more years are not apt to desert. They are then familiar with the service, accustomed to discipline, adjusted to the environment of the soldier, and understand the penalty for that offense against the laws.

On that and other phases of the question, hear what Col. Murray, a soldier of 34 years' experience, who has had long service as a recruiting officer, has to say.

The chairman asked him if it would make recruiting more difficult if the enlistment period was extended. He said:

I do not think it would affect it one way or other. * * * I find a majority of the men have not given any attention to the length of service. There are not many men over 25 years of age in their first enlistment. The majority are from 18 to probably 22 * * * and they do not question the period of enlistment.

On the question of reenlistment he said that men who had been in the Army for 5 or 6 years were accustomed to the service and apt to reenlist.

As to desertions, Col. Murray gave it as his opinion that there would be fewer under a 5-year enlistment period.

Maj. Thomas B. Dugan, with 28 years of honorable service and who has been engaged in recruiting for the Army, said that, in his opinion, the lengthening of the enlistment period would not affect his work of getting recruits.

He confirmed what other officers say about desertions being in the first or second year of service, and added that "the longer the period of service the less should be the desertions."

Maj. Kenly, who has had nearly 23 years of service, confirmed what Col. Murray and Maj. Dugan had said.

These things that I only have time to refer to you can see in the hearings before the committee. There is also a mass of other testimony of the same sort from officers of experience in the shape of telegrams and letters to the chairman of the committee.

With the exception of The Adjutant General, who is the chief of all the recruiting service in the United States, I recall no one whose testimony was taken and who supports this bill who has not had long experience with troops as company or regimental officer.

ECONOMY.

Just a word, Mr. Chairman, as to the economy of this measure.

It will make a large annual saving in the consolidated supply corps. The Chief of Staff, Gen. Leonard Wood, gave unstinted and almost unqualified indorsement to that feature of the bill.

He does not believe in the five-year enlistment period that we have proposed, but would not, I dare say, seriously claim that it will not make a large annual saving. That, in a great measure, is a simple calculation.

Gen. Whipple, the Paymaster General of the Army, asserts in the hearings, on page 81, that the effect of lengthening the period would be "a large saving." On length-of-service pay he says the saving would be approximately \$750,000 a year, on bonus for reenlistment about \$40,000 a year, and for travel pay on discharge \$300,000 a year. That makes the very respectable total of \$1,150,000 that can be saved each year. But, in addition to that, he says the saving on the clothing allowance would probably be \$800,000 a year.

Gen. Aleshire, an uncommonly well-informed officer, a man who is perfectly familiar with all the details of the great business branch of the War Department, puts the annual saving on the clothing allowance under this bill at \$859,107, basing his figures on an army of the size of that we now have. I may say, in passing, that Gen. Aleshire did not, in this calculation, take into consideration the Philippine Scouts; and on the clothing allowance for them, which is something less than half of that given the American soldiers, we would save some forty or fifty thousand dollars a year more.

Mr. AMES. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. I must decline to yield, Mr. Chairman.

In the item of transportation, principally the transportation of recruits to stations to which they have been assigned and of applicants for enlistment, he estimates a yearly saving of \$198,272.

The claim of the chairman in his report that there would come from the longer enlistment period a yearly saving of \$2,230,766 is entirely warranted in the testimony of these experts, the Quartermaster General and the Paymaster General.

Mr. Chairman, this bill is so fair, it is so clearly in the interest of the people, and so manifestly promotes the efficiency of the Army that I am surprised that it should have opposition among the Representatives of the people. I thought at one time that we might even have a unanimous report from the committee. I overestimated love of country and underestimated the influence of partisanship. But I do not complain. I merely appeal to Members who think that the taxpayers are entitled to consideration to take advantage of this opportunity to do something for the man who pays the bills. [Applause on the Democratic side.]

Mr. PRINCE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read, so that it may be considered as pending and, if it is in order, that it may be discussed.

The CHAIRMAN. Is this an amendment to the amendment?

Mr. PRINCE. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by adding at the end thereof the following:

"Provided, That in time of peace any enlisted man other than one serving in the Philippine Islands, whose service and training has been satisfactory, may, in the discretion of the Secretary of War, after two years' service in any enlistment period and upon his own application, be granted a furlough, without pay or allowance, to the end of his enlistment, and such enlisted man thus furloughed shall be held for no military duty except in time of war, and shall not be counted as part of the enlisted force provided by law."

Mr. HAY. Mr. Chairman, I reserve the point of order on that amendment.

Mr. PRINCE. Mr. Chairman, I now yield 17 minutes to my colleague on the committee, the gentleman from New York [Mr. BRADLEY].

Mr. BRADLEY. Mr. Chairman, sections 2 and 3 of the pending bill especially concern the enlisted men, who largely bear the physical burden of the service in time of peace, and immeasurably bear that burden in time of war.

While section 3 would deny to the commissioned officer, as to the enlisted man, certain valued benefits for service in the Philippines, the pay of the commissioned officer would be in no wise decreased when serving in Alaska, Hawaii, Porto Rico, or in the United States, but section 2 would reduce the continuous pay of the enlisted man wherever he may serve.

It would mean to enlisted men of 10 years' service a reduction of \$228; of 15 years' service, \$324; of 20 years' service, \$468; and, unless otherwise provided through later legislation or by departmental order, would mean a reduction of 40 per cent in reenlistment clothing allowance.

The law of four years ago handsomely increased the pay of the commissioned officer of every rank, advanced the pay of the private soldier from \$13 to \$15 per month to \$18 per month on reenlistment and to \$21 per month on second reenlistment. It is now proposed to compel him to serve into the eleventh year, instead of into the seventh year, as now, to receive this \$21 per month; and if he is ever to receive the maximum pay of \$25 per month he must serve into the thirty-first year, instead of into the twenty-first year, as at present.

It is also proposed to deprive the enlisted men of double-time credit for service in the Philippines. These two propositions taken together make too large a dose for one time.

Sections 2 and 3 ought to be introduced as a bill, to discourage the reenlistment of the best and most suitable men for the service.

I quite understand and agree with the desire that all men do not reenlist, and in this view believe the three-year term is far better than a five-year term for weeding out the men not suitable for continued service. It is, however, of extreme importance that the men of approved character, efficiency, and adaptability to reenlist and the noncommissioned strength be fully maintained at all times.

No soldiers in the world surpass the noncommissioned men of our Army. All commissioned officers of field and frontier service feelingly testify that our long-service sergeants always have contributed largely to the success and the honor of the Army of the United States.

We shall always require such men, and in abundant measure, if in time of need thousands upon thousands of raw recruits are to be guided in the ways of life in the open and there

taught that a sound stomach and a clean, well-kept body is absolutely essential in the making of a reliable soldier.

I do appeal for the enlisted man, because I know of the burden he bears, and that always, when in action, he cares for his wounded and helpless commissioned officer, even though he himself may later lie where he falls. And that enlisted men do often lie where they fall is silently confirmed by more than 50,000 graves of unknown enlisted dead in this land of ours. [Applause.]

Mr. Chairman, rarely indeed is the individual enlisted man named in history. He is referred to as in the mass of those who served with Washington or Scott, with Grant or Lee or Sheridan, or with Stonewall Jackson in the Army of the Valley.

But, all the same, his marvelous endurance, heroic fortitude, his suffering and infinite sacrifice, and his splendid valor inspired the men of a later day—of 1898—in the South and West, East and North alike, to spring from all walks of life to serve as enlisted men in support of the flag—our flag—that droops in graceful folds above the Speaker's chair! [Applause.]

I know of a home in the Northwest where, on the kitchen wall, hangs a muzzle-loading rifle that was carried by the head of that house when he served as a private soldier in the Army of the Union. Beneath the old Springfield rests a breech-loading rifle that was borne by the son of that house when he served as a private soldier in the command of Joe Wheeler at Santiago.

And I know of a home where the magnolia blooms in perfect purity, a home where, on the antlers in the hall, rest a saber and the spurs of one who responded as a private soldier to the clarion call of Jeb Stewart. Beneath the antlers is a breech-loading rifle of the same pattern as in the other home. It was borne by a son of this house when he served as a private soldier in the command of Nelson A. Miles at the taking of Porto Rico.

It was a little war—the contest of 1898—and a costly one, but priceless in the fact that the men, the enlisted men of that day, closed forever the crimson chasm that for 30 years had yawned between the sections.

In tribute to our enlisted men of the present and of the past, who now serve in peace or have served in war, can we not defer consideration of this enlistment proposition until another year has passed?

The Secretary of War has given his word that prior to the next session, if not during this, he will present a new plan for enlistment now being worked out by the officers of the War College and the General Staff, a plan to provide, probably, for a five-year term of enlistment, divided, perhaps, between three years of service with the colors and two years in a civil-life reserve.

Why not wait on the word of the War Secretary and make no change whatever at this time in the term of enlistment. [Loud applause.]

Mr. Chairman, I release the balance of my time.

Mr. PRINCE. Mr. Chairman, how much time did the gentleman yield back?

The CHAIRMAN. The gentleman yielded back 7 minutes.

Mr. HAY. Mr. Chairman, I yield 12 minutes to the gentleman from Tennessee [Mr. McKellar].

Mr. McKellar. Mr. Chairman, being a new member of the Committee on Military Affairs, I am not as familiar with the workings of the Army as I ought to be, but there are certain features of that part of the bill referring to the five years' enlistment period concerning which I desire to say a few words.

I want to say at the outset that I favor most heartily the entire bill on two general grounds. The first is that as a whole, in my judgment, the bill makes for greater efficiency in the Army, and, second, that the saving is enormous, amounting, as I am informed, to some \$8,000,000 per year. The Chief of Staff, in his testimony before the committee, indorsed several of the legislative features of this bill, but the one under particular consideration now he did not indorse; and yet I think he made statements concerning it from which it is easy to see that a change in the period of enlistment will make a very much more efficient service. I quote as follows from page 56 of the hearings from the testimony of Gen. Wood:

The Paymaster General pays out practically \$1,000,000 a year for clothing undrawn. Our men are very liberally paid, splendidly quartered, and liberally provided with pension in case of disability, and there is no occasion whatever for such a clothing allowance; and the fact that \$1,000,000 a year, in round numbers, is paid out to men for clothing allowed them, but not drawn, shows the extravagance of the present procedure.

Another objection to short enlistments has been in the matter of travel pay allowed to the place of original enlistment on reenlistment. This amounts, in round numbers, to \$1,000,000 a year, and a very large portion of it—probably more than half or in the neighborhood of half—is paid for travel which is not made at all, and, I believe, really constitutes a great injustice to the Government.

Mr. PRINCE. Mr. Chairman, will my colleague yield—

Mr. McKellar. Mr. Chairman, I greatly regret, but I have only 12 minutes—

Mr. PRINCE. I was only going to say in regard to travel pay not being used that it would have to be used if you recruited and brought him there.

Mr. McKellar. I will give the gentleman what Gen. Wood says about it:

For instance, a man enlists in New York and he goes out to the Philippine Islands. He gets while there two years' credit toward retirement for every year of service. He has an increase of 20 per cent in his pay. He reenlists, we will say, in Manila, and is immediately given travel pay and allowances to New York. He reenlists again in Manila and does not travel a foot, but he gets that pay. We ought to eliminate all travel pay when no travel takes place.

And again—

The real object of this bill is economy, and there is no one more anxious than I am to cut down the present extravagance [p. 66].

And again, speaking of the present system of reenlistment under a five-year period instead of three years, Gen. Wood said:

You can imagine the size of the pension list, the size of the retired list, and the inefficiency of this veteran organization. They would be splendid for park police, but for active military duty they would not be worth their salt [p. 66].

Now, it will be seen by Gen. Wood's own statements, he not only considers the system at present in vogue extravagant beyond degree, but he says that if we keep up a veteran organization—that is, if we continue to allow men to reenlist, and especially under a five-year period—this veteran organization would not be worth their salt. I do not believe that Gen. Wood is correct about this. I am sure that the present system is extravagant, as he says, and this bill seeks to make it economical; but I disagree with Gen. Wood about the veteran organization being worthless, and I believe that I can prove it by Gen. Wood's own language at the hearings. His remedy for this trouble is as follows:

In both the Militia and Regular Army we have got to come to a long enlistment, but with only a short term of service with the colors. For instance, supposing that we had an enlistment of 10 years, of which 3 years are active years with the colors and 7 years are years of obligation—obligation only to come to the colors in time of war and during the 7 years to come to two or three maneuver periods of 8 days each [p. 62].

And again, to further describe his proposed system:

The men are regularly enlisted, and they have taken an oath to come in in time of war. They would be required to keep The Adjutant General of the Army informed as to their addresses. As a return you pay them whatever you think is proper. I should say \$1.50 or \$2 a month. They make a monthly report or quarterly report of their addresses. They are given entire freedom of travel, etc. It is a system which pertains, so far as following the men up, in practically all the foreign armies. You would have the United States marshals, or any other officials you might designate, furnished with a list of available men who are under obligation to render military service in their district [p. 63].

And again:

We keep the noncommissioned officers, artificers, and the higher class of privates, and that is about 25 per cent. It would be a great misfortune if we should reenlist every man [p. 66].

The statement has been made on the floor of this House during this debate that by departmental orders reenlistments have been discouraged by the War Department.

Now, Mr. Chairman, what is the gist of argument of the Chief of Staff on this question? It is that if men are kept in the Army by reenlistment they are not worth their salt, except the noncommissioned officers and a few privates. But if this other worthless 75 per cent is given only a three years' training in the Army and then turned out among the body of people with the duty to come back to three maneuvers of eight days each in seven years, then they become a splendidly organized fighting force. In other words, his position is that if you keep this 75 per cent in the Army and train them and season them they are not worth their salt; but if you turn them out on the body of the people, where they may engage in other pursuits of life, where they may change their relationship in life, such as getting married, becoming the fathers of families, becoming interested in other greater or less affairs of civil life, and where they soon forget their training, that they become thereby a great fighting force simply by attending a maneuver about every two years. We on this side of the Chamber say that this is not decent nonsense.

Mr. AMES. Will my colleague permit an interruption?

Mr. McKellar. Will the gentleman kindly not interrupt now? I have such a little time. Mr. Chairman, I do not know how that is, and I do not know that this committee had to go to the War Department to bring in a bill for a reform of an army that the Chief of Staff solemnly states is most extravagant and that 75 per cent of the soldiers of that army are inefficient. And I hope the time will never come when men who come here by the suffrages of the people have to go to a depart-

ment before they can bring in a bill for the reform of a department of the Government. [Applause on the Democratic side.]

In this connection I desire to say that I have heard it stated on this floor a number of times during the debate on this bill that our committee did not get the permission, if I may so call it, of the War Department to bring in this bill—that we would not advise with the War Department before bringing in this bill. Why, Mr. Chairman, that may or may not be true. As a matter of fact, this committee did advise with the leading officers of the Army before reporting this bill; but it is said that the War Department is about to perfect a plan for reorganization of the Army and that we ought to have waited for such a plan, they being experienced in the matter. Why, Mr. Chairman, this bill was introduced almost a year ago. The Chief of Staff came before the committee and heartily indorsed many of the features of the bill, notably the creation of the supply department and the consolidation of other great departments of the Army, and indorsed them fully. The department had all the time since to introduce a plan of reorganization, and yet no plan has been introduced, and the nearest that we have to it is the so-called plan for the creation of an Army reserve—that is to say, that soldiers shall not be allowed to reenlist, that the term shall be kept at three years and a reserve created.

Where is that plan? The present system has been in vogue for 11 years. The Chief of Staff or the War Department have not brought in any plan yet. Our distinguished chairman introduced this bill last summer or last spring, I believe it was, and they have had all that time. You gentlemen have had that time to bring a plan to reorganize the Army; have you done it? The only semblance of it is the reserve arrangement that has been suggested by Gen. Wood, and to which I have just referred.

Mr. BURKE of Pennsylvania. Will the gentleman give the reference to that, please, while he is passing from it?

Mr. McKELLAR. I will pass the statement over to the gentleman.

In two-thirds of the time during our national history we have had a five-year enlistment period. Shortly after the Republican Party went into power (1861) they established a five-year period of enlistment, and it was maintained with a few short exceptions until 1894, when a Democratic administration changed it to three years, and thus it has remained ever since.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to proceed—

The CHAIRMAN. The gentleman will have to secure that permission from the gentleman in charge of the time.

Mr. McKELLAR. Mr. Chairman, the gentleman is very kind, but I do not feel I ought to trespass upon the program which has been made, and I will ask unanimous consent to conclude my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of Pennsylvania. Mr. Chairman, is not there a general order made in reference to this entire bill? I understand so.

The CHAIRMAN. The Chair is not informed. The Chair is informed at the desk that no such order as that has been made.

Mr. BURKE of Pennsylvania. I think the order was made at the request of the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Chairman, that order was made in the House.

The CHAIRMAN. The Chair was not informed.

Mr. McKELLAR. Before the hearings a great many Army officers appeared, and in addition to that the chairman of our committee got the opinion of 277 officers outside of the city of Washington, with the result that over two-thirds of those officers were in favor of the five-year enlistment period. These officers had served under both terms of enlistment, and Gen. Wood, when he appeared before the committee, was asked by the chairman:

Do you know of any officer of long service, who has served both under the five-year system and the three-year system, who prefers the three-year system to the five-year system?

Gen. Wood. I know a good many officers who have been in the service since before the Spanish War—yes; there is not an officer in the General Staff with whom I have spoken who is not in favor of the short period.

The CHAIRMAN. I am speaking of officers outside of the staff.

Gen. Wood. As to the older officers I do not know. I have spoken with few of them (p. 60).

A large majority of the officers that the chairman made inquiries of also stated that it would be just as easy to recruit under the five-year enlistment as under the three-year period. Now, it is true what Gen. Wood says, that a good soldier can be made within 12 months and a good Cavalry officer within 15 months (p. 59).

But it will be seen from an examination of the replies of the 277 officers from whom inquiries were made that they who have

had actual experience in recruiting and serving with the men in the field, two-thirds of these Army officers say that it would take from two to three years to make a good soldier. Now, Mr. Chairman, is it possible that as soon as you get men trained and fit for service in the Army that it is a good policy to discharge them? Why have any organized Army at all if that reasoning is correct? Why not simply have schools for the training of officers and men established in various parts of the country with a three-year course and do away with the expensive military establishment we now have? If privates become better soldiers by disuse and by following other avocations, why would not the same rule apply to officers? If old soldiers who are in the service every day are not worth their salt, how much are old soldiers who are in the reserve, with a maneuver every two years, worth? But Gen. Wood says that there is no more difficult situation in the Army than a company filled with old soldiers (p. 66).

Is it possible that advancing years only come to those serving in the Army? Is time blocked and the clock set back when an ex-soldier gets into Gen. Wood's reserve? Of course, should these reserves ever be called upon to serve in time of war all of them would at once become young and Gen. Wood would not have the difficult situation of old reserves to deal with. Gen. Wood says that wars are mostly fought with young men. Then why have a reserve, the greater portion of which must necessarily soon be old? So that we find the proposal of the Chief of Staff, which calls for an enlistment of three years, 75 per cent of the men not to reenlist, but to go out in the body of the people, is a chimerical proposition. Once turn them loose and allow them to go in other walks of life we would have more difficulty in getting them back than we do now in getting new recruits. They would so lose the benefit of their former training and would be very little, if any, better than the new recruit. If they had become old, and with all due deference to the Chief of Staff, men can become old whether they serve in the Army or whether they serve as a reserve, and if they have become old, then, in the words of the Chief of Staff, they are not worth their salt. On the other hand, take the five-year enlistment period. We can get under it recruits just as easily, according to the opinions expressed in the hearings. In the next place, we get two years of additional good service from the soldier after he is trained. In the next place, it saves the Government nearly \$2,225,000 per year. In the next place, it makes our Army, though small, an army of trained veterans, who can be called on at any time for any military service. If we want to spend more money in increasing the size and efficiency of the Army, let us build up our National Guards. In them we would get a higher class of men. We will get a younger set of men. We will get a more patriotic set of men than we would by creating a reserve out of ex-soldiers of the Army. It seems at first that our friends, including the War Department, were in favor of this reorganization bill; even my distinguished friend, Mr. KAHN, asked Gen. Wood some questions indicating that he thought at first that a five-year enlistment period was the better. The truth is, we all realize something should be done to build up the Army in efficiency and to economize in its cost, and I think in these views the gentlemen on the other side believe that in a way the legislative features of this bill will be in the right direction.

But it is said that we ought not to legislate in an appropriation bill. For my part I believe that we should. It is a condition and not a theory that presents itself to us. We all know that, the Senate being Republican and the Executive being Republican, we can not pass this bill unless it is included in the general appropriation bill, and I do not think that we ought to be too technical in the method by which so great a reform can be effected.

Mr. Chairman, it has been stated recently in the public prints that our friends on the other side charge us with striking down the Army and cutting off the Navy because we decline to build two more battleships, and because we decide to dispense with five regiments of Cavalry.

Mr. Chairman, already we have heard of the good effect of our action as to battleships. The great English statesman, Lloyd George, has already indicated a desire to follow our good example. In my judgment we have got the best fighting force on the seas to-day, though it is not the largest. In all our history we have never met a defeat. I am not one of those who believe that the present Navy is unable to meet any emergency to which it may be subjected. In the War of 1812, in the Civil War, in the War with Spain our fleets did all and more than was expected of them. Our Navy to-day is the pride of our national life. In my judgment we have got the best gunners on the sea, and I for one would not fear to put our Navy against any navy on the sea, for I believe whenever the test comes the matter of numbers will make no difference, but it will be the

valor, and the courage, and the marksmanship of the American seamen that will bring honor to the American flag wherever it floats. And now, as to the abolition of the five regiments of Cavalry: We have heard of the splendid cavalry charges that have been made on historic battle fields; but, Mr. Chairman, the world of warfare has progressed beyond the cavalry charge. There is doubtless no more useless implement of war than the sword and bayonet, and the horse, and the pistol. Whatever we think of the splendor of their achievements in the past, we must all bow to the more splendid achievements of science and genius in the manufacture of modern firearms. Why, there is no more sense in keeping up a large Cavalry force than there is in furnishing staves and rocks and slings for our Infantry. Instead of striking down the Army we are simply weeding out those things that are useless, those things that are extravagant, those things that are of no importance; and in the best way that this committee knows how we are seeking to upbuild the Army, so that in the years that are to come, if they are peaceful, no harm will be done; if we have war, then we will have the most improved machinery of destruction, the most up-to-date method of slaying our fellow men, that is known among mankind in civilized warfare. I say it does not speak well for the general of the Army who admits that the short term of enlistment alone costs in two items only the enormous sum of \$2,000,000 per year, without any benefit to the service, and who asserts that under the short term of enlistment 75 per cent of the soldiers become not worth their salt, and who, though he has had many years to correct the trouble, has developed or submitted no plan for its correction, and who has had since last May to formulate a bill of his own, but he has not done so—I say it does not speak well for him or anyone else in authority to talk about this bill striking down the Army. It is a good bill. It is constructive legislation of the most important type. It cuts off useless expenditure. It builds up the service. It is a forward movement in putting our Army on the same high plane with our splendid Navy, and it should pass for the good of the service and for cutting off the extravagance and drains pointed out by the Chief of Staff. [Loud applause.]

Mr. PRINCE. I now yield five minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I am opposed to the five-year enlistment, as provided for in this bill, and I am in favor of leaving it as it is, and I propose to support the amendment which has been offered for the three-year enlistment. Now, one thing seems to be pretty well settled during the course of this debate, and that is that the Army has been made for years a political football to advance the interests of statesmen in different parts of the United States. From the debate on the abolishment of Army posts when the department had recommended the abandonment of 41 posts, it was contended upon this floor that they ought to be maintained, or, rather, had been maintained, for the reason the political advantage of certain gentlemen would be enhanced. This was the logical deduction to be drawn from the arguments made. This is the true situation in regard to that important matter. The department recommended their abolishment, and it knew whether or not they were necessary or essential to the welfare of the country and the handling of the Army. Should this important department be made to suffer for the advancement of anyone's political fortunes? For one, I am opposed to use it for any such purpose.

The three-year enlistment provision was adopted, tried, and worked out satisfactorily, and now, for some reason, I know not why, it is proposed to change that term of enlistment to five years. It has been said in debate on this bill and on other appropriation bills that we ought to follow the advice of the heads of the department. Yet on this very question 85 per cent of the skilled men, the high officers in the military service, advise us to stand by the three-year enlistment and about 13 or 14 per cent advise us to change it to five years. Should we follow the advice of the many or shall we follow the advice of the few? It is merely a disorganization instead of completing an organization. Why should we have the three years? To encourage the patriotism of the country. The Standing Army is not alone able to defend the country; it is only the nucleus for the formation of a great army; and if war, either from within or without, should come, you would get the defense of the Union from the volunteers from the civil walks of life.

Let these men who have served three years—as many of the men from the farm, from the shop, from the store, and from the factory would like to enlist—serve three years and retire to their private employment, and whenever an attack should come, either from within or without, as heretofore you would find them organizing volunteers for the defense of the Union, and the great number who would take up the defense would be made up from volunteers from civil life. To my right

sits one of the gallant generals of a great war, the gentleman from Ohio [Mr. SHERWOOD]. When the necessity came for his services to his country he volunteered and did not go into the service from a military school. So it is these young men, who had seen service, who in time of war, if war should break out, would organize the volunteers at the earliest date possible for the defense of the Union. [Applause.] But if you make the enlistment five years, very many of the young men who would enlist for three years would not enlist for five, and the country would be denied their service. Then, in case of war, the people would be deprived of their experience.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. PRINCE. Mr. Chairman, I now yield five minutes to the gentleman from New Mexico [Mr. CURRY].

Mr. CURRY. Mr. Chairman, I will not occupy all the time that has been allowed to me by the gentleman from Illinois [Mr. PRINCE], but I want to speak to this committee as one of its members who has had some experience in military affairs. From early childhood I have been associated with the Army of the United States, and for more than two years and a half served as a commissioned officer in that Army. Part of the time I served as a recruiting officer. I want to say to my colleagues in this House that if you adopt the amendment of the gentleman from Virginia [Mr. HAY] and require a five-years' enlistment you will have to look to foreigners to fill up the United States Army in the future. You will not have the patriotic young Americans who will go into the service for five years that will now go in for three years. As far as I am concerned, I believe three years is too long an enlistment, and that the term of enlistment should be only two years. Then we would have the best of American citizenship in the Army, and if they would not reenlist they could go back home, be good citizens, join our National Guard, and serve as a reserve force in time of war.

Mr. Chairman, this subject has been handled by members of the Committee on Military Affairs on both sides who are much better informed on the bill than I am, but I simply appeal to the members of this committee to lay aside any prejudice they may have and vote for the best interests of the Army of the United States and citizens of this country and defeat the amendment offered by the gentleman from Virginia [Mr. HAY] by leaving the term of enlistment three years as it is now. I thank you. [Applause.]

I yield back the balance of my time.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, it seems to me that the gentlemen in the House who are not members of the Military Committee will not care very much for our individual opinions on this subject, but would like to know the main points in the evidence upon which this bill has been framed.

I wish, therefore, in a very few moments to call attention to the evidence given by Gen. Wood in favor of the short enlistment and the evidence of Gen. Ainsworth in favor of the longer enlistment. I will not give you my conclusion, but I will give you the actual testimony. I will read from page 129 of the hearings. I ask the gentlemen on this side of the House who seem to have some doubt on this subject to listen to the record.

In discussing the short enlistment, Gen. Wood said:

It is, perhaps, the most expensive form of military establishment which we could maintain.

The most expensive form is the short enlistment. Is not this truly the military standpoint, that it makes no difference what the system costs, none whatever, because they admit that the short system is the most expensive that we could have?

Then, turning to what Gen. Ainsworth says on the other side of the question, I call your attention to a colloquy in which I had the honor to take part. Gen. Ainsworth said (p. 159):

The result of shortening our term of enlistment or of keeping it as now fixed by law, but with the adoption of a prohibition against the re-enlistment of privates, would result in filling the Army largely with immature young men of short service to the exclusion in great measure of the mature, seasoned, experienced, and capable private soldier of two or more enlistments that most, if not all, experienced company commanders are so solicitous to obtain and retain, and that has proven so valuable to the Army in a thousand difficult or dangerous situations in the past. This exchange of mature and seasoned soldiers of relatively long service for immature and unseasoned soldiers of short service and little experience could not fail to impair seriously the physical efficiency of the enlisted personnel of the Army.

And immediately afterwards he shows the results upon the health of officers and soldiers, untrained and inexperienced, who go to the Philippines. He says:

The following table shows very clearly, for a period of seven years and for the year 1900, the latest for which data are available, the great disparity between the older and younger soldiers in the matters

of losses from disease and of impairment of effectiveness by reason of disease:

Age of soldiers in relation to losses from disease for a period of 7 years.

[Total losses from disease per 1,000 strength.]

19 years and less.....	27.95
20 to 24 years.....	17.35
25 to 29 years.....	15.09
30 to 34 years.....	14.42
35 to 39 years.....	14.64
40 to 44 years.....	24.11
45 to 49 years.....	26.23

In other words, the more trained, the more mature, and the older the soldiers are that you send to the Philippines the less proportion die of disease. It is merely a question of humanity, and for that reason, if for nothing else, you should not send untrained soldiers to the Philippines.

Now, what is the main argument? The main argument is this: That it takes eight months of travel to and from the Philippines, four months going and four months coming, and two years must be spent in the Philippines, because our service in the Army is two years in the tropical countries, and if you take a man who enlists for three years, and he has got to go to the Philippines, in order that he may get back within his three-year enlistment period he must do it while he is a young and immature soldier, with the percentages of disease to which he may be liable, and to which I have referred, staring him in the face. On the other hand, if you have a five-year enlistment, you can send a man over to the Philippines who has had two years of previous training and is therefore less liable to disease.

If you do not do this, what is the alternative? You train a soldier here for six months and send him to the Philippines and then discharge him and pay his expenses back. It is in avoiding that that the saving comes in. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. CRUMPACKER].

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for 10 minutes.

Mr. CRUMPACKER. Mr. Chairman, one of the most reprehensible practices of lawmaking is the incorporation of important legislative provisions in a general appropriation bill. For many years that method of procedure was strictly prohibited by the rules of the House, but this Congress has so changed the rules that the most important legislative provisions may be included in a general supply bill if there appears on the face of the provision a reduction of public expenses, however trifling. The great supply bills must be enacted every year or the vital functions of the Government will be arrested. Wise legislative procedure would keep out of appropriation bills everything except provisions for carrying on the operations of the Government. General measures should be separately considered and decided on their merits. In the present instance the bill contains important and elaborate legislative provisions, radically affecting the very character of the standing Army, and by every consideration of safe and orderly procedure those provisions should have been reported and considered apart from the appropriation bill. They are opposed by the President, the Secretary of War, the Chief of Staff of the Army, and by others whose positions make them primarily responsible for the administration and discipline of the Army.

If this bill should pass both Houses of Congress and go to the President for approval or disapproval, he could not disapprove the objectionable features of the bill without vetoing the entire measure, and however unwise or obnoxious these features might appear to him he could not veto them without disbanding the entire Army. The committee that reported the pending bill could have submitted the legislative provisions independently, so they could have been considered and determined upon their own merits. It is a safe assumption that when such important matters of legislation are embodied in a general appropriation bill, standing alone they do not possess sufficient virtue to command the support of Congress. Many Members of this body are opposed to those provisions, but they will not be free to vote against them on the final passage of the bill, because they can not do so without voting against the entire bill, and provision must be made for the support and maintenance of the Army. Whatever merit the change in the House rules authorizing such legislation on appropriation bills may possess it is more than offset by the reprehensible method of tacking provisions of questionable merit on those bills. I warn the House and the country that discredit and scandal are the inevitable result of such procedure.

This pending amendment proposes to change the term of enlistment for Regular Army soldiers from three to five years. That change is proposed against the objections and over the protest of the officers of the Government who are responsible for the efficiency of the Army. I have carefully read the

elaborate report of the committee accompanying this bill and have failed to find any substantial reason to justify the proposed change. The report seems to make Gen. Wood, the Chief of Staff, the target for shafts of sarcasm and ridicule because of his objection to the change, and yet the experience of the Government ever since its organization has been in accord with his grounds of objection. It is much more difficult to secure enlistments of young men in the Regular Army under a five-year period of service than it is under a three-year period. Furthermore, a better class of soldiers can be secured for a three-year term than for a five-year term. Many young men are willing to enlist for three years for the discipline and experience it would afford them, but who would not withdraw themselves from civil pursuits for a term of five years. The term of enlistment in the Regular Army was originally fixed at three years, and since then it has been changed to five years and back to three years nine different times.

Until 1901 the maximum strength of the Regular Army was 25,000, and yet it was difficult to keep it recruited up to that standard under five-year enlistments. The last period of the five-year term began in 1869, and the difficulty of securing volunteers was so serious that the Government was compelled to provide in the contract of enlistment a condition under which every volunteer soldier could practically procure a discharge from the Army at the end of three years' service by simply requesting it. In 1894 Congress, in view of the experience of the Government under the five-year term, provided that all enlistments should be for three years only, and that is the law now.

Mr. KAHN. Will the gentleman yield?

Mr. CRUMPACKER. I will yield for a question.

Mr. KAHN. I think the gentleman ought to be apprised of the exact condition. Up to 1890 the enlistment was for a five-year period flat. Then it was changed, because of the large number of desertions, to a three-year period with the option of continuing for two years if the soldier desired to do so, and then in 1894 the law was changed so as to make it three years flat. But from 1868 to 1890 it was five years.

Mr. CRUMPACKER. My understanding of the reasons that resulted in the change and the inclusion of the option during the last two years of withdrawing from the Army was largely because of the difficulty of securing enlistments in the first place. Almost every Army officer from whom I have heard upon the question of enlistments, or upon the question of desertions, has seemed to be of the opinion that the desertions occurred principally during the first year of service.

Mr. KAHN. True.

Mr. CRUMPACKER. Since 1894 the term has been three years, and that is the law to-day. I can not discover any adequate reason for its change, particularly against the objections and over the protests of those who carry the responsibilities for the administration and discipline of the Army.

The Secretary of War now recommends a three-year term of active service without reenlistment, except as to noncommissioned officers, with the condition that volunteers should be subject to the call of the Government in time of war for an additional period of four or six years. The purpose of that plan is to create a reserve of trained and disciplined citizen soldiers who would be available for military service in the exigency of war, but who, in the meantime would be undisturbed in civil pursuits. That recommendation has many commendable features and it is certainly worthy of thoughtful consideration. It would be a rare occurrence for a young man, who desired to serve in the Regular Army for three years, to be deterred from enlistment by the condition that he would be subject to call in defense of the country at any time during an additional period of four years if the Government should be involved in war. In the first place, the probability of war is so remote as to be a negligible consideration; and, in the second place, the average citizen who has had military training would willingly respond to the country's call for aid when its honor and prestige were at stake.

The report of the committee treats the Secretary's recommendation as utterly impracticable and altogether visionary. It is based chiefly upon the opinions of line officers and particularly "company commanders" in opposition to the reserve plan. Good Army officers are apt to be influenced more or less by an unconscious professional bias in their opinions about matters of public defense. They are most likely to view the situation from a professional standpoint and not from that of the general public. They keep in view the efficiency of the Regular Army as a fighting machine. On the other hand the recommendation of the Secretary of War involves the broad policy of the efficiency of the Army and the auxiliary resources for the public defense in the exigencies of war. This is the

view, not of the professional soldier alone, but of both the soldier and the statesman.

Long service in the standing Army may increase discipline, improve the appearance of the Army on dress parade, and possibly add to its efficiency individually and collectively in some measure, and it would doubtless minimize the cares and responsibilities of commanding officers correspondingly. Whether it would develop the character and efficiency of the officers as would the three years' service without reenlistment may be seriously questioned. At any rate, it has no consideration for the public defense outside of the regular establishment, and it is known by all that in any serious conflict the Regular Army would be utterly inadequate for successful offense or defense. Dependence must be placed upon other resources in case of war, and the great question confronting the Government is whether it should rely chiefly upon untrained volunteers to fight its battles or provide as far as is practicable and with as little expense as possible for a thoroughly disciplined reserve force, supplemented by volunteers. This is an important question and one that deserves careful thought and study. But that question is not directly an issue in this discussion. The only question now for consideration is whether the term of service in the Army shall be five years or remain as it now is. Every consideration of public policy seems to favor the three-year term.

Other provisions of equal importance are carried in the bill, which I do not have time to discuss under the limitations of the debate, but I am not willing to support measures of so serious a character over the objection of the President, the Secretary of War, and the Chief of Staff of the Army unless I am morally certain that they are wrong and the Committee on Military Affairs of the House is right. I am deeply impressed with the belief that those who are in a position to know the needs of the Army and the wants of the country have advised more wisely and safely than the committee has.

Mr. PRINCE. I now yield five minutes to my colleague on the committee, the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Chairman, in line with the suggestion made by my distinguished friend from Indiana [Mr. CRUMPACKER] I wish to say that aside from the vice which ordinarily attaches to this rule it is more pronounced by being invoked in this particular case than in any other instance I can cite in the history of this Congress.

There are three departments of the Government with reference to whose legislation I believe this rule should never be invoked, and those are the Departments of the State, War, and Navy. The veto power of the President of the United States should never be impaired in the least with reference to any legislation that affects the American Army, the American Navy, or our foreign affairs. In all these matters we should always present a united and undivided front.

What is the effect of this rule? If the President of the United States within 30 days finds before him a bill containing a vicious and destructive piece of legislation, either as an amendment coming from the committee or an original provision in the bill, his veto power is seriously handicapped, if not practically destroyed, for the reason that if he exercises it he strikes down the entire appropriation for the American Army for the fiscal year to which it pertains.

In fact, Mr. Chairman, the effect of the veto of this bill by the President of the United States will be practically to wipe out our military establishment for a period of 12 months. If gentlemen on the other side of the House regard this as a wise rule, as a "beneficent" rule, as was stated by the Chairman of the Committee of the Whole a few days ago, they can see it in a light that I have never been able to view it in.

I believe that if there is any general provision changing present conditions in the Army, that provision should be introduced into the House, discussed before the committee in the form of a special bill, in reference to which every member of the committee can exercise the right to vote for it or against it on the floor, and in reference to which the President of the United States can exercise his unimpeded and unimpaired right to veto when it reaches him as the head of the Nation.

He should in this case be treated, not as the head of an adverse political party, not only as the President of the United States, but should be treated in this instance as Commander in Chief of the Army of the United States, and when he puts his pen to this legislation, or withholds his signature, he is acting in a double capacity, as Chief Executive of the Nation and as Commander in Chief of the Army. He should not be compelled to attach his signature to the bill containing an unwise provision, a vicious piece of legislation, in order that the United States Army for a period of 12 months may have food to sustain it and clothing to protect it against the elements.

And yet, Mr. Chairman, that is precisely the condition that the legislation now proposed would place the President in the

event of the passage of this amendment. There is no man in public service who has a higher regard for the characteristics and services of the distinguished gentleman from Virginia who fathers this legislation than I. I do not believe that down deep in the heart of any man, however, there exists a strong feeling as to the necessity of the passage of this amendment, and I hope that when the time comes for a roll call in this House, which I presume will be demanded by some member of the committee, and if not by another, I will demand it myself, that in the wisdom of the House this particular feature of this bill will be defeated. [Applause.]

Mr. HAY. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, I have no purpose at this time of using 15 minutes in this debate. I believe that one-half of that time will be sufficient. I am constrained, Mr. Chairman, to support the amendment offered by the gentleman from Virginia, the chairman of the committee, for the reason that it is in the interest of economy. The choice is offered to this committee to indorse a saving of \$2,000,000 by the United States Government or reject a proposition to save \$2,000,000 or more than \$2,000,000 of the people's money.

I have no doubt but that each of us have made protestations to the people that the expenses of this Government are enormous. It is common talk throughout the United States that the annual cost of maintaining a United States soldier on the soil of the United States, the average annual cost for each member of the Army, is \$1,000, a much higher income than the average citizen earns. It is further said that the average cost of maintaining a member of the United States Army in the Philippine Islands is not \$1,000, but \$2,000 annually.

Mr. PRINCE. Will the gentleman yield?

Mr. TAGGART. Certainly.

Mr. PRINCE. What does the gentleman include in the estimate of \$1,000 for a soldier?

Mr. TAGGART. I include the entire cost of the Army as a whole.

Mr. PRINCE. If it cost \$100,000,000 for the military establishment and there were 100,000 soldiers, that would be \$1,000. The gentleman divides the sum total by the number of men?

Mr. TAGGART. Yes, sir.

Mr. PRINCE. He does not take into account the expense of the military establishment with reference to river and harbor improvement?

Mr. TAGGART. That is not included.

Mr. PRINCE. The officers in charge of river and harbor construction?

Mr. TAGGART. Their pay may be included, but there are only a few of them.

Mr. PRINCE. The gentleman includes the upkeep of fortifications and barracks and quarters as part of the expense of that soldier?

Mr. TAGGART. It does include the upkeep of barracks and quarters as a part of the individual maintenance of the soldier.

Mr. PRINCE. Does the gentleman know how much it costs the Government for each soldier per day to feed him?

Mr. TAGGART. Mr. Chairman, I have read the estimates and the reports upon that matter, and I say it now costs about 23 cents a day.

Mr. PRINCE. Does the gentleman know of any family or anybody who is as well fed and taken care of for 23 cents a day as is the soldier who is taken care of by the United States Government?

Mr. TAGGART. I must submit that I do not know of any family that can live at the rate of 23 cents per day, and I am astonished to discover that the able-bodied men of the United States service can be maintained at that rate. It all goes to argue that somebody is gouged somewhere in the matter of the high cost of living in the United States.

Mr. PRINCE. If the gentleman will permit the suggestion, then Uncle Sam is not gouged in the care and keep of the soldiers, so far as their provisions are concerned.

Mr. TAGGART. It is plainly evident that he is not.

Mr. PRINCE. Then, would it not be well for the gentleman to tell all of the facts?

Mr. MURRAY. Mr. Chairman, may I suggest, as to the 23 cents a day that it may cost Uncle Sam to feed the soldiers, that that is hardly a fair statement, because in almost every company in the United States Army there is a system of voluntary contributions from each individual soldier to what is known as the company fund, with which company fund some of the "luxuries" of life, as they are known in the Army, but the "necessities" of life, as known in everyday life, are purchased by the quartermaster sergeant or some officer of the company. I would like to make this suggestion to the gentleman from

Illinois as a fact that he probably knows, and I ask him whether or not it is the fact that this practice exists?

Mr. PRINCE. Mr. Chairman, I think the gentleman who now has the floor has stated it, because he has read what the commissary says upon that question.

Mr. MURRAY. I have not stated it for that reason, but because I was in the Army in 1898, and I know. That is the reason I state it.

Mr. PRINCE. I am talking of the gentleman who has the right to speak upon the floor, and he has truthfully answered my question.

Mr. TAGGART. Mr. Chairman, just one moment—

The CHAIRMAN. All of this time comes out of the time of the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, I am happy to pay the compliment to each of these gentlemen that they seem to come from Kansas. I was about to say, when this colloquy, extraneous to my observations and remarks, took place, and to which I was unhappily not a party, that the private soldier of the United States is the most thoroughly corporaled, sergeanted, lieutenant, captained, majored, colonel, and generaled man who has ever served under arms on the face of the earth. [Applause and laughter.]

For every two private soldiers in the Army there is one more man, and if there is anything doing, the private soldier is called upon to do it. The average cost of every man connected with the military organization of the United States, as I said, even when he stays at home, is at least \$1,000 a year. It is not my purpose to advocate anything here that would militate against the efficiency of the United States Army. No Member present will outrival me in my estimate and admiration of the personnel of the Army, of its spirit, and of its efficiency; but I take this occasion to call attention to the fact that it is a tremendous burden upon the American people. Ninety-two millions of dollars were expended in the past year for military purposes, and when we suggest a diminution of that amount, gentlemen will rise in their places and admit the fact and call attention to the fact that the defense of this Union does not lie in the Regular Army, but in the patriotism of the people as manifested by their disposition to volunteer in time of war. I have no quarrel with gentlemen who hold to that opinion. I believe in the patriotism of the American people. I believe that every heart would be a shield and every hill a fortress in case we should be attacked by any foreign power. But, Mr. Chairman, if that streak of silver sea only 22 miles wide, that Shakespeare so beautifully mentioned, has protected England from invasion since the year 1066, what will you say of the 3,000 miles of ocean that stretch between us and Europe or the wide expanse of the Pacific that separates us from the yellow peoples of the ancient kingdoms of the East? Why should we expend the money of the people if a volunteer force is our main reliance in time of war?

Mr. HELM. Mr. Chairman, will the gentleman yield for a statement in that connection?

Mr. TAGGART. Certainly.

Mr. HELM. Is the gentleman aware that since May 1, 1898, the military establishment has cost the Government of the United States \$1,459,385,838.71?

Mr. TAGGART. Mr. Chairman, I have not read those precise figures, but I presume there can be neither doubt nor question that that vast expenditure has been made within the period of 14 years.

As I was about to say, I agree with those gentlemen who say that the defense of this country does not exactly depend upon its Regular Army, but does depend upon the fact that at the call of the President a million young men, if necessary, are ready and willing and anxious to volunteer their service for its defense. Let us never forget our volunteer soldiers, and our national defense is already accomplished.

Perhaps Regular Army experts will say that they would not be efficient until they were thoroughly drilled and disciplined. That, however true it may be, does not detract from the argument and the fact that the American citizen is ready to volunteer to protect this Government. His willingness makes the argument conclusive. His patriotism without arms, his patriotism in daily life, the traditions of his fathers, the history of his country, the splendid achievements of the volunteer armies in the field 50 years ago prove to the world that we are without danger of invasion from any source. Therefore I can not but give my consent to any amendment that may be attached to this bill, within reason, that will diminish the heavy burden borne by the American people on account of our Regular Army. Perhaps the President of the United States will be embarrassed. I hope not. I trust that no President of the United States will ever be embarrassed by saving \$2,000,000 of the people's money, and gentlemen who argue that this bill will

reach the President of the United States in its present form are at least ready to concede that there is another and more distinguished body than this that will give its consent to this amendment. It has been demonstrated and proven by some of the ablest men in the Army, in the hearings before this committee, that this economy can be practiced. It also follows as a mathematical proposition that if the efficiency of the soldier depends upon the length of his service the efficiency of the Army on a five-year enlistment plan will be as 5 is to 3 compared to what it is now. It is no use to argue that men were efficient on short notice in the volunteer service in the Civil War. War itself is the greatest disciplinarian of all. In time of war, when men volunteer, they are willing to submit to any kind of discipline for the purpose of fitting them for the service, but in time of peace, when the American citizen joins the Regular Army, he expects gentle treatment. He can not be manhandled and roughed into a soldier like the European conscript is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGGART. Mr. Chairman, I ask for one minute more in order to finish this sentence.

Mr. HAY. I yield to the gentleman one minute.

The CHAIRMAN. The gentleman from Kansas is recognized for one minute.

Mr. TAGGART. Mr. Chairman, if the American soldier was obliged to submit to the manhandling and the buffeting whereby the noncommissioned officer of the European armies, who acts like the big brother of the conscript, hammers a young man into a soldier in two years, we would not have any enlistments at all. We must resort to a gentler method whereby the military service grows upon the man and his sense of duty is refined into a subtle instinct whereby he becomes an efficient soldier, satisfied with his service, and able and willing to take care of himself under all conditions, and, above all things, to preserve and take care of his health under all circumstances. [Applause.]

Mr. HOBSON. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The point of no quorum is sustained. Manifestly there is not a quorum present, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Aiken, S. C.	Foss	Legare	Pray
Andrus	Foster, Vt.	Lewis	Richardson
Bartlett	George	Lindsay	Riordan
Berger	Gillette	Linthicum	Roberts, Mass.
Boehne	Goeke	Littleton	Robinson
Broussard	Goldfogle	Loud	Rothermel
Browning	Gould	McCall	Rouse
Burke, Wis.	Graham	McGillcuddy	Rucker, Colo.
Carlin	Greene, Mass.	McHenry	Sells
Cary	Griest	McLaughlin	Sheppard
Copley	Hamill	Maher	Sims
Cox, Ind.	Hammond	Malby	Slomp
Cravens	Hardwick	Matthews	Sloan
Curley	Hayes	Mays	Smith, J. M. C.
Dalzell	Hinds	Miller	Smith, Saml. W.
Danforth	Houston	Mondell	Smith, Cal.
Davidson	Hughes, Ga.	Moon, Pa.	Smith, N. Y.
De Forest	Hughes, W. Va.	Moon, Tenn.	Stanley
Dickson, Miss.	Jacoway	Morse, Wis.	Sulzer
Difenderfer	Kent	Moss, Ind.	Sweet
Dodds	Kinhead, N. J.	Oldfield	Switzer
Dwight	Kitchin	Palmer	Talcott, N. Y.
Evans	Knowland	Patten, N. Y.	Wedemeyer
Fairchild	Konop	Patton, Pa.	Weeks
Fields	Kopp	Payne	Whitacre
Finley	Korbly	Pepper	Wilson, Ill.
Fordney	Langham	Plumley	Young, Mich.
Fornes	Langley	Porter	
	Lee, Ga.	Powers	

So the committee rose; and the Speaker having resumed the chair, Mr. STEPMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that the House had under consideration the bill H. R. 18956, the Army appropriation bill, and finding itself without a quorum, he directed the roll to be called and reported a list of the absentees.

The SPEAKER. The Committee of the Whole House on the state of the Union finding itself without a quorum, the Chairman reports he caused the roll to be called, and that 277 gentlemen answered to their names—a quorum. The committee will resume its session.

The committee resumed its session.

Mr. PRINCE. Mr. Chairman, I now yield 15 minutes to my colleague, the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, to increase the term of enlistment from a three-year period to a five-year period, in my judgment, is retrogression and not progress. At the present time the General Staff of the Army is engaged in preparing a plan for the entire reorganization of the fighting force of the Army. We have been told that that plan will be submitted to Congress during the present session. We feel that the House can well afford to wait a few months before enacting this legislation, in order that we may receive the benefit of the experience

of the officers of the Army who have devoted and are devoting much attention to this important question. True, the General Staff will probably advocate a reserve. In some quarters there is opposition to a reserve. It is stated that our country is so large that it will be impracticable to organize one, and yet experience has shown that no country can hope to be successful in a war with a first-rate power unless it has a large reserve to supplement the regular military force of the nation.

We have had experience in this country with a five-year enlistment period and also with a three-year enlistment period.

After 1868 the enlistment period was five years, and it continued to be five years until 1890. And what was the result during that time? I have here a table which shows how the enlisted men deserted in such numbers that the highest officers of the Army repeatedly asked Congress to reduce the term of enlistment from the five-year period to a three-year period. In 1885, 8.41 per cent of the enlisted force of the Army deserted, and our Army at that time was composed of an enlisted force of only 25,000 men. And yet practically 8½ per cent of that number deserted in that year. In the year 1886, 6.45 per cent deserted; in 1887, 6.84 per cent deserted; in 1888, 7.46 per cent deserted; in 1889, 8.13 per cent deserted; in 1890, the law was changed and, although but a few months elapsed between the date of the enactment and the close of the fiscal year, the desertions immediately dropped to 6.94 per cent. The act of 1890 made it optional whether the soldier should serve five years or whether he would take his discharge at the end of three years. Large numbers of soldiers immediately took advantage of the change in the law and the desertions fell at once from 8.13 per cent in 1889, to 6.94 per cent in 1890, and to 4.33 per cent in 1891. So that the desertions were reduced almost 50 per cent during the first year of the change in the law; and they continued to decrease under the three-year enlistment period, so that by 1892 there were only 3.95 per cent who deserted; in 1893, 4.83 per cent; in 1894, 3.14 per cent; in 1895, 3.42 per cent; in 1896, 4.01 per cent; in 1897, 3.12 per cent. So it continued until after the Spanish-American War.

During that war the Army was increased. There were 200,000 volunteers mustered into the service of the United States. Many of them were enlisted simply for the term of the war, and after the war was over the desertions increased, because large numbers of these volunteers felt that they had performed their duty to the country and that the war being over they were entitled to go home; and they did go home. The number of desertions, however, after 1903 began to decrease again. In 1908 the Congress raised the pay of the enlisted force, and especially of the noncommissioned officers, and since then the decrease in the number of desertions has been very marked, and last year only 3.12 per cent of the Army deserted.

Judging from past experience, I feel satisfied that if we go back to a five-year-enlistment period the number of desertions will again increase. The Adjutant General of the Army has well said, the military crime of desertion is one that should be severely punished.

Mr. AMES. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Massachusetts?

Mr. KAHN. Certainly.

Mr. AMES. Is it not a fact that many of the officers who appeared before the Military Committee advocating the five-year enlistment, or some of them, have never served with troops?

Mr. KAHN. Yes.

Mr. HAY. And also some who were in favor of the three-year enlistment never served with troops?

Mr. KAHN. I do not recall any who favored a three-year enlistment who had never served with troops. But the officers who appeared before the Military Committee were largely staff officers who, if they had service with troops at all, had that service years and years ago. They have not been in touch with the troops in recent years and consequently do not know what the enlisted men of the Army want.

Now, the recruiting officers, Col. Murray, Maj. Dugan, and Maj. Kenley, who appeared before the committee, all thought it would be as easy to enlist a man for five years as it would be to enlist him for three years. Possibly that may be so. I do not know. But this is the result of experience—that under a five-year term of enlistment the soldier, if he find he is unfitted for the service, or if he find he has made a mistake, deserts, whereas under the three-year term of enlistment he is willing to stay until he gets an honorable discharge.

Mr. HELM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Kentucky?

Mr. KAHN. Certainly.

Mr. HELM. Are there not three things that have induced desertions? Is there not a more drastic punishment inflicted

now than was ever inflicted before? And is not a large reward offered for the arrest of a deserter? And is it not a fact that that law has never been enforced so vigorously as now?

Mr. KAHN. Oh, Mr. Chairman, the law as to the apprehension and conviction of deserters has been in existence for years. But the fact remains that under the five-year term of enlistment the soldiers deserted to the extent of 8.41 per cent, while under the three-year term of enlistment a much smaller percentage deserted.

Mr. HELM. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Kentucky?

Mr. KAHN. I must decline to yield further.

Mr. Chairman, the majority of the committee say they sent out 400 letters to general officers of the Army to endeavor to find out what the sentiment is in regard to the five-year and three-year terms of enlistment. They received replies from 277 of these officers. What became of the other 123? I do not know. I never saw a reply from a single officer, and I do not think any other member of the minority saw a single reply which purported to have been received from any one of these general officers, who were referred to by the chairman of the committee in his remarks the other day as favoring the longer enlistment period. These general officers hold rank from major to colonel. They are not in touch with the enlisted men. The captain of the company, the lieutenants of the company, the noncommissioned officers of the company are the men who are in direct touch with the enlisted men. They know the sentiment of the enlisted men, and when the General Staff sent out letters to the various officers in the service schools of this country—and many of the officers attending these schools are in the lower grades and close to the enlisted men—87½ per cent of those officers declared in favor of a three-year term of enlistment as against the five-year term. There are 4,000 or more officers in the Army of the United States, and only 182 of them, according to the majority of the committee, declared in favor of the five-year term of enlistment. Thousands have not been heard from at all. In personal interviews that I have had with many of the officers they have nearly all declared in favor of a three-year term of enlistment.

My colleague on the committee, Mr. TILSON, went to San Antonio during the mobilization of our troops on the Mexican border. He interviewed all the officers of one brigade, 98 officers, and of those 98 officers, only 14 declared in favor of a five-year term of enlistment. All the other officers favored a three-year term of enlistment. That gives you an idea of the real sentiment in the Army upon this question.

Now, these three recruiting officers, Col. Murray and Maj. Dugan and Kenley, who, I believe, were practically the only officers who were not doing staff duty that appeared before the committee, testified that a five-year term—

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I would like to have my time extended 10 minutes.

Mr. PRINCE. Mr. Chairman, I yield to my colleague 10 minutes more.

The CHAIRMAN. The gentleman from California is recognized for 10 minutes more.

Mr. KAHN. As against these three officers who favored the five-year term, take such officers as Gen. O. O. Howard, Gen. John M. Schofield, Gen. Nelson A. Miles, Gen. R. C. Drum, Gen. J. C. Kelton, and Gen. George Crook, and to whom would you give the weight of authority?

Why, these officers whom I have named occupied a position in the American Army which endeared them to the hearts of their countrymen. They performed distinguished service upon many a battle field. They had gone through a great war. They had been in direct touch with the enlisted men of the United States Army, and every one of them recommended a reduction of the term of enlistment from five to three years. Let me again point out what they and several Secretaries of War recommended to Congress in the way of cutting down the enlistment period from five to three years.

Robert T. Lincoln, Secretary of War, in his report for 1884, says:

The Adjutant General * * * also suggests the propriety, as a means of decreasing the number of desertions, of a diminution of the term of service from five to three years, believing that there would thus be eliminated a great source of discontent on the part of men whose lack of aptitude for the service makes them dissatisfied and desperate in contemplating the length of the present contract of enlistment entered into by them.

Maj. Gen. J. M. Schofield, commanding the Division of the Missouri, in his report, dated October 9, 1885, says:

In my opinion it would be wise to reduce the term of first enlistment to three years and that of reenlistment to one year. The former would greatly reduce the number of desertions and the latter would tend to secure the continuous service of old soldiers.

Maj. Gen. O. O. Howard, commanding Department of the Pacific, in his report, dated September 17, 1886, says:

Under the present system of general recruiting the five years' term of enlistment, and with the present ration too small and ill cooked, it is doubtful if the average of desertions from the Army will ever be much reduced. * * * A reduction of the term of enlistment or a system granting discharges under proper restrictions would quickly lessen the number of desertions.

Maj. Gen. O. O. Howard, in his report for 1887, says:

I am still strongly of the opinion that a shorter first enlistment would be beneficial, making less desertions, and enabling recruiting officers to secure a larger proportion than now of good, reliable men.

Brig. Gen. Nelson A. Miles, in his report for 1887, says:

In this connection, I renew the recommendation made by me two years ago that the enlistment be for three years instead of five, and reenlistment of good soldiers in the same troop, company, regiment, or department for one year.

Redfield Proctor, Secretary of War, after an exhaustive discussion of the causes of desertion and the recommendations as to the remedies which lie with Congress, in his report for 1889, says:

Other points which are strongly recommended by many prominent officers and which have much to commend them, are:

(1) Authorize enlistments for three years only. If a man has not the elements of a soldier, or is himself dissatisfied with the service, it is better to release him within a reasonable time.

(2) For the same reason, give the soldier in time of peace the privilege of purchasing his discharge under well-defined regulations.

(3) Retain some part of the soldier's pay, which he forfeits by desertion, but which otherwise would augment his savings at the time of his discharge.

These suggestions are aimed at removing the causes of desertion, which is the true principle for any legislation; but with the best laws and the best administration, there is a certain class of men who will desert unless restrained by a system of punishment effectively administered.

Brig. Gen. Nelson A. Miles, in his report for 1889, says:

I would renew my recommendations made four years ago, namely, that enlistment be for three years instead of five, and that worthy men be authorized to reenlist in the departments in which they are serving for one year.

And as against the recommendations of these distinguished chiefs of the War Department and officers of high rank in the Army of our country, the majority of the committee has set up the opinion of Col. Murray, Maj. Dugan, and Maj. Kenly, of the recruiting service.

Mr. Chairman, the other day the committee reduced the Cavalry force of this country by five regiments. At that time considerable reference was made to a report of a well-known Army officer, and one short paragraph of his report was read.

I read from the Reports of Military Observers Attached to the Armies in Manchuria During the Russo-Japanese War. I think my friend from Texas [Mr. BURLISON] read this paragraph of that report:

Gen. Kuropatkin, I have heard, came to regret that he had brought out so much cavalry, burdening the railroad with its transportation and adding to the difficulties of supply. If, for example, he had been content with half as much cavalry, say, 12,000, he could have had 30,000 or 40,000 more infantry.

But my friend from Texas forgot to read this portion of the report:

Of course, when belligerent nations possess a common land frontier it is most important for either to have a preponderance of cavalry to cover the mobilization of its armies. In the case of our own country such importance would attach to cavalry in wars with Mexico or Great Britain.

And what is the condition that confronts us to-day? We may have to send our troops to the Mexican border again, and if we do 15 régiments of Cavalry will be none too many.

But while these gentlemen on the other side were lauding this officer for his brief reference to the Russian cavalry force in Manchuria they forgot to read what he said with regard to the necessity for reserves. Oh, yes; they conveniently forgot to mention that. The General Staff is now working upon that very question of a reserve force. This officer who made this report is an exceptionally able officer. He is the engineer commissioner of the District of Columbia. He was Capt. William V. Judson when he was with the Russian army observing the maneuvers in Manchuria during the Russo-Japanese war, and he is now Maj. Judson, of the Engineer Corps. This is what he said about reserves at the time he made this report:

Another lesson concerns the reserves of trained men that must be poured into organizations at the front if in war early disasters are to be repaired or initial successes followed up. Alone of the great nations, if recent reports from China be correct, the United States possesses no reserves of this character, although many minor nations have provided for them.

If we should ever have to land troops in Argentina or Chile, we should, I doubt not, be very much surprised and chagrined to witness the advantages secured by those little nations through their adopted systems of military training. Of course, the reserves are secured ordinarily by means of conscriptional laws, and if Great Britain resorts to some form of conscription we shall be almost alone in the lack of it. Now, one would be foolish to advocate conscription in the United States during peace, although both North and South resorted to it during the Civil War. But when we see every army in the world that is worth the

name existing not merely to perform the semipolice duties of peace, to be filled up in war with untrained volunteers and bounty men, but, as its principal function, training great numbers of reservists for which in war it will merely form the nucleus, it seems worth while to consider whether without conscription and by methods which must be popular with the people we can not accomplish the same result. To suggest a plan, a certain proportion, say, 30,000 of our Regular Army might be enlisted, each man for a period of, say, 15 years, the first 3 years to be served with the colors, as now, and the last 12 years on the reserve list, where he would receive a certain sum, say, \$40 per year, so long as periodical medical examinations should show his continued fitness and in return for a continuous readiness to return to the colors in time of war. Thus more than 100,000 reservists might be developed and maintained for an annual expenditure that, as a maximum, 15 years hence would not materially exceed \$5,000,000.

Mr. Chairman, one final observation in regard to this matter of increasing the term of enlistment. It may save some money. I do not know whether it will or not. My personal belief is that it will not save a dollar, for I think the figures that have been submitted by the committee are not entirely reliable. I think it can be demonstrated that they are not entirely reliable; but I feel confident that the retired list of enlisted men will increase materially as the result of this legislation. At the present time, in this very bill, there is appropriated for retired pay of enlisted men 14 per cent of the entire amount that is appropriated for the pay of all of the enlisted men of the Army, so that the men on the retired list are receiving proportionately three times the amount of pay that the men who are out in the field are receiving. Furthermore, if this extension of the term of enlistment be made, the money saved, if there be any money saved, will come out of the pockets of the enlisted men. You will reduce their pay. We found it necessary to increase their pay in 1908 in order to maintain the military establishment as it should be maintained. The result of the increased pay was immediately beneficial. And now, when we have attained a great measure of success in that respect, you gentlemen on the other side propose to reduce the pay of the enlisted men.

It would have a baneful influence on the Army. The enlisted personnel will again become discouraged. I have received numerous letters from enlisted men urging me not to favor this proposition. They are afraid to have their names known, otherwise I should be pleased to insert some of the letters in the RECORD. But when you come right down to the men that will be affected by this legislation, if the chairman of the committee had taken the trouble to consult their wishes instead of the wishes of some of the general officers, he would have found that the enlisted men, including noncommissioned officers of the Army, by an overwhelming majority would have protested against the pending legislation. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CONRY].

Mr. CONRY. Mr. Chairman, since the dominant party on this side of the House took control of legislative affairs here and assumed the responsibility of government, every move that has been made has been confronted by the cry that reform of evils should be accomplished by the friends of the administration. When our party undertook the reform of the tariff the cry went up from the party on the other side that there was an imperative necessity for the reform of our revenue laws, but that those laws should be reformed and the evils flowing from them should be remedied by the friends of the tariff.

When reform in conditions in the military establishment was inaugurated by the dominant party in this House the department immediately became interested in a plan of reorganization; but this activity never became apparent, this zeal for reorganization never became manifest until the party on this side of the House demonstrated its determination to cure the evils that exist and cut down and eliminate some of the extravagances that were practiced in the maintenance of the Army and in the management of our military affairs. [Applause.]

We have been confronted by the argument in this discussion that we should have a reserve in this country; that this reserve force would meet all the necessities of the military situation. A reserve, it is true, has been established in continental Europe and in other foreign lands, but conditions there are different from conditions that exist here. Our country is greater territorially and from the standpoint of population. The spirit of the people is different; personal liberty prevails here to a greater extent than there; and the personal quality, the personal equation controls more completely here, and is the dominant factor in our scheme of military activity. The principles of the reserve can not be applied here as in continental Europe for the reason that the application and enforcement of the law of reserve presupposes a system of espionage, a system of surveillance, to which the people of this country will not calmly submit. [Applause.]

Under our institutions, under our spirit of freedom, under the spirit of individual freedom as contemplated by our system of

government, the mailed fist of militarism will not be permitted to stand by the cradle and take the young man as he reaches maturity and force him by coercion and conscription into the Army. [Applause.]

Such a system will never prevail in this country. I notice in the hearings that the Quartermaster General and the Paymaster General testified before the committee that the legislation with regard to the term of enlistment as proposed by this section which refers to the extension of the term of enlistment would effect a reduction of \$2,220,766 annually in the expenditure for the item of clothing, transportation, continuous-service pay, bonus of reenlistment, and travel pay on discharge.

[The time of Mr. CONRY having expired, he was yielded five minutes more.]

The party on this side of the aisle has devoted itself to the policy of economy, a policy that will reduce and retrench the expenditures of the military establishment. This bill as formulated by the committee contemplates a reduction of from \$5,000,000 to \$10,000,000, as I have been reliably informed, and this feature of the extension of the term of enlistment from three to five years will reduce the expenditure annually to an amount of more than \$2,000,000.

Now, gentlemen of the committee, this enlistment if enacted into law will count not only for greater economy in the service, but for greater efficiency in the fighting force of the Army. It will give to the Government the benefit of two years of training of which under the three-year system it is now deprived—two years of the most valuable service that the enlisted man can give to the Government.

It will build up a fighting machine which can be relied upon to do effective work upon the line of battle. I have listened attentively to the remarks of the gentleman from California wherein he spoke against the extension of this term from three to five years. In looking over the hearings which were held by the committee I find on page 129 that the distinguished gentleman from California [Mr. KAHN] had the following to say by way of interpolation in the proceedings:

Having looked up some of the reasons which actuated the Congress to reduce the period from five years to three years, I found that there was a bill that repealed at the same time the law—in fact, I think it was the same bill that reduced the term of service—that allowed a soldier to continue 10 years in the Army at the time the five-year period, with the privilege of leaving at the end of three years, was in vogue, and there was general complaint all over the country, and the testimony of the Army officers who reported to the War Department shows that the men were dissatisfied, that many looked upon continuing with the Army as a career, and that it was advisable to have in the Regular Army seasoned veterans, men who had all kinds of experience and who could act as a sort of leaven to the loaf when you got in a lot of new recruits without a particle of experience. Your plan would be directly contrary to the experience of those men at that time?

Mr. KAHN. Will the gentleman yield?

Mr. CONRY. I will.

Mr. KAHN. Of course the gentleman does not understand that that refers to the reduction of the term of enlistment; it refers to the change in the law which prohibited any reenlistment after 10 years.

Mr. CONRY. That is right. I referred to it for that particular reason, because it demonstrates that the extension of the term of enlistment gives the enlisted man the training, the discipline, the power, and the morale to leaven the raw recruits as they enter into the military service of the Republic. A three-year enlistment service will not prove effective as a leavening force, and it is my positive conviction that a five-year service will. It is a fact universally recognized by officers experienced in the line and medical officers who have studied the question from the standpoint of long-term enlistments that the young, immature soldier has less endurance, less stamina, and succumbs more readily to disability and disease in times of peace as in times of war than the old, trained, experienced, and acclimated veteran.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. CONRY. Yes.

Mr. KAHN. Does not the gentleman admit that the term of enlistment was reduced from five years to a flat three years in the same law that repealed the law which did not permit reenlistment after 10 years?

Mr. CONRY. I will admit that; but the passage of that law, the gentleman said here in general debate, was largely because of the frequency in the occurrence of the crime of desertion. The gentleman stated that desertions take place in the first year in a larger percentage in the Army than in any subsequent year, and if we multiply enlistment periods it will increase this percentage of loss by desertion. The only way to logically meet that situation and to prevent an increase in the crime of desertion is by precluding the possibility of a frequent recurrence of enlistment periods, and that can be done most effectively by extending the term of enlistment.

"The uniform record of the unseasoned soldier," says Lord Raglan in Crimea, "is one of inefficiency and disease." Napoleon, in a similar spirit, proclaimed after Leipzig, "Give me old men; recruits unseasoned and immature serve only to fill the hospitals and encumber the roadsides." In the Peninsular War 300 men, seasoned, disciplined, and trained by 5 years' service, were accounted more efficient than 1,000 recent recruits.

The ancient Persian monarchy, strong and powerful, not only in size but also in the amount of men and treasure it could command and control, tottered and fell before the Macedonian phalanx, a fighting machine composed only of seasoned, well-trained, and perfectly disciplined fighters.

Thirty-five thousand veteran Greeks followed Alexander to the conquest of the world.

The old guard, scarred in the conflicts of many hard-fought battles, sent the great Napoleon careering through Europe, reveling in the conquest of thrones and the creation of new dynasties.

Everywhere, in every great battle that has influenced the destiny of mankind and changed the current of political history, wherever military prowess has testified to the courage, the patriotism, and the valor of mankind, whether it be at Fontenoy, Corunna, Waterloo, or Gettysburg, the old, the experienced, the seasoned, and thoroughly acclimated soldier has by his efficiency as a fighter and his endurance under fire forcibly exemplified the wisdom and policy of long-term enlistments. [Applause on the Democratic side.]

The amendment proposed by Mr. HAY, providing for the abolition of five regiments of Cavalry, is a distinctive advance in the direction of economy. We have in the Army to-day approximately 15,000 Cavalry and 30,000 Infantry, a Cavalry force out of all proportion to the Infantry establishment. The Cavalry Arm of the military establishment is becoming more and more each year subordinated to the Infantry as an efficient fighting force. The improved magazine rifle used so destructively in modern warfare, the decimating fire of the improved artillery, the modern engines of destruction so merciless to an enemy when under the skillful control of an efficient artillery corps, renders it impossible for cavalry to successfully assail, in a frontal attack, either artillery or infantry, in any formation in which the artillery and infantry are able to use their arms and observe the approach of cavalry over long distances. Mars la Tour and Balaklava are sanguinary instances of the folly and the crime of launching cavalry in a frontal attack upon entrenched infantry and artillery. And the world will never see, humanity will never tolerate, and no wise commander will ever again enact the merciless slaughter of these historic but fatal cavalry charges.

Modern warfare has been distinguished by the unimportant part played by cavalry in active hostilities. Kuropatkin in the Russo-Japanese War had under his command a cavalry force of 25,000 men and the Japanese but 5,000, and when the Russian general was asked why he did not utilize his cavalry more effectively as an aggressive force against the enemy he replied, "Because we had no cavalry force opposing us."

In the Cuban campaign the Cavalry did not accompany the army of invasion in any large force, and after the conquest it became a sort of police power for the preservation of order in the island. Identically the same condition prevailed in the campaign in the Philippines.

But it has been asserted in this debate that the Cavalry is necessary to the perfection of mobility in the Army. To a certain extent this is still true, but not to as large an extent as in the past. Our country to-day is covered completely with a network of railways and telegraphs. Our facilities for transportation and our wonderful means of intercommunication have developed in a manner that has everywhere revolutionized conditions in modern warfare. The scientific discoveries, the inventive genius of the age have exerted an influence in a thousand ways upon the circumstances under which armies exist and operate in the field.

The bicycle, the motor car, the aeroplane, the hydroplane, the manifold uses of a military character to which electricity can be efficaciously applied in modern warfare all tend to render the Cavalry force less and the Infantry force more necessary and efficient as fighting machines in modern warfare. And the amendment proposed by the distinguished chairman of the committee [Mr. HAY] is not only justified by a wise policy of economy but also by the changing conditions in the warfare of the future, which, through the advance in science, will largely affect and influence the combinations that lead up to future battles.

In the legislative features of the measure before the House that portion which contemplates the consolidation of the supply departments of the Army recommends itself potentially to every

Army officer who is interested in the perfection and maintenance of an effective and economical military establishment. In ancient times armies were compelled to depend for subsistence entirely upon the food and supplies which they found in the country through which their warlike operations were conducted; and when the resources of that country were exhausted and they were opposed by a hostile force strongly entrenched, they were compelled to fall back, simply because the supplies, which are the lifeblood of the Army, could not be obtained and continuously furnished along regularly established lines of communication. Under the cumbersome and unwieldy system which now obtains in the independent departments of the supply corps it has been said that it requires all the complicated and sluggish machinery of three of those departments to move an ambulance around a corner. Such a condition in time of peace is unjustifiable, but in time of war it is criminally reprehensible. It is the direct purpose of the consolidation feature of this bill to secure greater efficiency and economy in the administration of the military arm of the Government.

An army in the field must not only be able to replenish its supplies from time to time, but it must have an unbroken continuity of supplies to render it efficient as a fighting machine along the line of operations. An army is a fighting force which depends not only for its vitality upon the training, the discipline, the enthusiasm, and the devotion which hold it together, but also on its line of communications upon the maintenance of which its very existence depends. The supply department of the Army is, therefore, of the most vital importance to its efficiency and vitality. Upon the perfection of the organization of this department depend entirely the organic unity and efficiency of the fighting forces. A body of men who are starving can not be held submissive to the restraint of discipline any more effectively than can a body that has been dispersed. The line of communication must not only be protected from attack, but the machinery in control of the supply department by means of which subsistence is forwarded to the front from the base of supplies must be perfect in its operation. This bill stands for efficiency and is directly in the interest of economy. It is based upon principles of statesmanship and constructive reorganization. Never before has such genuine reform in the reorganization of the Army been attempted, and never before have the real interests of the country and the Army been consulted in such a genuinely patriotic spirit.

This measure meets a demand for Army reorganization that has been urged for years. It is a forward movement along the lines of retrenchment and reform toward the complete fulfillment of Democratic pledges. The magnificent manner in which this legislation has been conducted through the House illustrates the desire and exemplifies the capacity of the Democratic organization in this House to deal wisely, conservatively, and effectively with the affairs of Government. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield five minutes to my colleague on the committee, the gentleman from Massachusetts [Mr. AMES].

Mr. AMES. Mr. Chairman, I venture to speak for the minority of the Committee on Military Affairs, and state that there is not one of us who does not stand for economy in the Republican administration of the War Department as firmly as any Member on the majority side; but the trouble with this legislation and the viciousness of it lies in the fact that your boasted economy, your cry to the country for votes, is predicated upon the proposition that you would make your economies at the expense of the enlisted man and the noncommissioned officer. Not only that, but you economize at the expense of the efficiency of the Army, and I can demonstrate these two propositions to you if you will listen and reason.

In time of peace the Army in its present size has no justification for its maintenance as a fighting machine unless it is considered as the only means of preparing for emergency in time of war. No one maintains that the Regular Army exists for police duty. A Pennsylvania constabulary or a force corresponding to the Canadian mounted police would better suffice for police duty. Then, what is your Army for? It is the fountain head and source of military knowledge and instruction. You detail officers to the militia to instruct the militia, and so its enlisted strength, noncommissioned, and its personnel should be used for what? As a school of instruction, so that when war does come we will have a body of military men in the citizenship of the country who can respond to a call of arms. What could we do with only the few thousands of the Regular Army in time of war? We would be unable to lift a hand in defense without dependence on the militia as a reserve.

If you will accept the proposition that the function of the Army should be that of a school, the following results logically: Take your school and use it to its best advantage as a school.

Either you can take one enlisted man, who costs \$1,000 a year, as is the case in the Army to-day, and instruct him at a thousand dollars a year for 30 years, and have at the end of that time a trained, professional soldier on the retired list and drawing the highest rate of pay, or you can take the same amount of money and instruct 10 men for 3 years each, and at the end of that time you will have in active service 1 man serving the colors and 9 others instructed in military science, who have gone out into civil life, ready to fight for the country, and who constitute a reserve in the proper sense of the term in time of need. Perhaps 1 or 2 of this 9 may die in the course of the 30 years. These are two extremes. Either you can instruct 1 professional man for 30 years for \$30,000 or you can instruct 10 men for 3 years for \$1,000 a year. Economy! You believe in economy at the expense of the enlisted man and the noncommissioned officers. All military history and military experience go to show that the best service is rendered to a country by an army where the enlistment is kept down to 2 and 3 years, and for this reason, that it has been demonstrated beyond peradventure that 2 years is enough time in which to instruct any man in being a soldier, and less than 2 if you do not make him mow the lawn and carry gravel, and do police duty, as is done in this country. If you can instruct a man to be a soldier in 2 years, what on earth is the use of instructing him for 5 years, over and over again? If your Army is a school of instruction, and that is all that it can possibly be in its present size, you are simply crippling its efficiency by this proposed term of enlistment, because it can only turn out so many scholars every year, and if you limit the curriculum to 5 years instead of 3, you are diminishing the number of students it can turn out.

The gentleman from New York [Mr. CONYER] talked about a reserve. The spirit of this country is well known by everyone here. The reserve spoken of and considered by the War Department is simply a number of educated men, men who have been in the military service, men whose names are on the roll of honor of honorable discharge, men to whom we can turn in time of necessity; men drawing no pay, subject to no service; men who know how to do and what to do under proper leadership.

The CHAIRMAN. The time of the Member from Massachusetts has expired.

Mr. PRINCE. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. AMES. Mr. Chairman, our attention has been directed by the chairman of the committee to the large number of officers who have rendered an opinion on the subject of five-year enlistment versus three-year enlistment. Why, a large majority on that list of officers are old officers, men who have been in the service a great many years, men who were in the service before the three-year period went into effect 13 years ago. But reason about it; think about it. Who are the specially educated and chosen officers in our Army, who are those who study military science, who are those who study the art of war? Why, naturally, those in the General Staff, those in the Army War College, those in the School of the Line, those in the Mounted Service School, those in the Coast Artillery School, those in the Military Academy. These are the officers we should turn to for military information, and men on the majority side deserve to be criticized for bringing in a bill without going to the War Department and getting information therefrom on such a technical matter, and that is why we on this side stand up and oppose such ill-considered legislation. No man, no committee, is so great or so large, no man knows so much that he can sit down in a committee and draft legislation affecting the Army or the Navy without getting his figures from the fountain source in regard to what is best and what is to be desired. Now, let me call your attention to this fact: In the General Staff 33 officers favor the three-year term of enlistment and only 1 favors the five-year term; in the Army War College 31 favor the three-year enlistment and only 2 favor the five; in the School of the Line 77 officers favor the three-year period and only 13 favor the five-year period; in the Mounted Service School 19 favor the three-year term and only 3 favor the five; in the Coast Artillery School 47 officers favor the three-year period and only 4 favor the five; in the Military Academy 71 officers favor the three-year period and 16 favor the five. So that all the burden of proof is against the five-year service. If you really want economy, if you would only practice what you preach, go to the three-year term of enlistment for the enlisted man, permitting noncommissioned officers to reenlist so they may instruct, and prevent reenlistment of the private, and we can show you and the War Department will show you that in 15 years you will have saved \$25,000,000. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. PRINCE. Mr. Chairman, I now yield five minutes' time to the gentleman from Alabama [Mr. Hobson].

Mr. HOBSON. Mr. Chairman, I am opposed to this section. I am very strongly opposed to it on its merits. It tends to incapacitate our little Army for the only purpose for which it exists—to promote the national defense when war comes. The effect would be to produce professional soldiers and make it impossible for the Regular Army to merge readily into the great body of our citizen soldiery upon which the national defense depends. The day of the professional soldier has passed. Every nation in the world has abandoned the long-term service for the short term to keep the army close to the people. If this holds abroad, how much more does it hold in our country? To make the term of enlistment long is to go back a generation. But it is not to the merits of this section that I wish to address myself in the short time at my disposal.

Even if the proposition were meritorious I maintain that its merits can not be determined here and we should not take the position of disposing of fundamental questions of national defense as incidental matters upon appropriation bills. The Navy and the Army in their efficiency are fundamental matters of national defense. The deepest instinct of this Nation, whether politicians recognize it or not, is the instinct of self-preservation. If we deliberately and in proper course come to the conclusion that certain terms of enlistment are advisable, then I believe the people will accept our judgment; but the people do not propose to have broad questions of national defense trifled with. Such disruptive legislative propositions should not be placed upon an appropriation bill in the interests of a questionable economy. As a matter of fact, the effect of this section would entail an ultimate increase of expense.

Inefficiency in the Army or Navy is the most extravagant thing in the world. To place such far-reaching, disruptive legislation upon an appropriation bill is unprecedented. I do not believe there is a parallel in the history of this Government.

But even if our course had had the proper deliberation, this whole question as it is now before us comes down laden with irregularities. If we were here under conditions permitting time for deliberation, I would charge conspiracy. I charge that many recommendations and documents and much of the information that has been supplied to the Committee on Military Affairs have been misleading, and that they emanated from The Adjutant General of the Army, who expected in return for his services to be made a lieutenant general.

If I should define the conspiracy, it would be conspiracy on the part of The Adjutant General to become a lieutenant general by the use of irregular means and of the chairman of the committee to make economies and accomplish things by the co-operation of The Adjutant General, though not with any agreement of reward.

I do not question the chairman of this committee. I want to say here that I believe he is as honest as the day is long. [Applause.] I want to pay a tribute to his earnestness of purpose and his desire to economize and to do real things while he is in charge of that committee.

But I claim that these very noble impulses on the part of the chairman have been taken advantage of by an ambitious officer sitting at a desk who has remained at a desk continually for 26 years in Washington, and has risen from a captain in the Surgeon General's office in charge of pension records to the position of Adjutant General with rank of major general. He has risen one step after another by ingratiating himself in the confidence of Members of Congress and utilizing riders upon other measures. In one measure by a rider he abolished the office of Adjutant General. In another, when he was ready, he had the same office restored. He now utilizes the same method with the purpose of becoming a lieutenant general.

I charge that the substance of the recommendations embraced in the legislative features proposed in this bill comes from The Adjutant General, and that he has made none of these recommendations through regular channels, neither in his annual reports nor in communications to the Secretary of War.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. Will the Chair tell me how much time we have remaining on this side?

The CHAIRMAN. Eight minutes.

Mr. PRINCE. I yield four minutes to the gentleman from Alabama [Mr. Hobson].

Mr. GARNER. Does the gentleman undertake to state to this House that an Army officer has had sufficient influence in the House to make and unmake legislation?

Mr. HOBSON. I do. I make that charge, and if you would consider this legislation on this report, if you would bring in a bill here and give us a chance to deliberate on it, I would prove it. I ask my colleagues that they do not put this legislation

upon an appropriation, but allow the House full time for its consideration.

This is the same legislation that the chairman of the Committee on Military Affairs laid before a Democratic caucus and our caucus declined to take it up. Much more should we not take it up now as a rider on an appropriation bill. I further charge that a majority of the Committee on Military Affairs is opposed to this legislation, and that the caucus of the majority members, eliminating various propositions by compromising, was all that bound the Democratic members as a body to stand for the five-year enlistment.

I claim that the whole thing is irregular, and our great party, in control of this House now for the first time in many years, should not trifle with these vital questions of national defense. Since they threw out the battleships I have had clippings that I have seen gathered, and I find but one paper in the United States—and that a Republican paper—has indorsed the action.

The deepest thing in a nation is the instinct of self-preservation. Matters pertaining to defense are at least entitled to serious consideration.

Mr. TAGGART. Can you cite any instance where that instinct of self-preservation has not manifested itself in a Volunteer Army in this country?

Mr. HOBSON. It always has. The instinct is as deep in America as in any nation in the world. Politicians need not think that they can trifle with it. The efficiency of the Army and the Navy are worthy of the best consideration on the part of this House, and especially from our side of the House. And I ask whether you believe in the merits of the proposition or not? It is the most unmeritorious thing I have ever seen. Let us not put this increase upon this appropriation bill against the judgment of the President, the Secretary of War, the Chief of Staff, the Army War College, the Army School of the Line, the Mounted Service School, the Coast Artillery School, the Military Academy, and the bulk of the officers and all the enlisted men of the Army.

Mr. FITZGERALD. Does the gentleman charge that information has been furnished to this committee from a source—

The CHAIRMAN. The time of the gentleman from Alabama [Mr. Hobson] has expired.

Mr. HOBSON. I would make many more charges if this were deliberately considered.

Mr. FITZGERALD. I would like to know if the gentleman from Alabama had this information which he is disclosing to the House—

Mr. HOBSON. If the gentleman will arrange so that we can consider this measure deliberately, I will prove my statements, and more.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. PRINCE. How many minutes have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. FITZGERALD. I would like to ask a question of the gentleman. He has made certain charges.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Prince] yield further time to the gentleman from Alabama [Mr. Hobson]?

Mr. PRINCE. I will yield to the gentleman two minutes if the other side will contribute two minutes.

Mr. SHERLEY. Either yield or do not yield.

Mr. HOBSON. Let the gentleman put his question.

The CHAIRMAN. Does the gentleman from Illinois yield time?

Mr. PRINCE. I yield two minutes to the gentleman.

The CHAIRMAN. The gentleman from Alabama is recognized for two minutes further.

Mr. FITZGERALD. I desire to know if the gentleman had this information upon which he bases his charge, that this House has been furnished with information which was to be in return for something, a reward—if he had it before to-day, why he waited until the closing hour or minute of the debate to furnish this information to the House? There was no limit placed upon the general debate on this bill.

Mr. HOBSON. I do not charge that there was any understanding between The Adjutant General and the chairman that the former was to get a reward. My charge of conspiracy is that The Adjutant General conspired to get the position of lieutenant general irrespective of his methods, and that the chairman conspired to realize economy and to do something.

Mr. FITZGERALD. That does not answer my question, because even if the gentleman from Virginia had received improper information, or had received accurate information in an improper way—and that is the basis of the gentleman's charges—it does not justify him in withholding from the House

the information which he claims to have when he had the opportunity to furnish it. [Applause.]

Mr. HOBSON. I will say to the gentleman that I would have him understand by my statements that information that is misleading, and proven to be misleading, has been furnished from some source, and that I charge that source is The Adjutant General's Office, and that recommendations from the same office came in an irregular way—that this whole matter of legislation on this bill is freighted with irregularity. [Applause.]

Now, I do not propose to make any charge against the chairman of the committee. In fact, I wish to pay him my tribute, and say that his patriotic impulses have been taken advantage of.

Mr. FITZGERALD. Let me suggest this to the gentleman from Alabama: It is immaterial where the information came from. The important question—whether the legislation is proper or not—is this: If the gentleman knew that anybody had been misled and knew it before to-day and knew it before the expiring moments of this debate, the duty devolved upon him to communicate that information to the House, and not leave it to this late moment and communicate it in this mysterious way. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I can recognize perfectly well an adroit move to try to push this measure through, but I will repeat my charge and I will make it good. [Applause.]

Mr. FITZGERALD. This bill has been before the House for almost two weeks. There has been no attempt to railroad it through. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. If there is no further debate, the Chair will put the question before the House.

Mr. HAY. Mr. Chairman, has the gentleman from Illinois [Mr. PRINCE] exhausted his time?

The CHAIRMAN. The gentleman from Illinois has two minutes remaining.

Mr. PRINCE. If there is any other speaker I will yield to him. I desire, Mr. Chairman, to ask if the chairman of the committee has more than one speaker on his side left? Has the gentleman more than one speaker?

Mr. HAY. I have not.

Mr. PRINCE. Very well.

Mr. Chairman and gentlemen of the House, we have gone over this section very fully and have debated it, most of us, very calmly, and I shall not vary from my accustomed mode or manner of debating this question. I do not think that a five-year term of enlistment is for the good of the general service. It has been shown by the discussion this afternoon that the three-year enlistment is the term of enlistment which has caused to be enlisted in the Army a permanent enlisted force.

I wish to state that in the bill as originally presented to the Committee on Military Affairs section 6, consolidating The Adjutant General's and the Inspector General's office with the Chief of Staff, did contain a provision putting The Adjutant General upon the retired list as a lieutenant general. It is not now in the bill. That was changed by the committee. Perhaps that was the basis, in some measure, for the charge made by the gentleman from Alabama [Mr. Hobson], when he charged that the information upon which this bill was based came largely from The Adjutant General's office.

As to that charge, I do not know anything about it. I do know that the bill came to the committee, was considered by the committee, was amended by the committee, and is here before the House in Committee of the Whole as the bill coming from the Committee on Military Affairs. The minority object to it and have presented their views within the compass of only three or four pages, that can be readily read by every member of the Committee of the Whole.

We charge that the five-year enlistment will add to the burden of the expenses of the Government \$25,000,000 in 15 years as against the three-year enlistment. We charge that it will make the Army a permanent personnel of enlisted men, that it will take from the body of the people men who ought to go back to the body of the people. We charge that it is better to have 10 men enlist in a period of 30 years, 9 to go back to the body of the people, to join the National Guard, or to join the various fraternal and civic societies that have a quasi-military organization, to train those men, and when needed by the Government to rally to the colors in time of war. We charge that they will be a reserve of patriotic men, without paying a single solitary cent to them after they leave the service, but will remain a portion of the reserve, to defend the flag in time of need. [Applause.]

Mr. HAY rose and was recognized, there being prolonged applause on the Democratic side.

Mr. HAY. Mr. Chairman, this is not the first time that the gentleman from Alabama [Mr. Hobson] has seen fit to attack the Democratic Party. [Applause on the Democratic side.] I want to say here and now that every attack he has made is without foundation in fact.

Mr. HOBSON rose.

Mr. HAY. I decline to be interrupted by the gentleman. I did not interrupt him. The charge that a conspiracy was entered into by the Committee on Military Affairs, by its chairman, or by any one member of it, is untrue from start to finish. [Applause.] Why, the gentleman says that I am honest. I would like to know how any conspirator can be honest. [Applause.] And if a conspiracy had been entered into, both parties to that conspiracy must necessarily have been dishonest. I charge that the gentleman from Alabama [Mr. Hobson] says what is not true when he says that I, or the Committee on Military Affairs, received any information from the War Department in an irregular manner or from The Adjutant General in an irregular manner. [Applause.]

Mr. HOBSON. Will the gentleman yield?

Mr. HAY. I decline to yield to the gentleman. I state that every particle of information which I received from The Adjutant General of the Army was asked for by me through the Secretary of War and sent to me by the Secretary of War. [Applause.] The charge that a majority of the Democrats on the Committee on Military Affairs are opposed to the five-year enlistment is an insult to the Democratic members of that committee. [Applause.] Is it to be presumed that the majority of that committee would by a unanimous vote direct me to make a report embodying a provision to which they were opposed? I say it is not.

Why, gentlemen of the committee, where does the gentleman from Alabama get his information as to how this information was sent to the committee? I have no doubt he got it from the Chief of Staff of the Army, Gen. Wood. He could not have gotten it from any other source, or from the Secretary of War.

Mr. HOBSON. Will the gentleman yield there? It is not myself, but Gen. Wood, who is involved.

Mr. HAY. Yes; I will yield to the gentleman. What is it?

Mr. HOBSON. Just simply to say that the gentleman is mistaken in alleging Gen. Wood as the source of my primary information.

Mr. HAY. Your primary information?

Mr. HOBSON. I have had conferences with Gen. Wood, but the inference made that he volunteered information to me is not correct.

Mr. HAY. Gentlemen, I want to say that this bill, every line of it, was prepared by the Committee on Military Affairs, and I want to give to Gen. Ainsworth, The Adjutant General of the Army, the credit for having advised me when I went to him and asked him for advice. The Army has no better officer than Gen. Ainsworth. [Applause.] I understand he has been relieved from duty to-day by an order of the President.

Mr. PRINCE. Will the gentleman state the reason why he has been removed?

Mr. HAY. Indeed, I do not know why.

Mr. PRINCE. Will you permit me to state?

Mr. HAY. I have only my information from the newspapers.

Mr. PRINCE. Will the gentleman permit me to state briefly what the reason was?

Mr. HAY. I have not the time.

Mr. PRINCE. Give me half a minute, so that the Committee of the Whole may know.

Mr. HAY. I have not interrupted a single gentleman—

Mr. PRINCE. The gentleman from Virginia has stated that Gen. Ainsworth has been removed.

Mr. HAY. It is a fact, is it not?

Mr. PRINCE. It is; and I will give the gentleman the reason why, if he will permit me. If he does not want the information, I can not give it.

Mr. HAY. I have information enough from that side of the House now. [Laughter and applause on the Democratic side.] I only know that is a fact, and I want to say that if it is in connection with this bill or its preparation it is a great injustice to one of the most accomplished officers and one of the best men in the Government service. [Applause on the Democratic side.]

Mr. PRINCE. Will the gentleman yield for half a minute?

Mr. HAY. I will yield to the gentleman.

Mr. PRINCE. The gentleman made reference to the fact that he might be removed on account of this bill.

Mr. HAY. I did not. I said nothing of the sort. I said if he had been relieved on account of this bill.

Mr. PRINCE. I can tell the gentleman the reason, if he wants to know, and I think the country ought to know it.

Mr. HAY. Now, gentlemen of the committee, the gentleman from Alabama [Mr. Hobson], whose patriotism seems to consist in arousing the fears of the people of this country against the people of other countries, which seems to consist in expressing his opinions on the Chautauqua platform and being absent from this House, says that we are inclined to railroad this legislation through the House. Why, gentlemen, this bill has been under consideration for very nearly two weeks, and a part of that time the gentleman, I presume, has been away, as he usually is, and has not known what was going on. [Applause on the Democratic side.]

This clause in the bill was introduced into this House last April. Hearings were had upon this particular part of the bill last summer, and everybody had an opportunity to come before the committee and express his views upon it. A great many officers did come before the committee and did give their views on the matter. I did not hear any request from the gentleman from Alabama to come before the committee; I have not heard that he had any interest in this bill until a few moments ago when I heard that he was going to make a speech against it, as he always seems ready to make a speech against any proposition which looks toward saving the money of the people. [Applause on the Democratic side.]

Now, there is no question of railroading this bill through the House. Nobody wants to railroad it through the House, nor has any attempt of that sort been made. Owing to the peculiar attack made upon me by the gentleman from Alabama, I have not done as I intended to—give the reasons why this 5-year enlistment is better for the Army than the 3-year enlistment; but I want to say to you that it does not impair the efficiency of the Army. I am sustained in that by The Adjutant General of the Army, by the Inspector General of the Army, by 3 of the most experienced recruiting officers in the Army, and by 191 line officers of the Army. I want to say that I am antagonized in it by the Chief of Staff and the Secretary of War and by a lot of young officers who are the recipients of the favors of the Chief of Staff and the Secretary of War, who otherwise would not be heard in this matter. [Applause on the Democratic side.]

Mr. HOBSON. In the interest of the officers who are impugned, may I ask the gentleman—

Mr. HAY. I impugn nobody's character, I have not said a word against their character.

Mr. HOBSON. But will the gentleman—

Mr. SLAYDEN. The gentleman from Virginia declines to yield and I ask that the rule be enforced.

Mr. HAY. Mr. Chairman, I do not propose to follow the example of the gentleman from Alabama and impugn anybody's character, nor have I done so. [Applause on the Democratic side.] I have simply stated that these young men, 125 captains, 91 lieutenants, who testified in favor of the three-year enlistment are young officers on detached duty, and sent to that detached duty by the Chief of Staff and the Secretary of War, and it is most natural that they should think as the Chief of Staff and the Secretary of War do on a question of this character. Now I will yield, Mr. Chairman, to the gentleman from Texas [Mr. SLAYDEN].

Mr. PRINCE. Mr. Chairman, a parliamentary inquiry.

Mr. HAY. Just one moment. I want to state that the Democratic members of the Military Committee desired to get up individually and deny this charge made by the gentleman from Alabama.

Mr. PRINCE. Under the circumstances, as the gentleman consumed a part of his time in a way that he did not intend to, I have no objection, and I will ask unanimous consent that my colleague on the committee have the time.

Mr. HAY. I will make the statement for them. I wanted to give them time, as they requested that they might get up one by one and repudiate the charges made by the gentleman from Alabama.

The CHAIRMAN. All time has expired, and the Clerk will report the amendment to the amendment.

Mr. MANN. Mr. Chairman, I ask to have the amendment offered by the gentleman from Virginia first reported, and then the amendment to the amendment, so that all Members may be informed.

The CHAIRMAN. Does the gentleman desire the amendment offered by the gentleman from Virginia to be reported?

Mr. MANN. Mr. Chairman, I ask that both amendments be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia and then report the amendment to the amendment offered by the gentleman from Illinois.

The Clerk again reported the amendment offered by the gentleman from Virginia [Mr. HAY] and the amendment to the amendment offered by the gentleman from Illinois [Mr. PRINCE].

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. PRINCE) there were—ayes 69, noes 105.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Virginia.

The question was taken, and, pending the announcement of the Chair, Mr. PRINCE demanded a division.

Mr. HAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed the gentleman from Virginia, Mr. HAY, and the gentleman from Illinois, Mr. PRINCE, to act as tellers.

The committee again divided; and the tellers reported—ayes 101, noes 73.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That all laws and parts of laws authorizing increase of the pay of commissioned officers and enlisted men of the Army serving beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, are hereby repealed to the extent to which such increase of pay is authorized by such laws.

Mr. BURKE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I wish to say as a member of the Committee on Military Affairs, in view of what has transpired recently, that there is not a member of that committee who does not hold in affectionate regard, in unquestioned esteem, and unqualified confidence the gentleman from Virginia [Mr. HAY], the chairman of that committee. [Applause.] Incidents of the character occurring this afternoon, of course, are always more or less deplorable, but inasmuch as there has been injected into this discussion the matter of the attitude of a certain Army officer with reference to this particular bill or the measures that at one time were thought would be incorporated in the bill, and as the question as to his being relieved from active duty in the Army has been raised within the last few minutes, I ask unanimous consent to have read from the Clerk's desk a copy of the original document constituting the reasons upon which Gen. Ainsworth has within the last few hours been relieved from duty. The document consists of a letter which was directed to Gen. Ainsworth himself, and which was sent by the Secretary of War. I submit it without comment for the information of the House.

The CHAIRMAN. Without objection, the document referred to will be read.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, February 14, 1912.

Maj. Gen. FRED C. AINSWORTH,
The Adjutant General, United States Army,
Washington, D. C.

SIR: On the 15th of December last you were handed a memorandum directing you to submit to the Office of the Chief of Staff your opinion on a proposition to abolish the present separate muster roll and to so modify the form of the descriptive list, the pay roll, and other organization returns as to enable those papers to include and perform the functions of the separate muster roll. A synopsis of the proposition and its purposes was contained in the memorandum, and you were directed, in case any features of the proposition were in your opinion inadvisable or impracticable, to give a statement showing in detail wherein it was so considered inadvisable or impracticable. The said proposition was being considered by the officers of the War College and of the General Staff, with my knowledge and by my authority, as part of an effort to simplify the system of keeping military records in the War Department, and was intended to be in harmony with the efforts now being made by the President, through the President's Commission on Economy and Efficiency, in the direction of simplification and reform. The memorandum recited on its face that it was given to you by my direction.

In reply to this order you submitted to the Chief of Staff on February 9 a memorandum dated February 3. In this paper you impugn the fairness and intelligence of the Secretary of War, under whose authority the proposition in question was submitted to you. You also criticize and impugn the military capacity and experience, the intelligence and fair-mindedness, and, finally, question the honor and good faith of the officers of the General Staff and the War College, whose plan you were directed to discuss.

Thus, in response to my direction that you submit your opinion upon a proposition, the ultimate decision as to which rests with me, you say: "In compliance with the second part of the accompanying call, the following statement is submitted, although it is recognized that it will be difficult, if not impossible, to formulate any statement that will carry conviction to anyone who is so unmindful of consequences, or so uninformed as to the needs of the Government and the public with regard to the matter in question, as seriously to propose to abolish one of the most important, if not the most important, of all the records of the War Department. However, the statement is submitted in the confident expectation that when other, if not wiser, counsels shall prevail, and after experience with the proposed plan or any similar plan shall have shown the inevitable evil effects thereof, this statement will receive the consideration that may not be given to it now."

You say further, after quoting article 12 of the Articles of War: "It is proposed in the accompanying memorandum of the Chief of Staff to evade this requirement of law by calling the pay rolls of June 30 and December 31 'muster and pay rolls,' entering thereon the data required by article 12, yet maintaining the monthly ceremony of muster. But the adoption of this proposal could hardly fail to be regarded generally as a mere subterfuge of a kind that would be scorned

by honorable men in any of the relations of private life, and that would be most discreditable to a great department of the Government in its management of the affairs of the Nation."

And further:

"The proponents of the truly remarkable plan now under discussion have betrayed a lamentable lack of knowledge of the nature and uses of our so-called descriptive list, of which it is proposed that there shall be made but a single copy, which shall follow the soldier throughout his entire enlistment. If they had had, or had profited by, even a little service as company commanders in recent years, they would have learned that our descriptive list is primarily an organization record, and the only approach to a complete record of its men that any organization has."

And again:

"The cool assurance with which it is asserted in the memorandum that 'it would make no difference' if other data could not be obtained, 'such as a complete record of extra duty, special duty, detached service,' etc., evidences such ignorance of the vital bearings that many of the data so lightly spoken of, but which, if lost, could never be supplied from any record source, have upon a multitude of pension and other claims that it would be a loss of time and effort to discuss the subject further here."

"There are other grave objections to the proposed plan that might be stated, but if these that have been pointed out are not sufficient to carry to the minds of those with whom the decision of this matter now rests the conviction not only that the proposed plan is both illegal and impracticable, but that it is most inadvisable ever to intrust to incompetent amateurs the management of business that is of nation-wide importance, and that can only be managed prudently, safely, and efficiently by those whom long service has made experts with regard to it, then it will be worse than useless to present further facts or arguments here."

"This is not an isolated instance of insubordination and impropriety on your part, nor is it made in the absence of warning as to the necessary consequences of such an outburst. On the 5th of September last you submitted to me a memorandum in which you, by insinuation, charged the Chief of Staff with improper motives in his proposed action of relieving certain officers of the recruiting service. You stated in that memorandum:

"Col. Murray and Maj. Dugan were so unfortunate as to be compelled not long ago to appear before the Committee on Military Affairs of the House of Representatives for examination with regard to a bill that proposed to increase the enlistment period of the Army to five years. In response to questions addressed to them by the committee they expressed views that were at variance with views subsequently expressed to the same committee by the Chief of Staff. Considerable publicity, for which Col. Murray and Maj. Dugan were in nowise responsible, was given by the press to this difference of opinion. And, doubtless, there are those who, not knowing or not believing that the Chief of Staff is too high-minded and conscientious to permit his official action to be influenced by such a matter, will be swift to conclude, if these two officers are relieved or superseded now, that the Chief of Staff is endeavoring to punish them because they gave testimony that may be regarded as damaging to his own, and that the solicitude now manifested in behalf of a few superfluous colonels, with none manifested in behalf of superfluous lieutenant colonels, is merely a pretext for a movement whose object is to annoy or humiliate certain officers connected with the recruiting service, and to discredit the management of that service."

"Of course, any such conclusion as that referred to here would be erroneous, but it is believed to be the part of wisdom not to give Congress, the public at large, or the Army any ground upon which to base it, at least at the present time."

I, then, on September 19 wrote you from Huntington, Long Island, a personal letter of warning in respect to your conduct in submitting that memorandum, as follows:

"I only wish to add that I greatly regret and reprobate certain passages of your memorandum and of the letter which you sent me. Nothing is gained by suspecting or intimating ulterior motives on the part of those with whom we have to act in association. In an organization as large and complex as the War Department it is impossible that every action taken shall seem the wisest possible to all of the members of that department. Many orders must be given and steps taken which, to some bureau or some individual, seem ill advised and unfortunate. But in such cases and in all cases the President has a right to expect that all of the officers of the department will act as a unit, with faith in each others' motives, even if they differ as to judgments. In no other way can the morale of the Army or its organization be maintained for a moment."

In considering whether these offenses against propriety on your part are merely exceptional cases of rudeness and ill temper, I find that they have become habitual on your part and have occurred under other administrations of the War Department and concerning other officers than those of the General Staff. I find that on March 25, 1911, in a memorandum rendered by you relative to certain recommendations that had been made by various officers of the Army directed toward the end of reducing unnecessary paper work in the administration of the military organization, you used the following language:

"All these recommendations are disapproved with a few relatively unimportant exceptions hereinafter noted. Almost all of them show on the part of those making them a deplorable ignorance of, or indifference to, the requirements of law with regard to the rendition of these returns and rolls and the purposes for which they are rendered. Such ill-considered and impracticable recommendations afford convincing proof of the futility of calling upon officers of the Army generally for an expression of their views with regard to the paper work that they are required to perform."

The recommendations to which you in that memorandum thus referred had been made by 16 officers of the Army, of experience and ability, including 3 department commanders and the Superintendent of the Military Academy.

On October 16, 1906, in speaking of another general officer in the War Department, the head of one of its most important bureaus, you used in an official document the following language:

"Life is too short to permit of wasting any portion of it in discussion with, or for the benefit of, anyone whose conception of the underlying principles of military administration is so hazy that he can advocate such a proposition seriously. A proposition of this kind would be regarded as remarkable if advanced by a State militiaman, and it is simply amazing when put forward by an officer of the Regular Army, even though his connection with the military side of that establishment be so remote as to be merely nominal."

Your present action which, because of the prior warning received and the length of time consumed in the preparation of your present memorandum, must be deemed deliberate, is therefore but the culmination of a series of outbreaks evidencing such intolerance of subordination and such readiness to impugn either the motives or the intelligence

of those with whom it is your duty to work in association as, if uncorrected, to destroy your usefulness in your present office. It is impossible that the business of the Government shall be properly conducted if official communications are made the occasion for contemptuous comments and aspersions upon fellow officers and for insolence to superiors. Under such circumstances self-respect would forbid that cooperation which is necessary to effective service. This is especially true in the military service, where due subordination and respect to superior officers is essential to the maintenance of discipline."

As I am myself apparently included in your latest attack, I have preferred to deem myself disqualified from judicial action thereon, and have laid the matter before the President as Commander in Chief. He directs that, pending consideration of the disciplinary measures to be taken, you be forthwith relieved from duty in your present office. You will, therefore, upon receipt of this order stand relieved of your duties in the office of the Adjutant General and will await further orders in this city. Col. H. P. McCain, Adjutant General, has been directed to assume the duties surrendered by you.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

Mr. BURKE of Pennsylvania. Mr. Chairman, I withdraw the pro forma amendment.

Mr. HAMILTON of West Virginia. Mr. Chairman, I do not propose to take part in the discussion which might arise upon the reading of the correspondence between the Secretary of War and the late Adjutant General. Neither the majority nor the minority members of the Committee on Military Affairs are responsible, either for the good qualities or the bad qualities of those gentlemen; but it would seem to me to be improper on my part and a dereliction of duty should I sit silent after hearing, as I have heard, the charge made by the gentleman from Alabama [Mr. HOBSON] against the chairman of the Committee on Military Affairs and the members thereof. Since I have been a member of that committee I have carefully watched the course of its chairman, and I have come to the conclusion that no committee of this House has a better or more able chairman than the gentleman who presides over that committee. [Applause.]

I take pleasure here to-day in saying what I do, as a young member of that committee. In fact, when I started in I was designated the baby member thereof on the majority side, while my friend the distinguished gentleman from Massachusetts [Mr. AMES] was the baby member of the minority members of the committee, and we were given a separate table at which to consider the matters which came before us.

Mr. HUGHES of New Jersey. Infantry matter, I suppose. [Laughter.]

Mr. HAMILTON of West Virginia. However, Mr. Chairman, I was relieved from my lowly situation by the death of one of the members of the committee and was then advanced one degree.

I want also to bear testimony here to-day to my respect for the Republican members of that committee. I have followed their views in some matters, and if I had the right to speak of matters that came before the committee I could instance cases where I have voted with them. I have the highest respect for every member of that committee on the minority side and take pleasure here in testifying to it. [Applause.]

As to the matter of the late Adjutant General, I hold no brief and have no personal reason to prompt me to defend him upon this floor.

I will say this, however, for Gen. Ainsworth: Every Member of this Congress, I have no doubt, has come in contact with that gentleman in his office. He is one of the first men whom I met here in official life when I came here to assume the duties of a Congressman. He has at all times treated me courteously and kindly, and where I was in ignorance upon certain matters he has taken the time and the pains and the trouble to give me information. [Applause.] I believe him to be an upright gentleman and a good officer, and I am very sorry indeed that those higher than he in authority have seen proper to remove him from office, as evidenced by the letter which has just been read to this House. [Applause.]

Mr. KAHN. Mr. Chairman, I move to amend by striking out, on page 49, all of section 3, beginning on line 8 down to and including line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, strike out all of section 3, from line 8 to line 13, both included.

Mr. KAHN. Mr. Chairman, this section if enacted into law will prevent officers and soldiers serving in the Philippines, in Alaska, on the Isthmus of Panama, and the military attachés of this Government serving abroad from receiving hereafter extra pay during their services in those places. All the nations that send troops into the Tropics allow extra pay for that service. The members of the Committee of the Whole House can readily understand that if a soldier is sent to Alaska on duty he has considerable extra expense, and therefore the Government has been allowing him extra pay during the time of that service.

Everything is so much more expensive there than it is in the Temperate Zone. The same is equally true when the soldier is sent into the Tropics; he is put to an additional expense, especially the noncommissioned officers; the commissioned officers of the military establishment are also under additional expense in Alaska and in the Tropics. Foreign Governments do not pay quite as much as we do, but the salary of officers and soldiers in foreign armies is not as great as it is in the United States, but foreign Governments allow extra pay proportionately. Business houses that send representatives into the Tropics all allow extra pay because of the extra hazardous character of the service in the Tropics.

It is known that even insurance companies charge a higher rate of premiums on insurance for the soldiers going into the Tropics, because they consider that the risk is infinitely greater. Statistics show that the percentage of mortality is greater there than in the United States proper. I feel that this allowance of double pay for this hazardous service should not be taken away from the officers and enlisted men of the Army, and I sincerely hope that the amendment will prevail.

Mr. CANNON. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. CANNON. I understood the gentleman to say that the enlisted men and officers in the Philippines and Alaska got double pay.

Mr. KAHN. I should have said extra pay. The soldier—the enlisted man—gets 20 per cent additional and the officer 10 per cent additional. They get that extra pay.

Mr. CANNON. I thought the gentleman had made a slip of the tongue.

Mr. HOBSON. Mr. Chairman—

The CHAIRMAN. Does the gentleman desire to oppose the amendment?

Mr. HOBSON. No; I am in favor of it.

The CHAIRMAN. If anyone desires to oppose the amendment he will be first recognized.

Mr. HAY. Mr. Chairman, as I stated before, this provision in the bill was put in because when three years ago the pay was raised it was suggested at that time by Army officers who were advocating the raise in pay that this provision of the law should then be repealed. The provision raising the pay was put on the Army bill in the Senate, and this matter was not considered and was still left in the bill. Now, it costs to maintain a soldier, the enlisted man, \$705.71 a year in the United States. It costs to maintain a corporal, \$776; it costs to maintain a sergeant, \$859; it costs to maintain a first sergeant, \$1,065.71. There are noncommissioned officers, such as battalion and regimental noncommissioned officers, who cost more, so that even in the United States it costs this country over \$1,000 a year to maintain their soldiers, and counting in the pay of officers it costs about \$1,200 a year in the United States and about \$1,300 a year to maintain them in the Philippine Islands and in foreign service. Now, a great deal of complaint is made by the officers. I want to call attention of the committee to what the officers get. I will take, for example, a captain and show what he gets outside of his foreign-service pay. He gets \$2,400 a year flat pay. If he has served for 20 years he gets \$3,360. Besides that he gets four rooms, at \$12 a month per room, making \$48 a month for quarters, when he is stationed at posts where there are no quarters or stationed on detached duty. He gets heat and light—he gets \$19.20 a month for heat and \$4.16 per month for light. He gets medical attendance free; he gets his heavy furniture furnished him free. He is allowed to buy in the commissary stores his provisions at cost price.

He is allowed \$150 a year if he has a horse, in order to maintain that horse, and if he has two horses he is allowed \$200 a year. So the officers of the Army are well taken care of and are paid better than any other class of men for the same sort of service anywhere in the country. And the enlisted man, even the private soldier, but certainly the noncommissioned officer, has an advantage over men of the same type. And this foreign-service pay ought not, in my judgment, to be continued. And if this amendment is agreed to we will be compelled to put back in this bill \$1,016,000 and add it to the appropriation this year.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Virginia [Mr. HAY] yield to the gentleman from Illinois?

Mr. HAY. Certainly.

Mr. MANN. Does not the gentleman think there is some differentiation between the military attachés who are serving abroad and the officer serving in the regular troops, where one of the military attachés is sent to a foreign capital?

Mr. HAY. I think so, if the military attaché is a poor man. But I have been informed that the position of a military attaché to our legations abroad are such that no poor officer ever accepts it or seeks it, and the mere 10 per cent added to his pay would not enable him to accept it if it were added. I would be very glad to unite with the gentleman in increasing the pay of the military attaché if it would result in the officers who are poor or in reasonable circumstances being assigned to these duties. But I am told that an Army officer who is poor can not accept these places.

Mr. MANN. I know of one case where, I think, the military attaché, now serving at some place in China, a gentleman who used to live in the same place that I do, is not wealthy.

Mr. HAY. If he is a military attaché in China, he must necessarily be at Peking, the seat of government.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HAY. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. It would seem rather a hardship to send an officer to a capital where we know he will be under greater expense.

Mr. HAY. The gentleman understands that where the military attaché is so serving he has the pay of lieutenant colonel if below that rank—not sufficient at all to keep up his position at a court like that of England or Berlin or Vienna.

Mr. MANN. And I understand, although I may be mistaken about that, that his duties are in part social.

Mr. HAY. Yes.

Mr. MANN. Which is somewhat expensive; and if we maintain them we ought to give them a chance to perform their duties.

Mr. HAY. I would be willing to entertain a proviso if I believed it would accomplish the purpose the gentleman has in view.

Mr. MANN. I hope the gentleman will give consideration to that before he gets through.

Mr. HAY. I certainly will.

Mr. HOBSON. Mr. Chairman, I am in favor of the amendment, and I want to say to my colleagues that it is not in the interest of the attachés abroad that I speak. They go there by choice. But I want to put in a word, when we are considering economy, and give full consideration to the equities of the case. I served about two years in the Tropics, and as a consequence of that service I was invalidated home. Six months more and I probably would have been blind. It was because of that service that I had to leave it. I know that the surgeons general of all nations recommend that their enlisted men and officers should serve not longer than a short term in such service. In most nations it is not allowed to be over two years. These officers and men are going; they are absolutely in the hands of the Government; many of them lose their minds, and it tends to undermine the nervous system. Perhaps that is the most serious result; but it also tends to undermine the whole physique. It is actually dangerous service. Now, we are not discussing here to-day the question of the pay of the Army. We are not investigating whether the pay of the Army is too high or too low, or whether it is higher than the pay of armies abroad. But we are considering here plans for the men who are serving us and that are sent to hazardous service which they are compelled to take. They go uncomplainingly. There is none of them here to be heard. But I know what they endure. The whole principle of human justice is that when you require such service of a man you ought to pay him accordingly. Why should we strain now to change the law?

Again, I will say it is done on an appropriation bill, where you can not give due deliberation to it. Why should we not, in a case where matters of efficiency of the whole service are concerned, take it on down to questions of humanity and fair justice to the man who gives you honest service? I want to ask my colleagues over here to what extent do they propose to go in a question of so-called economy? I allege that such economy as this is not economy.

But it is not on that ground alone that I would make an appeal for these men who, in the hot climates there and in the long rainy season, undergo hardships that are unknown here. We here do not conceive what they are enduring. They are having their constitutions undermined, and we are here considering the question of refusing a 20 per cent increase to the man whom we send to that duty—20 per cent to the enlisted man and 10 per cent to the officer. And here when we come into control of the Government we are going to put in

the knife and cut it out. It is not fair, Mr. Chairman. It is not right. I hope this amendment will be adopted unanimously as a simple question of humanity. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

So far as military attachés are concerned, I suppose that the officer who takes duty of that kind can not support himself as he ought to support himself and his family, if he has one, upon the salary allowed him. You can get along without military attachés. I have nothing to say except the bare statement. I have always supposed that details of that kind were substantially for dress-parade purposes, speaking respectfully.

But I want to say here and now that in my judgment the enlisted men and officers who serve in the Philippines and elsewhere in the Tropics are either entitled to the 10 per cent and 20 per cent increase that they get—10 per cent to the officers and 20 per cent to the men—beyond what those receive who are on duty in the United States, or else, if they are not entitled to it—and the proposition is to place them upon the same level as to pay with those who are on duty in the United States—those on duty in the United States are getting too much.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. CANNON. Yes.

Mr. SHERLEY. Aside from the question as to whether the pay is too big or too little, does not the gentleman think that the remedy is by seeing to it that all officers and men do their fair share of foreign service?

Mr. CANNON. All officers and men may not do their share of foreign service; but if there are people in the foreign service who do more than their share, are you going to punish them by cutting down their pay?

Mr. SHERLEY. If the gentleman will permit, I am not discussing the proposition of the amount of pay, but if there be an inequality between the various men in the service, the way to correct that is to see to it that each fellow does his share of the disagreeable work.

Mr. CANNON. You are proposing to correct that abuse, if an abuse exists, by decreasing the pay of the men who do their term of duty in the Tropics and in the Philippines by cutting off their extra pay. That is double punishment, if you choose. You say you will save a million dollars if this amendment is forced into the law upon an appropriation bill. Suppose you would cut down the present pay of all officers and all enlisted men in the service generally, say 20 per cent to the officers and 10 per cent to the men; how many millions more would you save? Oh, where is the consistency of it?

I am here to say that many of the men who have done service in the Philippines for two years have returned with impaired health, and I will not by my vote, in the name of economy, do them this injustice. [Applause on the Republican side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California [Mr. KAHN].

Mr. SLAYDEN. Mr. Chairman, the gentleman from Alabama [Mr. HOBSON] makes an appeal for the consideration of this measure, and in that appeal makes a statement that is not entirely accurate, or, I will say, he states it has not been considered. This measure was submitted last spring. We have had hearings upon the legislative features of this bill both last spring and again this winter—the winter of 1911-12.

Mr. HOBSON. If the gentleman will permit, he has misunderstood me, as the chairman of the committee did. When I said "railroading," I did not mean that it had not been considered. I meant that it was incorporated in an appropriation bill. I do not mean it was not considered.

Mr. SLAYDEN. If the measure has been considered for more than a year, that consideration amounts to more than reasonable consideration. The gentleman asks how far we are going in this matter of economy. I say to him we are going along so far as to land us on a plane of justice to the people who are bearing all the burdens of government. We are going so far that we will be fair to the man who pays for it all. [Applause on the Democratic side.]

Mr. Chairman, the pay of the Army has been very largely increased in the last few years. The pay and allowances of the Army are on an exceedingly liberal scale. We not only increased the pay of every officer, when we increased the pay of enlisted men a few years ago, to a point considered extravagant by every other government on earth, but within the last few years we have made additional allowances to them that are of very great value. We move their furniture for them on changes of station. We equip their quarters with furniture—and permit me to say that it has been done on a scale of extravagance that,

in my judgment, was not contemplated by the committee when the law was enacted. We allow each man of a certain grade so many rooms. I will not undertake to mention those above the rank of colonel; but for a colonel we allow seven rooms, and when he is stationed at some place where there are no quarters he is given \$84 a month with which to rent his rooms.

Mr. AMES. Will my colleague yield?

Mr. SLAYDEN. I have only five minutes, and most of that time is gone.

Mr. AMES. I will make my statement later.

Mr. SLAYDEN. Other officers receive quarters in proportion. Majors have five rooms or \$60 a month, captains four rooms or \$48 a month, first lieutenants three rooms or \$36 a month, and second lieutenants two rooms or \$24 a month. In addition to that, Mr. Chairman, another important increase in pay which they receive and appreciate is the heat and light that we furnish them. Indeed, sir, there can be no complaint of illiberal treatment of the Army on the part of Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Texas be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. CANNON. As I understand it, there are about 17,000 men of the Army in the Philippines.

Mr. SLAYDEN. Between 11,000 and 12,000 at the time of the last report—that is, not including the scouts and constabulary.

Mr. CANNON. With those in Alaska and in the Tropics, would that make 15,000 or 17,000?

Mr. SLAYDEN. We have the Porto Rican regiment in Porto Rico. That is a special organization.

Mr. CANNON. Let us assume that the total number is 17,000. I think that is high enough. Now, the saving by this provision in the bill would be \$1,000,000 a year?

Mr. HAY. One million and sixteen thousand dollars, of which \$266,000 was estimated for the officers and \$750,000 for the enlisted men.

Mr. CANNON. About \$1,000,000 in round numbers. Now, if the pay of the remaining 77,000 men in the Army was cut in the same proportion would it not save \$5,000,000?

Mr. SLAYDEN. If the gentleman has made the calculation and says so, I will accept his statement. I have never made any such computation, because the committee has never contemplated any such action.

Mr. CANNON. That is something near the amount. Now, does the gentleman believe it would be possible, in these piping times of peace, to adopt an amendment cutting down by 10 or 15 per cent the pay of the officers and enlisted men in our fortifications, and scattered over the country, here in the United States? And if he does believe so, in God's chancellory or in man's sense of justice, would it be right?

Mr. SLAYDEN. I can only say that the committee have not contemplated any action of that kind. I am discussing what we have before us.

Mr. CANNON. I think it would be much better to do that than it would be to adopt this provision, because these men have the laboring oar.

Mr. SHERLEY. But the other fellows will have the laboring oar to-morrow.

Mr. SLAYDEN. The gentleman from Illinois complains that this is a special hardship on officers and men serving in the Philippines, and asks why we do not make a reduction of the pay of those who are serving here. I believe his phrase was "officers at home."

Mr. Chairman, the theory of administration is that in their turn all officers in the Army will serve in the Philippines and elsewhere abroad, so that whatever burden there may be about this will not be imposed upon a peculiar and small class, nor permanently, but will be distributed among all the officers of the Army who, in their turn, will go for service in the Tropics. I protest, sir, in the name of economy and fairness to the people that the amendment offered by the gentleman from California ought not to be agreed to. [Applause.]

Mr. NYE. Mr. Chairman, I move to strike out the last word. I have not taken any part, Mr. Chairman, in this very important bill and important discussion. I belong to that large class of American citizens who are invisible in war and invincible in peace [laughter], and I guess that some of the Military Committee belong in my class. [Laughter.]

I am not a military man, but I understand that this extra pay of the enlisted men and officers has been in force since

about 1898; that for 14 years it has been the law. It seems to me not only to be a reasonable regulation, but a very humane one. I happen to be personally interested in a neighbor's son, who lives the next door to me, who is in the Philippine Islands. He has suffered greatly in his health, has been sick for months, and a short time ago, having recovered sufficiently to return to his command, was wounded in battle, and lies now wounded in that tropical country.

My close relations with that family and with other families whose sons are in the Philippine Islands has led me to feel a deep interest and sympathy for that portion of our Army that takes the double peril of foreign lands.

Men go to these foreign countries and die, and we to-day begrudge them 20 or 10 per cent extra pay that they need sometimes to keep soul and body together. It is an innovation, and with all respect to the good judgment of the committee I do consider it a mistaken economy, and hope that this amendment to strike out the section in the bill will prevail. [Applause.]

Mr. MANN. Mr. Chairman, first I want to say that I have absolute confidence in the honesty and sincerity of purpose of the gentleman from Virginia [Mr. HAY]. But, Mr. Chairman, here is a proposition which is somewhat peculiar. These boys in the Army are our boys. They come from our districts; they belong to our families; they are enlisted under the law providing that while serving in the Philippines they shall have 20 per cent increase of pay. They have taken their enlistment under that law; they are in the Philippines; they can not get out of their enlistment; they are required to serve to the end of their term; and you propose now while they are away from home, upholding the honor of the country and following the flag, to cut their pay down.

If you want to provide that these boys of ours when they enlist shall not receive so much pay, you ought to make it only applicable to those who enlist after you pass your law. But here is a proposition to cut the pay down of the people serving in the Government of the United States, who have no fixed term of office. You propose that a man having a fixed term of service—your boy in your district, the son of your constituent, serving the country abroad—shall have his pay cut down while he is abroad, and thus to violate the contract between him and the Government when he enlisted to serve three years that he would receive the pay provided by law. Many of these boys are sending money home to their mothers, to their families, and you propose to stab them in the back while they are away at the front. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. KAHN, Mr. PRINCE, and Mr. TILSON) there were 71 ayes and 68 noes.

Mr. HAY. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Virginia, Mr. HAY, and the gentleman from California, Mr. KAHN.

The committee again divided; and the tellers reported that there were 73 ayes and 73 noes.

So the amendment was lost.

The Clerk read as follows:

SEC. 4. That the office establishments of the Quartermaster General, the Commissary General, and the Paymaster General of the Army are hereby consolidated and shall hereafter constitute a single bureau of the War Department, which shall be known as the bureau of supplies, and of which the chief of the supply corps created by this act shall be the head. The Quartermaster's, Subsistence, and Pay Departments of the Army are hereby consolidated into and shall hereafter be known as the supply corps of the Army. The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein, and, except as hereinafter specifically provided to the contrary, the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," are hereby extended so as to apply to the supply corps in the manner and to the extent to which they now apply to the Quartermaster's, Subsistence, and Pay Departments, and the provision of said sections of said act relative to chiefs of staff corps and departments shall, so far as they are applicable, apply to all offices and officers of the supply corps with rank above that of colonel. The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the supply corps, and as officers of said corps shall have rank of the same grades and dates as that now held by them, and, for the purpose of filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and, if the vacancy occurs in a grade not above that of colonel, by the promotion of an officer who would have been entitled to promotion to that particular vacancy if the consolidation of departments hereby prescribed had never occurred. The noncommissioned officers now known as post quartermaster sergeants and post commissary sergeants shall hereafter be known as supply sergeants; the Army paymaster's clerks shall be known as pay clerks, and each of said noncommissioned officers and pay clerks shall continue to have the pay, allowances, rights, and privileges now allowed him by law: *Provided*, That no details to fill

vacancies in the grade of major in the supply corps shall be made until the number of officers of that grade shall have been reduced by 11, and thereafter the number of officers in said grade shall not exceed 46; and no details to fill vacancies in the grade of captain in the supply corps shall be made until after the number of officers of that grade shall be reduced by 31, and thereafter the number of officers of said grade shall not exceed 100; and whenever the separation of a line officer of any grade and arm from the supply corps shall create therein a vacancy that, under the terms of this proviso, can not be filled by detail such separation shall operate to make a permanent reduction of one in the total number of officers of said grade and arm in the line of the Army as soon as such reduction can be made without depriving any officer of his commission: *Provided further*, That whenever the Secretary of War shall decide that it is necessary and practicable, regimental, battalion, and squadron quartermasters and commissaries shall be required to perform any duties that junior officers of the supply corps may properly be required to perform, and regimental and battalion quartermaster and commissary sergeants shall be required to perform any duties that noncommissioned officers or pay clerks of the supply corps may properly be required to perform: *Provided further*, That such duty or duties as are now required by law to be performed by any officer or officers of the Quartermaster's, Subsistence, or Pay Departments shall hereafter be performed by such officer or officers of the supply corps as the Secretary of War may designate for the purpose: *Provided further*, That there shall be a chief of the supply corps, who shall have the rank of major general while so serving, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among the officers of said corps and in accordance with the requirements of section 26 of the act of Congress approved February 2, 1901, hereinafter cited: *Provided further*, That when the first vacancy in the grade of brigadier general in the supply corps, except a vacancy caused by the expiration of a limited term of appointment, shall hereafter occur that vacancy shall not be filled, but the office in which the vacancy occurs shall immediately cease and determine: "*Provided further*, That the supply corps shall be subject to the supervision of the Chief of Staff to the extent the departments hereby consolidated into said corps have heretofore been subject to such supervision under the terms of the existing law."

Mr. PRINCE. Mr. Chairman, I make the point of order against the entire paragraph, or section 4. The point of order is largely based upon what appears on page 52, beginning with line 13:

Provided further, That there shall be a chief of the supply corps, who shall have the rank of major general while so serving, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among the officers of said corps and in accordance with the requirements of section 26 of the act of Congress approved February 2, 1901, hereinafter cited.

On page 50, beginning at line 13, the Chair will note the following:

The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the supply corps, and as officers of said corps shall have rank of the same grades and dates as that now held by them, and, for the purpose of filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank.

One list is created by this section, and from that one list there shall be selected a chief of supply corps, who shall have the rank of major general. This is subject to a point of order, because it does not reduce the number of officers, it does not reduce the pay of an officer, but, on the contrary, creates a new officer with additional pay; and, it seems to me, in view of the ruling of the Chair this morning—that where one part of a paragraph or section is subject to a point of order the entire paragraph or section goes out—that the same ruling must prevail as to this, and I shall expect the Chair to hold likewise, in view of the proviso on page 52.

Mr. HAY. Mr. Chairman, this is a very different proposition from the proposition considered this morning, because every part of this section and proviso referred to by the gentleman from Illinois [Mr. PRINCE] refers to the subject in this paragraph. This is constructive legislation, and it is legislation that is intended not only to save, which it does, but it is also intended to increase the efficiency of the Army.

I imagine that the Chair desires to know how this section will save. I want to call the attention of the Chair to the fact that this bill applies to the fiscal year beginning with July 1, 1912, and that during that fiscal year 21 officers of the Army will be cut off by the provisions of this act. That will effect a saving in this bill of \$161,175. The mere fact that the provision in the bill creating a corps carries with it an increase of rank of a major general does not affect the general saving made under this section. That increase amounts to only \$2,138, I believe, so that the net decrease under the section during the next fiscal year will be \$161,140.44. For that reason I think the Chair should rule the section in order.

Mr. TILSON. Mr. Chairman, the chairman of the committee, the gentleman from Virginia [Mr. HAY], has failed to point out in the body of the section itself where there is any retrenchment whatsoever. The saving to which he refers, if it be a saving, is in the first proviso. In the body of the section there is nothing that purports to reduce expenditures. If the section is to be considered as was the section concerning enlistment this morning when the whole section was held to be out of order because the proviso was obnoxious to the rule, then must the entire section be ruled out of order. In this instance it is the body of the section that neither makes nor purports

to make any reduction in expenditures whatsoever. It simply provides for a consolidation, leaving it for the first proviso to take care of the economy, if there be economy.

I call the attention of the Chair also to the second proviso. The second proviso is purely a matter of legislation. It certainly does not purport to reduce expenditures. Following the ruling of the Chair this morning, that proviso alone would carry the whole paragraph out of the bill. The same may be said of the third proviso, which was referred to by the gentleman from Illinois [Mr. PRINCE], and also of the last proviso in the bill, all of them being clearly legislative matters without purporting to effect any economies whatever. So I repeat that not only the body of the section, which is the first page and a half and a little more, but the second proviso and the third and the last proviso are all properly subject to a point of order.

Mr. CANNON. Mr. Chairman, just a word. As I get the reading of the paragraph with the proviso, it seems to me to be subject to a point of order. So far as I recollect, substantially all of the decisions under the Holman rule have been that the provision itself must show upon its face, without argument, that the legislation would reduce expenditures. The gentleman says this is legislation, at least so far as providing that a major general shall be chief of this bureau. If an alleged argument would show that this reduces expenditures, then you would have legislation that would authorize an increase of salary or the creation of a place with a salary of \$50,000, or any other sum. You may say that is not this case. I presume that is not this case, but the principle is the same. It is not the size of the baby, is it, if it were illegitimate? Whether it weighed 15 pounds or 5 pounds, the usual social ostracism would come. I recollect of hearing the plea once that it was such a little baby, but, after all, it was subject to the public sentiment of the community. [Laughter and applause.] It seems to me this point of order, as I gathered from the reading of the provision without having read it myself, is well taken.

The CHAIRMAN. The Chair will proceed to dispose of the point of order. Some of the arguments that have been advanced in the discussion of this point have been considered in two previous rulings and the Chair for the purpose of defining its attitude, will refer the committee to those rulings, without restating them in this connection. The Chair wishes to call the attention of the committee to an essential and obvious distinction between this section, and the one upon which he ruled this morning. The section ruled on this morning contained two provisions not related to each other, not dependent the one upon the other, but associated as two separate and distinct propositions. The precedents agree that when a paragraph is objected to as a whole, and any portion of the paragraph is not in order, then the point of order when sustained goes to the whole paragraph. The Chair in ruling simply followed the precedents, though the Chair must say as to these precedents, that they seem to rest on no sound or sufficient basis of reason.

But the Chair did not feel itself at liberty to overrule them. In the present case, a section is presented by the committee as a concrete whole. It is constructive legislation, in which each part bears an appropriate relation to the whole. It is an entity of independent, but related parts. It is submitted as a complete legislative proposition. This being so, it should be considered as a whole, and not in segregated items. The section is presented as a whole, and when considered as a whole, it conforms to the requirements of the Holman rule. A paragraph here, and a sentence there taken as isolated propositions, may not retrench expenditures, but the Chair does not think that a really single proposition should be picked to pieces in this manner, and destroyed in this fashion by parliamentary rulings, when as a whole the section effects a large retrenchment. This is the reverse of the proposition of this morning. In that case the point of order went to the whole section, for an independent part of it, was not in order. In this instance the point of order is not good against the whole section, for viewed as a whole it effects a considerable retrenchment, and is not subject to a point of order. The Chair will not entertain piecemeal motions unless the paragraphs to which these motions, or points of order are directed, are not parts of the complete proposition. The committee having jurisdiction has reported a concrete section, carrying independent legislation. It should be considered as such. Looking to the section as a whole, and to the correlated parts, it carries a reduction. It has not been denied in argument, that this section as a whole will effect a considerable retrenchment. The Chair is of opinion that there is a manifest and distinct difference between the pending proposition and the one upon which it ruled this morning, and that the principle which controlled the prior ruling

can not be invoked in the present instance. The point of order is overruled.

Mr. AMES. Mr. Chairman, I desire to offer an amendment. It is a single amendment, and it applies to a number of places in the bill for this reason, that the amendment is to change the words "supply corps" into "quartermaster's corps." In line 19, line 22, page 49; page 50, line 8, line 13, line 16; on page 51, line—wherever it occurs in the paragraph the amendment simply is to change the words "supply corps" into "quartermaster's corps."

Mr. HAY. Mr. Chairman, if the gentleman will permit me, I am perfectly willing to accept the amendment of the gentleman if he will permit me to work the amendment out.

Mr. AMES. Oh, surely.

Mr. HAY. And therefore I ask unanimous consent that I may amend this section and that the words "quartermaster's corps" may take the place of "supply corps."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may be allowed to work out the amendment suggested by the gentleman from Massachusetts, so that the words "quartermaster's corps" may appear in their proper place. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. For instance, there are supply sergeants, and I want to make them quartermaster sergeants, and so forth.

Mr. PRINCE. Mr. Chairman, I desire to offer an amendment to page 52, line 15, to strike out the word "major" and insert the words "brigadier general," so it will read "who shall have the rank of brigadier general while so serving."

The CHAIRMAN. The Clerk will report the amendment at the desk.

The Clerk read as follows:

Page 52, line 15, strike out the word "major" and insert in lieu thereof the words "brigadier general," so that the line will read "who shall have the rank of brigadier general while so serving."

Mr. PRINCE. Mr. Chairman, this section, as we state in our minority views, creates a corps and puts in charge a major general who holds that rank during his continuance as head of the corps. There is also reference to a provision of law which says that a staff officer when he fills one of these places and retires shall hold a rank on the retired list that he held while filling an office to which he was assigned. If this provision becomes a law these officers will not only be major generals during the time they are holding the office, but when they retire, I take it, they will be major generals on the retired list. In this case we are putting in charge of a supply corps a major general. In the Civil War, which had 2,213,000 individual soldiers in the Federal Army, this department was managed and conducted by a brigadier general, Gen. Meigs. I can see no reason why an officer in time of peace should be put in charge of a department and made a major general. If we do this, I will say, from my long experience as a member of the Committee on Military Affairs, that other bureau officers will demand that they be put in the same relative rank in which this officer is put. They want to attend the functions at the White House, and the Chief of Engineers can not well afford to be there with the insignia of a brigadier general when he has greater duties to perform and performs greater services for the country as a whole than the major general at the head of the supply corps. So he will be knocking at the door of Congress, saying, "Make me a major general so that my department will not be overshadowed by a less important department." The Chief of Ordnance will be there later on asking to be made a major general. The effect of this legislation will be to cause us considerable trouble, because these men will want to preside over their respective departments with the title of major general.

Now, this office is not large enough for that. The office of major general ought to be looked upon as a very distinguished one. He ought not to be at the head of a mere supply corps or a man who is at the head of a great grocery establishment. It ought to be so that when a man becomes a major general and wears the stars of a major general the people will say, "There goes a major general," and it will mean something when you give that title. Look at the history of our country, and consider Hancock and Meade and Halleck and Sherman and McClellan and also the splendid men of the Southland who after four years of struggle rose to the distinction of major general. You are proposing to put on the pedestal by the side of those men a distinguished hero who sits in the swivel chair of a major general.

Mr. CANNON. Will the gentleman allow a question?

Mr. PRINCE. Yes, sir.

Mr. CANNON. Does not the gentleman think we should probably pay this larger salary to a major general? We are saving \$700,000 by taking 20 per cent off the Philippine privates.

Mr. PRINCE. I do not know but that the gentleman is right. My colleague has a good deal of practical legislative sense. He has been here a good while.

I want to say to you that when you narrow it down to the economies in this bill they are all at the expense of the enlisted man, practically every one of them. And who is the enlisted man? Who is the commissioned officer? I heard my distinguished colleague Mr. SLAYDEN say that the people had some rights. The people? Who are these soldiers? Who are these commissioned officers? They are the people. Who are the people? Your people and my people. Where do they come from? They come from the home of the American citizen, as my distinguished associate on the floor here, the gentleman from Illinois [Mr. MANN], stated to this committee a while ago. You are taking from the men who can least afford to be deprived of their salaries and are giving to the men who can best afford not to receive it.

To him that hath shall be given. From him that hath not shall be taken away, even that which he seemeth to have.

It is the policy on the other side of the House to strike down the inconsequential man, strike down the enlisted man, and care for the commissioned officer who is sitting in a swivel chair. [Applause.]

Mr. HAY. Mr. Chairman, I have heard the gentleman make that speech now four times while this bill has been under consideration. I enjoy hearing him make it very much.

Mr. PRINCE. Yes; it goes better every time.

Mr. AMES. It sounds better every time.

Mr. TILSON. It is worthy of repetition.

Mr. HAY. The gentleman delivers it with a good deal of earnestness and emphasis. But, as a matter of fact, in creating this supply corps the committee has tried to make a symmetrical corps, and the pay of the enlisted men and the pay of the commissioned officer have nothing to do with the manner in which this particular section is drawn. It does not deal with the enlisted men at all.

Now, there has been a great deal said about a man sitting in a swivel chair, and my friend from Connecticut, Mr. TILSON, the other day said that Gen. Aleshire was being legislated into this major generalship. I want to say for Gen. Aleshire that he has been entirely unselfish about this legislation. There is no certainty who will be the chief of the supply corps, and Gen. Aleshire has told me that so much is he impressed with the importance of this legislation to the Army that he would be perfectly willing to lose what he now has, rather than see this legislation fail. He does not care, so far as he is concerned, whether it is a brigadier general or a major general who is placed at the head of the supply corps. As a matter of fact, this supply corps will be the most important corps in the Army. The general of it will have command of about 9,000 men. He will have control of the expenditure of \$80,000,000 or more. In every other army of the world the quartermaster general or the man occupying a position similar to this is either a major general or a lieutenant general.

The quartermaster general to the forces in England is a major general, and in Japan, in Germany, in France, in Austria, and all of those countries the officer occupying a position similar to this has the rank of major general.

Mr. TILSON. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Connecticut?

Mr. HAY. Yes.

Mr. TILSON. What rank would the officer corresponding to the Chief of Staff have in this case?

Mr. HAY. Well, in England the chief of staff is a major general, just the same as the quartermaster general is.

Mr. TILSON. And what is the size of the army there?

Mr. HAY. The size of the army is much larger, of course, than the Army here, but that has nothing to do with the rank. The gentleman asked me what was the rank of the chief of staff as compared with the rank of the quartermaster general. They are the same. And why? Because the quartermaster general is supervised by officers of the line, and it is provided in this bill that the Quartermaster General shall be under the supervision of the Chief of Staff. A line officer, after all, has supervision, so far as that is concerned, and no embarrassment will occur. Nothing will happen to mar the harmony of the War Department, I presume, now [laughter], and everybody will be dwelling there in peace and harmony forevermore. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment. The Clerk will report the amendment.

The Clerk read as follows:

On page 32, line 15, strike out the word "major" and insert in lieu thereof the word "brigadier," so that the line will read, "who shall have the rank of brigadier general while so serving."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

Add, after the word "law," in line 5, on page 53, the following: "Provided, That on and after July 1, 1912, there shall not be maintained in the District of Columbia more than one disbursing office for the Signal Corps or any one of the staff departments of the Army."

Mr. PRINCE. Mr. Chairman, I reserve a point of order on that.

Mr. FITZGERALD. Mr. Chairman, my attention has been called to the condition respecting disbursing officers in the Army, to which I believe the committee should give attention. There are in the District of Columbia to-day 43 quartermasters of the Army disbursing money. In addition, the Signal Corps has a disbursing one, the Engineers have one, and the Medical Corps has several. Some of the other departments have one or more. It seems to me that in the District of Columbia one quartermaster charged with the disbursement of money should be able to perform all the duties essential to the proper transaction of that office, or at least it should all be done through one office. My attention has been called to the fact that recently a requisition was made for an advance from an appropriation for a quartermaster officer at nine dollars and some cents to make a payment for which he had been detailed. It cost the Government \$10 to pass on the papers permitting the advance to be made.

There are more than 1,000 officers of the Army now engaged in the work of disbursing Army funds. The Paymaster pays the compensation; the Quartermaster's Department pays the commutation for fuel and quarters, and so it runs right through the service. There is no reason whatever for a system in which such work is not concentrated and does not devolve on some few officers, by whom it could be just as efficiently performed.

The practice has grown up of detailing officers to make disbursements without any real necessity whatever. The result is that more than 1,000 accounts are maintained where perhaps from 50 to 100 would be sufficient.

I am informed that about the city of New York, within a very small radius, about 70 officers of the Army are acting as disbursing officers. I propose, if this amendment be adopted, to offer another which will prohibit the maintaining of more than three disbursing officers in any department of any of the divisions of the United States Army. There are now 10 departments, if I recall correctly, 7 of which are in the United States. The gentleman from Texas [Mr. SLAYDEN] thinks there are 11. In each one of them every division of the Army has a number of officers charged with the work of disbursing public funds. If this work were concentrated, and those who have been assigned for that purpose were detailed to other duties, there would not be this continual clamoring for additional officers, or complaints that there are not now sufficient officers to discharge the necessary functions of the Army. It seems to me that a situation such as this can very readily be corrected without impairing the public service in the slightest degree, but with very beneficial results.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. MANN. Apparently quoting a question asked by the gentleman himself to-day, this bill has been under consideration now for two weeks. Why did not the gentleman call the attention of the Committee of the Whole to this before?

Mr. FITZGERALD. That is a perfectly legitimate inquiry, and deserves a perfectly frank answer. If I were not prepared to give it, if I had anything to conceal, I would not offer the amendment. The information was furnished to me shortly after 12 o'clock to-day. It came incidentally in connection with another investigation in which I was engaged. I then pursued the inquiry and got such information as I have been able to give to the committee at this time.

Believing that an abuse existed that should not be continued, I have had prepared, by one familiar with the situation, but who is in the service of the House, and not either of the War Department or of any other executive department, several amendments which will tend very much to correct the evil of which I complain. Had I had the information earlier I should have taken the matter up with the chairman of the Committee on Military Affairs and furnished him with all the information in my possession, as I did heretofore in connection with some other matters, and it might have induced him to accept these amendments, or it might have induced him to refuse to accept them, just as he has done heretofore. But I would not

charge the gentleman from Virginia with any covert attack upon the national defense simply because I have obtained this information and I am now furnishing it to the committee for the enlightenment of its members.

Mr. HAY. I notice that the gentleman's amendment reads "disbursing office." To what does the gentleman refer? Does he refer to a civilian or an Army officer?

Mr. FITZGERALD. To an Army officer.

Mr. HAY. He proposes that there shall not be maintained more than one disbursing office. That is the way his amendment reads. Now, who are employed in that office?

Mr. FITZGERALD. In nearly every one of these quartermaster's offices—

Mr. HAY. The pending paragraph is in reference to a signal officer.

Mr. FITZGERALD. A signal officer or any other staff officer. Wherever an officer is detailed as a disbursing officer, my information is that he usually has an enlisted man detailed to act as a clerk; and in an investigation which was recently made to determine whether and why there were delinquencies in the filing of reports required by law—and there are a great many—it was disclosed that one of the reasons assigned was that no person had been detailed to act as clerk. I will ask the gentleman from Virginia whether he intends to move now that the committee rise?

Mr. HAY. No; I do not want the committee to rise now.

Mr. PRINCE. Mr. Chairman, I would like to have the point of order discussed and have it disposed of.

Mr. HAY. I would like to ask the gentleman from New York whether or not this provides for an Army officer or a civilian, because if it is an Army officer his amendment would not reduce expenses for the reason that the Army officer would be serving elsewhere with as much pay as he now receives.

The CHAIRMAN. The Chair will call the attention of the gentleman from Virginia to the fact that the amendment does not say "officer," but "office."

Mr. FITZGERALD. I mean the officers who are detailed to act as disbursing officers, and they maintain, I suppose, some organization.

Mr. HAY. I must confess, Mr. Chairman, that I do not see what the gentleman is trying to get at. I have not had time to look into the matter.

Mr. PRINCE. Mr. Chairman, I have made the point of order.

Mr. FITZGERALD. Does the gentleman demand the regular order?

Mr. PRINCE. I ask for a ruling on my point of order.

Mr. FITZGERALD. Mr. Chairman, I insist that this amendment as worded is clearly a reduction in the number of offices maintained at public expense, and is therefore within the rule.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Add, after the word "law," line 5, page 53, the following:

"Provided, That on and after July 1, 1912, there shall not be maintained in the District of Columbia more than one disbursing office for the Signal Corps or for any one of the staff departments of the Army."

The CHAIRMAN. The Chair is not informed whether the existing law provides for more than one disbursing office, but suppose for argument's sake that it does. The Chair can not say that the necessary effect of the amendment will be to reduce expenses. One disbursing office might have as many officers in it, as two disbursing offices would have. The rent for a building for one disbursing office might be as great, as the rent for two buildings for two disbursing offices. This amendment does not appear to the Chair to necessarily retrench expenditures, and the point of order is sustained.

Mr. MANN. Mr. Chairman, I ask unanimous consent to strike out the quotation marks from the paragraph at the top of page 53. It ought not to be in quotation.

Mr. HAY. I accept that amendment.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out line 17, page 50, and inserting in lieu thereof the following: "According to length of service."

Mr. HAY. Mr. Chairman, I make a point of order on that.

Subsequently Mr. HAY withdrew the point of order.

Mr. GREEN of Iowa. Mr. Chairman, it will be observed on page 50, commencing at line 13, that the section provides that the officers now holding commissions as officers of the said department shall hereafter have the same tenure of commission in the supply corps, and that officers of said corps shall have

rank—and now comes the line that I want stricken out—"of the same grades and dates as that now-held by them."

I desire to substitute for that the words "according to the length of service."

It seems that in the three departments it is now sought to consolidate the promotions have heretofore been made much faster in some departments than others, and to such an extent has it gone on that there are officers whose services began some 20 years later than others and who now outrank those who have served so much longer.

The amendment I now offer seeks to correct this injustice and inequality, for I recognize the fact, as the committee doubtless found, that in preparing a measure of this kind, designed to promote economy and efficiency, it is probably necessary that some officers shall suffer to some extent for the good of the service and the good of the country. It seems to me, Mr. Chairman, that this injustice ought not to be carried to such an extent as this section now provides.

I am not interfering with the grades of these officers at all; but this amendment undertakes to provide that these men, now in the same grade and holding the same position, shall rank according to the length of service, which seems to be only fair and just. I hope the amendment will prevail.

Mr. HAY. Mr. Chairman, I move that all debate on this amendment and the paragraph be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia that all debate on the paragraph and amendment thereto be now closed.

Mr. FITZGERALD. Mr. Chairman, before the vote is taken, I move to amend the motion by applying it only to the pending amendment.

Mr. MANN. Mr. Chairman, I would suggest to the gentleman from Virginia that it is now after half past 5, and that the committee had better rise.

The CHAIRMAN. The Chair thinks that the motion of the gentleman from Virginia is hardly amendable.

Mr. HAY. Mr. Chairman, I would ask the gentleman from New York how long he desires to talk.

Mr. FITZGERALD. Only for a few minutes.

Mr. HAY. Then, Mr. Chairman, I ask unanimous consent that debate on the paragraph and amendments thereto be closed in five minutes, the gentleman from New York to occupy that time.

The CHAIRMAN. The Chair was in the midst of putting to the committee the motion of the gentleman from Virginia that debate on the paragraph be now closed; and by unanimous consent the action partly taken will be rescinded.

The gentleman from Virginia asks unanimous consent that debate on this paragraph and all amendments thereto be closed at the expiration of five minutes, the gentleman from New York to occupy that time. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, is there an amendment pending at the present time?

The CHAIRMAN. There is an amendment pending offered by the gentleman from Iowa [Mr. GREEN].

Mr. FITZGERALD. Mr. Chairman, when that amendment is disposed of I propose to offer separately two amendments, which I shall send to the desk and which I shall now explain to the committee. One provides that on and after July 1, 1912, except in time of war, every officer of the Army charged with the disbursement of public money shall, before entering upon such duty, give bond in such form and with such security as the Secretary of War may approve. All paymasters in the Army are now required to give bond. In addition to the paymasters, however, there are a great many officers of the Army, who are charged with the disbursement of public funds, who are not required to give bonds. They have to their credit on deposit in various parts of the country and outside of the United States sums aggregating in the millions of dollars. There is no good reason for not requiring the security that is required from every other official in the service. More than that, if such a provision were enacted it would prevent the detail of officers to act as disbursing officers in so many cases as now exist, as I have already pointed out.

Another amendment which I shall offer provides that on and after July 1, 1912, there shall not be maintained more than three disbursing offices in any department of any of the divisions of the United States Army, and no disbursing office shall be so established and maintained except with the written approval of the Secretary of War. I have not had time to obtain the facts connected with every department of the Army, but about the city of New York there are in the neighborhood of 70 officers of the Army who are disbursing funds appropriated for the support of the Army. My information is that

at least 1,000 officers of the Army are detailed to act, or are acting either by detail or under the operation of law, for the purpose of disbursing funds appropriated for the support of the Army, and that the adoption of both of these amendments would result in the concentration of this work, improving the efficiency of the service, and releasing a number of officers for the discharge of the duties which under the law properly devolve upon them.

I hope that when the amendments are offered from the desk the gentleman from Illinois [Mr. PRINCE], who is so well informed about the Army, and who has shown that he is anxious to eliminate abuses in the administration of the Army, and who is sincere in his efforts to effect reforms, will unite with me to secure their adoption. They are for the benefit of the service.

The CHAIRMAN. The first amendment to be voted on is the amendment offered by the gentleman from Iowa [Mr. GREEN], which the Clerk will again report.

The Clerk again reported the amendment offered by the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Line 5, page 53, add the following:

"On and after July 1, 1912, except in time of war, every officer of the Army charged with the disbursement of public money shall, before entering upon such duty, give bond in such form and with such security as the Secretary of War may approve."

Mr. PRINCE. Mr. Chairman, to that I make a point of order.

Mr. FITZGERALD. Mr. Chairman, I was under the impression that the gentleman from Illinois desired to improve the efficiency of the service.

Mr. MANN. Mr. Chairman, I call for the regular order, unless the gentleman from New York is discussing the point of order.

Mr. FITZGERALD. It was preliminary. But some people can not get started as quickly as others.

Mr. MANN. Well, the gentleman will have to get started very soon, or I shall make the point of no quorum.

Mr. FITZGERALD. I have concluded my argument on the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. PRINCE] makes the point of order on this amendment. The point of order is sustained. The Clerk will report the next amendment.

The Clerk read as follows:

Line 5, page 53, add the following:

"On and after July 1, 1912, there shall not be maintained more than three disbursing offices in any department of any of the divisions of the United States Army and no disbursing office shall be so established or maintained except with the written approval of the Secretary of War."

Mr. PRINCE. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Sec. 5. That as soon as practicable after the creation of a supply corps in the Army not to exceed 4,000 civilian employees of that corps, receiving a monthly compensation of not less than \$30 nor more than \$175 each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, employees of the Army transport service and harbor-boat service, and such other employees as may be required for technical work, shall be replaced permanently by not to exceed an equal number of enlisted men of said corps, and all enlisted men of the line of the Army detailed on extra duty in the supply corps or as bakers or assistant bakers shall be replaced permanently by not to exceed 2,000 enlisted men of said corps; and for the purposes of this act the enlistment in the military service of not to exceed 6,000 men, who shall be attached permanently to the supply corps and who shall not be counted as a part of the enlisted force provided by law, is hereby authorized: *Provided*, That the enlisted force of the supply corps shall consist of not to exceed 15 master electricians, 600 sergeants (first class), 1,005 sergeants, 650 corporals, 2,500 privates (first class), 1,190 privates, and 45 cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the supply corps as the Secretary of War may prescribe: *Provided further*, That the Secretary of War may fix the limits of age within which civilian employees who are actually employed by the Government when this act takes effect and who are to be replaced by enlisted men under the terms of this act may enlist in the supply corps: *Provided further*, That nothing in this section shall be held or construed so as to prevent the employment of the class of civilian employees excepted from the provisions of this act or the continued employment of civilians included in the act until such latter employees have been replaced by enlisted men of the service corps.

Mr. COOPER. Mr. Chairman, I reserve the point of order—

Mr. PRINCE. Mr. Chairman, I reserve the point of order against that section.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18956) making appropriations for the Army, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8853. An act for the relief of John L. Baird; and

H. R. 14055. An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Interstate and Foreign Commerce was discharged from the further consideration of the act (S. 4728) to authorize a change of name of steamer *Salt Lake City*, and the same was referred to the Committee on the Merchant Marine and Fisheries.

BUSINESS FROM COMMITTEE ON WAR CLAIMS.

Mr. SIMS. Mr. Speaker, the Army appropriation bill reported from the Committee of the Whole House on the state of the Union is not finished. To-morrow is private-claims day, and it was my intention to ask for the further consideration of what is known as the omnibus war-claims bill, but I have agreed with the chairman of the Committee on Military Affairs, providing we can get unanimous consent of the House to do so, that this bill may be finished to-morrow and then that the war-claims bill be taken up immediately after this bill is finished, provided it is finished before the day is over, and also be proceeded with during Saturday or until it is finished, if finished on Saturday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the omnibus war-claims bill be taken up immediately following the conclusion of the Army appropriation bill instead of coming up to-morrow morning. Is there objection?

Mr. HAY. And also be in order on Saturday.

Mr. MANN. And also be in order on Saturday.

The SPEAKER. Both to-morrow and be in order on Saturday, if not finished to-morrow. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned to meet to-morrow, Friday, February 16, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. H. Smalling, administrator of Henry Johnson, deceased, *v. The United States* (H. Doc. No. 542); to the Committee on War Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of N. B. Ashcraft, administrator of Eliza Ann Ashcraft, deceased, *v. The United States* (H. Doc. No. 541); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17242) to authorize the Northern Pacific Railway Co. to construct a bridge across the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington, reported the same with amendment, accompanied by a report (No. 323), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18155) authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County,

State of Minnesota, reported the same with amendment, accompanied by a report (No. 324), which said bill and report were referred to the House Calendar.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 223) providing for the participation by the United States in the International Council for the Exploration of the Sea, reported the same without amendment, accompanied by a report (No. 325), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15956) granting a pension to Louis Ledbetter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19750) granting an increase of pension to William H. Merritt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. WICKLIFFE: A bill (H. R. 20183) authorizing the survey of Pearl River from Bogalusa, La., to Columbia, Miss.; to the Committee on Rivers and Harbors.

By Mr. TALCOTT of New York: A bill (H. R. 20184) to cause present Federal building at Utica, N. Y., to be enlarged, extended, remodeled, or improved, etc.; to the Committee on Public Buildings and Grounds.

By Mr. FLOOD of Virginia: A bill (H. R. 20185) to create the Alaska Railroad Commission, to prescribe its duties, to pay its expenses, and for other purposes; to the Committee on the Territories.

By Mr. GUDGER: A bill (H. R. 20186) to establish a fish-culture station in Swain County, N. C.; to the Committee on the Merchant Marine and Fisheries.

By Mr. PETERS: A bill (H. R. 20187) for the erection of storehouses at certain Coast Artillery posts; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 20188) to provide for a survey and estimates of cost of a ship canal connecting the navigable waters of Niagara River; to the Committee on Rivers and Harbors.

By Mr. WICKERSHAM: A bill (H. R. 20189) making an appropriation for the protection of property of the United States from destruction by glacial floods at Valdez, Alaska, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. MCKENZIE: A bill (H. R. 20190) to extend the time for the construction of a dam across Rock River, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 20191) to authorize the widening and extension of Spring Road NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. GUDGER: A bill (H. R. 20192) to amend chapter 6 of the Revised Statutes of the United States relating to the circuit court of appeals; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 20193) authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by civilian employees of the Navy Department for improvement or economy in manufacturing processes or plant; to the Committee on Naval Affairs.

By Mr. BEALL of Texas: A bill (H. R. 20194) to provide payment of rewards for information as to violations of anti-trust act of 1890 and amendments thereto and of the various interstate-commerce acts, and for other purposes; to the Committee on the Judiciary.

By Mr. BURNETT: A bill (H. R. 20195) to amend the naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. LEVER: A bill (H. R. 20196) to change the name of oleomargarine to margarin; to change the rate of tax on mar-

garin; to protect the consumers, dealers, and manufacturers of margarin against fraud; and to afford the Bureau of Internal Revenue more efficient means for the detection of fraud and the collection of revenues; to the Committee on Agriculture.

By Mr. SHARP: A bill (H. R. 20197) to provide for the construction of a light and fog-signal station and for improving the aids to navigation at Lorain Harbor, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. ESTOPINAL: Joint resolution (H. J. Res. 241) directing the Secretary of the Navy to prepare and submit to Congress a competent scheme of naval defense of the mouth of the Mississippi River; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 20198) for the relief of Benjamin Demorest; to the Committee on Claims.

Also, a bill (H. R. 20199) granting an increase of pension to Sylvester Bartron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20200) granting an increase of pension to Amos E. Burbank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20201) granting an increase of pension to Lewis Chilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20202) to remove the charge of desertion from the record of James Gilroy; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 20203) for the relief of heirs of William Kennedy, deceased; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 20204) granting a pension to Lucinda Phares; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20205) granting an increase of pension to Frank A. Warthen; to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 20206) for the relief of heirs of E. C. Cornelius, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20207) for the relief of heirs or estate of Jesse Mabry, deceased; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 20208) for the relief of the legal representatives of Overton P. Hogan; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 20209) granting an increase of pension to Michael McCormick; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 20210) for the relief of Pedro Rafael Trujillo; to the Committee on Claims.

By Mr. DAVIS of West Virginia: A bill (H. R. 20211) for the relief of Benjamin M. Workman, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 20212) granting an increase of pension to James S. Pelley; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 20213) for the relief of the legal representatives of Catherine Bedell; to the Committee on War Claims.

By Mr. DE FOREST: A bill (H. R. 20214) granting a pension to Mary L. Bach and minor children; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20215) granting an increase of pension to Joseph Strevell; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 20216) granting an increase of pension to Thomas H. Truitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20217) for the relief of the legal representatives of David Showalter; to the Committee on War Claims.

Also, a bill (H. R. 20218) for the relief of the legal representatives of Oliver C. Joyce; to the Committee on War Claims.

By Mr. DICKSON of Mississippi: A bill (H. R. 20219) for the relief of heirs or estate of Louis Summers, deceased; to the Committee on War Claims.

By Mr. DONOHUE: A bill (H. R. 20220) granting a pension to Annie Hewson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20221) granting an increase of pension to Roland Savage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20222) granting an increase of pension to Gertrude Stroehline; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 20223) granting an increase of pension to Nelson Cornwell; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 20224) granting an increase of pension to James Heley; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 20225) for the relief of W. T. Bunn; to the Committee on War Claims.

By Mr. GRAY: A bill (H. R. 20226) granting a pension to Mary E. Rose; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 20227) granting an increase of pension to Thomas Roach; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 20228) granting a pension to Mary E. Burrell; to the Committee on Pensions.

Also, a bill (H. R. 20229) granting a pension to Harriet M. Townsend; to the Committee on Pensions.

By Mr. HENSLEY: A bill (H. R. 20230) for the relief of Henry J. Tucker; to the Committee on War Claims.

Also, a bill (H. R. 20231) for the relief of the heirs of Giles Russell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20232) for the relief of Emily G. Russell and the heirs of Elizabeth C. Barrow, deceased; to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 20233) granting an increase of pension to George W. D. Woods; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 20234) granting a pension to A. S. Wiltse; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20235) granting an increase of pension to Elizabeth Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20236) granting an increase of pension to Margaret A. Osborn; to the Committee on Pensions.

By Mr. JONES: A bill (H. R. 20237) for the relief of the heirs of Christopher Armat, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20238) for the relief of the trustees of Lebanon Disciples Church, Warwick County, Va.; to the Committee on War Claims.

Also, a bill (H. R. 20239) granting a pension to William Z. Edelin; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 20240) granting a pension to Mary E. Smathers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20241) granting a pension to Rebecca A. Strattan; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 20242) granting a pension to Charles E. Welker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20243) granting a pension to Ida T. Varney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20244) granting an increase of pension to Andrew G. Friend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20245) granting an honorable discharge to Charles King; to the Committee on Naval Affairs.

By Mr. LOBECK: A bill (H. R. 20246) granting an increase of pension to Charles E. Burmaster; to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 20247) granting a pension to Kate Geiss; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 20248) for the relief of Lottie Bowman, widow and heir of Thomas R. Bowman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20249) for the relief of heirs or estate of Thomas G. Neal, deceased; to the Committee on War Claims.

By Mr. McKINLEY: A bill (H. R. 20250) granting a pension to Sarah Lutz; to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 20251) granting an increase of pension to Annie B. Godwin; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 20252) granting a pension to Andrew J. Heatley; to the Committee on Pensions.

Also, a bill (H. R. 20253) to remove the charge of desertion from the military record of William Munson, alias William Morgan, and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. NEELEY: A bill (H. R. 20254) granting an increase of pension to John A. Pierson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20255) granting an increase of pension to George F. Terry; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 20256) granting a pension to Samuel B. Swartz; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 20257) for the relief of Horace Freeman; to the Committee on Claims.

Also, a bill (H. R. 20258) for the relief of Michael Shannon, John W. Connelly, Henry P. Graham, and Daniel O'Lone; to the Committee on Claims.

By Mr. PETERS: A bill (H. R. 20259) for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will; to the Committee on Claims.

By Mr. PORTER: A bill (H. R. 20260) granting an increase of pension to Abraham C. Gohn; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 20261) granting an increase of pension to Lewis Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20262) granting an increase of pension to Alvin M. Miller; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 20263) for the relief of the estate of Ransom Steele; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 20264) granting a pension to Mamie Kiehlley; to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 20265) granting an increase of pension to James C. Roberson; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 20266) for the relief of Francis M. White; to the Committee on Military Affairs.

Also, a bill (H. R. 20267) granting a pension to Adam Emmetsberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20268) granting a pension to Robert Rosenthal; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 20269) for the relief of J. D. Lane; to the Committee on War Claims.

Also, a bill (H. R. 20270) for the relief of heirs or estate of Stephen Smith, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20271) for the relief of heirs or estate of L. D. Crawley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20272) for the relief of heirs or estate of Wilson Cupples, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20273) for the relief of estate of Theodrick Webb; to the Committee on War Claims.

Also, a bill (H. R. 20274) for the relief of estate of Robert Edwards; to the Committee on War Claims.

Also, a bill (H. R. 20275) for the relief of estate of J. O. K. Williamson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20276) for relief of heirs or estate of John S. Burrows, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20277) for the relief of heirs or estate of Joseph Cain, deceased; to the Committee on War Claims.

By Mr. STONE: A bill (H. R. 20278) granting an increase of pension to Henry Jansen Oltman, alias Henry Jansen; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 20279) granting an increase of pension to Thomas E. Hart; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 20280) to restore Second Lieut. Henry Harrison Hall to the active list of the Army; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of Missouri, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

Also (by request), petition of Adolph A. Ehlinger and others, of St. Charles, Mo., for the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ANDERSON of Minnesota: Petition of R. E. Shephard and others, of Spring Valley, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of the Centennial Grange, No. 1682, of Vanatta, Ohio, in opposition to any reduction of the duty on oleomargarine; to the Committee on Agriculture.

Also, papers to accompany House bill 20121, granting an increase of pension to Harriet Gale; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition of citizens of New York City, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of the Bronx, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. BOWMAN: Petitions of Vulcan Iron Works, C. F. Murray Furniture Co., B. G. Carpenter Co., Sheldon Axle Co., and R. S. Williams Co., of Wilkes-Barre, Pa., for passage of House bill 16663; to the Committee on Ways and Means.

Also, petitions of Emily R. Miner and the Baltimore Yearly Meeting of Friends, in favor of a children's bureau; to the Committee on Labor.

Also, petition of Daniel Caldwell, of Philadelphia, Pa., for passage of House bill 16087; to the Committee on Military Affairs.

Also, petition of Erasmus Haworth, of Lawrence, Kans., for passage of House bill 6304; to the Committee on Mines and Mining.

Also, petition of Chamber of Commerce of Pittsburgh, Pa., protesting against passage of House bill 2948; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Granges Nos. 536 and 819, Patrons of Husbandry, relative to the oleomargarine laws; to the Committee on Agriculture.

Also, petition of American Board of Commissioners for Foreign Missions, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, petition of German-American Alliance, of Reading, Pa., protesting against prohibition or interstate liquor measures; to the Committee on the Judiciary.

Also, petition of W. A. Richard, of Wilkes-Barre, Pa., for passage of House bill 12827; to the Committee on Military Affairs.

By Mr. BROWN: Petition of Ruffner Bros., of Charleston, W. Va., and of James Rice and others, of Blackville, W. Va., for the reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BROWNING: Petition of Logan Memorial Presbyterian Church, of Audubon, N. J.; of members of Methodist Protestant Church, of Barnsboro, N. J.; of Methodist Brotherhood and St. Paul's Methodist Episcopal Church, of Paulsboro, N. J.; and of Friends' Meeting, of Woodstown, N. J., in favor of the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Flatbush Taxpayers' Association, for removal of post-office building in Borough of Manhattan; to the Committee on the Post Office and Post Roads.

Also, petition of Associated Clubs of Domestic Science, for standardization of weights and measures; to the Committee on Coinage, Weights, and Measures.

Also, petition of Brooklyn Council, United Commercial Travelers of America, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of New York Produce Exchange, for retention of the Remsen Board of Reference; to the Committee on Agriculture.

By Mr. CANDLER: Papers to accompany bill for relief of heirs of E. C. Cornelius, of Alcorn, Miss.; to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Jesse Mabry, of Rankin County, Miss.; to the Committee on War Claims.

By Mr. CARTER: Petition of citizens of Arkansas and Oklahoma, protesting against the damming of the Poteau River; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Resolutions of the Milwaukee Printing Pressmen's Union, No. 7, Milwaukee, Wis., favoring an increase of 10 cents per hour for pressmen employed in the Government Printing Office; to the Committee on Printing.

Also, resolutions of the Chamber of Commerce of Milwaukee, Wis., protesting against the removal of the Revenue-Cutter Service from the Treasury Department to any other department; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Chicago Local No. 1, Commercial Telegraphers' Union of America, favoring Government ownership of the telegraph and telephone; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of the Woman's Christian Temperance Union of Brownsville, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CRAVENS: Petition of citizens of Midland, Ark., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Petition of 38 members of Wigwam of Wahoo Tribe, No. 228, Improved Order of Red Men, of Rochester, N. Y., favoring the passage of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of West Virginia: Petition of L. R. McMillan and others, of Harrison County, W. Va., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Harvey W. Harmer and others, of Harrison County, W. Va., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Lewis Hubbard Co. and Ruffner Bros., of Charleston, W. Va., for reduction of duties on sugar; to the Committee on Ways and Means.

By Mr. DICKINSON: Petition of 14 citizens of Deepwater, Mo., against the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of American Board of Commissioners for Foreign Missions, urging reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. DWIGHT: Petitions of F. A. Dimick and others, of Ithaca, N. Y., for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of the State of New Mexico, protesting against the passage of Senate bill 237; to the Committee on the District of Columbia.

By Mr. FARR: Petition of the First Baptist Church of Scranton, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 19821, granting an increase of pension to Zachary T. Goldsmith; to the Committee on Invalid Pensions.

Also, petition of citizens of Bentonville, Ark., in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petitions of Spruce Hill (Pa.) Grange, No. 772, Patrons of Husbandry, and of Trough Creek (Pa.) Grange, No. 444, Patrons of Husbandry, for certain amendments to the oleomargarine laws; to the Committee on Agriculture.

Also, papers to accompany House bill 19572, for the relief of Catharine Maconaughey; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Woman's Foreign Missionary Society of Mazon, Ill., for passage of Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

Also, petition of H. A. Bent, of Oglesby, Ill., favoring the passage of the Peters bill, for the establishment of a children's bureau in the Department of Commerce and Labor; to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Massachusetts: Petition of the Woman's Christian Temperance Union of Natick, Mass., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of Sempervirens Club of California, for a Greater California Redwood Park; to the Committee on the Public Lands.

Also, petition of the International Dry-Farming Congress, for agricultural and vocational educational training; to the Committee on Agriculture.

Also, petition of the Republican Club of New York, for establishment of a department of public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Manufacturers' Association and New York Produce Exchange, for retention of the Remsen Board of Reference; to the Committee on Agriculture.

Also, petition of American Board of Commissioners for Foreign Missions, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, petition of Buffalo (N. Y.) Cooperative Stove Co., for reduction of letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of the third judicial division of Alaska, relative to conditions in that Territory; to the Committee on the Territories.

By Mr. GOOD: Petition of citizens of Tama County, Iowa, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of students of Leander Clark College, of Toledo, Iowa, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of the Woman's Christian Temperance Union of Mount Joy, Pa., and of the Faith Reformed Church, the Olivet Baptist Church, and the Bethany Methodist Episcopal Church, of Lancaster, Pa., urging the enactment into law of the so-called Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolution of the American Board of Commissioners for Foreign Affairs, of Boston, Mass., favoring bill to reimburse those American citizens who advanced \$66,000 ransom paid to brigands for the release of Miss Ellen M. Stone, a missionary; to the Committee on Claims.

By Mr. HAMILTON of Michigan: Petitions of citizens of the State of Michigan, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of Theodore Torgrimson and 53 others of Hanska, Minn., in favor of old-age pensions; to the Committee on Pensions.

By Mr. HANNA: Petition of citizens of the State of North Dakota, for amendments to the land laws; to the Committee on the Public Lands.

Also, petition of W. F. Strong, of Colgate, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of the State of North Dakota, for repeal of the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of the mayors of Cleveland and Toledo, Ohio, for coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of the State of North Dakota, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of the Methodist Episcopal Church of Fairmount, N. Dak., for passage of Kenyon-Sheppard interstate liquor measure; to the Committee on the Judiciary.

Also, petition of the Northwest Development League, relative to immigration policy; to the Committee on Immigration and Naturalization.

Also, petition of Deutsch-Amerikanischer Central Bund von Nord-Dakota, protesting against interstate liquor measures; to the Committee on the Judiciary.

Also, petition of Russ Bros. & Co., of Gaekle, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of J. J. Keen, of Wahpeton, N. Dak., for a Lincoln memorial road; to the Committee on Appropriations.

Also, petition of citizens of Fargo, N. Dak., protesting against bill providing for observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of residents of Traill, N. Dak., for passage of House bill 8141; to the Committee on Military Affairs.

By Mr. HAWLEY: Petitions of the Woman's Christian Temperance Union of Airlie, Aumsville, Brownsville, Dundee, Falls City, Gardiner, Grass Valley, Lents, Perrydale, Philomath, Shedd, Talent, Tangent, Roseburg, and Woodville, Oreg., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAY: Petition of citizens of Stephens City, Va., against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Petition of Woman's Christian Temperance Union of Warehouse Point, Conn., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HILL: Petitions of the Woman's Christian Temperance Union of Winsted, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Bantam, Conn., protesting against repeal of canteen law; to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Memorial of the allied banks of Passaic, N. J., for monetary reform; to the Committee on Banking and Currency.

Also, petitions of Reformed Church of Oradell and Methodist Episcopal Church of Ridgfield Park, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of citizens of the State of Pennsylvania, for old-age pensions; to the Committee on Pensions.

Also, petitions of the Woman's Christian Temperance Union of Strattonville and the Study Club of Brookville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LEVY: Memorial of New York Department, Grand Army of the Republic, protesting against proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, memorial of the National Drainage Congress, for reclamation of swamp and overflow lands; to the Committee on the Public Lands.

Also, petition of the mayors of Cleveland and Toledo, Ohio, for coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of George Borgfeldt & Co., of New York City, urging that no tolls be charged to American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Society of the Cincinnati, for bill authorizing the collection of military and naval records of the Revolutionary War; to the Committee on Military Affairs.

Also, petition of the Buffalo (N. Y.) Cooperative Stove Co., for reduction in letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of New York Produce Exchange, for retention of the Remsen Board of Reference; to the Committee on Agriculture.

Also, petition of Farmers' Educational and Cooperative Union of America, for passage of Senate bill 252; to the Committee on Labor.

Also, petition of Chamber of Commerce of Milwaukee, Wis., protesting against abolishing the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United German Societies of New York City, protesting against prohibition or interstate liquor measures; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of New York State, for passage of Kenyon-Sheppard interstate liquor measure; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of the Sandy Spring Monthly Meeting of Friends, of Sandy Spring, Md., and of the Church of United Brethren in Christ of Frederick, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDBERGH: Memorial of the Commercial Club of Minneapolis, Minn., for passage of House bill 18005; to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Minnesota, in favor of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. LLOYD: Petitions of citizens of Mayetta, Kans.; of Beaumont, Tex.; and of Weston, Oreg., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petition of Omaha (Nebr.) Motor Club, against House bill 2948; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Omaha (Nebr.) Woman's Club, favoring the Owen health bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Union League Club of New York City, for erection of a memorial to Peletiah Webster; to the Committee on the Library.

By Mr. McKELLAR: Papers to accompany bill for relief of estate of Thomas G. Neal, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Thomas Bowman, deceased; to the Committee on Claims.

By Mr. MARTIN of South Dakota: Petition of citizens of South Dakota, against any legislation for the extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. MORGAN: Petitions of citizens of the second congressional district of Oklahoma, asking for the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the second congressional district of the State of Oklahoma, asking for the passage of a bill providing old-age pensions for deserving men and women over 60 years of age, etc.; to the Committee on Pensions.

By Mr. MOTT: Papers to accompany bill for the relief of Lucy Anna Hodges; to the Committee on Invalid Pensions.

By Mr. NEELEY: Petition of citizens of Reno County, Kans., for old-age pension legislation; to the Committee on Pensions.

By Mr. NORRIS: Petition of citizens of Beaver City, Nebr., protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. OLMSTED: Petitions of Granges Nos. 60 and 1343, Patrons of Husbandry, of Halifax, Pa., and of Grange No. 1391, Patrons of Husbandry, of Union, Pa., urging certain changes in the oleomargarine law; to the Committee on Agriculture.

Also, petition of Trinity United Brethren Church, of Lebanon, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PORTER: Petition of the Chamber of Commerce of Pittsburgh, Pa., indorsing House resolution 357; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Resolutions of the Board of Trade of San Francisco, Cal., favoring House bill 16841; to the Committee on Appropriations.

Also, papers to accompany House bill 16989, a bill to correct the military record of James Bowery; to the Committee on Military Affairs.

Also, resolutions of the Auburn (Cal.) Chamber of Commerce, favoring House bill 17033; to the Committee on Mines and Mining.

Mr. REILLY: Memorial of the Hartford (Conn.) Central Labor Union, relative to a certain petition of the American Federation of Labor to Congress; to the Committee on Printing.

Also, petition of W. E. Keach, of Danielson, Conn., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Men and Religion Forward Movement, of Middletown, Conn., for the establishment of a children's bureau in the Department of Commerce and Labor; to the Committee on Labor.

Also, petition of Meridian Grange, of Wallingford, Conn., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SIMS: Papers to accompany bill for relief of heirs or estate of Joseph Cain, deceased; to the Committee on War Claims.

Also, petitions of citizens of the State of Tennessee, for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of Paris, Tenn., for legislation prohibiting gambling in farm products; to the Committee on Agriculture.

Also, papers to accompany bill for heirs or estate of Stephen Smith, deceased, late of McNairy County, Tenn; to the Committee on War Claims.

By Mr. STEDMAN: Petition of citizens of Forsyth, N. C., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of Louisville, Ky., for passage of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of citizens of the fifth congressional district of Kentucky, for erection of an American Indian memorial and museum building; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of fifth congressional district of Kentucky, for old-age pension bill; to the Committee on Pensions.

By Mr. SULLOWAY: Petitions of the Christian Union Church of West Epping, of Epping, N. H., and of citizens of Brentwood, N. H., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SULZER: Petition of Gus Zimmerman and 3 others, of New York City, in favor of the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Nicodemus Usiak, of Krakow, Wis., in favor of House bill 14, for the extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TALCOTT of New York: Petition of citizens of the twenty-seventh congressional district of New York, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. THISTLEWOOD: Petition of Ehs & Greaney, of Cairo, Ill., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the State of Illinois, for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petitions of citizens of Moulton, Cincinnati, and Unionville, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Methodist Episcopal Church of Spaulding, Iowa, favoring the passage of House bill 16214; to the Committee on Interstate and Foreign Commerce.

By Mr. WEBB: Petition of D. C. Rollins, of Shelby, N. C., and of J. T. A. Lawing and 4 others, of Charlotte, N. C., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WHITE: Memorial of citizens of Spratt, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Natches Tribe, Independent Order of Red Men, favoring the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. WOOD of New Jersey: Petitions of the Woman's Christian Temperance Unions and church organizations of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of J. S. Elkins and sundry citizens of Van Zandt County, Tex., for total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of J. Q. Burris and sundry citizens of Kaufman County, Tex., in favor of parcel post; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 16, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Once more, Almighty God, our heavenly Father, in the dispensation of Thy providence are we permitted to assemble within these historic walls. Grant, O most merciful Father, that the history here enacted this day may reflect wisdom and the highest statesmanship upon the actors and redound to the good of the millions whom they represent and receive the stamp of Thine approval. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JACOWAY, for 1 day, on account of illness.

To Mr. KINDRED, for 10 days, on account of illness.

To Mr. ADAMSON, for 4 days, on account of sickness in family.

PERSONAL PRIVILEGE.

Mr. SMALL. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from North Carolina [Mr. SMALL] rises to a question of personal privilege, which he will state.

Mr. SMALL. Mr. Speaker, I ask to have this extract read—

The SPEAKER. The House will be in order. It is necessary for the Chair to hear, in order to determine whether a question of personal privilege is presented or not.

Mr. SMALL. Mr. Speaker, I desire to have this communication from the Philadelphia Inquirer of yesterday morning, the 15th instant, read.

The SPEAKER. The Clerk will read the communication.

The Clerk read as follows:

UNITED STATES EXPERTS SENT OUT CAMPAIGNING—ENGINEER TELLS OF BEING ASSIGNED TO CONGRESSMEN SEEKING REELECTION—EVERGLADES SCANDAL PROBES HEAR OF PRACTICE OF AGRICULTURE DEPARTMENT IN SOUTHERN STATES.

WASHINGTON, February 14.

The House inquiry into the Florida Everglades was enlivened to-day by testimony to the effect that the Department of Agriculture in times past had sent some of its experts on campaign tours with Congressmen seeking reelection.

J. O. Wright, formerly in the department, but now chief drainage engineer of the State of Florida, called to explain his reports on the Everglades, said that in 1908 he was detailed to accompany Representative JOHN H. SMALL, of North Carolina, a Democrat, to Washington, N. C., during a campaign.

Four other Agricultural Department employees, he said, went along. There was an expert on soils, one on plant industry, a corn expert, and a cotton expert. The Government paid the expenses, Mr. Wright said. He said Representative SMALL introduced them to the crowds and told them to wait until the "finish, as he had something important" to tell them.

The concluding remarks of Mr. SMALL, Wright said, were of a political nature. In his own speeches Wright said he gave Mr. SMALL credit for legislation.

Other candidates he had helped, he said, were Representatives GODWIN and THOMAS, of North Carolina; Representative RANDELL, of Louisiana; and another Representative, from the Shreveport district, whose name he had forgotten.

"The Everglades are still unreclaimed," said Wright. "A very small portion is under cultivation. Most of that part of the Florida Peninsula is incapable of cultivation, because it has not been drained."

Representative SMALL, of North Carolina, appeared before the committee to explain the trips through his district. He said politics did not enter into the lectures or discussions and that diffusion of knowledge was the aim.

Chairman Moss asked Solicitor McCabe, of the department, if the practice of sending Government employees into congressional districts had been discontinued. Mr. McCabe said it had not; but insisted there was no politics in it.

Mr. OLMSTED. Mr. Speaker, I have no objection if the gentleman asks unanimous consent, but I suggest the paper read presents no question of privilege.

The SPEAKER. The Chair will inquire of the gentleman from Pennsylvania if he does not think that charges that a Congressman or Representative was using the benefits of the Agricultural Department for personal and political promotion is not a question of personal privilege.

Mr. OLMSTED. It only states that an officer of the department delivered a lecture, or something, down in his district. It does not say it was political.

The SPEAKER. The Chair knows, but the gravamen of the charge is that the gentleman from North Carolina [Mr. SMALL] imported these agricultural agents down into his district for the purpose of helping to reelect him to Congress.

Mr. SMALL. And in a political campaign.

The SPEAKER. And in a political campaign. The Chair thinks it is a question of privilege, as it reflects on the gentleman from North Carolina [Mr. SMALL] in his representative capacity.

Mr. SMALL. Mr. Speaker, the inference or imputation which may be drawn from this newspaper publication to the effect that there was the slightest impropriety in the conduct of this or other agricultural meetings in my district—the first congressional district of North Carolina—is utterly unfounded and untrue. And in order to correct the injustice which has been done to myself, and also, and not the least, to correct an injustice which has been done to the Department of Agriculture, I have risen to this question of privilege in order to state the truth. My district is largely agricultural. I think the census shows that at least 80 per cent of the population are directly dependent upon the farm for their support. Under those conditions it was the bounden duty of the Representative of those people to utilize, in as far as he could legitimately, the services of every executive department of this Government for their benefit. And the Agricultural Department, naturally, was capable of rendering them the greater service. When I was first elected to this House, in 1898, and began to observe the line of activities in which I could be most useful, of course I came to the conclusion that, the agricultural interests being the dominant industry, should receive particular consideration.

I observed at the same time that they were not availing themselves of the manifold activities of this department. Only in a slight degree were the publications of that department disseminated and read, and in very few instances were the experts of that department called upon by individuals or organizations to aid them in the improvement of agricultural methods. I concluded that the best method of utilizing the department was by bringing to those people experts from that department, to meet them face to face and to discuss with them agricultural problems. So, therefore, beginning about 1905, it was determined to have annual meetings in the summer, during July and August, which would be held at each county seat in my district. There are 14 counties in the district, but 1 of them being exclusively, almost, a fishing county, only 13 were visited. Through the Secretary of Agriculture and the chiefs of several bureaus experts were detailed to visit the district as lecturers and conduct these meetings.

One of the vital problems in my district is that of drainage. There are 500,000 acres of unreclaimed swamp land in that district, most of which have been pronounced by experts in the Bureau of Soils as being exceedingly fertile. One of them in his report stated that much of these lands were as fertile as the Delta of the Mississippi.

There is almost an equal area of land which has been under cultivation for many years, even for generations—some for 100 years—which, by reason of its slight elevation above tide level has never been efficiently drained. Therefore, among others, I made application for a lecturer to talk upon the subject of drainage, and through the Secretary and Dr. A. C. True, the director of experiment stations, Mr. J. O. Wright was detailed to discuss that subject. Up to that time I had never met Mr. Wright. Those meetings have been continued from year to year each summer since that time, and, as I remember, during the summers of 1905, 1906, and 1907 Mr. J. O. Wright accompanied the party and discussed drainage.

The Committee on Expenditures in the Department of Agriculture are now conducting an investigation arising out of the charge that certain reports of investigations by the Office of Drainage Investigations of the Department of Agriculture had been suppressed. Two days ago Mr. J. O. Wright was upon the stand, and upon the inquiry being propounded to him as to the reason why some reports had not been formulated at an earlier date gave as one excuse that he had been detailed for this work in my district. I was informed when the matter was mentioned, and I went down to the committee and made a statement.

Now, the facts connected with those meetings, so far as this inference goes, are these: There was never injected into those meetings in the slightest degree any political or partisan discussion. I realized the proprieties, and not only upon my own part endeavored to avoid any reference to partisan matters but stated to each one of these gentlemen that I desired any political references to be eschewed. They observed the request. Not only were no politics discussed, nor were there any politics in it, but, on the contrary, I never inquired about, and I do not know to-day, the political affiliations of a single lecturer sent out by the department to attend these meetings. Nor did we even in private conversation discuss any political subject. It is strange, indeed, when a Representative can not utilize one of these executive departments for the betterment of his people

without a charge being made that it is being done for ulterior political purposes. These meetings were held not in campaign years alone, but even in such years they were held long before the campaign began. They were held every year consecutively, and, in so far as I can induce the Department of Agriculture to do so, these meetings will be continued. They have resulted in great benefit to the people of the district.

Time after time comments have come, both oral and written, of the great service which has been rendered to agriculture by the introduction of improved methods, and of the betterment of those who live upon the farms by the teaching and the instruction which have been given at these meetings. Some reference was made in the hearing before the committee to similar meetings held in the congressional district of Hon. JOSEPH E. RANSDELL, of Louisiana, and other Members. My information, derived from reputable sources, justifies me in the statement that all other meetings have been conducted on the same high plane and that the only purpose was to bring benefit to the farmer and to introduce better farm methods.

Mr. Speaker, these inferences and these innuendoes involve an injustice to the Department of Agriculture. So far as I am concerned, I take pleasure in stating that the administration of that department in the South has been free from political bias. [Applause.] There has never been at any time any act or suggestion upon the part of any official of the department that any benefit should be withheld from my district or from my State because the majority there happens to be of a different political faith from the majority controlling the administration under which this department was conducted.

This dispatch, so far as I have been able to observe, was sent out by the Associated Press alone. I do not propose to exhibit any feeling or to make any charges against the correspondent who is responsible for it; but, Mr. Speaker, I submit that those who are responsible for the dissemination of the news through the Associated Press, upon which so many newspapers are dependent for obtaining news of events at the National Capital, should be more careful and discriminating in the character of the news which they send out.

To show how little excuse there was for this communication, on Wednesday, when this matter came to my attention, I went before the Committee on Expenditures in the Department of Agriculture and asked leave to interrupt the testimony of Mr. Wright, and made substantially the same statement as I have made to-day within less than an hour after the reference of Mr. Wright had been made to myself in his testimony; and at the conclusion of my statement I turned to Mr. J. O. Wright, the witness, and asked him if my statement was correct, and asked him if he had any information to the contrary, either direct information or by inference, to please state it then and there, and at that moment he said that my statement was absolutely correct. While I had not heard what occurred, the chairman of the committee interjected the statement immediately thereafter that there was no substantial difference between the statements of the witness, Mr. J. O. Wright, and those of myself, so that it can be readily seen that this dispatch, sent out by the Associated Press, was absolutely without foundation and absolutely inexcusable.

I have not sought to raise this question of privilege so much on account of myself as to remove any imputations which might involve an injustice to the Department of Agriculture.

Before concluding I desire, in order that I may not be misunderstood, to make this further statement: I know nothing about the immediate matter that is under investigation by his committee relating to the suppression of any report upon the investigation of the Everglades in Florida, and it was an impertinence to have injected this immaterial matter into that investigation in any way whatever. I have my own opinion, and I state this for fear of misunderstanding as to the action of the department in dismissing two officials—Mr. C. G. Elliott, the chief of the drainage investigations, and his assistant, Mr. Morehouse. I think, if I understand the facts correctly, that a grave injustice was done to them and that the action was taken under a serious misapprehension of the facts.

I simply interject that statement by way of parentheses and in order to avoid any misunderstanding; but upon the lines upon which I have spoken, upon which this communication rests, I desire in the strongest and most emphatic manner to deny any insinuations or any statements of fact which may tend to support any inference that there was in the slightest degree politics injected into those meetings or that the Department of Agriculture was responsible in the least degree for the making of campaign material and the furtherance of my political interests. [Applause.]

Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the Record by inserting an interview that I gave.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

SHERWOOD PENSION BILL.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent to extend remarks in the RECORD. Is there objection?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I submit for the RECORD an editorial in the Aurora (Ill.) Beacon News, of February 13, 1912, commenting upon the Sherwood pension bill. I only wish to say at this time that I am firm in the belief that the Smoot substitute will be very unsatisfactory to the old veterans, who were well pleased with the Sherwood bill as it passed in the House. The old soldiers believe that the Sherwood bill is the best and most meritorious bill that has ever been considered by Congress. Their disappointment over the defeat of the Sulloway bill was very great, and now that the Sherwood bill has been sidetracked for a substitute that is a mere pretense, it is very discouraging to these brave old veterans who are dying at the rate of 100 per day. There will be an accounting in store for those who are responsible for this threatened defeat of the Sherwood bill that will be as severe as it is deserved. The editorial referred to reads as follows:

HUMILIATING THE OLD SOLDIER.

Only a short time ago at a mass meeting of citizens in Aurora resolutions were adopted calling upon the Senate of the United States to further help to pay the debt of gratitude we owe the veterans of the Civil War by passing the Sherwood bill.

This mass meeting was a nonpartisan affair. A Republican Member of Congress, a Republican ex-United States Senator, a present Democratic candidate for governor of Illinois, and a present Democratic candidate for member of the State legislature spoke in favor of the bill, while a mayor elected on a nonpartisan ticket without opposition presided.

Yesterday the Senate Committee on Pensions threw out the Sherwood bill which the Aurora people indorsed and offered a substitute proposed by Senator REED SMOOT, of Utah, denying to the old soldier his honest due.

Great God! Must men now in need of the barest comforts in life crawl as suppliants before a rich Utah banker, whose wealth piled up for him because his daddy basked beneath the smiles of Brigham Young?

Must these men who went to the front when they were mere boys and whose locks are now tinged with the gray of honest toil be thus humiliated by one who, when they bared their breasts to the enemy's fire, was pulling at the rubber nipple on a milk bottle?

No! A thousand times, no!

Better far a century of penury than an hour of ingratitude!

Illinois expects her Senators to do their duty.

The old veterans are not only deserving of all that the Sherwood bill would give them, but they are poor and needy. I have no doubt that more than half of the old soldiers depend wholly upon their pensions and have no other income. Not 1 in 20 can earn a cent. I received this letter to-day:

NEW PHILADELPHIA, OHIO, February 12, 1912.

Mr. ASHBROOK.

KIND SIR: Will the old soldier get any more pension or are we turned down again? I don't know how we can live if we don't. I get \$15 per month and we have not had a pound of butter in our house since Thanksgiving. Forty cents for butter, 40 cents per dozen for eggs, \$1.40 per bushel for potatoes, 30 cents for coffee, etc. How can we live on \$15 per month? We are just out of coal and it has been raised 10 cents per bushel, and I only have 50 cents to my name. I don't drink or smoke or chew. I served over three years and was in some of the worst battles, was shot, and yet I only get \$15. Please help us soon.

Your friend,

RICHARD DODGE.

This is only one of the many pathetic appeals that daily pour into the hands of the Members who represent soldier constituencies. To me it seems nothing short of a crime to delay, postpone, and defeat all pension legislation and permit these old veterans, who preserved this Union, to suffer for the bare necessities of life during their declining days and die in want, when by the passage of the Sherwood bill practically every soldier would be able to at least live.

That the old comrades are dissatisfied with the Smoot substitute, which means little and to but few, is shown by the following extracts from veterans just received:

Albert L. Calloway, of Quitman, Mo., a soldier who enlisted early in the war and was mustered out in 1865, writes:

It would be much better to let legislation stand as it is than to pass one of the McCumber propositions.

A letter from Webster, N. Y., signed by Veteran C. E. Clark, says:

I notice by the McCumber invention he only makes \$3 per month difference between a man who served three years and three months and the man who served three months. I served three years and three months, and, at 66 years, he rates me at \$18 per month, while the man that served three months he rates, at 68 years, at \$15 per month. His invention No. 18 would have been a great deal better, but there is no justice in such propositions. Better let the pension law stand as it is.

Thomas Rayson, of Circleville, Ohio, says:

Stand by your guns. The proposed Smoot amendment would be of no value—only to a very few old men. Stick to the original bill.

Col. E. P. Lee, of Minneapolis, Minn.:

Senator McCUMBER has formulated a pension bill to substitute for the Sherwood bill. This bill does not meet with the approval of the old veterans, and I hope when the bill goes to conference that Gen. SHERWOOD will refuse to accept the McCumber bill.

John F. Lewis, of Great Bend, Kans., writes:

This is the first and only Congress that has shown proper military instinct in the pension business, and I hope you will stand by your guns, whether the bill passes or not, as it is a true standard and our Government must come to it sooner or later. Every vestige of patriotism must be dug out of the Army, if for no other reason but that of its influence upon the rising generation. A service bill passed for the old Civil War soldiers should be an honor roll and not a pauper list.

Mr. Lewis was first sergeant of Company G, One hundred and seventh Regiment Illinois Volunteer Infantry, a veteran regiment of 30 battles.

Joel R. Harvey, of Newcastle, Ind., says:

I want to say to you I am 66 years old, enlisted for three years on December 22, 1861. First vote for Lincoln, second term, when I was 19. Never voted anything but Republican ticket since. Cleveland's administration, in my opinion, was better than Taft's. Cleveland never allowed his Cabinet officers to discredit the soldiers.

M. B. Main, of Chicago, Ill., a prominent soldier and good citizen, writes to Gen. SHERWOOD:

I note with extreme regret that the Senate Committee on Pensions have seen fit to turn down your excellent measure and indorse the Smoot substitute, a measure, by the way, which means nothing to our suffering comrades, as most of them will be dead and buried long before it comes into operation. It is evident to any thinking man that this measure was put forward merely to rob the Democratic Party of any credit they would receive of the passage of the original measure. I think I but voice the sentiment of the Grand Army of the Republic when I say, rather than see this substitute adopted we would prefer to see the original measure go down to defeat. We are standing upon the principle of right and justice, and if the Republican Senate sees fit to ignore our claims, let them bear the consequences, which, we believe, will not tend to advance popularity of this party; so I hope the friends of the Sherwood service-pension bill will consider no compromise on the measure, but insist on its passage in its original form.

Comrade P. A. Malone, Twenty-second Illinois Veterans, writing from De Soto, Mo., February 14, says:

Under the Smoot substitute a soldier has to wait for full benefit until he is 75 years old. Why should a comrade who has served three years wait that long? It is a mere aggravating promise that only a very few will ever realize.

From Washington Post, Grand Army of the Republic, Chicago, Capt. W. Hirsch writes as follows. Capt Hirsch is a three-year veteran:

What we want is the Sherwood bill or none. I speak the sentiments of 96 members of our Post.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18956) making appropriation for the support of the Army.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union is in session for the further consideration of the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913.

Mr. MANN. Mr. Chairman, the gentleman from Wisconsin desires to address the Committee of the Whole on a matter relating to this bill, and I ask unanimous consent that the gentleman may proceed for 15 minutes.

Mr. HAY. I have no objection.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Wisconsin may address the Committee of the Whole for 15 minutes. Is there objection?

There was no objection.

Mr. BERGER. Mr. Chairman, in view of the growth of socialism the world over, it is of general interest and of importance to the country to know the position of the Socialists as to standing armies and navies.

To begin with, I want to say most emphatically that the Socialists do not want our people to be defenseless or to be depending upon the good will of any other nation at any time. We want the people of our country to be in a position to take care of themselves at all times. We know that treaties and written instruments are of very little account if they are not backed up by sufficient force and power.

Furthermore, we know that no nation in history that was totally disarmed ever remained a free nation. We know that whenever a nation was conquered, the first measure taken by the conquerors was to disarm the conquered. We know all that.

Therefore, I want to state to the Committee of the Whole that I believe in an armed nation—armed, however, for defense only. I believe in a people invincible for defense, but slow, awkward, and of no use for conquest or aggression.

A standing army, gentlemen, means a standing preparation for war. There are better things to prepare for than war.

We are spending nearly \$400,000,000 annually in preparation for war or as the result of former wars, while we are spending only \$200,000,000 annually for education in this country. The figures which I have given do not include the expenditures for the militia of the various States.

It is useless for certain very well meaning men to cry "Peace, peace, peace," when they are voting millions and millions of dollars every year for war. We will finally get what we are preparing for.

Why should the United States prepare for war? Who is going to attack us? Are the Canadians going to attack us? Will the Mexicans attack us?

I heard a Member from Texas tell in a private conversation the other day that in case of any trouble with Mexico, Texas alone, without any assistance from the rest of the country, could whip our southern neighbor. [Applause.] I believe it. And I believe that in case the Canadians should try to conquer the United States, Wisconsin and Minnesota could do the job of taking care of them, even without help from Missouri. [Laughter.]

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. BERGER. With pleasure. But remember, please, I have only 15 minutes.

Mr. BARTHOLDT. I understand; but I think this is a statement that ought to be made. The gentleman is mixing up his States a little bit. There is an impression in Mexico that they could easily lick the United States if it was not for Texas. [Laughter.]

Mr. BERGER. I am just telling the House that Texas alone could take care of the job.

Mr. CANNON. Mr. Speaker, will the gentleman tell us which side he is on?

Mr. BERGER. If the gentleman from Illinois will just wait until I get through he will find out all right. [Laughter.]

Mr. Chairman, from the rest of the world we are separated by two great oceans. In other words, we are in a better position to dispense with standing armies than any other nation in the world's history ever was. There is no question about that.

We also have had the yellow peril pictured before us. I say no invading army—yellow, black, or white—will ever leave this country in any other way except as released prisoners. There can be no question about that. [Applause.]

But there is one thing of which I am seriously afraid. A standing army always brings before my vision the danger of the man on horseback. No republic in the history of the world has ever very long survived a standing army. There is the real danger, gentlemen.

Yet the tendency of our legislation is in favor of a standing army. Here are the figures. In 1898 the Army appropriation was only \$23,129,344.

Then came the Spanish War. Since then the appropriations have grown to the neighborhood of \$100,000,000. In spite of a reduction in the last two years' appropriation the amount we are now asked to vote for is the amount total of \$93,374,755.97.

In 1890 the appropriation for fortifications was \$1,233,594. For 1912 we are asked to give \$5,473,707.

Now, as to the Navy. In 1890 the Navy appropriation was \$21,692,510.27. This year we are asked for \$126,478,338.

Pensions have also grown since 1890. At that time the appropriation was \$89,758,700. For the year 1912, almost 50 years after the close of the Civil War, we are paying \$153,682,000.

A nation that is all the time preparing for war, like we do, will sooner or later have a war.

Let us compare this condition of things with Switzerland. Switzerland is a republic, but Switzerland is in a particularly difficult position, being surrounded by Germany, France, Italy, and Austria—four countries with large standing armies. There are three different languages spoken in Switzerland—German is spoken by about two-thirds of the population, French by one-fourth, and 10 per cent speak Italian. It is true that Switzerland's neutrality is guaranteed by the great European powers, but this would amount to very little in case of a European war.

However, Switzerland is well able to take care of itself against any attack. It relies entirely upon the national militia. The service in this force is compulsory and universal, except for physical disability. Those excused or rejected pay certain taxes.

Actual service begins at the age of 20. The first 12 years are spent in the "Auszug," or the "Elite"; the next eight years in the "Landwehr"; the remaining eight years in the "Landsturm" for all those who have gone through the "Elite" and the "Landwehr."

Now, I shall disregard entirely the "Landsturm," which consists of about 50,000 men who have served 20 years in the army. The military strength of Switzerland, with a population in 1890 of but 3,741,971, is as follows:

	Men.
The "Elite," or "Auszug"-----	140,000
The reserve, or "Landwehr"-----	135,000
Total war strength-----	275,000

I may say that Switzerland is in a most excellent position to take care of itself against any attack from any side, whatever it may be.

Yet Switzerland has no standing army. The initial training of the Swiss militia is carried out in recruiting schools. The schooling period is now 65 days for the infantry, engineers, and foot artillery; 75 days for field artillery; and 90 days for cavalry, of which Switzerland has only about 5,000.

The subsequent training, called the "repetition course," is 11 days annually. But after going through seven courses further attendance is excused for all men under the rank of sergeant. The "Landwehr" men are called out only once for training during the entire eight years.

But every Swiss militiaman must serve a rifle course annually during the entire 20 years. There are numerous shooting societies and shooting ranges all over the country for that purpose.

The expenditures for that "army of democracy" are by no means small; they amount to 40,000,000 francs yearly, or \$8,000,000. Switzerland is surrounded by great nations with immense standing armies. That must be taken into consideration.

Switzerland, however, has no standing army. The Swiss militia is more like the armed democracy of ancient republics than any other military institution in the world. It surely could never be used by any usurper against the people.

We should have such a system here. Both Washington and Jefferson believed in a citizen soldiery and a mere skeleton of an army. In Washington's time the Regular Army was reduced to about 2,000 men.

The force under Gen. Anthony Wayne, that broke the Indian power at the Maumee Rapids in 1794, was composed of men specially recruited for that purpose. Subsequently the Regular Army was increased somewhat, but it was again reduced—this time to 3,000 men—under Thomas Jefferson.

We could readily and without any harm to ourselves reduce our regularly employed Army to the 25,000 officers and men which constituted its strength from shortly after the Civil War until 1898.

That Army was sufficient to quell the Sioux, the Apaches, and the Utes and other Indians. It will be more than sufficient for any present need, since the last Indian war has been fought. Instead of voting \$93,000,000 that could be better used in a thousand other ways, this Congress should organize a military system like that of the Swiss, and select a commission of trained military men to carry the measure into effect.

I shall, therefore, Mr. Chairman, vote against the entire bill, no matter what amendments are made to it, because as a matter of principle I am opposed to standing armies.

Mr. PRINCE. Mr. Chairman, before the gentleman takes his seat, I will ask him to yield.

The CHAIRMAN. Does the gentleman yield?

Mr. BERGER. Certainly.

Mr. PRINCE. Does the gentleman favor a three-year or a five-year enlistment?

Mr. BERGER. A three-year enlistment, under the circumstances, because it smacks a little less like a Russian army. However, I shall vote against the entire appropriation bill. If you could make the term of enlistment three months, I would favor that still more, of course, and vote for it.

Mr. PRINCE. Does the gentleman believe that we should have a number of men trained in military service, and have those men go back to the body of the people to engage in peaceful pursuits, rather than to have them remain permanently as a part of the military establishment?

Mr. BERGER. I favor every citizen being trained in military knowledge. I favor every man being made capable of and trained to defend our freedom in case of need. And I am also in favor of every citizen engaging in useful and peaceful pursuits permanently. I am against all standing armies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. BERGER. Yes, sir.

Mr. GARNER. Does the gentleman favor 15 regiments of Cavalry or 10?

Mr. BERGER. I believe the days of cavalry have passed. As far as I have studied the question, cavalry can only be used to cover the movements of the army or to discover the movements of the enemy. We read that in Tunis the Italians use balloons and aeroplanes for that purpose. The usefulness of the horse in war is fast waning. The automobile and the aeroplane are taking its place.

The gentleman from Kansas [Mr. TAGGART] stated that very nicely the other day by telling the story of Mars-la-Tour in 1870. That was the last time cavalry has ever attacked infantry. Four French cavalry regiments were wiped out in less than an hour like snow upon a hot July day. These regiments were the flower of the French Army, and the Germans did not have nearly as good rifles as we have now. You can not use cavalry any more against infantry or artillery.

Mr. GARNER. Then the gentleman is in favor of cutting the regiments down from 15 to 10.

Mr. BERGER. Decidedly; because you will save money and you will surely save human life in case of action.

Mr. CANNON. What did the gentleman say was the expenditure for military purposes in Switzerland?

Mr. BERGER. Eight millions of dollars.

Mr. CANNON. What is the population of Switzerland?

Mr. BERGER. Almost 4,000,000.

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. BERGER. Mr. Chairman, Switzerland is surrounded by the most powerful standing armies in the world. We are not. Switzerland must be prepared to fight for its integrity. I am willing to spend a great deal of money for defense, but none for conquest.

Mr. WEEKS. I was going to ask the gentleman what would be the expenditure for our Army per capita if we expended as much as Switzerland does for its militia. It would be double our present appropriation.

Mr. BERGER. No, sir, it would not; because Switzerland does not spend anything for the Swiss navy. [Laughter.]

Mr. HAY. Mr. Chairman, I understand that a point of order was pending when the committee rose on yesterday.

The CHAIRMAN. That is true.

Mr. HAY. I would like to know whether it is going to be insisted upon.

Mr. COOPER. Mr. Chairman, I reserved the point of order.

Mr. HAY. Mr. Chairman, I would like the gentleman to state his point of order, or make it.

Mr. COOPER. Mr. Chairman, I make the point of order because the section changes existing law in violation of the Holman rule. The portion of that rule applicable to the pending question is as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

A reading of section 5 makes clear the fact that it does not, upon its face, show that it would reduce expenditures and come within this rule. To demonstrate that the section would reduce expenditures would require the taking of testimony, and very probably an absolute contradiction in the statements of witnesses as to whether there would be a retrenchment, and thus necessarily throw upon the Chairman of the Committee of the Whole the determination of this question of fact. No person on reading the section could tell that it would retrench expenditures. As I say, it would throw the whole burden of determining the deciding question of fact as to whether the section retrenched expenditures—the fact upon which the rule turns—upon the Chairman of the Committee of the Whole, and that certainly can not be the proper procedure of the House under this rule.

General appropriation bills, furnishing supplies upon which the very existence of the Nation may depend, ought not to be complicated with legislation proposing to change existing law, unless very clearly, upon the reading of the bill itself and without hearing witnesses the proposed legislation comes within the

provisions of the rule, and then only in the manner provided by the rule itself.

This section creates 6,000 new positions in the Army. While, Mr. Chairman, it replaces not to exceed 4,000 civilian employees and an indefinite number of enlisted men in the line of the Army, it certainly is not apparent that it will retrench expenditures in any manner or degree whatever. In certain hearings on May 18, 1911, before the Committee on Military Affairs, on House bill 7713, Sixty-second Congress, a bill making similar provision for a general service corps of enlisted men, on page 22 and following there appears testimony to the effect that economy will result from the substitution of military for civil labor in the Army. But, Mr. Chairman, a close inspection of this testimony reveals the fact that in computing the cost of the proposed military organization, no estimate or allowance was made by the witnesses who gave their testimony for the following items:

1. Officers' work to control and attend to 6,000 enlisted men, including court-martial work. That is a necessary expense, and should be estimated for always.

2. There was no estimate made in the testimony of the witnesses that this bill would retrench expenditures for those who will be detailed to care for the rest—for example, cooks, clothing issues, clerks for pay and muster rolls, barrack orderlies, and so forth.

3. No estimate was allowed for losses by desertion. Five hundred would desert annually if the proportion were the same as in the rest of the Army. These men are to be enlisted as other men are enlisted, and presumably there will be the proportionate average number of desertions.

4. No allowance was made for losses by discharge by court-martial, of which the average number is 230 annually.

5. No allowance was made for the support and guarding of prisoners. About 300 would always be prisoners to be supported and guarded, supposing that the men who are to be enlisted under section 5 would furnish the average number of prisoners.

6. No allowance was made for cost of transportation. Under the law as it now exists civil employees are picked out where needed and discharged when they are no longer required. This would not be the case with soldiers regularly enlisted who take the place of civilian employees, and this additional expense ought to be allowed for.

7. No allowance was made for those soldiers who are idle, waiting assignments between jobs or by reason of illness.

8. No allowance was made for pensions to those incurring disability in the line of duty.

9. No allowance was made for quarters. These were insufficiently provided for in the estimates of witnesses.

It is quite apparent that all these items should have been taken into account, but there is nothing in section 5 to show that they were taken into account, and they were not. It can not be determined whether section 5 would decrease expenditures, except by the taking of the testimony of witnesses, and this, as I say, would throw the whole burden of determining this vital question of fact upon the Chairman, whereas it ought to be left to the Chairman to decide it by a perusal of the section itself and a comparison of it with existing law.

It is true, moreover, that public policy demands the employment of civil labor—I speak now of the question of policy—rather than military labor, wherever it is practicable and economical. The greater the use of civil labor the more rapidly a given number of men can be placed in line of battle when war occurs. In time of war all men enlisted and trained at the Government's expense, with provision for pension and retirement, should be in the fighting line. That, however, goes to the question of policy.

I made the point of order because section 5 is new legislation on a general appropriation bill, and the section on its face does not show that it would reduce expenditures, but, on the contrary, leaves that vital question of fact to be determined from the testimony of witnesses, and is therefore not within the Holman rule.

The decision of this question by a Chairman of the Committee of the Whole would be only his opinion, and that opinion might be entirely at variance with the fact, whereas the Holman rule plainly means, as it ought to mean, that it is to be applied only where there can be no mistake as to the fact.

Mr. HAY. Mr. Chairman, under existing law there are now employed annually by the Quartermaster General and Commissary General, and other bureau chiefs in charge of these different supply corps, 4,832 civilian employees. There are also detailed to their command 2,478 enlisted men on extra duty in the Quartermaster and Subsistence Departments. These soldiers are paid from 35 cents to 50 cents per day. This legislation,

if enacted, will reduce the expenditures of the Government one million nine hundred and sixty-odd thousand dollars a year when all of these people become enlisted men; and in the next fiscal year, if 1,000 men are employed in place of soldiers and civilians, we will reduce the expenditures \$368,000 per year.

This calculation has been very carefully made by the Quartermaster General. There is no question about the reduction. There is no doubt that this saving can be made and will be made if this law is passed. I therefore think that it is within the Holman rule, and believe that the point of order should be overruled.

The CHAIRMAN. The Chair has already stated somewhat in extenso its opinion of the proper construction of section 2 of Rule XXI. It is impossible, in view of existing law, and having in mind at once the cost of the employees to be replaced and the cost of the employees that will take their places, not to conclude that a reduction will be effected. The amount to be paid to these employees respectively, is fixed by law. Hence a comparison can be made. This is a constructive piece of legislation which it is competent for the committee to report by virtue of authority given it by Rule XXI under the prescribed conditions. The Chair thinks that it is manifest that this section will effect a retrenchment. The point of order is overruled. The Clerk will read.

Mr. HAY. The Clerk has read the section. I desire to offer an amendment to it.

The CHAIRMAN. The gentleman from Virginia offers an amendment.

Mr. HAY. On page 53, line 14, after the word "clerks," insert the words "civil-service employees."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 14, after the word "clerks," insert the words "civil-service employees."

Mr. MANN. Mr. Chairman, I am not sure whether that is proper language or not, whether it should be "civil-service employees" or "employees in the classified service."

Mr. HAY. I think it covers the ground.

Mr. MANN. Civil-service employees are all employees who are not in the military service.

Mr. HAY. However, if there is any doubt about it I will change it so as to make it read "employees in the classified service." I am willing to do that if the gentleman thinks that is more certain.

The CHAIRMAN. Does the gentleman from Virginia desire to withdraw his amendment and re-form it in the manner indicated?

Mr. HAY. Yes.

The CHAIRMAN. Without objection, it will be done. The gentleman will present his amendment as he desires to re-form it.

Mr. HAY. After the word "clerks" insert the words "employees in the classified service."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 14, after the word "clerks," insert the words "employees in the classified service."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, in order to make this section conform to the amendment which was made in regard to the change in the name of the corps, on page 53, line 7, strike out the word "supply" and insert the word "quartermaster," so that it will read "quartermaster corps."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 7, strike out the word "supply" and insert in lieu thereof the word "quartermaster."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAY. On the same page, line 19, strike out the word "supply" and insert the word "quartermaster."

The CHAIRMAN. The Chair will suggest to the gentleman from Virginia if he will suggest all those amendments in the proper place, the Chair will put them en bloc.

Mr. HAY. Then:

In line 19, page 53, strike out the word "supply" and insert the word "quartermaster."

Line 24, page 53, strike out the word "supply" and insert the word "quartermaster."

Page 54, line 1, strike out the word "supply" and insert the word "quartermaster."

Page 54, line 9, strike out the word "supply" and insert the word "quartermaster."

Page 54, line 14, strike out the word "supply" and insert the word "quartermaster."

Page 54, line 20, strike out the word "service" and insert the word "quartermaster."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all the amendments indicated by him may be voted upon as a whole. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

SEC. 6. That the office establishments of The Adjutant General, the Inspector General, and the Chief of Staff of the Army are hereby consolidated, and shall hereafter constitute a single bureau of the War Department, which shall be known as the Bureau of the General Staff, and of which the Chief of Staff shall be the head. The Adjutant General's and Inspector General's Departments of the Army are hereby consolidated and merged into the General Staff Corps. The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein, and, except as herein-after specifically provided to the contrary, so far as the officers hereby transferred to the General Staff Corps, and the offices held by them, may be affected, the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," are hereby extended so as to apply to the General Staff Corps in the manner and to the extent to which they now apply to The Adjutant General's and the Inspector General's Departments; but nothing in said sections shall be held to apply to any officers of the General Staff Corps except the officers transferred to that corps from The Adjutant General's and Inspector General's Departments by the terms of this act, and nothing in said sections or in this act shall be held or construed so as to nullify or change any of the provisions of existing law as to the detail of officers for duty as Chief of Staff, or as to the period for which officers so detailed may serve, "and no officer who shall have served four years as Chief of Staff shall, except in case of emergency or in time of war, be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army or on such other duty not pertaining to the General Staff Corps as the President may direct." The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the General Staff Corps, and as officers of said corps shall have rank of the same grades and dates as that now held by them, and, for the purpose of filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and, if the vacancy occurs in a grade not above that of colonel, by the promotion of an officer who would have been entitled to promotion to that particular vacancy if the consolidation of departments hereby prescribed had never occurred: *Provided*, That, except as otherwise specifically provided in this act, after the consolidation of bureaus, departments, and corps hereinbefore provided for shall have been effected, no details to fill vacancies in the grade of colonel in the General Staff Corps shall be made until the number of officers of that grade in said corps shall have been reduced by 3, and thereafter the number of officers of said grade in said corps shall not exceed 10; and no details to fill vacancies in the grade of lieutenant colonel in the General Staff Corps shall be made until after the number of officers of that grade in said corps shall have been reduced by 4, and thereafter the number of officers of said grade in said corps shall not exceed 14; and no details to fill vacancies in the grade of major in the General Staff Corps shall be made until after the number of officers of that grade in said corps shall have been reduced by 7, and thereafter the number of officers of said grade in said corps shall not exceed 25; and no details to fill vacancies in the grade of captain in the General Staff Corps shall be made until after the number of officers of that grade in said corps shall have been reduced by 11, and thereafter the number of officers of said grade in said corps shall not exceed 10; and whenever the separation of a line officer of any grade and arm from the General Staff Corps shall create therein a vacancy that, under the terms of this proviso, can not be filled by detail such separation shall operate to make a permanent reduction of one in the total number of officers of said grade and arm in the line of the Army as soon as such reduction can be made without depriving any officer of his commission: *Provided further*, That such duty or duties as are now required by law to be performed by any officer or officers of The Adjutant General's or Inspector General's Department shall hereafter be performed by such officer or officers of the General Staff Corps as the Secretary of War may designate for the purpose: *Provided further*, That when a vacancy in the grade of major general shall occur among the officers hereby transferred to the General Staff Corps that vacancy shall not be filled, but the office in which the vacancy occurs shall immediately cease and determine: *Provided further*, That officers now holding commissions as officers of either of the departments hereby consolidated with the General Staff Corps may at any time, in the discretion of the President, and shall, whenever they shall have served four years as members of said corps, be detached therefrom and assigned to duty with the line of the Army, or to such other duty not pertaining to the General Staff Corps as the President may direct, and they shall not be returned to duty in said corps until they shall have served for two years under detachment therefrom except in cases of emergency or in time of war, and during their detachment from said corps their places therein may be filled by the selection and detail, under such regulations as the President may prescribe, of line officers having the same rank, respectively, as the officers whose places said line officers are to fill: *Provided further*, That officers of the line of the Army who are now, or who shall hereafter be, detailed for service in any staff corps or department under the provisions of section 26 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," may at any time, in the discretion of the President, be relieved from such service and returned to duty with the line: *Provided further*, That, in order to expedite the reduction of the number of officers of the consolidated General Staff Corps to the limit contemplated by this act, officers who now hold commissions as officers of either of the departments hereby consolidated with the General Staff Corps, and who are eligible for retirement from active service under any law existing at the date of the approval of this act, shall, upon

their own applications, and may, in the discretion of the President, be retired from active service: *Provided further*, That all officers of the line of the Army now detailed for service in either of the departments hereby consolidated with the General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in said corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in said corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in case of emergency or in time of war: *Provided further*, That hereafter, when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," be appointed or reappointed to an office with rank above that of colonel his appointment to said office and his acceptance of the appointment shall not create a vacancy in the arm, corps, or department from which he shall be appointed, but he shall retain therein the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office unless he shall be reappointed thereto.

Mr. TILSON. Mr. Chairman, on page 57, lines 12 to 17, beginning at the last word on line 12, I move to strike out the last word on line 12 and all of lines 13, 14, 15, and 16, and half of line 17, ending with the word "ten."

Mr. MANN. That does not make sense.

Mr. TILSON. I think the gentleman is mistaken.

The CHAIRMAN. The Clerk will report the amendment at the desk.

The Clerk read as follows:

On page 57, line 12, strike out the word "and" at the end of the line and all of lines 13, 14, 15, 16, and half of line 17, down to and including the word "ten."

Mr. TILSON. Mr. Chairman, it seems to me that it is very important not to reduce materially the number of live, wide-awake young captains on the General Staff. It is true this makes a reduction of a number of the higher grades in the General Staff, and I am not at all convinced that such reduction is wise; but in regard to the reduction in captains, it seems to me that it is particularly unwise and unfortunate. These young captains, coming in from close contact with the troops, are more vitally in touch with the Army than anyone else. It seems to me we ought to have the full quota of these captains on the General Staff, and that it is unfortunate to reduce them by 11. I hope that this amendment will prevail, striking out the provision which reduces the General Staff by 11 captains.

Mr. HAY. Mr. Chairman, the act creating the General Staff Corps was passed by Congress in 1903, I believe. The reason given for the passage of that act was that it was very important to have officers who could come here and study questions of defense and problems with regard to war, and to submit the results of their studies to the President and the Secretary of War in order that they might take the necessary steps to carry them out. Now, it does not seem to me that the young captains are the men to study problems of that sort, but rather that those studies should be conducted by men of larger experience than young captains, and therefore we have reduced the number of captains, although only doing so in proportion to the other reductions which we have made in other grades in the Staff Corps. I hope, therefore, that the amendment of the gentleman from Connecticut will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. HAY. Mr. Chairman, on page 55, line 24, extending over to line 5 on page 56, there are some quotation marks. I ask that those quotation marks be stricken out.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 7. That hereafter no vacancies occurring in the grade of major general in the line of the Army shall be filled until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers of said grade shall not exceed 4; that hereafter no vacancies occurring in the grade of brigadier general in the line of the Army shall be filled until after the number of officers of that grade shall have been reduced by 5, and thereafter the number of officers of said grade shall not exceed 11; and for the purposes of this act general officers not commissioned as officers of any of the staff corps or departments of the Army shall be regarded as general officers of the line: *Provided*, That hereafter the number of officers above the grade of colonel who shall be members of the General Staff Corps under the provisions of section 3 of the act of Congress approved February 14, 1903, entitled "An act to increase the efficiency of the Army," shall be 2; *Provided further*, That hereafter service as a cadet of the United States Military Academy or as a naval cadet or midshipman shall not be counted in computing for any purpose the length of service of any officer of the Army.

Mr. HAY. Mr. Chairman, I would like to offer an amendment.

Mr. ANTHONY. I want to offer an amendment to the paragraph.

Mr. MANN. The gentleman from Kansas wants to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. HAY].

Mr. HAY. My amendment should be inserted at the end of line 12.

The Clerk read as follows:

On page 61, at the end of line 12, insert the following: "*Provided further*, That hereafter service as a cadet, naval cadet, or midshipman at either the United States Military or Naval Academy, exclusive of the sea service as prescribed by law on the completion of the academic course and preliminary to final graduation at the latter institution, shall not be counted in computing for any purpose the length of service of any officer of the Army."

Mr. HAY. Mr. Chairman, I offer that amendment in order to give the naval cadet the benefit of the two years' service which he has at sea, so that it may be included in computing the length of service.

Mr. SHERLEY. I desire to ask the gentleman from Virginia a question.

Mr. ANTHONY. Mr. Chairman, I desire to ask the gentleman from Virginia a question.

The CHAIRMAN. To whom does the gentleman from Virginia yield?

Mr. HAY. I yield to the gentleman on the committee, the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. I should like to ask the chairman of the committee if his amendment makes any change in the cadet service at West Point?

Mr. HAY. No; only the two years of sea service of cadets at the Naval Academy. Now I yield to the gentleman from Kentucky.

Mr. SHERLEY. I should like to ask the gentleman from Virginia if it is his understanding that this proviso is retroactive in the sense of affecting the pay and voluntary retirement period of officers now in the service, or if it is meant simply to apply to those who may hereafter come into the service?

Mr. HAY. Do I understand the gentleman's question to refer to a man who, for instance, has served 30 years and wants to make application for retirement?

Mr. SHERLEY. Not only that case, but all officers who are in the Army. For instance, a man may have served 20 years, counting service in the Military Academy. Would this make it four years longer before he would be entitled to an increase of pay by reason of length of service?

Mr. HAY. It would.

Mr. SHERLEY. I want to ask the gentleman, further, whether he considers that it is proper to change what has been an established condition for thirty-odd years? I am thoroughly in sympathy with the idea that as an original proposition service in the academy should not be considered as service in the Army for the purpose of increasing pay as the result of length of service; but it strikes me as questionable to undertake retroactively to affect the status of the men now in the service, and that is practically what you are doing.

Mr. HAY. I do not think it can be said that I am doing it retroactively. I am simply applying what the gentleman acknowledges to be a good principle to men who have not earned their increase because they were in school four years of the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Virginia be extended five minutes. Is there objection?

There was no objection.

Mr. HAY. They have earned this increase of pay by virtue of four years at the Military Academy, and they are enjoying it by virtue of that service; and while it is true that that has been the case since 1884, yet I do not think we are doing any injustice by now requiring them to serve the additional four years in order to obtain their increase of pay for length of service. I call the gentleman's attention to the fact that under the present rule a man only has to serve 26 years in the Army before he may apply to be retired at the end of 30 years, counting the 4 years of service at the Military Academy as a part of his Army service. Of course, it is discretionary with the President whether he will retire the man at the end of that time.

Mr. SHERLEY. If the gentleman will permit me, I thoroughly agree that as an original proposition it is not sound to count as service four years' attendance at a school maintained by the Federal Government; but the point I am trying to impress upon the chairman of the committee is this, that, whether wise or not, that was a means whereby the status of these men was fixed, and their pay rested upon that status. Now, it does not seem to me altogether equitable to undertake

to change that status. For instance, I know of some cases where men have looked forward to voluntarily retiring. They may or may not take advantage of that provision of the law. But they have gone along for thirty-odd years on the supposition that at a given date they would have the right to retire.

Mr. HAY. At the end of 40 years' service.

Mr. SHERLEY. Yes. Now, you are proposing by this legislation to postpone their right, which has been a fixed right for thirty-odd years, four years longer; and while I think the principle is sound as to the future, I am not prepared to say that I think it ought to be applied to existing conditions.

Mr. HAY. Does not the gentleman think it is right that they should serve the full 40 years? The very idea of retired pay is that the officer, being given the right to retire, should serve at least 40 years in order to obtain that right.

Mr. SHERLEY. I think that may be true, but the proposition that confronts us here is not what time should be fixed, but here is a method of computing the time upon which the status of everybody has rested for the past 30-odd years, and while that basis seems an illogical one and ought not to apply in the future, it does not seem altogether equitable to change it now.

Mr. PRINCE. Will the gentleman from Kentucky yield for a question?

Mr. HAY. I will yield for the purpose of allowing the gentleman from Kentucky to answer the question of the gentleman from Illinois.

Mr. PRINCE. If I understand the contention of the gentleman from Kentucky, it is that it is questionable whether we ought to take from these men that which they believed when they entered the service they had a right to receive?

Mr. SHERLEY. In my judgment, the original basis for computing the longevity pay is an illogical one, but it has been the basis for 30-odd years or more. It does not seem to me altogether advisable to undertake to change that situation as to these people.

Mr. PRINCE. I get the gentleman's idea. Now, let me ask the gentleman if he did not vote in favor of taking away from the officers and enlisted men who served in the Tropics 10 and 20 per cent additional pay?

Mr. SHERLEY. I answer the gentleman "no," because I did not vote. In the second place, I would suggest to the gentleman that in a spirit of fairness it would be better to discuss this particular amendment and not another amendment not now before the House.

Mr. PRINCE. The point is the same from my standpoint, because it was a part of the compensation that they were to receive when they entered the service; that is, pay for foreign service when they were performing duties in foreign countries. I did not ask the question with a view of entrapping the gentleman or putting him at a disadvantage, but I asked it in good faith.

Mr. ANTHONY. Mr. Chairman, while the Committee on Military Affairs has radically differed over some of the legislative provisions of this bill, yet we all recognize the fairness of the chairman of the Military Committee in acceding to some changes where it has been pointed out that they are clearly inequitable.

Now, this section that we are now on, this proviso, taking away from officers of the Army credit for cadet service at West Point, is one clearly unfair to a large class of officers now in the service, as pointed out by the gentleman from Kentucky [Mr. SHERLEY].

Length of service pay is computed every 5 years, and officers who serve so long get a percentage of increase. An officer who has served 20 years receives the maximum pay. This bill does not affect those men, but the younger officers who have served only 10 or 15 years will be cut off and deprived of that 4 years of service at the Military Academy which their brother officers enjoy. Let me call the committee's attention to the fact that a cadet, when he goes into either of the academies—the Military Academy or the Naval Academy—takes an oath of service to the Government practically the same as an enlisted man does or a commissioned officer. The service to the Government is just as arduous as that given by men in the ranks or by the commissioned officers who receive their commission from civil life.

Another point. An officer of the Army from civil life who does not know an iota in regard to the military duties that he is called upon to perform, must serve 3 or 4 years before he becomes a competent officer. He is in a school of instruction for the first few years, and yet you pay him \$1,700 a year as a second lieutenant from the time he takes the oath of office. The cadet goes into West Point and works much harder to get a military education, and he gets only \$600 a year. I say it is unfair to take a man into the Army from civil life and give him

maximum pay and deprive the cadet of credit for his 4 years' service at the same time.

Mr. MANN. Will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. MANN. Some men go into the service who have attended various military schools throughout the country—graduates of those schools. They go to the schools at their own expense and get more or less of their military training at their own expense. Does the gentleman think it quite fair to pay these men when they go into the Army as second lieutenants a lower salary than those men who are educated at the expense of the Government?

Mr. ANTHONY. They are paid a higher salary.

Mr. MANN. No; at the end of the year after the cadets have been in the service they get 10 per cent added to their pay, while at the end of the year the man who educated himself will still draw the original pay.

Mr. ANTHONY. Mr. Chairman, I take the position that the man who goes into the Army from civil life is not as fully educated as an officer until after three or four years of service. He does not compare with the man who graduates from West Point in point of efficiency or value to the Government. Then there is another point. Take an officer who receives a commission from the ranks of the Army. He is given credit for his service as a private soldier in computing the length of time of his entire service. That is not taken from him.

Mr. HAY. No; because he serves in the ranks of the Army, and he has rendered hard service.

Mr. ANTHONY. I will ask the gentleman from Virginia if service at West Point does not involve as arduous mental labor, at least?

Mr. HAY. But we are not paying for the education of these soldiers in the Army. They have to educate themselves at odd times, when they are not performing their duties as a soldier, and stand an examination for their commissions.

Mr. ANTHONY. Let me call the gentleman's attention to another point. We appoint surgeons in the Army, young men, to the rank of lieutenant. As soon as they receive their commissions they are sent to the Army Medical School to be given a final course of instruction. All of that time they receive the maximum pay for that rank, and that service at the Army Medical School is counted in their length of service.

Mr. HAY. I would be very glad to accept an amendment curing that defect.

Mr. ANTHONY. I think it is entirely just and proper that they should receive it, and I hope the chairman of the committee, with the liberality that he has displayed toward other amendments that had this element of fairness, will concede this point.

Mr. SLAYDEN. Mr. Chairman, the gentleman from Illinois [Mr. MANN] expressed a thought that must have come to the mind of nearly every man who has given this particular paragraph in the bill any consideration. The young men at the Military Academy are peculiarly fortunate. They are educated at Government expense. They are paid a salary higher than that earned by the average workman throughout the country to receive military instruction for the discharge of duty in the Army, to which they are subsequently to be sent.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. MANN. Not only military instruction, but they receive a college education.

Mr. SLAYDEN. Exactly so; and I want to say in that connection that I have long believed that if the Naval and Military Academies were thrown open to all young men in this country, measuring up to certain physical, mental, and moral standards, and they were authorized to go there and to pay toward the expense of maintaining the academy \$1,000, or \$1,500, or \$2,000 a year, those academies would be overwhelmed with applications for admission.

I think that each academy would have from five to ten thousand students, because, as a reward for good service there, as a reward for perseverance to the end of the curriculum, as a reward for graduation above a certain standard of excellence, they would be given commissions in the Army or in the Navy. Thousands and tens of thousands of young men in this country would be willing to expend years of labor and a great deal of money in an effort to procure that very thing. I think these young men in these academies are particularly fortunate, and I do not believe they ought to receive longevity pay for that period during which they are simply being given instruction for the military life at the expense of the taxpayer.

Mr. PRINCE. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. PRINCE. The gentleman's idea, if carried out, would give to the people a splendid and well-equipped body of men,

coming from these institutions, who would be of use in the way of a reserve. These thousands of young men, if these institutions were thrown open to them, when they graduated would make a splendid reserve. And does the gentleman not think it would be a good thing?

Mr. SLAYDEN. It would unquestionably multiply to a considerable degree the number of young men who had had military instruction.

Mr. PRINCE. And to that extent be to the good of the country when it was in peril.

Mr. SLAYDEN. Mr. Chairman, I am not so certain always that the development of the military spirit is to the good of the country. I am not entirely convinced of that. I think we have some people who are military mad in this country, who would expend practically every dollar of the revenues of the Government for the development of the Army and the Navy. [Applause.]

Mr. CANNON. And yet the gentleman thinks there is enough military spirit down there in Texas to enable Texas to whip Mexico without the aid of any other portion of the country.

Mr. SLAYDEN. Mr. Chairman, whatever may be my belief in that respect, I have never said so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLAYDEN. This paragraph is not retroactive in the sense that it is intended to take away from any officer any money that he has received. It is simply intended to deny him and all others the privilege of getting in the future a sum of money based upon service at the Military Academy. I think they are particularly fortunate to have had that advantage given to them upon what is admitted an unsound basis.

Mr. HOBSON. I desire to ask the gentleman whether he is sure this would not reduce the present pay of any officer?

Mr. SLAYDEN. If he is receiving pay because of his attendance upon school exercises, it should, I will say to the gentleman.

Mr. AMES. Mr. Chairman, I would like to say a word or two on this. I graduated from the Military Academy in 1894. When I went there I took the oath of office, I took the oath of allegiance and bound myself for eight years to serve the Government of the United States. No recruit enlisting as a private soldier binds himself for eight years. No student in a private school takes the oath of allegiance and binds himself even for a day to the Government. No student in a private school has to go through what a student at the Military Academy or the Naval Academy has to go through. He has his own vacation, lives at his own home, and is in no way connected with the military service, and the work that he has to do is not comparable with that of either academy. There are three ways of getting into the service of the United States as an officer. A man can go through the academy, he can be appointed from civil life, or he can come up from the ranks. Take two men of the same age, young men seeking to serve their country as officers. Say they are the age of 21, if you please, manhood. One is willing to go to the Military Academy and spend four years of his life in getting an education that he may be a better officer, that he may perform the functions for which he is to be educated in a better way than a civilian appointee can. He goes in for the munificent pay—when I was a cadet—of \$540 a year. He does not get that pay, he does not get that money, he does not see that money, but he is allowed credit to that amount. For what? For food, for light, for fuel, for clothes, for laundry, for books, for drawing instruments, and articles of that nature. He agrees to serve for eight years. He puts in four of the hardest years of life that is ever put in in this country by anybody. He has one vacation in four years, if he behaves himself and does not get too many demerits, and he might get a demerit for having his hair too long.

Mr. BERGER. Will the gentleman yield to me for a question?

Mr. AMES. Yes.

Mr. BERGER. How much does our country pay a man who enlists as a machinist apprentice in a factory to learn the trade for five years, a very useful occupation, although peaceful work? When he goes to war he enters as a private in the front rank, not as an officer. What does the machinist get?

Mr. AMES. He gets more pay than the cadet.

Mr. BERGER. He does not; I beg the gentleman's pardon. A machinist apprentice gets the first year nothing, the second year he gets a dollar per week, and the third year he gets \$2, and then \$3 and \$5 a week, and he is a man who is doing useful work.

Mr. AMES. I think the gentleman is mistaken.

Mr. BERGER. I know the conditions.

Mr. AMES. I would like to go along with my presentation.

The CHAIRMAN. The gentleman from Massachusetts declines to yield further.

Mr. AMES. No enlisted man in the service gets pay in proportion to what is given outside. Now, take these two men of the same age, to revert to my proposition, one goes to the academy for four years to be properly educated; the other man takes an examination for appointment from civil life. Both are the same age, admitting both are equally fitted for the service and equally desirable. The one who takes the examination through a little influence from civil life gets appointed and goes in the service at the pay of a second lieutenant instantly—

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. AMES. Yes.

Mr. FITZGERALD. What qualifications are required of men who go into the Army from civil life?

Mr. AMES. He has to pass a physical examination and a small mental examination.

Mr. FITZGERALD. Any technical examination?

Mr. AMES. I say, a small mental examination.

Mr. HAY. Mr. Chairman, I do not think my friend wants to do the War Department the injustice of saying they admit men into the Army on a small mental examination.

Mr. AMES. I am very glad to say that the entrance examination into the Army from civil life is not as hard as the entrance examination into West Point.

Mr. HAY. They have to stand an examination in one language, either French or German?

Mr. AMES. Granted. But the examination is not as a whole as hard in entering the Army from civil life as when entering the academy. I tried for the entrance, and I know what I had to do to get through.

Mr. FITZGERALD. The object I had was this: The gentleman from Massachusetts [Mr. AMES] disparages this entrance examination, saying that apparently it requires no equipment whatever to go into the Army from civil life. But is not that civilian under much greater handicap to acquire knowledge and information to assist him to pass that examination than the man who has had all the advantages of the training at West Point?

Mr. AMES. Yes; and that is why I say he has not as hard an examination to pass, and that is why an examination which a cadet takes on graduation is harder.

Mr. FITZGERALD. Yes; on graduation. The gentleman spoke about the entrance examination at the Military Academy.

Mr. AMES. Exactly so. I doubt if half of those who go into civil life would succeed in passing the entrance examination to the academy.

Mr. FITZGERALD. Let me say this to the gentleman. I have some knowledge of some young men who had served at least three years in the Military Academy, and for one reason or another were compelled to leave the academy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that the time of the gentleman from Massachusetts be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. After spending a year additional in study they had considerable difficulty in passing the examination for a commission, while they had no trouble whatever in passing the entrance examination to the academy.

Mr. BURLESON. Take the case of young men who have graduated at the head of their classes at certain approved military schools in the United States which they had attended at their own expense—

Mr. AMES. Let me finish my own speech, if you please. I am trying to draw a parallel comparison. I will answer the gentleman a little bit later on that proposition, but let me finish my own presentation, please. I was comparing, if I may be allowed to do so—

Mr. BURLESON. I would like to ask a question so that you can answer it in the course of your speech.

Mr. AMES. I will cover that question, I think.

Mr. BURLESON. I would like to ask my question.

Mr. AMES. Please let me finish my speech in my own way. I am comparing in parallel two of the same eligibility—one who goes into the Army through West Point and one who goes in through civil life. Say that both of them are 21 years of age. One immolates himself for four years in order to be a better officer, with no pay at all—a bare existence. The other man goes into the Army through the civil-life examination and draws pay from the day he takes his oath of office, and he draws full pay for four years, while the boy in the academy is drawing nothing except a mere existence. And yet your proposition

here is that the one who makes himself a better officer—the one who has gone through that struggle—should be reduced in his pay 10 per cent.

Now, let us make a further comparison. Two boys go into the academy at the same age, say, 17 or 19. Suppose one fails and can not keep up with the rest. Manifestly he is not as good an officer; manifestly he is not as clever in acquiring his instruction as a military man; and the man who fails goes out in civil life and, passing an examination, becomes an officer. In other words, men were discharged in the first year in the academy and became officers, while I was a second-class man, and yet you would allow such a man full time and cut the graduate of the academy. There you have two men who started together. One falls by the wayside in his service and education, but goes in through civil life and draws full pay, while the other cadet is drawing a bare existence. And yet you would discriminate against the one who goes through the academy.

Mr. PEPPER. Will the gentleman yield?

Mr. AMES. Yes; I yield.

Mr. BURLESON. I thought the gentleman was going to yield to me.

Mr. AMES. I was making my parallel presentation. After I get through I will yield to the gentleman.

Mr. PEPPER. The gentleman spoke of the cadet binding himself to serve the Government for eight years?

Mr. AMES. Yes.

Mr. PEPPER. Is it not a fact that a great many cadets, on graduating from West Point, resign?

Mr. AMES. Very few.

Mr. PEPPER. They have that opportunity and privilege.

Mr. AMES. They have the privilege when the resignation is accepted, and that rests entirely with the Secretary of War—the privilege that any officer has.

Mr. PEPPER. They are always accepted, are they not?

Mr. AMES. Oh, no; they are not.

Mr. PEPPER. Very few of them are turned down.

Mr. AMES. Very few of them resign. I was the only one in my class, and that was at a time when there were more cadet officers than there were vacancies, and additional lieutenants were made and a great many additional lieutenantcies were carried in the Army at that time so as to provide positions for graduates from the academy.

Now, let us go a bit further. Suppose two men try to enter the service. One goes from West Point, or say both go to West Point and one is dismissed in his first year and goes into the Army as an enlisted man and serves as an enlisted man for three years and passes his examination from the ranks—a thing which is often done. His service for three years as an enlisted man, under this proposition of the Committee on Military Affairs—his three years of enlisted service—would count toward his 10 per cent increase, while the four years of his former comrade, the cadet who remained at the academy, would not count. Do you consider that fair or equitable? From any point of view that you look at this proposition I can not see why service at the academy should not be considered as much service in the Army of the United States as when you are an enlisted man, going in from the ranks or going in from civil life.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL and Mr. SHERLEY rose.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, I do not desire to delay the committee long, but for fear that my position may be misunderstood, particularly after what has been said by the gentleman from Massachusetts, I want to say that as an original proposition it strikes me as almost absurd to count the four years spent at West Point as service in the Army. I only spoke of it because, as a matter of fixed status, it seemed to me there might be some equity in permitting it to remain as to the men now in the service. I have had my own patience tested at times to the limit by the attitude of boys at West Point. I think the boy that gets a chance to go to West Point is an exceedingly lucky boy. [Applause.] I think the boy that goes to West Point for four years at Government expense has not any claim against the Government, but has a very great obligation to the Government [applause], an obligation that to my mind ought to entail upon him life service, unless there is some very strong reason for his leaving the service; so much so that in the case of a boy whom I appointed to Annapolis—and in every instance I have made the boy say to me that he expected to stay for life in the service when he got out of the academy—I expressed in very plain language my feeling as to his action, because I know of hundreds of boys who would be glad to have the opportunity to qualify for service to their country. It has never occurred to me that there is any special claim that a

West Pointer has, neither am I willing to admit that the West Point graduate is always the superior officer, although he ought to be, because he has had at Government expense four years of the best opportunity to qualify. But there are in the service of the United States Army to-day any number of men from civil life who are the equals in ability and equals in standing with men who came out of West Point.

Mr. AMES. The gentleman does not contend that because the soldier's education was had at the expense of the Government for four years it would make him a better officer. It is because he has the military education that makes him the better officer, however he gets it.

Mr. SHERLEY. I understand; but I think that when he gets it at Government expense he incurs a liability to the Government [applause], and the Government has not incurred a liability to him, which seems to be the gentleman's proposition.

Mr. AMES. The point I desire to make is that the bill as drawn by the majority of the committee will result in reducing the pay of the most efficient class of officers in the Army and Navy of the United States, and, to my mind, without reason, logic, or fairness.

Mr. HAY. I move to close debate on this paragraph.

Mr. HOBSON. I will ask for three minutes.

Mr. HAY. I move that debate on this paragraph close in 20 minutes.

Mr. BARTHOLDT. I should like five minutes.

Mr. HAY. Then, I move to close debate in 25 minutes.

The CHAIRMAN. The gentleman from Virginia moves that debate on this paragraph close at the end of 25 minutes.

The motion was agreed to.

Mr. HOBSON. Mr. Chairman, I will take but three minutes of this limited time to clear up the question of the status of cadets and midshipmen.

The gentleman will recall that in the time of the Spanish War midshipmen were ordered from Annapolis to the front. Some of those midshipmen lost their lives. Gentlemen who will go further back will remember that from 1861 to 1865 midshipmen—and the parallel holds at West Point—were continually ordered from instruction to the front. I want the Members to realize, when they come to vote on the proposition, that these midshipmen and cadets are to all purposes officers, are subject to orders, and receive orders to perform service as officers, and as such not only are they liable to be ordered to the front, but whenever the occasion arises are actually sent to the front in time of war.

I wish further to bear out the statement of the gentleman from West Virginia, that while it is always a privilege to have one's activities in operation for the purpose of developing oneself, still those activities represent service. I believe if you will ask officers who have gone through West Point and officers who have gone through Annapolis, when the time comes for them to retire at the close of their career, what period of their career was most arduous as a term of duty, that they would all say the hardest service they rendered was not in the field but at Annapolis or West Point, as the case may be.

Mr. AMES. Will the gentleman yield for an inquiry? Is it not the broader and more statesmanlike point of view to consider that an officer educated at either academy, who resigns and goes into civil life if there is no vacancy, or sometimes when there are vacancies, and who enters the militia of a State, oftentimes renders greater service to the military establishment than if he remained in the Army? And is not the assistance he can render in the military education of members of the militia often more advantageous to the country than if he had continued in the Army?

Mr. HOBSON. I agree with the gentleman that it is a very valuable thing to have graduates from Annapolis and West Point go out to take such positions, and the Government has not lost its investment when they do so.

Mr. MONDELL. Mr. Chairman, the proposition before the House, as I understand it, is that young gentlemen who are fortunate above all of their fellows in being selected to receive a military education at the cost of the Government shall receive in addition to that military education and their keep while they are receiving it longevity pay based upon the four years during which they are being educated as though they were actually in active service during those four years, and on the field of battle, if necessary. It seems to me the mere statement of the question ought to decide it in the mind of any fair-minded person. The gentleman from Kentucky [Mr. SHERLEY] has so well stated the whole matter that I am rather disinclined to trespass upon the time of the House for further discussion of it. The young men who enter West Point and Annapolis are exceedingly fortunate to have that opportunity. The Government educates them and secures for them an opportunity to follow the military profession for life. Curiously enough, the

argument is made that these gentlemen ought to receive this longevity pay in order to equalize them with the young gentlemen who come into the Army from civil life. Let us remember, in the first place, that those who enter the Army from civil life do so after having secured their education at their own expense, and further than that, on an average they are 3 or 4 years older—possibly 5 years older, on an average—when they enter the service than are the cadets when they enter the Military Academy. So if this provision becomes a law, they will enter upon actual service on an equality with regard to pay with the men educated in the academy, and they should. As matters now stand the soldier from civil life has a handicap of about 4 years, on the average, in the matter of pay.

There is another side to it. We pay the officers in our Army more than officers are paid in any army in the world. The pay is much higher than that of any other government in the world. I do not say it is too high, but I do say it is surely high enough. There is no class of American citizens of equal capacity who are so certain of as large a return through life and of a competency in their old age as are officers in the military establishment of the United States.

I have been of the opinion that we do not pay our enlisted men enough, certainly not until the recent raise in pay. We have always paid officers well, always cared for them well, and it seems to me that they are asking a great deal when they ask not only that they shall be educated at Government expense, but that the four years during which the Government is educating them and providing for them shall be reckoned in their longevity pay.

Mr. Sisson. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. Sisson. Does the gentleman know what it costs to educate a cadet at the Military Academy?

Mr. MONDELL. I do not know accurately.

Mr. Sisson. My information is that it costs \$4,500 a year at the Naval Academy, but I have no information of what it costs at the Military Academy. I presume it is about the same amount—\$18,000 for the four years.

Mr. PRINCE. Yes; close to \$20,000 when you add in the interest on the property and the pay of the officers who instruct them.

Mr. Sisson. I quite agree with the gentleman from Wyoming, and I only interrupted him for the purpose of showing to the committee what the Government does for the boys.

Mr. MONDELL. I thank the gentleman for the information, because it emphasizes the argument that I was attempting to make, that the Government does a great deal for these young men, that they are very fortunate indeed to be selected from among their fellows to be given an opportunity to secure at Government expense the best all-around education in the world.

I do not believe that the young men themselves, if it were left to them, would expect to have these years during which they are preparing for the military service credited to them in increasing their pay as though they were years of actual service in the Army. [Applause.]

Mr. BARTHOLOTT. Mr. Chairman, I do not intend to take up the time of the committee at this time, because I did not intend to speak on this subject. If I can be assured of five minutes after the next paragraph has been read I will be satisfied.

Mr. HAY. Very well.

Mr. MANN. Mr. Chairman, at the proper time the minority will offer a motion which will come before the House to strike out of the bill that portion which proposes to cut off the 20 per cent increase of pay to the enlisted men while serving abroad. I have never believed that the enlisted men received too much pay from the Government. I have helped to increase that pay since I have been in the House, and I hope that the enlisted men, who receive very small pay at the best, will not have their pay stricken down by this House.

But I never could see any excuse for counting the time at the Military Academy in computing longevity pay for the officers, either of the Army or of the Navy. I think that they ought to be placed on an equal plane with the officers coming in from other military academies in the country where they have paid for their own education, and that we ought not to give preference in pay to the officers simply because they have been fortunate enough to be educated at the expense of the National Treasury. [Applause.]

Mr. SLAYDEN. Mr. Chairman, a few years ago the pay of the officers and enlisted men was largely increased. In some of these publications here there is a complete table of that pay, but I am unable at this moment to put my hand on it. The chairman says that it was increased from 25 to 40 per cent for the pay of enlisted men, and bonuses for reenlistment.

It was argued before the committee, when the plea was made for increased pay, that it would do away with the necessity for additional pay for foreign service.

Mr. MANN. If the gentleman will pardon me, why was not it done away with in the same bill?

Mr. SLAYDEN. I can only say that I was not responsible for making the bill, and I am told that it was put on in the Senate.

Mr. MANN. The increase in pay was there when the other became a law.

Mr. HAY. The increase of pay was; and the argument used was that if the pay was increased this pay could be dispensed with.

Mr. MANN. Well, why was it not dispensed with?

Mr. HAY. The increase of pay was put on as an amendment to the Army bill when it was in the Senate.

Mr. MANN. But the other matter was in order in conference on the same point.

Mr. HAY. I do not know about that. I only know that the officers of the Army who were advocating the increase of pay made that statement.

Mr. MANN. It plainly was not the intention of Congress at the time, because it was entirely within the province of Congress to do both at once, if it so desired.

Mr. HAY. The gentleman knows as well as I do how legislation is enacted here in conference reports at the end of a session.

Mr. FITZGERALD. And the intention of Congress as to legislation has not always been shown in the agreements made on appropriation bills during the last 16 years.

Mr. MANN. Where a question is plainly before the committee, and people agree to it, as stated here, there is no reason why that agreement should not be carried out. I took part in the movement to increase the pay of enlisted men, and I never heard of the proposition that that involved a decrease of the foreign-service pay.

Mr. KAHN. My recollection is that the pay of the enlisted men was increased by the House and the pay of the officers by the Senate.

Mr. SLAYDEN. Mr. Chairman, I presume my five minutes are about exhausted, but I want to say to the gentleman from Illinois that on page 90 of the hearings before the Committee on Military Affairs on the legislative features of this bill there is to be found a complete table of the pay of enlisted men prior to the act of May 11, 1908, and following that, on pages 93 and 94, there is an accurate list of the pay that they now receive. If the gentleman will only look at that he will see that there was a very material increase of pay at that time.

Mr. MANN. And there has been a very material increase in the matériel of the enlisted man since that increase was made.

Mr. SLAYDEN. I want to say that a serious effort has been made to get rid of that matériel and substitute new matériel every two years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I offer the following amendment as an independent section.

The Clerk read as follows:

Add as a new section to be inserted after section 7, as follows:

"Sec. 8. That the appropriations herein provided for for the several departments consolidated under this act shall be available for the consolidated corps herein created."

Mr. HAY. Mr. Chairman, I think that explains itself.

Mr. BARTHOLOTT. Mr. Chairman, I move to strike out the last word. Before this bill is reported to the House I should like to briefly refer to an important matter and request the attention of the distinguished chairman of the committee. I am aware that there is nothing contained in this bill in reference to the Army canteen, and I am also aware that it would be useless for me to offer an amendment, for the reason that such an amendment would be a change of existing law and would, therefore, be out of order.

A few weeks ago I had the honor to present to this House a petition signed by 278 medical men of the United States, many of them high medical authorities, in favor of the restoration of the Army canteen. They based their demand upon the question not only of temperance, but also of the good morals and the health and lives of the soldiers. They show in this petition, Mr. Chairman, that there are certain diseases prevalent in the American Army, mainly as a result of the abolition of the canteen, because these diseases, since the canteen has been abolished, have increased more than 100 per cent. A condition is presented that is almost alarming. In the British Army the percentage of such diseases is 7.6 per cent. In the

Austro-Hungarian Army, 5.4 per cent; in the French Army, 3.5 per cent; in the Prussian Army, 1.9 per cent; in the Bavarian Army, 1.5 per cent; and in the American Army these diseases prevail to the alarming extent of 19.7 per cent. In other words, out of every five soldiers one is suffering from that unmentionable disease, and it is for this reason that these medical men appeal to Congress to restore the canteen so that the men may be enabled to remain in the barracks and posts and spend their leisure hours there under proper surveillance of the officers instead of being driven out into the dives surrounding these posts where rotgut whisky and lewd women abound, and where their minds and health are being poisoned.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. BARTHOLDT. I have only five minutes. If the gentleman will get my time extended I would be very glad to yield.

I also had the honor to present a petition signed by 2,386 Army women. The mothers, the wives, the sisters, the daughters of the American soldiers appeal to Congress to save their sons, their fathers, and their brothers from these terrible conditions. These petitions, Mr. Chairman, contain the original signatures, as I have stated, of 2,386 women whose husbands, brothers, or sons are now in the American Army.

Mr. KAHN. Will the gentleman yield?

Mr. BARTHOLDT. If I can have an extension of time.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more time.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Missouri may have five minutes additional time. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Did I understand the gentleman to say that probably one man in five in the American Army is diseased?

Mr. BARTHOLDT. Yes, sir.

Mr. KAHN. Does the gentleman believe that that is due largely to the abolition of the canteen?

Mr. BARTHOLDT. Well, it has been shown that the increase of those diseases is more than 100 per cent since the canteen has been abolished, and I refer in this connection to the official report of the Surgeon General of the United States Army. I notice that some of the temperance organizations of this country are now sending out a statement prepared by Col. Maus, of the Army, in which he tries to show the contrary, but the Surgeon General has taken it upon himself to refute the statements of Col. Maus and shows that the increase of those diseases is over 100 per cent since the Army canteen has been abolished. Mr. Chairman, I hold in my hand some more petitions on this subject. They are from a large number of camps of the Spanish War Veterans, who are also pleading for the restoration of the canteen. They are from men who have had experience in this matter and who want to be protected against the evils which surround the Army posts and ask for an arrangement which will keep the men inside of the reservations and posts. A few weeks ago, Mr. Chairman, a meeting took place of American women at the Waldorf-Astoria in New York City, and if I can have the privilege I would like to insert in the RECORD the proceedings of that meeting and the speeches delivered there.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the papers indicated by him may be made a part of his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. While I have some time left I wish to read here a paragraph or two from the address delivered by Mrs. Burbank, the wife of Gen. James B. Burbank, United States Army. She said:

I want to present to you the subject of the canteen from the Army woman's standpoint. Ten years have passed since the abolition of the canteen, and ample opportunity has been given to study the evil effects of the law and to provide grounds for the return of the conditions which were beneficial to the health and morals of the service.

Year after year since the law went into effect the Surgeon General of the Army has reported the injurious effects on the health of the soldiers. Every general who has commanded the Army has urged the restoration of the canteen. The press throughout the country has met the issue fairly and squarely, and to-day public sentiment demands a reversal of the act of February 2, 1901, which prohibits the sale of beer and light wines on military reservations.

The women of the Army have presented the following petition to the Senate and House of Representatives in Congress assembled.

Now comes the language of that petition, and I might as well read it, as it is very interesting:

Having seen and felt the effects of the act of February 2, 1901, prohibiting the sale on military reservations of beer and light wines; realizing from an experience extending over 10 years that the effect of that act has been injurious to discipline, harmful to morality, and conducive to intemperance, having deeply at heart the truest interests of the Army, and therefore the Nation, believing that from our close relation and intimate association with our soldiers we are better judges of the effects on them of such legislation than those who look in from without or who act upon mere theory or generalization, we, the mothers, daughters, sisters, and wives of officers and enlisted men, do respectfully urge and earnestly request, in the interest of discipline, morality, and temperance, the repeal of the said act.

The CHAIRMAN. The time of the gentleman has again expired.

The papers referred to are as follows:

NATIONAL LEAGUE FOR THE CIVIC EDUCATION OF WOMEN,
WALDORF-ASTORIA, January 16, 1912.

A report of the proceedings at a meeting of the National League for the Civic Education of Women, held at the Astor Gallery, Waldorf-Astoria, New York, January 16, 1912, at 4 p. m.

The meeting was called to order by Mrs. Gilbert E. Jones, who, after announcing the subjects of the next lectures to be given under the auspices of the league, introduced Rev. Thomas R. Silcer as presiding officer.

Dr. Silcer assumed the office with some appropriate remarks, and introduced Mrs. James B. Burbank, wife of Gen. James B. Burbank, United States Army.

Mrs. BURBANK. I want to present to you the subject of the canteen from the Army woman's standpoint. Ten years have passed since the abolition of the canteen and ample opportunity has been given to study the evil effects of the law and to provide grounds for the return to conditions which were beneficial to the health and morals of the service.

Year after year since the law went into effect the Surgeon General of the Army has reported the injurious effects on the health of the soldiers. Every general who has commanded the Army has urged the restoration of the canteen. The press throughout the country has met the issue fairly and squarely, and to-day public sentiment demands a reversal of the act of February 2, 1901, which prohibits the sale of beer and light wines on military reservations.

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This petition has been signed by 2,400 women connected with the Army. Among the signers are Mrs. Henry L. Stimson, wife of the Secretary of War; Mrs. Leonard Wood, wife of the Chief of Staff; Mrs. Frederick Dent Grant, wife of the general commanding the Division of the Atlantic; Mrs. Arthur Murray, wife of the general commanding the Western Division; Mrs. Thomas H. Barry, wife of the commandant of the West Point Military Academy; and other well-known Army women, as well as the relatives of enlisted men in the Philippines, Alaska, Hawaii, and throughout the United States.

If I am not mistaken, it is the first time in the history of the United States that the women of the Army have appealed to Congress on any public question. It is with courage born of knowledge that they now appeal to our patriotic citizens to uphold their contention. As mothers, sisters, wives, and daughters of United States soldiers we are entitled to a hearing.

There are perils greater than those of the fire and sword, and these are the perils with which the women of the Army are surrounded to-day. The question has often been asked, Why should women take the initiative in this matter of the restoration of the canteen? The reason is that the officers of the Army are forbidden by law to endeavor to influence legislation, and the present question involves a change of the law. About a year ago we read a dispatch from San Antonio, Tex., which said that "the most amusing feature of the coming of the troops to San Antonio is the wild rush of saloons and dive keepers to get reservations near the Army posts. Prices for which property could formerly be bought are now charged for rentals."

There is a side of the question under discussion from which women shrink with repugnance, but it is one which must be met in this conflict, where the bodies and souls of men are at stake. The Surgeon General of the Army has said that there is a peril which has come to our men which neither our national optimism nor the Anglo-Saxon disposition to ignore a subject which is offensive to public prudery can longer excuse a frank and honest confrontation of the problem. We claim the right, which has never been denied to women, the right to safeguard the family and the home. We have stood aside for years while other women have dictated a policy which has ruined thousands of men. We contend that the settlement of this question, which concerns the internal economy of the service, should be delegated to the military authorities, with the recognition that the men who were competent to bring order out of chaos in the Philippines, who have stamped out the yellow fever in Cuba, and who have made typhoid no longer a menace on the Panama Canal are competent to decide whether the soldier should have the privilege of drinking a glass of beer under proper military supervision. [Applause.]

Dr. Silcer then introduced Mrs. Charles F. Roe, wife of Gen. Charles F. Roe, of the National Guard of the State of New York.

Mrs. ROE. There is so much to be said, ladies and gentlemen and Mr. President, that I am going to confine myself to a very short paper. In speaking for the canteen, so called, I believe that the most important thing to consider is the fact that we are dealing with men, who, as soldiers serving their country, are none the less citizens. Prohibition has never accomplished anything. We can not make people moral by law; we can only control excesses. [Applause.] Why should a soldier be deprived of all rights of a man because he is a soldier? If a judge or a banker or a shopkeeper wants a drink, he goes and pays for it. Why should not a soldier have the same privilege? This money spent at the canteen returns in direct benefits to the enlisted men in luxuries for the mess table and many other ways in the garrison. I believe the reestablishment of the canteen means a new and better order of things for the Army. In my experience of 15 years I found the men self-respecting and, with respect to opportunity, the equals of any equal number of citizens. [Applause.] In the early eighties I took a trip from Fort Custer to Fort — under the escort of a sergeant and six men, a distance of 400 miles, camping at night and making about 25 miles a day. We constantly passed saloons and ranches where the vilest liquor could be bought, and not a man fell by the way, and they did not even go out to get a drink. The same escort took me back to Fort Custer with the same care and protection, and I was treated as tenderly and delicately as if my husband had been in the party.

I earnestly advocate the restoration of what, for want of a better name, I think should be called the Enlisted Men's Club and Exchange. [Applause.]

Dr. Slicer then introduced Maj. Louis Livingston Seaman.

Maj. SEAMAN. Mr. Chairman and friends of the American soldier, you have heard this message, and it seems to me that an additional syllable would be a superfluity. If the appeal of these ladies, backed, as it is, by the 2,400 names of the wives and sisters and daughters of officers of the Army and enlisted men of the Army, is not sufficient, these women who in foreign posts or in home garrisons are often called upon to face dangers of which the civilian has no conception—I say, if the appeal of these ladies has not convinced you all of the iniquity of this outrageous law, then nothing else will, for the women—the women of the Army and the women of the country—are, in the ultimate analysis, the greatest sufferers from it.

It is therefore peculiarly fitting that this League for the Civic Education of Women should consider this problem, which has come to be one of not only national but of vital importance.

I have been requested to present some of its salient features, from a medical standpoint, as a reason for demanding its repeal, for it is time we educated our emotions to the terms of reason, especially when we see how a wave of sentimentality, such as was brought to bear on Congress by the well-meaning but misguided Woman's Christian Temperance Union, could be crystallized into what has proved a most pernicious law.

It has been said that virtue is more dangerous than vice, because its excesses are not subject to the restraint of conscience, and it seems to me that in this instance they have pretty well proved it so. Now, what was the practical effect of preventing the soldier from obtaining a glass of beer in his well-regulated canteen on the Government reservation? That, in a nutshell, is what that law amounts to. Listen to the testimony of a few witnesses, masters of military administration, whom it may be supposed are quite as familiar with the needs of the Army and have its welfare quite as deeply at heart and who are quite as well qualified to govern it as these dear ladies of the Temperance Union. The present commanding officer of the Army, Gen. Leonard Wood, himself a physician of prominence, says:

"The effect of the abolition of the canteen has been almost unqualifiedly bad."

Gen. Corbin, who commanded the Army in 1902, says:

"It would seem unnecessary to argue to a fair-minded person the superiority of a system which provides a mild alcoholic beverage at reasonable cost in moderate quantities, under strict military control, to one which results in luring the soldier away from his barracks to neighboring dives where his body and soul are poisoned by vile liquors, with the accompanying vice of harlotry, and where his money is taken from him by gamblers and thieves."

In 1903 Gen. Young, then in command of the Army, says:

"Reports received from officers of all grades * * * exhibit practical unanimity of opinion as to the evil effects of this restriction (the law under discussion), * * * in increased drunkenness; in loathsome diseases contracted by men while under the influence of a bad or drugged liquor; in increased desertions from drunkenness from the same causes; the men while in a drugged condition being robbed by their brazen associates of both sexes, and for this reason reluctant to return to their posts."

In 1904 Gen. Chaffee, than whom no more sane, conservative, and experienced officer ever drew sword, rising as he did through merit from the ranks to the position of commander in chief of the Army, states in his report:

"These desertions can be in large part attributed to the malign influence of saloons and brothels situated near the reservations, seducing enlisted men from the paths of decency. The canteen provided places of amusement and social intercourse, where men could get light refreshments under restraining, decent, and orderly influences. If men are unable to get a glass of beer in a decent and orderly manner in the garrison they will resort to the vile brothels which cluster around the borders of the reservations, where they drink all manner of alcoholic beverages and often sink into debauchery and ruin. With the beginning of the work on the addition to the post of Fort Sam Houston it is observed that the prices of business property immediately in the rear of the new reservation have materially advanced and that arrangements are already being made for the construction of the usual assortment of saloons and dives that the virtual abolition of the canteen feature of the post exchange has made a universal accompaniment of every military post. I think it is beyond question that permission to sell beer in the post exchange would drive out of business at least two-thirds of the lower resorts in the vicinity of posts."

In 1905, when commanding the Department of the East, Gen. Frederick D. Grant reported:

"It is my belief that fully 75 per cent of these trials (court-martials) were due to the use of bad liquor dispensed to our soldiers by persons who conduct dens of vice in the vicinity of military posts. These depraved creatures and lewd women use every device in their power to induce the soldier to patronize their brothels, where those who yield to temptation are frequently drugged and robbed. It is distressing that the prosperity of the keepers of vile resorts is due to the activity of good and worthy, though misguided, citizens, who have succeeded in abolishing the canteen in the Army. With the establishment of the canteen, which was the soldiers' club, the influence of these demoralizing resorts near Army posts would be greatly reduced and many of them would disappear."

The following year he said:

"After another year's study * * * I am convinced that I underestimated the proportion. * * * I now believe that no less than 90 per cent of all the troubles that occur in the Army are due to the use of liquor."

I was with the American troops stationed at Peking during the Boxer War, 1901, and an inspection showed over 50 per cent of all patients under treatment were for venereal diseases. This alarming factor in connection with the subject of the canteen must be seriously considered. This disease always claims a large proportion of patients in a military hospital, but since the abolition of the canteen the percentage of these cases has almost doubled. When the Woman's Christian Temperance Union realizes that the result of the abolition of the post exchange has produced this enormous increase of wretchedness in the Army hospitals, I believe it will work as earnestly for the restoration of the canteen as it did for its abolition. A prominent United States Army officer in Peking, under date of July 9, 1901, and after the canteen had been abolished, wrote me:

"The Woman's Christian Temperance Union would have no fault to find with the post here. The men go outside and get drunk on sam shui in town and go to sleep in back yards and other worse places, but the

sanctity of the Government reservation is maintained. The Germans have a Bierhalle on the wall at Hartman Gate. The Japanese have their canteen. The British have one in their grounds and bring their beer to their tables. The French soldier has his little bottle of wine at dinner. We alone are virtuous. We are the advocates of reform. We are the great hypocritical hippodrome—none like us."

And he spoke the truth. The curse of the Army is the groggeries and brothels that flourish near the outskirts of the posts, and the frightfully high percentage of venereal diseases result from and depend upon them. The increase has been almost in constant ratio. I saw this in Porto Rico after the Spanish-American War: Fifty-seven of the ninety-three patients in one hospital suffering from this disease alone. Medical officers of the Army state that since the abolition of the canteen the percentage of these cases has almost doubled. Personal observation in the United States military hospitals of Porto Rico and Cuba during and since the Spanish-American War, in China during the Boxer riots, in the Philippines, and in other places where our troops were stationed confirms this view.

In 1889, prior to the introduction of the canteen, the admission to hospitals for venereal diseases was 84.66 per 1,000; in 1893, after the canteen was established, it was reduced to 73.8 per 1,000. In 1901 the canteen was abolished, and in the following year, in an address before the Association of United States Military Surgeons, I pointed out in no uncertain language the danger to the Army from the great increase of venereal diseases likely to follow this abolition, but nothing was done to restore the canteen.

Three years later the admission from venereal disease had increased to 200.34 per 1,000, and last year—1910—the Surgeon General, in his report, says:

"The venereal peril has come to outweigh in importance any other sanitary question which now confronts the Army, and neither our national optimism nor the Anglo-Saxon disposition to ignore a subject which is offensive to public prudery can longer excuse a frank and honest confrontation of the problem."

In 1910 there were 14,640 hospital admissions from this cause alone, or about 20 per cent—one-fifth of the total enlisted strength of the Army.

This is in one single year. These figures are out of all proportion to those which obtain in European armies, in all of which canteens are maintained. In the British Army the hospital admissions from venereal diseases is 7.6 per cent; in the Hungarian Army, 4.5 per cent; in the French Army, 3.5 per cent; in the Prussian Army, 1.9 per cent; in the Bavarian Army, 1.5 per cent; and in the United States Army, 19.7 per cent.

Do not imagine for a moment that I am here as an advocate of highballs. As resident surgeon and chief of medical staff for eight years on Wards and Blackwells Islands I witnessed in my daily inspection of hospitals scenes which no modern Hogarth could depict. It is no metaphor to attribute the excesses of our population to the percentage of strong drink, for drunkenness and debauchery are inseparable with crime, poverty, and the effects upon the progeny. Personally almost a total abstainer, I would gladly see alcohol eliminated as a product from the face of the earth. Personally, too, I would abolish wars, and therefore armies and the necessities for canteens, but, unfortunately, this is not a personal matter. Of course the canteen is not an ideal institution; its most ardent advocates frankly admit that the total abolition of intoxicants in the Army is a desideratum devoutly to be wished; but, recognizing the impossibility of this ideal, the ablest and sanest officers of the Army advise the soldier's club, or canteen, as its nearest approach. When it was maintained men drank less, were surrounded by better influences, and returned to their reading rooms or other quarters sober and contented. When it was abolished they procured their liquor away from their posts, and left the rumholes for the brothels. When the misguided enthusiasts of the Woman's Christian Temperance Union stop to reflect that the result of their influence in inducing Congress to abolish the post canteen has contributed more than any other cause to the production of this enormous increase of wretchedness in Army hospitals, and made many a husband, father, or lover the victim of this degrading disease and a focus of infection for its spread after the expiration of his enlistment, they may indulge in less self-congratulation, and conclude to cease interfering with institutions about which they are so hopelessly ignorant. In killing a mouse they resurrected a monster. Well may the poor soldier remark, "Deliver me from my friends and I will take care of my enemies."

Listen to what Dr. Prince A. Morrow, president of the American Society for Social and Moral Prophylaxis, says regarding the prevalence of these diseases and their danger to public health:

"In point of prevalence, they vastly overshadow all other infectious diseases, both acute and chronic combined. It is a conservative estimate that fully one-eighth of all human disease and suffering comes from this source alone. Moreover, the influence of these diseases fall most heavily upon the young during the most active productive period of life. Of the many men who contract these diseases a large proportion carry the infection into the family. Unfortunately, these diseases are markedly conspicuous in virulence and danger to the wife and mother in fulfilling the function for which marriage was instituted. There is abundance of statistical evidence to show that 80 per cent of the deaths from inflammatory diseases peculiar to women, 75 per cent of all special surgical operations performed on women, and over 60 per cent of the work done by specialists in diseases of women are the result of the gonococcus infection. Many are condemned to lifelong invalidism. There are in this country thousands of poor young women who are infected in their relations in marriage and their conceptional capacity destroyed, and the aspirations which center in motherhood and children swept away and the holy office of maternity discredited by bringing forth tainted, diseased, or dead children, and the women themselves often condemned to mutilation of their maternal organs to save their lives. The effects of these diseases when it has entered the marriage bond are not measured alone by the danger to the life and health of the mother, but are still further manifested in their danger to the offspring. Fully 80 per cent of the ophthalmia which blots out the eyes of babies and 20 per cent of all blindness is caused by this same infection. Syphilis (which I may say is specially prevalent in our tropical possessions) is the only disease which is transmitted to the offspring in full virulence. Its effects upon the function of conception are simply enormous. Sixty or eighty per cent of all infected children die before being born or come into the world with the mark of death upon them. Those that finally survive, 1 in 4 or 5, are the subjects of degenerative changes and organic defects, which may be transmitted to the third generation."

Thus you see just as in actual war, from which the soldier may return on his shield instead of bearing it, in the ultimate analysis of this question the women of the country are the chief sufferers.

Nor has this meddlesome interference ceased its diabolical work even with this record. Grave as it is, there is still another, almost equally bad. A new evil, almost unheard of prior to the abolition of the canteen, has fastened its fangs upon many of the unfortunates of the Army. As stated before, when deprived of stimulants in one way, they obtain them in another. I have it on no less authority than the present Surgeon General of the United States Army, that the use of opium and cocaine has increased to alarming proportions in the service. It is very difficult to prevent the introduction of contraband stimulants of this character, because they are so easily smuggled by the peddler or by the soldier when on pass. But numerous instances of the effect of these deleterious drugs are being reported. And thus the evil spreads.

The avowed purpose in abolishing the canteen was to increase the efficiency of the military establishment. Its effect has been to increase intemperance, disease, and desertion. It has embittered the men and driven them to the very excesses sought to be abolished. You can not legislate men to be virtuous or to be total abstainers; but you can, by judicious handling, promote chastity and temperance. The crowning glory of medicine lies in the prevention of disease and not in its cure. [Applause.]

The demands of military discipline require the soldier to surrender for the good of the state much of his individual liberty and many of the privileges enjoyed by other citizens. It is asked by the leading physicians of America whether it is wise to further restrict these privileges by legislation in a way which not only does not contribute to military discipline, but which impairs it. Soldiers are required by the special conditions of military life to give up their home life and the moral protection of marriage, and to live a life of enforced celibacy. Is it wise to diminish the protection of their club and increase the moral and physical risks of their environment by an act of Congress? The canteen led the hard drinker to less indulgence and removed the temptation which always clings to forbidden fruits. It fostered moderation and its abolition angered the men. Soldiers who are ready to fight at the bugle call or to face the firing line of death in this or any other country are men of life and action and not to be tied to apron strings. They regard this law as an insult to their manhood, a deprivation of their natural rights. A glass of beer is not injurious to them, and they know it, and they sneeringly criticize Congressmen, the paid servants of the Government who retain their well-patronized cloak-room, with its private stock of whisky, but who rob the soldiers, other paid servants of the same Government, of their right to take a glass of beer, and who dares say they are not right? [Applause.]

The law as it stands is little less than a tragedy. Soldiers, who are the guardians of the country's honor, are driven to crime and debauchery and disease by the lawmakers of the land. The alternative will come; the tragedy is here. How long it will remain depends, as Mr. BARTHOLOMEW says, upon the amount of hypocrisy and cowardice there is in Congress. Every Congressman, every intelligent man in Congress and out of it, knows perfectly well that the abolition of the canteen was a blow at temperance, a direct incentive to drunkenness, and a flagrant cause of the spread of disease. We therefore ask for its restoration, with its former privileges, for the following reasons:

First. Because it was an institution where the soldiers could pass their leisure in wholesome surroundings, under military discipline, where whisky and light wines were never sold. I have never heard that questioned in any canteen, and I have seen them all over the world, where intemperance was never tolerated; where relief could be found for the men from the monotony of post life, and as a glass of beer and sandwiches or biscuits could always be purchased, his craving for strong drink was satisfied, and many men who before or when opportunity offered were hard drinkers became, through this discipline temperate.

Second. Because its abolition has proved a wretched failure. Instead of it reducing intemperance the law has increased drunkenness, immorality, insubordination, and desertion—and I might add insanity.

Third. Because its absence has driven the soldier to seek recreation outside of the limits of camp in those curses of the Army, the rum shop and the brothel, found near every post, and which flourish on the earnings and weaknesses of the enlisted man. Crime and debauchery thrive under these conditions where the soldier, led by his desire for amusement, is the victim. The establishment of the canteen did away with a vast majority of these disgraceful resorts. Since its abolition they have reappeared and were never so flourishing as they are to-day.

Fourth. Because its reestablishment will reduce the shocking percentage of venereal diseases, the greatest menace to the health of the Army.

Fifth. Because those best qualified to render a fair verdict, the medical and line officers of the Army and members of the leading medical associations of the country, the wives of officers and enlisted men, indeed all who have the honor of the Army at heart, stand almost as a unit for the repeal of the present law and for the restoration of the canteen.

Sixth. Because the chief supporters of the present law are the whisky dealers and the interests who are so enormously benefited from its enforcement.

A bill for the repeal of the law is now before Congress, introduced by Hon. RICHARD BARTHOLOMEW, and I appeal to each and every woman who honors her country and its defenders to join in a concerted movement of organizations and societies in this purpose. Also to request the Members of the House of Representatives and the Senator representing the district in which she resides to use his influence for its passage. Such an action would replace the responsibility for the morale and discipline of the Army in the hands of those properly delegated to administer its affairs, and Congress would thereby right a serious wrong and to some extent restore its own dignity which has so yielded to the clamor of ignorant fanaticism. [Applause.]

Thereupon Dr. Slicer read a letter from Gen. Leonard Wood, in which he advocated the restoration of the canteen. He followed this by reading a letter from the commander of the Grand Army of the Republic in the State of New York. This was followed by reading some resolutions from the joint board of garrisons of Greater New York and adjacent territory of the Army and Navy Union, passed at its regular meeting held in Brooklyn January 14. This was followed by telegram, as follows:

"The welfare of the enlisted man demands the restoration of the canteen. His physical and moral health has suffered severely from its abolishment. The Woman's Christian Temperance Union should not be blamed in this matter so much as certain distilling interests who fraudulently have made use of its misdirected zeal.

"(Signed) OWEN WISTER."

Dr. Slicer then introduced Dr. Herbert Shipman, late chaplain of the United States Army, now a minister in this city.

ADDRESS OF REV. MR. SHIPMAN.

MR. SHIPMAN. Whosoever has the temerity to speak on any phase of the so-called liquor question or a platform other than that of total abstinence must needs protest at the outset that, however appearances may be against him, he is really at heart on the side of temperance. So much he must offer by way of propitiation to the gods of conventional respectability. I hasten, therefore, to make that protestation. It was because I believed in temperance that at one time I opposed the movement to abolish the Army canteen, and it is because I still believe in temperance that I now rejoice in the possibility of its reinstatement.

I opposed the movement to abolish it, as I now welcome every effort to bring it back—first of all, on general grounds. With all sympathy and respect for the motives and ideals of those who cling to the principle of prohibition, I do not believe that that principle will ever solve the question of temperance; I believe it blocks the way.

It proclaims itself, indeed, the bearer of the Christian standard as against the evils of intemperance. And it has fought a good fight and kept the faith as it has seen the faith, bravely and uncompromisingly. But it remains a fact that the New Testament, straightforwardly translated and understood, leads no authority to the principle of prohibition.

Just as little has it the general support of modern science. If it can marshal impressive names in support of its contentions, the opposing creed can marshal names every bit as impressive and more in numbers. Moreover, whenever and wherever given an opportunity to demonstrate its working it has succeeded only in demonstrating its inability to work. Any man knows this who travels with open eyes through the so-called prohibition sections either of this country or of Canada. There is no need for him to seek diligently for the evidence until he find it; it forces itself upon him. It staggers from the drug shops, the closet bars, the "speak-easies," and "blind tigers" of every kind, and plants itself squarely before his eyes. Prohibition not only fails to attain the result at which it aims, but almost invariably there follow worse evils in its train than those it attempts to cure. "I speak," Hugo Münsterberg says, "as a psychotherapist whose experience covers the whole country when I say that the spreading of cocaine and morphinism, of sexual perversions and ruinous habits among the abstainers is alarming."

Its tendency, too, is to eliminate the milder beverages, which are difficult to transport and conceal, in favor of gin and whisky, often of the vilest quality, and to substitute lonely drinking—of all forms the most ruinous and hardest to cure—for drinking in social company under the restraining influence of public opinion.

It alienates the good will and influence of the moderate drinker, the man who believes himself to be, and is, a temperate man, and who resents, not unnaturally, being classed as "a liquor man" with the bar-room tippler and corner loafer. It fosters hypocrisy; it tempts men to do in underhand ways that which they believe they have a right to do but for which, if caught, they are liable to punishment. These things are bad; but worst of all is the fact that prohibition forced upon an unwilling minority, often with the assistance of the liquor dealers, sows the seeds of disrespect and disregard for law.

In a country and under a Government such as ours, whose stability rests upon the conscience of the people, to foster any theory which dulls the public conscience to the obligation of even a single law is a dangerous experiment. By so much the moral tone is lowered; by so much every law loses something of its sanctity.

For these reasons and others I am opposed to the major premise of prohibition—that total abstinence is the only road to temperance; and therefore I am opposed to the conclusion drawn from that premise—that in the interest of temperance the Army canteen should be, and is of right, abolished.

I am against this conclusion not only on this general ground, however. I am against it on the more specific ground that the canteen in practical operation has proved itself the most effective force for temperance the Army has ever known.

I wonder if all the estimable women who some years ago worked with such fatal success to get the canteen abolished knew what they were doing. I wonder if they knew exactly what the canteen is and how it operates. If they did know, I wonder that they worked so hard against the best interests of our soldiers. If they did not know, I wonder why they worked at all until they knew.

I am not jesting when I say that at the time the canteen was abolished there were those who honestly believed they were working against the use in the Army of a round, metallic vessel, somewhat like a hot-water bottle, attached to each soldier's belt, filled in the morning with some kind of spirituous liquor, and, when the silent stars looked down upon the conclusion of his labors, emptied of its contents. "Why," they asked with glowing indignation, "why should the Government furnish canteens to our Army? Why should the soldiers carry them? Why should they put them to their lips and drain away their manhood?"

As a matter of fact, as we who are more enlightened know, the canteen was one department of the soldiers' store, or "post exchange," in which the sale of beer, to be consumed on the premises, was allowed.

Surely, if beer was ever sold under conditions which would compel even the most scrupulous to confess that the least, last possibility of evil was minimized to the vanishing point, those conditions obtained in the Army canteen. Its management was in the hands of officers of the Army, competent men, of ability and high character, whose business it was to safeguard the interests of the men under their command and who had no other interest in the matter whatsoever; the quality of the beer was carefully inspected, and the amount allowed each man strictly limited; the demoralizing system of "treating," almost universal in the ordinary saloon, was absolutely forbidden; the surroundings were clean and decent, in striking contrast to the low dives, appropriately called "hog ranches," with which nearly every village near an Army post is filled. In this connection let me add two facts: First, that when the canteen was originally established at West Point, 17 saloons in the nearest village were forced out of business; and, second, that when a movement was on foot to abolish the canteen on the West Point Reservation, identically the same petitions to bring this about were circulated by the so-called temperance advocates and by representatives of the lowest class of liquor dealers in the adjacent village of Highland Falls.

Under the canteen system, the man who wanted his glass of beer got it openly and was not tempted to sneak to the nearest saloon, with its vile whisky, its viler atmosphere, its degrading habits and retainers, female as well as male, there to debase his manhood, endanger his health, and lower both his regard for discipline and his moral tone;

the profits of the canteen sales, so far from going into the pockets of individuals to whose interest it was to increase them by any and every means, were returned to the men themselves in the form of better food, means for recreation, material for reading and instruction, and comforts and delicacies for the sick in hospital.

These were some, not all, of the advantages of the canteen system. As such they were recognized almost universally by those who best knew the Army and its needs, and who above all others had its well-being close to their hearts. They have been lost to the Army through the efforts of amateurs as ignorant and shortsighted as they were doubtless well meaning. A heavy burden of responsibility rests upon them.

It is now time that this unfortunate and disastrous experiment were ended.

Temperance is a moral quality, part of the make-up of a man's soul. You can not compel him to be temperate by external restrictions and prohibitions any more than you can compel him by the same means to be pure in heart. The way to temperance lies not through prohibition or any other quick and easy panacea, but through the education of the individual will and conscience to meet and overcome the temptations which must inevitably, and for its development and greater good, enter every human life.

The system which, while leaving room for choice, without which a man is not a man, works at the same time for self-government and self-restraint is on the side of the truest temperance. And this, exactly, is the claim I make for the system of which I have been speaking.

I speak not only on behalf of the comfort and contentment of our enlisted soldiers, not only on behalf of their rights as men, but above all on behalf of decency and order, on behalf of discipline and manly self-control, on behalf of temperance in its truest form, when I say again that this system of which the Army has been robbed by ignorance, prejudice, and fanaticism, should be restored.

Largely through the influence of our women it was taken from the Army. Is it not fitting, therefore, that through their more enlightened influence it should be given back?

Mr. HOBSON. Mr. Chairman, I move to strike out the last word, and before beginning I will say that I will address myself to the subject suddenly broached by the gentleman from Missouri, and I will ask permission to extend my remarks and insert some matter similar to what the gentleman has requested to insert in his case.

The CHAIRMAN. That permission has been granted by general order.

Mr. HOBSON. Mr. Chairman, the gentleman from Missouri refers to a certain list of medical men. I think it is only fair on behalf of those medical men to state that they made their report on the same misleading information that the gentleman has been quoting—information that is absolutely contrary to the facts. The official reports of the increase of these diseases are due to the fact that the same year the canteen, so-called, was abolished—and I will inform the gentlemen here that the canteen has not been abolished, but the use of beverages containing alcohol has been abolished in the canteen.

Now, the year that that came in there was a fundamental change in the method of inspection. A new system began, and a proper consideration of parallel conditions, before and after, go to show beyond a question of doubt that in the matter of diseases there has been a decided improvement. Furthermore, it goes to show that in the matter of loss of time from intemperance and in cases of arrest for drunkenness, and all similar records, a most decided and important and valuable improvement in the health and morals of the service has resulted.

Mr. Chairman, it is singular to me that just when the British Government, and the French Government, and the German Government, and practically every important government in the world, with large armies and navies, are taking every available measure to make their armies and navies absolutely dry, totally abstaining, that there should be such a widespread movement in America to reintroduce beverages containing alcohol in our Army. I wish to point out the substance of the contention of the gentleman.

Mr. BARTHOLDT. Will the gentleman yield for just one question?

Mr. HOBSON. Certainly.

Mr. BARTHOLDT. The gentleman knows the reasons why there is such a large—

Mr. HOBSON. I am going to give them. The contention of the gentleman from Missouri is that this particular ingredient in a beverage, known as alcohol, is beneficial to the human organism and in turn may tend to make the human being that takes it more moral and more temperate.

In the Boer War the investigation of a scientific commission, appointed without prejudice by the British Crown, showed absolutely that the defeats of the British, the regulars going down before the Boers, the lack of stamina and endurance, were due to the use of beverages containing alcohol—even the temperate use.

And further investigation showed that of 11,000 British subjects in the city of London who came up for examination by the recruiting service, only 1,200 reached the physical requirement.

And the scientific investigation that followed as to the cause resulted unanimously in the decision that it was due to the use of alcoholic beverages. The French Government made a

similar investigation—in a country where drunkenness is unknown. I was there for three years, and never saw a drunken Frenchman. They came to the same conclusion, namely, that the element of degeneracy in France—the high death rate, the low birth rate, and all the signs of degeneracy—were due to this cause. Then the patient Germans took it up, and they came to exactly the same conclusion. The German Emperor is the man who is leading the movement in Germany, not only to have his army and the navy absolutely dry, but he has appealed to his countrymen to cut out alcohol. He has stated in so many words that that nation will march to the front in war or peace that is willing to remove this cause of degeneracy.

On what is that based? It will not take long to tell you. It has now been settled by laboratories in all parts of the world; it is no longer open to discussion; it is one of the great accepted facts of modern science. It is revolutionary, like the discovery that the world was round instead of flat. They have now established beyond peradventure that alcohol is not a simple hydrocarbon, analogous to the starches and sugars—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, I will ask that my time be extended for five minutes, the same extension of time which was granted to the gentleman from Missouri [Mr. BARTHOLDT].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOBSON. They have found that alcohol is a toxin, is a waste product, is the excretion of a living organism; that you can not produce it unless you bring in the yeast or ferment germ. Nor can you produce it unless you produce liquid in which that germ can carry on the life processes, and the alcohol that comes off is the excretion of those germs. Now, when that is established, it settles this question once and for all time. I will say to the gentleman from Missouri [Mr. BARTHOLDT] that he might as well realize that he has a losing cause; he might as well try to make this earth flat or make water run up hill as to permanently maintain the position he has taken. There is a biological law that knows no exception; that the toxin of one form of life is a poison to that form of life and every form of life of a higher order. You can not make alcohol of more than 13 per cent concentration.

Alcohol will kill the yeast germ that produced it when it reaches that concentration. It will not only be a poison to itself, but to every form of life of the highest order. The yeast germ is below all animal organism. It is below most of the plants. It is bound to be a poison, and you can not escape it. It is a loathsome poison, without food value, without medicinal value, though it may fool you. It is not a stimulant, but lowers the pulse beat from 15 to 20 a minute, from the taking of 1 ounce of alcohol. It is classed now definitely with chloroform and ether as a narcotic poison. But, more than that, not only must it be a poison under all circumstances, but it has certain unique peculiarities as a poison. It not only attacks every tissue which it touches, but it has a particular affinity for the cells in the body which represent an upward line of evolution. That may be because those cells are young and tender, but it is nevertheless a fact that the characteristic of this poison is to attack, in every living organism, those tender little cells along the line upon which nature is developing evolution.

Man is evolving chiefly in the gray matter of the brain the convulsions of the brain. This poison has a deadly effect upon the gray matter. A single drink, and every drink, will paralyze for the time being the little layer of cells which the man has been tending to add in his day and generation. Nature causes each generation to add a little layer which, if it did not degenerate, would continue the evolution onward. Continued drink will absolutely wipe out these layers, and a man can in a short time cut down the evolution of his past. He will reach the plane ultimately of the semicivilized, the semisavage, and on down to the brute. In a few years he can wipe out the evolution of a thousand years of his ancestry.

These truths are well established. One more astounding fact is that nature regards degeneration, interfering with the line of its evolution, as the deadly, unpardonable sin. She strikes at the life of the one guilty of the sin. A single drink, with the alcohol passing through the veins, instantly makes every white blood corpuscle in the system drunk for the time being.

Under the microscope it was found that even a moderate drink of alcoholic beverage passing quickly into the blood paralyzes the white blood corpuscles. They behave like drunken men. In pursuit they can not catch the disease germs. In conflict they can not hold the disease germs for devouring, and they can not operate in great phalanxes, as they do when sober, against such powerful germs as those of consumption.

Every time a man takes a drink of alcoholic beverage he lays himself open for a time to contracting diseases. Every time a

man takes a drink he puts his life in peril. No wonder the mortality statistics show, as they do, that a total abstainer has nearly twice the security and hold on life that the average drinker has and about three times the hold of heavy drinkers and those engaged in the liquor traffic.

If the drinks are repeated the microscope shows that the fighting powers of the white blood corpuscles are permanently impaired, even when they are not actually drunk. This accounts for the lowered vitality of regular drinkers, even though temperate.

After long-continued drinking, even though temperate, the microscope shows that the white blood corpuscles, with the serum which contains their vegetable food continually sucked up by the dehydrating toxin, become carnivorous and begin to feed upon the tissues and organs like disease germs. The favorite tissue food of the degenerate corpuscles are the tender cells of latest development. In the human being the latest development is the brain. The microscope shows the degenerate corpuscles, with the goods upon them, down in their bodies the gray matter of the brain. This accounts for the tremendous mortality among heavy drinkers and for the degeneracy that will be referred to later.

THE GREAT DESTROYER.

It is difficult to say in any particular case whether having alcohol in the system caused a patient to take a disease or caused a patient to die, and "alcoholism" attributed to men who die in delirium tremens is the only record of death ordinarily kept against alcohol. But the British Government, in conjunction with English life insurance companies, from the records of millions of cases, has been able to determine the death rate of total abstainers and of those who drink.

Statistics compiled by insurance companies show that the death rate for the population at large is 1,000 deaths per year out of every 61,215 of the population, and that the death rate of total abstainers is 560 per year out of the same number and for liquor dealers 1,642 deaths per year out of the same number. These figures, resulting from many millions of cases, can be taken as accurate. They show that 440 deaths out of every 1,000 deaths, nearly one-half of the deaths that occur, are due to alcohol. Applied to this country, over 680,000 deaths per year in continental United States, or over 725,000 per year in the United States and its possessions. In other words, alcohol is killing our people at the rate of nearly 2,000 men a day every day in the year.

ALCOHOL TEN THOUSAND TIMES MORE DESTRUCTIVE THAN WAR.

The Army War College at Washington made an investigation of the destructiveness of war. Taking all the wars of the world, from the Russo-Japanese War back to 500 B. C., the War College found that the total number of killed and wounded in battle amounts to about 2,800,000, of which it is estimated that about 700,000 were killed and something over 2,000,000 wounded.

The comparative figures show the appalling fact that alcohol is killing off as many Americans every year as all the wars of the world have killed in battle in 2,300 years.

Applied to the whole white race, we find that alcohol is killing 3,500,000 white men every year, five times as many as have been killed in war in 2,300 years; so that, stated mathematically, alcohol is ten thousand times more destructive than all wars combined. No wonder the Governments investigating the subject have found that war has been only a secondary cause of national decline, and that alcohol has been the real destroyer that has overthrown all the great nations of the past and is now undermining the great nations of to-day.

ALCOHOL'S WOUNDED TO-DAY ARE MORE THAN 100,000,000 WHITE MEN.

The figures of the British Government and English life insurance companies as to the effect of drinking on longevity are stated as follows:

If a young man at the age of 20 is a total abstainer and remains a total abstainer, his prospect of life is 44 years, and he will live to the average age of 64, but if he is a temperate regular drinker his prospect of life will be 31 years and he will live to the average age of 51, after losing 13 years out of his life. If he is a heavy drinker, his prospect of life is 15 years and he will die at the average age of 35, after losing 29 years out of his life. Conservative estimates place the number of confirmed drunkards in the United States at something over 1,000,000, of whom 300,000 die every year; the heavy drinkers at over 4,000,000; and temperate regular drinkers at over 20,000,000. A soldier wounded in battle and losing 10 years of his life as a consequence would be classed as seriously wounded. The confirmed drunkards and heavy drinkers together, 5,000,000 in number, must be looked upon as mortally wounded and the temperate regular drinkers as seriously wounded, making a total of over 25,000,000 Americans wounded by alcohol to-day, more

than ten times as many as wounded in all the battles of the world since the dawn of history. The estimates for the white race make over 125,000,000 white men to-day wounded by alcohol.

If a great military power were to declare war on unprepared America to-day every patriotic heart would be filled with anxiety. I know the full significance of war, especially when a nation is unprepared. But if I had the choice of having alcohol continue its deadly ravages with the Nation at peace or of having it wiped off the face of the land with a declaration of war by all the nations of the earth, I would not hesitate for a moment; I would take sober, undegenerate America and face the combined world in arms.

ALCOHOL DEGENERATES.

The full ravages of alcohol are not measured even by the appalling list of killed and wounded. War kills and wounds; alcohol kills and wounds ten thousand times more than all war combined, and in addition it degenerates. Its toxin attacks with special virility the young, tender cells associated with evolution. A plant or vegetable or fruit steadily evolving some color or form under the process of cultivation when watered with water to which a small quantity of alcohol is added will quickly cease to evolve and will lose the color and form and revert backward toward the condition when it grew wild. If a young domestic animal is brought up on a fare to which a small ration of alcohol is added, by the time it is grown it will lose those qualities acquired in domesticity.

THE CURSE OF THE RED MAN AND THE BLACK MAN.

If a peaceable red man is subjected to the regular use of alcoholic beverage, he will speedily be put back to the plane of the savage. The Government long since recognized this and absolutely prohibits the introduction of alcoholic beverage into an Indian reservation. If a negro takes up a regular use of alcoholic beverage, in a short time he will degenerate to the level of the cannibal.

CONQUERS THE NOBLEST WHITE MEN.

No matter how high the stage of evolution, the result is the same. A white man with great self-control, considerate, tender-hearted, who would not willingly harm an insect, will be degenerated by regular use of alcoholic beverage to the point where he will strike with a dagger or fire a shot to kill with little or no provocation.

THE OVERSHADOWING CAUSE OF CRIME, PAUPERISM, AND INSANITY.

Though at first a tender, loving husband and parent, he will degenerate to the point where he will be cruel to his own flesh and blood. It is conservatively estimated that 95 per cent of all the acts and crimes of violence committed in civilized communities are the direct result of men being put down by alcohol toward a plane of savagery. The degenerating process strikes at the integrity of the reason and is the chief cause of idiocy and insanity. It wipes out self-control, self-respect, the sense of honor, the moral sense, and produces the bulk of tramps, paupers, vagabonds.

DEFIES NATURE AND NATURE'S GOD.

In every living thing there is the evolutionary impulse to rise and progress. In the human family man is not changing much in his physical nature, but is evolving chiefly in his nervous system, building up those delicate centers of the brain upon whose activities rest the moral sense. Nature is trying to produce men of high character, a race of true, noble men. Alcoholic beverages, even in moderation, reverse the processes of nature and set back the purposes of creation.

BRINGS NATURE'S CURSE—BLIGHTS PROGENY.

Nature is pitiless when her processes are reversed. She abhors degeneracy and will not tolerate its perpetuation. With parents properly mated and undegenerated the offspring will multiply and be higher and nobler in each succeeding generation. But woe to the offspring if the parents degenerate themselves. Nature will blast the progeny and everything associated with its production.

BLIGHTS THE FRUITING OF PLANTS AND THE OFFSPRING OF ANIMALS.

Upon a fruit tree watered with alcohol mixed with the water the fruit will fall untimely. With animals the law is the same. Scientists selected from a litter of spaniels two little brothers exactly alike in infancy, and brought them up, one as an alcoholic and the other as a total abstainer, giving the former only a small quantity of alcohol with his food, about equivalent in proportion to what benighted parents often give their children in beer or light wine mixed with water. From another litter of spaniels they selected two little sisters exactly alike in infancy, and brought them up in the same way, one as an alcoholic, the other as a total abstainer. When the four dogs were grown they were mated, the two alcoholics together and the two total abstainers together, and the process was repeated. The two mothers and the offspring were placed under close scientific

observation. Extraordinary phenomena set in with the alcoholic mother. She experienced difficulties and accidents, suffered great travail in birth, and finally died in pupbirth with the fifth litter, a phenomenon unknown before. Many of her offspring were born dead. Many of them died in infancy, and of those that survived only 17.3 per cent were normal.

The little abstaining mother had no such experience; she bore large litters of healthy, strong pups, of which 90.5 per cent were absolutely normal.

BLIGHTS THE PROGENY OF MAN.

The same inexorable law holds for man as for animals and plants. A scientist having investigated more than 800 cases, announces that of children born to alcoholic parents, 1 of every 5 will be hopelessly insane, 1 out of 3 will be hysterical or epileptic. More than two-thirds will be degenerate. Another scientist located 10 large families in which both parents were alcoholic, and in the same localities, with other conditions practically the same, 10 large families in which both parents were total abstainers. Of the 57 children of the alcoholic parents, 10 were deformed, 6 were epileptic, 6 were idiotic, 25 were nonviable, only 17 per cent were normal, 83 per cent being abnormal. Of the 61 children of the total-abstaining parents 10.5 per cent only were abnormal, and these chiefly backward, while 89.5 per cent were absolutely normal. Seventeen per cent were normal in the one case and 89.5 per cent in the other case, a difference of 72.5 per cent.

Parents by becoming alcoholic will sacrifice three-fourths of their children on the altar of drink.

ALCOHOL THE CURSE OF THE PERILS OF CHILDBIRTH AND THE DANGER OF RACE SUICIDE.

Another scientist after wide investigation has found that in only 1 per cent of cases do accidents occur in maternity to mothers where the parents are total abstainers, while 5.25 per cent occur where the parents are regular temperate drinkers, and 7.32 per cent where the parents are heavy drinkers. In the case of total-abstaining parents the deaths in infancy among their children will be 13 per cent; in the case of temperate regular drinkers 23 per cent, and heavy drinkers 32 per cent. Of the children of drinkers 10 per cent will have consumption, of the children of total abstainers only 1.8 per cent. Those who drink alcoholic beverage should realize the terrible price they pay. For even temperate regular drinking they increase over 400 per cent the chances of accidents in maternity. They nearly double the chances of their children dying in infancy, and they undermine the health and normality of those that survive. A man may take chances with himself, but if he has a spark of nobility in his soul he will take care how he tampers with a deadly poison that will cause the helpless little children that he brings into the world to be deformed, idiotic, epileptic, insane.

THE ONLY RATIONAL LIFE.

In the light of the truth that every drink endangers health, the terrible truth that alcohol destroys and degenerates, and that it blights progeny, there can be from the standpoint of the individual but one rational course of life with regard to this deadly poison, and that is a life of absolute, total abstinence.

The standpoint of the individual is not the only standpoint from which this great destroyer must be examined. His blight is as deadly for society as it is for the individual. We must examine him from the standpoint of the State. In later remarks I will deal with this part of the question. In the meantime I will remind Members that I have this question printed in a speech in the CONGRESSIONAL RECORD, called "The great destroyer," and shall be glad to supply copies to Members for their own use or for distribution.

But in the light of these truths, how utterly absurd to maintain that serving beer inside of a post would reduce the drinking of whisky outside of the post or give the post any more control over the dens outside.

How ridiculous to contend that this poison, which degenerates and places a man on a lower plane, with his self-control gone, reduces the violations of the rules of morality and chastity. There is not a red-light district in the world not intimately associated with and built upon the distribution of this poison. I protest against this continual slander upon our Army. It is almost sacrilege to bring in the names of women. For each one of the misguided women on the petitions of the gentleman from Missouri I can send in a thousand women who would protest with their latest breath against introducing beer into the daily routine presence of the young soldiers, who enlist most of them as total abstainers, tending to start them on the downward path with the pretext of making it easier for a few old drinkers to get their drinks.

At a later date I will present in extenso this question of the proposed restoration of alcohol to the Army canteen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I would like to have a couple of minutes.

Mr. HOBSON. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

Mr. SIMS. Mr. Chairman, reserving the right to object, I want to say to these gentlemen that they are engaged in discussing a very interesting subject, but to-day is the day allotted to the business of my committee, and I have given up a portion of it to the Committee on Military Affairs. We want to discuss the war-claims bill. Gentlemen can continue this present discussion at some other time.

Mr. HOBSON. I will state to the gentleman that I did not precipitate this discussion.

Mr. SIMS. I reserve the right to object, Mr. Chairman.

Mr. SLAYDEN. Mr. Chairman, what is before the House?

The CHAIRMAN. There is nothing before the House.

Mr. SLAYDEN. Is this an academic discussion of the canteen?

The CHAIRMAN. Yes.

Mr. SLAYDEN. I object.

The CHAIRMAN. The regular order is demanded.

Mr. BURKE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

In line with the suggestion recently made by the gentleman from Illinois [Mr. MANN] that there will be presented to the House a motion to recommit that portion of the bill which refers to the increase of pay for foreign service, I trust that when that motion is presented to this House the action of the committee cutting off extra pay for foreign service, which was determined by a majority of a single vote, will be reversed in the House on a roll call.

To my mind the distinction which should apply as between the pay of the man serving in continental United States and the man who serves in what is termed the foreign service in this particular bill is by no means ordinary. It is based upon conditions unusual and extraordinary, and I do not believe, Mr. Chairman, that this House should impose upon the boys who have enlisted in the Army the burden that this bill would lay upon their shoulders while they are absent from home.

Ten per cent additional pay for officers and 20 per cent additional pay for men is for what purpose? It is for the purpose of harmonizing the difference between the actual service, the actual hazards, the actual hardships that are encountered by the man at home and the man abroad.

In the Philippine service to-day, Mr. Chairman, the boys are far more frequently finding their way into the hospitals than in the United States proper. In the continental service of the United States they are surrounded by the comforts that go with the ordinary American life. What is the difference actually between the two? Maj. Munson, an eminent authority on questions of this kind, has prepared some interesting and instructive statistics showing the strikingly different state of affairs existing at home and in the Philippines.

Under the conditions of peace prevailing during the five years from 1906 to 1910, the comparative hazard of the Army serving within the continental United States—excluding Alaska—and American troops serving in the Philippine Islands, as shown by the reports of the Surgeon General of the Army, is as follows:

Years.	Troops serving in—	Admissions to hospital, per 1,000 troops.	Deaths, per 1,000 troops.	Constant noneffective, per 1,000 troops.
1906.....	United States.....	1,170.93	5.28	46.92
	Philippines.....	1,709.32	9.11	63.35
1907.....	United States.....	1,172.04	5.63	45.22
	Philippines.....	1,483.12	8.54	55.49
1908.....	United States.....	1,148.59	5.35	41.19
	Philippines.....	1,439.65	8.65	53.35
1909.....	United States.....	1,024.37	4.84	39.70
	Philippines.....	1,348.02	6.43	52.57
1910.....	United States.....	899.25	4.42	33.95
	Philippines.....	1,242.65	5.19	45.45
Average for 5 years.....	United States.....	1,084.83	5.10	41.39
	Philippines.....	1,442.73	7.58	54.04

These figures show statistically that during the past five years there actually occurred proportionately 49.1 per cent more deaths among troops in the Philippines than in the United States, 32.9 per cent more disability requiring hospital care, and 30.8 per cent more inability to do duty as a result thereof.

But these figures, cogent as they are, do not fully represent the actual results of tropical service on health and life expectancy. Severe and chronic cases are habitually invalided from the Philippines, where their disability developed, back to the United States, where they die, are discharged for disability,

or spend long periods on sick report. It thus happens that the statistical health reports show rates lower than they should be for the Philippine Islands, and causes incident to service therein, and unduly increase the apparent rates for the United States through the taking up of invalids returned from the Tropics, where they acquired their disability.

What is there to offset this condition of affairs? Not only are no sick soldiers sent from the United States to the Tropics to facilitate recovery, but the presumably well soldiers are carefully examined before embarkation to make sure that they are in condition to stand the greater strain of tropical service. There is thus more sickness and death due to tropical service and less incident to service in the United States than is at once apparent from the statistics.

The present tropical service pay was given by Congress in the desire to compensate officers and men for the greater expense, discomfort, and hazard incident to that service, but the tropical service pay has never done this fully. Officers get an increase of 10 per cent and enlisted men of 20 per cent under conditions where their expectancy of life is cut down at least 50 per cent, their health is reduced by at least 33 per cent, and their ability to perform duty by at least 31 per cent—and in all these respects to an undoubtedly greater but undetermined degree than is shown statistically by the Surgeon General.

In addition to all this I have been informed, and I believe, that the additional pay allowed these officers who are transported from time to time does not in the case of actual travel make up the difference in their actual necessary expenditures. It costs an additional sum of from \$300 to \$500 for an officer to travel back and forth above the allowance ordinarily given him.

Do you mean to say that there is no difference in the service rendered by a man in the military service assigned to duty in the Capital of the Nation, where his family has the best medical care the world affords, where at his children's disposal are the best public schools in the world, where there are all the refinements of society and all those things that make life pleasant—do you mean to tell me that there is no distinction between his surroundings here and those of the man 10,000 miles away, in the wilds of the Philippines? Do you mean to tell me that a man who is compelled to maintain two establishments, one here at home, because his wife and little children, perchance because of some physical disability or ailment, dare not face the hardships of the Tropics, and who is also compelled to maintain himself beyond the sea, away from his home and family—do you mean to say that there is no distinction between that man and the one who is permitted to maintain himself in his own home with his own family in this country, enjoying their society 365 days and nights of the year? [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BURKE of Pennsylvania. I should like five minutes more.

A MEMBER. Regular order!

Mr. HAY. I move that all debate close on this amendment.

Mr. BURKE of Pennsylvania. Very well.

Mr. HAY. We have full discussion on this proposition in the general debate, and we must end the consideration of this bill at some time or other.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this amendment be now closed.

The question being taken, the motion was agreed to.

Mr. MONDELL. Mr. Chairman—

Mr. HAY. I offered an amendment, and I understand that all debate on it is closed.

The CHAIRMAN. The Chair so understands, but the Chair does not know for what purpose the gentleman from Wyoming rises.

Mr. MONDELL. Mr. Chairman, I was unable to be here yesterday when certain features of this bill were under discussion. I do not want to detain the committee at this time, but I ask unanimous consent that I may extend my remarks in the Record on some features of the bill that were discussed yesterday.

Mr. HAY. The gentleman already has that right.

The CHAIRMAN. Permission to extend remarks has already been granted to all Members. The question is on the amendment.

Mr. MANN. I ask to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment for the information of the committee.

The Clerk read as follows:

Amend by inserting as a new section after section 7:
"Sec. 8. That the appropriations herein provided for the several departments consolidated under this act shall be available for the consolidated corps herein created."

The question being taken, the amendment was agreed to.

The CHAIRMAN. Section 8 in the bill should be numbered section 9.

Mr. HAY. Yes.

The CHAIRMAN. If there be no objection that change will be made by the Clerk.

There was no objection.

The Clerk read as follows:

Sec. 8. That nothing in this act shall be held or construed so as to separate any officer from the Army or to diminish the rank now held by him, and that all laws and parts of laws, so far as they are inconsistent with the terms of this act, be, and they are hereby, repealed.

Mr. HOBSON. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 61, line 15, after the word "him," add the following: "Or to reduce the pay he is now receiving."

Mr. HAY. Mr. Chairman, I make the point of order that that amendment, if adopted, would do away with the paragraph just agreed to.

Mr. HOBSON. Mr. Chairman, I think the gentleman is mistaken in the matter of the provision in the previous paragraph. This would only say that his pay shall not be reduced.

Mr. HAY. The preceding paragraph that has just been agreed to says that hereafter the service as a cadet of the United States Military Academy, or as a naval cadet or midshipman, shall not be counted in computing for any purpose the length of service of an officer of the Army. If the gentleman's amendment is agreed to that will nullify that provision which the committee has just agreed to.

Mr. HOBSON. Mr. Chairman, I will simply remark that if that provision which the gentleman refers to were already the law his point of order might lie, but that provision is not law. It is only a part of the bill and may be modified by provisions in other parts of the bill. It is just like section 8, which modifies parts that have already been passed upon in the bill.

Mr. FITZGERALD. Mr. Chairman, while I do not favor the amendment, I think it is clearly in order. The Chair can not undertake to determine whether its adoption will be consistent with other parts of the bill.

Mr. HAY. I will withdraw the point of order.

Mr. HOBSON. Mr. Chairman, I shall not detain the committee long. I do not believe that I ever heard of a case like this—I may be mistaken, but I will ask if any gentleman knows of a case to remind me—I do not believe that I ever heard of a legislative act in any country affecting the pay of enlisted men or officers in the service of the army or the navy providing for reducing the pay being received at the time because, in an inherent way, that is a part, you might say, of a contract. This is like an ex post facto law. It is, I believe, absolutely unprecedented. It is a provision intended to reduce expenses and, perhaps, Members might believe it ought to be the system to prevail in the future, but why should Members make a precedent of this kind in violation of all precedents, really in the nature of an ex post facto law, and break the contract with men in the service who entered the service with the full understanding that the present rates would be the basis of their pay? Mr. Chairman, I will reserve the balance of my time to put in on another proviso.

Mr. HAY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 61, line 14, after the word "officer," by inserting the words "or enlisted man."

Page 61, line 15, after the word "rank" insert the words "or pay." In the same line, after the word "held," insert the words "or received."

Mr. HAY. To that, Mr. Chairman, I make the point of order. The purpose of it seems to be to get into this section the words "enlisted man" and provide that the pay he is now receiving, which is part of the foreign-service pay, shall not be taken away from him by anything in this act.

Mr. BURKE of Pennsylvania. That is precisely the purpose.

Mr. HAY. Well, I will withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. HOBSON. Mr. Chairman, I offer the following amendment as an additional section to the bill.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 61, add as a new section the following:
SEC. 10. That the provisions of this act shall not take effect before January 1, 1915.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not in order—that it is new legislation.

Mr. HOBSON. Mr. Chairman, I will say that unless the chairman of the committee accepts the amendment providing that these officers and men may have opportunity to adjust themselves to these changed conditions, I shall not press it, either as to the point of order or as to the amendment itself.

Mr. MANN. I do not see how it can be subject to a point of order.

Mr. HOBSON. I do not believe it is subject to a point of order.

Mr. HAY. Mr. Chairman, I can not accept the amendment.

Mr. HOBSON. Then, Mr. Chairman, I will employ the time at my disposal simply to conclude the statement of my position on this whole matter. I suppose that the chairman of the Committee on Military Affairs will say that I am making an attack upon the Democratic Party. As this bill is closing, I simply desire to lay before my colleagues in the Democratic Party that it is in my judgment the most imperative duty of our party to give due and careful consideration—

Mr. FITZGERALD. Mr. Chairman, what is before the committee?

Mr. HOBSON. Mr. Chairman, I have offered an amendment.

Mr. FITZGERALD. And I make the point of order to the amendment.

Mr. HOBSON. Then, I wish to be heard upon the point of order.

Mr. FITZGERALD. Mr. Chairman, I do not propose to have the gentleman lecture the Democratic Party.

Mr. HOBSON. Mr. Chairman, I am discussing this measure. I expected the gentleman from New York to rise. He is exceedingly adroit—

Mr. FITZGERALD. Mr. Chairman, I insist upon the point of order.

Mr. HOBSON. Then I shall discuss the point of order.

The CHAIRMAN. The Chair will rule, as a matter of course, that the gentleman must speak to the point of order.

Mr. FITZGERALD. And the gentleman must not discuss anything else.

Mr. HOBSON. I will remark, in connection with the gentleman's adroitness—

Mr. FITZGERALD. Mr. Chairman, I object to the gentleman discussing anything except the point of order.

The CHAIRMAN. The gentleman must confine himself to a discussion of the point of order.

Mr. HOBSON. Mr. Chairman, my amendment is offered in very good faith. I have seen adroitness in the matter of amendments employed on many sides, and I can remember one time when the gentleman from New York was lined up with the enemy—

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

The CHAIRMAN. If that point of order is insisted upon, the gentleman must proceed in order.

Mr. HOBSON. I will now move an amendment to my amendment, to strike out the last word.

Mr. FITZGERALD. Mr. Chairman, I beg the gentleman's pardon, but I insist on the regular order.

Mr. HOBSON. Then I will discuss the point of order.

The CHAIRMAN. The question before the House is whether the gentleman's amendment is in order.

Mr. MANN. Mr. Chairman, I would like to be heard upon the point of order.

The CHAIRMAN. The gentleman from Alabama is recognized to speak to his point of order.

Mr. BURKE of Pennsylvania. Mr. Chairman, a parliamentary inquiry. When the question of good order is being discussed, is it improper to mention the name of the Democratic Party?

The CHAIRMAN. That is hardly a parliamentary inquiry.

Mr. HOBSON. If bad order were being discussed, we could very well mention the Republican Party.

The CHAIRMAN. The gentleman from Alabama is recognized to discuss the point of order.

Mr. HOBSON. Mr. Chairman, I am surprised that the gentleman from New York—

Mr. FITZGERALD. Mr. Chairman, I insist that the gentleman confine himself to a discussion of the point of order, or else take his seat.

The CHAIRMAN. The Chair can not rule as yet that the gentleman is out of order.

Mr. HOBSON. Mr. Chairman, the gentleman is skilled in parliamentary law and I am paying him a compliment—

Mr. FITZGERALD. I do not care to listen to any compliments.

Mr. MANN. Mr. Chairman, I ask for order.

Mr. HOBSON. Mr. Chairman, I decline to yield.

Mr. MANN. Mr. Chairman, I ask for order. I submit that the gentleman be permitted to proceed.

Mr. HOBSON. Mr. Chairman, I will leave out the name of the gentleman from New York if he does not like to hear his own name from my lips. I am astonished that any Member familiar with parliamentary law should state that an amendment fixing the time that an act should go into effect is out of order in a bill.

Mr. FITZGERALD. I am not astonished that the gentleman is astonished.

Mr. OLMSTED. Mr. Chairman, I make the point of order that the gentleman from New York is out of order.

The CHAIRMAN. The gentleman from New York should not interrupt the gentleman from Alabama.

Mr. HOBSON. Mr. Chairman, I maintain that it is a legitimate part of the measure, that it does not create new law, that it is simply a limitation upon the bill being enacted, that it is germane, and under no conception is it subject to the point of order. I would like for the gentleman from New York to state the grounds for his point of order for the benefit of an intelligent membership, and under the general leave to print I will extend my remarks in the RECORD.

I wish to sound a note of warning to my Democratic colleague at the close of this bill. I realize that the gentleman from Virginia [Mr. HAY] will pronounce this another "attack" on the Democratic Party since it takes issue with his methods of procedure. The gentleman assumed that my remarks of yesterday were intended as an assault on himself. I could understand how he might have made such a mistake at the time of his remarks, but I notice in the RECORD of to-day that, in revising his remarks, when he was fully aware of my actual remarks and my real purpose, that he leaves his remarks as a personal assault on me, my Democracy, my patriotism, and my attention to duty in this House.

I am inclined to think that his original idea of my making an attack on him personally was due to the adroit injection of himself into the matter of the gentleman from New York [Mr. FITZGERALD]. This gentleman from New York does not seem satisfied with my compliment of yesterday, terming him adroit. I will now call him preeminently adroit. Adroitness is often a valuable thing to have, but in the gentleman from New York it is a dangerous thing for his comrades. In using this attribute yesterday he thought he would appear as defending the Democratic Party, and to-day he evidently thinks he appears in the same light; but I remember the day on the floor of this House, when the Democratic Party was in full array before the enemy at perhaps the greatest party crisis of recent years, and the gentleman from New York appeared on the scene as the standard bearer of the enemy and led to Democratic defeat.

But the gentleman from Virginia may have thought it easier to have his remarks on a personal plane than to try to justify his course as a Democrat, for he has brought the party into a position of danger—that of dealing with vital matters of national defense without proper deliberation. It is vain to say that there was a long period of general debate on the bill. The gentleman and all other gentlemen know that such general debate is not confined to the provisions of the bill, but extends to every subject under heaven. The gentleman also knows that often only the chairman and senior minority member of the committee remain regularly during this period, and only a handful of the membership is ever present, except on special occasions. The gentleman undertakes to comment on my not having been present during part of that time.

The gentleman will recall that I was present when he tried to foist this same legislation upon the Democratic caucus without its having even been considered by the Committee on Military Affairs, and he notes that I am present now; and he may expect to find me always present when he or anyone else undertakes to lead our party into danger. Before Caesar I will give due account of my attention to duty in my present office and in 18 years of prior service of record under the Government.

The gentleman refers disdainfully to the Chautauqua platform. I do not know if this is due to his never having had any call for his own services or to his having no message worth while to deliver. For my part, I am proud of the fact that on the Chautauqua platform and Lyceum platform my services are in constant demand, and that the message I feel I bear to the American people is gladly received by them.

It may be of interest to the gentleman to know that a part of my message which I carry far and wide relates to national defense, and no part of my message is received more earnestly by the American people than the part laying bare just such folly as the gentleman is guilty of—that of ignoring national peril and treating national defense as an adjunct of personal and party politics.

For the first time since I have been in Congress, probably for the first time since the oldest Member here can remember, we find politics carried into the committees on national defense. The gentleman from Virginia having failed to get his legislative measures, one of which provided for the advancement of The Adjutant General to the rank of lieutenant general, before the general caucus of the Democratic Party, did succeed, by the use of his position as chairman, in getting it before a caucus of the Democratic members of the Committee on Military Affairs.

I have never heard of a caucus being called inside the Naval Committee or the Committee on Military Affairs. It is not surprising, however, that the gentleman felt the need of caucus action for measures such as he advocated. Think of a proposition to make a lieutenant general, a rank higher than any rank that exists in the Army, for an officer who has spent the last 26 years of his life at a desk in Washington in a clerical and administrative capacity! We have created this exalted rank for officers of renown, who commanded armies successfully in the face of the enemy.

The true measure of the inwardness of the attitude of the gentleman from Virginia can be understood when we see the ruthless way in which he proposed to cut down the pay of enlisted men and officers serving under implied contracts in the sickness and exposure of the Tropics in the name of economy and at the same time proposed the astounding extravagance of giving the rank and pay of lieutenant general to bureaucrats. Even the leverage of the position of chairman and the sandbag method of committee caucus could not carry through the latter proposition, but the efforts of the gentleman from Virginia have succeeded in placing our party in the position of undertaking to reorganize the Army through riders on an appropriation bill.

It was bad enough to attach battleships to a pork barrel, but even that extraordinary precedent leaves the mind aghast at the present achievement.

I hereby again sound a note of warning to my Democratic colleagues. The instinct of self-preservation is the deepest instinct in the American people. Vital matters of national defense are not political matters; neither are they to be treated lightly by any party. The gentleman from Virginia not only questioned my politics, but my patriotism. There are some who look upon party ranks as a refuge of safety, useful chiefly for personal advantage in foraging. To me the ranks of a party is a place of service to the country. All parties should exist for the purpose of promoting the best interests of the country.

I am inherently a Democrat, because I believe in the people and trust the people; but I know the best foundation upon which to build a good Democrat, like the best foundation to build a good member of any other party, is to be a good American, first, last, and all the time. I realize full well that to be such a Democrat entails danger, not only danger from the enemy in front, but from an occasional ignorant comrade. I am now out on the picket line of an approaching battle of great consequence to the Democratic Party and to the country.

I am signaling a serious danger ahead, the most serious danger that has yet appeared, and while looking to the front am being sniped from the rear. But this danger shall not deter me, as it has not deterred me, from continuing the danger signal wherever I find it in the path of my party, or of subordinating party to country where duty makes the demand.

The CHAIRMAN. The point of order is sustained. [Laughter and applause.]

Mr. CARLIN. Mr. Chairman, I ask unanimous consent to return to page 35 and consider the provisions in lines 15 to 19—

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Was the point of order sustained?

The CHAIRMAN. The point of order was sustained.

Mr. MANN. To the amendment offered by the gentleman from Alabama?

The CHAIRMAN. Yes, sir; and the gentleman from Virginia has been recognized.

Mr. HOBSON. Mr. Chairman, I appeal from the ruling of the Chair.

The CHAIRMAN. The gentleman is too late, as the gentleman from Virginia has been recognized.

Mr. MANN. Mr. Chairman, you can not proceed in such a way—

The CHAIRMAN. The Chair is never disposed to cut anyone off from an appeal from the decision of the Chair, and the Chair would not hesitate—

Mr. OLMSTED. Mr. Chairman, the gentleman from Illinois stated that he desired to be heard upon the point of order.

The CHAIRMAN. The gentleman from Illinois did not take the floor when the Chair overruled the point of order. It is within the discretion of the Chair to determine whether the Chair desires to hear further argument on a point of order.

Mr. MANN. If the Chair will permit me to say a word. I stated several times to the Chair that I desired to be heard upon the point of order. The Chair stated to me the gentleman from Alabama had the floor. There was so much confusion in the Hall I did not even know the Chair had ruled upon the point of order.

Mr. SHACKLEFORD. The Chair said he was satisfied about his ruling.

The CHAIRMAN. This is exactly a statement of the situation. The Chair is mindful that the gentleman from Illinois indicated that he desired to be heard. The Chair overruled the point of order, and no request was made to the Chair for recognition for an appeal. Thereupon the gentleman from Virginia asked recognition, and the Chair recognized the gentleman from Virginia.

Mr. MANN. Did the Chair overrule the point of order?

The CHAIRMAN. While the Chair had no disposition to cut off anyone, there was no one else asking recognition after the Chair ruled and the Chair recognized the gentleman from Virginia. The Chair will say again that it is within the discretion of the Chair to decide whether he desires further discussion on a point of order. The Chair does not desire further discussion on this point of order.

Mr. MANN. The Chair does not need to repeat that. I understand the Chair now states he overruled the point of order, and a parliamentary inquiry—

The CHAIRMAN. If the Chair stated that he overruled the point of order it was an inadvertence on his part.

Mr. MANN. Then the Chair has sustained the point of order?

The CHAIRMAN. If the Chair stated that the point of order was overruled that statement was an inadvertence. The Chair sustained the point of order—

Mr. HOBSON. I would respectfully request, Mr. Chairman—

The CHAIRMAN. After the Chair sustained the point of order, then without any haste on the part of the Chair and with no desire to cut off the gentleman from Alabama from an appeal, he not indicating that he desired an appeal, the Chair recognized the gentleman from Virginia [Mr. CARLIN]. So far as the Chair is concerned he is perfectly willing for the committee to give unanimous consent to return to the gentleman from Alabama, and permit him to take an appeal to the committee, in fact the Chair would prefer that this should be done, and the Chair asks the gentleman from Virginia to withdraw his request for recognition—

Mr. CARLIN. I withdraw it, at the request of the Chair.

Mr. MANN. I shall object to the request that the gentleman withdraw it. If we are to be run by an autocratic Chair, very well.

The CHAIRMAN. The Chair thinks the gentleman can withdraw his request without unanimous consent. The Chair does not understand objection can be made to it.

Mr. FITZGERALD. I shall object to any appeal—

The CHAIRMAN. The gentleman from Virginia [Mr. CARLIN] withdraws his request for recognition, and the gentleman from Alabama is recognized.

Mr. HOBSON. Mr. Chairman, I have no desire to appeal from the decision of the Chair—

Mr. MANN. I ask for the regular order, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama is the regular order. [Laughter.]

Mr. MANN. He is not before the committee, and—

The CHAIRMAN. The Chair recognizes the gentleman from Alabama.

Mr. MANN (continuing). There is nothing before the committee, and the gentleman can only proceed by unanimous consent.

Mr. HOBSON. I decline to yield to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Alabama declines to yield to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman can only proceed by unanimous consent, there being no proposition pending before the House.

The CHAIRMAN. The gentleman from Alabama was recognized to take an appeal from the point of order.

Mr. MANN. It was too late to take the appeal.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. HOBSON. I have no desire to either prolong the session or to make an appeal from the decision of the Chair.

Mr. MANN. I call for the regular order, Mr. Chairman.

The CHAIRMAN. If the gentleman from Alabama [Mr. HOBSON] does not desire to appeal, the regular order will be proceeded with.

Mr. HOBSON. I want to ask the Chairman if he would graciously state for my benefit or that of the membership the reason for his ruling?

Mr. MANN. There are no reasons. I ask—

The CHAIRMAN. I will put them in the RECORD.

Mr. MANN. I object to the Chair inserting anything of that kind in the RECORD.

The CHAIRMAN. The Chair has the right to insert in the RECORD the reason for his ruling.

Mr. MANN. Not unless it was stated in the committee.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent to return to page 35, so as to include the provision covered in lines 15 to 19, inclusive, as follows:

Provided, That \$10,000 of the amount herein appropriated shall be expended to macadamize the roadway upon the Government property between the United States Government experimental farm and the Arlington Military Cemetery, in the county of Alexandria, Va.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CARLIN. For the purpose of asking if this proviso is to be inserted.

The CHAIRMAN. For the purpose of asking that the portion of the bill indicated by him be reinserted?

Mr. CARLIN. Yes, sir.

The CHAIRMAN. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent to return to the portion of the bill indicated by him for the purpose indicated. Is there objection?

Mr. BURLESON. I object.

Mr. HAY. Mr. Chairman, before I move that the committee rise I ask unanimous consent to return to that portion of the bill where an amendment was offered by the gentleman from Kansas [Mr. ANTHONY] which provided that the officers in the Cavalry should be transferred to the Infantry, Field Artillery, Coast Artillery, Engineer Corps, and Signal Corps. I do that for the purpose of amending that amendment so that these officers shall be only transferred to the Cavalry, Infantry, Field Artillery, and Coast Artillery.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to return to the portion of the bill indicated for the purpose indicated. Is there objection?

Mr. PRINCE. Mr. Chairman, I reserve the right to object.

Mr. HAY. If the gentleman wants to object, I have not anything more to say.

Mr. MANN. What is the gentleman's proposition?

Mr. HAY. What I want to do is to return to the amendment offered by the gentleman from Kansas [Mr. ANTHONY] to the amendment offered by me in regard to the Cavalry.

Mr. MANN. I understand. What changes does the gentleman want to make?

Mr. HAY. The gentleman's amendment provided that these officers be transferred not only to the Coast Artillery and the Cavalry and Infantry, but the Engineer Corps and Signal Corps. I want to provide that they shall not be placed in the Engineer and Signal Corps. Otherwise, I shall be compelled to ask a separate vote on this amendment and ask that it be voted down.

Mr. PRINCE. Mr. Chairman, speaking only for myself, here are five regiments of Cavalry reduced. Those officers are to be—

Mr. HAY. If the gentleman wants to object, I hope he will object, and we will end it.

Mr. PRINCE. I want to see whether I understand it.

Mr. HAY. I withdraw my request.

I move that the committee do now rise and report the bill with amendments to the House, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and had directed him to report the same to the House with certain amendments, with the recom-

mendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HAY. Mr. Speaker, I demand the previous question on the bill and all the amendments thereto to its final passage.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves the previous question on the bill and all the amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HAY. Mr. Speaker, I demand a separate vote on the amendment proposed by the gentleman from Kansas [Mr. ANTHONY] to the amendment offered by myself with regard to the five Cavalry regiments.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman's request can not be separated from the amendment. The Clerk reports one amendment.

Mr. HAY. This was introduced as a separate paragraph.

Mr. MANN. I understand that. If the gentleman is correct, of course, that is all right. The gentleman himself offered the amendment.

Mr. HAY. Mr. Speaker, on page 1916 of the RECORD the following appears:

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

"Add as a new paragraph:

"Provided further, That all officers of Cavalry made surplus by such reduction shall be transferred proportionately to the Infantry, Field Artillery, Coast Artillery, Engineer and Signal Corps, according to their relative commissioned personnel strength; and that the officers so transferred shall take rank in the branch to which transferred according to length of commissioned service: And provided further, That no officer shall be reduced in grade: Provided further, That there shall be no promotion from a lower to a higher grade in any branch of the military service until the officers in that grade shall have been reduced below the number now provided by law for that grade."

Mr. MANN. That is not the way it was offered, according to my understanding; but if that is the way it appears I have no question to make about it.

Mr. HAY. That is the way it was offered.

The SPEAKER. The gentleman from Virginia [Mr. HAY] demands a separate vote on the Anthony amendment. Is there a separate vote demanded on any other amendment?

Mr. PRINCE. I demand a separate vote, Mr. Speaker, on the provision making a reduction in the number of regiments of Cavalry from 15 to 10, and also a separate vote on the provision making the term of enlistment in the Army five years instead of three years, as the law now provides.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. MANN. Mr. Speaker, there are a number of amendments dependent on the amendment abolishing the five regiments of Cavalry. I would not be willing to have those amendments adopted until we have a vote on the amendment of the gentleman in reference to the Cavalry regiments. I am perfectly willing to take a vote on this proposition first, and if that prevails, there will be no objection to agreeing to the other amendments en bloc.

Mr. HAY. Mr. Speaker, I ask unanimous consent that a vote be first taken on the amendments indicated by myself and by the gentleman from Illinois [Mr. PRINCE].

The SPEAKER. He indicated two amendments. Which one does the gentleman mean?

Mr. HAY. He indicated the five-year term of enlistment and the Cavalry amendment. I indicated the Anthony amendment.

The SPEAKER. The question will be taken, then, on the amendment reducing the Cavalry by five regiments. Is that the amendment?

Mr. HAY. That is the amendment.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. HAY] may be permitted to offer an amendment to the amendment on the Cavalry proposition such as he desires.

The SPEAKER. The gentleman from Kansas [Mr. ANTHONY] asks unanimous consent that the gentleman from Virginia [Mr. HAY] be permitted to offer an amendment such as he desires to the amendment abolishing the five Cavalry regiments.

Mr. MANN. Oh, no; to the amendment that was offered in committee by the gentleman from Kansas [Mr. ANTHONY].

The SPEAKER. The Anthony amendment?

Mr. MANN. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PRINCE. Mr. Speaker, reserving the right to object. I want to hear the amendment first. I may not object to it after I hear it.

The SPEAKER. The Clerk will report the amendment.
The Clerk read as follows:

Add as a new paragraph:
"Provided further, That all officers of Cavalry made surplus by such reduction shall be transferred proportionately to the Cavalry, Infantry, Field Artillery, and Coast Artillery, according to their relative commissioned and personnel strength, and that the officers so transferred shall take rank in the branch to which transferred according to length of commissioned service."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question will be on the amendment offered by the gentleman from Virginia [Mr. HAY] to the amendment offered by the gentleman from Kansas [Mr. ANTHONY] when we get the latter amendment.

Mr. HAY. I do not ask for a separate vote on it, though. As I understand, the amendment is agreed to by unanimous consent.

The SPEAKER. Without objection, the amendment offered by the gentleman from Virginia [Mr. HAY] to the amendment offered by the gentleman from Kansas [Mr. ANTHONY] is agreed to.

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. HAY] withdraws, as the Chair understands, his demand for a separate vote on that amendment.

Mr. HAY. I do.

THE CHEMICAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I have a report that I am anxious to send to the Public Printer at once, and I ask unanimous consent to be allowed to present it now.

The SPEAKER. The gentleman from Alabama asks unanimous consent to make a report, for the purpose of allowing it to go to the Public Printer. Is there objection?

There was no objection.

Mr. UNDERWOOD, from the Committee on Ways and Means, reported the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and to encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 326), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

ARMY APPROPRIATION BILL.

The SPEAKER. The House will resume consideration of the Army appropriation bill. The vote will first be taken on the amendment to abolish five regiments of Cavalry, which amendment the Clerk will report.

The Clerk read as follows:

Page 7, at the end of line 8, after the word "dollars," insert the following: "Provided, That on and after the 1st day of July, 1912, there shall be 10 regiments of Cavalry, and no more, in the United States Army, and that the officers who shall be rendered supernumerary by this reduction in the number of Cavalry regiments shall be retained in service and shall be assigned to vacancies in their respective grades as such vacancies shall occur in the Cavalry, or, in the discretion of the President, to such vacancies in their respective grades as shall occur in any other arm of the service."

Mr. PRINCE. Mr. Speaker, upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 112, answered "present" 10, not voting 104, as follows:

YEAS—166.

Adair	Byrnes, S. C.	Dixon, Ind.	Gregg, Pa.
Akin, N. Y.	Byrns, Tenn.	Donohoe	Gregg, Tex.
Alexander	Callaway	Doremus	Gudger
Allen	Candler	Doughton	Hamilton, W. Va.
Anderson, Ohio	Cantrill	Driscoll, D. A.	Hammond
Ansberry	Carlin	Dupre	Hardwick
Ashbrook	Clark, Fla.	Edwards	Hardy
Ayres	Claypool	Ellerbe	Harrison, Miss.
Barnhart	Clayton	Estopinal	Harrison, N. Y.
Bartlett	Cline	Evans	Hay
Bathrick	Collier	Falson	Heflin
Beall, Tex.	Connell	Fergusson	Helm
Bell, Ga.	Conry	Ferris	Henry, Tex.
Berger	Cox, Ohio	Fitzgerald	Hensley
Blackmon	Cullop	Flood, Va.	Holland
Booher	Curley	Floyd, Ark.	Howard
Borland	Daugherty	Foster, Ill.	Hull
Bowman	Davenport	Fowler	Humphreys, Miss.
Brantley	Davis, W. Va.	Francis	Johnson, Ky.
Buchanan	Dent	Gallagher	Johnson, S. C.
Bulkley	Denver	Garner	Jones
Burgess	Dickinson	Garrett	Konig
Burke, Wis.	Dickson, Miss.	Godwin, N. C.	Konop
Burleson	Dies	Goodwin, Ark.	Lamb
Burnett	Difenderfer	Gray	Lee, Pa.

Lewis	Padgett	Scully	Taylor, Colo.
Lindbergh	Page	Shackleford	Thomas
Linthicum	Peters	Sherley	Townsend
Littlepage	Post	Sherwood	Tribble
Lobeck	Pou	Sims	Turnbull
McCoy	Rainey	Sisson	Tuttle
McGillicuddy	Raker	Slayden	Underhill
McKellar	Ransdell, La.	Smith, Tex.	Underwood
Macon	Rauch	Sparkman	Watkins
Maguire, Nebr.	Redfield	Stanley	Webb
Martin, Colo.	Reilly	Stedman	White
Moore, Tex.	Roddenberry	Stephens, Miss.	Wickliffe
Morrison	Rubey	Stephens, Nebr.	Wilson, Pa.
Moss, Ind.	Rucker, Mo.	Stephens, Tex.	Witherspoon
Murray	Russell	Stone	Young, Tex.
Neeley	Sabath	Taggart	
Nelson	Saunders	Taylor, Ala.	

NAYS—112.

Ainey	Farr	Kopp	Powers
Ames	Focht	Lafean	Prince
Anderson, Minn.	Foster, Vt.	Lafferty	Prouty
Anthony	French	La Follette	Rees
Austin	Fuller	Langham	Reyburn
Bingham	Gardner, Mass.	Lawrence	Roberts, Nev.
Bradley	Good	Legare	Rodenberg
Browning	Green, Iowa	Lenroot	Simmons
Burke, Pa.	Guernsey	Longworth	Sloan
Butler	Hamilton, Mich.	Loud	Speer
Calder	Hanna	McCreary	Steenerson
Campbell	Harris	McKenzie	Stephens, Cal.
Cannon	Hartman	McKinley	Sterling
Catlin	Haugen	McKinney	Sulloway
Cooper	Hawley	McMorran	Thayer
Crago	Hayes	Madden	Thistlewood
Crumacker	Heald	Mann	Tilson
Currier	Henry, Conn.	Miller	Towner
Curry	Higgins	Mondell	Volstead
Dalzell	Hobson	Morgan	Warburton
Danforth	Howell	Morse, Wis.	Wedemeyer
Davidson	Howland	Mott	Wildner
Davis, Minn.	Hubbard	Murdock	Willis
Draper	Humphrey, Wash.	Needham	Wilson, Ill.
Driscoll, M. E.	Kahn	Nye	Wood, N. J.
Dyer	Kennedy	Olmsted	Woods, Iowa
Esch	Kinkaid, Nebr.	O'Shaunessy	Young, Kans.
Fairchild	Knowland	Plumley	Young, Mich.

ANSWERED "PRESENT"—10.

Bartholdt	Hughes, N. J.	Norris	Stevens, Minn.
Bates	Lee, Ga.	Parran	
Houston	Moore, Pa.	Pepper	

NOT VOTING—104.

Adamson	Goeke	Littleton	Roberts, Mass.
Alken, S. C.	Goldfogle	Lloyd	Robinson
Andrus	Gould	McCall	Rothermel
Barchfeld	Graham	McDermott	Rouse
Boehne	Greene, Mass.	McGuire, Okla.	Rucker, Colo.
Broussard	Griest	McHenry	Sells
Brower	Hamill	McLaughlin	Sharp
Burke, S. Dak.	Hamlin	Maher	Sheppard
Carter	Helgesen	Malby	Slemp
Cary	Hill	Martin, S. Dak.	Small
Copley	Hinds	Matthews	Smith, J. M. C.
Covington	Hughes, Ga.	Mays	Smith, Saml. W.
Cox, Ind.	Hughes, W. Va.	Moon, Pa.	Smith, Cal.
Cravens	Jackson	Moon, Tenn.	Smith, N. Y.
De Forest	Jacoway	Oldfield	Stack
Dodds	James	Palmer	Sulzer
Dwight	Kendall	Patten, N. Y.	Sweet
Fields	Kent	Patton, Pa.	Switzer
Finley	Kindred	Payne	Talbott, Md.
Fordney	Kinhead, N. J.	Pickett	Talcott, N. Y.
Fornes	Kitchin	Porter	Taylor, Ohio
Foss	Korbly	Pray	Utter
Gardner, N. J.	Langley	Pujo	Vreeland
George	Lever	Randall, Tex.	Weeks
Gillett	Levy	Richardson	Whitacre
Glass	Lindsay	Riordan	Wilson, N. Y.

So the amendment was agreed to.

The following pairs were announced:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. WILSON of New York with Mr. WEEKS.

Mr. TALCOTT of New York with Mr. VREELAND.

Mr. SULZER with Mr. TAYLOR of Ohio.

Mr. SHARP with Mr. SWITZER.

Mr. RUCKER of Colorado with Mr. ROBERTS of Massachusetts.

Mr. ROUSE with Mr. PICKETT.

Mr. RICHARDSON with Mr. PAYNE.

Mr. PALMER with Mr. PATTON of Pennsylvania.

Mr. MOON of Tennessee with Mr. MATTHEWS.

Mr. MCHENRY with Mr. MARTIN of South Dakota.

Mr. MCDERMOTT with Mr. KENT.

Mr. LLOYD with Mr. JACKSON.

Mr. LEVY with Mr. HELGESEN.

Mr. LEVER with Mr. GREENE of Massachusetts.

Mr. KORBLY with Mr. GILLETT.

Mr. KITCHIN with Mr. GARDNER of New Jersey.

Mr. KINDRED with Mr. FOSS.

Mr. JACOWAY with Mr. FORDNEY.

Mr. GRAHAM with Mr. DODDS.
 Mr. FINLEY with Mr. CARY.
 Mr. AIKEN of South Carolina with Mr. BARCHFELD.
 Mr. RANDALL of Texas with Mr. BURKE of South Dakota.
 Mr. PUJO with Mr. PRAY.
 Mr. FORNES with Mr. SMITH of California.
 Mr. GOLDFOGLE with Mr. GRIEST.
 Mr. SHEPPARD with Mr. BATES.
 Mr. GEORGE with Mr. MALBY.
 Mr. HUGHES of Georgia with Mr. HUGHES of West Virginia.
 Mr. GOULD with Mr. HINDS.
 Mr. WHITACRE with Mr. SELLS.
 Mr. HOUSTON with Mr. MOON of Pennsylvania.
 Mr. LITTLETON with Mr. DWIGHT.
 Mr. OLDFIELD with Mr. UTTER.
 Mr. LEE of Georgia with Mr. BARTHOLDT.
 Mr. TALBOTT of Maryland with Mr. PARRAN.
 Mr. BOEHNE with Mr. DE FOREST.
 Mr. COX of Indiana with Mr. COPLEY.
 Mr. FIELDS with Mr. LANGLEY.
 Mr. ROTHERMEL with Mr. PORTER.
 Mr. BROWN with Mr. J. M. C. SMITH.
 For one week:
 Mr. GOEKE with Mr. McLAUGHLIN.
 Commencing February 5 for two weeks:
 Mr. CRAVENS with Mr. SAMUEL W. SMITH.
 For one week ending February 17:
 Mr. JAMES with Mr. McCALL.
 Commencing to-day and ending Monday noon:
 Mr. COVINGTON with Mr. MOORE of Pennsylvania.
 On Army bill:
 Mr. DOREMUS with Mr. YOUNG of Michigan.
 For balance of day:
 Mr. HUGHES of New Jersey with Mr. HILL.
 Mr. CARTER with Mr. McGUIRE of Oklahoma.
 Mr. STEVENS of Minnesota. Mr. Speaker, I voted "no."

I am paired with the gentleman from Georgia, Mr. ADAMSON. I wish to withdraw that vote, and answer "present."

The name of Mr. STEVENS of Minnesota was called, and he answered "Present," as above recorded.

Mr. MOORE of Pennsylvania. Mr. Speaker, I voted "no." I am paired with the gentleman from Maryland, Mr. COVINGTON. I desire to withdraw that vote, and answer "present."

The Clerk called the name of Mr. MOORE of Pennsylvania, and he answered "Present," as above recorded.

The result of the vote was then announced, as above recorded. The SPEAKER. The next vote is on the Hay amendment, changing the term of enlistment from three to five years.

Mr. PRINCE. Mr. Speaker, we may as well have the yeas and nays.

The yeas and nays were ordered. Mr. STEPHENS of California. Mr. Speaker, can we have the amendment reported?

Mr. BURLESON. Regular order!
 The SPEAKER. The regular order is the roll call.

The question was taken; and there were—yeas 147, nays 134, answered "present" 5, not voting 106, as follows:

YEAS—147.

Adair	Denver	Hedin	Randall, Tex.
Alexander	Dickinson	Helm	Ransdell, La.
Allen	Dickson, Miss.	Henry, Tex.	Rauch
Ansberry	Dies	Hensley	Reilly
Ashbrook	Difenderfer	Holland	Roddenberry
Ayres	Dixon, Ind.	Howard	Rubey
Barnhart	Doremus	Hull	Rucker, Mo.
Bartlett	Driscoll, D. A.	Humphreys, Miss.	Russell
Bathrick	Dupre	Johnson, Ky.	Sabath
Beall, Tex.	Edwards	Johnson, S. C.	Saunders
Bell, Ga.	Ellerbe	Jones	Scully
Booher	Evans	Konig	Shackelford
Borland	Faison	Lamb	Sherley
Brantley	Fergusson	Lee, Pa.	Sherwood
Brown	Ferris	Legare	Sims
Burgess	Finley	Lewis	Slayden
Burleson	Fitzgerald	Linthicum	Smith, Tex.
Burnett	Flood, Va.	Littlepage	Sparkman
Byrnes, S. C.	Floyd, Ark.	Lloyd	Stanley
Byrns, Tenn.	Foster, Ill.	McCoy	Stedman
Callaway	Fowler	McGillcuddy	Stephens, Miss.
Candler	Gallagher	McKellar	Stephens, Tex.
Cantrell	Garner	Macon	Taggart
Carlin	Garrett	Maguire, Nebr.	Taylor, Ala.
Clark, Fla.	Godwin, N. C.	Moore, Tex.	Thomas
Claypool	Goodwin, Ark.	Morrison	Townsend
Clayton	Gray	Moss, Ind.	Trumble
Cline	Gregg, Pa.	Murray	Turnbull
Collier	Gregg, Tex.	Neeley	Underhill
Connell	Gudger	Padgett	Underwood
Conry	Hamilton, W. Va.	Page	Watkins
Cox, Ohio	Hammond	Pepper	Webb
Curley	Hardwick	Peters	Wickliffe
Daugherty	Hardy	Post	Wilson, Pa.
Davenport	Harrison, Miss.	Pou	Witherspoon
Davis, W. Va.	Harrison, N. Y.	Rainey	Young, Tex.
Dent	Hay	Raker	

NAYS—134.

Ainey	Driscoll, M. E.	Knowland	Powers
Akin, N. Y.	Dyer	Konop	Prince
Ames	Esch	Kopp	Prouty
Anderson, Minn.	Estopinal	Lafean	Rees
Anthony	Fairchild	Lafferty	Reyburn
Austin	Farr	La Follette	Roberts, Nev.
Barchfeld	Focht	Langham	Simmons
Bartholdt	Foster, Vt.	Lawrence	Sloan
Berger	Francis	Lenroot	Speer
Bingham	French	Lindbergh	Steensson
Bowman	Fuller	Lobeck	Stephens, Cal.
Bradley	Gardner, Mass.	Longworth	Stephens, Nebr.
Browning	Good	Loud	Sterling
Buchanan	Green, Iowa	McCreary	Stone
Bulkeley	Guernsey	McKenzie	Sulloway
Burke, Pa.	Hamilton, Mich.	McKinley	Taylor, Colo.
Burke, S. Dak.	Hanna	McKinney	Taylor, Ohio
Burke, Wis.	Harris	McMorran	Thayer
Butler	Hartman	Madden	Thistlewood
Caldre	Haugen	Mann	Tilson
Campbell	Hawley	Martin, Colo.	Towner
Cannon	Hayes	Miller	Volstead
Catlin	Heald	Mondell	Warburton
Cooper	Henry, Conn.	Morgan	Wedemeyer
Crago	Higgins	Morse, Wis.	White
Crumpacker	Hobson	Mott	Wilder
Currier	Howell	Murdock	Willis
Curry	Howland	Needham	Wilson, Ill.
Dalzell	Hubbard	Nelson	Wood, N. J.
Danforth	Humphrey, Wash.	Norris	Woods, Iowa.
Davidson	Kahn	Nye	Young, Kans.
Davis, Minn.	Kendall	Olmsted	Young, Mich.
Doughton	Kennedy	O'Shaunessy	
Draper	Kinkaid, Nebr.	Plumley	

ANSWERED "PRESENT"—5.

Cullop	Lee, Ga.	Moore, Pa.	Stevens, Minn.
Hughes, N. J.			

NOT VOTING—106.

Adamson	Goldfogle	McDermott	Rothermel
Aiken, S. C.	Gould	McGuire, Okla.	Rouse
Anderson, Ohio	Graham	McHenry	Rucker, Colo.
Andrus	Greene, Mass.	McLaughlin	Sells
Bates	Griest	Maher	Sharp
Blackmon	Hamill	Malby	Sheppard
Boehne	Hamlin	Martin, S. Dak.	Sisson
Broussard	Helgesen	Matthews	Slemp
Carter	Hill	Mays	Small
Cary	Hinds	Moon, Pa.	Smith, J. M. C.
Copley	Houston	Moon, Tenn.	Smith, Saml. W.
Covington	Hughes, Ga.	Oldfield	Smith, Cal.
Cox, Ind.	Hughes, W. Va.	Palmer	Smith, N. Y.
Cravens	Jackson	Parran	Stack
De Forest	Jacoway	Patten, N. Y.	Sulzer
Dodds	James	Patton, Pa.	Sweet
Donohoe	Kent	Payne	Switzer
Dwight	Kindred	Pickett	Talbott, Md.
Fields	Kinthead, N. J.	Porter	Talcott, N. Y.
Fordney	Kitchin	Pray	Tuttle
Fornes	Korbly	Pujo	Utter
Foss	Langley	Redfield	Vreeland
Gardner, N. J.	Lever	Richardson	Weeks
George	Levy	Riordan	Whitacre
Gillett	Lindsay	Roberts, Mass.	Wilson, N. Y.
Glass	Littleton	Robinson	
Goeke	McCall	Rodenberg	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. REDFIELD with Mr. J. M. C. SMITH.

Mr. LEE of Georgia with Mr. CARY.

Mr. ANDERSON of Ohio with Mr. JACKSON.

On this vote:

Mr. CULLOP with Mr. RODENBERG.

The result of the vote was announced as above recorded.

The SPEAKER. The question will be taken on the remaining amendments in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. PRINCE. Mr. Speaker, I move to recommit the bill with instructions which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

I move to recommit the bill (H. R. 18956) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, to the Committee on Military Affairs, with instructions to that committee to report that bill back to the House forthwith, with the following amendment:

Strike out of the bill the following:

"SEC. 3. That all laws and parts of laws authorizing increase of the pay of commissioned officers and enlisted men of the Army serving beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, are hereby repealed to the extent to which such increase of pay is authorized by such laws."

Mr. HAY. Mr. Speaker, on that I demand the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

Mr. PRINCE. And upon that motion, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

During the calling of the roll the following occurred:

Mr. PRINCE (interrupting the roll). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. Mr. Speaker, my only purpose in making the inquiry is this: I do not know whether the House knows what the effect of this motion will be. I ask unanimous consent—

The SPEAKER. The motion was reported from the desk.

Mr. BURLESON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the calling of the roll. The Clerk will proceed with the calling of the roll.

Mr. PRINCE. The reason I ask this is because there has been so much confusion.

The question was taken; and there were—yeas 118, nays 162, answered "present" 12, not voting 100, as follows:

YEAS—118.

Ainey	Driscoll, M. E.	Humphrey, Wash.	O'Shaunessy
Ames	Dupre	Kahn	Plumley
Anderson, Minn.	Dyer	Kendall	Prince
Anthony	Esch	Kennedy	Prouty
Austin	Estopinal	Kinkaid, Nebr.	Rees
Barchfeld	Fairchild	Knowland	Reyburn
Bartholdt	Farr	Lafean	Roberts, Nev.
Berger	Focht	Lafferty	Simmons
Bingham	Foster, Vt.	La Follette	Sloan
Bowman	French	Langham	Speer
Bradley	Fuller	Lawrence	Steenserson
Browning	Gardner, Mass.	Lenroot	Stephens, Cal.
Bulkley	Good	Lindbergh	Sterling
Burke, Pa.	Green, Iowa	Longworth	Sulloway
Burke, S. Dak.	Guernsey	McKenzie	Taylor, Ohio
Butler	Hamilton, Mich.	McKinley	Thistlewood
Calder	Hanna	McKinney	Tilson
Campbell	Harris	McMorran	Towner
Cannon	Hartman	Madden	Volstead
Catlin	Haugen	Mann	Warburton
Cooper	Hawley	Mondell	Wedemeyer
Crago	Hayes	Morgan	Wilder
Crumppacker	Heald	Morse, Wis.	Willis
Currier	Helgesen	Mott	Wilson, Ill.
Curry	Henry, Conn.	Murdock	Wood, N. J.
Dalzell	Higgins	Needham	Woods, Iowa
Danforth	Hobson	Nelson	Young, Kans.
Davidson	Howell	Norris	Young, Mich.
Davis, Minn.	Howland	Nye	
Draper	Hubbard	Olmsted	

NAYS—162.

Adair	Denver	Howard	Roddenbery
Akin, N. Y.	Dickinson	Hull	Rubey
Alexander	Dickson, Miss.	Johnson, Ky.	Rucker, Mo.
Allen	Dies	Johnson, S. C.	Russell
Anslerry	Difenderfer	Jones	Sabath
Ashbrook	Dixon, Ind.	Konig	Saunders
Ayres	Doremus	Konop	Scully
Barnhart	Doughton	Lamb	Shackelford
Bartlett	Driscoll, D. A.	Lee, Ga.	Sherley
Bathrick	Edwards	Lee, Pa.	Sherwood
Beall, Tex.	Ellerbe	Legare	Sims
Bell, Ga.	Evans	Lever	Sisson
Blackmon	Falson	Lewis	Slayden
Booher	Fergusson	Linthicum	Smith, Tex.
Borland	Ferris	Littlepage	Sparkman
Brantley	Finley	Lloyd	Stack
Brown	Fitzgerald	Lobeck	Stanley
Buehanan	Flood, Va.	McCoy	Stedman
Burress	Floyd, Ark.	McGillcuddy	Stephens, Nebr.
Burke, Wis.	Francis	McKellar	Stephens, Tex.
Burleson	Gallagher	Macon	Stone
Burnett	Garner	Maguire, Nebr.	Taggart
Byrnes, S. C.	Godwin, N. C.	Martin, Colo.	Taylor, Ala.
Byrns, Tenn.	Goodwin, Ark.	Moore, Tex.	Taylor, Colo.
Callaway	Gray	Morrison	Thayer
Candler	Gregg, Pa.	Moss, Ind.	Thomas
Cantrill	Gregg, Tex.	Murray	Townsend
Carlin	Gudger	Neeley	Tribble
Clark, Fla.	Hamilton, W. Va.	Padgett	Turnbull
Claypool	Hamlin	Page	Tuttle
Clayton	Hammond	Pepper	Underhill
Cline	Hardwick	Peters	Underwood
Collier	Hardy	Post	Watkins
Connell	Harrison, Miss.	Pou	Webb
Conry	Harrison, N. Y.	Rainey	White
Cox, Ohio	Hay	Raker	Wickliffe
Curley	Healin	Randell, Tex.	Wilson, Pa.
Daugherty	Helm	Ransdell, La.	Witherspoon
Davenport	Henry, Tex.	Rauch	Young, Tex.
Davis, W. Va.	Hensley	Reilly	
Dent	Holland	Richardson	

ANSWERED "PRESENT"—12.

Bates	Garrett	Humphreys, Miss.	Moore, Pa.
Cullop	Houston	Littleton	Stephens, Miss.
Foster, Ill.	Hughes, N. J.	Loud	Stevens, Minn.

NOT VOTING—100.

Adamson	Copley	Fields	Glass
Aiken, S. C.	Covington	Fordney	Goeke
Anderson, Ohio	Cox, Ind.	Fornes	Goldfogle
Andrus	Cravens	Foss	Gould
Boehne	De Forest	Fowler	Graham
Broussard	Dodds	Gardner, N. J.	Greene, Mass.
Carter	Donohoe	George	Griest
Cary	Dwight	Gillett	Hamill

Hill	McCreary	Patton, Pa.	Sheppard
Hinds	McDermott	Payne	Slemp
Hughes, Ga.	McGuire, Okla.	Pickett	Small
Hughes, W. Va.	McHenry	Porter	Smith, J. M. C.
Jackson	McLaughlin	Powers	Smith, Saml. W.
Jacoway	Maher	Pray	Smith, Cal.
James	Malby	Pujo	Smith, N. Y.
Kent	Martin, S. Dak.	Redfield	Sulzer
Kindred	Matthews	Riordan	Sweet
Kinkaid, N. J.	Mays	Roberts, Mass.	Switzer
Kitchin	Miller	Robinson	Talbot, Md.
Kopp	Moon, Pa.	Rodenberg	Talcott, N. Y.
Korbly	Moon, Tenn.	Rothermel	Utter
Langley	Oldfield	Rouse	Vreeland
Levy	Palmer	Rucker, Colo.	Weeks
Lindsay	Parran	Sells	Whitacre
McCall	Patten, N. Y.	Sharp	Wilson, N. Y.

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. STEPHENS of Mississippi with Mr. CARY.

Until further notice:

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. HUMPHREYS of Mississippi with Mr. GREENE of Massachusetts.

Mr. DONOHUE with Mr. MCCREARY.

Mr. GARRETT with Mr. MILLER.

Mr. SMALL with Mr. POWERS.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the amended bill.

The question was taken, and the amended bill was passed.

Mr. HAY. Mr. Speaker, I desire to amend the title of the bill. After the word "thirteen" in the title insert the words "and for other purposes."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title by inserting after the word "thirteen," in the second line, the words "and for other purposes."

The question was taken, and the amendment was agreed to.

A motion by Mr. HAY to reconsider the vote by which the bill was passed was, on his motion, laid on the table.

OMNIBUS WAR-CLAIMS BILL.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19115.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19115, the omnibus war-claims bill, with Mr. SHACKLEFORD in the chair.

Mr. SHACKLEFORD assumed the chair amid applause.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19115, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts.

Mr. SIMS. Mr. Chairman, I ask unanimous consent to return to page 9 of the bill and to offer an amendment to put in a finding of the court which was overlooked.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 9 of the bill for the purpose of offering an amendment. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if it is a committee amendment?

Mr. SIMS. It is a committee amendment.

Mr. MANN. I have no objection.

Mr. SIMS. It was left out inadvertently.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears no objection, and the Clerk will report the amendment.

The Clerk read as follows:

On page 9, after line 7, insert the following:
"To John W. Wallace, executor of the estate of Laura J. Dills, deceased, late of Jackson County, \$2,945."

The question was taken, and the amendment was agreed to.

Mr. SIMS. Mr. Chairman, I make a similar request, to return to page 15 to offer a committee amendment to put in a court finding that was inadvertently left out the same as the other.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, after line 13, insert:
"To Richard H. Turner, in his own right and as administrator of the estate of Eliza Turner, deceased, and Eliza Anne Turner, of Fayette County, \$2,130."

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To the board of commissioners of the Judah Touro Almshouse fund, of New Orleans, \$21,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I have not called attention heretofore to the fact that the reading clerk has from the beginning of the reading of this bill skipped about half the words as read—

Mr. SIMS. Descriptive words only.

Mr. MANN (continuing). And I have no criticism to make of the reading clerk for doing that, because undoubtedly the reading clerk thought that was the practice of this body as it is in many legislative bodies. It never has been done during my service in this House, and I do not intend that it shall be done hereafter. I suggest to the gentleman from Tennessee that it is now 10 minutes past 5 and that we have had a hard day.

Mr. SIMS. Mr. Chairman, I had no idea of going further than 5.30; of course, I know there is no quorum present.

Mr. MANN. I understood the gentleman to say, before he went into the committee, he expected to rise about 5 o'clock. We can finish the bill to-morrow.

Mr. SIMS. If the gentleman will make a point of no quorum, I would not proceed to get one. I concede there is no quorum here.

Mr. MANN. The gentleman will have no trouble to-morrow.

Mr. SIMS. Mr. Chairman, I move, under the circumstances, that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHACKLEFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and had come to no resolution thereon.

ADJOURNMENT.

Mr. SIMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until Saturday, February 17, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the president of Columbia Institution for the Deaf submitting a supplemental estimate of appropriation for repairs in the lighting, heating, and power system at said institution (H. Doc. No. 543); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for reimbursement of B. R. Rhees (H. Doc. No. 544); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of Agriculture, transmitting a report of documents received and distributed during the year ended June 30, 1911 (H. Doc. No. 545); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MORGAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, State of Oklahoma, reported the same with amendments, accompanied by a report (No. 327), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DUPRE, from the Committee on the Judiciary, to which was referred the bill (H. R. 19238) to amend the laws relating

to the judiciary, reported the same with amendment, accompanied by a report (No. 328), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEVER: A bill (H. R. 20281) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to protect the consumers, dealers, and manufacturers of margarin against fraud; and to afford the Bureau of Internal Revenue more efficient means for the detection of fraud and the collection of revenues; to the Committee on Agriculture.

By Mr. MORGAN: A bill (H. R. 20282) to establish agricultural extension departments in connection with the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; to the Committee on Agriculture.

By Mr. BRANTLEY: A bill (H. R. 20283) to incorporate the Naval History Society; to the Committee on the Library.

By Mr. HOWARD: A bill (H. R. 20284) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910; to the Committee on the Judiciary.

By Mr. HARDY: A bill (H. R. 20285) to regulate the officering and manning of vessels subject to the inspection laws of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. LANGLEY: A bill (H. R. 20286) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 20287) to amend section 5 of the act entitled "An act to incorporate the American Red Cross," approved January 5, 1905; to the Committee on Foreign Affairs.

By Mr. WATKINS: Concurrent resolution (H. Con. Res. 38) for a reprint of the Soil Survey of Caddo Parish, La.; to the Committee on Printing.

By Mr. LA FOLLETTE: Joint resolution (H. J. Res. 242) authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic Encampment to be held at Pullman, Wash., in June, 1912; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 20288) granting a pension to Franc S. Hungerford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20289) granting an increase of pension to Weston Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20290) granting an increase of pension to Edward O. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20291) granting an increase of pension to Charles Rutty; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 20292) granting an increase of pension to Henry J. Kramb; to the Committee on Invalid Pensions.

By Mr. BARTHOLOMT: A bill (H. R. 20293) for the relief of Edward B. Fox, administrator of the last surviving partner of the firm of Child, Pratt & Fox; to the Committee on War Claims.

By Mr. BARTLETT: A bill (H. R. 20294) to authorize the appointment of Frank de L. Carrington as major of Infantry in the United States Army on the retired list; to the Committee on Military Affairs.

By Mr. BEALL of Texas: A bill (H. R. 20295) for the relief of the heirs of George Harvey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20296) for the relief of the heirs of Josiah Hendricks, deceased; to the Committee on War Claims.

By Mr. BOOHER: A bill (H. R. 20297) granting an increase of pension to William A. Rappelye; to the Committee on Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 20298) granting an increase of pension to Edward L. Hyde; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 20299) for the relief of the estate of John T. McClanahan; to the Committee on War Claims.

Also, a bill (H. R. 20300) for the relief of estate of William J. Thomas, deceased; to the Committee on War Claims.

By Mr. CAMERON: A bill (H. R. 20301) granting a pension to Thomas J. Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20302) for the relief of William Wooster; to the Committee on Claims.

By Mr. CLAYTON: A bill (H. R. 20303) for the relief of H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley; to the Committee on the Judiciary.

By Mr. DAUGHERTY: A bill (H. R. 20304) granting an increase of pension to Henry L. Lundy; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 20305) granting a pension to James Butler; to the Committee on Invalid Pensions.

By Mr. ELLERBE: A bill (H. R. 20306) for the relief of the trustees of Beaverdam Baptist Church, of Marlboro County, S. C.; to the Committee on War Claims.

By Mr. FAISON: A bill (H. R. 20307) for the relief of Faris Nassef, a naturalized citizen of the United States; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 20308) for the relief of the heirs of John B. Wolf; to the Committee on War Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 20309) granting an increase of pension to Thomas A. Stockslager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20310) granting an increase of pension to George L. Barner; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20311) granting an increase of pension to Pleasant Umfleet; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 20312) granting an increase of pension to Abram McCoy; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 20313) to remove the charge of desertion from the record of Ferdinand Tobe; to the Committee on Military Affairs.

By Mr. HAMILTON of West Virginia: A bill (H. R. 20314) granting an increase of pension to William W. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20315) granting an increase of pension to Caleb Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20316) granting an increase of pension to Jesse Brown; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 20317) granting an increase of pension to David B. McLain; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 20318) for the relief of the Methodist Episcopal Church of Hull, Mass.; to the Committee on Claims.

By Mr. HARRISON of Mississippi: A bill (H. R. 20319) granting a pension to Robert W. Banks; to the Committee on Pensions.

Also, a bill (H. R. 20320) for the relief of the heirs at law of Samuel Hollingsworth; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 20321) to correct the military record of John Clark; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 20322) granting an increase of pension to Benjamin Cloyd; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 20323) granting an increase of pension to Johnathan Turner; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 20324) to correct the military record of John B. Buntin; to the Committee on Military Affairs.

By Mr. LAWRENCE: A bill (H. R. 20325) for the relief of John Worthington; to the Committee on Claims.

By Mr. LEGARE: A bill (H. R. 20326) for the relief of John Duncan, surviving partner of Archibald Duncan & Son; to the Committee on War Claims.

Also, a bill (H. R. 20327) for the relief of Isabella Dowie and others, heirs at law of George Dowie, deceased; to the Committee on War Claims.

By Mr. LONGWORTH: A bill (H. R. 20328) granting a pension to August Rumpf; to the Committee on Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 20329) granting an increase of pension to George W. Proctor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20330) granting an increase of pension to William Fairclough; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 20331) granting a pension to Laura K. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20332) granting an increase of pension to Julius A. Keeler; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 20333) granting an increase of pension to Alonzo Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20334) granting an increase of pension to Margaret Hanaway; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 20335) for the relief of William H. W. James; to the Committee on Claims.

By Mr. PARRAN: A bill (H. R. 20336) granting a pension to Ida V. Stephens and her three dependent infant children; to the Committee on Pensions.

By Mr. RANDELL of Louisiana: A bill (H. R. 20337) for the relief of First Lieut. Sanderford Jarman; to the Committee on Claims.

Also, a bill (H. R. 20338) for the relief of First Lieut. Sanderford Jarman; to the Committee on Claims.

By Mr. SIMS: A bill (H. R. 20339) for the relief of Joseph W. McCall; to the Committee on Military Affairs.

By Mr. SISSON: A bill (H. R. 20340) granting a pension to Lizzie Kimble; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 20341) granting an increase of pension to Ellen B. Knowles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20342) granting an increase of pension to Emeline N. Griffiths; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20343) granting an increase of pension to Ellen Augusta Gifford; to the Committee on Invalid Pensions.

By Mr. WEDEMEYER: A bill (H. R. 20344) granting a pension to Louise M. Butts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20345) correcting the military record of Abram H. Johnson; to the Committee on Military Affairs.

By Mr. WHITACRE: A bill (H. R. 20346) to pay a bounty to William A. Badger; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of A. E. Dunderman, of Antwerp, Ohio, for an effective interstate liquor law, etc.; to the Committee on the Judiciary.

Also, petition of German-American Alliance of Newark, Ohio, against prohibition and interstate liquor laws; to the Committee on the Judiciary.

Also, resolution of the American Board of Commissioners for Foreign Missions, of Boston, Mass., favoring bill to reimburse those American citizens who advanced \$66,000 ransom paid to brigands for the release of Miss Ellen M. Stone, a missionary; to the Committee on Claims.

By Mr. AYRES: Petition of Broadway Board of Trade, protesting against removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Women's Homestead Association, for repeal of duty on potatoes, etc.; to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of citizens of St. Louis, Mo., against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petition of Improved Order of Red Men of St. Louis, Mo., in favor of House bill 16313, providing for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of John T. Stinson, secretary of Missouri State Fair Association, of Sedalia, Mo., in favor of House bill 18005, providing for the erection of State fair buildings in the several States; to the Committee on Public Buildings and Grounds.

Also, petition of St. Louis (Mo.) Master Bakers' Protective and Benevolent Association, praying for a reduction of the tax on sugar; to the Committee on Ways and Means.

Also, petitions of German-American Alliances of California and St. Louis, Mo., protesting against legislation to prohibit interstate shipment of liquors; to the Committee on the Judiciary.

By Mr. BATES: Petition of Mrs. G. E. Goodman, of Erie, Pa., in favor of bill for children's bureau; to the Committee on Labor.

Also, petition of Kolbe Fish Co., of Erie, Pa., opposing House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, petition of German-American Alliance of Reading, Pa., protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. BEALL of Texas: Papers to accompany bill for heirs at law of George Harvey, deceased; to the Committee on War Claims.

Also, papers to accompany bill for heirs of Joseph Hendricks; to the Committee on War Claims.

By Mr. BOWMAN: Petition of E. M. Rosenbluth, of Philadelphia, Pa., urging appropriations for battleships; to the Committee on Naval Affairs.

Also, petition of the Woman's Civic Club of Wilkes-Barre, Pa., for children's bureau in Bureau of Education; to the Committee on Labor.

Also, petitions of Keystone Bottling Co., the Pressed Steel Co., and L. B. Nichols, of Wilkes-Barre, Pa., for passage of House bill 16663; to the Committee on Ways and Means.

By Mr. BROWNING: Petitions of Methodist Episcopal Churches of National Park and Woodlawn and the Woman's Christian Temperance Union of National Park, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of Woman's Christian Temperance Union of Brentford, S. Dak., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Petitions of citizens of the State of Tennessee, for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. CALDER: Petition of American Board of Commissioners for Foreign Missions, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. CAMPBELL: Petition of citizens of the State of Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. COPLEY: Petitions of Young Men's Christian Association of Aurora and Woman's Christian Temperance Union of Batavia, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. COX of Indiana: Petition of members of the Improved Order of Red Men of the third congressional district of Indiana, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. CRUMPACKER: Petition of citizens of the tenth congressional district of Indiana, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Petitions of Woman's Christian Temperance Unions and churches of Allegheny and Pittsburgh, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DE FOREST: Petition of members of Improved Order of Red Men of the twenty-third congressional district of New York, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DRAPER: Petition of Woman's Board of Missions of Boston, Mass., for reimbursement of Ellen M. Stone ransom; to the Committee on Claims.

By Mr. MICHAEL E. DRISCOLL: Petitions of W. E. Bennett and others, of Euclid, N. Y., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of the Woman's Christian Temperance Union of Peruville; the Methodist Episcopal Church of Dryden; the Woman's Christian Temperance Union of Etna; and the Methodist Church of Jacksonville, all in the State of New York, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ESCH: Petition of German-American Alliance of Oconto, Wis., against prohibition and interstate liquor laws; to the Committee on the Judiciary.

Also, petition of the State Board of Agriculture of Wisconsin, indorsing House bill 18160, to establish agricultural extension departments in the several States; to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of Thomas A. Stockslager; to the Committee on Invalid Pensions.

Also, petition of citizens of the State of Arkansas, for passage of the old-age pension bill; to the Committee on Pensions.

By Mr. FOCHT: Petition of citizens of McVeytown, Pa., protesting against the establishment of a parcel post beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. FOSTER of Illinois: Petition of St. Joseph Society of Breese, Ill., in favor of House bill 2896, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. FULLER: Petition of E. T. Bent, of Oglesby, Ill., favoring an appropriation to provide for a building for the Interstate Commerce Commission; to the Committee on Public Buildings and Grounds.

Also, petition of Chamber of Commerce of Milwaukee, Wis., protesting against proposed change in the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of D. B. Hutchins, of Rockford, Ill., favoring a reduction in the duty on colored oleomargarine; to the Committee on Agriculture.

Also, petition of A. L. Darrow, president of the Fort Sutter National Bank, of Sacramento, Cal., favoring certain proposed changes in the national banking laws, etc.; to the Committee on Banking and Currency.

By Mr. GOULD: Petitions of the Woman's Christian Temperance Union and Bevan Brotherhood, of Augusta, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRAHAM: Petitions of the Woman's Christian Temperance Union and the Cumberland Presbyterian Aid Society, of Irving, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HINDS: Petition of Advent Christian, of Biddeford, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Maine, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Petition of Christian Endeavor Society of the Congregational Church of Closter, N. J., for passage of Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

By Mr. KENNEDY: Petition of Solomon Tripp and other citizens of Fort Madison, Iowa, in favor of old-age pensions; to the Committee on Pensions.

Also, petitions of C. P. Byer, Joseph Hafner, and E. D. Morgan, of Burlington, Iowa, for passage of House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of members of Typographical Union No. 75, of Burlington, Iowa, in favor of House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. KOPP: Petitions of First Congregational and Methodist Episcopal Churches of Bloomington, Wis., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Glen Haven, Wis., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LA FOLLETTE: Resolutions adopted by Washington State Federation of Labor in its eleventh annual convention at Spokane, January 15 to 20, 1912, as follows: Indorsing Senate bill 2193, introduced by Senator POINDEXTER, providing for sale of Fort Walla Walla Military Reservation by the Government direct to settlers; indorsing Lloyd-La Follette bill to guarantee freedom of speech and petition to civil-service employees; indorsing Lewis postal-express bill, and demanding immediate establishment of a modern parcel post; demanding strict enforcement of the United States immigration laws; urging passage of Wilson seamen's bill; urging passage of Hughes eight-hour bill; also indorsing Esch phosphorus bill; to the Committee on Military Affairs.

Also, resolutions of Rex Farmers' Educational and Cooperative Union of America, Carl C. Guntert, president, and Walter B. Pendell, secretary, urging adoption of general parcel-post law; to the Committee on the Post Office and Post Roads.

Also, protest of Spokane Chamber of Commerce, against proposed \$1,000,000 reduction in Forest Service; to the Committee on Agriculture.

Also, petition of Roger Morris, D. E. Roberts, Mrs. D. E. Roberts, Mrs. J. M. Pryor, J. M. Pryor, Mrs. A. H. Shearon, A. H. Shearon, Mrs. Roger Morris, Mrs. Hannah Pryor, J. M. Vanhanten, Henry Meyer, A. Hesterdahl, A. H. Witty, A. Horn, Hans Nelson, Joseph Hozenek, A. L. Weaver, and De Esty Lewis, all of Hillyard, Wash., favoring the construction of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

By Mr. LEE of Pennsylvania: Petition of Woman's Christian Temperance Union of Mahanoy City, Pa., protesting against restoration of the Army canteen; to the Committee on Military Affairs.

Also, petition of Grange 1418, Patrons of Husbandry, for certain amendments to the oleomargarine laws; to the Committee on Agriculture.

By Mr. LEGARE: Papers to accompany bill for the relief of John Duncan, surviving partner of Archibald Duncan & Son; to the Committee on War Claims.

By Mr. LEVY: Petition of Broadway Board of Trade, against abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. LINDBERGH: Petitions of citizens of the State of Minnesota, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Little Falls, Minn., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sauk Center, Minn., protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Resolutions of the Broadway Board of Trade, urging the building of a battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of citizens of Brooklyn, N. Y., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. LONGWORTH: Petitions of members of the Norwood Literary Club, the Norwood Culture Club, the Education Society, the Penelope Club, the Norwood Art Club, and the Norwood Musical Club, all of Norwood, Ohio, in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LOUD: Petition of Stanislaus Reder and others, of Bay City, Mich., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. MAHER: Petition of the Broadway Board of Trade, urging that one of the proposed battleships be constructed at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. MARTIN of South Dakota: Petition of citizens of Wentworth, S. Dak., for passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Chance, S. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of German-American Alliance of Williamsport, Pa., against the passage of interstate liquor measures; to the Committee on the Judiciary.

Also, memorial of Asiatic Exclusion League, upholding the Bureau of Immigration for excluding a Chinese polygamist; to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Petition of R. R. Wilson and others of Tennessee Ridge, Tenn., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Papers to accompany House bill 19441; to the Committee on Military Affairs.

Also, resolutions of Chamber of Commerce of Los Angeles, Cal., favoring House bill 16841; to the Committee on Appropriations.

By Mr. ROBERTS of Nevada: Petition of citizens of Contact, Nev., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petitions of Woman's Christian Temperance Unions and churches in the State of New Jersey, for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of citizens of Buffalo, N. Y., favoring old-age pension legislation; to the Committee on Pensions.

By Mr. SPEER: Petition of the Woman's Christian Temperance Union and three churches of Youngsville, Pa., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany House bill 16624, granting an increase of pension to George O. Ellis; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: Petitions of Woman's Christian Temperance Union and Baptist Church of Gardena, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SULZER: Petition of Broadway Board of Trade, protesting against abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the Illinois Manufacturers' Association, for retention of the Remsen Board of Reference; to the Committee on Agriculture.

By Mr. SULLOWAY: Petition of Improved Order of Red Men of Manchester, N. H., in favor of House bill 16313, providing for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Epping, N. H., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of New York City, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of American Board of Commissioners for Foreign Missions and the Woman's Board of Missions, urging reim-

bursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. TAYLOR of Colorado: Petition of homesteaders in eastern Colorado, praying for revision of the homestead laws; to the Committee on the Public Lands.

Also, petition of citizens of La Plata County, Cal., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Woman's Christian Temperance Union and Free Methodist Church, of Colorado City, Colo., in favor of the Kenyon-Sheppard bill relating to interstate shipment of liquors; to the Committee on the Judiciary.

Also, resolution of the Board of Trade of Durango, Colo., protesting against reduction of the tariff on lead, zinc, tungsten, sugar, and other Colorado products; to the Committee on Ways and Means.

Also, petition of Farmers' Union No. 220, of Severance, Colo., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Improved Order of Red Men of Lake City, Colo., in favor of Senate bill 3953 and House bill 16313, providing for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, resolution of citizens of Loma, Colo., protesting against the reduction of tariff on sugar; to the Committee on Ways and Means.

By Mr. TILSON: Resolution of the American Board of Commissioners for Foreign Missions, of Boston, Mass., favoring bill to reimburse those American citizens who advanced \$66,000 ransom paid to brigands for the release of Miss Ellen M. Stone, a missionary; to the Committee on Claims.

Also, petition of German-American Central Verband, of Danbury, Conn., protesting against interstate liquor measures; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Lew Salinger and 50 other citizens of Centerville, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of W. R. Allison and 13 other citizens of Seymour, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Mr. TUTTLE: Petition of the Methodist Episcopal Church of Morristown, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of members Improved Order of Red Men, of Elmira, N. Y., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. UTTER: Petition of Printing Pressmen and Assistants' Union of Pawtucket, R. I., for increased compensation to pressmen in the Government Printing Office; to the Committee on Printing.

Also, petition of Business Men's Association of Pawtucket, R. I., for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union of Pawtucket, R. I., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. VREELAND: Petitions of Free Methodist Church and Men's Bible Class of First Congregational Church of Jamestown, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WEDEMEYER: Petition of Mrs. Louise M. Butts, as widow of Anson W. Butts, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, for passage of an act granting her pension as soldier's widow; to the Committee on Invalid Pensions.

Also, papers to accompany bill correcting the military record of Abram H. Johnson; to the Committee on Military Affairs.

Also, petition of citizens of Milan, Mich., for legislation providing for delivery service in towns of not less than 1,000 inhabitants; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Blissfield, Mich., against extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Blissfield, Weston, and Ypsilanti, Mich., and of the second congressional district of Michigan, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITACRE: Petitions of Tribes 122 and 149, Improved Order of Red Men, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of Woman's Christian Temperance Union of Lutonia, Ohio, in favor of prohibition measures, etc.; to the Committee on the Judiciary.

Also, petition of Local 550, International Association of Machinists, for illiteracy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Petition of Lawrence Kehn and 40 other citizens of Rawson, Ohio, asking for the enactment of a law to provide old-age pensions for deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. WILSON of New York: Petition of Broadway Board of Trade, protesting against abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the New York Society for the Prevention of Cruelty to Children, remonstrating against Senate bill 252; to the Committee on Labor.

By Mr. YOUNG of Kansas: Petition of citizens of the sixth district of Kansas, asking for legislation that will give the Interstate Commerce Commission further power of regulation of express rates and express classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the sixth district of Kansas, protesting against the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Texas: Petition of H. S. Morris and others, of Troup, Tex., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 17, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father Almighty, before whom millions bow in adoration day by day and receive that uplift of the spirit which enables them to fight valiantly and successfully the battles of life, so we bow in Thy presence praying for that baptism of the spirit which shall enable us to discern more clearly the way and do more faithfully the duties devolving upon us that we may fulfill the obligations resting upon us, now and always, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE CHEMICAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that the business that is in order on Monday next may be transferred to Thursday. I wish to state to the House that I have an appointment that will take me out of town for a few hours on Thursday, and I do not care to be absent when the chemical bill is up. For that reason I would ask that the business that is in order on Monday be transferred to Thursday and that Thursday take the place of Monday.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the business which will be in order next Monday shall be transferred to Thursday.

Mr. MORSE of Wisconsin. Reserving the right to object, I would like to ask the gentleman when it is his intention to bring up the chemical schedule?

Mr. UNDERWOOD. If consent is given, it will be taken up on Monday for general debate, and I have no doubt that general debate will run all day Monday, and we will probably start on the five-minute rule on Tuesday.

Mr. MORSE of Wisconsin. When was that bill introduced?

Mr. UNDERWOOD. It was introduced on Thursday, I think.

Mr. MORSE of Wisconsin. When can we get a copy of it?

Mr. UNDERWOOD. I think it is in the folding room now—both the bill and the report.

Mr. MORSE of Wisconsin. It is the intention to take that bill up and give us only a couple of days to become familiar with its provisions?

Mr. MANN. There is no settlement upon the time. This is a personal accommodation.

Mr. UNDERWOOD. As a rule, a tariff bill is taken up one or two days after it is reported to the House. This request will make it four days.

Mr. MORSE of Wisconsin. I do not want to object, as I understand it is a personal accommodation, but it does seem to me we ought to have more time in which to consider the great chemical schedule. The gentleman understands my position in the matter. I do not desire to vote blindly yes or no. I do not see how the membership of this House can become familiar with a bill of that kind in two or three days.

Mr. UNDERWOOD. I will say to the gentleman it has been customary with tariff bills to take them up immediately after they are reported to the House.

As a matter of fact, this bill was given publicity two days before it was reported to the caucus, and that is nearly a week ago. Not only that, but the caucus print was made public, with all the statistics of the Committee on Ways and Means attached to it, for the information of the House.

Mr. MANN. I think that is slightly exaggerated. I managed to secure a copy of the bill a few hours before the caucus was held on Wednesday.

Mr. UNDERWOOD. Well, I gave it to the public press.

Mr. MANN. But the gentleman did not call it to the attention of the House. The gentleman from Wisconsin [Mr. MORSE] did not know it was in the public press.

Mr. MORSE of Wisconsin. No; we did not know it was in the public press.

Mr. UNDERWOOD. Of course, the press said it was made public, and the gentleman probably overlooked it, as we naturally overlook many other things.

Mr. MANN. Not at all. I read on Wednesday morning that certain information, which was incorrect, was given out as to what the bill contained, and I got a copy. However, Mr. Speaker, we do not concede that the time allowed is sufficient to examine the details of the schedule covered by this bill, even if it be taken up on Tuesday. But the difference between Monday and Tuesday is not so great but that, so far as I am concerned, I am willing to accommodate the gentleman from Alabama.

Mr. DALZELL. Mr. Speaker, I do not understand, if the House shall agree that Thursday shall be substituted for Monday, that that shall be considered as a limitation upon the discussion of the tariff bill.

Mr. UNDERWOOD. Not at all. I merely asked that Monday be substituted instead of Thursday.

Mr. DALZELL. So that if the bill is discussed Monday and Tuesday and not finished it would go over until Saturday?

Mr. UNDERWOOD. Yes; it would go over to Friday or Saturday.

Mr. LENROOT. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. UNDERWOOD. I yield.

Mr. LENROOT. If there is a desire on this side of the House to discuss the bill beyond Monday, is there any assurance that the bill will not be forced through on Tuesday?

Mr. UNDERWOOD. Mr. Speaker, I will withdraw my request.

Mr. MANN. I hope the gentleman will not withdraw his request. Wait a moment.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] withdraws his request.

Mr. UNDERWOOD. It is personal to me.

Mr. MANN. The gentleman should not be offended at a fair question. The question of the gentleman from Wisconsin [Mr. LENROOT] is a fair question. I will say, for the benefit of gentlemen on this side of the House, that I have talked with the gentleman from Alabama [Mr. UNDERWOOD] in reference to the matter, and he has assured me that, so far as fair consideration of this bill under the five-minute rule is concerned, he expects that this side of the House will have fair opportunity for amendment and discussion under the five-minute rule. Of course we could not require or ask the gentleman from Alabama, in response to his request, to agree to unlimited debate.

The SPEAKER. Does the gentleman from Alabama renew his request?

Mr. UNDERWOOD. I do not wish to make any issue out of this request. It is merely a substitute of one day for another day.

Mr. LENROOT. Of course the gentleman understands that if that were not substituted we would probably have to go over from Monday to Thursday. In consideration of the statement of the gentleman from Illinois to the effect that there will be fair opportunity for discussion and debate I will not object.

Mr. UNDERWOOD. It is not contemplated to deprive the House of opportunity for discussion and consideration. I intend to give—and always have tried to give on these bills—all reasonable debate under the five-minute rule, and I expect to do so in the case of this bill. But, of course, I do not expect to make any terms or limitations, so far as the conduct of the bill is concerned. I merely ask that Thursday be substituted for Monday.

Mr. Speaker, I renew the request.

The SPEAKER. The gentleman from Alabama asks unanimous consent to substitute Thursday for Monday in the transac-

tion of business. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

QUESTION OF PERSONAL PRIVILEGE.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from New York rises to a question of personal privilege, which he will state.

Mr. FITZGERALD. Mr. Speaker, during the consideration of the Army appropriation bill yesterday in the Committee of the Whole House on the state of the Union an amendment, which appears on page 2140 of the RECORD, was offered by the gentleman from Alabama [Mr. HOBSON] to which I interposed a point of order.

The House will recall that there was some discussion and some difficulty on the part of the gentleman from Alabama in submitting certain remarks that he desired to make upon that amendment. In order that the RECORD to-day may show exactly what transpired, I shall request that that portion of the discussion between the Chair and the gentleman from Alabama and myself be inserted in the RECORD, and I shall ask the Clerk to read, so as to save some of the time of the House, the portion of the remarks inserted in the RECORD by the gentleman from Alabama after he had been prevented from uttering them on the floor by the House, in so far as they apply to myself.

Mr. MANN. What is the page of the RECORD?

Mr. FITZGERALD. Page 2140.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Mr. HOBSON. Mr. Chairman, I offer the following amendment as an additional section to the bill.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

"Page 61, add as a new section the following":

"SEC. 10. That the provisions of this act shall not take effect before January 1, 1915."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not in order—that it is new legislation.

Mr. HOBSON. Mr. Chairman, I will say that unless the chairman of the committee accepts the amendment providing that these officers and men may have opportunity to adjust themselves to these changed conditions, I shall not press it, either as to the point of order or as to the amendment itself.

Mr. MANN. I do not see how it can be subject to a point of order.

Mr. HOBSON. I do not believe it is subject to a point of order.

Mr. HAY. Mr. Chairman, I can not accept the amendment.

Mr. HOBSON. Then, Mr. Chairman, I will employ the time at my disposal simply to conclude the statement of my position on this whole matter. I suppose that the chairman of the Committee on Military Affairs will say that I am making an attack upon the Democratic Party. As this bill is closing, I simply desire to lay before my colleagues in the Democratic Party that it is in my judgment the most imperative duty of our party to give due and careful consideration—

Mr. FITZGERALD. Mr. Chairman, what is before the committee?

Mr. HOBSON. Mr. Chairman, I have offered an amendment.

Mr. FITZGERALD. And I make the point of order to the amendment.

Mr. HOBSON. Then, I wish to be heard upon the point of order.

Mr. FITZGERALD. Mr. Chairman, I do not propose to have the gentleman lecture the Democratic Party.

Mr. HOBSON. Mr. Chairman, I am discussing this measure. I expected the gentleman from New York to rise. He is exceedingly adroit—

Mr. FITZGERALD. Mr. Chairman, I insist upon the point of order.

Mr. HOBSON. Then I shall discuss the point of order.

The CHAIRMAN. The Chair will rule, as a matter of course, that the gentleman must speak to the point of order.

Mr. FITZGERALD. And the gentleman must not discuss anything else.

Mr. HOBSON. I will remark, in connection with the gentleman's adroitness—

Mr. FITZGERALD. Mr. Chairman, I object to the gentleman discussing anything except the point of order.

The CHAIRMAN. The gentleman must confine himself to a discussion of the point of order.

Mr. HOBSON. Mr. Chairman, my amendment is offered in very good faith. I have seen adroitness in the matter of amendments employed on many sides, and I can remember one time when the gentleman from New York was lined up with the enemy—

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

The CHAIRMAN. If that point of order is insisted upon, the gentleman must proceed in order.

Mr. HOBSON. I will now move an amendment to my amendment, to strike out the last word.

Mr. FITZGERALD. Mr. Chairman, I beg the gentleman's pardon, but I insist on the regular order.

Mr. HOBSON. Then I will discuss the point of order.

The CHAIRMAN. The question before the House is whether the gentleman's amendment is in order.

Mr. MANN. Mr. Chairman, I would like to be heard upon the point of order.

The CHAIRMAN. The gentleman from Alabama is recognized to speak to his point of order.

Mr. BURKE of Pennsylvania. Mr. Chairman, a parliamentary inquiry. When the question of good order is being discussed, is it improper to mention the name of the Democratic Party?

The CHAIRMAN. That is hardly a parliamentary inquiry.

Mr. HOBSON. If bad order were being discussed, we could very well mention the Republican Party.

The CHAIRMAN. The gentleman from Alabama is recognized to discuss the point of order.

Mr. HOBSON. Mr. Chairman, I am surprised that the gentleman from New York—

Mr. FITZGERALD. Mr. Chairman, I insist that the gentleman confine himself to a discussion of the point of order, or else take his seat.

The CHAIRMAN. The Chair can not rule as yet that the gentleman is out of order.

Mr. HOBSON. Mr. Chairman, the gentleman is skilled in parliamentary law and I am paying him a compliment—

Mr. FITZGERALD. I do not care to listen to any compliments.

Mr. MANN. Mr. Chairman, I ask for order.

Mr. HOBSON. Mr. Chairman, I decline to yield.

Mr. MANN. Mr. Chairman, I ask for order. I submit that the gentleman be permitted to proceed.

Mr. HOBSON. Mr. Chairman, I will leave out the name of the gentleman from New York if he does not like to hear his own name from my lips. I am astonished that any Member familiar with parliamentary law should state that an amendment fixing the time that an act should go into effect is out of order in a bill.

Mr. FITZGERALD. I am not astonished that the gentleman is astonished.

Mr. OLMSTED. Mr. Chairman, I make the point of order that the gentleman from New York is out of order.

The CHAIRMAN. The gentleman from New York should not interrupt the gentleman from Alabama.

Mr. HOBSON. Mr. Chairman, I maintain that it is a legitimate part of the measure, that it does not create new law, that it is simply a limitation upon the bill being enacted, that it is germane, and under no conception is it subject to the point of order. I would like for the gentleman from New York to state the grounds for his point of order for the benefit of an intelligent membership, and under the general leave to print I will extend my remarks in the RECORD.

I wish to sound a note of warning to my Democratic colleague at the close of this bill. I realize that the gentleman from Virginia [Mr. HAY] will pronounce this another "attack" on the Democratic Party since it takes issue with his methods of procedure. The gentleman assumed that my remarks of yesterday were intended as an assault on himself. I could understand how he might have made such a mistake at the time of his remarks, but I notice in the RECORD to-day that, in revising his remarks, when he was fully aware of my actual remarks and my real purpose, that he leaves his remarks as a personal assault on me, my Democracy, my patriotism, and my attention to duty in this House.

I am inclined to think that his original idea of my making an attack on him personally was due to the adroit injection of himself into the matter of the gentleman from New York [Mr. FITZGERALD]. This gentleman from New York does not seem satisfied with my compliment of yesterday, terming him adroit. I will now call him preeminently adroit. Adroitness is often a valuable thing to have, but in the gentleman from New York it is a dangerous thing for his comrades. In using this attribute yesterday he thought he would appear as defending the Democratic Party, and to-day he evidently thinks he appears in the same light; but I remember the day on the floor of this House, when the Democratic Party was in full array before the enemy at perhaps the greatest party crisis of recent years, and the gentleman from New York appeared on the scene as the standard bearer of the enemy and led to Democratic defeat.

Mr. FITZGERALD. Mr. Speaker, I telephoned the office of the gentleman from Alabama [Mr. HOBSON] this morning for the purpose of requesting him to be present in the House. I was informed that he had left the city last night and probably would not return before a week from next Monday. In the same remarks inserted in the RECORD the gentleman from Alabama has this paragraph:

The gentleman—

Referring, however, to the gentleman from Virginia [Mr. HAY]—

refers disdainfully to the Chautauqua platform. I do not know if this is due to his never having had any call for his own services or to his having no message worth while to deliver. For my part, I am proud of the fact that on the Chautauqua platform and Lyceum platform my services are in constant demand, and that the message I feel I bear to the American people is gladly received by them.

I have never—

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What is the point of personal privilege?

Mr. FITZGERALD. That the gentleman from Alabama [Mr. HOBSON] has inserted matter under what he presumes to be a leave to print, but which is, in the form in which he has inserted it, a breach of the privileges of the House. The statement refers to myself in some respects, and I wish to give it some attention. As the gentleman could not utter it on the floor, and perhaps would not have uttered it on the floor, I do not propose that anybody shall insert covertly into the RECORD any statement affecting my official conduct in the House without having at least some brief attention paid to it. [Applause.]

Mr. MANN. The gentleman can move to strike it out of the RECORD, or he can ask unanimous consent to address the House. I do not see how it is a question of personal privilege.

Mr. FITZGERALD. I do not wish to strike it out of the RECORD.

Mr. MANN. I ask unanimous consent that the gentleman may proceed.

Mr. FITZGERALD. I concede the gentleman's point. It does not involve a question of personal privilege.

Mr. MANN. I think it would be a bad precedent.

The SPEAKER. If the gentleman from New York will ask unanimous consent—

Mr. FITZGERALD. I will ask unanimous consent.

The SPEAKER. If it were necessary, the Chair would rule that the point of order of the gentleman from Illinois is well taken. The gentleman from Illinois [Mr. MANN] asks unani-

mous consent that the gentleman from New York [Mr. FITZGERALD] may address the House. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, in my 13 years of service in this House I have never felt it necessary to take the time of the House on a matter which I believed to involve a question of privilege. I have been, perhaps, as severely and as unjustly attacked for my actions in this House as any man who has ever served in it. Yet if I did not feel that those whom I represent knew me sufficiently well to know that in whatever way I acted in this House I had been actuated by a high sense of duty, I would not care to continue my service in it. So long as I am a Member of the House, however, I feel an obligation to remain here and to attend to my duties as a representative of the district from which I come. [Applause.] No matter how important a message I may have in my own mind to deliver to the people of the country, I believe I can more effectively deliver that message and more faithfully discharge the duties devolving upon me as a representative of the people by staying here and, in my humble way, doing the drudgery of the work of the House day in and day out, rather than to take the compensation given me under the law as a representative of the people and go out to deliver messages at a price paid by outside persons. [Applause.] The gentleman from Alabama [Mr. HOBSON] came to this House from the Chautauqua circuit and delivered an assault upon the gentleman from Virginia [Mr. HAY] during the consideration of the Army appropriation bill. He criticized the "railroading" of the bill through the House and his inability to obtain time in which to discuss important features in it, although the bill had been under discussion here for two weeks, and had he been here attending to his duties as a Representative, and not chasing the phantoms to whom he was attempting to deliver some imaginary message on behalf of the American people, he could have delivered what he had to say here for the information and enlightenment of his colleagues. To the credit of this House let it be said that the House has not the same high opinion of the value of his statements as he seems to have of them, and it gives the attention to them that he should expect when they are delivered in the manner in which they are to the House.

He charged conspiracy on the part of certain Members of the House in obtaining information in an improper manner and entering into combinations for the purpose of influencing legislation, and, like many men in similar positions, he assumed that he was possessed of all the patriotism of the House, and assumed to warn his party colleagues not to imperil the country or the national defense.

Mr. Speaker, I have much more confidence in gentlemen who spend here not only the winter months, but also the hot summer days, in this House in an honest attempt to frame legislation which will result beneficially to the country than I have for the off-hand opinions of gentlemen possessed of the notion that they possess some message which must be delivered to the people through the Chautauqua platform to the neglect of duties they are called upon to perform by the people. [Laughter and applause.]

I have nothing whatever to say of the gentleman's reference to my attitude on a former occasion. I differed with my colleagues on a question of what should be done in the matter of changes of the rules. I had honest convictions on that question. I had the advantage of the gentleman from Alabama in that situation, and in many others, in that I possessed information which justified me in acting upon my own conviction, which in many cases he does not. [Applause.] I submitted that question to the people of my district. The campaign was fought against me upon it. The results were satisfactory to me, however much they were displeasing to my opponents, because my majority was increased 4,000 in the campaign in which that issue was fought out. I never charged my party associates with improper motives or with a desire to accomplish legislation in an improper way. I have given every man the benefit of the belief that he is actuated by a desire to discharge properly and honestly the duties of his office. Mr. Speaker, if the practice indulged in by the gentleman from Alabama is to be adopted in this House there could not be much order in the transaction of the business of the House.

The gentleman from Alabama attempted to make statements on the floor on an amendment which was not in order, and which, in the exercise of my rights under the rules, I prevented from being made, and then, under a presumed leave to print, he undertakes to insert in the RECORD statements about myself, and much more severe and indefensible statements about the gentleman from Virginia.

Under the rules of the House the two columns of the RECORD which he inserted may properly be stricken out, but I prefer to

leave them there. They will not hurt me in any place, and they will serve as an illustration of the type and character of the gentleman who, in an underhand and covert manner, resorted to this means of reflecting upon his colleagues.

I only regret, Mr. Chairman, that the gentleman from Alabama is not present, because if he were I would not feel the same restraint that I do in submitting these observations to the House.

Mr. GARNER. If the gentleman will permit me a question, I would like to ask if the gentleman from Alabama has gone to meet the Japanese, or to talk on the Chautauqua platform? [Laughter.]

Mr. FITZGERALD. Mr. Speaker, those elected to this House for the purpose of representing districts who choose to engage in some other occupation to the neglect of their duties should be very careful not to reflect on other Members of the House who feel that it is their duty to remain here at some sacrifice, and at times with great discomfort, to discharge the public duties for which they are elected. [Applause.]

Mr. HAY. Mr. Speaker, I ask unanimous consent that I may have read from the Clerk's desk certain remarks interpolated into the RECORD by the gentleman from Alabama [Mr. HOBSON] and that I may say a few words in regard thereto.

THE SPEAKER. The gentleman from Virginia asks unanimous consent that certain excerpts from the RECORD may be read from the Clerk's desk, and that he be permitted to make a few remarks on the same. Is there objection?

There was no objection.

The Clerk read as follows:

For the first time since I have been in Congress, probably for the first time since the oldest Member here can remember, we find politics carried into the committees on national defense. The gentleman from Virginia having failed to get his legislative measures, one of which provided for the advancement of The Adjutant General to the rank of Lieutenant general, before the general caucus of the Democratic Party, did succeed, by the use of his position as chairman, in getting it before a caucus of the Democratic members of the Committee on Military Affairs.

I have never heard of a caucus being called inside the Naval Committee or the Committee on Military Affairs. It is not surprising, however, that the gentleman felt the need of caucus action for measures such as he advocated. Think of a proposition to make a lieutenant general, a rank higher than any rank that exists in the Army, for an officer who has spent the last 26 years of his life at a desk in Washington in a clerical and administrative capacity! We have created this exalted rank for officers of renown, who commanded armies successfully in the face of the enemy.

The true measure of the inwardness of the attitude of the gentleman from Virginia can be understood when we see the ruthless way in which he proposed to cut down the pay of enlisted men and officers serving under implied contracts in the sickness and exposure of the Tropics in the name of economy and at the same time proposed the astounding extravagance of giving the rank and pay of lieutenant general to bureaucrats. Even the leverage of the position of chairman and the sandbag method of committee caucus could not carry through the latter proposition, but the efforts of the gentleman from Virginia have succeeded in placing our party in the position of undertaking to reorganize the Army through riders on an appropriation bill.

Mr. HAY. Mr. Speaker, I regret very much that the gentleman from Alabama [Mr. HOBSON] is not present, so that I might characterize this covert attack as it deserves. I would not take it up in his absence did I not think it due to myself, as well as to the members of the Committee on Military Affairs, to repel the insinuations which the gentleman from Alabama has made. These remarks resulted because I declined to revise the remarks that I had made on a previous day in response to a speech and an attack directed at me by the gentleman from Alabama. I want to say now that these remarks, inserted in the RECORD in a covert way, in a way to which no man would resort if he had the frankness of spirit which a man should have, are false insinuations without basis or foundation in fact, and in the name of the Committee on Military Affairs and in my own name I repel and repudiate them.

The gentleman's reference to a Democratic caucus and to the fact that I was unable to get this bill before it is an insinuation which every member of that caucus knows to be untrue. They know that that bill was not taken up because they declined at that time to take up any measure of any sort, and that the merits of the bill were not gone into by that caucus in any way. The statement that there was a caucus in the sense of there being any meeting of the majority members of the Committee on Military Affairs to bind them to vote for any provision in this bill is absolutely without any foundation in fact. I had the right, which I exercised, to consult with my colleagues on that committee with regard to legislation pending before it; and if the gentleman from Alabama [Mr. HOBSON] would consult more with his Democratic colleagues he would appear more as a Democrat on this floor than he now does. [Applause on the Democratic side.]

In conclusion, Mr. Speaker, I want to say that no effort has been made by me to unduly advance the fortunes of any man, and I am here to avow that anything I placed in that bill when

it came before the House or before it came before the House could have been justified by me, and I stand ready to meet any responsible criticism from any responsible party, made in any fair, frank, and honest manner. [Applause.]

WAR CLAIMS.

Mr. HENRY of Texas. Mr. Speaker—

Mr. SIMS. Mr. Speaker—

The SPEAKER. The gentleman from Texas is recognized.

Mr. HENRY of Texas. Mr. Speaker, I submit from the Committee on Rules a privileged resolution (H. Res. 411) respecting banking and currency conditions.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, I understood the day before yesterday we made a unanimous-consent agreement in the House that the omnibus war-claims bill should continue to-day until it was finished, if it should be finished to-day. The gentleman from Tennessee [Mr. SIMS] made a request at that time, in which he said:

Mr. Speaker, the Army appropriation bill reported from the Committee of the Whole House on the state of the Union is not finished. To-morrow is private-claims day, and it was my intention to ask for the further consideration of what is known as the omnibus war-claims bill, but I have agreed with the chairman of the Committee on Military Affairs, providing we can get unanimous consent of the House to do so, that this bill—

The Army bill—

may be finished to-morrow and then that the war-claims bill be taken up immediately after this bill is finished, provided it is finished before the day is over, and also be proceeded with during Saturday or until it is finished, if finished on Saturday.

It is true that the Chair put the request that the omnibus war-claims bill should be in order to-day; but I think the understanding in the House at the time was that we were giving unanimous consent that the war-claims bill should be gotten out of the way if possible on yesterday and to-day, and that it had a privilege as against any other thing that should come up in the House.

Mr. HENRY of Texas. Mr. Speaker, I desire to state that while that agreement may have been entered into, it was not to the exclusion of a privileged report or a privileged resolution from the Committee on Rules.

Mr. MANN. The understanding in the House is that a unanimous-consent agreement was binding, and the understanding in the House at the time clearly was that the omnibus war-claims bill should be proceeded with to-day if it was not finished yesterday. A unanimous-consent agreement can not be, among gentlemen, revoked by a matter of privilege.

Mr. HENRY of Texas. Mr. Speaker, permit me to add that the Committee on Rules could have made this report on Friday, when the war-claims bill would come up under the general rules, and when it would have been itself highly privileged.

Mr. SIMS. Mr. Speaker, I would like to state that my emphatic purpose was to have this made a special continuing order, provided it did not go beyond to-day. It was so understood by everybody in the House, and while the Chair did not repeat the exact words I used, the words I used are correctly reported, and that was that this bill should be taken up and considered until finished, if it required all day to finish it. It is a unanimous-consent order, and it seems to me to be as binding and explicit as a request could be made.

Mr. MANN. Mr. Speaker, if unanimous-consent agreements in the House are not to be respected, I am sure they will not be entered into hereafter.

Mr. HENRY of Texas. Why, we will be out of the way in 40 minutes.

Mr. MANN. We will not get through the war claims bill in three months if this unanimous-consent agreement is not respected.

If the gentleman wants to run over a unanimous-consent agreement, he need not ask for any more from this side of the House.

The SPEAKER. The Chair thinks that the spirit of the unanimous-consent agreement was that the War Claims Committee should have this day, and so rules. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I withdraw the resolution and give notice that I shall call it up immediately after consideration of this bill, provided there is sufficient time.

Mr. NORRIS. Mr. Speaker, I would like to make an inquiry of the gentleman from Texas. He says he will offer his resolution again as soon as this bill is through. Could we not have an understanding that it will not be offered to-day?

Mr. HENRY of Texas. No; I think I will have to take it up the first opportunity.

Mr. NORRIS. Does the gentleman intend to proceed if we get through with this bill at 4 or 5 o'clock?

Mr. HENRY of Texas. Yes.

OMNIBUS WAR-CLAIMS BILL.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19115, and, pending that motion, the gentleman from Virginia [Mr. SAUNDERS] asks that he may make a request, and I am willing to withhold my motion until the gentleman can make it.

Mr. SAUNDERS. Mr. Speaker, I desire to submit a request for unanimous consent for three minutes in order to make a statement.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent to address the House for three minutes. Is there objection? [After a pause.] The Chair hears none.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. SAUNDERS. Mr. Speaker, on yesterday the gentleman from Alabama [Mr. HOBSON] [laughter and applause] offered an amendment to the pending bill. The effect of his amendment was to fix the year 1915 as the date at which the bill should take effect. A point of order was directed to that amendment and the point of order was sustained. The gentleman from Alabama asked the Chair to give the reasons for the ruling. The committee was in some disorder at the time, and was evidently impatient to proceed with the disposition of the pending bill, and the Chair stated that the reasons would be put in the RECORD. I wish now to give those reasons. The amendment provides, as has been stated, for a postponement of the date at which the bill should take effect and is in the following terms:

SEC. 10—

A new section—

That the provisions of this act shall not take effect before January 1, 1915.

The law provides another and different date at which otherwise the act would take effect. "By the Constitution of the United States, the very time of the approval of a public law, constitutes the time as to when the law is to have its effect." (20 Federal Cases, case No. 11777.) The amendment, therefore, clearly provides another date. But for the amendment as soon as the President approves the bill the bulk of the retrenching provisions would go into immediate operation. Under the amendment these provisions will not begin to operate as a whole until January 1, 1915, though the President might approve the bill in the next 60 days. The amendment certainly does not retrench expenditures, since its chief and obvious purpose is to postpone the time at which the operation of these benefits shall begin. Hence the amendment does not come within the exceptions of the second section of Rule XXI, while it does change the effect of existing law. For these manifest and obvious reasons the Chair sustained the point of order to the amendment offered by the gentleman from Alabama, and, in conformity with the statement of the Chair to the gentleman from Alabama, it is now desired to put in the RECORD the reasons for the ruling.

Mr. MANN. Mr. Speaker, I ask for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, the gentleman from Virginia, who has just taken his seat and who was in the chair on the Army appropriation bill, having made a ruling yesterday absolutely indefensible from every point of view, and having refused an opportunity to gentlemen on the floor of the House to submit arguments on the point of order, after a delay of some hours has manufactured an excuse which may seem good to him, but which has no foundation in fact. There is no law providing when an Army appropriation bill shall take effect. The Army appropriation bill or any other bill which has been passed by the House, unless otherwise provided, takes effect when it is approved by the President. The bill provides what year the appropriation shall be, and to rule that the House when it passes a bill can not insert in the bill a provision stating when the law shall take effect is absurd on its face [applause on the Republican side] and ought never to have been so ruled by the Chair. It is for the House to judge whether an amendment is absurd that may be offered, not for the Chair to judge, and if any amendment was in order at any time fixing the time when the law shall take effect even an absurd amendment that it should not take effect for a hundred years would be in order, though it might not be adopted by a sensible body.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. FITZGERALD. The gentleman stated that without any statement in the bill an appropriation bill would take effect when approved by the President?

Mr. MANN. Certainly.

Mr. FITZGERALD. Then would not any provision fixing the time when the legislation should take effect be under the rule new legislation and subject to the point of order?

Mr. MANN. Not at all; it is legislation to say it takes effect immediately; that is legislation—

Mr. FITZGERALD. Yes; but it takes—

Mr. MANN. And it is no more legislation to say it shall take effect 30 days from now or 60 days from now.

Mr. FITZGERALD. It takes effect immediately under the Constitution.

Mr. MANN. Not at all.

Mr. FITZGERALD. A provision in a bill to fix the time when an appropriation bill shall take effect is legislation within the meaning of the rule.

Mr. MANN. It does not take effect under the Constitution at all.

Mr. FITZGERALD. Yes; it does.

Mr. MANN. It takes effect by virtue of the language of the bill. The law puts itself into effect under the provisions of the Constitution, and the law that puts itself into effect when it is approved can at the same time carry a provision that it shall not go into effect for, say, 10 days or 10 years, leaving it to the judgment of the body which passes the law to determine.

Mr. SAUNDERS. I am willing to leave the matter on the statement of the gentleman.

WAR CLAIMS.

Mr. SIMS. Mr. Chairman, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19115. The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19115, making appropriation for the payment of certain claims in accordance with the finding of the Court of Claims, etc., with Mr. SHACKLEFORD in the chair.

Mr. SIMS. Mr. Chairman, I ask to return to page 27 of the bill in order to offer an amendment, as follows:

Insert, after line 3, page 27, the following:

"To Charles P. Cammack, Mary B. Earbin, Lillie V. Oldham, and Frances H. Glover, heirs of Mary R. Cammack, deceased, late of Jefferson County, \$525."

The reason this is not in here is that I did not have the findings in my hands at the time the bill was made up, and the gentleman from Kentucky [Mr. SHERLEY] called my attention to it and furnishes the findings, which is exactly in accordance with the findings of all claims in this bill. I therefore ask unanimous consent to return to the page mentioned in order to offer this amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 27 of the bill in order to offer an amendment, which the Clerk will report.

Mr. MANN. Reserving the right to object, Mr. Chairman, I would like to have order and then have a statement of the case.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 3, page 27, the following:

"To Charles P. Cammack, Mary B. Earbin, Lillie V. Oldham, and Frances H. Glover, heirs of Mary R. Cammack, deceased, late of Jefferson County, \$525."

Mr. SHERLEY. Mr. Chairman, the findings of the facts of the Court of Claims are as follows and sufficiently explain the nature of the claim:

I. Claimants' decedent, Mary R. Cammack, was loyal to the Government of the United States throughout the late Civil War.

II. During said war the military forces of the United States by proper authority, for the use of the Army, took from claimants' decedent, in Jefferson County, Ky., property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of five hundred and twenty-five dollars (\$525), no part of which appears to have been paid.

III. The claim herein was never presented to any officer or department of the Government prior to its presentation to Congress and reference to this court by resolution of the United States Senate, as hereinbefore set forth in the statement of the case, and no reason is adduced showing why the same was not earlier presented.

CONCLUSION.

Upon the foregoing findings of fact the court concludes that the claim herein is an equitable one in the sense that the United States received the benefit of the supplies for which claim is made.

Mr. SIMS. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To Louis Benecke, of Chariton County, one thousand seven thousand and sixty-three dollars.

Mr. SIMS. Mr. Chairman, on lines 18 and 19, page 58, it reads:

To Louis Benecke, of Chariton County, one thousand seven thousand and sixty-three dollars.

The second word, "thousand," in line 19 is a typographical error and should read "hundred." I move, on page 58, line 19, to strike out the word "thousand" and insert in lieu thereof the word "hundred."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 58, line 19, strike out the word "thousand" and insert in lieu thereof the word "hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To William B. Payne, late a resident of Cass County, \$4,754.

Mr. SIMS. Mr. Chairman, I offer the following amendment, to insert the findings of the court in the case of Phelps County, Mo., for \$890, which was left out by inadvertence. I offer it as a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 61, amend by adding after line 14 the following paragraph: "To Phelps County, Mo., \$890."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HENRY of Texas rose.

Mr. SIMS. Mr. Chairman, I yield to the gentleman from Texas to make a statement.

Mr. HENRY of Texas. Mr. Chairman, I desire to state to the committee that it has been arranged for House resolution 411 to go over until Monday at the convening of the House, and it will be the first business taken up on Monday. That is the resolution to investigate the so-called Money Trust.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To Daniel K. Ponder, of Ripley County, \$530.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Last evening I submitted an observation on the practice of the reading clerk in reference to skipping a part of the bill. Possibly the observation was a little more stringent than I intended it to be. It is sometimes convenient not to read all the language of a bill—inadvertently—and, so far as I am concerned, the purpose for which I made the observation having been accomplished, I would be very glad to have the Clerk read only the names and amounts. [Laughter.]

The Clerk read as follows:

To the trustees of the Christian Church of Warsaw, \$660.

Mr. BOOHER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. BOOHER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the bottom of page 63 add a new paragraph as follows:

"To the trustees of the Presbyterian Church and the trustees of the Masonic Hall at Platte City, Mo., \$3,500."

Mr. BOOHER. Mr. Chairman, in offering this amendment I am well aware that it will meet with opposition from the chairman of the Committee on War Claims, but I trust it will not meet with opposition from the membership of the Committee of the Whole.

This is a claim that was passed upon by the Court of Claims in 1896 and allowed, and the following language appears in the report made to the Senate of the United States in the Fifty-ninth Congress:

During the said war for the suppression of the rebellion the military forces of the Union, by proper authority and for military purposes, took possession of the buildings and furniture belonging to the claimant and totally destroyed the same, which at the time and place were reasonably worth three thousand five hundred dollars (\$3,500), no part of which appears to have been paid.

Now, I gather from the report of the committee on the bill now pending that this bill does not include all the claims passed upon favorably by the Court of Claims, but I draw the inference from the report that all claims that have been passed upon favorably and reported back to the Senate or to the House ought to be paid because they have been so reported. The committee says in their report that the Court of Claims rejected a vast number of claims and allowed only those that should be paid.

The facts about this particular claim are these: During the war the troops took possession of the Presbyterian Church of

Platte City. Over the church was a Masonic hall. The troops occupied the building for barracks, and during the time of occupation it took fire and was destroyed. I do not suppose it was purposely set on fire during the time the troops were occupying it, but the fact is that it took fire and was burned. If it was purposely set on fire it would be wanton destruction of property.

These are the facts upon which the Court of Claims based its findings. I presented this claim. It was originally presented long before my time in Congress. The Senator who presented it and had it referred to the Court of Claims had long since passed out of public service. I took up this claim and presented it to the committee, which committee refused to place it upon this bill, not because it was an unjust claim. The Committee on War Claims of the House did not turn it down because it ought not to be paid, but for the simple reason that as the report was made to the Senate the claim ought to go to the Senate and be put on there. That, in my judgment, is not a good reason for rejecting this claim in this bill.

Another objection that I have heard raised here and that, I presume, will be raised to this claim, is the statement in this report that the property was utterly destroyed and that the Government does not pay for property that was destroyed. That at one time might have been the rule of this House; that at one time might have been the rule laid down by Congress and followed by the courts; but in the Sixtieth Congress this House and the Senate changed that rule and made a rule, which was stated upon the floor of this House, which was that they would not only pay for property that was occupied and destroyed at the time of occupation, but that they would pay for the wanton destruction of property.

Mr. MANN. Will the gentleman yield for a question?

Mr. BOOHER. Yes.

Mr. MANN. Did they pay for any such property?

Mr. BOOHER. Yes.

Mr. RUSSELL. The bill was defeated.

Mr. BOOHER. No; it was not defeated. I refer to the Philippine bill, and that was not defeated.

Mr. MANN. Oh, well, I did not vote for the Philippine bill, but I would not admit that the gentleman's argument was properly based upon the provisions of that Philippine bill.

Mr. BOOHER. My argument is based upon statements made by Members upon this floor when that bill was pending, and by Members on that side, at least one of whom, Mr. CRUMPACKER, of Indiana, stands high, not only as a Member of this House, but as a lawyer. He said if it was not the law it ought to be the law to pay claims of this character; and I want to say to this side of the House that they can not afford to change the rule and refuse to pay to the people of our own country what they paid to the people of a foreign country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman have 10 minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri [Mr. BOOHER] may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BOOHER. I want to say that the Committee on Insular Affairs, in the Sixtieth Congress, reported a bill to pay for damages to church and school property in the Philippine Islands. A commission had been appointed by the then Secretary of War who is now President, Mr. Taft, consisting of three high Army officers, to go about the Philippine Islands and assess the damages to property. They did that and reported damages to the amount, in round numbers, of \$363,000, and connected with that was a report of \$40,000 for property wantonly destroyed.

The Secretary of War, Mr. Taft, when that report was sent to this House, recommended that not only the \$363,000 be paid, but that the \$40,000 be paid, and this House voted to accept his recommendation and to pay not only for property that was occupied and destroyed while in occupation, but for the wanton destruction of property. In other words, they paid not only for property used, occupied, and destroyed, but for property stolen from these churches and schools. Congress has established the precedent, and I say it would be wrong now to change that rule as against the people of our own country. Let me read some of the debate that took place at that time. Mr. Gaines, of West Virginia, who is not now a Member of the House, said:

I should like to ask the gentleman from Indiana whether it is the practice of this House to allow damages for the wanton destruction of property in churches during the Civil War?

Mr. CRUMPACKER. It is the rule everywhere that where the Government takes control or possession of a property for its use, it becomes responsible for the custody and care of the property.

That is the ordinary legal obligation of a tenant, and if it commits waste it is responsible under the law for the damages that it either commits or suffers to the property. The Fifty-fifth Congress allowed a claim of \$288,000 for occupancy and injury to property during the Civil War.

Mr. HARDY. I have only a little to say. It has been objected to the amount fixed by the committee that it includes wanton damages, and the objection is on the ground that wanton damages are never allowed for. I conceive that if the United States Government takes possession of private property and places its soldiery in that property, and the soldiery commits wanton injury, it is right and just that the United States should pay for it, and if that kind of damage has not been paid in cases before for other churches or for other buildings, it ought to have been paid.

Mr. CRUMPACKER. That is exactly the principle that the committee pursued in estimating the amount that should be paid in this claim.

Mr. HARDY. I think the committee did right.

Mr. GAINES of West Virginia. I want to say to the gentleman that I am not disputing the proposition he lays down, that when the Government does put its soldiers into a church, and they commit wanton waste, the Government ought to pay. I am not so much objecting to having the principle extended as I am objecting to having it extended in the Philippines and denied in West Virginia.

Mr. Chairman, I am standing here to object to this doctrine being applied in the Philippine Islands and refused its application in the State of Missouri for the same kind of loss and damage, and I call upon this House now to treat the people of this country, the people of Missouri, Texas, and Tennessee, and other States who had property destroyed, which has been passed upon by the Court of Claims and decided that the claim was just, the same as it is treating the Philippine Islands, and that these claims be made a part of this bill.

I know the people of the community where this claim originated. I have talked with them about the claim and I know how it occurred. There was no place for barracks for the troops. It was stormy weather in the fall of the year, and these men took possession of the Presbyterian Church and the Masonic hall above it; they occupied it as barracks; and during the time that they occupied it it caught fire and was destroyed, whether purposely set on fire or not I do not know.

Now, I am told that it is a legal claim, but that I must go to the Senate of the United States to have it put on. I appeal to this committee that if it is a legal claim it should be placed in the bill. The claimants here are as justly entitled as were the churches of the Philippine Islands, and we can not afford to treat the people of that far-off island better than we treat our own people.

This property was taken possession of by competent military authority. The colonel in command of that regiment ordered it taken possession of. It was taken with all of the furniture—not very much, of course, but all that they had. All the furniture in the Masonic hall was taken and used by the soldiers, and, as I said, all of the furniture, together with the building, was destroyed. Now, I have the law laid down by the gentleman from Indiana [Mr. CRUMPACKER] and the gentleman from West Virginia, Mr. Gaines, and the gentleman from Texas [Mr. HARDY], while we were considering the Philippine bill, that it was the rule that they applied in making up the bill in that case. Mr. Chairman, I submit again to this House that this is a just and fair claim and ought to be made a part of this bill. [Applause.]

Mr. SIMS. Mr. Chairman, the gentleman from Missouri [Mr. BOOHER] makes a fair statement about his case. He did write a letter to me, and one was sent to him with my signature to it, affixed by a stamp. There was no intention to mislead the gentleman. As a general rule, the War Claims Committee has not, I believe, in making up the bill, included claims that were based on Senate findings. We do not like to do so, as a rule, because the Senator who introduces the bill and sends it to the Court of Claims, we presume, wants the credit of it. I had stated to the Clerk that when Senate findings were sent in to send them back and ask them to put it on in the Senate, and that is the way this letter was written. But after having examined the bill, which passed the House in the Sixtieth Congress, and finding a number of Senate findings, on inquiry I believed that to include all of the claims of the Senate and the House would not exceed the limit that I thought we could get the bill through, I gave directions to put them in.

Now, I should have no hesitation whatever; I would move it as a committee amendment to put this claim in if it was not contrary to the law as we have it and every rule we have had in the making up of claims.

I have in mind what the gentleman said about the debates about the Philippine case, and I refer to it in my report. My recollection is that I voted against the bill.

The facts in this case which the gentleman from Missouri read did not include the third finding. If the gentleman read it, I did not catch it. The third finding is:

It appears from the evidence that the said property was destroyed in the belligerent prosecution of the said War of the Rebellion.

The Committee on War Claims, since I have been a member of it, nearly 14 years, has never reported a bill of that kind where destruction was the result of belligerent warlike operations.

Mr. BOOHER. What is the meaning that the gentleman puts on the word "belligerent"?

Mr. SIMS. The gentleman knows the meaning of that word as well as I do.

Mr. BOOHER. As used in this connection.

Mr. SIMS. I read the language of the court. I would be glad to have every burned or destroyed building in this country paid for, so far as I am concerned, but the law referring these cases to the Court of Claims provides:

That the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States growing out of the destruction or appropriation of or damage to property by the Army or Navy, or any part of the Army or Navy, engaged in the suppression of the rebellion from the commencement to the close thereof.

I stated in general debate, and I will repeat it now, that the measure of damages is reversed in these cases, that it is the measure of benefit to the Government, and not injury to the claimant. That is the rule and that is the law. However you and I as individuals might differ as to that matter, the Government pays, or is supposed to pay, only for benefits received. So, where a church is torn down and the material used, it pays only for the value of the material to the Army. There has been some relaxation of that rule in some cases I admit. There have been some cases of payment for property actually destroyed. The cases were cited in general debate, but this case is clearly a case of destruction and in the belligerent prosecution of the war.

Mr. RUCKER of Missouri. Mr. Chairman, the gentleman from Missouri [Mr. BOOHER] a moment ago asked the gentleman from Tennessee what he meant by the word "belligerent."

Mr. SIMS. I quoted the language of the court.

Mr. RUCKER of Missouri. I presume that means in prosecuting the war?

Mr. SIMS. Yes.

Mr. RUCKER of Missouri. I can very well understand how the Federal Government might destroy property owned by a citizen in order to weaken the forces opposed to the Federal Government, but the United States Government can hardly claim, I think, that it was going around destroying church buildings in order to overcome a section of the country or a number of citizens of the country. As I understand the gentleman from Missouri [Mr. BOOHER], he says that the building was occupied, and while being occupied caught fire and burned. The gentleman from Tennessee has just read from section 3. I desire to ask him if the committee and the House are bound irretrievably, without any hope of escape, by the findings made by the Court of Claims?

Mr. SIMS. This bill is to pay for claims based upon court findings where four things concur: First, loyalty of the claimant, which, of course, does not apply to churches; second, the taking of the property; third, the value of the same; and, fourth, nonpayment.

Mr. RUCKER of Missouri. All of those things appear there, do they not?

Mr. SIMS. No.

Mr. RUCKER of Missouri. What is short?

Mr. SIMS. The very item read by the gentleman from Missouri [Mr. BOOHER]—

During the said war for the suppression of the rebellion the military forces of the United States, by proper authority, for military purposes, took possession of the buildings and furniture belonging to the claimant and totally destroyed the same, which at the time and place were reasonably worth the sum of \$3,500, no part of which appears to have been paid.

There is not an item in the finding of the court that indicates that this House was incidentally, accidentally, or unintentionally burned.

Mr. RUCKER of Missouri. Does it not appear inferentially, at least, that they took possession of it for the purpose of using it as a hospital or camp?

Mr. SIMS. If this was a claim for use, and use were proved, we could pay it.

Mr. RUCKER of Missouri. If they took it for the purpose of using it, they did not take it for the purpose of destroying it, and if destruction is an instrument of use, it seems to me that Congress ought to pay.

Mr. SIMS. But the finding of the court is against the reasoning of the gentleman.

Mr. RUCKER of Missouri. I know one paragraph conflicts with the other. This is not the first time that I have seen findings from the court that are contradictory. Sometimes I forget to put on the brakes when I begin to talk about these courts—Federal courts—but I am not so enamored of the find-

ings as some gentlemen are. I take it that sufficient appears there to justify Congress in paying for that house.

Mr. SIMS. Mr. Chairman, I sympathize with everything that has been said. Tennessee, my own State, was a battle field from one end to the other. That State, perhaps, would get more benefit by reversing the law than any other State in the Union, because we had nearly everything burned and destroyed in the way of churches, colleges, and buildings of that kind. We had a larger number of loyal citizens than almost any other Southern State. But I am compelled, as chairman of the committee, to stand on the laws of the country and the rules of the House. I have no other motive than to be consistent and to live up to the rules of the committee and the law of the land.

Mr. RUCKER of Missouri. To relieve the gentleman of any anxiety on that score, I want to say that in looking over the CONGRESSIONAL RECORD it appears to me that through the activities of the gentleman from Tennessee, whom I am now addressing, together with those of his colleague [Mr. AUSTIN] on the other side, every valid claim of any citizen from Tennessee has already been presented and paid.

Mr. SIMS. Oh, not a drop in the bucket.

Mr. BOOHER. Mr. Chairman, may I have five minutes more?

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri may have five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Missouri may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. BOOHER. Mr. Chairman, I want to say to the gentleman from Tennessee that this is not a case for sympathy. I have had sympathy enough about this claim, and I am now presenting it for payment, and I am asking Congress to pay it. Why, I can take the gentleman's report, and I can prove to the satisfaction of this House, if not to him, that he quotes with approval the act of Congress paying claims in the Philippine Islands—

Mr. SIMS. I do.

Mr. BOOHER. And here is one now that has a great deal more merit and a great deal more equity in it than any claim that we have had in the Philippine Islands when we destroyed property there. Now, the gentleman says we do not pay for property where it is taken in the act of a belligerent prosecution of war. Now, what is a belligerent prosecution of war? I tried to get the gentleman to tell us the proper meaning of that word as used in this connection, and he did not do it; but he smiled and said it meant "belligerent," that is all. Now, there was a regiment of soldiers ordered through the State of Missouri—as much a border State during that terrible war as any other State—and this property was destroyed, as I have already stated. Those soldiers were gathered there under a regular order, with no other place to go except in the court-house and church buildings of the city of Platt City. There was not a shot fired—if that is what the gentleman means by belligerency—there was not a gun fired, but they were encamped and rested there, and during the time they were occupying this building it took fire, as I stated before, and was destroyed.

Now, the gentleman says that because it was destroyed it ought not to be paid for. If the soldiers of the United States Army had not occupied the property of these people, it would not have been destroyed, at least at that time; and I want to state again to the gentleman that he probably gave the true solution why this claim was not put in the bill when he said that they concluded they would get the bill about so large and it would go through the House and they would put certain Senate claims on it. Now, this claim happened to come, I suppose, after the amount which was to go into the bill was reached, and consequently it must go back to the Senator who introduced the bill, who was one of the most honored Senators of the United States and has years and years ago passed to his reward. Now, of the two Senators who were there at the time this claim was reported one is dead and the other is out of the service. Because this claim happened to be introduced by a Senator who is dead years ago, is a Member who is called upon by his constituency who owned this property to be denied the privilege of coming before a committee of this House and presenting a claim to this House, or does it have to be sent back to the Senator who introduced the bill? Gentlemen, that may be the rule, but it will not have my sanction during the time I am here. I believe a Member of Congress has a right to represent the people of his district before any committee [applause], whether the original bill was introduced in the Senate or in this House, and I propose to follow it up and to stand here and urge and demand that this Congress treat the people of this country just as fairly and just as honestly and with as much equity as you before have treated the people of the Philippine Islands.

Mr. MANN. Mr. Chairman, I do not understand that the Committee on Claims adopted any such rule as has been suggested by the gentleman from Missouri, to wit, that claims based upon Senate references should not be inserted during the preparation of a House bill. If any such rule was adopted and followed I would like to know from somebody on the committee. I know that if such a rule was adopted it was not followed.

Mr. SIMS. Mr. Chairman, there was not a formal rule adopted; it was what you might say a rule of conduct of the committee, because in several Congresses the chairman of the committee who was then on the opposite side had been notified or had agreed that the bill should not exceed a certain amount.

Mr. BOOHER. I understood the gentleman from Tennessee, the chairman of the committee, to say they first adopted the rule that they would not put in any Senate reports and then they afterwards determined they would keep the bill within a certain limit, and they then notified the Clerk to put on certain Senate reports until it came up to that amount.

Mr. SIMS. I did not mean a formal rule of the committee—

Mr. BOOHER. The gentleman stated that it was a rule, but I am willing to take his statement that it was not a formal rule, but it had the same effect, and I stated it correctly.

Mr. MANN. Mr. Chairman, during the special session of Congress, after the committee had been appointed, I discussed the question of the omnibus war-claims bill with the gentleman from Tennessee [Mr. Sims], the chairman of the committee, and with the gentleman from Wisconsin [Mr. Morse], the ranking Republican on the committee. I stated to both of those gentlemen that, in my judgment, at least, the policy that was formerly pursued of including in the war claims bills that were introduced in the House only claims based upon House references, and leaving to the Senate to insert as amendments all claims based upon Senate references, was unfair to the House, both to the membership individually and collectively; that when such a policy was pursued it took away a proper advantage to individual Members of the House who were looking after the interests of their constituents and, besides that, left the conferees representing the House, if the bill ever got into conference, without knowledge concerning the Senate amendments, except such knowledge as they might collect after the amendments had been passed in the Senate or perhaps the conferees appointed, and that I never would consent, so far as I was able to prevent, to the passage of an omnibus war-claims bill in the House based upon the old method of making it up; but that if the gentleman from Tennessee and the gentleman from Wisconsin and the other members of the committee would give consideration individually to these various findings, based both upon House and Senate references, so that the committee or the members took the responsibility of saying that after an examination of the findings in the case there appeared to be just reason for the payment of the claim, I would use every effort within my power to expedite the passage of the bill in the House and to make it a law in the end. I made somewhat the same statement the other day when the bill was up in the House. Now, I am surprised to hear a reiteration, a statement from the gentleman from Missouri [Mr. Booher], that this bill is not based upon a consideration of all the findings of the Court of Claims, and selecting meritorious findings regardless of whether they were referred by the Senate or the House, but that a rule was adopted to have only House findings included. If I were convinced of that fact it would take considerable time to pass this bill.

Mr. BOOHER. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. BOOHER. I was basing my statement on the remarks of the gentleman from Tennessee [Mr. Sims]. He stated that the first rule of the committee was that they would only take claims that were reported back to the House. They afterwards concluded they could take Senate claims and still keep bills within the limit. I based my statement on what the chairman of the committee said, and I do not think I should be subject to criticism for it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Mann] has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. I understood the gentleman from Tennessee to state that when they first commenced correspondence in regard to these claims his secretary sent out a formal letter, following the old custom, signed with a stamp, stating that Senate findings or references would be considered in the Senate.

Mr. BOOHER. I got no such letter.

Mr. MANN. That was the letter that I supposed the gentleman received.

Mr. BOOHER. No; here is the letter that I received. I will read it to the House if I get the time.

Mr. MANN. Now, Mr. Chairman, I want to say a word about the merits of this amendment. If it shall be the policy of Congress to pay claims for the destruction of property during the Civil War, we had better commence to find, not one but forty new methods for raising revenue. There is no distinction between this case that I can discover and hundreds of thousands of other cases where the Union Army destroyed property in the conduct of the war. No one contends, not even the gentleman from Missouri [Mr. Booher], that a man who rents a building as a tenant is liable for the value of the building if it is destroyed by fire. And yet that is his contention in reference to these church buildings in this town in Missouri. There is no assurance on the part of the occupant that the building will not be destroyed, even if it were not destroyed by an act of war, but the finding of the court here is, in effect, that the buildings were destroyed as an act of war, and if we are to undertake the payment of all those claims—if we are to commence by setting a precedent and paying one we will have to undertake the payment of all of them, and there is no treasury in any nation that can stand it. I do not think we ought to commence.

Mr. FOWLER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Illinois [Mr. Mann] yield to his colleague [Mr. Fowler]?

Mr. MANN. Certainly.

Mr. FOWLER. I will be glad to have the gentleman explain, if he knows, whether there has been any discrimination made between property taken and wantonly destroyed and property taken and accidentally destroyed.

Mr. MANN. I am not able to inform the gentleman.

In this case the question is determined by the court, in effect, that it was destroyed as an act of war.

Mr. BOOHER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MANN. Certainly.

Mr. BOOHER. I understand that the gentleman lays down a principle of law that he does not want to stand upon. Does the gentleman mean to say that if a tenant wantonly destroys the house he is occupying he is not liable?

Mr. MANN. I did not say anything about that.

Mr. BOOHER. There are certain cases in which he would not be liable, but there are certainly other cases in which he would be.

Mr. MANN. I have not heard anything concerning this case which differentiates it from the mere occupation by a tenant where the loss of the property occurs through destruction by fire. There is nothing in this case to differentiate it from that. We can not undertake to pay all these claims against the Government. We are now considering the payment of French spoliation claims more than 100 years old. We are asked to take up the consideration of claims for payment to the heirs of George Washington which are over 100 years old, and to take up the consideration of claims in every direction, claims that are not hoary with age but bald with age [laughter], and yet gentlemen assume that when they start a precedent in this House it will apply only to a particular claim. You can not pass a claim of this sort without involving the Government in enormous expenditures.

The gentleman cites the Philippine claims which were paid. Well, I was not in favor of the payment of the Philippine claims. If the gentleman had quoted in his speech the remarks—and they were short—which I made when the Philippine claims bill was under consideration, he would have discovered the reason why the bill was passed.

Mr. BOOHER. Will the gentleman quote them? I remember very well what they were, but the gentleman did not have any influence with his side of the House in making them. I wish the gentleman would put in the Record his remarks.

Mr. MANN. Oh, I think I had influence enough to kill part of that bill, and did kill part of it. [Laughter.]

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. MANN. Yes.

Mr. BURKE of Pennsylvania. The gentleman just a moment ago made a distinction between claims that were hoary with

age and claims that were bald with age. The gentleman from Tennessee would like to know the difference. [Laughter.]

Mr. MANN. If the gentleman from Tennessee does not know the difference I will never be able to inform him, I fear.

Mr. SIMS. Mr. Chairman, I hope I shall not have to explain this matter again, but I do not want to have any misunderstanding of it. The letter written to the gentleman from Missouri was signed by a stamp. I never saw it, and I did not know he had received it until after we took up this bill for consideration. But I do know how it came about. It is dated January 18, and reads:

HOUSE OF REPRESENTATIVES UNITED STATES,
COMMITTEE ON WAR CLAIMS,
Washington, D. C., January 18, 1912.

Mr. CHARLES F. BOOHER,
House of Representatives, Washington, D. C.

My DEAR SIR: I return herewith letter of Mr. Hopkins and Senate finding in the case of Trustees of Presbyterian Church and Masonic Hall, Platte City, Mo., with the suggestion that you have one of your Senators arrange for the insertion of this case in the so-called omnibus bill when it gets to the Senate.

Very truly, yours,

T. W. SIMS, M. C.

It is signed by a rubber stamp.

Mr. MANN. What is the date of it?

Mr. SIMS. January 18 of this year.

Now I will refer to another matter which had a bearing, or which I thought had a bearing, on this subject. But, before I forget it, I want to refer to the statement of the gentleman from Illinois. If he said anything to me during the extra session about the matter, I have no recollection of it; but since the present session began—I was gone in the month of December—he did make the statement to Mr. MORSE of Wisconsin and myself, as he stated, and as I notified some Members that we were not going to put in the Senate findings, I immediately sought every Senate finding I could find coming within the rule. Now, if I had written this letter and had seen the finding—of course, I do not know whether or not the finding was present before the clerk when the letter was written—

Mr. BOOHER. I would state to the gentleman that it was.

Mr. SIMS. But if I had had the finding before me I would have stated that we could not include that finding within the omnibus bill.

Now, the Committee on War Claims has a rule, section 5 of rule 2, which provides that we will not consider any bill or claim in which no attempt has been made to collect the claim prior to the 1st day of January, 1900. I found Senate references which had been made since that date, and up to a late date, and I thought our rule ought to preclude us from favorably reporting a Senate bill that was sent to the court in violation of our rule. But after studying the matter over, the claims having been sent there by a body that had the power and right to do so, and the persons having been put to the expense of proving up their cases, I thought we ought to put them in. I say now that I would move to insert this claim, if the mere fact that it was a Senate reference was all that stood in the way. But waiving all that, I am opposing this amendment simply because it is not of a class that we could report. Not even as a separate bill standing on its own merits could the Committee on War Claims report it favorably, according to the precedents of the committee. Of course we have the power to do it, and Congress has the power to pay it. It is not unconstitutional or anything of that sort; but there has been no intention on my part to mislead or deceive anybody, and it is a very hard matter to frame an omnibus bill containing more than a thousand items and get it through the House, if anybody wants to defeat it. With over a thousand items in the bill, how easy it is, without any attempt to filibuster, to take up all the time allotted and prevent the passage of the bill.

Mr. BOOHER. I want the gentleman to understand that I do not intend to filibuster and defeat his bill.

Mr. SIMS. I know that.

Mr. BOOHER. I am trying to secure the payment of a just claim, but I do not want to have any suggestion made that I am going to filibuster against the bill.

Mr. SIMS. I am not making that suggestion.

Mr. BOOHER. If I can not get this claim paid, which I am presenting in good faith, if the Committee of the Whole decides against me, I am not going to filibuster against other people getting what is coming to them. I do not do business in that way.

Mr. MANN. The gentleman is talking about me. I expect to do that. I do not deny it at all.

Mr. SIMS. I know the statement of the gentleman from Missouri to be perfectly correct. In making up an omnibus bill there must be some general rules to govern the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHAEL E. DRISCOLL. I ask unanimous consent that the gentleman from Tennessee have two minutes more.

The CHAIRMAN. Is there objection to the request that the gentleman from Tennessee have two minutes more?

There was no objection.

Mr. MICHAEL E. DRISCOLL. I wish the gentleman would restate what he said about not considering any claims that were not presented before 1890.

Mr. SIMS. Before January 1, 1900.

Mr. MICHAEL E. DRISCOLL. I would like to ask what the gentleman means by that?

Mr. SIMS. I will state, as I did in the debate before, that when no effort was made to collect a claim through the Southern Claims Commission, through the War Department, by suit in the Court of Claims, or by a private bill prior to January 1, 1900, it is an absolute rule of the committee that we will not report a bill favorably to pay any such claim. In other words, it is so late that it is nearly impossible to prove such a claim by any evidence now in existence, and we thought the fact that no effort had been made to collect a claim for 30 years after the war was over was good evidence that there might be something wrong about the claim.

Mr. BARTHOLDT. Would the gentleman consider the introduction of a bill as an effort to collect the claim?

Mr. SIMS. Oh, yes; that is an effort to collect it.

Mr. MICHAEL E. DRISCOLL. If the proof was as conclusive now as it could have been 20 or 30 years ago, would the gentleman still insist upon that?

Mr. SIMS. If it was documentary evidence, or something of that sort, it would be a different thing; but we must have a general rule. Consequently, the Committee on War Claims adopted that rule, that where no effort was made to collect a claim prior to January 1, 1900, the Committee on War Claims will not favorably report a bill to the House.

Mr. MICHAEL E. DRISCOLL. How long has that rule been in force in the committee?

Mr. SIMS. I think, since 1900. The gentleman from Pennsylvania, Mr. Mahon, was chairman of the committee that adopted that rule.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the chairman of the Committee on War Claims may have three minutes more.

Mr. SIMS. I do not want any more time. I ask for a vote.

Mr. FOWLER. I desire to ask a question.

Mr. SIMS. Very well. Let the gentleman ask his question, and then I shall have to move to close debate.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Tennessee [Mr. Sims] be extended three minutes. Is there objection?

There was no objection.

Mr. FOWLER. I desire to know if it is the policy of Congress not to allow claims for property destroyed during the Civil War?

Mr. SIMS. That is the law of the United States.

Mr. FOWLER. I desire to ask if there has ever been a distinction made between property which was wantonly destroyed and that which was accidentally destroyed?

Mr. SIMS. Oh, there have been two or three, perhaps five or six, cases of claims allowed by Congress by special act where property was destroyed. I do not remember whether it was accidental or intentional destruction, but the rule I have stated so often that it is not necessary to repeat is that the Government pays for the benefits received and not claims for damages. No benefit was received by the Government by the burning or destruction of this property.

Mr. FOWLER. I understand that the property was taken charge of by the Army and used for its own benefit, and that during the use of the property it was intentionally or wantonly destroyed by fire.

Mr. SIMS. The court finding has been read.

Mr. FOWLER. One more question. I desire to know if it is the policy of this committee and of Congress not to allow any claims whatever where the property was simply destroyed and not used by the Federal authorities during the war?

Mr. SIMS. That is the law, and until Congress repeals its own law it is bound by it.

Mr. FOWLER. I understand from what the gentleman said that by special act there have been some claims allowed?

Mr. SIMS. By special appropriation.

Mr. FOWLER. Did they come in in the way of a general bill from your committee, like this?

Mr. SIMS. No; these are commissary stores and supplies. There is nothing in here for the destruction of property.

Mr. FOWLER. Has the use of this property ever been paid or accounted for by the Government?

Mr. SIMS. I have no knowledge of it, and there are no findings of the court on that question.

Mr. FOWLER. I understand there is a finding here, and it includes both the use and the destruction of the property.

Mr. SIMS. If the gentleman will read the court findings, the gentleman from Illinois will see what the court has said about it.

Mr. FOWLER. That is the contention on the part of the claimant, is it not?

Mr. SIMS. Does the gentleman from Illinois want to ask any further question?

Mr. FOWLER. The Government took possession of it, and the court finds that the Government both used and destroyed it, and that is what the claim is asked for.

Mr. SIMS. I do not question that.

Mr. RUSSELL. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. RUSSELL. I do not know as I understand the rule that the gentleman spoke of in regard to claims having been presented since 1900. There have been some claims, have there not, submitted since 1900?

Mr. SIMS. By resolution of the Senate.

Mr. RUSSELL. And I think by the House.

Mr. MANN. There were a lot of them, but they were claims that had been pending.

Mr. SIMS. Yes; they were claims that were pending.

Mr. RUSSELL. Those submitted by the Senate since 1900, if the court should make a favorable report, would not be barred by any rule of the committee or the House?

Mr. SIMS. Not by this body; I do not know what the Senate might do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. BOOHER) there were 20 ayes and 32 noes.

So the amendment was lost.

The Clerk read as follows:

To J. B. Matthews, administrator of Nathan Gradick, deceased, late of Richland County, \$1,180.

Mr. SIMS. Mr. Chairman, I offer the following amendment: On page 72, line 9, strike out the letter "B" and insert the letter "P," so that it will read "J. P. Matthews."

The amendment was agreed to.

The Clerk read as follows:

To Emma R. Bailey, executrix of John J. Bailey, deceased, late of Shelby County, \$3,353.

Mr. SIMS. Mr. Chairman, on page 73, after line 21, insert as follows:

To Daniel W. Beckham, administrator of the estate of Alexander F. Beckham, deceased, late a resident of Lake County, \$7,880.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 73, after line 21, insert:

"To Daniel W. Beckham, administrator of the estate of Alexander F. Beckham, deceased, late a resident of Lake County, \$7,880."

The amendment was agreed to.

The Clerk read as follows:

To Robert C. Jameson, administrator of the estate of David Jameson, deceased, late of Shelby County, \$900.

Mr. SIMS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 80, after line 19, insert:

"To J. E. Smalling, administrator of Henry Johnson, deceased, late of Williamson County, \$450."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To Mora B. Fariss, administratrix of James P. Moore, deceased, late of Maury County, \$2,100.

Mr. SIMS. Mr. Chairman, I move to amend, on line 16, page 82, by striking out the word "administratrix" and inserting in lieu thereof the word "administrator."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 82, line 16, strike out the word "administratrix" and insert in lieu thereof the word "administrator."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To Mrs. Julia Moore Seldon, of Shelby County, \$2,925.

Mr. SIMS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 85, line 11, strike out the word "Seldon" and insert in lieu thereof the word "Selden."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To T. F. Gough, administrator of estate of Mary A. Gough, deceased, late of Frederick County, \$703.

Mr. SIMS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 96, after line 10, insert:

"To J. R. Allison, administrator de bonis non cum testamento annexo of Isaac Haynes, deceased, late a resident of Fairfax County, \$1,720."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Also the following amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 97, after line 8, insert:

"To George W. Z. Black, administrator of the estate of Alexander Poland, deceased, late a resident of Loudoun County, \$4,200."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Also the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 97, after line 11, insert:

"To William H. Poland, administrator of the estate of John Poland, deceased, late a resident of Prince William County, \$2,117."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Also the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 97, after line 17, insert:

"To the legal representatives of the estate of Felix Richards, deceased, late of Fairfax County, \$5,300."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To the trustees of the St. Paul Reformed Church, of Woodstock, \$325.

Mr. SIMS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 109, after line 9, insert:

"To the trustees of the Presbyterian Church at McDowell, Highland County, \$150."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To Lorenzo D. Corrick, administrator of the estate of William Corrick, deceased, late of Tucker County, \$150.

Mr. SIMS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 109, after line 23, insert:

"To Edward M. Craig, administrator of the estate of George W. Craig, deceased, late of Mason County, \$2,114."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To the trustees of the Methodist Episcopal Church of Webster, \$450.

Mr. HAMILTON of West Virginia. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 22, page 114, insert the following:

"To the trustees of the Methodist Episcopal Church South, Glenville, W. Va., for use and occupation of church property during the Civil War, \$500."

Mr. HAMILTON of West Virginia. Mr. Chairman, it will be observed that the amendment which I have offered is for compensation to this church for the use of its property, which, I understand, will not be objected to, either by the chairman of the committee or by the minority leader [Mr. MANN]. I will state in this connection that I have the findings of the Court of Claims, which show that this property was both used and destroyed, and they report the value of the property at \$800. I will say that I have drawn this amendment so that, if it be adopted, it will not create a precedent against what I under-

stand to be the views of the chairman of this committee; and while I am not able to show the gentleman the actual rental value of this property by this finding, because it does not separate it, yet I take it this House of Representatives and this Congress will not inquire too closely into the rental value of the property which was taken by the Government for its own use and which has never been returned to the owners. I do not think that we can afford to go upon record here as saying that this claim should be wholly rejected because the Court of Claims has failed to distinguish between the actual value of the property and its rental value. In looking over this bill I have found that there are something like 500 cases where churches have been allowed something. I take it that the bill is consistent. I know that the chairman of this committee is discharging his full duty in this matter. I have no criticism for him, but, on the contrary, only the highest compliments to bestow upon him when he discharges his duty in this House. Now, out of these 500 claims there are perhaps not one of them that has less than \$500, and I take it that a bill drawn upon the lines of consistency gives to these churches an average of \$500 for use and occupation. Now, from that fact, I think we have the right to draw an inference here that the rental value of this property and its good to the Government was as much, at least, as the average of these other churches, and certainly \$500 is far below the average. I think the contention that the benefits to be derived by the Government shall govern our action is not entirely an inflexible rule. I have a case of this kind—not pending before this committee at present, but in the Court of Claims—where the claim arose from the erection of fortifications upon a man's farm. For something like a half a mile upon the brow of a hill they took up his farm and threw up fortifications. The farm property might be worth \$1,000—at least this land taken might be worth that—but the benefit to the Government is untold, because these fortifications held back the advancing army of the South, and it never passed them; so if you are going to put it upon the ground of benefit to the Government it would seem to be an inconsistent rule, because the advantage to the Government was perhaps a thousand times as much as the total worth of the farm.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, the findings in this case are as follows:

1. The Methodist Episcopal Church South, of Glenville, W. Va., as a church was loyal to the Government of the United States throughout the late Civil War.

That is all right.

2. During the war for the suppression of the rebellion the military forces of the United States, in the winter of 1862-63, took possession of said church property and used the same as a storehouse for military supplies for a short period. During the time the building was so occupied the building was burned and destroyed, but by whom and for what purpose the same does not appear. The reasonable value of the church building at the time of its destruction as aforesaid was about \$800.

Now, Mr. Chairman, if the court had found that the use and occupation for the time used was \$800, or any other sum, I should not have opposed the appropriation for that amount, but this is clearly a finding of the value of the church, and it shows that it was destroyed during the occupation, but the finding does not even say by whom. It might have been done by the Confederates; it might have been done by the Federals; but if destroyed by the Federals, then there could be no valid claim for destruction. I am sorry the court has not specifically found a sum for use and occupation.

Mr. HAMILTON of West Virginia. Will the gentleman yield for a question?

Mr. SIMS. And if I had the court findings in that regard, I would not oppose it at all, Mr. Chairman; but as it is, we can not assume that the amount found as value was for use and occupation when the findings specifically fix the amount here as the value of the property destroyed. I ask for a vote.

Mr. HAMILTON of West Virginia. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. HAMILTON of West Virginia. You will admit the average allowed to churches for use and occupation in this bill is at least \$500?

Mr. SIMS. I have not looked that up. If there was a finding of the court to show what it was, I would be in favor of putting it in.

Mr. HAMILTON of West Virginia. I have no doubt, as I said before, that the chairman has endeavored to do what is right in this matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. HAMILTON].

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

In this bill there is carried less than a thousand dollars for persons residing in the State of Wisconsin. In that connection I want to say a word concerning the work done by the gentleman from Wisconsin, the ranking Republican on this committee [Mr. MORSE]. The gentleman from Wisconsin was asked by me to give special attention to the items which might go to make up this bill, and time and time again the gentleman, in discussing with me the items which might go into this bill, or rather in referring to them, has led me to know that he was burning midnight oil in studying the court findings on a measure of great importance to many Members of the House, but of no importance to him or his State.

It often happens in this House that the gentlemen who do the hardest work are not seen or heard in connection with that work, though I think as a rule that when a Member keeps on doing the work that falls to him in the course of time, if he remains here long enough, an opportunity comes when he will probably be the only man in the House well informed upon some subject of great interest that everyone else wants to know about. And the gentleman from Wisconsin, who has done this drudgery work uncomplainingly, because it fell to his lot in the assignment of committees, is entitled to receive great credit from this House and from his constituency and from the country for the work he has so well performed. [Applause.]

Mr. SIMS. Mr. Chairman, I want to say that I heartily approve every word that the gentleman from Illinois [Mr. MANN] has said with reference to the labors of the gentleman from Wisconsin [Mr. MORSE], and I am a witness as I was a co-worker with him. I know what he says is true. [Applause.] Now, I want to say further, Mr. Chairman, that every member of the Committee on War Claims during the Sixty-second Congress has discharged every duty that has been placed upon him faithfully, conscientiously, ably, and efficiently. [Applause.]

Mr. WEEKS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

Mr. WEEKS. Mr. Chairman, before the Clerk reads the amendment I ask unanimous consent to make a statement for a moment. The amendment is very long, and I think I ought to state that it contains a list of the French spoliation claims which passed the Senate in the last Congress. All of these claims have been adjudicated by the Court of Claims, and for that reason it seems to me a proper amendment to offer at this time. But as there may be some question about that, I do not wish to detain the committee to read so long an amendment unless the Chair rules it is in order.

Mr. SIMS. Mr. Chairman, I wish to reserve a point of order against the amendment.

Mr. WEEKS. I do not want it read unless it is in order.

Mr. SIMS. Mr. Chairman, I make the point of order, then. The point of order is this, that this committee has no jurisdiction over the French spoliation claims. The Bowman and Tucker Acts do not relate to them.

Mr. WEEKS. I would like to have a ruling on that proposition.

The CHAIRMAN. The Chair is inclined to sustain the point of order.

Mr. WEEKS. I would like to be heard.

The CHAIRMAN. Very well.

Mr. WEEKS. Paragraph 702 of the rules of the House of Representatives provides that claims arising from any war in which the United States has been engaged shall be referred to the Committee on War Claims. I claim that these spoliation claims arose from the French War or as a direct result of the French War, and therefore should have been referred to the Committee on War Claims instead of the Committee on Claims.

Mr. SIMS. I will ask my friend right there if it was war between the United States and any other country?

Mr. WEEKS. My recollection is that war was not declared against France, but a state of hostilities existed and these spoliation claims arose as a result of this condition, the destruction being largely the work of privateers for which letters had been issued by the French Government.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, the French spoliation claims arose out of the treaty of 1803, and never have been considered in this House since I have been here as a subject matter of reference to the Committee on War Claims, but have always gone to the Committee on Claims.

The CHAIRMAN. That is the understanding that the Chair has of it. The Clerk will read.

The Clerk read as follows:

Sec. 3. That in case of the death of any claimant, or the death or discharge of the executor or administrator of any claimant herein named, payment of such claim shall be made to the legal representatives: *Provided*, That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount to the sum hereby appropriated, except that where the claim grows out of service rendered the United States in the Army or Navy and the payment to be made under this act is less than \$500, and the person who rendered the service is dead, and no demand is presented by a duly appointed legal representative of his estate, payment may be made to the decedent's widow or legal heirs as is provided by existing laws relating to the settlement of accounts of deceased officers or enlisted men of the Army and Navy (34 Stat. L., 759; 35 Stat. L., 373): *Provided further*, That in all cases where the original claimants were adjudicated bankrupts payment shall be made to the next of kin instead of to the assignees in bankruptcy: *And provided further*, That wherever under this act it is provided that a payment be made to an executor or an administrator, whether original or ancillary or de bonis non, and such executor or administrator is dead or no longer holds his office, payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury, and wherever under this bill it is provided that a payment be made to a corporation or quasi corporation and such corporation or quasi corporation has been merged in or consolidated with another corporation or quasi corporation, payment shall be made to the corporation or quasi corporation with which the consolidation or merger has been made.

Mr. JACKSON. Mr. Chairman, I desire to offer the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amend by adding at the end of line 17, page 116, the following: *Provided*, That no part of the sum or sums so appropriated to pay any claim herein shall be paid to the claimant, or his heirs, assigns, or personal representatives, until he or they shall file with the Secretary of the Treasury of the United States an affidavit which shall state that no sum in excess of 25 per cent of said claim will be paid by the claimant to any attorney at law, attorney in fact, agent, or claim agent as compensation for prosecuting said claim.

Mr. SIMS. Mr. Chairman, I reserve a point of order on the amendment. I do not know that it is subject to it, but I reserve the point.

Mr. JACKSON. Mr. Chairman and gentlemen of the committee, I want to say to the committee that I have another amendment here which I desire to offer as a separate section, after the present amendment is voted on. The amendment I offer at present, however, goes directly to the appropriation and the application of the money appropriated by the present section.

Now, I realize that we are about to close the consideration of this bill and that the members of the committee are anxious to conclude the day and the week's work. But, gentlemen, I think that this amendment is of vital importance, not only to the consideration of the claims included in the present bill, but in the consideration of all claims of this character, and of all claims of all characters presented against the Government of the United States.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Illinois?

Mr. JACKSON. Certainly.

Mr. MANN. Fully sympathizing with the purpose of the gentleman, I would like to ask him what would happen in a case like this: Here is one of these claimants, of discretionary years, who has made a contract with an attorney to pay him 30 per cent in accordance with the laws of his State. Would that claimant be able to recover any of the money that we provide for in this bill?

Mr. JACKSON. I will answer the gentleman's question. I was just about coming to that. I think I can satisfy the gentleman on that point, and I am obliged to the gentleman for his suggestion. I was going to say before I came to that point that I would like the gentlemen of the committee to understand that I am in entire sympathy with this legislation. I think I can also truthfully say now that upon no other class of claims representing this amount of money would I be willing to stand here, representing the people of the district which I have the honor to represent, and vote for such an amount of money to go out of the Treasury of the United States. I do not say this because I mean in any way to suggest offering reward for the treatment which the southern soldiers or the southern people have accorded to the Union soldiers in the granting of pensions, but I say it, gentlemen, because I want, so far as I am able, to vote in this House to the effect that we have a new Nation, indeed, since the many brave and stalwart young men of the South offered their lives and poured out their blood in defense of the flag, and that the flag represents something which means toleration and fraternity and loyalty throughout the entire

country. And so I am glad to have this opportunity to vote for any class of claims which give something to the people who suffered some special hardship on account of the Civil War.

While that is true, I realize that all of the claims which go through Congress, which are the subject of appropriations, reflect, on account of the baneful practice of the attorney, upon Members of this House in a certain degree, and without offering some protest I am unwilling to stand here and vote for claims which mean the enrichment of an attorney or a certain class or firm of attorneys.

Now, in reply to the gentleman's question, it is suggested here that perhaps the effect of this amendment might be to abrogate contracts previously made. I think we have ample power to do that where we have evidence, as we must have, that contracts have been forced from people, when under other conditions such contracts would not have been made. There is no fairness in contracts when there is absolute helplessness on one side and comfort and financial power on the other side. I have in my possession now a letter from a holder of one of these claims, who says that he has refused for years to submit his claim to the attorneys who have been prosecuting and collecting claims of this class, because they refuse to take his claim for less than 50 per cent of the amount of the principal.

Just a word more. There sits upon the floor of this House to-day a Member who, if he happens to be present at this moment, will substantiate my statement, who related to me his experience in getting through a claim of this kind. He said he worked hard here on behalf of some man, because he thought that man had a meritorious claim. The man wanted \$5,000. After seven or eight years of hard work that Member succeeded in getting the claimant allowed \$2,800. Then he was informed by an attorney, who had never done a stroke of work to help the claimant, that he claimed 33½ per cent of the amount that the Government, through the efforts of this Member of Congress, had been induced to grant to this man.

Mr. GARRETT. Was that a war claim?

Mr. JACKSON. I am not able to state; but, as I said in the beginning, I think this principle applies to all claims against the Government.

Mr. GARRETT. The gentleman is aware, of course, that the law expressly prevents Members of the House or Senate going into the Court of Claims.

Mr. JACKSON. I understand that. I did not mean to consider that point at all. I am simply considering the fact that this man got this money through the efforts largely of individual Members of the House.

Mr. RUSSELL. I am in perfect sympathy with this amendment, if it can be accomplished; but suppose contracts have been made with attorneys to pay them 30, 35, 40, or sometimes in a case of small claims, even as much as 50 per cent. If this amendment is passed, before any sum can be paid to the claimant he must sign an affidavit that not more than 25 per cent of the money received by him will be paid to an attorney.

Mr. JACKSON. That is the amendment.

Mr. RUSSELL. That is all right if it can be done. But suppose the claimant does that and does violate his contract, will not the contracting attorney go into the civil courts and sue the claimant for the balance of that money? Is there any power in us to set aside that contract?

Mr. JACKSON. I think there is. That is the question I was trying to answer. It seems to me the effect of this amendment would be to absolutely abrogate the contract if we declare the contract to be absolutely invalid. And while this House may not want to pass a law that would directly do that, it does it in effect, and no court would entertain a suit to collect upon that contract.

Mr. MANN. Why not?

Mr. JACKSON. Because this House has said, as a condition of this appropriation, that the claimant shall not pay more than that sum.

Mr. MANN. That is not what the gentleman's amendment is.

Mr. JACKSON. If the gentleman will pardon me, the condition of this appropriation is that it shall stay in the Treasury until this man files that affidavit.

Mr. SIMS. What affidavit?

Mr. JACKSON. The affidavit provided for here.

Mr. SIMS. Will the gentleman state the substance of it?

Mr. JACKSON. That the claimant will not pay more than 25 per cent of the amount for the attorney's fee.

Mr. SIMS. How is he going to swear that, when he has already signed a power of attorney giving 33½ per cent?

Mr. JACKSON. Why, I see nothing to prevent him, if this House says that it will not make this appropriation on the con-

dition that these contracts, which were frequently made to pay these attorneys' fees, are to be validated. In other words, we stand here and say we will not be a party to the enforcement of those oppressive contracts.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. JACKSON. Yes.

Mr. MARTIN of South Dakota. The proposition the gentleman has made is all right if it could be made workable; but the gentleman's attention has been called to the fact that this proposition, in the present form, is not.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MARTIN of South Dakota. I ask that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from South Dakota asks that the time of the gentleman from Kansas be extended five minutes. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. Now, I would like to ask the gentleman a question. The filing of an affidavit by a man who had entered into a lawful contract would not relieve him from the obligation of his contract. It might make it impossible for him to get his money. Would not it be possible to frame an amendment in a form requiring the attorney to file an affidavit or a release relinquishing all but 25 per cent?

Mr. JACKSON. I have no objection to such an amendment. But I want to say before I close that these men have no claims for attorneys' fees under the contracts until this House makes the appropriation to pay the claim. If this House attaches a condition that no claim shall be paid and no money shall be turned over to the claimant except upon the condition that no part of the money above 25 per cent shall go to an attorney, then that condition to the appropriation is absolutely valid, and it abrogates the contract.

Mr. McCALL. Will the gentleman yield?

Mr. JACKSON. Certainly.

Mr. McCALL. Would the gentleman be willing to have his amendment modified so that it would provide that appropriations were herein made upon the condition that no more than 25 per cent should be paid to counsel?

Mr. JACKSON. That is what my amendment does state.

Mr. McCALL. The gentleman's amendment provides that the claimant shall file an affidavit.

Mr. MORSE of Wisconsin. Will the gentleman yield?

Mr. JACKSON. I will.

Mr. MORSE of Wisconsin. Does the gentleman's amendment provide simply for the payment of fees, or advanced costs? In many instances the attorney has advanced considerable sums in costs to bring witnesses to Washington, for example, and the gentleman also knows that every one of these claims has been prosecuted before the Court of Claims by attorneys. The gentleman understands that?

Mr. JACKSON. Certainly.

Mr. MORSE of Wisconsin. The provision in the gentleman's amendment is utterly impossible to apply to this bill.

Mr. JACKSON. Oh, I know what the gentleman means. I understand that it is proper for the claimant to have an attorney before the Pension Department and other departments, but it often happens that the careful attention that is given to these claims by Members of this House and Members of the other body is what results in benefit to the claimant and not the technical work done by the attorney. I am willing that the attorneys shall have adequate compensation for their work, but I am not willing that they shall stand here and hold up this House and put Members of this House in the situation of having voted a fortune to them for the purpose of doing a little bit of justice to somebody else.

Mr. MORSE of Wisconsin. I ask the gentleman if he contemplates allowing these men attorney fees or fees and advanced costs?

Mr. JACKSON. The amendment says attorney fees, and beyond that I am not in favor of anybody taking a claim against the Government and advancing costs for the purpose of encouraging litigation against the Government. I think it ought to be prohibited by absolute statute.

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman from Kansas does not undertake at all to say what the attorneys' fees shall be. All his amendment does is to provide that money shall not be paid to claimants unless the claimant files an affidavit that he will not pay more than 25 per cent as compensation. How can a claimant file an affidavit stating how much he will pay for compensation, or that he will not pay more than 25 per cent, if he has made a valid contract, enforceable under the laws of the State, providing that he will

pay 30 per cent? The effect of the amendment would only be to prevent claimants receiving any money at all. That we have the power to do.

Now, if the gentleman from Kansas, or any other gentleman, desires to meet the situation, it is quite within the power of Congress to make a penalty against an attorney for taking more than 25 per cent, regardless of any contract that may have been entered into. We have a right to make it a misdemeanor for an attorney to take more than a certain percentage of the money that we appropriate to spend upon a claim. But when you undertake nominally to punish the attorney, but, in fact, to punish the claimant, that is the wrong way to go about it.

Mr. SIMS. Mr. Chairman, I wish to say a few words in reply to the gentleman from Kansas. I have no doubt of the good motive of the gentleman from Kansas. That is, he does not want, as he calls it, Congress held up by a lot of attorneys for unconscionable and unjust fees for services performed when the appropriation comes from the Treasury. But I want to say to the gentleman from Kansas [Mr. JACKSON] that I have had long experience in this matter, and if he will look at this bill which has just been considered, with its one thousand and seventy or eighty claims, he will find that a great number of them are for very small amounts. In each case the claimant undoubtedly has a contract made with persons sui juris, except in a few cases where the claim is represented by an administrator; and I want to say if he will investigate the work done in these cases he will agree that he would not himself to-day take claims for \$1,000 or less to collect against the Government upon a contingent fee for the sum that he provides in his amendment.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. JACKSON. What proportion of these claims allowed by the present bill, if the gentleman knows, is represented by one attorney or one firm of attorneys?

Mr. SIMS. I do not know, as I said in general debate.

Mr. JACKSON. Does not the gentleman know of this practice—

Mr. SIMS. But I want to say to the gentleman that as far as my knowledge goes, it is getting next to impossible now to get an attorney to represent these claims on a contingent fee of less than 33½ per cent. Let me say to the gentleman that of all the claims sent to the Court of Claims not over 10 per cent of the amount claimed is allowed by that court. The gentleman does not count anything for the hundreds and thousands of claims in which the attorney performs the service where no amount is allowed at all. True, we should not make the successful pay for the unsuccessful, but the amount of these fees on these small claims for the work done is nothing more than reasonable and honest when you count all the work done in connection with all of these claims that go to the Court of Claims, and that go there by order of the Congress of the United States.

Mr. JACKSON. I would like to ask the gentleman if he does not believe, from his experience with these claims, that 25 per cent of a claim is a reasonable fee for any work done by an attorney?

Mr. SIMS. On all of these Civil War claims below the amount of \$1,000 I think 33½ per cent is as small a fee as you can get the work done for. As I say, an attorney must take them all or none, and when you consider the entire service rendered and the compensation received, I want to say to the gentleman that these attorneys are not walking down Broadway with their pockets stuffed with ill-gotten gains.

Mr. JACKSON. Does not the gentleman know from his own experience, and does he not believe from his own experience, that these claims below \$1,000 are prosecuted with larger claims, and in that way only?

Mr. SIMS. Oh, as a matter of course, an attorney who takes a small claim also takes a large one.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. While an attorney takes claims large and small, each claim is a separate individual service and has no connection with any other. There can be no omnibus suit in a Court of Claims. Furthermore, the service is already rendered in these cases, and rendered under contract, and it would be just as dishonorable to violate that contract as it is for an attorney, as the gentleman says, to force men to make the contracts.

Mr. JACKSON. I would like to ask the gentleman if he thinks any considerable number of these men would have con-

tracted to have paid the sums for attorneys' fees which they have contracted to pay if they had not been forced to do so?

Mr. SIMS. Forced! Simply because nobody would take the case for any less.

Mr. JACKSON. And why?

Mr. SIMS. Because it does not pay to do so. If it did, there would be numerous attorneys, and they would compete one with the other. I do not want to be misunderstood. Let the gentleman prepare a bill and introduce it, and if it is sent to the committee over which I have the honor to preside I shall be glad to report the bill favorably if it provides against contracts in the future for unreasonable fees; but after the service has been rendered upon contracts executed, to comply with which it is nothing but just and honest, I for one will oppose the gentleman's amendment, although I do not oppose the thought and idea that prompts it. There is no use of sending claims to the Court of Claims if we provide a compensation for prosecuting them that will not be accepted.

What will be the result? Does the gentleman know what pressure will be brought upon Congress to make direct appropriations without ever going to a court, and a practice will grow up here of paying claims by direct appropriations, with nobody to say anything in regard to them except the committee and the House? Now, with 300 or 400 Members interested in reporting bills here for claims upon which no court has passed, I would say to the gentleman from Kansas that we had better let them go to the Court of Claims, better let them employ their attorneys at reasonable fees, for the sake of the Treasury. Besides—

Mr. FOWLER. If the gentleman will permit, and is it not a fact that the committee on these claims have no power to bring witnesses before them and put them under oath in order to get the evidence?

Mr. SIMS. Oh, a committee can not take the place of a court; it is utterly impossible to do so.

Mr. JACKSON. It is true, if the gentleman will pardon me, that the work that is done before the Court of Claims is largely clerical; that is, in cases where testimony is taken.

Mr. SIMS. Testimony has often to be taken in the neighborhood where the claimant lives.

Mr. JACKSON. But it is done by deposition.

Mr. SIMS. If the gentleman will only look at this pile of findings I have here on my desk, he will see that in every case, without the exception of one, the amount of the claims is perhaps two or three times the amount which the court allows.

Mr. JACKSON. That may be true.

Mr. SIMS. I am perfectly willing to support a bill that hereafter contracts shall be regulated as to fees. It is logical that there should be a difference in fee between a small claim and a large claim.

Mr. MORSE of Wisconsin. Mr. Chairman—

Mr. NORRIS. Mr. Chairman, I want to offer an amendment to the amendment, if the gentleman from Wisconsin will permit me. I would like to offer it before his statement. I will not speak on the amendment, but will let the gentleman have the floor. I desire to add to the end of the amendment offered by the gentleman from Kansas the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of the amendment the following: "Provided further, That all contracts heretofore made providing for a larger fee than 25 per cent are hereby declared to be null and void as to the amount in excess of 25 per cent."

Mr. MORSE of Wisconsin. Mr. Chairman, I am in sympathy with the end sought to be gained by the amendment offered by the gentleman from Kansas. I am not in sympathy with the lack of frankness that he exhibited in answering my question. The fact is this amendment does not provide for a limitation of attorneys' fees to 25 per cent. I would like to vote for an amendment which will do that if I can do so without compelling these people to violate the contracts into which they have already entered.

Mr. JACKSON. You mean as to future claims?

Mr. MORSE of Wisconsin. As to future claims, and I am not sure I would not vote as to these particular claims here. I am in sympathy with what the gentleman apparently wants to accomplish, but the gentleman will not accomplish that at all.

Mr. JACKSON. Let me ask the gentleman if the amendment now offered to the amendment by the gentleman from Nebraska will not take out all question concerning the validity of past contracts? I thought it did in the first place, and certainly with the amendment now offered by the gentleman from Nebraska, making all of these contracts void as to this appropriation, that question is taken out.

Mr. MORSE of Wisconsin. Mr. Chairman, I think that many Members of this House do not recognize the fact that you can not prosecute these claims without evidence. I think many Members do not realize that these claims come from a long distance from Washington.

Mr. NORRIS. Will the gentleman yield?

Mr. MORSE of Wisconsin. Just let me finish this thought. Now, you have got to get the evidence—and many claims are from very poor people that have not a dollar with which to get their evidence—and get it here, and in many instances they have to bring their witnesses here. They have to do that in certain cases. Now, I do not object to an attorney paying these witness fees, which he is permitted to do now under the law, and if it were not so these people, who are poor, could not collect where the wealthy could collect, and therefore I am much opposed to the amendment offered by the gentleman from Kansas, because in many instances more than 25 per cent has been advanced by the attorneys in necessary expenses.

Mr. NORRIS. I want to ask the gentleman, Mr. Chairman, if it is not true that these claims, as a matter of fact, are prosecuted almost by the wholesale, and that there are a whole lot of claims depending upon one particular set of facts that must be established?

Mr. MORSE of Wisconsin. Not at all.

Mr. NORRIS. As I understand the amendment, the objection which he offers to the amendment offered by the gentleman from Kansas would apply to expenses that are not properly included in attorneys' fees.

Mr. MORSE of Wisconsin. But the amendment of the gentleman from Kansas does not include that.

Mr. NORRIS. In his amendment?

Mr. MORSE of Wisconsin. Yes.

Mr. NORRIS. I understood that it applied to attorneys' fees.

Mr. MORSE of Wisconsin. He says that no sum shall be paid to attorneys.

Mr. NORRIS. As attorneys' fees?

Mr. JACKSON. It says "as compensation." [Cries of "Vote!" "Vote!"]

Mr. CANNON. Mr. Chairman, I move a pro forma amendment to say very briefly that, in my judgment, where a contract has been made under existing law it can not be invalidated by legislation. However, I hope the Committee on the Judiciary, or some appropriate committee, will report a bill to fix fees on a graduated scale in suits against the Government for recovery. Many scandals have grown out of such matters, especially in the West. I believe that the attorney is worthy of his fee, but I would like to know, after all is said and done, that the claimant, many times helpless, has not been imposed upon and that the Government has not been imposed upon. For years I have been troubled in my own mind as to what could be done toward collection of claims against the Government. There is no statute of limitations that will run against legislation for payment of claims.

It is quite a common saying throughout the country that "the United States is the poorest paymaster on earth." That is not true. The United States, where it agrees to pay, where the law provides for payment for services performed, is the best paymaster on earth. There have been many instances, however, when claims come crowding in, as they did directly after the close of the Civil War, where men absolutely gave their receipts for large amounts of money in full payment of all claims, but, nevertheless, by subsequent legislation large additional amounts were paid, notwithstanding the previous full payment and receipt therefor.

You may say, "What are we going to do about it?" Nothing, practically, can be done about it, as I see it, except by the enactment of legislation that will graduate the fees according to the amount recovered. In cases of this kind I doubt the propriety of undertaking to prevent the payment of fees that have been contracted for. I do not know who the attorneys are or who the parties are. But you could provide by legislation as to the future.

I think that is about all I want to say, and perhaps it was not apt to say it now. And yet for several Congresses I have been watching one little matter that has come under my attention. Congress passed a general bill giving a status to sixty or seventy millions of dollars of claims against the Government, sending them to the Court of Claims for adjudication. That litigation is substantially ended and, I should say, involves the payment of from eight to ten million dollars. The remaining claims, by the judgment of the court, are rejected. But lo, and behold, legislation is knocking at the door of every session of

Congress to change the law so as to give the rejected claims, amounting to multiplied millions of dollars, a new status.

Mr. MANN. Does the gentleman know that bill is on the Unanimous Consent Calendar for next unanimous-consent day?

Mr. CANNON. Yes. It is for the Indian depredation claims, seeking a change in legislation to give the rejected claims another status.

Mr. JACKSON. Will the gentleman yield to a question right there?

Mr. CANNON. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JACKSON. Mr. Chairman, I ask unanimous consent for one minute more in which to ask this question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JACKSON. You do not think there is any limitation in the Constitution that would prevent Congress, in such a case as the gentleman has just cited, from limiting or modifying the contract previously made so that it would do justice?

Mr. CANNON. Oh, even if a contract is made, it seems to me that you might refuse to appropriate until the attorney has receipted in full. But after all, I should be slow to vote for the violation of a contract for the recovery of damages. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Nebraska [Mr. NORRIS] to the amendment offered by the gentleman from Kansas [Mr. JACKSON].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Kansas [Mr. JACKSON].

The question was taken, and the amendment was rejected.

Mr. CAMPBELL. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. CAMPBELL].

The Clerk read as follows:

On line 22, page 25, insert the following: "To Louis Kumm, of Pittsburg, Kans., \$86.15."

The CHAIRMAN. The Chair will state that it requires unanimous consent to go back to that paragraph.

Mr. SIMS. Mr. Chairman, I would have made the point of order, but I understood the gentleman from Kansas wanted to ask unanimous consent to go back to that paragraph.

Mr. CAMPBELL. I ask unanimous consent, Mr. Chairman, to return to that page in order to offer the amendment?

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] asks unanimous consent to return to page 25 in order to give him opportunity to offer an amendment. Is there objection? There was no objection.

Mr. CAMPBELL. Mr. Chairman, the amendment I have offered is to pay a bill amounting to \$86.15 to Louis Kumm, who furnished material for the prosecution of the war, as follows: Thirty-two pounds of bar lead, at 20 cents a pound, \$6.40; 15 pounds of buckshot, at 25 cents a pound, \$3.75; powder, 36½ pounds, at \$1.25 a pound, \$45.63; 600 Colt's cartridges, at \$3 per hundred, \$18; 5,500 percussion caps, at \$2.25 a thousand, \$12.37; a total of \$86.15.

This material was furnished during the war, in Missouri, to J. D. Crawford, who commanded a company of Enrolled Missouri Militia. The officers in the State of Missouri militia company certified that this amount of ammunition was furnished, and that the claim is just and ought to be paid. The State of Missouri gave a certificate authorizing the payment. This voucher, given to Mr. Kumm, has this indorsement on the back:

Headquarters, State of Missouri, acting quartermaster general's office: Jefferson City, December 1, 1864, audited and found correct, and approved for the amount of \$86.15.

Now, I submit that there is not a more just or better authenticated claim in this bill than this one.

Mr. MORSE of Wisconsin. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Wisconsin?

Mr. CAMPBELL. Yes.

Mr. MORSE of Wisconsin. Has this bill ever gone to the Court of Claims?

Mr. CAMPBELL. Yes.

Mr. MORSE of Wisconsin. What did the court say?

Mr. CAMPBELL. The court says it has no jurisdiction.

Mr. SIMS. The Court of Claims has not passed on it favorably?

Mr. CAMPBELL. No, sir; but a commission appointed by the State of Missouri did find the amount correct, and the items correct for which the claim is made. There has been absolutely no question anywhere about the claim, and I can state to the House that in this case there is no attorney's fee involved. Mr. Kumm is one the best citizens we have in our common country. It is rare that you find better men than he. If this claim were not correct to the exact cent Louis Kumm would not ask for its payment.

Mr. SIMS. Mr. Chairman, I have only a word to say about the amendment offered by the gentleman from Kansas, and that is, that it is on its face a claim that has not been passed upon by the Court of Claims; and therefore I submit that, however meritorious it may be, it should not be considered by this committee. This bill is made up of claims certified by the Court of Claims in accordance with references to that court under the terms of the Bowman and Tucker Acts, and, consequently, this claim, which has not been passed upon by the Court of Claims, can not be carried in this bill. I hope the amendment will be voted down. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. CAMPBELL].

The question was taken, and the amendment was rejected.

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amend page 115 by striking out all after the word "representative," in line 11, down to and including the word "appropriated," in line 14, and insert in lieu thereof the following:

"Provided, That where a claimant has died the administrator, executor, or legal representative shall file with the Secretary of the Treasury a bond in an amount equal to the sum hereby appropriated, with good and sufficient surety, to be approved by the said Secretary of the Treasury, conditioned for the faithful performance of the duty imposed upon such administrator, executor, or legal representative, with reference to the receipt, use, and disbursement of the sum hereby appropriated."

Mr. BURKE of Pennsylvania. I think the gentleman from Tennessee [Mr. SIMS] will accept this amendment when I have explained it.

Mr. SIMS. I move that debate on all amendments to this paragraph close in 10 minutes.

The CHAIRMAN. The gentleman moves that debate on all amendments to this paragraph close in 10 minutes.

The motion was agreed to.

Mr. BURKE of Pennsylvania. If the gentleman from Tennessee will give attention, I think he will readily accept this amendment. The language of the bill, on page 115, affecting the giving of bonds, is:

Provided, That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount to the sum hereby appropriated.

There is no reference in the bill to where he shall file the bond. There is no provision in the bill as to whether or not that bond shall be accompanied by a sufficient surety. There may be doubt whether a man filing an individual bond with the Secretary of the Treasury, having nothing back of it except his name, could not compel the Secretary of the Treasury to approve the bond. The language of the amendment submitted by me simply cures what every lawyer in this House will readily recognize as a defect on the face of the bill.

Mr. SIMS. The language of the bill refers to the administrator or executor in the State wherein he is performing that function.

Mr. BURKE of Pennsylvania. It does not so state.

Mr. BARTLETT. It does so state. It says a certified copy of the bond.

Mr. BURKE of Pennsylvania. The purpose of the bond, however, is to protect the estate. Now, suppose a bond for \$2,000 was filed in my State or in the gentleman's State without any surety whatsoever, under the provisions of a will that the executor should give his personal bond without security. Would the gentleman say that that would serve the purpose contemplated in this bill?

Mr. SIMS. Absolutely. If the decedent gave away his whole estate without requiring a bond, why should he care about this little claim going to his estate?

Mr. BURKE of Pennsylvania. There is no telling but that the claim might be vastly greater than the remainder of the estate left by the decedent.

Mr. SIMS. This is the usual language that has been in bills for years and years.

SEVERAL MEMBERS. Vote! Vote!

Mr. BURKE of Pennsylvania. The purpose of the giving of a bond is to guard the interests of the widows and children to whom this money will ultimately be paid, and I feel that the United States Government ought to exercise the same degree of care that an ordinary individual in the ordinary walks of life would exercise. I say this provision in the bill is not worthy of adoption by this House. If it is intended to protect some one interested in the estate, the provision should be so worded as to accomplish that purpose. If it has no purpose, the provision should be stricken out entirely. [Cries of "Vote!" "Vote!"]

I do not hesitate to say that I am opposed to the showing of impatience in this House when legitimate amendments are offered to important legislation affecting not only deceased persons, but affecting the widows and children left behind, whom the Government of the United States, after nearly 50 years, is now attempting to care for. When an amendment is offered in this House for the purpose of guaranteeing the decent and orderly administration of those funds, Members shout "Vote!"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BURKE].

The question being taken, the amendment was rejected.

Mr. JACKSON. Mr. Chairman, I desire to offer an amendment to come in as a new section.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend by adding a new section after section 3:

"SEC. 4. That hereafter before the Court of Claims shall render judgment in any case referred to it under the acts approved March 3, 1883, and March 3, 1887, commonly known as the Bowman and Tucker Acts, respectively, such court shall make careful inquiry into all contracts for attorneys' fees and fees and compensation to be paid claim agents or other persons representing the claimant in such court before any department of Government or the Congress of the United States, and shall determine whether such compensation is reasonable. No claim shall be allowed unless the court finds the fee, if any is contracted for, to be reasonable, and in no case shall a fee of more than 25 per cent of the amount allowed on the principal claim be approved by the court."

Mr. SIMS. I make the point of order against this amendment that it is new legislation, and not germane to the bill.

Mr. JACKSON. I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. JACKSON. I had hoped, in view of the expressions made by the eminent gentleman who is chairman of this committee, as well as other prominent gentlemen of the House in favor of some general legislation upon this subject, that the gentleman would find it in his heart not to raise the point of order to this amendment, not that I am conceding that the point is good. And, Mr. Chairman, I think the point of order is not good. I can say no more in the present impatient condition of gentlemen on that side of the House, already referred to by the gentleman from Pennsylvania [Mr. BURKE], than to say that the argument just made here by the gentleman from Illinois [Mr. CANNON] on the practice of prosecuting claims on contingent fees, costs paid by the attorney, a contract which in itself under the common law and ever since the foundation of this Government has been absolutely illegal as champertous and against public policy. Now, if this amendment is adopted it will save more to this Government in a few years to come than any amendment that has been held in order under your boasted Holman rule since this session of Congress began.

The CHAIRMAN. The Chair sustains the point of order.

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. SIMS. Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. HAY having taken the chair as Speaker pro tempore, Mr. SHACKLEFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. SIMS. Mr. Speaker, I ask for the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, they will be put in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AMERICAN SUGAR REFINING CO. AND OTHERS.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent to make a report of a special committee and ask that the report be read, and that I may be allowed to make a brief statement with reference thereto.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that he may be allowed to make a report from a special committee, that the report may be read, and that he may be allowed to make a brief statement. Is there objection?

There was no objection.

Mr. HARDWICK. Mr. Speaker, the report referred to is from the special committee to investigate the American Sugar Refining Co. and others. The statement I wish to make is in regard to my colleague on the committee, the gentleman from New York [Mr. MALBY], who has been ill for some time and unable to be with us in the preparation of this report. In his behalf I desire to reserve the right for him and his associates, if he desires, to file views in reference to certain legal matters. Outside of that it is a great pleasure for me to state that the report is absolutely a unanimous report, and I do not know that there will be any minority report at all. [Applause.] The report speaks for itself.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the gentleman from New York [Mr. MALBY] have the right, if he desires, to supplement the report. Is there objection?

There was no objection.

The Clerk read as follows:

[House Report No. 331, Sixty-second Congress, second session.]

AMERICAN SUGAR REFINING CO. AND OTHERS.

Mr. HARDWICK, from the special committee to investigate the American Sugar Refining Co. and others, submitted the following report:

Your committee appointed under House resolution 157, adopted May 9, 1911, respectfully submits the following report:

By the provisions of the resolution under which it was appointed, your committee was directed—

"to make an investigation for the purpose of ascertaining whether or not there have been violations of the antitrust act of July 2, 1890, and the various acts supplementary thereto, by the American Sugar Refining Co., incorporated January 10, 1891, under the laws of the State of New Jersey, and the various corporations controlled thereby or holding stocks or bonds therein or whose stocks or bonds are held, in whole or in part, thereby, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, which said violations have not been prosecuted by the executive officers of the Government.

"Said committee is also directed to investigate the organization and operations of said American Sugar Refining Co., and its relations with other persons or corporations engaged in the business of manufacturing or refining sugar, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, and if in connection therewith violations of the aforesaid laws are disclosed, to report same to the House.

"Said committee shall also inquire whether the organization and operations of the American Sugar Refining Co. and other persons or corporations having relations with it, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, have caused or had a tendency to cause any of the results:

"First. The restriction or destruction of competition among manufacturers or refiners of sugar.

"Second. An increase in price of refined sugar to the consumer or decrease in the price of sugar cane or sugar beet to the producer thereof.

"And said committee shall report to the House all the facts and circumstances disclosed by the investigation herein provided, with such recommendations as it may deem advisable."

In order that we may intelligently respond to the direction of the House to report to it such violations of the antitrust law as have not been prosecuted by the executive officers of the Government, it is necessary for us to first outline exactly what efforts to enforce the law have been made by the Government of the United States:

(1) In March, 1892, the American Sugar Refining Co. purchased, for the purpose of consolidation and combination, its principal remaining competitors in the business of manufacturing and refining sugar in the United States. These independent refineries were located at Philadelphia, Pa. Whereupon the Government filed a bill in the Circuit Court of the United States for the Eastern District of Pennsylvania against these independent refineries, alleging that the contract between them and the American Sugar Refining Co. was in violation of the Sherman antitrust law and praying that the contract be set aside. The circuit court held that the facts alleged made no case, and on demurrer dismissed the bill. This ruling was sustained by the Circuit Court of Appeals (60 Fed. Rep., 934) and subsequently by the Supreme Court of the United States (U. S. v. E. C. Knight Co., 156 U. S., 1). It is to be noted that the Supreme Court, in sustaining the Circuit Court of Appeals, ruled that under the allegations of the bill the circuit court correctly held that the contracts sought to be enjoined and rescinded "related exclusively to the acquisition of sugar refineries and the business of sugar refining in a State . . . and which bear no direct relation to commerce between the States or with foreign nations."

(2) In July, 1909, Gustav E. Kissel and Thomas B. Harned, as well as all of the then directors of the American Sugar Refining Co., were indicted in the Circuit Court of the United States for the Southern District of New York for a conspiracy to restrain or monopolize trade in violation of the Sherman law and in connection with an alleged attempt of the American Sugar Refining Co. to obtain control of a competitor, the Pennsylvania Sugar Refining Co. Upon arraignment, Kissel and Harned pleaded the statute of limitation (three years), and their plea was sustained by the court below. The Government appealed the case to the Supreme Court. That court, on December 12, 1910, reversed the court below and remanded the case to the circuit court for trial on its merits. (*U. S. v. Kissel et al.*, 218 U. S., 601.) The cases against Kissel and Harned and the directors of the American Sugar Refining Co. are now pending in the circuit court and an early trial thereof is anticipated.

It is important to remember that in the Kissel case the Supreme Court ruled that the indictment was good against the plea of the statute of limitations, because it charged a "continuing conspiracy."

(3) In November, 1910, the Government filed a bill in the Circuit Court of the United States for the Southern District of New York against the American Sugar Refining Co., its directors and officers, and the various corporations allied with it and in which it owns stocks or bonds, or both, alleging a conspiracy to monopolize interstate trade in sugar in violation of the Sherman law and alleging restraint of such interstate trade in violation of said law. The bill seeks to enjoin all of the defendants from violating the Sherman law in the future, to invalidate stock ownership in any one of them by any of the others, and to dissolve the combination between them.

It is but simple justice to say that this bill seems to be both carefully and ably drawn, to be comprehensive and well adapted to accomplish the purpose at which it aims. It is now pending in the circuit court.

We come next to inquire what violations of the law have been disclosed by the investigation of your committee that have not been prosecuted by the executive officers of the Government.

In order that our report on this phase of the question may be clearly understood it is necessary for your committee to review, as briefly as possible, the history of the sugar-refining industry of this country between 1887 and 1891.

Prior to August, 1887, the business of manufacturing or refining sugar in the United States was in the hands of 23 independent and competing concerns, some of which were corporations and others private partnerships. No one of these concerns operated over three factories or refineries, and no one of them refined over 17 per cent of the total product. These refineries had, at that time, a combined capacity of at least 17,000,000 pounds a day, and were mostly located in the great seacoast cities of the country—9 of them being in New York City and its immediate vicinity, 5 in Boston, 3 in Philadelphia, 2 in San Francisco, 2 in New Orleans, 1 in Portland, and 1 in St. Louis. In August, 1887, under the leadership of Henry O. Havemeyer, of New York, 17 of these 23 concerns, representing fully 75 per cent of the sugar-refining business of the country, combined into a powerful organization known as the Sugar Refineries Co., which operated through a board of "trustees," who controlled the business of the allied corporations and issued trustees' certificates at an agreed ratio in lieu of the capital stock of each of the combined corporations. The North River Refinery was purchased almost immediately by the organization.

All of the refineries of the country were in this combination except the three in Philadelphia, the two in San Francisco, and a small one (Nash-Spaulding & Co.) in Boston. Although the combined capital stock of the 17 corporations that entered the combination of 1887 was less than \$6,000,000, yet trustees' certificates for fifty millions were authorized in lieu thereof, and even if it be said, as is probably true, that in many instances the capitalization of the combined corporations was purely nominal and the real value of its property or business was largely in excess thereof, yet it is hardly probable that the real value of the business and property of the 17 combining companies was in excess of twenty to twenty-five millions of dollars.

The "Sugar Refineries Co." having thus gotten control of the 12 refineries operated by the 9 New York corporations, of the 4 refineries in Boston, of the 2 in New Orleans, of the 1 at Portland, and the 1 at St. Louis, proceeded to inaugurate and consummate a policy of consolidation and abandonment of factories and refineries, until finally, instead of the 20 refineries that were operated by its constituent companies at the date of its formation, the combination soon operated only 4, 2 in New York City and its vicinity, 1 in Boston, and 1 in New Orleans, the others being either consolidated or abandoned. It must be remembered that during this period (1887-1890) there was no Federal statute against monopoly or restraint of trade.

In the State of New York, however, and in California as well, the State courts undertook to deal with certain phases of the situation in an endeavor to enforce State laws. In 1888 the owners of the stock of the "Sugar Refineries Co." transferred all their shares to the trustees in exchange for trust certificates. Soon afterwards the State of California, attacking this arrangement, sought to dissolve the trust. To meet this the trustees, in March, 1889, transferred the property of the refineries company in California to a committee composed of Henry O. Havemeyer, T. A. Havemeyer, and C. H. Senf.

In 1890 the highest court of New York decided that it was ultra vires for a New York corporation to enter the combination, and that by doing so it forfeited its franchise and ended its corporate life. (*North River Sugar Refining Co. v. People of New York*, 121 N. Y., 582.) In the meantime the Sherman Antitrust Act had been passed by Congress, July 2, 1890.

On January 10, 1891, Henry O. Havemeyer and his associates, the trustees and owners of the old "Sugar Refineries Co.," simply changing the outward form and style of the combination, incorporated the American Sugar Refining Co. under the laws of the State of New Jersey. It was capitalized at \$50,000,000, precisely the capitalization of its predecessor, the "Sugar Refineries Co.," and its stock was substituted, share for share and dollar for dollar, for the fifty millions of "trustee's certificates" of that concern, except that 15 per cent was retained as "treasury stock." At the time it was chartered it controlled 75 per cent of the sugar-refining industry of the country, and its charter authorized it expressly to engage in interstate commerce in sugar in the States of New York, New Jersey, Massachusetts, Maine, Connecticut, Pennsylvania, Missouri, Maryland, Louisiana, and California, besides, in general terms, all the other States of the Union.

At the time it was chartered the Sherman law had been in force for more than six months, and both its organization and existence, coupled with its methods of doing business, was, as the testimony seems to indicate to your committee, a palpable and continuing violation of the Sherman law.

And yet no serious attempt was made (prior to November, 1910) to invoke the civil remedies provided by the antitrust law against the corporation.

It is also to be noted that with the exception of the prosecution of the Pennsylvania Sugar Refining case, which was delayed for more than five years, the Government has not even up to the present time, so far as has appeared, made any effort to enforce the penal provisions of the Sherman law.

As directed by the resolution of the House, we will undertake to specify, as briefly as possible, the following transactions which seem to the committee, from the evidence taken, to be violations of the Sherman law:

1. The acquisition by the American Sugar Refining Co. of the independent refineries in Philadelphia in 1892. This transaction was assailed, in a way, in the *E. C. Knight* case, already referred to.
2. The combination between C. A. Spreckels, the elder, and the American Sugar Refining Co. in 1892 by which the American acquired the two large refineries, located at Philadelphia and San Francisco, of its largest competitor, and Spreckels became a stockholder in the American Co.
3. The purchase by the American Co. of the refinery of the Baltimore Sugar Refining Co. at Baltimore in 1891, by which a possible competitor of considerable strength was eliminated by the American Co.
4. The purchase in March, 1893, by the American Sugar Refining Co. of 3,000 shares of the capital stock of one of its active competitors, the Mollenhauer Sugar Refining Co.
5. An agreement between the American Sugar Refining Co. and practically all of its competitors in March, 1894, by which the production of the various refineries that were parties to the agreement was to be limited and by which the price to be charged for refined sugar was to be fixed by the parties to the agreement.
6. The acquisition by the American Sugar Refining Co. of the refinery of a competitor, the United States Sugar Refining Co. of New Jersey. This occurred in September, 1897.
7. The combination of four independent and competing refineries into a corporation known as the National Sugar Refining Co. in 1900 and the acquisition at that time of a large interest in the National by the American Co.
8. The contract in April, 1903, between the Western Sugar Refining Co. (the San Francisco subsidiary corporations belonging to the American Co. and John D. and Adolph Spreckels) and the California-Hawaiian Sugar Refining Co., in which the former agreed to take over the contracts of the latter company for raw sugar at an agreed price and to pay the latter company \$200,000 per year for three years, and in consideration thereof the California-Hawaiian Co. was to close its refinery and not to purchase raw sugar or sell refined sugar for a period of three years. This contract was carried out and was intended to give and did give the said Western Sugar Co. a practical monopoly of interstate commerce in refined sugar on the Pacific coast and in many Western States during the period of its existence.

BEET-SUGAR OPERATIONS.

9. The trade war waged in September, 1901, by the American Co. and its allies upon the beet-sugar companies in order to obtain control of them and destroy competition.
10. The appointment, in December, 1901, by the directors of the American Co. of a committee of four, consisting of Messrs. Havemeyer, Thomas, Palmer, and Donner, for the express purpose of acquiring a large interest and influence in the beet-sugar interests of the United States, the beet-sugar factories having by that time become serious competitors of the cane-sugar refineries.
11. The purchase by the American Sugar Refining Co. in December, 1902, of \$7,500,000 of the capital stock of the American Beet Sugar Co. This has since been sold.
12. The contract of December, 1902, between the American Sugar Refining Co. and the American Beet Sugar Co. by which the latter company constituted the former its factor or agent for the disposal of its product, agreeing to "avoid the markets of the refining company." This agreement has not been in force since 1905.
13. The agreement in August, 1894, between the Western Beet Sugar Co. and the Western Sugar Refining Co. (American), by which the beet-sugar company agreed to cease to manufacture and sell refined sugar and to manufacture raw sugar only, which the refining company agreed to buy.
14. The purchase in 1897 by the American Sugar Refining Co. of one-half of the capital stock of the Spreckels Sugar (Beet) Co. of California.
15. The purchase of large blocks of stock from 1902 to 1906, by the American Sugar Refining Co., in the Michigan Sugar Co.
16. The acquisition by the American Sugar Refining Co., between 1902 and 1906, of large interests in the Great Western Sugar Co., a corporation under the laws of New Jersey, which is influenced by the American Co. through its stock ownership therein.
17. The acquisition by the American Sugar Refining Co. in 1901, 1902, and 1903, of one-half interest in "The Utah-Idaho Sugar Co."
18. The purchase by the American Sugar Refining Co. in 1902, of one-half of the capital stock of the Amalgamated Sugar Co.
19. The acquisition, in 1903, by the American Sugar Refining Co. of a large interest in the Lewiston (Utah) Sugar Co., a projected competitor.
20. The purchase, in February, 1903, by the American company of a large interest in its competitor, the Alameda (Cal.) Sugar Co.
21. An unlawful agreement of February 19, 1903, between the Alameda Sugar Co. and the American Sugar Refining Co., by which the former company constituted the latter company its factor or agent for the disposal of its product, agreeing to "avoid the markets of the refining company."

It must be remembered that many of these specifications refer to extended business operations of great magnitude, involving many different transactions as a part of the whole scheme to monopolize interstate trade in sugar.

Indeed, it seems to us that from its organization, on January 10, 1891, until 1907, at least, almost every step in the industrial development of the American Sugar Refining Co. was a well-considered part of a carefully planned campaign to secure and maintain a monopoly in interstate trade in sugar, to obtain complete control thereof, and to forestall, destroy, or weaken competition therein. Since 1907 new influences have controlled the company, and the testimony does not show a continuation of the policy in investing in competing concerns, but does show that some of the properties previously acquired have been sold.

By the above statement, however, your committee does not wish to be understood as entertaining or expressing the opinion that even since 1907 the American Sugar Refining Co. is not existing in violation of the antitrust law. (An affidavit filed with the committee by the American Sugar Refining Co. since the testimony was printed shows that within

a few months the company has disposed of its interest in the Western Refining Co., of California, and the Carver County Sugar Co., of Minnesota.)

THE AMERICAN SUGAR REFINING CO.,
New York, January 22, 1912.

HON. THOMAS W. HARDWICK,
Chairman Sugar Investigating Committee,
House Annex Building, Washington, D. C.

DEAR SIR: On behalf of the American Sugar Refining Co., I inclose herewith my affidavit, setting forth the details of the sale by this company of all its interests in the Western Sugar Refining Co. and in the Carver County Sugar Co., with the request that it be made a part of the records of your committee.

Very respectfully, yours,

J. E. FREEMAN.

[The United States of America, in the House of Representatives. In the matter of the investigation of the American Sugar Refining Co. and others by a select committee of the House of Representatives appointed under House resolution 157.]

STATE OF NEW YORK, County of New York, ss:

Joseph E. Freeman, being duly sworn, deposes and says:

1. That he resides in the city of New York and is the secretary of the American Sugar Refining Co.

2. That at a meeting of the board of directors of the American Sugar Refining Co., held at 117 Wall Street, New York City, on Tuesday, September 19, 1911, the following resolutions were unanimously adopted:

"Resolved, That the vice president of the company be, and he hereby is, authorized to sell 5,000 shares of stock of the Western Sugar Co. for \$300 per share.

"Resolved, That the vice president of the company be, and he hereby is, authorized to assign, indorse, and transfer on the books of the Western Sugar Refining Co. any and all shares of stock of that company standing in the name of the American Sugar Refining Co., either in person or by attorney, and to do any and all things necessary to effect the transfer of the said stock."

That pursuant to said resolutions the said American Sugar Refining Co. did sell, transfer, and deliver to Messrs. John D. and Adolph Spreckels, of San Francisco, Cal., the said 5,000 shares of stock of the Western Sugar Refining Co. and did receive from them in payment therefor the sum of \$1,500,000. The said American Sugar Refining Co. has now no interest of any kind whatsoever in the said Western Sugar Refining Co.

3. That at a meeting of the executive committee of the board of directors of the American Sugar Refining Co., held at 117 Wall Street, New York City, on Thursday, October 5, 1911, at 11 o'clock a. m., the following resolutions were unanimously adopted:

"Resolved, That the vice president of the company be, and he hereby is, authorized to sell 4,837 shares of stock of the Carver County Sugar Co. for \$90 per share.

"Resolved, That the vice president or treasurer of the company be, and he hereby is, authorized to assign, indorse, and transfer on the books of the Carver County Sugar Co. any and all shares of stock of that company standing in the name of the American Sugar Refining Co., either in person or by attorney, and to do any and all things necessary to effect a transfer of said stock."

That pursuant to the foregoing resolutions the said American Sugar Refining Co. did sell, transfer, and deliver to Charles B. Warren 4,837 shares of stock of the Carver County Sugar Co. and did receive from him in payment therefor the sum of \$435,330. The said American Sugar Refining Co. now has no interest of any kind whatsoever in the Carver County Sugar Co.

JOSEPH E. FREEMAN.

Subscribed and sworn to before me this 22d day of January, 1912.
[SEAL.]

JNO. H. THOMPSON,
Notary Public, Kings County, N. Y.

(Certificate filed in New York County.)

After the hearings had been concluded, your committee received from the American Sugar Refining Co. the above affidavit as to certain sales that had been made by it of its interest in the Western Sugar Refining Co. and certain stocks in beet-sugar companies. This affidavit is above set out in full, not being elsewhere published in the records of your committee.

RESTRICTION OR DESTRUCTION OF COMPETITION.

Your committee was also directed to report whether or not existing conditions in the sugar industry "have caused or had a tendency to cause restriction or destruction of competition among the manufacturers or refiners of sugar."

The Sugar Refineries Co. of 1887 was, as we have already stated, a combination between the manufacturers and refiners of sugar who had produced 75 per cent of the total refined production, and who had prior to its formation been active and at times fierce competitors of each other. Among the admitted purposes of its organizers and promoters was the "elimination of cutthroat competition," "the consolidation of plants," "the limitation of production," and "the control of prices," as well as "more economical production and distribution."

Its policy was to destroy or harmonize competition and to curtail as well as cheapen production. The result of that policy was manifest when by consolidation and elimination the combination had reduced the number of its refineries in actual operation from 20 competing factories to just 4, all under the same control. In January, 1888, it bought the old American Sugar Refining Co., a competitor at San Francisco, exchanging its "trustees' certificates" for the stock of that corporation. When this transaction was assailed in the courts of California, the Sugar Refineries Co. met the assault by causing the San Francisco corporation to transfer all of its property and business, in March, 1889, to three of the directors of the refineries company, namely, H. O. Havemeyer, T. A. Havemeyer, and Charles H. Senf, who thereafter carried on its business under the name of Havemeyers & Elder, but for the benefit and under the control of the refineries company. It thus acquired a foothold on the Pacific coast, and added a fifth refinery to its list of those in active operation.

When the American Sugar Refining Co. was organized under the laws of New Jersey, on January 10, 1891, it took over the property of the Sugar Refineries Co., being merely a new corporate name for the same industrial organization. It controlled 75 per cent of the sugar-refining business of the country and began the operation of the four refineries that were under the direct control of the old organization, and soon thereafter took direct control of the San Francisco refinery that had nominally belonged to Havemeyers & Elder, paying therefor

with stock of the American Sugar Refining Co. At that time its five refineries (including San Francisco) had a combined daily melting capacity of twelve and one-half million pounds out of a total of about sixteen and one-half million pounds for the entire country.

At that time it had only five competitors in the United States, three of which were small ones. To name the latter first, they were:

"1. Nash, Spalding & Co., Boston, Mass., 350,000 pounds daily melting capacity.

"2. Delaware Sugar House, Philadelphia, 150,000 pounds daily melting capacity.

"3. E. C. Knight & Co., Philadelphia, 500,000 pounds daily melting capacity."

It had also two other competitors, which were stronger than the above, but much weaker and smaller than the American. These were:

"4. Franklin Sugar Refining Co., Philadelphia (the Harrisons), 2,000,000 pounds daily melting capacity.

"5. California Sugar Refining Co. (Spreckels), San Francisco, 1,000,000 pounds daily melting capacity."

So it will be seen that Spreckels was the only competitor of the American on the Pacific coast and in the West, and the Harrisons, at Philadelphia, its principal and only strong competitor in the East.

In February, 1892, the American Co., through Searles, bought its competitor, the Delaware Sugar House, paying therefor in stock of the American Co.

On March 10, 1892, the American Co., through Searles and Parson, bought out its competitor, the Franklin Sugar Refining Co., paying therefor in stock of the American.

It will thus be seen that between the date of its organization, January 10, 1891, and March 10, 1892, just 14 months, the American Sugar Refining Co. had completely destroyed and absorbed its eastern competition, the only independent refinery left in the East being that of Nash, Spalding & Co., at Boston, refining less than 3 per cent of the eastern product.

Let us turn now to the dealings of the American with the elder Spreckels. It will be recalled that in January, 1888, the old refineries company acquired a San Francisco refinery, though forced for some time, by legal proceedings in California, to operate it in the name of Havemeyers & Elder. The acquisition and operation of this factory brought them into active competition with C. A. Spreckels, of San Francisco, who owned and operated a refinery of about equal size (1,000,000 pounds daily melting capacity), and this competition finally resulted in a fierce trade war between the two, in which the sugar refineries combination appeared to be the aggressors. Spreckels, however, seems to have been a man of determined character and indomitable courage, for in June, 1890, he carried the war into the East, chartering the Spreckels Sugar Refining Co., beginning the erection of a refinery at Philadelphia of double the capacity (2,000,000 pounds daily) of his San Francisco plant.

The completion of this plant in 1891 and its operation seems to have brought the American (who had by this time succeeded the refineries company) to terms, for in March, 1891, the trade war on the Pacific coast between the American and Spreckels was ended by the formation of the Western Sugar Refining Co., one-half of the stock of which was owned by Spreckels and the other half by the American, to which company was leased the plant of the two former competitors, viz, the California Sugar Refining Co. (Spreckels) and Havemeyers & Elder (American), the latter company being closed by the lessee and kept closed until destroyed by fire in 1906. This lease, renewed from time to time, is still in force, having been renewed up to December 31, 1917.

Having thus effectually settled their differences and destroyed competition on the Pacific coast, the "high contracting parties," the American and Spreckels, turned their attention eastward, where it will be remembered Spreckels had made a strong counter demonstration with his Philadelphia concern, the Spreckels Sugar Refining Co. In November, 1891, terms of complete peace and amity were agreed upon and signed. By those terms Spreckels agreed to sell 45 per cent of the stock of his Philadelphia corporation to H. O. Havemeyer, T. A. Havemeyer, and John E. Searles, at par for cash, with the understanding that the American was subsequently to purchase the entire capital stock at two for one, paying therefor in American stock. This arrangement was carried out in March, 1892, so far as the American's part of the transaction is concerned.

So, early in 1892, within little more than a year after its organization, the American Sugar Refining Co. had practically destroyed all competition and had a practically complete monopoly of the sugar-refining business of the United States, controlling 90 per cent of the sugar-refining industry.

Other instances in which the American either forestalled, controlled, or absorbed competition have already been outlined in a previous part of this report in the specifications of violations of the antitrust law numbered from 3 to 21, inclusive.

Without repeating the statements contained in these specifications in each case, we wish to call attention to the general development of the industrial policy of this corporation and to some especial and striking instances thereof.

By March, 1892, as we have just seen, the American had practically a complete monopoly of the sugar-refining industry of the United States. It had completely absorbed every competitor in the East, except Nash, Spalding & Co., and in the West it had acquired a one-half interest in the Western Sugar Refining Co., in partnership with Spreckels, and, through the agency of that corporation, the complete control of the industry on the Pacific coast and in the extreme West.

From March, 1892, up to 1898 the industrial history of the company is simply a recital of threatened competitors forestalled or bought, of actual competitors, when they insisted upon entering the business, either controlled or acquired, of the organization of subsidiary companies and dependent combinations in the place of independent and active competitors; of a powerful monopoly, shrewdly organized, carefully operated, and strongly maintained against all comers.

ARBuckle BROS.

In 1898, however, stronger competition than the American Co. had faced since the days of the elder Spreckels manifested itself, when Arbuckle Bros., the great coffee manufacturers, having a disagreement with the American's president, Havemeyer, entered the sugar-refining business in New York City.

Almost coincidentally the American Co. entered the coffee business, purchasing the Woolson Spice Co., a coffee factory at Toledo, Ohio. This war continued with varying fortunes until (probably) the spring of 1903. It was fierce at all times. The Arbuckles admit during its continuation they lost large sums of money, and one of the working

partners (Mr. Gilmore) stated that while it lasted the American not only failed to make any profits, but, "according to common rumor, had expended \$15,000,000 of their surplus and gone into the market to borrow money." The head of the firm of Arbuckle Bros., Mr. John Arbuckle, expressly denies that when the "war" ceased it did so because of any express agreement between Mr. Havemeyer and himself, but he admits numerous conferences between them in which he used these expressions: "Gentlemen, the world is big enough for all of us, but, gentlemen, we must have no agreement about production, or prices, or anything. I always had that in mind." And, again, "suppose you do—suppose you do bankrupt others. Then you would put them in the hands of a receiver and there would be worse competition than before."

In this connection it is worthy of note that another independent refiner, Mr. C. A. Spreckels (the younger), president of the Federal Sugar Refining Co., testified that Mr. Arbuckle tried to get him to come to terms with Havemeyer and reduce the capacity of the Federal; that Arbuckle stated that he and Havemeyer had "buried the hatchet," intimating that the agreement had been reached by the reduction of production of the Arbuckle refinery, and urging the same course upon Spreckels. This Mr. Arbuckle denied.

It is undoubtedly true that about 1903 the "war" did end, and about the same time the American Co. did quit the coffee business, closing down its Toledo coffee business and finally selling it in 1910 to a New York coffee concern.

Further, it is admitted that since 1903, to use the language of Mr. Gilmore, of Arbuckle Bros., a state of "armed neutrality" has existed between the American and Arbuckle Bros., and it is quite evident that such an understanding exists up to this moment between the two concerns.

The next formidable competition for the American Co. after Arbuckle Bros., seemed to threaten from the beet-sugar industry of the country. Prior to the passage of the Dingley tariff law of 1897, the beet-sugar production of the United States had been relatively insignificant, never reaching over 10,000 tons (long) prior to 1893 and never as high as 20,000 tons prior to 1895. But in 1897-8 it passed 40,000 tons, and by 1901-2 it was over 163,000 tons, one-half as great as the domestic production of cane sugar for that year, although supplying less than 10 per cent of the total consumption of the United States.

In the summer of 1901 the American Sugar Refining Co. and its allies undertook an aggressive campaign against the beet-sugar companies, who were then 31 in number, separate and independent concerns, competitors of each other and of the American and its allies. This war seems to have been hottest in the territory supplied by the

Missouri River points. According to one of its participants—Mr. Oxnard—the American lowered the price of sugar to 3½ cents overnight—October 1 or October 2, 1901—at a time when the beet-sugar people had large contracts already made to deliver sugar "at the market."

Finally concluding that beet sugar "had come to stay," the American rapidly and completely reversed its policy. In the fall of 1901, after a preliminary inspection of the field had been made for Mr. Havemeyer by Mr. Willett, of Willett & Gray, Mr. Havemeyer, for the American, dealing with Thomas R. Cutler, who represented the Utah Sugar Co., acquired a one-half interest in the latter concern, which was one of the first established (though under a different corporate name) of the beet-sugar enterprises. One of the American's then officials (Mr. Lowell M. Palmer) says the American dealt first with the Mormons in Utah because he felt "that the Mormon Church, in a measure, controlled its people, and that we (the American) would be more liable to get sugar beets." This was the beginning of a comprehensive campaign of beet-sugar acquisitions by the American.

On September 18, 1901, the capital stock of the American Co. was increased from \$75,000,000 to \$90,000,000, and this money was used to purchase for the American extensive beet-sugar interests.

The minutes of the directors of that company (p. 43) of December 2, 1902, contain this significant entry:

"On motion, Messrs. Havemeyer, Thomas, Palmer, and Donner were appointed a committee to take charge of the purchase and management of beet-sugar companies."

The minutes of both the board of directors and of the executive committee of the American team with the record of specific transactions in which the American, from month to month and from year to year, acquired interest in its beet sugar competitors.

Finally, by 1909, the American had acquired large interests in 11 of the beet-sugar companies, operating 32 factories, and producing about 64 per cent of the beet sugar of the country, as follows: Four companies, operating 11 factories in Michigan, Iowa, and Ohio, and producing about 50 per cent of the beet sugar of those States; 3 companies, operating 11 factories in the States of Colorado, Montana, and Nebraska, and producing 67 per cent of the beet sugar of those States; 3 companies, which operate 10 factories in the States of Utah, Idaho, and Oregon, and produce all of the beet sugar of those States; 2 companies, operating 3 factories in the State of California, and producing 46 per cent of the beet sugar of that State.

From 1909 to the present time the situation has not been greatly altered, as will be observed from the following tables furnished your committee by the American under date of October 11, 1911:

American Sugar Refining Co.

Names of companies.	Beet-sugar investments.				Book value of present holdings, Oct. 1, 1911, after depreciation for sales and dividends.		
	Par value.	Original cost.	Common shares.	Preferred shares.	Common shares.	Preferred shares.	Total book value.
Michigan Sugar Co.	\$100	\$3,547,895.43	30,555	20,438	21,074	20,438	\$2,428,958.21
Menominee River Sugar Co.	10	300,000.00	30,000	.....	30,000	.....	285,000.00
Continental Sugar Co.	100	505,440.00	4,154.4	.....	5,193	.....	505,440.00
Iowa Sugar Co.	100	405,650.00	4,165	.....	4,165	.....	405,650.00
Carver County Sugar Co.	100	483,700.00	4,837	.....	4,837	.....	459,515.00
Great Western Sugar Co.	100	7,087,824.40	40,440	68,092	27,352	51,592	4,052,287.07
Utah-Idaho Sugar Co.	10	3,922,455.07	.....	405,050	.....	405,050	3,014,076.88
Amalgamated Sugar Co.	100	1,151,925.00	.....	12,757	.....	12,757	705,433.50
Lewiston Sugar Co.	10	225,000.00	22,500	.....	37,103	.....	225,000.00
Alameda Sugar Co.	25	465,750.00	14,850	.....	14,850	.....	203,874.93
Spreckels Sugar Co.	100	3,250,000.00	25,000	.....	25,000	.....	2,450,077.48
American Beet Sugar Co.	100	1,864,687.50	75,000	.....	.....	.....	.....
Total.....		23,210,327.40	251,501.46	564,337	169,574	549,837	14,735,313.07

Table relating to beet-sugar companies in which the American Sugar Refining Co. is interested (Oct. 1, 1911).

Names of companies	Capital stock issued.	Amount owned by American Sugar Refining Co.	Where incorporated.	Owens beet-sugar factories at—
Michigan Sugar Co.	{ \$7,471,107 \$3,703,500	{ \$3,055,500 2,043,800	Michigan.	Bay City, Mich. Caro, Mich. Crosswell, Mich. Sebawaing, Mich. Saginaw, Mich. Alma, Mich. Monominee, Mich.
Menominee River Sugar Co.	825,000	300,000	do.	Fremont, Ohio.
Continental Sugar Co.	1,500,000	519,300	Ohio.	Findlay, Ohio.
Iowa Sugar Co.	550,000	416,500	Iowa.	Blissfield, Mich.
Carver County Sugar Co.	600,000	483,700	Minnesota.	Waverly, Iowa. Chaska, Minn.
Great Western Sugar Co.	{ \$10,544,000 \$13,630,000	{ 2,735,200 5,159,200	New Jersey.	Longmont, Colo. Loveland, Colo. Fort Collins, Colo. Fort Morgan, Colo.
Billings Sugar Co.	.....	.....	.....	Brush, Colo.
Scotts Bluff Sugar Co.	.....	.....	.....	Eaton, Colo. Greeley, Colo. Windsor, Colo. Sterling, Colo. Billings, Mont.
Utah-Idaho Sugar Co.	{ \$1,470 \$9,449,090	{ 4,650,500	Utah.	Scotts Bluff, Nebr. Lehi, Utah. Garland, Utah. Blackfoot, Idaho. Sugar City, Idaho. Nampa, Idaho. Idaho Falls, Idaho.
Amalgamated Sugar Co.	2,551,400	1,275,700	do.	Ogden, Utah.
Lewiston Sugar Co.	1,000,000	371,030	do.	Logan, Utah.
Alameda Sugar Co.	745,825	371,250	California.	La Grande, Oreg.
Spreckels Sugar Co.	5,000,000	2,500,000	do.	Lewiston, Utah. Alameda, Cal. Spreckels, Cal. Watsonville, Cal.

¹ Common.

² Preferred.

The preceding tables differ in book valuation. Of these 11 companies the American Sugar Refining Co. owns 41 per cent of the capital stock, according to the following table furnished your committee by the American on June 13, 1911:

The American Sugar Refining Co.'s interests in beet-sugar companies (May 23) 1911.

Names of companies.	Kind of stock.	Par value of shares.	Capital stock.		Per cent owned.	Production, campaign 1910-11.	American Sugar Refining Co.'s interest per stock holdings.
			Total issued.	Owned by American Sugar Refining Co.			
Alameda Sugar Co.	Common	\$25.00	\$745,825	\$371,250	+49	Pounds. 12,482,400	Pounds. 6,116,375
Spreckels Sugar Co.	do	100.00	5,000,000	2,500,000	50	68,452,800	34,226,400
Utah-Idaho Sugar Co.	Preferred	10.00	9,449,090	4,650,500	+49	70,965,800	34,773,242
	Common	10.00	1,470				
Amalgamated Sugar Co.	Preferred	100.00	2,551,400	1,275,700	50	25,801,300	12,900,650
Lewiston Sugar Co.	Common	10.00	606,430	225,000	+37	10,619,300	3,929,141
Great Western Sugar Co., including Billings Sugar Co., and Scottsbluff.	do	100.00	10,544,000	2,735,500	26	191,810,800	63,297,564
	Preferred	100.00	13,630,000	5,159,200	38		
Michigan Sugar Co.	Common	100.00	7,471,107	2,607,400	35	123,130,991	51,715,013
	Preferred	100.00	3,703,500	2,043,800	55		
Iowa Sugar Co.	Common	100.00	550,000	416,500	+75	7,486,330	5,614,747
Carver County Sugar Co.	do	100.00	600,000	483,700	+80	5,003,696	4,002,957
Menominee River Sugar Co.	do	10.00	825,000	300,000	+36	6,135,588	2,208,812
Continental Sugar Co.	do	100.00	1,200,000	415,440	-35	24,160,176	8,456,032
			56,883,617	23,183,990	-41	546,049,181	227,240,967

The production of these 11 beet companies, in which the American is so largely interested, was, according to the above table, 546,049,181 pounds, which, reduced to tons (long), would be 243,750 tons. These figures were for the season of 1910-11, and it appears from the testimony of Mr. Truman Palmer (Hearings, p. 2627), secretary of the Beet Sugar Association, that the total production of all the beet-sugar companies of the United States for the season of 1910-11 was 445,000 tons. It will therefore be seen that the beet companies in which the American is so largely interested produced during that season almost 54 per cent of all the beet sugar of the United States.

PRESENT CONDITIONS.

Passing to the consideration of present conditions, so far as competition is concerned in the sugar-manufacturing industry of the country, we call your attention first of all to the following statement of the present chief executive officer of the American, Mr. Edwin F. Atkins, chairman of the board of directors, on this question (see Hearings, p. 43):

Table showing consumption of sugar in the United States 1900-1910 and a comparison of that refined by the American Sugar Refining Co. and other refiners.

Years.	Amount of sugar refined.	Amount refined by American Sugar Refining Co.	Percentage refined by American Sugar Refining Co.
	Barrels.	Barrels.	
1900	13,943,136	9,378,234	67.30
1901	14,642,099	8,482,598	57.90
1902	16,136,698	9,193,434	56.97
1903	15,868,294	8,767,040	55.25
1904	16,787,584	9,748,761	58.07
1905	16,042,752	8,484,428	52.89
1906	17,666,195	9,014,419	51.03
1907	18,201,139	8,966,790	49.27
1908	19,341,779	8,731,430	45.14
1909	19,906,752	8,588,723	43.14
1910	21,010,803	8,853,670	42.14

Independents, when started, and production.	Production of independents in 1909.	Production of all companies in 1909.
	Barrels.	Per cent.
McCahan, 1894, 600,000 barrels	700,000	3.25
Arbuckle, 1899, 750,000 barrels	1,800,000	8.70
Federal, 1904, 600,000 barrels	1,370,000	6.30
Warner, 1908, 450,000 barrels	550,000	2.50
National, 1900, 2,000,000 barrels	2,170,000	10.00
Miscellaneous:		
Louisiana planters	650,000	3.00
California and Hawaiian, Henderson, Colonial, Revere, etc.	1,950,000	9.00
Domestic beet	3,050,000	14.00
American Sugar Refining Co.	8,588,723	43.14
		99.89

NOTE.—The amount of sugar credited to the American Sugar Refining Co. includes one-half of the amount refined by the Western Sugar Refining Co., of California, in which the American Sugar Refining Co. has a one-half interest. The figures in regard to the production of the American Sugar Refining Co. are taken from Willett & Gray's Sugar Statistics. The figures in regard to the production of independents are not given separately by Willett & Gray, but are the best estimates obtainable.

Analyzing the above table, let us consider how independent each of the so-called independents really is:

1. McCahan, beginning business in 1894, produced in that year 600,000 barrels, and in 1909, 700,000 barrels.

In June, 1900, the McCahan Co. sold 25 per cent of its capital stock to the National Sugar Refining Co., of New Jersey, in which the American owns a very large if not a controlling stock interest.

2. Arbuckle Bros., beginning business in 1899, and now producing 1,900,000 barrels, or 8.7 per cent of the total refined production of the country. It does not seem to your committee that since the conclusion of the sugar-coffee war, in 1903, between the houses of Havemeyer and Arbuckle, that these concerns are keen competitors. It seems more reasonable to conclude from all of the evidence that a condition of "armed neutrality" exists between the two, and that the two concerns understood each other very well.

3. The Federal, of which Mr. C. A. Spreckels is president, began operations in 1902, according to its president (hearings, p. 2220). Its production in 1909 was 1,370,000 barrels, or 6.3 per cent of the total production of the country. We believe, from the evidence presented, that the Federal is independent and has no sort of an understanding or agreement, direct or indirect, express or implied, with the American or its allies, or with any other competitor.

4. Warner, beginning business in 1908 with an output of 450,000 barrels and producing in 1909 550,000 barrels, or 2.5 per cent of the total product. So far as the evidence discloses, there is nothing to show but that this company is just as independent as the Federal, and we do not find any evidence that it has any understanding of any kind with any competitor.

5. The National, established in 1900, and producing in 1909 2,170,000 barrels, or 10 per cent of the total product of the country. This company was organized by H. O. Havemeyer, through James H. Post, in 1900, as an ally of the American, which bought, soon after the organization of the National, 51,280 shares, of the par value of \$5,128,000, of the preferred stock, a majority of the total issue (ten millions) thereof, which stock it has held ever since and now holds. It is charged that the issue of \$10,000,000 worth of common stock of the National to Henry O. Havemeyer and others was without consideration and that the whole of the common stock of the National is invalid. That question is now being stubbornly litigated in the courts of New Jersey, and we have no desire to either prejudice or prejudice that case by any expression of opinion.

If the validity of this National common stock can not be sustained, the American will have the absolute control by ownership of a majority of all the valid stock of its largest single "competitor" in the United States, the National. Even if the common stock of the National be upheld, it seems to us that the interest of the American in that company is too large to permit the two companies to be real competitors of each other or to justify the classification of the National as in any sense a competitor of the American as a refiner.

6. So far as your committee can discover, the Louisiana Planters' Refining Co., producing 650,000 barrels, or 3 per cent of the total sugar product, is independent, and the same thing is true of the Revere at Boston, the successor of Nash-Spalding & Co., but the production of the latter company is an insignificant per cent of the total production, being only about 350,000 pounds daily.

7. The California-Hawaiian: The president of this company claims that it is absolutely independent and that it has no agreement for allotment of production or territory with anyone (Hearings, p. 3053), but the contract of April, 1903, between the Western Sugar Refining Co. (the American) and the California-Hawaiian Sugar Refining Co., by which the latter closed down its factory and went out of business for a period of three years, ought to be remembered whenever it is sought to classify the California-Hawaiian as a real independent and a bona fide competitor of the American (or the Western). In this connection it seems from the evidence of Mr. C. A. Spreckels (Hearings, p. 2230) that an allotment of territory and of product exists between the Western (American), the California-Hawaiian, and the Honolulu Plantations Co.

8. The beet-sugar companies: These are classed, all of them, by Mr. Atkins as "independent." We can not agree with this classification. As has already been shown in this report, the American owns 41 per cent of the stock of 11 companies, operating many beet factories, that produce 54 per cent of all the beet sugar of the United States. Surely these 11 companies, representing a little more than half of the beet-sugar production of the country, can not be regarded as real "competitors" or as in any important sense independent of the American. If not, then of the 14 per cent of the country's consumption of sugar that is produced by all the beet-sugar companies, a little over one-half—7 per cent—is not "independent of the American Sugar Refining Co." As to the remaining beet-sugar companies, producing nearly one-half, or 48 per cent of the total beet-sugar production of the country, they are real competitors of the American Sugar Refining Co. (Hearings, pp. 1168 and 1201.)

Revising, in the light of the evidence, the table furnished by the American, we find:

To the 42.14 per cent of the production of sugar in the United States that the American admits is its own should be added, by any fair rule, 10 per cent, the National's production, 7 per cent, the production of the beet-sugar companies in which the American is interested, and probably 3.25 per cent, the McCahan production. This makes a total of 20.25 per cent, which, added to the 42.14 per cent, makes a total of 62.39 per cent of the sugar manufacturing and refining industry of the United States which is either directly or indirectly controlled or influenced by the American, and we may add further that the evidence discloses that competitors not within the direct influence of the American are cautious about entering into active competition with it, and usually fix their prices in a comfortable vicinity to those of the American.

INCREASE IN PRICE TO CONSUMER.

Your committee was also directed to report whether existing conditions in the sugar industry "have caused or had a tendency to cause an increase in the price of refined sugar to the consumer."

The influence of combination upon the price of refined sugar to a very large extent must be found in the margin between the price of raw sugar and that of refined sugar. The price of raw sugar, which constitutes by far the greater part of the cost of refined sugar, is affected by causes almost, if not entirely, beyond the control of any refiner or combination of refiners. It depends primarily on supply and demand as affected by world condition of the crop. Under conditions as they are in the United States the tariff duty imposed by the Government on raw sugar also affects the price. If there were no combination, and if there were no duty, the price of raw sugar, and consequently of refined sugar, might, from unfavorable crop conditions or from a small supply to meet a large demand, be higher than it would even with a combination of manufacturers or a high duty, but with bountiful crops and a supply in excess of demand.

But the effect of combination among refiners and manufacturers of raw sugar, and the presence or absence of healthy competition, is surely reflected in the variation of the margin between the prices of raw and refined sugar. During the nine years prior to the formation of the "sugar refineries" combination the margin had averaged nearly \$1.10 per hundred pounds, but in the four years preceding the formation of that organization severe competition among the refiners had reduced it to an average of 79.6 cents per hundred. In 1885 it was 71.2 cents, and in 1886 it was 78.1 cents per hundred pounds. (Testimony of Mr. Atkins, Hearings, p. 125.) In 1887, prior to the formation of the "trust," 76.8 cents; in 1888, when the refiners' trust had become well organized, it was \$1.25; in 1889 it was \$1.207. In 1890, because of the competition of Philadelphia independents (testimony of Atkins, Hearings, p. 126, and of Spreckels), it fell to 72 cents, rising to 82.8 cents in 1891 and to \$1.035 in 1892, after the Philadelphia independents were purchased by the American. In 1893 it was \$1.153; in 1894 it was 88 cents; 1895, 88.2 cents; in 1896, 90.8 cents; in 1897, 94.6 cents. The drop between 1893 and 1894 and the years immediately following can probably be accounted for, because of the higher price of raw sugar during those years and the consequent greater value of the 5 per cent of waste in refining.

In 1898 the refiner's margin fell rapidly to 73 cents and in 1899 to 50 cents, the effect of the sharp competition of Arbuckle. In 1900, when the Arbuckle "war" was not quite so fierce, it rose to 75.4 cents. In 1901, when there was practical peace with Arbuckle, it rose to \$1.003. It was 91.3 cents in 1902, 91.8 in 1903, 79.8 in 1904, the probable effect of beet-sugar production, relatively slight, being shown particularly in the last year. In 1905, by which time the American had acquired a large interest in beet sugar, it rose to 97.8 cents; in 1908, 88.4 cents; 1909, 75.8 cents; in 1910 it was 78.4 cents; and in 1911 it was 89.2. It is worthy of note in connection with the figures for the years 1904 to 1909, inclusive, during which the refiner's margin ranged lower, with the exception of the year 1905, than the years immediately preceding them, that the American was subjected to the active and progressive competition of independents.

It is especially worthy of note that in 1889, when the refiner's margin was \$1.25, the Sugar Refineries Co. had a practical monopoly, controlling 75 per cent of the production. By 1903 it will be remembered that the American had secured control of nearly 90 per cent of the industry, and during that year the refiner's difference was the highest in the history of the industry since 1889, being \$1.153.

The climax of the Arbuckle competition is reflected in the margin of 50 cents for the year 1899, the lowest in the history of the industry.

The influence, both of the beet-sugar companies and of the Federal and of Warner's, is reflected in the somewhat lower margins prevailing since 1904, and including that year.

That the price of refined sugar had been kept up in order to pay dividends on bounteously watered stocks is also evident when we come to consider overcapitalization, which we will carefully examine in another part of this report.

That the overcapitalization of these corporations and the payment of dividends on watered stocks, so that the same might acquire a market value, has necessitated excessive profits on the real capital invested, and has consequently occasioned higher prices for the product and heavier taxation of the consumer, can hardly be questioned by anyone who conscientiously investigates conditions in this great industry. To what exact extent this has increased the price of refined sugar to the consumer it is absolutely impossible to accurately estimate or exactly state, but that the increase for that reason is considerable can not be disputed.

The contention of the American Sugar Refining Co., that because sugar costs the consumer less to-day than it did when that corporation was organized, therefore the existence and operation of the corporation has benefited rather than injured the consumer, we regard as unsound. Such a contention entirely ignores most important considerations, such as improvements in the processes and reduction in the cost of refining and manufacturing during that period of time; the greater supply of raw material; improved methods of cultivating sugar cane and sugar beets; and a perfect host of conditions that are entirely independent of the existence of the American or any other sugar refining or manufacturing company.

Besides, in the last 20 years the reduction in price has been worldwide, embracing in its scope all the countries of the earth, from the most enlightened to the most barbarous; and surely no American corporation can claim that it accomplished this result in countries where it has no business and where its very name is practically unknown. In the opinion of your committee, the reduction in the price of sugar in the last 20 years to the American consumer did not come because of the organization and operation of the American Sugar Refining Co.

In connection with its investigation of sugar prices, your committee, through the courtesy of the Department of State, has had the

reports on the wholesale and retail prices of sugar from every country on earth where our Government maintains a consular service. These tables of foreign prices are submitted as a part of this report, and we herewith submit an analysis of same. (See Hearings, pp. 3575 to 3862.)

We invite attention to the following table, showing comparative wholesale prices on raw and refined sugar, with the duty added, and without the duty, in the countries named:

Year 1910, average quotations, net cash, in cents per pound.

Country.	Raw in bond.	Tax refined.	Wholesale refined tax paid.	Refined in bond.
England.....	2.848	0.400	4.101	3.706
Germany.....	2.656	1.510	5.150	3.640
Austria.....	2.593	3.498	7.293	3.800
France.....	3.134	2.380	6.450	4.070
United States.....	2.840	1.900	4.972	3.532

We conclude this portion of our report with a quotation from the Report of 1911 of the British Board of Trade on the Cost of Living in the Principal Cities of the United States.

That report, from an investigation made in 1909, says:

"The general uniformity prevailing in the price of sugar is a reflection of the extensive control exercised over this particular market by a single company."

DECREASE IN THE PRICE TO THE PRODUCER.

Your committee was also directed to report whether or not existing conditions in the sugar industry "have caused or had a tendency to cause a decrease in the price of sugar cane or sugar beets to the producer thereof."

SUGAR CANE.

Practically all of the cane from which sugar is refined that is produced in the United States is produced in the State of Louisiana. In the sugar campaign of 1910-11 the production of cane sugar in the United States was 311,000 long tons, all of which, except a few thousand tons produced in Texas, came from Louisiana. In Louisiana there are three sugar refineries in actual operation. The great Chalmette factory of the American, at New Orleans, opened in 1909, with a daily melting capacity of 12,000 barrels; the Henderson refinery, at New Orleans, with a capacity of about 1,000 barrels per day; and the Colonial, operated by Howell & Co., at Gramercy, with a capacity of not exceeding 2,000 barrels per day.

The Louisiana cane producers contend that they have never received fair treatment from the American in the sale of raw sugar, that company "paying as little as possible" therefor. (Hearings, p. 1841.) An effort by the Federal, only partially successful, to purchase raw sugar in November, 1907, was promptly resented by the American, that company boycotting for a time those persons who sold to the Federal at a price higher than the American would pay. (Hearings, pp. 1844-1845.)

The American evidently resented this invasion of a market they regarded as peculiarly their own, and even since the death of Mr. Havemeyer, in December, 1907, the policy of the company does not seem to have changed until the crop of 1911 and 1912. (Hearings, p. 1845.) In 1909 and 1910 certain of the Louisiana producers sought to avoid this trouble, as well as to obtain a higher price for their raw sugar, by selling the same to Arbuckle Bros., delivered in New York. This resulted in raising the New Orleans price of raw sugar 15 points. (Hearings, p. 1846.) The Louisiana producers complain that the American consistently and continually kept the New Orleans market for raw sugar a quarter of a cent under New York quotations, being enabled to do so because they had no strong competition and were strong enough to keep competitors out of the New Orleans market. The producers also contend that the American invariably keeps the New Orleans market for raw sugar at least 15 cents a hundred below the New York market, that being about the amount of the freight rate between the two cities. The American admits this difference in price between the two markets, but insists that it is a fair difference because its factory, the Chalmette, will not refine more than 75,000 tons of the 180,000 tons of Louisiana sugar that the American purchases each year. (Hearings, p. 2441.) From the evidence of Mr. Willett it appears that this difference was not maintained for the crop marketed in 1911.

It appears that of the 300,000 tons of Louisiana raw sugar the American buys about 63 per cent, about 20 per cent goes into direct consumption as plantation sugars, and about 17 per cent is bought by the Colonial, Henderson, and occasionally other buyers. (Hearings, p. 2440.)

It seems to your committee that the American takes every advantage of the Louisiana producer that the absence of strong competition enables it to take, as might be expected, and that its defense that at least the freight rate to New York (15 points) ought to be deducted from the New York price for sugar sold at New Orleans, because its New Orleans factory will not refine much more than 40 per cent of its purchase of Louisiana raw sugar, was disingenuous and unfair, when we realize that the American, in accordance with its general policy, only buys raw sugar at New Orleans in excess of its requirements for its New Orleans refinery when, in its judgment, raw sugar is a good purchase and it will be profitable to hold it until the price advances so that the refiner can make a larger profit. (Hearings, pp. 2441-2460.)

Compared to the American, both Henderson and the Colonial are so small and weak that they do not afford strong competition and leave the Louisiana producer at the mercy of the American to a large extent.

INSULAR CANE SUGAR.

In the Hawaiian Islands the sugar planters are thoroughly organized and able to protect themselves. A majority of the "independent" sugar planters have formed a combination known as the Factor's Co., disposing of their product as a whole, usually to the California-Hawaiian Co., of San Francisco, which they own and control. That company in turn is charged with having an understanding with the Western (one-half owned by the American), and at one time, as we have already reported, made a contract with the latter company for the closing down of its refinery for a period of three years. The Factor's Co. sells in New York to the American exclusively, and competitors of the American complain that the Factor's Co. will not sell to them, even at a better price.

Besides, the American and its allies, John D. Spreckels and A. B. Spreckels, seem to own most, if not all, of Hawaiian plantations that are not in the Factor's combination, so that the Hawaiian sugar planters

seem to have very close relations with the American's system. What effect the American Co.'s recent sale of its interest in the San Francisco refining business may have on this situation we can not say.

So far as the evidence we have taken shows there has been no complaint of unfair treatment by the American Co. or any other refiners of the sugar planters of Porto Rico or the Philippines. It does appear, however, that certain gentlemen who are now or were until recently either directors or closely allied to the American have acquired considerable interests in the sugar industry of Porto Rico, of the Philippine Islands, and of Cuba. The gentlemen referred to are Messrs. Charles H. Seuff, Edwin F. Atkins, Horace Havemeyer, and James H. Post, president of the National.

BEET SUGAR.

Your committee reports that the evidence as taken does not disclose combinations between manufacturers in the beet-sugar industry that have caused or had a tendency to cause a decrease in the cost of sugar beets thereof. In California the price of beets in 1911 was \$5.30 per ton of beets grading 16 per cent, and a contract has been made for an increase of 75 cents per ton for the year 1912. (Hearings, p. 3873.)

In Utah and Idaho the ruling price is \$5 per ton and freight, which makes the beets cost, delivered at the factory, over \$5.60 to \$5.65 per ton. (Hearings, p. 797.)

In Colorado and Nebraska the price averages from \$5.50 per ton to \$6.50 per ton. (Hearings, pp. 400, 888.)

In Michigan and Ohio the customary contract calls for a payment by the factory of \$4.50 per ton for beets testing 12 per cent sugar with 33½ cents per ton for each additional per cent of sugar in the beets, with a minimum guaranty of \$5 per ton. (Hearings, p. 719.)

Under such form of contract, coupled with the freight charges paid by the factory, the average price paid by one of the leading Michigan companies in 1910 was \$6.91 per ton. (Hearings, p. 712.)

These figures represent an increase in price to the farmer for his beets over the price of former years. This increase has been largely caused by improved methods of culture and increasing sugar contents of the beets, though doubtless accelerated by the demand of the farmer for higher prices.

GENERAL FINDINGS.

Your committee was also directed to "report all the facts and circumstances disclosed by the investigation," together "with such recommendations as it may deem advisable."

In our endeavor to comply with the resolution of the House and make the investigation ordered by it we have spent many weeks taking testimony, both oral and documentary, all of which has been carefully reported and printed and is herewith submitted in connection with this report.

We deem it proper, however, in addition to the special findings already made, to call the attention of the House to certain striking features of the situation in the sugar industry as disclosed by our own investigation and to submit certain recommendations in respect thereto.

SUGAR INDUSTRY OF THE WORLD AND OF THE UNITED STATES.

In 1870 the sugar production of the world was approximately 2,500,000 long tons, two-thirds of which was made from cane and one-third from the beet. Nearly all of this beet sugar was produced in France, Germany, Austria, and Russia. The United States produced that year only 407 tons of beet sugar, a negligible quantity. (Hearings, pp. 2624, 2625.)

In 1870 refined sugar normally sold wholesale at 13½ cents a pound in the United States (or about 11 cents a pound if we allow for depreciated currency), and in the United States the consumption was 35½ pounds per capita. (Hearings, p. 44.)

In the year 1910 the world's production of sugar was almost 17,000,000 tons. Of this amount almost one-half (49.5 per cent) was cane and just a little over one-half (50.5 per cent) was beet sugar. (Hearings, pp. 2624-2889.)

The principal sources of supply were:

	Tons.
European beet sugar (about).....	8,000,000
Cuban cane sugar (about).....	1,750,000
Java cane sugar (about).....	1,250,000
Continental United States, beet and cane sugar (about).....	800,000
Island possessions (about).....	850,000

The largest sugar-consuming countries of the world were the United Kingdom (86.3 pounds per capita) and the United States (81.6 pounds per capita). (Hearings, p. 2695.)

In the United States in 1910 the price of refined sugar at wholesale was normally 4.97 cents a pound. (Hearings, p. 176.)

Besides the absolute prices of sugar there is another fact, viz, the differentiation of sugar prices from the prices of other commodities. This is shown by the following table (Hearings, p. 3600):

[From the London Economist of Dec. 23, 1911.]

Comparison of English and American price-index numbers, average for 1891-1900=100.

Articles.	United Kingdom.			United States.		
	1894-1898	1906-1910	Percent- age, increase or decrease.	1894-1898	1906-1910	Percent- age, increase or decrease.
Food:						
Wheat.....	94.8	110.9	+ 13½	95.8	132.8	+ 38
Oats.....	93.0	103.8	+ 11	86.1	160.3	+ 86
Maize.....	89.4	127.8	+ 31½	87.0	153.7	+ 77
Potatoes.....	98.6	103.4	+ 5	83.3	114.8	+ 38
Beef.....	96.2	117.4	+ 22	98.8	129.4	+ 31
Sugar.....	87.8	84.0	- 4	94.2	102.0	+ 8
Pork.....	94.6	113.6	+ 20	90.1	156.9	+ 74
Butter.....	95.6	111.6	+ 16½	89.9	126.8	+ 41
Materials:						
Coal.....	91.0	102.6	+ 13	91.5	126.8	+ 38
Iron.....	96.0	123.0	+ 28	85.0	132.0	+ 55
Copper.....	92.4	140.4	+ 52	86.1	127.2	+ 48
Tin.....	80.2	191.2	+ 139	81.2	186.5	+ 130
Cotton.....	90.8	154.0	+ 70	91.1	156.1	+ 71½
Wool.....	103.8	106.2	+ 2½	83.4	120.6	+ 44½
Flax.....	97.0	109.2	+ 12½			
Petroleum.....	97.8	124.0	+ 26½	111.15	178.4	+ 60

It may be noted in this connection that at the end of each year the world has a surplus of from 700,000 to 1,000,000 tons of sugar. (Hearings, p. 3562.)

In the United States in 1910 the total consumption of sugar was about 3,500,000 tons, which came from the following sources:

Domestic cane (Louisiana and Texas).....	tons.....	333,000
Domestic beet (the Western States).....	do.....	457,000
Domestic maple and molasses (Louisiana and the West).....	tons.....	15,000

Total domestic.....do.....805,000

Insular possessions:

Hawaii.....	tons.....	459,000
Porto Rico.....	do.....	277,000
The Philippines.....	do.....	96,000

Total.....tons.....832,000

Cuba.....do.....1,640,000

All other countries.....do.....73,000

Total United States consumption.....do.....3,350,000

(Hearings, pp. 2651, 2652, 2718.)

The cost of manufacturing beet sugar is lowest in Germany, where the industry has also been longest established and most highly developed. In the sugar-crop year of 1908-9, according to the famous English sugar expert, Mr. George Martineau, the cost of producing a pound of beet sugar, raw, ranged from 1.96 to 2.07 cents. (Hearings, pp. 2693 and 2794.) Adding the cost of refining, about 0.40 cent per pound (Hearings, pp. 3804-3813), the cost of producing refined beet sugar in Germany would be from 2.36 to 2.47 cents per pound, an average of 2.41½ cents per pound.

At one time, under the stimulus of a bounty system that was about to end (in 1902), the Hamburg export price for raw beet sugar fell to 1.79 cents per pound.

In stating the average cost of refined beet sugar made in the United States, we give first the figures of Mr. Palmer, secretary of an association of the principal beet-sugar companies. (Hearings, p. 2630.)

The cost of production of beet sugar per pound in this country, Mr. Palmer states, is as follows:

	Cents.
1889.....	4.25
1904.....	3.86
1909.....	3.67

The figures of the cost of beet production since the last date given by Mr. Palmer (1909) we have obtained from the financial reports made by the 11 beet-sugar companies in which the American is interested to that corporation. (Hearings, p. 2379.)

These reports show (Hearings, p. 2379), for the Michigan Sugar Co., \$3.48 a hundred; for the Great Western Sugar Co., \$3.43 per hundred; for the Billings Sugar Co., \$3.49 a hundred; for the Scottsbluff Sugar Co., \$3.85; for the Amalgamated, \$3.05; for the Lewiston, \$3.03; for the Utah-Idaho, \$3.53; for the Alameda, \$4.32; for the Spreckels, \$2.70; for the Menominee, \$4.39; for the Continental, \$4.08; for the Iowa, \$5.14; for the Carver County, \$5.75. When the production of each of these factories is considered (Hearings, p. 100), the average cost is found to be 3.54 cents per pound.

Let us turn to the cane situation. It seems that some territory best adapted to the cultivation of sugar cane produces raw cane sugar at a cost of about 1½ cents per pound, and it must not be forgotten in this connection that cane sugar brings, when refined, a slightly higher price than beet sugar in our markets in open competition with beet sugar.

The celebrated Dutch sugar expert, Mr. Prinsen-Geerligs, stated in 1908 (Hearings, p. 2797) that Java was rapidly conquering the sugar market of the Orient and could make raw sugar at 1½ cents per pound. This same authority is responsible for the statement that with modern methods the Philippine Islands "can do much better than Java."

Mr. Walker, the Philippine sugar expert, in a report recently made to the Philippine Government, states that 84 per cent raw cane sugar is being produced at Negros, P. I., at a cost, including transportation to Iloilo, of three-quarters of a cent per pound. (Hearings, p. 2798.) Reduced to a basis of 96° sugar, this would represent a production cost of 1½ cents per pound.

From the testimony of Mr. James H. Post, president of the National and treasurer of the Cuban-American Sugar Co., raw cane sugar is produced in Cuba at 2 cents per pound (Hearings, p. 515) and can be produced at a lower cost than this.

On the other hand, the sugar planters of Louisiana contend that they can not produce raw cane sugar at a cost of less than 3½ cents per pound. (Hearings, p. 1781.) The cost of refining raw cane sugar in the United States is probably about one-half cent per pound. (Hearings, pp. 140, 209, 541, 1149, 1150, and 2260.)

To the cost per pound of raw cane sugar, in each instance given above, should be added the cost of refining whenever comparison is sought to be made between refined cane sugar and refined beet sugar. This cost of refining cane sugar appears to be about one-half cent per pound in this country. (Hearings, pp. 140, 209, 540, and 2260.)

OVERCAPITALIZATION.

The original combination among the sugar refiners, organized in 1887, and known as the Sugar Refineries Co., was capitalized at \$50,000,000, though it was agreed that 15 per cent of the stock, or seven and a half millions, par value, should be reserved as "treasury stock."

This stock was actually issued to the various corporations forming the refineries company, in accordance with the statement immediately following that was furnished to your committee on October 3, 1911, by the American Sugar Refining Co.

The companies going into the combination and the amount of certificates of stock which they received from the Sugar Refineries Co., after deducting the 15 per cent, was as follows:

Havemeyer & Elder Sugar Refining Co.....	\$14,322,500
Brooklyn Sugar Refining Co.....	3,612,500
De Castro & Donner Sugar Refining Co.....	2,677,500
Matthiessen & Wiechers Sugar Refining Co.....	5,525,000
Havemeyer Sugar Refining Co.....	4,675,000
Dick & Meyer Co.....	2,550,000
Moller & Sierck Co.....	912,500
Oxnard Bros. Co.....	637,500
Standard Sugar Refining Co.....	2,295,000
Boston Sugar Refining Co.....	1,657,500
Ray State Sugar Refining Co.....	892,500
Continental Sugar Refining Co.....	765,000
St. Louis Sugar Refining Co.....	755,000

Louisiana Sugar Refining Co.	\$922,500
Planters' Sugar Refining Co.	837,500
Forest City Sugar Refining Co.	325,000

Making a total of..... 43,362,500
 Stock sold to make improvements upon several companies and a stock dividend of 8 per cent afterwards declared..... 3,649,000

Making a total of..... 47,011,500

There was also apparently purchased out of this authorized issue of \$50,000,000, either by an exchange of stock or in cash, the American Sugar Refining Co. (the San Francisco company), at \$1,500,000, North River Sugar Refining Co., \$595,000, and organization expenses, \$750,000; unissued, \$143,500; total, \$50,000,000.

John E. Searles bought the North River Sugar Refining Co. for \$325,000, and it went into the Refiners' Trust at an agreed valuation of \$700,000, less 15 per cent of treasury stock to be reserved, or \$595,000 net. (Testimony of George H. Moller and John E. Searles, in case of N. Y. v. North River Sugar Refining Co., 121 N. Y. Court of Appeals, 502.)

The Bay State, a corporation with a capital of about \$450,000, went in at a valuation of something over \$900,000 (Hearings, p. 5), exactly at \$1,050,000 gross, or at \$892,500 net. (Fifteen per cent treasury stock reserved, according to above statement.)

Oxnard Bros. sold a refinery to the combination that had not cost them more than \$200,000 for \$750,000, which, with the 15 per cent deducted, netted them \$637,500 in trust certificates. (Hearings, p. 371.)

Havemeyer & Elder Sugar Refining Co. and De Castro & Donner Sugar Refining Co., of both of which Mr. Henry O. Havemeyer was president, and in which companies the stockholders were identical, went into the "trust" at a combined valuation of twenty millions, from which 15 per cent, or three millions, were deducted.

The Brooklyn Sugar Refining Co. went into the combination at an agreed gross valuation of more than \$4,000,000 (net, with 15 per cent deducted, \$3,612,500), but the present valuation placed by the American Sugar Refining Co. on the physical properties of the three last-named companies, which went in at a combined valuation of \$24,000,000, is but \$12,000,000, although the real estate of these concerns has enhanced enormously in value since 1887 and the refinery has been improved and enlarged, being the largest and best refinery of the American, at great expense.

Your committee confidently submits from the above instances that its estimate in an earlier part of this report that of the nominal \$50,000,000 of capital of the old refineries company not over twenty to twenty-five millions was real value, the balance being "water."

The capital of the American Co., organized in 1891, was also \$50,000,000, half common and half preferred. It appears to have taken over the properties of the Sugar Refineries Co. at a ratio of par, or somewhere near that figure. At par, according to the testimony of Mr. Helke. (Hearings, p. 187.) At something a little less than that figure, according to Mr. Atkins (hearings, p. 118), issuing, pro rata, about \$42,000,000 of its stock in place of the \$47,000,000 actually issued by the refineries company.

So that the American inherited from its predecessor, the Sugar Refineries Co., must, if not all, of the water that had been so liberally pumped into the stock of the latter company.

In 1892 the American increased its capital stock from fifty to seventy-five millions, using the increase to purchase its Philadelphia and Baltimore competitors, as already outlined in this report.

It paid, in stock, \$10,000,000 for the Spreckels' plan that had cost only four and a half millions in cash. (Hearings, p. 2347.)

The Franklin, that was not worth over \$5,000,000 at the outside, and probably less (hearings, pp. 1377-1378), was bought for \$10,000,000 in stock. It is worthy of note that at the time of these transactions, or during the same year at least, common stock of the American sold as high as 114 and preferred as high as 107. So it appears that up to its \$75,000,000 capital mark the American Co. easily maintained its inherited ratio of two dollars of stock to one of real value.

So far as we have been able to discover, the further increase of stock of the American in 1901 from seventy-five to ninety millions was not marked by anything like the same degree of overpayment by the American. The mania for overcapitalization seems to permeate the sugar industry in every direction. The American, with its stock originally 40 to 50 per cent water, has paid the following dividends since its organization.

On preferred stock (one-half of whole) 7 per cent from 1891 to date. (Hearings, p. 2523.)

	Per cent.
1891	8
1892	9
1893	23
1894-1899	12
1900	0 1/2
1901-1910	7

In other words, from 1891 to date the preferred has paid 7 per cent and the common has averaged 9.4 per cent, or both have averaged 8.2 per cent on the whole stock issue—at least 15 per cent to 16 per cent on a fair valuation of the properties and business.

Now, take the two largest competitors of the American—Arbuckle Bros. and the Federal.

1. Arbuckle Bros. Mr. John Arbuckle testified that his firm had about \$2,000,000 invested in the sugar business (Hearings, p. 2309), and yet his firm refines 8.7 per cent of the sugar consumed in the United States (Hearings, p. 43).

Even if it be considered that the American, directly and indirectly, controls about 63 per cent, as pointed out in another part of this report, instead of 42.14 per cent, as claimed by that company, then Arbuckle Bros. refine more than one-eighth of the amount refined by the American, and their profits ought to be equivalent to an 8 per cent return on a capital of \$11,250,000, or at least 40 per cent per annum on their actual investment.

2. The Federal Sugar Refining Co. It has the following capital stock: Preferred stock, \$3,322,680; common stock, \$6,677,320. (Hearings, p. 2521.)

The actual amount originally invested in the refinery was from three to three and one-half millions, the proceeds of the sale of the preferred stock (Hearings, p. 2219), common stock being issued entirely as a bonus. Since then the profits of the business have been invested in the enlargement and improvement of the plant until from six to seven millions are invested therein. (Hearings, p. 2360.) The preferred stock has paid 6 per cent interest from the beginning, and up to

the close of this hearing no dividend had ever been declared on the common stock; the policy of the company being to put the profits back in the business. (Hearings, p. 2220.)

The preferred, at the close of our hearings, sold for about 95 or 96 (it was originally sold at 95) and the common about 45. In other words, in eight years of operation it has paid 6 per cent on the actual investment and almost doubled the investment.

Nor have the beet factories, as already stated, escaped overcapitalization. Mr. Oxnard's estimate of the cost of equipping a first-class beet factory was \$1,000 per ton of daily slicing capacity. (Hearings, p. 376.) He finally increased that estimate by 25 per cent to include all the latest improvements and processes. (Hearings, p. 380.) Mr. Hathaway, of the Michigan Sugar Co., also estimated it at \$1,000 per ton; but Mr. Warren, of the same company, fixed it at \$1,500 per ton where the latest improved machinery was included. (Hearings, pp. 736, 747.) Mr. Morey estimated it at \$1,500 per ton (Hearings, p. 908) and Mr. Nibley at \$1,000 per ton. Taking the mean between the two extremes of these estimates, which takes us exactly to Mr. Oxnard's revised figures and places it at \$1,250 per ton, and what do we find? The beet companies combined have a daily slicing capacity of 48,650 tons. (Hearings, p. 1690.) Multiply that figure by \$1,250 and we have \$60,712,500; but these beet companies are capitalized at more than \$104,000,000. (Hearings, pp. 368 and 1890.)

STOCK JOBBING BY "INSIDERS."

We have already pointed out how the properties of Havemeyer & Elder and of De Castro & Donner went into the Sugar Refiners' Trust of 1887 at a valuation of twenty millions, though, even to-day, after the property has been much improved, the Brooklyn Sugar Refinery added thereto large sums spent for its enlargement, and its real estate enormously enhanced in value, it is not worth more than twelve millions, even according to the physical valuations of the American Co. When to the twenty millions allowed for the two companies above named are added four millions for the Brooklyn, it will be readily seen that Mr. Henry O. Havemeyer, who organized the trust and who dominated it up to his death, in December, 1907, must have gotten at least three for one for the property he put into the original combination, and must have put several millions of clear profit into his own pocket at the very beginning of its organization.

In 1892 the American purchased the Spreckels Sugar Refining Co., of Philadelphia, paying for the property that had cost and was worth only about four and one-half millions, ten millions in stock that was undoubtedly sold for considerably above par.

Shortly before the American made this purchase Henry O. Havemeyer, its president and one of its directors, and T. A. Havemeyer and John E. Searles, officers and directors of the American, bought at par, individually, from Mr. C. A. Spreckels (the elder) 45 per cent of the stock of the Spreckels Co. for \$2,250,000; Mr. H. O. Havemeyer taking three-eighths of the above amount, or \$843,750; Mr. T. A. Havemeyer, the same amount, \$843,750; and Mr. John E. Searles, \$562,500. (Hearings, p. 2203.) Within six or seven months these officers of the American more than doubled this money by selling their own company, at two for one, the stock they thus acquired, receiving therefor stock in the American that sold for at least 106 for preferred and 114 for common per share.

It is hardly possible that either of the Havemeyers cleared less than a million dollars, or Searles less than three-quarters of a million, on this transaction, which appears to have cost the American and its "outside" stockholders several millions more than it should have cost.

During the same year, 1892, the American bought out the Franklin Sugar Refining Co., of Philadelphia, paying for that concern, that had not cost and was not worth more than five millions at the very outside, ten millions in stock of the American, worth more than par, as already stated.

It seems, however, that before this trade was made, Henry O. Havemeyer individually contracted with Charles C. Harrison, acting for the Franklin, to take over from Harrison and his associates one-half of the common and one-half of the preferred stock that Harrison and his associates were to receive from the American Sugar Co., at 80 per share, both for common and preferred. Mr. Havemeyer bought American stock (one-half preferred and one-half common) of the par value of five millions for four millions cash.

For the year 1892 the preferred stock of the American Sugar Refining Co. paid a 7 per cent dividend and the common a dividend of 9 per cent and 23 per cent for 1893, and during the same year, 1892, common sold as high as 106 and preferred as high as 114. It is therefore probable that Mr. Havemeyer individually cleared rather more than a million dollars on this single transaction. While it is true that Mr. Havemeyer "retired from the meeting" when these Philadelphia transactions were consummated by the American's board of directors, stating that he was personally interested (hearings, p. 2346), yet it is not probable that his influence was absent or that his fellow directors fully understood the magnitude of his personal interests, for on September 14, 1894, we find them resolving to agree to Havemeyer's offer to accept \$100,000 "for extraordinary services rendered by H. O. Havemeyer from and including the purchase of the Philadelphia and other refineries to date," and directing the treasurer "to pay him that amount, taking his receipt in full" (hearings, p. 2926).

Your committee believe that the powers exercised by the directors of this monopoly (as it was practically then) are too great to be exercised in practical secrecy by a very few men without supervision or publicity. If the Philadelphia refineries could only have been acquired on fair business terms after an honest appraisal, would the Philadelphia owners have sold? Would the president of the American Sugar Refinery and his board of directors have been so anxious to buy? Would the capital stock of the company have been loaded with the \$10,000,000 of bonus which went to the parties participant? Would the American Sugar Refining Co. have swelled to such menacing proportions? Would public suspicion have been aroused? Would the price of sugar have been so well maintained at all times? Would speculations in sugar stock in the market have been made so interesting to persons knowing nothing of the sugar business? In short, would there be in the United States so many and so big trusts if the neglect of the Government to assert its authority did not give free hand to the overcapitalization of business enterprises and the subsequent unloading on the investing public?

In 1900 James H. Post, acting for and in conjunction with Henry O. Havemeyer and the American, organized four competing sugar refineries located in and near New York City into the National Sugar Refining Co. The latter company was capitalized at \$20,000,000, \$10,000,000 common and \$10,000,000 preferred. The \$10,000,000 preferred possibly represented value of some kind, though it seems that a considerable margin was allowed to the corporations who formed it above real value.

They were paid in preferred stock of the National, of which the American agreed to buy a little more than a majority—something over \$5,000,000—thus giving to the combining corporations a little over half cash, which was just about the true cash value of the plants, and the balance, slightly under half, in preferred stock of the National, the latter stock representing the profits of those who went into the combination. The testimony tends to show that common stock, \$10,000,000, was promoter's stock, and was issued to—

Henry O. Havemeyer and family	\$7,600,000
Lowell M. Palmer	1,000,000
James H. Post	500,000
Washington B. Thomas	500,000
John E. Parsons	400,000

Havemeyer soon acquired all of the above either by purchase or by volunteer surrender, except the interest of Post, who still claims his share. All of the above men, except Post, were at the time officers and directors of the American.

The above are the most glaring instances disclosed by our record, in which the trusted officers of a great corporation first wronged the public by overcapitalizing the great enterprises over which they preside, and then demanding "reasonable profits" on such inflated capitalization, have turned around and wronged the corporation itself by taking for themselves as individuals profits and advantages that they ought to have secured for the corporations of which they were the agents and trustees.

"UNLOADING" ON THE INVESTING PUBLIC.

From the inception of the scheme which resulted first in the formation of the refineries company in 1887, and then in the organization of the American in 1891, up to his death in December, 1907, Henry O. Havemeyer was the dominant and dominating figure of the combination. As has already been shown, the two companies in which he was interested and of which he was the principal owner got the lion's share of the trustees' certificates of the refineries company, 17 millions. Throughout the life of the refineries company, and of the American, he dealt in its stock in large blocks, buying, as we have already shown, 5 millions of it in one transaction, when the Franklin was purchased from Harrison and his associates in 1892. And yet, from the very day of the organization of the refineries trust in 1887, he seems to have sold the trust certificates to the public as rapidly as possible and he does not seem to have owned any considerable block of the American stock for any length of time (Hearings, pp. 221-224), and at the time of his death, according to the testimony of the secretary of the company, he owned individually only 834 shares (Hearings, p. 224), the ownership of his entire family being about 2,000 shares.

According to the inventory of his estate he owned, at the time of his death, 321 shares of American common stock and 136 shares of American preferred stock. (Hearings, p. 2512.) This ownership was well described by the former secretary of the American as "a merely nominal amount." "Enough stock to qualify (as director) and that was all that was needed." (Hearings, p. 221.) The policy of selling out the stock as fast as possible seems to have been adopted by all of the parties that went into the combination, with one exception; for instance, Oxnard Bros. sold as quickly as possible. (Hearings, p. 371.) So did Atkins of the Bay State. (Hearings, p. 18.)

The exception to this rule seems to be the Thomas family of Boston, now the largest stockholders in the American, owning between one and a half and two million dollars' worth of the stock. (Hearings, p. 2155.)

Mr. Charles R. Helke, for many years secretary of the American, tersely describes the situation in the following paragraph, which we quote from his testimony (Hearings, p. 222):

"It began almost from the very beginning. Let me tell you about it. When stock was issued in 1887 I gave certificates to each stockholder, and there were about 200 in all in the beginning. The larger number were in the New England States. These three or four refineries in Boston had more stockholders than all the others together. At that time in New York men would buy railroad stocks and railroad bonds and United States and city bonds, but not stocks in industrial corporations. In the New England States, however, they had mills and manufacturing plants the stock of which was bought by the people, and as soon as the property was organized stock would be sold by the Havemeyers. It was exchanged, and the numbers have been increasing since. It is a strange part of this remarkable corporation, as it is, that there are 19,000 stockholders."

How thoroughly the unloading process has been accomplished is also well indicated by the following table of stockholders furnished by Mr. Atkins, chairman of the board of directors of the American. (Hearings, p. 45.)

List showing the number of stockholders of the American Sugar Refining Co., and their holdings, in the various States of the United States and in foreign countries.

	Common and preferred.		Investment at par value of stock.	Percentage of holdings.
	Number of stockholders.	Share holdings.		
New England States:				
Maine	630	\$16,409	\$1,640,900	63 per cent.
New Hampshire	1,318	27,517	2,751,700	
Vermont	331	7,432	743,200	
Massachusetts	12,264	489,924	48,992,400	
Rhode Island	232	12,323	1,232,300	
Connecticut	501	15,449	1,544,900	
North Atlantic States:				
New York	2,486	227,595	22,759,500	33 per cent.
New Jersey	322	12,685	1,268,500	
Pennsylvania	312	48,511	4,851,100	
Maryland	103	5,113	511,300	
Delaware	6	402	40,200	
Central States:				
Ohio	169	7,733	773,300	2 per cent.
Indiana	16	439	43,900	
Illinois	86	3,284	328,400	
Iowa	14	504	50,400	
Wisconsin	14	535	53,500	
Minnesota	17	236	23,600	
Michigan	38	1,066	106,600	
Missouri	55	3,298	329,800	

List showing the number of stockholders of the American Sugar Refining Co., and their holdings, etc.—Continued.

	Common and preferred.		Investment at par value of stock.	Percentage of holdings.
	Number of stockholders.	Share holdings.		
Southern States:				
Virginia	23	\$1,021	\$102,100	14 per cent.
West Virginia	2	35	3,500	
Georgia	12	200	20,000	
North Carolina	13	849	84,900	
South Carolina	1	4	400	
Arkansas	1	30	3,000	
Florida	12	227	22,700	
Tennessee	6	119	11,900	
Mississippi	2	60	6,000	
Louisiana	46	5,483	548,300	
Texas	7	22	2,200	
Kentucky	12	1,161	116,100	
Washington, D. C.	61	2,304	230,400	
Western States:				
Kansas	1	12	1,200	1 of 1 per cent.
Nebraska	4	282	28,200	
South Dakota	3	18	1,800	
New Mexico	1	10	1,000	
Colorado	13	744	74,400	
Utah	3	64	6,400	
Montana	2	20	2,000	
Wyoming	2	20	2,000	
Washington (State)	5	42	4,200	
Oregon	1	18	1,800	
California	76	2,252	225,200	
Foreign countries:				
Austria	1	150	15,000	1 of 1 per cent.
Belgium	2	60	6,000	
Scotland	2	273	27,300	
France	20	746	74,600	
Germany	6	305	30,500	
Holland	1	20	2,000	
Italy	2	8	800	
England	21	708	70,800	
Wales	1	1	100	
Canada	67	2,014	201,400	
Mexico	3	39	3,900	
Panama	1	5	500	
Cuba	2	40	4,000	
Porto Rico	1	5	500	
Hawaiian Islands	4	84	8,400	
Philippine Islands	2	32	3,200	
Outstanding scrip	19,359	899,992	89,999,200	
		8	800	
		900,000	90,000,000	

In considering this question one series of salient facts deserves to be borne constantly in mind:

That in its formative period, more than 20 years ago, and at intervals during the next 15 years, sugar-producing plants were brought into the combination at valuations which gave great individual fortunes to the promoters and at the same time put upon the market stock representing huge inflations, and of a face value of \$90,000,000.

That in process of time the few practical sugar producers who formed the corporation generally sold their stock in the market to people who took it from stock-market estimates and not because of any connection with or knowledge of the business of producing refined sugar.

That by this process a few large stockholders, probably less than 50 in all, have been replaced by 19,000 people, of whom not over a dozen have any practical knowledge of the business of producing refined sugar. About 10,000 of these 19,000 stockholders are women. The whole body of stockholders are scattered throughout 43 States and 16 foreign countries, and the average holding of stock of each amounts to \$4,900 par value.

That the great majority of these stockholders acquired their shares at a price of from \$120 to \$130 for each share of \$100 par, that this share had cost the original promoters not over \$50, and that the assets resulting from 20 years of prosperous business are so large as to justify the conclusion that there is property enough behind each share of the stock at the present time to equal the price paid for it by the present holders. (Testimony, pp. 2042, 2061.)

That since the death of Henry O. Havemeyer, about four years ago, and the accession of the present stockholders to control, the affairs of this company have for the first time been conducted with a fair approximation to that publicity which should accompany the administration of a company which controls so much of a great commodity.

These salient facts indicate with supreme emphasis the basic condition of the problem uncovered by this committee: That we have in this Government ample machinery for rigid inquiry into the property of these 18,000 people and for suits to decompose that property into its original parts by the destruction of its organization; but there is no arrangement of Government whatever whereby any one of these 18,000 people might have informed himself definitely of the hazards into which he or she was buying. A dozen men may put off onto 18,000 a colossal speculative enterprise, into the fabric of which is woven all sorts of trade devices under suspicion before the law, and the first opportunity any one of the 18,000 has to know of this is when the court has been asked to act. That this colossal speculation has come through with success and to-day stands on an established business basis is due to the genius of its architect rather than to any of the restraining powers of society as expressed in law.

To summarize this portion of our report, we find strikingly developed in the sugar industry several evils, aside from the primary one of stifling competition, which seem to demand careful consideration and remedial legislation by Congress.

1. Original overcapitalization of great industrial corporations, resulting in increased cost of production, if a profit is to be made (as is

always insisted upon) on the inflated capitalization, and higher prices of the product to the consuming public.

2. The temptation of the persons who organize and control these large corporations to earn dividends on watered stock as soon as possible, so that such stock may be unloaded in the open markets upon the investing public. These dividends can rarely, if ever, be made without increasing prices to the consumer.

3. Exploitation not only of the consuming public and of the investing public, as already set out, but also of the corporations themselves, by their officers, directors, and trustees, who do not hesitate to overburden the consumer, to deceive the investor, and to take advantage of the corporations that have trusted them, whenever it will line the pockets of such individual trustees.

CONCLUSION.

While fully admitting the forcefulness of the argument in favor of the conduct of the large industries of the countries by powerful and efficient agencies that can fully develop and apply the economies of cooperation, yet your committee finds itself unable to subscribe to the doctrine that the Government had just as well recognize that competition must give place to monopolistic combinations and proceed to legitimize and regulate the great trusts.

It may be quite true that large industrial combinations could produce more cheaply than smaller and competing concerns; but as the presence of competition is of itself the chief incentive to cheaper production, so it seems to us that the absence of competition is of itself an invitation to sloth, to lax methods, to more expensive production than more than counterbalances the advantages resulting from cooperation. Large trusts, if they produce more cheaply, could sell more cheaply than smaller and competing concerns, but that they would, unless forced by law to do so, is inconceivable.

To undertake to force them by law to treat the consumer fairly and charge him only a reasonable price is, then, the only condition upon which their continued existence can be contemplated; and yet to adopt that course, to fix the price of commodities by law, whether by commissions or by other method, would clothe the Government with dangerous power, rob the citizen of individuality, and embark the Nation into extreme paternalism. Competition and individuality are the great remedies that have been sufficient through all the ages to protect us from the evils that now threaten. We are not yet ready to write an epitaph over either.

The Sherman law ought to be rigidly and impartially enforced. It ought, in our judgment, to be supplemented by legislation that will make its provisions definite and certain, protect the consumer and investor from the evils of overcapitalization, and guarantee corporations from exploitation by their trusted officers and agents for their individual benefit and profit.

As this matter belongs to the jurisdiction of a great standing committee of the House, your special committee will not, as a committee, undertake to present a bill upon the subject, or to further elaborate the idea herein suggested, being confident that the entire subject matter will receive careful and prompt consideration by the standing committee having jurisdiction thereof.

The SPEAKER pro tempore. Without objection, the report will be entered in the Journal and ordered printed.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURKE of Wisconsin, for 10 days, on account of sickness.

ADJOURNMENT.

Mr. HARDWICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 13 minutes p. m.) the House adjourned until Monday, February 19, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channel from Case Sound to Newport River, N. C. (H. Doc. No. 546), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 19164) granting a pension to William B. Pollard, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FLOYD of Arkansas: A bill (H. R. 20347) to construct a dam across White River at or near Cotter, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: A bill (H. R. 20348) to make Fargo, N. Dak., a subport of entry in the customs collection district of North and South Dakota, and extending the privileges of the seventh section of the act of June 10, 1880, thereto; to the Committee on Ways and Means.

By Mr. KENT: A bill (H. R. 20349) to amend section 3 of an act entitled "An act in reference to the expatriation of citizens

and their protection abroad," approved March 2, 1907; to the Committee on Foreign Affairs.

By Mr. AUSTIN: A bill (H. R. 20350) to incorporate the Colored Association of Railway Employees; to the Committee on the Judiciary.

By Mr. VOLSTEAD: A bill (H. R. 20351) to prevent overcapitalization and consolidation of interstate carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVENPORT: A bill (H. R. 20352) to incorporate the Brotherhood of North American Indians; to the Committee on Indian Affairs.

By Mr. PRAY: A bill (H. R. 20353) appropriating money to enable the Commissioner General of Immigration to gather information regarding the resources, products, etc., of the States and Territories, and for other purposes; to the Committee on Appropriations.

By Mr. WATKINS: Resolution (H. Res. 415) calling for certain memoranda, correspondence, and statements from the Secretary of War; to the Committee on Military Affairs.

By Mr. BUCHANAN: Resolution (H. Res. 416) to provide for an investigation of the Anthracite Coal Trust; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Joint resolution (H. J. Res. 243) for the proposed purchase of the estate of Mount Vernon by the National Government; to the Committee on Rules.

By Mr. MOTT: A memorial from the Legislature of the State of New York, in favor of the militia-pay bill; to the Committee on Military Affairs.

By Mr. LEVY: A memorial from the Legislature of the State of New York, in favor of the militia-pay bill; to the Committee on Military Affairs.

By Mr. CALDER: A memorial from the Legislature of New York, in favor of the militia-pay bill; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 20354) granting a pension to Jonas Siegrist; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 20355) granting an increase of pension to Mary Ann Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20356) granting an increase of pension to Archibald Miller; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 20357) granting an increase of pension to Joseph Pearson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20358) granting an increase of pension to Elisha W. Case; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20359) granting an increase of pension to Elias G. Stockman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20360) granting an increase of pension to Dillon Ames; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20361) granting an increase of pension to Josiah Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20362) granting a pension to Catherine Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20363) granting an increase of pension to Aminda Space; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 20364) granting a pension to Christine March; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20365) granting an increase of pension to Frederick Musbach; to the Committee on Invalid Pensions.

By Mr. CALLAWAY: A bill (H. R. 20366) for the relief of heirs of James Carnes; to the Committee on War Claims.

Also (by request), a bill (H. R. 20367) for the relief of the heirs of M. O. Coker, deceased; to the Committee on Claims.

Also (by request), a bill (H. R. 20368) for the relief of Mrs. Mary E. Rogers, formerly Mrs. Arrowsmith; to the Committee on War Claims.

Also, a bill (H. R. 20369) for the relief of heirs of David C. Smith, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 20370) for the relief of Martha Sarah Ann Mahanay, widow, and heirs of Benjamin Morgan Mahanay, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 20371) for the relief of Joseph N. Ross; to the Committee on War Claims.

Also (by request), a bill (H. R. 20372) for the relief of Reuben V. Spruell; to the Committee on Claims.

Also (by request), a bill (H. R. 20373) for the relief of John Rogers; to the Committee on War Claims.

Also (by request), a bill (H. R. 20374) for the relief of Tennessee J. Spiller; to the Committee on Claims.

Also (by request), a bill (H. R. 20375) for the relief of William F. McGee; to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 20376) granting a pension to Lorena Hook; to the Committee on Invalid Pensions.

By Mr. CARLIN (by request): A bill (H. R. 20377) for the relief of Ynchausti & Co.; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 20378) for the relief of Stephen Arnold Ritchey; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 20379) granting an increase of pension to Thomas Holland; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20380) granting a pension to Joseph Brauchman; to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 20381) granting a pension to Mary C. Robinson; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 20382) granting an increase of pension to Nathan Long; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 20383) granting an increase of pension to J. B. Barlow; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 20384) granting an increase of pension to Rufus W. McMaster; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 20385) to reimburse Charles S. Jackson; to the Committee on Claims.

By Mr. HEFLIN: A bill (H. R. 20386) for the relief of Dr. J. L. Vinyard; to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 20387) for the relief of estate of Abner Ogles, deceased; to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 20388) authorizing the Secretary of War to recognize John M. Pearson as having been a member of Company F, Fifty-second Regiment Kentucky Mounted Volunteer Infantry, Civil War; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 20389) for the relief of the Alaska Commercial Co., a corporation, for money paid to teachers in and supplies furnished to the public schools at Kodiak, Alaska; to the Committee on Claims.

By Mr. JONES: A bill (H. R. 20390) granting a pension to James D. Setliff; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 20391) granting a pension to Mary Beach; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20392) granting an increase of pension to Elhanan Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20393) granting a pension to Emily Sparks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20394) granting an increase of pension to James M. Beatty; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 20395) granting a pension to Bertha Brenock; to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 20396) granting an increase of pension to William A. Yantis; to the Committee on Invalid Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 20397) for the relief of Elsie J. Angier and others, allottees of the Stockbridge and Munsee Tribe, for logs cut by them on their allotments and wrongfully taken from them by the United States of America; to the Committee on Claims.

By Mr. PALMER: A bill (H. R. 20398) granting an increase of pension to William Geary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20399) granting an increase of pension to Theodore Strunk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20400) for the relief of Philip D. Connolly; to the Committee on Military Affairs.

Also, a bill (H. R. 20401) granting a pension to John H. McCarty; to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 20402) granting a pension to Harry Bernard Tayler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20403) for the relief of Milton S. Cabell; to the Committee on Claims.

Also, a bill (H. R. 20404) granting a pension to William Cousins; to the Committee on Invalid Pensions.

By Mr. RANDELL of Louisiana: A bill (H. R. 20405) for the relief of the heirs or estate of Eliza M. Parrott, deceased; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 20406) granting a pension to James L. Cox; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 20407) for the relief of heirs or estate of John Mills, deceased; to the Committee on War Claims.

By Mr. STERLING: A bill (H. R. 20408) granting an increase of pension to William E. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20409) granting a pension to Mrs. T. J. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20410) granting an increase of pension to Elijah Greenleaf; to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 20411) for the relief of William M. O'Keefe; to the Committee on Claims.

By Mr. WEEKS: A bill (H. R. 20412) granting a pension to Daniel Driscoll; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 20413) granting an increase of pension to Thornton Harris; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 20414) granting an increase of pension to Ruben V. Lott; to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 20415) granting an increase of pension to Warren Cowing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20416) granting a pension to Charles H. Brown; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Edward K. Lilikalani, regarding claim to the Crown lands of Hawaii; to the Committee on the Territories.

By Mr. AKIN of New York: Petitions of citizens of Glens Falls, N. Y., asking that duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. ALEXANDER: Papers to accompany bills for the relief of Archibald Miller and Mary Ann Williams; to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Lycoming Branch, German-American Alliance, of Williamsport, Pa., remonstrating against prohibition or interstate liquor measures; to the Committee on the Judiciary.

Also, petition of Andrews Land Co., of Erie, Pa., protesting against proposed legislation requiring a licensed man for boats less than 65 feet long; to the Committee on the Merchant Marine and Fisheries.

By Mr. BOWMAN: Petition of Woman's Christian Temperance Union of Hazleton, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Lycoming Branch, German-American Alliance, of Williamsport, Pa., protesting against prohibition or interstate liquor measures; to the Committee on the Judiciary.

Also, petition of Woman's Board of Missions, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. BRADLEY: Petition of Tribe 54, Improved Order of Red Men, praying for the passage of House bill 16313; to the Committee on Public Buildings and Grounds.

By Mr. BURKE of South Dakota: Petition of Bellefourche (S. Dak.) Commercial Club, in favor of Senate bill 4235; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Valley Springs, S. Dak., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petition of Chamber of Commerce of Milwaukee, Wis., protesting against any change in the present administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS: Petition of citizens of the State of Arkansas, for passage of old-age pension legislation; to the Committee on Pensions.

By Mr. DIXON of Indiana: Petitions of citizens of Brown and Jennings Counties, Ind., for reduction of duty on sugar; to the Committee on Ways and Means.

Also, petitions of citizens of Batesville, Greensburg, Lawrenceburg, Morris, New Point, and Sunman, Ind., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Westport, Ind., in favor of a bill for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DRAPER: Petition of the International Dry-Farming Congress, in favor of the Page bill, pending in the Senate; to the Committee on Agriculture.

Also, petition of members of Improved Order of Red Men of the nineteenth congressional district of New York, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. ESCH: Petition of Woman's Board of Missions, for reimbursement for the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 17744; to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Vermont: Petitions of Methodist Episcopal Church of Morrisville and Woman's Christian Temperance Union of Richford, Vt., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. FRENCH: Petition of citizens of Blaine County, Idaho, against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Unions of Council and Sandpoint, Idaho, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Tahoe and Kooskia, Idaho, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of A. H. Krulish and 4 others, of Meridian, Idaho, in favor of Senate bill 2117, promoting the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Burke (Idaho) Miners' Union, No. 10, Western Federation of Miners, in favor of House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. FULLER: Petition of the International Dry-Farming Congress, for Federal aid for rural education and agricultural extension, etc.; to the Committee on Agriculture.

Also, petition of National Rivers and Harbors Congress of the United States, Chicago (Ill.) Branch, favoring the passage of a waterway bill; to the Committee on Rivers and Harbors.

Also, petition of the Society of the Army of the Tennessee, by G. M. Dodge, president, favoring the passage of the Foster bill (H. R. 19401) for a memorial to Gen. O. O. Howard, to be erected in Washington; to the Committee on the Library.

By Mr. GARNER: Petition of R. A. Wiseman, of Floresville, Tex., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GOLDFOGLE: Memorial of the Assembly of the State of New York, for compensation to State militiamen; to the Committee on Military Affairs.

Also, petitions of Alfred M. Best, New York State Association of Hardware Jobbers, and Sibley, Lindsay & Curr Co., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of New York State Senate, for certain amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Woman's Board of Missions, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, petition of the Broadway Board of Trade, protesting against proposed abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the New York Society for the Prevention of Cruelty to Children, protesting against passage of Senate bill 252; to the Committee on Labor.

By Mr. HAMILTON of West Virginia: Papers to accompany bill for the relief of Charles S. Jackson; to the Committee on Claims.

By Mr. HAMMOND: Petition of Henry A. Potter and 10 others, of Blue Earth, Minn., favoring House bill 14, to establish a general parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petitions of Christian Endeavor Society and Woman's Christian Temperance Union of Van Orner, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Lycoming Branch, German-American Alliance, of Williamsport, Pa., remonstrating against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union and citizens of Saxton, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of the Dayton (Ohio) Commercial Club, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HIGGINS: Petition of the American Board of Commissioners for Foreign Missions, asking that certain Americans

be reimbursed for money advanced to ransom Ellen M. Stone; to the Committee on Claims.

Also, petition of the Norwich (Conn.) District Methodist Ministerial Association, in favor of retaining the legislation abolishing the canteen in the Army; to the Committee on Military Affairs.

Also, petition of the Legislative League of New York, in favor of woman suffrage; to the Committee on the Judiciary.

Also, petitions of the Johnstown League of German-American Alliance of Johnstown, Pa.; of the German-American Alliance of Bristol, Pa.; of the German-American Alliance of Danbury, Conn.; and of the German-American State Alliance of Kentucky, against any legislation controlling interstate shipments of intoxicating liquors; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petitions of the Woman's Christian Temperance Union of Stanhope, N. J., and the West Side Presbyterian Church, of Englewood, N. J., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of Sabbath School Association of Indiana County, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGLEY: Petition of 68 citizens of Grayson, Ky., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of tenth congressional district of Kentucky, in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of members of the Improved Order of Red Men of Lowmansville, Ky., for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. LENROOT: Petition of citizens of Superior, Wis., in favor of House bill 16450; to the Committee on the Judiciary.

By Mr. LINDSAY: Memorial of Congress Club of Kings County, N. Y., for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of New York State Assembly, for compensation to State militiamen; to the Committee on Military Affairs.

Also, petition of the Woman's Board of Missions of Boston, Mass., urging reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, resolutions adopted at the Sixth International Dry-Farming Congress held at Colorado Springs, Colo., in favor of the so-called Page bill; to the Committee on Agriculture.

Also, petition of the Tenement House Committee of the Brooklyn (N. Y.) Bureau of Charities, for a Federal commission on industrial relations; to the Committee on Labor.

By Mr. McMORRAN: Petition of citizens of Armada, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MARTIN of South Dakota: Petition of Fischer Bros., of Fort Pierre, S. Dak., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Hermosa, S. Dak., in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of A. D. Deilurt, of Evans Mills, N. Y., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. PADGETT: Petition of citizens of Giles County, Tenn., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. PALMER: Petition of Grange No. 1415, Patrons of Husbandry, urging amendments to the oleomargarine laws; to the Committee on Agriculture.

Also, petitions of citizens of the State of Pennsylvania, for passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. PRINCE: Papers to accompany bill to grant a pension to Howard Bernard; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Mellen S. Cabell; to the Committee on Claims.

By Mr. RAKER: Petition of citizens of the State of California, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WEEKS: Petitions of citizens of the State of Massachusetts for passage of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany bill granting a pension to Ruben V. Lott; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13000, granting an increase of pension to Samuel A. Moore; to the Committee on Invalid Pensions.

Also, petition of O. C. Chambers and 12 other citizens of Galena, Ohio, asking for the enactment into law of House bill 14, providing for a general parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petitions of Broad Street Methodist Episcopal Church, of Trenton; Methodist Episcopal Church of Frenchtown; and Presbyterian Church of Flemington, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. YOUNG of Kansas: Petition of citizens of Sherman County, Kans., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Jewell County, Kans., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of J. B. Chapman and other citizens of Henderson County, Tex., in favor of parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, February 19, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Thursday last was read and approved.

HOME FOR THE AGED AND INFIRM (S. DOC. NO. 332).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation of \$6,000 as additional to the appropriation of \$20,000 for extension of the colored men's ward and dining room for the Home for the Aged and Infirm in the District of Columbia, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

RAILROADS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 335).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 14th instant, a statement prepared by the assessor of the District of Columbia showing the total assessed valuation of the property owned by each of the street and steam railway companies of the District of Columbia and the amount of taxes paid thereon by each of these companies for the fiscal year 1911, etc., which, with the accompanying papers, was referred to the Committee on the District of Columbia and ordered to be printed.

THE CLASSIFIED CIVIL SERVICE (S. DOC. NO. 333).

The VICE PRESIDENT laid before the Senate a communication from the president of the United States Civil Service Commission, acknowledging receipt of Senate resolution 220, relative to the number of persons in the classified service of the United States who were admitted upon examination and the number who were admitted by Executive proclamation or otherwise than by examination, which was referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Mary Tassin, widow of Augustus G. Tassin, deceased, *v. United States* (S. Doc. No. 314);

Catherine Tully, executrix of the estate of Redmund Tully, deceased, *v. United States* (S. Doc. No. 315);

Alexander Logan Morton *v. United States* (S. Doc. No. 316);

John A. Baker, administrator of the estate of William J. Twining, deceased, *v. United States* (S. Doc. No. 319);

The American Security & Trust Co., executor of the estate of Thomas Crook Sullivan, deceased, *v. United States* (S. Doc. No. 337);

Edward H. Peaslee and Edmund P. Kendrick, executors of the estate of Henry L. Kendrick, deceased, *v. United States* (S. Doc. No. 313);

William M. Graham, sr., administrator of the estate of William Montrose Graham, deceased, *v. United States* (S. Doc. No. 320);

James M. Seawell, administrator of the estate of Washington Seawell, deceased, *v. United States* (S. Doc. No. 321);

Elizabeth B. Hughes, executrix of the estate of William Burton Hughes, deceased, *v. United States* (S. Doc. No. 322);

Annie H. Eastman, administratrix of the estate of Seth Eastman, deceased, *v. United States* (S. Doc. No. 323);

Katharine Du B. Beale, administratrix of the estate of Samuel S. Carroll, deceased, *v. United States* (S. Doc. No. 324);

Lincoln H. Newcomb, administrator de bonis non cum testamento annexo of the estate of Henry Prince, deceased, *v. United States* (S. Doc. No. 317);

Cornelia M. Mason, widow of John Sanford Mason, deceased, *v. United States* (S. Doc. No. 318);

John Henry Edson *v. United States* (S. Doc. No. 331);

Mary Tooker Best, executrix of the estate of Clermont Livingston Best, deceased, *v. United States* (S. Doc. No. 330);

Sidney M. Goshorn *v. United States* (S. Doc. No. 329);

Emily Hargrave, widow of Lemuel R. Hargrave, deceased, *v. United States* (S. Doc. No. 328);

Francis A. Norvell *v. United States* (S. Doc. No. 327);

Fanny G. Pomeroy, widow of Willis B. Pomeroy, deceased, *v. United States* (S. Doc. No. 326);

The Trustees of the Methodist Episcopal Church South, of Red Bone, Miss., *v. United States* (S. Doc. No. 336); and

Mingo Peters *v. United States* (S. Doc. No. 325).

The foregoing findings, with the accompanying papers, were referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 19115. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Ministerial Association of Cumberland, Md., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a resolution adopted by the American Historical Association, favoring an appropriation for the erection of a central depository for the national archives, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of General Henry B. Banning Camp, Sons of Veterans, of Mount Vernon, Ohio, praying for the enactment of legislation increasing pensions, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Judsonia, Ark., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a memorial of 181 citizens of the District of Columbia, remonstrating against the proposed abandonment of the Central Dispensary and Emergency Hospital, which was referred to the Committee on Appropriations.

He also presented petitions of J. D. Bloodgood, commander elect, Department of the Potomac, Grand Army of the Republic; of members of the Grand Army of the Republic; of the Soldiers' and Sailors' Alliance; of the Garfield Citizens' Association; of the Hillsdale Citizens' Association; of the United States Historical Society; of the Anacostia Citizens' Association; of the Congress Heights Public Improvement Association; of the East Washington Heights Citizens' Association; and of the Randle Highlands Citizens' Association, all in the District of Columbia; and of the Suitland Improvement Association, of Prince Georges County, Md., praying that an appropriation be made for the purchase of Fort Davis and Fort Du Pont for park purposes, which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Epping, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Portsmouth, N. H., praying that an appropriation be made to provide for the survey of the Piscataqua River and Portsmouth Harbor, in that State, which was referred to the Committee on Commerce.

He also presented a petition of members of the Central Labor Union of the District of Columbia, praying for the passage of the so-called loan-shark bill as originally introduced in the House of Representatives, which was referred to the Committee on the District of Columbia.

He also presented the memorials of Walter F. Duffy and E. H. Sturtevant, of Franklin, N. H., remonstrating against a reduction of the duty on latch needles, which were referred to the Committee on Finance.

He also presented the memorial of Chris C. Dawson, of Washington, D. C., remonstrating against the enactment of legislation to regulate the selling of stocks and bonds in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Petworth Citizens' Association, of the District of Columbia, praying that an appropriation be made for the erection of a school building in the subdivision of Park View, in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented a memorial of the Takoma Park Citizens' Association, of the District of Columbia, praying that an appropriation be made for an extension of the public-school building at Takoma Park, in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented a memorial of the Citizens' Association of Takoma Park, in the District of Columbia, remonstrating against excluding children residing in Maryland from the privileges of the public school of Takoma Park, which was referred to the Committee on Appropriations.

Mr. CULLOM presented memorials of sundry citizens of Prairie View and Lake Zurich, in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades and Labor Assembly of Aurora, Ill., praying for the enactment of legislation providing for the restoration to the Federal civil-service employees of their inherent rights as citizens, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Printing Pressmen and Assistants' Union No. 161, of Decatur, Ill., praying for the enactment of legislation providing for an increase in the pay of pressmen in the Government Printing Office, which was referred to the Committee on Printing.

He also presented a petition of the Illinois Manufacturers' Association, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Retail Grocers' Association of Springfield, Ill., and a petition of the Merchants and Business Men's Association, of Rockford, Ill., praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of L. H. Drury Post, No. 467, Grand Army of the Republic, Department of Illinois, of Chicago, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Woman's Christian Temperance Union of Long Point, Ill., and a petition of the Domestic Science Club of Greenville, Ill., remonstrating against the repeal of the anticanteen law, which were referred to the Committee on Military Affairs.

He also presented a petition of Peoria County Grange, No. 33, Patrons of Husbandry, of Peoria, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Centenary Methodist Church, of Chicago, and the Methodist Episcopal Church of Manito, and of the Woman's Christian Temperance Union of Irving, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 16, of Chicago, Ill., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a petition of the congregation of the Centenary Methodist Church, of Chicago, Ill., praying for the enactment of legislation to prohibit the transmission of race gambling odds and bets, which was referred to the Committee on the Judiciary.

Mr. JONES. I present a telegram containing resolutions adopted by the Northwest Mining Convention February 16, 1912, which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

[Telegram.]

Senator WESLEY L. JONES,

Washington, D. C.:

Whereas the House of Representatives of the Congress of the United States has passed a measure known as the Underwood bill, materially reducing the duty on foreign lead and zinc ores and lead and zinc bullion, etc., imported into this country; and

Whereas if aforesaid bill becomes a law it will seriously affect the industry of these metals in this country by pitting the extraordinarily cheap mining labor of Spain and Mexico against the well-paid mining labor of the United States, thereby not only threatening the lead and zinc industry as a whole with a period of inactivity, but depriving thousands of miners of employment, menacing entire communities now contented and happy with stagnation and disruption, destroying local transportation systems, property values, and menacing schools and churches, cutting off the demand for machinery and supplies, and inviting the evil spirit of want for the necessities of life and home: Therefore be it

Resolved, That the Northwest Mining Convention, representing the States of Washington, Oregon, Montana, Idaho, California, Arizona, and Utah, duly assembled in Spokane, State of Washington, on the 16th day of February, 1912, most respectfully protests without reserve to the United States Senate against the passage of the so-called Underwood bill or any other bill having for its purpose a reduction of the existing tariff on lead or zinc ores or lead and zinc bullion, etc.; and be it further

Resolved, That we urge our Representatives and Senators in Congress to do their utmost to defeat the proposed tariff legislation in regard to lead and zinc as a vital necessity for the preservation of these industries and the homes and employment of many thousands of miners and incidental laborers; further

Resolved, That a copy of these resolutions be wired to the respective Senators and Representatives of the States in this convention assembled.

Adopted February 16 by Northwest Mining Convention.

W. W. GIFFORD, Secretary.

Mr. WETMORE presented petitions of the Woman's Christian Temperance Unions of North Providence, Warren, Westerly, Providence, and Warwick, all in the State of Rhode Island, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Council of Administration, Department of Rhode Island, Grand Army of the Republic, of Providence, R. I., indorsing the views expressed by the pension committee of the National Encampment of the Grand Army of the Republic at the hearing before the Committee on Pensions on January 22, 1912, which were referred to the Committee on Pensions.

He also presented a petition of the Business Men's Association of Pawtucket, R. I., praying for the enactment of legislation to permit vessels engaged in domestic commerce between ports of the United States to pass free through the Panama Canal, if such permission can be granted without violation of treaty stipulations, which was referred to the Committee on Inter-oceanic Canals.

Mr. WILLIAMS presented a petition of the congregation of the Methodist Episcopal Church, of Rocky Springs, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. FLETCHER presented a petition of members of the city council of Brooksville, Fla., praying for the enactment of legislation to increase the facilities for handling the business and mail at the post office at Brooksville, Fla., which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Southeastern Union Conference of the Seventh-day Adventists, held at Atlanta, Ga., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Key West, Fla., remonstrating against the proposed abolishment of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented a petition of the Daughters of the American Revolution, of Jacksonville, Fla., praying that an appropriation of \$25,000 be made for the establishment of a suitable reservation in the State of Florida for the use of the Seminole Indians, which was referred to the Committee on Indian Affairs.

He also presented petitions of sundry citizens of Grand Ridge and Fort Myers, in the State of Florida, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Board of Trade of Tampa, Fla., praying for the adoption of a 1-cent postage rate on letters, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULBERSON presented a memorial of sundry citizens of McGregor, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. HITCHCOCK presented a memorial of sundry citizens of the eleventh assembly district, of New York, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of sundry members of the Nebraska National Guard, residents of Schuyler and Osceola, in the State of Nebraska, praying for the enactment of legislation to regulate the pay of the Organized Militia, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Lindsay, Friend, Lawrence, Sutton, and Stanton, all in the State of Nebraska, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Ford, Nebr., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented memorials of sundry citizens of Frankford, New Marion, Fulton, and Lafayette, all in the State of Indiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of West Terre Haute, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Outlook Club, of Westfield, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. BRYAN presented a petition of members of the City Council of Brooksville, Fla., praying for the enactment of legislation to increase the facilities for handling the business and mail at the post office at Brooksville, Fla., which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Daytona, Cedar Springs, Jacksonville, Okahumpka, Palatka, Eustis, Live Oak, Liberty County, Branford, Danin, Bradentown, Apopka, Largo, Manatee, Oneco, Fort Ogden, Lakeland, Plant City, Winter Haven, Ellenton, and Sutherland, all in the State of Florida, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented petitions of the Woman's Christian Temperance Unions of Bloomsburg, Demarest, Union Chapel (Dover), Mount Holly, Frenchtown, Manahawken, Mendham, Middlesex, Hawthorne, Haddonfield, Bergen Point, Atlantic City, South Orange, Milltown, Perth Amboy, Rahway, Barnesboro, Westville, Newton, Irvington, Montclair, Clinton, Passaic, Sayreville, Camden, Paterson, Morristown, Flemington, Delaware, Newark, Roselle, Jersey City, Union County, Plainfield, Oak Ridge, West Hoboken, Elizabeth, Andover, Midland Park, town of Pensauken, Franklin Furnace, Newark Young People's Branch, Windsor, Orange, and Matawan; of the Presbyterian Church of Sayreville; the Watessing Methodist Episcopal Church, of Bloomfield; the Methodist Church of Demarest; the Congregational Church of Hawthorn; the First Baptist Church of Summit; the Calvary Baptist Church, of East Orange; the North Clinton Baptist Church, of East Orange; the Methodist Episcopal Church of South River; the Methodist Episcopal Church of Flemington; the Methodist Episcopal Church of Frenchtown; the Presbyterian Church of Frenchtown; the Methodist Episcopal Church of Succasunna; the Methodist Episcopal Church of Woodbridge; the Congregational Church of Manahawken and Cedar Run charge; the Village Improvement Association of Ramsey; the Baptist Church of Piscataway; the Baptist Church of Netcong; the Methodist Protestant Church of South Amboy; the Methodist Episcopal Church of Englewood; the official board, Methodist Episcopal Church, of Hawthorne; the Ladies' Aid Society, Methodist Episcopal Church, of Hawthorne; the Reformed Church of Orange; the First Methodist Episcopal Church of Roselle Park; the Central Methodist Episcopal Church, of Atlantic City; citizens of Atlantic City; the Westminster Presbyterian Church, of Atlantic City; the Chelsea Presbyterian Church, of Atlantic City; the First Methodist Episcopal Church of Atlantic City; the Palisade Methodist Episcopal Church, of Jersey City; the Trinity Methodist Protestant Church, of Atlantic City; the First Presbyterian Church of Bridgeton; the Presbyterian Church of Lambertville; the Methodist Episcopal Church of Milltown; the Baptist Church of Lambertville; the Methodist Episcopal Church of Perth

Amboy; the First Baptist Church of Newton; the Methodist Episcopal Church of Pitman; the Methodist Episcopal Church of South Amboy; the Methodist Episcopal Church of Irvington; the First Christian Church of Irvington; the Methodist Episcopal Church of Washington; the Methodist Episcopal Church of South Westville; the Newbold and Westville Baptist Church, of Newbold; the First Methodist Protestant Church of Westville; the Methodist Episcopal Church of Newton; the Methodist Episcopal Church of Stanhope; the Chester Preparative Meeting of Friends, of Moorestown; the Methodist Episcopal Church of Sayreville; the Summit Avenue Baptist Church, of Jersey City; the Park Methodist Episcopal Church, of Elizabeth; the Clinton Methodist Episcopal Church, of Clinton; the First Methodist Episcopal Church of Vineland; the Methodist Episcopal Church of Andover; the First Baptist Church of Morristown; the Presbyterian Church of Andover; the First Methodist Episcopal Church of Westfield; the Presbyterian Church of Claremont; the Methodist Episcopal Church of Ridgefield Park; the Methodist Protestant Church of Barnesboro; the Presbyterian Church of South Amboy; the First Methodist Episcopal Church of Arlington; the Methodist Episcopal Church of Morristown; the Congregational Church of Woodbridge; the West Side Presbyterian Church, of Englewood; and the Presbyterian Church of Flemington, all of the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of 140 machinists and other citizens of Plainfield and Dunellen, in the State of New Jersey, remonstrating against placing printing presses and machine tools on the free list, which was referred to the Committee on Finance.

Mr. SHIVELY presented a petition of sundry members of the Turnverein of South Bend, Ind., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which was ordered to lie on the table.

He also presented a petition of members of the Riley Club, of Alexandria, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of Local Union No. 51, International Union of Steam Engineers, of Indianapolis, Ind., and a petition of Local Union No. 153, International Union of the United Brewery Workmen of America, of Evansville, Ind., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Albion, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of members of the Local Socialist Party, of Union City, Ind., and a petition of sundry citizens of Buffalo, Monticello, and Pulaski, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Jasper Packard Post, No. 589, Department of Indiana, Grand Army of the Republic, of La Fayette, Ind., and petitions of sundry veterans of the Civil War, residents of Jamestown and Dunkirk, Ind., praying for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Unions of West Terre Haute and Dunreith, in the State of Indiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of members of the Germania Singing Society, of Logansport, Ind., and a memorial of members of the German Verein of La Fayette, Ind., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Blissfield, Climax, Cass City, Linden, Constantine, Perry, Pickford; of the Central Epworth League, of Lansing; of the Woman's Christian Temperance Union of Carleton; and of the Woman's Christian Temperance Union of Pickford, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of Arthur Odell, member of the Michigan House of Representatives from Allegan County; of

the Seville and Sumner Farmers' Club, of Elwell; of Local Grange No. 1167, of Strongville; of Berrien Center Grange, No. 14, Patrons of Husbandry; and of sundry citizens of Portland, Lawrence, Hartford, Williamston, Allegan, and Grand Rapids, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of William R. Fox, of Kalamazoo, Mich., and the petition of Homer L. Boyle, of Lansing, Mich., praying for the ratification of the proposed arbitration treaties between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry business men of Hartford, Mich., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the trustees of the village of St. Charles and of sundry citizens of Portland and Cass City, all in the State of Michigan, praying for the enactment of legislation providing for the free delivery of mail matter in towns having a population of 1,000 inhabitants and over, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry ex-Union soldiers, residents of Ionia, Mich., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of Local Union No. 199, International Brotherhood of Blacksmiths and Helpers, of Jackson, Mich., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Trades and Labor Council of Houghton, Mich., praying for the enactment of legislation providing for the restoration to Federal civil-service employees their inherent rights as citizens, which was referred to the Committee on Civil Service and Retrenchment.

Mr. GAMBLE presented a memorial of sundry citizens of Britton, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of General Godfrey Weitzel Post, No. 96, Grand Army of the Republic, Department of South Dakota, of Clark, S. Dak., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Yankton, S. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the South Dakota Retail Merchants and Hardware Dealers' Association, praying for the adoption of a 1-cent postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Wentworth, S. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. CRAWFORD presented a memorial of sundry citizens of Breckenridge, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Mitchell, S. Dak., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Valley Springs, S. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of South Dakota, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a petition of the Oakland Board of Trade, of Pittsburgh, Pa., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented petitions of Local Granges No. 1420, of Kyles Corners; No. 772, of Spruce Hill; No. 1415, of Tannersville; No. 1418, of Barnesville; and No. 1447, of Lakeville, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the Friendship Park Methodist Episcopal Church, the Fourth Ave-

nue Presbyterian Church, the Mount Washington Methodist Protestant Church, all of Pittsburgh; of the First Baptist Church and the First Presbyterian Church, of McKeesport; and the Rocky Grove Avenue Presbyterian Church, of Franklin; the Woman's Christian Temperance Unions of Pittsburgh, Saxton, and Duquesne; of District No. 7, Sunday School Association, of Indiana County; of the Woman's Missionary Society of the Third United Presbyterian Church, of Pittsburgh; of the Men's Bible Class of the First Baptist Church, of West Newton; of the South Hills Civic Club, of Pittsburgh; and of sundry citizens of Sharon and South Sharon, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against placing a duty on varnish and china-wood oil, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Oakland and San Francisco, in the State of California, praying for the enactment of legislation for the improvement of Yosemite Park, in that State, which were referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Santa Rosa, Morgan Hill, and Campbell, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to regulate the navigation of navigable streams, which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Los Angeles and San Francisco, in the State of California, remonstrating against a reduction of the duty on machine tools, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of San Francisco, Cal., praying for the enactment of legislation giving the right of petitioning Congress to employees of the Railway Mail Service, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Chamber of Commerce of Merced County, Cal., praying for the enactment of legislation to provide for the control of the flood waters of the Sacramento and San Joaquin Rivers, in that State, which was referred to the Committee on Commerce.

He also presented a petition of Local Grange No. 307, Patrons of Husbandry, of Napa, Cal., praying for the extension of the so-called parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented a petition of sundry citizens of Blue Earth, Minn., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of St. Paul, Minn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Committee on Foreign Relations, and unless a similar treaty is ratified with Germany, which was ordered to lie on the table.

Mr. SMITH of Michigan presented memorials of Local Council No. 116, United Commercial Travelers of America, of Hillsdale, and sundry citizens of Alger and Itha, all in the State of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry granges, Patrons of Husbandry, of Rosedale and Herbert; and of sundry citizens of Muir, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of members of the Woman's Literary Club of Plymouth; the Woman's Club of Alma; the Penelopean Club, of Cadillac; the Ladies' Literary Club of Grand Rapids; and of the Current Events Club, of Plainwell, all in the State of Michigan, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Otsego, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in post offices, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Denver Center, Otsego, Battle Creek, and Sand Lake, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of Local Lodge No. 10, Amalgamated Glass Workers' International Association of America, of Grand Rapids, Mich., remonstrating against the proposed abolishment of the hand-roller process in the manufacture of paper currency, which was referred to the Committee on Printing.

He also presented a petition of sundry citizens of Wayland, Mich., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquor into prohibition districts, which was referred to the Committee on the Judiciary.

Mr. RAYNER presented a petition of the Ministerial Association of Cumberland, Md., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the Woman's Christian Temperance Union of Finksburg, Md., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. STEPHENSON presented a petition of the congregation of the Methodist Episcopal Church of Bloomington, Wis., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 5969, American Society of Equity, of Catawba, Wis., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Federated Trades Council of Milwaukee, Wis., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the State Board of Agriculture, in convention at Madison, Wis., favoring the enactment of legislation providing for the establishment of agricultural extension departments in the several States, which was referred to the Committee on Agriculture and Forestry.

Mr. PAGE presented a petition of members of the St. John de Crevecoeur Chapter, Daughters of the American Revolution, of St. Johnsbury, Vt., praying for the establishment of a children's bureau in the Department of Commerce and Labor, which was ordered to lie on the table.

Mr. CURTIS presented a memorial of sundry citizens of Oak-hill, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SIMMONS presented a memorial of sundry citizens of Hamlet, N. C., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURTON presented a memorial of sundry citizens of Urbana, Ohio, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. MARTIN of Virginia presented a joint resolution adopted by the Legislature of Virginia, which was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the RECORD, as follows:

A joint resolution relating to the Public Health and Marine-Hospital Service.

Resolved by the house of delegates (the senate concurring), That—
Whereas the United States Government, pursuant to the request of the State of Virginia, has established a quarantine station for the Chesapeake Bay ports, with a view to protecting the State at large and especially the cities of Norfolk, Portsmouth, and Newport News; and
Whereas the Commonwealth of Virginia has demonstrated its confidence in the Federal Government through the action of the governor in abrogating the Newport News and Elizabeth River quarantine; and
Whereas the widespread prevalence of the Asiatic cholera in southern Europe, the constant spread of the bubonic plague, and the rapid growth of commerce between Virginia ports and ports infected with these diseases have rendered the present equipment of the United States quarantine station in Virginia inadequate; and
Whereas the opening of the Panama Canal, in the judgment of the general assembly, will result in greatly increased commerce to Hampton Roads, with a resulting necessity for a larger and more efficient quarantine and inspection service: Therefore be it

Resolved, That the Senators and Representatives of Virginia in the Congress of the United States be, and they are hereby, severally requested to use their efforts toward securing from the Federal Government an adequate appropriation for the immediate construction of an efficient boarding and disinfecting plant for the Public Health and Marine-Hospital Service in Virginia; be it

Resolved further, That the general assembly hereby heartily indorses and requests the cooperation of the Virginia Representatives in the Congress of the United States in securing the passage of Senate bill 2117, of which the Hon. THOMAS S. MARTIN is patron, entitled "A bill to promote the efficiency of the Public Health and Marine-Hospital Service."

Resolved, That the clerk of the house of delegates and the clerk of the Senate be directed to forthwith certify copies of this joint resolution to each of the Senators and Representatives from Virginia in the Congress of the United States.

Agreed to by the house of delegates February 9, 1912.

JOHN W. WILLIAMS,
Clerk House of Delegates.

Agreed to by the senate February 9, 1912.

M. B. BOOKER,
Clerk of the Senate.

Mr. MARTIN of Virginia presented an affidavit in support of the bill (S. 4519) granting an increase of pension to Florence P. Percy, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3661) granting a pension to Walter S. Buchanan, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 318. A bill to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo. (Rept. No. 366); and

S. 4493. A bill to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming (Rept. No. 367).

Mr. GAMBLE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 406) to provide for the purchase of a site and the erection of a public building thereon at Vermilion, in the State of South Dakota, reported it with amendments and submitted a report (No. 368) thereon.

He also, from the same committee, to which was referred the bill (S. 407) to provide for the erection of a public building in the city of Madison, S. Dak., reported it with an amendment and submitted a report (No. 369) thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 954) to provide for the acquisition of a site on which to erect a public building at Gilmer, Tex., reported it with an amendment.

He also, from the same committee, to which was referred the bill (S. 3831) to provide for the purchase of a site and the erection of a public building thereon at Denton, Tex., reported it with amendments.

He also, from the same committee, to which was referred the bill (S. 4042) to provide for the erection of a public building at New Braunfels, Tex., reported it without amendment.

Mr. BOURNE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1175) to authorize the purchase of a site and erection of a public building at Astoria, Oreg., reported it with an amendment and submitted a report (No. 370) thereon.

He also, from the same committee, to which was referred the bill (S. 1712) to provide for the purchase of a site and for the erection of a public building thereon at Oregon City, Oreg., reported it without amendment and submitted a report (No. 371) thereon.

Mr. CRAWFORD, from the Committee on Commerce, to which was referred the bill (S. 4572) to designate Walthalla, Neche, and St. John, in the State of North Dakota, supports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said supports, reported it with an amendment and submitted a report (No. 372) thereon.

Mr. DIXON, from the Committee on Indian Affairs, to which was referred the bill (S. 4004) to authorize the use of the funds of certain Northern Cheyenne Indians, reported it with amendments and submitted a report (No. 373) thereon.

He also, from the same committee, to which was referred the bill (S. 4488) to authorize the setting aside of a tract of land for a school site and school farm on the Yuma Indian Reservation, in the State of California, reported it without amendment and submitted a report (No. 374) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (S. 4999) for the relief of Francis M. Malone, reported it with an amendment and submitted a report (No. 375) thereon.

SENATOR FROM WISCONSIN.

Mr. JONES. On behalf of a minority of the members of the Committee on Privileges and Elections I desire to submit the views of the minority in the case involving the title to the seat of ISAAC STEPHENSON as a Senator from the State of Wisconsin. I ask that the views of the minority may be printed in the RECORD, and also that the same number of copies may be printed of the views as were ordered printed of the majority report.

Mr. OVERMAN. Let it be read.

The VICE PRESIDENT. The Senator from Washington presents the views of the minority from the Committee on Privileges and Elections and asks that they be printed in the Record and as a document. Is there objection? The Chair hears none.

Mr. JONES. In connection therewith I desire to submit the following resolution, to be printed and lie on the table.

The VICE PRESIDENT. The Senator from Washington submits a resolution, which will be read.

The Secretary read the resolution (S. Res. 223), as follows:

Resolved, That ISAAC STEPHENSON was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Wisconsin.

Mr. OVERMAN. I should like to hear the report read, if it is not too long.

The VICE PRESIDENT. The Senator from Washington desires to have the resolution printed and lie on the table.

Mr. JONES. I ask that it be printed and lie on the table.

The VICE PRESIDENT. Without objection, that order will be made.

Mr. OVERMAN. If the report is not too long, I should like to have it read. I will ask the Senator if it is a very long report.

Mr. JONES. The report is tolerably long, considering the extracts from the testimony. Outside of that the report is not very long.

Mr. HEYBURN. Mr. President, I should like to inquire what was the final action taken upon the minority report offered by the Senator from Washington. It seemed rather indefinite in my mind as to just what happened to it.

Mr. JONES. It was presented, and the request was made that it be printed in the Record, and also that an equal number of copies be printed as a document as were printed of the majority report.

Mr. HEYBURN. Printed as a Senate document?

Mr. JONES. Yes; I suppose so.

The VICE PRESIDENT. The Chair imagines as part 2 of the report of the committee.

Mr. HEYBURN. That is where the embarrassment arose. It did not come in as was suggested last week. It was necessary to go forward with the printing of the testimony with the other papers that accompanied it, because otherwise if we had held them over it would have taken two or three days' extra time to print them. I merely want to call the attention of Senators to it. The minority report came in so late that we could not, in justice to the public business, hold back the printing of the testimony. That is the reason why this will come in now just as a minority report, as in the former case.

The VICE PRESIDENT. It will come in as part 2, separately printed.

Mr. HEYBURN. It was not designated as part 2 in the former case. It was simply the minority report that was made in the case that we considered before. It was merely a separate document. I do not want to have to reopen the index and hold it up.

Mr. JONES. That I do not desire.

Mr. HEYBURN. I want a candid understanding about it.

Mr. JONES. We put in the report just as quickly as we could prepare it.

Mr. HEYBURN. Yes.

The views of the minority (S. Rept. 349, pt. 2), submitted by Mr. JONES, are as follows:

CHARGES RELATIVE TO THE ELECTION OF ISAAC STEPHENSON.

Mr. JONES (for himself, Mr. CLAPP, Mr. KENTON, Mr. KERN, and Mr. LEA), from the Committee on Privileges and Elections, submitted the following views of the minority to accompany Senate resolution 136:

In the primary election at which Mr. STEPHENSON was nominated for Senator pursuant to the Wisconsin law, the candidates expended the following sums:

Neal Brown	\$1,075.87
Francis E. McGovern	11,063.88
William H. Hatton	26,413.00
S. A. Cook	42,293.29
Senator STEPHENSON	107,793.05

In all, about \$225,000 on the part of candidates for the Senate alone. Referring to these expenditures, the majority report says:

"The amount of money expended by Mr. STEPHENSON, Mr. Cook, Mr. Hatton, and Mr. McGovern in the primary campaign was so extravagant and the expenditures made by and on behalf of these gentlemen were made with such reckless disregard of propriety as to justify the sharpest criticism. Such expenditures were in violation of the fundamental principles underlying our system of Government, which contemplated the selection of candidates by the electors and not the selection of electors by the candidate."

We concur in this statement, and it justifies us in opposing the conclusion of the majority. How a seat in the Senate can be secured "in violation of the fundamental principles underlying our system of government," with the evidence showing the use of such a large sum of money, and not be tainted by corrupt methods and practices we are unable to comprehend. The question now squarely before the Senate is whether or not methods and practices "in violation of the fundamental principles underlying our system of government" shall be denounced by our words and approved by our votes.

The majority report also says:

"Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. STEPHENSON and of other men who sought election to the United States Senate were conducted, it would be very difficult to justify such conduct under the laws of the State."

This statement we indorse. It warrants our opposition to the conclusion of the majority. If it would be difficult to justify a campaign like this by a candidate for a State office, why is it not equally difficult to justify it on the part of Senator STEPHENSON? He was not compelled to go into the primary. He elected to do so, and he should be held to the same degree of accountability as any other candidate in that primary.

If he used methods—and the majority says he did—that it would be difficult to justify in behalf of a State candidate, then it is equally difficult for the Senate to justify such conduct on the part of a candidate for a seat in this body and preserve its integrity and honor. In our judgment it can not do it.

ADMITTED FACTS.

The following may be taken as admitted facts in this case: Three men were selected as managers by Senator STEPHENSON; money was placed in their hands from time to time as called for to the amount of over \$107,000; they were not asked how they expended it, nor for what purpose; no accounting was requested; they paid it out in various sums to different individuals in different wards, precincts, and counties; large sums were paid to different individuals holding official positions, and to individuals recognized to be leaders, and to others of prominence in different organizations; no directions were given to these men how the money should be expended; no reports were required and no knowledge obtained as to how they spent the money or for what purpose; men were hired for the ostensible purpose of going over the country talking STEPHENSON and creating STEPHENSON sentiment; men, whose occupations led them into different sections of the country, were paid large sums of money for talking for STEPHENSON on their travels; men were paid three, five, and ten dollars per day to be at the polls on election day, or to haul voters to the polls; large sums were paid leaders in different wards and precincts to look after their wards and precincts; hundreds of dollars were spent for treating to cigars, liquors, meals, etc., as much as \$135 in one day by one man; money was paid to candidates for the legislature, at least three of whom were nominated and elected; detailed expenditures were not kept; memoranda were destroyed; records and papers concerning the campaign were shifted from one place to another; mysterious methods and roundabout ways were employed; original records were destroyed; items and amounts were grouped in such a way as to give no knowledge to the public except the amount of each class of expenditures; a banker acted as treasurer; no account was opened as is usually done by depositors; remittances were received, private memoranda kept, cash disbursements of funds made, but no record was kept on the bank's books, and when the committee of the general assembly started to investigate local counsel for Mr. STEPHENSON had such records and correspondence as had not already been destroyed moved out of the State, for the purpose to keeping them beyond the jurisdiction of the general assembly.

All this is admitted, and we feel that we have a right to assume from these admitted facts and actions that corrupt methods and practices were used in connection with said primary election. To hold otherwise is to establish a precedent that would authorize an expenditure of hundreds of thousands of dollars to debauch the electorate in order to secure a seat in this body. To do this is to notify the world that we are careless as to whether or not seats in this body are to be bought and sold as so much merchandise to the man with the largest purse. To do so is to say to the man of millions eager for place, power, and honor, "Spend as much of your millions as you please to secure a seat here and no question will be made if you claim it was expended within the law." As was said by Senator Hoar and Senator Frye in regard to the facts before them in the Payne case, "No more fatal blow can be struck at the Senate or at the purity and permanence of the republican Government itself than the establishment of this precedent."

The expenditure of such a sum of money at a primary election on behalf of one candidate in itself shocks the judgment and conscience of honest men generally, and disbursed as disclosed by the record in this case is conclusive of corrupt methods and practices.

THE PRIMARY.

The power to inquire into the practices and methods employed in the primary election is questioned. The majority in this case find that we have this power, and with that conclusion we agree. In this we are fully sustained by principle and precedent, and by the terms of the resolution under which the committee acted, which authorized and directed the committee "to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and report to the Senate whether in the election of said ISAAC STEPHENSON as a Senator of the United States from the said State of Wisconsin there were used corrupt methods and practices." The charges preferred by the Legislature of Wisconsin affected not only the election by the legislature itself, but also the primary election.

It appears by the record that several candidates for the legislature announced during their candidacy that, if elected, they would vote for the candidate for Senator receiving the highest vote at the primary. If the primary choice was secured by corrupt methods and practices, would not the vote in the legislature secured thereby be corrupt, however innocent the member casting it? Several members of the legislature announced when they voted for STEPHENSON that they did so solely because he was the primary choice. If the primary was carried by corrupt methods and practices, these votes were corrupt, though honestly cast, and if the Senate can not inquire into such corrupt methods and practices, then the power given to us to judge of elections of our Members is a mere shadow. That we have this power is in accord not only with reason and justice, but is sustained by precedent.

The case of Mr. Caldwell, found at page 429, Senate Election Cases, is in point. In this case an arrangement was made by Mr. Caldwell with Thomas Carney under which Mr. Carney agreed not to be a candidate for United States Senator before the Legislature of Kansas and should give his influence and support for Mr. Caldwell. Mr. Caldwell was to pay him \$15,000. Mr. Carney was not a candidate before the legislature and did use his influence to secure the election of Mr. Caldwell. Was such an arrangement corrupt? The committee said:

"It was an attempt to buy the votes of the members of the legislature, not by bribing them directly, but through the manipulations of another. The purchase money was not to go to them, but to Mr. Carney, who was to sell and deliver them without their knowledge. That Mr. Caldwell did procure the votes of members of the legislature,

friends of Mr. Carney, ignorant of the fact that Mr. Carney was making merchandise of his political character and influence and of their friendship for him, for which he was to receive a large sum of money, the evidence leaves no reasonable doubt.

"Buying off opposing candidates, and in that way securing the votes of all or the most of their friends, is in effect buying the office. It recognizes candidacy for office as a merchantable commodity—a thing having a money value—and is as destructive to the purity and freedom of elections as the direct bribery of members of the legislature."

When candidates for the legislature announce that they will vote for the choice of the primary for Senator, then to buy or corrupt the primary is to buy the member of the legislature; and if it was corrupt to buy off a candidate for the Senate and thereby secure the votes of his friends it is also corrupt to buy the primary and thereby secure the votes of those who announce that they will be controlled by the primary; and if the Senate can go outside of the proceedings of the legislature and investigate corruption in preventing men from being candidates for the Senate before the legislature, then it can certainly investigate methods and proceedings in the primary.

In the Payne case (Senate Election Cases, p. 711) three of the committee of seven say:

"We, in our conclusion, made no distinction between the use of fraud, corruption, or bribery in a caucus vote or in the legislative vote for a Senator. Although a caucus, or what proceeds in it, has no constitutional or legal relation to the election of a Senator, yet, by the habit of political parties, the stage of determination as to who is to be elected Senator, and the influences, proper or improper, that produce that determination, is that which precedes and is concluded in the caucus. So far as the question of personal delinquency or turpitude is concerned, no moral distinction should be made between corrupt proceedings in caucus and those in the legislature. How far any such distinction would need to be insisted upon in any case, on the question of unseating a Senator, where he himself was not affected with any personal misconduct or complicity with the misconduct of others, we have no occasion, in the immediate case or attitude of the subject, to consider or suggest."

Sensors Hoar and Frye, in the same case, in their minority views at page 715, say:

"If B, C, and D have promised to vote as A shall vote, if A be corrupted, four votes are gained by the process, although B, C, and D be innocent. In looking, therefore, to see whether an election by the legislature was procured or effected by bribery, it may be very important to discover whether that bribery procured the nomination of a caucus whose action a majority of the legislature were bound in honor to support."

JOHN W. STONE.

John W. Stone was State game warden and had many deputies acting under him. Their position gave them an influence they would not have as individuals, and their duties required them to travel over the State. It was desirable to have their active support. Senator STEPHENSON personally directed that \$2,500 be turned over to Stone. This was done without any specific directions as to its use, and the money was distributed over the State where and in the manner that it was thought would do the most good. While this action may not be a direct violation of the letter of any State law, in our judgment it was a corrupt practice.

EXTRACTS FROM TESTIMONY.

We submit the following extracts from the testimony as illustrative of the methods and practices pursued in the distribution of this large sum of money for campaign purposes:

PRIMARY—STEPHENSON WOULD FIX NO LIMIT, BUT SAID GO ON AND CONDUCT THE CAMPAIGN, ETC.

Mr. EDMONDS. In my talk with Senator STEPHENSON I wanted to learn from him the amount of money he expected to expend. He seemed to think that too much money was being expended. I endeavored to have him fix an amount so that we would not exceed it. This he declined to do, and I endeavored to show him the difficulty of conducting a campaign without knowing how much I might be allowed to expend; but I was not able to get him to state, and he said to go on and conduct the campaign—"use your best ability in conducting it," and left it in that way.

SENATOR STEPHENSON.

Senator POMERENE. Did they advise you from time to time as to how they were expending this money?

Senator STEPHENSON. Not as a rule; no, sir.

Senator POMERENE. Did you ask for any report from them from time to time as to how they were expending this money?

Senator STEPHENSON. No, sir. I had confidence in Mr. Edmonds and Mr. Puelicher and my bankers, and I have yet.

Senator POMERENE. Referring to this letter of August 4, it was made known to you that to carry out Mr. Edmonds's plan he needed more money?

Senator STEPHENSON. Yes, sir.

Senator POMERENE. Did you at that time take up with him the matter as to the amount which you felt disposed to put into the campaign?

Senator STEPHENSON. I can not say as to that. We telephone some. I think I was in the headquarters only twice, and not to exceed an hour altogether during the entire campaign. I was not in Milwaukee but about three times.

Senator POMERENE. In other words, we are to understand, then, that you left the entire management of this campaign to your campaign managers, and about all you did was to furnish the sinews of war?

Senator STEPHENSON. Yes.

PAID TO STONE, GAME WARDEN, \$2,500.

The CHAIRMAN. We will pass that. Now, we come to another item, "Cash to J. W. Stone, \$2,500." Who was Mr. Stone?

Mr. EDMONDS. Mr. Stone was game warden of Wisconsin.

The CHAIRMAN. Did you know him personally before the payment of this \$2,500?

Mr. EDMONDS. Yes; I had met him.

The CHAIRMAN. Or at the time?

Mr. EDMONDS. I had met him.

The CHAIRMAN. You paid him the money, did you not, in cash?

Mr. EDMONDS. Through my instructions.

The CHAIRMAN. Did you not pay it to him in cash yourself?

Mr. EDMONDS. No.

The CHAIRMAN. Who did?

Mr. EDMONDS. Mr. Sacket says he did.

The CHAIRMAN. Mr. Sacket paid it in cash. Where did he get the cash? Did you give it to him?

Mr. EDMONDS. No; I did not have the cash.

The CHAIRMAN. Mr. Sacket had no cash in the campaign, did he?

Mr. EDMONDS. Mr. Sacket could get the cashier's check from the bank.

The CHAIRMAN. He had to get it from you, or on your credit?

Mr. EDMONDS. Sure; I told them to give it to him.

The CHAIRMAN. Then you did tell him to get it?

Mr. EDMONDS. Certainly.

The CHAIRMAN. Let us see if we can get at a candid statement of the occasion of the payment of this \$2,500 to the State game warden. You know all about it, do you not?

Mr. EDMONDS. About his getting the money.

The CHAIRMAN. You know all the details of that game-warden proposition, do you not?

Mr. EDMONDS. Yes.

The CHAIRMAN. The matter has been investigated in such a way as to fix it in your mind, has it not?

Mr. EDMONDS. It was not necessary, because I remembered the details.

The CHAIRMAN. Remembered it all?

Mr. EDMONDS. No, sir; there were some things I did not remember, but some details I remember.

The CHAIRMAN. I would hardly expect to receive a reply if you do not know in regard to Mr. Stone.

Mr. EDMONDS. Yes, sir.

The CHAIRMAN. For what purpose was \$2,500 paid to Mr. Stone?

Mr. EDMONDS. For the purpose of getting his assistance in helping to nominate Senator STEPHENSON.

The CHAIRMAN. What kind of assistance?

Mr. EDMONDS. Such kind as he could give, in his best judgment.

STONE MONEY PAID UNDER AGREEMENT WITH STEPHENSON.

Senator SUTHERLAND. When was it you gave Mr. Stone the \$2,500, before or after this conversation?

Mr. EDMONDS. After.

Senator SUTHERLAND. After?

Mr. EDMONDS. That is, I think the same day, as I recall.

Senator SUTHERLAND. How did you fix the amount of \$2,500?

Mr. EDMONDS. My recollection is that either Senator STEPHENSON informed me or else Mr. Stone informed me that that was the amount to be paid him.

Senator SUTHERLAND. Which was it?

Mr. EDMONDS. I can not recall now.

Senator SUTHERLAND. Did you make the arrangement or did Mr. STEPHENSON make it?

Mr. EDMONDS. My present recollection is that Mr. STEPHENSON made the agreement with Mr. Stone; Mr. Stone had seen him.

Senator SUTHERLAND. For the \$2,500?

Mr. EDMONDS. But as to just how far that went I am not positive now. I do not want to do Mr. STEPHENSON an injustice by saying that he made it if Mr. Stone reported that that was the amount agreed upon when we talked.

Senator SUTHERLAND. Then I understand you to say that you do not know why it was \$2,500 rather than some other sum?

Mr. EDMONDS. Except that that was the amount that Mr. Stone thought was advisable to put in his hands; that he could use to advantage or because of the information received from Senator STEPHENSON; which I am not sure.

Senator SUTHERLAND. Did you not exercise any judgment yourself as to what amount should be paid?

Mr. EDMONDS. In that particular case; no, sir.

PRIMARY—MONEY TO MEMBERS OF THE LEGISLATURE—GAME WARDEN STONE—STEPHENSON TOLD.

The CHAIRMAN. What were the instructions, and what was the transaction?

Mr. EDMONDS. I think Senator STEPHENSON telephoned me or sent word through Mr. Stone to give him \$2,500.

The CHAIRMAN. To give you \$2,500?

Mr. EDMONDS. To give him \$2,500.

The CHAIRMAN. To give Stone \$2,500?

Mr. EDMONDS. Yes, sir.

The CHAIRMAN. For what did you give it to him?

Mr. EDMONDS. I did not give it to him.

The CHAIRMAN. You did not?

Mr. EDMONDS. No.

The CHAIRMAN. Where did Mr. Stone get the \$2,500?

Mr. EDMONDS. I assume from the bank—a cashier's check.

The CHAIRMAN. Did you give him an order?

Mr. EDMONDS. That is my recollection, though I am not positive.

The CHAIRMAN. That you gave him an order on the bank?

Mr. EDMONDS. I think so. That may have been one of the \$5,000 items. I have not seen my check book for two years.

GAME WARDEN STONE GOT \$2,500 BY DIRECTION OF STEPHENSON; WAS TO USE AT OWN ELECTION.

The CHAIRMAN. Was it to be expended by you, or were you authorized to pay it out to others, to be expended by them?

Mr. STONE. I was to use it at my own discretion.

The CHAIRMAN. Were you at liberty, then, as you understood the transaction, to handle all that money yourself?

Mr. STONE. Yes, sir.

The CHAIRMAN. According to your discretion?

Mr. STONE. Yes.

The CHAIRMAN. No limitations were placed upon you, whatever, as to the manner of expenditure, were there?

Mr. STONE. No; I think not.

MANAGER EDMONDS'S DESCRIPTION OF "ORGANIZATION" METHODS.

The CHAIRMAN. Now, what do you mean by "organize" when you use the term in connection with the payment of this money?

Mr. EDMONDS. I mean that the man employed by me to look after Dane County and get out the vote—the largest possible vote—for Senator STEPHENSON was given latitude, usually guided by his judgment alone, as to what was to be done (p. 77).

The CHAIRMAN. Particularize the word "organize" and tell me what constituted organization.

Mr. EDMONDS. My idea in a county that was thoroughly organized would be in the first place to get out the advertising that we sent to the county—have it fully distributed and posted, and after that was done he was to put in his full time going around the county, and he was paid for his services going around the county and interesting men of influence in the different localities to interest their friends so as to get out a full vote for Senator STEPHENSON election day. In some instances still further organizing, if in their judgment that was wise, by getting out the vote, by hiring teams, etc., for getting men to the polls (p. 78).

PURPOSE FOR WHICH MONEY WAS PAID.

The CHAIRMAN. The second charge is as follows:

"That said ISAAC STEPHENSON did, prior to said primary, pay to said Edmonds, above mentioned, sums with the design that said Edmonds should pay to other electors of this State, out of said sums above men-

tioned and other sums of money received by said Edmonds from said ISAAC STEPHENSON, prior to said primary, sums ranging from \$5 per day to \$1,000, in bulk, as a consideration for some act to be done in relation to said primary by said electors for said ISAAC STEPHENSON as such candidate, in violation of said section."

Is that statement true?

Mr. EDMONDS. No, sir.

The CHAIRMAN. Wherein is it not true?

Mr. EDMONDS. It is a pretty long statement. One of the things that appeals to me as not being true is that neither of those sums is in violation of the law.

The CHAIRMAN. Then we will waive that last statement, "in violation of said section." Did he give you those sums, or any of them, to pay to other electors of the State?

Mr. EDMONDS. To other electors of the State?

The CHAIRMAN. Yes.

Mr. EDMONDS. Yes; I should say that he understood that in his payment of the money.

The CHAIRMAN. Then the statement of facts, aside from the final clause, "in violation of said section," is substantially correct, is it?

Mr. EDMONDS. There are a good many items in there enumerated, but I should say it is substantially correct.

Senator SUTHERLAND. You have had charge of large expenditures of money, have you, in a business way?

Mr. EDMONDS. Quite large; yes, sir.

Senator SUTHERLAND. You have employed many agents whose duty it was to expend money?

Mr. EDMONDS. In some instances; yes, sir. Usually, however, in the management of a business, the work is done from the office, and the management of such business as I conducted was done by me, in the expenditure of money.

Senator SUTHERLAND. Is it in accordance with your business training and experience and habits to hand over to your agent a large sum of money, \$500 or \$1,000, and have him expend it without keeping an account of what he expends it for, or without having him render an account to you of the expenditures?

Mr. EDMONDS. I do not think so.

Senator SUTHERLAND. That is not in accordance with business methods, at any rate?

Mr. EDMONDS. No, sir.

Senator SUTHERLAND. Was there any reason why you could not request these various political agents to keep an account of their expenditures?

Mr. EDMONDS. The only reason I could give is that I have never heard of it being done. Custom, I should say, governed that.

NO MEMORANDA AS TO MONEY PAID.

Mr. EDMONDS. I do not know.

The CHAIRMAN. Who should know, under the system that obtained in the headquarters?

Mr. EDMONDS. Mr. Sacket should know.

The CHAIRMAN. Did you make any memoranda when you gave instructions for the payment of money to these various people, or any of them, as to the services they were to perform in consideration of receiving this money?

Mr. EDMONDS. No, sir; no written statement; no, sir.

The CHAIRMAN. You say you did not?

Mr. EDMONDS. No written statement; no, sir.

The CHAIRMAN. Did you make any memoranda at any time in regard to the purposes for which the money you ordered paid was to be used?

Mr. EDMONDS. I do not recall any.

The CHAIRMAN. Endeavor to recall it now, Mr. Edmonds.

Mr. EDMONDS. Yes, sir; I will.

The CHAIRMAN. Can you recall any instance in which you made a memorandum as to the purpose for which the money was paid, either by you or under your instructions, during this campaign?

Mr. EDMONDS. I can not recall any instance; no, sir.

The CHAIRMAN. You have no books of account in which such items will appear?

Mr. EDMONDS. Absolutely not.

The CHAIRMAN. You made no record either in a book or otherwise as to the purpose for which you paid or directed that money to be paid during the campaign?

Mr. EDMONDS. To the very best of my recollection, none.

The CHAIRMAN. Why did you not?

Mr. EDMONDS. I did not feel it was necessary.

The CHAIRMAN. Were you acquainted with the provisions of the statutes of the State of Wisconsin with reference to the filing of an expense account by those who were candidates for nomination or election?

Mr. EDMONDS. Yes; I think so; reasonably well.

The CHAIRMAN. Are we to understand that with that knowledge you did not make any attempt to lay the foundation for compliance with that law in the expenditure or payment of the large sums of money that you disbursed during the campaign?

Mr. EDMONDS. I did not, because it was done by another person in the office.

The CHAIRMAN. Who?

Mr. EDMONDS. Mr. Sacket.

The CHAIRMAN. Suppose it transpired that it was not done by Mr. Sacket, then did Mr. Sacket disobey any instructions which you had given?

Mr. EDMONDS. No, sir; Mr. Sacket had his instructions from others before I came and took charge.

The CHAIRMAN. You were the manager of the campaign, were you not? That was the term used as to yourself?

Mr. EDMONDS. That is the term that has been given me; yes, sir.

The CHAIRMAN. It was the designation at that time, was it not?

Mr. EDMONDS. I think so.

The CHAIRMAN. How did you regard yourself in that respect?

Mr. EDMONDS. I think I regarded myself as manager of the campaign.

The CHAIRMAN. And so regarding yourself, you made no attempt to lay the foundation for making a statement that would comply with the law in the event it became necessary to file an expense account?

Mr. EDMONDS. No, sir. Owing to the conditions that existed when I went there, I felt that that was being done and so continued during my service.

\$100 SENT TO A NEWSPAPER MAN AT WAUSAU.

The CHAIRMAN. I will so mark it. The next item is \$100 to J. L. Sturtevant. That is said to be for "advertising." What advertising was that?

Mr. EDMONDS. He is running a daily and weekly newspaper, I believe, at Wausau.

The CHAIRMAN. Who made that contract?

Mr. EDMONDS. I believe I sent him the money.

The CHAIRMAN. Have you a bill and receipt for it?

Mr. EDMONDS. No, sir.

The CHAIRMAN. Any acknowledgment of it?

Mr. EDMONDS. No, sir.

The CHAIRMAN. What advertising was that for?

Mr. EDMONDS. I do not know why the word "advertising" is in there, except that that is Mr. Sacket's method of designating certain of these matters to keep them in a certain account.

The CHAIRMAN. But you know about the payment of the money?

Mr. EDMONDS. Yes; I paid the money.

The CHAIRMAN. You inquired what it was for when you authorized it, did you not?

Mr. EDMONDS. No. I had known Mr. Sturtevant for some little time, and, believing that he could be of assistance to us in Wausau—I knew that he was a friend of Senator STEPHENSON—I sent him a hundred dollars to use as he saw fit in promoting the interests of the Senator.

The CHAIRMAN. That was what might be termed a general contribution to the newspaper, was it; for its friendship?

Mr. EDMONDS. Perhaps it might be called that.

The CHAIRMAN. There was no specific advertisement—no space charged for—was there?

Mr. EDMONDS. In this particular instance, I do not know.

The CHAIRMAN. No bill was rendered for specific services as "advertising"?

Mr. EDMONDS. I do not recall, in this instance. I sent him the money, asking him to use it in the interest of Senator STEPHENSON.

The CHAIRMAN. You sent him the money for the purpose of retaining a friendly attitude toward Senator STEPHENSON, did you not?

Mr. EDMONDS. I did not need to do that, because he was very friendly; his paper was for him and had been all the time.

The CHAIRMAN. Then it was a gratuity. You already had the services, and in acknowledgment of friendship you sent him a hundred dollars; does that express it?

Mr. EDMONDS. No; I hardly think that expresses it.

The CHAIRMAN. Then what was the hundred dollars for?

Mr. EDMONDS. I thought that with the hundred dollars he would be more active in his support of Senator STEPHENSON.

The CHAIRMAN. Then it was for additional friendship to that already existing, was it?

Mr. EDMONDS. Perhaps that statement would be true.

The CHAIRMAN. It was to cement the existing friendship?

Mr. EDMONDS. Most assuredly; it was to help Senator STEPHENSON.

The CHAIRMAN. Was it in order that he might not probably be influenced to change his attitude of friendship?

Mr. EDMONDS. No; that was not at all necessary with him.

The CHAIRMAN. Very well. You sent just that class of contributions to a number of papers, I suppose, did you not?

Mr. EDMONDS. I think there were a number of instances; yes, sir.

WISE MANAGERS DID NOT KNOW, AND DID NOT ATTEMPT TO FIND OUT, WHETHER THIS MONEY WAS SPENT HONESTLY OR NOT.

The CHAIRMAN. And that you have made no effort to ascertain whether or not the expenditures of this money were wrongful?

Mr. EDMONDS. No, sir.

The CHAIRMAN. In any case?

Mr. EDMONDS. I have not.

THE EXTENT AND MANNER OF DISTRIBUTION.

The CHAIRMAN. You had 70 men, I understand, in your organization industriously engaged in distributing money among the common people throughout the campaign?

Mr. EDMONDS. I should say there were probably that many.

MANAGER SACKET'S DESCRIPTION OF "ORGANIZATION METHODS" (P. 175).

The CHAIRMAN. I notice that all of these items for organizing—and the greater part of them are for organizing—are after the time when you had filed the petitions with the signatures on them.

Mr. SACKET. My idea of organizing, as I used it in this statement, might include circulating of petitions, or any other work to perfect that organization which we hoped to use for the election of Senator STEPHENSON.

The CHAIRMAN. Would it include the distribution and payment of money to men who were to work at the polls?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Would it include the payment of money to men who were to induce other men to vote for Senator STEPHENSON, without any limitation being placed upon the manner of inducement?

Mr. SACKET. It would include money expended that way; yes, sir.

The CHAIRMAN. It might include money expended in purchasing votes, might it?

Mr. SACKET. It might.

The CHAIRMAN. Did it?

Mr. SACKET. Not to my knowledge.

The CHAIRMAN. Can you say it did not?

Mr. SACKET. No, sir; not to my knowledge.

METHOD BY WHICH SACKET SPENT MONEY.

(167) Mr. SACKET. I do not know.

The CHAIRMAN. What services did he perform?

Mr. SACKET. I do not know.

Mr. LITTLEFIELD. Was he one of the men you made an arrangement with?

Mr. SACKET. He was not.

The CHAIRMAN. Did you pay that on the order of Mr. Edmonds?

Mr. SACKET. I did.

The CHAIRMAN. Did you pay money on the order of any person other than Mr. Edmonds?

Mr. SACKET. Not to my recollection.

The CHAIRMAN. When Mr. Edmonds gave you an order, such as is indicated by that payment, did he give it to you in writing?

Mr. SACKET. Not necessarily.

The CHAIRMAN. How did he give it to you?

Mr. SACKET. He told me that he wanted a check for \$300 for Mr. R. E. Orton.

The CHAIRMAN. Was it a verbal communication?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Then you would get the check?

Mr. SACKET. Yes, sir.

The CHAIRMAN. And would you make a memorandum?

Mr. SACKET. I would.

The CHAIRMAN. Did you inquire of Edmonds what the money was to be used for?

Mr. SACKET. Not in all cases.

The CHAIRMAN. Did you in this case?

Mr. SACKET. I do not remember.
 The CHAIRMAN. You have no recollection about it?
 Mr. SACKET. No, sir.
 The CHAIRMAN. You do not know whether it was to be used for purchasing votes or for what purposes?
 Mr. SACKET. I had no knowledge of my own whatever.
 The CHAIRMAN. Did you not feel it incumbent upon you to know for what the money that you paid out was to be used?
 Mr. SACKET. The money that I paid out on Mr. Edmonds's order; no.
 The CHAIRMAN. You think you would be relieved of responsibility if the money was to be paid out for an unlawful purpose merely because Mr. Edmonds told you to pay it?
 Mr. SACKET. Yes, sir.
 The CHAIRMAN. You think you would be relieved?
 Mr. SACKET. Yes, sir.
 The CHAIRMAN. You would not undertake to assert that if an associate were to ask you to violate the law you would be justified in doing it?
 Mr. SACKET. No, sir.
 The CHAIRMAN. Then how do you account for your answer that if you believed if Mr. Edmonds told you to pay this money out for an unlawful purpose that Mr. Edmonds and not you would be responsible?
 Mr. SACKET. I felt that when Mr. Edmonds asked for money I was under obligations to give it to him. I was Mr. STEPHENSON's manager.

DESTRUCTION OF MEMORANDA.

Manager Sacket, in testifying as to the payment of an item of \$400, stated that he was unable to remember anything about it. He then testified as follows (p. 164):
 The CHAIRMAN. That emphasizes the misfortune of the destruction of your memoranda, does it not? Now, you say, in the absence of that memorandum, you can not remember anything about the \$400. It may have been used to purchase votes in violation of law, may it not?
 Mr. SACKET. I have no knowledge one way or the other.
 The CHAIRMAN. So that a payment of this money passing through your hands as the representative of the candidate may have been used, so far as you can state, for an illegal purpose?
 Mr. SACKET. I do not know.

PERRIN'S EXPENDITURES.

The CHAIRMAN. Who is C. R. Fridley?
 Mr. PERRIN. He is an attorney at Superior.
 The CHAIRMAN. Is he an old resident?
 Mr. PERRIN. Yes.
 The CHAIRMAN. Is he an old man or a young man?
 Mr. PERRIN. He is a man of 42 or 43 years of age.
 The CHAIRMAN. Did he support Senator STEPHENSON for nomination at the primaries and before the primaries?
 Mr. PERRIN. Yes.
 The CHAIRMAN. Was he in public life in any capacity?
 Mr. PERRIN. No.
 The CHAIRMAN. He was what you call a political worker, was he?
 Mr. PERRIN. No. He was a practicing lawyer.
 The CHAIRMAN. He was actively engaged in the practice of law?
 Mr. PERRIN. Yes, sir.
 The CHAIRMAN. You never asked him for any accounting as to the expense he had incurred.
 Mr. PERRIN. I did not.
 The CHAIRMAN. What is Mr. Fridley's business, you say?
 Mr. PERRIN. He is an attorney.
 The CHAIRMAN. The next item is \$10 to H. L. Dresser. Who is H. L. Dresser?
 Mr. PERRIN. Mr. Dresser had nothing to do with the campaign, and does not live in the State. I was in Duluth and somebody made application to me for money, and I had to go to him and borrow it, and gave him my check to reimburse him. It was money expended in the campaign.
 The CHAIRMAN. He lived in Duluth?
 Mr. PERRIN. He lived in Duluth when this application was made to me.
 The CHAIRMAN. You drew this money for your own expenditure, or to be paid out by you?
 Mr. PERRIN. I drew that money to be paid to some one in the STEPHENSON campaign.
 The CHAIRMAN. Can you say to whom you paid it?
 Mr. PERRIN. I can not.
 The CHAIRMAN. We go to the next item of \$50 cash. Can you account for any part of it?
 Mr. PERRIN. I have no recollection of it.
 The CHAIRMAN. The last item I inquired about, of \$10 to Dresser, was on the 18th of August.
 Mr. PERRIN. Yes, sir.
 The CHAIRMAN. And another item the same day, the 18th, is \$50 cash. You say you can not account for that?
 Mr. PERRIN. No.
 The CHAIRMAN. At that time you had received the \$3,000. You received it on the 15th. So you had all of this \$5,000 then available?
 Mr. PERRIN. Yes, sir.
 The CHAIRMAN. And on the 19th you drew a check to W. W. Savage for \$25, and he indorsed it. What was that for?
 Mr. PERRIN. I am not sure about that. I sent him out two or three times, I do not remember when, to get information to enable us to carry on this work.
 The CHAIRMAN. He was your clerk?
 Mr. PERRIN. Yes.
 The CHAIRMAN. On the 21st you paid out \$200 cash. Can you account for any part of that?
 Mr. PERRIN. I have no recollection of it.
 The CHAIRMAN. On the same day you paid out \$100 cash. Can you account for any part of that?
 Mr. PERRIN. I have no distinct recollection.
 The CHAIRMAN. Again on the same day, \$40 cash. Can you account for that or any part of it?
 Mr. PERRIN. I do not recollect that.
 The CHAIRMAN. Was it money expended in the city of Superior?
 Mr. PERRIN. This money was expended in four counties—Douglas, Bayfield, Sawyer, and Washburn.
 The CHAIRMAN. Are they the northern counties in the State?
 Mr. PERRIN. Yes.
 The CHAIRMAN. The most northern?
 Mr. PERRIN. Yes.
 The CHAIRMAN. Tell us the conversation—what he said to you and what you said to him that resulted in the handing over of that check.
 Mr. PERRIN. I can not remember the details.

The CHAIRMAN. Give use the substance.
 Mr. PERRIN. The substance of it was that I went to him and asked him if he would put in some time in the Stephenson campaign. He said he would do what he could. I asked him how much money he thought he would need at that time, and he said that he ought to have \$250.
 The CHAIRMAN. Did you tell him that you were disbursing Stephenson money at that time? You told him you had received this thousand dollars, did you?
 Mr. PERRIN. Yes.
 The CHAIRMAN. And he told you he could be of some use to Senator STEPHENSON, did he?
 Mr. PERRIN. Yes.
 The CHAIRMAN. How did he tell you he could be of use to Senator STEPHENSON?
 Mr. PERRIN. I guess I knew as much about that as he did. I do not know that he expressed himself in specific terms as to what he could do or would do.
 The CHAIRMAN. What did he do for Senator STEPHENSON's campaign?
 Mr. PERRIN. I do not know.
 The CHAIRMAN. You say you knew what he could do?
 Mr. PERRIN. I knew what he could do; certainly.
 The CHAIRMAN. Was that to be taken as a criterion of what he did do?
 Mr. PERRIN. It was by me.
 The CHAIRMAN. What did he do?
 Mr. PERRIN. Taking that as a criterion, he could, and I believe he did, get men interested for Senator STEPHENSON that neither Senator STEPHENSON, Mr. Edmonds, nor I could otherwise get.
 The CHAIRMAN. Get men that you could not get?
 Mr. PERRIN. Yes.
 The CHAIRMAN. How would he get them interested? What would he do?
 Mr. PERRIN. I think he would mostly talk.
 The CHAIRMAN. What would he say to them?
 Mr. PERRIN. I am sure I do not know.
 The CHAIRMAN. What would be the nature of the conversation?
 Mr. PERRIN. I would not undertake to say.
 The CHAIRMAN. How do you know it is not just exactly the conversation you or Mr. Edmonds would have had with these people?
 Mr. PERRIN. Because I know that I could not talk to some of those people the way Mr. Shields could.
 The CHAIRMAN. If you do not know what he said to them, how do you know that?
 Mr. PERRIN. There are things, you know, that we know without being able to explain or express after long years of acquaintance with a man that no man living can sit on the witness stand and detail.
 The CHAIRMAN. Do you think you are worth the \$3,000 that Mr. STEPHENSON gave you?
 Mr. PERRIN. Oh, I know I am worth that.
 The CHAIRMAN. It takes a pretty good political talker to get that amount of money.
 Mr. PERRIN. I did not have to talk any to get it.
 The CHAIRMAN. How much of this money indicated by the cash items or the checks remained in your hands?
 Mr. PERRIN. Not a cent.
 The CHAIRMAN. And yet you can not account for a cent of it that you paid out?
 Mr. PERRIN. I can not in detail; no, sir.
 The CHAIRMAN. Not a single item?
 Mr. PERRIN. Not one.
 The CHAIRMAN. That was rather a spectacular campaign in some respects, was it not, with money flowing out freely in those amounts?
 Mr. PERRIN. To speak in the vernacular, I guess we got them "going some."
 Senator SUTHERLAND. In handing over sums of money to people that you employed in Senator STEPHENSON's interest, did you give any of them any instructions whatever as to what they should do?
 Mr. PERRIN. If I thought it was necessary when I gave the man money to tell him what to do, I have no doubt I did.
 Senator SUTHERLAND. Did you?
 Mr. PERRIN. I do not remember.
 Senator SUTHERLAND. You do not recall having given anybody any instructions?
 Mr. PERRIN. No; I do not recall it. I know there were some instances where I said to some man, or some men, that we would look to him or them to provide workers at the polls, for instance, or teams to get voters out. But that was all in the most general way.
 Senator SUTHERLAND. You gave them no specific instructions that you recall as to what they should do?
 Mr. PERRIN. I do not recall now; no. I do not recall now that I did.
 The CHAIRMAN. On August 5, \$200 cash. For what was that cash expended, and by whom?
 Mr. PERRIN. I have no recollection.
 The CHAIRMAN. August 6, \$25 cash. What do you say as to that?
 Mr. PERRIN. I have no recollection.
 The CHAIRMAN. August 6, \$200. What have you to say as to that item?
 Mr. PERRIN. I do not remember it.
 The CHAIRMAN. When you say you do not remember, you mean—
 Mr. PERRIN. I have no recollection.
 The CHAIRMAN. That you have no information to give in regard to it, based upon your recollection?
 Mr. PERRIN. None whatever.
 The CHAIRMAN. On August 7, \$100 cash. Have you any recollection as to the purpose for which that was expended?
 Mr. PERRIN. No, sir.
 The CHAIRMAN. And on August 7, again, \$75; and on August 7, again, \$50; that is \$225 on August 7. Have you any knowledge as to what that was used for?
 Mr. PERRIN. Those items are all "cash"?
 The CHAIRMAN. Yes; they are all cash.
 Mr. PERRIN. No; I have no recollection.
 The CHAIRMAN. On the 8th we have cash items of \$50, \$50, \$50, \$50, and \$50—\$250; do you know the purpose for which that money, or any part of it, was expended?
 Mr. PERRIN. Those are cash?
 The CHAIRMAN. Yes; cash items.
 Mr. PERRIN. No; I have no recollection.
 Senator POMERENE. You have said in answer to Senator SUTHERLAND—I want to quote you correctly, and if I do not you will correct me—that you probably paid money to 100 different persons, though you were not definite as to your statement.

Mr. PERRIN. No; I can not be.
 Senator POMERENE. I understand that. You also said to him again in your examination that you knew personally very many of the men that you employed.

Mr. PERRIN. Yes.
 Senator POMERENE. Do you mean to tell the committee that you do not now remember any of the men to whom you paid this money, outside of the few names that you gave to Senator HEYBURN?

Mr. PERRIN. That is just exactly what I mean to say.
 Senator POMERENE. Not one of them?
 Mr. PERRIN. Not one of them.

MR. PERRIN'S METHODS OF DISTRIBUTING \$5,000.

(689) Mr. PERRIN. I planned that we would take the first \$1,000 and get hold of as many of the men who were accustomed to doing political work in that territory as we could get hold of with that money, laying the foundation for further and more extensive electioneering if the money was forthcoming. * * * At that time, I think, I knew I would get another \$1,000.

"The CHAIRMAN. With this class of expenditure the motive does cut some figure. You were representing a candidate for office, under the laws of a State, and you were not spending your money, but his. Did it not occur to you that he would be responsible for the manner of your expenditure, and that incidentally to that you would have some responsibility?"

Mr. PERRIN. No.
 The CHAIRMAN. It did not?

Mr. PERRIN. No.
 The CHAIRMAN. You did not feel that you were under any responsibility to any person or any law for the manner of the expenditure of this money?

Mr. PERRIN. I do not think I said that.
 The CHAIRMAN. I asked you. It is a question I am asking you.
 Mr. PERRIN. Just read the question, please.
 The reporter read as follows:

"The CHAIRMAN. You did not feel that you were under any responsibility to any person or any law for the manner of the expenditure of this money?"

Mr. PERRIN. I felt that I was responsible to Senator STEPHENSON for the expenditure of the money that he put in my hands.

The CHAIRMAN. Do you mean the manner of the expenditure?
 Mr. PERRIN. No; I do not think so, entirely. I think I was selected to exercise an independent judgment upon the manner in which his candidacy should be furthered in that particular.

The CHAIRMAN. And leave the responsibility upon Senator STEPHENSON?

Mr. PERRIN. May I inquire—responsibility for what?
 The CHAIRMAN. The manner in which you expended it; were you going to let him take chances on that?

Mr. PERRIN. I do not think the Senator was taking any chances on that.

The CHAIRMAN. To return to Mr. Shields: You have not been able to account for any item of expenditure by Mr. Shields; so that we shall have to rely upon Mr. Shields, shall we, for that information?

Mr. PERRIN. I presume he can give you some idea as to what he did with that money. I should like to say, if I may, that of these cash items I think Mr. Fridley had more than appears to have been given him upon checks drawn to his order.

Mr. PERRIN. This statute has never received in practical operation, by anybody that I know of in the State of Wisconsin, the construction which has been suggested here. It is the common, ordinary thing throughout northern Wisconsin to take a man to the theater or take him to lunch, not necessarily to corrupt his mind, but to enlighten him. You do these things to get a man's mind in a receptive mood. You can not go after him, Senator, you know, with an ax and beat an idea into him. It has got to be worked out along practical lines. It seems foolish for me to sit here and talk to you gentlemen about this thing, because you know so much more about it than I do.

The CHAIRMAN. Our examination here is not so much for our entertainment as to make a record.

Mr. PERRIN. I beg your pardon. I apologize.
 The CHAIRMAN. You need make no apology. This is to be taken as a test of your meaning of "electioneering" then, is it?

Mr. PERRIN. I think that is a fair test of the meaning of ninety-nine men out of a hundred who conduct politics.

The CHAIRMAN. Of "electioneering"?

Mr. PERRIN. "Electioneering."

The CHAIRMAN. You think that comes within the definition of "electioneering"?

Mr. PERRIN. I certainly do.

The CHAIRMAN. And when you speak of having expended money in electioneering, either by you or by those whom you employed, you include that kind of proceeding under the head "electioneering"?

Mr. PERRIN. It may be included.

Senator SUTHERLAND. You think it is as legitimate to reach a man through his appetite as it is through his intellect?

KNOWINGLY PAID MONEY TO SHAUERS.

The CHAIRMAN. You said, or I understood you to say, that there was only one case in which you knowingly paid money to a man who was a candidate for the legislature; what case was that?

Mr. EDMONDS. Mr. Shauers, of Oconto County.

Mr. LITTLEFIELD. Was he elected?

Mr. EDMONDS. No, sir.

Mr. LITTLEFIELD. What was his name?

Mr. EDMONDS. Mr. Shauers.

The CHAIRMAN. For what purpose did you pay him money?

Mr. EDMONDS. He was a railroad man, and for the purpose of organizing he went in different parts of the State to see railroad men.

The CHAIRMAN. Was he in employment then or out of employment?

Mr. EDMONDS. Out of employment.

The CHAIRMAN. Then he went from his home to different parts of the State, outside of the legislative district where he was a candidate?

Mr. EDMONDS. Yes. It was distinctly understood that he was to spend no time, no money, in that district.

The CHAIRMAN. Well, but did he?

Mr. EDMONDS. He did not, to my knowledge.

Mr. LITTLEFIELD. That is, in his own district?

Mr. EDMONDS. In his own district.

Mr. LITTLEFIELD. So that nothing that was expended by him had any relation to the campaign pending in his district?

Mr. EDMONDS. Absolutely not.

Mr. LITTLEFIELD. Either directly or indirectly?

The CHAIRMAN. How much did you pay Shauers?

Mr. EDMONDS. I don't recall. I should think it might range from \$50 to \$100 or \$125. I don't think more than that. I paid him, I think, two or three different times \$25.

THOMAS REYNOLDS.

The CHAIRMAN. Did you receive any more than \$180 from Senator STEPHENSON, or from anyone in his behalf?

Mr. REYNOLDS. I received \$100 from Senator STEPHENSON's manager. The CHAIRMAN. Is that the \$100 that you have referred to? Did you receive \$280 altogether from Senator STEPHENSON or his manager?

Mr. REYNOLDS. I did not consider it from Senator STEPHENSON, although Senator STEPHENSON told me afterwards that he told them to send it to me—I supposed for my services; I do not know for what.

The CHAIRMAN. Did you receive \$280 altogether from Senator STEPHENSON?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. You received \$80 from Senator STEPHENSON personally, did you not?

Mr. REYNOLDS. Yes.

The CHAIRMAN. Then you received \$100 from Senator STEPHENSON personally?

Mr. REYNOLDS. No, sir; not personally.

The CHAIRMAN. From whom did you receive it?

Mr. REYNOLDS. I received it through the mail.

The CHAIRMAN. Did you receive the second \$100 through the mail?

Mr. REYNOLDS. The second \$100; yes, sir; that is the only \$100 I received through the mail, the second \$100—no; the first \$100. The first \$100.

The CHAIRMAN. Did you receive another \$100 after that?

Mr. REYNOLDS. I received \$100 by check from his manager.

The CHAIRMAN. Did you receive \$100 by check from Senator STEPHENSON?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Did you receive more than one sum of \$100 from the manager?

Mr. REYNOLDS. That is all I received from the manager—\$100; a \$100 check.

The CHAIRMAN. Tell us how you received the \$280.

Mr. REYNOLDS. I received \$80 from Senator STEPHENSON and \$100 afterwards from him.

The CHAIRMAN. From Senator STEPHENSON?

Mr. REYNOLDS. Yes.

The CHAIRMAN. Personally?

Mr. REYNOLDS. Not personally; no.

The CHAIRMAN. How did you receive it?

Mr. REYNOLDS. Through the mail.

The CHAIRMAN. To whom did you pay the largest sum of money?

Mr. RIORDAN. In all?

The CHAIRMAN. Yes.

Mr. RIORDAN. During the campaign?

The CHAIRMAN. Yes; out of this fund.

Mr. RIORDAN. For any purpose?

The CHAIRMAN. Yes.

Mr. RIORDAN. \$250 to E. A. Everett, of Eagle River.

The CHAIRMAN. For what did you pay him that sum?

Mr. RIORDAN. For traveling through the counties of Vilas, Iron, and Oneida and ascertaining, as far as he was able, the sentiment of the people as he went along; that is, those who were for and against each of the several candidates.

The CHAIRMAN. Did he report to you a memorandum of people, showing the result of that work?

Mr. RIORDAN. He made two such trips through the county. After the first one he came back and made a report to me, and the second time he came back and made a similar report.

The CHAIRMAN. Tell us who he was.

Mr. RIORDAN. E. A. Everett is the proprietor of the Everett resort.

The CHAIRMAN. What is that?

Mr. RIORDAN. That consists of a large hotel dining room and about 40 cottages on the Eagle chain of lakes, at Eagle River.

The CHAIRMAN. It is a summer resort?

Mr. RIORDAN. It is a summer resort. Prior to that time he was a member of the Wisconsin Assembly.

The CHAIRMAN. But at the time you made this arrangement with him he was not a public officer?

Mr. RIORDAN. He was a candidate for public office.

The CHAIRMAN. What office?

Mr. RIORDAN. The office of member of the assembly.

The CHAIRMAN. At the time you paid him this money?

Mr. RIORDAN. I did not pay him the money, I see by my testimony, until the 31st of August.

Senator POMERENE. Is that George E. Everett?

Mr. RIORDAN. E. A. Everett.

The CHAIRMAN. The testimony would indicate that you paid it to him before the primary election.

Mr. RIORDAN. I think a day or two before the primary election.

Mr. LITTLEFIELD. He was a candidate for the assembly?

Mr. RIORDAN. Yes.

The CHAIRMAN. Was he elected?

Mr. RIORDAN. No, sir.

The CHAIRMAN. When you paid it to him, did you know that he was a candidate for the assembly?

Mr. RIORDAN. I think I did, certainly. I surely talked with him about it.

The CHAIRMAN. Was he announcing for whom he would vote in the legislature if he were elected?

Mr. RIORDAN. Yes; he was to vote for the candidate who received the primary nomination.

The CHAIRMAN. Without regard to who it was?

Mr. RIORDAN. Yes; and I would like to add there that the man who was running against him made the same promise.

Mr. LITTLEFIELD. What was his name?

Mr. RIORDAN. D. B. Stevens.

The CHAIRMAN. They promised to abide the result of the primary?

Mr. RIORDAN. Yes. The campaign was made with that understanding.

The CHAIRMAN. For whom did they assert their influence during the primary, the time preceding the election?

Mr. RIORDAN. I think for themselves, individually.

The CHAIRMAN. Were they announcing their support of any particular candidate, or doing anything in the interest of any particular candidate?

Mr. RIORDAN. No; I do not think they were.

BANCROFT'S METHODS.

The CHAIRMAN (reading):
 "The result of our conference was that I, being pretty well acquainted with the county, and knowing who the political workers were in the county, consented to disburse this amount of money for Mr. STEPHENSON."
 Is that correct?
 Mr. BANCROFT. That is correct.
 The CHAIRMAN. Give us the names of the people and the amounts you gave them.
 Mr. BANCROFT. George Mehaffy I paid \$100.
 The CHAIRMAN. What was he to do for that \$100?
 Mr. BANCROFT. I gave him no instructions whatever.
 Senator POMERENE. What is his address?
 Mr. BANCROFT. Richland Center.
 The CHAIRMAN. What did he do with the money?
 Mr. BANCROFT. I could not tell you.
 The CHAIRMAN. Did you ask him to render you an account of the manner of its expenditure?
 Mr. BANCROFT. I did not.
 The CHAIRMAN. Did he ever tell you how he expended the money?
 Mr. BANCROFT. He did not.
 The CHAIRMAN. Then you never knew?
 Mr. BANCROFT. I do not know.
 The CHAIRMAN. Did you ever know?
 Mr. BANCROFT. I never knew.

MONEY PAID TO MULDER, CANDIDATE FOR THE LEGISLATURE.

Mr. LITTLEFIELD. Then you said, "and he got some of this money"; so I got the impression that you referred to McConnell.
 Senator POMERENE. You understood that I was referring to Mulder?
 Mr. GORDON. Yes.
 Mr. LITTLEFIELD. That is all right, then.
 Senator POMERENE. Yes; that is all right, so there will be no misunderstanding. Was it as much as \$50?
 Mr. GORDON. I can not tell you how much it was.
 Senator POMERENE. You can certainly give us some idea as to whether it was a matter of \$5 or \$10 or \$50 or \$100.
 Mr. GORDON. I can not tell you definitely how much it was.
 Senator POMERENE. I know; but I am not asking you for that. I am asking you for your best judgment about it.
 Mr. GORDON. It was probably, I should guess, from \$25 to \$50.
 Senator POMERENE. What did you say to him with reference to his campaign and what use was to be made of this money?
 Mr. GORDON. He was one of the original STEPHENSON men in the county, and I asked him to do what he could in the interest of Mr. STEPHENSON.
 Senator POMERENE. What else was said?
 Mr. GORDON. That is all I can recollect. I do not recollect all that was said. That is what I naturally would say.
 Senator POMERENE. Since your attention has been directed to this matter, do you not recall that Mulder was a candidate for the general assembly?
 Mr. GORDON. I say he was a candidate, but I can not recollect whether he was when I gave him the money or whether he subsequently became a candidate.
 Senator POMERENE. I misunderstood you, then.
 Mr. GORDON. He was a candidate; yes.
 Senator POMERENE. We understand each other now—that he was in fact a candidate?
 Mr. GORDON. He was a candidate; yes, sir.
 Senator POMERENE. But you meant to say that you do not remember whether at the time you gave him the money he was then an announced candidate or not?
 Mr. GORDON. That is the idea.

WHEELER'S METHODS OF DISTRIBUTION.

William G. Wheeler distributed \$600 and aided in the "organization." Mr. C. B. Salmon was one of his lieutenants. Mr. Salmon reported the success of his operations in the following letter to his chief (p. 897):

BELOIT, WIS., September 1.

* MY DEAR WHEELER: I inclose bills in blank which are correct. All the men and rigs were in the exclusive use of Stephenson. We did not mix any other candidates. We also had about as many more that were STEPHENSON and one or two other candidates. At this writing, 4 p. m., I predict 1,700 to 1,800 votes, and that STEPHENSON will get 65 per cent.

Very truly,
 We should pay these men in the morning.
 (Our italics.)

C. B. SALMON.

MR. DART'S METHODS IN DISTRIBUTING MONEY.

Dart was one of the deputy game wardens, and received \$400 for "organization purposes."
 The chairman read to the witness an extract from his testimony given before the legislative committee as follows:
 "Q. What did you do with it?—A. Spent it.
 "Q. How?—A. Every old way.
 "Q. What is that?—A. Every way.
 "Q. Tell us some way that you spent it.—A. Oh, I spent quite a lot of it in saloons."
 The CHAIRMAN. Is that true?
 Mr. DART. Well, I should not go past any of them if there was anybody there I wanted to see.

The CHAIRMAN (reading from previous testimony):
 "Q. Did you make any payments to individuals?—A. Oh, yes; I gave them quite a little bunch of money.
 "Q. Who were the persons to whom you gave 'quite a little bunch of money'?—A. Oh, I don't know; I could not mention half or a quarter of them."

He, however, on pages 977 to 982, gives an interesting account of the expenditures that he remembers.

The testimony of Mr. Wellensgard, on pages 852, 855, and 856; that of Mr. French, at page 876; and that of George Beyer, at page 881, furnish fair illustrations of the methods employed by local workers.

LIQUOR EXPENDITURES.

Senator POMERENE. Or, if he got a drink of whisky at the bar and drank it there, that would not be prohibited; but if he got a half pint and put it in his pocket and took it away for a swig after a while, that would be illegal?
 Mr. SACKET. I think I should have to revert to the custom again and say that the half pint was lawful.

Senator SUTHERLAND. Is it the custom in Wisconsin to buy the voters bottles of whisky and give to them?

Mr. SACKET. And kegs of beer; yes, sir.

Senator SUTHERLAND. And kegs of beer?

Mr. SACKET. Yes, sir.

Mr. LITTLEFIELD. Let me get that question.

Senator POMERENE. Being from Maine, you do not know anything about that.

Mr. LITTLEFIELD. That is why I was quite anxious to get the actual practical situation. I trust we are adding to the sum of human knowledge and at the same time increasing my own information. Of course, I fully realize my infirmity.

Senator SUTHERLAND. Now, Mr. Sacket, do you seriously mean that that is the custom in Wisconsin—

Mr. SACKET. The custom, as I understand it; yes, sir.

Senator SUTHERLAND. To purchase bottles of whisky and kegs of beer for voters?

Mr. SACKET. Yes, sir.

* * * * *

The CHAIRMAN (reading):

"Q. You kept no track of it. How could you present a bill to Mr. Wayland? Was that just an estimate of what you spent?—A. No. I think there was \$135 cash I had in my pocket, without the automobile, which was \$15. I think it was \$150 I had that day when I left the office."

Is that correct?

Mr. O'CONNOR. Yes, sir.

The CHAIRMAN (reading):

"Q. And you spent all that in one day?—A. Yes, sir."

(827) Mr. O'CONNOR. No, sir; it was a supper, I guess, that cost about \$1.60 for the two of us.

Senator SUTHERLAND. You spent \$1.60 for food, as I understand you?

Mr. O'CONNOR. Yes, sir.

Senator SUTHERLAND. That would leave \$305.40 for whisky and cigars and automobiles?

Mr. O'CONNOR. Yes, sir.

Senator SUTHERLAND. Do you think you spent a little too much for food?

Mr. O'CONNOR. No; I did not think anything about it.

Senator SUTHERLAND. You do not recall spending any of the money for anything else?

Mr. O'CONNOR. That is all it was spent for.

Senator SUTHERLAND. That is, you spent \$305.40 for an automobile and for whisky and cigars?

Mr. O'CONNOR. Yes, sir.

Senator SUTHERLAND. And that was your notion of furthering the interests of Senator STEPHENSON in this campaign, was it?

Mr. O'CONNOR. That is the way they make a campaign up in that territory.

Senator SUTHERLAND. That is the way you made it, at all events?

Mr. O'CONNOR. That is customary up there.

MONEY PAID TO "ENTHUSE" VOTERS.

The CHAIRMAN. Mr. Edmonds, did you pay the \$50 to Mr. Dettman on August 8?

Mr. EDMONDS. My recollection is not clear on that, but I think I sent it to him.

The CHAIRMAN. You think you sent it to him; for what purpose?

Mr. EDMONDS. For assistance among the German Lutherans in his locality.

The CHAIRMAN. What kind of assistance?

Mr. EDMONDS. So that he would get out and help to get out the vote—interest his friends—for Senator STEPHENSON.

The CHAIRMAN. There was no vote to be gotten out on August 8 for any purpose—nearly a month before the election.

Mr. EDMONDS. When I say getting out the vote, I do not refer to the actual carrying or taking of the persons to the polls, but to interest them so that they would get out.

The CHAIRMAN. Enthuse them?

Mr. EDMONDS. That is the idea—enthuse them. Thank you for the suggestion.

The CHAIRMAN. "O. L. Gust, \$300, August 8." Did you pay that money?

Mr. EDMONDS. I can not recall that payment at all.

* * * * *

The CHAIRMAN. What do you mean by lining them up for Senator STEPHENSON?

Mr. EDMONDS. Getting them interested in his election.

The CHAIRMAN. Discussing his election with them.

Mr. EDMONDS. Yes, sir.

The CHAIRMAN. Paying any money to them for any purpose?

Mr. EDMONDS. That was up to the man's judgment as to whether that was necessary or advisable in the conduct of the campaign for Senator STEPHENSON's election.

The CHAIRMAN. Was that money given to him to expend among the railroad men for cigars or treats of any kind if he saw fit to so expend it?

Mr. EDMONDS. So far as I know he might have expended it in that way.

The CHAIRMAN. There was no restriction placed upon it?

Mr. EDMONDS. I think not; not in that manner.

We regret that we can not feel warranted in finding for the sitting Member, but we believe the methods employed at the primary were corrupt; that they were against public policy; that they were demoralizing in character; that they directly contributed to destroy the purity and freedom of the election; that they violated the fundamental principles at the basis of our system of government; and that they are not to be tolerated by the Senate of the United States as a means of procuring a seat in that body.

We desire to submit the following resolution:

Resolved, That ISAAC STEPHENSON was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Wisconsin.

W. L. JONES.
 MOSES E. CLAPP.
 WM. S. KENTON.
 JNO. W. KERN.
 LUKE LEA.

PROPOSED PENSION LEGISLATION.

Mr. BRYAN. I present my individual views from the Committee on Pensions on the bill (H. R. 1) granting a service

pension to certain defined veterans of the Civil War and the War with Mexico (S. Rept. 355, pt. 3).

The VICE PRESIDENT. The Senator from Florida presents the views of himself, as a part of the minority of the Committee on Pensions, on House bill No. 1. It will be printed and lie on the table.

Mr. BRYAN. I ask that it be printed along with the majority and other minority reports from the same committee.

The VICE PRESIDENT. Without objection, it will be printed as part 2 of the report.

Mr. BRYAN. The report has not yet been printed, I understand.

The VICE PRESIDENT. It will go in as part 2 of the printed report.

Mr. McCUMBER. I should like to ascertain what was done with the minority report.

The VICE PRESIDENT. It has been received and ordered printed as part 2 in connection with the majority report.

Mr. McCUMBER. I will state that the majority report, together with the first minority report, has already been printed, and 15,000 extra copies have been ordered printed.

The VICE PRESIDENT. This would then properly be printed as part 3 of that report.

Mr. McCUMBER. All right; I have no objection.

The VICE PRESIDENT. That will be the order, without objection.

Mr. HEYBURN. Mr. President, I rise to a question of views. I inquire whether or not a minority report is any part of the report of a committee. We are falling into a habit of treating it as though it were a part of the report of a committee. I understand that it is not.

The VICE PRESIDENT. Really it is not a report at all; it is the views of certain minority members of the committee.

Mr. HEYBURN. Then it should not be given a number that would indicate that it was a part of the report. There is but one report, and that should be the only report. The other might be denominated views of certain members, naming them; but I think we fall into an error by treating it as a part of the report and giving it a number.

The VICE PRESIDENT. The Chair thinks the custom has been to print such matters as are now presented as parts 1, 2, and 3, whatever the case may be, of the report.

Mr. HEYBURN. Yes; I know we have fallen into a bad way. It is the same class of error that has grown up in the printing of the decisions of the courts. No more annoying and useless proceeding was ever indulged in than the printing of the dissenting opinion of the judge of a court. It merely affords quibbling grounds for quibbling lawyers, and it is not authority for any purpose. I think the same rule would apply here. Of course, a judge may publish his dissenting views in a magazine or a newspaper, but they ought not to be published in the official volumes of the Supreme Court Reports. Neither ought the minority reports of a committee of this body to be considered as of the status of the report.

The VICE PRESIDENT. The Senator from Idaho makes no motion?

Mr. HEYBURN. I made no motion. I rose to express views.

The VICE PRESIDENT. Precisely. If there are no further reports of committees, the introduction of bills is the next order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 5347) granting an increase of pension to Washington Wilson (with accompanying paper); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 5348) amending an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908" (34 Stat. L., pp. 1035-1039, inclusive), approved March 1, 1907; to the Committee on Indian Affairs.

A bill (S. 5349) granting a pension to Amelia L. Adams (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5350) authorizing and directing the Secretary of the Interior to investigate and report upon the advisability of constructing roads upon the diminished Colville Indian Reservation, in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

By Mr. BRISTOW:

A bill (S. 5351) for the relief of Patrick H. Wheat; to the Committee on Military Affairs.

By Mr. HEYBURN:

A bill (S. 5352) to inhibit and punish the stealing of freight or express packages or baggage in process of transportation on interstate shipments and felonious asportation of the same into another district of the United States, or the felonious reception of the same; to the Committee on the Judiciary.

A bill (S. 5353) granting an increase of pension to Edward R. Taylor. (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 5354) to acquire a site and for the erection thereon of a public building at Oconto, Wis.; and

A bill (S. 5355) to acquire a site and for the erection thereon of a public building at Beaver Dam, Wis.; to the Committee on Public Buildings and Grounds.

A bill (S. 5356) granting an increase of pension to Ellis Miller (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 5357) granting a pension to Elizabeth A. Wood (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5358) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes; to the Committee on Interstate Commerce.

By Mr. KENYON:

A bill (S. 5359) providing for the recognition by the United States Government of the men who served as locomotive engineers during the late Civil War; to the Committee on Military Affairs.

By Mr. McCUMBER:

A bill (S. 5360) granting an increase of pension to George E. Nichols; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 5361) granting certain lands to the State of California to form a part of Redwood Park, in said State; to the Committee on Public Lands.

A bill (S. 5362) to reimburse the enlisted men of the U. S. S. *Georgia* who suffered loss through the defalcation of Paymaster's Clerk Edward V. Lee; to the Committee on Naval Affairs.

By Mr. DIXON:

A bill (S. 5363) providing for the inclusion of certain unappropriated public lands in the State of Montana within the boundaries of the Madison National Forest (with accompanying paper); to the Committee on Public Lands.

By Mr. TOWNSEND:

A bill (S. 5364) granting a pension to Charles Barton (with accompanying papers); and

A bill (S. 5365) granting a pension to Martha Harwick (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5366) for the relief of John Shaw (with accompanying papers); and

A bill (S. 5367) for the relief Henry Altman (with accompanying paper); to the Committee on Claims.

By Mr. LODGE:

A bill (S. 5368) granting an increase of pension to John Cullen Bryant (with accompanying papers); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 5369) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 5370) granting an increase of pension to Thomas F. Chafee; and

A bill (S. 5371) granting an increase of pension to Philip R. Grund (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5372) granting an increase of pension to Isaac Green; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5373) for the relief of the heirs of Joseph M. Farr, deceased (with accompanying papers); to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 5374) granting an increase of pension to Thomas F. Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 5375) for the relief of the police and firemen's pension funds, District of Columbia; to the Committee on the District of Columbia.

A bill (S. 5376) granting a pension to Ellen Bernard Lee; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate \$22,000 for grading and improving Sixteenth Street NW., from Montague Street to the Military Road, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JOHNSTON of Alabama submitted an amendment relative to the status of the police court judges of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate \$150,000 for the acquirement of lands at Cape Henry, Va., as contemplated by the project of the War Department, etc., intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE. On December 19, 1911, I submitted an amendment proposing to appropriate \$5,956 for the pro rata share of the United States in the administrative expenses of the permanent International Council for the Exploration of the Sea in the interests of the commercial fisheries, intended to be proposed to the diplomatic and consular appropriation bill, which I intended to have referred to the Committee on Foreign Relations. I find either through my error or some accident that the amendment was referred to the Committee on Appropriations direct. I reintroduce the amendment and ask that it be printed and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection it is so ordered.

OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

THE WOOL SCHEDULE.

Mr. McCUMBER submitted the following concurrent resolution (S. Con. Res. 15), which was read and referred to the Committee on Finance:

Whereas it has been claimed and widely circulated on the platform and through the press of the country, that import duties on wool and woolen goods, as established by the Payne-Aldrich Tariff Act of 1909, are in many instances excessive; and

Whereas a nonpartisan Tariff Board, under provisions of law, have carefully investigated and, on the 21st day of December, 1911, fully reported their findings and conclusions in relation to the relative costs of production of such articles at home and abroad, and other matters pertaining to the production of and trade in such articles of commerce; and

Whereas the Congress is now prepared to revise said wool schedule to conform to such findings and conclusions: Now therefore be it

Resolved by the Senate of the United States (the House of Representatives concurring), That it is the sense of this Congress that Congress should immediately proceed to the consideration of a bill to effect a revision of said wool schedule to the end that if any inequality or injustice may be found therein it may be corrected.

CLASSIFICATION OF SENATORS (S. DOC. NO. 334).

Mr. LODGE. I present a pamphlet on the proceedings in the United States Senate relating to the classification of Senators. This pamphlet was published in 1907, and the copies are now exhausted. It has been brought up to date by the Chief Clerk of the Senate. I move that it be printed as a document.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 19115. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, was read twice by its title and referred to the Committee on Claims.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. Mr. President, I desire to call up for consideration at this time a question of the highest privilege.

The VICE PRESIDENT. The Senator from Idaho rises to a question of privilege.

Mr. HEYBURN. I desire to call up Senate resolution No. 136. The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution reported by Mr. HEYBURN from the Committee on Privileges and Elections on the 12th instant, as follows:

Resolved, That the Senate Committee on Privileges and Elections, or any subcommittee thereof, be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and to report to the Senate whether in the election of said ISAAC STEPHENSON as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the recess of the Senate, to hold its session at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee.

Mr. LODGE. I ask for the reading of the report, Mr. President.

The VICE PRESIDENT. The Secretary will read the report. The Secretary read the following report (S. Rept. 349), submitted by Mr. HEYBURN on the 12th instant:

The Committee on Privileges and Elections, to whom was referred certain charges preferred by the Legislature of the State of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, with instructions to report to the Senate whether in the election of said ISAAC STEPHENSON as a Senator of the United States from the State of Wisconsin there were used or employed corrupt methods or practices, have had the same under consideration and submit the following report:

On August 15, 1911, the Senate adopted the following resolution: *"Resolved, That the Senate Committee on Privileges and Elections or any subcommittee thereof be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and report to the Senate whether in the election of said ISAAC STEPHENSON as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the recess of the Senate, to hold its session at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee."*

Pursuant to the authority given by said resolution the Committee on Privileges and Elections appointed a subcommittee, consisting of Mr. HEYBURN (chairman), Mr. SUTHERLAND, Mr. BRADLEY, Mr. PAYNTER, and Mr. POMERENE, with full powers to investigate said charges.

On January 20, 1912, the subcommittee reported to the full committee as follows:

IN THE MATTER OF THE INVESTIGATION OF THE CHARGES AGAINST ISAAC STEPHENSON, A SENATOR OF THE UNITED STATES FROM THE STATE OF WISCONSIN.

To the honorable the Committee on Privileges and Elections of the United States Senate:

Your subcommittee proceeded pursuant to the terms of its appointment to investigate the above-mentioned charges, and in pursuance of said duty met in the city of Washington and, having organized, proceeded to adopt a plan for holding such investigation.

It was agreed by your subcommittee that the investigation should commence on October 2, 1911, at the city of Milwaukee, in the State of Wisconsin.

Accordingly your subcommittee met at the city of Milwaukee on the above-mentioned date, all parties in interest being present. Hon. Charles E. Littlefield, W. E. Black, and H. A. J. Upham, Esqs., appeared as counsel for Senator STEPHENSON.

The governor and the attorney general of the State of Wisconsin were notified by the chairman of your subcommittee of the time and place of the hearing and were invited to indicate to the committee whether or not they desired to be present and participate in any manner in such investigation. The governor of Wisconsin, speaking for the State, informed your subcommittee that no one on behalf of the State would appear at such investigation.

Your subcommittee then proceeded to the examination of witnesses and documents, which examination occupied 25 days, during which time 124 witnesses were sworn, 35 affidavits received, and 2,100 pages of printed testimony taken, which testimony, affidavits, and exhibits are herewith submitted as a part of the report of your subcommittee.

Your subcommittee has given the fullest consideration to all the testimony introduced and has considered its weight and effect under the rules pertaining to the investigation and is of the opinion that the charges preferred against Senator ISAAC STEPHENSON have not been sustained, and your subcommittee finds that the election of said ISAAC STEPHENSON as a Senator of the United States from the State of Wisconsin was not procured by corrupt methods or practices in said election of ISAAC STEPHENSON.

W. B. HEYBURN, Chairman.
GEORGE SUTHERLAND.
W. O. BRADLEY.
ATLEE POMERENE.

Mr. HEYBURN, chairman of the subcommittee, submitted a statement of his views in support of the conclusions reached, and on the request of members of the committee further consideration of the matter was postponed to February 3, 1912, on which date a further postponement was had to February 10, 1912, with the understanding that any member of the committee might file a statement of his views to accompany the final report of the committee, and that a vote might be taken on that date.

On February 10, 1912, the Committee on Privileges and Elections met in regular session and received a statement of the views of Mr. POMERENE and Mr. SUTHERLAND in support of the report of the subcommittee, and proceeded to the consideration of the report of the

subcommittee, together with the views expressed by the members thereof upon a full record of the testimony and proceedings in the case.

On motion it was ordered that the report of the subcommittee be adopted and that said subcommittee be discharged.

Whereupon it was ordered that Mr. HEYBURN be instructed to report the action of the committee to the Senate, together with a transcript of testimony and of all the proceedings of the subcommittee, including the address of Hon. Charles E. Littlefield before the whole committee, and also the individual views presented by members of the committee. Leave was given to file a minority report by those dissenting from the conclusions reached.

Wherefore your committee, having given full consideration to the law and to the testimony and to all of the facts and circumstances brought to its notice, does find that the charges preferred against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, are not sustained, and your committee further finds that the election of said ISAAC STEPHENSON as a Senator of the United States was not procured by corrupt methods or practices.

WM. P. DILLINGHAM.
ROBERT J. GAMBLE.
W. B. HEYBURN.
GEO. SUTHERLAND.
GEORGE T. OLIVER.

J. F. JOHNSTON.
DUNCAN U. FLETCHER.
ATLEE POMERENE.
W. O. BRADLEY.

Mr. HEYBURN. Mr. President, I move that the report of the committee be adopted, and that ISAAC STEPHENSON be declared entitled to a seat as a Senator from the State of Wisconsin in the United States Senate.

The PRESIDING OFFICER (Mr. SMOOT in the chair). The Senator from Idaho moves that the report just read be adopted, and that the Senator from Wisconsin [Mr. STEPHENSON] be declared entitled to his seat.

Mr. JONES. Mr. President—

Mr. HEYBURN. Mr. President, I am going to speak on the motion. I am holding the floor for that purpose.

The PRESIDING OFFICER. The Senator from Idaho has the floor. Does the Senator yield to the Senator from Washington?

Mr. JONES. I thought the Senator from Idaho was yielding for a vote to be taken, and I did not desire a vote to be taken at the present time. I wanted to ask that the views of the minority be read.

Mr. HEYBURN. I have given notice that this question will be open until next Wednesday, and I am going to speak on the resolution which I have presented.

Mr. JONES. Very well.

Mr. HEYBURN. I desire, Mr. President, that the Secretary of the Senate be instructed to require the printing clerk to bring into the Senate volume 1 of the testimony in this case as ordered to be printed. I want that done right away.

The PRESIDING OFFICER. The Senator requests that volume 1 of the testimony be brought in.

Mr. HEYBURN. I request that the executive officer of the Senate instruct the printing clerk to produce at the bar of the Senate volume 1 of the testimony.

The PRESIDING OFFICER. The Senator from Idaho asks that the Secretary of the Senate be instructed to direct the printing clerk to produce volume 1 of the hearings.

Mr. HEYBURN. They are attempting to be somewhat obdurate, and the printing clerk seems to think that he has more power than the Senate of the United States. I want to find out whether he has or not.

The PRESIDING OFFICER. The order will be entered.

Mr. HEYBURN. Mr. President, I gave notice some days ago that on February 21, after the routine morning business, I would ask the Senate to proceed to the consideration of this matter. In the meantime I think it is to the best advantage of the business of the Senate that some consideration should be given to the resolution. The Secretary has read the report of the subcommittee of the Committee on Privileges and Elections and of that committee to the Senate. I desire first to present the views that actuated me, as chairman of the subcommittee and then as a member of the whole Committee on Privileges and Elections, in arriving at the conclusion expressed in this report. I think it only fair to those who are going to address the Senate upon this matter that they should be fully advised as to the reasons moving the majority of the committee to their conclusion.

It involves a question of the highest parliamentary privilege; it involves the right of a sitting Member of this body to retain his seat herein under an election by the legislature of his State. It must be borne in mind that at the time the proceeding attacked was had Mr. STEPHENSON was a Senator of the United States. It would be burdensome upon the Senate for me to recount the details leading up to this great controversy existing in the State of Wisconsin, and I shall endeavor not to be tedious or to go into unnecessary detail; but it is the first time in the history of the United States that the question of the effect and validity of a direct primary election law has been called for consideration by Congress. It is the first contest over the election of a Member of either House of Congress that depends in

any way upon the direct primary, and it is important that Congress should give consideration to it as a new principle of government sought to be foisted upon the people. We must give consideration to the effect of a law that never was enacted.

Mr. CULLOM. Then it is not a law.

Mr. HEYBURN. Well, I am going to qualify that. That sounds like a bull, but I refer to that class of law which some people think ought to be enacted who do not know the difference between a law that is enacted and one which they think should be. We have, so to speak, two classes of law in this country—that which is enacted under the power of the Constitution of the United States, and that which is only the wish of some one which they think should be enacted into law—and we are getting so confused that there are a number of persons who do not know the difference.

My mind reverts to the time of the great labor troubles in the Coeur d'Alene country, when a very good fellow that I had taken some interest in and had been able to do something for loomed up as one of the prisoners to be examined as to his part in those riots. I said to him, "Why, Eugene, I am astonished to find you here; how did you ever become identified with these felons and murderers?"—they had been killing people and blowing up mills. He said, "I have a right to be here." I said, "Do you not know better than to go out and violate the law and kill people and destroy their property?" He replied, "I did not violate the law; I did it because it was the law that I should do it." I said, "Where do you find any such law as that?" "Why," he said, "it is the law of the miners' union." I said, "Do you not know any better than that? Do you think the law of the miners' union takes precedence as against the law of the land?" He answered, "Of course it does to those who belong to the union." Now, we are getting just that condition of affairs in the body of the citizenship of this country, and if we do not look out we will find ourselves in the position that that poor ignorant fellow was.

Mr. BRISTOW. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Yes.

Mr. BRISTOW. As I understand, the Senator from Idaho is discussing this matter from the standpoint of the views set forth in his opinion, which is embodied in the report. In reading the report, the Secretary did not read the individual opinion of the Senator from Idaho. The other members of the subcommittee that joined in the report also offer their views. It seems to me we should have before us the views of the Senator from Idaho [Mr. HEYBURN], as well as the views of the Senator from Utah [Mr. SUTHERLAND] and the Senator from Ohio [Mr. POMERENE], so that we may understand that the Senator from Idaho is simply expressing his individual views on this subject, and not the views of the entire committee.

Mr. LODGE. Mr. President, when I called for the reading of the report it was my intention to have read the views of the subcommittee. The Secretary stopped just after reading the formal report, on page 3.

The PRESIDING OFFICER. The Senator from Idaho has the floor. If the Senator from Idaho desires to have those views read, the Secretary will read them.

Mr. HEYBURN. Let me straighten out this matter, if the Chair please. The Senator from Kansas [Mr. BRISTOW] has referred to the Senator from Ohio [Mr. POMERENE] as having joined in a separate report, as I understand. The Senator from Ohio joined in the report of the committee.

Mr. BRISTOW. The Senator from Ohio [Mr. POMERENE] expresses certain views in the report, he and the junior Senator from Utah [Mr. SUTHERLAND] joining in the expression of those views. They differ upon the very question which the Senator from Idaho is now discussing. What I desired was that the views of the Senator from Idaho, as embodied in the report, be read to the Senate, and also the views of the other members of the committee who disagree with him upon some of the features of the report.

Mr. HEYBURN. The Senator will be gratified in part at least. I was merely expressing a text as a foundation for the reading of the views to which he refers—that is, the views expressed by myself. I was premising it with these few pertinent remarks. It is my purpose now, as a part of my remarks, to proceed to the reading of the views which I expressed to the committee.

Mr. BRISTOW. I should like to request that the minority report also be read after the Senator from Idaho—

Mr. HEYBURN. Mr. President, I am not the reading clerk. I say that with all deference to the Senator. I probably shall allow that duty to devolve at a later time upon some Senator who is in sympathy with what he calls the minority views.

Mr. BRISTOW. I desire to say, if the Senator will yield, that I was not asking him to read it. I should very much prefer that the clerks at the desk read it.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Yes.

Mr. LODGE. If the Senator from Idaho will permit me a moment, I think on the reading of the report the Senate has a right to have the views read. I do not think it is a case where a Senator is obliged to read them himself. When I made the request I intended to have the contents of the report read, the whole of it.

Mr. HEYBURN. I will read it now.

Mr. LODGE. If the Senator prefers to read it himself, that is entirely satisfactory to me. Then I want to have read also the views of the Senator from Ohio [Mr. POMERENE] and the views of the Senator from Utah [Mr. SUTHERLAND].

Mr. HEYBURN. I am in entire sympathy with that course; but I find it best to read the report I have written.

Mr. LODGE. And comment on it as you go along?

Mr. HEYBURN. Yes; I am going to comment on it as I go along. That is just what I am going to do.

In support of the conclusion, first of the subcommittee and now of the whole committee, I filed an expression of my views upon this investigation. I prefer to read them myself, because—as suggested by the Senator from Massachusetts—I may feel impelled to pause at times and comment upon my own report. No other person should be as capable as myself of commenting upon it accurately. I expressed myself to the committee, and I express myself to the Senate, as follows:

The subcommittee having reported to the whole committee in favor of ISAAC STEPHENSON, I desire to submit herewith the reasons which actuated me in arriving at that conclusion:

JURISDICTION.

On August 15, 1911, the United States Senate adopted the following resolution:

"Resolved, That the Senate Committee on Privileges and Elections or any subcommittee thereof be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and report to the Senate whether in the election of said ISAAC STEPHENSON, as a Senator of the United States from the said State of Wisconsin, there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the recess of the Senate, to hold its session at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee."

Pursuant to the authority given by said resolution the Committee on Privileges and Elections appointed a subcommittee, consisting of Senators HEYBURN, SUTHERLAND, BRADLEY, PAYNTER, and POMERENE, with full powers "to investigate said charges preferred by the Legislature of Wisconsin relating to the election of ISAAC STEPHENSON, a Senator from the State of Wisconsin."

MEETING OF SUBCOMMITTEE.

In performance of said duty the subcommittee met at Milwaukee, Wis., on October 2, 1911, in the Federal Building, a quorum of said subcommittee being present.

The chairman announced that the subcommittee would recognize a duly authorized representative of the State of Wisconsin, in view of the fact that the State had submitted through its governor to the Senate of the United States the charges to be investigated. No one appearing, the chairman then instructed the secretary of the subcommittee to communicate with the governor and attorney general of the State and advise them that the committee was in session in Milwaukee for the purpose of investigating the charges aforesaid, and to inquire whether or not the State desired to be represented at the hearing, and, pursuant to such instruction, the secretary sent the following communication to the governor.

Here I would remind the Senate that it was the State of Wisconsin, acting officially through its governor, that advised the United States Senate of the necessity or propriety of this investigation. We had a right to expect that the party bringing the matter to the attention of the Senate, whether it be a State or an individual, would follow it up by the production of at least some evidence in support of the charges that set in motion the power of this body to investigate the title to his seat of one of its Members.

So this is the communication sent to the governor:

MILWAUKEE, WIS., October 2, 1911.

Hon. FRANCIS E. MCGOVERN,
Governor of Wisconsin, Madison, Wis.:

A subcommittee of the Committee on Privileges and Elections of the United States Senate, duly appointed, with instructions to investigate the election of ISAAC STEPHENSON as a Senator of the United States from the State of Wisconsin, as recommended by the Legislature of Wisconsin as provided in joint resolution 58 of said legislature, has entered upon the investigation in the Federal building, in the city of Milwaukee. As the State appears to be unrepresented by counsel, you are requested to advise the committee whether or not it is the desire of the State to be represented by counsel before this committee, and if so, designate in writing such person to represent the State.

W. B. HEYBURN, Chairman.

To which communication the governor replied as follows:

EXECUTIVE CHAMBER,
Madison, Wis., October 3, 1911.

Hon. W. B. HEYBURN,

Chairman Subcommittee of the United States Senate

Committee on Privileges and Elections, Milwaukee, Wis.

MY DEAR SIR: In reply to your telegram of yesterday, in which you request me to advise your committee "whether or not it is the desire of the State to be represented by counsel" before your subcommittee, permit me to say that I find there is very serious doubt that I have any power to act in the matter. Joint resolution 58, to which you refer, confers no such authority. It simply requests the United States Senate "to investigate the manner, means, and methods by and through which ISAAC STEPHENSON secured his election to the United States Senate," recommends to the district attorney of Dane County that prosecutions be commenced against all persons shown to have committed perjury in the senatorial inquiry in this city, and suggests that prosecutions be commenced in other counties of the State for such violations of the corrupt-practices or bribery statutes as the evidence may justify.

In the absence of any specific authority conferred by this joint resolution, the only other possible source is chapter 268 of the laws of Wisconsin for the year 1911. Careful consideration of this statute leaves me in doubt as to whether it confers power upon me to employ at the expense of the State counsel to attend the investigation your subcommittee is now conducting. Nor can I see that much good is likely to come from such employment. Your invitation comes so late as practically to preclude the possibility of anyone whom I might select rendering any real service to your committee or materially assisting in the investigation now in progress. That investigation has already begun. The transactions to be inquired into are numerous and involved, as appears from the fact that the testimony already taken occupied many months of the time of committees of the State legislature and now fills a number of large volumes of printed reports. To be of service counsel for the State should have been employed months ago.

I will pause there to say that of course no action was possible on the part of the subcommittee until they had organized and been authorized to enter upon this investigation, and had any suggestion been made that the State needed further time, the committee, of course, stood ready to grant such further time as they might think was necessary. But it so happened that the attorney general of the State was as familiar with this case, having gone all through the former investigation, as he could have been at the end of any time that might have been given him.

I say this with no feeling of personal responsibility in the matter for the reason that until your telegram came yesterday there was no ground for anticipating that the appearance of an attorney for the State at this hearing would be acceptable to your committee. Indeed, more than a week ago, under date of September 25, the Associated Press quoted you as having expressed yourself, as chairman of the subcommittee, as follows: "The State of Wisconsin will not have an attorney in the investigation of the election of ISAAC STEPHENSON by the United States Senate committee. This hearing is under the jurisdiction of the United States Senate, which does not recognize the State as a party to the investigation. This is an investigation, not a trial."

That has just about as much accuracy in it as the ordinary average statement made by such representatives of the great public.

An additional reason why I should not avail myself of your invitation at this time is furnished by the practice of other committees charged with duties similar to yours. So far as I know, no State has been represented by counsel at any of these investigations. The work has been done either by the members of the committee alone or by counsel of their own choosing. At any rate, the responsibility for a thorough, searching inquiry is upon your subcommittee, acting as the agent of the United States Senate, in determining a question relative to the "election, returns, and qualifications" of one of its own Members. Neither the State of Wisconsin nor its legislature desires to assume the rôle of prosecutor or to sustain any other relation to this investigation than that of petitioner for a thorough, fearless, and impartial inquiry.

For the present, therefore, I shall take no action concerning the matter mentioned in your telegram. Assuring you, however, of my appreciation of your consideration in extending the invitation, I am,

Very truly, yours,

FRANCIS E. MCGOVERN.

It is not signed officially; it is a personal communication.

The chairman inquired whether or not—

Now, I come back to the proceedings of the committee—

The chairman inquired whether or not counsel were present to represent Mr. STEPHENSON. Whereupon Hon. Charles E. Littlefield, Mr. W. E. Black, and Mr. H. A. J. Upham appeared on his behalf and were recognized by the committee.

The joint resolution and specific charges certified to the United States Senate by the governor of Wisconsin were then read. (Transcript, pp. 4 and 5.)

Referring to the page of transcript:

Before entering upon the examination of witnesses by the committee Hon. Charles E. Littlefield, of counsel for Mr. STEPHENSON, requested leave to make a statement, which leave was granted. (Transcript, pp. 6-23.)

Reference is made to the transcript where such statement will be found:

The subcommittee then proceeded to the examination of witnesses and documents, which examination occupied 25 days, during which time 116 witnesses were sworn and examined, 36 affidavits received, and upward of 2,100 pages of printed testimony taken, which testimony, affidavits, and exhibits are herewith offered as a part of the report of the subcommittee.

The subcommittee was directed to investigate certain charges preferred by the Legislature of Wisconsin against Mr. STEPHENSON. These charges were set forth in the communication of the governor of Wis-

consin, and the papers accompanying the same, certified to the United States Senate, among which was the joint resolution adopted by the Legislature of Wisconsin on June 26, 1911, which is found on page 2 of the transcript.

The charges referred to in the resolution under which the subcommittee acted are as follows:

Now, these charges are worthy of especial consideration because they are the statement of alleged facts upon which this whole investigation rested, and they were made by a member of the Senate of the State of Wisconsin who was present throughout this investigation, and who was called upon by the committee time and again to know whether or not he had anything further to offer in support of the charges that he had made, to which he replied that he had not.

There was no star-chamber proceeding in this investigation. There was opportunity and space for everyone who desired to be acquainted with the proceedings. A knowledge of these charges is necessary to the understanding of that upon which you must vote. You could no more disregard them than you could the indictment in a court upon which you were trying the party charged. It is quite probable that a very small percentage of the Members of the Senate have had occasion or inclination to read these charges, and it is more than a presumption that they desire to know what the charges are upon which this investigation is based. They are, perhaps, as drastic in their nature as any charges upon which any man ever stood indicted. They are such that if the party charged were found guilty as charged no penalty would be too severe to inflict upon him either before this tribunal or the courts of law. I therefore feel that no apology is necessary for the reading of these charges. I want the Senators who are going to vote upon this question to hear them. I want them to hear these charges because in the performance of their duty they can not disregard them. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Dixon	McCumber	Smith, Ga.
Borah	du Pont	McLean	Smith, Md.
Bourne	Fletcher	Martin, Va.	Smith, Mich.
Briggs	Foster	Martine, N. J.	Smith, S. C.
Bristow	Gallinger	Nelson	Smoot
Bryan	Gardner	Nixon	Stephenson
Burnham	Guggenheim	Oliver	Swanson
Burton	Heyburn	Overman	Thornton
Chilton	Hitchcock	Page	Tillman
Crane	Johnston, Ala.	Perkins	Townsend
Crawford	Jones	Poinexter	Warren
Cullom	Kenyon	Pomerene	Wetmore
Cummins	Kern	Rayner	Williams
Curtis	Lea	Shively	Works
Dillingham	Lodge	Simmons	

Mr. CHILTON. My colleague [Mr. WATSON] is necessarily absent from the Senate.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. A quorum of the Senate is present.

Mr. HEYBURN. I desire to inquire for the presence of the officer of the Senate who was directed to bring this document before the Senate. It comes without any explanation. We must have some control—

The VICE PRESIDENT. The printing clerk brought the document to the Clerk's desk.

Mr. HEYBURN. It is not printed. I want to know why. It was ordered printed more than a week ago. I want to know why an officer of the Senate does not obey its instructions. I serve this notice. I will proceed, but he had better take notice of it.

The VICE PRESIDENT. The Chair is unable to answer the Senator.

Mr. HEYBURN. Then I ask that he be brought to the bar of the Senate. I ask the Sergeant at Arms to bring him to the bar of the Senate and let us find out.

Mr. WILLIAMS. Bring whom to the bar of the Senate?

The VICE PRESIDENT. The Sergeant at Arms would hardly be justified in bringing anyone to the bar of the Senate, except by direction of the Senate.

Mr. HEYBURN. I move that the Sergeant at Arms bring the printing clerk to the bar of the Senate.

The VICE PRESIDENT. The Senator from Idaho moves that the Sergeant at Arms be directed to bring the printing clerk to the bar of the Senate. The question is on agreeing to the motion of the Senator from Idaho.

The motion was not agreed to.

Mr. HEYBURN. Mr. President, I will speak on it in this connection. We have a rebellious majority, evidently, who glory in some underling of this body disobeying its orders, and they will sit here and vote, perhaps, in that way from motives that they would not care to justify on the floor.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Will the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Yes.

Mr. WILLIAMS. I merely want to make this remark, that in justice to the Senate itself the Senator ought not to rebuke us without our knowing what we are being rebuked about.

Mr. HEYBURN. Then, did Senators know what they were voting for?

Mr. WILLIAMS. Here is a summary motion to bring somebody to the bar of the Senate, because, as charged by the Senator from Idaho, he has neglected some duty. He did not deign to tell us what the evidence was upon which he founded that conclusion; he did not deign to tell us how he arrived at the conclusion; and we naturally solved the doubt which was in our minds in favor of the defendant.

Mr. HEYBURN. Yes; I think you would in any event.

Mr. WILLIAMS. If the Senator will show a good reason for bringing anyone to the bar of the Senate I shall vote to bring him.

Mr. HEYBURN. I am not apt to give the Senator an opportunity to justify his vote. When a Senator will vote on the confessed statement that he did not know what he was voting on, he shall have the comfort of dwelling on that vote until the end of time.

Mr. WILLIAMS. If the Senator will permit a little further interruption, I did not say that I confessed I did not know what I was voting upon. I asserted the Senate did not know what it was voting on itself, which is a totally different proposition. Here was a motion made abruptly, spasmodically, volcanically, all at once, to bring somebody to the bar of the Senate, and no reason was given for it, except a general statement that he had neglected to print something, I believe. I understood just what the Senator from Idaho said; and I said what the Senator from Idaho said did not furnish a sufficient basis for what he demanded.

Mr. HEYBURN. Mr. President, the printing clerk and all other underofficers of the Senate are subject to the control and direction of this body. On a former occasion, now practically a week ago, the printing authority, whoever it may be, was directed to print this record, and they have postponed it and delayed it for reasons of their own which will not commend themselves to Members of this body.

The record ordinarily would have been printed in 24 hours, but because of some stubbornness on the part of some of those underlings, they have not printed the first volume of this record. They have printed the second volume. Now, it is a question of whether they obey the orders of the Senate or whether Senators sit here and vote "no" when a Senator in charge of a measure under consideration asks that a subofficer be brought here to say why he has not complied with the order of the Senate. That would be a fine condition of affairs in a country lyceum, but in the Senate of the United States it is unbecoming.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. Mr. President, I was one of the Senators who voted "no." [Laughter in the galleries.]

Mr. HEYBURN. Now, Mr. President, if the Senator will pardon me, a point of order—

Mr. CUMMINS. I wanted to ask—

Mr. HEYBURN. I rose to a point of order. I ask, Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. It is not a question of yielding. I rose to a point of order.

Mr. CUMMINS. The Senator from Idaho is already on the floor.

Mr. HEYBURN. We have a serious question on to-day—I will yield to the Senator in a moment—but before we enter upon it I want it understood by the occupants of the galleries of this body that there are not to be expressions of approval or disapproval through laughter or giggling.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes; I now yield to the Senator from Iowa.

Mr. CUMMINS. I desire to ask the Senator from Idaho a question. The Senator from Idaho moves that the printing clerk, as I understood him, should be brought before the bar of the Senate to explain why volume 1 of the testimony in the Stephenson case has not been printed.

Mr. HEYBURN. Yes; to explain to the Senate why he had not obeyed its orders.

Mr. CUMMINS. Mr. President, I do not understand that, according to the practice of the Senate—and I have been here but a short while, and am not so familiar with that practice as is the Senator from Idaho—the printing clerk, if brought before the bar of the Senate, would have any right to enter upon an oral explanation of the performance or nonperformance of his duty.

Mr. HEYBURN. The Senator misunderstands the practice of the Senate.

Mr. CUMMINS. I understand that the Senate must proceed in quite a different way, if it desires to enforce its order upon any employee of the Senate. I voted against the motion because I believed it to be wholly out of order.

Mr. HEYBURN. Well, I would inquire, Mr. President, how the Senator would proceed to bring one of the employees of the Senate to an account?

Mr. CUMMINS. I am not going to attempt an explanation of the practice, because I am not familiar with it, but I do know that an employee of the Senate would have no right to stand here and address the Senate upon any question.

Mr. HEYBURN. No.

Mr. CUMMINS. I assume that there must be some charge preferred against any officer or employee of the Senate, to which he would have a right to respond; and then, when the testimony was taken upon the charge, it could be laid before the Senate; the issue would be decided, and then the Senate would enter whatever order it pleased to enter upon the showing so made. That is the way it seems to me the Senate must proceed.

Mr. HEYBURN. There has been more than one examination at the bar of this body. The Senate is not helpless in the hands of anybody; and it may bring any person to its bar in any way that it elects to do it. There is no danger of them being permitted to make speeches to the Senate.

Mr. CUMMINS. So far as I am concerned, I do not intend to encourage the practice of calling before the Senate anyone who is accused of disobeying its orders in order to permit him to enter upon an oral explanation of why he has done or why he has not done a particular thing.

Mr. SMOOT. Mr. President—

Mr. HEYBURN. I may take more drastic measures in this matter perhaps than asking him to explain, in which case he will wish he had explained.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; for a purpose.

Mr. SMOOT. Mr. President, in justification of the act of the printing clerk, I wish to make this short statement: The report of the Committee on Privileges and Elections submitted by the senior Senator from Idaho [Mr. HEYBURN] makes this statement:

Mr. HEYBURN, chairman of the subcommittee, submitted a statement of his views in support of the conclusions reached, and on the request of members of the committee further consideration of the matter was postponed to February 3, 1912, on which date a further postponement was had to February 10, 1912, with the understanding that any member of the committee might file a statement of his views to accompany the final report of the committee, and that a vote might be taken on that date.

Mr. HEYBURN. Well?

Mr. SMOOT. The printing clerk has been waiting for those views. They were submitted to the Senate to-day. All of the other part of the report has been printed at the Government Printing Office with the exception of the part of the report that is filed to-day, and that is now at the Printing Office. The complete report will be here to-morrow morning.

Mr. LODGE. Mr. President, if the Senator from Idaho will allow me—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Yes.

Mr. LODGE. Does the Senator contend that that is a question on which an officer of the Senate has the right to pass? The Senate makes an order that a certain document is to be printed. Very well. It is the duty of the clerks of the Senate to have it printed; it is not their duty to hold it up and wait. The Senate order was unconditional.

Mr. SMOOT. The original order to print?

Mr. LODGE. Yes.

Mr. SMOOT. I have not seen a copy of it. Has the Senator asked for an order from the Senate?

Mr. HEYBURN. Let me ask the Senator a question. I may possibly get a glimmer of light. Is the Senator from Utah, as a member of the Printing Committee, responsible for this work being held up?

Mr. SMOOT. Mr. President, I knew nothing about the matter until the Senator from Idaho asked the Secretary of the Senate to order the printing clerk to produce the volume.

Mr. LODGE. As I understand, the Senate made an order to print. Now, it seems to me it is the duty of the officers of the Senate to carry out that Senate order. And if the views of the minority or those of any member of the committee are not ready they should be notified that under the order of the Senate the printing is to take place. Those views could be added at the end just as well as at the beginning.

Mr. SMOOT. That may be true, but the printing clerk a few moments ago stated to me that the views of other members of the committee who had permission to file such views had not been filed for printing in this volume.

Mr. LODGE. It is the action of the committee which the Senator has read; it is not the action of the Senate.

Mr. SMOOT. I should like to ask the Senator from Idaho if the Senate has ordered any part of this report printed other than when reported as a full report?

Mr. HEYBURN. Certainly; they did on my request when I filed the report; and the things to be printed were the things that were then before the Senate, and not something that might or might not ever come before the Senate.

Mr. SMOOT. The report has been already printed, and the Senator has read from it. Now, what the Senator submitted as a report has been printed, and every Senator has it. As I understand, the report that was ordered printed has been printed, and in that printed report it is stated:

With the understanding that any member of the committee might file a statement of his views, to accompany the final report of the committee.

Mr. LODGE. Mr. President—

Mr. HEYBURN. That has been filed and printed. Nobody is talking about that. That is not what is being talked about at all.

Mr. LODGE. Mr. President, as I understand it, the order carried the testimony. Now, what has been held back is the testimony.

Mr. SMOOT. The testimony has been held back awaiting the report.

Mr. LODGE. In whose discretion does it lie to hold back that testimony when the Senate ordered it to be printed?

Mr. SMOOT. It lies in the Senate's discretion, if the Senate has ordered it printed.

Mr. LODGE. The Senate certainly ordered the testimony printed.

Mr. SMOOT. Well, then, if the Senate has ordered the testimony printed, the printing clerk is wrong.

Mr. HEYBURN. Of course he is wrong.

Mr. SMOOT. But if the Senate has not ordered the testimony printed, then he is correct.

Mr. BORAH. I have had in my office for the last two days a copy of the testimony—the first and second volumes.

Mr. HEYBURN. That is not the Senate print; that is the committee print.

Mr. BORAH. It is the evidence and hearings.

Mr. HEYBURN. Yes; but it is the committee print. The committee, of necessity, had to have the testimony printed.

Mr. SMOOT. The testimony has already been printed for the committee, but I take it for granted that the printing clerk thought it having already been printed, in order to have the final report printed he must have the views of the minority and majority printed together.

Mr. BRISTOW. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. I do.

Mr. BRISTOW. I should like to hear read the order of the Senate in regard to the printing.

The VICE PRESIDENT. Without objection, the Secretary will read from the CONGRESSIONAL RECORD what took place at the time the report was presented.

The Secretary read from page 1953 of the CONGRESSIONAL RECORD of February 12, 1912, as follows:

Mr. HEYBURN. Mr. President, I offer the following resolution and ask for its present consideration.

The Secretary read the resolution (S. Res. 215), and it was considered by unanimous consent and agreed to, as follows:

Resolved, That 1,000 additional copies of the report and accompanying papers presented by the Committee on Privileges and Elections, who were directed to investigate whether corrupt methods and practices were used or employed in the election of ISAAC STEPHENSON as a Senator of the United States from the State of Wisconsin, be printed for the use of the Senate, and that 450 additional copies of the report, together with the hearings held before the committee, be printed for the use of the Senate.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. I do.

Mr. LODGE. I think I am correct in my statement that the order is an unconditional order.

Mr. HEYBURN. Of course it is.

Mr. SMOOT. I have no question but what it is an unconditional order.

Mr. LODGE. Being an unconditional order, I do not think it was in the discretion of the printing clerk to hold it up for any reason. If there was material lacking in it, he should have brought that to the attention of the Senator in charge, and it should have been brought to the Senate, but it seems to me that there was no discretion there to be exercised.

Mr. HEYBURN. I would say, Mr. President, that the printing clerk of this body came to me in regard to this matter, and I instructed him exactly as the Senator from Massachusetts [Mr. LODGE] has expressed himself; that there was no discretion in him; that it was his business to print this record and have it here. He promised me to have it here this morning, but he has evidently been getting some outside advice, and has assumed to disobey the order of this body.

Now, I will not pursue this question further. It is not necessary that I should. Of course, any other Senator is at liberty to do as he pleases at this time.

Mr. LEA. Will the Senator from Idaho yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Tennessee?

Mr. HEYBURN. Yes.

Mr. LEA. Have sufficient copies of the testimony been printed and been delivered to all the Members of the Senate?

Mr. HEYBURN. The print was a committee print. Of course—

Mr. LEA. Were there not sufficient copies?

Mr. HEYBURN. Just a moment. The print, under the Senate order, could not be commenced until after the Senate had acted upon the resolution which has just been read. A committee print was ordered, and the Senate had copies of that print sufficient for the consideration of the case up to the time that the Senate should take it up.

Mr. LEA. Were not sufficient copies printed for all Senators to have the testimony?

Mr. HEYBURN. There were not a sufficient number for all Senators, but I have not had to decline the request of any Senator. I have had enough copies to supply any Senator who has requested one.

Mr. LEA. I understood the Senator to make the statement on last Tuesday that every Member of the Senate had had for some weeks a copy of the testimony, with the digest which had been sent from the committee room. Under that view of the case it seems to me that the resolution providing that the testimony, with the report and accompanying papers, should be printed would mean that one of the accompanying papers would be the views filed by the minority, and therefore the document could not be printed until those views had been filed.

Mr. HEYBURN. There is no such document recognized in legislative affairs as a "minority report." It has no status. It is merely the dissent expressed by those who do not agree to the report of the majority.

Mr. LEA. I thought it might, at least, be classified as "accompanying papers."

Mr. HEYBURN. But "accompanying papers" referred to papers then in existence. Can anyone suggest the reason why Senators stand up and defend a disobedient servant of the Senate who has not performed his duty? What is the motive that actuates them to do that kind of thing? Is it because they feel resentful or spiteful toward somebody, or is there a principle involved with which they are well acquainted, representing the rights between a subordinate officer of this body and a Senator of the United States?

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. I have the RECORD containing the resolution that was just read by the Secretary of the Senate. Following that resolution the Senator from Iowa [Mr. KENYON] said:

Mr. KENYON. Mr. President, I desire to say that the minority report from the committee is not yet signed, owing to the absence from the city of some of the Senators. But it will be signed and presented later in the week.

Mr. REED. When signed, will the minority report be printed under the resolution just reported?

Mr. HEYBURN. Certainly; the minority report will be printed.

On that, as well as what was contained in the report—

Mr. HEYBURN. Now, just let us not go ahead and make a mistake here—

Mr. SMOOT. The printing clerk withheld the final report until the minority report was printed.

Mr. HEYBURN. This young man has evidently been acting under some antagonistic advice for some purpose that I am not capable of discovering. The action the Senator had just referred to is the action taken by the Senate this morning. The Senate this morning did just exactly what I told the Senator from Iowa that it would do when the minority report came in—they ordered it printed.

Mr. SMOOT. Mr. President—

Mr. HEYBURN. I prefer now, if the Senator holds—well, I will not say that—

Mr. SMOOT. Just to clear the thing up, Mr. President—

Mr. HEYBURN. If the Senator can restrain himself until some day when he has an opportunity and the right of the floor to defend this disobedient official, let him do it in his own time. I am not going to stand here to speak in regard to this matter with special counsel for the man I charge with disobedience of an order of the Senate.

Mr. SMOOT. Mr. President, I have not a word to say if the Senator—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I will yield no more.

Mr. SMOOT. If the Senator does not wish to yield I have not another word to say.

Mr. HEYBURN. No; I do not like the spirit.

Now, Mr. President, I desire that Senators should hear the indictment read, upon which they are going to try the case of Mr. STEPHENSON, and for that reason I requested the call that has been made and responded to. The other unpleasant incident has unfortunately arisen from the necessity of having the record before the Senate. This is the indictment—"Specific charges," it is headed—by John J. Blaine, State senator from the State of Wisconsin. Now, listen to the charges upon which you are going to pass when you vote:

SPECIFIC CHARGES.

1. That ISAAC STEPHENSON, of Marinette, Wis., now United States Senator and a candidate for reelection, did, as such candidate for reelection, give to one E. A. Edmonds, of the city of Appleton, Wis., an elector of the State of Wisconsin and said city of Appleton, a valuable thing, to wit, a sum of money in excess of \$106,000, and approximating the sum of \$250,000, as a consideration for some act to be done by said E. A. Edmonds, in relation to the primary election held on the 1st day of September, 1908, which consideration was paid prior to said primary election, and that said ISAAC STEPHENSON was at the time of such payment a candidate for the Republican nomination for United States Senator at such primary, and did by such acts as above set forth violate section 4543b of the statutes.

He leaves himself a margin for his guess of the difference between \$106,000 and \$250,000! When on the witness stand in this investigation, under oath, he said he had no personal information in regard to that charge, and declined to be responsible for the production of any proof or evidence to support that allegation which had been sent to this body as a basis, among other charges, for the investigation.

2. That said ISAAC STEPHENSON did, prior to said primary, pay to said Edmonds above-mentioned sums with the design that said Edmonds should pay to other electors of the State, out of said sums above mentioned and other sums of money received by said Edmonds from said ISAAC STEPHENSON prior to said primary, sums ranging from \$5 per day to \$1,000 in bulk, as a consideration for some act to be done in relation to said primary by said electors for said ISAAC STEPHENSON as such candidate, in violation of said section.

Mr. Blaine upon the witness stand disclaimed any knowledge of any fact upon which he made that charge; but he said, in general terms, that he made it upon newspaper statements and general rumor.

The third charge in the indictment is:

3. That with full knowledge and with instructions from said ISAAC STEPHENSON, as to how and for what purposes said sums were to be expended, said sums were so paid as above stated to said Edmonds by said ISAAC STEPHENSON and that said sums were paid as above stated for the purposes above stated and also for the purpose of bribing and corrupting a sufficient number of the electors of the State of Wisconsin to encompass the nomination of said ISAAC STEPHENSON at said primary for the office of United States Senator.

And under oath that man said he had no knowledge whatever, either before making the charge or at the time of the investigation, upon which to base such a charge; that he made it upon newspaper statement and general rumor; but he did not claim to be able to point the committee to any source of information whatever. At a later period in the consideration of this question we will apply his testimony more specifically to those statements of unreliability.

The fourth charge in the indictment is:

4. That in pursuance of the purposes and design above stated said ISAAC STEPHENSON did, by and through his agents, prior to said primary, pay to one U. C. Keller, of Sauk County, an elector of this State, the sum of \$300 as a consideration for some act to be done by said Keller for said STEPHENSON preliminary to said primary, corruptly and unlawfully.

Mr. Blaine testified that he had absolutely no personal knowledge whatever in regard to that matter, and he did not under-

take to produce before the committee any witness by whose testimony he might sustain the allegation; and yet it is a charge of corruption and bribery against a Member of this body, by a man who was a member of the State Senate of Wisconsin.

The fifth charge in the indictment is:

5. That in further pursuance of such purposes and design said ISAAC STEPHENSON, by and through his agents, prior to said primary, paid to one Hambright, of Racine, Wis., large sums of money as a consideration for some act to be done by said Hambright for said STEPHENSON preliminary to said primary—

Mark you, "preliminary to said primary"—

said Hambright being then an elector of this State, corruptly and unlawfully.

Of course, had we taken up this matter as by demurrer to an indictment, it never would have left the Senate. The demurrer would have been sustained. It would have been sustained by the votes of the lawyers and, in so plain a case, by the votes of those who are not lawyers.

6. That in further pursuance of the purposes and design above stated said ISAAC STEPHENSON did, by and through his agents, prior to said primary—

"Prior to said primary"—

pay to one Roy Morse, of Fond du Lac, Wis., then an elector of this State, the sum of \$1,000 as a consideration for some act to be done by said Morse for said ISAAC STEPHENSON preliminary to said primary, and corruptly and unlawfully.

I know the lawyers, in fact all the Members of this body, will quickly analyze an expression of that kind, that is sought to be made so as to avoid responsibility on the part of the maker.

7. That in further pursuance of such purposes and design said ISAAC STEPHENSON, by and through his agents, prior to said primary—

Mark you, these charges are all "prior to said primary"; and they will all depend, so far as their application is concerned—supposing that they have any—to the doing of acts in connection, not with an election, but with a primary, where it is sought to select a United States Senator; where it is sought to give binding force and effect to the acts of a direct primary in the selection of a United States Senator, in the absence of any law authorizing a United States Senator to be selected at a primary.

Said ISAAC STEPHENSON, by and through his agents, prior to said primary, paid to divers persons, then electors of the county of Grant, Wis., ranging from \$5 per day and upward, as a consideration for some act to be done by said several electors for said ISAAC STEPHENSON preliminary to said primary, corruptly and unlawfully.

We have not gotten beyond the primary yet; we have not gotten down to it.

8. That in further pursuance of such purposes and design, said ISAAC STEPHENSON, by and through his agents, prior to said primary, did pay to divers persons who were at such time electors in this State a consideration for some act to be done for said ISAAC STEPHENSON by such electors preliminary to such primary, corruptly and unlawfully.

We are still not down to the nomination of anybody. We are not yet down to the primary.

9. That in further pursuance of such purposes and designs said ISAAC STEPHENSON, by and through his agents, prior to said primary, did pay to electors of this State, who were of a different political opinion and who held to other political principles than those of the Republican Party, more particularly Democrats, sums of money as a consideration for some act to be done by such electors for said ISAAC STEPHENSON preliminary to said primary, corruptly and unlawfully.

10. That in further pursuance of such purposes and design said ISAAC STEPHENSON, by and through his agents, prior to such primary, did offer to pay to Edward Pollock, of Lancaster, Wis.—

Mark this—

did offer to pay to Edward Pollock, of Lancaster, Wis., certain sums of money, as editor of the Teller, a newspaper published in said city of Lancaster, Wis., and to other editors of newspapers who were at such time electors of this State, and for the purpose of purchasing the editorial support of such editors and as a consideration of something to be done relating to such primary, corruptly and unlawfully.

A charge of the purchase of rainbows—editorial support before a primary at which there was no authority to do anything pertaining to the election of a United States Senator! And Mr. Blaine charges here, as a basis for unseating Senator STEPHENSON, that this man paid money for the editorial support of these newspapers! If that were established, I do not know how I would stand on a vote upon a question of competency, for a man who would pay for the editorial support of such papers, with the idea that any elector's judgment would be swayed thereby, would be of questionable judgment.

11. That said ISAAC STEPHENSON did, prior to such primary—

Mark you, "prior to such primary"—

by and through his agents, promise and agree to pay to one Lester Tilton, a then resident and elector of this State, and residing at the city of Neillsville, Wis., a sum in excess of \$500 to procure or aid in procuring the nomination of said Lester Tilton to the assembly of this State from Clark County, and did offer to give to said Lester Tilton a sum in excess of \$500 if said Lester Tilton would become a candidate for the assembly from said Clark County if said Lester Tilton would support said ISAAC STEPHENSON for the office of United States Senator, all of which is in violation of sections 4542b and 4543b of the statutes.

On the investigation of that charge it proved to be so absolutely without foundation that no one seemed inclined to stand responsible for it. In the first place, the man was not elected to the legislature, and if he was a candidate for it at all it was known only to himself. That Senator STEPHENSON's agent should pay him \$500 to become a candidate would be some evidence of the fact that Senator STEPHENSON did not get anything if he paid for it.

We are near the end of these charges:

12. That said ISAAC STEPHENSON did, by and through his agents, give and promise and pay or agree to pay to other electors of this State sums of money to procure or aid in procuring the nomination of such electors to the senate and assembly of this State other than those electors residing in the district where said ISAAC STEPHENSON resides.

That is based upon a provision in a statute of Wisconsin, which undertakes to say that a candidate for office may not contribute to the election expenses of anyone who does not reside in his district. There was absolutely no proof offered in support of it, although every effort was made to find some one who would have something to say for or against any or all of these charges.

13. That E. M. Heyzer and Max Sells, prior to said primary, being at such time employees of the Chicago & North Western Railway Co., a corporation doing business in this State, did contribute and agree to contribute free services as such employees for the purpose to defeat the candidacy of former Assemblyman E. F. Nelson, from the district embracing Florence, Forest, and Langlade Counties, for the nomination for assemblyman from said district, all of which was done with the knowledge and consent and under the direction of said ISAAC STEPHENSON, his agents, and employees, contrary to chapter 492, Laws of 1905.

Those men were placed on the witness stand, and they did not even know that a contest was being made over this question. The attempt made to sustain this charge absolutely failed, not by insufficient proof, but for want of any proof. The examinations upon these charges were all conducted in the presence of the men who made them; and they were there, as it were, superintending the investigation of the charges they had undertaken to sustain, or had made, against Mr. STEPHENSON.

14. That in further pursuance of the purposes and design above set forth, said ISAAC STEPHENSON, by and through his agents, did, in addition to paying certain sums as above set forth, offer and agree to pay to electors of this State, prior to said primary, a premium or bonus to those who in his employ carried their respective precincts in such primary for said ISAAC STEPHENSON as such candidate.

Not a word of proof was offered in support of that statement, and it was testified to as being absolutely without foundation.

15. That said ISAAC STEPHENSON, if claiming an election by virtue of receiving a plurality of votes at such primary, then said ISAAC STEPHENSON has violated chapter 502 of the laws of 1905 by failing and neglecting to file his expense account as provided by said chapter.

That presupposes that the State has authority to require a candidate, or a man who thinks he is a candidate, for the United States Senate to file an account. Senator STEPHENSON filed an account which was in form and substance such as other candidates had justified themselves in filing. It was testified, if I remember correctly, by the attorney who drew it that it followed the account of expenses that was filed by the judge of the supreme court of the State at the same election. The attorney who drew it took the statement of the judge of the supreme court as a model from which to draw the account for Senator STEPHENSON.

But the only penalty prescribed for the failure to file an account, or the filing of an imperfect account, is a fine under the State law; and we are not here enforcing fines under the State law. He seems to have been candid enough to state, under oath, that he expended this large sum of money. He has not been trying to hide it from anybody or to shift the responsibility.

Now comes the last one. This is the sixteenth:

16. Charging generally the primary nomination or election of said ISAAC STEPHENSON was obtained by the use of large sums of money corruptly and illegally, by the violation of sections 4542b, 4543b, and 4478b of the statutes relating to illegal voting, bribery, and corruption, and other laws above set forth relating to elections and primary elections.

PUBLIC UTILITIES COMMISSION.

The VICE PRESIDENT. Will the Senator from Idaho suspend? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside. In response to many inquiries I will take occasion now to say that I hope to be prepared to call up the bill before many days.

The VICE PRESIDENT. Without objection, the unfinished business is temporarily laid aside.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 20, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1912.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. Henry S. Mathewson to be surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from February 2, 1912, in place of Surg. Eugene Wasdin, deceased.

Passed Asst. Surg. Taliaferro Clark to be surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from February 2, 1912, in place of Surg. Rupert Blue, promoted to Surgeon General January 13, 1912.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

Mahlon Pitney, of New Jersey, to be Associate Justice of the Supreme Court of the United States, vice John M. Harlan, deceased.

UNITED STATES DISTRICT JUDGES.

Julius M. Mayer, of New York, to be United States district judge, southern district of New York, vice George B. Adams, deceased.

Ferdinand A. Geiger, of Wisconsin, to be United States district judge, eastern district of Wisconsin, vice Joseph V. Quarles, deceased.

UNITED STATES MARSHAL.

William O. Ligon, of Mississippi, to be United States marshal, southern district of Mississippi, vice Frederick W. Collins, deceased.

APPOINTMENT IN THE ARMY.

FIELD ARTILLERY ARM.

Jonathan Waverly Anderson, midshipman, United States Navy, to be second lieutenant of Field Artillery, with rank from December 3, 1911.

NOTE.—Midshipman Anderson was nominated to the Senate January 3, 1912, for appointment as second lieutenant of Infantry, with rank from December 2, 1911, and his nomination was confirmed January 8, 1912. A commission in the Infantry Arm has been issued to him, but he has not accepted it. It is now desired to appoint him in the Field Artillery Arm.

PROMOTION IN THE ARMY.

Under the provisions of an act of Congress approved April 21, 1904, I nominate the officer herein named for promotion in the Army of the United States.

Chaplain Ernest P. Newsom, Coast Artillery Corps, to be chaplain with the rank of major from February 14, 1912.

PROMOTIONS IN THE NAVY.

Lieut. Charles P. Burt to be a lieutenant commander in the Navy from the 1st day of July, 1910, to fill a vacancy.

Ensign Claudius R. Hyatt to be a lieutenant (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as an ensign.

POSTMASTERS.

ALABAMA.

Clyde P. Loran to be postmaster at Jackson, Ala., in place of Clyde P. Loran. Incumbent's commission expired December 11, 1911.

ARIZONA.

E. J. Smith to be postmaster at Holbrook, Ariz., in place of Martin A. Crouse, removed.

CALIFORNIA.

Charles H. Bartholomew to be postmaster at San Diego, Cal., in place of Charles H. Bartholomew. Incumbent's commission expired February 18, 1912.

Enos F. Floyd to be postmaster at San Andreas, Cal., in place of Enos F. Floyd. Incumbent's commission expired February 13, 1912.

Anne C. Mahan to be postmaster at Fort Jones, Cal., in place of Anne C. Mahan. Incumbent's commission expires March 11, 1912.

Clarence S. Merrill to be postmaster at Berkeley, Cal., in place of Clarence S. Merrill. Incumbent's commission expired February 18, 1912.

COLORADO.

Jefferson D. Frazey to be postmaster at Antonito, Colo. Office became presidential January 1, 1912.

FLORIDA.

George A. Alba to be postmaster at St. Augustine, Fla., in place of George A. Alba. Incumbent's commission expired January 14, 1912.

George W. Duncan to be postmaster at Jasper, Fla., in place of George W. Duncan. Incumbent's commission expired January 22, 1912.

IDAHO.

Francis Ball to be postmaster at Pocatello, Idaho, in place of Francis Ball. Incumbent's commission expires March 6, 1912.

ILLINOIS.

George W. Martin to be postmaster at St. Anne, Ill., in place of Frank L. Wilkins, resigned.

Louis Opp to be postmaster at Belleville, Ill., in place of Cyrus Thompson. Incumbent's commission expired January 18, 1911.

Henry C. Paradis to be postmaster at Momence, Ill., in place of Henry C. Paradis. Incumbent's commission expired February 4, 1912.

Elmer E. Smith to be postmaster at Clayton, Ill., in place of Elmer E. Smith. Incumbent's commission expires March 31, 1912.

C. N. Smith to be postmaster at Madison, Ill., in place of William J. Franklin, resigned.

IOWA.

Frank E. Lundell to be postmaster at Stratford, Iowa, in place of Frank E. Lundell. Incumbent's commission expired February 17, 1912.

Edward Madigan to be postmaster at Clarksville, Iowa, in place of Edward Madigan. Incumbent's commission expired December 18, 1911.

MAINE.

George E. Durrell to be postmaster at Skowhegan, Me., in place of Isaac Dyer. Incumbent's commission expired February 19, 1912.

George A. Herrick to be postmaster at Madison, Me., in place of George A. Herrick. Incumbent's commission expires March 30, 1912.

MASSACHUSETTS.

Clarke P. Harding to be postmaster at Medway, Mass., in place of Clarke P. Harding. Incumbent's commission expires March 11, 1912.

Edwin Smith to be postmaster at Mittineague, Mass., in place of Edwin Smith. Incumbent's commission expires March 30, 1912.

MICHIGAN.

Jacob Le Roy Gumaer to be postmaster at Ovid, Mich., in place of Jacob Le Roy Gumaer. Incumbent's commission expires March 11, 1912.

John W. Needham to be postmaster at St. Joseph, Mich., in place of William L. Holland, resigned.

MINNESOTA.

Ludwig J. Andrews to be postmaster at Lindstrom, Minn., in place of Ludwig J. Andrews. Incumbent's commission expires March 27, 1912.

Anton R. Erickson to be postmaster at Bemidji, Minn., in place of Anton R. Erickson. Incumbent's commission expires March 11, 1912.

Mons Hauge to be postmaster at Benson, Minn., in place of Mons Hauge. Incumbent's commission expires March 31, 1912.

Bernard W. Johnson to be postmaster at Appleton, Minn., in place of Fred E. Wheeler, resigned.

Charles W. Paige to be postmaster at Dawson, Minn., in place of Charles W. Paige. Incumbent's commission expired January 29, 1912.

NEBRASKA.

Thomas A. Boyd to be postmaster at Beaver City, Nebr., in place of Thomas A. Boyd. Incumbent's commission expires March 31, 1912.

NEW HAMPSHIRE.

Frank S. Huckins to be postmaster at Ashland, N. H., in place of Frank S. Huckins. Incumbent's commission expired February 19, 1912.

NEW YORK.

John M. Brown to be postmaster at Port Jefferson, N. Y., in place of John M. Brown. Incumbent's commission expired February 19, 1912.

Oliver H. Tuthill to be postmaster at Rockville Center, N. Y., in place of Oliver H. Tuthill. Incumbent's commission expired February 10, 1912.

OHIO.

Walter B. Johnson to be postmaster at Fredericktown, Ohio, in place of Walter B. Johnson. Incumbent's commission expired December 12, 1911.

E. Lee Porterfield to be postmaster at Delaware, Ohio, in place of William B. Jones. Incumbent's commission expired December 18, 1911.

John J. Roberts to be postmaster at Prospect, Ohio, in place of John J. Roberts. Incumbent's commission expired December 16, 1911.

RHODE ISLAND.

John A. Allen to be postmaster at Peace Dale, R. I., in place of John A. Allen. Incumbent's commission expires March 20, 1912.

SOUTH CAROLINA.

Ellison Capers, jr., to be postmaster at Summerton, S. C. Office became presidential January 1, 1912.

Martin Cauthen to be postmaster at Kershaw, S. C., in place of Martin Cauthen. Incumbent's commission expires February 21, 1912.

Charles D. Kennedy to be postmaster at Johnston, S. C., in place of John W. Payne, resigned.

Aaron M. Morris to be postmaster at Pickens, S. C., in place of Aaron M. Morris. Incumbent's commission expired January 28, 1912.

Alonzo D. Webster to be postmaster at Orangeburg, S. C., in place of Alonzo D. Webster. Incumbent's commission expired January 28, 1912.

SOUTH DAKOTA.

William H. Ochsner to be postmaster at Chamberlain, S. Dak., in place of William H. Ochsner. Incumbent's commission expired January 27, 1912.

TENNESSEE.

Bird P. Allison to be postmaster at Monterey, Tenn., in place of Bird P. Allison. Incumbent's commission expired January 31, 1912.

Clarence V. Gwin to be postmaster at Hartsville, Tenn., in place of Clarence V. Gwin. Incumbent's commission expired January 31, 1912.

Rufus T. Hickman to be postmaster at Lynnville, Tenn., in place of Rufus T. Hickman. Incumbent's commission expired January 31, 1912.

Lorenzo H. Lasater to be postmaster at Athens, Tenn., in place of Lorenzo H. Lasater. Incumbent's commission expired January 28, 1912.

Christopher C. Stribling to be postmaster at Clifton, Tenn., in place of Christopher C. Stribling. Incumbent's commission expired January 31, 1912.

VIRGINIA.

Edmond L. S. Bouton to be postmaster at Vienna, Va. Office became presidential January 1, 1912.

WASHINGTON.

William O. Gregory to be postmaster at Burlington, Wash., in place of William O. Gregory. Incumbent's commission expires March 2, 1912.

WEST VIRGINIA.

George T. Goshorn to be postmaster at Piedmont, W. Va., in place of George T. Goshorn. Incumbent's commission expired December 9, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 19, 1912.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

Paul Stanislaus Wagner to be first lieutenant.

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

Lieut. Col. John Conklin to be colonel.

Maj. Peyton C. March (detailed adjutant general) to be lieutenant colonel.

Capt. Albert J. Bowley, to be major.

First Lieut. William F. Morrison to be captain.

Chaplain George J. Waring to be chaplain with the rank of captain.

POSTMASTERS.

ALABAMA.

Carter R. Bibb, Warrior.

Ralph Callaway, Maplesville.

Samuel E. Clark, Florala.

Noah S. Daniel, Dora.

Joe S. Franklin, Alabama City.
James A. Grimmet, Tuskegee.
Samuel R. Kennamer, Guntersville.
Alice A. Sartin, Oakman.

INDIANA.

Cadmus E. Crabill, South Bend.
Donald McCallum, Batesville.

IOWA.

John Moe, Ossian.
John W. Reed, Waucoma.

MICHIGAN.

John W. Needham, St. Joseph.
Samuel H. Wilson, South Haven.

MISSISSIPPI.

Wiley W. Brashears, Gunnison.
Frances A. Gardner, Moorhead.
Ella Meade Harper, Raymond.
Hubbard E. McClurg, Ruleville.
George K. Smith, jr., Indianola.
Coke B. Wier, Quitman.

VIRGINIA.

William H. Mosby, Bedford City.

WITHDRAWALS.

Executive nominations withdrawn from the Senate February 19, 1912.

COLLECTORS OF CUSTOMS.

John Biddle, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina. Mr. Biddle is now serving under a temporary commission issued during the recess of the Senate.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina. (Reappointment.)

POSTMASTERS.

NORTH CAROLINA.

John M. Burrows to be postmaster at Ashboro, in the State of North Carolina.

Estella Cameron to be postmaster at Rockingham, in the State of North Carolina.

John R. Joyce to be postmaster at Reidsville, in the State of North Carolina.

William A. Mace to be postmaster at Beaufort, in the State of North Carolina.

Samuel E. Marshall to be postmaster at Mount Airy, in the State of North Carolina.

Lonnie E. Pickard to be postmaster at West Durham, in the State of North Carolina.

William S. Saunders to be postmaster at Roanoke Rapids, in the State of North Carolina.

Henry J. Whitt to be postmaster at Roxboro, in the State of North Carolina.

HOUSE OF REPRESENTATIVES.

Monday, February 19, 1912.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, let Thy kingdom come in all our hearts, that we may think pure thoughts, speak kind words, do noble deeds.

"Charity thinketh no evil."

"A soft answer turneth away wrath."

A good deed touches the hearts of men.

"Behold how good and how pleasant it is for brethren to dwell together in unity."

Where love is, God is. Help us, therefore, we beseech Thee, to keep the eleventh commandment in our hearts this day. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, February 17, 1912, was read and approved.

REPRESENTATIVE FROM ARIZONA.

The SPEAKER laid before the House the following credentials, which were read:

Know all men by these presents:

That I, Richard E. Sloan, governor of the Territory of Arizona, by authority of the provisions of the act of Congress approved June 20, 1910, and the joint resolution of Congress approved August 21, 1911, as supplemented by ordinance No. 2, adopted by the constitutional convention of Arizona, do hereby certify that, as shown by the returns

of the election held on the 12th day of December, 1911, as canvassed and certified to me by the canvassing board in accordance with said act, joint resolution, and ordinance No. 2, Carl Hayden was a candidate at said election for the office of Representative in Congress and, of all the various candidates for said office, received the highest number of votes therefor and was therefore elected to said office.

In witness whereof I have hereunto set my hand and caused the great seal of the Territory of Arizona to be affixed.
Done at the city of Phoenix, the capital, this 3d day of February, 1912.

[SEAL.]
By the governor:

RICHARD E. SLOAN.

GEORGE YOUNG,
Secretary of Arizona.

Mr. HAYDEN appeared at the bar of the House and took the oath of office.

BANKING AND CURRENCY CONDITIONS.

Mr. HENRY of Texas. Mr. Speaker, I present the following privileged resolution from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 411 to investigate banking and currency conditions, have had the same under consideration and report the following resolution as a substitute therefor, with the recommendation that it do pass:

Whereas the Committee on Banking and Currency is vested with the power to propose to the House all legislation relating to banking and currency; and

Whereas said committee is desirous of securing full and complete information regarding the banking and currency conditions of the country for the purpose of determining what legislation is needed: Therefore be it

Resolved, That the Committee on Banking and Currency, as a whole or by subcommittee, is authorized to sit during the sessions of the House and the recess of Congress, to compel the attendance of witnesses, to send for persons and papers, to administer oaths to witnesses, and to employ experts, counsel, accountants, and clerical and other assistants.

The Speaker shall have authority to sign and the Clerk to attest subpoenas during the session or recess of Congress.

Mr. HENRY of Texas. Mr. Speaker, I desire to move the previous question on the resolution, but pending the putting of the motion I ask the gentleman from Pennsylvania [Mr. DALZELL] if we can not make some agreement as to the time for discussion.

Mr. DALZELL. Mr. Speaker, I would ask the gentleman, first, if this is the resolution as it was reported by the committee?

Mr. HENRY of Texas. That is the resolution that is reported by the committee, with the provision relating to expenditures out of the contingent fund stricken out.

Mr. DALZELL. Until we can make some arrangement about debate, I shall reserve the point of order.

Mr. HENRY of Texas. That is stricken out of the resolution.

Mr. DALZELL. I shall reserve a point of order until we can see what we can do about the time for debate. How much time for debate will the gentleman agree to?

Mr. HENRY of Texas. As I understood the gentleman, it was agreeable that this should be stricken out and considered as committee action.

Mr. DALZELL. Certainly, if the gentleman is willing to agree to a reasonable debate.

Mr. HENRY of Texas. How much time would the gentleman like to have?

Mr. DALZELL. I should suggest an hour a side, at least.

Mr. HENRY of Texas. Mr. Speaker, I have no objection to that, if the gentleman will agree that at the end of that time the previous question shall be considered as ordered.

Mr. LENROOT. Mr. Speaker, will the gentleman from Texas yield?

Mr. HENRY of Texas. I yield for a question.

Mr. LENROOT. I would ask the gentleman whether he would not agree to this, that at the end of that time the gentleman from Texas shall be recognized to move the previous question?

Mr. HENRY of Texas. I could not make that agreement.

Mr. LENROOT. Of course, if this agreement be made as the gentleman suggests, it shuts off any opportunity to amend the resolution.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. I yield for a question.

Mr. NORRIS. The gentleman can move the previous question at the end of that time. There are some here—I presume a good many—who would, perhaps, vote for this resolution if it was the only one they could vote for, but who would prefer to amend it, and who, therefore, would be opposed to ordering the previous question.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. Certainly.

Mr. UNDERWOOD. I will say to the gentleman from Nebraska that by an agreement of the House on Saturday it was understood that the business on Monday should be passed over

until Thursday to give right of way to the consideration of the chemical schedule.

At the request of the gentleman from Texas I agreed to waive that right if this debate on this resolution did not take up an undue length of time; but I am perfectly willing to have the 2 hours, for with a roll call and 40 minutes' debate it would probably amount to 2 hours.

Mr. DALZELL. I want to call attention to the fact that I have reserved the point of order, and the length of the debate will depend upon the decision of the Chair if I insist on the point of order.

Mr. HENRY of Texas. If the gentleman insists on that, of course I will have to withdraw the resolution and reconvene the Committee on Rules; but I thought this could be regarded as committee action and there would be no objection to it on that account.

Mr. DALZELL. The gentleman will recall that I said to him this morning I concurred in that, providing we could make a reasonable arrangement as to discussion, and so I am willing now, but the gentleman from Wisconsin insists—and he has a perfect right to insist—that he shall have an opportunity to offer an amendment to the resolution.

Mr. NORRIS. The gentleman will concede, at least, the right of Members to vote on the proposition of the previous question, because that would shut out amendment.

Mr. HENRY of Texas. I did not hear the gentleman.

Mr. NORRIS. I said to the gentleman from Texas it seems to me, and I think he wants to be fair in this matter, that he ought to give Members the right to vote on the previous question. Regardless of what the members of the Rules Committee might think, I would not feel disposed to let it pass without an objection if we can not have a vote on the previous question.

Mr. HENRY of Texas. The gentleman understands he would have the right to vote on the previous question now unless we can agree on the two hours.

Mr. NORRIS. If the gentleman wants to shut out all debate and amendment, I presume he has the power to do it.

Mr. LENROOT. Mr. Speaker, I simply wish to say I am not asking for a right to amend, but simply for the right to vote upon the previous question.

Mr. HARDY. Mr. Speaker, I would like to ask the gentleman a question for information.

Mr. HENRY of Texas. I yield for a question.

Mr. HARDY. That is as to whether any opportunity will be given to amend this resolution by a motion to amend it upon the floor of the House?

Mr. HENRY of Texas. Not if the previous question is ordered.

Mr. HARDY. If the previous question is not ordered, then what is the condition with reference to the right to amend?

Mr. HENRY of Texas. Why, of course, undoubtedly the resolution would be open to amendment and further discussion.

Mr. HARDY. Then the proper thing for those who want to amend the resolution is to vote against the previous question. Is that it?

Mr. HENRY of Texas. Well, I would not like to say what the proper thing would be under such circumstances. I leave that to other gentlemen.

Mr. NORRIS. Will the gentleman allow one further inquiry and permit me to submit a question somewhat similar to that submitted by the other gentleman from Texas; and that is that a Member who is in favor of amending this resolution would have to vote against the previous question in order to get an opportunity even to offer his amendment?

Mr. HENRY of Texas. Let me understand the gentleman from Pennsylvania [Mr. DALZELL]. Does the gentleman insist on his point of order, under the circumstances, that this amendment eliminating certain language was not adopted at a meeting of the committee?

Mr. DALZELL. I shall feel inclined to insist upon my point of order unless we can come to an arrangement that will be satisfactory to both sides of the House relative to the discussion.

Mr. HENRY of Texas. What arrangement would the gentleman suggest that would be satisfactory?

Mr. DALZELL. I have not any objection to waiving the question of order if we can have an hour's debate on each side, and after that the gentleman move the previous question.

Mr. HENRY of Texas. I could not agree to that. That agreement can not be made.

Mr. DALZELL. Then I shall insist on the point of order.

Mr. HENRY of Texas. Mr. Speaker, I withdraw the resolution.

WITHDRAWAL OF PAPERS.

Mr. TAYLOR of Colorado, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving

copies, the papers in the case of Frank C. Johnson, House bill 16829, Sixty-first Congress, no adverse report having been made thereon.

THE CHEMICAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Pending that question I desire to see whether I can agree on general debate with the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. What is the gentleman's suggestion?

Mr. UNDERWOOD. On account of the number of appropriation bills on the calendar, I would like to limit general debate to a few hours, if possible, and I would ask the gentleman from Pennsylvania if he is willing to agree to four hours' general debate—two hours on a side.

Mr. DALZELL. I could not agree to that. I have applications for time extending over that. I suggest that the gentleman allow the debate to run on for the present, and perhaps we can agree hereafter as to when it shall close, but I have applications for more time than would occupy two hours on this side.

Mr. UNDERWOOD. I would say to the gentleman that I would be glad to agree with him on a limitation of debate, if he desires to do so.

Mr. DALZELL. I would suggest four hours on a side.

Mr. UNDERWOOD. I will compromise with the gentleman and say three hours on a side, if that is satisfactory.

Mr. DALZELL. Say three and one-half.

Mr. UNDERWOOD. It will run the session of the House this evening pretty late if we make it three and one-half hours. I want to finish the general debate to-day, and I think three hours on a side will let us through at half past 6, and that that will be more satisfactory.

Mr. DALZELL. I can not agree to that. I would rather the gentleman would let the debate run on. This is a very important measure, Mr. Speaker. We ought not to be cut off with a limited debate on a great tariff bill, a bill that has been prepared by the gentleman and his colleagues, but which we have had no opportunity at this time to know anything about.

Mr. UNDERWOOD. If three and one-half hours' debate on a side, which makes seven hours of debate on the bill, is satisfactory to the gentleman from Pennsylvania, pending the motion that the House resolve itself into Committee of the Whole House on the state of the Union, I ask unanimous consent that general debate on this bill be limited to seven hours, three and one-half hours on a side, one-half of the time to be controlled by the gentleman from Pennsylvania and one-half by myself.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask if it is the intention of the gentleman to finish general debate to-day if that arrangement is entered into?

Mr. UNDERWOOD. I hope so. I would like to do it. The pressure of appropriation bills is so great that I would like to ask the House to stay here to-night to finish general debate on this bill. I think the exigencies of the public business are such that the House ought to be willing to do so.

Mr. MANN. The exigencies of the public business in the middle of February of a long session of Congress are not sufficient to cause the gentleman to insist on the House remaining in session at night for general debate. Members have other work to perform.

Mr. UNDERWOOD. Mr. Speaker, I ask the Chair to put my request.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union the gentleman from Alabama asks unanimous consent that general debate on this bill be limited to seven hours, three and one-half hours to be controlled by himself and three and one-half hours by the gentleman from Pennsylvania. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. I understood the gentleman from Illinois [Mr. MANN] objected.

Mr. UNDERWOOD. No.

Mr. HILL. If it is not too late, I object.

The SPEAKER. It is too late now.

Mr. UNDERWOOD. It is too late.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House resolve itself into Com-

mittee of the Whole House on the state of the Union for the consideration of the bill H. R. 20182, the chemical schedule.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20182, with Mr. RUSSELL in the chair.

Mr. RUSSELL took the chair amid applause.

The CHAIRMAN. The House is in session in Committee of the Whole House on the state of the Union for the consideration of House bill 20182. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, Mr. HARRISON of New York was the chairman of the subcommittee that prepared this bill, and I desire to yield to him one hour to present the bill to the House. [Applause.]

The CHAIRMAN. The gentleman from New York [Mr. HARRISON] is recognized for one hour.

Mr. HARRISON of New York. Mr. Chairman, in presenting to the House the Democratic revision of Schedule A, the tariff schedule dealing with chemicals, oils, and paints, I wish to call the attention of the House to the magnitude of the industries involved.

Chemicals and allied products in the census of 1910 showed \$2,000,000,000 worth of capital invested, and nearly one and one-half billion dollars worth of products, with about \$900,000,000 worth of raw materials. Our imports in 1910, under the head of "Chemicals and allied products," amounted to nearly \$144,000,000 representing 9½ per cent of our total imports, and made the largest single class of imports coming into our country. Our export trade in these products has doubled from 1897 to 1906, showing a more rapid increase than does any other country in this respect. Our exports of chemicals in 1911 being nearly \$39,000,000.

Our imports under Schedule A which were dutiable in 1911 under the Payne law were \$48,869,000 worth, upon which we collected duties of a little more than twelve and one-half million dollars, at an average ad valorem rate of 25½ per cent. The imports estimated under our dutiable list of Schedule A for the fiscal year are \$96,770,000, with duties estimated at \$16,120,000, at an average ad valorem rate of 16½ per cent, showing an expected increase in revenues of at least three and one-half million dollars, with a reduction in the ad valorem rates of the dutiable list from 25½ per cent to 16½ per cent.

The products which were classed as chemical and allied products are, as to about two-thirds of their number, products which enter into further manufacturing processes, and only about one-third of the products involved are subjects of direct consumption by the public, so that as to two-thirds of the articles carried in the proposed Democratic revision the effect on the consumer will be felt by a reduction in the cost of manufacturing more highly finished products, which will intermediately cause a reduction in the cost of the products which the public consumes.

I wish to say a few words about the care which has been exercised in the preparation of this bill. In the recent past the Democratic Party has been subjected to considerable criticism, most of which, in my judgment, is insincere and for political purposes, to the effect that the Democratic tariff bills have been hastily prepared and without a thorough study of the subjects covered by them. I venture to say that as to all of the bills which we have presented to the House since the Democrats came into power that charge is not only untrue but that the exact reverse is true; that more care and consideration, both as to the revenue and to the consuming public, have been given to the preparation of the Democratic tariff bills than have been shown in the preparation of any other tariff for the past 20 years. But as to Schedule A particularly, I call to the attention of the House the fact that since last April a subcommittee of the Committee on Ways and Means—the Democratic membership—has been engaged in the study of the articles covered by Schedule A and the rates thereon; that for the past three months the subcommittee has been almost continuously in session upon this subject; that the very efficient and skillful clerk of the Committee on Ways and Means and his assistants have been for some weeks at work night and day assisting the committee in the preparation of this bill; and that we have had, in

addition, technical experts from the Bureau of Chemistry of the Department of Agriculture, a chemical expert from the board of appraisers of the custom house at New York City, and a financial expert of the Treasury Department, who has helped us in preparing our estimates of expected revenues, and that the bill itself has been submitted to the Treasury Department for its consideration and for suggestions as to the administrative features of the bill. But more than this, and in addition, the Democratic membership of the Committee on Ways and Means in the preparation of this bill has had the benefit of the report of the Tariff Board on Schedule A. [Applause.]

The report of the Tariff Board consists of a glossary of the paragraphs of the existing law and, in addition, an economic review of the chemical industry in the United States, in Canada, in France, in England, and in Germany. The members of the Ways and Means Committee take this opportunity of expressing to the Tariff Board their appreciation of the very valuable assistance which this report has been to them in the preparation of their bill. When the Tariff Board made this report to us, no inquiry had been made by them into the supposed difference, if any, in the cost of production here and abroad, so that the Tariff Board documents published with this report refer solely to subjects which are of importance to all revisers of the tariff, whether Republican or Democratic.

Mr. MOORE of Pennsylvania. Mr. Chairman, I should like to ask the gentleman, in view of his explanation of the manner in which the committee came to frame its very comprehensive report, whether any hearings were given to people engaged in the businesses affected by the bill?

Mr. HARRISON of New York. I will answer that quite frankly. The subcommittee prepared a painstaking digest of every sentence and every syllable of the testimony given by all the witnesses on the chemical schedule before the Ways and Means Committee three years ago, and the subcommittee informed itself absolutely as to all of that testimony. In addition to that, such gentlemen as came to Washington and asked the subcommittee of the Ways and Means Committee for an opportunity to explain their views upon this subject were granted an informal meeting with the members of this committee, and the fullest latitude of statement was permitted to those gentlemen.

Mr. MOORE of Pennsylvania. Then this subcommittee did actually hear from people interested in the business affected by the bill and to that extent operated a little differently from some of the other subcommittees that have already reported?

Mr. HARRISON of New York. O Mr. Chairman, my statement does not contain any suggestion as to what other subcommittees have done in the preparation of other tariff bills. My remarks are confined solely to the subject that I have myself, as a member of the subcommittee, had control of.

Mr. MOORE of Pennsylvania. I know the gentleman has been working industriously, and that is very commendable; but the letters of inquiry that have been coming in indicate that there are some matters in the bill that may not have been explained to the committee.

Mr. HARRISON of New York. When we come to the proper time in this debate, no doubt the gentleman from Pennsylvania [Mr. MOORE] will enlighten the House concerning those things. Now I can not yield any further on this point.

Mr. MOORE of Pennsylvania. Will not the gentleman yield—

Mr. HARRISON of New York. No; if my friend will excuse me, I want to get into my argument.

Mr. CANNON. Mr. Chairman, a question for information. I would be glad to know if the hearings containing the statements of the manufacturers referred to by the gentleman before the subcommittee, or the Democratic members of the subcommittee, are in print?

Mr. HARRISON of New York. They are not.

Mr. CANNON. Then the balance of us can not have the same knowledge.

Mr. HARRISON of New York. I will say to the distinguished gentleman from Illinois, from my own personal observation, that there was not one single shred of new information presented by those gentlemen that they did not present before the committee three years ago, which was printed at that time.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. HARRISON of New York. With pleasure.

Mr. HAMILTON of Michigan. I am very much interested in the gentleman's statement of the careful consideration which has been given in the framing of this schedule. I wanted to inquire whether any such consideration was given to the framing of the chemical schedule on which we were required to vote last summer.

Mr. HARRISON of New York. I will say to the gentleman from Michigan that I stated on the floor at that time that I

thought the chief merit of the chemical revision of last summer was that it was a revision downward, and that if the Ways and Means Committee ever had the opportunity of originating a bill of its own, it would be drafted upon somewhat different lines.

Mr. HAMILTON of Michigan. The gentleman did not think, then, that it had any other merit at all than that it was a downward revision—

Mr. HARRISON of New York. I think that merit is overwhelming. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan (continuing). No matter what its effect might be upon the industry.

Mr. ANDERSON of Minnesota. I want to inquire whether the gentleman claims that this bill is a downward revision?

Mr. HARRISON of New York. I do, very decidedly. It is a very great reduction. I propose to go into that in a few minutes.

Mr. HILL. Will the gentleman yield?

Mr. HARRISON of New York. Certainly.

Mr. HILL. I think we might as well have an understanding at the start as to be compelled to correct misunderstandings in the future. The gentleman from New York does not intend to convey the idea by his statement that the Tariff Board has made any investigation of the chemical industry, except to prepare a glossary.

Mr. HARRISON of New York. Mr. Chairman, I do not intend—

Mr. HILL. I will amplify my question a little; I mean by that, any such investigation as they have made or any such report as they have made on the wool schedule, and as they are now preparing in relation to the cotton industry.

Mr. HARRISON of New York. So far as my personal observation goes, the report submitted by the Tariff Board on the chemical schedule is of much more value than that which they submitted on the wool schedule.

Mr. HILL. They have only submitted a glossary.

Mr. HARRISON of New York. I will invite the gentleman's attention to the report of the committee on this bill, and he will find it there.

Mr. HILL. It is simply a glossary.

Mr. HARRISON of New York. It contains a report on the chemical industry in this country and other countries.

Mr. HILL. It is simply a glossary and not a report, because they have made no investigation.

Mr. HARRISON of New York. The gentleman from Connecticut may state his side of the case in his own way, but he is not stating the facts.

Mr. HILL. I asked the gentleman a question: Whether he desired to have it understood that the Tariff Board has made a report aside from the glossary of the chemical industry?

Mr. HARRISON of New York. I think I have no difficulty in making myself understood by the other Members of the House, however difficult it may be for the gentleman from Connecticut.

Mr. HILL. I accept the rebuke in good faith and my question is in good faith also, and I think the gentleman from New York ought to answer it in good faith.

Mr. HARRISON of New York. Which the gentleman from New York has done.

Mr. HILL. I ask the gentleman does he intend to have the country and the House understand that, aside from the glossary of the chemical industry, the Tariff Board has made any report on that schedule?

Mr. HARRISON of New York. If the gentleman from Connecticut will allow me to answer his question, I have already stated and will state again that the Tariff Board has made a report on the chemical schedule, including an extremely painstaking and carefully prepared glossary of each one of the articles affected by Schedule A, and in addition, a scientific and learned report upon the economic condition of the chemical industry in the United States, Great Britain, France, and Germany.

Mr. HILL. To whom was the report made?

Mr. HARRISON of New York. Mr. Chairman, I decline to yield further upon that point. I ask the indulgence of the House for permission to proceed for a few minutes without interruption in order to conclude my statement as to the relation of the Tariff Board to this report.

Mr. HILL. To whom was the report made?

Mr. HARRISON of New York. I decline to yield further. I do not wish to make the Tariff Board responsible for the rates in this bill. They are not so responsible. The Democratic members of the Ways and Means Committee are responsible both for the subjects of taxation in the bill and for the rates imposed upon them.

Now, Mr. Chairman, in concluding my reference to the Tariff Board, I wish to express the gratitude of the committee for the extraordinarily able and intelligent assistance rendered to the committee by the technical expert of the Tariff Board, Dr. B.

Herstein, who is a man not only learned in chemistry but in the economic side of the chemical industry, and in the bearing that the rates at the customhouse will have upon that industry. He is a most valuable public servant, and I take pleasure in expressing publicly the satisfaction that the committee have had in securing his advice, in addition to all the other advice that I have enumerated.

Mr. HILL. Will the gentleman yield?

Mr. HARRISON of New York. With pleasure.

Mr. HILL. I fully concur with the gentleman, and I ask him whether the assistance that has been rendered has not been rendered as the individual opinion of Dr. Herstein, and for which the Tariff Board assumed no responsibility and for which they can not assume responsibility?

Mr. HARRISON of New York. I will say to the gentleman that I take it that the individual opinion of the expert of the Tariff Board is the very best opinion that the Tariff Board could have given.

Mr. HILL. The gentleman does not answer my question. Has not the Ways and Means Committee been advised that it was not an opinion for which the Tariff Board held itself responsible?

Mr. HARRISON of New York. I have endeavored, Mr. Chairman, specifically not to make the Tariff Board responsible for this bill. The Tariff Board is not responsible for it, but the Democratic members of the Ways and Means Committee are responsible.

Mr. HILL. Mr. Chairman, if the gentleman will not answer the question, I will ask him to permit the leader of the Democratic Party in the House to answer the question, whether he has not been so advised?

Mr. HARRISON of New York. Mr. Chairman, I shall be very glad to have the gentleman from Alabama [Mr. Underwood] come to my assistance when I think I need it, but under the present circumstances I am not of that impression. [Laughter and applause.]

Mr. HAMILTON of Michigan. Mr. Chairman, after the high tribute which the gentleman has paid to the ability of the Tariff Board, does he not think the Tariff Board ought to be continued as a permanent institution?

Mr. HARRISON of New York. Mr. Chairman, I will say to the gentleman from Michigan that speaking individually, not speaking for the committee—

Mr. HAMILTON of Michigan. Nor the party.

Mr. HARRISON of New York. I should be in favor of the creation of a board of technical experts, to be attached to the Ways and Means Committee of the House [applause on the Democratic side]; and I am not in favor of the continuation of a presidential board, however high the individual merits of the members of that board and however high the purposes of those members, if the board is to be continued to be used, as it has been in the past, for the purpose of impeding downward revision of the tariff. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan rose.

Mr. HARRISON of New York. Mr. Chairman, I decline to yield any further on that point.

Mr. McCALL. Mr. Chairman, may I ask the gentleman a question?

Mr. HARRISON of New York. Mr. Chairman, as the gentleman from Massachusetts is a member of the committee, I yield with pleasure.

Mr. McCALL. I would ask the gentleman whether he thinks the report of the Tariff Board on the wool schedule impeded the downward revision of the wool schedule?

Mr. HARRISON of New York. I do, and I think it was a mere pretense also. [Applause on the Democratic side.]

Mr. Chairman, an investigation of the chemical industry in the United States discloses the fact that this industry, perhaps to a greater degree than any other one in the tariff, can stand upon its own feet, and need not fear invasion from the foreign manufacturers in that great class of chemicals which are the subject of either patents or secret processes. A very large proportion of the articles covered by Schedule A are manufactured either by a secret process or under a patent, and in both cases the existence of a monopoly is easily brought about. In some cases there is reason to fear that these monopolies are international; but, certainly, as to two branches of the chemical industry, monopolies exist in the United States to which the existing prohibitive tariff rates have afforded the opportunity to come into existence.

These two branches are unquestionably the manufacture of heavy chemicals and the manufacture of medicinal preparations. Medicinal preparations are the subject of about the tightest little combination of all. There have been five leading drug firms which sold to the retailer at about uniform prices, and which practiced all the familiar machinations of trusts

when any outside manufacturer attempted to sell to those dealers at a cheaper rate. The same sort of combination has existed in the manufacture and production of heavy chemicals. These are more or less protected from foreign invasion because of their mere bulk and size. But all the same they have had prohibitive rates, and the manufacturers of heavy chemicals have also divided up their territory, fixed prices, and the customer who sought to buy of them must either pay their prices or starve.

As affecting the question of wages, I do not expect to hear the argument as to this schedule which gentlemen on the other side of the aisle have, in my judgment, fallaciously advanced in regard to other tariff reductions, because it appears from an analysis of the ratio of wages and salaries to the value of the products in chemical manufactures, as affected by the Payne tariff law, only 7½ per cent of the output was in salaries and 7¾ per cent in wages; and since our effective ad valorem average in this bill is about 15 per cent, or 100 per cent of the total wages and salaries paid, it will be obvious that the cry of reduction in wages can not be leveled at this bill. It will also appear from these tables that the number of establishments for manufacturing chemicals has increased, between 1900 and 1910, about 35 per cent. The capital invested, as also the value of products and the cost of raw materials, have practically doubled. The number of salaried officials, superintendents, and manufacturers was twice as great in 1910 as in 1900; the salaries of these employees have more than doubled, while the number of wage earners has increased only 31 per cent, or in a less ratio even than the number of establishments, although the average wage shows a slight increase, because the total wages paid have increased at a higher ratio than the number of wage earners.

I might say that these increases of salaries of officials represent largely salaries paid to former owners of small plants which have been absorbed in the process of consolidation and these gentlemen are now burdening the pay rolls. All that we have done in this bill is to cut into the inflated and illegitimate profits of the manufacturers and not into the wages of the workmen.

Mr. Chairman, the first time the chemical schedule came into existence was in the year 1883, and it is fair to say that from that day to this, during a period of 30 years in which the chemical industry of the United States has grown and expanded more rapidly in proportion than any other, Schedule A has received less attention than has any other schedule of the tariff. The schedule as it stands to-day is absolutely inadequate to meet the revenue necessities of the modern industry, and is full of absurd inconsistencies which this bill regulates. Many of the rates of the law are, and always have been, absolutely prohibitive, and that seems curious in view of the fact that before the tariff commission of 1883 Mr. Alexander Jones, the president of the American Chemical Manufacturers' Association, stated positively that even then the chemical industry was not in its infancy; and Mr. Henry Bowyer before that same commission testified—and he was the man who prepared the first census report on chemicals—that even at that time a 10 per cent ad valorem tax on the articles carried in this bill would more than offset the difference in the cost of production between our country and other countries. But in spite of that testimony and other important information to that effect, the rates were then fixed in many cases at absolutely prohibitive figures and they have remained so ever since. An absurd inconsistency in the bill was the tax on sulphuric acid. Now, this acid is the basis of many of the other chemical manufactures. It is of such importance that—I think it was Humboldt who said that the amount of the consumption of sulphuric acid by a nation was a measure of its advance in civilization.

Now, the tax laid upon this in the Payne law was \$5 a ton, and that was done in spite of the fact that from the nature of the substance it is very difficult to import. It has been sold by a combination of manufacturers in the neighborhood of \$20, where it has cost a little more than one-third of that amount to manufacture. This bill of ours places sulphuric acid on the free list, in the hope that importations may be stimulated and may break the manufacturers' ring. Another inconsistency of the Payne law was the taxing of tannic acid at 35 cents a pound and gallic acid, which is made out of tannic acid, at 8 cents a pound. This bill has corrected that. Another inconsistency in the present law which I will take up is the tax on yellow prussiate of potash at about 40 per cent ad valorem and potassium cyanide, which is made out of it, taxed at 12½ per cent ad valorem. Again, in the Payne law phosphorus was on the tax list and phosphoric acid, which is made out of phosphorus, was on the free list. This bill has reversed that process. Another matter which was in need of attention was the classification and taxation of coal-tar products. We at present import about two-thirds of the coal-tar products used in the manu-

factures in this country, and in order to readjust the revenue collected on the industry we have lowered the rate on the coal-tar dyes and colors from 30 to 25 per cent ad valorem, and on all other products of coal tar not specifically mentioned we have lowered the rate from 20 to 15 per cent ad valorem. On the other hand, many of the intermediate products or primary stages of distillation or manufacture of coal-tar products we have taken off the free list and have taxed at from 5 to 10 per cent ad valorem rates, an arrangement which we believe produces the first scientific revision of the coal-tar schedule ever seen in American tariff making. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. HARRISON of New York. With pleasure.

Mr. MOORE of Pennsylvania. On that point, is that not a complete change in policy with regard to raw material so far as the Democratic Party is concerned?

Mr. HARRISON of New York. Well, I am very glad to have the gentleman ask the question, and I will answer him quite frankly. The furthest I am willing to go into the doctrine of free raw materials is that I am unwilling to lay a tax upon any so-called raw material the imposition of which will increase the cost of the necessities of life.

Now, I deny the suggestion that on any articles which are not necessities of life or any articles which are luxuries of life it is the Democratic theory that high prohibitive rates shall be left on top and that the manufacturer shall be given the raw material free, because with that process the manufacturer gets all the benefit and the public gets none.

Mr. MOORE of Pennsylvania. Will the gentleman answer one more question?

Mr. HARRISON of New York. With pleasure.

Mr. MOORE of Pennsylvania. Is it not somewhat inconsistent—I want to get the gentleman's view, because it seems to be very important—to appeal for a reduction in the cost of living so far as imported raw materials are concerned, and then change the policy from the free admission of raw materials to that of imposing a duty of 5 per cent?

Mr. HARRISON of New York. Neither the gentleman's premises nor conclusions are correct. We have not done any of the things he says we have done. In certain places in this bill we have laid a tax upon certain materials of manufacture which do not enter into the making of the necessities of life, but we have at the same time reduced the tariff rate upon the finished product, so that if the manufacturer attempts to unload on the American people the tax upon his materials of manufacture he will be met by importations from abroad, and the consuming public will be protected.

Mr. MOORE of Pennsylvania. The gentleman is in favor of the reduction of the wool schedule?

Mr. HARRISON of New York. I am.

Mr. MOORE of Pennsylvania. And the gentleman would also regard it as fair, if the wool schedule were reduced; so far as wool and wool manufactures are concerned, that there should be a corresponding reduction upon chemicals or other articles that enter into wool manufacture?

Mr. HARRISON of New York. Mr. Chairman, that is exactly what this bill does, and if the gentleman will allow me to develop my argument he will see that is the case.

Mr. MOORE of Pennsylvania. Mr. Chairman—

Mr. HARRISON of New York. I beg the gentleman will not harass me. I am soon coming to that point.

Now, taking up the subject of the method of taxation adopted in this bill, it will be immediately seen that the Democratic Ways and Means Committee have for the first time recommended to the House a bill carrying specific rates of taxation. Schedule A of the Payne law contains 83 paragraphs. Of those, 50 are straight-out ad valorem paragraphs, 8 have compound rates, and 25 only have specific rates. The Democratic bill contains only 76 paragraphs, owing to the thorough and complete classifications which the committee has undertaken, and of those 30 are specific, 10 are mixed, and 36 are ad valorem. It will be at once perceived that the Democratic committee, instead of adopting straight ad valorem rates, has extended the number of specific rates contained in the Payne bill in this schedule. And in explanation of that I would say that upon investigation pursued at the customhouse we ascertained that Schedule A, of all the schedules in the tariff, is the one to which ad valorem rates of taxation are least applicable. Now, the reason for that is that whereas most objects which come in at the customhouse can be visually differentiated from one another, chemicals can not be, as a general rule. They come in the form of gases, liquids, or solids, which it is difficult, if not impossible, to distinguish by the eye, or by the nose, or by taste, and the result

is that an analysis has often to be made to determine the nature of the importation. Now, as an example of that, take a handful of red lumpy salts. The customs official can not tell by looking at it whether that is platinum chloride, which is worth \$35 an ounce, or whether it is iron chloride, worth 5 cents a pound. In order to determine between the two, he has to make what he calls a qualitative analysis, which is a comparatively easy and simple process, but if these two chlorides are mixed together in the salts that come in, as is generally the case, it becomes necessary to determine not only which preponderates, but the value of that salt, and that is what would be required if you are to apply ad valorem rates of taxation. Then it becomes necessary to make a quantitative analysis, which is a difficult, expensive, and tedious process, and which is very uncertain in its final result, because the chemist not only feels the necessity of ascertaining the purity of the importation, but the uses to which it has to be put. The result of having had to do this so often in the past has been years of delay in the final payment of duties. In consequence, we have made 30 of our paragraphs carry straight specific rates.

On the other hand, in fixing those ad valorem rates which we have applied to the bill we have attempted to evade this difficulty in 12 cases—those in which it was thought necessary—by applying a specific minimum rate. For example, we have said that a certain commodity is to be taxed 25 per cent ad valorem, but not less than 2 cents per pound. This, it is believed, is a new departure in tariff taxation, and as to those articles which we tax ad valorem and which it is difficult to distinguish or differentiate, it is the best method to prevent fraudulent undervaluations and dumpings into the United States.

Mr. Chairman, the revenues of this bill have been increased, as I said, from \$12,500,000, which they carried in the Payne law, to \$16,200,000, as is estimated in the Underwood bill. The imports under our bill, it is estimated, will be double. This does not indicate that the increase of importations of articles which are now manufactured in the United States will be doubled, because the report shows that the increase of importations due simply to the lowering of the tariff rates will be from about \$48,000,000 to \$58,000,000, but the remaining \$38,000,000, which it is expected will be imported into the United States, consists of subjects which have heretofore been upon the free list of the Payne law and upon which we have taxed at an average of 9.71 per cent.

The reason why the committee has taken this new departure in the framing of Schedule A is this: At least two-thirds of the objects covered by the Payne law under Schedule A come in free. These objects were almost exclusively those known as noncompetitive. In other words, they were objects not the growth or product or manufacture of the United States. For the most part they come from tropical countries and are used in the manufacture of other articles in the United States. No Republican was interested in protecting them, so they left them free.

Now, our party, which is pledged to a revision of the tariff so as to make it for revenue only has, in the preparation of this schedule, taxed some of these noncompetitive products, and, on the other hand, placed upon the free list the following articles, most of which are competitive. My time is so short, Mr. Chairman, that I will print these in my remarks instead of burdening the committee with them at present.

Mr. MANN. Well, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. HARRISON of New York. With pleasure.

Mr. MANN. Do I understand the gentleman to say that most of the articles placed upon the free list in this bill are now on the dutiable list?

Mr. HARRISON of New York. No; I did not so state. I think the gentleman misunderstood me. I said we placed certain articles on the free list which have heretofore been upon the dutiable list. It appears that it would be better for me to read the list of these articles now. They are as follows: Acid, acetic or pyroligneous, chromic, sulphuric, or oil of vitriol; blue vitriol or sulphate of copper; borates of lime or soda, or borate material; charcoal in any form; bone char, blood char, copperas, or sulphate of iron; Paris green and London purple; phosphorus, santolin, salt cake, or niter cake; strychnia and strychnine, and sulphur.

We also cut all but a half dozen—

Mr. MANN. The gentleman, when he says "sulphur," does not mean crude sulphur?

Mr. HARRISON of New York. No; sublimed sulphur.

Mr. MANN. I know the gentleman does not mean to make an incorrect statement.

Mr. HARRISON of New York. My time is so short that I did not give the title fully.

Mr. MANN. That is not our fault.

Mr. HARRISON of New York. Now, we have in addition greatly lowered the duty on the competitive products in Schedule A—that is, the products manufactured in the United States, except for a few commodities in the most part habit-forming drugs, which I propose to discuss in a few moments.

As to these noncompetitive products coming from the East Indies, India, and Africa, the purest form of revenue taxation is that which is laid upon noncompetitive products. There can thus be no question whatever of incidental protection, because the duty paid at the customhouse goes into the Treasury of the United States outright, and the manufacturers of the United States do not put a corresponding amount in their own pockets.

It will thus be seen that the Democratic Committee on Ways and Means, in placing low taxes upon these noncompetitive products, heretofore free, has been able to take down the taxes elsewhere and has entered upon a policy which will make the burdens of taxation in the United States more evenly distributed, to the end that the consuming public shall not bear all of the weight of tariff taxation, but that some of the manufacturers of the United States shall bear their fair share of the burdens. Manufacturers under the system heretofore existing have had all of the benefits and none of the burdens. They have been taught to believe that the tariff was a benefit and that the people of the United States could make themselves richer by taxing themselves more. But this bill, by laying a tax upon materials used in the manufacture of toilet soaps and perfumes and varnishes and other luxurious objects, will compel the manufacturers of those products in the United States to shoulder their share of the burdens of tariff taxation. [Applause.]

In selecting from the free list articles for taxation careful attention has been paid in every instance to the uses to which the article was to be put; all those which enter into the manufacture of the necessities of life have been left on the free list, and only those which go to make up luxuries have been taxed. The rates have been made 20 per cent on the raw materials for making perfumes, about 10 per cent on varnish gums, and about 3 to 4 per cent on the tropical oils for making high-grade toilet soaps. And to prevent these manufacturers unloading upon the public the taxes upon these materials in the form of increased prices we have at the same time lowered the rates upon their finished products, so as to permit importations from abroad. In the case of perfumes, however, the Payne rates were retained as a revenue measure.

The suggestion to place these taxes upon the manufacturer has already created a storm of protest from these tariff-fed and immensely wealthy gentlemen.

In order that I may show that they have received some benefits from the bill as well as some burdens, I will point out that while the bill imposes a 3 to 4 per cent tax upon coconut oil, palm oil, palm-nut oil, and other oils which go into the manufacture of expensive toilet soaps, the soap industry receives compensation and benefit from other features of the bill, but not the kind of compensation that Republicans give, because the compensations we give are in the form of reduced taxation and not of increases.

The bill makes a reduction upon the following articles which enter into the manufacture of soaps: The second most important soap material is caustic soda, which we have cut from one-half of a cent a pound to one-quarter of a cent a pound; soda ash from three-quarters of a cent a pound to one-eighth of a cent a pound; glycerine, refined, from 3 cents a pound to 2 cents a pound; borax from 2 cents a pound to one-eighth of a cent a pound; castor oil from 35 cents a gallon to 20 cents a gallon; sodium silicate, which is of great importance to them, from three-eighths of a cent a pound to one-eighth of a cent a pound; sulphuric acid put on the free list; chalk from 41 per cent to 25 per cent; talcum from 35 per cent to 15 per cent; and linseed oil from 15 cents a gallon to 13 cents a gallon.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARRISON of New York. With pleasure.

Mr. MANN. The gentleman has indicated the reduction on articles that go into the production of soap. Does the bill propose to reduce the tariff on soaps?

Mr. HARRISON of New York. It does very materially reduce the tariff on soaps.

Now, I will make a statement with reference to the manufacture of varnish. We have placed a low-revenue tax upon the East Indian and African gums, which enter into the manufacture of varnish, and upon China nut oil, which the varnish makers use. These are all noncompetitive products.

In addition, we have reduced the tax upon the following articles which the varnish makers use: Linseed oil from 15 cents a gallon to 13 cents a gallon; wood alcohol from 20 per cent to

6 per cent—that is to say, to 5 cents a gallon. The other solvents are cut equally; pyroxilin is reduced from 22 to 15 per cent.

And since the manufacturers of varnish are likewise generally manufacturers of paints, I will add that the following pigments are also cut: White lead, from 42 to 25 per cent; zinc white, from 46 per cent to 15 per cent; all other pigments, from 45 or 35 per cent to 20 per cent.

The committee report also states at length the very great cuts which have been made in the other materials of manufacture in great industries. The leather industry, for example, uses about \$25,000,000 worth of materials annually which come under the head of chemicals. We have cut in half the duty on all of their tanning extracts, which compose the larger part of the chemicals they use in their industry.

Mr. HAMILTON of Michigan. The gentleman was speaking just a moment ago about the pigments used in the manufacture of paints. I have not had a chance to look at this particular bill, and I will ask the gentleman what has been done with barytes?

Mr. HARRISON of New York. The duty on barytes was cut.

Mr. HAMILTON of Michigan. I do not wish to interrupt the gentleman for any length of time. Can the gentleman state from memory the amount of the reduction?

Mr. HARRISON of New York. Barytes was the subject of an extended debate at the time of the last tariff revision. Barytes is the basic material in the manufacture of many paints and particularly the nonpoisonous paints, such as lithopone—

Mr. HAMILTON of Michigan. I know that is true.

Mr. HARRISON of New York. The duty on barytes has been cut from an ad valorem equivalent of 61 per cent to 15 per cent, and on manufactured barytes from an ad valorem equivalent of 64 per cent to 20 per cent.

Mr. HAMILTON of Michigan. The Payne duty was \$1.50 a ton.

Mr. HARRISON of New York. Yes; the ad valorem equivalent in the Payne law was 61 per cent, and we put it at an ad valorem of 15 per cent, adding the minimum of not less than 40 cents a ton, in order to prevent dumpings from abroad.

Mr. HAMILTON of Michigan. Will the gentleman interpret so that one not skilled in mathematical gymnastics may understand it? You cut it from \$1.50 a ton to what?

Mr. HARRISON of New York. The new ad valorem tax equals 40 or 50 cents a ton.

Mr. FOWLER rose.

Mr. HARRISON of New York. I am afraid, Mr. Chairman, that I can not yield any longer, for I have only 10 minutes to make a number of statements which I think important, before I close.

Mr. MANN. Can not the gentleman get more time? We have some legitimate questions that we would like to ask.

Mr. HARRISON of New York. Well, I will ask the gentleman in charge of the time for more time, and I will yield to the gentleman from Illinois.

Mr. FOWLER. I see that you have made a reduction on linseed oil from 15 cents to 13 cents a gallon. In a comparison with the reduction made on other oils I find that it is less on linseed oil than in most instances. The question I want to ask is, What was the reason for not making a greater reduction on linseed oil?

Mr. HARRISON of New York. I am glad the gentleman from Illinois asked that question. The reason was simply a revenue one; linseed oil is one of the largest producers of revenue. The Payne law cut it from 20 cents to 15 cents a gallon, and the Underwood bill cuts it from 15 cents to 13 cents. It is purely a revenue proposition.

Mr. FOWLER. It is known that there is a trust handling and manufacturing linseed oil, I suppose?

Mr. HARRISON of New York. I am not sure of that; but I will say that until we come to the revision of the agricultural schedule and revise downward the tax upon flaxseed itself, which is now about 19 per cent ad valorem, we would not be justified in making a greater reduction, especially in view of the revenue feature which I have just stated, than the reduction to 13 cents a gallon.

Mr. FOWLER. Is it proposed to make a radical reduction in the linseed itself?

Mr. HARRISON of New York. I hope there will be a reduction when we come to the agricultural schedule.

Mr. AUSTIN. Will the gentleman yield?

Mr. HARRISON of New York. Yes.

Mr. AUSTIN. The district I represent is largely interested in barytes. Do I understand the gentleman to say that this bill proposes a reduction of that duty from \$1.50 to 40 cents a ton?

Mr. HARRISON of New York. That is substantially the reduction, although our rate is ad valorem.

Mr. AUSTIN. What is your proposed duty on manufactured barytes; what is the difference between your duty and the present duty?

Mr. HARRISON of New York. The ad valorem equivalent is from 64 per cent to 20 per cent, substantially the same as the raw material.

Before leaving the subject of paints I want to call attention to the fact that we have made a very great reduction in paints, pigments, and varnishes. The paint manufacture in the United States is one of the most highly developed industries, and immense quantities of paints and varnishes are exported. The present tariff has permitted less than 1 per cent of the consumption to be imported. The prohibitive rate which exists permits the paint manufacturers of the United States to charge extortionate prices. In many places throughout the country districts you can see barns and farmhouses that have not been painted for years, because the price of paint is too high. We have cut the tax on the finished products of paints from 30 to 20 per cent, and upon the pigments, which are of the kind that farmers use, in the following rates: Venetian red from 30 per cent to 20 per cent, zinc white from 40 per cent to 15 per cent, lead pigments from 60 per cent to 25 per cent; and there is a 13 per cent cut in linseed oil. Paints are for the first time put on a competitive basis, and prices will come down.

Mr. MANN. If the gentleman from New York has finished with the paint item perhaps he will allow me to ask him a question in reference to soap.

Mr. HARRISON of New York. I will.

Mr. MANN. Will the gentleman state what the tariff is now on plain toilet soap, and what it will be under this bill?

Mr. HARRISON of New York. I will state to the gentleman from Illinois that we have reclassified the soap schedule, because it was found that the law as it stood was very difficult of administration in the customhouse.

Mr. MANN. The only reclassification is to leave out the words "fancy and perfumed toilet soap," otherwise it is the identical language.

Mr. HARRISON of New York. That was left out on the recommendation of the New York customhouse, because the law as it read was found to be difficult of administration. The perfumed toilet soap was taxed 50 per cent in the Payne law and 40 per cent in ours.

Mr. MANN. And the plain toilet soap was taxed 20 per cent, and in the gentleman's bill is taxed 40 per cent.

Mr. HARRISON of New York. Mr. Chairman, the gentleman is very much mistaken. The grade of soap to which he refers will now come in at 15 per cent ad valorem.

Mr. MANN. "Toilet soap, 40 per cent ad valorem." That covers toilet soaps.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. UNDERWOOD. Mr. Chairman, I yield 15 minutes additional time to the gentleman from New York.

Mr. HARRISON of New York. Mr. Chairman, the gentleman from Illinois is, I think, entirely mistaken. "Toilet soaps" means the Roget and Gallet soaps and the Austrian and German high-grade soaps, on which there is a slight reduction in duty.

Mr. MANN. "Toilet soap" does not necessarily mean either fancy or perfumed toilet soap.

Mr. HARRISON of New York. It has come to be so construed at the customhouse.

Mr. MANN. It was under the law brought in in that way, and the other soap, if it was not perfumed or fancy, was brought in under a general classification at 20 per cent, and there is a large amount of it used in this country.

Mr. HARRISON of New York. Mr. Chairman, we have reduced the rate of taxation upon the ordinary kinds of soap from 20 per cent ad valorem to 15 per cent ad valorem, and we have made the classification which is found in this bill upon the recommendation of the New York customhouse, because they found difficulty in administering the features as they were in the Payne law.

Mr. MANN. I take it they did not recommend a rate of duty.

Mr. HARRISON of New York. No; but a reclassification.

Mr. MANN. They did not recommend that plain toilet soap be increased from 20 to 40 per cent.

Mr. HARRISON of New York. Plain soaps instead of being increased are reduced from 20 per cent to 15 per cent.

As to the effect of this bill upon the other manufacturing industries of the country, the committee report goes very fully into the subject, and I shall not now read to the committee the items entering into other manufactures upon which we have reduced the rates.

Since the second section of the reciprocity agreement with Canada went into effect, about 70 per cent of the print paper and pulp from Canada has entered free, and in view of that fact, this bill, covering many items of immense importance to the paper manufacturing trade, has made very great cuts in duties, all of which I will insert in my remarks and which may be found on page 13 of the committee report.

Mr. MANN. Could the gentleman briefly call our attention to it? I do not like to take the gentleman's time, but I am very much interested in that subject.

Mr. HARRISON of New York. Would the gentleman like to have me read it?

Mr. MANN. If it is short.

Mr. HARRISON of New York. It is not. It is quite a long list, but I shall be very glad to read it. Here are the chemicals entering into paper making. Sulphuric acid is now taxed at a quarter of a cent per pound, and it is put on the free list under this bill. Alum is taxed at one-quarter and three-eighths of a cent per pound, equal to 37 per cent, and the rate under this bill is 15 per cent. Chloride of lime is now taxed at one-half a cent per pound, or 24.81 per cent, and is reduced to one-tenth of a cent per pound, or 12.53 per cent. Glue size is taxed at 25 per cent, and under this bill is reduced to 15 per cent. Blanc-fixe is taxed at 43.07 per cent, and in this bill is reduced to 20 per cent. Chrome colors are taxed under the Payne law at 26.85 per cent, reduced in this bill to 20 per cent. Ochery and ochery earths, under the Payne law, 41.21 per cent, and in this bill reduced to 10 and 20 per cent, according to class. Ultramarine, under the Payne law 32.25 per cent, is reduced in this bill to 20 per cent. Vermillion reds, not containing quicksilver, under the Payne law 19.11 per cent, is raised in this bill to 25 per cent.

I will say to the gentleman from Illinois that this raise is due to the fact that the metal schedule, which just preceded this revision, contains a 25 per cent ad valorem tax on lead, which constitutes the bulk of the material of manufacture of these vermilion reds not containing quicksilver.

Potash bichromate, under the Payne law 30.30 per cent, reduced in this bill to 13.50 per cent. Prussiate of potash, red, in the Payne bill 43.07 per cent, reduced in this bill to 10.75 per cent; yellow, in the Payne bill 39.37 per cent, reduced in this bill to 12.50 per cent. Sal soda, in the Payne bill 23.64 per cent, reduced in this bill to 18 per cent; soda ash, in the Payne bill 22.36 per cent, reduced in this bill to 11.35 per cent; silicate of soda, in the Payne bill 39.53 per cent, reduced in this bill to 13.89 per cent.

Mr. Chairman, that will indicate the tremendous cuts that have been made on the materials of manufacture of the paper-making trade, which are covered in Schedule A.

Mr. MANN. Will the gentleman tell us what rate was put on caustic soda—what change was made?

Mr. HARRISON of New York. The salts of soda have all been classified under a paragraph headed "sodas," and the salts of potash have all been classified under a paragraph "potash."

Mr. MANN. I say caustic soda. What was done with that?

Mr. HARRISON of New York. Caustic soda has been cut from one-half cent a pound to one-quarter of a cent a pound.

Mr. MANN. Caustic soda is on the free list now.

Mr. HARRISON of New York. No. The gentleman is thinking about caustic potash and not caustic soda. This is what the paper trade uses.

Mr. Chairman, the same degree of cut in the duties covering the ingredients of manufacture in cotton and wool will be found in this bill, and are covered by pages 14 and 15 of the committee report. Bearing in mind the fact that the Democrats have proposed in other bills to put the woolen manufacturing and the cotton manufacturing industries upon a competitive basis, they have endeavored in this bill to put the materials of manufacture which are covered by Schedule A also on a competitive basis, to the end that the manufacturers may receive these materials cheaper and, through the manufacturers, that the consuming public may benefit by these cuts. The cotton and wool manufacturing industries are the largest consumers of chemicals in this country. In some cotton-finishing mills the cost of chemicals is at least 10 per cent of the cost of production. Here are the important chemicals used by cotton manufacturers, with our reductions in the rates: Acetic acid, from three-fourths cent and 2 cents per pound to the free list; formic acid, from 25 per cent to 23 per cent; oxalic acid, from 2 cents per pound to 1½ cents per pound; tannic acid, from 35 cents per pound to 4 cents per pound; caustic soda, from one-half cent per pound to one-quarter cent per pound; vegetable dyes, from 15 per cent to 10 per cent; logwood extracts, from seven-eighths cent per pound to three-eighths cent per pound; coal-tar dyes, from 30

per cent to 25 per cent, while some of the lower grades are raised.

In the woolen industry immense quantities of chemicals are used, some of which, with their reductions in our bill, are as follows: Acetic acid, from 16 per cent to the free list; oxalic acid, from 38 per cent to 25 per cent; bichromate of potash, 30 per cent to 13 per cent; hyposulphite of soda, three-eighths cent per pound to one-fourth cent per pound; carbonate of soda, one-fourth cent per pound to one-eighth cent per pound; logwood extract, seven-eighths cent per pound to three-eighths cent per pound; coal-tar dyes, from 30 per cent to 25 per cent, with some raises in the lower grades; sulphuric acid, from 18 per cent to the free list; and formic acid, from 25 per cent to 23 per cent.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. HARRISON of New York. I will.

Mr. RUCKER of Colorado. Mr. Chairman, I would like to have the gentleman turn to paragraph 95, as I find it in the free list in the caucus bill, referring to sheep dip, reading, "sheep dip containing five one-hundredths of 1 per cent of arsenic or more." I want to know of the gentleman if he does not think the word "more" should be the word "less"?

Mr. HARRISON of New York. What page is that?

Mr. RUCKER of Colorado. It is on page 181.

Mr. HARRISON of New York. No; I think the gentleman misapprehends the purpose of it. The purpose of the proviso containing part is that the sheep dip shall contain at least five one-hundredths of 1 per cent of arsenic.

Mr. RUCKER of Colorado. Precisely; now another question. The reason I was asking the question is because arsenic is on the free list itself, and why should it be confined to five one-hundredths; why should it be any quantity of arsenic in the dip?

Mr. HARRISON of New York. Well, it might be more than five one-hundredths of 1 per cent, but it must be at least that, and the reason for that is this: The custom officials report to us that under the heading of sheep dip, in spite of the clause in the Dingley bill which tried to confine sheep dip to materials only used for sheep dip, under that paragraph a great many other articles which were not intended for sheep dip and could not be used for sheep dip were being imported, so the committee has drafted this paragraph to cover that question.

Mr. RUCKER of Colorado. I am very much obliged to the gentleman for making the explanation, because I know he is in sympathy with me in my effort to explain anything that pertains to sheep or wool to my constituents. I want to uphold the hands of the Democrats wherever I can upon that, and here is one grain of comfort—that we are going to get free sheep dip.

Mr. PAYNE. You have had it since we passed the Payne law.

Mr. HARRISON of New York. I sympathize more with my good friend from Colorado than I do with the sheep. Mr. Chairman, there is just one other subject I would like to discuss. Certain New York makers of patent medicines of very doubtful value have given to certain newspapers laments to the effect that this bill increases the tax on the sick man.

Mr. HAMILTON of Michigan. Will the gentleman permit an interruption at that point?

Mr. HARRISON of New York. Mr. Chairman, I will ask the gentleman not to divert me from my argument on medicines to sheep; I have already explained that—

Mr. HAMILTON of Michigan. I was not going to discuss sheep.

Mr. HARRISON of New York. And I will thank the gentleman not to interrupt me now.

Mr. HAMILTON of Michigan. I will not interrupt the gentleman if he desires me not to do so.

Mr. HARRISON of New York. Reverting to the question of patent medicines, instead of increasing the tax upon the sick man this bill does the exact opposite, and the burdens upon the users of medicines are immensely alleviated. The animus for the statement that we are increasing the taxes on the sick may be found in the fact that the following bases of patent medicines are taxed which were formerly on the free list: Balsams, crude, are put on the tax list at 10 per cent, while the refined balsams have been reduced in duty; buchu leaves, formerly on the free list, are now taxed at 10 cents a pound, which equals 13 per cent ad valorem, which it is estimated will place a burden of one-third of a cent per day on the maximum dose administered to those persons who are unfortunate enough to make use of this drug; gentian has been transferred from the free list and taxed at 1 cent a pound, which equals 6 per cent ad valorem; ergot has been transferred from the free list to 10 per cent; and coca leaves, which are the raw material for manufacturing cocaine, and which are afterwards used for the manufacture of

coca cola, have been raised from 5 cents per pound to 10 cents per pound. All of these are revenue propositions.

We have also raised the rates on the following habit-forming drugs: Caffein, but we have taxed the impure tea leaves out of which it is made; cocaine, but we have raised the tax on coca leaves; and opium, laudanum, and morphine, which have been nearly doubled in duty both for the sake of revenue and on grounds of public policy.

The bill imposes taxes on habit-forming drugs nearly double the taxes of the existing law. For example, opium in the Payne law, which contains 9 per cent or over of morphia, is taxed \$1.50 per pound; our bill provides a tax of \$3 per pound. Opium, dried, to contain 15 per cent or less of moisture, and so forth, is taxed \$2 a pound in the Payne law and \$4 per pound in our bill. Morphine is taxed \$1.50 per ounce in the Payne law, \$3 an ounce in our bill; cocaine, \$1.50 an ounce in the Payne law, \$2 an ounce in our bill; caffein, at 25 per cent in the Payne law and 75 cents per pound, or 41 per cent ad valorem, in our bill; opium, prepared for smoking, and opium containing less than 9 per cent of morphia, which is also smoking opium, are taxed \$6 per pound in the existing law and in our bill, but this rate is a surplussage, because by the act of 1909 the importation of smoking opium into the United States was absolutely prohibited. It is unfortunately true, however, that opium smoking still continues in this country, partly as a result of smuggling and partly because smoking opium is sometimes manufactured out of medicinal opium. It is believed that the new rates of taxation will discourage the latter process.

The campaign against habit-forming drugs is widespread, and opium in particular has been the subject of an international congress recently held at Brussels. The Chinese nation is trying to throw off the habit of smoking opium, and England is at last consenting to reduce the size of her poppy fields in India. The United States must not be behind in this movement. So far as the tariff law is able to reduce the consumption of habit-forming drugs, we have endeavored in the present bill to bring about that end. Many a confirmed user of these drugs attributes his or her downfall to the physician's prescription, and so, although their use in the alleviation of pain is a wonderful blessing to humanity, it seems wise that the law should restrict, as carefully as may be, careless and widespread use of these drugs.

Mr. MANN. Is the gentleman speaking of opium now?

Mr. HARRISON of New York. Yes.

Mr. MANN. How will this affect this question at all?

Mr. HARRISON of New York. I think it will somewhat restrict the use of opium, laudanum, and morphine. As it stands, it is, perhaps, incomplete until we add to it a heavy revenue duty upon the American manufacture of those products, which I for one hope to see come to pass.

Mr. MANN. Does the gentleman believe the time will ever come when you can collect \$4 a pound on opium?

Mr. HARRISON of New York. They could get it now. It is now worth \$8 a pound, and that would not be more than 50 per cent ad valorem tax.

Mr. MANN. Could you collect it?

Mr. HARRISON of New York. Yes. It may always be somewhat smuggled, but increased rates will make people more careful in the use of habit-forming drugs.

Mr. MANN. We had \$4 per pound duty on smoking opium before, but at that rate very little came into the country.

Mr. HARRISON of New York. The gentleman is correct. We had to pass legislation to prohibit the importation of smoking opium, and I think the whole subject of habit-forming drugs is not complete until we legislate additionally along the lines I have indicated.

So far as the tariff can have any effect on this matter, I am in favor of raising the duty on them.

Mr. MANN. Are the Treasury officials of the opinion that we will be able to collect a duty of \$4 a pound on opium in preference to having it smuggled in?

Mr. HARRISON of New York. Mr. Chairman, the official of the customhouse department, whom I questioned upon the subject of an increased tax on opium, did not suggest that the duty could not be collected. And the bill in this completed form has been to the Treasury Department for an opinion, and no suggestion was made by that department that it would be difficult or impossible to collect this tax.

I have spoken about the medicinal articles which have been raised and the reasons why we have raised them.

On the other hand, our bill puts the following on the free list: Antitoxins, serums, and so forth; borax, crude; acetic acid; santolin; refined sulphur; and keeps on the free list all the crude botanical drugs, barks, berries, and so forth, except the

two or three above mentioned; and reduces the rate from one-quarter of 1 cent per pound and 10 per cent ad valorem on the refined drugs, barks, berries, and so forth, to 10 per cent ad valorem.

Moreover, the following medicines and medicinal compounds are reduced by the bill:

Medicinal compounds—the basket clause which includes by far the greater number of importations of medicinal compounds—reduced from 25 per cent to 15 per cent; if containing alcohol, reduced from 64 per cent, 84 per cent, 62 per cent to 30 per cent.

Borax, refined, from 2 cents per pound to one-eighth of 1 cent per pound.

Bromin, 25 per cent to 10 per cent (2 cents per pound).

Calomel and mercurial compounds, 35 per cent to 15 per cent.

Chloroform, from 10 cents a pound to 4 cents a pound.

Collodion, from 22 per cent to 15 per cent.

Ethers, from 40 per cent, 60 per cent, 30 per cent to 20 per cent.

Formaldehyde, from 25 per cent to 4 per cent.

Iodine, resublimed, 20 cents per pound to 15 cents per pound.

Iodate of potash, 25 cents per pound to 20 cents per pound.

Iodoform, 75 cents per pound to 25 cents per pound.

Magnesium, calcined, 7 cents a pound to 3½ cents a pound.

Magnesia (Epsom salts), one-fifth of 1 cent per pound to one-tenth of 1 cent per pound.

Menthol, 25 per cent to 20 per cent.

Cod liver oil, 15 cents a gallon to 12 cents a gallon.

Castor oil, 35 cents a gallon to 20 cents a gallon.

Plasters, 25 per cent to 15 per cent.

Medicinal soaps, 64 per cent to 30 per cent.

Bicarbonate of soda, 20 per cent to 8 per cent.

Sumac, manufactured, three-tenths of 1 cent to one-fifth of 1 cent per pound.

Talcum powder, 34 per cent to 15 per cent.

It will be immediately perceived, Mr. Chairman, that ninety-ninth, or, perhaps, ninety-nine one-hundredths, of medicines and medical compounds have been immensely reduced in duties, and that as to those few articles in which we raised the duties it was done either for revenue purposes or to restrict the use of habit-forming drugs.

In conclusion, Mr. Chairman, I wish to say that I understand an attempt is to be made by Members on the other side of the House to show that this bill, instead of reducing the rates, raises the rates of taxation. That is a matter which perhaps might be left to the American people to decide, because it is only necessary to take in parallel columns the different articles covered by this bill to show how immense have been the reductions in rates.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman a question there.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Nebraska?

Mr. HARRISON of New York. With pleasure.

Mr. NORRIS. Is there any such table published by the committee?

Mr. HARRISON of New York. Yes; it is published by the committee.

Mr. NORRIS. Is it included in the report?

Mr. HARRISON of New York. Yes; it is in the report.

Mr. NORRIS. Will the gentleman tell the page where that can be found?

Mr. MADDEN. Is it in parallel columns?

Mr. HARRISON of New York. Yes; it is all in parallel columns. It is printed in the report. It begins on page 28, Appendix A.

Now, simply because we have transferred from the free list certain noncompetitive articles for taxation purposes, as a revenue proposition, articles in which no question of incidental protection is involved, an attempt will be made to show that although these articles so transferred average in rates only 9.71 per cent ad valorem, our bill actually increases the ad valorem average of the schedule. As a matter of fact, it reduces the ad valorem average from 25.72 to 16.66 per cent.

Mr. ANDERSON of Minnesota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. HARRISON of New York. Yes.

Mr. ANDERSON of Minnesota. It will do that, however, by adding about \$38,000,000 to the dutiable list from the free list?

Mr. HARRISON of New York. Yes. I stated a number of times in my remarks that we did so, and I have explained the reason why we transferred these articles at a low revenue tax. I do not think it is necessary now to rehearse these things,

but gentlemen should not allow themselves to be confused by any argument based upon the fact that we have increased the percentage of dutiable articles. An increase in the percentage of dutiable articles is not the same as an increase of ad valorem taxation.

Mr. COOPER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Wisconsin?

Mr. HARRISON of New York. With pleasure.

Mr. COOPER. I see on page 23 a comparison of the rates of duty under the act of 1909 with those under the pending bill, together with imports and duties for 1911 and estimates for a corresponding period under the pending bill. If the gentleman will observe the left-hand column, under the classification "Acid, acetic anhydrous"—

Mr. HARRISON of New York. Yes—

Mr. COOPER. Under the act of 1909 the rate of duty was 2½ cents per pound and the equivalent ad valorem was 13.38 per cent. Then, under this pending bill the same rate is left, 2½ cents a pound, and the equivalent ad valorem rate is stated to be 13.37 per cent.

Mr. HARRISON of New York. I would not think such a matter as that worthy of the very distinguished attention of the gentleman from Wisconsin. But I will say that in making these calculations the clerks in each case divided the expected revenues by the rate of taxation, and the results do not always figure out with mathematical exactness the same as the actual rates or actual revenues.

Mr. COOPER. Yes; but here is the same article, with exactly the same specific rate, and how it can be changed from 13.38 to 13.37, except for the mere purpose of showing a reduction, occurred to me as a question worth asking, and I do not think the gentleman from New York has answered it.

Mr. HARRISON of New York. Well, Mr. Chairman, if the gentleman from Wisconsin wishes to invoke questions—

Mr. PALMER. Does not the gentleman understand that the value changes from year to year? It makes all the difference in the world in the ad valorem rate.

Mr. COOPER. But there is a difference of one one-hundredth of 1 per cent made in calculations that are identical.

Mr. HARRISON of New York. The gentleman can immediately see that it was an independent calculation, made by the clerks of the committee, and their calculation was one one-hundredth of 1 per cent different from the calculation made by the employees of the Bureau of Commerce and Labor. That is all there is to it.

Mr. MANN. Will the gentleman yield?

Mr. HARRISON of New York. With pleasure.

Mr. MANN. The gentleman just made a comparison of the ad valorem under the bill and the ad valorem under existing law, stating, as I understood him, that the ad valorem under the existing law was 25 per cent plus, and under the bill was 16 per cent plus, and hence showed a reduction. But the gentleman, as I understand it, does not contend that if you take all the importations of all the articles named on the dutiable list in this bill and divide that by the duties collected it would make an ad valorem of 25 per cent plus.

Mr. HARRISON of New York. I certainly did not make that contention. I freely admit, and have given the reasons for the statement, that we have increased the percentage of dutiable articles, but we have cut 40 per cent out of the average ad valorem rate of taxation.

Mr. MANN. I understand all that, but when the gentleman made his summary he did not say anything about that. His statement was that the average ad valorem under the present law was 25 per cent plus, which would lead anyone to suppose that he meant 25 per cent on the articles included in this dutiable list.

Mr. HARRISON of New York. Oh, not at all, Mr. Chairman.

Mr. MANN. What is the average ad valorem, taking the importations of all the articles included in this bill and the duties paid in the last fiscal year?

Mr. HARRISON of New York. Mr. Chairman, the average ad valorem of the Payne law on the chemical schedule is 25.72 per cent. [Applause on the Democratic side.]

Mr. MANN. Not at all. The gentleman knows that is not correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I will ask the gentleman from Pennsylvania [Mr. DALZELL] to yield some of his time.

Mr. DALZELL. I yield 30 minutes to the gentleman from Ohio [Mr. LONGWORTH]. [Applause on the Republican side.]

Mr. LONGWORTH. Mr. Chairman, this is the first among the many tariff bills that have been brought into this House

by the gentleman from Alabama [Mr. UNDERWOOD] since his party assumed control of legislation that I can conscientiously greet with an expression of congratulation. I hasten to say, however, that my congratulations extend only to the technical features of the bill and the manner in which it has been prepared, and not to the basic principles upon which the final conclusions of the Democratic caucus have been reached.

In the first place, this bill was prepared in consultation with experts employed by the Tariff Board. [Applause on the Republican side.] It was based upon a report of the Tariff Board. It is true this report is incomplete and does not deal with the question of the cost of production of any article in this schedule, either at home or abroad, a thing which we on this side of the House regard as essential in the making of scientific tariffs; but, such as it is, it has been adopted by the gentleman from Alabama and his assistants, and constitutes the principal and authoritative part of the report which accompanies this bill.

In the second place, the system of specific duties, always advocated by this side of the House and recommended by every Republican Secretary of the Treasury for more than half a century, has been adopted, and the Democratic theory of ad valorem duties has been absolutely abandoned. [Applause on the Republican side.] I will call gentlemen's attention to the fact that they have even adopted specific duties in this bill which were ad valorem under the Payne law. There is not a duty in this bill which can by any possibility be specific that has not been made specific.

Only a very few months ago a bill was passed in this House revising all the duties in the chemical schedule and making every one of them ad valorem, and it received the unanimous vote of gentlemen on that side of the House. It may seem astonishing to a layman to hear that a great political party has so completely reversed itself on a matter of such great importance as this within the space of only a few months.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. LONGWORTH. If the gentleman will permit me to continue for a few moments, then I will be glad to yield. To those, however, who have studied the history of the Democratic Party, particularly in tariff legislation, such a complete reversal of attitude only calls for feelings of mild surprise, and because in this case the right-about-face has been forward instead of, as generally, backward, my feelings of surprise give way to expressions of congratulation. [Applause on the Republican side.]

We have, then, in this bill at least two features for which we on this side of the House have continuously contended—a report of the Tariff Board dealing at least with the history of technicalities of the chemical industry, and in the second place specific duties throughout.

Mr. MADDEN. Does the Tariff Board report deal with the cost of production at home and abroad?

Mr. LONGWORTH. A moment ago I explained that it did not, and so it lacks the essential feature which we on this side of the House deem necessary in the fixing of proper tariffs. In other words, I will say to the gentleman from Illinois, I am commending only the methods by which this bill has been prepared and not at all the principles upon which these duties were written or the bill itself.

Mr. MADDEN. Will the gentleman state whether the committee had any information at all as to the costs upon which it based the schedules in this bill?

Mr. LONGWORTH. Not only did they not have any such information, but they specifically say that they do not require or want such information.

In view of the fact that specific duties are provided and that the bill is based upon the findings, incomplete though they are, of the Tariff Board, we are in a better position than we have been in any bill hitherto brought in to discuss the basic theory upon which this bill is framed, as opposed to the theory upon which we on this side of the House contend that duties in this schedule, as well as in other schedules, ought to be framed.

Schedule A of the tariff would seem to the average citizen a matter not particularly important. He hears usually of the wool, the cotton, and the steel schedules, but little about the chemical schedule, and yet it requires only a glance at the figures in this report to realize what a stupendous industry it is in this country.

On page 304 of the report there is a table giving the figures as applied to chemical industries, the term being used in its broad sense and as applied not only to those industries which manufacture chemicals, but to those who use them as a necessary part of their processes, and all of which are affected by the duties provided in Schedule A.

In 1905 the number of these establishments in this country was more than 56,000. The average number of wage earners was more than 1,100,000. The total wages paid in that year was \$575,000,000. The cost of materials used was nearly

\$3,000,000,000 and the value of the product was over \$4,700,000,000. These figures are so huge as to be absolutely incomprehensible to the average human mind. But either because of their incomprehensibility or because of the fact that American industries are not recognized in the Democratic textbook, this schedule was attacked by our friends on the other side not only without a qualm, but with enthusiastic ardor.

The gentleman from Alabama is a busy man. He not only has the party upon the other side of the House on his hands, but he also is busily engaged in keeping another distinguished Democratic leader, who assumes to control the Democratic Party outside of this House, off his toes [laughter]; and so he has been unable to give the personal attention to this schedule which he usually devotes to others. He selected as his amenities, so to speak, a subcommittee consisting of these distinguished tariff experts, the gentleman from New York [Mr. HARRISON], who has just so learnedly addressed us; the gentleman from Massachusetts [Mr. PETERS]; and the gentleman from Texas [Mr. RANDELL].

The gentleman from New York who, as a matter of fact, has drafted this bill and is prepared to admit it, accepted the trust and embarked upon it pale but confident. [Laughter.] It was observed by his friends that his genial laughter was no longer heard in the corridors and cloakrooms of this Capitol; that his voice was seldom raised on the floor of this House; and that his expressive countenance whenever it was revealed to the light of day was partially masked by a pair of professorial spectacles of the most enormous size. [Laughter.]

And so for some time the mountain labored—labored, indeed, as he has told us, since the 1st of last April—and brought forth not even a mouse. [Laughter on the Republican side.] What to do, whither to turn, became the question that disturbed the appetite of the gentleman from New York by day and his dreams by night. Suddenly the solution flashed upon him, but to the gentleman from New York the solution must have been most grievously embarrassing. What was the only resort left to the gentleman from New York? Nothing else in the world but the Tariff Board and its corps of trained experts. [Laughter on the Republican side.] Think, gentlemen, and think with pity of the sad case of the gentleman from New York under these circumstances. He who had been, in season and out of season, the Tariff Board's most uncompromising opponent, he who was the only Democratic member of the Ways and Means Committee in the last Congress to oppose it, he who refused to follow the leadership of the distinguished Speaker of this House and the floor leader upon the Democratic side in their original unqualified indorsement of this Tariff Board. But in this case, as in many others, consistency had to yield to necessity, and so the gentleman from New York directed his steps toward the Treasury Department and to that portion of the Treasury Department occupied by the hated Tariff Board.

It is related that the gentleman from Connecticut walked one day into the offices of the Tariff Board and there he saw the gentleman from New York—think of it, gentlemen—surrounded by piles of data gathered by the board, surrounded by experts employed by the Tariff Board, with spectacles upon nose, drafting the provisions of this bill. [Laughter on the Republican side.]

It is further related that the gentleman from Connecticut [Mr. HILL], who, I think most of his colleagues will agree, is usually of robust health, was compelled to call in the services of a physician. [Laughter.] Be that as it may, the gentleman from New York [Mr. HARRISON] from that time on continued his consultation with the Tariff Board experts, as he will continue his consultations with them until this bill has been passed, and the report that we have before us is the witness of his renunciation of Democratic theory and his adoption of Republican plain common sense. [Applause on the Republican side.] So the discussion of this bill resolves itself, as it ought always to do, and as we on this side of the House have always contended that it should do, into a question of the basic principles upon which these duties are fixed and not upon the methods by which the results were arrived at.

The title of this bill in my judgment ought to be, in contradistinction to the law it seeks to amend, "An act to decrease the free list, to disturb the revenues, and to discourage the industries of the United States." It is a bill frankly and avowedly purposed to take away any protection whatever from the American chemical industry.

I now quote from the report at the top of page 17:

The question of protection—

And this is a sentence the study of which I earnestly recommend to my colleagues on this side of the House—

The question of protection for domestic industries is always raised whenever it is proposed to reduce tariff duties; and it has lately be-

come the practice of some to recommend the adjustment of rates of duty with a view to affording protection equivalent to the difference in the cost of production at home and abroad. This proposition is theoretically erroneous and practically inapplicable.

Note, gentlemen, there is nothing said about the reasonable profit to the manufacturer. The arguments that we have heard from the gentleman from Alabama [Mr. UNDERWOOD] as to the insuring of profits are not quoted here. They have got it down to the actual cost of production alone.

I read again:

It has lately become the practice of some to recommend the adjustment of rates of duty with a view to affording protection equivalent to the difference in the cost of production at home and abroad.

This proposition is theoretically erroneous and practically inapplicable.

That statement I commend for its absolute frankness. It leaves no possible loophole by which any gentleman who believes in Republican principles, who stands upon the last Republican platform, can bring himself to support this bill.

No matter how strong may be the desire of some of us upon this side to vote for duties lower than those carried in the present law, in this or any other schedule; no matter how strongly we may believe that many duties are in excess of the difference in the cost of production here and abroad, there is not one of us who would repudiate the Republican platform and vote for duties which are, in fact, and frankly and avowedly intended to be beneath the measure of protection as laid down in that platform.

You say—

the question of protection for domestic industries is always raised when it is proposed to reduce tariff duties.

You are half right. It is raised, and always will be raised, by Republicans whenever you propose to reduce duties below the true protective point; but it will not be raised when we upon this side of the House bring in, as I hope at this session of Congress we will, a bill to reduce the duties in the woolen schedule, because we have had a report from the Tariff Board which shows that those duties can be substantially reduced without driving out of business either the American woolgrower or the American woolen manufacturer. [Applause on the Republican side.]

You say—

It has lately become the practice of some to recommend the adjustment of rates of duty with a view to affording protection equivalent to the difference in the cost of production at home and abroad.

Again, this is a half truth. It is not the practice of some. It is the practice of all Republicans, and will continue to be. You say further that this proposition is theoretically erroneous and practically inapplicable. That question we are willing to leave to the American people, and when it is placed before them stripped, as we intend it shall be, of all loose verbiage, and unobscured by misstatements and perversion of the facts, we do not fear but that your "some" will turn out to be millions, and that those millions will constitute the majority of the straight-thinking, patriotic American voters.

You have put this case in a nutshell, and I ask nothing better than that by it you shall be judged. I ask nothing better than that this shall be the dominant issue upon which the two parties shall come before the American people in the next campaign.

I have said that this bill ought to be entitled "An act to discourage American industries." I do not believe that that expression is strong enough. If it should become a law, its effect would be not only to discourage American chemical industries, but also to destroy many of them. At least this is frankly and avowedly its purpose. Our opponents point out that this industry has increased in the past 20 years, but they fail to mention the fact that that growth has come under Republican laws which have given them reasonable protection. Their principle seems to be that when any American industry has grown for that very reason it ought to be discouraged. Hence they proceed in this bill to discourage it in two ways. In the first place by reducing the duties on the finished product, and in the second place by increasing the duties on the products which must be imported to make the finished product. That is the basic principle of this entire bill, and appears in it from the beginning to the end. The ire of the Democratic Party is always particularly aroused against any American who has ever at any time been able to sell any of his products abroad. This is a serious offense in the eyes of the gentleman from Alabama and his competent assistants, and one which calls for immediate measures of penalization. You remember a bill which passed the House a few days ago revising the steel schedule, which placed the finished product of certain American industries—and I am going to call attention to only one of them, the machine-tool industry—on the free list and retained the duties on every product that went into it. Now, I want to show the consistency of some of the members of the majority of the Ways and Means Committee. I want to call attention to a speech made in the

last Congress by the distinguished gentleman from Georgia [Mr. BRANTLEY] in which he was speaking of the question recently referred to by the gentleman from New York [Mr. HARRISON], the question of taxing raw materials. During the course of the remarks of the gentleman from Georgia I asked him this question:

Mr. LONGWORTH. I would like to know whether the logic of the gentleman's position would lead him to say that wherever a tax was placed on the raw material there should always be a tax on the manufactured article?

Mr. BRANTLEY. I should think so, undoubtedly.

Now, I would like to get further information from some of the members of the majority of the Ways and Means Committee. I would be glad if the gentleman from New York would enlighten me as to whether he agrees with the doctrine laid down by the gentleman from Georgia.

Mr. HARRISON of New York. Mr. Chairman, I have already stated this morning that the furthest I would go in support of the doctrine of free raw material is to leave on the free list those raw materials the imposition of a tax on which would increase the cost of the necessities of life, but on articles as carried in this bill, like perfumes and luxuries of that sort, let them be taxed—

Mr. LONGWORTH. The gentleman did not quite apprehend my question. My question is this, that where there is a duty upon the raw material, would the gentleman advocate that the finished article should be placed on the free list?

Mr. HARRISON of New York. I should think a properly balanced bill would be drawn with that in view, namely, to tax the finished products when the material of manufacture is taxed, not for the sake of protection but for the sake of collecting a moderate rate of revenue off the higher priced article.

Mr. LONGWORTH. Then the proposition of the gentleman from New York is that a properly drawn bill ought to place the finished products of American industries, manufactured in competition with those of other nations of the world, on the free list, and place duties or raise duties on all intermediate articles that go into the finished product.

Mr. HARRISON of New York. Oh, no; I did not say that; that is not my theory at all; the gentleman from Ohio has some way or other misunderstood my answer.

Mr. LONGWORTH. I do not wish to misquote the gentleman, of course.

Mr. HARRISON of New York. If this bill contained any case whatever where the materials manufactured are on the dutiable list and the finished product on the free list I am unaware of it, with the single exception of sulphate of ammonia, which was put on the free list by the Payne committee and which we left on the free list.

Mr. LONGWORTH. Oh, I think the gentleman is mistaken.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DALZELL. Mr. Chairman, I yield 15 minutes additional to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio is recognized for 15 minutes additional.

Mr. LONGWORTH. I do not wish to misquote the gentleman from New York [Mr. HARRISON], but it is evident that he disagrees absolutely with the proposition laid down by the gentleman from Georgia [Mr. BRANTLEY].

On page 5 of this report is a table showing imports and exports of chemicals in this and other competing countries, which, it is said, indicates the greater comparative development of the industry and its competitive power in the United States as compared with other countries. It seems to me that a close examination of this table will reveal facts which absolutely contradict this statement, and I call your attention to it, gentlemen.

In 1897 France imported \$22,000,000 worth of chemicals and exported \$25,000,000 worth; in 1906 she imported \$31,000,000 worth and exported \$35,000,000 worth. In other words, France in those periods consistently exported more than she imported by in the neighborhood of 10 per cent.

Now, take Germany. In 1897 Germany imported, in round numbers, \$55,000,000 worth of chemicals and exported \$78,000,000 worth, and in 1906 she imported \$75,000,000 worth and exported \$135,000,000 worth. In other words, in 1897 Germany exported more than she imported by about 37 or 38 per cent, and in 1906 she exported more than she imported by more than 80 per cent.

Now, take the United States. In 1897 we imported \$45,000,000 worth of chemicals and exported less than \$10,000,000 worth. In other words, we imported more than we exported by in the neighborhood of 350 per cent. And in 1906, where we imported \$75,000,000 worth and exported \$19,000,000 worth, we imported more than we exported by nearly 300 per cent. And upon that showing, gentlemen, the proponents of this bill come into this House and say that our competitive power as compared with

other nations of the world has continually increased, while that of all other nations has decreased.

And that in the face of the fact that to-day this country and Germany import almost exactly the same amount in value of chemicals and we export less than one-eighth of what Germany does. They give that as a reason for penalizing American industries, because, forsooth, it has been shown, they say, that we can compete with all other nations of the world and that our competitive power is increasing relatively to those of other nations. It is a pure and sheer absurdity, gentlemen.

From the beginning to the end of this bill you will find, as I have said before, that duties have been increased upon things which are not and can not be produced in this country and lowered it on things which are produced here in competition with nations of the world.

Take the free list which the gentleman from New York has recently explained. Sixteen articles, of the total value of \$283,000, dutiable under the present law, have been placed on the free list. On the other hand, about 150 articles are taken from the free list, of a total value of \$42,000,000, and duties imposed upon them of somewhere between 5 and 20 per cent. In other words, by this bill the American people will be compelled to pay a tax upon nearly \$42,000,000 worth of articles which must be imported because they are not produced here, upon \$42,000,000 worth of articles which, under the present law, come in absolutely free of duty. And this is called a reduction of the duties in the interest of the consumer.

Mr. HAMILTON of Michigan. Just what is the purpose of that, as explained by the gentleman from New York [Mr. HARRISON]? I did not catch it.

Mr. LONGWORTH. The gentleman from New York says that it is for the purpose of raising the revenue.

Mr. HAMILTON of Michigan. Are we in such need of revenue as to resort to that?

Mr. LONGWORTH. Unquestionably had the various tariff bills brought in by the other side been passed we would be in need of raising \$70,000,000 or \$80,000,000 of revenue instead of a paltry four million, which this bill purports to raise. I will come later to the discussion of the subject which the gentleman's question suggests.

Now, mark well, gentlemen, that these things which have been removed from the free list are not by any means luxuries in the great majority of cases. They are, on the contrary, necessities used in the everyday life of the average American family. The proposition is that for the purpose of raising revenue—

Mr. HAMILTON of Michigan. Right there could the gentleman give an illustration of those necessities?

Mr. LONGWORTH. I call attention to the list as read by the gentleman from New York [Mr. HARRISON], and if the gentleman from Michigan will glance at page 9 of this report and read this list of approximately 100 articles he will find—

Mr. HAMILTON of Michigan. Is pepper in the list?

Mr. LONGWORTH. Pepper, of course; and all sorts of spices and things that the American workman has on his table at every meal. The list contains coal-tar products of all kinds, which are used in dyeing gingham and calicoes and things of that sort, and they are taxed in this bill at anywhere from 5 to 20 per cent, and that extra cost must be paid by the consumer, because they can not be produced in this country. And so the proposition is that for the purpose of raising revenue the people should be taxed on articles they consume daily, and no corresponding benefits by any possibility go to a single American citizen.

This is the exact opposite of our theory of tariff making. We do not believe that a duty should be laid upon anything which is not produced and can not be produced in this country. In other words, we are not willing that the cost of an imported article should be possibly raised to the American consumer unless thereby an American industry may be established and American workmen may find employment.

Under the theory laid down by the gentleman from New York [Mr. HARRISON], the theory adopted in this bill, of imposing taxes for revenue purposes upon articles of daily necessity which can not be produced in this country and must be imported, you gentlemen can not avoid, when you come to it, putting a duty on tea and coffee, and I want to be here on the floor when you do it. [Laughter on the Republican side.]

Mr. MANN. You will not be. They will never get a chance to do it. [Laughter.]

Mr. LONGWORTH. Why, they will have to do it if they follow the logic of this bill. There is no escape from it, even by the intellectually gymnastic mind of the gentleman from New York or any of his colleagues. He has imposed a duty in this bill upon spices and many other articles, which must be imported because they can not be produced here, and which are

used on the table, three times a day, and in the household of the average American family; and upon that theory he must, in order to raise revenue, impose a duty on tea and coffee.

Mr. DALZELL. Why do they not put a duty on tea and coffee? [Laughter on the Republican side.]

Mr. LONGWORTH. I must leave that for them to answer. This proposition is to raise revenue by a tariff on imported necessities. The time, of course, will come—

Mr. MANN. Does not the gentleman realize that after the elections in November they will not be interested in the subject of revenue? [Laughter on the Republican side.]

Mr. LONGWORTH. They will not be interested in Government revenue.

Mr. MONDELL. I understand, from the gentleman's statement, that in order to be consistent the gentlemen on the other side will be compelled to levy a duty on tea and coffee. But does the gentleman from Ohio expect the gentlemen on the other side to be consistent on anything? [Laughter on the Republican side.]

Mr. SLOAN. No; that is too much. [Laughter.]

Mr. LONGWORTH. It would take more time than I have at my command and more speculative ability than I possess to enable me to answer that.

I look forward, Mr. Chairman, with pleasure to the time when, after their peregrinations through the various tariff schedules, they will at length arrive at the agricultural schedule, and by that time the necessity for raising revenues will be, as I said a moment ago, not only pressing but imperative, and it will not be any picayune amount like \$3,000,000 or \$4,000,000, but it will be somewhere around \$80,000,000 or \$100,000,000.

Now, what is so easy, what is so simple, as to put a tax of 5 or 6 cents a pound on coffee and a tax of 8 or 10 cents a pound on tea?

Mr. HARRISON of New York. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. LONGWORTH. Certainly.

Mr. HARRISON of New York. Did not the Republican side of the committee, of which the gentleman was a member, agree to impose a tax of 9 cents a pound on tea? [Applause on the Democratic side.]

Mr. LONGWORTH. No, that was merely discussed in committee.

Mr. SLOAN. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Nebraska?

Mr. LONGWORTH. Yes.

Mr. SLOAN. The gentleman from Ohio is a member of the Committee on Ways and Means, is he not?

Mr. LONGWORTH. Yes.

Mr. SLOAN. What, if any, opportunity was given to the members of the minority or what part did they take in the drafting of this bill or the fixing of the rates?

Mr. LONGWORTH. We took such time as was comprised between the hour of 11.15 and the hour of 11.45 on the morning of the day this bill was reported to the House. [Laughter on the Republican side.]

Mr. DALZELL. Let me suggest that that was after the bill had been adopted by the Democratic caucus.

Mr. LONGWORTH. Yes. I now remember, further replying to the question of the gentleman from New York [Mr. HARRISON], that the subject of a duty on tea and coffee was discussed in the committee, but the tariff bill, as reported by the Republican members of the Ways and Means Committee, contained no duty upon tea or coffee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. Mr. Chairman, I yield 10 minutes additional to the gentleman.

The CHAIRMAN. The gentleman from Ohio is recognized for 10 minutes.

Mr. LONGWORTH. Whatever may have been done or discussed two years ago, the gentleman has not answered my question as to what would be an easier and more logical method, under the theory that he has advanced to-day, of raising revenue, say \$80,000,000, than by placing a duty of 5 or 6 cents a pound on coffee and a duty of 8 or 10 cents a pound on tea?

Mr. HARRISON of New York. Mr. Chairman, in answer to the gentleman, I could suggest a great many ways of collecting taxes which I think would impose much less burden upon the American people.

Mr. LONGWORTH. Yes. But does the gentleman deny that under the principle adopted in this bill, of taxing spices and various other necessities, it would not be absolutely logical to put a tax on coffee?

Mr. HARRISON of New York. Oh, the gentleman may frame his own logic to suit himself. In my judgment spices are not a necessary of life, and I will call the attention of the gentleman to the fact that although the Republicans taxed red pepper and left white and black pepper to come in free, we cut the duty on red pepper and imposed a duty on white and black pepper, and we also cut the duty on mustard [applause on the Democratic side], which, of course, the people use more than they use black pepper.

Mr. LONGWORTH. The gentleman taxed black pepper, which of course is used only by the vulgar rich. [Laughter on the Republican side.]

Now, again referring to the question of tea, it comes back clearly to my mind that during the consideration of the Payne law the only proposition made to impose a tax on tea was an amendment placing a duty of 15 cents a pound upon it, offered by a Senator from a Southern State, on the express ground that under a 15-cent duty tea would become an established industry in his State.

Mr. DALZELL. It was introduced by a Senator from South Carolina.

Mr. LONGWORTH. The only time that it was seriously considered was when it was proposed by a member of the Democratic Party, and for the purposes of protection pure and simple.

I have not the time—and I have trespassed too long already—even if I had the inclination, to discuss the various items of this bill. It is not so much the question of the precise effect that it would have if passed as it is the principle upon which these duties have been fixed. I have no doubt—but it is a mere guess on my part—that some of the duties provided in this bill are in fact protective. On the other hand, I have no doubt that a great many of them are not protective, and would necessarily result in crippling a large part of the American chemical industry.

But that is not the question. If, by any chance, there are duties which are protective, they are there against the express declaration of the framers of this bill that no duty shall be protective. If any such protective duties are left in the bill, they are there by inadvertence and not by intention on the part of its framers. It is primarily and avowedly drafted on the principle of a tariff for revenue only. Its frank and avowed object is to stimulate imports and not to stimulate American industry. I, for one, welcome this bill, and particularly the report that goes with it, as the best exposition so far of the newest Democratic theory of a tariff for revenue only. Its proponents have yielded on every point that we upon this side have insisted upon as to the method and manner of framing a tariff bill. They have consulted the Tariff Board and the experts employed by it, and they have made the duties throughout specific instead of ad valorem. The issue framed by this bill and report is as near bedrock as it is possible to make it. It is all summed up in their statement, to which I have referred and which I will again repeat, that the measure of protection as provided in the Republican platform is theoretically erroneous and practically inapplicable. It is no longer, then, a question of an excess of protection that is in issue. It is the principle of protection itself. Upon this issue we shall appeal to the American people, confident of the justice of our cause. [Applause on the Republican side.]

Mr. HARRISON of New York. I yield 10 minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, in the press of the country on yesterday the Attorney General, Mr. Wickersham, is quoted as having made the following comment on the report of the special committee to investigate the American Sugar Refining Co. and others:

WICKERSHAM GLAD SUGAR TRUST IS "DISCOVERED."

ST. LOUIS, February 17.

Attorney General Wickersham, after reading the report of the Hardwick Committee, laughed heartily and said:

"So Congress has waked up, has it? Congress is slow, as usual. I found out to my own satisfaction seven months ago that there was a Sugar Trust controlling more than 62 per cent of the industry in this country, and filed the Government suit. I am glad to know that Congress, seven months after I took that action, has really discovered that there is a Sugar Trust."

It seems to me that the Attorney General's comment is of at least doubtful propriety, but since it seems that he thought otherwise, I can not, in behalf of the committee and of myself, permit such criticism, from so responsible a source, to go unanswered.

Mr. MANN. Does the gentleman credit that report?

Mr. HARDWICK. It is published in every paper in the country.

Mr. MANN. Oh, well, surely the gentleman does not credit everything he sees reported in the newspapers.

Mr. HARDWICK. Well, I hope this report is inaccurate, but it has not been denied, and I can see no reason to disbelieve it. The Attorney General insists that "Congress is slow, as usual," intimating, if not expressly stating, that his own department is "fast" and has long known that "there was a Sugar Trust, controlling more than 62 per cent of the industry in this country."

The select committee has run no race with the Attorney General nor anyone else, in an effort to engage in a political chase of one of the great trusts. The inquiry was planned and conducted on far broader lines. It was intended to make a careful and painstaking study of conditions in one of our great industries so that we might have exact and accurate information as to industrial conditions therein, and be prepared to make use of that knowledge when we came to consider amendments and improvements to the laws relating to trusts and monopolies. That the committee has gathered a vast store of such information is the opinion of those who have followed its work most closely, and that its work may prove of value to this House and its legislative committees is the earnest hope and confident belief of those who have participated in its labors.

But to return to the Attorney General. He says he "has known for seven months that there was a Sugar Trust." My friend from Illinois [Mr. MANN] expresses the hope that this "interview" was not given out by the Attorney General, and I hope so, too, but I have reason to believe it was. I would not have made the statement if it had not been published in almost every paper in the country.

Mr. MANN. It is an Associated Press dispatch.

Mr. HARDWICK. I hope the Attorney General will disavow it, then. I ask why this alert and able law officer of the Government has taken no steps to punish on the criminal side of the court the men who maintain and operate that trust in violation of the law? Surely he has not forgotten that the Sherman law carries penal provisions as well as civil remedies. Nor can the Attorney General contend that the one prosecution that has been brought, the case of the United States against Kissell and others, is sufficiently broad in its scope to discharge the Government's duty in this regard. That case, now pending in the United States court of the southern district of New York, involves but one of many attempts to stifle competition, and while the men who are alleged to have participated in that transaction—the acquisition of the Pennsylvania Sugar Refining Co.—are under indictment, yet there are at least 20 other instances, according to allegations made by the Attorney General himself in the civil suit filed by him against the American Sugar Refining Co., in which the criminal provisions of the Sherman law have been violated and in which there have been absolutely no prosecutions. And yet in each of these cases the statute of limitations does not protect the men who have violated the law, because, under the principle decided in the Kissell case (18 U. S., 601), these transactions were all part of one continuous conspiracy to monopolize interstate trade.

More than that, this same law officer, who boasts that he has known there was a Sugar Trust long before the report of the committee was made, makes absolutely no effort to enforce that provision of the law which says:

Every person who shall make any such contract or engage in any such combination or conspiracy shall be guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Until our Attorney General accelerates the pace with which he moves to the discharge of his own duty in this regard I submit that it would be well for him to refrain from criticism of Congress as "slow." [Applause on the Democratic side.]

I yield back the balance of my time to the gentleman from New York.

By unanimous consent, leave was granted to Mr. HARRISON of New York and Mr. DALZELL to extend their remarks in the RECORD.

Mr. HARRISON of New York. Mr. Chairman, I now yield 12 minutes to the gentleman from West Virginia [Mr. HAMILTON].

Mr. HAMILTON of West Virginia. Mr. Chairman, under the liberal rules of discussion prevailing in debates upon the tariff laws, I shall not confine myself to the schedule under consideration, but shall devote the time allotted to me by the gentleman from Alabama to a kindred subject, which but for a point of order made by the gentleman from Pennsylvania [Mr. DALZELL] would now be before the House for consideration, in the resolution reported this morning by the Rules Committee through its chairman.

Mr. Chairman, the resolution referred to, reported by the efficient chairman of the Committee on Rules [Mr. HENRY of Texas] and concurred in, as I presume, by all the majority

members of that committee, meets my hearty approval and shall have my earnest support.

This resolution, no doubt, is the result of the action of the Democratic caucus recently held in this Hall for the purpose of taking into consideration measures to be adopted for the control, if they be subject to control by law, of the gigantic money power and its evil combinations existing in this country. In the caucus of the Democratic Members before referred to, while there may have been some difference of opinion as to detail, there was none, or at least none manifested, upon the main question of the necessity for such remedial legislation as may come within the jurisdiction of Congress to control the evils which were upon that occasion by the gentleman from Texas so forcibly pointed out and brought to the attention of the caucus. If the gentleman from Texas failed to get everything in detail as advocated by him upon that occasion, he certainly can congratulate himself, and the minority who followed him, upon the fact that his main object at that time was fully and completely accomplished, and that his Democratic colleagues in Congress were fully convinced that a situation as to financial matters exists in this country which, like the blood of Abel, cries aloud to Heaven. Since Waterloo, the Rothschilds have controlled the money affairs of Europe; since Appomattox, Wall Street has held with firm hand the financial reins of this country, and it has been but a few months since the only ex-President of this Nation has testified before a committee of this body that in the year 1907 he was compelled to agree to a violation of the law before the money kings would consent to the alleviation of a panic.

The matter of detail to which I have referred was chiefly as to the manner of procedure to obtain the legislation which the country so badly needs, and which the citizenship thereof is so loudly and forcibly demanding. Some of the members of the caucus thought that better results could be obtained through the operation of a special committee appointed for the purpose of investigation, while others, constituting a majority of the membership, thought the regular manner of procedure through the committees of the House, which have full power, not only to investigate all questions which might arise, but also the additional power, not possessed by a special committee, of reporting legislation. That is to say, the majority believed that not only is investigation needed, but that the greater need was something tangible, substantial, and effective in the way of law.

With this majority I, together with the other Democratic Members from my State, after due consultation, concurred. That this difference in detail and manner of procedure should not only be magnified, but also misrepresented by those who were opposed to the remedial legislation contemplated, was perhaps to be expected. Because it may be easily seen that if it should be believed throughout the country that the majority membership of the House of Representatives were seriously divided upon the main proposition involved, it would to a large extent impair the prospects for the demanded legislation and have the natural effect to render the enactment of salutary laws improbable. But there are many who, sincerely desiring the enactment of such laws as would be of practical benefit in the situation confronting us—laws to control the evil and punish, if need be, the evildoers—and who are in nowise open to the criticism of being enemies to the legislation, were of the opinion that the special committee afforded the best manner of procedure. Many of these have long studied this problem with assiduity and patience, and their views upon the subject are entitled to the worthiest consideration; and for them and for the minority members of the caucus for their advice and judgment I have the highest esteem and can not fail upon this present opportunity to express the same. I desire to say further that in my opinion no member of the caucus referred to had any other desire or design in his heart than that of serving in the most effectual manner, as light was given him to see the pathway, the interests of his constituents and the necessities of the Nation. And I believe that I may safely predict that in the vote which shall be taken on the pending resolution there will be shown the practically unanimous desire of the Democratic membership of this House to advance the cause of the common people by the passage of such legislation as will, to as large extent as possible, remedy the evils of which they so justly make complaint.

It seems to me, Mr. Chairman, that there can be no serious question that the plan proposed by the caucus and embodied in the resolution, by which it virtually becomes the mandate of this House that the Committee on Banking and Currency, composed of some of the ablest men of the House, on both sides of the dividing aisle, shall not only investigate and obtain information, but shall report measures to be enacted into law, is better and

more efficient than a mere investigation by a select committee of this body having no power of legislation. Under the rules of the House there is no provision whereby a select committee, however able its membership may be, or however lofty may be their ideals of right and wrong, or their willingness to enforce the right against the wrong, can report a bill for passage with such effect as that which accompanies the report of a standing committee of the House.

However arduous may be the work of a select committee, however deep its investigations and examinations, and they can be no deeper than those of a standing committee, after all has been done by it, the result of its labors must be referred to some regular committee to be again investigated by it before legislation can ensue. I again repeat what I have before stated in substance, that legislation rather than investigation is what is needed. It is not necessary for this House to learn by a long and extended investigation that a great and growing evil is in existence here, in consequence of which the comparatively few very rich men of the country are allowed to feed upon the labors and the products of the great masses of the ordinary, common people, who compose the bone and sinew of the Nation and the creators of its wealth.

Mr. Chairman, I do not decry such investigation and examination as will enable the committee of this body to ascertain and report upon such matters as require relief, and which may be necessary in the preparation of their bills, but, on the contrary, I think it imperative that the committee and its subcommittees shall make a full and thorough investigation of all things necessary to this end; and I feel assured that this committee will spare no pains in obtaining such knowledge as will enable them to prepare and report for passage a measure of relief which in all respects will respond to the necessities of the times and the vigorous demands of all who are seeking this relief.

Mr. Chairman, I call attention to the report of a special committee to investigate the American Sugar Refining Co., which was filed in this House on Saturday last by its chairman, the gentleman from Georgia [Mr. HARDWICK]. Here is a committee composed of men as able as any in this House. The resolution under which they acted was adopted on the 9th of May, 1911, nine months ago. This committee has worked hard and faithfully, and their report shows information most valuable to this House and to the country. Yet if these men had constituted a standing committee, rather than a select one, their information would not have been the less valuable and important, and all which they report might have been done by a standing committee with equal, and, in fact, better, results to the House. The standing committee could have reported, in addition, a measure of relief. I desire to read the concluding clause of that report, as follows:

As this matter belongs to the jurisdiction of a great standing committee of the House, your special committee will not, as a committee, undertake to present a bill upon the subject or to further elaborate the idea herein suggested, being confident that the entire subject matter will receive careful and prompt consideration by the standing committee having jurisdiction thereof.

You will therefore see, Mr. Chairman, that this able select committee of the House of Representatives, after long and arduous toil, are at the end forced to come into this House and recommend a reference of the subject matter of their inquiry to the standing committee, which alone has power to report a measure of relief.

It is a striking evidence that the majority of the caucus were wise in the adoption of the resolution under consideration rather than one, however otherwise meritorious, which would postpone indefinitely the contemplated legislation.

It has been claimed by some that the action of the caucus in amending—and not defeating as has been energetically circulated throughout the country—the original Henry resolution was intended as a reflection against the views of the most prominent Democrat in this country, and who likewise stands among the ablest living statesmen of the world; who has thrice led his party in national campaigns which, though not resulting in the election of the candidate, have resulted in the engrafting upon the policy and the legislation of this Government such principles tending for the benefit of man that the contemplation thereof necessarily calls with it the personality of him who was their author and most eminent expounder.

Mr. Chairman, this country has produced three men the coincidences in whose lives are so striking as to indicate that they are not the result of chance but of something higher than the will of man. Each of them has been thrice defeated for the highest office within the gift of the people. Two of them upon three occasions by the people at large, and the other twice in the conventions of his party and once by the electors at the polls. One of these men, Henry Clay, was the leading man in

his country's history during the first half of the nineteenth century, and he has been described as the leading English-speaking statesman of his period. Another, James G. Blaine, led the advance guards of his party when it had supreme control, from the close of the Civil War to the latter decade of the nineteenth century, and his voice was powerful and potent in forming the constructive policies of the Nation. The third, William Jennings Bryan, has for 15 years or more formulated the policies and the leading principles of the great militant Democratic Party and still is its acknowledged leader. Not only is this true, but there is indissolubly connected with his great name many principles of right and justice which have been engrafted upon the public policy of the country by the assistance of the very men who defeated him for office while they were opposing such principles. Clay was a Whig, Blaine a Republican, and Bryan a Democrat. So that the three great parties who have at different times controlled the destiny of the Nation are each represented in the illustrious trio. We are told that the joint lives of three great patriarchs, Adam, Methuselah, and Noah, made a continuous line from the creation of the world to its destruction by the Deluge, and that they carried down in their memories until the time that letters were discovered the antediluvian traditions and histories of our planet.

As a parallel to this I point out the fact that Henry Clay was born 12 years before the adoption of the American Constitution. He died in June, 1852, 22 years after the birth of James G. Blaine, in 1830. Mr. Blaine died in January, 1893, when William Jennings Bryan, born in 1860, was 33 years old. Bryan still lives, and it is the hope of every good citizen of this land that he may long continue in his upright and useful career. It will appear that the joint lives of these three men extends from a period antedating the formation of this Government by 12 years down to the present day, and these three illustrious men could have easily handed down by word of mouth, without change of verbiage, the Constitution of the country, though it had never been reduced to writing. No man reviles the memory of Henry Clay or casts reproach upon the brilliant genius of James G. Blaine, and the time will come when the third parallel, William Jennings Bryan, upon the consideration of the great deeds which he has accomplished for the benefit of man, will be spoken of only in the highest terms of praise and honor.

Mr. Chairman, as an humble member of the Democratic caucus I repel the charge and insinuation that that caucus has ever at any time taken a single action based upon disrespect to Mr. Bryan. I deplore the declarations sometimes made from quarters least to be expected that there are animosities between the Great Commoner and the leaders of this House. Slight differences have been magnified and grossly exaggerated for the sole purpose, I believe, of creating contention within the Democratic ranks. Differences in mere details have been contorted into representations of difference in substance. Small things upon which all men may reasonably differ have been construed as essentials, and, so far as I have seen, no one has referred to the unity existing as to great matters of substance, as to which we all, without exception, follow the leadership of Bryan.

O ye scribblers for the information of the public. Why have ye not told us of some of the matters upon which Bryan and UNDERWOOD and CLARK and HENRY and others of this House are in full accord? Why have ye confined yourselves to the trifles upon which they, or some of them, appear to differ? For years Bryan has advocated a modification of the rules of the House, whereby the representatives of the people could be given greater power and force; and when this Congress was assembled in special session in April last the first important action of the House was to carry this great idea into effect, and there the stentorian voice of OSCAR UNDERWOOD blended in perfect harmony with the silver tongue of ROBERT HENRY in the adoption of this measure. Bryan has long contended that the people of the States were entitled to a direct vote upon the election of their Senators, and under the leadership of UNDERWOOD and his able friend from Missouri, the chairman of the proper committee, this measure has long since passed this House. Bryan for years has urged the admission of two new States into this Union. This has been accomplished with UNDERWOOD as the leader, and on the 4th of next July two new stars will be added to our flag in significance of the fact that all the continental territory of this Nation is now embraced in free and equal States. Bryan has advocated that full publicity should be given before the election to all contributions and expenditures by candidates for either branch of Congress. UNDERWOOD and his followers have enacted it into law. Bryan has long demanded that the taxes oppressing the American people for the benefit of a few citizens should be reduced and, if possible, done away with.

The House, with UNDERWOOD at its head, has hastened to afford relief in this respect, and the success would have been complete except for the adverse action of the President, who has confessed that his vetoes are based upon his lack of knowledge in the premises. Do these things show discord and indicate a rupture of the Democratic Party? If these things have been accomplished with alleged lukewarmness between the leaders, what would be the bounds of the good results if they should engage in active hostile combat with each other? Like Mark Twain's pilot, "If they have accomplished all this while merely sleeping, what could not they do if they were dead?"

Our friends on the other side of the aisle, no doubt, would much enjoy the situation if these alleged dissensions among Democratic ranks were truly in existence; but it is not our place to help them out. They have a brave and valorous leader in the person of the gentleman from Illinois [Mr. MANN], and he is always alert and vigilant. He only eats on Sundays, and I verily believe never sleeps at all. If he had been a marshal under Napoleon at Waterloo, the battle might have resulted differently, because he would have discovered the absence of Grouchy at the proper time and suggested the absence of a quorum; and, if necessary, he would have halted the oncoming hosts of Wellington by a well-interposed demand for the yeas and nays. He needs no help from our side of the House. [Laughter and applause.]

And what of the other gentleman from Illinois, the ex-Speaker of this House? Who can doubt his ability? With 40 years of service here he stands with eye undimmed like the leader of the Hebrews searching for, but not discovering, the Promised Land. [Laughter.] Upon the slightest occasion which may arise he scents the battle from afar and is at his post to do what he conceives to be his warlike duty, and I predict that it will not be many hours before his voice is heard upon the iniquity of this House in imposing upon the farmer a tax of perhaps 2 cents a year on pepper. Do not let these Carthaginian Hannibals sow dissension in our Roman camps, nor allow these English Pitts to divide the forces of this fair France of ours. The masses of the people of this land can spare from their ramparts no BRYAN, CLARK, UNDERWOOD, JAMES, or HENRY, nor any other brave and valiant leader. We need them all. Long have these able men whom I have named stood at the outposts of Democracy and endeavored to guard the interests of the common people. If the light is now breaking and the clouds dispersing before the rising sun of just and salutary legislation, let us not bedim the scene by strife among ourselves when with united front we should face the energetic and powerful army in our opposition. Our cause is for the righteous masses of the people, and to them is our responsibility and for them is our hope.

Toll, Time and circumstance, full oft,
An humble cause has raised aloft.
And Fortune whom she scorned before,
Has placed on solid ground once more.

Mr. UNDERWOOD. Mr. Chairman, how much time has been consumed?

The CHAIRMAN. The gentleman from Alabama has 1 hour and 40 minutes remaining and the gentleman from Pennsylvania has 2 hours and 37 minutes remaining.

Mr. DALZELL. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, we have just witnessed an occurrence in the House which if it had taken place some months ago would have been considered remarkable. The gentleman from West Virginia [Mr. HAMILTON] has delivered on the floor of the House a brilliant encomium on the life, character, and public services of the Peerless Leader without the sign of applause on the Democratic side of the House. [Laughter.] Whether the gentleman from West Virginia intentionally delivered his remarks in a low tone of voice so that they could not be heard on the Democratic side I do not know, but since I have been a Member of the House it has usually been impossible for any gentleman on the Democratic side to whisper the name of Mr. Bryan without vociferous applause until at this time, when, through the courtesy of the gentleman from Alabama [Mr. UNDERWOOD], time has been given to praise the gentleman from Nebraska, the gentleman from Alabama in full confidence that the praise would not receive approval on the Democratic side of the House. [Laughter on the Republican side.]

Mr. LONGWORTH. Can the gentleman inform me whether or not, within his knowledge, the gentleman from West Virginia is a member of the "Tell-me-how-to-vote Club"?

Mr. HAMILTON of West Virginia. I did not catch what the gentleman said.

Mr. LONGWORTH. I ask the gentleman from Illinois if it was within the gentleman's knowledge if the gentleman from West Virginia was a member of the "Tell-me-how-to-vote Club."

Mr. HAMILTON of West Virginia. The Democratic caucus, does the gentleman mean?

Mr. LONGWORTH. Oh, no, no. [Laughter.]

Mr. MANN. Mr. Chairman, we again approach the consideration of a tariff bill affecting the industries the annual production of which amounts to a billion and a half dollars in our own country. And while we are forced to the consideration of this bill before we have had an opportunity of examining the report of the committee, and hence from our side coming to it with some difficulty, I desire to call the attention of the House to a few of the provisions in the pending bill.

I note with some pleasure that in the framing of this bill the Democratic side of the House has adopted a suggestion which I made to them on the floor when the wool bill was up for consideration—that they provide for an amendment in the existing tariff law so as to leave applicable to their new bill those provisions in the law relating to the maximum and minimum tariff and those provisions in the law relating to reciprocity with Cuba.

When the bill was before the House the distinguished gentleman from Alabama [Mr. UNDERWOOD] derided the maximum and minimum provisions of the law and the Cuban reciprocity law when I offered an amendment to perfect the bill at that time. But now, learning from this side of the House some things in regard to the framing of a bill, they themselves propose to make the pending bill a part of the existing tariff law so as to leave these other provisions applicable to the provisions of this bill.

But I notice with some degree of chagrin that in the framing of this bill the gentlemen who framed it had not examined the law which they proposed to amend. The bill provides in paragraph 1 that it shall be a substitute for paragraphs 1 to 83, inclusive, of section 1 of the Payne tariff law, and of section 25 of section 2982 of the Revised Statutes of the United States as amended by section 1 of the Payne law.

It is strange to me that it did not strike the attention of the gentlemen who drew the bill to see a provision in a bill amending section 25 of section some other number, when it has been the invariable practice in all the laws to not number different sections under another section.

Now, what is the fact? A bill proposing that this bill shall be a substitute in place of section 25 of section 2982 of the Revised Statutes when there is no such section. That would be subject of chagrin if offered from this side of the House, but I think nothing will embarrass the gentlemen on that side of the House. There is no section 25 of section 2982 of the Revised Statutes. It is not a great matter, but it is a great illustration of the carelessness or the care with which the gentlemen framed this bill.

Section 2982 of the Revised Statutes is a short section in the Revised Statutes five lines long. It was amended by the Payne tariff law in a section seven lines long, and that is all there is to section 2982 of the Revised Statutes in the Payne law—one section; and yet they propose to substitute this bill in place of section 25 of that section; and there is no section 2 of the section, much less is there a section 25.

Now, I am very glad to yield time out of my time to any gentleman on that side of the House or on this who can discover in the statutes of the United States anywhere section 25 of section 2982 of the Revised Statutes as amended by section 21 of the Payne tariff law, as is provided in this bill.

The gentleman from New York [Mr. HARRISON] can not explain it. There is no explanation except absolute lack of knowledge—where a man drawing a bill to take the place of a law never examines the law to see what it is. Mr. Chairman, this provision was in the caucus print where I first noticed it. I supposed, of course, that some gentleman would discover it and eliminate that provision from the bill. When the bill was introduced, I noticed it in the bill as introduced, after the caucus had passed upon it, and when it was reported I still saw the provision in the bill which any clerk in my room would have known enough to strike out. [Applause and laughter on the Republican side.]

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. NORRIS. I think the gentleman ought to go easy in criticizing the caucus, because I understand the bill was passed in the caucus without reading. They did not read it in the caucus.

Mr. MANN. Why, the bill was passed in the caucus without reading, and it was passed in the Ways and Means Committee without reading. It was never read by any member of the Committee on Ways and Means except the gentleman who prepared it—the gentleman from New York [Mr. HARRISON]—and doubtless he did not read this provision, for, if he did, it is in-

comprehensible how he could have missed what I am now calling to the attention of the House.

Mr. SLOAN. Has the bill been read in the House yet?

Mr. MANN. It has not been read in the House, and very little opportunity will be given probably to consider it in the House. We are called upon to take up the bill before we have had a chance to examine the report, and the expectation on that side of the House is that they will drive it through to-morrow; that we will have to stay here to-night to finish debate, and to-morrow night, possibly all night, to pass a bill on the ground that we have to give a chance to the appropriation bills. Under the new rules of this House the appropriation bills are consuming time, with the insatiate desire of gentlemen on that side of the House to talk.

Mr. Chairman, the other day the gentleman from Alabama [Mr. UNDERWOOD] stated to the House that he had given information concerning this bill to the Associated Press, in the nature of an interview, and that therefore the House had information upon the subject. In that interview as reported by the Associated Press and sent to all of the newspapers in the country occurs this statement:

Principally the measure increases duties on perfumes, fancy soaps, and other luxuries, and lowers the duty on drugs and materials in common use.

I do not know whether the gentleman from Alabama said anything which could be construed into that statement, but I am quite sure that neither the gentleman from Alabama nor any other gentleman could have made the statement, because in no part of it is it true.

The bill does not purport to increase the duties on perfumes, fancy soaps, and other luxuries, and it does not purport to lower the duty on drugs. Quite the contrary. In the consideration of this bill I think it is fair to the House to call attention to a map in connection with page 312 of the report. Anyone who examines that map can understand the bill without further consideration. The map gives the location of the industries affected by this bill, by States, placing a black spherical mark in the different States, the mark differing in size in proportion to the industries located in the different States.

Mr. HARRISON of New York. Mr. Chairman, will the gentleman yield?

Mr. MANN. Just a moment. It will be noticed that some small periods constitute the black marks for the Southern States, the representatives of which control the tariff legislation on the Democratic side of the House.

Mr. HARRISON of New York. Mr. Chairman, will the gentleman yield?

Mr. MANN. And you will see large black marks in the States of the North where the industries are located. [Applause and laughter on the Republican side.]

Mr. HARRISON of New York. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. HARRISON of New York. In which State does the gentleman find the largest black mark indicating the most chemical industries?

Mr. MANN. In the State of New York, which the gentleman from New York misrepresents on tariff legislation. The southern Representatives have such strong control of that side of the House that they have even forced the gentleman from New York to endeavor to strike down the industries of his own State. [Applause on the Republican side.]

Mr. HARRISON of New York. Is the gentleman aware that the subcommittee's report on this bill was—and I think I am betraying no confidence in so saying—chiefly drafted by myself and accepted by the full committee with practically no change, and that no southern member of the committee had, therefore, any substantial share in fixing the rates in this bill?

Mr. MANN. I go further than the gentleman. I just stated to the House that the Democratic caucus and the Democratic Ways and Means Committee agreed to the gentleman's report without anybody on that side of the House reading it.

Mr. HARRISON of New York. The gentleman has not made a fair deduction from my answer.

Mr. MANN. I am not through yet.

Mr. HARRISON of New York. They paid the closest attention to the report of the subcommittee, and so did the caucus.

Mr. MANN. They did it without reading, and I have been here long enough as a Member of this House to understand the ways and intricacies of legislation. I know the influences that are brought to bear upon Members in drafting legislation before the legislation is presented, and the gentleman from New York, weakly or foolishly yielding to the demands of the representatives from these States which have no industries affected, has been compelled to bring in a bill which strikes down these in-

dustries of his own State. That is not to his credit. Now, Mr. Chairman, I had hoped that we might have reasonable debate upon this bill. I had hoped that I might be able to analyze the bill in many of its paragraphs, but I am not able to do that for lack of time. Taking as a sample, however, one of the first paragraphs in the bill, I want to call attention to what the bill does, not only in that paragraph but throughout the bill. Take paragraph nine:

Argols or crude tartar or wine lees, crude or partly refined, containing not more than 90 per cent of potassium bitartrate, 10 per cent ad valorem, etc.; cream of tartar, 2½ cents per pound.

This item is a fair sample of what the bill does. It increases the duty on the raw material 100 per cent, and reduces the duty on the manufactured product 50 per cent.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. MANN. I yield for a question.

Mr. HARRISON of New York. Is the gentleman aware, so far as baking powder, into which these articles go, is concerned, that our bill reduces the rate on alum from 37 per cent to 15 per cent and on bicarbonate of soda from three-quarters to one-quarter of a cent per pound?

Mr. MANN. I would much rather have had the gentleman give us that information in his own speech, which he cut short for lack of time.

Mr. COOPER. If the gentleman will permit I would like to ask the gentleman from New York to give us the name of the baking powder that contains alum.

Mr. HARRISON of New York. Most of them do.

Mr. MANN. There are plenty of them.

Mr. COOPER. The best of them do not.

Mr. MANN. Now, Mr. Chairman, here is the proposition. We imported last year crude tartar to the extent of over 29,000,000 pounds at 5 per cent ad valorem. We did not import very much cream of tartar refined, although we imported some—we imported 23,000 pounds. They propose to double the tariff on the crude material, of which we imported 29,000,000 pounds, and reduce the tariff on the refined article, and what will be the result? The gentleman says that our putting part of the paper coming from Canada on the free list has been a great blow to the paper industry. Crude tartar comes in the main from southern Europe, from wine casks, and it is not a manufactured article at all, but is an incident of the production of wine. We import it and manufacture it here into cream of tartar, which is used in our baking powders. They propose that this crude tartar shall be manufactured in Europe and brought in here as the finished cream of tartar. Is that to the benefit of the country; is that to the benefit of the industries of our country? Will that furnish any labor here in the refining of the crude tartar? Is it better for us to employ the labor here in refining this article or to permit it to be refined by the cheap labor of southern Europe?

Mr. HARRISON of New York. Will the gentleman yield?

Mr. MANN. For a question.

Mr. HARRISON of New York. The gentleman is no doubt aware of the fact that there is substantially no labor involved in the refining of argols, and even if there were—

Mr. MANN. I heard the gentleman's statement on the subject.

Mr. HARRISON of New York. And even if there were, is not the gentleman aware that the ad valorem rate rises with the value of the product and presents the same resistance to importations of the finished article proportionately that it does on the raw material?

Mr. MANN. You increase the ad valorem rate or its equivalent on crude tartar from 5 to 10 per cent and decrease the rate on the finished product from 35 per cent to 17½ per cent.

Mr. HARDY. Mr. Chairman—

Mr. MANN. You may imagine that you can keep the business here by cutting off both ends, but anyone of common sense knows that you can not do it, and if your bill becomes a law the industry, which is now a flourishing industry in the United States, will be transferred from this country to Europe. You are legislating in behalf of the people of Europe; we prefer to legislate in behalf of the people of our own country. [Applause on the Republican side.]

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. I will be glad to do so, but I have a few observations which I wish to make.

Mr. HARDY. All right.

Mr. MANN. What more do you do in this bill? You take dead and creosote oil, the consumption of which has vastly increased in the United States for the preservation of railway ties and other classes of wood, and of which we imported last year \$2,384,000 worth, while they were on the free list, and put the tariff on them. Is that to the interest of the people of the

country? You take a noncompetitive article from the free list and put it upon the dutiable list in order to prevent the consumption of that article in the preservation of the woods of the country.

Mr. HARRISON of New York. Will the gentleman yield for a question?

Mr. MANN. The gentleman will realize I have very little time.

Mr. HARRISON of New York. The gentleman is very courteous in yielding, but surely he remembers that the Payne law placed the duty on creosote oil, and it was stricken from the dutiable list and put on the free list by the Assistant Secretary of the Treasury. The intention of the law was to tax it 20 per cent. We put a 5 per cent tax on it.

Mr. MANN. Mr. Chairman, the gentleman's statement is absolutely incorrect. The Payne law puts this article upon the free list, and the gentleman can find it. There is a provision of law covering it in the free list. A Treasury decision decided a certain class of this oil belonged under that provision of the law. I went over the matter myself with the Treasury officials on the subject, and while they and we were trying to add to the preservation of the wood of the country by admitting this creosote oil free, you are putting a tariff on it in order to destroy the wood of the country and prevent its preservation.

We imported last year 5,765,000 pounds of gum arabic, used every day by the people of our country of all classes—a non-competitive article. We admit that article free of duty; you put a tariff on it of one-half of 1 cent a pound. Is that in the interests of the people? Is that Democratic tariff policy?

We imported last year of gum demar 12,187,000 pounds, used in the manufacture of varnish in the country. We admit it free of duty. You put a tariff on it of 1 cent a pound.

We imported last year Government copal to the extent of 10,916,000 pounds, used in the manufacture of varnish—and varnish goes into the daily life of every citizen of the country—and we admitted it free of duty, while you put a tax of one-half of 1 cent a pound upon it.

We imported last year 15,497,000 pounds of gum shellac, used constantly in the manufacture of varnishes and certain kinds of paints. We admitted it free of duty; you put a tax on it of 13 cents per pound.

We imported that great luxury, crude camphor, last year to the extent of 3,726,000 pounds. It is my recipe for a cold, though it did not work this time very well. It goes into the daily life of every citizen of the country, and it is a non-competitive article. We admit it free of duty, and you put a tax on it of 3 cents a pound. Is that for the interests of the people? Is that Democratic tariff policy?

We imported last year crude indigo to the extent of \$1,152,000 worth. Indigo is the basis for the bluing for the wash women of the land. We admit it free of duty. You tax the wash women 10 per cent. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DALZELL. Mr. Chairman, I yield 15 minutes more to the gentleman.

Mr. MANN. We imported last year 210,000 pounds of iodine, the very basis of much of the antiseptic surgery of the land. We admitted it free of duty; you put a tax on it of 10 cents a pound.

Mr. HARRISON of New York. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from New York?

Mr. MANN. For a question. I do not yield for information; I yield for a question.

Mr. HARRISON of New York. The gentleman is aware that we reduced the rate on iodine resublimed, iodoform, and on potassium iodate.

Mr. MANN. I am aware of the fact that where a thing is manufactured in this country from a foreign crude article you raise the tariff on the crude article and reduce the tariff on the finished product, in order to transfer the industry to other countries, if that is any satisfaction. [Applause on the Republican side.]

We imported last year 126,140,000 pounds of crude licorice—not very important to me, as I am neither a boy nor a tobacco consumer. It does not come into competition with anything in this country. We admitted it free of duty. You put a duty of fifteen one-hundredths of a cent tax on each pound of it.

We imported last year 23,193,000 pounds of unground black and white pepper. What a strange inconsistency the gentleman must explain in his bill! Cayenne pepper is the pepper

for the rich. That is the luxury article. You find very little of it on the tables of the poor, but black pepper is found on every poor man's table in this wide land. We admitted the black pepper free and put a tax upon the cayenne pepper. You put a tax upon the black pepper and decreased the tax on the luxury, the cayenne pepper. [Applause on the Republican side.]

Mr. LONGWORTH. Mr. Chairman, does the gentleman yield for a moment?

Mr. MANN. Yes.

Mr. LONGWORTH. It may be possible that in getting at these duties what is technically termed a "wheel" was used, and the little ball in this case fell into the "black" instead of the "red." [Applause on the Republican side.]

Mr. MANN. Oh, I am inclined to think in this case the same care was used which was attempted on another occasion to provide section 25 in another bill under a supposed "section 2892," there being no such section. [Laughter on the Republican side.]

Mr. CANNON. It looks to me like a dictograph. [Laughter.]

Mr. MANN. Mr. Chairman, we imported last year nearly 5,840,000 gallons of Chinese nut oil, a necessary article in the manufacture of varnishes in this country, of great importance in the State of my distinguished friend from Indiana who is facing me. We admitted it free of duty, it being noncompetitive. You put a tax on it of 5 cents for each gallon.

We imported last year over 51,000,000 pounds of unrefined coconut oil, of great value in many directions in the country. It is the basis of much of the soap of the land. We admitted it free of duty. You put a tax on it of one-quarter of a cent a pound.

We imported last year nearly 6,000,000 pounds of palm oil, useful for the same purpose. We admitted it free of duty. You tax it one-quarter of a cent a pound.

We imported last year over 41,000,000 pounds of soya-bean oil, used for manifold purposes—a practically noncompetitive article. We admitted it free of duty. You tax it a quarter of a cent a pound.

We imported last year 1,140,000 pounds of crude vanilla beans. If the gentleman from New York [Mr. HARRISON] had consulted his "better half," he would have discovered that it was not easy in this country to run a household without vanilla extract. We admit the vanilla beans free of duty. You tax them 50 cents a pound. Is that in the interest of the poor people that you cry aloud about in the country? We admitted these articles free of duty to the extent of over \$40,000,000 worth, which you put upon the dutiable list in your bill.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague?

Mr. MANN. I yield.

Mr. FOWLER. I desire to know what is meant by "we" when you say "We put certain articles on the free list." Do you include yourself and do you refer to the Payne-Aldrich bill?

Mr. MANN. Yes.

Mr. FOWLER. Did you not vote against that bill? [Laughter and applause on the Democratic side.]

Mr. MANN. I did not. The gentleman's lack of information leads him to ask a question. I suppose he has often heard that stated. I voted for the Payne bill when it passed the House. The gentleman had better refresh his recollection from some of his colleagues.

Mr. DALZELL. His colleagues all applauded him.

Mr. FOWLER. I desire to know if you did not vote against the Payne bill when it passed the House?

Mr. MANN. I did not. I voted for the Payne bill when it passed the House. Come again when you get more information. [Laughter on the Republican side.]

Mr. FOWLER. Did you not vote against the Payne-Aldrich bill when it came back from the Senate? Did you not do that because wood pulp was not on the free list?

Mr. MANN. I voted "nay" on the conference report. Nobody in the House except my colleague from Illinois was ignorant of the circumstances under which I voted in that case, I am glad to inform the gentleman.

Mr. Chairman, my recollection is that we have peanut oil on the free list, but my distinguished friend from New York [Mr. HARRISON], who makes up this tariff bill by himself, as he indicates, without considering his friends in the South, took a rare way of showing his appreciation of them and his own industries by striking down the industries of his own State and giving protection to the peanut oil of the South. Peanut oil! Peanut politics! [Laughter and applause on the Republican side.] A high tax is put upon peanut oil.

Mr. Chairman, time does not permit me to examine other features of the bill, because we are cut off from the reasonable consideration of this bill, so important to the industries of the country, by the threat on that side of the House to stop even the limited debate which has now been allowed.

I want to say that the people of this country are waking up to the condition of affairs. A year ago on that side of the aisle they were pointing to what they called insurrection and divisions on this side of the aisle. We are nearer together over here than we have been for years, and you are nearer to being split apart than you have been for years. [Applause on the Republican side.] We will go into a campaign united on these great issues affecting the industries of the country. You can not call off William Jennings Bryan.

Mr. SIMS. We are not trying to.

Mr. MANN. We will endeavor in the campaign to make the country understand the meaning of Democratic tariff revision, which is to tax the articles that come in for the benefit of the poor and to transfer our industries to foreign countries. I wish I had time to take up the provisions of the drug paragraph in this bill. We are to-day admitting the crude drugs free of duty. Through an amendment which you slip in under a paragraph purporting to retain these drugs upon the free list, you practically put them all upon the dutiable list. The gentleman shakes his head. I will tell him. It is as plain as the nose on a man's face. Under existing law drugs, barks, beans, berries, and other such things in a crude state are admitted free of duty when not advanced in value or condition by process or treatment beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture. The existing law permits those articles to be packed or preserved in such a way that they may be brought into this country for manufacture into the finished product. You have inserted a provision into the bill which destroys it as a free-list proposition. You say:

When not advanced in value or condition by peeling, shredding, grinding, chipping, crushing.

And so forth.

You can not bring any of them into the country unless they have been prepared in one of these ways. How would you bring in barks without peeling? Do you expect us to import from South America the entire log in order to get the bark of quinine or other substance? Yet under the terms of this bill if they do those things which are necessary in order to bring the crude material into our country, the article is placed upon the dutiable list, expressly in one paragraph of the bill, and indirectly in the paragraph relating to the free list.

Mr. Chairman, your side may come before the country with its false pretenses, but we will tear your false pretenses off your face, confident that the country which has grown in prosperity for the last 50 years is now unwilling to reverse that policy. [Applause on the Republican side.]

Mr. HARRISON of New York. I yield 45 minutes to the gentleman from Mississippi [Mr. COLLIER]. [Applause on the Democratic side.]

Mr. COLLIER. Mr. Chairman, after listening to the most interesting speech of the gentleman from Illinois [Mr. MANN], I want to assure him that if the Republican Party does not dodge the tariff issue in the coming campaign the Democratic Party most assuredly is not going to dodge it. [Applause on the Democratic side.] This is an issue we are willing to meet, and we will meet it with the same confidence that we have met it in the past; for whenever the fight was made straight out upon the tariff question, then it always was that victory perched upon the banners of Democracy. [Applause on the Democratic side.] And as it seems to be generally believed and well understood that in next November the American people, having become dissatisfied with the present administration of affairs, will turn the regulation of these matters over to the Democratic Party, I shall take advantage of this opportunity to briefly review some tariff legislation along the lines just spoken of by the gentleman from Illinois [Mr. MANN]. But at the very beginning of my remarks I want to enter my protest, a protest that I have been wanting for years to enter, against the misuse that gentlemen on the other side of this Chamber have made of the word "protection." How such a word should have become attached to so unjust, unfair, and unequal a system of taxation can be explained only on the theory that, as some men have adopted a cloak of virtue to cover and protect their hypocrisy, so, too, has a great political party, hiding behind an honest word, perpetrated in the name of protection the robbery of a majority of the American people for the benefit of a few. [Applause on the Democratic side.]

Protection against what? Protecting a system of taxation which makes it possible, by law, for one man "to get without

earning what another man earns without getting"; protecting the tariff-swollen industries from all honest competition and insuring their owner against loss; protecting the Steel Trust, with its immense annual dividend of nearly \$140,000,000, against the farmer who needs a plow or the mechanic who needs a saw; protecting the Lumber Trust, which now owns nearly all the standing timber in the United States, against those who would build a schoolhouse for their children, a home for their families, and a church for their God.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. COLLIER. Certainly.

Mr. HAMILTON of Michigan. Would we not have had free lumber if it had not been for 39 Democrats when we were voting on the Payne bill?

Mr. COLLIER. If it had not been for 150 Republicans voting on the other side, we would have had free lumber and a lot of other free things.

Mr. HAMILTON of Michigan. I only wanted to call attention to the consistency of the gentleman; go on.

Mr. COLLIER. Democratic consistency is all right, but I want to call the attention of the gentleman from Michigan—and I lay special stress on Michigan when we talk about lumber—that the dawn of that day is now breaking when the American people, the home builders, will have an opportunity to build a home for their families without being plundered under a tariff that increases the price of every material that goes into their homes. [Applause on the Democratic side.]

Mr. Chairman, the history of protection in the United States is a long story of hypocrisy and deceit. It has justified its guilty existence by many plausible and seductive arguments. Founded upon selfishness and expediency, it has never failed to abandon a position when it no longer served its purpose in deceiving the people.

Like hunted creatures driven by the advocates of honest government from one position to another, forsaking citadel after citadel, the protectionists have continued to intrench themselves behind the ramparts of special legislation, and for nearly 50 years have been able to fasten their dishonest system of taxation upon the country. At first the protectionist was not the bold creature with the voracious appetite that he has to-day. He was a timid, humble individual begging for a small subsidy for the encouragement of an infant industry which could not alone withstand the competition from abroad. It was contended that a moderate tax would not only place our industries on an equality with foreign manufacturers, but would also tend to the creation of establishing new manufactures, and that when our manufacturers, by reason of this encouragement, would be able to cope on equal terms with the foreign manufacturer, that instead of restricting competition this tariff would create competition. So the tariff of abominations was enacted into law. It took the people about 20 years to become sick and tired of protection.

They began to murmur at being taxed to continue to build up an infant which had assumed so gigantic a proportion. They demanded the repeal of protection; they were willing only to tax themselves sufficient to raise funds necessary to carry on the actual expenses of the Government. The heavy protective taxes were repealed and the country prospered as never before under a purely revenue tariff. The protectionist became thoroughly alarmed. The old argument of encouraging an infant industry had lost all its force, and if it had not been for the great war debt which confronted the country protection would have met a natural death at that time. Here was again the protectionists' opportunity. They therefore abandoned their position of the encouragement of infant industries and clamored for a home market for Americans, and at the same time contended with subtle argument and ingenious fallacy that no part of this tax would be paid by the American people, but that every cent of it would be paid by the foreigner.

This apparently senseless argument would never have been accepted by the American people but for the peculiar condition of affairs then prevailing in the United States. The fires of sectional strife were still smoldering, and whenever the people began to complain at being so heavily taxed the protectionists cunningly distracted their attention by artful appeals to prejudice and passion. In order to fasten his unholy tax upon the backs of the American people he was willing to fan those still-smoking embers of civil strife into a ruddy blaze of sectional hatred, and for a time succeeded. But new generations were coming on and the crimson colors of the bloody shirt began to fade before the pure light of reason, good will, and common sense. People began to realize that the burden of these taxes was falling upon them. They had seen all legitimate competition disappear. They had seen a complete monopoly established on all articles of consumption and manufacture. They had

seen these infants develop into gigantic trusts, and they had come to the conclusion that it was themselves and not the foreigners who were paying for these evils. The protectionists, realizing this, saw at once that unless another reason could be shown for the continuation of protection the whole system would crumble and fall to the ground. They, therefore, abandoned their former position for which they had so vigorously contended. They admitted they were wrong; they admitted that the American consumer and not the foreigner paid this tax, but that these taxes were necessary to insure living wages to the workman. They contended in their platforms and on the stump that a high tariff was necessary for the protection of American labor. The cost of living was increased, the price of necessary articles was raised, and everything that the workman ate and wore was placed almost above his reach, so that his wages could be increased and there would be a profit to the manufacturer.

And now, after over 50 years of trial, when the doctrine of protection has proved to be an absolute failure, when it has again become hateful to the American people, and the whole system is tottering and seems to be upon the verge of destruction, the protectionists, making their last stand, have in their desperation abandoned and repudiated all their former positions, and turning another political somersault now present to the American people a new and startling proposition. For 50 years by prohibitive, remorseless, and blighting taxation the Republican Party has drained the resources of the American people and has destroyed all legitimate and honest competition. They have, with the aid of the Government itself through the operation of law, created a system of spoliation which has made it possible for seven great trusts to absolutely destroy and completely control over sixteen hundred distinct and original plants; they have made it possible for 450 lesser trusts, with a combined capital of over \$8,000,000,000, to buy up, merge, control, and put out of business over 5,000 distinct and original plants, representing practically every line of productive industry in the United States. They have wrung and extorted from the pockets of the American people countless millions of dollars to give to their favorites. They have abandoned and repudiated every position they have ever occupied. They have been driven from the ramparts of protection. They have been forced out of every intrenchment of special privilege; and now, presenting a wretched and forlorn appearance, the protectionist, like a fox dodging the hounds, twisting and squirming here and there and everywhere, has at last been driven from the thickets and brambles of inconsistency out into the open, where the quarry is in full view, and there seems to be no possibility for escape.

But the protectionists are not yet devoid of resource and cunning. Seeing the grasp of governmental affairs leaving their hands apparently forever, and having exhausted every plausible reason and excuse for a continuation of the present system of taxation, they are again in desperate straits. This system has proven too profitable to them to surrender it without a struggle, and knowing the attitude of the public toward them, their plan now is to delay, to gain time. Therefore they admit that all their past tariff legislation, covering a period of over 50 years, was hasty and without consideration, and we are asked to wait until we can be informed by a Tariff Board of experts how to proceed.

Mr. Chairman, have you ever noticed that when there is a desperate case in court, one in which the defendant is almost sure to be convicted, he is always asking for a continuance? He wants the case delayed; he wants to gain time; and so it is with our friends on the other side of the Chamber. The power to levy these taxes has been taken from them. An outraged public is demanding honest revision. The people are demanding a reduction in these prohibitive rates, and the protectionists' plan now is to obstruct, to delay, to gain time, for every day that honest tariff revision is delayed brings increased wealth to those manufacturing industries it was designed to benefit; every day that we delay honest tariff revision adds to the dividends and increases the profits of those manufacturing industries, and that is one of the reasons why we are asked to delay and wait until we can hear from this board of experts. As long as they were piling taxes mountain high they needed no experts.

They were experts enough and had sufficient tariff knowledge to pile these burdens upon the backs of the people, but now when they are estopped from further tariff legislation and we are given the task of taking these burdens off the backs of the American people we are told that no one in either branch of Congress has sufficient tariff knowledge and sufficient tariff information to attempt this revision until we can hear from this wonderful board. Why, we were told during the debate on the Payne-Aldrich bill that printed lists showing the difference in the cost of production here and abroad were sent to the vari-

ous consuls of the United States, that hundreds of agents from the Bureau of Manufactures and the Department of Commerce and Labor had been sent everywhere commerce touches civilization in quest of information to enable the committee intelligently to draft a bill, and we were told by the then chairman and other members of the Ways and Means Committee, with tiresome and frequent monotony, that the committee was in possession of each and every fact necessary to enable them intelligently to draft a bill. Now, when they have repudiated and abandoned everything that they have said and done in former years and make this astonishing change of front I ask you, Mr. Chairman, what avenues of investigation, what channels of information are now open to this new creation, the Tariff Board, that were closed to all the consuls, and to all the agents and representatives from the Bureau of Manufactures and the Department of Commerce and Labor? What avenues of information are open to this board that were closed to all these duly authorized agents of the Government traveling all over the world, backed by the credit and standing of the United States itself?

I tell you that the gentleman from Connecticut [Mr. HILL], and others on that side of the Chamber, may lay the flattering unction of a presidential veto to their souls as much as their hearts desire, but I say that the President succeeded in deceiving few by his vetoes of last summer. He not only insulted the intelligence of the membership of this House and the memory of the great protection leaders of the past, but he attempted to impose upon the indulgence and credulity of the American people when he stated that no tariff legislation was proper until we could hear from this wonderful board. He underestimated the intelligence of those people who remembered that it was his voice which proclaimed in clarion tones that the Payne-Aldrich bill was the best tariff law ever enacted. What a change of front he presents to the American people. Elected on a platform which declared for an honest tariff revision, he signed a bill that raised the Dingley rates. Holding in one hand a copy of his Winona speech denouncing the woolen schedule as indefensible and in the other a veto of an honest revision of those prohibitive rates, this chief obstructionist, standing between the great mass of the American people and that relief from confiscating taxation which he and his party so glibly promised and so strictly denied, he would further procrastinate an honest revision and gain another continuance for the policies of his party by insisting that we wait an indefinite time on each schedule until this board of experts tells when and where and how to begin this revision. [Applause on the Democratic side.]

The whole system of protection is founded upon misrule, misgovernment, and deception. Its advocates have violated nearly every plank in their platform. They deceived the people when they told them this tariff was only intended to encourage an infant industry. They deceived the people when they told them that it was intended to create and establish new manufactories. They deceived the people when they told them that this tax was levied in the interest of competition. They deceived the people when they told them that the foreigner alone paid this tax. They deceived the workingmen with the promise of higher wages. They deceived the people who trusted them with the promise of an honest tariff revision. In all their wretched, guilty life they have been true only to the protected interests which have kept them in power. With their eyes fixed upon privilege and special favoritism as guiding stars it has been their united and determined effort, somehow, somehow, and all the time, to plunge their greedy hands up to the armpits into the pockets of the American people and rob them of the fruits of their labor and their toll, and convert them to the use and benefit of their tariff-swollen beneficiaries. They have been true only to their sacred promise to guarantee a profit to American manufacturers. All the people of the United States must be taxed so that the Steel Trust can make its dividends of \$140,000,000. All the people of the United States must be taxed so that the Sugar Trust can charge 2 cents bonus on every pound of sugar that is consumed.

All the people of the United States must be taxed so the Woolen Trust can wring its tribute, while millions of the thinly clad shiver before the chilling blasts of a terrible winter. And every trust and manufacturing establishment, no matter how stupendous its operations, no matter how gigantic its capital and profitable its business, no matter how opulent its wealth and varied its resources, was guaranteed a profit and insured against loss by the Government itself, and the only premium such insurance had to bear was a campaign contribution to the "Grand Old Party." [Applause on the Democratic side.]

It is said that Jefferson, Madison, and Monroe were protectionists. There is nothing further from the fact. There never was a tariff bill up to 1820 which carried with it a rate of over 20 per cent. There was no idea of protection in the minds of

anyone at that time, and most assuredly not that protection which guarantees profits to manufacturers. That tax was levied solely in the interests of competition—that very competition which the protectionists to-day are seeking to destroy. We had very few manufacturing industries in those days, and there was a hope that a moderate tariff would not only stimulate trade and excite competition, but also it might tend toward the creation of additional industries. It was not until the tariff of 1828, the tariff of abominations, with its rate of 41 per cent, became a law, that protection became a fixed policy in the United States. Even then in less than four years the people became so incensed that some of these abominations had to be taken off, which was done by the "Great Compromiser," Henry Clay, himself.

In about 18 years the people became sick and tired of all kinds of protection. These industries were able to stand alone, and the people declared that they would no longer burden themselves with unjust taxes for the benefit of industries which were able to stand by themselves. So the Walker tariff, with its rate of 24 per cent, became a law. So general was the prosperity of the country, so flourishing was the condition of all kinds of commercial and industrial business, under the Walker tariff, that in 1857 the rates of the Walker tariff were still further reduced to 20 per cent; and I want to tell my Republican brethren that the only 10 years in the history of our Government when the country's wealth increased 100 per cent was during the 10 years of the Walker tariff bill, when the Democracy was in control. [Applause on the Democratic side.] So satisfied were the people with a revenue tariff, and so far had the people removed themselves from the idea of a protective tariff, that in 1858 Senator Clement Clay, of Alabama, in a speech in the Senate, stated, without a single protest, that "the doctrine of protection is exploded and is without a party in the country or an advocate in Congress."

Then the war came on. The expenses of that period were enormous, and when peace was declared an empty Treasury and an immense debt confronted Congress. Large sums of money had to be raised. A number of different kinds of war taxes were adopted. An income tax was placed upon the statute book. An unconstitutional tax on cotton was passed. Revenue stamps were placed upon legal and commercial documents, and the tariff rates were raised.

So hateful was the idea of protection in the minds of the American people, and so hateful was this idea of returning to protection in the minds of our people, that Senator Sherman practically denied that these rates were levied for the purpose of protecting a single industry, but that they were levied for the purpose of raising revenue as a war measure.

But the appetite of the voracious protectionist, sharpened by these benefits, was not to be appeased, and the McKinley bill, carrying a rate of nearly 50 per cent, marked the first epoch in American history in which there was a complete surrender to the interests of protection.

The Dingley bill followed with practically the same rate, and then, with all its disastrous consequences to Republican hopes and to Republican ambitions, followed the Payne-Aldrich tariff bill, with the highest rate ever passed by an American Congress.

The Republican idea of a tax is that it is a benefit, a subsidy, a bounty to be bestowed, a privilege to be conferred, while the Democratic idea of a tax, and the one taught by the universities and the colleges of every civilized land and the one given by the dictionaries, is that a tax is a burden, an expense to be levied and imposed solely for the purpose of raising sufficient revenue to carry on the expenses of the Government. The Republican, regarding this tax as a benefit and a privilege, gives little heed to revenue. To him protection is the object, revenue is the incident, while the Democratic theory is to levy this tax solely for the purpose of raising revenue sufficient to run the expenses of the Government, and any protection which may follow the tax on an article, the like of which is manufactured in this country, is, of course, incidental. There are only two problems which confront the framer of a Democratic tariff bill. This difference in the cost of production of an article here and abroad has no concern in a Democratic bill. There are only two problems which confront us. First, how much money is necessary to be raised to absolutely defray the expenses of the Government, and then, second, how can we best raise this money in a way which is least burdensome to the American people.

In the State of Mississippi the tax levy to raise funds for the counties' expenses is made by a board of five supervisors who are elected by the people. The compensation of the tax collector depends upon a percentage of the amount of taxes which he collects.

If the tax levy of my county is 12 mills, based upon an assessed valuation of \$10,000,000, then, of course, the tax collector would collect more taxes and his compensation would be greater than if the tax levy on this \$10,000,000 of valuation were only 10 mills. Suppose Richard Roe was elected a member of this board, and the tax collector was a friend of his who had materially contributed to his election. Suppose he agreed with my Republican friends that a tax is a benefit, and that the taxing powers should be used as a medium by which to distribute and bestow benefits to favored individuals.

In that case, according to the Republican theory of taxation, instead of looking after the interests of the county, instead of looking after the interests of the people who elected him to represent them on that board, and instead of levying this rate as low as was consistent with the actual needs of the county's expenses, he would either disregard these matters entirely or else would regard them as merely incidental, and he would base his vote solely with the end in view of increasing the compensation of his friend who had helped him, the tax collector. A tax levy of 12 mills might be sufficient to meet the expenses of the county government, but a tax levy of 15 mills would increase the compensation of his friend. It is true that in order so to increase the compensation of his friend, the collector, he would have to levy an additional and an unnecessary tax of 3 mills on every taxable citizen of my county. But that would be merely an incident to the transaction because the compensation of his friend would be his first object. Is there one on either side of the Chamber who would not denounce him as a faithless and unworthy servant, false and untrue to the interests of his county and of the people who elected him to represent them on that board?

The Democratic conception of an honest supervisor would be for him to first find out how much money was needed to carry on the expenses of the county government and then to base his vote solely on the amount necessary to raise that fund. The Republican tariff framer cares nothing about the expenses of the Government when he levies a tax. The Republican Party cares nothing about the interests of the people when it levies a tax. The Republican protectionist cares nothing about raising the price of necessities which the great army of consumers are compelled to buy. He cares nothing about increasing the cost of living to everybody. He cares nothing about these matters. They are to him purely incidental. The protectionist is voting to increase the compensation of his friends, the manufacturing industries, and he votes to levy this rate regardless of whether this tax may be prohibitive or not, regardless of whether it will produce revenue or not, but simply to reward them; and if any revenue should be derived from these rates it is merely an incident to the transaction.

I was very much amused and interested the other day in listening to the cheerful and hopeful and optimistic member of the Committee on Ways and Means, the gentleman from Connecticut [Mr. HILL], whom I do not see in his seat at present. He was in the House a short time ago, and I am sorry he is not here now. He is one of those cheerful and hopeful gentlemen who see a silver lining to every cloud and encouragement in every disaster, and the repeated and continued and inexcusable blunders of the grand old party cause him no dismay but rather serve to inspire his soul with fond hopes and bright anticipations of continued and future Republican success. He is not only hopeful and cheerful and optimistic, but he is courageous as well. He is as brave as any African lion that, with flashing eyes and lashing tail and threatening, bristling mane, dared to confront Terrible Teddy himself in his triumphant march through the jungles of the Dark Continent; because the gentleman from Connecticut, alone of all the Members on that side, in spite of the storm and protest of disapproval created and aroused by the passage of the Payne-Aldrich bill, had the courage to declare upon this floor that this bill was a great march forward in the path of progress. I can but applaud the gentleman for his temerity, for, except him whose name is coupled with that celebrated measure, there are none so poor to do it reverence.

The gentleman from Connecticut [Mr. HILL] appears alone in the political arena, the sole knight to take up a lance in its defense; but I fear that his valor is exhibited at the expense of his judgment, for it seems to me that now, in the light of events following the passage of that bill, praise for the Payne-Aldrich law would be like the spectacle of the prince of darkness advocating eternal light. [Applause on the Democratic side.] Though the bravery of the gentleman is conspicuous, yet even his indomitable courage could not prevent his adding that along this path of progress there were a few mudholes on the journey, mudholes which the nimble and active gentleman from

Connecticut, with a political hop, skip, and jump, managed to get over in 1910, but which so many of his less favored and less fortunate colleagues who were treading that path of progress found to be not mudholes only, but bogs and mires of direst defeat. The gentleman from Connecticut told us in his first speech—I believe he has made two this session—that unless he is greatly mistaken the American people will in next November elect a Republican House, a Republican Senate, and a Republican President. I am sorry he is not here, so I could ask him upon what he bases his hope. What has happened since the November election of 1910 to indicate a change in sentiment? Does he gain inspiration from the returns from the second district of rock-ribbed Republican Kansas, which for the first time in 16 years has sent a Democrat to Congress? [Applause on the Democratic side.] Does he gain inspiration from the returns from the seventh district of Kansas, which for the first time in its history has sent a Democrat to Washington? Do those returns inspire his soul with confidence and fill his heart with hope? [Applause on the Democratic side.]

In view of the general feeling of distrust against Republican misrule and Republican control, in view of the crushing defeat that was administered to that party in the November election of 1910, and in view of the bitter fight raging over the division of spoils wrung from a helpless and betrayed people now going on in the Republican ranks, I tell you, my Democratic brethren, that the statement of the gentleman from Connecticut [Mr. HILL] proves that he is possessed with a mental equilibrium which is absolutely superior either to the dictates of judgment or the reverses of fortune. [Applause on the Democratic side.]

I suppose this chemical bill will meet the same fate that was met by those of last summer, and will fall beneath the ax of a Presidential veto. Those on the other side of this Chamber have tauntingly asserted that we have not the power to write a single law upon the statute books; that the Senate can withhold its approval, and that the President can veto. This may be true, but thank God it will not be true for long. As you gentlemen have said, we may only be playing the overture now, but in next November the curtain will rise and the real play will then begin. [Applause on the Democratic side.]

And, Mr. Chairman, on that day, long looked forward to by all true sons of Democracy, the voice of an outraged people will be heard throughout the land, and the countenances of those who have broken their faith and betrayed their promises will change, and their knees will smite one against the other, as did those of the Assyrian tyrant when, in the banquet halls of Babylon, written in letters of living fire by a mysterious and avenging hand, Belshazzar read the verdict, "Thou art weighed in the balance and found wanting." [Applause on the Democratic side.]

Mr. HARRISON of New York. Mr. Chairman, the gentleman from Mississippi yielded back the balance of his time. How much time is now remaining on this side?

The CHAIRMAN. One hour and one minute.

Mr. HARRISON of New York. How much time is remaining on the other side?

The CHAIRMAN. One hour and fifty-two minutes.

Mr. HARRISON of New York. I trust the gentleman from Pennsylvania [Mr. DALZELL] will use some of his time.

Mr. DALZELL. I yield one hour to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I know of nothing that shows more clearly the need of adequate and reliable information upon which to base a revision of the tariff than some of the provisions contained in paragraph 50 of the bill now under consideration. I refer more particularly to the provisions in regard to the tariff on olive oil.

It so chances that in my district, and in the State which I have the honor in part to represent on this floor, are contained extensive olive orchards and extensive manufactures of olive oil. With my limited understanding it is impossible for me to comprehend upon what theory or upon what plan gentlemen on the other side of the House upon the Ways and Means Committee proceeded in formulating the schedule relating to olive oil.

Mr. HARRISON of New York. Does the gentleman care to yield to me now for the information?

Mr. HAYES. I will yield for a question.

Mr. HARRISON of New York. I can not frame it in the shape of a question, but the reason the committee had in mind was, admitting that it will reduce the revenues, that it will reduce the cost of living, because olive oil is the poor man's food and his butter, and for the people from the Mediterranean who inhabit the seaport towns it is too great a burden on the consumer at the present rate that the law now carries.

Mr. HAYES. Mr. Chairman, my experience is different from that of the gentleman from New York. My experience is that

the higher grades of olive oil, the tariff upon which is reduced in this bill, are not by any means the poor man's food. They are exclusively and distinctively luxuries. The poor grades of olive oil are not affected so much in this bill as the better grades. Oils contained in quart and gallon receptacles or in small packages are the finer grades of olive oil and are the ones to which I principally refer, and which chiefly make up not only the imports of olive oil but constitute the larger portion of the manufactured oil in this country.

Now, the bill reduces the rate on olive oil intended for food from 50 cents a gallon to 30 cents, and, as the gentleman has said, this could not be a change in the interest of revenue, because it is admitted in the report of the committee that there will be a loss of probably \$550,000 revenue as a result of the reduction. Now, as I have pointed out, it could not properly be considered as reducing the cost of food to the poor, because the poor do not consume these higher grades of olive oil.

There is another consideration which does not appeal to the gentleman from New York, and probably not to any man on the Ways and Means Committee on the majority side of the House, and that is that this reduction of 20 cents a gallon of the duty on olive oil will be sufficient to destroy, or at least seriously cripple, a very important and rapidly growing industry in the United States.

Olive oil, as a large commercial commodity, was not produced in California until after the passage of the Dingley bill. It was produced in a small way but not to anything like the extent that it has been produced since then. Large orchards, of hundreds of acres, are scattered all over the State of California, and more are being planted. We are engaged there in an honest industry; because it is a fact, as gentlemen on the other side probably know, that the only strictly pure olive oil that can be bought anywhere in the United States is manufactured in my State. The olive oils that are imported from abroad, I think without exception, as I am advised by the pure-food experts of the Department of Agriculture and by merchants engaged in the importation of these oils, are diluted at least one-half with cottonseed oil. It is almost impossible to detect a blend of olive oil with cottonseed oil where not more than one-half of it is cottonseed oil. I am advised that at least one-half of every bit of the oil imported into this country as olive oil is cottonseed oil that has been sent over from this country to France, Italy, and Spain and there blended with olive oil, shipped back into this country, and sold as strictly pure olive oil in competition with the industry that we are trying to build up and carry on in an honest way in California. Some of it is very much more than half cottonseed oil.

Now, Mr. Chairman, the people of California are not objecting to the passage of this law only or solely because it affects disastrously one of the large interests of that State. We are objecting to it on general principles. We would have objected to it the same if the olive industry was being carried on by the people in the State of the gentleman who is managing this bill on the floor on the other side. We object to it on principle. We recognize when legislation strikes down an industry in the State of New York and takes away the means of livelihood of citizens in that State that the State of California is affected to the same extent, or nearly to the same extent, as is the State of New York.

Mr. Chairman, I had hoped that the lesson which this country received in the not distant past in our history would be sufficient to make it unnecessary to have it repeated, at least during my lifetime. I had hoped that it was sufficiently demonstrated in the years 1893-1897 that it is better for all the people of the United States that the products consumed in the United States should be, as far as possible, manufactured and grown upon the farms and in the orchards and in the mills and factories of the United States instead of money being sent across the water to purchase the products of the labor of Europe or Asia. Everyone who has thought at all deeply upon this subject must have recognized and concluded that the capacity for consumption of the people of the United States, although very large, is, nevertheless, limited, and that every dollar's worth of products made by foreign hands that could have been made by labor in the United States, when purchased by our people, means that some American laborer must stand idle while that dollar's worth of product is being consumed. To the extent that that laborer is displaced by the foreign laborer he will be in enforced idleness.

If these products are purchased in sufficient amounts it means that thousands, even millions, of the working people of the United States will be walking the streets and getting their sustenance from soup houses and public charity, as they did during the continuance of the last Democratic free-trade tariff, or tariff for revenue only, as the Democrats choose to call it. Such

a tariff makes it for the interest of our people to buy cheap foreign goods, and thus bring idleness to our laborers and stagnation to our industries. Nothing seems more certain nor clearer to me than this.

Our friends on the other side urge that these laborers who will be turned out of the employments to which they are accustomed will, of necessity, drift into others that will be more profitable to the Nation if not to themselves. Gentlemen on the other side shut their eyes to world facts that any student of this subject ought to know. Among these is the following: There are no such industries that can be developed here rapidly. If such were possible it takes time, and what are our laborers to do in the meantime? We have no way of getting foreign markets abroad, because every commercial country in the world capable of buying our products is on a protective basis to-day excepting one. So the result of their policy will be to give away the home markets for the products of our labor and get nothing in return.

In 1892 the same siren voice that we hear calling to-day to the ultimate consumer was calling to him, urging him to strike down protection in order that he might buy his goods cheaper. That siren voice was heard up on Lake Superior, where I was at that time engaged very actively in business. The ultimate consumer listened then to that voice, and even in that country for the first and only time in its history every precinct went Democratic. After the election this ultimate consumer awoke from the dream into which the siren voice had lulled him and found that he was not primarily the ultimate consumer at all but the producer, and that he had dealt himself a cruel blow. I was at that time engaged as manager of two large producing Lake Superior iron ore mines in the Lake Superior district. I had under me 1,200 men. I thought then that I was too busy to engage in practical politics or to think much about the contest that was being waged in that year.

I might say, incidentally, that I had plenty of time for four or five years after that to engage in politics or any other light occupation that I chose to follow. I awoke the morning after the election to read with amazement and consternation that the people of the United States had been fooled by the Democratic promises and had elected a Democratic President and a Congress Democratic in both branches, pledged to destroy the protective policy and to inaugurate the Democratic policy of tariff for revenue only. Within two weeks after the election we began to feel a lessening in industrial activity and a tightening in the money situation. I was in a position, by reason of my business connections, to know something about the business conditions existing in the country. If they were not healthy and normal, then I was not able to discover it. The country was then passing through one of the greatest periods of prosperity that up to that time it had ever enjoyed, and yet by the time Cleveland was inaugurated, in March, 1893, we were well upon the road to the panic and the industrial depression that characterized the years from 1893 to 1897, because every business man in the United States was retrenching, was getting ready for the great change in the tariff policy of the country that had been promised and that he saw was coming.

In 1893, after the inauguration, you will remember that things went from bad to worse, and our Democratic friends said that the trouble was that the provision of the law requiring the Government to buy 4,000,000 ounces of silver had destroyed the confidence of the people in our currency, and that that law must be repealed and then everything would right itself. Cleveland called the Congress in extraordinary session in 1893 and forced through a repeal of the Sherman purchasing law. I have no fault to find with him for that, but after that was repealed no change in the industrial situation took place. In December, 1893, Congress met in regular session and proceeded at once to revise the tariff, resulting later in the session in the passage of the Wilson bill.

It was thought that with the removal of the uncertainties in regard to the tariff improvement would come in the industrial situation. In spite of that, things got worse. I know; I was in a position to know and to appreciate it. And there was no permanent or essential improvement in the industrial situation until, in 1896, McKinley was elected President and the Congress met in special session and revised the tariff and passed the Dingley bill; and even then there was no improvement for several months, until the country was able to consume the products of foreign labor which were rushed in here in great floods in anticipation of the going into effect of the Dingley bill. And, when that time came, do you not all remember how the mills and the factories began to open, how the soup houses closed up for want of customers, how the sparks went flying once more merrily up the chimneys which had been so long idle, how the boards came off the windows of factories and mills

that had been nailed up for five years, and contentment and prosperity and activity and the hum of industry once more filled the land? Oh, I remember all this well, and if I should live for a thousand years I could not forget.

Mr. MORSE of Wisconsin. Will the gentleman permit a question?

Mr. HAYES. Certainly.

Mr. MORSE of Wisconsin. What is the tariff on olive oil under the present bill? I mean olive oil that is used for the table?

Mr. HAYES. Fifty cents a gallon.

Mr. MORSE of Wisconsin. How much under this?

Mr. HAYES. Thirty cents—reduced from 33½ per cent ad valorem to 20 per cent ad valorem.

Mr. MORSE of Wisconsin. Is there any report of the Tariff Board?

Mr. HAYES. There is none; at least I know of none.

Mr. MORSE of Wisconsin. And no report from the expert of the Tariff Board?

Mr. HAYES. I know of none. I have no source of information, so far as this bill is concerned, except the report of the committee.

Mr. MORSE of Wisconsin. Has the gentleman any idea as to what the cost of producing olive oil in this country is?

Mr. HAYES. Well, I can not give the gentleman that information. I have written for it, but I have not received it as yet.

Mr. MORSE of Wisconsin. Does the gentleman know what it sells for at wholesale?

Mr. HAYES. It sells for about \$1.50 a gallon; that is, for the pure oil.

Mr. MANN. In that connection, if the gentleman will yield—

Mr. HAYES. Certainly.

Mr. MANN. Is the gentleman able to say what the present tariff is on denatured olive oil—if that is the proper term—for use for manufacturing purposes which does not come in competition with the California oil?

Mr. HAYES. My information is that it is on the free list. Am I correct?

Mr. MANN. Does the gentleman know what it is under this bill?

Mr. HAYES. Three-eighths of a cent per pound, exemplifying again the principle that the gentleman from Illinois called attention to a little while ago.

I beg the indulgence of the committee for a few moments to recur to a little personal experience of mine in connection with the operation of those iron mines. As I stated, in 1892 I was the manager of two iron mines in the Lake Superior district. In an ordinary year the product of the iron mines is sold during the winter and before the opening of lake navigation. In 1893, although there had been no change in the tariff, the threatened change unsettled the conditions of business and there was no demand for our product. We were not able to sell any iron ore prior to the opening of navigation. We had employed on the location and in the city of Ironwood, Mich., a large number of men, most of them with families. We did not know what would become of those men and their families should we shut the mines down, and so we continued to run through the spring, the summer, and the fall—

Mr. BOWMAN. Without any orders?

Mr. HAYES. Without any orders. In 1893 we had \$100,000 in the treasury of one of the companies. We spent that in mining iron ore and piling it on the stock piles when there was no demand or sale for it. We borrowed money after that was exhausted, and continued to pile up the iron ore, because we did not know what else to do. We knew that if the mines were closed the men who had been accustomed to receive employment there would be in destitute circumstances. We went through 1893. We continued to borrow money as long as we could, but in January, 1894, the time came when you could not borrow money if you had United States bonds to offer as security, and we were obliged to shut down those mines and discharge the men, and we did not have time enough nor money enough to pay the expenses for pulling the pumps out of the mines, but had to let the water come in and cover them.

In a few short months after those mines had been shut down the men were in penury and want. The poor, ignorant fellows, not knowing what was the cause of it, marched through the streets of Ironwood, with banners bearing inscriptions like this: "Give us work or bread." They did not know that their former employers were engaged in hustling for bread for their own wives and children—that was my situation, at least, for I did not always know where the next week's provisions were to come from. I ought to say that the city of Ironwood did the best it could to supply them with the necessities of life. After the treasury was empty they issued bonds and tried to sell

them in order to get money for that purpose, but the bonds could not be sold at any price. And so these ignorant miners, thinking that the mine owners had shut the mines down intentionally and selfishly to wait for a better day, threatened, unless they were given work, to destroy the machinery and the equipment of the mines; attempting to carry these threats into execution nearly a score of them were shot down by the troops that were sent up there to quell the riots.

The time came when the money that we had borrowed had to be paid, and the men to whom we owed that money shipped the iron ore, which we had produced on the borrowed money, down to Lake Erie ports and sold it, in many cases, for not enough to pay the transportation charges. I am not finding any fault with those creditors. They did the best they could under conditions as they existed then, but the result was that it left us with all the debts on our hands, and they had taken the assets that had been produced by the money which we had obligated ourselves to pay. My brother and I, owning a majority of the stock in those companies, had obligated ourselves, as well as the companies, for this money, and as a result of the disastrous conditions we had to give up our homes and every dollar we possessed in the world in an effort to discharge our obligations. And that was the condition which remained until 1897, as I have said, after the election of McKinley and the passage of the Dingley bill, and the little time that elapsed to allow for the consumption of foreign products that had come into the country to be consumed; then our industries started up. Through the aid of a friend my brother and I secured the possession of our property again, and I had the satisfaction of opening those iron mines, of giving employment again to my men, and once more seeing on their faces and around their homes the evidences of contentment, happiness, and prosperity. [Applause on the Republican side.] I had the satisfaction of increasing their wages twice in the year 1900, and very substantially, without their asking for it, because the companies could afford it.

After having had this experience, Mr. Chairman, do you think that I could ever forget the lesson of 1893 to 1897? Never! And when our friends over there talk about the "robber tariff" and all that kind of thing, it only stirs up sadness and brings up memories that I would fain forget forever.

Mr. Chairman, it was not the reduction of the duty on iron ore that produced the disaster to which I have adverted, although the Wilson bill reduced the tariff on iron ore from 75 cents a ton to 40 cents a ton. That did not very seriously affect the situation. It was because the reduction of the tariff brought into this country the products of foreign labor and produced idleness among millions of workingmen in the United States. This made it impossible for the other industries in the country to consume the products of iron and steel as they had been doing, and the result was to kill the demand for the raw material—the iron ore—the consumption of which was reduced from over 9,000,000 tons in 1892 to less than 6,000,000 tons in 1895.

I profess, Mr. Chairman, to be a progressive Republican, but I am not one of those that is progressing out of the Republican Party and into the Democratic Party. [Applause on the Republican side.] I am not one of those who are willing to make an onslaught on the doctrine of protection for any reason, for I interpret that to mean an onslaught on the Republican Party. The progressiveness in which I believe expresses itself in achievement for the good, the happiness, and the prosperity of the people of the United States, and does not spend itself in carrying around a perpetual grouch. [Applause.]

Some time ago, in the last Congress, a number of us on this side of the aisle organized in order to produce a reform, as we felt, in the rules of this House, to change conditions that to us seemed intolerable. I was one of that number, and I have no apology to make for the part I took in that contest. But what was the ultimate purpose of our effort to reform the rules of the House? Was it the destruction of the old Republican Party of which we were adherents? Was it in order that the Government of the country might be turned over to the Democracy, the enemy of protection? Or was it that the error and weakness that we conceived to be in our own party should be removed in order that that party might better carry on its great constructive work for the benefit of the people of the United States?

I believe that every loyal Republican who was in that movement will say with me that the latter was our purpose and not the two former. Differences in a political party that are in no way related to the fundamental principles of that party are evidences of the virility of the party, and are to be commended rather than condemned. But in those things that are fundamental I believe it is the duty of every Republican to stand shoulder to shoulder with his brother Republicans to uphold the

principles of the party whose representative, as well as the representative of the people, he is.

If the Republican Party of the United States stands for anything, it stands for adequate protection to American industries and American labor. This principle has been enunciated in every platform of the party from the time of Lincoln down to the present date. In the great debate with Douglas the immortal Lincoln declared that this Nation could not exist half slave and half free. It was true. No more can the Republican Party exist half protection and half free trade. Every Republican, everybody that is with us, I believe, must be a protectionist, and every man who is a free trader or a believer in a tariff for revenue only must inevitably be against us, as I interpret party principles and party platforms.

I see signs, Mr. Chairman, that some of our Republican brethren are being enticed away from the old faith; being urged to worship at new shrines. They are led to believe that the great doctrine of protection is not so important as other issues which are claimed to be uppermost in the minds of the people of the country. "Reform!" "Progressive policies!" "Bring the Government back to the people!" These are very catchy words in these days, and many of both parties are giving adherence to these reform or progressive policies, as they are called, and are following after that democracy which some are so zealously preaching without having a very definite idea as to what any of these things mean or just what new perfections any of these new policies are to bring into our politics. As a result of this indefiniteness it is easy for all kinds of cranks and demagogues to catch the ear of the public by loudly proclaiming themselves to be progressives or reformers or advocates of the rights of the people.

Everyone will probably agree that there is plenty of need for reform in our politics. There always has been this need, and the same need will doubtless remain after the present somewhat hysterical wave that is now sweeping over the country shall have spent its force.

Mr. MORSE of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Certainly.

Mr. MORSE of Wisconsin. The recent elections in California are not what are referred to by the gentleman from California as being hysterical, are they? I refer to the judicial recall, for example.

Mr. HAYES. Most of the things advocated by the progressives in California I approved and fought for in the campaign last fall in my State, but I am obliged to say to the gentleman that I can not give my adherence to the recall of the judiciary. I have not time now to discuss it, but I fought it in the campaign, and I am still opposed to it.

The first necessity is that the great indefiniteness that is generally characterizing the present movement should be removed. Effective results can only come when we have a clear conception of the evils that we are trying to correct and the remedies that are proposed to correct them. "Those who, without any concrete program of reforms, are stirring a vague sense of the rottenness of the present order are doing but an ill service." "To wrench the superlatives of the English language merely to produce a general atmosphere of suspicion, granted that the suspicion may perhaps be justified, is a very questionable public service." As one of the greatest of living Americans has well said, "To assail the great and admitted evils of our political and industrial life with such crude and sweeping generalizations as to include decent men in the general condemnation means in the end the searing of the public conscience."

Wild propagandists of unrest and discontent; furious declaimers against the entire existing order; preachers of repression and destruction who propose no substitute for that which they propose to destroy or a substitute which would be much worse than the present evils; general aspersers of the characters of our public men, and dealers in sweeping generalizations and denunciations of everybody and everything except their own fads and faddists—such men as these, whether in public life or out of it, are no safe leaders at this time.

It seems to me there is a present urgent need of quitting this general howl against even those men and those things that deserve condemnation and actually proposing something concrete and practical.

Let us get down out of the clouds and the nebulous milky way, get our feet once more onto the earth, and strive for some definite and attainable object. Let there be less talking, denunciation, and demagogic politics, and more doing; let us formulate some definite, concrete reforms that will add to the prosperity and happiness of the people, instead of destroying both, and then get in and actually fight for them, as we did for the amendment of the House Rules and as the Republicans of California did in the last campaign, and we shall have a

chance of accomplishing something beneficial to the people of the country and something worthy of ourselves and of our high professions.

One would think, to hear some of our professed reformers talk, that corruption and malfeasance in office are almost universal among our public men; that most of the men having seats in the Congress of the United States are under the pay of the so-called interests; that the great trusts and other financial and industrial hobgoblins have the National Government so completely in control that it has ceased to be representative of the people and has come to represent only those great interests; in short, that the system of government established by the Fathers of the Republic has broken down completely and proven itself a failure, so far as the protection of the liberties and rights of the people is involved.

This dark picture is a very great exaggeration. There never was a time in the history of the country when there was so little corruption and official wrongdoing as now. Simply because men do not worship at our particular political altar we are not justified in starting a political inquisition and trying and condemning them for political heresy. A man does not need to be a "sissy" or a weakling to be fair to his opponents in political as in other warfare. And most fair and honest men have come to know from experience that while there will always be differences of opinion about governmental policies, honesty of purpose and patriotism are never all on one side of any great public question. [Applause on the Republican side.]

At the height of the French Revolution the pointing of a finger of suspicion by Robespierre or any other of those men who were posing as the only defenders of liberty and the rights of the people was enough to send to the guillotine the man against whom the suspicion was directed, whether he were guilty or innocent.

And in this great country we seem to have come to a time when certain political self-righteous individuals who proclaim themselves as the only Simon-pure patriots can raise suspicion in the public mind against a man by simply calling attention to the fact that the suspected individual does not agree with these Simon-pure patriots. "These are my sentiments," in effect, they proclaim. "I am an honest man; I am a patriot. If you disagree with me you are a reactionary; you are in the pay of the interests; you are a public enemy; you are a traitor to your country." And the atmosphere of suspicion which is now filling the public mind is such that men thus accused are often condemned by a large percentage of the people, without any specifications of wrongdoing or any proof whatever.

In this connection I say—and I measure my words when I say them—that I have nothing but contempt and execration for the methods that some are using against the present occupant of the White House. [Applause on the Republican side.] They do not hesitate to use exaggeration, misrepresentation, and even falsehood, in order to bring odium upon the head of the Nation. Upon everything that he proposes they cast suspicion; they belittle and ridicule without any reference to the merits of the proposition or the suggestion that he makes. They are even willing oftentimes to expose their own insincerity and lack of consistency in order, as they express it, that they may "put the President of the United States in a hole." I have not always agreed with the policies of the present occupant of the White House, but I recognize, as I believe every fair-minded man must recognize, that never in our history have we had a President who was more honest in purpose, more patriotic, more courageous in the advocacy of that which he believed for the highest interests of the people of the United States than the man who is President of the United States to-day. [Applause on the Republican side.] Mud slinging, vituperation, and personal politics are certainly to be condemned in every local election or campaign; and if locally these things are disgusting and should be condemned by every true lover of decency, they are not to be commended when they strive to rise to the dignity of national politics. And I am glad of this opportunity, unhesitatingly and unqualifiedly, to condemn this kind of politics, whatever its purpose, no matter against whom it may be employed.

And so far as the Government of the United States ceasing to be representative, I want to assert here what every man on this floor knows as well as I know, that there never was a time in the history of the Government of the United States when it was so completely representative of the people as it is to-day. Every man on this floor knows that any question in which a considerable number of the people are interested can get a hearing and a fair hearing upon this floor at the hands of the representatives of the people, and that if any measure is being demanded by a majority of the people of the United States no power on earth can prevent its passage, whether that measure be wise or unwise.

Some public officials may, perhaps, be justly charged with striving to be too representative of the people. Instead of an attempt at leadership, there is often too much of a tendency to be slavishly subservient to the popular demand. The result is too little statesmanship and altogether too much nauseating, demagogic politics.

This is becoming known to the people as well as to most of the membership of this House. An experienced business man, a friend of mine, puts it in these very caustic words:

The chief trouble just now is that there are too many men in public office who are overtrained as lawyers and politicians and undertrained as business men. A majority of the Members of Congress are inspired more than anything else by a desire for reelection, and the commercial prosperity of the United States is a secondary consideration. As it seems to be popular to attack the business interests of the country, a majority of the Congressmen and Senators are competing with each other to see who can go to the farthest extreme in that respect. As a result the financial situation is unsettled, capital is timid, manufacturing interests are depressed, and many laborers are out of employment.

I do not indorse to the full extent these words, yet I think there is a vast amount of truth in them.

But the present peculiar condition of the public mind is only an illustration of the fact that history repeats itself. In 1838 on the floor of the Senate of the United States, Daniel Webster, after picturing the prosperity of New England at that time, used these words:

Mr. President, such is the state of things actually existing in the country, and of which I have now given you a sample. And yet there are persons who constantly clamor against this state of things. They call it aristocracy. They excite the poor to make war upon the rich, while in truth they know not who are either rich or poor. They complain of oppression, speculation, and the pernicious influence of accumulated wealth. They cry out loudly against all banks and corporations, and all the means by which small capitals become united, in order to produce important and beneficial results. They carry on a mad hostility against all established institutions. They would choke up the fountains of industry and dry all its streams. In a country of unbounded liberty they clamor against oppression. In a country of perfect equality they would move heaven and earth against privilege and monopoly. In a country where property is more equally divided than anywhere else, they rend the air with the shouting of agrarian doctrines. In a country where the wages of labor are high beyond all parallel and where lands are cheap and the means of living low, they would teach the laborer that he is but an oppressed slave. Sir, what can such men want? What do they mean? They can want nothing, sir, but to enjoy the fruits of other men's labor. They can mean nothing but disturbance and disorder, the diffusion of corrupt principles and the destruction of the moral sentiments and moral habits of society. A licentiousness of feeling and of action is sometimes produced by prosperity itself. Men can not always resist the temptation to which they are exposed by the very abundance of the bounties of Providence and the very happiness of their own condition; as the steed full of the pasture will sometimes throw himself against its inclosures, break away from its confinement, and, feeling now free from needless restraint, betake himself to the moors and barrens where want, ere long, brings him to his senses, and starvation and death close his career.

Did the orator have in mind in this last illustration the fact that sometimes hunger is the only thing that will bring the wild-eyed agitator and his followers to their senses? Can it be possible that 75 years ago they had in this country "calamity howlers" of the same brand as those of our day? These words of the great Webster would certainly lead us to conclude that not all the demagogues and preachers of discontent live in our time. [Applause.]

In what I have said, Mr. Chairman, I do not wish to be understood as condemning radicals in politics, much less those who honestly strive for real reforms. Radicals in politics, as in other lines of social and human activity, have their uses, for they often attract the attention of people to faults which otherwise would escape public attention.

Their very exaggeration of the evils of their time may help to do this. They are one extreme, and the nonprogressive conservative, or as he has come to be called in these days "the reactionary," is the other extreme. The truth is that political wisdom, as a rule, is not with either of these extremes, but somewhere between the two. There are times when the advocate of revolution may be a public necessity, but as an ordinary proposition nations, as individuals and everything else in the universe, progress by evolution and not by revolution.

Nearly all my life I have fought for the betterment of political conditions. In the struggle for this betterment I have not hesitated, upon occasion, to fight the organization of my own party. I have done the same on the floor of this House and, should occasion require, should not hesitate to do it again. But I believe in government by parties. And having given my adhesion to a political party I should hesitate long before opposing here or elsewhere the principles that lie at the foundation of that party. Certainly if I found myself wholly out of touch with my fellows of what had hitherto been my own political faith I should be honest with myself, honest with my party, honest with the public, and unhesitatingly take my place on the other side of the political fence.

Factional strife carried to the point of the destruction of the party within which it rages has never accomplished anything in this country, and, in my judgment, never will. And the

talk that we hear in some quarters about a third party to be made up of the progressives of both political parties can never be productive of any substantial benefit to the country, if we are to believe the lessons of our past history; for no third party movement ever accomplished much of value in the United States. The "Quids," during the time of John Randolph, who were a sort of offshoot or faction of the Democratic Party, prompted more by pique or disappointed personal ambition than by patriotism or any well-grounded purpose, accomplished nothing of importance, but only made its adherents ridiculous and odious.

Mr. LA FOLLETTE. What was the Republican Party itself but a third party, founded on the exigencies of the time?

Mr. HAYES. The Republican Party was not a third party. I have not time to go into the history of that time, but the old Whig Party had gone to pieces and the Republican Party was a reorganization of the Whig Party, also drawing to its fold many of the more progressive men of the United States, who had hitherto belonged to the Democratic Party. The Republican Party was no third party. It was the second great political party in the United States, the Democratic Party being the other.

Mr. FOCHT. Founded on protection, the old Whig Party.

Mr. HAYES. Exactly, the Republican Party followed along the same lines, except in the matter of slavery. The "Know-Nothing" Party, which at one time threatened to become formidable, went down and out of existence as rapidly as it came into prominence, leaving behind but disgrace and obliquity for all its adherents. The Free-Soil and the Constitution Parties were organized efforts to avoid the portentous conflict impending before the Civil War broke out. They failed entirely in their purpose. The so-called Liberal Republican movement, during the administration of President Grant, while perhaps it called the public attention to certain evils in the public service, was swallowed up by the Democracy and left no permanent or beneficial results behind. The Greenback and Populist Parties were nothing more than rallying cries for wild and visionary theorists and the disciples of failure and unrest, and left us nothing but a lesson which it is well to heed just at this time, viz, that we should be rather slow to accept, as panaceas for all our political ills, unsound or new and untried theories. The truth is, there is no room, and there never has been room in this country, for more than two great political parties. And the man who desires to work lasting political reforms will work for those reforms within one of the great parties, rather than seek to create a separate and distinct organization.

Fellow Republicans, shall history repeat itself? In the years 1893 to 1897 shall we live over again the awful experiences of 1893 to 1897? God forbid! The responsibility of preventing this is upon us. Some of us may not like the generals in command of the Republican army, but let us remember that the battle is not to be won by the generals, but by the great voting army of protectionists. Some of us may have just cause for personal grievance or resentment. This is the time to forget it. Some of us may not like the minor things for which the great army is fighting or we may think it should be marshaling for something else. Drop that; there will be plenty of time to fight out the differences among ourselves after next November. For 50 years the Republican Party has written the most glorious piece of history that was ever penned. Like good soldiers, let us close up the ranks, let us march to victory next November and write four years more of that same glorious Republican history. [Loud applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20182, the chemical tariff schedule, and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. SAMUEL W. SMITH, for 10 days, on account of sickness in family.

To Mr. SHEPPARD, for 30 days, on account of illness.

To Mr. ROTHERMEL, for 10 days, on account of important business.

MINORITY VIEWS ON THE CHEMICAL SCHEDULE.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to file the views of the minority on the pending tariff bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] asks unanimous consent to file the views of the minority on the pending bill. Is there objection? [After a

pause.]. The Chair hears none, and it is so ordered. (H. Rept. 326, pt. 2.)

AGREEMENT TO CLOSE GENERAL DEBATE.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] and myself have reached an agreement as to time, and instead of having a late session to-night, if the House will agree to it, we have agreed to have one hour's debate in the morning, the time to be divided between the two sides, one-half an hour to each side.

The SPEAKER. That is, general debate?

Mr. UNDERWOOD. General debate. I therefore ask in lieu of the agreement heretofore made that general debate shall consist of one hour to-morrow morning, to be equally divided between the two sides, the gentleman from Pennsylvania to control one half of that time and the other half to be controlled by myself, and that at the expiration of that time general debate shall close and the bill be read under the five-minute rule.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the agreement entered into this morning be modified so that general debate shall be limited to one hour, one half of which is to be controlled by himself and the other half by the gentleman from Pennsylvania [Mr. DALZELL], and then the bill shall be taken up and read under the five-minute rule. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, February 20, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Buffalo Harbor, N. Y. (H. Doc. No. 550); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Niagara River, N. Y. (H. Doc. No. 549); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Acting Secretary of War, transmitting a report of the result of an investigation made by The Adjutant General of the Army as to the sums of money actually expended by the State of Texas, between 1855 and 1860, in payment of State Volunteers, etc. (H. Doc. No. 551); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 4521) to authorize the change of the name of the steamer *William A. Hawgood*, reported the same without amendment, accompanied by a report (No. 332), which said bill and report were referred to the House Calendar.

Mr. ROBERTS of Massachusetts, from the Committee on Naval Affairs, to which was referred the bill (H. R. 17483) amending section 1998 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, reported the same with amendment, accompanied by a report (No. 335), which said bill and report were referred to the House Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill (H. R. 15471) making appropriations for repair, preservation, and exhibition of the trophy flags now in store at the Naval Academy, Annapolis, Md., reported the same with amendment, accompanied by a report (No. 334), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TALBOTT of Maryland, from the Joint Select Committee on Disposition of Useless Executive Papers, submitted a report (No. 333) on useless papers in the Department of the Interior, described in House Document No. 479.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 20417) to amend section 9 of an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes"; to the Committee on Indian Affairs.

Also, a bill (H. R. 20418) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes"; to the Committee on Indian Affairs.

By Mr. ALEXANDER: A bill (H. R. 20419) to require complete and final settlement of money accounts of the Government with officers of the Army upon their quitting active service; to the Committee on Expenditures in the War Department.

By Mr. HILL: A bill (H. R. 20420) to provide a duty on felt made from the hair of cattle and the common goat; to the Committee on Ways and Means.

By Mr. PETERS: A bill (H. R. 20421) to create a tariff statistical bureau; to the Committee on Ways and Means.

By Mr. GOULD: A bill (H. R. 20422) to construct and place a lightship near Monhegan Island entrance to Penobscot Bay, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: A bill (H. R. 20423) to protect the labels and other emblems of labor organizations in the District of Columbia and the Territories; to the Committee on the Judiciary.

By Mr. LA FOLLETTE: A bill (H. R. 20424) authorizing and directing the Secretary of the Interior to investigate and report upon the advisability of constructing roads upon the diminished Colville Indian Reservation, in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

By Mr. MARTIN of Colorado: Resolution (H. Res. 419) requesting information of the Department of Justice concerning trusts, etc.; to the Committee on the Judiciary.

By Mr. HARDY: Resolution (H. Res. 417) authorizing the Committee on the Merchant Marine and Fisheries to investigate methods and practices of the various lines of ships, both of the United States and foreign countries, etc.; to the Committee on Rules.

By Mr. CANTRILL: Resolution (H. Res. 418) directing the Committee on Public Buildings and Grounds to inquire into appliances, etc., for the protection of buildings, etc., at Government Hospital for the Insane; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: Joint resolution (H. J. Res. 244) authorizing the President of the United States to prepare for withdrawal of sovereignty of the United States for the delivery of full possession, control, and government of the Filipino people and to promote their future prosperity and independence by treaties of neutrality; to the Committee on Insular Affairs.

By Mr. SULZER: Memorial of the Legislature of New York, in favor of the militia pay bill; to the Committee on Military Affairs.

By Mr. TURNBULL: Memorial of the Legislature of Virginia, in reference to the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 20425) granting a pension to Thomas Hartman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20426) granting an increase of pension to Elias Thompson; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 20427) granting an increase of pension to Evan J. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20428) granting an increase of pension to George D. Joslin; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 20429) granting an increase of pension to Edmund Ganung; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 20430) for the relief of John Cunningham; to the Committee on War Claims.

Also, a bill (H. R. 20431) granting a pension to William Morgan; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 20432) granting a pension to Fannie E. Grayson; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 20433) for the relief of Thomas S. Leake; to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 20434) granting an increase of pension to Clarinda Clement; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 20435) granting a pension to G. W. Bethell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20436) granting an increase of pension to John F. Wortman; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 20437) for the relief of the legal representatives of James M. Lindsay; to the Committee on War Claims.

By Mr. DYER: A bill (H. R. 20438) granting an increase of pension to John H. Edge; to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 20439) granting an increase of pension to David W. Weston; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 20440) granting a pension to John M. Upton; to the Committee on Pensions.

Also, a bill (H. R. 20441) granting a pension to John J. O'Neill; to the Committee on Pensions.

Also, a bill (H. R. 20442) granting an increase of pension to John Cullen Bryant; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 20443) granting an increase of pension to Michael Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20444) granting an increase of pension to Nathan Seekens; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 20445) granting a pension to R. L. Nettles; to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 20446) granting an increase of pension to Albert White; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 20447) for the relief of heirs of Dr. Samuel R. Dunn and Elizabeth Ann Dunn, deceased; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20448) granting an increase of pension to Richard M. Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20449) granting an increase of pension to Tandy R. Shoemaker; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 20450) for the relief of the Victor Land Co.; to the Committee on the Public Lands.

By Mr. LINTHICUM: A bill (H. R. 20451) for the relief of John Graham; to the Committee on Military Affairs.

By Mr. MAYS: A bill (H. R. 20452) releasing the claims of the United States Government to lot No. 306 in the old city of Pensacola, Escambia County, Fla.; to the Committee on the Public Lands.

Also, a bill (H. R. 20453) releasing the claims of the United States Government to that portion of land being a fractional block bounded on the north and east by Bayou Cadet, on the west by Cavallos Street, and on the south by Intendencia Street, in the old city of Pensacola, to W. Wright, Mattie la Rua, and others; to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 20454) granting an increase of pension to Louise M. Merrill; to the Committee on Invalid Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 20455) for the relief of Elsie J. Angier and others, allottees of the Stockbridge and Munsee Tribe, for logs cut by them on their allotments and wrongfully taken from them by the United States of America; to the Committee on Indian Affairs.

By Mr. PARRAN: A bill (H. R. 20456) granting a pension to Mary Muller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20457) for the relief of Myers T. Boucher; to the Committee on Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 20458) granting a pension to R. B. B. Crum; to the Committee on Pensions.

Also, a bill (H. R. 20459) granting an increase of pension to Frank P. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20460) granting an increase of pension to Robert L. Rodkey; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 20461) for the relief of George J. Shaffer; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 20462) granting an increase of pension to Abram Eutsler; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 20463) granting an increase of pension to George L. Scoggins; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 20464) for the relief of George R. Curtis; to the Committee on Claims.

By Mr. SHACKLEFORD: A bill (H. R. 20465) granting an increase of pension to Samuel Moffatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20466) granting an increase of pension to Martha R. Slavens; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 20467) granting an increase of pension to Daniel Walter; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20468) granting an increase of pension to Conrad Push; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 20469) for the relief of the heirs at law of J. R. Welch; to the Committee on War Claims.

By Mr. UNDERHILL: A bill (H. R. 20470) to correct the military record of Charles H. Potter; to the Committee on Military Affairs.

By Mr. CARTER: A bill (H. R. 20471) granting an increase of pension to J. J. McGee; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20472) granting an increase of pension to Reuben Clark; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 20473) granting a pension to Albert Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20474) granting an increase of pension to Martin R. Dutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20475) granting an increase of pension to William Greer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of citizens of the State of Missouri, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Missouri, for regulation of express rates; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: Petition of J. R. Dalby and 32 other citizens of Braymer, Caldwell County, Mo., against legislation extending the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Minnesota: Petition of Hiram Johnson and 6 others, of Fountain, Minn., against extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of 300 members of the German-American Alliance of the city of Chillicothe, Ohio, against interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

Also, petition of W. B. M. of Boston, Mass., favoring bill to reimburse American citizens who advanced \$66,000 to ransom Miss Ellen M. Stone; to the Committee on Claims.

Also, memorial of the International Dry Farming Congress, favoring legislation looking to the teaching of home economics and to vocational and agricultural education and training in the common and high schools; to the Committee on Agriculture.

Also, petition of German-American Alliance of Youngstown, Ohio, against interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of Morris Cahill and other members of Tribe No. 28, Improved Order of Red Men, for an American Indian memorial and memorial building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. ASHBROOK: Papers to accompany House bill 19420, for the relief of Elizabeth R. Brown; to the Committee on Pensions.

Also, petition of John S. Carroll and 7 other merchants, of Newark, Ohio, protesting against the enactment of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the German-American Alliance Society, of Youngstown, Ohio, in opposition to any legislation designed to control the interstate commerce of liquors; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of Sons of the Revolution in the State of New York, in favor of House bill 15471; to the Committee on Naval Affairs.

Also, petition of Legislative League of New York, in favor of children's bureau; to the Committee on Labor.

By Mr. BOWMAN: Petition of the Lehigh Valley Coal Co., of Wilkes-Barre, Pa., in favor of House bill 16663, relating to the Federal corporation tax law; to the Committee on Ways and Means.

Also, petition of Lewis Bros. Co., of Chester, Pa., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Petitions of the Woman's Christian Temperance Unions of Audubon and Bridgeport, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BUCHANAN: Petition of Chicago Typographical Union, praying for the passage of House bill 11372, relating to seamen and safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Woman's Christian Temperance Union of Cook County, Ill., remonstrating against the reinstatement of the Army canteen; to the Committee on Military Affairs.

Also, resolutions of the National Soil Fertility League of Chicago, Ill., praying the passage of House bill 18160, providing for the establishment of agricultural extension departments; to the Committee on Agriculture.

Also, petition of Chicago Newspaper Web Pressmen's Union, of Chicago, Ill., protesting against Senate bill 2564, installing power presses in the Bureau of Engraving and Printing; to the Committee on Printing.

Also, petition of Trades and Labor Council of Vallejo, Cal., praying for the passage of House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of the Chamber of Commerce of the city of Milwaukee, Wis., praying that there be no changes made in the present administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Commercial Telegraphers' Union of America, praying the public ownership of telegraphs and telephones; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Board of Missions of Boston, Mass., praying the passage of bill providing for the reimbursement of those advancing the \$66,000 for Ellen M. Stone; to the Committee on Claims.

Also, petition of the United Grocers and Butchers of Chicago, Ill., praying the passage of the oleomargarine bill; to the Committee on Agriculture.

Also, resolution of the Municipal Council of Valdez, Alaska, praying an appropriation of \$1,000,000 for improvements in Alaska; to the Committee on the Territories.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, against extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Britten, S. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of Woman's Board of Missions of Boston, Mass., for reimbursement for the Ellen M. Stone ransom; to the Committee on Claims.

Also, resolution of the Legislative League of New York, indorsing bill for Federal children's bureau; to the Committee on Labor.

By Mr. CARTER: Petition of citizens of Pushmataha County, Okla., protesting against the manner in which the Secretary of the Interior is offering for sale land and timber heretofore reserved from allotment, etc.; to the Committee on Indian Affairs.

Also, petition of C. W. Trimble and other business men of Carney, Okla., protesting against any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Resolution of the First Unitarian Society, indorsing the proposed establishment of a Federal children's bureau; to the Committee on Labor.

Also, resolutions of the First Unitarian Society of Milwaukee, Wis., favoring the Esch phosphorus bill; to the Committee on Ways and Means.

Also, resolution adopted by the Wisconsin Horticultural Society, protesting against the importation of diseased potatoes; to the Committee on Agriculture.

Also, resolution adopted by Wisconsin State Board of Agriculture, indorsing House bill 18160; to the Committee on Agriculture.

By Mr. COOPER: Resolution of Wisconsin State Board of Agriculture, indorsing House bill 18160, to establish agricultural-extension departments in the several States; to the Committee on Agriculture.

Also, petition of Wisconsin State Horticultural Society, against importation of potatoes from certain localities; to the Committee on Ways and Means.

By Mr. CRAVENS: Petition of citizens of Alma, Ashdown, Booneville, De Queen, Fort Smith, Greenwood, Locksburg, Magazine, Mansfield, Mena, Mulberry, Nashville, Paris, and Van Buren, Ark., protesting against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the fourth congressional district of Arkansas, in favor of legislation that will give the Interstate Commerce Commission further power in the regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRIER: Petition of Alfred H. Walker and other citizens of Concord, Danbury, and Fitzwilliam, N. H., for the passage of bills providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DANFORTH: Petition of Sons of the Revolution, of New York City, favoring the passage of House bill 15471, making appropriations for repair, preservation, and exhibition of the trophy flags in store at the Naval Academy; to the Committee on Naval Affairs.

Also, petitions of A. E. Stilwell and Milton McBride, of Fairport, N. Y., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of St. Anthony Benevolent Society, of Rochester, N. Y., favoring the passage of House bill 2896, the so-called Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Rochester (N. Y.) Christian Endeavor Union, favoring the enactment of House bill 16214; to the Committee on the Judiciary.

Also, memorial of New York State Assembly, favoring the enactment of a militia pay bill; to the Committee on Military Affairs.

Also, petition of members of the Improved Order of Red Men of Rochester, N. Y., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of Rochester (N. Y.) Branch United States Civil Service Retirement Association, favoring the enactment of House bill 9242; to the Committee on Reform in the Civil Service.

By Mr. DAVENPORT: Papers to accompany bill for the relief of G. W. Bethell; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of John F. Wortman; to the Committee on Invalid Pensions.

By Mr. DICKINSON: Papers to accompany House bill 20216, a bill granting an increase of pension to Thomas H. Truitt; to the Committee on Invalid Pensions.

By Mr. DRAPER: Memorial of New York State Assembly, for passage of the militia pay bill; to the Committee on Military Affairs.

Also, memorial of Sons of the Revolution in the State of New York, for preservation of battle flags in possession of the Naval Academy; to the Committee on Naval Affairs.

Also, petition of Legislative League of New York, for a children's bureau; to the Committee on Labor.

By Mr. MICHAEL E. DRISCOLL: Petition of citizens of Oneida, N. Y., in favor of woman suffrage; to the Committee on the Judiciary.

Also, petition of citizens of Oneida, N. Y., in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. DWIGHT: Petitions of the Woman's Christian Temperance Unions of Danby and Trumansburg, N. Y., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DYER: Petitions of citizens of the State of Missouri, protesting against interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of American Association for Labor Legislation, for passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Everett W. Pattison, of St. Louis, Mo., protesting against House bill 12572; to the Committee on the Public Lands.

Also, petitions of citizens of the twelfth congressional district of Missouri, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of Woman's Board of Missions and American Board of Commissioners for Foreign Missions, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, petitions of Illinois Manufacturers' Association, Jack Frost Baking Powder Co., Eddy & Eddy Manufacturing Co., and Shepard Baking Powder Co., against abolishment of the Remsen Board; to the Committee on Agriculture.

Also, petition of Camp No. 1, Department of Missouri, United Spanish War Veterans, for passage of House bill 13711; to the Committee on Pensions.

Also, petition of Camp No. 1, Department of Missouri, United Spanish War Veterans, for passage of House bill 18229; to the Committee on Public Buildings and Grounds.

Also, petitions of Camps Nos. 1 and 4, Department of Missouri, United Spanish War Veterans, for passage of House bill 18230; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Memorial of Chamber of Commerce of Milwaukee, Wis., indorsing the Lever bill for Federal aid to State agricultural schools; to the Committee on Agriculture.

Also, petition of Wisconsin State Horticultural Society, for legislation prohibiting the importation of potatoes from certain localities; to the Committee on Ways and Means.

By Mr. FERGUSON: Petitions of citizens of Elkins and Hayden, N. Mex., to modify rigors of homestead law; to the Committee on Public Lands.

Also, petition of citizens of New Mexico, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. FITZGERALD: Resolution of the American Humane Association of San Francisco, Cal., protesting against Senate bill 252, to establish in the Department of Commerce and Labor a children's bureau; to the Committee on Labor.

Also, resolutions of the Congress Club, of Kings County, N. Y., favoring the enactment of a law which will permit the free use of Panama Canal by all purely American shipping and secure the imposition of a tax on all foreign shipping; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Flatbush Taxpayers' Association, of Brooklyn, N. Y., for the removal of the post-office building in the borough of Manhattan, New York City, from its present site in the City Hall Park; to the Committee on Public Buildings and Grounds.

Also, resolutions of the board of directors of the Chamber of Commerce of Milwaukee, Wis., protesting against any change being made in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of New York, praying for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution of the American Board of Commissioners for Foreign Missions, of Boston, Mass., favoring bill to reimburse those American citizens who advanced \$66,000 ransom paid to brigands for the release of Miss Ellen M. Stone, a missionary; to the Committee on Claims.

Also, resolutions of the Municipal Council of Valdez, Alaska, petitioning Congress to make an appropriation of \$1,000,000 to maintain, extend, and build new wagon roads and trails in Alaska; to the Committee on the Territories.

Also, memorial of citizens of the third judicial district of Alaska, relative to conditions in said Territory; to the Committee on the Territories.

Also, resolution of the Georgetown Citizens' Association, of Washington, D. C., for appropriation for support of the Columbia Hospital for Women; to the Committee on Appropriations.

By Mr. FOSS: Petition of citizens of Chicago, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Chicago (Ill.) Local, No. 1, Commercial Telegraphers' Union of America, for incorporation of telegraph and telephone in connection with Post Office Department; to the Committee on the Post Office and Post Roads.

Also, petition of the Art Institute of Chicago, Ill., for Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

Also, memorial of Chicago (Ill.) Newspaper Web Pressmen's Union, No. 7, protesting against Smoot printing bill; to the Committee on Printing.

Also, petition of American Board of Commissioners for Foreign Missions, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. FOSTER of Vermont: Petition of citizens of Franklin County, Vt., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of Congregational Churches of Essex Junction and Morrisville, Vt., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Galveston Commercial Association, of Galveston, Tex., in favor of Hardy House joint resolution 217, for the appointment of a committee to investigate certain foreign and domestic shipping, etc.; to the Committee on Rules.

Also, petition of the Chicago Association of Commerce, of Chicago, Ill., in favor of an adequate rivers and harbors appropriation bill; to the Committee on Rivers and Harbors.

Also, petition of the Illinois State Federation of Labor, favoring the adoption of House resolution 396, to provide for an

investigation of unemployment and cause thereof in the industries in certain States, etc.; to the Committee on Rules.

Also, petition of Daniel Sullivan & Co., of Chicago, Ill., in favor of the passage of the Howland bills (H. R. 19405, H. R. 19406, and H. R. 19407), pertaining to salaries paid in the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARNER: Petition of citizens of the State of Texas, for resurvey of that part of the intercoastal canal or inland waterway of Louisiana and Texas lying between Corpus Christi and Baffins Bay; to the Committee on Rivers and Harbors.

Also, petition of A. Krapp, of Garcias, Tex., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of Corpus Christi (Tex.) Commercial Club, for free passage of American ships through the Panama Canal; also, protesting against abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Memorial of Galveston Commercial Association, for investigation of conditions with respect to combinations in restraint of trade; to the Committee on Rules.

Also, memorial of Sons of the Revolution in the State of New York, for preservation of battle flags; to the Committee on Naval Affairs.

By Mr. GOULD: Petition of the Methodist Episcopal Church of Fairfield, Me., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of citizens of the State of North Dakota, protesting against legislation for observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Commercial Club of Williston, N. Dak., urging that information concerning unoccupied lands be given aliens; to the Committee on Appropriations.

Also, petition of citizens of Gackle, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Simon Wigene, of Rockspring, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of the State of North Dakota, for changes in the land laws; to the Committee on the Public Lands.

Also, petition of Mrs. H. B. Springen and others, of North Dakota, indorsing arbitration treaties; to the Committee on Foreign Affairs.

Also, petition of Woman's Christian Temperance Union of Tyner, N. Dak., for Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Woman's Board of Missions, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. HAYES: Petitions of citizens of the State of California, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of San Francisco (Cal.) Web Pressmen's Union, No. 4, for increased compensation to pressmen employed in the Government Printing Office; to the Committee on Printing.

Also, petitions of Chamber of Commerce and Alice Menssdorfer, of San Francisco, Cal., for improvement of Yosemite National Park; to the Committee on Appropriations.

By Mr. HENRY of Connecticut: Petition of citizens of Willington, Conn., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Improved Order of Red Men of Hartford, Conn., favoring House bill 16313, for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HILL: Petition of the Woman's Christian Temperance Union of Bridgeport, Conn., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOUSTON: Petition of citizens of Bedford County, Tenn., against the shipment of liquors into "dry" territory; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of Methodist Episcopal Church of Sussex, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUMPHREYS of Mississippi: Papers to accompany bill for relief of heirs of Samuel R. Dunn and Elizabeth Ann Dunn, deceased; to the Committee on War Claims.

By Mr. KENNEDY: Petitions of citizens of Burlington, Iowa, for passage of House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. KOPP: Petition of citizens of Mount Hope, Wis., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petition of citizens of the State of Oregon, for old-age pension bill; to the Committee on Pensions.

By Mr. LEWIS: Petitions of the official board of Frederick Methodist Episcopal Church and of the Evangelical Lutheran Church, of Frederick, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Resolutions of the Sons of the American Revolution of New York, in favor of House bill 15471, appropriating \$30,000 for the repair and preservation of flags at the Naval Academy, Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. McKINLEY: Petition of A. L. Geisenheimer, of Dixon, Ill., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Milan, Ill., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. McMORRAN: Petitions of citizens of Dryden, Goodland, and Pigeon, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MAHER: Memorial of Sons of the Revolution in the State of New York, in favor of House bill 15471; to the Committee on Naval Affairs.

Also, petition of Legislative League of New York, in favor of children's bureau; to the Committee on Labor.

Also, petition of Congress Club of Kings County, N. Y., for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Petition of citizens of Mexico, N. Y., in favor of House bill 16819; to the Committee on the Post Office and Post Roads.

Also, memorial of Sons of the Revolution in the State of New York, in favor of House bill 15471; to the Committee on Naval Affairs.

By Mr. NEEDHAM: Memorial of Los Angeles (Cal.) Chamber of Commerce, indorsing Newlands river-regulation bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Merced County (Cal.) Chamber of Commerce, for protection from floods in the Sacramento and San Joaquin Valleys; to the Committee on Rivers and Harbors.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, for Lincoln memorial as recommended by the Park Commission; to the Committee on the Library.

By Mr. NELSON: Petition of Mr. Alexander B. Campbell and 119 other residents of Albion, Wis., protesting against the passage of House bill 9433, for the observance of Sunday in post offices, or any like measure; to the Committee on the Post Office and Post Roads.

By Mr. PATTON of Pennsylvania: Petition of the Woman's Christian Temperance Union of Crosby, Pa., and of the congregation of Trinity Methodist Episcopal Church, of Clearfield, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PEPPER: Petition of citizens of Jackson County, Iowa, protesting against the enactment of any legislation for the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Iowa, in support of Berger old-age pension bill; to the Committee on Pensions.

By Mr. POWERS: Petitions of citizens of eleventh congressional district of Kentucky, for erection of American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, papers to accompany bill for the relief of Albert Ross, Martha R. Duttin, and William Greer; to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of Methodist Episcopal Church of Manito, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions of Jacksonville (Ill.) Post, Travelers' Protective Association, protesting against parcel post; to the Committee on the Post Office and Post Roads.

Also, resolution of Meredosia (Ill.) Commercial Association, favoring Government ownership of telegraph and telephone lines; to the Committee on the Post Office and Post Roads.

Also, petition of White Hall (Ill.) Improved Order of Red Men, favoring an Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: Memorial of San Francisco (Cal.) Chamber of Commerce, for Lincoln memorial as recommended by the Park Commission; to the Committee on the Library.

Also, petition of El Dorado County (Cal.) Board of Trade, for improvement of the Yosemite National Park; to the Committee on Appropriations.

Also, resolutions of the Niles (Cal.) Chamber of Commerce, in favor of House bill 16841, for the improvement of the Yosemite National Park; to the Committee on Appropriations.

Also, petition of citizens of Corning, Cal., in favor of Berger old-age pension bill; to the Committee on Pensions.

Also, resolution of the Sacramento Valley Development Association, of Sacramento, Cal., in favor of House bill 18431, for improvement of Sacramento River from Sacramento to Red Bluff, Cal.; to the Committee on Rivers and Harbors.

Also, petition of citizens of California, in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Redding, Cal., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Redding, Cal., protesting against the repeal of the anticanteen law; to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., in favor of Senate bill 3463, for the establishment of a bureau of national parks; to the Committee on the Public Lands.

By Mr. REILLY: Petition of Improved Order of Red Men and citizens generally of the second congressional district of Connecticut, in support of the bill providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. SLAYDEN: Petition of Bexar County, Tex., for passage of Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Papers to accompany bill granting an increase of pension to Daniel Walter; to the Committee on Invalid Pensions.

Also, petition of Cigar Makers' Union No. 468, of Albion, Mich., for passage of House bill 17253, exempting cigars used by employees from tax; to the Committee on Ways and Means.

Also, petition of 27 citizens of Coldwater, 6 citizens of Union City, 23 citizens of Burlington, and 10 citizens of Battle Creek, all in the State of Michigan, against passage of the Johnston Sunday bill; to the Committee on the District of Columbia.

Also, petition of Frank T. Carlton and Mrs. C. E. Huffer, of Albion, Mich., and of D. B. Waldo, of Kalamazoo, Mich., for passage of children's bureau bill; to the Committee on Labor.

Also, petition of Congregational Church of Pittsford; 36 residents of Coldwater; 12 residents of Pavilion; C. S. Wheeler, Hillsdale; Rev. Ernest W. Morse and 75 others, of Climax, all of the State of Michigan, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SULZER: Resolutions of the Sons of the Revolution in the State of New York, in favor of House bill 15471, appropriating \$30,000 for the repair and preservation of flags at the Naval Academy, Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. TALBOTT of Maryland: Petition of Woman's Christian Temperance Union of Finksburg, Md., protesting against repeal of the anticanteen law; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Memorial of Denver Web Pressmen's Union, of Denver, Colo., in favor of the amendment to the Smoot bill, increasing pay of pressmen in the Government Printing Office; to the Committee on Printing.

Also, memorial of Post No. 38, Grand Army of the Republic, of Montrose, Colo., in favor of House bill 8141, known as the Federal pay bill for national guards; to the Committee on Military Affairs.

By Mr. TILSON: Petition of O. S. Culver and 100 other members of the Improved Order of Red Men and citizens generally, of Connecticut, in favor of Senate bill 3953 and House bill 16313, providing for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. TOWNER: Petition of citizens of Spaulding, Iowa, for speedy passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of J. T. May and other citizens of Lineville, Iowa, against parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Petition of Eugene Reynolds Post, No. 441, Grand Army of the Republic, Bellefontaine, Ohio, against the enactment of any law providing for the incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of the German-American Alliance of Chillicothe, Ohio, against the enactment of a law for the further regulation of interstate commerce in intoxicating liquors; to the Committee on the Judiciary.

SENATE.

TUESDAY, February 20, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION COMMISSION (S. DOC. NO. 338).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

I have the honor to transmit herewith the report of the Employers' Liability and Workmen's Compensation Commission, authorized by joint resolution No. 41, approved June 25, 1910, "To make a thorough investigation of the subject of employers' liability and workmen's compensation, and to submit a report through the President to the Congress of the United States."

The commission recommends a carefully drawn bill, entitled "A bill to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroads engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes." This bill works out in detail a compensation for accidental injuries to employees of common carriers in interstate railroad business, on the theory of insuring each employee against the results of injury received in the course of the employment, without reference to his contributory negligence, and without any of the rules obtaining in the common law limiting the liability of the employer in such cases. The only case in which no compensation is to be allowed by the act is where the injury or death of the employee is occasioned by his willful intention to bring about the injury or death of himself or of another or when the injury results from his intoxication while on duty.

It is unnecessary to go into the details of the bill. They are, however, most admirably worked out. They provide for a medical and hospital service for the injured man, for a notice of the injury to the employer, where such notice is not obviously given by the accident itself; for the fixing of the recovery by agreement; if not by agreement, by an official adjuster, to be confirmed by the court, and, if a jury is demanded, to be passed on by a jury. The amount of recovery is regulated in proportion to the wages received and the more or less serious character of the injury where death does not ensue, specific provision being made for particular injuries in so far as they can be specified. The compensation is to be made in the form of annual payments for a number of years or for life. The fees to be paid to attorneys are specifically limited by the act. The remedies offered are exclusive of any other remedies. The statistical investigation seems to show that under this act the cost to the railroads would be, perhaps, 25 per cent more than the total cost which they now incur.

The report of the commission has been very able and satisfactory, the investigations have been most thorough, and the discussion of the constitutional questions which have arisen in respect to the validity of the bill is of the highest merit.

Three objections to the validity of the bill of course occur:

In the first place, the question arises whether under the provisions of the commerce clause the bill could be considered to be a regulation of interstate and foreign commerce. That seems to be already settled by the decision of the Supreme Court in the employers' liability case.

The second question is whether the making of these remedies exclusive and the compelling of the railroad companies to meet obligations arising from injuries, for which the railroad would not be liable under the common law, is a denial of the due process of law which is enjoined upon Congress by the fifth amendment to the Constitution in dealing with the property rights. This question the report takes up, and in an exhaustive review of the authorities makes clear, as it seems to me, the validity of the act. This is the question which in the Court of Appeals of the State of New York was decided adversely to the validity of the compensation act adopted by the legislature of that State. How far that act and the one here proposed differ it is unnecessary to state. It is sufficient to say that the argument of the commission is most convincing to show that the police power of the Government exercised in the regulation of interstate commerce is quite sufficient to justify the imposition upon the interstate railroad companies of the liability for the injuries to its employees on an insurance basis.

The third objection is that the right of trial by jury, guaranteed by the seventh amendment, is denied. As a matter of fact,

the right is preserved in this act by permitting a jury to pass on the issue when duly demanded, in accordance with the limitation of the act.

I sincerely hope that this act will pass. I deem it one of the great steps of progress toward a satisfactory solution of an important phase of the controversies between employer and employee that has been proposed within the last two or three decades. The old rules of liability under the common law were adapted to a different age and condition and were evidently drawn by men imbued with the importance of preserving the employers from burdensome or unjust liability. It was treated as a personal matter of each employee, and the employer and the employee were put on a level of dealing, which, however it may have been in the past, certainly creates injustice to the employee under the present conditions.

One of the great objections to the old common-law method of settling questions of this character was the lack of uniformity in the recoveries made by injured employees and by the representatives of those who suffered death. Frequently meritorious cases that appealed strongly to every sense of human justice were shut out by arbitrary rules limiting the liability of the employer. On the other hand, often by perjured evidence and the undue emotional generosity of the jury, recoveries were given far in excess of the real injury, and sometimes on facts that hardly justified recovery at all. Now, under this system the tendency will be to create as nearly a uniform system as can be devised; there will be recoveries in every case, and they will be limited by the terms of the law so as to be reasonable.

The great injustice of the present system, by which recoveries of verdicts of any size do not result in actual benefit to the injured person because of the heavy expense of the litigation and the fees charged by the counsel for the plaintiff, will disappear under this new law, by which the fees of the counsel are limited to a very reasonable amount. The cases will be disposed of most expeditiously under this system, and the money will be distributed for the support of the injured person over a number of years, so as to make its benefit greater and more secure.

Of course the great object of this act is to secure justice to the weaker party under existing modern conditions, but a result hardly less important will follow from this act that I can not fail to mention.

The administration of justice to-day is clogged in every court by the great number of suits for damages for personal injury. The settlement of such cases by this system will serve to reduce the burden of our courts one-half by taking the cases out of court and disposing of them by this short cut. The remainder of the business in the courts will thus have greater attention from the judges, and will be disposed of with much greater dispatch. In every way, therefore, the act demands your earnest consideration, and I sincerely hope that it may be passed before the adjournment of this session of Congress.

There accompanies the letter of transmittal of Senator SUTHERLAND not only the report of the commission, but also the hearings of witnesses by the commission, all of which is herewith submitted.

WM. H. TAFT.

THE WHITE HOUSE, February 20, 1912.

CLAIMS FOR INJURIES IN FOREST FIRES (S. DOC. NO. 339).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 5th instant, certain information regarding the payments to the persons injured fighting fires in the national forests in the summer and fall of 1910, etc., which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the secretary of the National Board of Trade, transmitting resolutions passed by that body at its annual meeting held in Washington, D. C., January 16, 17, and 18, 1912, covering subjects relating to the American merchant marine, the calendar reform, commercial education, the conservation of natural resources, corporations, currency, and banking, and so forth. The communication and accompanying resolutions will be referred to the various committees having charge of the several subjects.

The VICE PRESIDENT presented resolutions adopted at a meeting of the Mine Owners' Association of Washington, convened at Chewelah, Wash., February 13, 1912, remonstrating against the passage of the so-called Underwood tariff bill, which were referred to the Committee on Finance.

Mr. CULLOM presented memorials of sundry citizens of Pennsylvania and Massachusetts, remonstrating against the

ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Jersey, the White House Chapter of the American Woman's League, the National Association for Promotion of Arbitration, and of the Woman's National Press Association, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Nokomis, Burnt Prairie, Murphysboro, Gardner, and Dixon, all in the State of Illinois, remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the Woman's Christian Temperance Union of Naperville and Aurora, in the State of Illinois, remonstrating against the repeal of the anticanteen law, which were referred to the Committee on Military Affairs.

He also presented a petition of the Labor and Trades Assembly of Belleville, Ill., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 118, Cigar Makers' International Union of America, of Peoria, Ill., and a petition of the Trades and Labor Assembly of Belleville, Ill., praying for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Barrington, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the Central Labor Union of Rockford, Ill., praying for the enactment of legislation to provide for the restoration to civil-service employees their inherent rights as citizens, which was referred to the Committee on Civil Service and Retrenchment.

Mr. LODGE presented a resolution adopted by the City Council of Lawrence, Mass., favoring the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented sundry papers to accompany the bill (S. 4260) granting an increase of pension to John S. Hughes, which were referred to the Committee on Pensions.

Mr. BURTON presented a petition of the congregation of the Baptist Church of Norwalk, Ohio, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ashtabula Harbor, North Dover, and Vanatta, and of Local Grange No. 1426, Patrons of Husbandry, of Emerson, all in the State of Ohio, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Board of Trade of Tampa, Fla., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. BOURNE presented petitions of sundry citizens of Forest Grove, Roseburg, Lents, Aumsville, Dundee, Perrydale, Philomath, and Falls City, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented petitions of the congregations of the Methodist Episcopal Church of Tangent; the Methodist Episcopal Church and the United Presbyterian Church of Shedd; the Methodist Episcopal Church of Roseburg; the Baptist Church and the United Evangelical Church of Lafayette; of the Woman's Christian Temperance Unions of Dundee, Ione, Lafayette, and Chehalis Center; and of sundry citizens of Ione, Scio, Vernonia, West Stayton, and Portland, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of La Grande, Oreg., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. WILLIAMS presented petitions of the congregations of the Methodist Episcopal Church, the Baptist Church, and the Presbyterian Church; of the Woman's Christian Temperance Union; and of sundry citizens, all of Pontotoc, in the State of Mississippi, praying for the enactment of an interstate

liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN. I present a concurrent resolution passed by the Legislature of New York, favoring the passage of the militia pay bill. I ask that the resolution be printed in the Record and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the Record, as follows:

In assembly, Monday, January 15, 1912.

Mr. Cuvillier offered for the consideration of the house a resolution in the words following:

Whereas there is pending in the Congress of the United States a bill entitled pay for the organized State militia of the various States, whereby the State militia of the States will receive compensation from the Federal Government, including officers and enlisted men; and

Whereas the last House of Representatives passed said act, but the same failed to receive the approval of the Senate; and

Whereas this measure has the approval of the governors and adjutant generals of the majority of the States; also that of the Secretary of War:

Resolved (if the senate concur), That it is the sense of the Legislature of the State of New York that the Organized Militia, including the officers and enlisted men, should receive compensation from the Federal Government as the organized State militia, by an act of Congress and the State legislatures, as a part of the United States Army Reserve; and that Congress should pass the bill now pending for the payment of the organized State militia; and the Representatives in Congress from the State of New York are respectfully requested to use their best offices in this direction: Be it further

Resolved, That a copy of this resolution be sent to each Representative in Congress from the State of New York.

In assembly, Monday, February 12, 1912.

By unanimous consent, Mr. Cuvillier called up his resolution in regard to Federal pay for State militia, introduced January 15.

Debate was had thereon.

Mr. Speaker put the question whether the house would agree to said resolution, and it was determined in the affirmative.

Ordered that the clerk deliver said resolution to the senate and request their concurrence therein.

In assembly, Tuesday, February 13, 1912.

The senate returned the concurrent resolution in relation to Federal pay for State militia with a message that they have concurred in the passage of the same without amendment.

STATE OF NEW YORK, COUNTY OF ALBANY.

Office of the Clerk of the Assembly, ss:

I, Fred W. Hammond, clerk of the assembly, do hereby certify that I have compared the foregoing resolution with the original thereof as contained in the original copy of the official journal of the proceedings of the Assembly of the State of New York, of January 15, February 12 and 13, 1912, now on file in my office; that the foregoing is a true and correct transcript of said original resolution and the proceedings had thereon.

In witness whereof, I have hereunto set my hand and affixed my official seal this 15th day of February, 1912.

[SEAL.]

FRED W. HAMMOND,
Clerk of the Assembly.

Mr. O'GORMAN presented petitions of the congregation of the Union Church of Parishville, of the Tabernacle and Boulevard Methodist Episcopal Brotherhood, and of the Central Woman's Christian Temperance Union, of Binghamton, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented memorials of sundry citizens of Edna, Newton, Oakhill, Wichita, Chetopa, Oswego, and Independence, all in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Ellinwood, Kans., praying for the enactment of legislation to reduce postal rates, to improve the postal service, and to increase postal revenues, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Highland, Jamestown, Altoona, and Newton, all in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Lucas, Parsons, Iola, Wichita, and Iona, all in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Printing Pressmen's Union No. 49, of Topeka, Kans., praying for the enactment of legislation to provide for an increase in the pay of pressmen in the Government Printing Office, which was referred to the Committee on Printing.

He also presented a petition of the Industrial Club of Garden City, Kans., praying for the retention of the duty on raw sugar, which was referred to the Committee on Finance.

He also presented a petition of members of Blue Post, No. 250, Department of Kansas, Grand Army of the Republic, of

Topeka, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of Camp Alfred C. Alford, No. 15, Department of Kansas, United Spanish War Veterans, of Iola, Kans., praying for the enactment of legislation granting pensions to the widow and minor children of any officer or enlisted man who served in the War with Spain or in the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. CURTIS presented a petition of the congregation of the Friends Church of Haviland, Kans., and a petition of sundry citizens of Alton, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of General Strong Post, No. 82, Department of Kansas, Grand Army of the Republic, of Jetmore, Kans., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry members of Post No. 388, Department of Kansas, Grand Army of the Republic, of Meade, Kans., and a petition of sundry Union veterans, residents of Oswego, Kans., praying for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented a memorial of Local Branch, United Commercial Travelers of America, of Wichita, Kans., remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Concordia, Selden, and Erie, all in the State of Kansas, praying for the extension of the so-called parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. MARTIN of Virginia presented a memorial of sundry citizens of Vienna, Va., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. NIXON presented petitions of sundry citizens of Contact and Beowawe, in the State of Nevada, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. RAYNER presented a petition of the congregation of the Evangelical Lutheran Church and a petition of the Gospel Mission Sunday School of Frederick, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of the congregations of the Baptist, Congregational, Episcopal, and Methodist churches of Clinton; of the Young People's Society of Christian Endeavor of Guilford; of the Woman's Christian Temperance Union of Groton; and of sundry citizens of Willington, all in the State of Connecticut, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Brass and Aluminum Molders' Local Union, No. 453, of Hartford, Conn., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Norwich District Ministerial Association, in convention at Danielson, Conn., remonstrating against the repeal of the antieateen law, which was referred to the Committee on Military Affairs.

Mr. SHIVELY presented a memorial of sundry citizens of Indianapolis, Southport, and Greenwood, all in the State of Indiana, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Lee B. Nusbaum Co., of Richmond, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. OVERMAN presented petitions of sundry citizens of Winston Salem and Wilson, in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Clinton, N. C., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Sylva, N. C., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. PAGE presented a petition of the Central Labor Union of St. Johnsbury, Vt., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. BRADLEY presented petitions of the congregations of the Christian Church, the Methodist Episcopal Church, the Baptist Church, and the Methodist Episcopal Church South, and of the Woman's Christian Temperance Union, all of London, in the State of Kentucky, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of the Woman's Christian Temperance Union of Bridgeport, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of the Woman's Christian Temperance Unions of Shelton and Goshen, of the Norwich District Ministerial Association of Episcopal Ministers, and of sundry citizens of Shelton, all in the State of Connecticut, remonstrating against the repeal of the antieateen law, which were referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of sundry citizens of Port Trevorton, Pa., praying that an appropriation be made for the erection of a bridge over the Susquehanna River, in that State, which was referred to the Committee on Commerce.

He also presented a petition of the Philadelphia Brigade Association, of Pennsylvania, praying for the enactment of legislation to provide for the proper observance of the fiftieth anniversary of the death of Abraham Lincoln, which was referred to the Committee on the Library.

Mr. ROOT presented a concurrent resolution adopted by the Legislature of New York, favoring the passage of the militia pay bill, which was referred to the Committee on Military Affairs.

He also presented a petition of 60 citizens of Syracuse, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Taleville, N. Y., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Jamestown, Poughkeepsie, Lansing, Newfield, Seneca Falls, Binghamton, Endicott, and Warsaw, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4222) to increase the limit of cost of the public building at Moundsville, W. Va., reported it with an amendment.

Mr. MARTINE of New Jersey, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2698) increasing the cost of erecting a post-office building at Plainfield, N. J., reported it without amendment and submitted a report (No. 376) thereon.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 2014) for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, and Grace E. Lewis, reported it with amendments and submitted a report (No. 377) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 4753) to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stats. L., p. 137), reported it without amendment, and submitted a report (No. 378) thereon.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with an amendment and submitted a report thereon:

S. 1752. A bill to provide for the erection of a public building at Eureka, Utah (Rept. No. 379); and

S. 4585. A bill to provide for the erection of a public building on a site already acquired at South Bethlehem, Pa. (Rept. No. 380).

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4245. A bill to increase the limit of cost of the additions to the public building at Salt Lake City, Utah (Rept. No. 381); and

S. 3716. A bill for the erection of a public building at St. George, Utah (Rept. No. 382).

He also, from the same committee, to which was referred the bill (S. 4619) to provide for the purchase of a site and the erection of a public building thereon in the city of Franklin, State of Pennsylvania, reported it with amendments and submitted a report (No. 383) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred sundry bills, granting pensions and increase of pensions, submitted a report (No. 384) accompanied by a bill (S. 5415) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

S. 5. Samuel C. Whitwam.
S. 6. Leander O. Tucker.
S. 39. Wesley A. Maze.
S. 166. Samuel J. Powers.
S. 202. Thomas Clay.
S. 203. Asahel N. Wells.
S. 205. Thomas Taylor.
S. 206. Joseph Sumpter.
S. 303. Peter Foster.
S. 370. Wellsley Crane.
S. 376. William Roatch.
S. 387. Alfred Phillips.
S. 463. Darius Wells.
S. 484. Benjamin F. Havens.
S. 495. Zachariah Kramer.
S. 498. Andrew Dienst.
S. 500. Davis J. Howard.
S. 525. James W. Thompson.
S. 533. Frank Snurpus.
S. 541. William H. Doty.
S. 543. Henry C. Jones.
S. 574. Howard Brooks.
S. 580. David W. Fox.
S. 581. James R. McKee.
S. 649. Ellen C. Welch.
S. 673. Leander Chase.
S. 681. Daniel Clark.
S. 705. Gordon Kimball.
S. 801. Charles E. Chadock.
S. 832. Adelbert E. Bliss.
S. 868. Joel Ames.
S. 872. Lemmons W. Brattain.
S. 887. George K. Smith.
S. 908. Alburtus H. Walker.
S. 916. Jerome A. Shirley.
S. 1110. Lafayette M. Bratton.
S. 1121. William Tinder.
S. 1166. John W. Doane.
S. 1199. John Burritt.
S. 1540. Osborn Dillard.
S. 1552. Oliver W. Sweet (alias Oliver W. Frazee).
S. 1554. Andrew V. Mitchell.
S. 1622. Marquis D. Usher.
S. 1714. Reuben F. King.
S. 1959. Samuel Curtis.
S. 1966. Ephriam M. Hill.
S. 1968. Franklin D. Joy.
S. 1974. Nathan T. Kimball.
S. 2096. Ebenezer H. Barker.
S. 2099. George W. Eaton.
S. 2231. Adison Long.
S. 2232. John W. Farmer.
S. 2494. Charles E. Clark.
S. 2657. William J. Braswell.
S. 2691. Henry A. Fernald.
S. 2780. David P. Sheibley.
S. 2859. William Wyatt.
S. 2867. Nancy J. Tracy.
S. 2952. John H. Doeg.
S. 2993. Lizzie A. Shepard.
S. 3038. David L. Gaines.
S. 3039. Thomas J. Fields.
S. 3076. Thomas Finch.
S. 3163. Henry McMahon.
S. 3193. Myron H. Isbell.
S. 3371. Peter J. J. Shoemaker.
S. 3449. Charles S. Tyler.

S. 3454. Samuel E. Brillhart.
S. 3476. William H. Cross.
S. 3478. John B. C. Kerr.
S. 3480. Russel B. Tulleys.
S. 3488. Michael Hade.
S. 3499. Luman C. Wheelock.
S. 3500. Willard E. Martin.
S. 3536. Elizabeth Clappitt.
S. 3592. James A. Todd.
S. 3678. John G. Smith.
S. 3691. Ambrose A. Stiles.
S. 3747. Robert W. Cook.
S. 3817. William Ryan.
S. 3819. Erie S. Gunnison.
S. 3828. Joseph A. Olewine.
S. 3881. George M. Jones.
S. 3914. Charles Schafer.
S. 3916. William Bordwell.
S. 4158. Eli Kendall.
S. 4176. Nathaniel S. North.
S. 4190. William B. Goodwin.
S. 4211. Hubert O. Moore.
S. 4296. William A. Johnson.
S. 4347. John McLaughlin.
S. 4348. Miles J. Williams.
S. 4428. Harvey Burns.
S. 4558. Anson Crocker.
S. 4594. Isaac N. Smith.
S. 4697. Christopher H. Alexander.
S. 4698. Albert Greene.
S. 4701. Reason R. Henderson.
S. 4779. Henry C. Paynter.
S. 4788. Susan M. Barnard.
S. 4815. Daniel Monroe.
S. 4828. Gilson M. Henton.
S. 4831. George H. Ring.
S. 4869. David R. Mullikin.
S. 4934. Russell D. Woodroff.
S. 5055. John H. Mattison.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (S. 5287) for the relief of Kate Ferrell, reported it without amendment and submitted a report (No. 385) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 4520) for the relief of Catherine Grimm, reported it without amendment and submitted a report (No. 386) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 16. A bill for the relief of George Q. Allen (Rept. No. 387);
S. 1487. A bill for the relief of David W. Stockstill (Rept. No. 388); and
S. 5065. A bill for the relief of the heirs of Lewis D. Brown (Rept. No. 389).

Mr. BURTON, from the Committee on Foreign Relations, to which was referred the amendment submitted by himself on the 6th instant, proposing to appropriate \$5,000 for participation in the International Conference on Maritime Law at Brussels, Belgium, in September, 1912, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. GAMBLE, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 408. A bill to provide for the purchase of a site and the erection of a public building thereon at Canton, in the State of South Dakota (Rept. No. 390);

S. 410. A bill to provide for the acquisition of a site on which to erect a public building at Milbank, S. Dak. (Rept. No. 391); and

S. 876. A bill to provide for the purchase of a site and the erection of a public building thereon at Bellefourche, in the State of South Dakota (Rept. No. 392).

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 100) to carry into effect the findings of the military board of officers in the case of George Ivers, administrator, reported it with amendments and submitted a report (No. 393) thereon.

He also, from the same committee, to which was referred the bill (S. 2414) for the relief of Rittenhouse Moore, reported it without amendment and submitted a report (No. 394) thereon.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 317) to provide for

the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming, reported it without amendment and submitted a report (No. 395) thereon.

ESTATE OF EPENETUS HEATH, DECEASED.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 4646) for the relief of the estate of Epenetus Heath, deceased, reported the following resolution (S. Res. 225), and it was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 4646) entitled "A bill for the relief of the estate of Epenetus Heath, deceased," now pending in the Senate, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

PUBLIC BUILDING AT NEW MARTINSVILLE, W. VA.

Mr. WATSON. From the Committee on Public Buildings and Grounds I report back favorably, with amendments, the bill (S. 4197) for the purchase of a site and the erection thereon of a post office and public building at New Martinsville, Wetzel County, W. Va. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 7, after the words "West Virginia," to strike out the words "and the sum of" and insert the words "at a cost not to exceed"; and at the end of the bill, after the word "dollars," in line 8, to strike out the words "is hereby appropriated for that purpose out of any funds in the Treasury of the United States not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to secure a site, by purchase, condemnation, or otherwise, for the purpose of erecting a post office and public building thereon, in the city of New Martinsville, Wetzel County, W. Va., at a cost not to exceed \$15,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the purchase of a site for the erection of a post office and public building at New Martinsville, Wetzel County, W. Va."

FIFTH NATIONAL CORN EXPOSITION, COLUMBIA, S. C.

Mr. SMITH of South Carolina. From the Committee on Agriculture and Forestry I report back favorably without amendment the joint resolution (S. J. Res. 74) for an exhibit at the Fifth National Corn Exposition, at Columbia, S. C. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It empowers the Secretary of Agriculture to prepare from the several divisions of the Department of Agriculture an exhibit to be displayed at the Fifth National Corn Exposition, to be held in Columbia, S. C., from January 27 to February 9, 1913, the exhibit to be of such nature as the Secretary of Agriculture deems appropriate; but the Secretary of Agriculture shall make such arrangements with the proper officers of the exposition that the Department of Agriculture shall be at no expense for transportation of the exhibit to and from the exposition; and he shall also make such arrangements with the proper authorities of the exposition that there shall be no expense to the department for any breakage or damage that may occur to the exhibit, nor for the living expenses of such appointees as he may see fit to send to the exposition to demonstrate the exhibit sent.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 5377) releasing the claim of the United States Government to lot No. 306, in the old city of Pensacola; and

A bill (S. 5378) releasing the claim of the United States Government to that portion of land being a fractional block

bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 5379) granting certain lands of the diminished Colville Indian Reservation, in the State of Washington, to the Washington Historical Society; to the Committee on Indian Affairs.

By Mr. CULLOM:

A bill (S. 5380) to grant an honorable discharge to Arthur Wood; to the Committee on Military Affairs.

By Mr. DIXON:

A bill (S. 5381) granting an increase of pension to Robert M. Carlton; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 5383) to establish a bureau for the study of the criminal, pauper, and defective classes; to the Committee on the Judiciary.

By Mr. WORKS:

A bill (S. 5384) for the relief of James Belger and others; to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 5385) granting a pension to Nancey Wilson; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 5386) amending an act entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895,' and for other purposes"; to the Committee on Indian Affairs.

By Mr. GARDNER:

A bill (S. 5387) to construct and place a lightship near Monhegan Island, entrance to Penobscot Bay, Me.; to the Committee on Commerce.

By Mr. POMERENE:

A bill (S. 5388) granting an increase of pension to William H. Sterling; and

A bill (S. 5389) granting an increase of pension to John K. Myers; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 5390) for the repair, improvement, and construction of a road to Mount Rainier National Park, Wash., within the boundaries of the Rainier National Forest; and

A bill (S. 5391) for a survey of the most practicable route for a wagon road from the town of Glacier to Mount Baker, in the Washington National Forest Reserve, and toward the construction of said road; to the Committee on Agriculture and Forestry.

By Mr. ROOT:

A bill (S. 5392) granting an increase of pension to Charles D. Wilson (with accompanying papers); and

A bill (S. 5393) granting an increase of pension to Anna E. R. Webb (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5394) granting a pension to Mary A. Smith (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5395) for the relief of Pedro Salazar y Garcia; A bill (S. 5396) for the relief of Francisco Giron, heir of Nicolas Giron, deceased;

A bill (S. 5397) for the relief of Roman Moya, administrator of the estate of Pablo Moya, deceased;

A bill (S. 5398) for the relief of Jose Antonio Barreras;

A bill (S. 5399) for the relief of Biento Fresquez; and

A bill (S. 5400) for the relief of Fernando Baca; to the Committee on Claims.

A bill (S. 5401) granting an honorable discharge to John H. Smith; to the Committee on Military Affairs.

A bill (S. 5402) granting a pension to Lottie A. Dunn;

A bill (S. 5403) granting a pension to Charles H. Davis;

A bill (S. 5404) granting an increase of pension to Benjamin J. Schlosser; and

A bill (S. 5405) granting a pension to Harriet Stape; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5406) granting a pension to Emma Hacker (with accompanying paper);

A bill (S. 5407) granting an increase of pension to Mattie B. Wintrode (with accompanying paper);

A bill (S. 5408) granting an increase of pension to Jesse Sheets (with accompanying papers);

A bill (S. 5409) granting an increase of pension to Mark Clark (with accompanying papers);

A bill (S. 5410) granting an increase of pension to James L. Stroup (with accompanying papers);

A bill (S. 5411) granting an increase of pension to Augustus C. D. Wilson (with accompanying paper);

A bill (S. 5412) granting an increase of pension to Judson Bayne; and

A bill (S. 5413) granting a pension to William C. Cashell; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5414) granting an increase of pension to Henry M. Adams; to the Committee on Pensions.

EMPLOYERS' LIABILITY.

Mr. SUTHERLAND. I introduce a bill to carry out the recommendations made by the Employers' Liability and Workmen's Compensation Commission. The report of that commission, transmitted to-day to Congress by the President of the United States, has been laid before the Senate and read. The bill will affect something like 1,700,000 railroad employees, and I am advised that there will be a very large demand for copies. I ask that the bill be referred to the Committee on the Judiciary and that 25,000 additional copies be printed for the use of that committee.

The bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary, and, without objection, the order for the printing of 25,000 extra copies will be entered.

Mr. GALLINGER. I observe the Senator from Utah has asked that the extra copies shall be for the use of the committee. I trust the Senator will let them go to the Senate document room, where we can get them on call.

Mr. SUTHERLAND. I have no objection, Mr. President, to some of them going to the document room, but I think the larger portion of them ought to go to the Committee on the Judiciary.

Mr. GALLINGER. Say, 10,000 for the use of the document room.

Mr. SUTHERLAND. Let the order be made in that way, then—that 10,000 shall be for the use of the document room and 15,000 for the use of the Committee on the Judiciary.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That there be printed 10,000 additional copies of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, for the use of the document room of the Senate, and that there be printed 15,000 copies of said bill for the use of the Committee on the Judiciary.

INTERNATIONAL DRY LAND CONGRESS.

Mr. SMOOT submitted an amendment proposing to appropriate \$10,000 to enable the Secretary of Agriculture to make an exhibit at the next annual meeting of the International Dry Land Congress, to be held at Lethbridge, Alberta, Canada, October 21 to 26, 1912, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PRESERVATION OF FUR SEALS.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, which was referred to the Committee on Foreign Relations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

GENERAL ARBITRATION TREATIES.

Mr. LODGE. I desire to give notice that on Thursday, the 29th of February, with the permission of the Senate, I will address the Senate upon the question of the general arbitration treaties with Great Britain and France.

HOMESTEAD ENTRIES.

Mr. POINDEXTER. By unanimous consent I ask leave to have considered an amendment to correct a typographical or clerical error in Senate bill 2194, which is on the calendar.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of the bill named by him.

Mr. POINDEXTER. I move to amend the bill, in line 6, on page 1, by striking out the word "law" and inserting the words "at large, page," so that it will read "Statutes at Large, page 991."

The VICE PRESIDENT. The bill is not yet before the Senate. Does the Senator ask to amend a report?

Mr. POINDEXTER. To amend a bill reported by the Committee on Public Lands. The bill is on the calendar.

The VICE PRESIDENT. The bill would have to be under consideration, of course, to have the amendment acted upon.

Mr. POINDEXTER. I understood that it could be acted upon by unanimous consent. It is to correct a mere clerical error.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. BURTON. What is the bill?

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 2194) to amend section 2288 of the Revised Statutes of the United States relating to homestead entries.

The VICE PRESIDENT. The request is simply to permit the Senator from Washington at the present time to offer an amendment and not that the bill be definitely disposed of. The Senator from Washington offers an amendment, which will be stated.

The SECRETARY. On page 1, line 6, after the word "Statutes," it is proposed to strike out the word "law" and to insert the words "at Large, page," so as to read:

That section 2288 of the Revised Statutes, as amended by act of March 3, 1905, chapter 1424, Thirty-third Statutes at Large, page 991, be amended so as to read as follows:

The VICE PRESIDENT. Without objection, the amendment is agreed to.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. Mr. President, I ask the Senate to proceed to the consideration of Senate resolution 136, which is a question of the highest privilege before the Senate.

The VICE PRESIDENT. The Secretary will state the resolution.

The SECRETARY. Senate resolution 136, directing the Committee on Privileges and Elections to investigate certain charges relative to the election of ISAAC STEPHENSON.

Mr. LODGE. Is the resolution now before the Senate?

The VICE PRESIDENT. It has been called up as a privileged matter and is now before the Senate.

Mr. LODGE. Mr. President, I now renew my request made on yesterday, that the remainder of the report may be read. By that I mean the views of the Senator from Idaho [Mr. HEYBURN], the views of the Senator from Ohio [Mr. POMERENE], and of the Senator from Utah [Mr. SUTHERLAND], and also the views submitted by the Senator from Washington [Mr. JONES], which were, I understand, filed yesterday. I want the whole report read.

The VICE PRESIDENT. Without objection, the Secretary will read the report.

Mr. BRISTOW. Mr. President, before that is proceeded with, I should like to inquire if the views of the Senator from Washington and his associates on the committee have yet been printed?

The VICE PRESIDENT. They have been printed and are now in the hands of the Secretary.

Mr. BRISTOW. They have not yet been distributed. I understood from the discussion yesterday that those views were to be incorporated in the first volume of the testimony. Now, where are they to be found?

Mr. HEYBURN. They were not incorporated in the first volume. They were printed as other minority views are printed.

Mr. BRISTOW. Why should not those views have been printed the same as the views of the Senator from Utah and those of the Senator from Ohio?

Mr. HEYBURN. They were not in existence when the order was made for printing the record. The order was made seven days before they were in existence, and they could not very well be printed.

Mr. BRISTOW. But this volume was not printed until yesterday, if I understand correctly.

Mr. HEYBURN. That was because of the disobedience of the printing clerk to the order of the Senate.

Mr. BRISTOW. Why should not the minority views have been incorporated in this volume, then, if it could have been done, the report not having been printed at the time?

Mr. HEYBURN. Because it was not deemed either necessary or advisable to permit the order of the Senate to be violated in a roundabout way by deferring for a week compliance with the order of the Senate—I will not use the word "surreptitiously," but it is close to it, and it would be difficult to find another word to fit it—withholding compliance with the order of the Senate for a week in order that some individual might accomplish a purpose that was not in harmony with that of the Senate when it ordered the record printed.

Mr. BRISTOW. The result is—

Mr. POINDEXTER. Will the Senator allow me to interrupt him a moment?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes.

Mr. POINDEXTER. I do not understand the Senator's reference to this "purpose." What was the "purpose" which the Senator says the printing clerk had in view in delaying the printing and which was not in accordance with the sentiment of the committee?

Mr. HEYBURN. The period of oracles having passed, I am unable to answer that question.

Mr. POINDEXTER. I do not understand, Mr. President, that it would require an oracle for the Senator to answer the question when he has stated to the Senate that there was such a purpose. Now, I understand the Senator to say that, notwithstanding his previous assertion, he does not know of any such purpose.

Mr. HEYBURN. I think the Senator had better defer that assertion until he reads the record of what I said. I said "what the record will show; not what the Senator says I said."

Mr. POINDEXTER. Does the Senator deny that he just made the statement that the clerk was withholding the printing of this volume to accomplish a purpose that was not in accord with the sentiments of the committee?

Mr. HEYBURN. The Senator from Idaho is not on trial, nor is he triable at the hands of any Member of this body.

Mr. POINDEXTER. That is very true, Mr. President. I have no desire to undertake to put the Senator on trial. I simply asked the question for information. It appears to me very evident that there was some purpose or motive back of the Senator's insistence, which he made on yesterday before the Senate, that this volume should have been published immediately; and undoubtedly the Senator stated that there was a purpose or motive in the refusal to print it in accordance with the orders of the committee. I think the Senate is entitled to know what the purpose or motive is, and it has not been disclosed.

Mr. HEYBURN. The Senator will know, if I have an opportunity to state it.

Mr. POINDEXTER. I am asking the Senator to state it now.

Mr. HEYBURN. Still the Senator is asking for it. I shall not need to be asked again.

I insisted on it because it was the order of the Senate. I need charge no one with any motive in insisting that the order of the Senate should be complied with. That order was that the record be printed. The specific terms of the order required nothing to be printed that was not in existence.

The Senator is mistaken when he undertakes to state what he says I said in regard to the motive of those who were responsible for its not being done. I disclaimed knowing. The Senator asked me. I told him I had no oracle to appeal to. That was equivalent to saying that I had no means of information. Nor do I care anything whatever as to what actuated them, and I am not going to stand here to attack them or to defend them.

Mr. POINDEXTER. Will the Senator yield for a further question?

Mr. HEYBURN. Yes.

Mr. POINDEXTER. Is it the Senator's idea that the purpose in delaying the printing of this volume was to incorporate in it the views of the minority of the committee? And was the Senator's objection to further delay in order to prevent the views of the minority of the committee being printed in the volume?

Mr. HEYBURN. Those are two questions. The Senator asks me for my views on the subject. If he will submit his inquiry in writing, I will answer it in writing. He asks me two

questions at once, and while my memory is reasonably good I do not care to take chances on being confused.

Mr. POINDEXTER. It is very evident, Mr. President—

Mr. HEYBURN. Why, this is as dry a haul as was ever experienced in debate. There is nothing in it.

Mr. POINDEXTER. In what?

Mr. HEYBURN. There is nothing to be gained by this inquiry. The testimony in the record is printed this morning, and it is before the Senate, and the Senate has proceeded to its consideration. What is the object of this, except simply to stir up discussion? I am not going to spend a minute on it.

Mr. POINDEXTER. I should not like to stir up the Senator to a discussion. I want to avoid that. I do not desire to engage in discussion at this time. I confess that it is a dry haul. I have not gotten any information out of it.

Mr. HEYBURN. We might now safely proceed with the order—or the request, which is an order—that the report of the committee and the views of Senators in support of or against it may be read.

The VICE PRESIDENT. The request of the Senator from Massachusetts [Mr. LODGE], as the Chair understands, was to begin the reading of the report with the views of the Senator from Idaho [Mr. HEYBURN].

Mr. LODGE. And to read all the views of all the Senators.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

VIEWS OF MR. HEYBURN IN SUPPORT OF THE REPORT OF THE COMMITTEE.

The subcommittee having reported to the whole committee in favor of ISAAC STEPHENSON, I desire to submit herewith the reasons which actuated me in arriving at that conclusion.

JURISDICTION.

On August 15, 1911, the United States Senate adopted the following resolution:

"Resolved, That the Senate Committee on Privileges and Elections or any subcommittee thereof be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and report to the Senate whether in the election of said ISAAC STEPHENSON, as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the recess of the Senate, to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee."

Pursuant to the authority given by said resolution the Committee on Privileges and Elections appointed a subcommittee consisting of Senators HEYBURN, SUTHERLAND, BRADLEY, PAYNTER, and POMERENE, with full powers "to investigate said charges preferred by the Legislature of Wisconsin relating to the election of ISAAC STEPHENSON, a Senator from the State of Wisconsin."

MEETING OF SUBCOMMITTEE.

In performance of said duty the subcommittee met at Milwaukee, Wis., on October 2, 1911, in the Federal Building, a quorum of said subcommittee being present.

The chairman announced that the subcommittee would recognize a duly authorized representative of the State of Wisconsin, in view of the fact that the State had submitted, through its governor, to the Senate of the United States the charges to be investigated. No one appearing, the chairman then instructed the secretary of the subcommittee to communicate with the governor and attorney general of the State and advise them that the committee was in session in Milwaukee for the purpose of investigating the charges aforesaid, and to inquire whether or not the State desired to be represented at the hearing, and, pursuant to such instruction, the secretary sent the following communication to the governor:

MILWAUKEE, WIS., October 2, 1911.

Hon. FRANCIS E. MCGOVERN,
Governor of Wisconsin, Madison, Wis.:

A subcommittee of the Committee on Privileges and Elections of the United States Senate, duly appointed, with instructions to investigate the election of ISAAC STEPHENSON as a Senator of the United States from the State of Wisconsin, as recommended by the Legislature of Wisconsin as provided in joint resolution 58 of said legislature, has entered upon the investigation in the Federal Building, in the city of Milwaukee. As the State appears to be unrepresented by counsel, you are requested to advise the committee whether or not it is the desire of the State to be represented by counsel before this committee; and if so, designate in writing such person to represent the State.

W. B. HEYBURN, Chairman.

To which communication the governor replied, as follows:

EXECUTIVE CHAMBER,
Madison, Wis., October 3, 1911.

Hon. W. B. HEYBURN,
Chairman Subcommittee of the United States Senate
Committee on Privileges and Elections, Milwaukee, Wis.

MY DEAR SIR: In reply to your telegram of yesterday, in which you request me to advise your committee "whether or not it is the desire of the State to be represented by counsel" before your subcommittee, permit me to say that I find there is very serious doubt that I have any power to act in the matter. Joint resolution 58, to which you refer, confers no such authority. It simply requests the United States Senate "to investigate the manner, means, and methods by and through which ISAAC STEPHENSON secured his election to the United States Senate," recommends to the district attorney of Dane County that prosecutions be commenced against all persons shown to have committed perjury in

the senatorial inquiry in this city, and suggests that prosecutions be commenced in other counties of the State for such violations of the corrupt-practices or bribery statutes as the evidence may justify.

In the absence of any specific authority conferred by this joint resolution the only other possible source is chapter 268 of the laws of Wisconsin for the year 1911. Careful consideration of this statute leaves me in doubt as to whether it confers power upon me to employ at the expense of the State counsel to attend the investigation your subcommittee is now conducting. Nor can I see that much good is likely to come from such employment. Your invitation comes so late as practically to preclude the possibility of anyone whom I might select rendering any real service to your committee or materially assisting in the investigation now in progress. That investigation has already begun. The transactions to be inquired into are numerous and involved, as appears from the fact that the testimony already taken occupied many months of the time of committees of the State legislature and now fills a number of large volumes of printed reports. To be of service counsel for the State should have been employed months ago. I say this with no feeling of personal responsibility in the matter for the reason that until your telegram came yesterday there was no ground for anticipating that the appearance of an attorney for the State at this hearing would be acceptable to your committee. Indeed, more than a week ago, under date of September 25, the Associated Press quoted you as having expressed yourself as chairman of the subcommittee as follows: "The State of Wisconsin will not have an attorney in the investigation of the election of ISAAC STEPHENSON by the United States Senate committee. This hearing is under the jurisdiction of the United States Senate, which does not recognize the State as a party to the investigation. This is an investigation, not a trial."

An additional reason why I should not avail myself of your invitation at this time is furnished by the practice of other committees charged with duties similar to yours. So far as I know no State has been represented by counsel at any of these investigations. The work has been done either by the members of the committee alone or by counsel of their own choosing. At any rate, the responsibility for a thorough, searching inquiry is upon your subcommittee acting as the agent of the United States Senate in determining a question relative to the "election, returns, and qualifications" of one of its own Members. Neither the State of Wisconsin nor its legislature desires to assume the rôle of prosecutor or to sustain any other relation to this investigation than that of petitioner for a thorough, fearless, and impartial inquiry.

For the present, therefore, I shall take no action concerning the matter mentioned in your telegram. Assuring you, however, of my appreciation of your consideration in extending the invitation, I am,

Very truly, yours,

FRANCIS E. MCGOVERN.

The chairman inquired whether or not counsel were present to represent Mr. STEPHENSON. Whereupon Hon. Charles E. Littlefield, Mr. W. E. Black, and Mr. H. A. J. Upham appeared on his behalf and were recognized by the committee.

The joint resolution and specific charges certified to the United States Senate by the governor of Wisconsin were then read. (Transcript, pp. 4 and 5.)

Before entering upon the examination of witnesses by the committee Hon. Charles E. Littlefield, of counsel for Mr. STEPHENSON, requested leave to make a statement, which leave was granted. (Transcript, pp. 6-23.)

The subcommittee then proceeded to the examination of witnesses and documents, which examination occupied 25 days, during which time 116 witnesses were sworn and examined, 36 affidavits received, and upward of 2,100 pages of printed testimony taken, which testimony, affidavits, and exhibits are herewith offered as a part of the report of the subcommittee.

The subcommittee was directed to investigate certain charges preferred by the Legislature of Wisconsin against Mr. STEPHENSON. These charges were set forth in the communication of the governor of Wisconsin, and the papers accompanying the same, certified to the United States Senate, among which was the joint resolution adopted by the Legislature of Wisconsin on June 26, 1911, which is found on page 2 of the transcript.

The charges referred to in the resolution under which the subcommittee acted are as follows:

SPECIFIC CHARGES.

1. That ISAAC STEPHENSON, of Marinette, Wis., now United States Senator and a candidate for reelection, did, as such candidate for reelection, give to one E. A. Edmonds, of the city of Appleton, Wis., an elector of the State of Wisconsin and said city of Appleton, a valuable thing, to wit, a sum of money in excess of \$100,000, and approximating the sum of \$250,000, as a consideration for some act to be done by said E. A. Edmonds, in relation to the primary election held on the 1st day of September, 1908, which consideration was paid prior to said primary election, and that said ISAAC STEPHENSON was at the time of such payment a candidate for the Republican nomination for United States Senator at such primary, and did by such acts as above set forth violate section 4543b of the statutes.

2. That said ISAAC STEPHENSON did, prior to said primary, pay to said Edmonds above-mentioned sums with the design that said Edmonds should pay to other electors of this State, out of said sums above mentioned and other sums of money received by said Edmonds from said ISAAC STEPHENSON, prior to said primary, sums ranging from \$5 per day to \$1,000 in bulk, as a consideration for some act to be done in relation to said primary by said electors for said ISAAC STEPHENSON as such candidate, in violation of said section.

3. That with full knowledge and with instructions from said ISAAC STEPHENSON, as to how and for what purposes said sums were to be expended, said sums were so paid as above stated to said Edmonds by said ISAAC STEPHENSON and that said sums were paid as above stated for the purposes above stated and also for the purpose of bribing and corrupting a sufficient number of the electors of the State of Wisconsin to encompass the nomination of said ISAAC STEPHENSON at said primary for the office of United States Senator.

4. That in pursuance of the purposes and design above stated said ISAAC STEPHENSON did, by and through his agents, prior to said primary, pay to one U. C. Keller, of Sauk County, an elector of this State, the sum of \$300 as a consideration for some act to be done by said Keller for said STEPHENSON preliminary to said primary, corruptly and unlawfully.

5. That in further pursuance of such purposes and design said ISAAC STEPHENSON, by and through his agents, prior to said primary, paid to one Hambright, of Racine, Wis., large sums of money as a consideration for some act to be done by said Hambright for said STEPHENSON

preliminary to said primary, said Hambright being then an elector of this State, corruptly and unlawfully.

6. That in further pursuance of the purposes and design above stated said ISAAC STEPHENSON did, by and through his agents, prior to said primary, pay to one Roy Morse, of Fond du Lac, Wis., then an elector of this State, the sum of \$1,000 as a consideration for some act to be done by said Morse for said ISAAC STEPHENSON preliminary to said primary, and corruptly and unlawfully.

7. That in further pursuance of such purposes and design said ISAAC STEPHENSON, by and through his agents, prior to said primary, paid to divers persons, then electors of the county of Grant, Wis., ranging from \$5 per day and upward, as a consideration for some act to be done by said several electors for said ISAAC STEPHENSON preliminary to said primary, corruptly and unlawfully.

8. That in further pursuance of such purposes and design, said ISAAC STEPHENSON, by and through his agents, prior to said primary, did pay to divers persons who were at such time electors in this State a consideration for some act to be done for said ISAAC STEPHENSON by such electors preliminary to such primary, corruptly and unlawfully.

9. That in further pursuance of such purposes and designs said ISAAC STEPHENSON, by and through his agents, prior to said primary, did pay to electors of this State, who were of a different political opinion and who held to other political principles than those of the Republican Party, more particularly Democrats, sums of money as a consideration for some act to be done by such electors for said ISAAC STEPHENSON preliminary to said primary, corruptly and unlawfully.

10. That in further pursuance of such purposes and design said ISAAC STEPHENSON, by and through his agents, prior to such primary, did offer to pay to Edward Pollock, of Lancaster, Wis., certain sums of money, as editor of the Teller, a newspaper published in said city of Lancaster, Wis., and to other editors of newspapers who were at such time electors of this State, and for the purpose of purchasing the editorial support of such editors and as a consideration of something to be done relating to such primary, corruptly and unlawfully.

11. That said ISAAC STEPHENSON did, prior to such primary, by and through his agents, promise and agree to pay to one Lester Tilton, a then resident and elector of this State, and residing at the city of Neillsville, Wis., a sum in excess of \$500 to procure or aid in procuring the nomination of said Lester Tilton to the assembly of this State from Clark County, and did offer to give to said Lester Tilton a sum in excess of \$500 if said Lester Tilton would become a candidate for the assembly from said Clark County if said Lester Tilton would support said ISAAC STEPHENSON for the office of United States Senator, all of which is in violation of sections 4542b and 4543b of the statutes.

12. That said ISAAC STEPHENSON did, by and through his agents, give and promise and pay or agree to pay to other electors of this State sums of money to procure or aid in procuring the nomination of such electors to the senate and assembly of this State other than those electors residing in the district where said ISAAC STEPHENSON resides.

13. That E. M. Heyzer and Max Sells, prior to said primary, being at such time employees of the Chicago & North Western Railway Co., a corporation doing business in this State, did contribute and agree to contribute free services as such employees for the purpose to defeat the candidacy of former Assemblyman E. F. Nelson, from the district embracing Florence, Forest, and Langlade Counties, for the nomination for assemblyman from said district, all of which was done with the knowledge and consent and under the direction of said ISAAC STEPHENSON, his agents, and employees, contrary to chapter 492, laws of 1905.

14. That in further pursuance of the purposes and design above set forth said ISAAC STEPHENSON, by and through his agents, did, in addition to paying certain sums as above set forth, offer and agree to pay to electors of this State, prior to said primary, a premium or bonus to those who in his employ carried their respective precincts in such primary for said ISAAC STEPHENSON as such candidate.

15. That said ISAAC STEPHENSON, if claiming an election by virtue of receiving a plurality of votes at such primary, then said ISAAC STEPHENSON has violated chapter 502 of the laws of 1905 by failing and neglecting to file his expense account as provided by said chapter.

16. Charging generally the primary nomination or election of said ISAAC STEPHENSON was obtained by the use of large sums of money corruptly and illegally, by the violation of sections 4542b, 4543b, and 4478b of the statutes relating to illegal voting, bribery, and corruption, and other laws above set forth relating to elections and primary elections.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Kenyon	Pomerene
Bailey	Cummins	Kern	Richardson
Bourne	Curtis	Lea	Root
Bradley	Dillingham	Lodge	Simmons
Briggs	Dixon	Martin, Va.	Smith, Ga.
Bristow	du Pont	Martine, N. J.	Smith, S. C.
Brown	Fletcher	Nelson	Smoot
Bryan	Gallinger	Nixon	Stephenson
Burnham	Gamble	O'Gorman	Sutherland
Burton	Gardner	Oliver	Thornton
Chamberlain	Gronna	Overman	Tillman
Chilton	Guggenheim	Page	Townsend
Clark, Wyo.	Heyburn	Paynter	Warren
Crane	Hitchcock	Penrose	Watson
Crawford	Johnston, Ala.	Perkins	Wetmore
Culberson	Jones	Pointexter	Williams

The PRESIDING OFFICER. On the roll call 64 Senators have answered to their names. A quorum being present, the Secretary will proceed with the reading of the report.

The Secretary resumed and concluded the reading of the views of Mr. HEYBURN in support of the report of the committee, as follows:

John J. Blaine, a State senator, who made the said 16 specific charges, which constituted the basis of the legislative investigation, was examined in detail as to each of such charges and failed to sustain any of them, either by his own testimony or by reference to the tes-

timony of others. The charges were made on information and belief according to his own testimony. He seemed upon examination to have no information upon which any belief as to their truth could be based.

An inspection of his testimony (transcript, p. 592, etc.) will fully justify the conclusion of the subcommittee that such charges were not sustained.

These charges were investigated by two legislative committees; first, by a joint committee, which submitted a report which was not finally acted upon; second, by a committee of three members of the State senate, only one member of which was a member of the legislature when the report of that committee was made.

The time within which the joint legislative committee might take testimony and report was limited by the legislature to expire on the 13th day of April, 1909, and on that day the said committee met and adopted a resolution that each member make an outline of his proposed report and submit it at a later date for discussion before the committee.

Said committee then adjourned subject to the call of the chairman of the senate or assembly committee.

This ended the work of the joint investigating committee.

The State senate, acting independently of the assembly and in view of the expiration of the time within which the joint committee might finish its work, adopted a resolution on March 25, 1909, authorizing the president of the senate to appoint a committee consisting of three members to complete the investigation that had been carried on by the joint committee and to "further fully, fairly, and thoroughly investigate the campaign and election of ISAAC STEPHENSON as a United States Senator, and the campaign and election of members of the legislature so far as their election in any way pertains to or affects the election of ISAAC STEPHENSON as a United States Senator."

SPECIFIC QUESTIONS PRESENTED FOR CONSIDERATION.

In the order of their importance the duties of the subcommittee may be classified as follows:

First. To investigate the proceedings by the legislature, including the actions of Senator STEPHENSON and those representing him, during the session of the legislature.

Second. To investigate the campaign and election of members of the legislature so far as their election in any way pertains to or affects the election of ISAAC STEPHENSON as a United States Senator.

Third. The primary election and the campaign.

ELECTION OF A SENATOR BY THE LEGISLATURE.

The law providing for the election of Senators by the legislature is as follows, being chapter 1, title 2, of the Revised Statutes of the United States:

"Sec. 14. The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organizing thereof, proceed to elect a Senator in Congress.

"Sec. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At 12 o'clock meridian of the day following that on which proceedings are required to take place as aforesaid the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva voce vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at 12 o'clock meridian of each succeeding day during the session of the legislature and shall take at least one vote until a Senator is elected.

"Sec. 16. (Relates to filling vacancies.)

"Sec. 17. (Also relates to the filling of vacancies.)

"Sec. 18. It shall be the duty of the executive of the State from which a Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

"Sec. 19. The certificate mentioned in the preceding section shall be countersigned by the secretary of state of the State."

PROCEEDINGS IN THE LEGISLATURE.

The Forty-ninth Legislature of Wisconsin consisted of 33 senators and 100 assemblymen, and convened at the capitol at Madison on January 13, 1909, at 12 o'clock m.

On Thursday, January 14, 1909, the organizing of both houses was complete, and the assembly adjourned until Tuesday, January 19, at 10 o'clock.

The senate organized on January 13, 1909, and on January 14 Senator Husting introduced joint resolution 3, providing for the investigation of the primary election, which was laid over until the next session, and the senate adjourned until Tuesday, January 19, at 10 o'clock a. m.

On Tuesday, January 26, the senate considered joint resolution 3, and a substitute was introduced by Senator Blaine. (Senate Journal, pp. 72-77.) This substitute contains the specific charges.

On January 26, 1909, a vote was taken on the election of United States Senator, each house voting separately.

In the senate the total number of votes cast was 17. Mr. STEPHENSON received 12 votes, Brown 4, Rummel 1. (Senate Journal, pp. 78-79.)

On the same day, January 26, upon the call of the roll in the assembly, the total number of votes cast for Senator was 84. Mr. STEPHENSON received 60, Neal Brown 16, Jacob Rummel 3, S. A. Cook 2, H. A. Cooper 1, J. H. Stout 1, and John J. Esch 1, which result was announced by the speaker. (Assembly Journal, pp. 74-75.)

On Wednesday, January 27, resolutions were introduced in the senate, among others joint resolution 8, being an arraignment of the United States Senate and a demand for its abolition, introduced by Senator Gaylord. (Senate Journal, p. 86.) It was referred to the committee on Federal relations. This is mentioned in passing only to show the temper of the legislature on the day of the first joint ballot for United States Senator.

At 12 o'clock noon of January 27, 1909, the two houses met in joint convention. The lieutenant governor, presiding, stated:

"Gentlemen of the joint convention, you are assembled here for the purpose of expressing your choice for United States Senator. In order to comply with the Federal law the clerk of the senate and the clerk of the assembly will read from the journal of each house, respectively, the proceedings of the preceding day with reference to the election of a United States Senator."

The Senate Journal (p. 94) and the Assembly Journal (p. 80) records as follows:

"The chief clerk of the senate read the journal of the senate of January 26, 1909, and the chief clerk of the assembly read the journal of the assembly of January 26, 1909.

"The president then said: 'The clerk will call the roll. As your names are called you will arise from your seats and announce the candidate of your choice.'

Senator Hudnall said:

"I rise to protest against any other proceedings being taken in the joint assembly at this time except the announcement of the presiding officer that Hon. ISAAC STEPHENSON is elected to the United States Senate for the term commencing March 4, 1909. I do that for the reason that it appears from the journal of the senate that the total number of votes cast for persons were 17, of which ISAAC STEPHENSON received 12, Neal Brown 4, Jacob Rummel 1, and the journal of the assembly shows that of the members who voted for persons there were 60 for STEPHENSON, 16 for Brown, and 3 for Jacob Rummel; and it further appears from both journals of senate and assembly that ISAAC STEPHENSON received a majority of all the votes cast in each house.

"It devolves, then, upon the president of this joint assembly to declare ISAAC STEPHENSON duly elected to the United States Senate, and then the duty devolves upon the president of the senate and speaker of the assembly to certify his election to the governor and to the secretary of state, and they to certify his election to the United States Senate. Any other proceeding is out of order and nugatory."

Senator Hudnall stated that he made this statement as a protest and as a point of order. The president held the point of order not well taken and held that Senator Hudnall was out of order in his protest.

The presiding officer then directed the nomination of candidates, and the joint assembly proceeded to vote for a United States Senator. There were 131 votes cast, of which ISAAC STEPHENSON received 65, and the presiding officer announced that "it appears from the records of the convention that no person has received a majority of the votes cast for United States Senator." Whereupon the joint convention dissolved.

On no other day until the 4th of March, 1909, did anyone receive a majority of the votes cast in joint assembly. On that day (the 4th of March) upon the twenty-fourth ballot of the joint assembly there were 123 votes cast, of which ISAAC STEPHENSON received 63. Whereupon the chairman of the joint assembly announced the election of ISAAC STEPHENSON, and the joint assembly adjourned sine die.

At each session of the joint assembly the question as to whether any vote in the joint assembly was necessary was raised by protest against such proceedings upon the grounds that, Mr. STEPHENSON having received a majority of the votes cast in each house voting separately, no other or further duty remained for the joint assembly than that of reading the journals of the two houses of the proceedings in each relative to the election of a United States Senator on the day previous. These journals were read and the fact disclosed that in each house Mr. STEPHENSON had received a majority of all the votes cast. It remained only that "he shall be declared duly elected Senator." The statute does not prescribe who shall declare the person receiving a majority of the votes in each house elected Senator, nor in what form such declaration shall be made.

From the reading of the law it would seem that when the two houses voting separately each gave Mr. STEPHENSON a clear majority and having met in joint session on the day following the vote in the separate houses, the journal of the proceedings of the two houses voting separately being read in joint convention and the result announced, the election was completed; the mere failure to declare him elected could not in any way defeat the will of the two houses as expressed in their separate votes.

The failure to make a specific declaration of his election was not vital. The action of the governor and secretary of state in deferring the certificate of his election or in misstating the time of his election could not affect that election.

If we are correct in assuming that the election of ISAAC STEPHENSON was accomplished when the record of the two houses was read and announced in the joint assembly, then the failure or delay of the executive officers to perform their duty could in no way defeat his election as of the date of the meeting of the first joint assembly.

ACTS OF BRIBERY CHARGED.

Charges of bribery in the interest of Mr. STEPHENSON's election had been freely made both before the subcommittee and before the legislative investigating committee. Not one of these charges has been sustained by the testimony.

The word "bribery" has been applied to many acts that do not constitute bribery.

The procurement of advertising space or editorial comment in the newspapers upon the payment of money by or on behalf of a candidate for office can not under any construction of law be held to be bribery.

The procurement of the services of men to speak either publicly or personally on behalf of any candidate, or to canvass the electorate on his behalf, is not bribery under any reasonable construction of the law.

If the testimony were true that money was offered to Assemblyman Leuch to go upon the floor and vote for the purpose of effecting a quorum, it would not constitute bribery. It was the duty of such member to go upon the floor and vote.

The charge of an attempt to bribe H. R. Pestalozzi utterly failed of proof before your committee.

The charge of unlawful dealings with the Milwaukee Free Press utterly failed of proof. It was conceded that Mr. STEPHENSON owned a controlling interest in that paper and he was certainly entitled to have its support and to sustain his interest in it.

BRIBERY.

The law of Wisconsin relative (reference is to "Election Laws of Wisconsin," published by J. A. Frear, secretary of state, 1908) to bribery is as follows:

"Sec. 39. Bribery of signers to petitions, etc.: 1. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce him to sign any nomination paper, * * * and any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as consideration for signing the same, whether such bribe or promise

of gain in the nature of a bribe be offered or accepted before or after such signing, or any candidate who shall knowingly cause a nomination paper, or papers, to be signed in his behalf by more than the maximum number of qualified electors provided for his district by subdivision 5 of section 11-5 of this act, shall be guilty of a misdemeanor, and upon trial and conviction thereof be punished by fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail of not less than 10 days or more than 6 months, or by both such fine and imprisonment.

"Penalties: Caucus and general election laws applicable: 2. Any act declared an offense by the general laws of this State concerning caucuses and elections shall also, in like case, be an offense in primaries and shall be punished in the same form and manner as therein provided, and all the penalties and provisions of the law as to such caucuses and elections, except as herein otherwise provided, shall apply in such case with equal force and to the same extent as though fully set forth in this act.

"Sec. 40. General election laws applicable (secs. 11-25): The provisions of the statutes now in force in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making return thereof, and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections.

"Sec. 263. Bribery at elections (sec. 4478): The following persons shall be deemed guilty of bribery at elections:

"1. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give, or lend, or offer, promise or promise to procure or endeavor to procure any money or valuable consideration, to or for any voter, to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or do any such act as aforesaid, corruptly, on account of such voter having voted or refrained from voting at any election.

"2. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or endeavor to procure any office, place of employment, public or private, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or do any such act as aforesaid, corruptly, on account of any voter having voted or refrained from voting at any election.

"3. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the election of any person to a public office, or the vote of any voter at any election.

"4. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure, or engage, promise or endeavor to procure the election of any person to a public office or the vote of any voter at any election.

"5. Every person who shall advance or pay or cause to be paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money wholly or in part expended in bribery at any election.

"Penalty: And any person so offending shall be punished by imprisonment in the State prison for a term of not less than six months nor more than two years: *Provided*, That the foregoing shall not be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses authorized by law and bona fide incurred at or concerning any election.

"Sec. 264 (sec. 4478a). The following persons shall also be deemed guilty of bribery at elections:

"1. Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place of employment, public or private, for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election.

"2. Every person who shall, after any election, directly or indirectly, by himself or by any other person in his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; and any voter or other person so offending shall be punished by imprisonment in the county jail not less than one month nor more than one year.

"Sec. 266. Office obtained by bribery, vacant (sec. 4881): Any person who shall obtain any office or shall have been elected to any office at any election, at which election he shall have induced or procured any elector to vote for him for such office by bribery, shall be disqualified from holding said office, and he shall be ousted therefrom, and said office shall be deemed and held vacant, to be filled by election or appointment as other vacancies, according to law.

"Sec. 294. Bribery at caucus or convention (sec. 4479): Any person being, or seeking to be, a candidate for any office at any election authorized by law who shall give, or promise to give, to any elector or other person any money or thing of value or any pecuniary advantage or benefit for the purpose of inducing or influencing such elector or other person to vote for him in any convention or meeting of the people held for the purpose of nominating any person or persons to be voted for at any such election to make him the nominee of any such convention or meeting and the candidate to be voted for for any office at such election, or who shall so give or promise any such thing to any such person for the purpose of inducing or influencing any person to sign any nomination paper which seeks to have him nominated as a candidate for any office to be so voted for; and any such elector or other person who shall ask, solicit, or receive any money or thing of value or any pecuniary advantage or benefit from such candidate as a consideration or inducement for his vote at any such convention or meeting of the people, or his signature to any such paper, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$500.

"Sec. 296. Bribery in connection with caucus (sec. 4542b): Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any preliminary meeting or caucus mentioned in sections 11a to 11i, or who shall give or offer to give any valuable thing or bribe to any officer, inspector, or delegate whose office is therein created, or who shall give or offer to give any valuable thing or bribe to an elector as a consideration for some act to be done in relation to such preliminary meeting, caucus, or convention, or who shall interfere with or in any manner disturb any

preliminary meeting, caucus, or convention held under said provisions shall be punished as provided in section 4542a.

"Sec. 298. Bribery of voter; disturbance at caucus or convention: Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any caucus mentioned in this act, or who shall give or offer to give any valuable thing or bribe to any officer, inspector, or delegate whose office is created by this act, or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention, or who shall interfere with or in any manner disturb any caucus or convention held under the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished in the manner hereinafter provided." (Ch. 341, 1899.)

CHARGES OF CORRUPTION IN THE LEGISLATURE.

On page 2271 of the Report of the State Senate Investigating Committee an attempt is made to summarize the corruption alleged to exist in connection with the election by the legislature, and the first objection is that Mr. STEPHENSON was elected by the legislature by a majority of three votes while the charges of corruption against him were being investigated by the legislature. This charge seems hardly worthy of serious consideration. It was admitted that he was elected by the legislature, and there is no law or rule that would invalidate the election because of the pendency of these charges. That was a matter for the members of the legislature to consider in determining whether or not they would vote for him.

ABSENT MEMBERS ON MARCH 4.

The next charge is that the election of Mr. STEPHENSON was made possible by three members, who, it is claimed, at the instigation of Mr. STEPHENSON's managers and agents, absented themselves from the joint assembly when it became known that their presence would prevent the election of Mr. STEPHENSON, and it was charged that the absence of these three members had been procured by fraudulent or wrongful means by or on behalf of Mr. Stephenson. It was the only charge of corruption in connection with the election of Mr. STEPHENSON by the legislature worthy of consideration.

The result of the vote on March 4 consequent upon the absence of these three members is made plain in the testimony of Richard J. White (p. 1324) and by an examination of the journal of the joint assembly on March 4. On that day the total number of votes cast was 123, of which ISAAC STEPHENSON received 63.

The members of the legislature whose absence from the chamber on March 4 was questioned were Messrs. Farrell, Ramsey, and Towne.

On March 3 Farrell voted for Neal Brown, Ramsey voted for George W. Peck, and Towne did not vote at all.

On March 2 Farrell and Ramsey voted for Neal Brown, and Towne voted for Lucknow.

On March 1 neither Farrell, Ramsey, nor Towne voted at all.

On February 27 Ramsey voted for Wall, Farrell voted for Neal Brown, and Towne did not vote at all.

On February 26 Towne voted for Thomas A. Stewart; neither Farrell nor Ramsey seem to have voted.

These instances are cited to show that on the face of the transaction there was nothing unusual in the absence of either of the three absentees on March 4, and nothing in their absence to raise the presumption of corruption therein.

It is true that had these three members been present and voted the total vote would have been 126, and the 63 votes received by Mr. STEPHENSON would not have elected, but the evidence clearly establishes the fact that Mr. Ramsey, one of the three absentees, was paired with Mr. Fenelon and that such pairs had been universally recognized, so that Mr. Ramsey can not be said to have been absent for any corrupt purpose, nor would his absence from the joint assembly affect the result of the vote. Being paired, he could not have voted. In that event, had Farrell and Towne been present the total vote would have been 125, of which Mr. STEPHENSON received 63. Sixty-three would have been a majority and would have elected Mr. STEPHENSON, so that the absence of Farrell and Towne did not affect the result of the election, and it can not therefore be said that the election was brought about through corrupt practices, so far as the absence of Farrell and Towne was concerned.

It is not charged that any other member who voted for Mr. STEPHENSON did so either from corrupt motives or actions on his own part or that he was procured to do so by any corrupt action on the part of any person in the interest of Mr. STEPHENSON.

The votes cast for Mr. STEPHENSON were those that had been consistently supporting him throughout the contest. There was no change in his favor upon which any presumption of corruption could be based.

Does the evidence show or tend to show that there were corrupt measures or unlawful methods adopted to secure the absence of either Farrell or Towne?

There has been much sensational testimony introduced before the subcommittee, which was heard largely because such testimony had been received by the legislative investigating committee for the purpose of showing bribery or corrupt methods in connection with the absence of Ramsey, Farrell, and Towne. It was not shown that any money had been traced to either of these men from any source in connection with the matter; but it was claimed that a fund had been raised to be used for corrupt purposes, and that, on the assumption that such fund had been raised, it must at least in part have been used to bring about the absence of these three members of the legislature.

It was claimed that Senator STEPHENSON had entered into an arrangement with Edward Hines and R. J. Shields for using money for corrupt purposes to be furnished by Mr. STEPHENSON, and much hearsay testimony was introduced for the purpose of establishing such fact. There can be no question but what the effort to establish any such charge utterly failed. There was no evidence upon which any reasonable conclusion that such corruption fund had been either raised or used could be based.

The charge as to a meeting between the three absentees or some of them and Mr. Regan and Mr. Puelicher at the Plankinton House in Milwaukee centered about the testimony taken before the legislative investigating committee of a witness, Frank T. Wagner, who was utterly discredited both at the legislative investigation and by testimony introduced before the subcommittee. It was shown that he is now under sentence in the penitentiary for perjury for having testified to seeing these men in the Plankinton Hotel and hearing a conversation upon which the charge that they had entered into a corrupt bargain at that time rested. All the testimony in regard to such a transaction fell to the ground, and was so manifestly without foundation as to call for no consideration except its dismissal.

CHARGE OF BRIBERY OF OTHER MEMBERS.

There seems to have been some remark on the part of Mr. Damochowski and Mr. Lyons as to the tender of money being made them in connection with this election, but on the witness stand they both stated that whatever statements they made in that regard were made in jest and that there was no foundation in truth for them.

Some sensational testimony was introduced in regard to statements made by Mr. R. J. Shields as to having received money or handled money in the interest of Mr. STEPHENSON in a corrupt manner in dealing with members of the legislature, and members of the senate legislative investigating committee had gone to the office of a certain attorney in Chicago and there met Mr. Wirt Cook of Duluth, Minn., who recited to them some hearsay statements as to conversations and acts which were fully investigated by the subcommittee and found to be entirely without foundation.

We may therefore safely dismiss the charges of corruption in connection with the action of the legislature in electing Mr. STEPHENSON, whether such election is held to have been on January 26 or on March 4, 1909.

It appears that Mr. STEPHENSON contributed \$2,000 to the Republican State central committee. Against this contribution no legitimate objection can be urged. It was not in violation of any law nor for other than general election purposes.

It was also shown by testimony that Mr. STEPHENSON before the primary gave money to C. C. Wellensgard, Levi H. Bancroft, and Thomas Reynolds, who were candidates for the legislature. These men testified that they used the money in the interest of Mr. STEPHENSON at the direct primaries. If we eliminate Mr. STEPHENSON from the direct primaries the contributions which he made to these candidates for nomination and election to the legislature would be in violation of no law. It appears from the testimony that they were at the time voluntary and ardent supporters of Mr. STEPHENSON regardless of any money which they may have received or which may have been placed in their hands by him for any purpose.

There is not sufficient evidence upon which to base a charge of bribery or any other charge that would affect the validity of the election of Mr. STEPHENSON in either of these cases.

DIRECT PRIMARY.

The subcommittee, in determining the scope of the investigation, was confronted with the question as to how far, if at all, the charges affecting the candidacy of ISAAC STEPHENSON before the direct primary should be considered.

The State legislative committee had directed its attention principally to the direct primary and the conduct of the candidates therein.

It was doubtless competent for the legislature to provide for direct primaries for the nomination of candidates for the legislature and to place legal restrictions about them to secure the integrity of their elections, but, as herein elsewhere more fully stated, it is not competent for the legislature to provide for the nomination of candidates for the United States Senate at direct primaries.

The status of Mr. STEPHENSON at such primaries is not comparable to that of candidates for the legislature or for any State office.

The language of the resolution under which the subcommittee acted directs it to report whether "in the election of ISAAC STEPHENSON there were used or employed corrupt methods or practices," and the language of the last paragraph of section 1 of the resolution, bringing the matter to the attention of the United States Senate, strictly construed, refers only to the election.

When we speak of the election of a United States Senator under existing constitutional and legislative provisions we contemplate only the election by the legislature of the State. There is as yet no recognition to be given extra-legislative proceedings in the nature of what is termed "direct primaries," no such method of selection being recognized by any law of the United States.

The subcommittee has, however, brought to the attention of the Senate in the record of its proceedings all the facts obtainable relating to the conduct of the primary. Should it be the judgment of the Senate that such facts are irrelevant, then the consideration would be limited to matters concerning the election of members of the legislature, and the acts and conduct of members of the legislature and candidates in relation to the election of a Senator by the legislature.

The direct primary, legally speaking, is no part of an election of a United States Senator. The duty of an election of a Senator does not rest under any law rest with the electorate, but is vested by the Constitution solely in the legislature. The legislature electing had no existence until after the general election. The nomination of such members at the primary vested in the nominees not even an inchoate status. A State may give force and effect to a direct-primary law providing for the nomination of candidates for State or minor offices to be elected under the laws of the State, but the legislature has no power to regulate in any manner or to any extent the election of a United States Senator, and there is no such proceeding known under any law of the United States as the nomination of a candidate for the United States Senate.

The question arises, Can any act in contravention of a law that is absolutely void work a forfeiture of any right to an office vested through the compliance with the Constitution and laws of the United States? Did the proceedings preceding and at the direct primary relative to a choice for United States Senator amount to more than a "straw vote"?

The mere fact that the Legislature of Wisconsin had undertaken to include a senatorial selection within the provisions of its direct-primary law, in the absence of power to so legislate, could not affect the validity of an election by the legislature made pursuant to national law; this must be obvious from the fact that the legislature was not in duty bound to elect anyone or consider anyone a candidate for election because of the action of the direct primary. It might have ignored such action altogether, and its having done so would not in any way affect the validity of its action.

There is no law of the United States recognizing such a thing as "candidacy" for the United States Senate, and no legal status is given to the frame of mind constituting an intention on the part of a man or his friends that he become a candidate before the legislature.

The question also arises as to the period when a man can be charged with responsibility for his acts so as to affect the validity of his subsequent election by the legislature.

It frequently occurs that none of the men who are avowed candidates are chosen. The matter rests solely with the legislature, and under existing laws one legislature can not dictate the rule governing a subsequent legislature in the manner of its procedure relative to matters resting entirely within its discretion.

It would be entirely within the power of a legislature charged with the responsibility of electing a United States Senator, before proceeding

to elect a Senator, to repeal any legislation enacted by a previous legislature which placed a limit upon or directed its action.

It seems from this consideration of the question we must conclude that the direct-primary proceedings can not be held to affect the validity of an election by the legislature.

FAILURE TO FILE PROPER EXPENSE ACCOUNT.

The fifteenth specific charge is based upon the failure or neglect of ISAAC STEPHENSON to make and file an expense account under the laws of Wisconsin. This requirement is under section 270 of the election laws, which provides that every person who shall be a candidate before any convention or at any primary or election to fill an office for which a nomination paper or certificate of nomination may be filed, shall, within 30 days after the election held to fill such office, make out and file with the officer empowered by law to issue the certificate of election to such office or place, a statement in writing, etc., and that any person failing to comply with this section shall be punished by fine of not less than \$25 or more than \$500. This being a penal statute, the validity of an election could not be affected by the failure to comply with it.

GENERAL COMMENT.

The rule adopted by the several candidates for said office seems to have been unanimous in regard to filing expense accounts. Senator STEPHENSON's expense account was \$107,793.05.

S. A. Cook's expense account was \$42,293.29.

William H. Hatton's expense account was \$26,413.

Francis E. McGovern's expenditure was \$11,063.88.

Neal Brown's expense account was \$1,075.87.

The total expenditures of all candidates for the office of United States Senator before the primary election was about \$225,000.

Less than one-half of the voters at the general election voted at the primary. The total vote cast in the Republican primaries for the nomination of United States Senator was 182,915, being 81 per cent of the total primary vote cast by all political parties for Senator.

The total vote cast in the Democratic Party for United States Senator was 37,479, or about 17 per cent of the total primary vote of all parties cast for Senator, and about 23 per cent of the total Democratic vote cast for governor at the general election.

Mr. STEPHENSON, a Republican candidate, received 56,909 votes.

Mr. Cook, a Republican candidate, received 47,825 votes.

Mr. McGovern, a Republican candidate, received 42,631 votes.

Mr. Hatton, a Republican candidate, received 35,552 votes.

Mr. Brown, a Democratic candidate, received 24,937 votes.

Mr. Hoyt, a Democratic candidate, received 12,227 votes.

Mr. Rummel, Social Democratic candidate, received 4,047 votes.

On the basis of the total vote received by each senatorial candidate and the total cost of each candidate's campaign:

Mr. STEPHENSON spent \$1.89 for every vote cast for him.

Mr. Cook spent \$0.88 for every vote cast for him.

Mr. Hatton spent \$0.85 for every vote cast for him.

Mr. McGovern spent \$0.26 for every vote cast for him.

Mr. Brown spent \$0.42 for every vote cast for him.

Mr. Hoyt spent \$0.16 for every vote cast for him.

And there was spent in behalf of Mr. Rummel, the Socialist Democratic candidate, about \$1 per vote.

Were it possible to hold that Mr. STEPHENSON was subject to the same restrictions under the laws of Wisconsin as a candidate for a State office, we would feel compelled to enter more fully upon the nature and character of the expenditures made by him and on his behalf during the primary campaign.

The amount of money expended by Mr. STEPHENSON, Mr. Cook, Mr. Hatton, and Mr. McGovern in the primary campaign was so extravagant and the expenditures made by and on behalf of these gentlemen were made with such reckless disregard of propriety as to justify the sharpest criticism. Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate.

Regardless of any statute requiring that strict accounts be kept of money expended by and on behalf of candidates, a candidate and every man representing him should know that public opinion would expect the parties to place and maintain themselves in a position so that if any of their acts were questioned they could justify such acts to the extent of giving every detail in regard thereto.

While I do not believe that the law of Wisconsin could constitute any man a candidate or place him in the position of and under the responsibilities of a candidate for an office over which the State had no control and which was not to be filled under any law of the State, yet I feel impelled to criticize the acts of those in charge of the expenditure of the money of men who are called candidates for the Senate, and especially of Mr. STEPHENSON, in the irresponsible and reckless manner in which they disbursed the money furnished them by Mr. STEPHENSON during the period of the primary campaign.

The failure to keep detailed accounts, the destruction of memoranda, the shifting of records and papers concerning the campaign from one place to another, the adoption of mysterious methods and roundabout ways in regard to matters that might just as well have been performed in open daylight in the presence of the people, would go far toward creating the impression that there was some occasion for Mr. STEPHENSON's representatives to avoid candor and to obscure conditions.

The subcommittee has gone carefully through all of the letters and correspondence which had been in the hands of Mr. STEPHENSON and his managers and which had been shifted from Milwaukee to Marinette and from Marinette to points in Michigan, and back again, under most unusual and mysterious circumstances. These letters are not out of the ordinary political correspondence of campaign managers and citizens whose votes, influence, or services are solicited in behalf of a candidate.

The letters transmitting and acknowledging the receipt of money have been considered separately from those giving information in regard to political conditions and instructions in regard to how political work shall be done. There is nothing in the letters transmitting or acknowledging the receipt of money that would seem to add anything to the information given by witnesses in explaining these expenditures so far as they could explain them. The subcommittee has not thought it necessary to print this correspondence, which is in evidence and might be held to constitute a part of the record of the investigation. In our judgment, it would add nothing in the way of assistance to the committee in ascertaining the facts necessary and proper to be considered in connection with the investigation.

Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. STEPHENSON, and of

other men who sought election to the United States Senate, were conducted, it would be very difficult to justify such conduct under the laws of the State.

The joint senatorial primary investigating committee in its report (submitted Mar. 18, 1910, but never acted upon), after reviewing the testimony, says:

"Your committee believes that the Republican senatorial candidates and their managers did not deliberately plan to violate the law, but in their desire to win these candidates, particularly STEPHENSON, Cook, and Hatton, conducted their campaigns with the idea of getting results, and men were hired and money spent, and State officials and employees and members of the legislature were used without much regard to propriety. All of the Republican candidates probably spent all they could afford, and the amount spent by the different candidates was probably limited more by their ability to spend than their appreciation of the moral effect of the expenditure of such large sums of money to secure the nomination."

This committee evidently looked upon the result of the direct primary, as shown by the vote cast therein for each of the men who sought election to the United States, as constituting a legal nomination. I entertain a different view of that matter and look upon the primary nomination as a mere expression of a choice without legal effect, and do not recognize such expression as binding upon the legislature.

CONCLUSION.

The testimony clearly shows that the candidates felt compelled to spend more money than they wanted to spend. The pressure upon them from those who were undertaking to manage their campaigns seems to have been very great and persistent, but I can find nothing in the testimony nor in the circumstances or conditions surrounding the senatorial contest which resulted in the election of Mr. STEPHENSON that in my judgment would justify the committee in recommending that the seat be vacated, or that he be declared not legally elected to the United States Senate; and therefore I recommend that the Senate find that the charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, are not true, and that ISAAC STEPHENSON be acquitted of such charges.

W. B. HEYBURN.

PUBLIC-UTILITIES COMMISSION.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. LODGE. As the Senator from New Hampshire [Mr. GALLINGER], in charge of the bill, is absent on business of the Senate, I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 21, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1912.

SURVEYOR OF CUSTOMS.

Conrad B. Scherr, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa, in place of John M. Lenihan, whose term of office will expire March 31, 1912.

APPRAISER OF MERCHANDISE.

Joseph M. Weiss, of Michigan, to be appraiser of merchandise in the district of Detroit, in the State of Michigan, in place of Luther S. Trowbridge, deceased.

POSTMASTERS.

INDIANA.

Timothy De Brular to be postmaster at Garrett, Ind., in place of Timothy De Brular. Incumbent's commission expired January 20, 1912.

OHIO.

Elva A. Jackson to be postmaster at Troy, Ohio, in place of Elva A. Jackson. Incumbent's commission expired January 27, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1912.

COLLECTOR OF CUSTOMS.

Walter F. Osborne to be collector of customs for the district of Gloucester, Mass.

UNITED STATES DISTRICT JUDGE.

William H. Pope to be United States district judge, district of New Mexico.

UNITED STATES ATTORNEY.

Stephen B. Davis, jr., to be United States attorney, district of New Mexico.

POSTMASTERS.

CALIFORNIA.

Oran A. King, Benicia.

COLORADO.

Charles D. Pickett, Wray.

HAWAII.

John H. Travis, Waipahu.

IDAHO.

Frank S. Stevens, New Plymouth.

ILLINOIS.

Hilery J. Campbell, Roberts.

Charles E. Healey, Loda.

INDIANA.

Charles J. Daugherty, Crown Point.

IOWA.

Howard L. Rann, Manchester.

S. W. Shutes, Woodward.

KANSAS.

Thomas R. Jones, Girard.

Clyde B. Scott, Greenleaf.

Joseph A. Whitehair, Chapman.

MAINE.

Walter H. Downs, South Berwick.

Harry P. Jameson, Cornish.

MARYLAND.

William T. Kelley, Preston.

MASSACHUSETTS.

Oliver P. Kendrick, West Brookfield.

Frank E. Nichols, Warren.

MICHIGAN.

Ada E. Campbell, Beaverton.

Ernest J. Chart, Plainwell.

James H. Clark, New Lothrop.

Archibald K. Dougherty, Elk Rapids.

Samuel Falls, Spring Lake.

Hiram E. Hardy, Big Rapids.

Margaret C. Harry, Hubbell.

John N. McCall, Ithaca.

Edwin P. Radford, Hermansville.

Albert Schell, North Branch.

MINNESOTA.

Ole C. Enge, Elmore.

Phillip E. Schoeneman, Buffalo Lake.

NEBRASKA.

Joseph G. Alden, Aurora.

Daniel N. Wonder, Blue Springs.

NEW HAMPSHIRE.

Joseph P. Conner, Portsmouth.

NEW YORK.

Robert G. Anderson, Freeport.

William Mattson, Croghan.

William J. Steele, Baldwin.

NORTH DAKOTA.

Harry Leighton, Cavalier.

OHIO.

Mary S. Hill, Berlin Heights.

Robert V. Jones, Sidney.

RHODE ISLAND.

John A. Allen, Peace Dale.

SOUTH CAROLINA.

Landrum Padgett, Pelzer.

Edgar E. Poag, Rockhill.

Amra E. Ramseur, Central.

WISCONSIN.

Ralph E. Arnold, Fairchild.

Anna M. Merrill, Merrillan.

Bernard Roemer, Tigerton.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 20, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, quicken, we beseech Thee, every noble impulse, every high ideal, every holy aspiration within us that with patriotic zeal and religious fervor "we may render unto Caesar the things that are Caesar's and unto God the things that are God's," in whatsoever our hands findeth to do this day. For Thine is the kingdom and the power and the glory forever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE CHEMICAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20182.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20182, the chemical schedule, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20182, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The CHAIRMAN. The Chair will state that before adjournment yesterday evening the agreement was that general debate should continue for one hour this morning, one-half of the time to be controlled by the gentleman from Alabama and one-half to be controlled by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. UNDERWOOD. Mr. Chairman, I ask the gentleman from Pennsylvania to consume his time.

Mr. DALZELL. Mr. Chairman, I agreed to yield all my time this morning to the gentleman from Oklahoma [Mr. MORGAN], but I do not see him here.

Mr. UNDERWOOD. Mr. Chairman, I can occupy five minutes' time and I will yield five minutes to the gentleman from New York [Mr. AKIN].

Mr. AKIN of New York. Mr. Chairman, I wish to introduce to the members of the committee here an object lesson on the full dinner pail that they may have the same for their inspection— [Placing large illustration on Clerk's desk.]

The CHAIRMAN. To whom did the gentleman from Alabama yield?

Mr. UNDERWOOD. To the gentleman from New York [Mr. AKIN].

The CHAIRMAN. How much time?

Mr. UNDERWOOD. Five minutes.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. AKIN of New York. Mr. Chairman, that is a speech without words. [Laughter and applause.] I yield back the balance of my time.

Mr. BUTLER. I can see the force of that, Mr. Chairman.

Mr. UNDERWOOD. I will ask the gentleman from Pennsylvania [Mr. DALZELL] to consume his time.

Mr. DALZELL. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, the extent to which the Government should go in the regulation and control of our great industrial corporations is one of the most important questions of the hour.

If further control shall be deemed advisable, then we can not exercise too much care or wisdom in adopting plans, in selecting means, and in choosing administrative machinery to accomplish the purpose we have in view.

Since the passage of the so-called Sherman Antitrust Act, July 2, 1890—22 years ago—we have not added a single line to our laws that materially increases, extends, or enlarges the actual control of the National Government over industrial corporations.

In the meantime, there has been a revolution in this country—an industrial, business, and commercial revolution that is felt in every section of our country and in every home in the land. We have passed through a period of industrial concentration. The size of our corporations have grown until they

have attained proportions beyond the grasp and comprehension of the human mind.

There is evidence that some of these corporations have the power—if they wish to exercise it—to arbitrarily control the prices of articles in common use among the people.

If any one corporation, or any number of corporations have this power, then we should proceed with unflinching firmness and determination to enact such laws as will wrest this power from them.

This is a most dangerous power, utterly subversive of the rights and liberties of the people, and under no circumstances should it be allowed to exist.

When our forefathers ordained our Constitution, every precaution was taken to guard the political and property rights of the people. These rights were regarded not only as sacred to every freeman, but absolutely essential to the welfare of the people, and the perpetuity of the Republic; for no free people would maintain a government that did not safeguard and protect both political and property rights.

The Constitution does not protect property rights if, under it, corporations may arbitrarily dictate what the people shall pay for articles in common use.

When we have reasonable evidence that corporations have attained such domination in the production and sale of articles in common use that they have eliminated free and effective competition—repealed, as it were, the great economical law of supply and demand—and are able at their pleasure to put prices up or put them down, then we should proceed to eradicate this evil, and if necessary to accomplish our object we should bring into requisition every power of the National Government.

The people have a right to know, not only that they are not being robbed, but that it is not within the power of any of our great corporations to rob them.

We are expending \$215,000,000 annually to maintain our military establishment. We are constantly expending millions of dollars annually in strengthening our naval equipment. But we are not engaged in war; we do not expect war.

This vast expenditure is largely a precautionary measure. May we not, with even greater propriety, as a precautionary measure, expend a few hundred thousand dollars annually to protect our people from the possibility of being compelled to pay unjust tribute to our overgrown corporations?

I do not regard House bill 18711 as radical legislation. I would not magnify existing evils. It is not my purpose to unduly alarm the people over either real or imaginary dangers. I have no desire to create prejudice against the great business institutions of this country. In so far as they are legitimate and lawful, I take just pride in their splendid achievements. I honor the men who direct our great industrial concerns in the contest for supremacy in the markets of the world. I would offer them every encouragement, and by national legislation aid them in their contest for world supremacy. But it matters not how legitimate and lawful a corporation may be, we must still place around it all the restrictions, limitations, restraint, and control that are necessary to guard the State and protect society.

For only in such restrictions, limitations, restraint, and control can we give our industries permanent prosperity and our people proper protection.

PROVISIONS OF H. R. 18711.

I wish to call the attention of the House to the important provisions of H. R. 18711, which I introduced January 25, 1912. By permission of the House I desire to print this bill in full as a part of my remarks. (See Appendix "A.") The purpose of this bill is to provide a practical and effective method by which the National Government may exercise proper and effective control over our great industrial corporations.

Important provisions of H. R. 18711 may be summarized as follows:

First. The bill creates "the interstate corporation commission," composed of seven members. The commission is given jurisdiction over industrial corporations similar to the jurisdiction the Interstate Commerce Commission has over railway corporations. Only corporations whose annual receipts exceed \$5,000,000 are subject to the provisions of the bill.

Second. It declares that the price or prices at which any corporation subject to the provisions of the act shall sell or dispose of any article of merchandise or any product whatsoever shall be just, fair, and reasonable.

Third. It provides—that every practice, method, means, system, policy, device, scheme, or contrivance used by any corporation subject to the provisions of the act in conducting its business, or in the management, control, regulation, promotion, or extension thereof, shall be just, fair, and reasonable, and not contrary to public policy or dangerous to the public welfare.

Fourth. It provides that every corporation subject to the provisions of the act shall deal justly and fairly with competitors

and the public, and that it shall be unlawful for any such corporation—

to grant to any person or persons any special privilege or advantage which shall be unjust and unfair to others or unjustly and unreasonably discriminatory against others, or to enter into any special contract, agreement, or arrangement with any person or persons which shall be unjustly and unreasonably discriminatory against others, or which shall give to such person or persons an unfair and unjust advantage over others, or that shall give to the people of any locality or section of the country any unfair, unjust, or unreasonable advantage over the people of any other locality or section of the country, or that shall be contrary to public policy or dangerous to the public welfare.

Fifth. It gives the commission the authority on complaint, or on its own initiative without complaint—

to determine and prescribe what shall be a just, fair, and reasonable price to be charged for such article of merchandise or product, to be thereafter observed in such case as the maximum to be charged until further order of the commission, and to determine and prescribe what practice, method, means, or system, policy, device, scheme, or contrivance is just, fair, and reasonable, and not contrary to public policy or dangerous to the public welfare, to be thereafter followed, and to make an order that such corporation shall cease and desist from such violation to the extent to which the commission finds the same to exist, and such corporation shall not thereafter charge or collect or accept for such article of merchandise or product a price in excess of the maximum price so prescribed, and shall adopt, conform to, and observe the practice, method, means, policy, and system so prescribed, and cease to use any device, scheme, or contrivance that is contrary to any of the provisions of this act.

Sixth. It authorizes and empowers the commission to make rules and regulations not in conflict with the Constitution and laws of the United States, to aid in the administration and enforcement of the act, and by such rules and regulations to prohibit any particular or specific act or acts, practice, method, system, policy, device, scheme, or contrivance that is contrary to any provisions of the act.

Seventh. It provides practice and procedure for the enforcement of rights before the commission and the courts, gives the commission ample authority to enforce its orders and exercise strict supervision and control over corporations subject to the provisions of the act.

THE BILL IN A SENTENCE.

In a sentence, this bill creates the interstate corporation commission; places industrial corporations with gross annual receipts in excess of \$5,000,000 under its supervision and control; and by law creates what might be termed a new code of business ethics, which requires corporations subject to the provisions of the act to dispose of their products at just and reasonable prices; to give like privileges and advantages to all, and, in conducting their business, not to engage in any practice or method that is unfair, unjust, or unreasonable, or that shall be against public policy or dangerous to the public welfare.

AUTHORITY TO MAKE RULES AND REGULATIONS.

One of the important provisions of the bill is the authority given the commission to make rules and regulations for the enforcement of the provisions of the act and by such rules and regulations to prohibit any act or acts, practice, method, system, policy, device, scheme, or contrivance that is contrary to any of the provisions of the act.

The bill does not prohibit specific practices or business methods which are generally regarded as illegitimate, but promulgates general rules of conduct comprehensive enough to exclude every illegitimate act or method.

Under the authority given it, the commission may by rule or order prohibit any specific act or practice that is not in harmony with the general rules of conduct promulgated by the act of Congress.

The advantages in this arrangement are apparent. Congress might pass an act to-day which prohibits all the known iniquitous and dangerous devices and schemes to which corporation managers have heretofore resorted. Unscrupulous corporations may cease to use such practices so condemned by act of Congress, but they may invent new schemes which may be worse than those made unlawful by Congress. Congress acts with much deliberation. While waiting for congressional action, the corporations continue to engage in methods which enable them to destroy competition and inflict untold injury upon the public. The commission could act quickly. When any new scheme, device, or method was invented by the corporations which was in conflict with the principles of business ethics enunciated by Congress, the commission could promptly make an order prohibiting such practice or method.

CONTROLLING PRICES.

I am aware that there will be strenuous objection to the provisions of this bill which give the commission any power to regulate the prices of products, even of corporations possessing monopolistic power. The country may not have reached the point when it is ready to take this step. In my judgment this step is necessary, and we will never attain best results until the National Government does assume some authority over prices.

I do not believe that it would be practical for the Government to control or fix prices generally. Such a thing, if practical, is not contemplated by the provisions of this act. I desire distinctly to express myself as opposed to such a proposition. I do not think the National Government should go into the business generally of fixing prices of products. Free, open, honest competition must continue to be the great factor in controlling and regulating prices. We must do our utmost to promote and preserve competition.

The provisions of this bill are intended to affect only corporations which have attained enormous size—a size which justifies a belief that they possess monopolistic power. In my judgment there is nothing impractical, nothing revolutionary, nothing dangerous to society, to the State, or to the people for the National Government to exercise such control over such corporations as will require them to dispose of their products at reasonable prices.

Mr. MURDOCK. Will the gentleman yield?

Mr. MORGAN. With pleasure, I yield to the distinguished gentleman from Kansas.

Mr. MURDOCK. Is the gentleman aware of the fact that during the French Revolution repeated attempts were made by law to regulate the price of cereals and that it absolutely failed?

Mr. MORGAN. I do not know that I am familiar with that fact, but even if that were true I do not think it would demonstrate that under twentieth-century conditions we could not now exercise certain control over prices of large corporations that have a practical monopoly.

Mr. MURDOCK. If the gentleman will yield further, does he believe that the Government can regulate prices?

Mr. MORGAN. I do to a certain extent.

Mr. MURDOCK. By a commission?

Mr. MORGAN. Yes, sir.

Mr. MURDOCK. Does the gentleman, in the comprehensive proposition which he has planned, make provision for individual complaint and challenge of prices to the commission, or does he expect the commission automatically to regulate the prices?

Mr. MORGAN. As I shall show further, Mr. Chairman, in my remarks, my view of it generally is that the Federal Government, the State, or a municipality should have the power to file the complaint against monopolistic prices, but the provisions of my bill give the commission the authority on its own initiative to investigate prices and determine whether or not they are just and reasonable.

Mr. HAMILTON of Michigan. I simply want to suggest, while we are commenting upon the inquiry of my friend from Kansas, that during the time of the French Revolution the effort was not to regulate the price of cereals, but the price of bread.

Mr. MURDOCK. I want to say the cereals were the material out of which bread was made, by the way. And the gentleman will remember that the attempt absolutely failed?

Mr. HAMILTON of Michigan. Oh, certainly. They hanged a few bankers to lamp posts on account of the price of bread.

Mr. MORGAN. Mr. Chairman, I hope the day will never come under the flag of this country when anyone will be hanged to lamp posts on account of high price or the cost of bread, and it is because I believe the people have some ground for complaint, on account of monopolistic control of prices, that I am advocating that the Government should extend its strong arm around the people to protect them and make them secure from monopolistic prices.

AID TO SHERMAN ANTITRUST LAW.

The provisions of this bill do not conflict with the provisions of the so-called Sherman antitrust law. Its purpose is to strengthen this act and aid in its enforcement. But the scope of the bill is broader than the Sherman Antitrust Act. That act seeks to prevent and destroy monopoly. This bill seeks to prevent, destroy, and control monopoly. The Government should do its utmost to destroy every private monopoly, trade and commerce should be kept absolutely free from monopolistic control, and competition should be preserved. But if we can not prevent, if we can not destroy, then we should control. This bill assumes that under existing conditions and under modern methods we may do our best and still monopolies may exist, and that if monopoly does exist it is the duty of the Government to control it.

In matters of health we seek to prevent disease; but when disease exists, and we can not promptly destroy it, we strive to keep it under control. We do not allow the malady to go on indefinitely, slowly but surely sapping the life and vitality of the patient.

In like manner we should treat our industrial system, now infected with a malignant monopolistic fever. In spite of our efforts to prevent and destroy, the malady has grown more viru-

lent. We have not been able to cure or destroy this fever. Let us act the part of a wise physician—continue our efforts to destroy the disease, but in the meantime apply some remedy that will keep it under control.

IN LINE WITH EXISTING POLICY.

The bill is in line with the existing policy of the Government. We have already entered upon the policy of national control. Twenty-five years ago we passed the "Act to regulate commerce." Twenty-two years ago we passed what is known as the Sherman antitrust law. Nine years ago we created the Bureau of Corporations and armed it with the weapon of publicity. Through these laws we are now exercising important control over both transportation companies and industrial corporations. Under the Sherman antitrust law we dissolve corporations. We dictate the terms and conditions on which they may do business. Under the same law, individuals have been indicted, prosecuted, fined, and imprisoned.

I am not asking for a new policy. I am asking for an advance movement.

The face of the National Government has been looking in the right direction, but its progress in the line of regulation and control has not kept pace with the growth of monopolistic power in our industrial system. I am not asking the Government to change front, but I am asking that its speed be accelerated and its momentum be intensified. [Applause.]

IN HARMONY WITH POLITICAL PLATFORMS.

The provisions of the bill are in harmony with the repeated platform declarations of both of the great political parties.

Beginning with 1884, and on down to 1908, every four years, both the great political parties have placed in their platforms declarations in favor of regulating and controlling the great industrial corporations engaged in interstate commerce.

The Republican platform of 1900, on which William McKinley was elected President, condemned all conspiracies and combinations intended to restrict business, to create monopolies, to limit production, or to control prices, and specifically declared for such legislation as will effectively restrain and prevent all such abuses, protect and promote competition, and secure the rights of producers, laborers, and all engaged in industry and commerce.

The Republican platform of 1908 declared that the act of July 2, 1890, should be strengthened by such amendment as will—give the Federal Government greater supervision and control over, and greater publicity in, the management of that class of corporations engaged in interstate commerce having power and opportunity to effect monopolies.

The Democratic platform of 1908, declared for "such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States" and, among remedies, declared for a Federal license system and for a law compelling licensed corporations "to sell to all purchasers in all parts of the country on the same terms, after making allowance for the cost of transportation."

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Kansas?

Mr. MORGAN. Yes.

Mr. MURDOCK. Does the gentleman recollect that the same Democratic national platform that he refers to tried to define a monopoly by stating that any corporation or concern which controlled over 50 per cent of a given product should be called a monopoly?

Mr. MORGAN. I do.

Mr. MURDOCK. Now, I want to ask the gentleman, who has gone into this matter thoroughly and who is giving voice here in this speech to a modern doctrine—that is, the control of corporations by a governmental commission—if he has attempted to give a definition of monopoly? What does he call a monopoly?

Mr. MORGAN. Well, Mr. Chairman, I am not an expert in definitions. I could not offhand give a definition that would be satisfactory to the gentleman or myself.

Mr. MURDOCK. What does the gentleman regard as a monopoly? A predominant control of any given article?

Mr. MORGAN. Well, Mr. Chairman, I think this—that if a corporation has such domination and control over a certain line of business that it has power to arbitrarily control prices, then I regard that as such a monopoly as should come under the control of the National Government.

Mr. MURDOCK. Whether it would control 50 per cent of the product or not?

Mr. MORGAN. Yes. Now, my Democratic friends, here is a declaration of the Democratic Party in its national convention in 1908 which absolutely declared in favor of controlling prices, because if you go so far as to control prices by saying in effect that products shall be sold everywhere at the same price, then you have adopted the principle of control of prices.

It is not my business to advise the Democrats of this House what to do. You are in the majority. You control the legislation that passes this House. The people will hold you responsible for your acts. If you go back to the people with your promises and pledges unfulfilled you will be condemned at the polls and the scepter of power in this House will be returned to the Republicans. [Applause on the Republican side.]

For one I would like to see Republican platform pledges imprinted upon the pages of our national statutes. I would like to see Republican convention promises embodied in the laws of the Republic. [Applause on the Republican side.] I would like to see Republican political declarations transformed into rules of action that are binding alike upon our captains of industry and the people. I would like to see a brighter age come to our Nation and all its citizens, and I believe that legislation along the lines indicated in our Republican platforms will hasten a better and brighter day for all.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Kansas?

Mr. MORGAN. Yes; I yield to the gentleman.

Mr. JACKSON. I would like to ask the gentleman if his plan of control of prices extends only to the products of monopolies, or does he intend that it shall extend to all commodities in the country?

Mr. MORGAN. Only to the products of monopolies.

Mr. JACKSON. Then what plan does the gentleman propose for determining what shall be a monopoly?

Mr. MORGAN. This bill provides that its provisions shall apply to corporations whose gross annual receipts are in excess of \$5,000,000. That might be increased to \$10,000,000, as the House, on its investigation, might determine. Again, it might be increased to \$20,000,000 or it might be reduced to \$1,000,000.

Mr. JACKSON. Does not the gentleman fear a constitutional trouble there, that the proposed plan of controlling prices might be considered to be the taking of property without due process of law, unless it was left to some court to determine what constitutes a monopoly and what does not?

Mr. MORGAN. I think this commission would be a quasi-court to pass on that question, and then the corporations would have the right of appeal to the courts.

Mr. JACKSON. I have read the gentleman's bill, I will say, and I find much in it to approve. But does not the gentleman apprehend that he would find some difficulty in putting upon one body both judicial and legislative power?

Mr. MORGAN. Does not the Interstate Commerce Commission have both judicial and legislative power? It may now fix the rates of the railways.

Mr. JACKSON. I think not. I think the powers of the Interstate Commerce Commission are wholly legislative.

Mr. MORGAN. I think not. They can render judgments. They have the right now to render a judgment declaring that a certain charge or rate is unreasonable, and fixing the rate that the corporation shall charge.

Mr. MURDOCK. And there might be an appeal from the commission to the court?

Mr. MORGAN. Yes; there would be an appeal.

Mr. JACKSON. I think if the gentleman will consult the Atlantic Seaboard case he will find that the power of the commission in fixing a rate to apply in the future must be legislative, and that the powers of the Interstate Commerce Commission are exercised always subject to the power of the courts to declare that any rate fixed by them is in the nature of taking property without due process of law.

Mr. MORGAN. I think under this bill corporation would have the same power of appeal to the courts as they have under any decision or order made by the Interstate Commerce Commission.

Mr. JACKSON. What I am coming to is this: That any scheme of control which fails to recognize the fact that the business control must first be passed upon and determined by some court would be unconstitutional, would be termed a taking of property without due process of law. Now, if the gentleman will permit me just a second further, to refer to something that has been alluded to here as having occurred in the French Revolution, I want to say that the Board of Trade of London exercises practically this power to control prices at the present day, and in at least one case in this country has the control of the price of bread been sustained by the courts in the State of Florida.

VIEWPOINT OF THE PEOPLE.

Mr. MORGAN. About three-fourths of my constituents are farmers; about one-fourth reside in the towns and cities.

The farmers are not fully satisfied with existing conditions. Some way they feel that the prices they receive for farm products and the prices they pay for merchandise they buy are in

a measure, controlled by the arbitrary manipulation of great corporations.

The people of the towns and cities—the mechanics and laboring men of all kinds, the bankers, merchants, clerks, and professional men—are complaining of the high cost of living, but do not fully understand who, if anybody, is responsible or how relief may be secured. The people in the cities do not complain of the prices the farmers receive for their products, but they believe the middlemen in some way reap too great profit.

But the people everywhere are reasonable and fair. They seek, they ask, they demand, they want nothing but what is reasonable and just. They feel that they have a right to know that corporations are not imposing upon them by exacting unjust profits. If there be unrest, it is because the people feel insecure. In my opinion, the only way to quiet this unrest, to allay this feeling of insecurity, is to throw around the people an impregnable fortress of national laws that will guarantee to them safety, security, and protection.

A great, nonpartisan interstate corporation commission, equipped with proper machinery, armed with modern legal weapons, backed by all the power of this great Government, will do much to satisfy the people, subdue discontent, quiet the unrest, and relieve the feeling of insecurity which now exists among the good people of the United States.

IN HARMONY WITH PUBLIC SENTIMENT.

This measure responds to existing public sentiment throughout the country, and meets the demands of the people. The people of the United States, regardless of party affiliation, demand that there shall be some legislation along this line.

There is a prevalent belief that competition is no longer the controlling factor in fixing prices of many products. This belief is supported by substantial evidence. Competition does not prevail as it did in former years. Many believe that under the Sherman antitrust law the Government will never be able to restore competition to such an extent that consumers will be fully protected. As years go by our wealth will grow, our population will increase, our business and commerce will expand, and with all this our corporations will naturally grow in size and financial strength.

I do not believe competition as a factor in controlling prices should be or ever will be eliminated. We will continue to have competition, both potential and actual. Under no circumstances should we surrender this mighty agency as a factor in our industrial system.

We must, however, meet conditions as they exist. Where competition has been eliminated we must provide a substitute; where competition is inadequate or ineffective we must supplement its power with governmental control. Control is the only substitute for competition. Control must begin where competition ceases.

Let us keep the fire of competition burning brightly and brilliantly in every industry and in every section of our country; but should the flame of competition in any industry grow dim, or should it, under stress of monopolistic power, become extinct, let us not leave the people in darkness and despair. Let us have a great commission and place in its hand the blazing torch of authority to reinforce competition, to perpetuate its life, and preserve its power and potency in our industrial system.

WITHIN CONSTITUTIONAL POWER.

The provisions of this bill are, in my judgment, within the constitutional power of Congress.

The Supreme Court has upheld the act of Congress regulating and controlling the railway corporations engaged in interstate commerce. It has upheld the provisions of the so-called Sherman Antitrust Act. If Congress may declare that the rates and charges of railways, express, telegraph, and telephone companies shall be reasonable and just, under the same authority Congress may declare that industrial corporations engaged in interstate business shall dispose of their products at reasonable and just prices. If Congress may control railway corporations in their practices it may also control the practices of great industrial corporations.

I know that railway corporations are regarded as natural monopolies. I know that in the eye of the law railway companies are quasi-public corporations. But may not Congress by legislative enactment declare certain industrial corporations quasi-public corporations? Why can not Congress, within its constitutional power, declare that a corporation having so much capital or controlling a certain per cent of the products in a given line of business or doing annually a certain amount of business shall thereby become a public agency and a quasi-public corporation?

But we need not rely solely on the clause in the Constitution which gives Congress the authority "to regulate commerce among the several States and foreign countries." There is

another provision that gives Congress the authority "to provide for the general welfare."

Under modern business methods and under twentieth-century conditions industrial corporations have attained such size and financial strength that they become a menace to the public welfare if they are left unbridled, uncontrolled, and unrestrained.

As Representatives in Congress, under the Constitution we are the guardians of the public welfare. We should use to the very limit our constitutional power to protect the fundamental rights of the people and safeguard the public welfare.

Finally, if it shall be determined that Congress has not the constitutional power to fully and completely protect the people, then, at the earliest date possible, our Constitution should be amended so as to give our National Legislature ample power to afford to all the people all proper protection against all monopolistic corporations.

CONTEST WITH THE RAILROADS.

Twenty-five years ago a great controversy was in progress in this country. The parties engaged in the contest were the people and the railroads. The time had come when it must be decided who was supreme, the people or the railroads. Congress, reflecting the sentiment of the people, created the Interstate Commerce Commission. In the act creating the commission Congress also promulgated three fundamental rules of conduct which the railroads were required to obey. These cardinal rules required of the railroads, first, that they should give to the public reasonable and just rates; second, that they should give to individuals and localities equality of rates; and, third, they should give to all impartial privileges and facilities.

Congress in enunciating these rules pointed the managers of our railways to a more excellent way, gave them a chart for their guidance, and set up for their observance a higher standard of business morality.

In this "act to regulate commerce" Congress created the Interstate Commerce Commission as an instrument of warfare, as a weapon in battle, as a great fighting machine in the mighty struggle in progress between the people and the great railway corporations.

The railway companies defied the law and denied the authority of the commission. They resisted to the last every effort of the Government to control their rates or restrict their management.

But the Government gained ground. The commission was given additional power. Greater restrictions were thrown around the railroads. The corporations fortified position after position, but at every stand were compelled to yield. A general retreat was ordered, and soon followed the final surrender. Today, 25 years after this great controversy began in earnest, the great railway corporations acknowledge the supremacy of the law and submit to the authority of the National Government.

The act of February 4, 1887, entitled "An act to regulate commerce," is one of the most important measures ever passed by the Congress of the United States.

Before its enactment the great transportation companies of this country had it in their power to levy annually upon the people of the United States millions of dollars of unjust tribute. They could, with perfect impunity, give special rates, rebates, drawbacks, and other preferences which would enrich one man and impoverish another. There was not a syllable of law that regulated the rates or controlled the practices or restrained the acts of our great railways in their interstate business. The railway managers were absolute in their power, supreme in their authority.

All this has been changed. The people are now supreme. They are free from railway domination. They are masters of the railways, not their subjects.

So much has been accomplished through the "act to regulate commerce" in emancipating the people from the rule and domination of railway corporations, in freeing them from the payment of unjust tribute levied by these great transportation companies, that we may fitly denominate this great statute as the second Declaration of Independence.

A SECOND GREAT STRUGGLE.

The people of the United States are now in a second great struggle. Their antagonist at this time is our great industrial corporations. These gigantic organizations are strongly entrenched. They have untold wealth. They have unlimited resources. They have able leadership. They have the confidence which comes from many victories already won. They are equipped in every way to make a long, stubborn, and effective fight. These great corporations will not recede, they will not retreat, they will not willingly surrender a single advantage they enjoy. The interests of 90,000,000 people are at stake. In this great crisis the country turns to the National Legislative

Assembly. Let us not disappoint the people in their expectations. Let us give them the same instrument of warfare, the same weapon in battle, the same fighting machine, that they used so successfully and effectively in their contest with the great railway corporations. Let us create a great interstate corporation commission, clothe it with ample power and jurisdiction, and direct it to proceed forthwith to bring our gigantic industrial corporations into subjection. To guide these great business institutions in conducting their business let us proclaim by legislative enactment that their prices must be reasonable and just; that all must be given like privileges and advantages; and that the National Government will not tolerate practices or methods in business that are unfair, unjust, or unreasonable, or that are against public policy or dangerous to the public welfare.

By so doing we will have promulgated a higher law for the guidance of our gigantic industrial corporations engaged in interstate commerce; we will have set in motion the governmental machinery that will be able to cope with these great corporations; and we will have put the people and the corporations upon a highway that will lead them to reconciliation and unite them in an effort to bring to our country a reign of industrial peace, which is essential to our industrial prosperity. [Applause.]

APPENDIX.

A bill (H. R. 18711) to regulate the commerce of certain corporations, and for other purposes.

Be it enacted, etc., That every corporation engaged in commerce among the several States, or with foreign nations, not subject to the provisions of the act approved February 4, 1887, entitled "An act to regulate commerce," and acts supplementary and amendatory thereof, and whose gross annual receipts or the total annual gross receipts of whose subsidiary companies for the calendar year 1911 were, or for any calendar year thereafter shall be, in excess of \$5,000,000 shall be subject to the provisions of this act.

SEC. 2. That every corporation subject to the provisions of this act, or that may hereafter become subject to the provisions of this act, is hereby declared to be a quasi public agency.

SEC. 3. That the price or prices at which any corporation subject to the provisions of this act shall sell or dispose of any article of merchandise, or any product whatsoever, shall be just, fair, and reasonable, and it shall be unlawful for any such corporation to sell or dispose of any article of merchandise, or any product whatsoever, at a price or at prices that are unjust, unfair, or unreasonable, and every corporation subject to the provisions of this act is hereby prohibited from so doing.

SEC. 4. That every practice, method, means, system, policy, device, scheme, or contrivance used by any corporation subject to the provisions of this act in conducting its business, or in the management, control, regulation, promotion, or extension thereof, shall be just, fair, and reasonable and not contrary to public policy or dangerous to the public welfare, and every corporation subject to the provisions of this act in the conduct of its business is hereby prohibited from engaging in any practice, or from using any means, method, or system, or from pursuing any policy, or from resorting to any device, scheme, or contrivance whatsoever that is unjust, unfair, or unreasonable, or that is contrary to public policy or dangerous to the public welfare, and every act or thing in this section prohibited is hereby declared to be unlawful.

SEC. 5. That every corporation subject to the provisions of this act shall deal justly and fairly with competitors and the public, and it shall be unlawful for any such corporation to grant to any person or persons any special privilege or advantage which shall be unjust and unfair to others, or unjustly and unreasonably discriminatory against others, or to enter into any special contract, agreement, or arrangement with any person or persons which shall be unjustly and unreasonably discriminatory against others, or which shall give to such person or persons an unfair and unjust advantage over others, or that shall give to the people of any locality or section of the country any unfair, unjust, or unreasonable advantage over the people of any other locality or section of the country, or that shall be contrary to public policy or dangerous to the public welfare, and any and all the acts or things in this section declared to be unlawful are hereby prohibited.

SEC. 6. That whenever, after full hearing upon a complaint made to the commission hereinafter created, or after full hearing under an order for investigation and hearing made by the said commission on its own initiative, the commission shall be of opinion that any price or prices whatsoever demanded, charged, or collected by any corporation subject to the provisions of this act for any article of merchandise or product, or that any practice, method, means, system, policy, device, scheme, or contrivance used by any such corporation in conducting its business, or in the management, control, regulation, promotion, or extension thereof, is unjust or unreasonable or unjustly discriminatory, or unduly preferential or prejudicial or contrary to public policy or dangerous to the public welfare, or otherwise in violation of any of the provisions of this act, the commission is hereby authorized and empowered to determine and prescribe what shall be a just, fair, and reasonable price to be charged for such article of merchandise or product, to be thereafter observed in such case as the maximum to be charged until further order of the commission, and to determine and prescribe what practice, method, means, or system, policy, device, scheme, or contrivance is just, fair, and reasonable, and not contrary to public policy or dangerous to the public welfare, to be thereafter followed, and to make an order that such corporation shall cease and desist from such violation to the extent to which the commission finds the same to exist, and such corporation shall not thereafter charge or collect or accept for such article of merchandise or product a price in excess of the maximum price so prescribed, and shall adopt, conform to, and observe the practice, method, means, policy, and system so prescribed, and cease to use any device, scheme, or contrivance prohibited by the order of the commission.

All orders of the said commission, except orders for the payment of money, shall take effect within such reasonable time, not less than 30 days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended or modified or set aside by the commission, or be suspended or set aside by a court of competent jurisdiction.

SEC. 7. That a commission is hereby created and established, to be known as the interstate corporation commission, which shall be composed of seven commissioners, and the said interstate corporation commission is referred to hereinafter as "the commission."

SEC. 8. That on the taking effect of this act the Bureau of Corporations shall cease to exist and shall be merged into and become a part of the commission, and the person who at that time shall be the Commissioner of Corporations shall become a member of the commission and continue as such for a period of two years, and said person shall also for a period of one year be the chairman of the commission, at the expiration of which time, and annually thereafter, the commission shall elect a chairman; and the Deputy Commissioner of Corporations shall become one of said commission, and shall hold his office for a period of one year. The commission shall appoint a secretary of the commission, who shall hold his office at the pleasure of the commission, and all the clerks and employees in the Bureau of Corporations shall become clerks and employees of the commission, and all the duties and powers of the Bureau of Corporations are hereby transferred to, granted, and bestowed upon the commission, and any funds belonging to said Bureau of Corporations which by law are authorized to be expended by said bureau are hereby transferred to the commission, which is hereby authorized and empowered to expend the same.

SEC. 9. That the commission shall consist of seven members, not more than four of whom shall be of the same political party. Except as hereinafter provided, the members of the commission shall be appointed by the President, by and with the advice and consent of the Senate, and the first appointees shall hold their positions for periods of three, four, five, six, and seven years, respectively; and in making such appointments the President shall designate the length of terms of such appointees, and thereafter the members of said commission shall be appointed for a term of seven years. The members of the commission shall each receive a salary of \$7,500 per annum, and the secretary of the commission shall receive a salary of \$5,000 per annum. In case of vacancy the appointment shall be for the unexpired term of the member whose retirement from the commission caused the vacancy.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No person in the employ of or holding any official relation to any corporation subject to the provisions of this act, or owning stocks or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioner shall not engage in any other business, vocation, or employment.

No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

The commission is hereby authorized and empowered to make and establish rules and regulations, not in conflict with the Constitution and laws of the United States, to aid in the administration and enforcement of the provisions of this act, and may, by such rules and regulations, prohibit any particular or specific act or acts, practice, method, system, policy, device, scheme, or contrivance that is contrary to any of the provisions of this act.

That the decisions of the commission shall be final as to the facts, and in all cases of appeal from any decision of the commission the court shall have jurisdiction to pass only upon questions of law and to determine whether or not the commission acted within the scope of its authority, or whether or not the decision in effect confiscates property or takes the same without due process of law.

SEC. 10. That in case any corporation subject to the provisions of this act shall do, cause to be done, or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such corporation shall be liable to the person or persons injured thereby for double the amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee should be taxed and collected as a part of the costs in the case.

SEC. 11. That any person or persons claiming to be damaged by any corporation subject to the provisions of this act may either make complaint to the commission, as provided in this act, or may bring suit in his or their own behalf for the recovery of the damages for which such corporation shall be liable under the provisions of this act in the Commerce Court; but such person or persons shall not have the right to pursue both of said remedies and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt.

In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of such corporation defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 12. That any corporation subject to the provisions of this act, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States, be subject to a fine not to exceed \$5,000 for each offense, and, in the discretion of the court, may be imprisoned in the penitentiary for a term not exceeding two years.

SEC. 13. That the commission hereby created shall have authority to inquire into the management of any corporation subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted and shall have the right to obtain from such corporation full and complete information necessary to enable the commission to perform the duties and carry out the object for which it was created; and the commission is hereby authorized and required to execute and enforce the provisions of this act.

And upon the request of the commission, it shall be the duty of any district attorney of the United States to whom the commission may apply to institute in the proper court and prosecute under the direction of the Attorney General of the United States all necessary proceedings for the enforcement of the provisions of this act, and for the punishment of all violations thereof, and the costs and expenses of such

prosecutions shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 14. That any person, firm, corporation, company, or association, or any mercantile, agricultural, or manufacturing society or other organization, or any body politic or municipal corporation, complaining of any act done or omitted to be done by any corporation subject to the provisions of this act, in contravention of the provisions of this act, may apply to the commission by petition, which shall briefly state the facts; whereupon a statement of the complaint thus made shall be forwarded by the commission to such corporation, who shall be called upon to satisfy the complaint, or to answer the same in writing, within a reasonable time, to be specified by the commission. If such corporation, within the time specified, shall make reparation for the injury alleged to have been done, it shall be relieved of liability to the complainant only for the particular violation of the law thus complained of. If such corporation shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matter complained of in such a manner and by such means as it shall deem proper.

The commission shall have full authority and power at any time to institute an inquiry on its own motion, in any case and as to any matter or thing concerning which a complaint is authorized to be made, to or before said commission by any provision of this act, or concerning which any question may arise under any of the provisions of this act or relating to the enforcement of any of the provisions of this act. And the said commission shall have the same power and authority to proceed with any inquiry instituted on its own motion as though it had been appealed to by complaint or petition under any of the provisions of this act, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had, excepting orders for the payment of money. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

SEC. 15. That the commission is hereby given authority on its own initiative to institute and conduct an investigation to determine whether or not any corporation subject to the provisions of this act was organized in violation of the provisions of the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or is doing business in violation of the provisions of said act, and if, after investigation, the commission shall conclude that any such corporation was organized in violation of the provisions of said act, or is doing business in violation of the provisions of said act, the commission may issue an order citing such corporation to appear and answer to the charge in such matter; and if on final hearing the commission shall find that such corporation was organized in violation of the provisions of said act, it shall make an order providing for the dissolution of such corporation; and if the commission shall find that any such corporation is doing business in violation of any of the provisions of said act, it shall make such order or orders as will prevent the further violation of said act on the part of such corporation; and thereafter such corporation so found to have been organized in violation of the provisions of said act, or so found to be doing business in violation of said act, shall cease to engage in interstate commerce except upon such terms and conditions as shall be prescribed by the commission.

SEC. 16. That the following sections and provisions hereinafter mentioned, in so far as they are applicable and are not in conflict with the provisions of this act, are hereby extended to and put in force in all matters relating to or pertaining to the commission herein created and to every corporation subject to the provisions of this act, and the power, authority, and duties conferred by the sections and provisions hereinafter mentioned upon the Interstate Commerce Commission, so far as the same are applicable, are hereby conferred upon the commission created by this act, and the duties, liabilities, and rights conferred upon common carriers by such sections and provisions are hereby conferred upon every corporation subject to the provisions of this act, and the rights, privileges, and liabilities conferred upon any person or persons, firm, corporation, association, or locality by such sections and provisions are hereby conferred upon any such person or persons, firm, corporation, association, or locality, namely, sections 12, 13, 16, 17, 18, 19, 20, and 21 of the act approved February 4, 1887, entitled "An act to regulate commerce," as amended, and sections 1, 2, 3, 4, 5, and 6 of the act approved June 18, 1910, entitled "An act to create a Commerce Court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes."

SEC. 17. That this act shall take effect and be in force 60 days after its passage.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On February 16, 1912:

H. J. Res. 194. Joint resolution granting the temporary use of certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations to the Panama-Pacific International Exposition Co.

On February 17, 1912:

H. R. 14484. An act to amend an act approved February 24, 1911, authorizing J. W. Vance and others to construct and maintain a dam and tunnel on the Big Bend of the James River, in Stone County, Mo., to create electric power;

H. R. 16675. An act to authorize the city of Chicago to construct a bascule bridge across the Calumet River at Ninety-second Street, in said city;

H. R. 16676. An act to authorize the Lake Shore & Michigan Southern Railway Co. to construct a bascule bridge across the Calumet River at South Chicago, Ill.;

H. R. 16677. An act to authorize Butler and Stoddard Counties of Missouri to construct a bridge across the St. Francis River at Hodges Ferry, Mo.;

H. R. 16693. An act to extend the time for the completion of the municipal bridge at St. Louis, Mo.; and

H. R. 17232. An act to authorize Taney County, Mo., to construct a bridge across the White River at Branson, Mo.

On February 19, 1912:

H. R. 14055. An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

REPORT OF THE EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION COMMISSION (S. DOC. NO. 338).

The SPEAKER laid before the House of Representatives a message from the President of the United States, which was ordered to be printed and referred to the Committee on the Judiciary.

[For message see Senate proceedings of to-day.]

THE CHEMICAL SCHEDULE.

The committee resumed its session.

Mr. UNDERWOOD. Mr. Speaker, I do not care to consume the balance of the time on this side of the House, and I desire to have the Clerk read the bill for amendment under the five-minute rule.

The CHAIRMAN. The Clerk will proceed to read the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after the day following the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 1 to 83, inclusive, of section 1 and of section 25 of section 2982 of the Revised Statutes of the United States as amended by section 21 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. UNDERWOOD. Mr. Chairman, I offer an amendment to cure a technical error in the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the following words, after the word "five," in line 12, page 1:

"Of section 2982 of the Revised Statutes of the United States as amended by section 21."

Mr. UNDERWOOD. Mr. Chairman, in referring to the section that is amended a mistake was made in the reference.

The section amended in this bill is section 25 of the Payne Act, and this amendment properly recites the section that is amended.

Mr. MANN. Mr. Chairman, I hope the amendment will be agreed to. In fact, if the gentleman from Alabama would offer some other amendments, such as I have suggested, they would make the bill very much better than it was originally drafted. I am glad to know that he has met the first suggestion I made in regard to the imperfections of the bill by offering an amendment to cure one imperfection.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama [Mr. UNDERWOOD].

The amendment was agreed to.

The Clerk read as follows:

DUTIABLE LIST.

1. Acids: Benzoic acid, 5 cents per pound; boracic acid, three-fourths of 1 cent per pound; citric acid, 3 cents per pound; formic acid, 1½ cents per pound; gallic acid, 4 cents per pound; lactic acid, 1½ cents per pound; oxalic acid, 1½ cents per pound; phosphoric acid, 2 cents per pound; phthalic acid, 5 cents per pound; pyrogallol acid, 6 cents per pound; salicylic acid, 2½ cents per pound; tannic acid and tannin, 4 cents per pound; tartaric acid, 3 cents per pound; all other acids not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 7, by striking out the following words "Benzoic acid, 5 cents per pound."

Mr. MANN. Mr. Chairman, benzoic acid is now on the free list. This bill proposes to put it on the dutiable list at 5 cents a pound. Salicylic acid is now on the dutiable list at 5 cents a pound, and this bill proposes to reduce the duty on salicylic acid to 2½ cents a pound. In a way these two acids are competing articles. The bill reverses the present policy, which is for the interest of the industries, and proposes to put an exorbitant duty on benzoic acid and to reduce the duty on salicylic acid.

Mr. HARRISON of New York. Mr. Chairman, the gentleman from Illinois is entirely mistaken in believing that benzoic acid and salicylic acid are competing products. Benzoic acid is a

coal-tar derivative which we have put upon the tax list, and it is used for the most part for the purpose of making benzoate of soda, which has fallen into great disfavor in the administration of the pure-food law. Three-quarters of the benzoic acid is probably used for that purpose. The other quarter is used chiefly for the purpose of making saccharin, a product which has likewise fallen into public disfavor, and of which it is intended in the future entirely to prohibit the use.

Salicylic acid, on the other hand, is a very widely used article in the manufacture of many beneficial medicines, and we have cut in two the rate on salicylic acid, both as a revenue measure and having in mind the purposes for which salicylic acid is used. It is used not only for medicine, but also in the manufacture of certain coal-tar dyes and colors, and we believe that by putting benzoic acid on the tax list and cutting in two the tax on salicylic acid we have brought about a more equitable rate of taxation. The use of salicylic acid for a preservative has been forbidden, so that benzoate of soda and salicylic acid can not be said to compete with one another in any sense.

Mr. MANN. They are both preservatives and used as such.

Mr. HARRISON of New York. The use of both of them has been forbidden by the pure-food law, and those are only subsidiary uses.

Mr. MANN. Their use has not been forbidden by the pure-food law. That matter is an open question, and they are both in use now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

Mr. MANN. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amend page 2, line 13, by striking out the words "phthalic acid, 5 cents per pound."

Mr. BARTHOLOTT. Mr. Chairman, I do not know what the effect of this bill will be in other sections of the country, but it certainly seems as if Missouri had been singled out for special punishment by the Democratic majority in this House; and the shots of the tariff tinkers are not popgun shots but broadsides, annihilating whole industries in which the people of Missouri excel and from which they draw a great part of their sustenance.

In the first bill containing the metal schedules the lead and zinc industries of Missouri were stricken down, and this bill proposes to strike down the barytes industry of southeast Missouri and the great chemical-manufacturing industries of St. Louis.

Though Missouri at the last three elections returned majorities in favor of the party of protection, there are only 3 of us on this floor out of 16, owing to an artful gerrymander, ready to defend the interests and industries of Missouri against these Democratic assaults. [Applause on the Republican side.] But I wonder if my 13 Democratic colleagues will allow the ruthless destruction of the industries in their own State as contemplated in this bill. The people of my State have hardly had time to examine the schedules or to be heard from regarding them, but I hold in my hand a letter from the head of a chemical company which will give the Members of the House an idea of what the verdict of the people will be with respect to this bill. The writer is a Democrat, as far as I know, and has struggled hard, even under the present rates, to build up the business—against foreign competition—of which he is the head. In doing so he and his associates have gone so far as to deny to themselves the salaries to which they were justly entitled. I ask the Clerk to read this letter, which relates, among other things, to the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

ST. LOUIS, February 17, 1912.

HON. RICHARD BARTHOLOTT,
House of Representatives, Washington, D. C.

MY DEAR MR. BARTHOLOTT: I am in receipt of a copy of the bill which proposes to reduce duties on chemical products. This bill, if enacted into law, means nothing more nor less than disaster to the greater part of the chemical industry of this country, and as for us, it would put us completely out of business.

We have an investment here of about \$250,000; our sales last year were in excess of \$400,000, and to produce the goods which made up this amount we paid for wages and salaries close to \$100,000.

Every industry must be prepared more or less for possible changes in the tariff, but it is hard to believe that any Congressman sent to Washington for the express purpose of safeguarding the interests of his constituents can be so absolutely devoid of knowledge of the industrial conditions, or so fanatic in his belief in theoretical principles, as to intentionally wipe off the map of the United States industries which have been established against great odds, and which promise to make the people of this country more and more independent of foreign supplies.

The direct result of the passing of such a bill as now proposed will mean the cutting off of the means of subsistence of thousands of wage earners, both of the laboring and of the professional class, throwing them on the streets with no prospects in sight for new employment.

As I have told you before, the chemical manufacturing industry, and more particularly the organic line, is in its infancy in this country and needs governmental support in order to grow. Look at Germany and its tremendous growth in chemical manufacture, and more particularly within the last 10 to 20 years. Why? Because of the constant and practical encouragement and protection received at the hands of the German Government.

To show you how this bill will work on us if enacted into law, I desire to call your attention to a few of the numerous instances of unexplainable conditions.

In paragraph 1 the duty proposed on phthalic acid is 5 cents per pound, equal to about 20 per cent of its value, and in paragraph 5 it is proposed to reduce the duty on the medicinal product in which it is used to 15 per cent, thus making the duty 20 per cent on the raw material and 15 per cent on the finished product.

Where is the logic in such legislation? Are we to support and foster foreign industry?

The note at the bottom of page 2 states that phthalic acid is used in the manufacture of coal-tar dyes. This is not correct, especially not when applied to this country where a great bulk of this raw material is used in the manufacture of medicinal products.

In the same paragraph a duty of 2 cents per pound is proposed on phosphoric acid, equal to about 25 per cent of the value when applied to the quality we use, i. e., 45° Baumé, and with conditions as to the finished medicinal product similar to that above stated.

Paragraph 15 proposes to assess a duty of 75 cents per pound on caffeine with the statement that the equivalent ad valorem (per cent) is 41.25, while, as a matter of fact, it is 23.80, the correct value of caffeine being both here and abroad \$3.15 per pound, and not \$1.82 per pound, the average unit chosen as basis. As against this, a duty of 1 cent per pound is proposed on the raw material—tea waste, tea siftings, etc.—which is equivalent to 40 per cent of the actual value. Therefore we have a duty of 23.8, or about 25 per cent, on the finished goods with a duty of 40 per cent on the raw material.

Paragraph 18. Chemical and medicinal compounds and preparations containing alcohol, if enacted into law, would stop the manufacture of a number of medicinal products in the United States, particularly chloral hydrate, which product is now manufactured here against great odds on account of the favorable position German manufacturers occupy both as to chlorine and alcohol, the chief raw materials for its production.

Paragraph 41 proposes to assess a duty on cloves of 2 cents per pound, equal to about 20 per cent of their value, while the duty on vanilla, which is made from cloves, suffers a reduction of from 20 cents per ounce to 10 cents per ounce, or 50 per cent reduction.

In paragraph 23 it proposes to assess a duty of 5 per cent, and in paragraph 24 10 per cent, on coal-tar products, such as benzol, toluol, etc., which heretofore have been on the free list, and which products are essential raw materials for all chemical manufactures.

You can readily see from the foregoing how impossible it would be for chemical manufacture to exist under such conditions, and for the life of me I can not see what is to be gained by such a bill, excepting the intentional destruction of chemical manufacture in the United States.

I will be pleased to have a line from you in reply to the foregoing, with such suggestions as you can offer as to how this bill should be combated.

With the assurance of my high esteem, I beg to remain

Yours, very truly,

JOHN F. QUEENEY, President.

(During the reading of the letter the time of the gentleman from Missouri expired, and by unanimous consent it was extended sufficiently to finish reading the letter.)

Mr. MANN. Mr. Chairman, I have offered an amendment to strike out from the dutiable list phthalic acid at 5 cents per pound. Phthalic acid, as I understand it, is used in the manufacture of certain chemical compounds. These chemical compounds are put on the dutiable list at the rate of 15 per cent ad valorem. Phthalic acid at a specific duty of 5 cents a pound, as proposed by the bill, would amount to an ad valorem duty of about 20 per cent ad valorem, so it is proposed to change from the free list to the dutiable list a basic article at the rate of 20 per cent to be used in the manufacture of a protected article that is to bear 15 per cent. There is no excuse for transferring this item from the free list to the dutiable list, and much less excuse for making an ad valorem rate on what is, in a sense, a raw material, higher than the rate on the finished product.

Mr. HARRISON of New York. Mr. Chairman, the gentleman from Illinois has been misled by some of the inaccurate statements of the letter which the gentleman from Missouri had read at the desk. Phthalic acid, which we take from the free list and tax at 5 cents a pound, is not used for medicinal preparations, but exclusively used in the manufacture of very high-priced, high-grade coal dyes and colors.

In the general rearrangement of the coal-tar color schedule it was found advisable to take this one of the ingredients of high-priced products and put it on the taxable list at 5 cents a pound.

As to the statement of the gentleman from Illinois about our having taxed a basic material at a higher ad valorem rate than the product into the manufacture of which it enters, he is mistaken, because it does not enter into the manufacture of the articles carried in paragraph 5, which is the basket clause of this bill covering medicinal compounds, which we have reduced from 25 per cent ad valorem to 15 per cent ad valorem.

But even suppose it did enter into these manufactures, phthalic acid at 5 cents a pound bears an ad valorem equivalent of 18.75, and suppose it was used in the manufacture of medicinal compounds now in the basket clause, the ad valorem rate on the highly finished product would soon overtake and outstrip the ad valorem of the basic material and allow a handsome manufacturer's margin.

I make this explanation simply to show that the conclusions of the gentleman from Illinois, admitting his premises, are incorrect; but as a matter of fact his premises are incorrect, because phthalic acid is not used in making medicinal compounds.

Mr. MANN. Mr. Chairman, I presume that neither the gentleman from New York [Mr. HARRISON] nor myself can personally state what phthalic acid is used for. He gets his information from one source. I get my information from a manufacturing chemist who uses the article. I prefer to believe the statement of the people who make use of the article in manufacturing a compound rather than the statement of any theorist, whoever he may be. The situation, however, illustrates the need of having a tariff board to give us accurate information in reference to these matters before we endeavor to enact tariff legislation. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. HILL. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that I may be permitted to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. HILL. Mr. Chairman, this question of putting free raw materials on the dutiable list was fully considered by the committee three years ago. The bill under consideration is a direct departure from former practice. I call attention to page 8 of the report, where I find the following:

In effecting the changes the committee has had in mind only the necessity for raising the revenue required from this schedule, holding in view the interests of the consumer.

On page 17 of the same report it states frankly that the question of the ultimate consumer has not been considered, but the interest of what they call the manufacturer. Mr. Chairman, I distrust the Greeks when they come bearing gifts. I paraphrase that by saying, "Keep your eye on a free trader when he talks protection to you"; I do not believe in it. This same question came before us three years ago, and the great chemists of the country said in the public hearings which seem to be objectionable now:

If you will give us an advance of 5 per cent on the finished products of coal tar we will develop that industry in this country, provided you leave the first derivatives or raw materials for our products on the free list.

We decided to do that and raised the duty from 30 per cent to 35 per cent. The bill went over to the Senate, and the Senate put the duty back to 30 per cent, but left the raw materials on the free list.

This bill not only cuts the 30 per cent duty down to 25 per cent, but it makes the raw materials dutiable. What does that do? It absolutely surrenders the chemical industry of this country to German combinations and trusts. The gentleman from New York smiles. He must stand by his own witness, and I bring to him now the testimony of his own witness, sitting by his side on the floor of the House, to prove absolutely what I say. If the gentleman will kindly turn to pages 5 and 6 of the report, he will find the following:

As shown elsewhere 4,068 patents were issued in the United States between 1900 and 1910, relating to chemicals and allied industries; at least 3,500 are applicable exclusively to chemicals as such. Of these, a large number relate to inventions in organic chemistry, among which carbon dyes and carbon compounds constitute a considerable percentage. While about 38 per cent of the 4,068 patents were granted to Americans, about 2,500, or 62 per cent, were granted to foreign inventors.

A patent is essentially a monopoly, and the fact that the United States does not specify compulsory working of patents but allows the production of the article wherever desired, permitting importation subject only to the tariff, means that, under present conditions, practical control of a considerable portion of our market for chemicals is accorded to foreign inventors and producers entirely independent of costs of production.

I now ask gentlemen present who have it to turn to pages 361 and 362 of the summary furnished by the Tariff Board:

Of the 1,754 patents issued for German inventions, 1,247, or a little over 71 per cent, related to carbon dyes and compounds and bleaching and dyeing processes, in all only 5 subdivisions out of more than 40 accounted for in the table. The number of the assigned inventions was 1,111 out of 1,247, or practically 90 per cent—

And I want every Member, and you gentlemen who denounce the trusts, you people who are instituting investigations of the trusts, to understand precisely now what you are voting for, that you are voting not only to cripple an American industry, but absolutely to turn it over to a German combination, authorized by the German Government; and here is your own testimony—

and of these, as is shown by the table below, 844 inventions, or 68 per cent, were assigned to only four companies, who in connection with one other company by an interchange of stock and division of

profits under an agreement to last 50 years from 1904, work on a "community of interest" plan, as revealed by their own reports.

Here are the names of the concerns:

Aktiengesellschaft für Farben, Berlin.
Badische Anilin Fabrik.
Bayer & Co.
Farbenfabrik Elberfeld.
Meister Lucius & Bruening.

When I say to you that one of these concerns employs 7,700 people and 217 research chemists, and that they control 90 per cent of all of these patents, and that you are absolutely turning this industry over to these four companies, you will understand what I am trying to prove to you. The witness on the other side says this:

A patent is essentially a monopoly, maintained with the consent and enforced with the help of the Government. Its prime object and recognized social value consists in promoting the material development of industry in the country of issue. Viewed from this point it seems that the development of the chemical industry in the United States has not kept pace with the number of patents issued. Our patent laws are stringent as to novelty and lenient to the inventor or his assignees. They practically certify the first and give far-reaching protection to the latter, much more protection than in any other country, because the American law recognizes the patentability of the product as such, so that no other process or improvement thereof can touch it during the life of the patent in the United States except with the consent of the original inventor or his assignees.

In the chemical industry, however, the product is of paramount importance. Contrary also to the requirements of the patent laws of most other industrial countries, the United States does not specify compulsory working of the patent issued, but permits the patentee and him only to import his products into the United States from whatever place he chooses, giving him a monopoly of the market without imposing upon him any obligation or demanding of him any equivalent except the minimum fee paid originally to the Patent Office. In the case of the American inventor, such importation will develop only under exceptional circumstances; with the foreigner, however, it is for obvious reasons the rule, in the chemical industry especially. The American market is the most valuable in the world, and the foreign inventor or his foreign assignees naturally take all the advantage that the law gives them to exploit this market as profitably as they can. This very largely accounts for the tardiness with which the chemical industry develops in the United States, especially in those branches which depend preponderantly upon inventions and therefore can not be gauged by any tariff legislation under the theory of cost equalization or under any other theory.

In 1907 England found herself in an utterly intolerable situation in regard to this. Here is what your witness said:

Up to 1907 the English patent laws did not require compulsory working in England of patents issued there, but the situation became so unbearable that the law was changed and the compulsory working feature established, with the result that, according to a report in the London Times, up to 1911, 50 foreign firms had begun or were about to begin manufacturing in England, involving an investment of about \$4,000,000 and the employment of nearly 7,000 wage earners, with a weekly pay roll of \$40,000.

So that whatever else may be the result of this legislation, it is an absolutely sure fact, found by experience, that you are deliberately turning over to the great consolidated German chemical industry, maintained and recognized as a trust by the Government, with a 50-year agreement, 46 years yet to run, the control of this industry in the United States. Now, why do you do it? Three years ago you were opposed to it, and the gentleman from Alabama [Mr. UNDERWOOD] said this in the hearings on this very subject:

Mr. UNDERWOOD. You would increase the cost of the raw material by putting a duty on the coal-tar products, would you not?

Mr. PENNOCK. Naturally.

Mr. UNDERWOOD. And to that extent it would retard their manufacture and the ability of the American manufacturers to compete with foreign manufacturers of chemical products.

It was simply a question of whether we should leave the raw material free or not, and my friend from Alabama sided with us on that proposition and said that the effect of putting these on the dutiable list would be to embarrass the American manufacturers. Let me tell you again what he said.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL. I would like five minutes more, if agreeable; if not I will not trespass upon the committee.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Mr. UNDERWOOD said to the witness:

If we put a duty on your by-product, would not that to that extent retard the chemical manufacturers of this country by increasing the cost of their material?

That was his view then.

I call your attention now to pages 379 and 380 of the glossary of the Tariff Board. Let me read you some more, and I am reading the history of the German chemical industry as published by the Tariff Board:

Practically all the important manufactures of the chemical industries and many products of lesser importance are under some form of syndicate control, more or less strict, and more or less extensive as to production, prices, supply of raw materials or division of territory. Chemical manufacturers lend themselves more readily to consolidation than any other because within a given line the products from one source are not visibly different from those of other sources and, on the same basis

of purity, do not differ at all. The products therefore carry little if any individuality, which is the principal basis of competition. Quite a number of these organizations are bound by agreements of some kind to international "cartels," the object of which is to control the international markets.

We made an honest attempt, gentlemen, three years ago to relieve the United States from the conditions in which both England and the United States found themselves. England did it by changing her patent laws. She did not think she could change her tariff laws in order to do it. We did it by changing our tariff laws, giving 5 per cent more protection on the finished product and leaving the raw material on the free list. Now the Democratic Party proposes to cut down the duties on the finished product, put a duty on the raw material, and in five years—yes, in three years—the chemical industry will find itself here in the same position that the English industry found itself when England said that it was unbearable and intolerable. The only possible remedy for us is to hold the present schedule of the tariff law and make it compulsory upon German manufacturers to come here in the country of sale, and produce in this market, with American labor at American wages, as Mr. Pennock said in the hearing three years ago that he could if we left the rates as they were then. It is a perfectly unparalleled proposition that the Democratic Party should take \$42,000,000 of importations, free under the list of last year, and transfer them all by one single act to the dutiable list. What will the result be? Now, Mr. Chairman, I am going to show you. A statement appeared in the papers the other day that this bill was a reduction in the rate of duty of 31½ per cent ad valorem. Will you kindly oblige me by turning to the summary at the end of the dutiable list?

It is on page 158 of the caucus print of the bill, for that is the real legislation which we are now getting. It shows that Congress has abdicated legislative power so far as the action of the House and Senate is concerned. We are told it is absolutely useless to offer an amendment on this floor unless it comes from the committee. But the statement was made, and I have no doubt made in good faith, that there was a total schedule reduction of 31½ per cent ad valorem by this bill. If you will turn to page 158 you will find two sets of imports.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON of New York. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. HILL] have 10 minutes more in which to finish his remarks. [Applause.]

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. Thank you. When I received the courtesy of an advance copy of the bill, the day before it was introduced, from the clerk of the Ways and Means Committee, I began to study the summary. That gave me the whole story in a nutshell. I found that the imports under Schedule A last year were \$48,000,000. I found the estimates for the next year were \$96,000,000, and I wondered how the importations could increase more than double from one year to another. Then I read on and found that \$42,000,000 of free products had been transferred to the dutiable list. But how did the committee get a rate of 25.72, the ad valorem of the Payne bill, which was compared by the gentleman from Alabama [Mr. UNDERWOOD] with 16.64, the ad valorem under the proposed estimate? In my ignorance and inability to comprehend that situation I made inquiries and learned this fact: That the upper row of figures on page 158 covers the same items all the way through that are shown in \$96,742,850 under the estimate. And then I wondered, if that was true, why they had not figured out the ad valorem for those years as well as the ad valorem for 1912—estimated. I went to work and figured it out, and what do you suppose I found? I found that where they estimated an ad valorem of 16.64 for the coming year under their bill on identically the same items under the Payne bill the ad valorem was 14 per cent, 2.64 less than their own; in 1910 it was 13.65 and theirs was 16.64 on the same items. Now, was it fair to compare an estimated ad valorem for 1912 with a half of the same things under the Payne law in 1911? Was it fair to leave out the ad valorems and leave the page blank when they did figure on the same items? Instead of being a reduction of 31½ per cent it is an increase of 20 per cent over the Payne law, as any man can see who figures it. How was that increase arrived at? By taking free raw materials off the free list under the Payne bill and making them dutiable, lowering the average of the whole schedule, and then saying that this was less than the rate of the Payne bill, because they had given the Payne bill no credit whatever for the free raw material coming in last year under that law to the amount of \$42,000,000.

There is another thing on that page which shows a rather startling situation. If you will take the lower row of imports, you will see that the ad valorem under the Dingley law was

28.52, and yet Democratic testimony shows right alongside of it that the Payne bill was reduced to 26.41 the first year following and to 25.72 the second year. So they not only prove that they have raised this 20 per cent, but they have proved that the Payne bill lowered the Dingley law very materially. And they have proved more than that. They have proved that they have absolutely put back the average rate under their estimates of this bill to 16.64, which is precisely the rate of 1905, according to their own showing, under the Dingley law. [Applause on the Republican side.]

So as it stands to-day, the estimated ad valorem here is the exact equivalent of the Dingley law in the year which they cite themselves—16.64.

That is not all. What have you gained, gentlemen, by all this legislation? You have given us a chemical schedule, a metal schedule, a wool schedule, and a cotton schedule. Under your own figures, the correctness of which I dispute, because they ought to be larger, you estimated \$10,500,000 loss of revenue on the free-list bill when you would have had \$50,000,000 loss of revenue under it. You estimated no increase of importation when you would have had an enormous increase. But, taking your own figures and convicting you out of your own mouths, this is the total of the estimates up to this present time. How are you going to get the increase under the chemical schedule? Are your figures right? Absolutely not. I came in just a moment ago, and I inquired of the gentleman from Ohio [Mr. LONGWORTH] how you had amended the first section of your bill, and he told me.

You have got to-day things on the free list that you dream you are going to get revenue out of. [Laughter and applause on the Republican side.] You offered an amendment to correct this, and your amendment has been absolutely of no benefit whatever to you, and those things will still remain on the free list under the Payne law. Under the amendments which you offered yourselves in committee you attempted to remove a lot of oils from your original free-list text and put them under the general basket clause in the dutiable-oil paragraph. They do not go there. That basket clause covers only things that are not otherwise specified, and every one of those oils is specified in the free list in the Payne law. When you get your legislation through, if you ever do [laughter and applause on the Republican side], you will find you are in a hole on your estimates of revenue, even on your own estimates.

What are your total estimates to date on the bills presented? You increase importations of the value of \$3,899,151 on the chemical schedule. You increase on the metal schedule \$24,815,801. On the wool schedule you increase \$63,831,000. These are your own figures. On the cotton schedule you increase importations \$10,746,358. In other words, if your legislation should be successful you would have displaced thus far \$103,000,000 of American products and turned them over to the factories of Europe.

Now, what have you gained by it? Have you gained revenue? Absolutely no. On the contrary, you have lost, according to your own estimates, on the metal schedule, \$823,597; on the wool schedule, \$1,348,349; on the cotton schedule, \$3,074,801; and you have possibly gained on the chemical schedule \$3,095,549. The net loss in revenue, in order to turn over the making of more than one hundred millions of American products to foreign factories, has been \$12,180,187, according to your own estimates. [Applause on the Republican side.]

Why do you do it? Along on the 20th day of last December this message came to Congress. There is no reason why you should not act intelligently. I do not mean by that any personal reflection on any member of the committee. I mean that there is no reason why you should not act with full knowledge before you. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. All right.

The CHAIRMAN. Does the gentleman from Connecticut desire to withdraw his pro forma amendment?

Mr. HILL. Yes; I will withdraw that now. I will make another one directly.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

4. Albumen, blood, 2 cents per pound; egg albumen, 6 cents per pound.

Mr. MANN. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 2, lines 21 and 22, by striking out the words "egg albumen, 6 cents per pound," and inserting in lieu thereof the words "egg albumen, 3 cents per pound."

Mr. MANN. Mr. Chairman, that is to strike out the increase proposed in the bill of the tariff on egg albumen, which is now 3 cents a pound. This restores it to the rate fixed in the existing law. The bill proposes to increase the rate of duty 100 per cent. It is unjustifiable, in my opinion.

Mr. HARRISON of New York. Mr. Chairman, paragraph 4 of the Underwood bill is taken from the agricultural schedule of the Payne law and a reduction from 3 cents a pound to 2 cents a pound is made in blood albumen, which is used in dyeing and in printing textiles, and an increase from 3 cents a pound to 6 cents a pound is made in egg albumen, which is used about half in making photographic films and half in making baking powder. The raise was made as a revenue proposition, the increase in revenue under the raised rate showing from \$27,000 to \$46,000.

Now, as to the use of egg albumen in making baking powder, about 4 ounces of this material are used in making 100 pounds of baking powder. It is believed that the Baking Powder Trust can stand this additional taxation upon their material of manufacture. But I will call the attention of the committee at the same time to the fact that, as I said yesterday, we have reduced the rate on alum, which enters into the making of most baking powders, from 37 per cent to 15 per cent; and on bicarbonate of soda, which comprises about a quarter of the bulk of baking powder, we have reduced the tariff taxation from three-quarters of a cent a pound to one-quarter of a cent a pound; and on cream of tartar we have cut the duty from 3 cents a pound to 2½ cents a pound, which I think leaves the trade in a favorable condition and materially increases the revenue. I hope the amendment of the gentleman from Illinois will not prevail.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

5. Alkalies, alkaloids, and all chemical and medicinal compounds, preparations, mixtures and salts, and combinations thereof not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

Mr. HILL. Mr. Chairman, it seems to me entirely unnecessary to consider this bill at this time, and in confirmation I will read to our Democratic friends a recommendation which is a little old, but which is good. I am going to read from the message of the President on the 20th of December, 1911, transmitting to Congress the findings of the Tariff Board on the wool schedule. There is no necessity for taking up this bill. The Tariff Board have made no report upon it. I say that advisedly. They have made no report upon it. Any assistance that has been given has been given by individuals, and nobody will claim anything to the contrary. No authorized assistance by the Tariff Board, upon which they are willing to stand; not a word or a line of it outside of the glossary has been given up to this moment, and no investigation of this schedule has been made, and none of the metal or wool schedules had been made at the time they were brought in; but an authorized report on the wool schedule has come in since, and this is what the President said when he sent it in:

In my message of August 17, 1911, accompanying the veto of the wool bill, I said that, in my judgment, Schedule K should be revised and the rates reduced. My veto was based on the ground that, since the Tariff Board would make, in December, a detailed report on wool and wool manufactures, with special reference to the relation of the existing rates of duties to relative costs here and abroad, public policy and a fair regard to the interests of the producers and the manufacturers on the one hand and of the consumers on the other demanded that legislation should not be hastily enacted in the absence of such information; that I was not myself possessed at that time of adequate knowledge of the facts to determine whether or not the proposed act was in accord with my pledge to support a fair and reasonable protective policy; that such legislation might prove only temporary and inflict upon a great industry the evils of continued uncertainty.

I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

The findings of fact by the board show ample reason for the revision downward of Schedule K in accord with the protective principle, and present the data as to relative costs and prices from which may be determined what rates will fairly equalize the difference in production costs. I recommend that such revision be proceeded with at once.

Two months have gone by since that recommendation was made. Are you honest in your desire to have a revision downward of any portion of the Payne bill? The President invites you to it. The Republican Party invites you to it. You are playing politics, and you are now sending to him, with the same ideas that characterized your action in the last session, of "putting him in a hole," schedules which have not been reported on by the Tariff Board. For two months you have had that report before you. In 10 days you will have a report on the cotton schedule. Why do you not bring in a woolen bill based on that report? If you want to find the difference in

cost of production and then put your revenue tariff below it, we will offer you a substitute based on the Tariff Board report. Then let both bills lie before the House for a week, in order that the Members of this body need not go into a caucus and be called upon to pass a binding vote on a bill which they have never seen—187 pages of it—which they have never read. It was under those circumstances that the chemical bill was passed through the caucus last week without amendment, almost without discussion—a bill which never had even been read by the Members who voted upon it. We will meet you with a wool bill based on the report of the Tariff Board. Let both bills lie on the table for a week and then take them up for intelligent consideration and let every Representative here vote his honest convictions. Will you do it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. May I have five minutes more?

Mr. UNDERWOOD. Reserving the right to object, I just want to say this—

Mr. HILL. I will not ask any further extension at this time.

Mr. UNDERWOOD. I am perfectly willing that the other side of the House should have full opportunity to discuss this bill and offer amendments to it, but I do insist that the discussion shall be confined to the bill and the paragraphs before the House.

Now, I do not like to object, and I would not if the gentleman is willing to discuss the bill. I would like to answer the gentleman's argument. Within 60 days we will report a wool bill in this House and pass it, and the gentleman from Connecticut will vote against it. [Laughter.] I do not want to inject that question into this discussion. If the gentleman is willing to discuss the bill I will not object to extending the time.

Mr. HILL. The gentleman from Alabama can not separate the method of passing a bill from the policy in it. It is not a question of rates here now; it is a question of policy—will the United States have a revenue tariff or will it have a protective tariff? That is all there is to it.

Mr. UNDERWOOD. I will say to the gentleman, in all fairness, that the time for discussing the policy was when the bill was up for general debate. Mr. Chairman, I will give notice that all other speeches on the bill must be confined to five minutes.

Mr. HILL. The gentleman is not the one to decide whether remarks are on a particular paragraph of the bill or not.

Mr. UNDERWOOD. I will say that all other remarks on the amendments must be confined to five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I am one of those on this side of the House who thoroughly agree with the gentleman from Alabama [Mr. UNDERWOOD] that the discussion on this bill should be short, sharp, and decisive. There is no other way. This matter ought to be settled at once and the country ought to be relieved of the agony as soon as possible. Men who are engaged in the chemical business, paint manufacturers, manufacturers of aniline dyes, and other chemicals that enter into the manufacture of clothing and other commodities, and the people who use these articles ought to know just as soon as possible what the majority in this House proposes to do to them.

I am one of those who have been hearing from home, from men engaged in large industries, who have been writing and wiring about this bill. They had no opportunity to be heard by the committee which framed the bill. They desired to be heard because their business interests were at stake. Now, Mr. Chairman, they come appealing at this last moment to their Representatives on this side of the House to explain the situation to the country. They desire the consumers of these products to understand what it means for a Democratic majority to impose the tariff duties on raw materials, thus changing the entire policy of the party. It is their belief that the consumer—the farmer of the land—may pay more for paint and varnish than he has been paying heretofore. If gentlemen on the other side want to enact this bill and impose this penalty on the men who till the soil, upon those who buy the paints and live in the frame farmhouses where paints are most used and needed, let us have it known as quickly as possible. [Applause on the Republican side.]

Mr. Chairman, this is about all I want to say at this time. I speak for a large and interested constituency, and, in view of the brief allowance of time, ask permission to extend my remarks in the Record, to include certain telegrams, letters, and so forth.

The CHAIRMAN. The gentleman from Pennsylvania asks leave to extend his remarks in the Record. Is there objection? There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I withdraw my pro forma amendment.

The Clerk read as follows:

6. Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend page 3 by striking out lines 3 and 4, which read as follows:

"6. Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem."

Mr. MANN. Mr. Chairman, this article is now on the free list. It is necessary in the preparation of dyes. It is proposed to put it on the dutiable list at 10 per cent ad valorem. It is not a competitive article, and it ought to remain on the free list, in my opinion.

Mr. HARRISON of New York. Mr. Chairman, I hope the amendment offered by the gentleman from Illinois will not prevail. He has stated the fact correctly that this article has been removed from the free list and put on the dutiable list at 10 per cent ad valorem. It is purely a revenue proposition. We expect to get \$65,000 in duties by placing a tax on alizarin. At the same time, it is only fair to say that eventually it is probable that both alizarin and indigoes in which the synthetic manufactures have already displaced the natural product will themselves be replaced by other coal-tar derivatives. So as a revenue proposition it is probable that it will operate to our advantage only for a few years. At the same time, it would be utterly inconsistent for us in rearranging the coal-tar color schedule to leave the highly finished product on the free list and tax the raw material. As we have the matter arranged, coal tar is on the free list, and the derivatives, creosote and anthracene oil, are on the dutiable list at 5 per cent.

The next highest products which I am unable personally to pronounce are taxed at 10 per cent, the next at 15, and the next at 25 per cent, which is a reduction in the rates of 30 per cent, as stated by the gentleman from Connecticut [Mr. HILL]. In this connection I will say to the gentleman from Connecticut that I do not suffer from the charge of inconsistency which he made, because three years ago I moved to place back upon the tax list these same unpronounceable subjects upon the statement which was correct then and is correct now, that they are not raw materials, but are intermediate products; in other words, they are halfway finished products, and should bear their just proportion of taxation.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. HARRISON of New York. Certainly.

Mr. HILL. Why does the gentleman change his mind now and put them on the dutiable list, when three years ago he was in favor of putting them on the free list?

Mr. HARRISON of New York. The gentleman misunderstands me. Three years ago I was in favor of taking them off the free list and putting them on the dutiable list, and I made some remarks upon the subject in the House at that time.

Mr. HILL. Oh, I understood the gentleman to state just the other way.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. HARRISON of New York. Yes.

Mr. LONGWORTH. Mr. Chairman, in line with the remarks of the gentleman from Alabama [Mr. UNDERWOOD] a moment ago, and in order to save time, I would suggest to the gentleman from New York [Mr. HARRISON] in hereafter prefacing his remarks in opposition to amendments offered on this side of the House that he omit the words "I hope that the amendment will not be agreed to," because the gentleman knows that it can not pass. He knows that no amendment offered by anyone except a member of the committee can pass, because the Democratic caucus has so decreed. Therefore, in the interest of saving time, I suggest that he omit those words. [Laughter.]

Mr. HARRISON of New York. Mr. Chairman, I am glad that the gentleman from Ohio has admitted that he is without hope. He is gradually realizing that he is in the minority.

Mr. HUGHES of New Jersey. That is what makes him wild.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 48, noes 53.

So the amendment was rejected.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I would not thrust myself into this debate but for the fact that I am able to do so with less trepidation than I have heretofore experienced when other bills emanating from the Committee on Ways and Means were before this House, and because also of the fact that what I do not know about this bill would fill several volumes. I have less trepidation in addressing myself to this paragraph for another reason, namely, that I have had time to hear from Colorado, where the women vote, and therefore necessarily have commensurately more knowledge about things in general than have women who come

from States where equal suffrage is not allowed. Mr. Chairman, I have heard no complaint from home that the tax on peroxide has been reduced only 10 per cent in this bill. Of course, in Colorado, where the women are so beautiful, they do not need to use it, and they are so intelligent they condemn the use of it anywhere as it was formerly another argument in favor of women who enjoy equal suffrage. [Applause.] But I want to say that there is another use to which peroxide is put—of course, unknown to the committee. Being honored by a membership in the National Stock Growers' Association, I want to say that this committee has favored us stock growers in this bill, because peroxide is used in beautifying our horses by bleaching their tails and manes, thus adding 25 per cent to the value of a chestnut horse just as soon as the peroxide is applied. [Laughter.] Therefore, Mr. Chairman, I congratulate the Committee on Ways and Means on account of this reduction as well as rebuke them for not putting peroxide upon the free list, because I tremble for my Democratic friends from other States when it filters through the brains of their women folks that they have been so neglectful of their duty as to put any tax whatever upon that necessary chemical. [Applause and laughter.]

I withdraw the pro forma amendment.

The Clerk read as follows:

7. Alumina, hydrate of, or refined bauxite; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, and all other manufactured compounds of alumina, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

Mr. CATLIN. Mr. Chairman, I move to strike out the last word. As the effect of the tariff decrease in this section will be to bring about a cessation of the manufacture of a great many of the articles now produced by the chemical companies of this country, I send to the Clerk's desk a letter I have received from the head of one of the largest chemical works of this country, and situated in the district which I have the honor to represent. This letter explains some of the effects the bill will have upon the chemical productions of the country, and I ask that the Clerk read it, omitting the extraneous passages which I have erased.

The Clerk read as follows:

MALLINCKRODT CHEMICAL WORKS,
St. Louis, February 17, 1912.

HON. THERON CATLIN,
United States House of Representatives, Washington, D. C.

DEAR THERON: We are manufacturing a large line (some 500 items) of medicinal, photographic, and other fine chemicals, and the present duty on the products, with a few exceptions, is covered by the 25 per cent ad valorem schedule. If you will compare this rate of duty with the rate imposed on the products of textile, iron, and other industries you will find that the rate is comparatively small. Considering that in the other larger industries production is mostly through machinery, while our products are the result of handwork by skilled laborers and chemists, the unjust discrimination against us will become apparent, and it is a fact that the importation of German chemicals has been steadily increasing for a number of years and that American manufacturers find it difficult, even with a 25 per cent ad valorem duty, to compete. The higher cost of not only labor but of most materials, and all things that enter into the making up of a manufacturing plant more than offsets the 25 per cent ad valorem. Every article of machinery, porcelain, stoneware, etc., which we import pays a duty of 50 to 75 per cent, and these articles are left unchanged in the present Underwood bill. If the ad valorem duty of 25 per cent on chemicals is reduced to 15 per cent, as contemplated under section 7 of the Underwood bill, we shall have to discontinue the manufacture of a large number of articles and become importers.

Section 8 reduces the duty on ammonium carbonate from 1½ cents to 2 cents per pound and anhydrous ammonia from 5 cents per pound to 2½ cents per pound. The present duty on ammonium carbonate is barely sufficient protection, and large quantities of the English article are imported. A duty of only 2½ cents per pound on anhydrous ammonia will give the foreign manufacturers an opportunity to compete successfully in this country with American manufacturers.

Section 16 reduces the ad valorem duty on calomel and other mercurials, from 35 per cent to 15 per cent ad valorem. As the duty on mercury, from which these preparations are made, is 7 cents per pound, the change would result in turning the market over to the foreign manufacturers.

Strychnine and salts now pay a duty of 15 cents per ounce and are placed on the free list. This action would certainly give the foreign manufacturers the advantage over Americans. Why this article, which is so difficult to manufacture, should be singled out for such unwarranted treatment I am unable to understand. The duty on strychnine, in my recollection, has been successively reduced under the different tariff revisions from \$1 per ounce to 15 cents under the Payne-Aldrich bill and the latter protection is certainly disproportionate to the protection afforded other and much more important articles.

I shall be obliged to you for any efforts you may make in our behalf, and with best regards, remain

Very sincerely, yours,

EDWARD MALLINCKRODT.

The CHAIRMAN. Without objection the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

9. Argols or crude tartar or wine lees crude or partly refined, containing not more than 90 per cent of potassium bitartrate, 10 per cent ad valorem; containing more than 90 per cent of potassium bitartrate, cream of tartar, and Rochelle salts or tartrate of soda and potassa, 2½ cents per pound.

Mr. MANN. Mr. Chairman, I offer an amendment.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Amend, page 3, lines 14, 15, and 16, by striking out the words "argols or crude tartar or wine lees crude or partly refined, containing not more than 90 per cent of potassium bitartrate, 10 per cent ad valorem," and insert in lieu thereof the following: "Argols or crude tartar or wine lees crude, 5 per cent ad valorem; partly refined, containing not more than 90 per cent of potassium bitartrate, 10 per cent ad valorem."

Mr. MANN. Mr. Chairman, argols being sediment which collects in wine casks is not a manufactured article, and, of course, does not come in competition to any extent with any product of the United States. The present tariff is 5 per cent ad valorem. It is proposed by this bill to raise the tariff to 10 per cent ad valorem. It is used in the manufacture of cream of tartar for baking-powder purposes. It is proposed by the bill to reduce the tariff on cream of tartar from 5 cents a pound to 2½ cents a pound, cutting both ways. We imported last year nearly 30,000,000 pounds of these argols or crude tartar. Under the provisions of this bill, I think, it is unquestionable that instead of importing the crude tartar from southern Europe they will import the finished product, cream of tartar, and to that extent deprive our industries of the business of refining the tartar into cream of tartar.

Mr. MARTIN of South Dakota. I will suggest to the gentleman whether that is not applicable to a great deal of this bill.

Mr. MANN. That same condition runs through many parts of this bill.

Mr. MARTIN of South Dakota. In other words, it is a revision of American industries downward.

Mr. MANN. Well, it is a striking of American industries downward. Now, the gentleman from New York asserted yesterday that the labor was very little in transferring the crude tartar into cream of tartar. It often happens that the particular labor of transferring a particular article into the finished product is not great, but you have to take into consideration all the labor in connection with the industry, which goes way beyond the mere labor of transferring the crude article into the finished product, because the labor of the country is also engaged in maintaining, in preparing, and in repairing the manufacturing establishments themselves where this work is performed, and that goes to make up the real labor employed in the work which the gentleman from New York has not included in his statement at all. The tariff on crude tartar under the Dingley law was 1 cent a pound, equivalent to about 10 per cent ad valorem, and on the finished product it was 6 cents a pound. In the Payne law we reduced the tariff on the raw article from 10 per cent to 5 per cent and reduced the tariff on the finished product. These gentlemen now propose to increase the tariff on the raw material and also decrease the tariff on the finished product, which means a practical abandonment of the industry in this country.

Mr. UNDERWOOD. Mr. Chairman, I will only take up the time of the committee for a few minutes, and this paragraph illustrates clearly as any in this bill the dividing line between a Republican tariff bill written in the interest of certain manufacturers and a Democratic tariff bill written in the interest of the Government and the consumer. Now, the gentleman is right when he says that we have raised the tax on the raw product and we have lowered the tax on the finished product.

The raw product will be paid for by the manufacturer. The tax on the finished product will be paid by the people; but in the way we have written this bill we will lower the tax to the consumer and we will raise more revenue for the Government.

I do not believe that this change is sufficient to destroy any industry in this country, but it does make certain industries in this country pay a tax themselves that is now being borne by the consumer. The Republican Party has always believed in the doctrine, as far as it was carried out, of untaxing the manufacturer absolutely and putting the entire burden of taxation on competitive articles that the consumer had to pay.

In this bill the imports of argols, out of which cream of tartar is made, amounted to nearly 30,000,000 pounds last year under the Payne bill. The imports of cream of tartar amounted to only 23,000 pounds. The manufacturer brought in thirty millions of raw materials untaxed out of which to make a profit. He had so prohibitive a tariff that there is practically no competition, and the Government opened the door for his raw material, and then under the Payne bill gave him a prohibitive tariff and allowed him, behind that wall, to tax the American people.

Mr. BUTLER. Mr. Chairman, will the gentleman enlighten me? Like all the rest of us benighted Republicans, I am in the dark. Suppose the result of this schedule is this, that the

manufactured article should be imported, will we not lose the revenue?

Mr. UNDERWOOD. Why, I expect to have more of the manufactured article imported. I am free to say that I do not believe the American manufacturer is entitled to the undisputed right to the American market. If you do that you can not collect revenue at the customhouse. You must allow some importations or the Government can not raise revenue.

Mr. BUTLER. But the gentleman and his committee have imposed the duty upon the raw material, I understand.

Mr. UNDERWOOD. Certainly.

Mr. BUTLER. And we will not get the duty if we do not import the raw material?

Mr. UNDERWOOD. Why, certainly—

Mr. BUTLER. It may be cheaper to import, as I see it.

Mr. UNDERWOOD. Of course, we expect some amount of raw material to come in as before, because it is needed, but the manufacturer out of his profit will pay that tax to the Government. Now, does not the gentleman believe that the great manufacturing interests of this country, who have the benefit of a protective tariff, either incidentally or direct, are entitled to pay all the tax to the United States Government?

Mr. BUTLER. We all should pay some of the taxes.

Mr. UNDERWOOD. That is what we are proposing in this paragraph to do, namely, to make them pay some of the Government taxes.

Mr. BUTLER. The gentleman and his committee have made what I understand is a revenue measure—

The CHAIRMAN. The time of the gentleman from Alabama [Mr. UNDERWOOD] has expired.

Mr. BUTLER. Does the gentleman want more time? I have occupied some of it.

Mr. UNDERWOOD. I do not wish any more time, because I expect to object to anybody else taking more than five minutes.

Mr. MONDELL. Mr. Chairman, I am glad we have reached a time when the leader of the Democratic Party has admitted that there are tariff duties which the ultimate consumer does not pay. That is my interpretation of the statement he has just made. There are many duties which the ultimate consumer does not pay. The trouble with the gentleman's logic in this case is that it is faulty, as it is in all other matters connected with the tariff, for the duty which he now suggests that the ultimate consumer does not pay is just the duty that he must pay in the nature of things. The gentleman talks about making a manufacturer pay duty and bear the burden of a duty on a noncompetitive article, as though you could load on a manufacturer and retain on the shoulders of a manufacturer the duty on a noncompetitive article used by him in his manufacturing processes. If there is any duty on earth that must in the end be paid by the ultimate consumer, that is the duty. And what the Democratic majority does in this bill is to place directly on American consumers an added burden by increasing the duty on noncompetitive articles of manufacture now on the free list. The increased cost passes from the manufacturer to the consumer with accretions—and I thank my friend from Iowa [Mr. Goob] for the suggestion—and generally with very considerable accretions, whereas the duties we believe in are duties on competitive articles. The history of our industries has proven beyond a question that in the majority of instances the duties paid on competitive articles are borne by the foreign importer, that the competition here by the American producer of like articles compels the foreign importer to pay a large portion of that duty in order to have the benefit of that market.

All through this bill are increases in the burdens that must fall beyond a question on the ultimate consumer, for they are added burdens upon noncompetitive articles, upon articles the like of which we do not produce, articles which we must have in order to manufacture other articles which the people use; and therefore every additional burden made in this bill, all of the tariff taxes made on the \$43,000,000 worth of articles taken from the free list—every penny of it—must be borne directly by the American consumer, and we are ready to go to the country on that proposition. [Applause on the Republican side.]

Mr. HARDY. Mr. Chairman, I wish to make just a few remarks in connection with the pending proposition. The gentleman from Alabama [Mr. UNDERWOOD] has stated that there are some duties that the consumer does not pay under certain circumstances. Some gentlemen on the other side seem to think that that would be contrary to Democratic teaching. It has always been the contention of the Democratic Party that the duty paid by the consumer was the duty on the product as it went to him—the duty on the finished product. It has always been understood that any duty on the raw material must be paid by the manufacturer, but that the manufacturer is compensated

by the duty on the finished product. If you reduce the duty on the raw material and do not reduce the duty on the finished product, you do not benefit the consumer—you benefit the manufacturer.

Mr. Chairman, all who want to know and understand do know and understand that when the Committee on Ways and Means reduced the tax on cream of tartar, the finished product, they reduced the price to the consumer; and that if they had let the tax remain the same on the finished product, the cream of tartar, it would not have affected the consumer, whether the duty on the raw material was raised or lowered. The fact that they do put a tax on the raw material does not affect the consumer, unless they on that account increase the tax on the finished product.

The Committee on Ways and Means found this condition: 30,000,000 pounds of argol was imported into this country and used in the manufacture of cream of tartar, upon which little revenue was collected. A high prohibitive tax was then put on cream of tartar, but only 23,000 pounds of cream of tartar, or less than one thousandth part of the amount manufactured, was imported under that duty fixed by the Payne bill. That amount of this great commodity of common use was practically nothing. So that while cream of tartar was by this high tax increased greatly in price to the consumer there was no revenue to the Government. Now, when they increase the duty on the argol, if anything like the same amount is imported, there will be a revenue—and a good revenue—derived from that source to the Government, and if perchance by reason of the reduction of the duty on cream of tartar, the finished product, an appreciable amount of the finished product is imported into this country, instead of 23,000 pounds, a negligible quantity, there will be some revenue coming from that; so that the result of this legislation will be to give additional revenue to the Government, to give a decreased price to the consumer, and yet to afford an ample protection—not a robber's protection, but an ample protection—to the manufacturer. [Applause on the Democratic side.]

Mr. AUSTIN. Mr. Chairman, in reply to the statement made by the gentleman from Texas, I wish to call attention to the fact that this same Committee on Ways and Means took a so-called raw material—iron ore—off the dutiable list and placed it on the free list. They took that revenue of about \$280,000 away from the Treasury of the United States and made a present of it to certain iron makers in the East.

Now, why is it that you are transferring here from the free list to the dutiable list a raw material under this paragraph, when in a previous bill, covering the metal schedule, you took a raw material off the dutiable list, bringing a revenue to the Treasury Department, and put that on the free list? Why does not the rule work both ways?

Mr. MONDELL and Mr. HARDY rose.

Mr. HARDY. Does the gentleman wish an answer?

Mr. AUSTIN. Certainly.

Mr. MONDELL. Will the gentleman yield to me for a question right there?

The CHAIRMAN. To which gentleman does the gentleman from Tennessee yield?

Mr. AUSTIN. I will yield first to the gentleman from Texas.

Mr. HARDY. My understanding is that the condition was entirely different. It was understood that this iron ore in this country was controlled by a trust and that its price was dictated and dominated by the Steel Trust.

Mr. AUSTIN. Mr. Chairman, it may have been understood by the gentleman from Texas that a trust controlled the entire output of iron ore in this country, but the testimony taken before committees of this House does not bear out that understanding or statement.

The gentleman's State of Texas is certainly rich in iron ore, and I ask him whether the great fields of iron ore in that State are controlled by the Steel Trust? I am sure they are not so controlled in the State I represent and in many other Southern States that are represented on the floor of this House.

Mr. HARDY. If the gentleman will permit me, I will say that the question of how much control the Steel Trust and allied interests have over the iron-ore supply of this country may be a subject of controversy, but my understanding is that the evidence was that they owned something over 60 per cent and that they absolutely dominated the situation.

Mr. AUSTIN. The testimony showed that they owned about 32 per cent.

Mr. HARDY. That is the gentleman's understanding of the testimony.

Mr. AUSTIN. That is the testimony.

Mr. HARDY. My understanding is the other way. It is a question of a difference of understanding.

Mr. AUSTIN. But you transferred iron ore to the free list, and took from the Treasury this income of \$280,000 for the benefit of three trusts, the Pennsylvania Steel Trust, the Bethlehem Steel Trust, and the Maryland Steel Trust. They have no monopoly upon the iron ore of this country, but they have an absolute monopoly of the iron ore from the ore fields of Cuba, where they mine it with cheaper labor than we do in this country.

Mr. BUTLER. They own no iron ore in this country.

Mr. HARDY. I wish to say that instead of it being for the benefit of the trusts, it would operate for the benefit of the independent man who might use some lower-priced iron ore in competition with the trusts. If the trusts paid a tax on the iron ore, they would get it handed back on their exportation of iron products under our draw-back law, while the independent man would have to pay the duty.

Mr. AUSTIN. Then, the so-called independent concerns whom you are seeking to relieve by your legislation are the Pennsylvania Steel Trust, the Bethlehem Steel Trust, and the Maryland Steel Trust?

Mr. HARDY. That is the gentleman's statement; he is absolutely wrong.

Mr. AUSTIN. They are just as much monopolies or trusts as the United States Steel Corporation.

Mr. HARDY. That is the gentleman's statement of it; they may be and doubtless are trusts, and in alliance with the Steel Trust. We did not put iron ore on the free list for the benefit of the Bethlehem Steel Trust and Maryland Steel Trust, but for the benefit of the small manufacturer not in alliance with the Steel Trust.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this paragraph be now closed.

Mr. MANN. I should like five minutes.

Mr. UNDERWOOD. Then I will ask unanimous consent that debate on this paragraph close in five minutes, that time to be controlled by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph close in five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD], in his remarks, assumes that you can increase the cost of the raw material to the manufacturer and decrease the price of the finished product, without in any way affecting the industry. I do not propose to argue that question, because to a mind so constituted that it is not a self-evident proposition argument would probably be of no avail. [Applause on the Republican side.] But we have an illustration of the situation in this very item itself. On cream of tartar it is now proposed to increase the cost of the raw material and to decrease the tariff on the finished product. Cream of tartar itself has a history in tariff legislation, which history is instructive. Under the Dingley tariff law the duty on cream of tartar was 6 cents a pound, and there was imported in 1909—I take the figures given in the report of the committee—a total of 399 pounds. That was under a tariff of 6 cents a pound, practically a prohibitive tariff. The Payne law reduced the duty from 6 cents a pound to 5 cents a pound, and in one year the importations jumped from 399 pounds to 116,278 pounds. Reducing the tariff 20 per cent, from 6 cents a pound to 5 cents a pound, brought us in competition with cream of tartar made abroad and greatly increased the importations. While this was done we decreased the tariff on raw material. We reduced the tariff on crude tartar at the same time that we reduced the tariff on the finished product, cream of tartar.

And yet, in spite of that, the reduction of the tariff of 1 cent a pound on cream of tartar resulted in a large importation into the country. It is now proposed in one paragraph to increase the tariff on the raw material 100 per cent and to reduce the tariff on the finished product from 5 cents a pound to 2½ cents a pound.

Mr. HARRISON of New York. Will the gentleman yield for a question?

Mr. MANN. In a moment I will. Now, no one can tell how much importations will be increased. It is true that the importations in 1910 of 116,000 pounds was on the basis of 8½ cents a pound. The price of cream of tartar abroad went up, and the importations of 1911 were 23,000 pounds, on a basis of 14½ cents a pound, while the average cost in the United States at the same time was 18½ cents a pound, 4 cents a pound more than the imported article cost, even after the price had gone up abroad. That means ruination of the industry of the United States.

Now I will yield to the gentleman from New York.

Mr. HARRISON of New York. Is the gentleman from Illinois aware of the fact that the process of refining argols consists of dissolving them in hot water, filtering them, and putting crude and refined on the same ad valorem basis will still leave the manufacturer a margin of good profit?

Mr. MANN. I am aware that that is not all there is in the process from the crude tartar to the cream of tartar. There are several processes in between. There are several provided for in this very paragraph between the crude tartar and the cream of tartar. The gentleman from New York assumes without information on the subject that crude tartar is instantly transferred into cream of tartar. This means ruination; that is your policy, and we protest against it. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was lost.

The Clerk read as follows:

10. Balsams: Copaiba, fir or Canada, Peru, tolu, and all other balsams, which are natural and uncompounded and not suitable for the manufacture of perfumery and cosmetics, if in a crude state, not advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem; if advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, 15 per cent ad valorem; all the foregoing not specially provided for in this act or in the first section of the act cited for amendment: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

Mr. MANN. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Amend, by striking out of page 3, lines 22 to 25, inclusive, and on page 4 down to and including the semicolon, line 2, reading as follows: "10. Balsams: Copaiba, fir or Canada, Peru, tolu, and all other balsams, which are natural and uncompounded and not suitable for the manufacture of perfumery and cosmetics, if in a crude state, not advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem; if advanced in value or condition by any process or."

And inserting in lieu thereof the following:

"Balsams: Copaiba, fir or Canada, tolu, and all other balsams."

Mr. MANN. Mr. Chairman, my amendment proposes to retain on the free list balsams in their crude state. They are now on the free list. It may be well to say that in this amendment I have offered, and others which I shall offer, to strike out of the dutiable list articles now on the free list, if they would be agreed to, would result in leaving them on the free list under the free-list provisions of the Payne law.

This bill undertakes to substitute these provisions for the provisions of Schedule A of the Payne law. That schedule does not include a free list. Striking an item out of this bill on the dutiable list which is now on the free list of the Payne law will leave that item on the free list under the free-list provision.

This is a medicinal article to a large extent, noncompetitive, a crude material. Yet it is proposed to transfer it from the free list to the dutiable list in the interest of the people. How absolutely absurd gentlemen can get when they talk about "the interests of the people"!

Mr. HARRISON of New York. Mr. Chairman, the bill proposes to place upon the taxable list these balsams which were heretofore free, and we expect to derive a revenue of \$11,700 by so doing. These balsams are chiefly used in the manufacture of perfumes, cosmetics, and patent medicines; they used to be prescribed by physicians pretty generally—

Mr. BUTLER. And used for making cough medicines.

Mr. HARRISON of New York. And for cough medicines. Nowadays physicians prescribe medical compounds, and these articles go into the preparation of patent medicines. The flavoring extracts which are sold as patent medicines are very high priced, and it is not believed that imposing a 10 per cent ad valorem duty on the materials of manufacture will materially increase the price to the consumer, but in any event it is purely a revenue measure and will produce nearly \$12,000 in revenue.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. HARRISON of New York. Yes. Mr. Chairman, I ought to state that I erred in saying these balsams were used in the preparation of perfumes, because those are taxed in another paragraph of the bill. These balsams are used in manufacturing patent medicines.

Mr. BUTLER. Principally cough medicines.

Mr. LONGWORTH. Mr. Chairman, I want to ask the gentleman, Who has made the estimate of the value of imports under this bill?

Mr. HARRISON of New York. I will say to the gentleman that they were prepared by a clerk of the Committee on Ways

and Means in collaboration with an expert from the Treasury Department.

Mr. LONGWORTH. From the Tariff Board?

Mr. HARRISON of New York. No; from the Treasury Department.

Mr. LONGWORTH. I want to ask the gentleman this question. Referring to this specific item, I observe that as to the first three of these balsams it is estimated that the imports will be less under a duty of 10 per cent than heretofore, but as to the last two items it is estimated that the imports will be larger under a duty of 10 per cent than heretofore. I would ask the gentleman why?

Mr. HARRISON of New York. If the gentleman will look not at the year 1911 alone, which was not a normal year, but will examine the average of preceding years, he will correct his statement. It is natural to suppose that the imposition of a tax will slightly restrict importations.

Mr. LONGWORTH. But I find in the estimates of the committee that, for instance, the value of the imports in 1911 of tolu was three thousand and odd dollars, and under this bill, under a 10 per cent duty, it is estimated they will be \$5,000. Does the gentleman mean that they have gone back over a number of years and estimated the values under those years?

Mr. HARRISON of New York. Yes.

Mr. MANN. Mr. Chairman, the gentleman from New York [Mr. HARRISON] who prepared this bill, is very likely the best-informed man in the House on the subject of the chemical schedule and the chemical items of which it consists. Yet it is a queer illustration of the methods of legislation when the gentleman from New York, who drafted the bill, who passed the bill through the caucus and through the Committee on Ways and Means, and who is its defender upon the floor, in answer to the amendment which I offered concerning these balsams, states that they were used principally for the preparation of cosmetics and perfumery, and did not know differently from his own information upon the subject, and did not state differently until an outsider, who I am glad to see upon the floor of the House though in contravention of the rules of the House, gave him the information.

Mr. HARRISON of New York. Oh, Mr. Chairman, I think the gentleman from Illinois is mistaken in saying that the presence upon the floor of this gentleman is in contravention of the rules, because he appears here as a clerk of the Committee on Ways and Means.

Mr. MANN. He is an employee of the Government and can not be both.

Mr. DALZELL. Mr. Chairman, I beg the gentleman's pardon. The Committee on Ways and Means has never elected the gentleman a clerk. No member of the Committee on Ways and Means can select any clerk for that committee.

Mr. MANN. Mr. Chairman, I have no objection to the gentleman being on the floor.

Mr. DALZELL. Nor have I, but I object to the gentleman from New York making the statement he has made.

Mr. MANN. He could not occupy both places under the law. However, I am glad that the gentleman was here to correct the gentleman from New York, because I would hate to have it go out to the country that the gentleman from New York, the only man on the Democratic side of the House who pretended to know anything about the chemical schedule, did not know that these balsams were not used for perfumery or cosmetics, but were used only for medical purposes. It is no wonder that we have bills of this kind presented to the House when gentlemen who draw them know neither what is in them nor about the subjects which they contain. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

23. Coal-tar products known as dead and creosote oil, soluble and sulfonated dead and creosote oil, anthracene and anthracene oil, benzol, naphthol, resorcin, toluol, xylol; all the foregoing not medicinal and not colors or dyes, 5 per cent ad valorem.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 6, lines 15 to 19, by striking out the following:

"23. Coal-tar products known as dead and creosote oil, soluble and sulfonated dead and creosote oil, anthracene and anthracene oil, benzol, naphthol, resorcin, toluol, xylol; all the foregoing not medicinal and not colors or dyes, 5 per cent ad valorem."

Mr. MANN. Mr. Chairman, these coal-tar products are now on the free list. The Agricultural Department of this Government for years has been making investigations and publishing the results of those investigations, urging that the results be followed in the preserving of railroad ties and other woods

which are in common use for fence posts, telegraph and telephone poles, and a great many other ways in which wood is used, to dip the wood in various ways in this dead creosote oil.

We have been trying to educate the users of this timber in the country, rapidly disappearing, to prolong its life by preserving it through the use of these materials. The extensive use of this dead creosote oil has only recently come into practice. We are trying on the one hand to get people to make use of it. It was put on the free list so that it might be presented as cheaply as possible. We consume enormous quantities of our forest products in the mere matter of railway ties. Various railroads are now trying, on the urging of the Agricultural Department, to preserve the railroad ties by the use of this dead creosote oil, and now it is proposed to transfer this item from the free list to the dutiable list and require every ounce of it that comes into the country to pay a duty on the theory that the Government needs it for revenue. We spend twice as much every year in the Agricultural Department trying to encourage people to make use of it as the revenue derived from it will amount to. There is no excuse for putting a tariff upon this product, a by-product not in competition with other products, thereby discouraging its use by increasing its price.

Mr. HARRISON of New York. I ask unanimous consent that the amendment may be again reported.

The amendment was again reported.

Mr. HARRISON of New York. Mr. Chairman, under the Payne law creosote oil was on the tax list at 20 per cent ad valorem. By a decision of an official of the Treasury Department creosote oil was reclassified and placed upon the free list. The subject has been one of much political discussion, and I do not propose to entertain the committee now with a further rehearsing of the matter; but creosote oil at a 5 per cent ad valorem rate, it is calculated, will produce \$115,000 worth of revenue, and more revenue, in addition, will be derived from naphthol, and perhaps from some of the other subjects mentioned in paragraph 23 of our bill. I have already several times stated the basis or methods upon which we have rearranged the taxes on coal-tar products. Creosote oil and anthracene oil are among the primary coal-tar products, and we have put them at the lowest rate of tax that we have imposed upon any of the coal-tar products.

Mr. MANN. Mr. Chairman, the gentleman says that creosote oil was on the dutiable list under the Payne law. Paragraph 536 of the Payne tariff law, giving the items in the free list not on the dutiable list, includes coal tar, crude, pitch of coal tar, and products of coal tar known as dead or creosote oil, and a long list of other articles which have been now transferred under the various paragraphs of this bill from the free list to the dutiable list. What is the use of the gentleman saying that it was on the dutiable list under the Payne law?

The CHAIRMAN. The question is upon agreeing to the amendment.

The question was taken; and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 45, noes 62.

So the amendment was rejected.

The Clerk read as follows:

24. Coal-tar products known as anilin oil and salts, toluidin, xylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphthylamin, diphenylamin, benzaldehyde, benzyl chloride, nitro-benzol and nitrotoluol, naphthylaminsulfoacids and their sodium or potassium salts, naphtholsulfoacids and their sodium or potassium salts, amidonaphtholsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfoacid, metanilic acid, paranitranilin, dimethylanilin; all the foregoing not medicinal and not colors or dyes, 10 per cent ad valorem.

Mr. AUSTIN. Mr. Chairman, I demand an explanation of this paragraph which has just been read.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out of lines 20 to 25, page 6, and lines 1 to 5, inclusive, page 7, the following:—

"24. Coal-tar products known as anilin oil and salts, toluidin, xylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphthylamin, diphenylamin, benzaldehyde, benzyl chloride, nitro-benzol and nitrotoluol, naphthylaminsulfoacids and their sodium or potassium salts, naphtholsulfoacids and their sodium or potassium salts, amidonaphtholsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfoacid, metanilic acid, paranitranilin, dimethylanilin; all the foregoing not medicinal and not colors or dyes, 10 per cent ad valorem."

Mr. MANN. Mr. Chairman, these very important articles, important especially judging from their names, are now upon the free list, and it seems to me that they ought to remain upon the free list. The effect of my amendment is to strike them out of the dutiable list and they will then remain on the free list under the provisions of existing law. It is true that the gentleman from New York has frequently explained that it is

the purpose of his side of the House to place coal-tar products upon the dutiable list. These coal-tar products are, in the main, by-products and basic products for the manufacture of other important articles. You do not encourage industry in our country by putting a tariff duty upon these basic or crude products. You do encourage industry in our country by admitting them free of duty so that they can be used for the manufacture of other articles in our country, and, as the gentleman from New York has frequently stated that it has been their policy to place a duty upon these coal-tar products, basic articles, I say it is our policy to endeavor to build up the industries of our own country rather than the industries of countries foreign to our shores. [Applause on the Republican side.]

Mr. HARRISON of New York. Mr. Chairman, the latter half of these unpronounceable products were formerly taxed at 20 per cent, and the Payne law put them on the free list. They are not free raw materials. They are intermediate products, partly finished products, and it is a fair surmise that they were put on the free list in the Payne law simply for the benefit of one manufacturer in my State, who, with very little labor, assembles these products and has been selling them under a protective duty of 30 per cent ad valorem on his finished products. It seems to me, and it seemed to me three years ago, that these are very proper subjects for taxation, and the low rate of 10 per cent which we have placed upon them, it is expected, will produce a revenue of \$167,500. I hope the amendment will not prevail.

Mr. MANN. Mr. Chairman, it is true that a portion of these products are articles which were upon the dutiable list under the Dingley law. In the revision of that law by the Payne law they were placed upon the free list. The gentlemen on that side of the aisle have kept the air throughout the country in continual commotion telling how we failed to reduce the tariff in the Payne law as we had promised to do, and yet we find them attempting to take articles which we had taken off the dutiable list and placed on the free list under the Payne law and putting them on the dutiable list on their claim that they have the country behind them, because we did not sufficiently reduce the tariff downward in the Payne law. That is real logic for you.

Mr. HILL. Mr. Chairman, I would like to ask the gentleman from New York if any of these articles are manufactured in the United States, practically?

Mr. HARRISON of New York. I believe very few, if any, of them are.

Mr. HILL. The effort made three years ago to develop the further industry beyond these first derivatives was an honest one. I will tell the gentleman from his own report why they are not manufactured in the United States. If the gentleman will look on page 4, he will find the rate of wages and salaries paid by the American chemical industry to all its employees, and if he turns to page 370, which is a part of the glossary prepared by the Tariff Board, he will find that in the competitive industry in Germany, taking the salaries of all the insured employees, which included salaries as high as \$1,400, the actual wages paid in Germany in the manufacture of all these chemicals average \$291.55 per year per employee, as against \$738 per annum paid in the United States in making the same articles. It seems to me that that is a pretty fair reason for their not being made in the United States and for their being made in Germany. It is impossible under existing conditions, and in all probability will be for the next 20 or 25 years, to make these articles in the United States. So you are simply putting a burden upon the people of the United States during that time by taxing these raw materials.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Cobalt, oxide of, 10 cents per pound.

Mr. GILLETT. Mr. Chairman, I move to strike out the last word. This bill, like all other important measures, is brought into this House as the product of a secret Democratic caucus, which bound all Democrats to vote for the bill and against all amendments. So, while the gentleman from Alabama [Mr. UNDERWOOD], with his bland and benevolent manner, pretends to give us liberal opportunity for debate and amendment, he knows and we know that both are absolutely useless and ineffective here, for the most convincing arguments and the most necessary and attractive amendments will go down to defeat before the solid, deaf vote which is pledged in advance against them.

Both debate and amendments are a farce, and your side of the House, which has declaimed so much in recent years about the need of personal independence here and the dangers of arbitrary power, is crushing out all individual influence and eff-

ciency in a manner unexampled in my experience. The country, I think, was persuaded by you that the power of the Speaker had grown so great that it was impairing the individual responsibility of Members; but I think the country will be even more strongly and indignantly convinced that responsibility for all important legislation should not be shifted to a party caucus, but that the proper place for effective debate and discussion and amendment is the open House and not the secret caucus of one side of the House. But history is only repeating itself, and I trust the results also will be repeated.

Mr. SHACKLEFORD. I would like to ask the gentleman what is his opinion on that subject?

Mr. GILLET. I will tell you before I get through.

Mr. SHACKLEFORD. You would not be willing to give me a categorical answer now as to what your opinion is on that subject?

Mr. GILLET. My opinion is against the present conduct of the House. But I am going to give some authority that will go much farther, both with the gentleman and with the committee, than anything I can say. As I said, history is simply repeating itself, and the conduct of the Democratic Party to-day is simply following the precedent set by the Democratic Party 30 years ago. I chanced to be reading recently the works of one of the greatest statesmen and debaters and leaders who ever adorned this House—James A. Garfield—and I ran across this description of the conduct of the Democratic Party then. His words will not, I suppose, either please or influence that side of the House any more than they did when uttered, but they will carry weight to impartial and thoughtful minds, and public opinion will respond to them as it did before. He said:

I have been 16 years a Member of the House of Representatives, and in all that period I have never once known * * * the members of the Republican Party to bind themselves in a caucus to support any bill before Congress. I have seen it tried once or twice, but I have always seen dozens of Republicans spring to their feet and say, "We are free men and we will vote according to the interests of our constituents and the dictates of our conscience, and no caucus shall bind us." But the moment the Democratic Party got back into power again that moment they organized the caucus—the secret caucus, the oath-bound caucus; for in the recent extra session they actually took oaths not to divulge what occurred in caucus and to be bound by whatever the caucus decreed. And I have known man after man, who had before sworn by all the wicked gods at once that he would not be bound to vote for a certain measure, walk out of the caucus like a sheep led to the slaughter and vote for the bill that he had cursed. They brought forward bills at the extra session so full of manifest errors that when we pointed them out they would admit in private that they were errors which ought to be corrected, but they would say, "We have agreed to vote for it and without amendment, and we will." We pointed out wretchedly bad grammar in bills, and they would not even correct this grammar, because the caucus had adopted it. Now, therefore, gentlemen, the Congress of the United States is ruled by a caucus. It has ceased to be a deliberative body. It is ruled by secret caucus.

The conduct of the Democratic Party, which Garfield reproached, then, is exactly the conduct which the same Bourbon Democracy is repeating to-day, and I believe that the same conditions will produce the same results and that the voters of the country will repudiate and defeat those tactics now as they did before. [Applause on the Republican side.] The words of Daniel Webster are just as pertinent to-day as they were 90 years ago: "It is time to put an end to caucuses." [Applause on the Republican side.]

Mr. HEFLIN. I—

The CHAIRMAN. The gentleman from Alabama.

Mr. HEFLIN. I wish to speak to the pending amendment. Mr. Chairman, I have listened with amusement to the gentleman from Illinois [Mr. MANN] offering amendments to this chemical schedule that he does not understand—

Mr. MANN. How do you know? [Laughter on the Republican side.]

Mr. HEFLIN (continuing). Amendments containing names that he can not himself pronounce, and some amendments which, I think, should they be adopted, he would vote against the bill on the final passage. You have so little to talk about now that you harp on amendments that you do not believe in, and abuse the Democratic caucus. The Republican side of this House has been reduced to such a small minority that you have not enough to have a real caucus. [Laughter on the Democratic side.]

We have a real, live Democratic caucus, and it is bringing into this House measures that look to the greatest good to the greatest number. There are gentlemen on that side who recall the last, or Sixty-first, Congress, presided over by a Republican nominated in a Republican caucus, denounced by honest insurgents in this House, who charged that Members had to go with their hats in their hands to this Republican Speaker to get him to let them, in the name of their people, call up a bill for consideration by this House. When I look upon that side and see how, on account of your broken promises and faithlessness to the people, you have been repudiated, and that Speaker taken out of that chair and a Democratic Speaker placed in his stead,

and a majority on this side legislating in the interest of the people, I say again, Long live the Democratic caucus! [Applause on the Democratic side.]

About all you can say now is, "Confound the Democratic caucus." [Applause on the Democratic side.] The Democratic caucus has given you a great deal of trouble and will give you a great deal more. It has given us weapons with which to cut the dirt from under the feet of some of you who are offering amendments—gentlemen whose record on tariff reduction is such that the places that know you now will soon know you no more forever. [Applause and laughter on the Democratic side.]

The CHAIRMAN. The question is on the amendment.

The question being taken, the amendment was rejected.

The Clerk read as follows:

28. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompound drugs and not edible and not specially provided for in this act or in the first section of the act cited for amendment, but which are advanced in value or condition by peeling, shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out lines 22 to 25, page 7, and lines 1 to 11, page 8, as follows:

"28. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompound drugs and not edible, and not specially provided for in this act or in the first section of the act cited for amendment, but which are advanced in value or condition by peeling, shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph."

Mr. MANN. Mr. Chairman, these articles, crude drugs, are now on the free list under the existing Payne tariff law. It is proposed by this bill to take them from the free list and place them upon the dutiable list. If my amendment to strike them out of the dutiable list prevails, they will remain on the free list under the existing provisions of law.

I do not think it necessary to make an argument in favor of having crude drugs, wholly noncompetitive in character, upon the free list.

I do not wonder that my genial friend from Alabama [Mr. HEFLIN] chafes under the necessity of voting against amendments to leave these articles upon the free list. Not long since in the House the gentleman [Mr. HEFLIN] derided this side of the House because, he said, we had opposed placing agricultural implements on the free list. Within a few minutes after he made that speech I offered an amendment on the floor of the House to place these agricultural implements on the free list, and the gentleman from Alabama [Mr. HEFLIN] voted against it. [Laughter on the Republican side.] One moment he declaimed in favor of a proposition, and when called by an amendment backed water, reversing his position and voting against a proposition which, if he and others on that side of the House had voted for it, would now be in the metal-schedule bill.

I think it is going too far, Mr. Chairman, to place crude drugs upon the dutiable list, to lay a tax upon all the sick people of the country, and especially upon the gentlemen on that side of the House, who after the next election will be the sickest crowd you ever saw. [Laughter and applause on the Republican side.]

Mr. HARRISON of New York. Mr. Chairman, I listened yesterday to the entertaining argument of the gentleman from Illinois [Mr. MANN] practically to the same effect as the remarkable statement he has just made; but I think he is laboring under a real misapprehension as to the effect of paragraph 28 of our bill, which he now proposes by this amendment to strike out.

Paragraph 28 of our bill is substantially the same as the corresponding paragraph 20 of the Payne-Aldrich law, excepting that it reduces the tax upon these drugs when they are advanced in value or condition from a quarter of a cent a pound and 10 per cent ad valorem to a flat 10 per cent ad valorem rate; and it mentions the same drugs in paragraph 88, on page 22, of our bill as being on the free list, as they are now, when they are not advanced in value or condition.

The further difference in our paragraph from paragraph 20 of the Payne law is simply that we have defined what "ad-

vanced in value or condition" means, and we have made this further definition upon the suggestion of the officials of the New York customhouse, who represented to us that under the guise of coming in not advanced in value or condition, these drugs, barks, berries, and so forth, were being advanced in value or condition in foreign countries and sent in here free.

The gentleman from Illinois [Mr. MANN], in a very specious argument, yesterday said, "How could bark come in unless it is peeled?" It is not the bark that is peeled; it is the tree that is peeled. The bark is not peeled to advance it further in value. An example of the peeling meant by this bill is found, for instance, in the roots of the plant out of which they make Pond's Extract. If they send the roots of that plant here peeled, they are advanced in value or condition, especially so under our new definition of advancing in value, and it is for that purpose, and that purpose only, that we have made this definition. Crude drugs are still on the free list, the way they were before, while drugs advanced in value are defined as to what constitutes advancing in value, and the rates of taxation on them are reduced.

Mr. HEFLIN. Mr. Chairman—

Mr. MANN. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois.

Mr. MANN. I yield to the gentleman from Alabama.

Mr. HEFLIN. Mr. Chairman, I did not hear all that the gentleman from Illinois [Mr. MANN] had to say about an amendment that he offered some time ago to the steel schedule putting agricultural implements on the free list. We have occasionally in this House a piece of grim humor. That amendment regarding agricultural implements was a piece of grim humor on the part of the gentleman from Illinois.

Mr. MANN. It was.

Mr. HEFLIN. The Republican Party in this House has had 16 years in which to put agricultural implements on the free list, and during that time the men who toiled to make the stuff with which to feed the world have had to pay enormous taxes to the Implement Trust—taxes imposed by your party [applause on the Democratic side]; and when my party came in power in this House and gave you gentlemen on that side an opportunity to vote to put agricultural implements on the free list you opposed it. Now, when we bring in a tariff measure, revising the tariff schedule by schedule in our own way, we do not propose to allow you to embarrass us or endanger the passage of the bill by sticking in amendments that you yourselves do not believe in and would not vote for if they were adopted in Committee of the Whole. [Applause on the Democratic side.]

I am reminded of what occurred here once with the gentleman from Michigan [Mr. FORDNEY], who had the frankness to admit that when he offered an amendment to one of our tariff bills that he did so for the purpose of loading the bill down and then voting against it. [Laughter.]

Mr. MANN. Mr. Chairman, I should not have voted for the amendment I offered placing agricultural implements on the free list, but is that any reason why you should not vote for it, you who are in favor of it? [Applause on the Republican side.]

Mr. HEFLIN. Certainly, for that was not the time for it. We knew that you were not in earnest about it. [Laughter on the Democratic side.]

Mr. MANN. It was offered to the metal schedule and was held in order. That was the time to put agricultural implements on the free list if you meant it. You did not mean it; it was pure buncombe. When you passed the bill at the special session of Congress you had no intention of its becoming a law, and when you were offered a chance on the floor to put that into the metal schedule where it might become effective, you promptly voted it down by a unanimous vote on the Democratic side, including the gentleman from Alabama, who had just made a speech in favor of it. [Laughter and applause on the Republican side.]

Mr. HEFLIN. I am on record as voting for and speaking for the placing of agricultural implements on the free list. The gentleman from Illinois is now frank enough to admit that he would not have voted for his own amendment putting agricultural implements on the free list. [Laughter.]

Mr. MANN. I did not; I offered it for the purpose of playing a practical joke and testing the sincerity of the gentleman from Alabama, who had just made one of those so-called high-fallutin speeches [laughter on the Republican side] about what he would do if he had a chance. I gave him the chance and he fell down. [Laughter.]

Now, Mr. Chairman, the gentleman from New York says that the bark is not peeled, the tree is peeled. You peel the bark off the tree, which is peeled? [Laughter.] You do not peel the tree

off the bark, you peel the bark off the tree. The gentleman from New York, the father of this bill, does not even know what peeling a tree means. [Laughter.] He proposes that crude drugs shall not come in free if any of them have been peeled, shredded, ground, chipped, or cut; practically all of them come in that shape. It is true that the Treasury Department has been unsuccessful in its efforts to hold that the drugs have been advanced and therefore dutiable; it is the duty of the Treasury Department to collect duty when it can. The courts have held that these articles were on the free list, and the gentleman from New York has said to the House that, finding drugs are now on the free list, he proposes to put them on the dutiable list at the expense of the people of the country who are ill and suffering from sickness.

Mr. HILL. Mr. Chairman, I want to ask the gentleman from Alabama and the gentleman from New York if they will not propose an amendment striking out the word "peeling." I ask it as a business proposition. I know it is perfectly useless for me to offer such an amendment, but I will read from a letter which I have received on this subject:

Quebracho wood, logwood, fustic wood, Brazil wood, and numerous other woods that are used for making extracts for dyeing or tanning, are imported into this country without having on the bark, or in other words, they are peeled. The reason for this is that the bark is of no value, and therefore it would only make extra weight in shipping, and in fact, after the tree is cut and the wood is allowed to lie for a while and cure, the bark—a good deal of it—will come off of itself, and so they simply take an axe and chop off the bark and ship the wood; therefore if peeling is to be considered a process of advancement in valuation, then all the raw material that is used by the tanning and dyewood extract people would have to pay 10 per cent ad valorem, when up to the present time they have always been free.

Mr. Chairman, I can not see any earthly benefit that is to come to anybody by compelling these people to ship the useless bark which remaining upon the log tends to destroy the value of the wood which they are shipping, causing it to rot and decay. Enormous quantities of this material, logwood, quebracho, and dyewoods of various kinds are shipped here. It is heavy when it is first cut and it is allowed to lie on the ground until it is dried out, and the bark partially rots off. They then take an ax and clean off the rest of the bark, and you may as well compel them to bring the stumps of the trees that are left in Honduras and the Argentine Republic as to compel them to bring this bark in. Recognizing that no amendment is to be accepted upon this bill, I appeal to the generosity of gentlemen upon the other side and ask them if they will not themselves propose the elimination of the words "by peeling," only. I do not care anything about the "shipping, crushing, shredding," and so forth. That is an advancement which requires labor, but if the bark rots off in the processes of nature, surely they ought not be compelled to bring it into this country.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

29. Ergot, 10 cents per pound.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 8, by striking out of line 12 the following:
"29. Ergot, 10 cents per pound."

Mr. MANN. Mr. Chairman, ergot, a necessary medicine, is now upon the free list. This bill places it upon the dutiable list, and if my amendment prevails it will remain on the free list under existing conditions.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

30. Ethers: Sulphuric, 4 cents per pound; amyl nitrite, 20 per cent ad valorem but not less than 10 cents per pound; amyl acetate and ethyl acetate or acetic ether, 5 cents per pound; ethyl chloride, 20 per cent ad valorem; ethers of all kinds not specially provided for in this act or in the first section of the act cited for amendment, 25 per cent ad valorem but not less than 25 cents per pound: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. I will ask the gentleman from New York if sulphuric ether is used in the manufacture of smokeless powder?

Mr. HARRISON of New York. Yes; it is.

Mr. MURDOCK. Is it a principal ingredient?

Mr. HARRISON of New York. No; it is not a principal ingredient. Sulphuric ether is the ether with which we are familiar in operations.

Mr. MURDOCK. Is the duty on sulphuric ether reduced by this bill?

Mr. HARRISON of New York. It is reduced from 8 cents a pound to 4 cents per pound.

Mr. MURDOCK. In view of the statement of the gentleman from New York, made on another item farther back, in regard to baking powder, why was this reduced, when sulphuric ether is used largely by a trust in the manufacture of smokeless powder?

Mr. HARRISON of New York. I will say to the gentleman from Kansas that that is not the chief use of sulphuric ether. The chief use of sulphuric ether is medicinal. Its familiar form is used in operations, and it was largely with that in view that it was thought wise to reduce the tax upon it.

Mr. MURDOCK. And not in view of the other circumstance?

Mr. HARRISON of New York. No, sir.

Mr. MURDOCK. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

31. Extracts of nutgalls and of Persian berries, 1 cent per pound; extracts of quebracho, of hemlock bark, of sumac, and extracts and decoctions of logwood and other dyewoods, extracts of barks and of woods other than dyewoods, such as are commonly used for dyeing or tanning, and all extracts of vegetable origin suitable for dyeing, coloring, staining, or tanning, all the foregoing not containing alcohol, not medicinal, and not specially provided for in this act or in the first section of the act cited for amendment, three-eighths of 1 cent per pound.

Mr. ANDERSON of Minnesota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 24, after the word "quebracho" insert the words "one-quarter of 1 cent per pound."

Mr. ANDERSON of Minnesota. Mr. Chairman, there is not the slightest justification for any duty whatever on quebracho, except the necessity of revenue, and out of sympathy for the new-born regard of the gentlemen on the other side for the revenue, I have offered this amendment to reduce the tariff on quebracho from three-eighths of a cent a pound to one-quarter of a cent a pound instead of to place it on the free list, as I should otherwise have done. Quebracho is a tree native to South America, the bark of which contains large quantities of red tannin, used in tanning leather. It is not produced in this country, and if it is to bear any duty at all the duty ought not to exceed a quarter of a cent a pound.

But, Mr. Chairman, I arose chiefly to answer the claim that this bill represented a reduction in the duties on articles contained in Schedule A. I was astonished yesterday when the gentleman from New York [Mr. HARRISON], in response to a question which I asked him, stated that the bill was a substantial reduction in the duties of Schedule A of the present law. It is not so. The bill purports to increase the revenue from this schedule from \$13,006,046 in 1911 to \$16,101,595, an approximate increase of \$3,000,000. I am willing to admit that it would be theoretically possible to lower the duties in this bill and still by increased importations to increase the revenue from it; but that is not what is done by this bill. Three million eight hundred thousand dollars of the revenue which we are informed by the Ways and Means Committee will be raised by this bill is to be raised by taking articles which are now on the free list and placing them on the dutiable list. In this way \$38,000,000 in value of importations, which under the present law come in free, are now to be taxed at an average rate approximating 12 per cent.

The articles thus taken from the free list include such items as creosote oil, used for the preservation from decay of fence posts, telephone poles, and railroad ties. Crude camphor, used every day in every home in the land and imported to an extent of a million dollars annually, is taken from the free list and taxed at 10 per cent. Shellac, imported to the extent of \$3,000,000 annually, is to be taken from the free list and taxed at a cent a pound. This article is used in great quantities as a filler in floors and in the manufacture of varnish. Then there is cinnamon, cloves, ginger, mace, nutmeg, and pepper, all household necessities, imported to the extent of \$2,400,000, which you propose to take from the free list and tax at an average rate of 15 per cent. This class includes vanilla beans, imported in the sum of \$1,950,000. This is the raw product out of which extract of vanilla, found in every pantry in every household in the country, is made. Vanilla beans are taken from the free list and taxed at 50 cents a pound.

These are but illustrations of the things which this bill does. Obviously, as these articles are not produced in this country, the duty will in every instance be added to the foreign price and incidentally several times compounded by the time the article reaches the ultimate consumer.

But in addition to the \$38,000,000 of imports which you take from the free list and add to the dutiable list, you increase the duty over those in the present law on an additional \$8,000,000 of importations. This increase is at an average rate of 19.8 per cent. This class includes argols, a by-product of wine manufac-

ture, imported to the extent of \$3,000,000 annually and used in the manufacture of cream of tartar, which in turn is used in making the higher grades of baking powder. The duty upon argols is increased from 5 to 10 per cent. It includes chicle, used in the manufacture of chewing gum and imported to the extent of \$2,500,000, according to the estimate, upon which you double the duty, increasing it from 10 to 20 per cent. This class includes the various forms of opium, upon which the already high duty is doubled. This increase would probably not be subject to criticism if it could accomplish any other result than the increase of the smuggling of the drug.

But there is yet another class of articles upon which the duty is neither increased nor decreased. The estimated importations under the paragraphs in this class amount to \$11,500,000. It includes crude glycerin, imported annually to the extent of \$4,500,000, and many other articles of common use and consumption. So that in the aggregate this bill increases the duty or leaves it where it is in the present law on more than \$58,000,000 of importations, while the total amount of importations which in 1910 were taxable under the present law amounted to a trifle over \$42,000,000. On \$46,000,000 of these estimated importations the average increase of duty is 14.5 per cent.

But there is yet another class of importations which are taxed under this bill, amounting to \$38,000,000, but upon this class the duty is decreased. Twenty-five million dollars of these importations will come in under seven items of the bill. These items include quebracho, alkalies, alkaloids, and so forth, medicinal preparations not containing alcohol, linseed oil, olive oils, and coal-tar dyes, upon which an average reduction is made of only 9.75 per cent. The average decrease in duty upon the entire \$38,000,000 of importations upon which the duty is decreased is 15.17 per cent. And yet, in the face of the fact that the duty is increased an average of 14.5 per cent on \$46,000,000 of importations and left unchanged on \$11,000,000 additional, as against \$38,000,000 upon which it is decreased 15.17 per cent, we are asked to believe that the present bill makes a reduction in the duties of this schedule. It ought not to have been necessary to go beyond the mere statement of the fact that under the present law in 1910 we taxed \$42,021,558 of importations 26.41 per cent, while this bill proposes to tax \$96,742,850 in importations at an average rate of 16.64 per cent, to demonstrate that this bill in the aggregate is not a reduction of the duties of this schedule. There are some reductions in the bill for which I should be glad to vote if it were possible to vote upon them separately. These include the item of quebracho, upon which I offer an amendment to still further reduce the tariff, and paints and varnishes. But I should not be justified in voting increased taxes on a much greater amount in value of noncompetitive importations in order to obtain this small relief from the duties on these competitive articles. This bill is not in the aggregate a downward revision of the schedule; it in no particular recognizes the principles of protection. Its sole object is to raise revenue and this largely by increased duties. For these reasons I shall vote against it.

Mr. HARRISON of New York. Mr. Chairman, the amendment proposed by the gentleman from Minnesota is to reduce the duty on quebracho extract as carried in the bill from three-eighths of 1 cent a pound to one-quarter of 1 cent a pound. The effective rate on quebracho in the present law is three-fourths of 1 cent a pound, which we have cut in two in the bill reported and tax it at three-eighths of a cent a pound—just the same rate we have applied to all, or substantially all, of the other tanning extracts carried in paragraph 31 of the bill. My objection still further to the amendment of the gentleman from Minnesota is that, according to my theory, noncompetitive products are the proper subject of taxation, and the proposed reduction from three-eighths of a cent a pound to one-quarter of a cent a pound would deprive us of \$112,000 of revenue. I therefore hope that the amendment will be voted down.

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

33. Formaldehyde solution containing not more than 40 per cent of formaldehyde, or formaline, 1 cent per pound.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I desire to ask the gentleman who is chairman of the subcommittee if formaldehyde is placed at a less rate in this bill than it was in the last bill?

Mr. HARRISON of New York. Yes; in the last bill it was carried in the basket clause at 25 per cent, and our rate of taxation is 4 per cent ad valorem.

Mr. FOWLER. It is used in treating a number of things to destroy fungus, I believe.

Mr. HARRISON of New York. Yes; and as a disinfectant. The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

36. Glycerin, crude, not purified, 1 cent per pound; refined, 2 cents per pound.

Mr. HAUGEN. Mr. Chairman, I move to strike out the section. Mr. Chairman, in offering this amendment I do not rise particularly to discuss the amendment, but to discuss another subject germane to the amendment, and that is the subject of oleomargarine. As glycerin is one of the ingredients used in the production of oleomargarine, I take it that my remarks will be germane to the amendment. Mr. Chairman, in view of the most persistent and determined effort now being made to repeal the present oleo law, the urgent appeal that has been made through the press, the thousands of letters that are being sent out from Washington, the resolutions and letters coming to Washington urging its repeal, and now that the subcommittee has reported a bill back to the Committee on Agriculture and that this question is likely to come up and that Congress is likely to repeal or modify the present law in a way, I believe, that will open the doors wide open to fraud, deception, and counterfeiting, and in view of these letters which have been sent out I rose more for the purpose of having printed in the Record what purports to be a copy of a letter sent out by a gentleman, a Member of this House, and which I wish to read to the committee:

HOUSE OF REPRESENTATIVES,
Washington, December 1, 1910.

DEAR MADAM: I am inclosing herewith extracts from the testimony of labor leaders, Government scientists, and other experts, at hearings before the Committee on Agriculture, United States House of Representatives, last spring showing the need of an immediate and thorough investigation of the spread of tuberculosis and other diseases through dairy products, making disclosures which demand that the United States Government take action to eradicate these diseases in our dairy animals, and showing that the 10-cent tax on colored oleomargarine is a tax upon a wholesome, nutritious article of food, which keeps it out of legitimate competition with butter and accounts for the present high prices for butter throughout the country.

May I ask your organization to pass a resolution at its next meeting demanding an investigation by Congress of the spread of disease to human beings from dairy products, and a second resolution demanding the repeal of the 10-cent tax upon oleomargarine? Copies of these resolutions should be sent to your Congressman, United States Senators, chairman of the House Committee on Agriculture, all Washington, D. C., and I would appreciate it if you would send me a copy.

Yours, sincerely,

A. S. BURLINSON, M. C.

Now, Mr. Chairman, I have no criticism to offer for his sending this letter, but I want to say to my friends that I regret exceedingly that this question should be injected into this controversy, because it was understood from the beginning that the question of wholesomeness should not enter into it, but that the consumer and the people might determine that for themselves; but now that this has been injected into this controversy I deem it just to all concerned that there should also be printed in the Record extracts from the testimony given before the committee against its wholesomeness, in order that the House and the people may know both sides of the question and that it shall not be decided on ex parte evidence.

Mr. Chairman, I do not care to detain the House, but will ask permission to extend my remarks by having printed in the Record extracts from the testimony given before the Committee on Agriculture.

Mr. LEVER. Reserving the right to object, Mr. Chairman, I would like to have the gentleman from Iowa indicate somewhat the nature of the testimony he intends to print in the Record and when that testimony was offered.

Mr. MANN. Mr. Chairman, reserving the right to object, I will say to the gentleman from Iowa that I should not object to having what he wishes inserted in the Record, but I shall object to having it inserted in the middle of this tariff discussion, where I am trying to make some record in regard to the tariff proposition. I do not wish to have some 10, 20, or 30 pages, or something like that, inserted in the Record if I can help it.

Mr. HAUGEN. What I wish to insert in the Record is page 190, page 192, page 198, and a few extracts from a few pages of the recent hearing in the Sixty-first Congress, and also a few extracts from the hearings of 1900, and I will state that I have—

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to incorporate in the Record the articles which he mentions.

Mr. MANN. Mr. Chairman, reserving the right to object, I will say to the gentleman that I am not willing to have the matter, entirely foreign to this bill, inserted in the Record at this place.

Mr. HAUGEN. I expect this will not take up more than two pages of the CONGRESSIONAL RECORD. I wish to print a letter

from Mr. Thomas, who claims to represent the Iowa Retail Merchants' Association—

Mr. MANN. Why does not the gentleman make his request to the House when it can go in the proper place in the Record?

Mr. HAUGEN. The subject would not have been germane at that time, but it is germane at the present time.

Mr. MURDOCK. If the gentleman will print it as a separate speech?

Mr. MANN. I have no objection, if it is not inserted here.

Mr. HAUGEN. I will print it as a separate speech.

Mr. LEVER. Mr. Chairman, further reserving the right to object, I will say to my friend from Iowa [Mr. HAUGEN] that I am perfectly willing that he should have the right to extend his remarks in the Record by printing any testimony offered before committees in this House in the consideration of bills recently before the House and before the committee; but I do not believe that we ought to fill up the Record with extracts of testimony taken before the various committees of the House back yonder in 1900, because it was agreed in the Committee on Agriculture that the question of wholesomeness did not enter into this proposition, and I do not think it is quite fair that the gentleman should burden the Record with a lot of things that have passed out of the public mind in regard to the wholesomeness of the article. Everybody concedes that now.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. LEVER] object?

Mr. HAUGEN. I wish to say in reply to the distinguished gentleman from South Carolina [Mr. LEVER] that I have not injected this into the controversy. The letters have been sent out by Members of Congress, and that is why the matter is here. I do not propose to print a single word, with the exception of what is in the hearing, except two letters, one resolution, which refers to the Retail Merchants' Association, and also the statement prepared and presented to the subcommittee of the Committee on Agriculture.

Mr. UNDERWOOD. Mr. Chairman, I make the point that the gentleman has evidently spoken over five minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent to extend his remarks in the Record.

Mr. LEVER. Mr. Chairman, I have no objection to the gentleman extending his remarks in the manner provided, but I do not believe the gentleman ought to put in the Record testimony taken in 1900. To that part of his request I make objection.

Mr. HAUGEN. Then I will leave that out.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. LEVER] object to the gentleman from Iowa incorporating certain matter in the Record?

Mr. SHACKLEFORD. Mr. Chairman, I wish to object to the insertion of the documents.

Mr. LEVER. I wish it understood, then, that I do not make the objection. [Cries of "Regular order!"]

Mr. HARRISON of New York. Mr. Chairman, a parliamentary inquiry. Is there an amendment pending?

The CHAIRMAN. There was a motion made to strike out the paragraph. The question is on agreeing to the amendment. The question was taken, and the amendment was rejected.

The Clerk read as follows:

37. Gums: Amber, and amberoid unmanufactured, or crude gum, \$1 per pound; arabic, one-half of 1 cent per pound; camphor, crude, natural, 3 cents per pound; camphor, refined and synthetic, 5 cents per pound; chicle, 20 cents per pound; gum copal, one-half of 1 cent per pound; gum resin, 10 per cent ad valorem; dextrine, burnt starch or British gum, dextrine substitutes, and soluble or chemically treated starch, three-fourths of 1 cent per pound; gum Kauri and damar, and lac, crude, seed, button, and stick, 1 cent per pound; lac dye, and shell, 1½ cents per pound.

Mr. BROWNING. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey [Mr. BROWNING].

The Clerk read as follows:

Amend, page 10, by striking out of paragraph 37, with the heading "Gums," from lines 5 to 7, the following:

"Amber, and amberoid unmanufactured, or crude gum, \$1 per pound; arabic, one-half of 1 cent per pound; camphor, crude, natural, 3 cents per pound."

And by striking out from lines 9 and 10 the following: "gum copal, one-half of 1 cent per pound; gum resin, 10 per cent ad valorem."

And by striking out, from lines 13, 14, and 15, the words "gum Kauri and damar, and lac, crude, seed, button, and stick, 1 cent per pound; lac dye, and shell, 1½ cents per pound."

Mr. BROWNING. Mr. Chairman, these articles are now all on the free list. In my opinion they should remain there. Most of them are raw materials and many of them are used in the manufacture of varnish and linoleum. They are not produced in this country, and the imposition of a duty upon them would simply increase the cost of manufactured products, such as floor oilcloth, cork carpets, and linoleum.

It does seem to me, Mr. Chairman, that the consuming public might not take kindly to a revision upward on an article so

universally used in the homes of the laboring people as oilcloth floor covering, which could hardly be listed among the luxuries. The only beneficiary of such upward revision would be the United States Treasury. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, these gums are imported in very large quantities and are absolutely essential in the manufacture and preparation of varnishes and some of the paints. They are all now on the free list. If the amendment offered by the gentleman from New Jersey [Mr. BROWNING] should prevail, they would remain on the free list under existing law.

The pending bill proposes to put them upon the dutiable list. It is an exemplification of the principles of the Democratic Party that it proposes to put a tariff upon crude materials, non-competitive in character, necessary for the maintenance of our own industries, while at the same time it proposes to reduce the tariff on the manufactured and refined articles themselves. We import to the extent, probably, of \$10,000,000 worth under this paragraph of articles now on the free list; \$10,000,000 worth.

The gentleman from New York [Mr. HARRISON] proposes to put them all on the dutiable list, every one of them an article which comes into contact with every citizen every day of the year; to take them off the free list and put them on the dutiable list under the claim that the country had placed his party in power in order to make a downward revision of the tariff. [Applause on the Republican side.]

It is an upward revision of the tariff on this schedule, prepared by the distinguished gentleman from New York. More than \$40,000,000 worth of articles now on the free list this bill proposes to place upon the dutiable list; articles which come to us all the time, from varnishes to drugs, all through the bill; essential things in the maintenance of our industries and our own comfort. These gentlemen take these things off the free list, where we placed them, and put them on the dutiable list, under the pretense that they are revising the tariff downward. [Applause on the Republican side.]

Mr. AUSTIN. Tell us what is to become of the ultimate consumer under this arrangement, if you please.

Mr. MANN. Well, the ultimate consumer has been lost since Mr. Boutell went to Switzerland. [Laughter on the Republican side.]

Mr. HARRISON of New York. Mr. Chairman, it was another distinguished gentleman from Chicago who invented the phrase, "ultimate consumer"; but even at that, Chicago does not seem to be entirely clear as to what the ultimate consumers use. I should gather from the remarks of the gentleman from Illinois [Mr. MANN] that his constituents are in the habit of consuming gum kauri and damar and amberoid. [Laughter on the Democratic side.] As a matter of fact, these gums are the constituent materials in the making of varnish, and what the consuming public uses is the varnish from which they are made.

Now, we have very carefully reduced the rates of taxation upon varnish, so that the manufacturer shall not unload upon the public the tax that we are laying on the manufacturer. The time has come to put an end to this school of economics whereby people are taught to look upon a tariff as a benefit. Taxation is not a benefit, but a burden, and now we are going to place upon the manufacturers their share of the burden. [Applause on the Democratic side.]

Mr. MANN. We rest our case on that statement.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. BROWNING].

The question being taken, the amendment was rejected.

The Clerk read as follows:

38. Indigo, indigo extracts or pastes, and indigo carmined, 10 per cent ad valorem.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 10, line 16, by striking out the word "indigo" where it first appears.

Mr. AUSTIN. Mr. Chairman, in view of the amount of indigo that will be needed on the Democratic side in November next I suggest that it be put on the free list.

Mr. MANN. Mr. Chairman, indigo is now on the free list. If my amendment prevails, it will be left on the free list. The Democrats propose to place it on the dutiable list in the interest of the washerwomen of the country, who use it in every household.

Mr. HARRISON of New York. Mr. Chairman, this is the first time I have really been led to believe that the charge leveled by the gentleman from Alabama at the gentleman from Illinois [Mr. MANN] is correct, namely, that he is talking about what he does not understand. Indigo which is carried here is not the material that the washerwomen use. If the gentleman from Illinois would consult his better half, she would tell him that

her washerwomen have not reached the state of high education which would enable them to make use of this very highly finished and highly developed coal-tar product. What the washerwomen do use is a bluing made from ultramarine blue, or wash blue, containing ultramarine, upon which we have reduced the rate of taxation from 3 cents a pound, which equals 25 per cent ad valorem, to 20 per cent ad valorem. [Applause on the Democratic side.] They also make use somewhat of aniline blues, which we have reduced from 30 per cent to 25 per cent. They also make use of soluble blues from Prussian blues, the duty on which we have reduced from 30 per cent to 20 per cent ad valorem.

Mr. MANN. It is easy to make such a statement as the gentleman from New York has just made, but indigo is used in the manufacture of bluing which the washerwomen use and which is used for washing, the gentleman to the contrary notwithstanding. He has the same information on this subject that he had about section 25 of paragraph 4982 of the Revised Statutes.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question being taken, the amendment was rejected.

The Clerk read as follows:

40. Iodine: Crude, 10 cents per pound; resublimed, 15 cents per pound; potassium iodide, 20 cents per pound; iodoform, 25 cents per pound.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 10, line 19, by striking out of line 19, after the heading "Iodine," the following: "Crude, 10 cents per pound."

Mr. MANN. Mr. Chairman, crude iodine is now on the free list, and will remain on the free list if this amendment is adopted. Gentlemen on that side of the aisle propose to place it on the dutiable list. That is not in the interest of anybody. It ought to remain on the free list, as it is the basis of much of the antiseptic surgery which we have in these modern days.

Mr. HARRISON of New York. Mr. Chairman, in answer to the gentleman from Illinois [Mr. MANN] I will call his attention to the fact that upon iodine, resublimed, potassium iodide, and iodoform, which are the articles used by the consuming public, we have reduced the rates of duty, but we have placed a small revenue tax upon the crude material.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question being taken, the amendment was rejected.

The Clerk read as follows:

41. Leaves, roots, and spices: Buchu leaves, 10 cents per pound; coca leaves, 10 cents per pound; gentian, one-fourth of 1 cent per pound; licorice root, unground, fifteen one-hundredths of 1 cent per pound; sarsaparilla root, 1 cent per pound; all the foregoing in a crude state, and not advanced in value or condition by refining, grinding, or other process; cassia buds, cassia, and cassia vera; cinnamon and cinnamon chips; ginger root, unground and not preserved or candied; nutmegs; pepper, black or white; capsicum or red pepper, or cayenne pepper; and clove stems, 1 cent per pound; cloves, 2 cents per pound; pimento, three-fourths of 1 cent per pound; sage, one-half of 1 cent per pound; mace, 8 cents per pound; mustard, ground or prepared, in bottles or otherwise, 6 cents per pound; all other spices not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

Mr. GREGG of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out of paragraph 41, pages 10 and 11, the following:

"Licorice root, unground, fifteen one-hundredths of 1 cent per pound; sarsaparilla root, 1 cent per pound; all the foregoing in a crude state, and not advanced in value or condition by refining, grinding, or other process; cinnamon and cinnamon chips; ginger root, unground and not preserved or candied; nutmegs; pepper, black or white; capsicum or red pepper, or cayenne pepper; and clove stems, 1 cent per pound; cloves, 2 cents per pound; pimento, three-fourths of 1 cent per pound; mace, 8 cents per pound."

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Is it allowable under the Democratic caucus rule for any Member except a Member on the Democratic side to offer an amendment? [Laughter.]

The CHAIRMAN. That is hardly a parliamentary inquiry.

Mr. MANN. Mr. Chairman, I offer an amendment to the original paragraph, that portion of the paragraph which the gentleman from Pennsylvania proposes to strike out.

The CHAIRMAN. The gentleman from Pennsylvania has offered an amendment and is entitled to the floor.

Mr. MANN. I am entitled to have my amendment read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 11, by striking out in lines 3 to 7 the words:

"Cassia buds, cassia, and cassia vera; cinnamon and cinnamon chips"; and "nutmegs; pepper, black or white; capsicum or red pepper, or cayenne pepper; and clove stems, 1 cent per pound; cloves, 2 cents per pound."

And inserting in lieu thereof the following:

"Cassia buds, cassia, and cassia vera; cinnamon and cinnamon chips"; and "nutmegs; pepper, black or white; capsicum or red pepper, or cayenne pepper; clove stems and cloves, all the foregoing, when ground, 2 cents per pound."

Mr. GREGG of Pennsylvania. Mr. Chairman, the articles mentioned in the amendment I have offered here, under the Payne-Aldrich bill, are on the free list. These articles are used almost exclusively in the preparation of foodstuffs. They are used almost exclusively in the preparation of those things which may be included in the necessities of life. If that is the case, it seems that it becomes the duty of those gentlemen who were elected, like myself, on this side of the House, and who said to the people that they were in favor of the reduction of any duties which affected the necessities of life, that we were opposed to placing the necessities of life on the dutiable list, to vote for this amendment.

The Democratic platform of 1908 specifically said that "reductions should be made in the tariff upon the necessities of life." For one I went to the people of my district upon that proposition, and I know that there are a good many on this side of the House who did likewise. I believe that the people took us at our word and elected us because we said that and because they trusted us.

Further than that, from a Democratic standpoint, it seems to me that the placing of these particular articles upon the dutiable list is going to be one of the most dangerous things that can confront the Democratic Party in this coming campaign, because from every store, from every merchant at the crossroads, from every merchant in every village, town, borough, and city all over this land, there will go up a cry that the duty has been placed on these articles of common use by the Democratic Party, and that the Democratic Party, in placing these household necessities on the dutiable list, was not sincere in its pledges, and these merchants consequently will say to the consumer that they are compelled to raise the price. [Applause on the Republican side.] From hundreds of households all over the country that cry will ascend, and the Democratic Party will suffer.

I submit that the gentleman on the other side of this House, the distinguished gentleman from Ohio, did not understand my position, but the Democratic Party has always been governed by rules, and the Democratic Party consistently stands and abides by those rules. At the Democratic caucus, I want to say to the gentleman from Ohio, I made a statement similar to the one I have made here, and in addition I said that I had pledged the people of my district to oppose anything that would increase the cost of the necessities of life, and the other members of the caucus, under the rules of the caucus, absolved me from supporting this paragraph in the bill. I am performing what I consider to be a conscientious duty and at the same time fulfilling my pledge to the people of my district. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, cassia, cinnamon, nutmegs, black and white pepper, clove stems are now free of duty when unground. The amendment I have offered proposes to leave the unground spices on the free list instead of putting them on the dutiable list. It can not be claimed that putting a duty on these will not affect the price to the consumer. Everyone knows better than that. It is taxing not only the breakfast table, but the dinner table and the supper table, without any excuse whatever.

Mr. KAHN. Mr. Chairman, according to the report of the committee, there were 23,193,416 pounds of black or white pepper imported in the year 1911, and if this duty should go into effect about \$171,230 in revenue will be collected on this household commodity as the result. It is but a single instance of placing upon the dutiable list under this bill the commodities that are consumed in the households of this country that are now on the free list. The inconsistencies of this bill were ably discussed in an editorial that appeared in the Washington Post of last Sunday, February 18, and I ask that it be read in my time.

The Clerk read as follows:

FLAWS IN THE CHEMICAL BILL.

The chemical schedule is seen to be punctuated with "jokers" the closer it is subjected to scrutiny. It is doubtful if a bill ever before emerged from committee and caucus so utterly unlike what its sponsors claimed for it. The statement that the Ways and Means Committee had been supplied by the Tariff Board with data to work on is denied, the fact being that the Tariff Board has not taken up the chemical schedule, and consequently could not have had anything to give the committee.

So far from reducing the average rates of the Payne law 31½ per cent, as asserted in the report, the bill actually increases the present rates to the extent of 20 per cent. This was made possible by the committee choosing to ignore the duty imposed on the many articles taken off the free list and made dutiable. The articles thus switched from free trade to high protection aggregate \$40,000,000 in imported value. It was from this source the committee has derived the idea that the revenues will be increased by upward of \$3,000,000, but dealers and manufacturers who find fault say that the new rates will shut out the bulk of such imports, and that the Government's gain will be much less than the amount claimed.

The critics are convulsed with laughter over the discovery that New York and Pennsylvania interests will be hard hit by reductions in protected articles, but that New England, which the tinkers say is over-protected now, will benefit largely. As being another stroke of genius in juggling with the schedules, it is noted that while low duties are imposed on raw materials the duty is cut on manufactured chemicals, whereby the manufacturer is hit both ways.

A tariff bill that provokes protests from consumers, dealers, and manufacturers alike must be prolific of "jokers" in a rare degree, and fairly deserves the verdict of the paint trade, that it is the crudest attempt to get at so-called evils that any legislature has ever made.

Finally, it is observed that the House committee estimates that imports of chemicals now made subject to duty will be larger than they are when admitted free of duty, but why cavil at a little thing like that? What have facts to do with tariff revision, anyway?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Pennsylvania [Mr. Gregg] states that the Democratic Party is pledged to reduce taxes on the necessities of life. The Democratic Party is pledged to write a tariff for revenue only and to make the burdens of taxation fall as lightly as possible upon the necessities of life and more heavily upon the luxuries and matters of that kind. In writing this bill we have largely reduced the taxes on oils, paints, medicines, and many of the real necessities of life. We can not run this Government without levying taxes, and the Democratic Party has never claimed that it could; but we contend that the taxes that are levied should be levied for the benefit of the Government and not unduly for the benefit of special interests. [Applause on the Democratic side.] We have reduced the taxes on the necessities of life. To accomplish that result, and not make the Government revenues suffer, we have had to levy taxes somewhere else. In every instance where we have levied a tax where a tax was not levied before, we have levied it solely for the purpose of revenue, and in no respect for the purpose of protection, because those taxes have been levied entirely upon noncompetitive articles, articles where there can not be any protection, no matter what tax we put upon them, and the Government gets the benefit of the tax levied.

As to the particular articles in this paragraph, the Republican Party levies a tax of 2½ cents a pound upon red pepper, but puts black pepper on the free list, and why? Because red pepper is produced in this country, is a competitive article, and the Republican Party puts what was clearly a prohibitive tax upon it. We have reduced the tax on red pepper from 2½ cents a pound to 1 cent a pound, and to make that reduction we have classed black pepper with red pepper.

For the purpose of protection the policy of the Republican Party has always been to put on the free list noncompetitive articles so that you might put a higher rate of taxation on competitive articles and force the American people to pay a double tax—one at the customhouse and one at the office of special interests. [Applause on the Democratic side.] In this bill we have reduced the tax on mustard. To make up for it we have put a small tax on other articles. The gentleman complains about the tax put on cinnamon and spices. Those are entirely noncompetitive articles, and it is a tax levied solely for the purpose of revenue, and no man can challenge that statement.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Mr. Chairman, I have only five minutes and I do not want to ask for an extension of time. I will ask the gentleman not to interrupt me. In the case of cinnamon, the import price, as shown by the customhouse report, is 9 cents a pound. The retail price is 25 cents a pound. There is ample room to pay 10 per cent of 9 cents a pound, less than 1 cent a pound, and yet not hand it down to the ultimate consumer. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. I understood that the amendment which I offered was an amendment to perfect language which the gentleman from Pennsylvania proposes to strike out of the bill.

The CHAIRMAN. The amendment of the gentleman from Pennsylvania strikes out a part of that paragraph, the same as does the amendment offered by the gentleman from Illinois.

Mr. MANN. I beg the Chair's pardon. The gentleman from Pennsylvania moves to strike out a considerable portion of the

paragraph. My amendment was to strike out a portion of the language which is proposed to be stricken out by the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. Does the gentleman offer his amendment as an amendment to the amendment of the gentleman from Pennsylvania?

Mr. MANN. No; I offer mine as an amendment to perfect language in the paragraph which the gentleman from Pennsylvania proposes to strike out. I understood that the gentleman from Pennsylvania proposed to strike out all of the paragraph beginning with the word "licorice," in line 24, page 10, down to lines 9 or 10, on page 11. I am not particular when the amendment is voted upon, except that if the amendment of the gentleman from Pennsylvania is voted upon first, and is voted down, I do not want then to be cut out from a vote upon my amendment and told that it is too late.

The CHAIRMAN. Not at all. The Chair thinks the gentleman's amendment has precedence.

The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 49, noes 63.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed the gentleman from Illinois, Mr. MANN, and the gentleman from New York, Mr. HARRISON, to act as tellers.

The committee again divided; and the tellers reported—ayes 53, noes 70.

So the amendment offered by the gentleman from Illinois was rejected.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 10, by striking out of paragraph 41 the following: "Buchu leaves, 10 cents per pound"; "gentian, one-fourth of 1 cent per pound; licorice root, unground, fifteen one-hundredths of 1 cent per pound; sarsaparilla root, 1 cent per pound."

Mr. MANN. Mr. Chairman, these articles are now all on the free list. They are all crude materials. The bill proposes to place them upon the dutiable list. My amendment, if it prevails, will leave them upon the free list, where they belong.

Mr. HARRISON of New York. Mr. Chairman, in the debate of yesterday I stated at length the committee's reasons for putting a tax upon these materials. Buchu and gentian are largely materials of the manufacture of patent medicines of very doubtful value. Licorice root goes into the manufacture of licorice which is used chiefly in connection with chewing tobacco. It is believed that these articles are a proper subject of taxation.

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

42. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than 2 per cent of alcohol, 10 per cent ad valorem.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 11, lines 13, 14, and 15, by striking out the following: "42. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than 2 per cent of alcohol, 10 per cent ad valorem."

Mr. MANN. Mr. Chairman, these juices are now all on the free list. If my amendment prevails they will remain on the free list. The bill proposes to place them upon the dutiable list. Under the pretense of a downward revision of the tariff they take articles from the free list and place them on the dutiable list in order to revise the tariff downward. When they are on the free list they are as far downward as they can get.

Mr. HARRISON of New York. Mr. Chairman, we are enabled to revise the tariff downward upon many of the necessities of life contained in this bill. In order to do that we have had to distribute the tax elsewhere and we have placed a tax upon articles covered by this paragraph because they are chiefly used in the making of drinks for soda-water fountains and are therefore a proper subject for taxation. [Applause on the Democratic side.]

The question was taken, and the amendment was rejected.

The Clerk read as follows:

44. Lime, citrate of, 1 cent per pound.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 11, line 19, by striking out the following:

"44. Lime, citrate of, 1 cent per pound."

Mr. MANN. Mr. Chairman, the gentleman from New York [Mr. HARRISON] a moment ago stated that the juices in paragraph 42 which I moved to strike out were mainly used at the soda-water fountains and ought to pay a tax. The fact is that these juices are mainly used for harmless drinks, instead of encouraging people to drink alcoholic liquors. The gentleman proposes to increase the tax on the harmless drinks, under the pretense that you can afford to tax these harmless drinks, but it is not proposed, and I presume will not be proposed, to increase the tax on any beverages that contain alcohol. When the gentleman endeavors to strike down the soda-water fountains or the other harmless drinks of the country the gentleman does not understand that a great majority of the young people of the country will have some kind of drink beside merely water, and it may be a question whether, when the gentleman increases the cost of the soda-water fountain and other drinks of that character, he does not compel many a young man to an indulgence in alcoholic beverages. Now, I move to strike out citrate of lime, placing it on the dutiable list, and restore it where it belongs, to the free list, where it is now. They propose to put a high tax on these innocent drinks; we are in favor of maintaining them on the free list.

Mr. HARRISON of New York. Mr. Chairman, the tax of 1 cent per pound on citrate of lime, it is calculated, is equal to 7 per cent ad valorem, which is what the gentleman from Illinois calls a very high tax. At this rate, it is estimated, we will receive \$44,000 a year. Citrate of lime is used solely in the making of citric acid.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

45. Magnesia: Calcined, 3½ cents per pound; carbonate of, precipitated, 1½ cents per pound; sulphate of, or Epsom salts, one-tenth of 1 cent per pound; magnesite, calcined, not purified, \$1 per ton.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 11, lines 23 and 24, by striking out the following: "Magnesite, calcined, not purified, \$1 per ton."

Mr. MANN. Mr. Chairman, this magnesite is now on the free list. My amendment, if it prevails, will leave it there. The bill places it upon the dutiable list.

Mr. HARRISON of New York. Mr. Chairman, the rate of \$1 per ton was placed on calcined magnesite for the sole purpose of raising revenue. This is an ad valorem equivalent of less than 9 per cent, and it is calculated it will produce \$89,000 revenue. It is used solely in the making of certain pigments and paints, upon the finished products of which we have reduced the duty so that this tax can not be unloaded upon the consumer. All the other articles under the head of magnesia, such as carbonate of magnesia, sulphate of magnesia, and Epsom salts, have been reduced from about 50 per cent to 25 per cent.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

46. Menthol, 50 cents per pound.

Mr. HELM. Mr. Chairman, I move to strike out the last word. I desire to call the attention of the committee, and more especially the Ways and Means Committee, to a matter that is not immediately pertinent to the bill under consideration, but which is a tariff proposition.

Mr. MANN. Mr. Chairman, I shall be compelled to make a point of order against any discussion not in order if it is the intention to finish this bill to-night. Otherwise I have no objection.

Mr. HELM. I am not going to talk about anything other than a tariff matter. It is not, however, pertinent to this bill.

The CHAIRMAN. The Chair can not determine yet as to whether the remarks of the gentleman are in order or not.

Mr. MANN. The gentleman has already stated. It is not necessary for the determination. In other words, I do not wish to be cut off from consideration of matters in the bill, when the gentleman from Alabama [Mr. UNDERWOOD] has already announced that he would not consent to it.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects to anything not connected with the bill under consideration.

Mr. HELM. I am very sorry the gentleman objects to my using only five minutes of the time. It is a matter, I believe, that will be of very considerable interest.

Mr. MANN. In raising any question about it I am only following the example of the gentleman from Alabama, who stated a while ago that he would object to anything of that kind.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky [Mr. HELM] be allowed to proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Kentucky be permitted to speak for five minutes, regardless of the discussion of the matter before the House. Is there objection? [After a pause.] The Chair hears none.

Mr. HELM. I wish to thank the gentleman from Indiana [Mr. CULLOP] for his kindness.

Mr. Chairman, I preface my statement by saying that it is well known that a portion of our Army and Navy is quartered and stationed in the Philippine Islands. It is there to guarantee to the Filipinos a stable government. They are an insurance policy for the island. Except for our Army being there there would not be a stable government. Under existing laws we are compelled to pay tariff duties on supplies that are taken into the Philippine Islands for the support and maintenance of the Army. We are affording them, precisely stating it, an insurance, and we are compelled to pay the premium on that insurance. Q. M. Gen. Aleshire in the hearings before the Committee on Expenditures in the War Department stated that this Government had been compelled to pay \$25,000 duty on some boats needed for the use of the Army, and that we have paid in eight months of 1910, \$48,568 on subsistence that was carried to the Philippine Islands for the purpose of maintaining the portion of our Army there.

Now, I submit that this is a double tax on our Treasury. The Philippine Islands are a burden; they are a menace to our Government. They are the greatest element of danger to our Government, and it is a fact that we have to maintain a portion of our Army and a portion of our Navy there, and then have to pay a tariff duty to the Philippine Government on the supplies that we are compelled to take there in order to maintain them. I submit to the Committee of the Whole, and especially to the Committee on Ways and Means, that it is eminently proper that some speedy act should be taken to relieve our Treasury from this unjust burden. If we are going to furnish the Filipinos a stable governmental insurance, they should at least pay a portion of the premium on that insurance.

I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

50. Oils, expressed: Alizarin assistant, sulphoricinoleic acid, and ricinoleic acid, and soaps containing castor oil, any of the foregoing in whatever form, and all other alizarin assistants and all soluble greases used in the processes of softening, dyeing, or finishing, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem; castor oil, 20 cents per gallon; coconut oil, palm oil, palm-kernel oil, and soya-bean oil, one-fourth of 1 cent per pound; olive oil rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him, three-eighths of 1 cent per pound; flaxseed and linseed oil, raw, boiled, or oxidized, 13 cents per gallon; poppy-seed oil, raw, boiled, or oxidized, rapeseed oil, and peanut oil, 10 cents per gallon; hempseed oil and Chinese-nut oil, 5 cents per gallon; almond oil, sweet, 5 cents per pound; mace oil, 8 cents per pound; sesame or sesamum seed or bean oil, 1½ cents per pound; olive oil, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem; olive oil, in bottles, jars, kegs, or other packages containing less than 5 gallons each, 30 cents per gallon; all other expressed oils and all combinations of the same, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

Mr. MANN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 12, line 25, and page 13, line 1, by striking out the following: "Coconut oil, palm oil, palm-kernel oil, and soya-bean oil, one-fourth of 1 cent per pound"; and insert in lieu thereof the following: "refined, deodorized coconut oil, one-fourth of 1 cent per pound."

Mr. MANN. Mr. Chairman, crude coconut oil—that is, coconut oil not refined or deodorized—is now on the free list. Palm oil, palm-kernel oil, and soya-bean oil are also now on the free list. We import very large quantities of these oils, which are largely used in the manufacture of soap.

My amendment, if it prevails, will leave these articles on the free list. The bill proposes to transfer all of them to the dutiable list and add a considerable expense to the people on these noncompetitive articles used in the manufacture of soap and other articles that are absolutely essential to Republican homes. [Laughter and applause on the Republican side.]

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. LONGWORTH. When the gentleman uses the word "soap" does he mean a very expensive, highly perfumed soap, or does he mean just an ordinary soap?

Mr. MANN. I mean the plain soap. Much of it would be a plain toilet soap, which, under the provisions of this bill, has a high tariff placed upon it, possibly a protective measure. Maybe that is compensatory. We have heard a great deal about compensatory tariffs. At any rate it will increase the cost to the consumer. I know very well that it is not a matter of great interest on that side of the House. They consider all soap an unnecessary luxury. [Laughter on the Republican side.] But with us it is a necessity, and we protest. [Applause on the Republican side.] We protest against putting a tariff on the raw material of which soap is made, on the one hand, and against increasing the tariff on plain toilet soap, on the other hand. We pay the bills. We ought to be consulted, although we have not been. [Laughter and applause on the Republican side.]

Mr. HARRISON of New York. Mr. Chairman, I agree with the gentleman from Illinois that some Republican households need a very great deal of soap. [Applause and laughter on the Democratic side.]

Mr. MANN. We use a great deal, too. [Applause on the Republican side.]

Mr. HARRISON of New York. The proposition on this bill to tax the noncompetitive products which are known as coconut oil, palm oil, and palm-nut oil, the purest form of revenue taxation, at the low rate of 3 to 4 per cent, is an endeavor to make the very wealthy soap manufacturers of the United States bear their share of the tariff burdens. At the same time we have reduced, not increased, the duties upon soap itself, the statement of the gentleman from Illinois to the contrary notwithstanding.

He has fallen into a misapprehension about the rates of taxation upon soap, due to the fact that we have reclassified the soap paragraph at the express wish of the New York custom-house authorities, and we have compressed the term "fancy or perfumed soaps" into the term "toilet soaps." The error of the gentleman from Illinois consists in not know the fact that there are no toilet soaps to-day into the manufacture of which perfumes do not enter, for the simple reason that perfumes are essential to offset the disagreeable odors of the constituent oils. We have placed a small tax upon some of the materials of manufacture of these high-grade toilet soaps and at the same time cut down the rates of duty on the finished products, so that the manufacturers will not be able to unload their tax upon the public in the form of higher prices.

At the same time it is only fair to say that this bill contains tariff cuts which more than offset to the soap manufacturers the duty of 3 or 4 per cent which is placed on oils. The second most important ingredient in the manufacture of soap is caustic soda, which is cut from one-half of a cent a pound to one-quarter of a cent; and the next is silicate of soda, which is cut from three-eighths of a cent a pound to one-eighth of a cent; and likewise similar reductions on many other materials that enter into the manufacture of soap have been made in like proportions, as I explained in my remarks yesterday.

Mr. MANN. The gentleman from New York is very free with his assertions, but erroneous in his logic and in his facts. I read from the existing tariff law: "Fancy or perfumed toilet soap" on the dutiable list. "Fancy or perfume toilet soap." The gentleman says that he has condensed the expression "fancy and perfumed soaps" into "toilet soaps." But that is not so. The gentleman is mistaken. The reading of the existing law is "fancy and perfumed toilet soap," the word "toilet" still being in the expression. Now, if the New York Customhouse have asked the gentleman to strike out "fancy and perfumed" it is because they have had trouble in determining between a toilet soap which was not fancy and perfumed and those which were fancy and perfumed. If there had been no difficulty in distinguishing between the two classes of soaps, there would be no question in the New York Customhouse.

Mr. HARRISON of New York. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. HARRISON of New York. The difficulty is that all toilet soaps are perfumed, and that the term "fancy or perfumed" toilet soap was so indefinite that no other grade of soap could get in cheaper. It is in the interest of cheaper soap that the change was made.

Mr. MANN. Oh, pshaw! If all toilet soaps were fancy or perfumed, this expression would have let in all soap. There is another provision of the law, governing soaps that are not fancy or perfumed. Now they propose to combine the two in this provision, and to increase what is now 20 per cent to 40 per cent ad valorem.

Mr. COOPER. In reply to the gentleman from New York [Mr. HARRISON] that toilet soaps are always perfumed, I recall distinctly one very famous brand of soap, two varieties of imported soap made by the same manufacturer which are exactly

alike, except that one is perfumed and the other is not, and it is marked "Pears soap unscented."

Mr. MANN. Mr. Chairman, it is quite the truth that we can not expect to get information relating to soaps from the Democratic side of the House. What do they know about soap? Nothing. [Laughter on the Republican side.]

Mr. CULLOP. Mr. Chairman, I have no doubt the gentleman from New York [Mr. HARRISON] could have allayed a great deal of the opposition of the gentleman from Illinois [Mr. MANN] to this paragraph if he had assured him that the duty here levied did not impose any duty on "soft soap," in which the gentleman from Illinois [Mr. MANN] has been trying to deal very extensively. [Laughter and applause on the Democratic side.] I have no doubt that the gentleman from Illinois is very much opposed to levying a duty on "soft soap." The policy of his party has been against the increase of the number of articles on the free list. He has introduced amendment after amendment here, saying that if it was incorporated in the bill he would not vote for the bill after such amendment had been adopted, clearly showing his efforts have only been "soft-soaping" methods, for the purpose of deceiving the people.

What does the gentleman mean by undertaking to increase the free list, when it is against the policy of his party, if it is not an attempt to soft soap the people as to his real position and that of his party, and when he intends, as he has said, to vote against it? As its leader, does he mean to convey the idea that his party has changed its policy and now opposes the policy of protection?

Mr. Chairman, this is a bill to reduce the taxation of the American people. The Republican Party three years ago passed a bill that levied a duty of 46.76 per cent on every dollar's worth of the over 4,000 dutiable articles in common use by the consumers of this country. Think of it! People may groan under local taxation which levies 2 or 3 cents on the dollar, but here is a Federal taxation enacted by the Republican Party that levies a duty of 46½ per cent on every dollar's worth of the dutiable articles purchased by the American people for consumption. [Applause.] Such was the burden it imposed on the American people for the benefit of the special interests. The Republican Party then had an opportunity to increase the free list, but it refused to do it. It could have put the necessities of life on the free list, but it refused to do it. They broke their platform pledge to the people to revise the tariff downward by revising it upward. The people repudiated them at the first opportunity when they got to the ballot box by turning out the Republican majority in this House and putting in a very large Democratic majority. [Applause on the Democratic side.]

"Soft soap" has been and is a commodity largely in use by the Republican Party on this subject, as its course has shown. It has been "soft soaping" the American people for many years on the tariff, and by so doing it has extorted the fruits of their toil and exacted from the ultimate consumers unreasonable prices to swell the unearned profits of the beneficiaries of the protective system.

It tried the "soft-soaping" process to reconcile the people to the passage of the Payne bill, by which the taxes of the American people were raised in violation of party promises; but the process failed. It had lost its palliating effect, and the result was it was turned out of power in this House and now is threatened to be driven from power in the other branches of the Government. The Republicans now desire that "soft soap" be free of all duty, in order to make it as cheap as possible; because, in order to avoid defeat at the coming election, it will need larger quantities than usual to "soft soap" the voters if that party can secure the suffrages of the outraged consumers who have suffered so much by its high protective policies.

Mr. Chairman, for years it has been "soft soaping" the voters of this country on this question, but they now wisely refuse to be "soft soaped" longer; and the gentleman from Illinois [Mr. MANN] can disabuse his mind if he thinks he can longer "soft soap" the people as he is now and has been trying to do throughout the course of this tariff legislation. The people are too wise to be longer "soft soaped" on this question. They have felt its effect and know its burden to them and its benefit to the beneficiary and its imposition upon the bone and sinew of the land.

The people want substance and not "soft soap." They want bread and not a stone. They want duties reduced and equalized, in order that the real earners of wealth may have the benefit of their toil as a reward for their industry.

Now the Republican Party wants soft soap on the free list—to go back and undertake to soft soap the people, in order that they may return a majority to this House at the coming election. It will require more than soft soap for them to succeed. [Applause on the Democratic side.]

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word. A voice from the people has just reached me in the shape of a message from St. Louis, Mo., which reads as follows:

ST. LOUIS, Mo., February 20, 1912.

Hon. R. BARTHOLDT,
Washington, D. C.:

I earnestly request your prompt cooperation in opposing new tariff schedule in regard to paints, oils, and chemicals, which seriously threatens the general agricultural, mining, and manufacturing interests of this State, as well as the whole country, and earnestly protest the passage without full and complete investigation and hearing.

NORRIS B. GREGG.

The answer to this message is, Mr. Chairman, that the reunited Republican Party will unanimously oppose this bill and protest against its passage. [Applause on the Republican side.]

Mr. FOWLER. Mr. Chairman, I move to strike out the second last word.

The CHAIRMAN. There is an amendment pending.

Mr. FOWLER. Then I will speak against the amendment. Mr. Chairman, this paragraph deals with the tariff on linseed oil. I desire to congratulate the Ways and Means Committee, especially that part of the committee who had charge of drafting this bill, upon their wisdom in making a reduction from 15 cents a gallon to 13 cents a gallon. But, Mr. Chairman, in view of the fact that it is well known that there is a trust to-day controlling the manufacture and sale of linseed oil in America, I would be very glad to see a further reduction, making the rate 10 instead of 13 cents a gallon.

Mr. Chairman, about 100,000,000 bushels of flaxseed are produced annually in the world, selling, perhaps, at an average of \$1 per bushel. A capital of \$100,000,000 would be sufficient to buy up all the flaxseed in the world indefinitely and form a trust upon that article, thereby controlling the manufacture, output, and sale of linseed oil. If aided by a high protective duty it would be a very easy proposition, and for this reason, Mr. Chairman, there ought to be safeguards thrown around the people of this country to protect them against the extortion of the trusts. A low duty on all trust-made articles would materially interfere with their plans and tend to bring about competition.

On December 5, 1898, shortly after the passage of the Dingley bill, the American Linseed Co. was organized. It took over the National Linseed Oil Co., then in process of formation, and 43 other oil-producing plants in this country, controlling about 85 per cent of the production of the linseed oil in America. Since that time other linseed-oil plants have been taken over by this trust, making in all 47 different plants under one set of directors, with a capital stock of \$50,000,000, which, in my opinion, control the manufacture, output, and sale of linseed oil. The following companies form this trust:

AMERICAN LINSEED CO.

Incorporated under the laws of New Jersey December 5, 1898, to consolidate a number of independent mills with those of the National Linseed Oil Co., then in process of reorganization.

Business: To manufacture American and Calcutta linseed oil, raw, boiled, and refined varnish, oil cake, oil meal, and crushed flaxseed.

The capital stock authorized consists of \$25,000,000 7 per cent non-cumulative preferred and \$25,000,000 common stock. Outstanding, \$16,750,000 preferred and \$16,750,000 common. Par value, \$100. In 1904 the mortgages had all been paid off, no dividends having been paid on the preferred stock since 1900. The \$6,000,000 of 5 per cent gold notes were paid off in August, 1901.

Composed of the following properties:

Crown Linseed Oil Works, St. Louis, Mo.
Close Linseed Oil Works, Iowa City, Iowa.
Burlington Linseed Oil Works, Burlington, Iowa.
Hawkeye Linseed Oil Works, Marshalltown, Iowa.
Hall Linseed Oil Works, Chicago, Ill.
Mankato Linseed Oil Works, Mankato, Minn.
Sioux City Linseed Oil Works, Sioux City, Iowa.
Missouri Linseed Oil Station, St. Louis, Mo.
Woodman Linseed Oil Works, Omaha, Nebr.
Grove Linseed Oil Co., Philadelphia, Pa.
Ottumwa Linseed Oil Works, Ottumwa, Iowa.
Des Moines Linseed Oil Works, Des Moines, Iowa.
Dubuque Linseed Oil Works, Dubuque, Iowa.
Kansas City Lead & Oil Works, Kansas City, Mo.
St. Paul Linseed Oil Works, St. Paul, Minn.
Northwestern Lead & Oil Works, Chicago, Ill.
Cedar Rapids Linseed Oil Station, Cedar Rapids, Iowa.
Evans Linseed Oil Works, Indianapolis, Ind.
Topeka Linseed Oil Station, Topeka, Kans.
Leavenworth Linseed Oil Works, Leavenworth, Kans.
Gilman Linseed Oil Works, Gilman, Ill.
Marion Linseed Station, Marion, Ind.
Logansport Linseed Oil Works, Logansport, Ind.
Leonard Linseed Oil Works, Piqua, Ohio.
Detroit Linseed Oil Works, Detroit, Mich.
Dayton Linseed Oil Works, Dayton, Ohio.
Portland Linseed Oil Works, Portland, Oreg.
La Crosse Linseed Oil Works, La Crosse, Wis.
Wright & Lawther Oil & Lead Works, Chicago, Ill.
Buffalo Linseed Oil Works, Buffalo, N. Y.
Emmerson Linseed Oil Works, Racine, Wis.
W. P. Orr Linseed Oil Works, Piqua, Ohio.
Mansfield Linseed Oil Works, Mansfield, Ohio.
Cleveland Linseed & Oil Co., South Chicago, Ill.
Metzger Linseed Oil Co., Chicago, Ill.
Leonard & Daniels, Piqua, Ohio.

Douglass & Co., Cedar Rapids, Iowa.
 Cleveland Linseed & Oil Co., Cleveland, Ohio.
 Metzger Linseed Oil Co., Toledo, Ohio.
 Douglass & Co., Minneapolis, Mich.
 Archer & Co., St. Paul, Mo.
 Toledo Linseed Oil Co., Toledo, Ohio.
 Campbell & Thayer, New York City.
 Deane Linseed Oil Co., New York City.
 Griswold Linseed Oil Co., Warren, Ohio (acquired afterwards).
 Wright & Hills Linseed Oil Co., Chicago, Ill. (acquired afterwards).
 Western Linseed Oil Co., Minneapolis, Minn. (acquired afterwards).
 These properties represented about 85 per cent of the linseed-oil production of the United States.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JACKSON. I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection? The Chair hears none. The gentleman from Illinois [Mr. FOWLER] is recognized for five minutes.

Mr. JACKSON. Will the gentleman yield?

Mr. FOWLER. With pleasure, for a question.

Mr. JACKSON. Does the gentleman not think that the Linseed Oil Trust, as well as the Standard Oil Trust, which I understand makes an adulteration which is sold as linseed oil, should join together in congratulating the Democratic side of this House that the reduction of the tax on linseed oil is only 2 cents per gallon in this bill?

Mr. FOWLER. I will say to the distinguished gentleman from Kansas that the United Lead Co. in the same year, 1898, was organized for the purpose of controlling the production of white lead in America. It is composed of 19 leading lead plants in this country. I understand that the American Linseed Co. and the United Lead Co. have since united under one directorate and one management, the majority of the stock thereof being controlled by the Rockefellers.

Mr. JACKSON. Yes; I quite agree with the gentleman about that, but what I ask him is if he does not think it is a subject for congratulation in these days of tariff revision that these great trusts should escape with a reduction of only 2 cents per gallon on this important commodity?

Mr. FOWLER. I say to the gentleman from Kansas that I do not know what were the hearings before the committee—

Mr. COOPER. There were none.

Mr. FOWLER. The committee that framed this bill; but I am informed by the distinguished gentleman from New York [Mr. HARRISON] that it is because there is a tariff on flaxseed, which has varied in the past all the way from 20 cents per bushel to 30 cents per bushel, and that because of the further reason that the committee is not now dealing with flaxseed at this time they were reluctant to make sweeping reductions in the rate on linseed oil. But, Mr. Chairman, in view of the fact that the Rockefeller interests have extended out so far and in so many different directions in this country and laid a heavy hand upon the various things which we must have in order to live, and inasmuch as this trust has laid such a heavy hand upon the humble homes of the people of the country, I believe that we ought to take the tariff off altogether and let these wrongdoers compete with the countries across the sea that produce linseed oil and white lead.

The following statement shows the companies which originally joined hands in forming the White Lead Trust:

THE UNITED LEAD CO.

Incorporated under the laws of the State of New Jersey in January, 1903, by interests affiliated with the American Smelting & Refining Co.; the latter a Guggenheim-Rockefeller property. The Whitney-Ryan and Standard Oil parties are also interested in the United Co.

The purpose of the company was to take over the various lead and linseed manufacturing plants controlled by the parties above named.

The following is a complete list of the concerns whose plants were taken over by the United Lead Co.:

James Robertson Lead Co., Baltimore, Md.
 The Omaha Shot & Lead Co., Omaha, Nebr.
 Northwestern Shot & Lead Works, St. Paul, Minn.
 Collier Shot Tower Works, St. Louis, Mo.
 Bailey & Farrell Shot Works, Pittsburgh, Pa.
 Markle Lead Works, St. Louis, Mo.
 Gibson & Price, Cleveland, Ohio.
 Le Roy Shot & Lead Works, New York City.
 Union Lead & Oil Works, Brooklyn, N. Y.
 Sportsman Shot Works, Cincinnati, Ohio.
 Chicago Shot Tower Co., Chicago, Ill.
 Hoyt Metal Co., St. Louis, Mo.
 Tatham & Bros., New York City.
 Raymond Lead Co., Chicago, Ill.
 E. W. Blatchford & Co., Chicago, Ill.
 Thomas W. Sparks, Philadelphia, Pa.
 Chadwick-Boston Lead Co., Boston, Mass.
 Lausten Lead Works, Chicago, Ill.
 McDougal White Lead Co., Buffalo, N. Y.

Control of the Chadwick-Boston Lead Co. was effected on the basis of \$125 of 5 per cent 40-year bonds for each of its \$100 shares (total issue of stock, \$800,000). The \$251,000 first-mortgage 5 per cent sinking-fund bonds of the Chadwick company were not disturbed by the merger. There are no other underlying bonds.

Capital stock: Originally there was \$15,100,000 stock, \$100,000 of which was 7 per cent preferred, but in May, 1903, the issue was in-

creased to \$25,000,000; of the last-named amount \$10,000,000 is 6 per cent cumulative preferred, the rest common stock. Par value of share, \$100.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. FOWLER. I have only a little time, but I will be very glad to yield to the distinguished gentleman from Nebraska.

Mr. NORRIS. I thank the gentleman. I want to ask him if he thinks it ought to be put on the free list why he does not offer an amendment that would put it there, or, at least, reduce it to a point where he thinks it ought to go. I would be very glad to vote with the gentleman.

Mr. AUSTIN. I will vote with the gentleman also.

Mr. FOWLER. Mr. Chairman, a large quantity of flaxseed is produced in other countries. The Argentine Republic produces more than any other country in the world, producing from twenty to thirty million bushels annually. Uruguay produces from four to six million bushels annually; Russia, about eighteen to twenty million bushels annually; India, about sixteen to eighteen million bushels annually; and the United States produces annually from twenty to twenty-nine million bushels; England, France, and Germany produce but little, if any, and must look to these countries for supplies. Therefore our people are quite well supplied with the home product, as we import but little flaxseed, unless we have a short crop, which occurred in 1911, which was only a little over 14,000,000 bushels. Hence our revenue is slight, comparatively speaking, from our imports of flaxseed and its product, being now slightly over a half a million dollars. Until the duty on the flaxseed is regulated it would not be wise to make a radical reduction, but I agree with the gentleman that there would be much benefit come from his suggestion. I would be very glad to see the duty changed to 10 cents per gallon.

I am indebted to Mr. Ennis for the following table, which shows the world's flaxseed crop under average conditions for one year:

Countries.	Production.	Exports.	Consumption.	Imports.
United States	\$26,000,000	\$2,000,000	\$24,100,000	\$100,000
India	16,000,000	15,000,000	1,000,000	—
Russia	17,000,000	1,425,000	15,575,000	—
Argentina	30,000,000	29,500,000	1,500,000	—
Uruguay	5,000,000	4,800,000	200,000	—
England	—	—	18,800,000	—
France	500,000	—	7,000,000	6,500,000
Germany	—	—	18,500,000	18,500,000
Holland	300,000	—	7,800,000	7,500,000
Denmark	325,000	—	650,000	325,000
Total	95,125,000	51,725,000	95,125,000	51,725,000

Until about the year 1850 flax was raised in America for the fiber almost solely, but since that time it has been used for making linseed oil and is almost solely raised for that purpose in our country now. The following table shows the growth of flax raising in America:

No. 277. Flaxseed—Quantities produced, 1887 to 1911, and amounts imported, exported, and retained for consumption, 1887 to 1911.

[Production from annual reports of the Department of Agriculture.]

Years ended June 30—	Production. ¹	Imports.	Exports.		Retained for consumption.
			Domestic seed.	Foreign seed.	
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.
1887	10,000,000	415,179	—	44	10,415,139
1888	10,500,000	1,583,264	37,235	—	12,046,669
1889	9,000,000	3,259,469	—	25	12,259,435
1890	10,250,000	2,391,175	14,678	—	12,626,495
1891	8,500,000	1,515,546	144,848	1	9,870,697
1892	19,000,000	285,140	3,613,187	—	15,671,953
1893	11,104,440	112,015	1,837,370	—	9,379,085
1894	10,000,000	592,820	2,047,896	—	8,544,884
1895	7,500,000	4,106,222	1,224	—	11,604,998
1896	15,000,000	754,507	80,453	90,478	15,583,576
1897	17,402,000	105,222	4,713,747	19,892	12,773,583
1898	12,500,000	136,098	257,228	2,172	13,376,608
1899	16,400,000	81,953	2,830,931	—	13,650,922
1900	19,379,432	67,379	2,743,266	—	17,338,605
1901	17,592,000	1,631,725	2,755,683	21,112	16,446,931
1902	25,319,000	477,157	3,874,033	64,748	21,857,376
1903	29,284,880	129,089	4,128,130	20,211	25,285,628
1904	27,400,510	213,270	768,378	—	26,755,401
1905	23,400,534	295,184	1,339	3	23,695,377
1906	28,477,753	52,240	5,983,519	—	22,541,474
1907	25,576,146	89,353	6,626,310	2,044	19,028,148
1908	25,851,000	57,419	4,277,313	11,391	21,619,715
1909	25,805,000	599,663	882,899	—	25,515,769
1910	25,856,000	5,002,496	65,193	—	30,793,302
1911	14,116,000	—	—	—	—

¹ Production is of the crop year preceding the fiscal year.

² Census figures.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. I do not like to object to the extension of my colleague's time on this side of the House, but I notified gentlemen on the other side that I would not consent to an extension of time—

Mr. MANN. Will not the gentleman reserve the right to object?

Mr. UNDERWOOD. I will reserve the right to object.

Mr. MANN. I do not see how it is practicable to finish the bill to-night.

Mr. UNDERWOOD. I hope that we can get through to-night.

Mr. MANN. It undoubtedly would keep us until late, and if it does I would not be willing for everybody to leave and go home to dinner while we are considering the bill. I see no difficulty in practically finishing the bill to-night except voting, and let that go over. I would be willing, as far as I am concerned, to agree by unanimous consent, if that can be done, to postpone Calendar Wednesday until Saturday.

Mr. UNDERWOOD. I think the bill can be finished to-night. I would like to do so.

Mr. MANN. It can not be done without great inconvenience to Members. There is a presidential reception to-night. I am not going myself.

Mr. UNDERWOOD. I think the Members who want to go, and expect to go—and there are Members on both sides—can find pairs.

Mr. BUTLER. I suppose there will be a record vote on the bill, will there not?

Mr. UNDERWOOD. I suppose so.

Mr. MANN. There will probably be several record votes.

Mr. UNDERWOOD. I will say that if we can finish the reading of the bill to-night, and I may be allowed to move the previous question so that it can go over as unfinished business, I am willing to vote on the motion to recommit to-morrow morning.

Mr. MANN. I do not know whether it could come up as unfinished business.

Mr. FITZGERALD. I do not think it could come up as unfinished business.

Mr. JAMES. We might take a recess until 11 o'clock to-morrow.

Mr. MANN. Why can not we have an agreement to transfer Calendar Wednesday until Saturday and see if anybody objects to it? Of course, it can not be done in committee.

Mr. UNDERWOOD. I think we can get through with the bill to-night if gentlemen will allow us to read the bill. We are nearly through the disputed items now.

Mr. MANN. Well, I have a number of amendments to offer, and we shall probably have at least two roll calls coming just at a time that is inconvenient to Members.

Mr. UNDERWOOD. I will say with reference to roll calls that I am willing, when we reach that stage, to make an agreement with the gentleman that to-morrow morning we may have a two-thirds vote to dispense with Calendar Wednesday until the two votes are taken. I am willing to take those votes to-morrow morning.

Mr. MANN. I do not know whether we can do that.

Mr. UNDERWOOD. We can do it by a two-thirds vote.

Mr. MANN. Mr. Chairman, we can dispense with Calendar Wednesday by a two-thirds vote. As far as I am concerned, I am willing under the circumstances to transfer it. I think we can transfer it without any difficulty.

Mr. UNDERWOOD. If we transfer Calendar Wednesday, we would have to take up an appropriation bill to-morrow when we get through with this bill. I much prefer to try and finish the bill to-night. However, I do not want to inconvenience anybody on the record vote if we can arrange that. I am quite willing to take the gentleman's word about it if he will say that to-morrow morning he will see that we get a two-thirds vote to dispense with Calendar Wednesday until the vote is taken.

Mr. MANN. I will be quite willing to-morrow, under the circumstances, to cooperate with the gentleman in an effort to secure a two-thirds vote.

Mr. UNDERWOOD. Then I will say that when I move the previous question in the House to-night, I shall adjourn the House and take the final vote to-morrow morning.

Mr. MANN. I hope now that the gentleman from Alabama will give my colleague [Mr. FOWLER] his time; and take the chances on shutting off others hereafter.

Mr. UNDERWOOD. Mr. Chairman, I do not like to make a precedent. If the gentleman will agree not to hold it against me as a precedent I will do so.

Mr. MANN. I shall not hold it as a precedent, because I think every gentleman in the House will now want to get through the bill as speedily as possible.

The CHAIRMAN. Is there objection to the request that the time of the gentleman from Illinois [Mr. FOWLER] be extended for five minutes? [After a pause.] The Chair hears none.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

Mr. NORRIS. Mr. Chairman, reserving the right to object, I want to ask the gentleman if in extending his remarks in the Record he will not answer my question? I have no objection to the request. [Cries of "Regular order!"]

Mr. MANN. Do I understand there is objection to the request of my colleague to extend his remarks in the Record?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. MANN. Gentlemen demanded the regular order, and that is equivalent to an objection.

Mr. JAMES. No; we were demanding the regular order against questions being put out of order; that is all.

Mr. MANN. Gentlemen were demanding the regular order, and I hope they will withdraw that objection.

The CHAIRMAN. The Chair hears no objection.

Mr. HARRISON of New York. Mr. Chairman, in the debate on yesterday I suggested to the gentleman from Illinois who has just addressed the committee the reasons which actuated the committee in recommending a rate of 13 cents per gallon on linseed oil. The Dingley law taxed linseed oil 20 cents a gallon. The Payne law cut it down to 15 cents a gallon, and the Underwood bill makes a further cut to 13 cents a gallon, or an ad valorem equivalent of 19 per cent. At this rate we estimate we will receive \$570,000 of revenue. It will thus be seen that linseed oil is one of the largest revenue producers in the oil list. But there was a further reason why we did not make a further reduction than from 15 to 13 cents per gallon, namely, because flaxseed, out of which this oil is made, is taxed at 25 cents per bushel in the agricultural schedule, which on the customhouse receipts last year made an ad valorem equivalent of 19 per cent; and in view of that we found it impossible at this time and in view of the revenue to make a further reduction on linseed oil.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARRISON of New York. With pleasure.

Mr. MANN. It being out of order to offer an amendment on this bill to reduce the tariff on flaxseed, and the gentleman stated that he maintained the tariff on flaxseed oil because he can not reduce the tariff on flaxseed, and it being out of order on the consideration of the agricultural schedule to reduce the tariff on linseed oil, how in the world will you ever make the bread and the molasses meet?

Mr. HARRISON of New York. Mr. Chairman, I can not answer the parliamentary question of the gentleman, but I will inform him I am in hopes we will soon present a revision of the agricultural schedule which contains flaxseed, and that revision will be a revision downward of the rates on flaxseed.

Mr. MANN. Very well—

Mr. HARRISON of New York. And I repudiate his suggestion that we have left a high rate on linseed oil, as we have reduced the rates of the Payne law on linseed oil.

Mr. MANN. You have reduced it less than 10 per cent—

Mr. HARRISON of New York. Fourteen per cent.

Mr. MANN. From 15 to 13 cents. Now, what great benefit will it be to the people of the country, as you say, to reduce the duty on flaxseed in the agricultural schedule when you can not then reduce the tariff on linseed oil?

Mr. HARRISON of New York. Why, Mr. Chairman, we have already reduced linseed oil to the fairest revenue point, and when we come to flaxseed we will reduce that, because in justice to the manufacturers of linseed oil it ought to be reduced.

Mr. MANN. And then will you come back with another chemical bill and reduce the tariff on linseed oil?

Mr. HARRISON of New York. I thought the gentleman had enough of this bill.

Mr. MANN. I have quite enough of it, but under the rules you have adopted you can not reduce the tariff on both flaxseed and linseed oil at the same time.

Mr. NORRIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NORRIS. Is there a motion now pending on the paragraph?

The CHAIRMAN. There is an amendment pending on the paragraph.

Mr. NORRIS. Offered by the gentleman from Illinois [Mr. MANN]?

The CHAIRMAN. Offered by the gentleman from Illinois. Mr. NORRIS. That is the paragraph ending at line 19 on page 13?

The CHAIRMAN. Yes, sir.

Mr. NORRIS. All right. Thank you, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. NEEDHAM, Mr. NORRIS, and Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I desire to offer a further amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 13, lines 1 to 5, by striking out the following:

"Olive oil rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him, three-eighths of 1 cent per pound."

Mr. MANN. Mr. Chairman, this olive oil does not come in competition with olive oil produced in this country. Under the existing law olive oil rendered unfit for food comes in free of duty. It is used for manufacturing purposes. I propose by my amendment to leave that character of olive oil on the free list. The bill proposes to take it from the free list, where we placed it under the Payne bill, and put it on the dutiable list.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. HARRISON of New York. Mr. Chairman, in taking denatured olive oil from the free list we have placed upon it a tax of three-eighths of a cent a pound, which is about 3 or 4 per cent ad valorem. There is no reason why, if we tax the olive oil which is used as a food of the poor people, we should not place a revenue tax upon the olive oil which is used by the manufacturer.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. NEEDHAM. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 13, line 15: Strike out the word "thirty" and insert in lieu thereof the word "fifty."

Mr. NEEDHAM. Mr. Chairman, this amendment, if it should be adopted, would restore the rate upon olive oil in packages of less than 5 gallons to the rate which that article has borne both in the Dingley law and in the Payne law. The olive-oil industry in the State of California has been making progress since the enactment of the Dingley law, notwithstanding that the rate of 50 cents a gallon has only averaged about 33 per cent ad valorem—a very moderate protective duty. At the same time the importations of olive oil have been increasing enormously year by year. It is a remarkable coincidence that the rate fixed in this bill by the Democratic members of the Ways and Means Committee is exactly the same rate as was requested by the importers when the Payne bill was under preparation before the Committee on Ways and Means.

We hear a good deal about special interests, but, in my opinion, the worst special interest of all is the importing interest, and it should not receive the same consideration at the hands of the American Congress that the domestic producers of this country should receive. The rate fixed in this bill is exactly the one asked by the importers, and will be found in the hearings, volume 4, page 3735. I have not the time to read it, but it ends by saying:

We therefore respectfully submit that a duty be made of 30 cents a gallon upon olive oil.

That is signed by the importing interests of the city of New York.

There is another matter, Mr. Chairman, that I would like to bring before the House. For more than 20 years Democratic candidates for Congress in the State of California have been telling the voters of that State that the election of Democratic Members from California and of a Democratic Congress would not imperil the industries of that State. In view of the action of this Democratic House already taken, and the action yet to be taken, I am very curious to see the line of argument which Democratic candidates for Congress in California will follow in the coming campaign. In my opinion they will find it very difficult to convince the voters of that State that the industries of California have not been imperiled by the election of a Democratic House.

In addition to the direct competition of importers, we have to meet the adulterations of the imported olive oil. The imported article in many instances is composed of half cottonseed oil, and is not a pure product. Our olive-oil producers have been compelled from the very foundation of this industry to meet this secret and underhanded method of competition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEEDHAM. I would like to have a minute longer in which to read an editorial from the Washington Post, which refers to the question of adulteration.

Mr. LONGWORTH. I ask unanimous consent, Mr. Chairman, that the gentleman from California may proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] asks unanimous consent that the gentleman from California [Mr. NEEDHAM] may proceed for five minutes. Is there objection?

Mr. UNDERWOOD. I would regret, Mr. Chairman, to have to object to members of the committee going on, but they can extend their remarks in the Record.

Mr. NEEDHAM. Will the gentleman permit the editorial to be read? It will take only half a minute.

Mr. UNDERWOOD. I will not object. I ask unanimous consent, Mr. Chairman, that the Clerk may read the editorial referred to.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the Clerk read the editorial submitted by the gentleman from California. Is there objection?

There was no objection.

The Clerk read as follows:

A sample of the manner in which the House Democrats are looking after the interests of the people in their tariff-reduction bills is shown in the olive-oil item of the chemical schedule, just agreed upon. The present duty upon olive oil is 50 cents a gallon, or about 34 per cent ad valorem, which affords protection to domestic producers of pure olive oil and enables them to go ahead and build up a new industry. The new bill cuts this duty to 30 cents a gallon, or about 20 per cent ad valorem. This destroys the protection enjoyed by American producers and means the ruin of their business.

French and Italian olive oil is adulterated with cottonseed oil. American olive oil is absolutely pure. The pure-food law requires, of course, that imported oil shall be properly branded, but Dr. Wiley is authority for the statement that it is almost impossible to detect a blend of cotton seed with olive oil if the proportions are half and half. So heavy were the importations of cottonseed oil by French and Italian olive-oil manufacturers that the French Government quintupled the duty on cottonseed oil against the protest of the virtuous manufacturers who were adulterating their olive oil for American consumption. The increased cost of this adulterant and the duty on olive oil enabled the California producers of pure oil to build up a business.

The Democratic bill, if enacted into law, will destroy this business, and American consumers will be forced to use the foreign adulterated oil at prices fully as high as the perfectly pure oil now produced in California. Experience has shown that the consumer never benefits by a tariff reduction on such commodities. The middleman merely adds to his profits.

If the Senate should join with the House in passing this bill, the olive-oil producers will have to look to President Taft to save their industry from destruction. Other industries are in the same fix. The Democrats could not give Mr. Taft a better campaign weapon than to pass a tariff bill tearing down American industries and thereby enable him to veto it.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HARRISON of New York. Mr. Chairman, I am sorry that my very good friend from California [Mr. NEEDHAM] has allowed himself to see specters of New York importers in the reductions made by the committee. Of course, I know that he and other prohibitive tariff advocates look upon that class of business men whom they call "importers" as the enemies of the Republic, but he must recognize that behind these people there is an enormous class of citizens of Mediterranean birth or descent, in the cities of Boston, New York, Philadelphia, Washington, and elsewhere along our seaboard, where olive oil is the substitute for butter, and is largely consumed by those people. It is what they call "the poor man's food." The heretofore existing high rates on olive oil were put on simply to make these poor people on the eastern seaboard pay the freight rates on the California olive oil, so as to enhance the price of their food. That is the reason why the committee has reduced these rates. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. BROWNING. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The gentleman from New Jersey [Mr. BROWNING] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend, page 13, lines 8 and 9, by striking out the following: "and Chinese-nut oil."

Mr. BROWNING. Mr. Chairman, I send to the desk a telegram, which I have just received, and ask that it be read.

The Clerk read as follows:

PHILADELPHIA, PA., February 17, 1912.

Hon. W. J. BROWNING, Washington, D. C.:

We earnestly protest against changes in duties on paints and oils proposed in new chemical schedule, especially duty on china wood oil, which would double cost of about 50 per cent of varnishes consumed.

JOHN LUCAS & CO.

Mr. BROWNING. Mr. Chairman, John Lucas & Co., whose office is in Philadelphia, Pa., have in Camden County, N. J., one of the largest paint manufactories in the United States. They own their own spur of railroad to the main line and their own freight and passenger stations, and they employ hundreds of hands. I hope this protest will be heeded.

Now, Mr. Chairman, there may be many more articles in the two paragraphs to which I have offered amendments to-day that should, by every right of reason, remain on the free list, but I have singled out only the articles which have been brought to my attention by several manufacturing firms—articles essential in the manufacture of necessities used in the homes of average American families. [Applause on the Republican side.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN rose.

The CHAIRMAN. Does the gentleman from Illinois desire to speak to that amendment?

Mr. MANN. I did want to speak a word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, Chinese nut oil is now on the free list. We imported last year nearly 6,000,000 gallons of it at an expense of over \$2,000,000. It is used in the manufacture of varnishes. It is very important that we should have the crude materials as cheaply as possible. The bill proposes to put a duty of 5 cents a gallon on this oil. The amendment of the gentleman from New Jersey [Mr. BROWNING], if it prevails, will strike that out and leave it where it now is, on the free list.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. BROWNING].

The question being taken, the amendment was rejected.

Mr. NORRIS. Mr. Chairman, I move to amend the bill on page 13, line 6, by striking out the word "thirteen" and inserting in lieu thereof the word "ten."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Nebraska.

The Clerk read as follows:

On page 13, in line 6, strike out the word "thirteen" and insert in lieu thereof the word "ten."

Mr. NORRIS. Mr. Chairman, my good friend from Illinois [Mr. FOWLER] told us of the Linseed Oil Trust a few moments ago and explained why it was that the tariff on this oil ought to be reduced even to the extent of putting it on the free list. I suggested to him at that time that he offer an amendment to reduce it; but while he is in favor of the reduction, and I presume his colleagues are, he did not offer an amendment to make a reduction.

The last Democratic national platform has a plank in it to the effect that the Democratic Party are in favor of putting the products of the trusts on the free list. Now, here is an opportunity to cut down the tariff on this product of the Linseed Oil Trust or to put it on the free list.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. NORRIS. I will.

Mr. SHERLEY. Is it a trust?

Mr. NORRIS. I am taking the word of the gentleman from Illinois [Mr. FOWLER].

Mr. SHERLEY. I am asking you.

Mr. NORRIS. I have no information on the subject.

Mr. SHERLEY. You are offering an amendment on that supposition?

Mr. NORRIS. I have given the gentleman the source of my information. I am taking the word of the gentleman from Illinois [Mr. FOWLER], in whom I have the greatest confidence, given here as a Member on the floor of the House, that it is controlled by a trust, and the gentleman from Illinois is Democratic authority.

Mr. SHERLEY. I simply wanted to ask, if it was a trust, what steps have been taken by the Department of Justice to dissolve the trust?

Mr. NORRIS. The gentleman knows that he can not get the information from me, because I am not able to give information as to the course that would be taken by the present administration on that or anything else. [Laughter.]

Mr. SHERLEY. For the moment I forgot that the gentleman was not a Republican. I thought he was. [Laughter.]

Mr. NORRIS. The gentleman ought to continue to have that recollection that I am one of those Republicans who believe in

the right kind of Republican doctrine; and I am informed by the gentleman from Illinois [Mr. FOWLER] that this product is controlled by a trust.

Mr. SHERLEY. If the gentleman be the right kind of a Republican, he seems to be in a tremendous minority.

Mr. NORRIS. I would rather be right and be in a minority than be wrong, with the gentleman from Kentucky, and be in a majority. [Applause on the Republican side.]

Mr. SHERLEY. Paraphrasing a remark once made by a distinguished gentleman, the gentleman from Nebraska may find himself both wrong and in the minority.

Mr. NORRIS. That may be, and when I do I will be frank and honest enough to admit it just as soon as I am convinced of it.

Now, that is all outside of the question. The gentleman from Illinois [Mr. FOWLER] says this is controlled by a trust. The entire Democratic Party have said, "We are in favor of making free the products of the trusts." Now, if you think more of your word and the good of the country than you do of the dictates of your party caucus you ought at least to vote for this amendment.

It is said, Mr. Chairman, that if we reduce the tariff on this oil we ought to reduce the tariff on flaxseed, from which it is made. I concede that that may be a good argument, and that we could not offer an amendment here to reduce the duty on flaxseed, because it would not be germane to this bill and would be out of order.

Now, then, if that be true, then the country is between the devil and the deep sea, sure, because when we come to the schedule where flaxseed is included, and a motion is made to reduce the duty on it, they would say that if we reduce the duty on that we ought to reduce the duty on oil, and we can not make a motion to that effect on that bill, because it would be out of order. So what we ought to do—and I believe in schedule revision—is to reduce this tariff, and then, if it is necessary when we come to another schedule of the tariff, reduce the tariff on the product out of which it is made.

Mr. UNDERWOOD. Mr. Chairman, I desire to ask that all debate on this paragraph close in five minutes.

Mr. MANN. I hope the gentleman will not do that. I want to offer two amendments.

Mr. UNDERWOOD. Then, Mr. Chairman, I ask that all debate on this pending amendment close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks that all debate on the pending amendment close in five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, the flaxseed which is used in America for making linseed oil is mostly produced in America. We produce annually from twenty to twenty-eight million bushels of flaxseed, and we manufacture most of that. Last year, or in 1910, we imported 5,000,000 bushels of flaxseed. We produced during the year 24,000,000 bushels, but we exported a part of what we had raised and a portion of what we had imported.

A bushel of flaxseed will make 2½ gallons of oil. There is now on flaxseed a duty of 25 cents a bushel. If the rate were reduced to 10 cents a gallon on linseed oil, that would leave the manufacturer of this article without any compensatory duty. Two and one-half times 10 cents is 25 cents, the same as is placed on a bushel of seed to-day. He would have nothing left except the flax cake, which is about 37 or 38 pounds to the bushel, and which sells from \$20 to \$80 a ton, and is used as cow feed, which is regarded as a most excellent and highly nutritious food.

Mr. Chairman, the gentleman from Nebraska [Mr. NORRIS], a gentleman whose course in this Hall was to a greater or less extent a pattern for me in my campaign last year, has done me more than honor by saying that he accepts as true my statement that this article is controlled by a trust, but I desire to say to the gentleman and to this House that I verily believe that there is a trust in the production of linseed oil and which controls the sale thereof. I want to thank him very kindly for his courtesy, but I want to say in reply that if the amendment which I would like to see passed is carried and the duty on the rates lowered to 10 cents a gallon, then it would, perhaps, require a corresponding reduction on the flaxseed itself.

North Dakota produces more flaxseed than all the rest of the United States. Minnesota, the two Dakotas, Wyoming, Washington, and Idaho practically produce the flaxseed of this country. I do not know what the gentlemen who come from those States think of a reduction of the tariff on flaxseed itself, but in my opinion the tariff could be lowered upon flaxseed with a great deal of consistency, and thereby give an opportunity to lower the tariff on linseed oil.

It would give the man in the country an opportunity to give his humble home a coat of whitewash made of lead and linseed oil instead of being made of lime. I highly favor it, because in my own town I have a humble home that I undertook to paint, and when I went to buy the oil at retail it was \$1.25 a gallon, a price so enormous that I was not able to buy it, and for that reason my little home at Elizabethtown, Ill., is yet without a coat of paint. I would like to get an opportunity to paint that house.

Mr. BUTLER. How much oil did the gentleman require? We might get him a gallon. [Laughter.]

Mr. FOWLER. Well, Mr. Chairman, I want to say in reply to the distinguished gentleman from Pennsylvania that I never posed as a millionaire living in mansions one part of the year during the fashionable season and then hibernating in a dozen other places at seashores and summer resorts, residing in mansions which are costly enough for that of the king of any country in the world. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer this further amendment.

The Clerk read as follows:

Amend, page 13, line 8, by striking out the following:
"And peanut oil."

Mr. MANN. Mr. Chairman, peanut oil is now on the free list. This bill proposes to place it on the dutiable list at 10 cents per gallon. I do not know just how the gentleman drawing the bill has arrived at the tariff on the different oils. He proposes on coconut oil a tariff of one-quarter of 1 cent per pound; on poppy-seed oil and peanut oil, 10 cents per gallon; on Chinese nut oil, 5 cents per gallon; on almond oil, sweet, 5 cents per pound; on mace oil, 8 cents per pound; and there are various other provisions. All in this list are now on the free list. Peanut oil is a table article in different forms, used by people, certainly not of the richest class, because I use some of it myself, and I have no doubt that my colleague from Illinois [Mr. FOWLER] also must occasionally use peanut oil. What is the reason for putting the highest rate of all in this list on peanut oil, which is now on the free list? What is the reason for transferring it from the free list at all to the dutiable list? It ought to be kept on the free list, where it is now, in the interest of the consumers of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 13, lines 9, 10, 11, and 12, by striking out the following:
"Almond oil, sweet, 5 cents per pound; mace oil, 8 cents per pound; sesame or sesamum seed or bean oil, 1½ cents per pound."

Mr. MANN. Mr. Chairman, these oils are all on the free list now. If my amendment prevails, they will remain on the free list. The bill proposes to place them on the dutiable list at a rather high rate of duty. They are necessities in the families of the country, in the ordinary way they are used, and there is no excuse for placing them upon the dutiable list under any form of tariff legislation which endeavors to protect to any extent the industries of the country.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. HARRISON of New York. Mr. Chairman, the tax on almond oil, mace oil, sesame oil, as contained in the bill, and as proposed to be stricken out by the amendment of the gentleman from Illinois, is a tax upon the materials used in manufacturing perfumes, cosmetics, and perfumed toilet soaps. To some extent also these oils are used in the manufacture of flavoring extracts, but it is not believed that the revenue duty placed upon these noncompetitive products will be a hardship upon the people who use any of these articles of manufacture.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

51. Oils, distilled and essential: Peppermint, 25 cents per pound; almond, bitter; anise or anise seed; bergamot; camomile; caraway; cassia; cinnamon; cedrat; citronella or lemon-grass; jasmine or jasmine; juniper; lavender; and aspic or spike lavender; lemon; limes; neroli or orange flower; orange; origanum, red or white; rosemary or anthos; attar of roses; thyme; and valerian; all the foregoing oils, and all fruit oils and essences, and essential and distilled oils and all combinations of the same, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem; *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 13, lines 21 to 25, and page 14, line 1, by striking out the following words:

"Anise or anise seed; bergamot; camomile; caraway; cassia; cinnamon; cedrat; citronella or lemon-grass; jasmine or jasmine; juniper; lavender; and aspic or spike lavender; lemon; limes; neroli or orange flower; and origanum, red or white; rosemary or anthos; attar of roses; thyme; and valerian."

Mr. MANN. Mr. Chairman, these oils are now all on the free list. They are used in the manufacture of perfumes and some of the common extracts.

Mr. BUTLER. Extracts of vanilla?

Mr. MANN. Lemon extracts. The bill proposes to place them upon the dutiable list at 20 per cent. My amendment proposes to leave them where they now are under the Payne law, on the free list. These go indirectly into every household. The gentleman proposes to tax what are no longer luxuries, but necessities—true, largely used by the gentler sex—

Mr. BUTLER. To anoint themselves.

Mr. MANN. The gentler sex who can not vote, but that is no excuse for putting them on the dutiable list. Some of them are used by the gentler sex to anoint themselves, it is true, as the gentleman from Pennsylvania suggests, and some of them are used to make the food they prepare for us a little pleasanter to eat.

Mr. HARRISON of New York. Mr. Chairman, the rates of duty upon the finished product, perfume, are retained in this bill at the same figure they were in the Payne law, which is about 70 per cent ad valorem, equivalent. In view of that fact it is believed that the imposition of a 20 per cent ad valorem tax upon the essential oils which are the raw material for the manufacture of perfume is one of the fairest revenue producers that could be found.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

54. Ambergris; enfleurage grease; musk, crude, in natural pods, and musk in the grain; civet, crude; all synthetic and essential oils and all other odoriferous substances or preparations suitable for the manufacture of perfumes or cosmetics, or flavoring extracts, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem; *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 15, lines 16 and 17, by striking out the following:
"Ambergris; enfleurage grease; musk, crude, in natural pods, and" and "civet, crude."

Mr. MANN. Mr. Chairman, these articles are now on the free list. If my amendment prevails, they will remain on the free list. This bill proposes to place them on the dutiable list at 20 per cent ad valorem, a high rate even if it were to pay a duty. They are crude materials, not competitive in character, of the same class to which I have already called attention.

Mr. HARRISON of New York. Mr. Chairman, in answer to the gentleman, I will simply call the attention of the committee to the fact that ambergris, enfleurage grease, musk, and civet are very expensive articles and should bear their fair share of the burdens of taxation. They were left upon the free list by the Republicans because they are noncompetitive articles. That is the very reason why we are placing them on the tax list. They are raw materials in the manufacture of perfumes.

Mr. HILL. I want to call the attention of the gentleman to paragraph 54, where a word is spelled wrong. It is spelled a-m-b-e-r-g-r-i-s in the bill and it ought to be a-m-b-e-r-g-r-i-s.

Mr. HARRISON of New York. As I read the bill it is a-m-b-e-r-g-r-i-s. I thank the gentleman for calling attention to it; it is simply a typographical error, which should be corrected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. HARRISON of New York. Mr. Chairman, I move to amend paragraph 54, in line 16, page 15, by inserting the letter "r" between the letters "e" and "g" in the first word, "ambegris," so that it will read "a-m-b-e-r-g-r-i-s."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

59. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, 20 per cent ad valorem, but not less than 3 cents per pound.

Mr. AUSTIN. Mr. Chairman, I was called out of the Chamber when the paragraph just ahead of this was read, in relation to barytes.

Mr. UNDERWOOD. Does the gentleman wish to go back to a paragraph?

Mr. AUSTIN. If you please.

Mr. UNDERWOOD. I will ask the gentleman to wait until we finish the bill, and I will not object.

The Clerk read as follows:

69. Potash: Bicarbonate of, and carbonate of, refined, one-half of 1 cent per pound; hydrate of, six-tenths of 1 cent per pound; hydrate of, in sticks or rolls, 1 cent per pound; chlorate of, chromate and bichromate of, 1 cent per pound; cyanide of, 1½ cents per pound; nitrate of, or saltpeter, crude, \$3 per ton; refined, \$7 per ton; permanganate of, 1½ cents per pound; prussiate of, red, 2 cents per pound; yellow, 1½ cents per pound.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 19, lines 5 to 8, by striking out the words "Potash: Bicarbonate of, and carbonate of, refined, one-half of 1 cent per pound; hydrate of, six-tenths of 1 cent per pound; hydrate of, in sticks or rolls, 1 cent per pound."

And inserting in lieu thereof the following:

"Potash: Bicarbonate of, one-half of 1 cent per pound; caustic potash or hydrate of, refined, in sticks or rolls, 1 cent per pound."

Mr. MANN. Mr. Chairman, my amendment proposes to put caustic potash—not refined—on the free list, where it is now. The bill proposes to transfer unrefined caustic potash to the dutiable list. Another household necessity transferred from the free list to the dutiable list under the bill.

The CHAIRMAN. The question is upon the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 19, lines 10 and 11, in the paragraph headed "Potash," by striking out the words "nitrate of, or saltpeter, crude, \$3 per ton; refined, \$7 per ton," and inserting in lieu thereof the following: "nitrate of, or saltpeter, refined, \$7 per ton."

Mr. MANN. Mr. Chairman, crude saltpeter is now on the free list. My amendment, if agreed to, would leave crude saltpeter upon the free list. The bill proposes to place it upon the dutiable list. Another of those cases where it is proposed to put a tariff on the crude article and at the same time reduce the tariff on the refined article. If my recollection is correct, the present tariff on refined saltpeter is \$10 a ton, and this bill proposes to put a tariff of \$3 a ton on the crude article and reduce the tariff on the refined article \$3 a ton. Gentlemen may imagine that that will maintain the industry in the country, but the result will be to drive out the refining of crude saltpeter in this country and the bringing of refined saltpeter in from abroad and in the end largely increase the cost of saltpeter to those who use it in this country.

Mr. HARRISON of New York. Mr. Chairman, the gentleman from Illinois is laboring under the delusion that refined nitrate of potash is made out of crude nitrate of potash.

That is incorrect. The crude nitrate of potash is used in the manufacture of gunpowder and so is the refined nitrate of potash, but the latter is made out of potassium chloride and not out of crude nitrate of potash. We have put a tax on \$3 a ton on the crude nitrate of potash, an ad valorem equivalent of 4½ per cent, at which rate we anticipate duties of more than \$11,000. At the same time we have reduced the rate upon the refined nitrate of potash from 11 per cent ad valorem to 10 per cent ad valorem.

Mr. MANN. What is crude saltpeter used for?

Mr. HARRISON of New York. It is used also in the manufacture of gunpowder.

Mr. MANN. What else is it used for? It is the most common kind of antiseptic in the country.

Mr. HARRISON of New York. It is not used at all as an antiseptic. It is used in the manufacture of gunpowder and nitric acid.

Mr. MANN. And the gentleman can not buy a ham but that has saltpeter in it or can not buy a piece of preserved beef that has not saltpeter in it. The color of all these meats comes from saltpeter. The gentleman proposes to tax this necessity of the people so far as eating is concerned. We have it on the free list. The gentleman proposes to put it on the dutiable list.

Mr. BUTLER. This is not going to threaten our ham, is it?

Mr. MANN. It is going to add to the high cost of living.

Mr. HARRISON of New York. We introduced the other one, which is used for the same purpose.

Mr. MANN. It is going to add to the high cost of living. The gentleman is not familiar with the subject at all, neither is his expert. If he had studied the pure-food question as long as I have he would know something about it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

76. Vanillin, 10 cents per ounce; vanilla beans, 50 cents per pound; tonka beans, 25 cents per pound.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 20, lines 20 and 21, by striking out the following: "Vanilla beans, 50 cents per pound."

Mr. MANN. Mr. Chairman, vanilla beans are now on the free list. This bill proposes to place a duty of 50 cents a pound on them. My amendment proposes to leave vanilla beans upon the free list. They are the basis of the vanilla flavor to a large extent. Some of the vanilla flavors are made in other ways, however. [Laughter.]

Mr. BUTLER. The ice cream flavors, especially.

Mr. MANN. But the real vanilla flavor is made from these vanilla beans. The gentleman proposes to place a high tariff upon them, not for that purpose, but in order to encourage fraudulent vanilla extracts made from other articles—synthetic articles. The pure, natural vanilla extract is based upon, and it is made from, the articles that they propose to put a high tariff on. They are reducing the tariff on coal-tar products, some of which can be used for the manufacture of various extracts that come close to vanilla extract. We are in favor of maintaining a free list as to vanilla beans and are for the pure article on our tables and in our households.

Mr. BUTLER. And in our ice cream.

Mr. MANN. And in our household foods, in our ice cream, and in other things. My friend from Pennsylvania [Mr. BUTLER] evidently has the impression that the principal use of vanilla is in ice cream.

Mr. BUTLER. I am sorry to say to my friend that it is not. You will find it in the coffee and water and everything. [Laughter.]

Mr. MANN. Vanilla flavoring is used in a very large percentage or number of articles prepared for food in a household, in a very small percentage of flavor, but used to a very large extent. I dare say there is hardly a household in this country where you can not find a bottle of vanilla extract in the kitchen.

Mr. HARRISON of New York. Mr. Chairman, the tax which we have proposed upon vanilla beans is simply a tax upon a luxury, and it will produce a revenue, at 50 cents a pound, of \$575,000. The extract of real vanilla beans as described by the gentleman from Illinois [Mr. MANN] is very seldom met with in the household. The ordinary object which is in use in the kitchen of the average home comes from vanillin, which is an extract of the oil of cloves and is a synthetic imitation of the real vanilla extract. We have reduced the rates of duty upon vanillin from 20 cents an ounce to 10 cents an ounce, and in putting a tax upon vanilla beans we believe we are collecting revenue on a noncompetitive product which goes into the manufacture of a luxury and is a most proper subject of taxation.

Mr. MANN. Mr. Chairman, the bill puts a tariff on unground cloves, the raw material from which vanillin is made; it leaves a higher tax on the raw material from which vanillin is made than it puts upon the article itself, vanillin, in the bill.

Mr. HARRISON of New York. Oh, no. The gentleman from Illinois is mistaken. The rate which we put on vanillin is equal to about 40 per cent ad valorem, while the tax on unground cloves is only 20 per cent ad valorem.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Now, Mr. Chairman, will the gentleman be willing to return to paragraph 56? We have finished the dutiable list.

Mr. UNDERWOOD. I would prefer to finish the bill, but if the gentleman desires it I will not object.

The CHAIRMAN. By unanimous consent the committee will return to paragraph 56.

Mr. BARTHOLOTT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. BARTHOLOTT].

The Clerk read as follows:

Amend, page 16, lines 4 and 5, by striking out after the word "unmanufactured" the words "15 per cent ad valorem but not less than 40 cents per ton" and inserting the words "\$1.50 per ton." And in line 5, after the word "manufactured," strike out the words "20 per cent ad valorem but not less than \$1.30 per ton" and insert the words "\$5.50 per ton."

Mr. BARTHOLOTT. Mr. Chairman, under the Dingley bill the rate on barytes, unmanufactured, was 75 cents a ton, and as at that time there were practically no importations from Europe

that rate was sufficient to enable the industry to exist. But soon the importations from Canada, Newfoundland, and Germany began, and they increased at such a rapid rate, namely, from 1,000 tons to 12,000 tons, within a few years that the barytes industry of Missouri was threatened with utter destruction, owing to a lack of proper protection. At the time the Payne bill was under consideration I saw with my eyes hundreds and thousands of tons of barytes piled up along the Iron Mountain Railroad tracks which had been mined, but could not be disposed of, owing to the fact that foreign barytes could be laid down in the port of New York at a rate several dollars lower per ton than the Missouri product. Recognizing this condition of affairs, Mr. PAYNE and his Republican colleagues on the Ways and Means Committee agreed to increase the rate from 75 cents to \$1.50, and while this was hardly sufficient protection to make the industry profitable and prosperous it enabled it at least to live. Now it is proposed to cut down this meager measure of protection to 40 cents a ton, a little more than one-half of what it was when the operators had gone out of business and the miners were idle. The inevitable effect will be to wipe this Missouri industry off the map and to substitute for our own product the product of Germany and Canada. What this means to the people of southeast Missouri will be seen from the figures, which show that at the present time 52 per cent of the total barytes output of the country is mined in Washington County, of my State. It is a great part of the subsistence of those people, and if this bill passes there will stand between them and the utter destruction of their main industry only one man, the President of the United States. I protest, Mr. Chairman, against a policy which will sacrifice the industries of my State to a mere theory, and I call upon my Democratic colleagues, especially my colleague from the thirteenth district [Mr. HENSLEY], one of whose predecessors, also a Democrat, once introduced a bill to make the duty on barytes \$5 a ton, to join me in the defense of the vital interests of our common State. [Applause on the Republican side.]

Mr. AUSTIN. Mr. Chairman, I want to state that what the gentleman from Missouri has so well said about the history of the barytes industry in Missouri applies exactly to the industry in Tennessee; and the legislation which affected it, namely, the Dingley law and the Payne-Aldrich law, resulted precisely in Tennessee as it did in the State of Missouri. With the low duty carried in the Dingley law and the increased importations the barytes mills and mines in eastern Tennessee and other Southern States were compelled to shut down and go out of business. With the increase of duty carried in the Payne-Aldrich bill, immediately operations were resumed in the mines and the mills were started again. They are now in operation. If this bill should become a law, every mine will close down, every plant will stop, a large number of men will be thrown out of employment, and the capital invested will practically be lost.

Mr. Chairman, I send to the Clerk's desk a letter from a pioneer southern man in this industry, who, I think, is the best-posted man in all the Southern States on this subject. He has been actively and extensively engaged in calling the attention of capital to deposits of barytes in the South and inducing parties to come there to inaugurate this industry.

I refer to Mr. Charles A. Weller, a reputable business man of my town (Knoxville, Tenn.), who has voted and supported the Democratic ticket, but I venture the assertion that if you pass this bill and destroy his business, he, like thousands of others, will cease to vote the Democratic ticket, and will support that party which stands for the protection of American capital, the American mills, and the American wage earner. [Applause on the Republican side.] I protest against the destruction of this new and promising southern industry.

The CHAIRMAN. If there be no objection, the letter will be read in the gentleman's time.

The Clerk read as follows:

Hon. R. W. AUSTIN, KNOXVILLE, TENN., February 12, 1912.
Washington, D. C.

MY DEAR SIR: As I understand it, the new schedule proposed on chemicals embraces a change in the present tariff covering barytes. This change, as I have gotten it, is meant to be misleading, so as not only to put this product back to the old rate, but even lower, by substituting an ad valorem for the present rate under pigments for paints, etc. For example, they are calling the ore barytes earth unmanufactured, which now carries a rate of \$1.50 per ton and is selling in this country at \$6.75, including the duty of \$1.50 and freight \$1.90. The proposed schedule is 45 per cent ad valorem, which, as I understand, will apply on the cost of the ore at the mines, which is around about \$1.40 per ton. As to the cost at the mines, I have this information from Hon. Robert F. Skinner, consul general at Hamburg, Germany.

Cost at mines	\$1.42
Barge to Hamburg	1.30
Ocean freight to United States	1.95
Duty	1.50

Total ----- \$6.17

It will cost something from docks to plants, but that should not be considered, however. The total price now asked in New York and Philadelphia is \$6.75 per long ton. Our freight rate to New York is, in long tons, \$5.21; to Philadelphia, \$4.09; so you can see what our competition is with the duty at \$1.50, whereas the new duty would be, as I understand it, 45 per cent of \$1.42—about 64 cents. The new schedule on the ground product is 40 per cent ad valorem, and the old rate \$5.25 per short ton; deducting the cost of ore, milling, and transportation, they get about \$7 per ton, a good price in Germany; this reduces the duty to about \$2.85 per ton, and so, with the highest product made, the artificial carbonate, the proposed rate is 30 per cent ad valorem when the present rate is one-half cent per pound.

At the prices named you the foreign ores now command about 65 to 75 per cent of the business of the United States, but since the duty was raised at last Congress there has been great activity in the development of the American ores and manufacture of this product; but if this reduction is made it will certainly kill the business, as we can not compete with water rates.

We have in this district, as well as in other sections of the South, the largest deposits of barytes in this country, which has just been placed in a position to be handled, at a small profit, and large amounts raised to develop the business, but if the present duty is lowered, as proposed, it will kill off a large business in this country and give it to foreign markets and, in turn, benefit only three or four large importers.

I will be glad to have any information you can give on this subject, as well as your assistance in defeating a measure that will kill an industry that could not live heretofore because of a lack of protection with a proposed change in the duty that will make it still lower than ever before when really there should be an increase on the present rates of duty.

Thanking you for your attention to this matter, and with kind regards, I remain,
Yours, truly,

CHAS. A. WELLER.

Mr. HARRISON of New York. Mr. Chairman, the letter which the gentleman from Tennessee has sent to the desk contains some of the errors customary in the presentation of the case of persons asking for tariff taxation. He says that it costs \$1.95 for freight, \$1.50 for duty, and he says that with the duty paid it makes the cost \$6.90 in New York. As the unit of value in 1911 was \$2.46, that would make the cost in New York \$5.99, nearly a dollar out of the way in the calculation; but of course such a trifle as that does not stand in the way of anybody who is seeking for tariff protection.

In my judgment the most indefensible raise in the Payne law was the doubling of the duty upon barytes from 75 cents to \$1.50 a ton. Even for those persons who advocated it the result of the imposition of that duty must have been a grievous disappointment, because the price of barytes in this country has been falling, and has continued to fall in spite of the doubling of the duty. The price in 1909 was \$3.55; in 1910, \$3.02; and in 1911, \$2.46, a ton, so that the result of doubling the tariff tax upon barytes was not to increase the price, as had been hoped for by those desiring the protection, but simply to impede and make more difficult the manufacture of paints in the eastern seaboard States, where they were obliged to pay freight rates upon the barytes shipped from Missouri to the Atlantic coast.

Mr. BARTHOLDT. Will the gentleman permit me?

Mr. HARRISON of New York. If the gentleman will excuse me, I wish to conclude my argument. Barytes is a mineral which is found right at the surface of the ground. It requires little or no labor to take it out. It is chiefly produced by farmers in the rare intervals when they have nothing else to do, and is trundled by them to the sidings of the railways and dumped there for transportation. It is not worthy of laying a heavy tax upon the paint manufacturers of the East, and it would be inconsistent in us to retain the high tariff duty on barytes, inasmuch as we have cut the duties on paints, the finished products, from 30 per cent to 20 per cent ad valorem.

Mr. BARTHOLDT. Will the gentleman yield now?

Mr. HARRISON of New York. With pleasure.

Mr. BARTHOLDT. Is not the gentleman's statement—that the price has fallen—a complete refutation of the Democratic theory?

Mr. HARRISON of New York. The price would have fallen very much more if the manufacturers of paint had been able to obtain it at the lower rate of duty.

Mr. BARTHOLDT. The gentleman says the price has decreased from \$5 to \$2.46.

Mr. HARRISON of New York. Yes.

Mr. BARTHOLDT. In spite of the fact that the duty has been raised from 75 cents to \$1.50?

Mr. HARRISON of New York. And the manufacturers of the East would have gotten it 75 cents cheaper if it had not been for the duty.

Mr. BARTHOLDT. The result will be to throw all the labor out of employment which is engaged in the production of barytes and to leave the product in the bowels of the earth.

Mr. AUSTIN. And we will not buy paint for a cent less.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. BARTHOLDT].

The question being taken, the amendment was rejected.

The Clerk read as follows:

83. Calcium, acetate of, brown and gray, and chloride of, crude.

Mr. HAMMOND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend. paragraph 83, page 21, by striking out the word "and" in line 19, before the word "chloride"; by striking out the period and inserting in place thereof a comma, after the word "crude," in line 20; and by adding to the paragraph the following: "And nitrate of, crude."

Mr. HAMMOND. Mr. Chairman, I offer this amendment on behalf of the committee, as the nitrate of calcium is probably under another name free now under existing law. In the Payne law lime nitrogen is free. This is a fertilizer known as nitrate of calcium, made in Norway by an invention of a genius there from the nitrate of the air combined with lime. It is made into this product nitrate of calcium, and, as I say, is used as a fertilizer. I believe it was the intention of the framers of the Payne bill to include it under the nomenclature of lime nitrogen. But in order that there may be no doubt about it, I offer this amendment to the paragraph.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

88. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, herbs, leaves, lichens, mosses, nuts, nutgalls, logs, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncombined drugs and not edible and not specially provided for in this act or in the first section of the act cited for amendment, and are in a crude state, not advanced in value or condition by peeling, shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture: *Provided*, That no article containing alcohol shall be admitted free of duty under this paragraph.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend. page 22, lines 14 and 15, by striking out the words "peeling, shredding, grinding, chipping, crushing, or," and by striking out in line 15 the word "other."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

89. Magnesite, crude, not purified.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend. page 22, line 20, by striking out the words "magnesite, crude, not purified," and inserting in lieu thereof the words "magnesite, crude or calcined, not purified."

Mr. MANN. Mr. Chairman, this is to restore to the free list magnesite, crude or calcined, not purified, which the gentleman has taken out of the free list and put upon the dutiable list.

Mr. HARRISON of New York. Mr. Chairman, this is the same question that the gentleman from Illinois and I debated when we dealt with the subject of magnesite on the dutiable list. It is the basis of the white pigment, a first-class revenue producer, and we expect to get \$89,000 revenue.

Mr. MANN. At the expense of the trade. The gentleman's theory now that the tax is paid by the manufacturer and never at the cost of the consumer was not always entertained by that gentleman.

Mr. HARRISON of New York. My theory is not correctly stated by the gentleman from Illinois. The tax paid by the manufacturer would go to the consumer if his top rate was prohibitive, but since we have cut down the top rate, the consumer will get it cheaper and the manufacturer can not unload on him.

Mr. MANN. He can unload his factory and close it up. That is what will happen with a great many manufacturers if the gentleman's bill becomes a law. Of course, it is easy to speculate about these things. It is easy to say from that side that this bill will do no harm and no injustice to the country, because we all know on both sides of the Chamber that hardly anybody here would vote for the bill at any stage of it if there was the slightest possibility of its being enacted into law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

93. Potash, crude, or "black salts"; carbonate of potash, crude; sulphate of potash, crude or refined; and mullate of potash.

Mr. MANN. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend. page 23, lines 3 and 4, by striking out the words "Potash, crude, or 'black salts'; carbonate of potash, crude"; and inserting in lieu thereof the following:

"Potash, crude, or 'black salts'; carbonate of potash, crude or refined; hydrate of, or caustic potash, not including refined, in sticks or rolls; nitrate of potash, or saltpeter, crude."

Mr. MANN. Mr. Chairman, the last two or three amendments which I have offered have been to the free list carried in this bill. The amendments offered before were to the dutiable list carried in the bill. This amendment proposes to place in the free list caustic potash and crude saltpeter, where they now are. I confess that I do not quite understand the purpose of inserting some of these items in the free list, which are already in the free list, and which are not disturbed by the change of law. Just what will happen in connection with some of the provisions in this bill and the existing provisions in the free list I do not know. I am very sure that the gentleman from New York does not know. This bill proposes to substitute various paragraphs of it in place of Schedule A, the chemical schedule of the Payne tariff law. It does not propose to substitute any portion of the bill for the various paragraphs of the free list in the Payne tariff law. It is to be made a part of the Payne tariff law. You will find in the law a provision placing an article upon the dutiable list, and in the same law a provision placing the same article upon the free list. It is quite true that the amendment, which would be this bill, if enacted into law, being subsequent in point of time, although in the same law, would control, and that the items carried into the law by this bill would supersede the items in the existing law, although in the same law. It is also true—and I make the suggestion for the benefit of the gentleman from New York [Mr. HARRISON] and his assistant chemist—that he has entirely misconceived the effect of some of the provisions in this bill placing articles upon the dutiable list in connection with the law, as to articles upon the free list; and if this bill should ever become a law it would take a Philadelphia lawyer at his very best to unravel some of the difficulties unnecessarily placed in the law by the provisions of this bill.

Mr. HARRISON of New York. Mr. Chairman, I shall not detain the committee at any great length, as everybody is probably getting tired, but I will explain for the benefit of the gentleman from Illinois [Mr. MANN] that the free list attached to the dutiable list in the Underwood bill contains, as the gentleman of course knows, not only the objects which we transfer to the free list, but also other objects which were already upon the free list. We have combined them in this bill, together with the dutiable list, merely to make it readier of reference for any Member who wished to ascertain what tax was laid upon the cognate substance, for instance, the raw material or the finished product. It would have been practically impossible to invade the whole of the free list of the Payne law and attach the chemical part of it to this bill, because there are some subjects in that free list which may or may not be properly classifiable as chemicals, so that we have limited ourselves to the method that I have described. At the same time, of course, all the matters which are now in the Payne free list and which are not mentioned in this bill are still in the free list, and those which we have mentioned in the free list here, which are not in the Payne free list, we change. Those which we have added to the free list would go on to the free list if this bill becomes a law.

Mr. HILL. I would like to inquire if it is the expectation, in case this bill should become a law, and all things are possible in the providence of the Almighty—

Mr. MANN. Well, this is not.

Mr. HILL. Whether the gentleman intends, or the committee intends, that this free list shall be published and printed in the tariff law as a part of Schedule A, or whether it is intended that it shall modify the free list of Schedule A of the whole law.

Mr. HARRISON of New York. Mr. Chairman, it is difficult to answer that. I should be inclined to think that these articles would fall into their proper places upon the free list of the law in case this amendment to the law were adopted.

Mr. HILL. By what authority? There is no provision striking out from the Payne free list.

Mr. HARRISON of New York. They substitute the other—by that authority. The difficulty is that the Payne law has 14 different schedules, and but one free list attached to the whole 14, and it would be a very difficult matter to select all the articles in that free list which deal with the chemical industry.

Mr. UNDERWOOD. If the gentleman will allow me for a moment, this bill proposes to substitute for the items in the Payne bill from 1 to 83, inclusive, this bill necessarily wiping out everything that is mentioned in the Payne bill, if it becomes

a law, from 1 to 83 and repealing it, and this will take its place. Now, it puts into the chemical Schedule A of the Payne bill a free-list section as well as a general free-list section in the bill.

Mr. HILL. Necessarily the same plan would be followed out with regard to other schedules, making a dutiable list and a free list in every schedule if there were things to put on the free list.

Mr. UNDERWOOD. It is possible in some of the other sections of the bill we may not pass them as amendments to the Payne bill.

Mr. HILL. The embarrassment I can see in regard to the situation is that we might find articles dutiable in a schedule, and they might still remain on the free list in the law. Of course I understand that the courts would probably hold that the last legislation would prevail under the rule that where there is an amendment to the law the last-named rate becomes effective.

Mr. UNDERWOOD. There is no question about what the court would hold, as it has been held too often. They would hold where we have put a tax on an article in this bill it is conclusive evidence that that nullifies anything in the Payne bill.

Mr. HILL. There is another question that I would like to ask. What would be the situation where we have taken articles from other schedules which are already dutiable and have put them in here at a lower rate of duty, not striking them out from the other schedules, but leaving them at a higher rate of duty there? Would not the court hold that the higher rate of duty would prevail?

Mr. UNDERWOOD. The gentleman has not read the last clause of the bill, "that all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed."

Mr. HILL. I have read the whole bill.

Mr. UNDERWOOD. That answers the question.

Mr. HILL. But when you strike out from the present law all of the paragraphs of Schedule A and substitute new items from other schedules and the free list as well, why do you not change the other schedules accordingly?

Mr. UNDERWOOD. Because the general repealing clause takes care of that.

Mr. HILL. I hope so.

Mr. MANN. Not only will items on the free list of this bill be placed under the chemical schedule of the Payne law, but they will be placed there under the head of a dutiable list. The Payne law contains a dutiable list, so labeled and named in the law itself. It contains a free list, so labeled and named in the law itself, and with characteristic logic the gentleman proposes now to take items out from under the heading of free list and put them free under the head of dutiable list, so that a man who examines the law will need a decision of the court to know what the tariff law is. If it should become a law, no one by reading the law would be able to tell that which was in force and that which was not in force.

The question was taken, and the amendment was rejected.

The Clerk resumed and completed the reading of the bill.

Mr. HILL. Mr. Chairman, I want to call the attention of the chairman of the committee to section 2, on page 80, the maximum and minimum law, by which he will see that there is a distinct reference to the dutiable list of the Payne Act, which means everything up to the free list of the Payne Act, and it seems to me to avoid trouble in the future that at some time in the progress of this bill the free list of the Payne Act should be modified to correspond with the items named in the free list of this bill, and they should not be made a part of Schedule A. I think a very serious complication may arise there in the future.

Mr. UNDERWOOD. I understand the gentleman's contention, and if I agreed with him and thought so I would amend the bill—

Mr. HILL. No; I would not ask to amend it now, but I wanted to call the gentleman's attention to it.

Mr. UNDERWOOD. I do not think the gentleman is correct about it. I have permission to make committee amendments, but I think that the gentleman is mistaken about the matter.

I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20182—the chemical schedule—and directed him to report the same to the House with certain amendments, with the recommendation that

the amendments be agreed to and that the bill as amended do pass.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

WITHDRAWAL OF PAPERS.

Mr. JACOWAY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of James C. Williams, second session Sixty-first Congress, no adverse report having been made thereon.

Also, papers in the case of E. Ross Smith, second session Sixty-first Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock p. m.) the House adjourned until Wednesday, February 21, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster General submitting an estimate of appropriation for postal savings system for the year ending June 30, 1913 (H. Doc. No. 552); to the Committee on the Post Office and Post Roads and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of the Interior submitting an estimate of appropriation for pay of Blackfeet Indians for lands granted the State of Montana for school purposes and to provide allotment for members of the Rocky Boy Band of Chippewa Indians (H. Doc. No. 553); to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance, United States Army, submitting the report of the commanding officer of Watertown Arsenal of "Tests of iron and steel and other material for industrial purposes" made during the fiscal year ended June 30, 1911 (H. Doc. No. 161); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEDMAN, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war, reported the same without amendment, accompanied by a report (No. 337), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, reported the same with amendment, accompanied by a report (No. 339), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIFENDERFER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, reported the same with amendment, accompanied by a report (No. 340), which said joint resolution and report were referred to the House Calendar.

Mr. JONES, from the Committee on Insular Affairs, to which was referred the bill (H. R. 20048) declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States, reported the same without amendment, accompanied by a report (No. 341), which said bill and report were referred to the House Calendar.

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 20195) to amend the naturalization laws, reported the same without amendment, accompanied by a report (No. 336), which said bill and report were referred to the House Calendar.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20287) to amend section 5 of the act entitled "An act to incorporate the American Red Cross," approved January 5, 1905, reported the same without amendment, accompanied by a report (No. 338), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19632) granting a pension to Henry F. Mackey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19355) granting a pension to Michael Rahilly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18452) granting a pension to Mary McKelvey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16463) granting a pension to Henry Dixon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15156) granting a pension to Sarah E. Dillon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13783) granting a pension to George H. Lozon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13748) granting a pension to Frederick Leidenberger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12152) granting a pension to Joseph Coslett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8464) granting a pension to Mary Ellen Clark; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20148) granting an increase of pension to Rebecca M. Gaunt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14259) granting an increase of pension to William McClay; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13825) granting an increase of pension to Nazaire Beaupre; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18092) for the relief of Henry L. Abbot, United States Army, retired; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOODWIN of Arkansas: A bill (H. R. 20476) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries, and home economics, in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure; to the Committee on Agriculture.

By Mr. HAYES: A bill (H. R. 20477) to patent certain semi-arid lands to Luther Burbank under certain conditions; to the Committee on the Public Lands.

By Mr. DENVER: A bill (H. R. 20478) for the erection of a monument to Gen. Ulysses S. Grant at Georgetown, Ohio; to the Committee on the Library.

By Mr. BURNETT: A bill (H. R. 20479) to authorize and require the Solicitor of the Treasury to convey by quitclaim deed all the right, title, and interest that the United States have in certain lands in Clay County, Ala., to Osceola Evans; to the Committee on the Judiciary.

By Mr. MARTIN of South Dakota: A bill (H. R. 20480) excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves"; to the Committee on the Public Lands.

By Mr. SHEPPARD: A bill (H. R. 20481) regulating jurisdiction of suits by and against corporations created by or under acts of Congress; to the Committee on the Judiciary.

Also, a bill (H. R. 20482) to establish a post office at Texarkana, Tex., and to provide for the appointment of a postmaster; to the Committee on Public Buildings and Grounds.

By Mr. NEELEY: A bill (H. R. 20483) for the erection of a public building at Pratt, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. FAISON: A bill (H. R. 20484) for the purchase of a suitable site and the erection of a Federal building for the United States post office at Mount Olive, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. BINGHAM: A bill (H. R. 20485) to establish the direction and control of public education in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAWLEY: A bill (H. R. 20486) authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRANTLEY: A bill (H. R. 20487) to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 20488) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 20489) authorizing the Secretary of the Interior to lease certain Indian lands; to the Committee on Indian Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 20490) to amend the reclamation law; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 20491) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries; to the Committee on the Public Lands.

Also, a bill (H. R. 20492) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the State of Colorado; to the Committee on the Public Lands.

Also, a bill (H. R. 20493) granting to the city of Colorado Springs and to the town of Manitou, Colo., the right to purchase certain lands for the protection of water supply; to the Committee on the Public Lands.

By Mr. GODWIN of North Carolina: A bill (H. R. 20494) authorizing the Secretary of Agriculture to purchase a site and establish an agricultural and live-stock experiment station in the sixth congressional district of North Carolina; to the Committee on Agriculture.

Also, a bill (H. R. 20495) to improve and protect Fort Johnson, in the town of Southport, N. C.; to the Committee on Agriculture.

Also, a bill (H. R. 20496) authorizing the Secretary of Agriculture to investigate the subject of drainage in the sixth congressional district of North Carolina; to the Committee on Agriculture.

Also, a bill (H. R. 20497) directing the Secretary of Agriculture to fix a standard package for fruit, truck, and vegetables grown and shipped in the United States; to the Committee on Agriculture.

By Mr. KINKAID of Nebraska: A bill (H. R. 20498) for the relief of certain homesteaders in Nebraska; to the Committee on the Public Lands.

By Mr. CALLAWAY: A bill (H. R. 20499) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. LITTLEPAGE: A bill (H. R. 20500) to authorize and direct the Commissioners of the District of Columbia to cause to be removed all obstructions from West Virginia Avenue, in the city of Washington, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LINTHICUM: A bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof; to the Committee on Public Buildings and Grounds.

By Mr. CURLEY: A bill (H. R. 20575) to regulate the hours of employment of women and minors; to the Committee on Labor.

By Mr. AUSTIN: A bill (H. R. 20577) to provide for the inspection of gas-water heaters, gas ranges, gas radiators, gas-lighting fixtures, and other gas appliances in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PICKETT: A bill (H. R. 20578) to incorporate the National Society of the Women of the Civil War; to the Committee on the Library.

By Mr. PALMER: Resolution (H. Res. 420) calling for information as to the Apache Indian prisoners of war at Fort Sill, Okla.; to the Committee on Indian Affairs.

By Mr. BYRNES of South Carolina: Resolution (H. Res. 421) directing the Secretary of the Treasury to transmit a report showing property taken by agents of the Government from June 1, 1861, to June 1, 1865, and disposition of proceeds of sale of such property; to the Committee on War Claims.

By Mr. LA FOLLETTE: Joint resolution (H. J. Res. 245) to provide for printing Public Health Bulletin No. 51; to the Committee on Printing.

By Mr. DICKINSON: Joint resolution (H. J. Res. 246) proposing an amendment to section 1 of Article III of the Constitution of the United States of America; to the Committee on the Judiciary.

By Mr. CURLEY: Joint resolution (H. J. Res. 247) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 20502) granting an increase of pension to J. M. Dunham; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 20503) granting a pension to William C. Wittfelt; to the Committee on Pensions.

By Mr. BARTLETT: A bill (H. R. 20504) granting an increase of pension to Charlie L. Pennington; to the Committee on Pensions.

Also, a bill (H. R. 20505) granting an increase of pension to William A. Sanderson; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 20506) for the relief of Benjamin E. Jones; to the Committee on Claims.

By Mr. BOWMAN: A bill (H. R. 20507) granting an increase of pension to Thomas B. Taylor; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 20508) for the relief of George W. Board; to the Committee on War Claims.

Also, a bill (H. R. 20509) granting a pension to Hiram Metcalf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20510) granting a pension to Lucy A. Layman; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 20511) for the relief of Samuel Butter & Co.; to the Committee on Claims.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 20512) granting a pension to John J. Collins; to the Committee on Pensions.

Also, a bill (H. R. 20513) granting an increase of pension to John O'Mara; to the Committee on Pensions.

Also, a bill (H. R. 20514) granting an increase of pension to Thomas O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20515) granting an increase of pension to Henry E. Boorman; to the Committee on Pensions.

Also, a bill (H. R. 20516) granting an increase of pension to Henry A. Munzert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20517) granting an increase of pension to Seymour H. Marshall; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 20518) for the relief of Alberta Woods; to the Committee on War Claims.

Also, a bill (H. R. 20519) for the relief of Laura P. Moynelo; to the Committee on War Claims.

Also, a bill (H. R. 20520) for the relief of the heirs of Levy E. Byck; to the Committee on War Claims.

Also, a bill (H. R. 20521) for the relief of the heirs of George Heard; to the Committee on War Claims.

Also, a bill (H. R. 20522) granting an increase of pension to Lavina A. E. Rogers; to the Committee on Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 20523) for the relief of the estate of Rev. A. D. Garber, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20524) for the relief of the estate of Rev. A. D. Garber, deceased; to the Committee on War Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 20525) granting an increase of pension to Mrs. J. C. Fremont; to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 20526) for the relief of W. A. Brown Co.; to the Committee on Claims.

By Mr. HELM: A bill (H. R. 20527) for the relief of J. Knight Lowery; to the Committee on War Claims.

By Mr. HOWARD: A bill (H. R. 20528) granting a pension to Allen M. Jackson; to the Committee on Pensions.

Also, a bill (H. R. 20529) granting an increase of pension to Permella A. Creed; to the Committee on Pensions.

Also, a bill (H. R. 20530) granting an increase of pension to Alexander Mattison; to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 20531) granting a pension to Ann V. McNeil; to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 20532) granting a pension to Ellen Bernard Lee; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 20533) granting a pension to John Adair Agey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20534) granting an increase of pension to C. J. Hodgkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20535) granting an increase of pension to John McAdoo; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 20536) granting an increase of pension to Daniel Marmaduke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20537) to remove the charge of desertion from the record of George Patterson; to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 20538) for the relief of John S. Nix; to the Committee on War Claims.

By Mr. MOON of Tennessee: A bill (H. R. 20539) for the relief of the estate of Patrick Henry Watkins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20540) for the relief of the estate of Martin Hartman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20541) for the relief of the estate of Preston Gann, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20542) for the relief of the estate of Mary A. Henderson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20543) for the relief of the estate of Robert Langford, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20544) for the relief of the heirs of Erban Powell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20545) for the relief of the estate of Alexander Smith, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20546) for the relief of the estate of Samuel Y. B. Williams; to the Committee on War Claims.

By Mr. NEELEY: A bill (H. R. 20547) granting an increase of pension to Cornelius Cline; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 20548) for the relief of the heirs of B. Y. Trotter; to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 20549) granting a pension to Robert Strong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20550) granting a pension to Thomas W. Jackson; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 20551) granting a pension to William Haines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20552) granting a pension to William F. Heisler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20553) granting a pension to Emma C. Young; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 20554) to remove the charge of desertion from William Crawford; to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 20555) for the relief of the heirs of Baruch Emmanuel, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20556) granting an increase of pension to William Fuller; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 20557) for the relief of Thomas F. Sutton, heir of Jonas Sutton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20558) for the relief of J. H. Claiborne; to the Committee on War Claims.

Also, a bill (H. R. 20559) for the relief of the heirs of George A. Bush, deceased; to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 20560) granting an increase of pension to Elizabeth Cochran; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 20561) for the relief of Jesse C. Martin; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 20562) granting a pension to Elizabeth Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20563) to remove the charge of desertion from the military record of William D. Jenner; to the Committee on Military Affairs.

By Mr. STONE: A bill (H. R. 20564) granting an increase of pension to Endress M. Conklin; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 20565) granting a pension to Susan McGrath; to the Committee on Pensions.

Also, a bill (H. R. 20566) granting a pension to William J. Baker; to the Committee on Pensions.

Also, a bill (H. R. 20567) to complete the military record of Cyrus E. Burnett and for an honorable discharge; to the Committee on Military Affairs.

By Mr. WHITE: A bill (H. R. 20568) granting a pension to Viola Russell; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 20569) granting an increase of pension to Albert Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20570) granting a pension to Mary Soper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20571) granting an increase of pension to Arnold Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20572) granting an increase of pension to James Musser; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 20573) granting an increase of pension to William Connett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20574) granting an increase of pension to Miles Murray; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 20579) granting a pension to Frank H. Biladeau; to the Committee on Pensions.

By Mr. HOWELL: A bill (H. R. 20580) granting a pension to Samuel A. Sellers; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 20581) granting certain lands of the Colville Indian Reservation, Wash., to the Washington Historical Society; to the Committee on Indian Affairs.

By Mr. MAHER: A bill (H. R. 20582) granting an increase of pension to Henry Coster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20583) granting an increase of pension to Elizabeth Reynolds; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 20584) for the relief of Capt. Ellis B. Miller; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of the State of Missouri, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, memorial of the National Board of Trade, for an adequate merchant marine, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER: Paper to accompany bill granting an increase of pension to J. M. Dunham; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Memorial of Grand Army of the Republic Post of Newark, Ohio, for passage of House bill 1; to the Committee on Invalid Pensions.

Also, petition of A. M. Preston and others, of Vanatta, Ohio, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill (H. R. 16470) for the relief of Sarah Lane; to the Committee on Invalid Pensions.

Also, petition of the Lutheran Brotherhood of New Philadelphia, Ohio, asking for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of Maritime Exchange of New York, opposing proposed abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. BARNHART: Petitions of merchants of Indiana, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of merchants of Goshen, Ind., for reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. BATES: Petition of Fishermen's Association of Erie, Pa., favoring passage of House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also petition of the Lehigh Valley Coal Co., of Wilkes-Barre, Pa., in favor of House bill 16663, relating to the Federal corporation-tax law; to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal Church of North Girard, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BOWMAN: Petitions of citizens of the State of Pennsylvania, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of Committee of One Hundred, for civil retirement system; to the Committee on Reform in the Civil Service.

By Mr. BRADLEY: Petitions of business men of Middletown, Monticello, and Port Jervis, N. Y., favoring the passage of legislation to increase the powers of the Interstate Commerce Commission in the regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Middletown, Monticello, and Port Jervis, N. Y., remonstrating against the passage of legislation for the establishment of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. BROWN: Petition of St. Paul's Lutheran Church, of Morgantown, W. Va., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of the Methodist Episcopal Church of Clarksboro, N. J., and of the Presbyterian Church of Woodstown, N. J., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Army and Navy Union, for favorable action on House joint resolution 239; to the Committee on Military Affairs.

By Mr. CAMPBELL: Petition of business men of Edna, Kans., protesting against extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Resolution of Chamber of Commerce, Milwaukee, Wis., indorsing Senate joint resolution 72, for an appropriation for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations; to the Committee on Foreign Affairs.

Also, resolutions of the Milwaukee (Wis.) Chamber of Commerce, indorsing the Lever bill for Federal aid to agricultural schools; to the Committee on Agriculture.

By Mr. CURLEY: Petition of citizens of Massachusetts, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. DALZELL: Petitions of First Baptist and First Presbyterian Churches of McKeesport, and of Third Presbyterian Church of Pittsburgh, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of Army and Navy Union, Brooklyn, N. Y., favoring the passage of House joint resolution 239, authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union; to the Committee on Military Affairs.

Also, petition of the Maritime Association of the Port of New York, of New York, N. Y., protesting against the abolishment of or any change in the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVENPORT: Resolutions of the Trades and Labor Council of Henryetta, Okla., indorsing House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. DRAPER: Memorial of Maritime Exchange of New York, protesting against abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DWIGHT: Petitions of First Methodist Episcopal Church of Ithaca, First Methodist Episcopal and Morris Chapel Methodist Episcopal Churches, of Danby, and Methodist Episcopal Churches of South Danby, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FLOOD of Virginia: Petitions of citizens of the State of Virginia, for passage of old-age pension bill; to the Committee on Pensions.

Also, petitions of citizens of the State of Virginia, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition of Grange No. 794, Patrons of Husbandry, for amending the oleomargarine laws; to the Committee on Agriculture.

By Mr. FULLER: Petition of Rockford Central Labor Union, of Rockford, Ill., favoring the passage of the Lloyd bill, assuring to civil-service employees the right of petition, etc.; to the Committee on Reform in the Civil Service.

Also, petition of Archie T. Hay, of Sycamore, Ill., protesting against reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Julia C. Lathrop, Hull House, Chicago, Ill., in favor of the creation of the proposed Federal commission on industrial relations; to the Committee on Labor.

Also, petition of Woman's Christian Temperance Union of Mazon, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GARNER: Petition of citizens of the State of Texas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Resolution of the Maritime Association of the port of New York, protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petitions of citizens of Springfield and Staunton, Ill., for passage of old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of Nokomis, Ill., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Nokomis, Ill., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petitions of United Brethren Church and Trinity Methodist Episcopal Church, of Mount Joy, Pa., urging the enactment into law of the so-called Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petitions of citizens of the State of Maine for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAYES: Petitions of Woman's Christian Temperance Union of Campbell and First Baptist Church of San Jose, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of Board of Trade of San Francisco, Cal., for improvement of the Yosemite Valley; to the Committee on Appropriations.

Also, petition of San Jose (Cal.) Chamber of Commerce, for a greater California Redwood Park; to the Committee on the Public Lands.

By Mr. HELGESEN: Petitions of citizens of the State of North Dakota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Northwest Development League, recommending the passage of laws inaugurating a United States Government domestic immigration policy; to the Committee on Immigration and Naturalization.

Also, resolutions of the 70 members of the Methodist Episcopal Church of Thompson, N. Dak., and by 40 members of the Methodist Episcopal Church of Reynolds, N. Dak., indorsing the passage of Sheppard-Kenyon bill and the Hobson resolution, and condemning any effort to secure the restoration of the Army canteen; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petition of Improved Order of Red Men of Hartford, Conn., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HILL: Petitions of members of Woman's Christian Temperance Union and others of Shelton, Conn., protesting against repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petition of Woman's Christian Temperance Union of Goshen, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOUSTON: Petition of the Murfreesboro (Tenn.) Woman's Christian Temperance Union, for the suppression of the liquor traffic; to the Committee on the Judiciary.

By Mr. HUBBARD: Petition of citizens of the State of Iowa, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of Fred W. Jones and others, of Spirit Lake, Iowa, for total elimination of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Branch No. 69, National Association of Letter Carriers, in favor of House bill 9242; to the Committee on Reform in the Civil Service.

Also, petitions of citizens of the State of Iowa, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petitions of German-American Alliance, of Elizabeth and Newark, N. J., protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petitions of Woman's Christian Temperance Union and churches of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petitions of German-American Alliance, of Elizabeth and Newark, N. J., protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, memorial of the International Dry-Farming Congress, for the Page bill; to the Committee on Agriculture.

Also, petition of First Baptist Church of Hoboken, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KOPP: Petition of citizens of Richland County, Wis., protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LAFFERTY: Petitions of citizens of the State of Oregon, for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of the Christian Church of Big Run, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of Post No. 242, Department of Pennsylvania, Grand Army of the Republic, opposing proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of citizens of Freeport, Pa., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LEVY: Resolution of the Sons of the Revolution in the State of New York, in favor of House bill 15471, appropriating \$30,000 for the repair and preservation of flags at the Naval Academy at Annapolis, Md.; to the Committee on Naval Affairs.

Also, petition of the Woman's Board of Missions of Boston, Mass., urging reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, resolution of the Legislative League of New York, indorsing bill for Federal children's bureau; to the Committee on Labor.

By Mr. LEWIS: Petitions of the members of the First Baptist Church and Trinity Methodist Episcopal Church, of Frederick city, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of citizens of New York, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, resolution of the Maritime Association of the port of New York, protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: Petitions of merchants and citizens of Heyburn, Idaho, and of citizens of Clarkson, Fremont, and Omaha, Nebr., against extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Farmers' Educational and Cooperative Union of America, in favor of a children's bureau; to the Committee on Labor.

Also, resolution of the Woman's Board of Missions of Boston, Mass., favoring bill to reimburse those American citizens who advanced \$66,000 ransom paid to brigands for the release of Miss Ellen M. Stone, a missionary; to the Committee on Claims.

By Mr. LOUD: Petition of Mrs. Julia R. Parish and others, of Bay City, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of A. D. Wyman and others, of East Tamas, Mich., favoring the passage of House bill 16450; to the Committee on the Judiciary.

By Mr. McCALL: Petition of Christian Endeavor Union of Cambridge, Mass., for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. MAHER: Memorial of Maritime Exchange of New York, in opposition to proposed abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of L. S. Tiffany and others, of Chicago, Ill., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Taylor Williams, administrator of Samuel Y. B. Williams, deceased; to the Committee on War Claims.

Also, papers to accompany bill for the relief of the estate of Alexander Smith, deceased; to the Committee on War Claims.

Also, papers to accompany bill for the relief of the heirs of Erban Powell, deceased; to the Committee on War Claims.

Also, papers to accompany bill for the relief of the estate of Robert Langford, deceased; to the Committee on War Claims.

Also, papers to accompany bill for the relief of the estate of Mary A. Henderson, deceased; to the Committee on War Claims.

Also, papers to accompany bill for the relief of the estate of Preston Gann, deceased; to the Committee on War Claims.

Also, papers to accompany bill for the relief of the estate of Martin Hartman, deceased; to the Committee on War Claims.

Also, papers to accompany bill for the relief of the estate of Patrick H. Watkins, deceased; to the Committee on War Claims.

By Mr. NEEDHAM: Petition of citizens of Santa Cruz County, Cal., in favor of House bill 14, for extension of parcel-

post system; to the Committee on the Post Office and Post Roads.

Also, resolution of the Chamber of Commerce of Sacramento, Cal., in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. NEELEY: Petition of certain members of Friends' Church of Haviland, Kans., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NELSON: Petitions of citizens of Cambridge, Wis., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. NORRIS: Petitions of citizens of Upland, Nebr., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. PAGE: Petition of certain citizens of Jonesville, N. C., asking reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. PARRAN: Papers to accompany House bill 19765, granting a pension to Lillie Garner; to the Committee on Pensions.

By Mr. PICKETT: Petition of Albert Seltrecht and others of Dubuque, Iowa, for passage of old-age pension bill; to the Committee on Pensions.

By Mr. POWERS: Papers to accompany bill for Thomas U. Jackson; to the Committee on Invalid Pensions.

Also, petitions of the Woman's Christian Temperance Union, the Christian Church, the Methodist Episcopal Church, the Methodist Episcopal Church South, and the Baptist Church, all of London, Ky., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. RAKER: Petitions of Standard Gas Engine Co. and the Union Gas Co., of San Francisco, Cal., protesting against House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Chamber of Commerce of Sacramento, Cal., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Conservation Commission of California, indorsing House bill 18326; to the Committee on Rivers and Harbors.

Also, petition of Conservation Commission of California, indorsing House bill 18227; to the Committee on the Public Lands.

Also, resolution of the Chamber of Commerce of San Diego, Cal., relative to appointment of special committee; to the Committee on Rules.

By Mr. REDFIELD: Resolution of the Maritime Association of the port of New York, protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Sons of the Revolution in the State of New York, in favor of House bill 15471, appropriating \$30,000 for the repair and preservation of flags at the Naval Academy, Annapolis, Md.; to the Committee on Naval Affairs.

Also, resolution of the Congress Club of Kings County, N. Y., for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Petition of citizens of the State of Connecticut, for passage of old-age pension legislation; to the Committee on Pensions.

Also, petition of the four churches of Clinton, Conn., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the United German Societies of the county of New London, Conn., against any prohibition or interstate liquor legislation now pending; to the Committee on the Judiciary.

By Mr. ROBERTS of Nevada: Petitions of citizens of the State of Nevada, for passage of old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of Beowawe, Nev., favoring passage of House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Memorial of the Allied Banks of Passaic, N. J., for monetary reform; to the Committee on Banking and Currency.

Also, petitions of Woman's Christian Temperance Unions, churches, and Young Men's Christian Associations of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the New Jersey Wood Finishing Co., protesting against duties on certain imports; to the Committee on Ways and Means.

By Mr. SHERWOOD: Petition of members of the Grand Army of the Republic, for passage of the Sherwood pension bill; to the Committee on Invalid Pensions.

By Mr. SIMS: Petition of citizens of Madison County, Tenn., for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of Local No. 1033, Farmers' Educational and Cooperative Union, for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Resolution of the Milwaukee (Wis.) Chamber of Commerce, against any change in present administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the board of directors of the San Francisco Chamber of Commerce, indorsing House bill 16841; to the Committee on Appropriations.

By Mr. SPARKMAN: Petition of citizens of the State of Florida, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of Daughters of the American Revolution of the State of Florida, for establishing a suitable reservation in that State for the Seminole Indians; to the Committee on Indian Affairs.

Also, petition of Lucas & Bros., of Tampa, Fla., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of City Council of Brooksville, Fla., urging construction of a post-office building at that place; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of California: Petition of the Men's Club of Pasadena, Los Angeles County, Cal., in favor of the passage of the Kenyon-Sheppard bill, to withdraw from interstate commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of the Gardena Methodist Episcopal Church, of Los Angeles, Cal., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of N. P. Banks Post, No. 170, Department of California and Nevada, Grand Army of the Republic, against incorporating the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of numerous citizens of Los Angeles, Cal., favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. SULZER: Resolution of Old Guard Camp, United Spanish War Veterans, of New York City, indorsing House bill 17470, providing a pension for the widows and minor children of Spanish War Veterans; to the Committee on Pensions.

Also, petition of citizens of New York, in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Lehigh Valley Railroad Co., New York City, in favor of House bill 16663, relating to the Federal corporation tax law; to the Committee on Ways and Means.

Also, resolution of the Maritime Association of the port of New York, protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Sons of the Revolution in the State of New York, in favor of House bill 15471; to the Committee on Naval Affairs.

Also, memorial of the dairy and agricultural interests of the United States, protesting against certain sections of the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: Petition of members of Improved Order of Red Men of Fort Collins, Colo., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. TILSON: Petition of the United German Societies of the County of New London, against the passage of any prohibition or interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

Also, petition of Frank J. Rice and 30 other members of the Improved Order of Red Men and citizens generally, of Connecticut, in favor of Senate bill 3953 and House bill 16313, providing for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. TUTTLE: Petitions of the Woman's Christian Temperance Union and the Methodist Episcopal Church of Belvidere, N. J., and of the East Baptist Church, of Elizabeth, N. J., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Turnverein of Atlantic City, Elizabeth, and Newark, N. J., against prohibition legislation; to the Committee on the Judiciary.

By Mr. UNDERHILL: Resolutions of the Sons of the Revolution in the State of New York, in favor of House bill 15471, appropriating \$30,000 for the repair and preservation of flags at the Naval Academy, Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. WEBB: Petitions of citizens of Charlotte, N. C., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Delaware Tribe, No. 82, Improved Order of Red Men, Delaware, Ohio, asking for the enactment of an act to provide for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of the American Association of Labor Legislation, asking for the immediate enactment of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of H. B. Conyers and 35 other citizens of Urbana, Ohio, protesting against the enactment of any legislation for the extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of Illinois: Petitions of citizens of numerous States, in favor of House bill 18787, relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia; to the Committee on Labor.

By Mr. WILSON of New York: Memorial of the Congress Club of Kings County, for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of a Catholic society of Chicago, Ill., relative to a certain resolution of inquiry; to the Committee on Indian Affairs.

Also, petition of Tenement House Committee of the Brooklyn Bureau of Charities, for a Federal commission on industrial relations; to the Committee on Labor.

Also, memorial of New York State Assembly, for militia pay bill; to the Committee on Military Affairs.

Also, petition of numerous citizens, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Legislative League of New York, for children's bureau; to the Committee on Labor.

Also, memorial of the Maritime Exchange of New York, protesting against abolishing the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petition of the Reformed Church of Bedminster, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. YOUNG of Kansas: Petitions of citizens of Alton and Lucas, Kans., asking for legislation to prohibit shipping of intoxicating liquor into prohibition territory; to the Committee on the Judiciary.

Also, petition of citizens of Phillips and Norton Counties, Kans., protesting against the passage of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the sixth district of Kansas, asking that a law be passed giving the Interstate Commerce Commission more power to regulate express rates and express classification; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, February 21, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the council of the American Association for the Advancement of Science at a meeting held in Washington, D. C., December 27, 1911, favoring the enactment of a national quarantine and inspection law directed against the introduction and establishment of injurious insects and plant diseases, which was referred to the Committee on Public Health and National Quarantine.

Mr. CRAWFORD presented a petition of sundry citizens of Westport and Barnard, in the State of South Dakota, praying for the adoption of certain amendments to the postal-savings law, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented a petition of sundry citizens of Fowler, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a petition of the Woman's Christian Temperance Union of Pembina, N. Dak., and a petition of sundry citizens of Leal, N. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Bowman, N. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Rolette County, N. Dak., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. CULLOM presented memorials of sundry citizens of Macomb and Alton, in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Post A, Illinois Division, Travelers' Protective Association of America, of Quincy, Ill., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Post No. 374, Department of Illinois, Grand Army of the Republic, of Waukegan, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

Mr. GAMBLE presented a petition of the Woman's Christian Temperance Union of Mitchell, S. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented the petition of Ralph L. Brown, of Aberdeen, S. Dak., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of members of the Commercial Club of Bellefourche, S. Dak., praying for the establishment of an experimental town mail-delivery system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Commercial Club of Bellefourche, S. Dak., praying for the enactment of legislation to better regulate the immigration of aliens, which was referred to the Committee on Immigration.

Mr. JOHNSON of Maine presented petitions of the congregations of the Methodist Episcopal Church of Fairfield; the First Baptist Church of Nobleboro; and the Penny Memorial Church of Augusta; of the Woman's Christian Temperance Unions of St. Albans and Kezar Falls; and of Local Grange No. 369, Patrons of Husbandry, of Nobleboro, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SWANSON presented memorials of the Retail Merchants' Association, the Board of Trade, and of sundry citizens of Lynchburg, all in the State of Virginia, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of O. L. Kent, of Kents Store, Va., praying for the adoption of a parcel-post system, for national aid to good roads, and to prohibit gambling in farm products, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of W. C. Pulliam, secretary of Local Union, Farmers' Cooperative and Educational Union, of Alton, Va., and the petition of J. M. Chaney, secretary of Local Union, Farmers' Cooperative and Educational Union, of Meadville, Va., praying for the enactment of legislation to further restrict immigration, to prohibit gambling in farm products, and for the establishment of a parcel-post system, which were referred to the Committee on Immigration.

Mr. BURTON presented a memorial of Local Grange No. 10, Patrons of Husbandry, of Burton, Ohio, remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Ohio, remonstrating against the adoption of certain amendments to the law regulating the equipment of motor boats, which was referred to the Committee on Commerce.

He also presented a petition of Web Pressmen's Local Union No. 15, of Columbus, Ohio, praying for the enactment of legislation proposing to increase the rate of compensation of pressmen in the Government Printing Office, which was referred to the Committee on Printing.

He also presented a petition of Lemert Post, No. 71, Department of Ohio, Grand Army of the Republic, of Newark, Ohio, praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of the Farmers' Institute of Greenwich, Ohio, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented a petition of members of the Turnverein Vorwärts, of Fort Wayne, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, with the so-called Root amendment, and also for the ratification of a similar treaty with Germany, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of the Alliance of German Societies, of the Saxonia Singing Society, of the Concordia Singing Society, of the Plattdeutscher Verein, and the Turnverein Vorwärts, all of Fort Wayne, in the State of Indiana, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Poneto, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of William Landon Post, No. 290, Department of Indiana, Grand Army of the Republic, of Knox, Ind., and a petition of Chaplain Brown Post, No. 106, Department of Indiana, Grand Army of the Republic, of Valparaiso, Ind., praying for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

Mr. O'GORMAN presented a petition of members of the Central Turnverein, of New York, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of Chenango Council, No. 355, United Commercial Travelers of America, of Norwich, N. Y., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the German-American Central Association, of Elizabeth, N. J., and a memorial of the German-American Central Union, of Wheeling, W. Va., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Binghamton, Endicott, and Prince Bay, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented petitions of Allyn K. Capron Camp, No. 1, of Providence; Rudolph H. Breault Camp, No. 7, of Woonsocket; Robert Brucker Camp, No. 6, of Westerly; and of Rear Admiral Charles M. Thomas Camp, No. 3, of Newport, all of the United Spanish War Veterans, in the State of Rhode Island, praying that pensions be granted to the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented petitions of Allyn K. Capron Camp, No. 1, of Providence; of Rudolph H. Breault Camp, No. 7, of Woonsocket; of Robert Brucker Camp, No. 6, of Westerly; and of Rear Admiral Charles M. Thomas Camp, No. 3, of Newport, all of the United Spanish War Veterans, in the State of Rhode Island, praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the United States Navy or Marine Corps and for the efficiency of the enlisted personnel, which were ordered to lie on the table.

Mr. ROOT presented petitions of the congregations of the Methodist Episcopal Church of West Dryden, of the Methodist Episcopal Church of Freeville, of the Woman's Christian Temperance Union of Enfield, and of members of the Christian Endeavor Union of Rochester, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of the congregations of the Stevenson Methodist Episcopal Church, of Berlin; the Methodist Episcopal Church and the Methodist Protestant Church of Sharptown, and of the Woman's Christian Temper-

ance Unions of Berlin, Denton, Baltimore, and Hurlock, all in the State of Maryland, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of members of the Turnverein of Fort Wayne, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, with the so-called Root amendment, and also for the ratification of a similar treaty with Germany, which was ordered to lie on the table.

He also presented the memorial of John Knitzele, of Michigan City, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of William Landon Post, No. 290, Department of Indiana, Grand Army of the Republic, of Knox, Ind., and a petition of Chaplain Brown Post, No. 106, Department of Indiana, Grand Army of the Republic, of Valparaiso, Ind., praying for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented memorials of the Alliance of German Societies, of the Saxonia Singing Society, of the Concordia Singing Society, of the Plattdeutscher Verein, and the Turnverein Vorwärts, all of Fort Wayne, in the State of Indiana, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of sundry citizens of Creighton, Nebr., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry members of the National Guard, residents of Schuyler, Osceola, Blair, and Beaver City, all in the State of Nebraska, praying for the passage of the so-called militia pay bill, which were referred to the Committee on Military Affairs.

He also presented the memorial of Andrew J. Plumer, of Lincoln, Nebr., remonstrating against the present application of the so-called Carey Act and praying that an investigation be made as to whether the State of Nebraska has been discriminated against in reference thereto, which was referred to the Committee on Public Lands.

Mr. BURNHAM presented a petition of members of the City Council of Portsmouth, N. H., praying that an appropriation be made for the survey of the Piscataqua River and Portsmouth Harbor in that State, which was referred to the Committee on Commerce.

Mr. DU PONT presented a petition of the Zion Woman's Christian Temperance Union, of Milton, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of Local Lodge No. 704, Brotherhood of Railroad Trainmen, of Bellows Falls, Vt., praying for the adoption of a certain amendment to the bill regulating the number of trainmen employed on locomotives engaged in interstate commerce, which was referred to the Committee on Interstate Commerce.

Mr. CLAPP presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of St. Paul, Minn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, and also for the ratification of a similar treaty with Germany, which was ordered to lie on the table.

He also (for Mr. LA FOLLETTE) presented memorials of sundry citizens of West Bend, Dallas, Middletown, Ciam Falls, Clyman, and Lone Rock, all in the State of Wisconsin, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented memorials of sundry citizens of Oshkosh, Edgerton, and Albion, all in the State of Wisconsin, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also (for Mr. LA FOLLETTE) presented a petition of Local Union No. 5843, American Society of Equity, of Hamburg, Wis., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented a petition of the Municipal Council of Valdez, Alaska, praying that an appropriation of \$1,000,000 be made for the construction of permanent roads and trails in that Territory, which was referred to the Committee on Territories.

He also (for Mr. LA FOLLETTE) presented a memorial of sundry citizens of Oshkosh, Wis., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented resolutions adopted by the City Council of Two Harbors, Minn., favoring an investigation of alleged combination between wholesale dealers in coal of Duluth and Superior, Minn., in restraint of trade, which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 2429) for the relief of Milton C. Connors and George G. Connors, doing business under the firm name of Connors Bros., submitted an adverse report (No. 396) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 1638) for the relief of the heirs of Charles N. Gregory, deceased, submitted an adverse report (No. 397) thereon, which was agreed to, and the bill was postponed indefinitely.

EMPLOYERS' LIABILITY (S. DOC. NO. 338).

Mr. SMOOT. From the Committee on Printing, I report back Senate concurrent resolution 11, submitted yesterday by the Senator from Utah [Mr. SUTHERLAND], with an amendment in the nature of a substitute, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendment was to strike out all after the resolving clause and to insert:

That there be printed 10,000 additional copies of the message of the President of the United States transmitting the report of the Employers' Liability and Workmen's Compensation Commission, together with the hearings held before the commission, of which 2,500 copies shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 2,500 copies for the use of the Committee on the Judiciary of the Senate; and

That there be printed as a Senate document, in one pamphlet, 25,000 copies of the message and report only, of which 5,000 copies shall be for the use of the Senate, 12,500 copies for the use of the House of Representatives, and 7,500 copies for the use of the Committee on the Judiciary of the Senate.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 5416) to regulate the admission of aliens into the United States; to the Committee on Immigration.

By Mr. JOHNSON of Maine:

A bill (S. 5417) for the relief of George Lemuel Turner; to the Committee on Claims.

A bill (S. 5418) granting a pension to Delia Schofield; and

A bill (S. 5419) granting an increase of pension to Elisha G. Norton (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5420) for the relief of Henry A. V. Post, individually and as liquidating partner of the firm of Clark, Post & Martin; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 5421) for the relief of David R. Mister; to the Committee on Claims.

A bill (S. 5422) granting an increase of pension to Winfield S. Bruce; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 5423) for the relief of Emma Morris; and

A bill (S. 5424) for the relief of Joseph Kuehne; to the Committee on Claims.

A bill (S. 5425) granting a pension to John C. McIntire; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 5426) granting an increase of pension to Horace W. White (with accompanying papers); and

A bill (S. 5427) granting an increase of pension to John Savage (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 5428) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909; to the Committee on Public Lands.

By Mr. PERKINS:

A bill (S. 5429) to amend the laws relating to navigation (with accompanying paper); to the Committee on Commerce.

By Mr. JONES:

A bill (S. 5430) authorizing the Bureau of Forestry to cooperate with the University of the State of Washington in the investigation of the best methods of distillation applicable to Douglas fir and other northwest timber, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 5431) to regulate the hours of labor of clerks in first and second class post offices; to the Committee on Post Offices and Post Roads.

By Mr. OLIVER:

A bill (S. 5432) for the relief of the Philadelphia & Reading Coal & Iron Co. and Walston H. Brown; to the Committee on Claims.

A bill (S. 5433) for the proper recognition of the services rendered by Herman Haupt during the Civil War; to the Committee on Military Affairs.

By Mr. KERN:

A bill (S. 5434) granting a pension to Sarah L. Craig; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5435) granting an increase of pension to Marshall Canfield;

A bill (S. 5436) granting an increase of pension to Andrew B. Keith;

A bill (S. 5437) granting an increase of pension to John Groves;

A bill (S. 5438) granting an increase of pension to Martha E. Jackson; and

A bill (S. 5439) granting a pension to Kate G. Morris; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5440) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

By Mr. WARREN:

A joint resolution (S. J. Res. 79) authorizing the Secretary of the Interior to lease certain coal deposits in the State of Wyoming; to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate \$20,040 for the support and education of 120 Indian pupils at the school at Hampton, Va., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the salary of one clerk in the executive office of the Commissioners of the District of Columbia from \$1,300 to \$1,400, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WORKS submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

WITHDRAWAL OF PAPERS—WILLIAM P. ARMSTRONG.

On motion of Mr. JONES, it was

Ordered, That leave be granted to withdraw from the files of the Senate, without leaving copies, the discharge papers in the case of William P. Armstrong, late of Battery H, Third Regiment United States Artillery, War with Spain, Senate bill 9868, third session Sixty-first Congress, no adverse report having been made thereon.

AFFAIRS WITH COLOMBIA.

Mr. HITCHCOCK. I send the following resolution to the desk and ask that it be read.

The resolution (S. Res. 226) was read, as follows:

Resolved, That the Committee on Foreign Relations be, and it is hereby, directed to ascertain and report to the Senate the facts relating to the claim of the Republic of Colombia against the United States arising out of the formation and recognition of the Republic of Panama and the cession of the Panama Canal strip to the United States, including in said report the correspondence between the United States and Colombia relative to arbitration.

Mr. HITCHCOCK. If there is no objection from the chairman or members of the Committee on Foreign Relations, I should like to have the resolution adopted instead of being referred to the committee.

Mr. LODGE. I should like to hear the resolution again read. My attention was diverted.

The VICE PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution.

Mr. LODGE. That, I think, is executive business.

The VICE PRESIDENT. The question is on the present disposition of the resolution which is presented.

Mr. LODGE. I make the point of order that it ought to be offered in executive session. It relates to executive business entirely.

Mr. HITCHCOCK. Mr. President, the resolution I have submitted is proper business for public consideration. The information once secured would be executive business.

The VICE PRESIDENT. It seems to the Chair that the resolution is properly here now, and the question is whether it shall be acted on at once or referred.

Mr. LODGE. I think it ought to be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. It will be referred to the Committee on Foreign Relations.

EXPENSES IN THE PHILIPPINES.

Mr. OVERMAN submitted the following resolution (S. Res. 224), which was read and referred to the Committee on the Philippines:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to send to the Senate a statement of the amount of money expended by the United States in, for, and on account of the Philippine Islands since the 1st day of July, 1902, including expenses of building roads, fortifications, equipment, supplies, and military operations.

PRESERVATION OF NIAGARA FALLS.

Mr. BURTON submitted the following resolution (S. Res. 227), which was read and referred to the Committee on Printing:

Resolved, That there be printed, in the form of a single document, 2,000 copies of Senate Document No. 105, Sixty-second Congress, first session, and Senate Document No. 246, Sixty-second Congress, second session, relating to the preservation of Niagara Falls.

SENATOR FROM WISCONSIN.

The VICE PRESIDENT. The morning business is closed.

Mr. HEYBURN. Mr. President, I ask the Senate to proceed to the consideration of the question of the highest privilege.

The VICE PRESIDENT. The Secretary will state it.

The SECRETARY. Order of Business 299, Senate resolution 236, a resolution directing the Committee on Privileges and Elections to investigate certain charges relative to the election of ISAAC STEPHENSON.

The VICE PRESIDENT. Unless some action by the Senate to the contrary is taken, the Chair thinks the proper procedure is to continue the reading of the reports, which was begun yesterday.

Mr. HEYBURN. The regular order.

The VICE PRESIDENT. The Secretary will proceed with the reading.

The Secretary read as follows:

VIEWS OF MR. POMERENE AND MR. SUTHERLAND.

The Senate Committee on Privileges and Elections authorized and directed its subcommittee "to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and to report whether 'there was used or employed corrupt methods or practices' in his election."

Without intending to specifically enumerate the charges made or to review in extenso the evidence in support or in refutation thereof, it will be sufficient for our purpose to classify the charges and evidence pertaining thereto as follows:

First, those connected with the proceedings of the legislature affecting the election; and,

Second, those growing out of the primary election.

PROCEEDINGS OF THE LEGISLATURE.

Each house, pursuant to the Federal statute, convened for the election of the United States Senator on January 26, 1909. The senate consisted of 33 members and the assembly of 100 members. Thirty-three members of the senate were present, and before balloting passed a resolution providing that "any senator who does not wish to vote for a candidate may vote by answering 'present.'" The roll was called, and 17 senators voted for candidates, 12 of whom voted for ISAAC STEPHENSON. The 16 other senators simply voted "present." In other words, a quorum, in the language of the statute, voted for "one person for Senator in Congress," and of this quorum ISAAC STEPHENSON received a majority. While the vote "present" of the 16 senators was in accordance with the resolution passed, we do not believe it could either add to or detract from the requirements of the statute. All members, no doubt, should have voted for "some person," but 16 voted "present," which was equivalent to a blank vote.

In the language of the majority of the committee in *Ransom v. Abbott*, "Senate Election cases," page 400, "The vote must be for a person, not a blank—in fact, not for a myth, but for a person."

Without intending to review the authorities, it is clearly established that "votes knowingly cast for a candidate who can not possibly exercise the function of the office if elected are thrown away." (*State ex rel. Bancroft v. Frear*, 144 Wis., 87.) And if this be true it must follow that a mere vote of "present" is nothing more than a vote for "no person," or, in other words, a "blank," and should not, therefore, be counted in determining whether Senator STEPHENSON received a majority of the quorum of those who voted for "one person for Senator," and thereby complied with the letter and spirit of the statute.

For other authorities bearing upon this proposition see *Sawyer v. Makie* (149 Mass., 269); *Cooley on Constitutional Limitations* (1932,

Note 1); *Rushville Gas Co. v. Rushville* (6 L. R. A., 315); *Hopkins v. Duluth* (81 Minn., 189); and *Commonwealth v. Cluley* (56 Pa. St., 270).

On the same day in the assembly 82 votes out of the 100 assemblymen were cast, and ISAAC STEPHENSON received 60 out of the 82 votes. He, therefore, received, in our judgment, "a majority of the whole number of votes cast in each house." The vote thus cast was entered upon the journal of the senate and of the house. In conformity with the provisions of the Federal statute, the members of the two houses convened at 12 o'clock noon, on the day following, in joint assembly. The journal of each house was read, and showed the result of the balloting on the previous day in each house separately, as hereinbefore stated. Having received a majority of all of the votes cast in each house, it was the duty of the presiding officer to declare Senator STEPHENSON duly elected. This was purely a ministerial duty, and the mere fact that he failed to perform that duty could not, under any legal principle, undo that which was legally done in the separate and joint sessions, and, except for this failure of the presiding officer, was completely done.

Instead of declaring the result, over the protest of Senator Hudnall, a ballot was ordered and taken on that day and on each succeeding day until and including the 4th day of March, 1909. Prior to March 4 no one in any of the sessions received a majority of the votes cast. On March 4 there were 123 votes cast, of which ISAAC STEPHENSON received 63, and he was then declared duly elected.

CHARGES OF CORRUPTION IN ACTION OF GENERAL ASSEMBLY.

Charges of corruption were made to the effect that—

(a) Assemblyman Leuch was offered money to go upon the floor and vote for the purpose of effecting a quorum;

(b) That Assemblyman Joseph Damochowski had been offered \$1,500 for his vote; and

(c) That Assemblymen Farrel, Ramsey, and Towne absented themselves from the joint session of the joint assembly on March 4 through corrupt influences.

CHARGE AS TO ASSEMBLYMAN LEUCH.

He testified that David H. Davies, on March 1, 1909, said: "I have authority to tell you that you can have anything you want if you will stay in the joint convention to-day and vote." Mr. Davies denied having any such conversation, and swore that he neither authorized nor was in a position to pay or promise Mr. Leuch anything whatsoever. Whether this conversation occurred or not, there is no evidence connecting it directly with Senator STEPHENSON, or even indirectly through any authorized agent.

CHARGE AS TO ASSEMBLYMAN DAMOCHOWSKI.

There was testimony to the effect that Joseph A. Damochowski had said to several parties that he had been offered \$1,500 for his vote in the assembly. He admitted that he had so stated upon several occasions, but in explanation thereof said that any statements he made to that effect were in jest, and that no such offer was in fact made. Outside of these admitted statements, there was no evidence either that any bribe had been offered to or received by him, and no evidence tending to connect Senator STEPHENSON or his managers with this alleged attempt to bribe.

MEMBERS ABSENTING THEMSELVES ON MARCH 4.

On March 4, 123 members of the joint assembly were present and voting. Sixty-three members, being a majority of those voting, cast their ballots for Mr. STEPHENSON, and, having for the first time received a majority of those voting in the joint session, he was duly declared elected.

We think it is fair to say that the record shows that an effort was made by some of the friends of Mr. STEPHENSON either to pair some of those who were opposed to STEPHENSON's election with those who were absent and favorable to his election, or to secure the absence of those who were opposed to his election, for the purpose of reducing the number who might be in the joint session and voting, and thereby enable those who were favorable to his election to have a majority of the votes cast.

Richard J. White, a friend of Mr. STEPHENSON, succeeded in pairing Ramsey, a Democrat, who was opposed to STEPHENSON's election, with Mr. Fenelon, who was a supporter of Mr. STEPHENSON and because of sickness was not able to attend the session.

Towne, a Democrat, left the chamber just before the voting began and was taken into a cloakroom by C. C. Wayland, one of Mr. STEPHENSON's lieutenants, and there held in conversation while the balloting was going on, and we have no doubt that Wayland purposely detained him, and Towne—to say the least—was indifferent about the situation.

Farrel left the assembly room before the roll was called and went to a café for luncheon, and did not return until some time after the result of the election had been declared. The absence of Towne and Farrel while the joint assembly was in session is not consistent with their duties as assemblymen, nor is their explanation satisfactory. But, whatever the facts may be, there is no evidence in the record, nor any obtainable, so far as the committee knows, which would justify the conclusion that the absence of any of these three men was secured by corrupt means. It was necessary for Ramsey, Farrel, and Towne all to have been present and voting in order to prevent STEPHENSON from having a majority vote in the session. The other seven absentees were satisfactorily accounted for, and no suspicion, so far as we know, attaches to them.

We therefore conclude:

First, that the election in fact occurred on January 26, 1909; and
Second, that there is no evidence justifying the conclusion that corrupt "methods or practices" were employed in securing the vote on March 4, 1909, even if it should be held that the election took place on March 4.

PRIMARY ELECTION IRREGULARITIES.

Senator STEPHENSON's account filed with the secretary of state shows that there was expended by him and through his committee in connection with the primary election \$107,793.05. He received 56,909 votes, which cost him \$1.89 for every vote cast.

These expenditures, for the purpose of this report, may be divided into the following classes:

First, moneys paid out to persons employed by him or in his behalf to circulate nomination papers in order to get the number of signatures required by the Wisconsin statutes before his name could be placed upon the ticket;

Second, moneys paid out as follows:

- (a) to newspapers for political advertising;
- (b) for editorial support;
- (c) for lithographs, campaign material, postage, telephone, telegraph, and express charges;
- (d) office expenses, including rent, clerk hire, and assistants.

Third, payment for services of speakers, hall rent, music, and for men devoting their time and efforts in cultivating Stephenson sentiment throughout the State;

Fourth, moneys expended for workers at the polls, and for conveyances and services in getting out the voters;

Fifth, for drinks and cigars;

Sixth, money given to C. C. Wellensgard, L. L. Bancroft, and Thomas Reynolds, who were candidates for the legislature, to be used by them in the interest of Senator STEPHENSON;

Seventh, money paid to the game warden, John W. Stone, for use in the Senator's campaign;

Eighth, \$2,000 contributed by Senator STEPHENSON to the State campaign committee for general election purposes; and

Ninth, expenses incurred during the session of the general assembly in opening and maintaining headquarters at Madison from the beginning of the session until after March 4, 1909, and for hotel bills and traveling expenses.

No part of the contribution to the general campaign committee or the expenses incident to the headquarters during the session of the general assembly were ever reported to the secretary of state.

The above we believe to fairly represent the different classes of expenditure which were disclosed by the evidence.

There was no evidence before the committee from which it could be fairly concluded that any of this money was expended for "corrupt methods or practices," unless those recited are to be construed as corrupt under the provisions of the Wisconsin statutes.

MANAGEMENT OF THE CAMPAIGN.

The testimony showed that Senator STEPHENSON had on deposit in the Marshall & Hilsley Bank \$50,000, which was used in the campaign, with other added as required. His campaign was in charge of E. A. Edmonds, J. H. Puelicher, and Rodney Sackett.

There are 71 counties in the State and 2,200 election precincts. The method of the managers was to employ a lieutenant or campaign manager in each of the counties. In several instances one man had charge of a number of counties. Arrangements were made with these managers by which sums of money would be placed in their hands varying from \$100 or several hundred dollars to several thousand dollars. In some instances the manager was not given, and would not accept, compensation for his services. In others definite arrangements were made for the amount of compensation the manager was to receive, and in many cases the manager would determine and retain for himself such sum or sums as he deemed proper. It is quite clear that a very substantial part of the money expended in the organization of the several counties never went beyond the pockets of those who received it. The money expended by these managers, so far as the testimony discloses, was for one or more or all of the purposes above described.

WISCONSIN ELECTION STATUTES.

The Wisconsin statutes defining election offenses are fully set forth on pages 10, 11, and 12 of the views submitted by Senator HEBURN, chairman of the subcommittee, and it will not be necessary, therefore, to insert them here.

APPLICATION OF THE LAW TO THE FACTS—NOMINATION PAPERS.

Before a candidate for office is entitled to have his name placed upon the ticket at a primary the Wisconsin statute requires that petitions or nomination papers shall be filed, signed by at least 1 per cent of the voters of his party in at least each of six counties in the State, and in the aggregate not less than 1 per cent nor more than 10 per cent of the total vote of his party in the State.

The testimony shows that Senator STEPHENSON hired and paid men to circulate his nomination papers in order to get the required number of signatures, but there was no evidence showing that any money was paid, in the language of the statute, to induce anyone to sign his nomination papers, and we do not think it was seriously claimed by those who were interested in the instigation of these proceedings that any money was unlawfully expended for this purpose.

EXPENDITURES OF MONEY DURING THE PRIMARY CAMPAIGN.

Was it a violation of the statute to pay out money for political advertising in the newspapers, or for editorial support, or for lithographs, campaign material, or for telegraph, telephone, or express charges, or for office expenses, including rent and hire of assistants, or for the hiring of speakers, halls, rent, music, and for men devoting their time and efforts to cultivating Stephenson sentiment throughout the State, or to pay workers at the polls, or for conveyances and services in getting out the voters, or for money for drinks and cigars given in a social way during the campaign?

A careful examination of the bribery statutes of Wisconsin will indicate clearly that the expenditures of money of the character recited only comes within the inhibitions thereof, when they are made corruptly, unless section 298 forbids it. This section reads:

"Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any caucus mentioned in this act, or who shall give or offer to give any valuable thing or bribe to any officer, inspector, or delegate, whose office is created by this act, or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention * * * shall be deemed guilty of a misdemeanor," etc.

None of these expenditures can come within any of the provisions of this section, unless it be a violation of this language: "or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention."

It should be stated that by sections 39 and 40 of the election laws of Wisconsin the criminal penalties applying to a caucus and elections are made applicable to primary elections.

If the words "to give any valuable thing" are to be given a comprehensive and literal interpretation, and to prohibit the giving or offering of "any valuable thing," "as a consideration for some act" to be done, it would not have been necessary to write into the statute the words "or bribe," because the former expression would include the latter. The purpose of the statute is evidently to prohibit corrupt giving.

Words of a general import in the statute are limited by words of restricted import immediately following and relating to the same subject." (36 Cyc., 1119, *Nance v. Southern R. R. Co.*, 149 N. C. 366.)

"In interpreting a statute, where the language is of doubtful meaning, the court will reject an interpretation which would make the statute harsh, oppressive, inequitable, or unduly restrictive of primary private rights." (*Nance v. Southern R. R. Co.*, 149 N. C. 366.) To the same effect, *State ex rel. v. Jackson*, 168 Indiana, 389.

Again, section 4543-C requires the filing of accounts of expenditures of a candidate. This must contemplate that there are expenditures which can not in anywise be regarded as a violation of the Wisconsin

laws. If a literal interpretation is to be given to the words, "any valuable thing" * * * as a consideration for some act to be done," and some expenditures be prohibited, whether morally corrupt or in-correct, would the legislature require the candidate to convict himself by filing an account? This is a criminal statute, and it must be strictly construed against the State and in favor of the defendant when charged with its violation.

Applying these rules, therefore, it would seem that the statute prohibited the giving of any valuable thing corruptly or in the nature of a bribe.

We have no sympathy whatever with the expenditure of money in excessive amounts, whether in a senatorial or any other political campaign. That an expenditure of \$107,793.05 is an excessive amount to be spent in the candidacy for the office of United States Senator, which pays a salary for six years' service amounting to \$45,000, goes without question; that it is demoralizing and should be prevented can not be denied; that some of this money might have been spent corruptly may, for the sake of the argument, be conceded, but it is not sufficient that possible or even probable corruption or bribery exists. The evidence must show it, and this case, like all other cases, must be determined from the facts as they are disclosed in the trial and under the law as it then existed. The committee, proceeding upon the assumption that the expenditure of so large a sum of money required the fullest investigation and explanation, probed every rumor and followed every clew which was brought to its attention, with the result that no evidence was discovered which would justify the conclusion that any of this sum of money was corruptly or illegally spent.

At the time of this primary there was no statute, either State or National, limiting the amount of expenditures. There is no judicial or legislative decision, so far as we are advised, limiting the amount which may be legally expended. Can we, in the face of the fact that the Congress of the United States and the General Assembly of the State of Wisconsin prior to this election failed to limit election expenditures, now arbitrarily determine that because this sum was spent it was illegally and fraudulently expended, and therefore vacate the Senator's seat? Can it be said that the expenditure of such a sum is in contravention of a public policy which must be given the force and effect of a statute? If so, where does public policy draw the line between what shall be a legal and an illegal amount? The situation is unfortunate, but the Congress and the State legislature are to blame for not having limited the expenses by statute. Laws can not be enforced retroactively, and surely this case must be decided in accordance with what the law then was and not in accordance with what the law ought to be. Since that election the State of Wisconsin has limited the amount of expenditure in a senatorial campaign to \$7,500 and the Federal Government has limited it to \$10,000.

EFFECT OF THE PRIMARY LAW.

It is strenuously argued on behalf of Senator STEPHENSON that even if the primary law of Wisconsin was violated its provisions are unconstitutional, because section 3 of Article I of the Federal Constitution provides that Senators shall be chosen by the legislature and because section 4 gives Congress the right to prescribe the time and manner of holding elections for Senators and that this power has been exercised by the Congress in the manner prescribed by sections 14 and 15 of the Revised Statutes of the United States.

The Wisconsin primary law, in substance, provides (chap. 451, Laws of 1903) as follows:

"Party candidates for the office of United States Senator shall be nominated as other State officers. (Subdivision 3 of sec. 2.) Nomination papers for candidates for the office of United States Senator shall be filed in the office of the secretary of state. (Subdivision 1 of sec. 6.) The person receiving the greatest number of votes at the primary as the candidate of the party for the office voted for shall be the candidate of that party for such office (subdivision 1, sec. 18), and the secretary of state is required to publish in the official State paper a statement of the result of the canvass of the primary as soon as the same is certified to him."

These are all of the requirements found in the Wisconsin law pertaining to the nomination of party candidates for the office of United States Senators.

May the people of a sovereign State not provide for a method of expressing their sentiment in the selection of a Senator who shall represent that State in the United States Senate? May they not petition in such form and manner as to them may seem proper? And if it is their desire to so petition, may they not prescribe the method of petitioning so as to make the result of this petition, whether it be in the form of a letter to the members of the general assembly or in the form of a primary, an honest expression of their views?

The constitutionality of the above provisions of the Wisconsin law was passed upon by the supreme court of that State in the case of *State ex rel. Van Alstine v. Frear* (142 Wis., 320). On page 349 Barnes, J., in delivering the opinion of the majority of the court, says:

"Our constitutions, State and National, guarantee the right of petition. Every citizen of the State has the right to petition the legislature asking that the candidate of his choice be elected United States Senator. Every citizen of a senatorial or assembly district has the right to petition his local representative to the same effect. The law-maker is thus advised of public sentiment, a potent factor for him to consider in connection with other matters in arriving at a conclusion. Wherein does the primary nomination for United States Senator differ from the exercise of the right of petition? The legislative candidate is thereby informed of something that he has the right to know and of something that it is his duty to heed. He may not regard the verdict at the polls as obligatory, but should treat it as advisory. Moral suasion may be a perfectly legitimate agency to employ even in the election of a United States Senator. That the electors in the exercise of their guaranteed right of petition might do in substance and effect what they now do at the primaries hardly admits of controversy. The framers of the Constitution could not have supposed that there was any impropriety in the people advising their representatives of how they desired them to vote on the senatorship, else an exception would have been incorporated in the clause guaranteeing the right of petition, restricting its application to matters other than the election of United States Senators."

It will be conceded that while the result of a primary election, under the present constitutional provisions, could not control the State senators and representatives in their choice of a United States Senator, would not an expression of the will of the people at a primary election have great weight with their representatives in casting their votes? And, if this be so, ought not the primary election held to declare this choice be carefully guarded by suitable penalties? We have no hesitancy in saying that if the evidence disclosed the use of corrupt methods

at the primaries, it would affect the result of the election by the general assembly, and the Senate would be justified in taking cognizance of that fact and unsentencing any Senator who was thus delinquent.

MONEYS GIVEN TO CANDIDATES FOR THE LEGISLATURE.

The testimony disclosed that Senator STEPHENSON, before the primary, gave money to C. C. Wellensgard, L. H. Bancroft, and Thomas Reynolds, who were then candidates for the legislature. They did not live in the same district or county with Mr. STEPHENSON. They were his personal friends. The money was given them to be used in behalf of Senator STEPHENSON for the nomination as the Republican candidate for Senator.

It may be said that this money was probably used by these men to further their own interests, as well as to further the interests of Mr. STEPHENSON. But, whether it was so used or not, there is no evidence that it was so used, or that it was given to them for that purpose.

On the contrary, the affirmative and uncontradicted testimony is all to the effect that this money was used strictly in the interest of Mr. STEPHENSON and none of it to further the interest of any of the legislative candidates.

MONEY PAID TO GAME WARDEN JOHN W. STONE.

Mr. STEPHENSON's campaign managers gave to John W. Stone, the game warden of the State, \$2,849.50 for campaign purposes. This was distributed among a number of the deputy game wardens; he retained some portion of it himself, and in testifying before the legislative committee falsely stated the amount he had paid out.

Section 990-28 (sec. 28, ch. 363, 1905) provides:

"No officer, agent, clerk, or employee under the government of the State shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution, or political service, whether voluntary or involuntary, for any political purpose whatever, from any officer, agent, clerk, or employee of the State."

This statute makes it an offense for any officer, agent, clerk, or employee under the government of the State to solicit or receive any assessment, subscription, or contribution, or political service from any officer, agent, clerk, or employee of the State. It is clear that this statute was not violated by Senator STEPHENSON, since he was not an officer, agent, clerk, or employee of the State. Moreover, the statute makes it an offense on the part of the recipient of the fund only. No offense is committed by the donor. It is true, the money should not have been paid to the game warden, and the giving of it does not show that fine discrimination which ought to be characteristic of men who are engaged in a campaign of this character. No law was violated by the donor, and this election can not be declared illegal because this expenditure was made.

FILING OF ACCOUNTS.

Section 4543-C of the revised statutes of Wisconsin requires the making out and filing with the secretary of state a statement in writing, subscribed and sworn to by the candidate "setting forth in detail each item in excess of \$5 in money, or property contributed, disbursed, expended, or promised by him, and to the best of his knowledge and belief by any other person or persons for him, or in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other person at said election, the dates when, and the persons to whom, and the purpose for which all said sums were paid, expended, or promised by such candidate in any sum or sums whatever."

Mr. WILLIAMS. Mr. President, this seems to be a very interesting document to those who are present. I would suggest the absence of a quorum.

The VICE PRESIDENT. And the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	McCumber	Shively
Bailey	Dillingham	McLean	Smith, Ga.
Borah	du Pont	Martin, Va.	Smith, S. C.
Bourne	Fletcher	Martine, N. J.	Smoot
Brandeggee	Foster	Myers	Stephenson
Bristow	Gallinger	Nixon	Sutherland
Brown	Gamble	O'Gorman	Swanson
Bryan	Gardner	Oliver	Thornton
Burnham	Gronna	Overman	Tillman
Burton	Heyburn	Page	Townsend
Chamberlain	Johnson, Me.	Perkins	Warren
Chilton	Johnston, Ala.	Poinexter	Watson
Clapp	Jones	Pomerene	Williams
Clark, Wyo.	Kenyon	Rayner	Works
Crawford	Kern	Richardson	
Cummins	Lodge	Root	

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum of the Senate is present.

HOOR OF MEETING TO-MORROW.

Mr. GALLINGER. I move that when the Senate adjourns to-day it be to meet at 12 o'clock to-morrow.

The motion was agreed to.

SENATOR FROM ILLINOIS.

Mr. CRAWFORD. Mr. President, I desire to propound an inquiry to the Committee on Privileges and Elections.

If we are to read these reports extensively, and then enter into an extensive debate—as we probably shall in this case—over the testimony, which is quite voluminous, it is apparent that, admitting it to be a question of the highest privilege, claiming the attention of the Senate, it will occupy the attention of the Senate for a considerable period. There is another case, similar in character, where the testimony is still more voluminous than it is in this case and a mass of testimony has been taken that will tax the patience of the Senate. Yet, while the hearings have been closed, we have no report in that case.

My inquiry is as to when we may expect a report in the Lorimer investigation. Some of us may wish to begin the examination of that testimony, and it would be very helpful in that connection to have the conclusions of the committee.

Mr. DILLINGHAM. Mr. President, in answer to the inquiry of the Senator from South Dakota, I will say that the time has been granted to counsel of Mr. LORIMER for filing briefs first on a legal question that he raises as to the previous action of the Senate, which brief is to be filed by the 1st of March, and an additional brief upon the facts in the case, to be filed not later than the 15th of March. The committee have agreed to take up the matter after that, on the 23d, and proceed with the examination of the matter with reference to making a report.

I will say, further, that the counsel employed by the committee have been engaged in the very laborious task of trying to condense this vast mass of testimony. The number of printed pages already issued of that testimony runs up to nearly 9,000. They have eliminated from that much of the conversation and have tried to bring the testimony down into something like a narrative form, and that will be issued in one volume. It is substantially ready to go to the printer at the present time.

Mr. CRAWFORD. So we may have the condensation soon?

Mr. DILLINGHAM. It will be available for the use of the Senate very soon. The index has been, I think, prepared, but of course the pages could not be attached until the proofs came from the Printing Office. Considering the amount of testimony taken, the time that has been devoted to the work, and everything I think in the dates I have mentioned we have been very reasonable indeed. There is no disposition on the part of the committee to hold the matter back, I want to assure the Senator.

Mr. CRAWFORD. I thank the Senator very much for the information.

Mr. DILLINGHAM. Those of us who have the burden upon our shoulders will be just as anxious to make progress and have action taken by the Senate as anyone can be. I understand that the Senator's question was not by way of criticism, and it did not call out this remark.

Mr. CRAWFORD. Certainly not. Is it practicable to indicate about how long after the brief is filed that we may expect a report?

Mr. DILLINGHAM. It is going to take a good deal of work to analyze the testimony, to harmonize it, and cast out what does not seem to be material or trustworthy. We want to do it intelligently, and we want to make reports, whatever they may be, that, at all events, will entitle us to respect and to the respect of the Senate. I am unable to state what length of time will be required, but there is a disposition on the part of every member of the committee to be as diligent as possible in the matter.

Mr. CRAWFORD. I realize that the duties of the committee have been very burdensome and onerous. I also realize the fact that members of the Senate who desire to examine the testimony have no small task ahead of them, and if we expect to conclude the case within the ordinary life of a Member of the Senate we want to get the testimony and findings and report at the earliest practicable date.

Mr. DILLINGHAM. I think the best wish we can offer to the Senator is that he will live until he does.

Mr. CRAWFORD. I thank the Senator.

LANDS IN OREGON.

Mr. JONES. I ask leave to submit a report from a committee. I report back from the Committee on Public Lands the bill (S. 3225) providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon, without amendment, and I submit a report (No. 398) thereon.

WITHDRAWAL OF PAPERS—THOMAS J. CARTWRIGHT.

Mr. KERN. I should like to ask unanimous consent to have an order made for the withdrawal of papers.

The VICE PRESIDENT. Without objection, the order will be received.

On motion of Mr. KERN, it was.

Ordered, That the papers in the case of Thomas J. Cartwright (S. 4827, 62d Cong., 2d sess.) be withdrawn from the files of the Senate, no adverse report having been made thereon.

INQUIRY CONCERNING APACHE INDIANS.

Mr. HEYBURN. I ask unanimous consent to submit a resolution, which I ask may be printed in the Record and lie on the table.

The VICE PRESIDENT. Without objection the resolution will be read.

Mr. WILLIAMS. One moment, Mr. President—

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (No. 228) as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with the following information:

First. How many Apache Indians are now held as prisoners of war at the Fort Sill (Okla.) Reservation?

Second. How many of the said Indians are males and how many are females?

Third. How many of said male Indians are under 40 years of age?

Fourth. How many of said Indians are known, at any time prior to their capture, to have been engaged in hostilities against the United States or to have committed acts of violence against citizens or residents of the United States?

Fifth. The names, ages, present condition of health, and general conduct of the Indians coming under the terms of the last paragraph.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WILLIAMS. Mr. President, the matter that is being read to the Senate by request of the Senator from Idaho is so important that I feel I must object to other business being intruded at this time.

The VICE PRESIDENT. The resolution will go over.

Mr. HEYBURN. I had not asked for its consideration. I asked that it lie on the table.

Mr. WILLIAMS. I do not care what the Senator asked; I object.

The VICE PRESIDENT. It will lie on the table.

SENATOR FROM WISCONSIN.

The VICE PRESIDENT. The Secretary will continue the reading.

The Secretary resumed the reading of the views submitted by Mr. POMERENE and Mr. SUTHERLAND, and read as follows:

No account whatever was filed of the amount contributed by Mr. STEPHENSON to the State campaign committee nor of the amount expended during the session of the general assembly. The account which was filed of the expenses incurred in connection with the primary did not comply with the law in that it lumped the expenses; gave the names of but very few of the persons to whom money was paid; did not give the dates when expended, nor, as fully as contemplated by the statutes, the purposes for which expended. The account as filed was approved by the general counsel of Mr. STEPHENSON without any examination of the statute, and simply because it conformed with certain accounts which had been filed by prominent candidates for other offices. A careful examination of this account justifies the belief that it was purposely drawn so as to give to the public as little information as possible.

Mr. BORAH. I should like to ask a question in connection with that statement, if the committee will indulge me, so that we may get the benefit of the information as we go along. Was the committee able to determine how much of this money is unaccounted for by what are called the legitimate expenses of the campaign? In other words, how much of this money is unaccounted for in this report by legitimate expenses?

Mr. HEYBURN. Mr. President, that would involve entering at this time upon the question what constituted legitimate expenses. The orderly manner of procedure is to read the report, because it is upon a request of a Senator that it is being read. He has that right. Just as soon as the reading of the report is finished, so far as the senior Senator from Idaho can offer opportunity for such inquiries, he will do so, but to break in on the reading of the report will accomplish no good purpose.

Mr. BORAH. I realize that it would disturb the harmonious situation considerably, but it would add to the information a great deal.

Mr. HEYBURN. The Senator will not be lacking in information.

Mr. BORAH. If so, I fear I shall have to go outside of the report.

Mr. HEYBURN. We are not now ready to take it up.

The VICE PRESIDENT. The Secretary will continue the reading.

The Secretary resumed and concluded the reading, as follows:

The penalty for failing to comply with this statute is a fine only, and it does not provide for the forfeiture of the office. If it did, the statute to that extent would be unconstitutional, but Mr. STEPHENSON, because of his failure to file a proper account, has violated the statute and is subject to a fine. However, he must be absolved from any moral delinquency, because in the preparation and filing of his account he consulted with counsel and followed their advice, and if it was not properly done they were to blame rather than he.

In addition to this, the validity of the election which had already taken place could not be affected by the failure to thereafter perform some act enjoined by the State statute. The election was already an accomplished fact, and its validity must be determined by the facts theretofore or then existing. Anything done thereafter can not be regarded as a substantive ground for invalidating the election. Its only evidential value would be in reflecting light upon or as giving color to the preexisting facts.

After a careful consideration of all the evidence and the law, we had no hesitancy in joining in the report presented by the subcommittee.

We heartily approve these words of Senator HEYBURN:

"The amount of money spent by Mr. STEPHENSON, Mr. Cook, Mr. Hatton, and Mr. McGovern in the primary campaign was so extravagant, and the expenditures made by and on behalf of these gentlemen were made with such reckless disregard of propriety, as to justify the sharpest criticism. Such expenditures were in violation of the fundamental principles underlying our system of government, which contem-

plated the selection of candidates by the electors and not the selection of the electors by the candidate.

"Regardless of any statute requiring that strict accounts be kept of money expended by and on behalf of candidates, a candidate and every man representing him should know that public opinion would expect the parties to place and maintain themselves in a position so that if any of their acts were questioned they could justify such acts to the extent of giving every detail in regard thereto.

"While I do not believe that the law of Wisconsin could constitute any man a candidate or place him in the position of and under the responsibilities of a candidate for an office over which the State had no control and which was not to be filled under any law of the State, yet I feel impelled to criticize the acts of those in charge of the expenditure of money of men who are called candidates for the Senate, and especially of Mr. STEPHENSON, in the irresponsible and reckless manner in which they disbursed the money furnished them by Mr. STEPHENSON during the period of the primary campaign.

"The failure to keep detailed accounts, the destruction of memoranda, the shifting of records and papers concerning the campaign from one place to another, the adoption of mysterious methods and round-about ways in regard to matters that might just as well have been performed in open daylight in the presence of people, would go far toward creating the impression that there was some occasion for Mr. STEPHENSON's representatives to avoid candor and to obscure conditions."

While we have no doubt as to the correctness of the subcommittee's finding, we do not want it to be understood that we question the propriety of filing charges challenging the validity of the election or of the making demand for an investigation either by the General Assembly of Wisconsin or by the United States Senate.

An enormous sum of money had been expended. Messrs. Edmonds and Sacket, who were in charge of the campaign as Mr. STEPHENSON's managers, knew of the statute requiring the filing of an account of their expenditures. They destroyed all original records of accounts, though they kept what purported to be copies. They grouped these items and amounts in such a way that they gave no knowledge whatever to the public except the totals of each class of expenditures. The account was not filed until the last moment permitted by the statute.

Mr. Puelicher, a banker, acted as treasurer. He did not open an account as depositors usually do. He received remittances, kept private memoranda, paid out cash, and made disbursements of these funds, but kept no record thereof upon the bank's books. No other customer's funds, either before or since, were received or disbursed in a similar way. There was an air of mystery about the entire affair.

After the investigation by the committee of the general assembly was started Mr. STEPHENSON's local counsel had such records and correspondence as had not already been destroyed moved out of the State, for the purpose of keeping them beyond the jurisdiction of the general assembly.

It may be said in passing, however, that the accounts were kept on card indexes, and Mr. Sacket gives as a reason for destroying them that they were made with lead pencil in many cases, and the writing was practically obliterated, so that he made copies and then destroyed the originals (Record, p. 161), because they were cumbersome and inconvenient (p. 523). And it may be further said that there seems to have been no substantial reason for moving the correspondence out of the State. It was all before the committee, and an examination failed to disclose anything of an incriminatory or improper character which would render any concealment necessary.

Can there be any wonder that the public became suspicious and the members of the general assembly, out of a decent sense of self-respect, should demand a thorough investigation?

If Mr. STEPHENSON has been put to great expense and trouble, it is due, first, to the reckless expenditure of this large sum of money, and, second, to the studied and mysterious efforts of his managers and local attorneys to conceal the facts up to and during the investigation before the joint committee of the general assembly and the separate committee of the State senate.

But out of all this scandal and trouble much good has come. Public sentiment was aroused. The unlimited use of money has been condemned and stringent corrupt-practices acts have been adopted, both by the General Assembly of the State of Wisconsin and by the Congress of the United States.

ATLEE POMERENE,
GEO. SUTHERLAND.

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. The Senator from Idaho.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes.

Mr. JONES. I understood the Senator from Massachusetts [Mr. LODGE] to ask that the views of the minority be read also in connection with the other matter which has been read.

Mr. HEYBURN. I have no objection.

The VICE PRESIDENT. The Senator from Washington is correct. The Chair understood it had been done. It has not. The Secretary will continue and read the minority views.

The Secretary proceeded to read the views of the minority, and read as follows:

[Senate Report 349, part 2, Sixty-second Congress, second session.]

CHARGES RELATIVE TO THE ELECTION OF ISAAC STEPHENSON.

Mr. JONES (for himself, Mr. CLAPP, Mr. KENYON, Mr. KERN, and Mr. LEA), from the Committee on Privileges and Elections, submitted the following views of the minority to accompany Senate resolution 136:

In the primary election at which Mr. STEPHENSON was nominated for Senator, pursuant to the Wisconsin law, the candidates expended the following sums:

Neal Brown	\$1,075.87
Francis E. McGovern	11,063.88
William H. Hatton	26,413.00
S. A. Cook	42,293.29
Senator STEPHENSON	107,793.05

In all, about \$225,000 on the part of candidates for the Senate alone. Referring to these expenditures, the majority report says:

"The amount of money expended by Mr. STEPHENSON, Mr. Cook, Mr. Hatton, and Mr. McGovern in the primary campaign was so extravagant and the expenditures made by and on behalf of these gentlemen were

made with such reckless disregard of propriety as to justify the sharpest criticism. Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of electors by the candidate."

We concur in this statement, and it justifies us in opposing the conclusion of the majority.

Mr. HEYBURN. I want to call attention to an error that has crept into and remained in that statement. I used the word "electorate" instead of "electors" in my manuscript, but in printing it I suppose some printer thought that the words meant the same thing, and so he substituted the word "electors." I repeat I used the word "electorate," treating them as a body.

Mr. JONES. That is true, but it was carried in the report.

Mr. HEYBURN. The error is carried forward, but I think at this time the correction should be made.

The Secretary resumed the reading of the views of the minority, and read as follows:

How a seat in the Senate can be secured "in violation of the fundamental principles underlying our system of government," with the evidence showing the use of such a large sum of money, and not be tainted by corrupt methods and practices we are unable to comprehend. The question now squarely before the Senate is whether or not methods and practices "in violation of the fundamental principles underlying our system of government" shall be denounced by our words and approved by our votes.

The majority report also says:

"Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. STEPHENSON and of other men who sought election to the United States Senate were conducted, it would be very difficult to justify such conduct under the laws of the State."

Mr. SUTHERLAND. Mr. President, I desire to call attention to the fact that the views of the minority in reciting that the language which they have quoted is from the majority report are in error. The language quoted is not from the majority report or from any report of the committee, but the language quoted is from the personal views of the Senator from Idaho [Mr. HEYBURN]. It seems to me that in presenting the minority views that ought to have been stated.

Mr. JONES. Mr. President, I desire to state that possibly the Senator from Utah is correct in a way, yet I think the minority were justified in making the statement they did. The views of the members of the subcommittee were submitted to the full committee, and upon those views the full committee submitted a report in which they embodied those views, although setting them out separately after the signing of the names of the members to what is termed the majority report. The majority report does not set out any specific reason upon which their conclusion is based, except that the views of the members of the subcommittee that were submitted in writing to the full committee are printed with it; and I think the minority are justified in the statement they make, although it may not be technically correct. There was nothing in the statement even of the Senator from Utah [Mr. SUTHERLAND] to indicate that he did not approve the statement that was made in the views submitted by the Senator from Idaho [Mr. HEYBURN]. I do not desire to do the Senator from Utah any injustice. If he does not indorse that sentiment, well and good; but there is nothing in the report to show that the majority of the committee did not indorse that sentiment, whatever might be the personal views of any individual member thereof.

Mr. SUTHERLAND. Mr. President, the statement to which I have referred in the minority report is not only technically inaccurate, but it is very clearly inaccurate. The report of the committee is found on the first, second, and third pages of the first volume. That report is signed by those members of the committee who agreed to it, beginning with the chairman of the committee [Mr. DILLINGHAM], and then Mr. GAMBLE, Mr. HEYBURN, Mr. SUTHERLAND, Mr. OLIVER, Mr. JOHNSTON, Mr. FLETCHER, Mr. POMERENE, and Mr. BRADLEY.

The Senator from Idaho [Mr. HEYBURN] filed his views, in which he stated his reasons for concurring in that report, and I can not understand upon what theory anybody can insist that the reasons given independently by a member concurring in the report can be considered as a part of the report itself. The Senator from Idaho, in beginning his statement of his minority views, says:

The subcommittee having reported to the whole committee in favor of ISAAC STEPHENSON, I desire to submit herewith the reasons which actuated me in arriving at that conclusion:

Clearly upon its face that is no part whatever of the report.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SUTHERLAND. I will yield to the Senator.

Mr. JONES. I do not know whether it would be improper to go into the proceedings before the committee, but I think it is generally known that the views of the Senator from Idaho were printed long before the report was prepared or considered; in

fact, they were submitted as his views in support of the report of the subcommittee to the full committee, and the views of the other members of the subcommittee were submitted in writing to the full committee before it decided upon, must less prepared, its report. After those views were submitted in writing the full committee agreed upon its report, and those views were printed along with the report, and they were bound together. I think, therefore, we had a right to assume, where there was no express statement by the members of the majority of their disagreement with any important statement contained in any of those views, that they accepted them; but if the Senator from Utah says that that statement does not express his view I shall be glad to have the RECORD show it.

Mr. SUTHERLAND. The Senator from Utah has not said anything of the sort, and does not intend to say anything upon that subject. What the Senator from Utah complains about is that the minority views should state as a fact something that is not a fact.

Mr. JONES. I am willing to let the record rest on that. There have been so many technicalities in connection with this matter that I am not worried about this phase of it. If the Senator from Utah considers it more than a technical error, I am willing to admit, even that, if he so states, that these are not his views.

Mr. SUTHERLAND. The views of the Senator from Ohio [Mr. POMERENE] and myself are presented, and I think the Senator from Washington would not think that the Senator from Ohio and myself were presenting our views separately for the mere sake of the intellectual exercise involved in preparing them. The report is entirely a separate and distinct document.

Mr. JONES. The Senator from Utah and the Senator from Ohio, as I understood, submitted their views to the full committee in writing to give it the benefit of their conclusions upon the testimony. The report of the full committee was agreed to and made up after those views had been submitted. Those views were not prepared after the majority report was made and signed nor submitted, as minority or individual views are usually presented, but they were presented to the full committee for its information in reaching its conclusion and making up its report; and they were in fact the basis for that report and the only reasons submitted for the conclusion of the majority.

Mr. SUTHERLAND. Yes; but—

Mr. JONES. And upon those views the full committee made its report. They did not see fit to set out any particular reasons for their conclusion, but accepted these various statements from all the members of the subcommittee.

Mr. SUTHERLAND. But the members of the committee who signed the report, other than the Senator from Ohio and myself, could not be said to have assented by having signed the report, and the views of the Senator from Ohio and myself are no part of the report. They are merely our individual views.

Mr. JONES. There is certainly no reason for saying that members of the majority did dissent from any of the views submitted by the members who presented their views in writing.

The VICE PRESIDENT. The Secretary will resume the reading.

The Secretary resumed the reading of the views of the minority, and read as follows:

This statement we indorse. It warrants our opposition to the conclusion of the majority. If it would be difficult to justify a campaign like this by a candidate for a State office why is it not equally difficult to justify it on the part of Senator STEPHENSON? He was not compelled to go into the primary. He elected to do so, and he should be held to the same degree of accountability as any other candidate in that primary.

If he used methods—and the majority says he did—that it would be difficult to justify in behalf of a State candidate, then it is equally difficult for the Senate to justify such conduct on the part of a candidate for a seat in this body and preserve its integrity and honor. In our judgment it can not do it.

ADMITTED FACTS:

The following may be taken as admitted facts in this case: Three men were selected as managers by Senator STEPHENSON; money was placed in their hands from time to time as called for to the amount of over \$107,000; they were not asked how they expended it, nor for what purpose; no accounting was requested; they paid it out in various sums to different individuals in different wards, precincts, and counties; large sums were paid to different individuals holding official positions, and to individuals recognized to be leaders, and to others of prominence in different organizations; no directions were given to these men how the money should be expended; no reports were required and no knowledge obtained as to how they spent the money or for what purpose; men were hired for the ostensible purpose of going over the country talking STEPHENSON and creating STEPHENSON sentiment; men, whose occupations led them into different sections of the country, were paid large sums of money for talking for STEPHENSON on their travels; men were paid three, five, and ten dollars per day to be at the polls on election day, or to haul voters to the polls; large sums were paid leaders in different wards and precincts to look after their wards and precincts; hundreds of dollars were spent for treating to cigars, liquors, meals, etc., as much as \$135 in one day by one man; money was paid to candidates for the legislature, at least three of whom were nominated

and elected; detailed expenditures were not kept; memoranda were destroyed; records and papers concerning the campaign were shifted from one place to another; mysterious methods and roundabout ways were employed; original records were destroyed; items and amounts were grouped in such a way as to give no knowledge to the public except the amount of each class of expenditures; a banker acted as treasurer; no account was opened as is usually done by depositors; remittances were received, private memoranda kept, cash disbursements of funds made, but no record was kept on the bank's books, and when the committee of the general assembly started to investigate local counsel for Mr. STEPHENSON had such records and correspondence as had not already been destroyed moved out of the State for the purpose of keeping them beyond the jurisdiction of the general assembly.

All this is admitted, and we feel that we have a right to assume from these admitted facts and actions that corrupt methods and practices were used in connection with said primary election.

Mr. BORAH. Mr. President, I notice in following the reading that, after reciting the statement of facts found upon page 2, the minority say, "All this is admitted." Do I understand that there was any form of admission in the record, or did the committee agree upon that statement of facts, or is it simply an expression of the views of the minority?

Mr. JONES. Well, possibly it is a statement by the minority of what appears from the testimony throughout the record as to various things which were admitted by various witnesses who came before the committee, and several of those statements are taken from the views set out by the different majority members of the subcommittee that reported to the full committee.

Mr. BORAH. The reason I asked the question was because the statement of facts found upon page 2 is quite important, and if the statement is printed in such form as to show that the facts are admitted it might have considerable effect in making up the judgment of the Senate.

Mr. JONES. I think the minority have quoted extracts from the evidence which show that a great many of these things were admitted. I will say to the Senator that with reference to the destruction of the memoranda, the removal of papers, and so forth, the facts are set out in the views of the Senator from Ohio [Mr. POMERENE] and the Senator from Utah [Mr. SUTHERLAND], and being printed along with the majority report, even accepting the statement that those views are not part of that report, we take it for granted that those facts were taken from the record and will not be disputed.

Mr. BORAH. I understand, then, that the minority consider the facts stated there are beyond dispute.

Mr. JONES. Beyond dispute; yes.

The VICE PRESIDENT. The Secretary will resume the reading.

The Secretary resumed the reading of the views of the minority and read as follows:

All this is admitted, and we feel that we have a right to assume from these admitted facts and actions that corrupt methods and practices were used in connection with said primary election. To hold otherwise is to establish a precedent that would authorize an expenditure of hundreds of thousands of dollars to debauch the electorate in order to secure a seat in this body. To do this is to notify the world that we are careless as to whether or not seats in this body are to be bought and sold as so much merchandise to the man with the largest purse. To do so is to say to the man of millions eager for place, power, and honor, "Spend as much of your millions as you please to secure a seat here and no question will be made if you claim it was expended within the law." As was said by Senator Hoar and Senator Frye, in regard to the facts before them in the Payne case, "No more fatal blow can be struck at the Senate or at the purity and permanence of the republican Government itself than the establishment of this precedent."

The expenditure of such a sum of money at a primary election on behalf of one candidate in itself shocks the judgment and conscience of honest men generally, and disburied as disclosed by the record in this case is conclusive proof of corrupt methods and practices.

THE PRIMARY.

The power to inquire into the practices and methods employed in the primary election is questioned. The majority in this case find that we have this power, and with that conclusion we agree. In this we are fully sustained by principle and precedent, and by the terms of the resolution under which the committee acted, which authorized and directed the committee "to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and report to the Senate whether in the election of said ISAAC STEPHENSON as a Senator of the United States from the said State of Wisconsin there were used corrupt methods and practices." The charges preferred by the Legislature of Wisconsin affected not only the election by the legislature itself, but also the primary election.

It appears by the record that several candidates for the legislature announced during their candidacy that, if elected, they would vote for the candidate for Senator receiving the highest vote at the primary. If the primary choice was secured by corrupt methods and practices, would not the vote in the legislature secured thereby be corrupt, however innocent the member casting it? Several members of the legislature announced when they voted for STEPHENSON that they did so solely because he was the primary choice. If the primary was carried by corrupt methods and practices, these votes were corrupt, though honestly cast, and if the Senate can not inquire into such corrupt methods and practices, then the power given to us to judge of elections of our Members is a mere shadow. That we have this power is in accord not only with reason and justice, but is sustained by precedent.

The case of Mr. Caldwell, found at page 420, Senate Election Cases, is in point. In this case an arrangement was made by Mr. Caldwell with Thomas Carney under which Mr. Carney agreed not to be a candi-

date for United States Senator before the Legislature of Kansas and should give his influence and support for Mr. Caldwell. Mr. Caldwell was to pay him \$15,000. Mr. Carney was not a candidate before the legislature and did use his influence to secure the election of Mr. Caldwell. Was such an arrangement corrupt? The committee said:

"It was an attempt to buy the votes of the members of the legislature, not by bribing them directly, but through the manipulations of another. The purchase money was not to go to them, but to Mr. Carney, who was to sell and deliver them without their knowledge. That Mr. Caldwell did procure the votes of members of the legislature, friends of Mr. Carney, ignorant of the fact that Mr. Carney was making merchandise of his political character and influence and of their friendship for him, for which he was to receive a large sum of money, the evidence leaves no reasonable doubt."

"Buying off opposing candidates, and in that way securing the votes of all or the most of their friends, is in effect buying the office. It recognizes candidacy for office as a merchantable commodity—a thing having a money value—and is as destructive to the purity and freedom of elections as the direct bribery of members of the legislature."

When candidates for the legislature announce that they will vote for the choice of the primary for Senator, then to buy or corrupt the primary is to buy the member of the legislature; and if it was corrupt to buy off a candidate for the Senate and thereby secure the votes of his friends it is also corrupt to buy the primary and thereby secure the votes of those who announce that they will be controlled by the primary; and if the Senate can go outside of the proceedings of the legislature and investigate corruption in preventing men from being candidates for the Senate before the legislature, then it can certainly investigate methods and proceedings in the primary.

In the Payne case (Senate Election Cases, p. 711) three of the committee of seven say:

"We, in our conclusion, made no distinction between the use of fraud, corruption, or bribery in a caucus vote or in the legislative vote for a Senator. Although a caucus, or what proceeds in it, has no constitutional or legal relation to the election of a Senator, yet, by the habit of political parties, the stage of determination as to who is to be elected Senator, and the influences, proper or improper, that produce that determination, is that which precedes and is concluded in the caucus. So far as the question of personal delinquency or turpitude is concerned, no moral distinction should be made between corrupt proceedings in caucus and those in the legislature. How far any such distinction would need to be insisted upon in any case, on the question of unseating a Senator, where he himself was not affected with any personal misconduct or complicity with the misconduct of others, we have no occasion, in the immediate case or attitude of the subject, to consider or suggest."

Senators Hoar and Frye, in the same case, in their minority views at page 715, say:

"If B, C, and D have promised to vote as A shall vote, if A be corrupted, four votes are gained by the process, although B, C, and D be innocent. In looking, therefore, to see whether an election by the legislature was procured or effected by bribery, it may be very important to discover whether that bribery procured the nomination of a caucus whose action a majority of the legislature were bound in honor to support."

JOHN W. STONE.

John W. Stone was State game warden and had many deputies acting under him. Their position gave them an influence they would not have as individuals, and their duties required them to travel over the State. It was desirable to have their active support. Senator STEPHENSON personally directed that \$2,500 be turned over to Stone. This was done without any specific directions as to its use, and the money was distributed over the State where and in the manner that it was thought would do the most good. While this action may not be a direct violation of the letter of any State law, in our judgment it was a corrupt practice.

EXTRACTS FROM TESTIMONY.

We submit the following extracts from the testimony as illustrative of the methods and practices pursued in the distribution of this large sum of money for campaign purposes:

PRIMARY—STEPHENSON WOULD FIX NO LIMIT, BUT SAID GO ON AND CONDUCT THE CAMPAIGN, ETC.

Mr. EDMONDS. In my talk with Senator STEPHENSON I wanted to learn from him the amount of money he expected to expend. He seemed to think that too much money was being expended. I endeavored to have him fix an amount so that we would not exceed it. This he declined to do, and I endeavored to show him the difficulty of conducting a campaign without knowing how much I might be allowed to expend; but I was not able to get him to state, and he said to go on and conduct the campaign—"use your best ability in conducting it," and left it in that way.

SENATOR STEPHENSON.

Senator POMERENE. Did they advise you from time to time as to how they were expending this money?

Senator STEPHENSON. Not as a rule; no, sir.

Senator POMERENE. Did you ask for any report from them from time to time as to how they were expending this money?

Senator STEPHENSON. No, sir. I had confidence in Mr. Edmonds and Mr. Puelicher and my bankers, and I have yet.

Senator POMERENE. Referring to this letter of August 4, it was made known to you that to carry out Mr. Edmonds's plan he needed more money?

Senator STEPHENSON. Yes, sir.

Senator POMERENE. Did you at that time take up with him the matter as to the amount which you felt disposed to put into the campaign?

Senator STEPHENSON. I can not say as to that. We telephoned some. I think I was in the headquarters only twice, and not to exceed an hour altogether during the entire campaign. I was not in Milwaukee but about three times.

Senator POMERENE. In other words, we are to understand, then, that you left the entire management of this campaign to your campaign managers, and about all you did was to furnish the sinews of war?

Senator STEPHENSON. Yes.

\$2,500 PAID TO STONE, GAME WARDEN.

The CHAIRMAN. We will pass that. Now we come to another item, "Cash to J. W. Stone, \$2,500." Who was Mr. Stone?

Mr. EDMONDS. Mr. Stone was game warden of Wisconsin.

The CHAIRMAN. Did you know him personally before the payment of this \$2,500?

Mr. EDMONDS. Yes; I had met him.

The CHAIRMAN. Or at the time?

Mr. EDMONDS. I had met him.

The CHAIRMAN. You paid him the money, did you not, in cash?

Mr. EDMONDS. Through my instructions.
The CHAIRMAN. Did you not pay it to him in cash yourself?
Mr. EDMONDS. No.
The CHAIRMAN. Who did?
Mr. EDMONDS. Mr. Sacket says he did.
The CHAIRMAN. Mr. Sacket paid it in cash. Where did he get the cash? Did you give it to him?
Mr. EDMONDS. No; I did not have the cash.
The CHAIRMAN. Mr. Sacket had no cash in the campaign, did he?
Mr. EDMONDS. Mr. Sacket could get the cashier's check from the bank.

The CHAIRMAN. He had to get it from you, or on your credit?
Mr. EDMONDS. Sure; I told them to give it to him.
The CHAIRMAN. Then you did tell him to get it?
Mr. EDMONDS. Certainly.
The CHAIRMAN. Let us see if we can get at a candid statement of the occasion of the payment of this \$2,500 to the State game warden. You know all about it, do you not?

Mr. EDMONDS. About his getting the money.
The CHAIRMAN. You know all the details of that game warden proposition, do you not?

Mr. EDMONDS. Yes.
The CHAIRMAN. The matter has been investigated in such a way as to fix it in your mind, has it not?

Mr. EDMONDS. It was not necessary, because I remembered the details.
The CHAIRMAN. Remembered it all?

Mr. EDMONDS. No, sir; there were some things I did not remember, but some details I remember.

The CHAIRMAN. I would hardly expect to receive a reply if you do not know in regard to Mr. Stone.

Mr. EDMONDS. Yes, sir.

The CHAIRMAN. For what purpose was \$2,500 paid to Mr. Stone?

Mr. EDMONDS. For the purpose of getting his assistance in helping to nominate Senator STEPHENSON.

The CHAIRMAN. What kind of assistance?

Mr. EDMONDS. Such kind as he could give, in his best judgment.

STONE MONEY PAID UNDER AGREEMENT WITH STEPHENSON.

Senator SUTHERLAND. When was it you gave Mr. Stone the \$2,500—before or after this conversation?

Mr. EDMONDS. After.

Senator SUTHERLAND. After?

Mr. EDMONDS. That is, I think the same day, as I recall.

Senator SUTHERLAND. How did you fix the amount of \$2,500?

Mr. EDMONDS. My recollection is that either Senator STEPHENSON informed me or else Mr. Stone informed me that that was the amount to be paid him.

Senator SUTHERLAND. Which was it?

Mr. EDMONDS. I can not recall now.

Senator SUTHERLAND. Did you make the arrangement or did Mr. STEPHENSON make it?

Mr. EDMONDS. My present recollection is that Mr. STEPHENSON made the agreement with Mr. Stone; Mr. Stone had seen him.

Senator SUTHERLAND. For the \$2,500?

Mr. EDMONDS. But as to just how far that went, I am not positive now. I do not want to do Mr. STEPHENSON an injustice by saying that he made it if Mr. Stone reported that that was the amount agreed upon when we talked.

Senator SUTHERLAND. Then I understand you to say that you do not know why it was \$2,500 rather than some other sum?

Mr. EDMONDS. Except that that was the amount that Mr. Stone thought was advisable to put in his hands; that he could use to advantage or because of the information received from Senator STEPHENSON; which I am not sure.

Senator SUTHERLAND. Did you not exercise any judgment yourself as to what amount should be paid?

Mr. EDMONDS. In that particular case; no, sir.

PRIMARY—MONEY TO MEMBERS OF THE LEGISLATURE—GAME WARDEN STONE—STEPHENSON TOLD.

The CHAIRMAN. What were the instructions, and what was the transaction?

Mr. EDMONDS. I think Senator STEPHENSON telephoned me or sent word through Mr. Stone to give him \$2,500.

The CHAIRMAN. To give you \$2,500?

Mr. EDMONDS. To give him \$2,500.

The CHAIRMAN. To give Stone \$2,500?

Mr. EDMONDS. Yes, sir.

The CHAIRMAN. For what did you give it to him?

Mr. EDMONDS. I did not give it to him.

The CHAIRMAN. You did not?

Mr. EDMONDS. No.

The CHAIRMAN. Where did Mr. Stone get the \$2,500?

Mr. EDMONDS. I assume from the bank—a cashier's check.

The CHAIRMAN. Did you give him an order?

Mr. EDMONDS. That is my recollection, though I am not positive.

The CHAIRMAN. That you gave him an order on the bank?

Mr. EDMONDS. I think so. That may have been one of the \$5,000 items. I have not seen my check book for two years.

GAME WARDEN STONE GOT \$2,500 BY DIRECTION OF STEPHENSON; WAS TO USE AT OWN ELECTION.

The CHAIRMAN. Was it to be expended by you, or were you authorized to pay it out to others, to be expended by them?

Mr. STONE. I was to use it at my own discretion.

The CHAIRMAN. Were you at liberty, then, as you understood the transaction, to handle all that money yourself?

Mr. STONE. Yes, sir.

The CHAIRMAN. According to your discretion?

Mr. STONE. Yes.

The CHAIRMAN. No limitations were placed upon you, whatever, as to the manner of expenditure, were they?

Mr. STONE. No; I think not.

MANAGER EDMONDS'S DESCRIPTION OF "ORGANIZATION" METHODS.

The CHAIRMAN. Now, what do you mean by "organize" when you use the term in connection with the payment of this money?

Mr. EDMONDS. I mean that the man employed by me to look after Dane County and get out the vote—the largest possible vote—for Senator STEPHENSON was given latitude, usually guided by his judgment alone, as to what was to be done (p. 77).

The CHAIRMAN. Particularize the word "organize" and tell me what constituted organization.

Mr. EDMONDS. My idea in a county that was thoroughly organized would be in the first place to get out the advertising that we sent to the county—have it fully distributed and posted, and after that was done

he was to put in his full time going around the county, and he was paid for his services going around the county and interesting men of influence in the different localities to interest their friends so as to get out a full vote for Senator STEPHENSON election day. In some instances still further organizing, if in their judgment that was wise, by getting out the vote, by hiring teams, etc., for getting men to the polls (p. 78).

PURPOSE FOR WHICH MONEY WAS PAID.

The CHAIRMAN. The second charge is as follows:

"That said ISAAC STEPHENSON did, prior to said primary, pay to said Edmonds, above mentioned, sums with the design that said Edmonds should pay to other electors of this State, out of said sums above mentioned and other sums of money received by said Edmonds from said ISAAC STEPHENSON, prior to said primary, sums ranging from \$5 per day to \$1,000, in bulk, as a consideration for some act to be done in relation to said primary by said electors for said ISAAC STEPHENSON as such candidate, in violation of said section."

Is that statement true?

Mr. EDMONDS. No, sir.

The CHAIRMAN. Wherein is it not true?

Mr. EDMONDS. It is a pretty long statement. One of the things that appeals to me as not being true is that neither of those sums is in violation of the law.

The CHAIRMAN. Then we will waive that last statement, "in violation of said section." Did he give you those sums, or any of them, to pay to other electors of the State?

Mr. EDMONDS. To other electors of the State?

The CHAIRMAN. Yes.

Mr. EDMONDS. Yes; I should say that he understood that in his payment of the money.

The CHAIRMAN. Then the statement of facts, aside from the final clause, "in violation of said section," is substantially correct, is it?

Mr. EDMONDS. There are a good many items in there enumerated, but I should say it is substantially correct.

Senator SUTHERLAND. You have had charge of large expenditures of money, have you, in a business way?

Mr. EDMONDS. Quite large; yes, sir.

Senator SUTHERLAND. You have employed many agents whose duty it was to expend money?

Mr. EDMONDS. In some instances; yes, sir. Usually, however, in the management of a business, the work is done from the office, and the management of such business as I conducted was done by me, in the expenditure of money.

Senator SUTHERLAND. Is it in accordance with your business training and experience and habits to hand over to your agent a large sum of money, \$500 or \$1,000, and have him expend it without keeping an account of what he expends it for, or without having him render an account to you of the expenditures?

Mr. EDMONDS. I do not think so.

Senator SUTHERLAND. That is not in accordance with business methods, at any rate?

Mr. EDMONDS. No, sir.

Senator SUTHERLAND. Was there any reason why you could not request these various political agents to keep an account of their expenditures?

Mr. EDMONDS. The only reason I could give is that I have never heard of it being done. Custom, I should say, governed that.

NO MEMORANDA AS TO MONEY PAID.

Mr. EDMONDS. I do not know.

The CHAIRMAN. Who should know, under the system that obtained in the headquarters?

Mr. EDMONDS. Mr. Sacket should know.

The CHAIRMAN. Did you make any memoranda when you gave instructions for the payment of money to these various people, or any of them, as to the services they were to perform in consideration of receiving this money?

Mr. EDMONDS. No, sir; no written statement; no, sir.

The CHAIRMAN. You say you did not?

Mr. EDMONDS. No written statement; no, sir.

The CHAIRMAN. Did you make any memoranda at any time in regard to the purposes for which the money you ordered paid was to be used?

Mr. EDMONDS. I do not recall any.

The CHAIRMAN. Endeavor to recall it now, Mr. Edmonds.

Mr. EDMONDS. Yes, sir; I will.

The CHAIRMAN. Can you recall any instance in which you made a memorandum as to the purpose for which the money was paid, either by you or under your instructions, during this campaign?

Mr. EDMONDS. I can not recall any instance; no, sir.

The CHAIRMAN. You have no books of account in which such items will appear?

Mr. EDMONDS. Absolutely not.

The CHAIRMAN. You made no record either in a book or otherwise as to the purpose for which you paid or directed that money to be paid during the campaign?

Mr. EDMONDS. To the very best of my recollection, none.

The CHAIRMAN. Why did you not?

Mr. EDMONDS. I did not feel it was necessary.

The CHAIRMAN. Were you acquainted with the provisions of the statutes of the State of Wisconsin with reference to the filing of an expense account by those who were candidates for nomination or election?

Mr. EDMONDS. Yes; I think so; reasonably well.

The CHAIRMAN. Are we to understand that with that knowledge you did not make any attempt to lay the foundation for compliance with that law in the expenditure or payment of the large sums of money that you disbursed during the campaign?

Mr. EDMONDS. I did not, because it was done by another person in the office.

The CHAIRMAN. Who?

Mr. EDMONDS. Mr. Sacket.

The CHAIRMAN. Suppose it transpired that it was not done by Mr. Sacket, then did Mr. Sacket disobey any instructions which you had given?

Mr. EDMONDS. No, sir; Mr. Sacket had his instructions from others before I came and took charge.

The CHAIRMAN. You were the manager of the campaign, were you not? That was the term used as to yourself?

Mr. EDMONDS. That is the term that has been given me; yes, sir.

The CHAIRMAN. It was the designation at that time, was it not?

Mr. EDMONDS. I think so.

The CHAIRMAN. How did you regard yourself in that respect?

Mr. EDMONDS. I think I regarded myself as manager of the campaign.

The CHAIRMAN. And so regarding yourself, you made no attempt to lay the foundation for making a statement that would comply with the law in the event it became necessary to file an expense account?

Mr. EDMONDS. No, sir. Owing to the conditions that existed when I went there, I felt that that was being done and so continued during my service.

\$100 SENT TO A NEWSPAPER MAN AT WAUSAU.

The CHAIRMAN. I will so mark it. The next item is \$100 to J. L. Sturtevant. That is said to be for "advertising." What advertising was that?

Mr. EDMONDS. He is running a daily and weekly newspaper, I believe, at Wausau.

The CHAIRMAN. Who made that contract?

Mr. EDMONDS. I believe I sent him the money.

The CHAIRMAN. Have you a bill and receipt for it?

Mr. EDMONDS. No, sir.

The CHAIRMAN. Any acknowledgment of it?

Mr. EDMONDS. No, sir.

The CHAIRMAN. What advertising was that for?

Mr. EDMONDS. I do not know why the word "advertising" is in there except that that is Mr. Sacket's method of designating certain of these matters to keep them in a certain account.

The CHAIRMAN. But you know about the payment of the money?

Mr. EDMONDS. Yes; I paid the money.

The CHAIRMAN. You inquired what it was for when you authorized it, did you not?

Mr. EDMONDS. No. I had known Mr. Sturtevant for some little time, and, believing that he could be of assistance to us in Wausau—I knew that he was a friend of Senator STEPHENSON—I sent him a hundred dollars to use as he saw fit in promoting the interests of the Senator.

The CHAIRMAN. That was what might be termed a general contribution to the newspaper, was it; for its friendship?

Mr. EDMONDS. Perhaps it might be called that.

The CHAIRMAN. There was no specific advertisement—no space charged for—was there?

Mr. EDMONDS. In this particular instance, I do not know.

The CHAIRMAN. No bill was rendered for specific services as "advertising"?

Mr. EDMONDS. I do not recall, in this instance. I sent him the money, asking him to use it in the interest of Senator STEPHENSON.

The CHAIRMAN. You sent him the money for the purpose of retaining a friendly attitude toward Senator STEPHENSON, did you not?

Mr. EDMONDS. I did not need to do that, because he was very friendly; his paper was for him, and had been all the time.

The CHAIRMAN. Then, it was a gratuity. You already had the services, and in acknowledgement of friendship you sent him a hundred dollars; does that express it?

Mr. EDMONDS. No; I hardly think that expresses it.

The CHAIRMAN. Then what was the hundred dollars for?

Mr. EDMONDS. I thought that with the hundred dollars he would be more active in his support of Senator STEPHENSON.

The CHAIRMAN. Then it was for additional friendship to that already existing, was it?

Mr. EDMONDS. Perhaps that statement would be true.

The CHAIRMAN. It was to cement the existing friendship?

Mr. EDMONDS. Most assuredly; it was to help Senator STEPHENSON.

The CHAIRMAN. Was it in order that he might not probably be influenced to change his attitude of friendship?

Mr. EDMONDS. No; that was not at all necessary with him.

The CHAIRMAN. Very well. You sent just that class of contributions to a number of papers, I suppose, did you not?

Mr. EDMONDS. I think there were a number of instances; yes, sir.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission.

Mr. BURTON. I ask unanimous consent that the unfinished business be laid aside temporarily.

The VICE PRESIDENT. The Senator from Ohio asks unanimous consent to lay aside the unfinished business. Without objection, the request is complied with. The Secretary will continue the reading of the views of the minority.

The Secretary resumed the reading, and read as follows:

WISE MANAGERS DID NOT KNOW, AND DID NOT ATTEMPT TO FIND OUT, WHETHER THIS MONEY WAS SPENT HONESTLY OR NOT.

The CHAIRMAN. And that you have made no effort to ascertain whether or not the expenditures of this money were wrongful?

Mr. EDMONDS. No, sir.

The CHAIRMAN. In any case?

Mr. EDMONDS. I have not.

THE EXTENT AND MANNER OF DISTRIBUTION.

The CHAIRMAN. You had 70 men, I understand, in your organization industriously engaged in distributing money among the common people throughout the campaign?

Mr. EDMONDS. I should say there were probably that many.

MANAGER SACKET'S DESCRIPTION OF "ORGANIZATION METHODS" (P. 175).

The CHAIRMAN. I notice that all of these items for organizing—and the greater part of them are for organizing—are after the time when you had filed the petitions with the signatures on them.

Mr. SACKET. My idea of organizing, as I used it in this statement, might include circulating of petitions, or any other work to perfect that organization which we hoped to use for the election of Senator STEPHENSON.

The CHAIRMAN. Would it include the distribution and payment of money to men who were to work at the polls?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Would it include the payment of money to men who were to induce other men to vote for Senator STEPHENSON, without any limitation being placed upon the manner of inducement?

Mr. SACKET. It would include money expended that way; yes, sir.

The CHAIRMAN. It might include money expended in purchasing votes, might it?

Mr. SACKET. It might.

The CHAIRMAN. Did it?

Mr. SACKET. Not to my knowledge.

The CHAIRMAN. Can you say it did not?

Mr. SACKET. No, sir; not to my knowledge.

METHOD BY WHICH SACKET SPENT MONEY.

(167) Mr. SACKET. I do not know.

The CHAIRMAN. What services did he perform?

Mr. SACKET. I do not know.

Mr. LITTLEFIELD. Was he one of the men you made an arrangement with?

Mr. SACKET. He was not.

The CHAIRMAN. Did you pay that on the order of Mr. Edmonds?

Mr. SACKET. I did.

The CHAIRMAN. Did you pay money on the order of any person other than Mr. Edmonds?

Mr. SACKET. Not to my recollection.

The CHAIRMAN. When Mr. Edmonds gave you an order, such as is indicated by that payment, did he give it to you in writing?

Mr. SACKET. Not necessarily.

The CHAIRMAN. How did he give it to you?

Mr. SACKET. He told me that he wanted a check for \$300 for Mr. R. E. Orton.

The CHAIRMAN. Was it a verbal communication?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Then you would get the check?

Mr. SACKET. Yes, sir.

The CHAIRMAN. And would you make a memorandum?

Mr. SACKET. I would.

The CHAIRMAN. Did you inquire of Edmonds what the money was to be used for?

Mr. SACKET. Not in all cases.

The CHAIRMAN. Did you in this case?

Mr. SACKET. I do not remember.

The CHAIRMAN. You have no recollection about it?

Mr. SACKET. No, sir.

The CHAIRMAN. You do not know whether it was to be used for purchasing votes or for what purposes?

Mr. SACKET. I had no knowledge of my own whatever.

The CHAIRMAN. Did you not feel it incumbent upon you to know for what the money that you paid out was to be used?

Mr. SACKET. The money that I paid out on Mr. Edmonds's order; no.

The CHAIRMAN. You think you would be relieved of responsibility if the money was to be paid out for an unlawful purpose merely because Mr. Edmonds told you to pay it?

Mr. SACKET. Yes, sir.

The CHAIRMAN. You think you would be relieved?

Mr. SACKET. Yes, sir.

The CHAIRMAN. You would not undertake to assert that if an associate were to ask you to violate the law you would be justified in doing it?

Mr. SACKET. No, sir.

The CHAIRMAN. Then how do you account for your answer that if you believed if Mr. Edmonds told you to pay this money out for an unlawful purpose that Mr. Edmonds and not you would be responsible?

Mr. SACKET. I felt that when Mr. Edmonds asked for money I was under obligations to give it to him. I was Mr. STEPHENSON's manager.

DESTRUCTION OF MEMORANDA.

Manager Sacket, in testifying as to the payment of an item of \$400, stated that he was unable to remember anything about it. He then testified as follows (p. 164):

The CHAIRMAN. That emphasizes the misfortune of the destruction of your memoranda, does it not? Now, you say, in the absence of that memorandum, you can not remember anything about the \$400. It may have been used to purchase votes in violation of law, may it not?

Mr. SACKET. I have no knowledge one way or the other.

The CHAIRMAN. So that a payment of this money passing through your hands as the representative of the candidate may have been used, so far as you can state, for an illegal purpose?

Mr. SACKET. I do not know.

PERRIN'S EXPENDITURES.

The CHAIRMAN. Who is C. R. Fridley?

Mr. PERRIN. He is an attorney at Superior.

The CHAIRMAN. Is he an old resident?

Mr. PERRIN. Yes.

The CHAIRMAN. Is he an old man or a young man?

Mr. PERRIN. He is a man of 42 or 43 years of age.

The CHAIRMAN. Did he support Senator STEPHENSON for nomination at the primaries and before the primaries?

Mr. PERRIN. Yes.

The CHAIRMAN. Was he in public life in any capacity?

Mr. PERRIN. No.

The CHAIRMAN. He was what you call a political worker, was he?

Mr. PERRIN. No. He was a practicing lawyer.

The CHAIRMAN. He was actively engaged in the practice of law?

Mr. PERRIN. Yes, sir.

The CHAIRMAN. You never asked him for any accounting as to the expense he had incurred?

Mr. PERRIN. I did not.

The CHAIRMAN. What is Mr. Fridley's business, you say?

Mr. PERRIN. He is an attorney.

The CHAIRMAN. The next item is \$10 to H. L. Dresser. Who is H. L. Dresser?

Mr. PERRIN. Mr. Dresser had nothing to do with the campaign and does not live in the State. I was in Duluth and somebody made application to me for money, and I had to go to him and borrow it, and gave him my check to reimburse him. It was money expended in the campaign.

The CHAIRMAN. He lived in Duluth?

Mr. PERRIN. He lived in Duluth when this application was made to me.

The CHAIRMAN. You drew this money for your own expenditure, or to be paid out by you?

Mr. PERRIN. I drew that money to be paid to some one in the Stephenson campaign.

The CHAIRMAN. Can you say to whom you paid it?

Mr. PERRIN. I can not.

The CHAIRMAN. We go to the next item of \$50 cash.

Mr. BRISTOW. Mr. President, there are only a few of us here. It seems to me that we could be making better progress in our rooms studying this case rather than continuing here.

Mr. HEYBURN. May I make a statement?

Mr. BRISTOW. Yes.

Mr. HEYBURN. It had been my intention at the concluding of the reading of the views of the minority to move an executive session.

Mr. BRISTOW. That will be some time.

Mr. HEYBURN. There are only a few pages left.

Mr. BRISTOW. That might take an hour.

Mr. HEYBURN. I will inquire how many pages there are.

Mr. BRISTOW. Why can not the reading be finished to-morrow?

Mr. HEYBURN. I think there are only six pages now left.

Mr. BRISTOW. Let us have an executive session now and finish to-morrow. There will be plenty of time to-morrow.

Mr. HEYBURN. I should like to have the reading finished. I ask the clerks how many pages remain to be read.

The VICE PRESIDENT. The Secretary advises the Chair that there are seven pages yet to be read.

Mr. HEYBURN. That will take only a few minutes.

Mr. BRISTOW. It will take until about 5 o'clock.

Mr. HEYBURN. It ought not.

Mr. BRISTOW. There are only a few here and those of us who feel some obligation to stay in the Senate when it is in session ought not to be imposed upon by being compelled to remain here when we could be at home at work. It would really expedite this business. I want to study this case in full, and I can do it more efficiently at my room than here in the confusion of the Senate.

Mr. HEYBURN. I will make the statement, in order that Senators may be advised, that, so far as I may, within the rules of the Senate, it is my intention to ask the continuous consideration of this measure until we reach a vote upon it.

Mr. WILLIAMS. I should like to ask the Senator a question. Has the reading of the minority report been finished?

Mr. HEYBURN. There are seven pages remaining, and I have suggested that at the end of the reading of the report I would move an executive session. It seems to me that we ought to be patient and have the seven pages read and then orderly proceed to an executive session.

Mr. BRISTOW. While the matter is under consideration, as the Senator from Idaho states that he desires to press this question, I should like to know about how vigorously he expects to press it. Some 2,000 pages of testimony have been presented to the Senate within the last week, and some of us desire to examine it and to make some remarks upon the report of the committee. It is going to take time. It has been the custom of the Senate to give a reasonable time for the preparation of remarks upon a case of this kind. I should like to know about how much time the Senator expects to yield to those of us who want to prepare and thoroughly look into the case.

Mr. HEYBURN. I expect that the Senate will either discuss or vote.

The VICE PRESIDENT. The Secretary will continue the reading of the views of the minority.

Mr. BRISTOW. I desire to say to the Senator here that he can obstruct the business of the Senate by compelling Senators to greatly inconvenience themselves, by prolonging the discussion and taking days in offering remarks that they might, with time, be able to present in an hour or two.

Mr. HEYBURN. I have no doubt they will be interesting remarks, and illuminating.

Mr. BRISTOW. The Senator can use this case to obstruct other business if he desires.

Mr. HEYBURN. Mr. President, there is no business before the Senate, or that can come before it, that is as important as this, and that has been established since the foundation of Congress. It is a question of the highest privilege, and that means that there is nothing which can be more important.

Mr. BRISTOW. The Senator from Idaho may think that he can drive this through as the slave driver would drive the men under his control, but I think he will find before he gets through that he is somewhat mistaken. There may be some reason why he does not want this case properly considered in this body and the details of it exposed to the view of the American people in this way. In my judgment, it will be presented.

Mr. HEYBURN. I hope so.

Mr. BRISTOW. And the Senate will have an opportunity to pass judgment as to whether the majority or the minority are correct in their report in this case.

The VICE PRESIDENT. The Secretary will continue the reading.

Mr. CULBERSON. Mr. President, I should like to inquire if any request has been made to dispense with the further reading of the views of the minority.

The VICE PRESIDENT. No such request has been made.

Mr. CULBERSON. I make it.

The VICE PRESIDENT. The Senator from Texas asks unanimous consent to dispense with the further reading of the views of the minority. Is there objection?

Mr. WILLIAMS. Mr. President, I think that the reading had better be continued until the report is finished, so that the Senate may have it before them at one time. I shall object to the request.

The VICE PRESIDENT. Objection is made.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Kenyon	Richardson
Borah	Curtis	Kern	Root
Bourne	du Pont	Martin, Va.	Shively
Brandeggee	Fletcher	Martine, N. J.	Smith, Ga.
Bristow	Foster	Myers	Smith, Md.
Brown	Gallinger	Nelson	Stephenson
Bryan	Gamble	Newlands	Sutherland
Burton	Gardner	Nixon	Swanson
Chamberlain	Gronna	Overman	Thornton
Chilton	Heyburn	Page	Townsend
Clapp	Hitchcock	Perkins	Watson
Clark, Wyo.	Johnson, Me.	Pomerene	Wetmore
Culbertson	Jones	Rayner	Williams

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum of the Senate is present.

Mr. WILLIAMS. Mr. President, a moment ago the Senator from Texas [Mr. CULBERSON] made a request which I misunderstood. I thought it was a request to suspend the reading of the report and go on with it hereafter. It seems that it was a request to dispense with it and to publish it. I would not have made any objection to that, and therefore I now make the request that he made and to which I objected.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent to dispense with the reading of the remaining part of the views of the minority, and that it be printed in the RECORD. Is there objection? The Chair hears none.

The remainder of the views of the minority is as follows:

The CHAIRMAN. We go to the next item of \$50 cash. Can you account for any part of it?

Mr. PERRIN. I have no recollection of it.

The CHAIRMAN. The last item I inquired about, of \$10 to Dresser, was on the 18th of August.

Mr. PERRIN. Yes, sir.

The CHAIRMAN. And another item the same day, the 18th, is \$50 cash. You say you can not account for that?

Mr. PERRIN. No.

The CHAIRMAN. At that time you had received the \$3,000. You received it on the 15th. So you had all of this \$5,000 then available?

Mr. PERRIN. Yes, sir.

The CHAIRMAN. And on the 19th you drew a check to W. W. Savage for \$25, and he indorsed it. What was that for?

Mr. PERRIN. I am not sure about that. I sent him out two or three times, I do not remember when, to get information to enable us to carry on this work.

The CHAIRMAN. He was your clerk?

Mr. PERRIN. Yes.

The CHAIRMAN. On the 21st you paid out \$200 cash. Can you account for any part of that?

Mr. PERRIN. I have no recollection of it.

The CHAIRMAN. On the same day you paid out \$100 cash. Can you account for any part of that?

Mr. PERRIN. I have no distinct recollection.

The CHAIRMAN. Again on the same day, \$40 cash. Can you account for that or any part of it?

Mr. PERRIN. I do not recollect that.

The CHAIRMAN. Was it money expended in the city of Superior?

Mr. PERRIN. This money was expended in four counties—Douglas, Bayfield, Sawyer, and Washburn.

The CHAIRMAN. Are they the northern counties in the State?

Mr. PERRIN. Yes.

The CHAIRMAN. The most northern?

Mr. PERRIN. Yes.

The CHAIRMAN. Tell us the conversation—what he said to you and what you said to him that resulted in the handing over of that check.

Mr. PERRIN. I can not remember the details.

The CHAIRMAN. Give us the substance.

Mr. PERRIN. The substance of it was that I went to him and asked him if he would put in some time in the STEPHENSON campaign. He said he would do what he could. I asked him how much money he thought he would need at that time, and he said that he ought to have \$250.

The CHAIRMAN. Did you tell him that you were disbursing STEPHENSON money at that time? You told him you had received this thousand dollars, did you?

Mr. PERRIN. Yes.

The CHAIRMAN. And he told you he could be of some use to Senator STEPHENSON, did he?

Mr. PERRIN. Yes.

The CHAIRMAN. How did he tell you he could be of use to Senator STEPHENSON?

Mr. PERRIN. I guess I knew as much about that as he did. I do not know that he expressed himself in specific terms as to what he could do or would do.

The CHAIRMAN. What did he do for Senator STEPHENSON's campaign?

Mr. PERRIN. I do not know.

The CHAIRMAN. You say you knew what he could do?

Mr. PERRIN. I knew what he could do; certainly.

The CHAIRMAN. Was that to be taken as a criterion of what he did do?

Mr. PERRIN. It was by me.
 The CHAIRMAN. What did he do?
 Mr. PERRIN. Taking that as a criterion, he could, and I believe he did, get men interested for Senator STEPHENSON that neither Senator STEPHENSON, Mr. Edmonds, nor I could otherwise get.
 The CHAIRMAN. Get men that you could not get?
 Mr. PERRIN. Yes.
 The CHAIRMAN. How would he get them interested? What would he do?
 Mr. PERRIN. I think he would mostly talk.
 The CHAIRMAN. What would he say to them?
 Mr. PERRIN. I am sure I do not know.
 The CHAIRMAN. What would be the nature of the conversation?
 Mr. PERRIN. I would not undertake to say.
 The CHAIRMAN. How do you know it is not just exactly the conversation you or Mr. Edmonds would have had with these people?
 Mr. PERRIN. Because I know that I could not talk to some of those people the way Mr. Shields could.
 The CHAIRMAN. If you do not know what he said to them, how do you know that?
 Mr. PERRIN. There are things, you know, that we know without being able to explain or express after long years of acquaintance with a man that no man living can sit on the witness stand and detail.
 The CHAIRMAN. Do you think you are worth the \$3,000 that Mr. STEPHENSON gave you?
 Mr. PERRIN. Oh, I know I am worth that.
 The CHAIRMAN. It takes a pretty good political talker to get that amount of money.
 Mr. PERRIN. I did not have to talk any to get it.
 The CHAIRMAN. How much of this money indicated by the cash items or the checks remained in your hands?
 Mr. PERRIN. Not a cent.
 The CHAIRMAN. And yet you can not account for a cent of it that you paid out?
 Mr. PERRIN. I can not in detail; no, sir.
 The CHAIRMAN. Not a single item?
 Mr. PERRIN. Not one.
 The CHAIRMAN. That was rather a spectacular campaign in some respects, was it not, with money flowing out freely in those amounts?
 Mr. PERRIN. To speak in the vernacular, I guess we got them "going some."
 Senator SUTHERLAND. In handing over sums of money to people that you employed in Senator STEPHENSON'S interest, did you give any of them any instruction whatever as to what they should do?
 Mr. PERRIN. If I thought it was necessary when I gave the man money to tell him what to do, I have no doubt I did.
 Senator SUTHERLAND. Did you?
 Mr. PERRIN. I do not remember.
 Senator SUTHERLAND. You do not recall having given anybody any instructions?
 Mr. PERRIN. No; I do not recall it. I know there were some instances where I said to some man, or some men, that we would look to him or them to provide workers at the polls, for instance, or teams to get voters out. But that was all in the most general way.
 Senator SUTHERLAND. You gave them no specific instructions that you recall as to what they should do?
 Mr. PERRIN. I do not recall now; no. I do not recall now that I did.
 The CHAIRMAN. On August 5, \$200 cash. For what was that cash expended, and by whom?
 Mr. PERRIN. I have no recollection.
 The CHAIRMAN. August 6, \$25 cash. What do you say as to that?
 Mr. PERRIN. I have no recollection.
 The CHAIRMAN. August 6, \$200. What have you to say as to that item?
 Mr. PERRIN. I do not remember it.
 The CHAIRMAN. When you say you do not remember, you mean—
 Mr. PERRIN. I have no recollection.
 The CHAIRMAN. That you have no information to give in regard to it, based upon your recollection?
 Mr. PERRIN. None whatever.
 The CHAIRMAN. On August 7, \$100 cash. Have you any recollection as to the purpose for which that was expended?
 Mr. PERRIN. No, sir.
 The CHAIRMAN. And on August 7, again, \$75; and on August 7, again, \$50; that is \$225 on August 7. Have you any knowledge as to what that was used for?
 Mr. PERRIN. Those items are all "cash"?
 The CHAIRMAN. Yes; they are all cash.
 Mr. PERRIN. No; I have no recollection.
 The CHAIRMAN. On the 8th we have cash items of \$50, \$50, \$50, \$50, and \$50—\$250; do you know the purpose for which that money, or any part of it, was expended?
 Mr. PERRIN. Those are cash?
 The CHAIRMAN. Yes; cash items.
 Mr. PERRIN. No; I have no recollection.
 Senator POMERENE. You have said in answer to Senator SUTHERLAND—I want to quote you correctly, and if I do not you will correct me—that you probably paid money to 100 different persons, though you were not definite as to your statement.
 Mr. PERRIN. No; I can not be.
 Senator POMERENE. I understand that. You also said to him again in your examination that you knew personally very many of the men that you employed.
 Mr. PERRIN. Yes.
 Senator POMERENE. Do you mean to tell the committee that you do not now remember any of the men to whom you paid this money, outside of the few names that you gave to Senator HEYBURN?
 Mr. PERRIN. That is just exactly what I mean to say.
 Senator POMERENE. Not one of them?
 Mr. PERRIN. Not one of them.

MR. PERRIN'S METHODS OF DISTRIBUTING \$5,000.

(U39) Mr. PERRIN. I planned that we would take the first \$1,000 and get hold of as many of the men who were accustomed to doing political work in that territory as we could get hold of with that money, laying the foundation for further and more extensive electioneering if the money was forthcoming. * * * At that time, I think, I knew I would get another \$1,000.
 "The CHAIRMAN. With this class of expenditure the motive does cut some figure. You were representing a candidate for office, under the laws of a State, and you were not spending your money, but his. Did it not occur to you that he would be responsible for the manner of your expenditure, and that incidentally to that you would have some responsibility?"
 Mr. PERRIN. No.

The CHAIRMAN. It did not?
 Mr. PERRIN. No.
 "The CHAIRMAN. You did not feel that you were under any responsibility to any person or any law for the manner of the expenditure of this money?"
 Mr. PERRIN. I do not think I said that.
 The CHAIRMAN. I asked you. It is a question I am asking you.
 Mr. PERRIN. Just read the question, please.
 The reporter read as follows:
 "The CHAIRMAN. You did not feel that you were under any responsibility to any person or any law for the manner of the expenditure of this money?"
 Mr. PERRIN. I felt that I was responsible to Senator STEPHENSON for the expenditure of the money that he put in my hands.
 The CHAIRMAN. Do you mean the manner of the expenditure?
 Mr. PERRIN. No; I do not think so, entirely. I think I was selected to exercise an independent judgment upon the manner in which his candidacy should be furthered in that particular.
 The CHAIRMAN. And leave the responsibility upon Senator STEPHENSON?
 Mr. PERRIN. May I inquire—responsibility for what?
 The CHAIRMAN. The manner in which you expended it; were you going to let him take chances on that?
 Mr. PERRIN. I do not think the Senator was taking any chances on that.
 The CHAIRMAN. To return to Mr. Shields: You have not been able to account for any item of expenditure by Mr. Shields; so that we shall have to rely upon Mr. Shields, shall we, for that information?
 Mr. PERRIN. I presume he can give you some idea as to what he did with that money. I should like to say, if I may, that of these cash items I think Mr. Fridley had more than appears to have been given him upon checks drawn to his order.
 Mr. PERRIN. This statute has never received in practical operation, by anybody that I know of in the State of Wisconsin, the construction which has been suggested here. It is the common, ordinary thing throughout northern Wisconsin to take a man to the theater or take him to lunch, not necessarily to corrupt his mind, but to enlighten him. You do these things to get a man's mind in a receptive mood. You can not go after him, Senator, you know, with an ax and beat an idea into him. It has got to be worked out along practical lines. It seems foolish for me to sit here and talk to you gentlemen about this thing, because you know so much more about it than I do.
 The CHAIRMAN. Our examination here is not so much for our entertainment as to make a record.
 Mr. PERRIN. I beg your pardon. I apologize.
 The CHAIRMAN. You need make no apology. This is to be taken as a test of your meaning of "electioneering," then, is it?
 Mr. PERRIN. I think that is a fair test of the meaning of ninety-nine men out of a hundred who conduct politics.
 The CHAIRMAN. Of "electioneering"?
 Mr. PERRIN. "Electioneering."
 The CHAIRMAN. You think that comes within the definition of "electioneering"?
 Mr. PERRIN. I certainly do.
 The CHAIRMAN. And when you speak of having expended money in electioneering, either by you or by those whom you employed, you include that kind of proceeding under the head "electioneering"?
 Mr. PERRIN. It may be included.
 Senator SUTHERLAND. You think it is as legitimate to reach a man through his appetite as it is through his intellect.
 KNOWINGLY PAID MONEY TO SHAUERS.
 The CHAIRMAN. You said, or I understood you to say, that there was only one case in which you knowingly paid money to a man who was a candidate for the legislature; what case was that?
 Mr. EDMONDS. Mr. Shauers, of Oconto County.
 Mr. LITTLEFIELD. Was he elected?
 Mr. EDMONDS. No, sir.
 Mr. LITTLEFIELD. What was his name?
 Mr. EDMONDS. Mr. Shauers.
 The CHAIRMAN. For what purpose did you pay him money?
 Mr. EDMONDS. He was a railroad man, and for the purpose of organizing he went in different parts of the State to see railroad men.
 The CHAIRMAN. Was he in employment then or out of employment?
 Mr. EDMONDS. Out of employment.
 The CHAIRMAN. Then he went from his home to different parts of the State, outside of the legislative district where he was a candidate?
 Mr. EDMONDS. Yes. It was distinctly understood that he was to spend no time, no money, in that district.
 The CHAIRMAN. Well, but did he?
 Mr. EDMONDS. He did not, to my knowledge.
 Mr. LITTLEFIELD. That is, in his own district?
 Mr. EDMONDS. In his own district.
 Mr. LITTLEFIELD. So that nothing that was expended by him had any relation to the campaign pending in his district?
 Mr. EDMONDS. Absolutely not.
 Mr. LITTLEFIELD. Either directly or indirectly?
 The CHAIRMAN. How much did you pay Shauers?
 Mr. EDMONDS. I don't recall. I should think it might range from \$50 to \$100 or \$125. I don't think more than that. I paid him, I think, two or three different times \$25.
 THOMAS REYNOLDS.
 The CHAIRMAN. Did you receive any more than \$180 from Senator STEPHENSON or from anyone in his behalf?
 Mr. REYNOLDS. I received \$100 from Senator STEPHENSON'S manager.
 The CHAIRMAN. Is that the \$100 that you have referred to? Did you receive \$280 altogether from Senator STEPHENSON or his manager?
 Mr. REYNOLDS. I did not consider it from Senator STEPHENSON, although Senator STEPHENSON told me afterwards that he told them to send it to me—I supposed for my services; I do not know for what.
 The CHAIRMAN. Did you receive \$280 altogether from Senator STEPHENSON?
 Mr. REYNOLDS. Yes, sir.
 The CHAIRMAN. You received \$80 from Senator STEPHENSON personally, did you not?
 Mr. REYNOLDS. Yes.
 The CHAIRMAN. Then you received \$100 from Senator STEPHENSON personally?
 Mr. REYNOLDS. No, sir; not personally.
 The CHAIRMAN. From whom did you receive it?
 Mr. REYNOLDS. I received it through the mail.
 The CHAIRMAN. Did you receive the second \$100 through the mail?
 Mr. REYNOLDS. The second \$100; yes, sir; that is the only \$100 I received through the mail, the second \$100—no; the first \$100. The first \$100.

The CHAIRMAN. Did you receive another \$100 after that?
 Mr. REYNOLDS. I received \$100 by check from his manager.
 The CHAIRMAN. Did you receive \$100 by check from Senator STEPHENSON?
 Mr. REYNOLDS. No, sir.
 The CHAIRMAN. Did you receive more than one sum of \$100 from the manager?
 Mr. REYNOLDS. That is all I received from the manager—\$100; a \$100 check.
 The CHAIRMAN. Tell us how you received the \$280.
 Mr. REYNOLDS. I received \$80 from Senator STEPHENSON and \$100 afterwards from him.
 The CHAIRMAN. From Senator STEPHENSON?
 Mr. REYNOLDS. Yes.
 The CHAIRMAN. Personally?
 Mr. REYNOLDS. Not personally; no.
 The CHAIRMAN. How did you receive it?
 Mr. REYNOLDS. Through the mail.

The CHAIRMAN. To whom did you pay the largest sum of money?
 Mr. RIORDAN. In all?
 The CHAIRMAN. Yes.
 Mr. RIORDAN. During the campaign?
 The CHAIRMAN. Yes; out of this fund.
 Mr. RIORDAN. For any purpose?
 The CHAIRMAN. Yes.
 Mr. RIORDAN. \$250 to E. A. Everett, of Eagle River.
 The CHAIRMAN. For what did you pay him that sum?
 Mr. RIORDAN. For traveling through the counties of Vilas, Iron, and Oneida and ascertaining, as far as he was able, the sentiment of the people as he went along; that is, those who were for and against each of the several candidates.

The CHAIRMAN. Did he report to you, a memorandum of people, showing the result of that work?
 Mr. RIORDAN. He made two such trips through the county. After the first one he came back and made a report to me, and the second time he came back and made a similar report.

The CHAIRMAN. Tell us who he was.
 Mr. RIORDAN. E. A. Everett is the proprietor of the Everett resort.
 The CHAIRMAN. What is that?
 Mr. RIORDAN. That consists of a large hotel dining room and about 40 cottages on the Eagle chain of lakes, at Eagle River.
 The CHAIRMAN. It is a summer resort?
 Mr. RIORDAN. It is a summer resort. Prior to that time he was a member of the Wisconsin Assembly.
 The CHAIRMAN. But at the time you made this arrangement with him he was not a public officer?
 Mr. RIORDAN. He was a candidate for public office.
 The CHAIRMAN. What office?
 Mr. RIORDAN. The office of member of the assembly.
 The CHAIRMAN. At the time you paid him this money?
 Mr. RIORDAN. I did not pay him the money, I see by my testimony, until the 31st of August.

Senator POMERENE. Is that George E. Everett?
 Mr. RIORDAN. E. A. Everett.
 The CHAIRMAN. The testimony would indicate that you paid it to him before the primary election.
 Mr. RIORDAN. I think a day or two before the primary election.
 Mr. LITTLEFIELD. He was a candidate for the assembly?
 Mr. RIORDAN. Yes.
 The CHAIRMAN. Was he elected?
 Mr. RIORDAN. No, sir.
 The CHAIRMAN. When you paid it to him, did you know that he was a candidate for the assembly?
 Mr. RIORDAN. I think I did, certainly. I surely talked with him about it.

The CHAIRMAN. Was he announcing for whom he would vote in the legislature if he were elected?
 Mr. RIORDAN. Yes; he was to vote for the candidate who received the primary nomination.
 The CHAIRMAN. Without regard to who it was?
 Mr. RIORDAN. Yes; and I would like to add there that the man who was running against him made the same promise.
 Mr. LITTLEFIELD. What was his name?
 Mr. RIORDAN. D. B. Stevens.
 The CHAIRMAN. They promised to abide the result of the primary?
 Mr. RIORDAN. Yes. The campaign was made with that understanding.
 The CHAIRMAN. For whom did they assert their influence during the primary, the time preceding the election?
 Mr. RIORDAN. I think for themselves, individually.
 The CHAIRMAN. Were they announcing their support of any particular candidate, or doing anything in the interest of any particular candidate?
 Mr. RIORDAN. No; I do not think they were.

BANCROFT'S METHODS.

The CHAIRMAN (reading):
 "The result of our conference was that I, being pretty well acquainted with the county, and knowing who the political workers were in the county, consented to disburse this amount of money for Mr. STEPHENSON."

Is that correct?
 Mr. BANCROFT. That is correct.
 The CHAIRMAN. Give us the names of the people and the amounts you gave them.
 Mr. BANCROFT. George Mehaffy I paid \$100.
 The CHAIRMAN. What was he to do for that \$100?
 Mr. BANCROFT. I gave him no instructions whatever.
 Senator POMERENE. What is his address?
 Mr. BANCROFT. Richland Center.
 The CHAIRMAN. What did he do with the money?
 Mr. BANCROFT. I could not tell you.
 The CHAIRMAN. Did you ask him to render you an account of the manner of its expenditure?
 Mr. BANCROFT. I did not.
 The CHAIRMAN. Did he ever tell you how he expended the money?
 Mr. BANCROFT. He did not.
 The CHAIRMAN. Then you never knew?
 Mr. BANCROFT. I do not know.
 The CHAIRMAN. Did you ever know?
 Mr. BANCROFT. I never knew.

MONEY PAID TO MULDER, CANDIDATE FOR THE LEGISLATURE.

Mr. LITTLEFIELD. Then you said, "and he got some of this money"; so I got the impression that you referred to McConnell.
 Senator POMERENE. You understood that I was referring to Mulder?

Mr. GORDON. Yes.
 Mr. LITTLEFIELD. That is all right, then.
 Senator POMERENE. Yes; that is all right, so there will be no misunderstanding. Was it as much as \$50?
 Mr. GORDON. I can not tell you how much it was.
 Senator POMERENE. You can certainly give us some idea as to whether it was a matter of \$5 or \$10 or \$50 or \$100.
 Mr. GORDON. I can not tell you definitely how much it was.
 Senator POMERENE. I know; but I am not asking you for that. I am asking you for your best judgment about it.
 Mr. GORDON. It was probably, I should guess, from \$25 to \$50.
 Senator POMERENE. What did you say to him with reference to his campaign and what use was to be made of this money?
 Mr. GORDON. He was one of the original Stephenson men in the county, and I asked him to do what he could in the interest of Mr. STEPHENSON.

Senator POMERENE. What else was said?
 Mr. GORDON. That is all I can recollect. I do not recollect all that was said. That is what I naturally would say.
 Senator POMERENE. Since your attention has been directed to this matter, do you not recall that Mulder was a candidate for the general assembly?

Mr. GORDON. I say he was a candidate, but I can not recollect whether he was when I gave him the money or whether he subsequently became a candidate.

Senator POMERENE. I misunderstood you, then.
 Mr. GORDON. He was a candidate; yes.
 Senator POMERENE. We understand each other now—that he was in fact a candidate?

Mr. GORDON. He was a candidate; yes, sir.
 Senator POMERENE. But you meant to say that you do not remember whether at the time you gave him the money he was then an announced candidate or not?

Mr. GORDON. That is the idea.

WHEELER'S METHODS OF DISTRIBUTION.

William G. Wheeler distributed \$600 and aided in the "organization." Mr. C. B. Salmons was one of his lieutenants. Mr. Salmons reported the success of his operations in the following letter to his chief (p. 597):

BELOIT, WIS., September 1.

MY DEAR WHEELER: I inclose bills in blank which are correct. All the men and rigs were in the exclusive use of Stephenson. We did not mix any other candidates. We also had about as many more that were STEPHENSON and one or two other candidates. At this writing, 4 p. m., I predict 1,700 to 1,800 votes, and that STEPHENSON will get 65 per cent.

Very truly,

C. B. SALMONS.

We should pay these men in the morning.

(Our italics.)

MR. DART'S METHODS OF DISTRIBUTING MONEY.

Dart was one of the deputy game wardens, and received \$400 for "organization purposes."

The chairman read to the witness an extract from his testimony given before the legislative committee, as follows:

"Q. What did you do with it?—A. Spent it.
 "Q. How?—A. Every old way.
 "Q. What is that?—A. Every way.
 "Q. Tell us some way that you spent it.—A. Oh, I spent quite a lot of it in saloons."
 The CHAIRMAN. Is that true?
 Mr. DART. Well, I should not go past any of them if there was anybody there I wanted to see.

The CHAIRMAN (reading from previous testimony):
 "Q. Did you make any payments to individuals?—A. Oh, yes; I gave them quite a little bunch of money.
 "Q. Who were the persons to whom you gave 'quite a little bunch of money'?—A. Oh, I don't know; I could not mention half or a quarter of them."

He, however, on pages 977 to 982, gives an interesting account of the expenditures that he remembers.

The testimony of Mr. Wellensgard, on pages 852, 855, and 856; that of Mr. French, at page 876; and that of George Beyer, at page 881, furnish fair illustrations of the methods employed by local workers.

LIQUOR EXPENDITURES.

Senator POMERENE. Or, if he got a drink of whisky at the bar and drank it there, that would not be prohibited; but if he got a half a pint and put it in his pocket and took it away for a swig after a while, that would be illegal?

Mr. SACKET. I think I should have to revert to the custom again and say that the half pint was lawful.

Senator SUTHERLAND. Is it the custom in Wisconsin to buy the voters bottles of whisky and give to them?

Mr. SACKET. And kegs of beer; yes, sir.

Senator SUTHERLAND. And kegs of beer?

Mr. SACKET. Yes, sir.

Mr. LITTLEFIELD. Let me get that question.

Senator POMERENE. Being from Maine, you do not know anything about that.

Mr. LITTLEFIELD. That is why I was quite anxious to get the actual practical situation. I trust we are adding to the sum of human knowledge and at the same time increasing my own information. Of course, I fully realize my infirmity.

Senator SUTHERLAND. Now, Mr. Sacket, do you seriously mean that that is the custom in Wisconsin?

Mr. SACKET. The custom, as I understand it; yes, sir.

Senator SUTHERLAND. To purchase bottles of whisky and kegs of beer for voters?

Mr. SACKET. Yes, sir.

The CHAIRMAN (reading):

"Q. You kept no track of it. How could you present a bill to Mr. Wayland? Was that just an estimate of what you spent?—A. No. I think there was \$135 cash I had in my pocket, without the automobile, which was \$15. I think it was \$150 I had that day when I left the office."

Is that correct?

Mr. O'CONNOR. Yes, sir.

The CHAIRMAN (reading):

"Q. And you spent all that in one day?—A. Yes, sir."

(827) Mr. O'CONNOR. No, sir; it was a supper, I guess, that cost about \$1.60 for the two of us.

Senator SUTHERLAND. You spent \$1.60 for food, as I understand you?

Mr. O'CONNOR. Yes, sir.

Senator SUTHERLAND. That would leave \$305.40 for whisky and cigars and automobiles?

Mr. O'CONNOR. Yes, sir.

Senator SUTHERLAND. Do you think you spent a little too much for food?

Mr. O'CONNOR. No; I did not think anything about it.

Senator SUTHERLAND. You do not recall spending any of the money for anything else.

Mr. O'CONNOR. That is all it was spent for.

Senator SUTHERLAND. That is, you spent \$305.40 for an automobile and for whisky and cigars?

Mr. O'CONNOR. Yes, sir.

Senator SUTHERLAND. And that was your notion of furthering the interests of Senator STEPHENSON in this campaign, was it?

Mr. O'CONNOR. That is the way they make a campaign up in that territory.

Senator SUTHERLAND. That is the way you made it, at all events?

Mr. O'CONNOR. That is customary up there.

MONEY PAID TO "ENTHUSE" VOTERS.

The CHAIRMAN. Mr. Edmonds, did you pay the \$50 to Mr. Dettman on August 8?

Mr. EDMONDS. My recollection is not clear on that, but I think I sent it to him.

The CHAIRMAN. You think you sent it to him; for what purpose?

Mr. EDMONDS. For assistance among the German Lutherans in his locality.

The CHAIRMAN. What kind of assistance?

Mr. EDMONDS. So that he would get out and help to get out the vote—interest his friends—for Senator STEPHENSON.

The CHAIRMAN. There was no vote to be gotten out on August 8 for any purpose—nearly a month before the election.

Mr. EDMONDS. When I say getting out the vote, I do not refer to the actual carrying or taking of the persons to the polls, but to interest them so that they would get out.

The CHAIRMAN. Enthuse them?

Mr. EDMONDS. That is the idea—enthuse them. Thank you for the suggestion.

The CHAIRMAN. "O. L. Gust, \$300, August 8." Did you pay that money?

Mr. EDMONDS. I can not recall that payment at all.

The CHAIRMAN. What do you mean by lining them up for Senator STEPHENSON?

Mr. EDMONDS. Getting them interested in his election.

The CHAIRMAN. Discussing his election with them?

Mr. EDMONDS. Yes, sir.

The CHAIRMAN. Paying any money to them for any purpose?

Mr. EDMONDS. That was up to the man's judgment as to whether that was necessary or advisable in the conduct of the campaign for Senator STEPHENSON's election.

The CHAIRMAN. Was that money given to him to expend among the railroad men for cigars or treats of any kind if he saw fit to so expend it?

Mr. EDMONDS. So far as I know he might have expended it in that way.

The CHAIRMAN. There was no restriction placed upon it?

Mr. EDMONDS. I think not; not in that manner.

FINDING.

We regret that we can not feel warranted in finding for the sitting Member, but we believe the methods employed at the primary were corrupt; that they were against public policy; that they were demoralizing in character; that they directly contributed to destroy the purity and freedom of the election; that they violated the fundamental principles at the basis of our system of government; and that they are not to be tolerated by the Senate of the United States as a means of procuring a seat in that body.

We desire to submit the following resolution:

"Resolved, That ISAAC STEPHENSON was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Wisconsin."

W. L. JONES.
MOSES E. CLAPP.
WM. S. KENYON.
JNO. W. KERN.
LUKE LEA.

EXECUTIVE SESSION.

Mr. BURTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 22, 1912, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1912.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. Henry S. Mathewson to be surgeon.
Passed Asst. Surg. Taliaferro Clark to be surgeon.

PROMOTIONS IN THE NAVY.

Lieut. Charles P. Burt to be a lieutenant commander.
Ensign Claudius R. Hyatt to be a lieutenant (junior grade).

POSTMASTERS.

ARIZONA.

E. J. Smith, Holbrook.

CALIFORNIA.

Enos F. Floyd, San Andreas.
Anne C. Mahan, Fort Jones.
Clarence S. Merrill, Berkeley.

COLORADO.

Jefferson D. Frazey, Antonito.

FLORIDA.

George A. Alba, St. Augustine.
George W. Duncan, Jasper.

IDAHO.

Francis Ball, Pocatello.

ILLINOIS.

George W. Martin, St. Anne.
Louis Opp, Belleville.
Henry C. Paradis, Mokenca.
Elmer E. Smith, Clayton.
C. N. Smith, Madison.

MAINE.

George E. Durrell, Skowhegan.
George A. Herrick, Madison.

MASSACHUSETTS.

Clarke P. Harding, Medway.
Edwin Smith, Mittineague.

MICHIGAN.

Jacob Le Roy Gumaer, Ovid.

NEBRASKA.

Thomas A. Boyd, Beaver City.

NEW HAMPSHIRE.

Frank S. Huckins, Ashland.

NEW YORK.

Henry R. Bryan, Hudson.
Arthur Hartt, Ravena.
William F. Lewis, Arcade.
Warren J. Martin, Port Chester.
James M. Requa, Tarrytown.
Charles E. Tracy, Newfane.
Oliver H. Tuthill, Rockville Center.

SOUTH CAROLINA.

Ellison Capers, jr., Summerton.
Martin Cauthen, Kershaw.
Charles D. Kennedy, Johnston.
Aaron M. Morris, Pickens.
William H. Ochsner, Chamberlain.
Alonzo D. Webster, Orangeburg.

WASHINGTON.

William O. Gregory, Burlington.
George Vetter, Sunnyside.

WEST VIRGINIA.

George T. Goshorn, Piedmont.

WISCONSIN.

Oscar C. Olman, Princeton.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 21, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, by the sun which illumines the earth; by the stars which shine by night; by the change of seasons; by the wonderful adaptation of means to ends; by the holy ties which bind us together into families; by the patriotism which inspires to deeds of heroism; by the faith which has come down to us out of the ages; by the hope which shines brighter than day; by the love which time nor space can sever; by the still, small voice Thou doest speak to us, and bid us go forward to the things which make for righteousness in the soul which shall survive the wreck of time, help us to hear and obey. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed joint resolution and bill of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 74. Joint resolution for an exhibit at the Fifth National Corn Exposition, at Columbia, S. C.; and

S. 4197. An act for the purchase of a site for the erection of a post office and public building at New Martinsville, Wetzel County, W. Va.

PRINTING OF ILLUSTRATIONS IN THE RECORD.

Mr. AKIN of New York. Mr. Speaker, I ask unanimous consent to have my speech of yesterday, in regard to the chemical schedule, printed in the RECORD.

Mr. MANN. Mr. Speaker, the matter of illustrations, under the law, has to go to the Joint Committee on Printing, and the House can not control it.

The SPEAKER. The gentleman is correct.

THE CHEMICAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with proceedings under the calendar of to-day until the bill H. R. 20182, to revise the chemical schedule, is disposed of. I believe it requires a motion.

Mr. MANN. Mr. Speaker, I do not make a point of order on that motion. [Laughter.]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama.

The question was taken; and two-thirds having voted in favor thereof, the motion was agreed to.

The SPEAKER. Under the order of the House, the previous question having been ordered, the amendments will have to be voted upon first, and then the bill. Unless a separate vote is demanded on some particular amendment, the vote will be taken en bloc.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. DALZELL. Mr. Speaker, I move to recommit the bill with instructions, in accordance with the motion which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] moves to recommit the bill with instructions. The Clerk will report the motion.

The Clerk read as follows:

I move to recommit the bill H. R. 20182, a bill to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, to the Committee on Ways and Means, with instructions to that committee to report amendments to the bill, striking out of the dutiable list in the bill certain noncompetitive crude materials now on the free list under existing law, and striking out of the bill increases in the tariff rate on certain crude materials carried by the bill and restoring the lower rates on said materials as provided by the existing tariff law, as follows, to wit:

Amend, page 2, line 7, by striking out the following words: "Benzoleic acid, 5 cents per pound."

Amend, page 2, line 13, by striking out the words "phthalic acid, 5 cents per pound."

Amend, page 2, lines 21 and 22, by striking out the words "egg albumen, 6 cents per pound," and inserting in lieu thereof the words "egg albumen, 3 cents per pound."

Amend, page 3, by striking out of lines 3 and 4, the following: "6. Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem."

Amend, page 3, lines 14, 15, and 16, by striking out the words "Argols or crude tartar or wine lees crude or partly refined, containing not more than 90 per cent of potassium bitartrate, 10 per cent ad valorem," and inserting in lieu thereof the following: "Argols or crude tartar or wine lees crude, 5 per cent ad valorem; partly refined containing not more than 90 per cent of potassium bitartrate, 10 per cent ad valorem."

Amend, by striking out, on page 3, lines 20 to 25, inclusive, and on page 4, down to and including the semicolon in line 2, the following: "Balsams: Copaiba, fir or Canada, Peru, tolu, and all other balsams, which are natural and uncompounded and not suitable for the manufacture of perfumery and cosmetics, if in a crude state, not advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem," and inserting in lieu thereof the following: "Balsams: Copaiba, fir or Canada, Peru tolu, and all other balsams."

Amend, page 6, lines 15 to 19, by striking out the following: "23. Coal-tar products known as dead and creosote oil, soluble and sulfonated dead and creosote oil, anthracene and anthracene oil, benzol, naphthol, resorcin, toluol, xylol; all the foregoing not medicinal and not colors or dyes, 5 per cent ad valorem."

Amend by striking out of lines 20 to 25, page 6, and lines 1 to 5, inclusive, page 7, the following:

"24. Coal-tar products known as anilin oil and salts, toluidin, xylidin, cumidin, binitroto-uol, binitrobenzol, benzidin, tolidin, dianisidin, naphthylamin, diphenylamin, benzaldehyde, benzyl chloride, nitrobenzol and nitrotoluol, naphthylaminsulfonacids and their sodium or potassium salts, naphtholsulfonacids and their sodium or potassium salts, amido-naphtholsulfonacids and their sodium or potassium salts, amidosulleylic acid, binitrochlorbenzol, diamidostilbendisulfo-acid, metanilic acid, paranitranilin, dimethylanilin; all the foregoing not medicinal and not colors or dyes, 10 per cent ad valorem."

Amend by striking out of the paragraph in lines 22 to 25, page 7, and lines 1 to 11, page 8, reading as follows: "28. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for in this act or in the first section of the act cited for amendment,

but which are advanced in value or condition by peeling, shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph," the words "peeling, shredding, grinding, chipping, crushing, or any other" and inserting in lieu thereof the word "any."

Amend, page 8, by striking out of line 12 the following: "29. Ergot, 10 cents per pound."

Amend, page 10, by striking out of paragraph 37, with the heading "Gums," from lines 5 to 7, the following:

"Amber, and amberoid unmanufactured, or crude gum, \$1 per pound; arabic, one-half of 1 cent per pound; camphor, crude, natural, 3 cents per pound."

And by striking out of lines 9 and 10 the following: "gum copal, one-half of 1 cent per pound; gum resin, 10 per cent ad valorem."

And by striking out of lines 13, 14, and 15 the words "gum Kauri and damar, and lac, crude, seed, button, and stick, 1 cent per pound; lac dye and shell, 1 1/2 cents per pound."

Amend, page 10, line 16, by striking out the word "indigo" where it first appears.

Amend, page 10, line 19, by striking out of line 19, after the heading "Iodine," the following:

"Crude, 10 cents per pound."

Amend, page 10, by striking out of paragraph 41 the following:

"Buchu leaves, 10 cents per pound;" "gentian, one-fourth of 1 cent per pound; licorice root, unground, fifteen one-hundredths of 1 cent per pound; sarsaparilla root, 1 cent per pound."

Amend, page 11, by striking out in lines 3 to 7 the words "cassia buds, cassia, and cassia vera; cinnamon and cinnamon chips"; "nutmegs; pepper, black or white; capsicum or red pepper, or cayenne pepper; and clove stems, 1 cent per pound; cloves, 2 cents per pound;" and inserting in lieu thereof the following:

"Cassia buds, cassia, and cassia vera; cinnamon and cinnamon chips"; "nutmegs; pepper, black or white; capsicum or red pepper, or cayenne pepper; clove stems and cloves, all the foregoing, when ground, 2 cents per pound."

Amend, page 11, lines 13, 14, and 15, by striking out the following: "42. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than 2 per cent of alcohol, 10 per cent ad valorem."

Amend, page 11, line 19, by striking out the following:

"44. Lime, citrate of, 1 cent per pound."

Amend, page 11, lines 23 and 24, by striking out the following:

"Magnesite, calcined, not purified, \$1 per ton."

Amend, page 12, line 25, and page 13, line 1, by striking out the following: "coconut oil, palm oil, palm-kernel oil, and soya-bean oil, one-fourth of 1 cent per pound," and insert in lieu thereof the following: "refined, deodorized coconut oil, one-fourth of 1 cent per pound."

Amend, page 13, lines 1 to 5, by striking out the following:

"Olive oil, rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him, three-eighths of 1 cent per pound."

Amend, page 13, line 8, by striking out the following:

"And peanut oil, 10 cents per gallon."

Amend, page 13, lines 8 and 9, by striking out the following:

"And Chinese-nut oil, 5 cents per gallon."

Amend, page 13, lines 9, 10, 11, and 12, by striking out the following: "Almond oil, sweet, 5 cents per pound; mace oil, 8 cents per pound; sesame or sesamum seed or bean oil, 1 1/2 cents per pound."

Amend, page 13, lines 21 to 25, and page 14, line 1, by striking out the following words: "anise or anise seed; bergamot; camomile; caraway; cassia, cinnamon; cedrat; citronella or lemon grass; jasmine or jasminine; juniper; lavender, and aspic or spike lavender; lemon; limes; neroli or orange flower;" "origanum, red or white; rosemary or anethos; attar of roses, thyme; and valerian;" now carrying in the bill 20 per cent ad valorem.

Amend, page 15, lines 16 and 17, by striking out the following:

"Ambergris; enfeurage grease; musk, crude, in natural pods, and" "civet, crude;" now carrying in the bill 20 per cent ad valorem.

Amend, page 19, lines 5 to 8, by striking out the words "Potash: Bicarbonate of, and carbonate of, refined, one-half of 1 cent per pound; hydrate of, six-tenths of 1 cent per pound; hydrate of, in sticks or rolls, 1 cent per pound;" and inserting in lieu thereof the following: "Potash: Bicarbonate of, one-half of 1 cent per pound; caustic potash or hydrate of, refined, in sticks or rolls, 1 cent per pound;"

Amend, page 19, lines 10 and 11, in the paragraph headed "Potash," by striking out the words "nitrate of, or saltpeter, crude, \$3 per ton; refined, \$7 per ton;" and inserting in lieu thereof the following: "nitrate of, or saltpeter, refined, \$7 per ton;"

Amend, page 20, lines 21 and 22, by striking out the following: "vanilla beans, 50 cents per pound;"

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania to recommit with instructions. The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. DALZELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 182, answered "present" 9, not voting 72, as follows:

YEAS—130.

Ainey	Cooper	Foster, Vt.	Heald
Ames	Crago	French	Helgesen
Anderson, Minn.	Crumpacker	Fuller	Henry, Conn.
Barchfeld	Currier	Gardner, Mass.	Higgins
Barthold	Curry	Gardner, N. J.	Hill
Bates	Dalzell	Gillett	Hinds
Berger	Davidson	Good	Howell
Bingham	Davis, Minn.	Green, Iowa	Howland
Bowman	De Forest	Griest	Humphrey, Wash.
Bradley	Draper	Guernsey	Jackson
Browning	Driscoll, M. E.	Hamilton, Mich.	Kahn
Burke, S. Dak.	Dwight	Hanna	Kendall
Butler	Dyer	Harris	Kennedy
Calder	Esch	Hartman	Kinkaid, Nebr.
Campbell	Farr	Haugen	Knowland
Cannon	Focht	Hawley	Kopp
Cattlin	Foss	Hayes	Lafferty

La Follette	Martin, S. Dak.	Porter	Thistlewood
Langham	Miller	Powers	Towner
Lawrence	Mondell	Pray	Volstead
Lenroot	Moore, Pa.	Prouty	Vreeland
Lindbergh	Moore, Pa.	Rees	Warburton
Longworth	Morgan	Roberts, Nev.	Wedemeyer
Loud	Morse, Wis.	Rodenberg	Weeks
McCall	Mott	Simmons	Wilder
McCreary	Murdock	Sloan	Willis
McGuire, Okla.	Needham	Smith, J. M. C.	Wilson, Ill.
McKenzie	Nelson	Speer	Wood, N. J.
McKinley	Norris	Steenerson	Woods, Iowa
McKinney	Nye	Stephens, Cal.	Young, Kans.
McMorran	Olmsted	Sterling	Young, Mich.
Madden	Patton, Pa.	Stevens, Minn.	
Mann	Pickett	Sulloway	

NAYS—182.

Adair	Difenderfer	Holland	Randell, Tex.
Adamson	Dixon, Ind.	Houston	Ransdell, La.
Akin, N. Y.	Doremus	Howard	Rauch
Alexander	Doughton	Hughes, N. J.	Redfield
Anderson, Ohio	Driscoll, D. A.	Hull	Reilly
Ansberry	Dupre	Humphreys, Miss.	Richardson
Ashbrook	Edwards	Jacoway	Roddenberry
Barnhart	Ellerbe	James	Rothermel
Bartlett	Evans	Johnson, Ky.	Rubey
Bathrick	Faison	Johnson, S. C.	Rucker, Colo.
Beall, Tex.	Fergusson	Jones	Rucker, Mo.
Bell, Ga.	Ferris	Kitchin	Russell
Blackmon	Finley	Konig	Scully
Booher	Fitzgerald	Konop	Shackelford
Broussard	Flood, Va.	Lamb	Sherley
Brown	Floyd, Ark.	Lee, Pa.	Sherwood
Buchanan	Fornes	Legare	Sims
Burgess	Foster, Ill.	Lever	Small
Burleson	Fowler	Levy	Smith, N. Y.
Burnett	Gallagher	Linthicum	Smith, Tex.
Byrnes, S. C.	Garner	Littlepage	Sparkman
Byrns, Tenn.	Garrett	Littleton	Stedman
Callaway	Glass	Lloyd	Stephens, Miss.
Candler	Godwin, N. C.	Lobeck	Stephens, Nebr.
Carlin	Goeke	McCoy	Stephens, Tex.
Carter	Goldfogle	McDermott	Stone
Clark, Fla.	Goodwin, Ark.	McGillcuddy	Sulzer
Claypool	Gould	McKellar	Taggart
Clayton	Gray	Maguire, Nebr.	Taylor, Ala.
Cline	Gregg, Pa.	Maher	Taylor, Colo.
Collier	Gregg, Tex.	Martin, Colo.	Thayer
Connell	Gudger	Moon, Tenn.	Tribble
Conry	Hamill	Moore, Tex.	Turnbull
Covington	Hamilton, W. Va.	Morrison	Tuttle
Cox, Ind.	Hamlin	Moss, Ind.	Underhill
Cox, Ohio	Hammond	Neeley	Underwood
Cullop	Hardwick	Padgett	Watkins
Curley	Hardy	Page	Webb
Daugherty	Harrison, Miss.	Palmer	White
Davenport	Harrison, N. Y.	Pepper	Wickliffe
Davis, W. Va.	Hay	Peters	Wilson, N. Y.
Dent	Hayden	Post	Wilson, Pa.
Denver	Heflin	Pou	Witherspoon
Dickinson	Helm	Pujo	Young, Tex.
Dickson, Miss.	Henry, Tex.	Rainey	
Dies	Hensley	Raker	

ANSWERED "PRESENT"—9.

Andrus	Donohoe	Hobson	Talbot, Md.
Brantley	Estopinal	Langley	Tilson
Bulkley			

NOT VOTING—72.

Aiken, S. C.	Francis	Malby	Sells
Allen	George	Matthews	Sharp
Anthony	Graham	Mays	Sheppard
Austin	Greene, Mass.	Murray	Sisson
Ayres	Hubbard	Oldfield	Slayden
Boehne	Hughes, Ga.	O'Shaunessy	Slemp
Borland	Hughes, W. Va.	Parran	Smith, Saml. W.
Burke, Pa.	Kent	Patten, N. Y.	Smith, Cal.
Burke, Wis.	Kindred	Payne	Stack
Cantrill	Kinkadee, N. J.	Plumley	Stanley
Cary	Korby	Prince	Sweet
Copley	Lafane	Reyburn	Switzer
Cravens	Lee, Ga.	Riordan	Talcott, N. Y.
Danforth	Lewis	Roberts, Mass.	Taylor, Ohio
Dodds	Lindsay	Robinson	Thomas
Fairchild	McHenry	Rouse	Townsend
Fields	McLaughlin	Sabath	Utter
Fordney	Macon	Saunders	Whitacre

So the motion to recommit was rejected.

The Clerk announced the following pairs:
For the remainder of this session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. STANLEY with Mr. TAYLOR of Ohio.

Mr. SABATH with Mr. SWITZER.

Mr. AIKEN of South Carolina with Mr. PRINCE.

Mr. LEE of Georgia with Mr. MATTHEWS.

Mr. KINDRED with Mr. McLAUGHLIN.

Mr. FRANCIS with Mr. KENT.

Mr. CANTRILL with Mr. FORDNEY.

Mr. ALLEN with Mr. REYBURN.

Mr. HUGHES of Georgia with Mr. HUGHES of West Virginia.

Mr. COX of Ohio with Mr. SAMUEL W. SMITH.

Mr. OLDFIELD with Mr. UTTER.

Mr. THOMAS with Mr. HUBBARD.

Mr. FIELDS with Mr. LANGLEY.

Mr. SISSON with Mr. TILSON.

Mr. WHITACRE with Mr. SELLS.

Mr. GEORGE with Mr. MALBY.

Mr. LEWIS with Mr. ANTHONY.

Mr. SLAYDEN with Mr. PLUMLEY.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. BOEHNE with Mr. SLEMP.

Mr. GRAHAM with Mr. DODDS.

Mr. MACON with Mr. SMITH of California.

Mr. BURKE of Wisconsin with Mr. CARY.

Mr. SHARP with Mr. LAFEAN.

Mr. BORLAND with Mr. COPLEY.

Mr. AUSTIN (for recommitting) with Mr. SAUNDERS (against recommitting).

Mr. PAYNE (for recommitting) with Mr. BRANTLEY (against recommitting).

Until February 23, noon:

Mr. ESTOPINAL with Mr. ROBERTS of Massachusetts.

Until Monday noon:

Mr. BULKLEY with Mr. DANFORTH.

Mr. ESTOPINAL. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. ESTOPINAL. I am paired with the gentleman from Massachusetts, Mr. ROBERTS, and I desire to withdraw my vote and to answer "present."

Mr. LANGLEY. Mr. Speaker, I inadvertently voted "aye." I am paired with my colleague, Mr. FIELDS, and desire to withdraw my vote and to answer "present."

Mr. HOBSON. I wish to ask if the gentleman from New York, Mr. FAIRCHILD, has voted?

The SPEAKER. He is not recorded.

Mr. HOBSON. Then I desire to withdraw my vote and to answer "present."

Mr. TILSON. May I ask if the gentleman from Mississippi, Mr. SISSON, has voted?

The SPEAKER. He is not recorded.

Mr. TILSON. I voted "aye." I am paired with the gentleman from Mississippi, Mr. SISSON, and desire to withdraw my vote and to answer "present."

Mr. WEEKS. I wish to inquire if the gentleman from Texas, Mr. BURGESS, voted?

The SPEAKER. He did not.

Mr. WEEKS. I supposed I was paired with the gentleman, and I voted "present." I desire to change my vote and to answer "aye."

Mr. SELLS. Mr. Speaker, I seem to have been paired with the gentleman from Ohio, Mr. WHITACRE, without my knowledge. I voted "aye," but wish to withdraw my vote and to be recorded as "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

Mr. UNDERWOOD. On that I demand the yeas and nays.

Mr. MANN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 179, nays 127, answered "present" 11, not voting 77, as follows:

YEAS—179.

Adair	Davenport	Gudger	Lloyd
Adamson	Davis, W. Va.	Hamill	Lobeck
Akin, N. Y.	Dent	Hamilton, W. Va.	McCoy
Alexander	Denver	Hamlin	McDermott
Anderson, Ohio	Dickinson	Hammond	McGillcuddy
Ansberry	Dickson, Miss.	Hanna	McKellar
Ashbrook	Dies	Hardwick	Maguire, Nebr.
Barnhart	Difenderfer	Hardy	Maher
Bartlett	Dixon, Ind.	Harrison, Miss.	Martin, Colo.
Bathrick	Doremus	Harrison, N. Y.	Moon, Tenn.
Beall, Tex.	Doughton	Hay	Moore, Tex.
Bell, Ga.	Driscoll, D. A.	Hayden	Morrison
Blackmon	Dupre	Heflin	Moss, Ind.
Booher	Edwards	Helm	Neeley
Broussard	Ellerbe	Henry, Tex.	Padgett
Brown	Evans	Hensley	Page
Buchanan	Faison	Holland	Palmer
Burgess	Fergusson	Houston	Pepper
Burleson	Ferris	Howard	Peters
Burnett	Finley	Hughes, N. J.	Post
Byrnes, S. C.	Fitzgerald	Hull	Pujo
Byrns, Tenn.	Flood, Va.	Humphreys, Miss.	Rainey
Callaway	Floyd, Ark.	Jacoway	Raker
Candler	Fornes	Johnson, Ky.	Randell, Tex.
Carlin	Foster, Ill.	Johnson, S. C.	Ransdell, La.
Carter	Fowler	Jones	Rauch
Clark, Fla.	Gallagher	Kitchin	Redfield
Clayton	Garner	Konig	Reilly
Cline	Garrett	Konop	Richardson
Collier	Glass	Lamb	Roddenberry
Connell	Godwin, N. C.	Lee, Pa.	Rothermel
Conry	Goeke	Legare	Rubey
Covington	Goldfogle	Lever	Rucker, Colo.
Cox, Ind.	Goodwin, Ark.	Levy	Rucker, Mo.
Cullop	Gray	Linthicum	Russell
Curley	Gregg, Pa.	Littlepage	Scully
Daugherty	Gregg, Tex.	Littleton	Shackelford

Sherley
Sherwood
Sims
Small
Smith, N. Y.
Smith, Tex.
Sparkman
Stedman

Stephens, Miss.
Stephens, Nebr.
Stephens, Tex.
Stone
Sulzer
Taggart
Taylor, Ala.
Taylor, Colo.

Thayer
Tribble
Turnbull
Tuttle
Underhill
Underwood
Watkins
Webb

White
Wickliffe
Wilson, N. Y.
Wilson, Pa.
Witherspoon
Young, Tex.
The Speaker

NAYS—127.

Ainey
Ames
Anderson, Minn.
Barchfeld
Bartholdt
Bates
Berger
Bingham
Bowman
Bradley
Browning
Burke, S. Dak.
Rutler
Calder
Campbell
Cannon
Catlin
Cooper
Crago
Crumpacker
Currier
Curry
Davidson
Davis, Minn.
De Forest
Draper
Driscoll, M. E.
Dwight
Dyer
Esch
Farr
Focht

Foster, Vt.
French
Fuller
Gardner, Mass.
Gardner, N. J.
Gillett
Good
Green, Iowa
Griest
Guernsey
Hamilton, Mich.
Harris
Hartman
Haugen
Hawley
Hayes
Heald
Helgesen
Henry, Conn.
Higgins
Hill
Hinds
Howell
Howland
Humphrey, Wash.
Jackson
Kahn
Kendall
Kennedy
Kinkaid, Nebr.
Knowland
Kopp

La Follette
Langham
Lawrence
Lenroot
Lindbergh
Longworth
Loud
McCall
McCreary
McKenzie
McKinley
McKinney
McMorran
Madden
Mann
Martin, S. Dak.
Miller
Mondell
Moon, Pa.
Moore, Pa.
Morgan
Morse, Wis.
Mott
Murdock
Needham
Nelson
Norris
Nye
Olmsted
Patton, Pa.
Pickett
Pogter

Powers
Pray
Prouty
Rees
Reyburn
Roberts, Nev.
Rodenberg
Sells
Simmons
Sloan
Smith, J. M. C.
Speer
Steenerson
Stephens, Cal.
Sterling
Stevens, Minn.
Sulloway
Taylor, Ohio
Thistlewood
Towner
Volstead
Warburton.
Wedemeyer
Weeks
Wilder
Willis
Wilson, Ill.
Wood, N. J.
Woods, Iowa
Young, Kans.
Young, Mich.

ANSWERED "PRESENT"—11.

Andrus
Brantley
Bulkley

Donohoe
Estopinal
Hobson

James
Langley
McGuire, Okla.

Talbott, Md.
Tilson

NOT VOTING—77.

Aiken, S. C.
Allen
Anthony
Austin
Ayres
Boehne
Borland
Burke, Pa.
Burke, Wis.
Cantrill
Cary
Claypool
Copley
Cox, Ohio
Cravens
Dalzell
Danforth
Dodds
Fairchild
Fields

Fordney
Francis
George
Gould
Graham
Greene, Mass.
Hubbard
Hughes, Ga.
Hughes, W. Va.
Kent
Kindred
Kinkead, N. J.
Korbly
Lafey
Lafferty
Lee, Ga.
Lewis
Lindsay
McHenry

McLaughlin
Macon
Malby
Matthews
Mays
Murray
Oldfield
O'Shaunessy
Parran
Patten, N. Y.
Payne
Plumley
Pou
Prince
Riordan
Roberts, Mass.
Robinson
Rouse
Sabath
Saunders

Sharp
Sheppard
Sisson
Slayden
Slomp
Smith, Saml. W.
Smith, Cal.
Stack
Stanley
Sweet
Switzer
Talcott, N. Y.
Thomas
Townsend
Utter
Vreeland
Whitacre

So the bill was passed.

The following additional pairs were announced:
Until further notice:

Mr. ALLEN with Mr. BURKE of Pennsylvania.

Mr. CLAYPOOL with Mr. GREENE of Massachusetts.

Mr. KORBLY with Mr. LAFFERTY.

Mr. WHITACRE with Mr. VREELAND.

Mr. POU (for) with Mr. FOSS (against).

Mr. CARTER (for) with Mr. MCGUIRE of Oklahoma (against).

Mr. JAMES (for) with Mr. DALZELL (against).

Mr. BRANTLEY (for) with Mr. PAYNE (against).

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "yea" as above recorded.

The result of the vote was then announced as above recorded.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HOBSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HOBSON. Mr. Speaker, I left Washington Saturday morning, paired with the gentleman from New York [Mr. FAIRCHILD], for the purpose of taking part in the patriotic exercises held Sunday afternoon in Chattanooga, Tenn., under the auspices of the Young Men's Christian Association, in commemoration of the birth of George Washington. Upon my arrival in Chattanooga, about 11 o'clock Saturday night, I was handed a telegram from the United Press Association, of New York, a copy of which I send to the desk with the request that it may be read.

The Clerk read as follows:

Representatives HAY and FITZGERALD charged you with cowardice on the floor of the House in connection with your statement inserted in the

Record under leave to print. Will you please wire us your statement, so we can give your side as well to Sunday morning papers?

Mr. HOBSON. Mr. Speaker, a similar dispatch from the Associated Press was handed to me by its correspondent about the same time. I dictated a hasty reply, a copy of which I send to the desk, with a request that it may also be read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

In the absence of the statements themselves it is difficult for me to make a statement in reply. You say they used the word "cowardice" upon the floor of the House? All I have to say in that connection is that I myself would have reserved such a word to use to a man's face. Mr. HAY and Mr. FITZGERALD remember well my repeated effort on Friday afternoon to make my statements, to which they take offense, upon the floor. It was their own interference with unjustified points of order that prevented me from making my statements to their faces.

I notice, however, that they do not see fit to await my return to make another personal assault upon me. An examination of the RECORD will show that I made no personal attack on Chairman HAY in the first instance, but only on the method of procedure. His reply, on the other hand, was bitter and personal. After the session was over I went to his office and explained to him that there was nothing personal in my remarks, and if he had been a full-rounded man he would have promptly removed the personalities in his remarks before they were published in the RECORD. With the short vision of a small soul he evidently interpreted my call as an effort to get him to change his remarks on account of the damage he thought he might do me politically, when my mission to his office was to make plain to him my own position and explain there was nothing personal intended in my remarks.

Mr. FITZGERALD had no legitimate place in the controversy between Mr. HAY and myself. He has only himself to blame for any discomfort he has experienced. I will see from the RECORD just what HAY has said in my absence, and will take such action as is called for in the premises. I do not know whether it was courage or cowardice that caused them to interfere with me making my statements on the floor of the House. They certainly did not find cowardice in my remarks as printed. In using that word myself I would not have chosen a time when a man was absent, nor would I have chosen the floor of the House to make the charge.

Mr. BLACKMON rose.

The SPEAKER. For what purpose does the gentleman from Alabama [Mr. BLACKMON] rise?

Mr. BLACKMON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACKMON. I would like to know the point of personal privilege which the gentleman makes, and if that takes precedence over business in order on Calendar Wednesday that is regularly on the calendar?

The SPEAKER. The Chair looked into that matter and can not believe that the House ever intended, by the establishment of Calendar Wednesday, to take away the right of a Member to rise to a question of personal privilege. The Chair wants to preserve Calendar Wednesday. Matters of privilege could not intervene, but there is a great difference between a privileged question and question of privilege. The gentleman from Alabama [Mr. HOBSON] claims that he rises to a question of privilege.

Mr. BLACKMON. Mr. Speaker, my purpose in making this inquiry is this: I do not want to be discourteous to the gentleman from Alabama, certainly; but there is on the calendar a matter that is of gravest importance to the whole State of Alabama, and I can bring it up only upon Calendar Wednesday.

The SPEAKER. The Chair does not want to be discourteous to the gentleman from Alabama. The Chair has ruled, and the Chair has made up its mind on that question absolutely and resolutely. If the House does not agree with the Chair, it can appeal.

Mr. HOBSON. Mr. Speaker, my provisional reply was too late for publication, and the next day, Sunday, the press of the country published articles amplifying the statement epitomized in the press telegram just read. In practically all of them, without explanation from me, I am represented as accused of cowardice, neglect of duty, and charged with the use of underhand methods in my capacity as a Representative.

Mr. Speaker, in the deepest sense honor is a question of conscience beyond the reach of others, and rests in a man's own hands until he appears before his Maker. But in another sense a man's honor is held partly in the hands of others, determining in large share his good name and his association with his fellows, upon which depend chiefly his usefulness and largely his happiness in this world.

In the first sense honor is the most sacred thing in the universe, and even in the second sense it is held by honorable men above life itself. If I had an enemy—and I am not conscious of having one—I would strike at his life before I would strike at his honor. Before the people of America and before my colleagues of this House my honor and reputation as a Representative and as a man have been grievously assaulted upon the floor of this House, in my absence. I beg that the facts in the case and the questions involved may be determined without delay, and I request unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama requests unanimous consent for the immediate consideration of the resolution which he sends to the Clerk's desk, which the Clerk will read.

The Clerk read as follows:

Resolution.

Whereas on page 2263, second column of the CONGRESSIONAL RECORD of February 17, one Member of the House referred to a second Member in the following words: "Under the rules of the House the two columns of the RECORD which he inserted may properly be stricken out, but I prefer to leave them there. They will not hurt me in any place and they will serve as an illustration of the type and character of the gentleman who in an underhand and covert manner resorted to this means of reflecting upon his colleagues"; and at the bottom of the same page and at the top of the next page of the RECORD another Member of this House referred to a second Member in the following words: "I want to say now that these remarks inserted in the RECORD in a covert way, in a way to which no man would resort if he had the frankness of spirit which a man should have, are false insinuations without basis or foundation in fact. The gentleman's reference to a Democratic caucus and to the fact that I was unable to get this bill before it is an insinuation which every member of that caucus knows to be untrue. The statement that there was a caucus in the sense of there being any meeting of the majority members of the Committee on Military Affairs to bind them to vote for any provision in this bill is absolutely without any foundation in fact"; and

Whereas it has been freely reported in the press of the country that a Member of the House accused a second Member of the House on the floor of the House of Representatives of cowardice in connection with his conduct as a Representative; Therefore be it

Resolved, That the Speaker is hereby directed to appoint a committee of five Members to investigate all matters of controversy or complaint between the Members in question that led to the above statements and accusations and to report their findings to the House, together with such recommendations as they may deem called for in the premises; and said committee is hereby authorized to send for persons and papers and to administer oaths and to sit during the sessions of the House, and that the cost and expenses of said committee shall be paid from the contingent fund of the House of Representatives. Said expenses shall be paid out on the order and audit of the chairman or acting chairman of said committee.

The SPEAKER. Is there objection?

Mr. HUGHES of New Jersey. Reserving the right to object to the present consideration of this resolution, I desire to call the attention of the gentleman from Alabama to the fact that what he is really asking for an investigation with reference to is a statement in the newspaper which a reading of the RECORD seems to disclose was not itself founded on fact. I shall object, Mr. Speaker—

Mr. HOBSON. Let me say to the gentleman before he takes his seat, if he listened carefully to the reading of the resolution he would notice that that was only part of the question to be investigated, and the gentleman will realize whether the word "cowardice" has been removed from the RECORD or not, it was used, I am informed, on the floor of the House; and if it is true that it has gone forth over the land that a colleague of mine on the floor of this House has accused me of cowardice, the assault and damage has been done. It is similar to cases in the Army and Navy, when an officer's honor has been assailed he is entitled to a court-martial. But the gentleman will find in addition to that question I cited words that are in the RECORD, one of which is the word "false," and the two together read "false insinuations," referring to statements of mine. I do not see how there could be any greater assault on a man's integrity than to accuse him of being guilty of false insinuations.

The SPEAKER. The gentleman from New Jersey objects.

Mr. HOBSON. Mr. Speaker, I move that the House consider the resolution—

Mr. HARDWICK. Mr. Speaker, a question of order.

The SPEAKER. The resolution is not a matter of privilege; the motion to consider it is not a matter of privilege.

Mr. HOBSON. Will the gentleman from New Jersey withdraw his objection after my explanation? He can clearly see that the honor of a Member is at stake, and that when a Member's honor is at stake no objection ought to be raised.

Mr. HUGHES of New Jersey. Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman from New Jersey withdraws the objection.

Mr. MANN. Will the gentleman yield for a question?

Mr. HOBSON. Yes, sir.

Mr. MANN. Under the resolution proposed by the gentleman, is it the purpose to make an investigation of the statements made by the gentleman from New York and the gentleman from Virginia, or in connection with that to investigate the preparation of the Army appropriation bill?

Mr. HOBSON. I will say to the gentleman that a careful reading of the resolution will indicate that its purpose is purely and simply to investigate the questions at issue between Members upon which hinges the honor of a Member.

Mr. BERGER. Mr. Speaker—

The SPEAKER. The gentleman from Illinois has the floor.

Mr. MANN. I yield the floor.

Mr. BERGER. Mr. Speaker, reserving the right to object—
[Cries of "Too late!"]

Mr. BERGER. If you say it is too late, I shall most assuredly object. I did not have a chance before.

Mr. Speaker, as I see it, nobody in this country and surely no one in this House will accuse the gentleman from Alabama of cowardice. [Applause.] However, there are 125,000 unemployed in Chicago, according to the report of the employment bureau of the State of Illinois. If the gentleman from Alabama wants this House to spend a sum of money for some investigation, let us investigate the cause of this unemployment in Chicago. The money will be much better spent in that manner. We have no right to spend the people's money to investigate whether the remarks of the gentleman from Virginia did any damage to the personal code of honor of the gentleman from Alabama. And the gentleman from Virginia, by the way, behaved very nicely during the consideration of the Army bill. [Applause.] I say we have no right to spend the people's money to decide the fine points of any military code of honor. [Applause.]

The SPEAKER. Is there objection?

Mr. BERGER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. SHERLEY and Mr. MANN rose.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The Chair ruled, as I understood it, that the gentleman from Alabama had stated the question of personal privilege. If that is the case, is it not also privileged to have an investigation of those charges as a matter of privilege? Is it not a privileged resolution to investigate a question of personal privilege?

The SPEAKER. The House will be in order. The Chair will state to the gentleman from Illinois [Mr. MANN] that, as a matter of fact, the Chair had not ruled whether it was a question of personal privilege or not. The Chair was never asked to rule on that question.

Mr. MANN. I believe that is correct.

Mr. HOBSON. Mr. Speaker, we had passed beyond the point of objection. When the gentleman from New Jersey [Mr. HUGHES] withdrew his objection, the Speaker then passed on to the consideration of the resolution. And I will say to the gentleman from Wisconsin [Mr. BERGER] that we will spend no money on this. The statement as to money is merely a form. If the gentleman has any other objection, I believe I can remove it.

Mr. HAY. Mr. Speaker, I ask the gentleman from Wisconsin [Mr. BERGER] to withdraw his objection. [Applause.]

Mr. BERGER. As long as it is not a question of money, I withdraw it. [Applause.]

Mr. HOBSON. I wish to thank the gentleman.

Mr. SHERLEY. Mr. Speaker, all of the facts in controversy are a matter of record in the House. I therefore feel it my duty to object, and I do object.

Mr. HOBSON. I can state that it has passed beyond the stage of objection.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Mr. Speaker, I would like the attention of the gentleman from Alabama [Mr. HOBSON]. Is it not a parliamentary fact that the privileges of the House are invaded if this presents the question of personal privilege at all, and that therefore, if the gentleman from Alabama raises the question of the privileges of the House, it is in order, provided the Chair rules that it is within the privileges of the House, for the gentleman from Alabama [Mr. HOBSON] to introduce the resolution of investigation?

The SPEAKER. It is a very close question as to whether the gentleman from Alabama raises the question of personal privilege at all. But the Chair, in order to give him the benefit of the doubt, rules that he has a question of privilege. Now, having ruled on that, the Chair thinks the resolution is in order. [Applause.]

The question is on the resolution presented by the gentleman from Alabama [Mr. HOBSON].

Mr. FITZGERALD. Mr. Speaker, the gentleman from Alabama [Mr. HOBSON] had read at the Clerk's desk a dispatch, if I recall correctly, of the United Press, in which it was stated that Mr. HAY and Mr. FITZGERALD had charged the gentleman from Alabama with cowardice. I did not use that expression, and it is the only time I have heard that such a statement was attributed to me. Inasmuch as it was read at the desk, I thought I should make this statement. I have carefully read, however, the remarks made by me on Saturday last, to which reference is now made, and after careful examination of the

remarks, I wish to say to the House that if I were to repeat the statements in connection with the episode to which they had reference I should not change a single word I then said. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARDNER of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. Mr. Speaker, I move to refer the resolution to the Committee on Rules. I make that motion for this reason: If it is not referred to the Committee on Rules, I shall vote for that resolution, but I think it would be better to send it to the Committee on Rules and have it put in proper shape. I do not think, as I heard it read, that it is in proper shape at present. I have every sympathy with the gentleman's desire to sift this matter, and my motion is made in absolute friendliness and not in hostility. However, I think it ought to go to the Committee on Rules for preliminary consideration, with instructions to report within a week. I withdraw my motion to refer it to the Committee on Rules and move to refer it to the Committee on Rules with instructions to report within a week.

Mr. HOBSON. Mr. Speaker—

The SPEAKER. Will the gentleman suspend in order to let the Chair again state the question? The gentleman from Massachusetts [Mr. GARDNER] moves to refer the resolution of the gentleman from Alabama [Mr. HOBSON] to the Committee on Rules with instructions to that committee to report within a week.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the original resolution may again be reported to the House.

The SPEAKER. Without objection, the resolution will be again reported.

Mr. HOBSON. Mr. Speaker, before the resolution is read, let me ask the gentlemen to listen very attentively. I think it is simplicity itself.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution.

Whereas on page 2263, second column, of the CONGRESSIONAL RECORD of February 17, one Member of the House referred to a second Member in the following words: "Under the rules of the House the two columns of the RECORD which he inserted may properly be stricken out, but I prefer to leave them there—"

Mr. HOBSON. Mr. Speaker, that is not part of the resolution. That is simply part of the "Whereas." I ask that the Clerk read the resolution.

The Clerk read as follows:

Therefore be it resolved, That the Speaker is hereby directed to appoint a committee of five members to investigate all matters of controversy or complaint between the Members in question that led to the above statements and accusations and to report their findings to the House, together with such recommendations as they may deem called for in the premises, and said committee is hereby authorized to send for persons and papers and to administer oaths and to sit during the sessions of the House, and that the cost and expenses of said committee shall be paid from the contingent fund of the House of Representatives. Said expenses shall be paid out on the order and audit of the chairman or acting chairman of said committee.

Mr. UNDERWOOD. Mr. Speaker, I suggest to the gentleman from Alabama [Mr. HOBSON] that so far as I can see—

Mr. CANNON. Mr. Speaker, has the resolution been read in full?

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks whether the resolution has been read in full. Is that the question?

Mr. CANNON. That is the question.

Mr. HOBSON. The "Whereas" is not there.

Mr. CANNON. I am under the impression, if this is the second reading, that the reading omits a part of the "Whereas," which is necessary to be read in order to make the resolution intelligible.

Mr. HOBSON. I think, Mr. Speaker, that the gentleman is correct.

The SPEAKER. The Clerk will read the "Whereas." The Clerk did not read the "Whereas" before, because the gentleman from Alabama [Mr. HOBSON] asked him not to, so that it is not the Clerk's fault.

The Clerk read as follows:

Resolution.

Whereas on page 2263, second column, of the CONGRESSIONAL RECORD of February 17, one Member of the House referred to a second Member in the following words: "Under the rules of the House the two columns of the RECORD which he inserted may properly be stricken out, but I prefer to leave them there. They will not hurt me in any place, and they will serve as an illustration of the type and character of the gentleman who, in an underhand and covert manner, resorted to this means of reflecting upon his colleagues;" and at the bottom of the same page and at the top of the next page of the RECORD another Member of this House referred to a second Member in the following

words: "I want to say now that these remarks inserted in the RECORD in a covert way, in a way to which no man would resort if he had the frankness of spirit which a man should have, are false insinuations without basis or foundation in fact." * * * The gentleman's reference to a Democratic caucus and to the fact that I was unable to get this bill before it is an insinuation which every member of that caucus knows it to be untrue. * * * The statement that there was a caucus in the sense of there being any meeting of the majority members of the Committee on Military Affairs to bind them to vote for any provision in this bill is absolutely without any foundation in fact"; and

Whereas it has been freely reported in the press of the country that a Member of the House accused a second Member of the House on the floor of the House of Representatives of cowardice in connection with his conduct as a Representative: Therefore be it

Resolved, That the Speaker is hereby directed to appoint a committee of five Members to investigate all matters of controversy or complaint between the Members in question that led to the above statements and accusations, and to report their findings to the House, together with such recommendations as they may deem called for in the premises, and said committee is hereby authorized to send for persons and papers and to administer oaths and to sit during the sessions of the House, and that the cost and expenses of said committee shall be paid from the contingent fund of the House of Representatives. Said expenses shall be paid out on the order and audit of the chairman or acting chairman of said committee.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] moves that this resolution, presented by the gentleman from Alabama [Mr. HOBSON]—

Mr. HOBSON. Mr. Speaker, before that is put—

The SPEAKER (continuing). Be referred to the Committee on Rules with instructions to report within a week.

Mr. HOBSON. Mr. Speaker, perhaps the gentleman might withdraw it when I explain to him just what it is. It is not an accusation of anyone. I had hoped not to make any. I did not intend to make any in the first instance, but we are at the point now where, as in the military service, for instance, an officer finds himself in a position where his own character and honesty of purpose are impeached. I am simply asking for a court-martial, as it were, to vindicate my honor. I do not make any charges. I do not propose to bring any, and I have not brought any; but I claim the right to an opportunity simply to vindicate my honor.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. This being a debatable question, am I not entitled to the floor?

The SPEAKER. Certainly. If the gentleman demands the floor, he is entitled to the floor.

Mr. GARDNER of Massachusetts. I would be glad to yield the floor to the gentleman in a moment.

Mr. PALMER. But, Mr. Speaker, the gentleman from Alabama [Mr. HOBSON] had the floor, and I was proposing to ask him a question.

Mr. GARDNER of Massachusetts. The gentleman did not have the floor under the rules.

Mr. PALMER. He had it by unanimous consent.

The SPEAKER. The Chair will state that the gentleman from Massachusetts [Mr. GARDNER], having made the motion, is entitled to one hour, and the gentleman from Alabama [Mr. HOBSON] got the floor, as the Chair supposes, with the consent of the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Now, Mr. Speaker, I have only a very few words to say about that resolution. As it now stands there are two questions involved. As to one of the questions, the gentleman from Alabama [Mr. HOBSON] is perfectly right in asking for an investigation. As to the other one, I do not think that he is right. I think he has every right to call for an investigation as to whether he did or did not act in a covert, cowardly, or improper manner, as charged. But his resolution as drawn goes a great deal further than that. It practically calls for an investigation of the whole question as to the methods employed by the Committee on Military Affairs in preparing the Army appropriation bill. That investigation, I submit, Mr. Speaker, would involve a waste of time, would cause much unnecessary bad feeling, and would set a very bad precedent.

If we are going into the question as to how committees proceed in order to prepare bills which they in all sincerity present as representing their best judgment, our task will be endless. How the Army bill was or was not prepared involves in no way a question of the personal privilege of the gentleman from Alabama. On the other hand, the question of whether or not he was properly assailed for printing certain remarks most certainly involves a question of personal privilege. It is for that reason that I have moved to refer this resolution to the Committee on Rules with instructions to report promptly, in order that it may be put in proper shape.

Mr. HOBSON. Mr. Speaker, will the gentleman yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. HOBSON. If the gentleman will again get the copy and look at it carefully, he will see that it merely brings in the questions to which he refers in order to determine a question of veracity. It does not cover the methods of any committee, and is not intended to; but it does enable the special committee to find out whether my statements are false or not. That is as far as it is intended to go, and of course the gentleman realizes that that question is more or less a question of fact.

Mr. GARDNER of Massachusetts. Mr. Speaker, I do not want to dispute this question with the gentleman from Alabama. It strikes me one way, it strikes him another; but I really think that the floor of the House is not as good a place as the Committee on Rules to take up in all coolness this question of dissociating an investigation of the Committee on Military Affairs from an investigation of charges made against the gentleman from Alabama [Mr. HOBSON]. Now, I yield to the gentleman from Pennsylvania [Mr. PALMER] such time as he may desire.

Mr. PALMER. I only want two or three minutes.

Mr. GARDNER of Massachusetts. I yield to the gentleman from Pennsylvania 10 minutes.

Mr. PALMER. That is more than I shall require.

Mr. GARDNER of Massachusetts. Then I yield to the gentleman from Pennsylvania five minutes.

Mr. PALMER. Mr. Speaker, I rose a few minutes ago to ask the gentleman from Alabama about the very matter which the gentleman from Massachusetts [Mr. GARDNER] has now called to the attention of the House. I am in favor of the motion of the gentleman from Massachusetts [Mr. GARDNER], not because I believe it improper to have an investigation of the charges against the honor of a Member of the House, but because I am convinced, from a reading of the resolution, that it covers a vast multitude of subjects which we ought not to go into in an investigation of this sort. I listened carefully to the reading of the resolution and, in fact, took down the exact language of that part of it which describes the investigation which this committee shall undertake. That language is that the committee shall investigate—

all matters of controversy or complaint between the Members in question that led to the above statements and accusations.

It is very well to investigate the making of these statements or accusations upon the floor and the effect of them upon the honor of a Member, but to investigate all the matters in controversy between these parties that led to this unfortunate situation would mean that this committee would be engaged in the investigation of the entire questions covered by the proposed reorganization of the Army as outlined in the Army appropriation bill. And while I think the investigation ought to be made, I am strongly of the opinion that some committee of the House should redraft this resolution, so that the efforts of the committee may be confined strictly to what the gentleman from Alabama [Mr. HOBSON] really desires.

Mr. GARDNER of Massachusetts. I yield to the gentleman from Alabama [Mr. HOBSON] two minutes.

Mr. HOBSON. Mr. Speaker, I wish to say to the gentleman from Pennsylvania that I think his misgivings about the scope of the resolution are not well founded. The reason why it was drafted in the way it was is that it may require the sending for certain papers. It may require the summoning of certain individuals. I do not think the gentleman's fears would be realized. I have no intention to open up what was not intended in the drawing of the resolution.

Mr. PALMER. I believe that, but, unfortunately, the language of the resolution does it. Why not let it go to a committee, where it can be redrafted, so that the purpose of the gentleman from Alabama may be properly expressed in the resolution and carried out in the investigation which follows?

Mr. HARDWICK. Mr. Speaker, I raise the point of order that this resolution presented to the House is not a matter of privilege at all, for the reason that it embraces nonprivileged matter together with privileged matter, and that the nonprivileged matter destroys the privileged character of the entire resolution.

Mr. OLMSTED. It is too late to raise that question.

The SPEAKER. But the gentleman from Massachusetts has moved to refer the resolution to the Committee on Rules.

Mr. HARDWICK. But the question of order ought to be first decided.

The SPEAKER. The Chair will hear the gentleman.

Mr. HARDWICK. The resolution, as I understand it—

Mr. MANN. Mr. Speaker, I make the point of order—

Mr. OLMSTED. I make the point of order that the point of order of the gentleman from Georgia comes too late.

Mr. HARDWICK. Mr. Speaker, I made the point of order at the beginning of these remarks, and I insist on it, and I want to be heard on it now.

The SPEAKER. What is the point of order made by the gentleman from Pennsylvania?

Mr. OLMSTED. Mr. Speaker, I make the point of order that the point of order now made by the gentleman from Georgia [Mr. HARDWICK] comes too late, the resolution having been discussed for a very considerable time, and a motion to refer it to the Committee on Rules having been made.

The SPEAKER. The Chair thinks that the motion to refer it without the point of order having been raised—

Mr. HARDWICK. Mr. Speaker, I raised the point of order while standing over there.

The SPEAKER. The Chair did not hear the gentleman.

Mr. HARDWICK. Mr. Speaker, I tried to raise the point of order when the objection made by the gentleman from New Jersey [Mr. HUGHES] was withdrawn. The Speaker did not rule upon it then. I did not intend to waive it.

The SPEAKER. The Chair thinks that the point of order made by the gentleman from Georgia comes too late. The gentleman from Massachusetts has the floor.

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, in the course of the debate on the Army appropriation bill the gentleman from Alabama [Mr. HOBSON] made what might be termed charges against the gentleman from Virginia [Mr. HAY], in charge of the bill, involving the procedure of the construction of the Army appropriation bill, and particularly of its legislative features. There had been previously granted in the House to Members speaking on the bill the right to extend their remarks in the RECORD. The gentleman from Alabama [Mr. HOBSON] offered a motion on the floor, which was declared out of order by the Chairman of the Committee of the Whole House. Thereupon the gentleman from Alabama [Mr. HOBSON], claiming, I suppose, authority under leave to extend his remarks in the RECORD, which was granted by the House, after he had been denied by the Chair the right to speak on the question against a point of order, inserted at that place in the RECORD remarks which reflected upon the gentleman from New York [Mr. FITZGERALD] and the gentleman from Virginia [Mr. HAY]. Those facts need no investigation. The gentleman from Alabama [Mr. HOBSON], in my opinion—and I have the same opinion now that I would have after any investigation of the subject, because I have possession of all of the facts, as has every other Member—in inserting under leave to print remarks in the RECORD which reflected upon fellow Members of the House went too far; and when I read the remarks I thought they should be expunged from the RECORD.

The gentleman from New York [Mr. FITZGERALD] and the gentleman from Virginia [Mr. HAY], referring later to those remarks, spoke of them as having been inserted covertly. There is no controversy about those facts. There can be no controversy about the facts. Those facts are all a part of the record of the proceedings of the House. They require no investigation, unless the gentleman desires to have investigated the question of whether the House ought to strike his remarks from the RECORD. [Applause on the Democratic side.] But in the gentleman's resolution, however, there is carried authority to investigate the manner of making up the Army appropriation bill. I am not willing, unless more serious charges, with more evidence, are presented to the House, to have a special committee appointed to investigate the method of procedure of a regular committee making up a regular bill for the consideration of the House. [Applause on the Democratic side.] If there are facts which ought to be disclosed to the House, those facts can be offered on the floor of the House; and if those facts should warrant an investigation of the gentleman from Virginia [Mr. HAY] or the Committee on Military Affairs, it is time enough then to investigate them.

So far as the political side of the question is concerned, I am always willing to help divisions in the ranks of the enemy and to promote quarrels upon the Democratic side of the House; but when it comes to preserving the integrity of the proceedings of the House itself and upholding and maintaining the rights of the regular committees of the House, I am unwilling to interject petty and partisan politics into the consideration of the subject. [Applause on the Democratic side.] Before a resolution of that sort is passed by the House I think it ought to be considered by one of the standing committees of the House, to determine whether there is any occasion for an investigation at all; and if so, what the lines of the investigation ought to be. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman, I yield two minutes to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Speaker, I just want to say that I am surprised to hear that the gentleman from Alabama demands a court-martial. Mr. Speaker, all Members of this House belong

to a civil, not a military body; they are representatives of the people. This House is not a part of the standing Army, and as Members of the House we have no separate code of honor. [Laughter.] This is not Germany nor Japan nor Italy, and we are not going to fight any duels, not even French duels, where no one gets hurt. I fully agree with everything what the leader of the Republican minority has said. The gentleman from Alabama started the trouble himself by what he inserted in the Record. He was the attacking party. This is not a matter for the House to consider after the regular committee has considered it. We can not make any separate rules for anybody, not even the hero of the Merrimac. [Laughter and applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I move the previous question.

Mr. SHERLEY. Before the gentleman moves the previous question, I would like to make a statement.

Mr. GARDNER of Massachusetts. How much time does the gentleman want?

Mr. SHERLEY. Not over five minutes.

Mr. GARDNER of Massachusetts. I yield to the gentleman from Kentucky five minutes.

Mr. HOBSON. And before the gentleman moves the previous question, I would like five minutes.

Mr. SHERLEY. Mr. Speaker, it is never a pleasant thing to say anything that touches the personal relationship of Members on the floor. I realize that all the Members here have a feeling of noninterference because of that sense, and yet it seems to me that there is a matter larger and beyond the question of the quarrel of the gentleman from Alabama with the gentleman from Virginia and the gentleman from New York.

Whatever the merits of their controversy may be will be disclosed to each man according to his own judgment by the reading of the CONGRESSIONAL RECORD. Every fact is there contained, and to ask of this House the appointment of a special committee or to send to the Committee on Rules, or any other committee, the resolution of the gentleman from Alabama to determine whether or not he is entitled to the appellation of being a coward seems to me totally to disregard the real functions of the House and to give a magnitude to a personal quarrel out of all proportion to the facts in the case.

I can not see what there is that a committee could investigate. There are no facts in dispute. If we undertake to correct what newspapers may say on misinformation, we have an endless field, but so far as the record stands every statement that is in any sense material appears in that record. To my mind it is simply asking that the Members of this House shall be taken from their proper duties of serving the public in order to determine a matter that is purely personal between these gentlemen.

Mr. CULLOP. Will the gentleman from Kentucky yield?

Mr. SHERLEY. Certainly.

Mr. CULLOP. If the committee was appointed under this resolution would not all that it could investigate and report upon be as to whether or not the gentleman from Alabama had a right to insert in the Record remarks which were ruled out of order by the Chair when he attempted to speak them at the time on the floor?

Mr. SHERLEY. It seems to me that that would be very largely the scope. This is true, as suggested by the gentleman from Illinois [Mr. MANN], if it be the purpose of this resolution to investigate matters other than those that appear in the remarks of the three gentlemen named, then there ought to be a proper foundation laid for it by proper allegations and charges; the quarrel of these three gentlemen should not be made the basis for the appointment of a committee to investigate other matters not connected with that quarrel. [Applause.] Mr. Speaker, if I have the opportunity, I shall move to lay the whole matter on the table.

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I do not care to take up in any way the discussion of the merits of this case, but I wish to point out again that in substance, beyond controversy, the reputation and honor of a Member of the House have been assailed.

Now, such words as "false" appear in the Record, applied by one Member to another. The word "cowardice" was used on the floor of the House.

Mr. BUTLER. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. BUTLER. The gentleman can not and will not doubt my friendship for him. Does he, for one moment, imagine that anybody on this floor would believe that he is a coward? Does he not take this matter too seriously?

Mr. HOBSON. I will answer the gentleman. Mr. Speaker, I have a very simple philosophy, if the gentleman wants me to state it.

Mr. BUTLER. Yes; I do.

Mr. HOBSON. As I say, I have a very simple philosophy which makes this matter very important to me. I am trying to render the maximum of service in my day and generation. I try to stand on the truth and to follow the path of duty. I am conscious now of having shaped my conduct in connection with this bill according to that philosophy; but a man goes through this world in contact with his fellows, and if they are aware that his honor has been justly called in question and has been impugned, his usefulness is at an end. I must draw a dead line and assert my rights as a man.

A number of years ago the press of the country assailed me on many lines, and I do not say anything against the press in this connection, but I found it was necessary to draw the dead line, and when any article reflected on my character I put it in the hands of my attorneys. Now, then, as between man and man I have not had any unkind feelings for any Member of this House, and I have the highest opinion of them, and I will take legitimate thrusts at the hands of Members of the House without complaining. I realized the exposure to attack of certain positions I occupied the other day in the line of duty, and I stood up and took the fire, but I submit that when one man uses the word "false" to another man, when one man calls another man a coward, it were better that the second man were dead than to have any such character prevail amongst his countrymen. [Applause.] It were better he were dead than to have his character impugned even before those who do not know him. My friend from Pennsylvania, I know he would not believe anything of the kind—

Mr. BUTLER. I would not believe the gentleman was a coward, it would not matter who said it. I do not think the gentleman is a coward; I know he is not, no matter who said it. No one will question his courage; the country approves it.

Mr. HOBSON. When those words are used a man crosses the dead line—

Mr. BUTLER. Oh, no; he does not.

Mr. HOBSON. I say to him—

The SPEAKER. The time of the gentleman has expired.

Mr. HOBSON. I ask for one more minute. I do not apply it in this case, but as an illustration, there can arrive a time when two men can not live in the same world under certain conditions. I do not ask to be justified in that statement. The gentleman from Pennsylvania has asked me a personal question and I am glad to answer him. I hate to put it upon a personal basis and I regret that the dead line has been crossed—

Mr. BUTLER. I can not agree with the gentleman.

Mr. HOBSON. And I think that I am entitled to a court-martial—that if I have done any man here wrong in his character I want to know it, and I will make abject apology. If the gentleman from Virginia has called me a coward on the floor, even though he removed it from the Record, I am entitled to an apology from him. [Applause.] Or else I am entitled to stand at the bar of my colleagues and ask him to prove it and specify the charges. [Applause.] The gentleman from Illinois—

The SPEAKER. The time of the gentleman has again expired.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Is a motion to lie on the table now in order?

Mr. GARDNER of Massachusetts. Not until my time has expired. [Laughter.]

The SPEAKER. A motion to lie on the table would have been in order and preferential before the motion to refer, but the motion to refer has been before the House and debated, and it is now before the House.

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I agree with the gentleman from Pennsylvania [Mr. BUTLER] when he makes the suggestion that the gentleman from Alabama is taking this matter rather too seriously. I also agree with the gentleman from Pennsylvania that there is no man upon this floor who really believes the gentleman from Alabama is a coward or that he would make an intentional false statement on this floor or elsewhere about anything.

Mr. HOBSON. If the gentleman from Virginia will say that, this thing is over.

Mr. POU. In the heat of debate—

Mr. HOBSON. I suggest that the gentleman address his remarks to the gentleman from Virginia.

Mr. POU. No; I have a word I wish to say to the House. In the heat of debate a great many things are said which are not intended to be taken exactly as spoken. If we are to have an investigation every time one gentleman on this floor arises and says some other gentleman has made a statement

that is not true we will not do anything but investigate charges of that kind. Now, the gentleman from Alabama can have, I imagine, all the time he desires to make any statement he wishes to make about this matter under the personal-privilege rule of the House, and it would seem to me that having availed himself of that privilege he has all opportunity to justify himself before the country and his colleagues in this Chamber. I would not think my distinguished friend from Alabama would care to pursue the matter further. I venture to repeat that no man in this Chamber, or in this Nation for that matter, believes the gentleman from Alabama to be a coward or that he would ever make a statement he did not believe to be true. But, Mr. Speaker, are we to have an investigation every time one gentleman challenges a statement made by another gentleman? I do not believe the House will establish any such precedent. Therefore, I am opposed to this resolution. I am opposed to its reference to the Committee on Rules; I am opposed to appointing a special committee to investigate charges between Members every time something unpleasant occurs in debate here. We have no right to spend the people's money for any such purpose, and I hope this House will vote down the resolution and the motion to refer to the Committee on Rules. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I am in accord with the motion made by the gentleman from Massachusetts [Mr. GARDNER], because I believe that the resolution as now presented is too wide in its scope. There is one question of fact which ought to be reported to this House so that it will be a part of the record when the Members pass on the ultimate question that will be submitted. That question is, How much of the remarks, wherein the gentleman from Alabama [Mr. HOBSON] referred to the gentleman from New York [Mr. FITZGERALD] and to the gentleman from Virginia [Mr. HAY], and which prompted their observations on the succeeding day, were, as a matter of fact, delivered upon the floor of this House? That raises a question that should be settled by this House, and that is, Mr. Speaker, the extent to which any Member of this body, in availing himself of the privilege of inserting remarks in the RECORD, can refer to other Members, and especially in a manner that might reflect upon them in any position taken before this House. I for one would like to have a report on that question submitted to this body. I have decided views as to the extent the privilege should go of inserting in the RECORD remarks that should only be made in the presence of those to whom they are directed and when they can hear them and have an opportunity to reply.

I agree with the distinguished leader of the minority that this is a matter which lifts itself above the confines of partisanship, and that it should be so treated. I hope that when we come to its ultimate decision we will decide it in such a way that it will be a precedent for the future conduct of debate, and the use, or, rather, the abuse, of the privilege of inserting or extending remarks in the RECORD. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. HAY]. [Applause.]

Mr. HAY. Mr. Speaker, I desire to say that on Saturday last, under the stress and strain of the action of the gentleman from Alabama, which I thought was uncalled for, to say the least of it, on his part, I did use the word "cowardly" as applied to him, on the floor of the House. But I want to say further that I never believed that the gentleman was a coward. [Applause.] And to prove that, I did not permit that word to go in the RECORD. If I had thought that he was a coward, I would have permitted the word to stay in the RECORD. I want to say further, that while I must continue to assert that what the gentleman said about certain things in the preparation of the Army bill were not true, yet I do not believe for a moment that the gentleman intentionally stated what he believed to be untrue. [Applause.] I believe that the gentleman, when he made such a statement, was misled, and that when he stated it he himself believed it to be true. [Applause.]

And that is all I care to say. [Loud applause.]

Mr. HOBSON. Will the gentleman from Massachusetts [Mr. GARDNER] yield to me two minutes?

Mr. GARDNER of Massachusetts. I yield two minutes to the gentleman from Alabama.

Mr. HOBSON. Mr. Speaker, I wish to say that the statement of the gentleman from Virginia is manly, and it is generous, and it shows the same high type of character that I have always believed him to possess. [Applause.] I will make a request for unanimous consent, following my request to withdraw my resolution, as far as it pertains to the gentleman from Virginia, and ask that my remarks introduced in the RECORD, about which he took exception, and which pertain to him personally, and

which I introduced solely because I felt that remarks of his had been personal and had not been removed from the RECORD of the previous day, be removed from the RECORD.

Now, Mr. Speaker, I desire to withdraw my resolution. [Applause.]

The SPEAKER. The gentleman from Alabama [Mr. HOBSON] withdraws his resolution.

Mr. GARDNER of Massachusetts. Mr. Speaker, the question before the House is still the resolution offered by the gentleman from Alabama [Mr. HOBSON].

Mr. Speaker, the reason why I injected myself into this situation at all was not with any idea of stirring up strife. Every Member who has served in the House for a long time knows that on several occasions when there has been unparliamentary language on the floor of this House I have taken it up and have insisted on the House taking some action in order to put a stop to that kind of a thing. In the last 10 years, since I have been here, I have seen this House grow from bad to worse in the matter of unparliamentary language. If when men ask for their day in court it is not accorded to them, then they will take their day out of court; and it was that precisely, both to stop that sort of thing and—

Mr. BLACKMON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACKMON. What is before the House?

The SPEAKER. Nothing. [Laughter.]

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Under the rules of the House, I was aware that a motion might be withdrawn until a secondary motion had been made. Does the Chair rule that there is no question before the House?

The SPEAKER. The Chair rules that when Capt. HOBSON withdrew his resolution, which he had a perfect right to do, there was not anything left before the House to refer, and therefore that the motion of the gentleman from Massachusetts falls to the ground. [Applause.]

Mr. BLACKMON. Mr. Speaker, I demand the regular order.

The SPEAKER. This being Calendar Wednesday, the call rests with the Committee on Military Affairs.

Mr. HAY. Mr. Speaker, I yield to the gentleman from Alabama [Mr. DENT], a member of the committee.

PERMANENT MANEUVERING GROUNDS.

Mr. DENT. Mr. Speaker, by direction of the Committee on Military Affairs, I desire to call up House joint resolution No. 178.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 178) creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that this bill be considered by the House as in Committee of the Whole.

Mr. MANN. I do not think that should be done.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the House automatically goes into the Committee of the Whole House on the state of the Union. The gentleman from New York [Mr. SULZER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SULZER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 178) creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes.

Resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission consisting of five officers of the Army of the United States to make a full and complete investigation and consider carefully whether or not it is advisable to make, establish, and maintain a maneuvering ground and camp of inspection, rifle and artillery ranges for United States troops at or near the city of Anniston, county of Calhoun, State of Alabama. Said commission shall fully consider the advantages and disadvantages of the lands contiguous to or near the city of Anniston, Ala., for the purpose herein stated, and report fully as to probable number of acres of land necessary to purchase and the probable cost of the same, and as to all facts and conditions material to be considered in the premises. The

report shall be filed in the War Department by March 1, 1912, and communicated to Congress as soon as practicable by the President.

Sec. 2. That said board or commission shall also examine carefully all lands in and around the city of Anniston, Ala., that may be proposed to be donated to the United States for the establishment and maintenance thereon of a maneuvering encampment and rifle and artillery ranges for the assembling of troops from the group of States composed of Tennessee, Kentucky, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina and report on the advisability of establishing such camps, rifle and artillery ranges on such lands proposed to be donated, and whether the lands proposed to be donated are suited and desirable for such purposes, and how much land would be properly required for said purposes, and whether the lands proposed to be donated are sufficient in quantity for the purpose proposed and conveniently located for use by troops from said States, and the facilities for transportation of troops and supplies to and from said lands, and such other facts as may be material to be considered in the premises.

Sec. 3. That the said board or commission shall serve without compensation, but shall be paid actual necessary expenses.

Mr. DENT. Mr. Chairman, this resolution creates a commission to investigate and report upon the advisability of the establishment of permanent maneuvering grounds and a camp of inspection, rifle, and artillery range, for the troops of the United States at or near Anniston Ala. This resolution comes to the House with a unanimous report from the Committee on Military Affairs. It does not require the expenditure of a single dollar out of the Treasury that has not already been appropriated, or will be appropriated, in accordance with law. It is similar to the resolution that passed Congress and, I believe, was approved on the 24th day of February, 1911, to investigate the advisability of establishing a similar camp at Tullahoma, Tenn.

Now, Mr. Chairman, unless some gentlemen desire to address the committee on this resolution, I will move that the committee rise and make a favorable report.

The CHAIRMAN. Are there any amendments?

Mr. DENT. Yes. I yield to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. I wish, Mr. Chairman, to move an amendment at the proper time.

Mr. DENT. I yield to the gentleman from Connecticut.

Mr. MANN. The gentleman can not yield for that purpose.

Mr. TILSON. I do not understand that the debate has closed, otherwise I would be glad to move an amendment.

Mr. DENT. Can I get an agreement as to general debate?

Mr. MANN. I do not think general debate will last long, but I can not make any agreement about it.

Mr. DENT. I did not understand what the gentleman from Illinois said.

Mr. MANN. I was just waiting to see how the gentleman would proceed.

Mr. DENT. I move, Mr. Chairman, that the committee rise and report the resolution favorably to the House.

The CHAIRMAN. The gentleman from Alabama moves that the committee do now rise.

Mr. DENT. And report the bill favorably to the House.

The CHAIRMAN. That motion is not in order.

Mr. DENT. Then I move that the committee do now rise.

The CHAIRMAN. The gentleman from Alabama moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SULZER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 178 and had come to no resolution thereon.

The SPEAKER. Has any gentleman any motion to make or any request to prefer?

Mr. DENT. Mr. Speaker, I move—

Mr. MANN. I move that the House do now adjourn, as there is no business before the House.

Mr. DENT. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman from Alabama has the floor.

Mr. DENT. I move that the House again resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 178, and, pending that motion, I ask unanimous consent that debate be limited to 30 minutes.

Mr. MANN. Mr. Speaker, I make the point of order that that motion is not in order.

The SPEAKER. The gentleman submits a request for unanimous consent.

Mr. MANN. I make the point of order that the motion that the House resolve itself into the Committee of the Whole House on the state of the Union is not in order.

The SPEAKER. The gentleman bases his suggestion on the fact that the House automatically goes into Committee of the Whole House on the state of the Union, and the gentleman is correct about that. But the gentleman from Alabama [Mr. DENT] asks unanimous consent that when the House resolve

itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of this joint resolution general debate be limited to 30 minutes. Is there objection?

Mr. DENT. Mr. Speaker, I want to amend that by saying, one half of the time to be controlled by the gentleman from Illinois [Mr. MANN] and the other half by me.

The SPEAKER. One half to be controlled by the gentleman from Alabama [Mr. DENT] and the other half by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Reserving the right to object, Mr. Speaker, I will say that I have no intention of consuming much time, but in view of the fact that the gentleman has endeavored to take advantage of this side of the House in this way, I shall object.

The SPEAKER. Is the gentleman objecting?

Mr. MANN. I do object.

Mr. DENT. May I ask the gentleman how much time he wants?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

The House resolves itself automatically into the Committee of the Whole House on the state of the Union—

Mr. DENT. Mr. Speaker, as the gentleman from Illinois objects, I move that general debate close in 30 minutes, one-half the time to be controlled by the gentleman from Illinois and one-half by myself.

Mr. SULZER. Mr. Speaker, pending that—

The SPEAKER. The Chair will state the motion. The gentleman from Alabama moves that pending the House resolving itself automatically into the Committee of the Whole House on the state of the Union general debate be limited to 30 minutes.

The question being taken on the motion, the Speaker announced that the "ayes" appeared to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. SULZER. Mr. Speaker, pending that I should like to ask the gentleman from Illinois how much time he desires?

Mr. MANN. Oh, Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees. Those in favor of limiting general debate to 30 minutes will answer aye, those opposed no, and the Clerk will call the roll.

The question was taken, and there were—yeas 166, nays 86, answered "present" 10, not voting 131, as follows:

YEAS—166.

Adair	Dixon, Ind.	Holland	Post
Adamson	Donohoe	Houston	Rainey
Alexander	Doughton	Hughes, N. J.	Raker
Anderson, Ohio	Dupre	Hull	Ransdell, La.
Ansberry	Dyer	Humphreys, Miss.	Rauch
Ashbrook	Edwards	Jacoway	Redfield
Bartlett	Ellerbe	James	Reilly
Bathrick	Evans	Johnson, Ky.	Richardson
Beall, Tex.	Falson	Johnson, S. C.	Roberts, Nev.
Bell, Ga.	Farr	Jones	Roddenbery
Berger	Fergusson	Kitchin	Rothermel
Blackmon	Ferris	Konig	Rubey
Booher	Finley	Konop	Rucker, Colo.
Bowman	Fitzgerald	Lamb	Rucker, Mo.
Bradley	Flood, Va.	Lee, Pa.	Russell
Brantley	Floyd, Ark.	Legare	Shackleford
Broussard	Fornes	Lever	Sherwood
Brown	Foster, Ill.	Levy	Sims
Buchanan	Fowler	Linthicum	Smith, N. Y.
Burleson	Gallagher	Littlepage	Smith, Tex.
Burnett	Garner	Lloyd	Stedman
Byrnes, S. C.	Garrett	Lobeck	Stephens, Miss.
Byrns, Tenn.	Goeke	McCoy	Stephens, Nebr.
Callaway	Goodwin, Ark.	McDermott	Stephens, Tex.
Candler	Gray	McGillicuddy	Stone
Clark, Fla.	Gregg, Pa.	McKellar	Sulzer
Claypool	Gregg, Tex.	Madden	Taggart
Clayton	Gudger	Maguire, Nebr.	Taylor, Colo.
Collier	Hamill	Martin, Colo.	Thayer
CConnell	Hamilton, W. Va.	Moon, Tenn.	Thistlewood
Conry	Hamlin	Moore, Pa.	Tribble
Cox, Ind.	Hammond	Moore, Tex.	Turnbull
Cullop	Hardwick	Morrison	Underhill
Curley	Harrison, Miss.	Moss, Ind.	Underwood
Daugherty	Harrison, N. Y.	Murdock	Watkins
Davenport	Hay	Neeley	White
Davis, W. Va.	Hayden	Padgett	Wickliffe
Dent	Heflin	Page	Wilson, N. Y.
Denver	Helm	Palmer	Wilson, Pa.
Dickinson	Henry, Tex.	Patten, N. Y.	Young, Tex.
Dickson, Miss.	Hensley	Pepper	
Dies	Hobson	Peters	

NAYS—86.

Ainey	Burke, S. Dak.	Crago	Draper
Ames	Butler	Crumpacker	Driscoll, M. E.
Anderson, Minn.	Calder	Curry	Esch
Barchfeld	Campbell	Dalzell	Foss
Bartholdt	Catlin	Davis, Minn.	French
Bingham	Cooper	De Forest	Fuller

Gardner, Mass.	Kinkaid, Nebr.	Morse, Wis.	Stephens, Cal.
Gillett	Kopp	Nelson	Sterling
Good	La Follette	Norris	Stevens, Minn.
Griest	Langham	Nye	Sulloway
Guernsey	Lenroot	Olmsted	Taylor, Ohio
Hamilton, Mich.	Lindbergh	Patton, Pa.	Volstead
Hayes	Loud	Pickett	Warburton
Heald	McCreary	Prouty	Wedemeyer
Holgesen	McGuire, Okla.	Rees	Wildor
Henry, Conn.	McKenzie	Reyburn	Willis
Hill	McKinney	Rodenberg	Wilson, Ill.
Hinds	McMorran	Simmons	Wood, N. J.
Howell	Mann	Sloan	Woods, Iowa
Jackson	Martin, S. Dak.	Smith, J. M. C.	Young, Kans.
Kendall	Mondell	Speer	
Kennedy	Morgan	Steenerson	

ANSWERED "PRESENT"—10.

Akin, N. Y.	Bulkley	Powers	Tilson
Andrus	Godwin, N. C.	Sherley	
Bates	Langley	Talbot, Md.	

NOT VOTING—131.

Alken, S. C.	Focht	Lawrence	Robinson
Allen	Fordney	Lee, Ga.	Rouse
Anthony	Foster, Vt.	Lewis	Sabath
Austin	Francis	Lindsay	Saunders
Ayres	Gardner, N. J.	Littleton	Scully
Barnhart	George	Longworth	Sells
Boehne	Glass	McCall	Sharp
Borland	Goldfogle	McHenry	Sheppard
Browning	Gould	McKinley	Sisson
Burgess	Graham	McLaughlin	Slayden
Burke, Pa.	Green, Iowa	Macon	Slemp
Burke, Wis.	Greene, Mass.	Maher	Small
Cannon	Hanna	Malby	Smith, Saml. W.
Cantrill	Hardy	Matthews	Smith, Cal.
Carlin	Harris	Mays	Sparkman
Carter	Hartman	Miller	Stack
Cary	Haugen	Moon, Pa.	Stanley
Cline	Hawley	Mott	Sweet
Copley	Higgins	Murray	Switzer
Covington	Howard	Needham	Talcott, N. Y.
Cox, Ohio	Howland	Oldfield	Taylor, Ala.
Cravens	Hubbard	O'Shaunessy	Thomas
Currier	Hughes, Ga.	Parran	Towner
Danforth	Hughes, W. Va.	Payne	Townsend
Davidson	Humphrey, Wash.	Plumley	Tuttle
Difenderfer	Kahn	Porter	Utter
Dodds	Kent	Pou	Vreeland
Doremus	Kindred	Pray	Webb
Driscoll, D. A.	Kinkaid, N. J.	Prince	Weeks
Dwight	Knowland	Pujo	Whitacre
Estopinal	Korbly	Randell, Tex.	Witherspoon
Fairchild	Lafean	Riordan	Young, Mich.
Fields	Lafferty	Roberts, Mass.	

So the motion was agreed to.

The following additional pairs were announced:
For the session:

Mr. GLASS with Mr. SLEMP.
Mr. TOWNSEND with Mr. FOCHT.
Mr. TUTTLE with Mr. NEEDHAM.
Mr. WEBB with Mr. YOUNG of Michigan.
Mr. TAYLOR of Alabama with Mr. LAFFERTY.
Mr. TALCOTT of New York with Mr. TOWNER.
Mr. SWEET with Mr. PRAY.
Mr. STANLEY with Mr. PAYNE.
Mr. STACK with Mr. PORTER.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. SMALL with Mr. MOTT.
Mr. ROUSE with Mr. MOON of Pennsylvania.
Mr. RANDALL of Texas with Mr. MILLER.
Mr. PUJO with Mr. MCKINLEY.
Mr. POU with Mr. MCCALL.
Mr. O'SHAUNESSY with Mr. LONGWORTH.
Mr. MURRAY with Mr. LAWRENCE.
Mr. MAHER with Mr. KAHN.
Mr. MCHENRY with Mr. HOWLAND.
Mr. LITTLETON with Mr. DWIGHT.
Mr. SCULLY with Mr. HIGGINS.
Mr. KORBLY with Mr. HAWLEY.
Mr. HOWARD with Mr. HAUGEN.
Mr. HARDY with Mr. HARTMAN.
Mr. GOULD with Mr. HARRIS.
Mr. GOLDFOGLE with Mr. HANNA.
Mr. DANIEL A. DRISCOLL with Mr. GREENE of Massachusetts.
Mr. DOREMUS with Mr. GREEN of Iowa.
Mr. DIFENDERFER with Mr. GARDNER of New Jersey.
Mr. COVINGTON with Mr. FOSTER of Vermont.
Mr. CLINE with Mr. CURRIER.
Mr. CARLIN with Mr. CANNON.
Mr. BURGESS with Mr. WEEKS.
Mr. BOEHNE with Mr. HUMPHREY of Washington.
Mr. BARNHART with Mr. BROWNING.
Mr. SHEPPARD with Mr. BATES.

The result of the vote was then announced as above recorded.
The SPEAKER. A quorum is present, the Doorkeeper will open the doors, and the House, under the rule, will resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 178, with Mr. SULZER in the chair.

Mr. MANN. Mr. Chairman, this resolution provides for the appointment of a commission consisting of five officers of the Army to make a full and complete investigation, to consider and report whether it is feasible to establish and maintain maneuver grounds and a camp of inspection near the city of Anniston, Ala.

Mr. DENT. Mr. Chairman, I believe, under the motion that was voted upon by the House, I have control of one half of the time and the gentleman from Illinois [Mr. MANN] the other half.

The CHAIRMAN. The Chair understands that that motion was not put in the House, and hence it is not in order in Committee of the Whole. The gentleman from Illinois has the floor.

Mr. DENT. I thought that was a part of the motion that was voted upon.

Mr. RICHARDSON. Mr. Chairman, the House went into Committee of the Whole House on the condition that debate should be limited to 30 minutes, and that one half should be controlled by the gentleman from Alabama [Mr. DENT] and the other half by the gentleman from Illinois [Mr. MANN], and that was voted upon and passed.

The CHAIRMAN. The parliamentary clerk informs the Chair that the House ordered that general debate be limited to 30 minutes. The Chair recognizes the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I shall not attempt to do what I understood gentlemen on the other side to attempt to do, namely, take advantage in general debate. I therefore yield 15 minutes of my time to the gentleman from Alabama [Mr. DENT], and I hope that he will occupy it now.

Mr. DENT. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, this is a unanimous report of the Committee on Military Affairs, and the resolution provides for the inspection by a board of Army officers of a maneuver ground in Alabama. It is my intention at the proper time to move an amendment changing the time at which this commission shall report. The resolution at present provides that it shall report on March 1, and I shall move to amend it my making it May 1.

As to the merits of the proposition, there can be no question as to the fact that the United States is in need of maneuver grounds for the training of troops. In the northern part of the State of New York, at Pine Plains, we have already a great reservation, where troops can be maneuvered in large bodies. There is such a reservation in Texas, near San Antonio. There are reservations in the West, one particularly that I recall, in Kansas.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HAMILTON of Michigan. How large an area is required for maneuver grounds?

Mr. TILSON. For proper maneuvers, the way they are conducted now, less than 20,000 acres would be inadequate. I do not mean that it would be necessary for the Government to own the entire 20,000 acres. It will need to own a much smaller tract for camp sites, target ranges, and the like, but it should have permission to operate over at least 20,000 acres, if any considerable number of troops are employed.

Mr. HAMILTON of Michigan. I suppose land would be selected that would not be particularly valuable for agricultural purposes, would it not?

Mr. TILSON. Usually so.

Mr. HAMILTON of Michigan. But the price of it would be probably about the price of agricultural land, would it not?

Mr. TILSON. As to whether it was a desirable piece of land for agricultural purposes or maneuver purposes, and as to whether the price was satisfactory, are questions that would be determined after an investigation by a board of officers.

Mr. HAMILTON of Michigan. Does the gentleman know about the price of land in the vicinity where it is proposed to buy this land?

Mr. TILSON. I do not know, but it is the purpose of this resolution that a competent board shall find out. The Member on the floor of the House who represents the district in which the land is situated can undoubtedly give the gentleman more detailed information on the subject than I can give.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. MICHAEL E. DRISCOLL. The report indicates that the owners of about 4,000 acres of this land are prepared to donate that much land to the Government.

Mr. TILSON. That is the understanding.

Mr. MICHAEL E. DRISCOLL. Will the gentleman state what motive these men have in donating this land?

Mr. TILSON. The gentleman will have to excuse me from attempting to state the motives of men whom I never met and of whom I have no knowledge.

Mr. MICHAEL E. DRISCOLL. Will the gentleman state whether the men who are willing to donate the 4,000 acres are the owners of the other sixteen thousand or twenty-five thousand acres of land which it is proposed to sell to the Government.

Mr. TILSON. There is no such proposition, Mr. Chairman. It is not proposed to sell sixteen thousand or twenty thousand or any number of acres to the Government. Neither is it necessary for maneuvers, as I have just stated—

Mr. MICHAEL E. DRISCOLL. Did not the gentleman say that 20,000 acres was necessary for a complete maneuver ground down there?

Mr. TILSON. Yes; permission to maneuver over at least 20,000 acres would be necessary, but it is not necessary to own that amount. As a matter of fact, the Army has maneuvered in all parts of the country without owning such a large tract of land, simply leasing or otherwise securing permission to operate over a large area.

Mr. MICHAEL E. DRISCOLL. This report does not indicate what it would cost to lease land, but it does state what it would cost to buy land surrounding the 4,000 acres that are proposed to be donated.

Mr. TILSON. The object of this resolution is not to purchase land or to lease it, but to get information as to whether this would be a desirable place.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. DENT. Mr. Chairman, I yield to the gentleman from Connecticut.

Mr. MOORE of Pennsylvania. Mr. Chairman—

Mr. MICHAEL E. DRISCOLL. What I am trying to get at is the motive of the gentlemen who are willing to give these 4,000 acres.

The CHAIRMAN. How much time does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. TILSON. Three minutes.

Mr. DENT. I yield the gentleman that much time.

Mr. MICHAEL E. DRISCOLL. I am trying to find out the motive of these men who are willing to donate 4,000 acres when 20,000 acres are necessary.

Mr. TILSON. I hope the gentleman will pardon me if I decline to attempt to state the motives of men whom I have never met and concerning whom I know nothing.

Mr. MICHAEL E. DRISCOLL. How are these men going to get even on this transaction—the men who are going to give the 4,000 acres?

Mr. TILSON. Well, I shall leave it to them.

Mr. MICHAEL E. DRISCOLL. Beware of the Greeks.

Mr. HAMILTON of Michigan. Where lands are leased for maneuvering purposes, how long is the term, ordinarily, of the lease?

Mr. TILSON. Well, the term ordinarily is a very short term, simply covering the time of the maneuvers; and I wish to state to the gentleman—

Mr. HAMILTON of Michigan. I would suggest, then, if the militia or Army are maneuvering over grounds it would be impossible to produce crops of any kind.

Mr. TILSON. Not at all; they maneuver right over—

Mr. HAMILTON of Michigan. Over the crops?

Mr. TILSON. They do not necessarily go through the highly cultivated fields, such as orchards and gardens, but certainly over cultivated land.

Mr. GOOD. They go right down the corn rows.

Mr. YOUNG of Kansas. Does the gentleman believe it would be advisable to establish a maneuvering ground anywhere and depend upon the leasing of land for the purpose of maneuvering?

Mr. TILSON. Oh, it has worked very well.

Mr. YOUNG of Kansas. Is it not true that where the Government has owned land and they want to maneuver over adjoining property that they have succeeded at times in leasing some additional land; and I want to ask the gentleman whether he thinks it advisable to establish a maneuvering ground on less land than will be required at any time?

Mr. TILSON. Certainly I do. I think it is not only desirable but absolutely necessary. We can not all go to Kansas and maneuver over the large reservations there.

Mr. HAMILTON of Michigan. We might.

Mr. TILSON. Certainly we might, but it would be very expensive transporting troops. It would cost a large amount

of money, and it is much better to have maneuvering grounds in some centrally located place—

Mr. HAMILTON of Michigan. Where the stimulating climate of Kansas may exert its quickening influence on maneuvers.

Mr. TILSON. But Kansas is too far away—

Mr. YOUNG of Kansas. It is right in the center of the United States.

Mr. TILSON. Certainly it is, but the center is a long way off from the sides of the country. [Laughter.]

Mr. YOUNG of Kansas. Exactly.

Mr. HAMILTON of Michigan. The sides of the country are, then, to blame.

Mr. DENT. I will ask the gentlemen on the other side to use some of their time.

Mr. MANN. Well, I hope the gentleman will consume his time. I yielded to the gentleman, and I hope he will consume it, if he wishes to do so.

Mr. UNDERWOOD. Mr. Chairman, I think it is apparent to the gentleman from Illinois that the gentleman in charge of this bill is entitled to close debate.

Mr. MANN. The gentleman from Alabama does not quite understand the circumstances. I have the entire time of general debate, and I yielded to the gentleman from Alabama one-half of that time.

Mr. UNDERWOOD. But, as I understand, the gentleman from Illinois has entire control of the time because he was recognized by the Chairman instead of the gentleman in charge of the bill.

Mr. MANN. I was entitled to recognition.

Mr. UNDERWOOD. Why?

Mr. MANN. The gentleman from Alabama on the previous consideration of this bill in the Committee of the Whole had used his time and yielded the floor. He did not reserve his time, and he was not entitled to recognition when we went back into committee, although I generously yielded to him one-half of the time, the limited time which he himself had limited.

Mr. UNDERWOOD. Well, it seems to me—

Mr. MANN. Now, I think it is rather imposing upon generosity to make the request which the gentleman now makes.

Mr. DENT. I now yield five minutes to the gentleman from Alabama [Mr. BLACKMON].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BROUSSARD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CURTIS, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 11.

Resolved by the Senate (the House of Representatives concurring). That there be printed 10,000 additional copies of the message of the President of the United States transmitting the report of the Employers' Liability and Workmen's Compensation Commission, together with the hearings held before the commission, of which 2,500 copies shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 2,500 copies for the use of the Committee on the Judiciary of the Senate, and that there be printed as a Senate document, in one pamphlet, 25,000 copies of the message and report only, of which 5,000 copies shall be for the use of the Senate, 12,500 copies for the use of the House of Representatives, and 7,500 copies for the use of the Committee on the Judiciary of the Senate.

PERMANENT MANEUVERING GROUNDS.

The committee resumed its session.

Mr. DENT. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BLACKMON]. How much time have I left?

The CHAIRMAN. Seven minutes. The gentleman from Alabama [Mr. BLACKMON] is recognized for five minutes.

Mr. BLACKMON. Mr. Chairman, I rather think that some gentlemen are attempting to make a great deal out of what is not so important as they would have us believe. Here is a certain proposition. The War Department says that they need maneuvering ground in that group of States composed of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky. We are not proposing to sell any land to the Government, but I offer a proposition merely to have the proposition investigated in order to see if it is suitable for the purposes for which we are offering it. Now, that is all there is to that.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BLACKMON. I have only a few minutes.

Mr. MOORE of Pennsylvania. It was on the very point that the gentleman raised. I tried to get the gentleman from Connecticut [Mr. TILSON] to explain. This does not contemplate a deed in fee simple to the United States for the land to be used?

Mr. BLACKMON. It means this, that after this inspection, if it is feasible, then the Government would determine whether or not they wanted these lands. They might never want them.

Mr. MOORE of Pennsylvania. Very well. Now, that question being answered, I want to say to the gentleman that I think it is entirely commendable to have a maneuvering establishment as proposed if the War Department thinks it advisable, but I would like to ask whether it is contemplated by this bill to expend any money beyond the mere traveling expenses of the commission to be appointed?

Mr. BLACKMON. Not one dollar.

Mr. MOORE of Pennsylvania. Then the Army officers who shall constitute this commission will receive their pay in the regular way, and the only extra expense to them would be traveling expenses, and that is what the bill proposes to carry?

Mr. BLACKMON. That is all, absolutely.

Mr. HAMILTON of Michigan. Suppose this commission should ascertain that territory in your locality is good territory for maneuvering ground. Would the land then be sold to the Government?

Mr. BLACKMON. If the Government should ask to buy it, and they could agree with the owners, I suppose they would.

Mr. HAMILTON of Michigan. The purpose, then, is eventually to sell the land to the Government if it is found satisfactory?

Mr. BLACKMON. If the Government wants it and it is suitable.

Mr. KAHN. Will the gentleman yield?

Mr. BLACKMON. I will.

Mr. KAHN. I understand that the commission appointed by the War Department has already made a report upon a site in the State of Tennessee?

Mr. BLACKMON. Yes, sir.

Mr. KAHN. Now, all that you are asking under this resolution is to allow the War Department also to examine your site, with a view of having the Government take it over if it finds it is advantageous to do so?

Mr. BLACKMON. Absolutely; that is all.

Mr. MOORE of Pennsylvania. And to that extent it is only a tentative proposition?

Mr. BLACKMON. That is all.

Mr. MADDEN. The purpose of introducing this resolution is to give the Government an opportunity first to decide between the maneuvering ground in Tennessee and the maneuvering ground in Alabama?

Mr. BLACKMON. That is it.

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. BLACKMON. I will, but I have only a moment.

Mr. YOUNG of Kansas. Only one question.

Mr. BLACKMON. Yes.

Mr. YOUNG of Kansas. How many propositions are there pending now relative to these maneuvering grounds?

Mr. BLACKMON. Two—one in Tennessee and one in Alabama.

Mr. YOUNG of Kansas. How many more are likely to be brought in here?

Mr. BLACKMON. I will have to ask the gentleman to draw on his own fertile imagination. I can not answer that question for him.

Mr. YOUNG of Kansas. I simply want to say this, that if it is to be a general proposition, why not create a committee that will have the power to act when they think it is necessary?

Mr. BLACKMON. The gentleman from Kansas [Mr. YOUNG] objected to my calling this resolution up when it was on the Unanimous Consent Calendar, and I hope he will not interrupt me again, because I have only a few moments. I want to say that we are in the geographical center of this group of States that the War Department has designated as a certain group of States in which they want a maneuvering camp. We have three railroads. We are within an 11 or 12 hours' run of Pensacola and Jacksonville, Fla.; Mobile, Ala.; New Orleans; Norfolk; and Savannah, Ga. All this territory would be likely to contribute to the mobilization of troops, and it would cost very little to mobilize the troops at this particular point. If it were determined to mobilize the troops there, to be sent out for any purpose, it would be very inexpensive in the matter of railroad transportation, which the War Department regard as important.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. How much time does the gentleman require?

Mr. BLACKMON. I would like three minutes more.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Alabama three minutes. He has been interrupted so much.

Mr. BLACKMON. Mr. Chairman, I thank the gentleman from Illinois for the additional time he has given me.

Now, I want to say that I do not want to bore this committee with this proposition, but it is undoubtedly true that the War Department, by a regularly constituted committee, should have

the right to select the best proposition within this group of States.

Now, if my proposition is not the best, I shall undoubtedly support the recommendations of the War Department. If it be Tennessee, Kentucky, or wherever else it may be, I will follow the recommendations of this board and of the War Department.

Now, that is what I am asking—an official board to examine these lands and determine whether or not my proposition is feasible. If it is not, then I assume that this board or commission will do its duty. If it is not suitable, I assume they will say so. I hope very much that this resolution will pass.

Mr. Chairman, I yield back the balance of my time to the gentleman from Illinois. [Applause.]

Mr. DENT. Mr. Chairman, I thought I had two minutes, and I want to yield it back to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] yields back to the gentleman from Illinois [Mr. MANN] two minutes.

Mr. MANN. Mr. Chairman, how much time have I remaining? The CHAIRMAN. Fifteen minutes.

Mr. MANN. Mr. Chairman, if this were a proposition to appoint a commission of the Army to investigate, first, as to the necessity of maneuvering grounds, and second, as to the location of those grounds, it perhaps might be unobjectionable. But this proposition is not to investigate the necessity of maneuvering grounds at all, nor is it to investigate the desirability of the best place for maneuvering grounds, but merely to get an opinion from the War Department, which has already investigated this place, as to these grounds being located at Anniston, there already being a proposition to locate the grounds elsewhere, under a resolution passed by Congress for another specific place, and no request and no proposition to have the Army say what is the best place in which to locate the maneuvering grounds, if they are to be established.

I do not know whether the property around Anniston is a good location for maneuvering grounds, but under some authority the War Department has already made an investigation of those grounds, and a report has been made by Stephen C. Mills, colonel, Inspector General. In that report, referring to the grounds which it is now proposed to investigate, he says:

The tract of land to which my attention was invited as being suitable for maneuver purposes lies to the north of Anniston, being approximately rectangular in shape, bounded on the north by the town of Jacksonville and the east and west roads through it, on the east by the Choccolocco Mountain Range, on the south by the Choccolocco and Blue Mountains, and on the west by the Rome and Meridian branch of the Southern Railway. It is indicated by red shading on a map appended, marked "B," which map shows in 50-foot contours the elevation of the country. This tract is approximately 9 miles from south to north and from $3\frac{1}{2}$ to $5\frac{1}{2}$ miles from east to west. The boundaries to the north, east, and west are, of course, purely arbitrary.

That takes in a considerable tract of ground. But the milk in the cocoanut, the colored gentleman in the woodpile, comes in another part of his report, where he says:

The gentlemen who are desirous of attracting the attention of the War Department to this situation are prepared to donate to the Government 4,000 acres of land.

That reads very nicely up to that point. How are they going to pay for the 4,000 acres of land? Why do they propose to donate it, as some gentleman asked on the floor a few moments ago? The answer is not difficult. Proceeding to speak further in reference to these gentlemen, the inspector says:

And they say that lands up to, say, 25,000 to 30,000 acres can be purchased at an average price of \$15 per acre. They, or various land companies which they represent, own a good deal of the land and have options on a considerable portion not owned by them.

We can understand now why they propose to donate 4,000 acres of land—in order to sell 25,000 or 30,000 acres which they own or upon which they have option.

Mr. BLACKMON. Will the gentleman permit an inquiry?

Mr. MANN. I did not cut off debate, and I yielded half my time to that side, and I want to occupy my remaining time.

Mr. BLACKMON. I just wanted to ask a question.

Mr. MANN. When gentlemen insist on limiting debate—and the gentleman voted for it—I do not propose now to yield my remaining time.

Mr. BLACKMON. I voted for it, because I did not understand the gentleman wanted more time.

Mr. MANN. Oh, everybody understood that I wanted time. I wanted time to explain this bill. No wonder they wanted to cut off debate. If I had had an hour's time on this bill, I do not believe 40 gentlemen in the House would have voted for it.

They want to sell 25,000 or 30,000 acres of land to the Government. Of course, they can donate 4,000 acres when they can fix their price on the balance of it. The military authorities are never very particular about the price they pay for a thing which they say they want or must have. If Congress

passes a resolution directing them to report upon the desirability of these grounds for maneuver purposes—they have already expressed an opinion favorable to the proposition—the military authorities will take it as a direction from Congress to report favorably upon the proposition, and leave it to us to judge of the price of the land; and when the undertaking is started the price of the land becomes of small moment. Why, the Inspector General, who has made this report, has already reported an indorsement from The Adjutant General's Office. He directs the officer designated to examine into the suitability of the land in question for permanent maneuver grounds. The officer has already examined into the suitability of these lands for maneuver purposes, and he says:

In my opinion, the tract of land indicated is excellently adapted for maneuver purposes.

Why do they want a resolution passed now? The military authorities have already examined the ground. They have already been directed to report whether the ground is suitable for maneuver purposes. They have already reported that the ground is suitable for maneuver purposes, and this proposition—to have the form of a commission—is simply to take one step further toward involving the Government in the purchase of 25,000 or 30,000 acres of land where some gentlemen offer to encourage us by giving 4,000 acres. Does anybody suppose that these distinguished gentlemen in Alabama who are offering this land, and buying these options upon the land, are doing it for their health?

Mr. RICHARDSON. I know the gentleman wants to be perfectly fair about this. Will the gentleman read the following sentence, in which it is said that the country to the north and west lends itself perfectly to maneuver purposes?

Mr. MANN. I could not hear what the gentleman said.

Mr. RICHARDSON. Will the gentleman read what follows?

Mr. MANN. I will say to the gentleman again that I did not limit the debate on this bill.

Mr. RICHARDSON. I simply asked the gentleman to read right along instead of stopping where he did.

Mr. MANN. I will be very glad to read it for the satisfaction of the gentleman if he will tell me where he wants me to read.

Mr. RICHARDSON. The latter part.

Mr. MANN. On what page?

Mr. RICHARDSON. On page 4 of the report.

Mr. MANN. I will read it again. Here was a question which had been answered by the inspector, that the land in question is excellently adapted to maneuver purposes. Now, the gentleman wants me to read this:

The question as to the size of the maneuvers possible is entirely one of the amount of money obtainable for the purchase of lands, since the country to the north and west of this tract lends itself perfectly to maneuver purposes, and lands could be obtained at a comparatively low price per acre of sufficient extent for the maneuvering of any force we are likely to be able to concentrate.

Is that in addition to the 30,000 acres of land already provided in the report?

Is it to be not 30,000 but 100,000 acres of land? The reading of that was superfluous. That has nothing to do with it. Of course, we determine in the end whether we buy the ground at all. This is an offer of these gentlemen, having bought options on this ground, to unload it on the Government at a higher price than the land is worth in the market. They bought the options because they propose to make a profit on it. They offer to give 4,000 acres of land to the Government because they propose to more than recoup themselves out of selling the ground upon which they have purchased options, or that is controlled by land companies which they represent.

Mr. Chairman, I am not prepared to enter upon these land schemes. If the Government of the United States needs maneuver grounds for the national militia in these States, appoint a commission to investigate the subject and see where the grounds ought to be located, and not in response to the request of gentlemen who hold options on the land which they wish to sell to the Government, appoint a commission to make a report already made in order to start the wheels in motion that will take out of the Treasury of the United States higher value for land which gentlemen own on options.

We have always refused to do this; we ought not to begin, and if you gentlemen on that side of the House want to plunge into this sort of an undertaking, do it if you will, but you will find it most expensive to the Treasury and most damaging to the people who engage in this option land business. [Applause].

The CHAIRMAN. General debate has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission consisting of

five officers of the Army of the United States to make a full and complete investigation and consider carefully whether or not it is advisable to make, establish, and maintain a maneuvering ground and camp of inspection, rifle and artillery ranges for United States troops at or near the city of Anniston, county of Calhoun, State of Alabama. Said commission shall fully consider the advantages and disadvantages of the lands contiguous to or near the city of Anniston, Ala., for the purpose herein stated, and report fully as to probable number of acres of land necessary to purchase and the probable cost of the same, and as to all facts and conditions material to be considered in the premises. The report shall be filed in the War Department by March 1, 1912, and communicated to Congress as soon as practicable by the President.

Mr. TILSON. Mr. Chairman, I move to amend the first section of the resolution by striking out, from line 10, page 2, the word "March" and inserting in lieu thereof the word "May."

Mr. DENT. Mr. Chairman, that amendment is acceptable to this side of the House.

Mr. MANN. Let us have the amendment reported.

The Clerk read as follows:

Page 2, line 10, strike out the word "March" and insert in lieu thereof the word "May."

Mr. MANN. May I ask the gentleman from Connecticut what is the purpose of his amendment?

Mr. TILSON. To give a longer time in which to make the report. As the resolution now reads, it requires a report to be filed on or before March 1, 1912.

Mr. MANN. I suppose the gentleman will agree with me that if the resolution passed on February 29 they could make the report by March 1.

Mr. TILSON. They ought not to.

Mr. MANN. The gentleman knows that they have already reported on it. It is a mere matter of form; it may take longer than this to get the bill through the Senate—I hope so.

Mr. TILSON. Mr. Chairman, I am sorry that the gentleman from Illinois sees such terrors in this bill. Certainly he is able to see more than the members of the Military Committee were able to see in it. This is not the only proposition that has been made for inspection of grounds for maneuver purposes. As has been already stated, one in Tennessee has been investigated. We had a hearing this morning before the committee, and a gentleman from central Tennessee proposed something of a similar nature, with 4,000 acres or thereabouts.

Mr. DENT. Will the gentleman yield?

Mr. TILSON. I will.

Mr. DENT. Is it not a fact that a resolution exactly similar to this, except as to location, was passed by Congress in February, 1911, and approved by the President?

Mr. TILSON. It was, and nothing was said about it; no danger was seen in it. In fact, Mr. Chairman, there is no necessary connection between the examination of a parcel of land to see whether it is fit for maneuver grounds, and whether it is desirable for the Government to purchase it, and the actual purchase of the land at an exorbitant figure. As a matter of fact, 4,000 acres of land would be ample for camp purposes, target ranges, and for all purposes for which it would be necessary to own the land.

Mr. BLACKMON. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. BLACKMON. Is it not a fact that the Government owns two sections of land contiguous to these 4,000 acres?

Mr. TILSON. Whether it does or not, it might prove to be a most desirable maneuver ground if these people would donate to the Government the 4,000 acres of land for use as a permanent camp site and for target ranges. We all know that time and time again the Government has held maneuvers entirely on leased land leased at a modest figure, and in this case if it acquire sufficient ground for camp sites and target ranges, the land necessary for maneuvers outside of the camp ground and target ranges could be easily rented for occasional use at a nominal figure.

In fact, it has been done in all parts of the country. There is comparatively little damage, as I know from actual experience. We went through the eastern part of Massachusetts, a closely inhabited country, with intensive farming of various kinds, especially cranberry beds, and yet the Government report showed, after we had been through that country from New Bedford north to Boston, that the damage was inconsequential.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, what I particularly object to here is that it should be assumed that there is some scheme into which this committee has entered to force the Government into a policy of buying lands at an exorbitant figure for the benefit of some land companies or some other gentlemen in the State of

Alabama. The Committee on Military Affairs has been desirous that we shall have the very best ground in the country at the most reasonable figure for purposes of training troops. We are willing and thought it a desirable thing that we should pay the traveling expenses of a small board of officers—and that is all it would cost—to go to Alabama to examine this land and report as to whether or not it is suitable for that purpose, whether the Government should accept the 4,000 acres, and also whether it would be desirable to purchase any more. That is all there is to it, and that is as far as this resolution goes. The Government is not committed to anything by this resolution, nor is it anticipated that it will be in the future, unless it be something that the War Department itself, representing the Government, believes to be beneficial for the national defense, and such a recommendation would have to be approved by Congress. We have tried in this resolution to give our Government the benefit of information secured, after a careful examination, by a board of officers, with no expense whatever except their traveling expenses to Alabama, as to a proposition believed to be favorable to the United States and useful in preparation for the national defense. If this should prove to be true, then I say that this committee would be derelict in its duty if it did not report such a resolution and give the Government an opportunity to take advantage of such a benefit.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut.

Mr. MANN. Mr. Chairman, the gentleman from Alabama a moment ago, I believe, stated that the Government owned two sections of land which might at some place come in connection with these maneuver grounds. I suppose if the Government owns two sections of land down there it is owned under some provision of law susceptible of being entered by—

Mr. DENT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. I understood that the Chair was putting the question as to whether the amendment offered by the gentleman from Connecticut should be adopted by the committee. I do not think it has been passed upon.

The CHAIRMAN. The amendment has not been voted upon.

Mr. DENT. I understood the Chair to submit the question.

The CHAIRMAN. The amendment has not been voted upon. The gentleman from Illinois is entitled to the floor for five minutes.

Mr. MANN. Mr. Chairman, if the Government owns these two sections of land down there adjoining this land, upon which the other gentlemen had the option, why has not somebody entered that land; why has not somebody taken it; why does not somebody homestead it and get possession of it at a dollar and a quarter an acre? I suppose it is because it is not worth a dollar and a quarter an acre, although right alongside of ground for which we are expected to pay \$15 an acre in order to recoup the gentlemen who own the options on it for giving the 4,000 acres to the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The question was taken, and the amendment was agreed to.

Mr. PROUTY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the word "five," in line 5, page 1, and insert in lieu thereof the word "three"; and insert after the word "States," line 5, the following:

"And three Members of Congress, one from the Senate, appointed by the Presiding Officer of that body, and two from the House of Representatives, appointed by the Speaker."

Mr. PROUTY. Mr. Chairman, I am offering that amendment for the purpose of accentuating a situation that I think I have detected in the short stay that I have had in Congress. That is that this House seems to have relied, in the past at least, entirely upon such information as it might be able to secure through the Departments of the Navy or the Army. Mr. Chairman, it seems to me that, since Congress is charged with the responsibility of the expenditure of funds, since it is charged with the care of the Public Treasury, that there ought to be somebody who is a Member of this branch of the Government to look into deals of this kind, upon which we are called ultimately to put our approval by the appropriation of funds.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. PROUTY. I will.

Mr. HOBSON. Does not the gentleman think that in connection with the final report upon the question of the adoption or purchase that that would be the time for the joint commission?

Mr. PROUTY. Relying upon the statement of the gentleman, as lately withdrawn but formerly in the RECORD, I am inclined to think that it is time to begin this matter early, in order to ascer-

tain the facts, and not look to the departments for information, as the gentleman indicates has been done in another bill.

I am in earnest about this matter. I am frank to say I could pick out two men from this floor who if they would go down there and look over this situation and tell me that this land was worth so and so and could be bought for so and so, knowing they are in the same position before the American people that I am as guardians of the Public Treasury, I would accept their judgment; and you will pardon me, Mr. Chairman, if I hesitate somewhat to accept the judgment of officers of the Army in these matters over which and for which they are in no manner responsible. There have been four or five cases coming before my attention during the discussion of various bills before this House in which—

Mr. DENT. Will the gentleman allow a question?

The CHAIRMAN. Does the gentleman yield?

Mr. PROUTY. Certainly.

Mr. DENT. I would like to ask the gentleman if his amendment were adopted if it would not require an additional appropriation in order to get somebody to act outside of the Regular Army officers?

Mr. PROUTY. I think not, sir. I have asked that they be appointed from the Members of the House and the Senate. I understand all of those gentlemen to be getting salary now and it is claimed some were getting two salaries. The expense of Members of the House and Senate going down there would be no greater than members of the Army, and, judging from what I have heard, I am inclined to think their expenses would not be quite so large.

Mr. DENT. But you certainly would increase the expenses by increasing the number.

Mr. PROUTY. Well, it adds one only, and I am inclined to think that even the two we take off the Army will equal the expenses of the three we put on from the House and Senate. But I am presenting this matter seriously because we are facing a matter which is important. I have been told again and again that the expenses of the Army and Navy are becoming topheavy in this country. As one gentleman stated the other day, there seems to be no limit of expenditures in those departments, and it seems to me it is time for the Members of this House, who are primarily responsible for expenditures, to look into these investments before they get too far along. [Applause.]

Mr. BLACKMON. Mr. Chairman, I have great respect for the views of the distinguished gentleman from Iowa. I imagine, though, if we should select him, for instance, to make the investigation, or if I should be selected, that the gentleman and myself would know about as much, or our views would be worth just as much, on the subject of maneuvering grounds as would be the curl of a pig's tail concerning the price of pork. We would not know anything about it, and I for one am willing to leave the Army officers to deal with a question that is solely within the province of that department. I do not believe that they are robbing the people or spending improvidently their money. If that be true, I am sorry that the distinguished gentleman has not discovered during his long service that that was taking place, and not wait until this late date, when a resolution comes up authorizing an investigation of a proposition from Aniston, Ala.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Iowa.

The question was taken, and the Chair announced the yeas seemed to have it.

Mr. PROUTY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 32, yeas 81. So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. MANN. Mr. Chairman, the War Department has recently sent an answer to this body, responding to a resolution passed by the House in reference to the abandonment of various military posts. It seems a very strange thing that the Democratic side of the House, with the recommendations before it that we abandon a lot of Army posts, proposes, instead of doing that, to purchase a lot of additional land. We have Army posts, so the War Department now says, that have cost us close to \$100,000,000, but valueless, they say, for Army purposes. And yet we have had no legislation with reference to abandoning them. But now, on the plea of economy, we have a proposition involving the purchase of 30,000 to 40,000 acres of land at a high and unconscionable price, because the passage of this resolution means that. Why should not you gentlemen who want to economize, economize once in a while? [Applause on the Republican side.]

Mr. HOBSON. Mr. Chairman, I can not see the force of the contention of the gentleman from Illinois. The policy of the

abandonment of small posts widely scattered is a part of a general policy of concentration of larger numbers of troops. The abandonment of the many expensive small posts entails the development of economical posts of larger dimensions. An investigation of this question of Army concentration would bring out the fact that geographically the trend of the movement of our Army posts must be southward.

I further call to the attention of Members that even in as small a war as the Spanish War, located in the West Indies, the Government sent its troops southward, and they actually occupied by choice this region near Anniston as the best in which to concentrate the troops. Now, nature has given many advantages to this point over all other points. It is well watered, and watered in such a unique way as to be free from typhoid and similar contagions. It has just the right altitude and rainfall to make the climate almost perfect the year around. The railroad facilities are excellent. The topography, the stretches of level land with the buttresses of hills, is unusually advantageous for the purposes of a great Army post and great maneuver grounds. The strategic location marks it as the region for concentration of troops for the wars of the future.

Mr. MICHAEL E. DRISCOLL. Will the gentleman state what additional information on this subject this board or commission to be proposed to be appointed in this resolution could give further than the information now contained in the report by Col. Mills?

Mr. HOBSON. I will be very glad to do that, because that is the crux of the situation.

Mr. MICHAEL E. DRISCOLL. Does that not cover the rainfall and other questions involved?

Mr. HOBSON. I will tell the gentleman that the report already made is precisely the first preliminary report that is made on any such a project, just like a reconnaissance of a river leading to its survey as to whether its navigation ought to be developed or not. The second regular step is the step now proposed. The gentleman from Illinois [Mr. MANN] does not seem to grasp this fact. This is not a question of the purchase of land. It is not a question of deciding upon a location for maneuvering grounds, but simply to make a more detailed investigation of the suitability and advantages of the region in question. The fact remains that it will be necessary for us in carrying out the present policy of economical concentration of our troops to have large maneuvering grounds somewhere. The natural tendency will be southward for geographical, climatic, and strategic reasons, and it is most opportune now, with the approaching opening of the Panama Canal, to begin serious investigation of particular regions. An examination will certainly show, just as the Spanish War brought out the fact, that in northern Alabama, and probably in the neighborhood of Anniston, is the best location in America for just such a post and maneuver grounds.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOBSON. Now, Mr. Chairman, this question is merely to appoint what is in every way a proper commission at this stage to make a proper survey and report. I can say for the benefit of the gentleman from Illinois that his theories of extravagance and possible graft are not well grounded. Tell me where else in the United States could you get land for \$15 an acre suitable for maneuvering.

Mr. MICHAEL E. DRISCOLL. Will the gentleman say why they are to donate these 4,000 acres?

Mr. HOBSON. I will say that it is done just precisely as the public-spirited citizens of a community will frequently contribute land for public purposes, say, a public building. The impulse is patriotism and public spirit. The great opportunity here open ought to be brought to the attention of the Government. I do not say the establishment of a post or maneuver grounds would not be a benefit to the community. Doubtless it would. But that question is not involved here. The question of whether certain citizens will make money out of it eventually is not involved.

Mr. GOOD. If we are to adopt a policy of consolidating the Army posts and adopting the policy of establishing maneuvering grounds generally, would not that be accomplished more economically by appointing a commission to look over the entire scope?

Mr. HOBSON. I am in entire agreement with the gentleman as to that.

Mr. GOOD. And would not this work in direct conflict with that kind of a survey or examination?

Mr. HOBSON. On the contrary, I think this would be a preliminary part of such a work, and the moment the gentleman wishes to have that general proposition taken up I am sure he will find sympathetic support. And I will say to him further that there is a bill pending, that will probably come before the House before long, creating a council of national defense, that will probably take up this question and similar questions for the whole country. But here is a meritorious proposition just to find out, without expense, whether the Government has not a splendid opportunity here in this location.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. HOBSON. Certainly.

Mr. MANN. I understood the gentleman to say that this would be a good place for the location of a consolidated Army post, and that that was one of the arguments which the gentleman was advancing in favor of this location.

Mr. HOBSON. I think that in addition to maneuver grounds it would be a very desirable location for a consolidated Army post; one of the most desirable locations in this country.

Mr. MANN. Does the gentleman think we ought to undertake to purchase grounds for a consolidated Army post without having first a view of the whole country?

Mr. HOBSON. I think the gentleman is correct in that, but this present proposition does not have in view the purchase of any land at all; only an investigation.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I wish to speak on this resolution. I move to strike out the last three words.

Mr. DENT. Mr. Chairman, I yield to the gentleman whatever time he desires.

The CHAIRMAN. The gentleman from New York [Mr. MICHAEL E. DRISCOLL] is recognized for five minutes.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, while the gentleman from Alabama [Mr. HOBSON] was talking I asked him in what respect the board or commission to be created by this resolution would report more completely and more thoroughly than the man that examined into the subject.

Mr. HOBSON. I meant to answer the question of the gentleman more at length.

Mr. MICHAEL E. DRISCOLL. The gentleman said, "I am just going to do that," but he talked on other subjects, and he did not touch the point I wanted him to explain.

Mr. HOBSON. If the gentleman will yield me time now I will cover that point.

Mr. MICHAEL E. DRISCOLL. I have been trying, Mr. Chairman, to find out from the beginning of this discussion, since the gentleman from Connecticut [Mr. TILSON] began the explanation of this resolution, why certain gentlemen down there who are interested in land companies are so generous as to offer 4,000 acres of land for nothing, to donate it to the Government. It appears that those gentlemen are interested in twenty-five or thirty thousand acres more of land surrounding the 4,000 acres which they propose to donate, and they say they have options on it and that it can be bought for \$15 an acre. Beware of Greeks bearing gifts to the Government. There is always a "nigger in the fence" when people are willing to give away something, and it always arouses my suspicion.

Now, at the request of somebody—and I think it was the request of the gentleman from Alabama, who introduced this resolution, by a letter that he wrote to Gen. Wood—Col. Mills was sent down there to investigate. He did investigate, apparently. He has brought back and submitted here a comprehensive report, stating practically everything, so far as I know, which would be ordinarily necessary to inform the War Department as to the merits of this proposition.

Mr. HOBSON. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Alabama?

Mr. MICHAEL E. DRISCOLL. I can not yield.

Mr. HOBSON. This would be a good point at which to make one little statement.

Mr. MICHAEL E. DRISCOLL. The gentleman will have a chance probably later on. I am afraid to let the gentleman start to make a statement in my time.

Mr. HOBSON. This board would make surveys which the other one could not undertake.

Mr. MICHAEL E. DRISCOLL. Why should we pass an act directing the attention of the War Department to this particular proposition submitted by the gentleman from Alabama, if we are going later on to create a commission to go over the country and pick out the best and most available locations and territory for the general maneuvers of the Army? Why not create a commission or board now, with power to examine all the propo-

tions and all the locations submitted to them for consideration, and report upon them all and recommend the one which they think is the best? This resolution gives such a board or commission no such power. This resolution is simply framed up in such a way as to compel the War Department actually to accept this particular proposition. It ought to be beaten, and it ought to be beaten on the merits. No man can defend it on the ground of economy or anything else. [Applause.]

Mr. MONDELL. Mr. Chairman, I rise to oppose the amendment of the gentleman from New York [Mr. MICHAEL E. DRISCOLL]. His amendment was to strike out the last three words, and if that amendment should be agreed to it would provide that this board should be paid. I am not in favor of the board being paid.

I have been in this House quite a number of years and I have seen some remarkable propositions presented to the House at one time and another, but it seems to me that as a really unique and unusual proposition this particular measure takes the cake—the entire bakery, in fact.

I understood that the Committee on Military Affairs had turned over to the War Department this question of concentration, of saying where the troops should be housed and where they should be maneuvered. In the Army bill, passed the other day, the War Department was given carte blanche to abandon \$90,000,000 worth of property in the great Northwest, much of it new, up-to-date, first-class buildings—splendid Army posts—constructed within the last few years. Their abandonment is left entirely to the discretion of the War Department. And in order that that department may be encouraged to abandon these buildings forthwith, the Democratic majority here has prohibited the Secretary of War from using any portion of the appropriation for the purpose of stopping any leaks that may occur in the roofs of any of these buildings or in any way caring for them. But so anxious are the gentlemen now to reverse the policy adopted a few days ago, so far as the great State of Alabama is concerned, that they now propose to have Congress actually take a hand in the matter of asserting its authority as to the establishment or selection of grounds for maneuver purposes down in the State of Alabama. I suppose eventually this will be one of the great concentration posts of which we have heard so much.

Mr. BLACKMON. Will the gentleman yield?

Mr. MONDELL. Yes; with pleasure.

Mr. BLACKMON. The gentleman says this is the most unique proposition he ever heard of.

Mr. MONDELL. Yes.

Mr. BLACKMON. Was the gentleman a Member of this body on the 24th of February, 1911?

Mr. MONDELL. I believe that I was; yes.

Mr. BLACKMON. Did the gentleman know that a resolution absolutely similar to this was passed at that time, with the exception that the words "Tallahoma, Tenn.," were contained therein, while this one contains the words "Anniston, Ala."?

Mr. MONDELL. What gentleman was up for renomination in that district?

Mr. BLACKMON. I do not know; but the gentleman's long service and his watchfulness did not seem to prevent the passage of that resolution.

Mr. MICHAEL E. DRISCOLL. Had there been a report made already on that proposition?

Mr. MONDELL. I did not claim to have been overwatchful. I do not know the name of the gentleman in whose district it was proposed to have that examination. I have no doubt the gentleman's services were well worth it, and I have no doubt that the services of the gentleman in whose behalf this resolution is presented are well worth this expense.

Mr. BLACKMON. The gentleman was more generous with the gentleman from Tennessee than he is with the gentleman from Alabama.

Mr. MONDELL. I am generous with both gentlemen, as far as that is concerned.

Mr. BLACKMON. Evidently.

Mr. MONDELL. Only I do not want the money paid out of the Treasury of the United States to help this scheme along.

Mr. BLACKMON. The gentleman did on that occasion.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment will be considered as withdrawn.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the joint resolution to the House as amended, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SULZER, Chairman of the Committee of the

Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 178, creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to, and that the joint resolution as amended do pass.

Mr. DENT. Mr. Speaker, I move the previous question on the joint resolution and amendment to the final passage.

The question being taken, the Speaker announced that the ayes appeared to have it.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 67, noes 15.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. DENT. I move a call of the House.

The SPEAKER. A call of the House will be taken automatically if this motion fails. The question is on the motion of the gentleman from Illinois that the House do now adjourn. All those in favor of the motion will rise and stand until counted. [After counting.] Twenty-two gentlemen have arisen.

Mr. SULZER. Let us have the other side, Mr. Speaker.

The SPEAKER. The Chair will take the other side. All those opposed to the motion will rise. [After counting.] Seventy-nine gentlemen have arisen, and the yeas and nays are ordered.

The question was taken; and there were—yeas 37, nays 175, answered "present" 7, not voting 174, as follows:

YEAS—37.

Burke, S. Dak.	Guernsey	Morgan	Sulloway
Butler	Hamilton, Mich.	Nelson	Taylor, Ohio.
Cannon	Heald	Olmsted	Volstead
Crago	Jackson	Pickett	Warburton
Driscoll, M. E.	Langham	Prouty	Willis
Foss	McKinney	Rees	Wood, N. J.
French	McMorran	Rodenberg	Young, Kans.
Gardner, N. J.	Martin, S. Dak.	Stephens, Cal.	
Good	Mondell	Sterling	
Griest	Moon, Pa.	Stevens, Minn.	

NAYS—175.

Adair	Dixon, Ind.	James	Randell, Tex.
Adamson	Doughton	Johnson, Ky.	Rauch
Akin, N. Y.	Dyer	Johnson, S. C.	Redfield
Alexander	Esch	Jones	Reilly
Ames	Evans	Kahn	Reynolds
Anderson, Minn.	Falson	Kendall	Richardson
Anderson, Ohio	Farr	Kennedy	Roberts, Nev.
Ansberry	Fergusson	Kitchin	Roddenberry
Barnhart	Ferris	Konop	Rubey
Bartlett	Finley	Konop	Rucker, Colo.
Bathrick	Flood, Va.	Lafferty	Rucker, Mo.
Beall, Tex.	Floyd, Ark.	La Follette	Russell
Bell, Ga.	Fornes	Lee, Pa.	Shackelford
Berger	Fowler	Lenroot	Sherley
Blackmon	Gallagher	Lever	Sherwood
Bowman	Gardner, Mass.	Lindbergh	Simmons
Bradley	Garner	Linthicum	Sims
Buchanan	Garrett	Littlepage	Sloan
Burleson	Godwin, N. C.	Lloyd	Smith, J. M. C.
Burnett	Goeke	Lobeck	Smith, Tex.
Byrnes, S. C.	Goodwin, Ark.	McCoy	Speer
Byrnes, Tenn.	Gould	McCreary	Stedman
Callaway	Gray	McDermott	Stephens, Miss.
Candler	Gregg, Pa.	McGillcuddy	Stephens, Nebr.
Clark, Fla.	Gregg, Tex.	McKellar	Stephens, Tex.
Claypool	Gudger	Madden	Stone
Clayton	Hamilton, W. Va.	Maguire, Nebr.	Sulzer
Cline	Hamlin	Martin, Colo.	Taggart
Collier	Hardwick	Moon, Tenn.	Talcott, N. Y.
Conry	Hardy	Morrison	Taylor, Ala.
Cooper	Harrison, Miss.	Morse, Wis.	Taylor, Colo.
Cox, Ind.	Harrison, N. Y.	Moss, Ind.	Tribble
Crumpacker	Hay	Murdock	Turnbull
Cullop	Hayden	Neeley	Underhill
Curley	Hayes	Norris	Underwood
Curry	Heflin	Padgett	Watkins
Daugherty	Helm	Page	Wedemeyer
Davenport	Henry, Tex.	Palmer	White
Davis, Minn.	Hensley	Peters	Wickliffe
Davis, W. Va.	Holland	Post	Wilson, Pa.
De Forest	Houston	Pou	Witherspoon
Dent	Howard	Powers	Woods, Iowa
Dickinson	Hull	Rainey	Young, Tex.
Dies	Jacoway	Raker	

ANSWERED "PRESENT"—7.

Andrus	Foster, Ill.	Tilson
Bates	Glass	Talbot, Md.

NOT VOTING—174.

Aiken, S. C.	Driscoll, D. A.	Kinhead, N. J.	Prince
Alney	Dupre	Knowland	Pujo
Allen	Dwight	Kopp	Ransdell, La.
Anthony	Edwards	Korby	Riordan
Ashbrook	Ellerbe	Lafean	Roberts, Mass.
Austin	Estopinal	Lamb	Robinson
Ayres	Fairchild	Lawrence	Rothermel
Barchfeld	Fields	Lee, Ga.	Rouse
Bartholdt	Fitzgerald	Legare	Sabath
Bingham	Focht	Levy	Saunders
Boehne	Fordney	Lewis	Scully
Booher	Foster, Vt.	Lindsay	Sells
Borland	Francis	Littleton	Sharp
Brantley	Fuller	Longworth	Sheppard
Broussard	George	Loud	Sisson
Brown	Gillett	McCall	Slayden
Browning	Goldfogle	McGuire, Okla.	Slemp
Bulkley	Graham	McHenry	Small
Burgess	Green, Iowa	McKenzie	Smith, Saml. W.
Burke, Pa.	Greene, Mass.	McKinley	Smith, Cal.
Burke, Wis.	Hamill	McLaughlin	Smith, N. Y.
Calder	Hammond	Macon	Sparkman
Campbell	Hanna	Maher	Stack
Cantrill	Harris	Malby	Stanley
Carlin	Hartman	Mann	Steenerson
Carter	Haugen	Matthews	Sweet
Cary	Howley	Mays	Switzer
Catlin	Helgesen	Miller	Thayer
Connell	Henry, Conn.	Moore, Pa.	Thistlewood
Copley	Higgins	Moore, Tex.	Thomas
Covington	Hill	Mott	Towner
Cox, Ohio	Hinds	Murray	Townsend
Cravens	Hobson	Needham	Tuttle
Currier	Howell	Nye	Utter
Dalzell	Howland	Oldfield	Vreeland
Danforth	Hubbard	O'Shaunessy	Webb
Davidson	Hughes, Ga.	Parran	Weeks
Denver	Hughes, N. J.	Patten, N. Y.	Whitacre
Dickson, Miss.	Hughes, W. Va.	Patton, Pa.	Wilder
Difenderfer	Humphrey, Wash.	Payne	Wilson, Ill.
Dodds	Humphreys, Miss.	Pepper	Wilson, N. Y.
Donohoe	Kent	Plumley	Young, Mich.
Doremus	Kindred	Porter	
Draper	Kinkaid, Nebr.	Pray	

So the motion was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WILSON of New York with Mr. WILSON of Illinois.

Mr. THAYER with Mr. WILDER.

Mr. KINHEAD of New Jersey with Mr. THISTLEWOOD.

Mr. SMITH of New York with Mr. MILLER.

Mr. ROTHERMEL with Mr. PATTON of Pennsylvania.

Mr. RANDELL of Louisiana with Mr. MANN.

Mr. PEPPER with Mr. NYE.

Mr. PATTEN of New York with Mr. MOORE of Pennsylvania.

Mr. MOORE of Texas with Mr. MCKENZIE.

Mr. ROUSE with Mr. MCCALL.

Mr. LINDSAY with Mr. LOUD.

Mr. LEVY with Mr. KNOWLAND.

Mr. LEGARE with Mr. KINKAID of Nebraska.

Mr. LAMB with Mr. HOWELL.

Mr. HUGHES of New Jersey with Mr. HINDS.

Mr. HAMMOND with Mr. HILL.

Mr. HAMILL with Mr. HENRY of Connecticut.

Mr. DIFENDERFER with Mr. HELGESEN.

Mr. FITZGERALD with Mr. CALDER.

Mr. ELLERBE with Mr. HAUGEN.

Mr. EDWARDS with Mr. HARTMAN.

Mr. DUPRE with Mr. HARRIS.

Mr. DONOHUE with Mr. GILLETT.

Mr. DENVER with Mr. DRAPER.

Mr. CONNELL with Mr. CURRIER.

Mr. CARLIN with Mr. CATLIN.

Mr. BROWN with Mr. CAMPBELL.

Mr. BROUSSARD with Mr. BINGHAM.

Mr. BRANTLEY with Mr. BARTHOLDT.

Mr. ASHEROOK with Mr. AINEY.

Mr. SMALL with Mr. BARCHFELD.

Mr. BOOHER with Mr. YOUNG of Michigan.

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. HUMPHREYS of Mississippi with Mr. LAWRENCE.

The result of the vote was announced, as above recorded.

The SPEAKER. The question is on ordering the previous question on the resolution and amendment to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the amended joint resolution.

The question was taken, and the joint resolution was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, I demand the reading of the engrossed resolution.

The SPEAKER. The gentleman from Illinois demands the reading of the engrossed resolution. That puts an end to the consideration of the resolution for the present.

Mr. UNDERWOOD. Mr. Speaker, the previous question having been ordered, as I understand it, the engrossed resolution will come up to-morrow first thing.

The SPEAKER. That is true. It would come up right now if we had the engrossed copy here.

Mr. UNDERWOOD. The engrossed copy is not at the Speaker's table?

The SPEAKER. No.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4197. An act for the purchase of a site for the erection of a post-office and public building at New Martinsville, Wetzel County, W. Va.; to the Committee on Public Buildings and Grounds.

S. J. Res. 74. Joint resolution for an exhibit at the Fifth National Corn Exposition at Columbia, S. C.; to the Committee on Industrial Arts and Expositions.

Senate concurrent resolution 11.

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 additional copies of the message of the President of the United States transmitting the report of the Employers' Liability and Workmen's Compensation Commission, together with the hearings held before the commission, of which 2,500 copies shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 2,500 copies for the use of the Committee on the Judiciary of the Senate, and that there be printed as a Senate document, in one pamphlet, 25,000 copies of the message and report only, of which 5,000 copies shall be for the use of the Senate, 12,500 copies for the use of the House of Representatives, and 7,500 copies for the use of the Committee on the Judiciary of the Senate—to the Committee on Printing.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 20482) to establish a post office at Texarkana, Tex., and to provide for the appointment of a postmaster, was changed from the Committee on Public Buildings and Grounds to the Committee on the Post Office and Post Roads.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 5 o'clock and 8 minutes p. m.), the House adjourned until Thursday, February 22, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimates of appropriation for continuing the construction of Cavalry post, Hawaii Territory (H. Doc. No. 555); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Apoon mouth of Yukon River, Alaska (H. Doc. No. 556); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Biscayne Bay, Fla. (H. Doc. No. 554); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Harlem River, at Johnsons Iron Works, N. Y. (H. Doc. No. 557); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Secretary of War, transmitting, pursuant to House resolution, additional information relative to certain matters in regard to Pay Department of the Army (H. Doc. No. 558); to the Committee on Expenditures in the War Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMILTON of West Virginia, from the Committee on Invalid Pensions, to which was referred sundry bills of the

House, reported in lieu thereof the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 329), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 330), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WILSON of Pennsylvania: A bill (H. R. 20576) to regulate the officering and manning of vessels, to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEENERSON: A bill (H. R. 20587) to define and regulate investment companies authorized to use the mail; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: A bill (H. R. 20588) to amend the Criminal Code of Alaska; to the Committee on the Territories.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 20589) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PEPPER: A bill (H. R. 20590) fixing the time for election of Representatives and Delegates in Congress and for the appointment of electors of President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WEBB: A bill (H. R. 20591) amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities; to the Committee on Patents.

By Mr. FOSS: A bill (H. R. 20592) for increasing the Naval Establishment; to the Committee on Naval Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 20593) to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: A bill (H. R. 20594) to create a revenue board; to the Committee on Ways and Means.

By Mr. TOWNSEND: A bill (H. R. 20595) to amend section 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

Also, a bill (H. R. 20596) to amend section 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

By Mr. BINGHAM: A bill (H. R. 20597) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania military organizations; to the Committee on Military Affairs.

By Mr. SIMMONS: A bill (H. R. 20598) to regulate the importation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal horticultural board and to define the powers of this board in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom; and for other purposes; to the Committee on Agriculture.

By Mr. NEELEY: A bill (H. R. 20599) to amend section 531 of the Revised Statutes of the United States, and also to amend section 82 of chapter 5 of the act approved March 3, 1911, entitled "The judiciary"; to the Committee on the Judiciary.

By Mr. BARTHOLOTT: Concurrent resolution (H. Con. Res. 39) to amend concurrent resolution passed August 21, 1911, providing for the printing of the proceedings upon the unveiling of the statue of Baron von Steuben; to the Committee on Printing.

By Mr. CURLEY: Joint resolution (H. J. Res. 248) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON of West Virginia: A bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. RUSSELL: A bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ALLEN: A bill (H. R. 20600) granting a pension to Augusta Dempsey; to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 20601) granting an increase of pension to Samuel H. Jolly; to the Committee on Invalid Pensions.

By Mr. FAISON: A bill (H. R. 20602) for the relief of Frederick Pate; to the Committee on War Claims.

By Mr. FLOOD of Virginia: A bill (H. R. 20603) granting an increase of pension to Susan Johnson; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20604) granting an increase of pension to Levi Lewis; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 20605) granting an increase of pension to George W. Hurd; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 20606) granting a pension to D. A. Kanife; to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 20607) for the reimbursement of the legal representative of James Harvey Dennis for moneys expended by the said James Harvey Dennis for the improvement of the Tennessee River; to the Committee on Appropriations.

By Mr. JAMES: A bill (H. R. 20608) for the relief of the estate of Jonathan Polk, deceased; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 20609) for the relief of Richard H. Grey; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 20610) granting an increase of pension to Emanuel Smith; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20611) granting an increase of pension to Nelson McIntosh; to the Committee on Pensions.

Also, a bill (H. R. 20612) granting an increase of pension to Dan M. Hager; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 20613) for the proper recognition of services rendered by Herman Haupt during the Civil War; to the Committee on Military Affairs.

By Mr. MOORE of Texas: A bill (H. R. 20614) for the relief of the heirs of Fannie Elizabeth Cole; to the Committee on War Claims.

By Mr. NYE: A bill (H. R. 20615) granting a pension to Maurice Luby; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 20616) granting a pension to Alice May Sparrow; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 20617) granting an increase of pension to William Jeffrey; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 20618) granting an increase of pension to Horace H. Burbank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20619) granting an increase of pension to George F. Wheeler; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 20620) granting an increase of pension to William H. Dye; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 20621) granting an increase of pension to Willard B. Hill; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 20622) for the relief of Francis H. McLaughlin; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of American Association for the Advancement of Science, protesting against introduction of

injurious insects and plant diseases from foreign lands; to the Committee on Interstate and Foreign Commerce.

Also, petition of members, Improved Order of Red Men of ninth congressional district of the State of Missouri, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. AKIN of New York: Petition of residents of Glens Falls, N. Y., for passage of old-age pension bill; to the Committee on Pensions.

Also, petition of members, Improved Order of Red Men of twenty-fifth congressional district of New York, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, memorial of New York State Assembly, for passage of militia pay bill; to the Committee on Military Affairs.

Also, memorial of Sons of the Revolution in the State of New York, for preservation of certain battle flags; to the Committee on Naval Affairs.

By Mr. ANDERSON of Minnesota: Petition of O. W. Nelson and Frank J. Greener, of Reno, Minn., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of C. L. and Mary E. Gabke, of Newark, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Tuscarawas County, Ohio, favoring the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BINGHAM: Resolutions of Royal Lodge, No. 440, and Philadelphia Baron de Hirsh Lodge, No. 535, Independent Order B'rith Abraham, and of Moses Montefiore Lodge, No. 21, Independent Order B'rith Shalom, of Philadelphia, Pa., relative to treaties with Russia; to the Committee on Foreign Affairs.

Also, resolution of the Art Club of Philadelphia, Pa., relative to the Lincoln memorial; to the Committee on the Library.

Also, petition of German Catholic Society of Philadelphia, Pa., in favor of House bill 2896, to provide a tax upon white phosphorous matches, and for other purposes; to the Committee on Ways and Means.

Also, resolutions of the Central Bureau of Philadelphia Yearly Meeting, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions of the Philadelphia Maritime Exchange, protesting against the abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN: Petition of the German Republican Club of Rockford, Ill., praying for the defeat of any interstate-commerce liquor measure; to the Committee on the Judiciary.

By Mr. CATLIN: Petitions of the California (Mo.) Saengerbund, the German-American Pioneer Association of Lafayette County, Mo., and the National German-American Alliance of St. Joseph, Mo., protesting against the passage of any prohibition or interstate-commerce liquor measure now pending in Congress; to the Committee on the Judiciary.

By Mr. CLINE: Petition of citizens of twelfth congressional district of Indiana, against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of twelfth congressional district of Indiana, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Grand Army of the Republic Post of Valparaiso, Ind., for passage of House bill 1; to the Committee on Invalid Pensions.

Also, petitions of German Societies of Lafayette and Logansport, Ind., protesting against prohibition and interstate liquor legislation; to the Committee on the Judiciary.

By Mr. COOPER: Petition of citizens of Elkhorn, Wis., for passage of Kenyon-Sheppard interstate liquor bill, and Sims bill to forbid interstate transmission of race-gambling odds and bets; to the Committee on the Judiciary.

By Mr. COVINGTON: Petitions of Berlin and Sharptown, Md., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of National Canners' Association, for reductions in the duties on sugar and tinned plate; to the Committee on Ways and Means.

Also, petition of National Canners' Association, for establishment of national bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. DENVER: Petition of the Cheyenne Tribe, No. 53, Improved Order of Red Men, Lebanon, Ohio, favoring House bill 16313; to the Committee on Public Buildings and Grounds.

Also, petition of the Greenfield (Ohio) Woman's Christian Temperance Union, urging the enactment of the Hobson bill; to the Committee on the Judiciary.

Also, petition of the Sismamatha Tribe, No. 236, Improved Order of Red Men, of Macon, Ohio, favoring House bill 16313; to the Committee on Public Buildings and Grounds.

By Mr. ESCH: Petition of Camp No. 11, Department of Wisconsin, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petition of a German society of Racine, Wis., protesting against passage of prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of citizens of the State of Wisconsin, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of Broadway Board of Trade, protesting against proposed abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Sons of the Revolution in the State of New York, for preservation of certain battle flags; to the Committee on Naval Affairs.

Also, memorials of Citizens' Association of Takoma Park, Md., urging the immediate enlargement of the Takoma Park Public School and protesting against exclusion from that school of residents of Takoma Park, Md.; to the Committee on the District of Columbia.

Also, memorial of New York State Assembly, for legislation authorizing compensation of State militia; to the Committee on Military Affairs.

Also, memorial of American Humane Society, protesting against Senate bill 252, to establish in the Department of Commerce and Labor a children's bureau; to the Committee on Labor.

By Mr. FLOYD of Arkansas: Petition of citizens of Arkansas, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, resolution of Harrison Commercial Club, of Harrison, Ark., requesting Congress to pass appropriate legislation to provide for the preservation of the machinery and material used in the construction of the Panama Canal for use in the improvement of our rivers and harbors; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD of Virginia: Papers to accompany bill granting an increase of pension to Susan Johnson; to the Committee on Invalid Pensions.

By Mr. FORNES: Resolution of the Chamber of Commerce of the State of New York, for the exclusion of feeble-minded immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of the Chamber of Commerce of the State of New York, urging an appropriation of \$25,000 for the establishment of marine schools, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

Also, a memorial of the Municipal Council of Valdez, Alaska, urging an appropriation of \$1,000,000 to maintain, extend, and build new wagon roads and trails in Alaska; to the Committee on the Territories.

Also, resolution of the Old Guard Camp, No. 19, Department of New York, United Spanish War Veterans, indorsing House bill 17470, providing a pension for the widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, resolutions of the Maritime Association of the port of New York and the Chamber of Commerce of Milwaukee, Wis., protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Sons of the Revolution in the State of New York, indorsing House bill 15471, appropriating \$30,000 for the repair and preservation of flags at the Naval Academy at Annapolis, Md.; to the Committee on Naval Affairs.

Also, petition of Buffalo (N. Y.) Cooperative Stove Co., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the New York Produce Exchange, against the abolishment of the Remsen Board of Reference; to the Committee on Agriculture.

By Mr. FOSS: Petitions of citizens of Illinois, protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, resolution of the Milwaukee (Wis.) Chamber of Commerce, protesting against any change in the administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: Petition of J. M. Brown and other citizens, of Sandoval, Ill., protesting against the enactment

of further legislation in reference to parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Petitions of citizens of the State of Idaho, protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Ottawa Business Men's Association, of Ottawa, Ill., favoring the passage of House bill 14489, concerning certain amendments to corporation-tax law as to the filing of annual reports; to the Committee on Ways and Means.

Also, petition of Woman's Board of Missions of Boston, Mass., favoring the reimbursement to American citizens of the Stone ransom; to the Committee on Claims.

Also, petition of Henry W. Farnam and others, of New York City, favoring the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

By Mr. GOULD: Petitions of citizens of the State of Maine, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Pawnee Tribe, No. 66, Improved Order of Red Men, of Springfield, Ill., in favor of Senate bill 3953 and House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. GRIEST: Memorial of Merchants' Association of Ephrata, Pa., favoring House bill 16819; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of Michigan: Petitions of citizens of the State of Michigan, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of South Haven, Mich., for passage of old-age pension bill; to the Committee on Pensions.

By Mr. HAMLIN: Petition of citizens of the State of Missouri, for passage of old-age pension bill; to the Committee on Pensions.

By Mr. HARDWICK: Petition of citizens of Jefferson and Glascock Counties, Ga., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petitions of Granges Nos. 1309 and 1397, Patrons of Husbandry, of Woodbury and Bald Hill, Pa., for certain amendments to oleomargarine law; to the Committee on Agriculture.

Also, petitions of the Concordia Singing Society and the Turngemeinde, of Altoona, Pa., against any prohibition or interstate liquor legislation now pending; to the Committee on the Judiciary.

By Mr. HAWLEY: Petitions of citizens of the State of Oregon, for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HAYES: Petition of citizens of the State of California, for passage of old-age pension bill; to the Committee on Pensions.

Also, petition of the Woman's Christian Temperance Union of Campbell, Cal., for passage of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Peter F. Vandergon, of Morgan Hill, Cal., in favor of Kenyon-Sheppard interstate liquor bill, etc.; to the Committee on the Judiciary.

By Mr. HELGESEN: Petition of Methodist Episcopal Church of Drayton, N. Dak., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of North Dakota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Petitions of citizens of East Windsor, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of Reformed Church of Pompton Lakes, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KENNEDY: Petition of the Woman's Christian Temperance Union of Argyle, Iowa, urging passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of the Woman's Christian Temperance Union of North Hudson, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KITCHIN: Resolution of the Halifax County Division of the Farmers' Educational and Cooperative Union of America, at Halifax, N. C., in favor of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LAFFERTY: Petitions of the Woman's Christian Temperance Union of Joseph; Loyal Legion of Woman's Christian Temperance Union, Woman's Christian Temperance Union, Young People's Branch of Woman's Christian Temperance Union, and Epworth League of Methodist Church of Hermiston; and of citizens of Bend, Hermiston, Lents, and Prineville, all

in the State of Oregon, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of Pennsylvania State Board of Agriculture, in favor of passage of Senate bill 4563; to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Fisher, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LOBECK: Petition of citizens of Nebraska, protesting against parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of Byrns & Hammer Dry Goods Co. and M. E. Smith & Co., of Omaha, Nebr., suggesting appointment of commission to investigate the parcel-post question; to the Committee on the Post Office and Post Roads.

Also, petition of Rev. A. W. Clark, corresponding secretary for Nebraska National Conference of Charities and Corrections, favoring bill for establishing Federal commission on industrial relations; also favoring bill for children's bureau; to the Committee on Labor.

Also, resolutions of the Sixth International Dry-Farming Congress, held at Colorado Springs, Colo., indorsing the Page bill; to the Committee on Agriculture.

By Mr. LOUD: Petition of citizens of Bay City, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NEELEY: Petitions of citizens of Meade County, Kans., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Memorial of Local No. 63, United Garment Workers of America, favoring removal of tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Local No. 63, United Garment Workers of America, protesting against enactment of Senate bill 2564 (Smoot printing bill); to the Committee on Printing.

Also, petition of citizens of Minneapolis, Minn., protesting against enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. OLMSTED: Petition of citizens of Harrisburg, Pa., protesting against passage of Senate bill 237; to the Committee on the District of Columbia.

Also, petition of citizens of Harrisburg, Pa., protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. PADGETT: Petition of citizens of the State of Tennessee, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Tennessee, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. PARRAN: Papers to accompany bill for the relief of Joseph B. Girault (H. R. 14422); to the Committee on Naval Affairs.

Also, papers to accompany bill for the relief of Thirza M. Dolph (H. R. 19186); to the Committee on Pensions.

By Mr. REYBURN: Petition of Pennsylvania State Board of Agriculture, for passage of Senate bill 4563; to the Committee on Agriculture.

By Mr. ROBERTS of Massachusetts: Petitions of citizens of the seventh congressional district of Massachusetts, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of Luncheon Club of Boston, Mass., for passage of House bill 12827; to the Committee on Military Affairs.

By Mr. SCULLY: Petition of the Atlantic Terra Cotta Co., of New York City, for certain amendments to House bill 20182; to the Committee on Ways and Means.

Also, petition of citizens of New Jersey, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Presbyterian Church of New Brunswick, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Petitions of business men and other citizens of Boonville, Centralia, Otterville, and Sturgeon, Mo., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the eighth congressional district of Missouri, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Columbia, Mo., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. SHEPPARD: Papers to accompany bill for the relief of Thomas F. Sutton (H. R. 20557); to the Committee on War Claims.

By Mr. SHERWOOD: Petition of Civil War veterans of Camden, Mich., favoring enactment of House bill 1; to the Committee on Invalid Pensions.

By Mr. SIMS: Petition of Camp No. 2, Department of Tennessee, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

By Mr. SPARKMAN: Resolution of the Board of Trade of Tampa, Fla., praying for the adoption of a 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. STEDMAN: Petition of citizens of Winston Salem, N. C., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of citizens of California, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. THAYER: Petitions of citizens of Worcester, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UTTER: Papers to accompany House bill 20342, granting an increase of pension to Emeline N. Griffiths; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20343, granting an increase of pension to Ellen Augusta Gifford; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20341, granting an increase of pension to Ellen B. Knowles; to the Committee on Invalid Pensions.

Also, petitions of the Woman's Christian Temperance Union of Washington, of Coventry; the Woman's Christian Temperance Union of the Fairtuxet Valley, of Warwick; the Woman's Christian Temperance Union of Manton, of Johnston; the Woonsocket Universalist Church, of Woonsocket; and the Young Men's Christian Association of Woonsocket, all in the State of Rhode Island, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Rhode Island Sorosis, a federated woman's club, of Providence, R. I., for a reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. VOLSTEAD: Petition of citizens of Pennock, Minn., protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. WEBB: Petitions of citizens of Charlotte, N. C., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WILLIS: Petitions of L. C. Nease and other citizens of Lewis Center, and T. F. Blakely and other citizens of Sunbury, Ohio, protesting the enactment of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of Woman's Board of Missions, for reimbursement of the Ellen M. Stone ransom; to the Committee on Claims.

Also, memorial of Sons of the Revolution in the State of New York, for preserving certain battle flags; to the Committee on Naval Affairs.

By Mr. YOUNG of Texas: Petition of citizens of Alba, Tex., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, February 22, 1912.

The Senate met at 12 o'clock m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Thou who art the God of our fathers, we thank Thee for the providence which brings us to this day of sacred memory. Our fathers trusted in Thee, and were not ashamed. And now Thou hast increased Thy people greatly and hast strengthened us on every side. To us as to our fathers be Thou our hope and our stay. Defend us in the time of trouble and preserve our liberty, that we may keep unspoiled our priceless heritage.

We thank Thee for the life which we this day commemorate. As he, being dead, yet speaketh, incline our minds to heed his words of wisdom. Upon the altar of our hearts kindle anew the fire of patriotic devotion, that by Thy grace we may ever be that happy Nation whose God is the Lord.

And as Thou wast with our sires, so be Thou, O God, with their sons and with our children now and forevermore. Amen.

The Journal of yesterday's proceedings was read and approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. Pursuant to the order heretofore made by the Senate that upon this day Washington's Farewell Address shall be read to the Senate, and pursuant to the desig-

nation heretofore made by the Chair, the junior Senator from Indiana [Mr. KERN] will now read Washington's Address to the Senate.

Mr. KERN read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one Nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by

foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern, Atlantic and western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of

the Nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesale plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government, and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be

quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the

permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we

may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined as far as should depend upon me to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and

consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after 45 years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

Go: WASHINGTON.

UNITED STATES, September 19, 1796.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, it is safe to say that at least one-half of the membership of the Senate is engaged in very important committee work. There seems to be nothing urgent before the Senate at present. I therefore move that when the Senate adjourns to-day it be to meet on Monday next. The motion was agreed to.

FRENCH SPOILIATION CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Alfred*, Elbridge Drinkwater, master (H. Doc. No. 561), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Rhoda*, Uriah Green, master (H. Doc. No. 562), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Elizabeth P. O'Connor, widow (remarried), and Edward B. Wright, son and only child of Edward Maxwell Wright, deceased, *v. United States* (S. Doc. No. 341);

Annie E. Ruff, executrix of estate of Charles Frederick Ruff, deceased, *v. United States* (S. Doc. No. 340); and

J. P. Deiter *v. United States* (S. Doc. No. 342).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE PRESIDENT—THE POSTAL SERVICE (H. DOC. NO. 559).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and referred to the Committee on Post Offices and Post Roads:

To the Senate and House of Representatives:

In transmitting the annual report of the Postmaster General for the fiscal year ended June 30, 1911, it gives me pleasure to call attention to the fact that the revenues for the fiscal year ended June 30, 1911, amounted to \$237,879,823.60 and that the expenditures amounted to \$237,660,705.48, making a surplus of \$219,118.12. For the year ended June 30, 1909, the postal service was in arrears to the extent of \$17,479,770.47. In the interval this very large deficit has been changed into a surplus, and that without the curtailment of postal facilities. Indeed, in the same time there have been established 3,744 new post offices, delivery by carrier provided in 186 additional cities, and new rural routes established, 2,516 in number and aggregating 60,679 miles in extent. The force of postal employees has been increased by more than 8,000, and a liberal policy in the matter of salaries has been followed, so that the amount expended for

salaries is now \$14,000,000 more than two years ago. The average salary has been increased from \$869 to \$967 for rural carriers, \$979 to \$1,082 for post-office clerks, \$1,021 to \$1,084 for city letter carriers, and \$1,168 to \$1,183 for railway postal clerks.

The report shows that the Postal Savings System was begun experimentally in January, 1911, and that it has now been extended so as to include 7,500 presidential post offices, which includes practically all of the post offices of that class. Preparations are also being made to establish the system at about 40,000 fourth-class offices. The deposits in 11 months have reached a total of \$11,000,000, distributed among 2,710 national and State banks.

The Postmaster General recommends, as I have done in previous messages, the adoption of a parcel post, and the beginning of this in the organization of such service on rural routes and in the City Delivery Service first.

The placing of assistant postmasters in the classified service has secured greater efficiency. It is hoped that the same thing may be done with all the postmasters.

The report of the Postmaster General is full of statements of the important improvements in the organization and methods of the postal service made since the last annual report, and of tentative drafts of legislation embodying certain recommendations of the department which need legislation to carry them out.

There is only one recommendation in which I can not agree—that is one which recommends that the telegraph lines in the United States should be made a part of the postal system and operated in conjunction with the mail system. This presents a question of Government ownership of public utilities which are now being conducted by private enterprise under franchises from the Government. I believe that the true principle is that private enterprise should be permitted to carry on such public utilities under due regulation as to rates by proper authority rather than that the Government should itself conduct them. This principle I favor because I do not think it in accordance with the best public policy thus greatly to increase the body of public servants. Of course, if it could be shown that telegraph service could be furnished to the public at a less price than it is now furnished to the public by telegraph companies, and with equal efficiency, the argument might be a strong one in favor of the adoption of the proposition. But I am not satisfied from any evidence that if these properties were taken over by the Government they could be managed any more economically or any more efficiently or that this would enable the Government to furnish service at any smaller rate than the public are now required to pay by private companies.

More than this, it seems to me that the consideration of the question ought to be postponed until after the postal savings banks have come into complete and smooth operation and after a parcel post has been established not only upon the rural routes and the city deliveries but also throughout the department. It will take some time to perfect these additions to the activities of the Post Office Department, and we may well await their complete and successful adoption before we take on a new burden in this very extended department.

I can not speak with too great emphasis of the improvement in the Post Office Department under the present management. The cutting down of cost, the shortening of methods, and the increase in efficiency are shown by the statistics of the annual report.

One of the most important matters referred to by the Postmaster General is the proposed fixing of new rates of postage for second-class mail matter. In connection with this subject, I have the honor to transmit herewith the report of the Commission on Second-Class Mail Matter, appointed pursuant to a joint resolution of the Sixty-first Congress, approved March 4, 1911.

The commission consists of Hon. Charles E. Hughes, Associate Justice of the Supreme Court of the United States; President A. Lawrence Lowell, of Harvard University; and Mr. Harry A. Wheeler, president of the Association of Commerce of the city of Chicago, whose character, ability, and experience command for their findings and recommendations the respect and confidence of the Congress and the country.

The report discloses a most exhaustive and critical inquiry into the subject of second-class mail matter after adequate notice to all the parties in interest. Extensive hearings were held by the commission, at which the Postmaster General and the Second and Third Assistant Postmasters General appeared and submitted formal statements presenting the various contentions of the Post Office Department, together with all the relevant official data and evidence relating to the cost of handling and

transporting second-class mail matter. Certain of the leading magazines were represented by counsel, while various other publications appeared by representatives and were heard in oral argument or permitted to submit written briefs setting forth their respective reasons for opposing a change in the present postage rate on second-class mail. The Second and Third Assistant Postmasters General, together with minor officers of the department, were critically cross-examined by the counsel and representatives of the periodicals, and all the various phases of the second-class postage problem were made the subject of a most painstaking investigation.

The findings of the commission confirm the view that the cost of handling and transporting second-class mail matter is greatly in excess of the postage paid, and that an increase in the rate is not only justified by the facts but is desirable.

The commission reports that the evidence submitted for its consideration is sufficient to warrant a finding of the approximate cost of handling and transporting the several classes of second-class mail known as paid-at-the-pound-rate, free-in-county, and transient matter, in so far as relates to the services of transportation, post-office cars, railway distribution, rural delivery, and certain other items of cost, but that it is without adequate data to determine the cost of the general post-office service and also what portion of the cost of certain other aggregate services is properly assignable to second-class mail matter. It finds that in the fiscal year 1908, the period for which the statistics for the Post Office Department were compiled, the cost of handling and transporting second-class mail, in the items of transportation, post-office cars, railway distribution, rural delivery, and certain miscellaneous charges, was approximately 6 cents a pound for paid-at-the-pound-rate matter, and for free-in-county and transient matter each approximately 5 cents a pound, and that upon this basis, as modified by subsequent reductions in the cost of railroad transportation, the cost of paid-at-the-pound-rate matter, for the services mentioned, is now approximately 5½ cents a pound, while the cost of free-in-county and transient matter remains as formerly, namely, each at approximately 5 cents a pound.

Since the commission has determined that the cost of handling and transporting second-class mail is approximately 5½ cents for matter paid at the pound rate and approximately 5 cents each for free-in-county and transient matter, without taking into account the cost of the general post-office service and certain unassignable items of expense, it is apparent that the aggregate cost of all service performed by the postal establishment in connection with this class of mail matter is considerably above that amount.

The postal service is now, for the first time in years, operated upon a self-sustaining basis, and, in my judgment, this is a wise policy; but it should not be carried out at the expense of certain classes of mail matter that pay revenue largely in excess of their cost. It is not just that some classes of mail should be exorbitantly taxed to meet a deficiency caused by other classes, the revenue from which is much below their cost of handling and carriage. Where such inequalities exist they should be removed as early as practicable. The business enterprises of the publishers of periodicals, however, have been built up on the basis of the present second-class rate, and therefore it would be manifestly unfair to put into immediate effect a large increase in postage. That newspapers and magazines have been potent agencies for the dissemination of public intelligence and have consequently borne a worthy part in the development of the country all must admit; but it is likewise true that the original purpose of Congress in providing for them a subvention by way of nominal postal charges in consideration of their value as mediums of public information ought not to prevent an increase, because they are now not only educational but highly profitable. There is no warrant for the great disparity between existing postage rates on periodicals and the cost of the service the Government performs for them. The aggregate postal revenues for the fiscal year 1911 were \$237,879,823.00, derived mainly from the postage collected on the four classes of mail matter. It is carefully estimated by the Post Office Department that the revenue derived from mail matter of the first class is approximately one and one-half times the cost of handling and carriage; that the returns from third and fourth class matter are slightly in excess of their cost of handling and carriage; and that while second-class matter embraces over 65 per cent of the entire weight of all the mail carried, it nevertheless yields little more than 5 per cent of the postal revenues.

The recommendations of the commission as to the postage rates on second-class mail are as follows:

1. The rate of 2 cents a pound on copies mailed by publishers to subscribers, to news agents, and as sample copies, and by news agents to their subscribers or to other news agents.

2. The rate of 1 cent for each 4 ounces for copies mailed by other than publishers and news agents; that is, the present transient rate.

3. The present free-in-county privilege retained, but not extended.

The commission also recommended that the cent-a-copy rate for newspapers other than weeklies and for periodicals not exceeding 2 ounces in weight, and the 2-cent-a-copy rate for periodicals exceeding 2 ounces in weight, when mailed at a city letter-carrier office for local delivery, be abolished.

As to the effect and adequacy of the proposed increase of 1 cent a pound in postage the commission says:

Such an increase will not, in the opinion of the commission, bring distress upon the publishers of newspapers and periodicals, or seriously interfere with the dissemination of useful news or information. A reasonable time should be allowed, after the rate is fixed, before it is put into effect. While the new rate will be very far from compensating the Government for the carriage and handling of second-class matter, it will to some extent relieve the existing burden and result in a more equitable adjustment of rates.

The commission suggests that the department "maintain an adequate cost system, so that the effect of the new rates may be closely observed and a proper basis may be secured for the consideration of any future proposals."

In these recommendations the Postmaster General and I heartily concur and commend them to the early attention of Congress. The proposed increase of 1 cent a pound in the second-class postage rate, I believe, to be most reasonable, and if sufficient time is allowed before the change goes into effect it should work little serious injury to the business of the periodical publishers, while equalizing, at least in a measure, the burdens of postal taxation.

WM. H. TAFT.

THE WHITE HOUSE, February 22, 1912.

[NOTE.—Reports, exhibits, and other papers accompanied similar message to the House of Representatives.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of sundry citizens of Fairland, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Union No. 58, United Mine Workers of America, of Kewanee, Ill., remonstrating against the Navy Department compelling enlisted men to perform work formerly done by civilian employees, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the La Salle County Shoe Retailers' Association, of Illinois, remonstrating against the enactment of legislation authorizing all manufacturers of shoes to imprint, emboss, or stencil their names on articles they manufacture, which was referred to the Committee on Manufactures.

He also presented a petition of the Woman's Christian Temperance Union of Genoa, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry members of the National German-American Alliance, residents of Illinois, and a memorial of the German Republican Club of Rockford, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Rockford, Ill., praying for the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented a memorial of members of the Shakspeare Club, of Greenville, Ill., and a memorial of the Woman's Christian Temperance Union of Batavia, Ill., remonstrating against the repeal of the anticanteen law, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Independent Citizens' Club, of Hazelwood, Pa., and a memorial of the John Boyle O'Reilly Club, of Pueblo, Colo., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of members of the Sesame Circle, of Oak Park, Ill., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. BRISTOW presented memorials of sundry citizens of Lawrence and Council Grove, in the State of Kansas, remon-

strating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Brotherhood of the First Baptist Church of Emporia, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of Snow Camp, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of Lieutenant Josiah White Post, No. 45, Department of Pennsylvania, Grand Army of the Republic, of Phoenixville, Pa., and a memorial of Cortland Saunders Post, No. 21, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia, Pa., remonstrating against the proposed abolishment of United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

Mr. ROOT presented a petition of members of the Missionary Society of the Emanuel Baptist Church, of Schenectady, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Council No. 504, United Commercial Travelers, of Schenectady, N. Y., and a memorial of sundry citizens of Syracuse, N. Y., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented a memorial of sundry citizens of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Carroll Foundry, of Houghton, Mich., and a memorial of Bradford & Co., of St. Joseph, Mich., remonstrating against the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Sherman, Crosswell, Leroy, Fenton, and Morrice, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens of Massachusetts, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of the Central Labor Union of Lincoln, Nebr., praying for the enactment of legislation restoring to civil-service employees their inherent right as citizens to the freedom of speech, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a resolution adopted by the Central Labor Union of Lincoln, Nebr., favoring the enactment of legislation to prohibit employers of labor influencing the political opinions of workmen or employees in presidential elections, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Norfolk, Nebr., praying for the enactment of legislation relative to the right of way of the Union Pacific Railway, which was referred to the Committee on Railroads.

Mr. CLAPP presented memorials of sundry citizens of Dundee, Anoka, Hinckley, Wabasha, Zumbro Falls, Heron Lake, Young America, Fairmont, Minneapolis, Princeton, Milaca, Waltham, St. Paul, and Marietta, all in the State of Minnesota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CRANE presented petitions of 700 citizens of New Bedford, Mass., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 459. A bill to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians (Rept. No. 401); and

S. 4734. A bill for the relief of Mary G. Brown and others. (Rept. No. 400.)

Mr. BOURNE, from the Committee on Commerce, to which was referred the bill (S. 5255) increasing the compensation of the collector of customs, district of Puget Sound, State of Washington, reported it with amendments and submitted a report (No. 402) thereon.

UNRIGGED VESSELS.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back, with an amendment in the nature of a substitute, the bill (S. 4445) to direct the Commissioner of Navigation to list as rebuilt unrigged vessels; and to prescribe what shall be considered a rebuilt unrigged vessel, and I submit a report (No. 399) thereon. I call the attention of the Senator from Maryland [Mr. SMITH] to the bill.

Mr. SMITH of Maryland. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The SECRETARY. The amendment of the committee is to strike out all after the enacting clause and to substitute the following words:

That upon affidavit by reputable shipbuilders of the United States that unrigged wooden vessels have been rebuilt, giving the date and place of such rebuilding, are sound and free from rotten or doted wood in structural parts, properly fastened and calked and in strength and seaworthiness as good as new, the Commissioner of Navigation shall include in the list of merchant vessels a notation to that effect.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ROOT. Mr. President, I do not feel like having the bill passed without some explanation. There are grave abuses in this very matter of rebuilt ships. I should like to know the reason for this change.

Mr. SMITH of Maryland. I will say to the Senator from New York that this bill is applicable to barges, and it is important that the bill should get through speedily in order to get them in the Blue Book of 1912.

It only differentiates between good boats and bad boats. For instance, you can take two barges that were built in 1900. One may have been rebuilt in 1910 and made as good as new. As the matter now stands there is no differentiation between the two barges. This is only to show the difference between the one and the other.

Mr. ROOT. May I ask if there is any report accompanying the bill?

Mr. SMITH of Maryland. This bill has been favorably reported on by the Commissioner of Navigation; it is really a bill from the Commissioner of Navigation. It has just been favorably reported by the Committee on Commerce, and there is a report accompanying it.

Mr. ROOT. I think it had better go over.

Mr. NELSON. Will the Senator allow me? The substitute is a bill recommended by the Commissioner of Navigation. It simply authorizes that in case one of these craft—and they are not the ordinary sailing or steam craft—is rebuilt and repaired the man who repairs or rebuilds it shall file an affidavit with the Commissioner of Navigation or in the department, and thereupon the fact that that boat has been rebuilt shall be noted. That is all there is to it. It does not affect shipping in general.

Mr. ROOT. I will make no objection to it.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill concerning unrigged vessels."

Mr. LODGE. Mr. President, I understood, and I think it was the general understanding among Senators, that there would be no business transacted to-day after the reading of the farewell address. I know many Senators have gone away with that understanding. There was no formal understanding placed in the RECORD, but I think it was generally so understood. I merely call attention to the fact that many Senators are away on that understanding.

CLAIM OF HENRY A. V. POST AND OTHERS.

Mr. JONES. I report from the Committee on Claims a resolution, and I ask for its present consideration.

The resolution (S. Res. 229) was read, as follows:

Resolved, That the claims of Henry A. V. Post, individually and as liquidating partner of the firm of Clark, Post & Martin (S. 5420), and

the Philadelphia & Reading Coal & Iron Co. and Walston H. Brown (S. 5432), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I should like to ask the Senator from Washington if those are not claims which have already been to the Court of Claims.

Mr. JONES. They have not. Similar claims have gone to the Court of Claims and have been paid by Congress, but these are claims that were not included in the bills passed by Congress.

Mr. SMOOT. Are these steel billets claims?

Mr. JONES. Yes.

Mr. SMOOT. If they have never been to the Court of Claims, I have no objection to the resolution, but I had an impression that they had already been there.

Mr. JONES. These claims have not been to the court.

The resolution was considered by unanimous consent and agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 5441) for the relief of William Thomas; and

A bill (S. 5442) to correct the military record of Hezekiah Cullen; to the Committee on Military Affairs.

A bill (S. 5443) for the relief of Susan Dye Baylies; to the Committee on Claims.

A bill (S. 5444) granting an increase of pension to Darwin Zeek (with accompanying papers); and

A bill (S. 5445) granting an increase of pension to Ann De Monbrum (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5446) relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908; to the Committee on Public Lands.

By Mr. BROWN:

A bill (S. 5447) granting an increase of pension to Thomas E. Ellis (with accompanying papers); and

A bill (S. 5448) granting an increase of pension to Calvin E. Barney (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5449) granting an increase of pension to William Spotts (with accompanying papers); and

A bill (S. 5450) granting a pension to Ida Collins (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BOURNE submitted an amendment proposing that hereafter enlisted men of the Marine Corps may be designated as Marine Corps mail clerks, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to increase the appropriation for ordnance stores—ammunition, from \$250,000 to \$350,000—intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for small-arms target practice from \$740,000 to \$900,000, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

GENERAL SERVICE PENSIONS.

Mr. BURNHAM. I submit an amendment in the nature of a substitute intended to be proposed to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico. Accompanying the amendment is a statement. I ask that the amendment and accompanying statement be printed and that they also be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment and accompanying statement are as follows:

Amendment in the nature of a substitute intended to be proposed by Mr. BURNHAM to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, viz: Strike out all after the enacting clause and insert the following:

That the act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved February 6, 1907, be, and the same is hereby, amended to read as follows:

"SECTION 1. That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows:

"In case such person has reached the age of 62 years and served 90 days, \$12 per month; 6 months, \$13.50 per month; 1 year, \$15 per month; 1 year and a half, \$16.50 per month; 2 years, \$18 per month; 2 years and a half, \$19.50 per month; 3 years or over, \$21 per month. In case such person has reached the age of 66 years and served 90 days, \$14 per month; 6 months, \$15.50 per month; 1 year, \$17 per month; 1 year and a half, \$18.50 per month; 2 years, \$20 per month; 2 years and a half, \$21.50 per month; 3 years or over, \$23 per month. In case such person has reached the age of 70 years and served 90 days, \$16 per month; 6 months, \$17.50 per month; 1 year, \$19 per month; 1 year and a half, \$20.50 per month; 2 years, \$22 per month; 2 years and a half, \$23.50 per month; 3 years or over, \$25 per month. In case such person has reached the age of 75 years and served 90 days, \$20 per month; 6 months, \$21.50 per month; 1 year, \$23 per month; 1 year and a half, \$24.50 per month; 2 years, \$26 per month; 2 years and a half, \$28 per month; 3 years or over, \$30 per month.

"That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom shall, upon making like proof of such service, be entitled to receive a pension of \$30 per month.

"All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension, under any other general or special law, than he would be entitled to receive under the provisions herein shall be pensionable under this act.

"SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

"SEC. 3. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$5, which sum shall be payable only after the allowance of the claim and upon the order of the Commissioner of Pensions, out of the amount allowed, and by the pension agent making payment of such pension, and no agent, attorney, or other person shall demand or receive, directly or indirectly, any compensation in advance of such allowance, or other compensation than herein prescribed; and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, or shall wrongfully withhold any affidavits or other proofs in support of a claim, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court: *Provided*, That no greater fee than \$2 shall be allowed or paid in any claim for increase of pension under this act.

"SEC. 4. That the Commissioner of Pensions shall make, at the time of submitting his next annual report, a separate report for each county of each State, Territory, or District, containing a statement or table which shall contain the names, lengths of service, monthly rates of payment, and residences of all pensioners of the United States; and shall thereafter, as said annual reports are submitted, make separate reports similar in all respects, except that such subsequent reports shall contain only those added to the pension roll during the fiscal year for which each annual report is made."

Statement.

Propositions.	Average annual increase per pensioner.	Total increase per annum.	First year.	Second year.	Third year.	Fourth year.	Fifth year.	Number of pensioners.
Sherwood bill (H. R. 1).....	\$160.50	\$75,651,548	\$32,000,000	\$86,500,000	\$59,000,000	\$54,500,000	\$50,000,000	471,336
No. 16. McCumber substitute, as reported by Senate Committee on Pensions, for H. R. 1.....	57.27	24,112,578	11,454,000	33,000,000	21,000,000	19,200,000	17,400,000	420,965
No. 18. As proposed in above amendment.....	73.61	29,857,626	14,722,000	40,373,907	26,184,034	24,000,000	22,000,000	405,588

Average annual increase for 5 years on following propositions:

Sherwood bill (H. R. 1), as passed the House.....	\$56,400,000
No. 16. McCumber or Smoot substitute, as reported by Senate Committee on Pensions, for H. R. 1.....	20,410,800
No. 18. As proposed in above amendment.....	25,455,988

PROPOSED PENSION LEGISLATION.

Mr. CUMMINS. Mr. President, I desire to give notice that on next Monday, immediately after the routine morning business is finished, I will address the Senate upon the subject of pension legislation.

HOUSE BILL REFERRED.

H. R. 20182. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1900, was read twice by its title and referred to the Committee on Finance.

The VICE PRESIDENT. The morning business is closed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to, and (at 1 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, February 26, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 22, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, God over all, our Father, whose invisible hand may be traced in shaping and guiding the destiny of men and of nations, in every great crisis Thou hast brought forth the man panoplied in light to guide, strength to sustain, courage to overcome, every opposing force in the onward march of civilization.

To-day the heart of every lover of liberty throughout the length and breadth of our land—yea, in all the world—is going out in praise and gratitude for the peerless Washington. Great in war, great in peace, great in the hearts of his countrymen, pure, noble, generous, glorious, he lived a light to guide the patriot on his way, the statesman in his quest for the betterment of conditions: A Christian whose example inspires faith, confidence, hope in the eternal verities. Grant that the story of his life may be told round the fireside, in every school, in every hamlet, in every city throughout the world, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE BOLL WEEVIL.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent to print in the RECORD certain material bearing on the boll weevil.

The SPEAKER. The gentleman from Alabama asks unanimous consent to print in the RECORD some remarks on the boll weevil. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask the gentleman how much there is that he desires printed?

Mr. HOBSON. Mr. Speaker, it will be in two parts, but it will not be oppressively long. The Department of Agriculture has been getting up a printed bulletin on farming under boll-weevil conditions. The boll weevil has just now reached my district. The department expected to get the bulletin by the first of the year, so that it would be available for use.

Mr. BUCHANAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. What is before the House?

The SPEAKER. The gentleman from Alabama asks permission to extend his remarks in the RECORD on the question of the boll weevil.

Mr. HOBSON. Mr. Speaker, I do not know yet just how long it will be, but I desire to have some preliminary outline of the summary so that we can send it to the farmers now before they begin their spring planting. This part of it will certainly not be long.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HOBSON. Under leave to print, I will at this time print a letter being sent to my constituents in Alabama summarizing briefly the general conclusions arrived at in the special bulletin in course of preparation by the Department of Agriculture on the subject of farming under boll-weevil conditions:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NAVAL AFFAIRS,
Washington, D. C.

MY DEAR CONSTITUENT: The Department of Agriculture has found it impossible to complete the bulletin on Farming Under Boll Weevil Conditions, about which I wrote you some time ago, and I will send this bulletin to you just as soon as it is completed.

But in the meantime, in contemplation of starting spring work, I wish you to know the general conclusions at which the department has arrived. It is needless for me to inform you that the weevil has reached Alabama, invading from the Mississippi line, and is now intrenching itself in the sixth district. Let me remind you again, as

I did in my previous letter, that when the boll weevil comes he always remains. There is no choice in the matter.

The question is urgent, and the information has a vital meaning for you and all of our people. The fundamental conclusions may be summarized as follows:

1. We must raise cotton intensively, which requires reduction in acreage and adoption of scientific methods, deep plowing, choice of early maturing variety of seed, frequent, light cultivation, use of manure, etc.

2. We must not depend upon the cotton crop alone, but must raise our own supplies, adopting diversification and rotation in crops, especially increasing grain and forage crops, and raising live stock, especially hogs, also home gardens, with milch cows and poultry.

This is the only rational plan for our farmers, even if the boll weevil did not make it a necessity. It would, above all, enable our farmers to market their cotton crops slowly and get prices in keeping with the true value. It is nothing short of a tragedy that, in spite of a general shortage in the world's supply of cotton, compared with its increasing demand, our southern farmers have received \$200,000 less for this year's big crop than they did for last year's small crop.

Holding myself always ready to serve you, I remain, with good wishes,

Your friend,

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

ELEVATORS IN GOVERNMENT BUILDINGS.

Mr. LOBECK. Mr. Speaker, I ask unanimous consent that House resolution 403, directing the Committee on Expenditures in the Treasury Department to make inquiry as to prices paid for elevators used in Government buildings under control of the Treasury Department, of date January 31, 1912, referred to the Committee on Rules, be rereferred to the Committee on Expenditures in the Treasury Department.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask to what the resolution relates.

The SPEAKER. The Clerk will read the title of the resolution.

The Clerk read as follows:

House resolution 403.

Directing the Committee on Expenditures in the Treasury Department to make inquiry as to prices paid for elevators used in Government buildings under control of the Treasury Department.

Mr. MANN. Has not that committee already authority to make that investigation?

Mr. LOBECK. Yes; but the resolution was referred to the Committee on Rules.

Mr. MANN. It is a rule, and it belongs to the Committee on Rules.

Mr. LOBECK. I understand, but there is no objection on the part of the Committee on Rules to having this referred to the Committee on Expenditures in the Treasury Department.

Mr. MANN. Has not the Committee on Expenditures in the Treasury Department authority to make the investigation?

Mr. HARDWICK. Yes.

Mr. MANN. Then what is the object of the change?

Mr. LOBECK. To get the matter before the Committee on Expenditures in the Treasury Department.

Mr. HARDWICK. And that is the very reason that the Committee on Rules has not opposed it. The Committee on Rules thinks that the Committee on Expenditures in the Treasury Department already has jurisdiction to make the inquiry.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the change of reference is made.

FAREWELL ADDRESS OF GEORGE WASHINGTON.

Mr. CLARK of Florida. Mr. Speaker, I rise to a question of the highest privilege.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Mr. Speaker, I have been a Member of this House for nearly seven years. Until the convening of this Congress this House was in the control of the Republican Party. Every year I have seen some Democrat rise on this floor and ask for the reading of George Washington's Farewell Address, which request was denied by the Republican majority. I now move in a Democratic House that the Clerk of the House read that address to the House. [Applause.]

The SPEAKER. The gentleman from Florida asks unanimous consent that some gentleman read George Washington's Farewell Address from the Clerk's desk.

Mr. RUCKER of Colorado. Mr. Speaker, I ask that the gentleman from Florida be given that privilege.

Mr. CLARK of Florida. No; I requested that the Clerk do it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Inasmuch as the Farewell Address is not here, while we are sending for it, without objection, the Chair will lay before the House a message from the President of the United States, and it will be read.

REPORT OF COMMISSION ON SECOND-CLASS MAIL MATTER.

The Clerk read the President's message.

[For message see Senate proceedings of this day.]

The SPEAKER. Referred to the Committee on the Post Office and Post Roads and the message itself is ordered printed, and the documents are sent to the Committee on the Post Office and Post Roads, unless some Member wants a different disposition of them. There is an immense quantity of them.

Mr. MANN. Mr. Speaker, I hope the report of the commission on second-class mail matter will be printed.

The SPEAKER. The Chair can not hear the gentleman.

Mr. MANN. I hope the report of the commission on second-class mail matter, which accompanies the President's message, will be printed. It is a matter of very wide interest.

The SPEAKER. Yes; it is ordered printed with the message. The gentleman from Florida [Mr. CLARK] will proceed to read George Washington's Farewell Address. [Applause.]

FAREWELL ADDRESS OF GEORGE WASHINGTON.

Mr. CLARK of Florida read the Farewell Address of George Washington as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made. [Applause.]

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both. [Applause.]

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in

which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like inter-

course with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endeavor to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting secur-

ity with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. [Applause.] The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize factions; to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests, in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member to the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally. [Applause.]

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty. [Applause.]

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government, and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. [Applause.] The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes;

that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in the place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible. So far as we have already

formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world [applause], so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and the other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having

taken it, I determined as far as should depend upon me to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after 45 years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

Go: WASHINGTON.

UNITED STATES, September 19, 1796.

[Prolonged applause.]

Mr. CULLOP and Mr. NORRIS rose.

The SPEAKER. The gentleman from Nebraska.

Mr. NORRIS. Mr. Speaker, as a further mark of respect to the memory of Washington I move that the House do now adjourn. The question was taken, and the Chair announced the yeas seemed to have it; the yeas had it—

Mr. NORRIS. Mr. Speaker, I ask for a division.

The SPEAKER. It is rather late.

Mr. NORRIS. I called for a division as soon as I could.

The SPEAKER. The gentleman from Nebraska demands a division.

The House divided; and there were—ayes 41, yeas 93.

So the House refused to adjourn.

Mr. CULLOP. Mr. Speaker, I move that 20,000 copies of the Farewell Address of George Washington, just read by the gentleman from Florida, be published and placed in the folding room, to be prorated among Members for distribution.

Mr. HARDWICK. Mr. Speaker, I raise the question of order that the motion is not privileged.

The SPEAKER. The motion is not in order.

PERMANENT MANEUVERING GROUNDS.

Mr. DENT. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the reading of the engrossed copy of House joint resolution 178, creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes.

Mr. MANN. Mr. Speaker, I withdraw the demand for the reading of the engrossed copy.

The SPEAKER. The gentleman from Illinois withdraws the demand for the reading of the engrossed copy.

The joint resolution was read the third time.

The SPEAKER. The question is, Shall the House joint resolution pass?

The question was taken, and the Chair announced the yeas seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty gentlemen are present—not a quorum. Mr. PALMER. Mr. Speaker, I move a call of the House.

The SPEAKER. It is not necessary. The call of the House comes automatically when the House is dividing. The Door-keeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of House joint resolution 178 will, as their names are called, answer "aye," and those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—ayes 181, nays 61, answered "present" 11, not voting 140, as follows:

YEAS—181.

Adair	Dupre	Hull	Ransdell, La.
Adamson	Dyer	Humphrey, Wash.	Richardson
Ainey	Edwards	Jacoway	Roddenberry
Alexander	Ellerbe	James	Rothermel
Allen	Estopinal	Johnson, Ky.	Rubey
Ames	Evans	Johnson, S. C.	Rucker, Colo.
Anderson, Ohio	Faison	Jones	Rucker, Mo.
Anthony	Farr	Kahn	Russell
Ashbrook	Fergusson	Kinkaid, Nebr.	Scully
Bartlett	Ferris	Kitchin	Sells
Bathrick	Finley	Knowland	Sherwood
Beall, Tex.	Flood, Va.	Konig	Simmons
Bell, Ga.	Floyd, Ark.	Konop	Sims
Blackmon	Fornes	Kopp	Sloan
Booher	Foster, Ill.	LaFerty	Smith, N. Y.
Bowman	Fowler	La Follette	Smith, Tex.
Bradley	Fuller	Lamb	Stanley
Brantley	Gallagher	Langham	Stedman
Broussard	Garner	Lee, Pa.	Steenerson
Brown	Garrett	Legare	Stephens, Cal.
Buchanan	Godwin, N. C.	Lever	Stephens, Miss.
Burgess	Goeke	Levy	Stephens, Nebr.
Burleson	Goodwin, Ark.	Linthicum	Stephens, Tex.
Butler	Gray	Littlepage	Sterling
Byrnes, S. C.	Gregg, Tex.	McCreary	Stone
Byrns, Tenn.	Hamill	McDermott	Talcott, N. Y.
Candler	Hamilton, W. Va.	McKellar	Taylor, Ala.
Clark, Fla.	Hamlin	Madden	Taylor, Colo.
Clayton	Hardwick	Maguire, Nebr.	Thayer
Cline	Hardy	Moon, Tenn.	Thistlewood
Collier	Harrison, Miss.	Moore, Pa.	Tilson
Connell	Harrison, N. Y.	Morgan	Tribble
Conry	Hartman	Moss, Ind.	Turnbull
Crago	Hay	Mott	Underhill
Cullop	Hayden	Murray	Watkins
Curley	Hayes	Needham	Wedemeyer
Curry	Hedlin	Neeley	Weeks
Daugherty	Henry, Conn.	Padgett	Wilder
Davenport	Henry, Tex.	Palmer	Wilson, N. Y.
De Forest	Hensley	Pepper	Wilson, Pa.
Dent	Higgins	Peters	Wood, N. J.
Dickinson	Holland	Porter	Young, Tex.
Dixon, Ind.	Houston	Post	
Donohoe	Howland	Pou	
Doremus	Hughes, N. J.	Rainey	
Driscoll, D. A.	Hughes, W. Va.	Raker	

NAYS—61.

Anderson, Minn.	Gillett	Loud	Rodenberg
Barnhart	Good	McCall	Speer
Bartholdt	Green, Iowa	McKenzie	Stevens, Minn.
Berger	Greene, Mass.	McKinney	Sulloway
Browning	Griest	Miller	Sulzer
Burke, S. Dak.	Haugen	Mondell	Towner
Calder	Hawley	Moon, Pa.	Volstead
Catlin	Helgesen	Merse, Wis.	Warburton
Cooper	Helm	Norris	Willis
Dalzell	Hill	Nye	Wilson, Ill.
Denver	Hinds	Olmsted	Witherspoon
Driscoll, M. E.	Jackson	Page	Woods, Iowa
Esch	Kennedy	Pickett	Young, Kans.
Fitzgerald	Lawrence	Prouty	
Foster, Vt.	Lenroot	Rauch	
Gardner, N. J.	Lindbergh	Rees	

ANSWERED "PRESENT"—11.

Andrus	Cannon	Glass	Mann
Ansberry	Dwight	Langley	Talbot, Md.
Barchfeld	French	Lobeck	

NOT VOTING—140.

Aiken, S. C.	Danforth	Hanna	McLaughlin
Akin, N. Y.	Davidson	Harris	McMorran
Austin	Davis, Minn.	Heald	Macon
Ayres	Davis, W. Va.	Hobson	Maher
Bates	Dickson, Miss.	Howard	Malby
Bingham	Dies	Howell	Martin, Colo.
Boehne	Diffenderfer	Hubbard	Martin, S. Dak.
Borland	Dodds	Hughes, Ga.	Matthews
Bulkley	Doughton	Humphreys, Miss.	Mays
Burke, Pa.	Draper	Kendall	Moore, Tex.
Burke, Wis.	Fairchild	Kent	Morrison
Burnett	Fields	Kindred	Murdock
Callaway	Focht	Kinkaid, N. J.	Nelson
Campbell	Fordney	Korbly	Oldfield
Cantrill	Foss	Lafean	O'Shaunessy
Carlin	Francis	Lee, Ga.	Parran
Carter	Gardner, Mass.	Lewis	Patten, N. Y.
Cary	George	Lindsay	Patton, Pa.
Claypool	Goldfogle	Littleton	Payne
Copley	Gould	Lloyd	Plumley
Covington	Graham	Longworth	Powers
Cox, Ind.	Gregg, Pa.	McCoy	Pray
Cox, Ohio	Gudger	McGillcuddy	Prince
Cravens	Guernsey	McGuire, Okla.	Pujo
Crumpacker	Hamilton, Mich.	McHenry	Randell, Tex.
Currier	Hammond	McKinley	Redfield

Reilly	Shackleford	Smith, Saml. W.	Townsend
Reyburn	Sharp	Smith, Cal.	Tuttle
Riordan	Sheppard	Sparkman	Underwood
Roberts, Mass.	Sherley	Stack	Utter
Roberts, Nev.	Sisson	Sweet	Vreeland
Robinson	Slayden	Switzer	Webb
Rouse	Slemp	Taggart	Whitacre
Sabath	Small	Taylor, Ohio	White
Saunders	Smith, J. M. C.	Thomas	Young, Mich.

So the House joint resolution was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. CALLAWAY with Mr. CURRIER.
 Mr. BURNETT with Mr. BURKE of Pennsylvania.
 Mr. BOEHNE with Mr. BINGHAM.
 Mr. OLDFIELD with Mr. UTTER.
 Mr. AIKEN of South Carolina with Mr. AKIN of New York.
 Mr. CARTER with Mr. McGUIRE of Oklahoma.
 Mr. CLAYPOOL with Mr. DAVIS of Minnesota.
 Mr. COVINGTON with Mr. CRUMPACKER.
 Mr. CRAVENS with Mr. FOSS.
 Mr. SPARKMAN with Mr. DAVIDSON.
 Mr. FRANCIS with Mr. GARDNER of Massachusetts.
 Mr. GOLDFOGLE with Mr. GUERNSEY.
 Mr. HOWARD with Mr. HAMILTON of Michigan.
 Mr. HUMPHREYS of Mississippi with Mr. HANNA.
 Mr. KINDRED with Mr. HARRIS.
 Mr. KORBLY with Mr. HEALD.
 Mr. LLOYD with Mr. HOWELL.
 Mr. MCCOY with Mr. KENDALL.
 Mr. MARTIN of Colorado with Mr. KENT.
 Mr. MOORE of Texas with Mr. LONGWORTH.
 Mr. MORRISON with Mr. ROBERTS of Nevada.
 Mr. O'SHAUNESSY with Mr. J. M. C. SMITH.
 Mr. RANDELL of Texas with Mr. SWITZER.
 Mr. REDFIELD with Mr. TAYLOR of Ohio.
 Mr. SABATH with Mr. YOUNG of Michigan.
 Mr. SHERLEY with Mr. PATTON of Pennsylvania.
 Mr. SISSON with Mr. MCKINLEY.
 Mr. SLAYDEN with Mr. McLAUGHLIN.
 Mr. TUTTLE with Mr. PAYNE.
 Mr. WEBB with Mr. MARTIN of South Dakota.
 Mr. GUDGER with Mr. PRAY.
 Mr. STACK with Mr. POWERS.
 Mr. AYRES with Mr. PLUMLEY.
 Mr. MCHENRY with Mr. REYBURN.
 Mr. ROUSE with Mr. PRINCE.
 Mr. LITTLETON with Mr. DWIGHT.
 Mr. SHEPPARD with Mr. BATES.
 Mr. LEE of Georgia with Mr. MATTHEWS.
 Mr. BORLAND with Mr. COPLEY.
 Mr. SHARP with Mr. LAFEAN.
 Mr. BURKE of Wisconsin with Mr. CARY.
 Mr. MACON with Mr. SMITH of California.
 Mr. GRAHAM with Mr. DODDS.
 Mr. TALBOTT of Maryland with Mr. PARRAN.
 Mr. GEORGE with Mr. MALBY.
 Mr. FIELDS with Mr. LANGLEY.
 Mr. COX of Ohio with Mr. SAMUEL W. SMITH.
 Mr. HUGHES of Georgia with Mr. DRAPER.
 Mr. CANTRILL with Mr. FORDNEY.
 Mr. SAUNDERS with Mr. AUSTIN.
 Mr. DOUGHTON with Mr. FRENCH.
 Mr. SHACKLEFORD with Mr. VREELAND.
 Mr. SMALL with Mr. BARCHFELD.
 Mr. THOMAS with Mr. HUBBARD.
 Mr. UNDERWOOD with Mr. MANN.

For the session:

Mr. PUJO with Mr. McMORRAN.
 Mr. GLASS with Mr. SLEMP.
 Mr. RIORDAN with Mr. ANDRUS.
 Mr. HOBSON with Mr. FAIRCHILD.
 Until February 23:
 Mr. REILLY with Mr. MURDOCK.
 Until February 23, noon:
 Mr. ESTOPINAL with Mr. ROBERTS of Massachusetts.
 Until February 24:
 Mr. GREGG of Pennsylvania with Mr. FOCHT.
 Until February 26, noon:

Mr. BULKLEY with Mr. DANFORTH.

Mr. MANN. Mr. Speaker, I desire to inquire if the gentleman from Alabama, Mr. UNDERWOOD, is recorded.

The SPEAKER. He is not recorded.

Mr. MANN. I have a pair with the gentleman, and I desire to withdraw my vote of "nay" and vote "present."

The name of the gentleman from Illinois, Mr. MANN, was called and he voted "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. DENT, a motion to reconsider the vote by which House joint resolution 178 was passed was laid on the table.

The SPEAKER. This really is Monday on account of a trade that was made the other day by which Thursday was substituted for Monday in the transaction of business. The Clerk will call the Unanimous Consent Calendar.

PAYMENT OF INDIAN DEPREDAATION CLAIMS.

The first bill on the Unanimous Consent Calendar was the bill (H. R. 14667) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first section of paragraph 1 of an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, be, and the same is hereby, amended so as to read as follows:

"First. All claims for property of citizens or inhabitants of the United States, except the claims of Indians heretofore or now in tribal relations, taken or destroyed by Indians belonging to any tribe in amity with and subject to the jurisdiction of the United States, without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for, and in all adjudications under said act as now amended the allegiance of the claimant shall not be a defense to said claims: *Provided*, That the privileges of this act shall not extend to any person whose property at the time of its taking was unlawfully within the Indian territory: *Provided further*, That all cases heretofore filed under said act of March 3, 1891, and which have been dismissed by the court for want of proof of the citizenship of the claimant, shall be reinstated and readjudicated in accordance with the provisions of this act: *Provided further*, That nothing in this act shall be construed to authorize the presentation of any other claims than those upon which suit has heretofore been brought in the Court of Claims: *Provided further*, That all acts and parts of acts, in so far as they conflict with the provisions of this act, are hereby repealed."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Texas [Mr. STEPHENS] make a statement regarding it.

Mr. STEPHENS of Texas. Mr. Speaker, in 1891 a bill was passed by Congress permitting persons who had suffered the loss of property from Indian depredations in the United States and who were citizens of the United States to bring suits in the Court of Claims to establish their right and to recover damages from the United States for the loss of property stolen or destroyed by the Indians. This law had a limitation clause of three years in which suits had to be filed. In 1895 the time within which this could be done, as fixed by the bill, expired. During that time several hundred suits were brought, involving several million dollars' worth of property. After the expiration of that time no more suits could be filed.

This bill revives one class of these suits, in this that the original bill provided that only citizens of the United States should be entitled to bring these suits, we find that a great many cases were dismissed on demurrer, because the claimants could not prove that they were citizens of the United States. In many instances the fathers of claimants were known to be from other countries and to have become naturalized citizens of the United States, but had lost during the Civil War their naturalization papers showing that they had become citizens of the United States. It was found after these suits were brought, to prove citizenship in many of these cases the burden of proof was upon the claimants to show that they, or their parents before them, whose property had been destroyed, were citizens at the time the property was taken. On account of their inability to prove their citizenship their cases were dismissed from the court of appeals. This bill simply reinstates those cases only, and permits these people to prove that they or their parents were inhabitants of the United States at the time that their property was lost. This bill amends the old law by using the word "inhabitant" instead of "citizen." I think that no one can justly deny that if they were inhabitants of the United States, even though their allegiance may have belonged to a foreign country, they should be entitled to receive the same damages as if they were citizens of the United States.

Mr. YOUNG of Kansas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Kansas?

Mr. STEPHENS of Texas. Certainly.

Mr. YOUNG of Kansas. This bill, then, only reaches those who could not prove their citizenship?

Mr. STEPHENS of Texas. It includes only that class of cases. It includes only the cases that have been dismissed from the dockets heretofore because of that very defect in their proof.

Mr. YOUNG of Kansas. Has the gentleman any information as to about how many cases there are which this bill would reach?

Mr. STEPHENS of Texas. I have a statement in a letter from the Attorney General in which he estimates that it would cost the Government to pay these claims only about \$300,000.

Mr. NORRIS. Mr. Speaker, will the gentleman yield for a question there?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Nebraska?

Mr. STEPHENS of Texas. Certainly.

Mr. NORRIS. My question is, Why is it that he has not put the amity clause in?

Mr. STEPHENS of Texas. I would state to the gentleman that I have been pressing a bill ever since I have been a Member of Congress with the amity clause in it, and have failed to get it through the House, because of departmental and other objections.

Mr. MANN. The amity clause involves what?

Mr. STEPHENS of Texas. I will read to the gentleman the letter which I received from the Attorney General only day before yesterday, if he desires it. This letter gives full information on the subject of costs.

Mr. MANN. The House is entitled to have that information, because that is a heavy cut in the amount involved.

Mr. STEPHENS of Texas. After the lapse of 40 years it is almost impossible to prove these claims, and the claimant has the laboring oar, because the burden of proof is cast upon him, and he must come into court and establish the facts, just as one would establish a claim against a railroad or other company in a damage suit. Many of the claimants' witnesses are dead or their whereabouts unknown, and it is almost impossible after 30 years or more to prove up these claims and secure judgment thereon.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Wyoming?

Mr. STEPHENS of Texas. Just in a moment.

Mr. MANN. Let us have the letter read.

Mr. STEPHENS of Texas. Answering the question propounded by the gentleman from Illinois [Mr. MANN], the Attorney General in his letter says:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 12, 1912.

HON. JOHN H. STEPHENS,
House of Representatives.

SIR: I have your letter of the 9th instant, addressed to Assistant Attorney General William H. Lewis, with reference to H. R. 14667, and inquiring whether the estimate in my letter of the 6th ultimo of the probable increased liability of the Government if the proposed bill should be enacted into law, viz, \$500,000, excluded those cases of non-citizens where the defense of nonamity was also available.

In reply, I beg to say that that estimate was made without reference to this defense. With regard to your further query, as to the probable liability of the United States if this class of cases is eliminated from consideration, I beg to advise you that probably 40 per cent of the total number of cases disposed of to date have been dismissed because of the hostility of the defendant Indians. There is no reason to doubt but that this defense would be applicable in the same proportion to the cases affected by the proposed bill, and the estimate of \$500,000 is therefore susceptible to a reduction for this reason of 40 per cent, or \$200,000, leaving \$300,000 as the ultimate liability of the United States if the proposed bill becomes law. It is possible that this amount may be further reduced by reason of the inability of some of the claimants to make the proof necessary to establish their cases.

That was signed by Mr. Wickersham, Attorney General.

Mr. MANN. That does not relate to the statement of the gentleman that the amity clause involved only half a million dollars.

Mr. STEPHENS of Texas. I have stated that it involves several million dollars, but that we could not prove more than half a million.

Mr. MANN. Will the gentleman let me read from the report of the committee on the subject?

Mr. STEPHENS of Texas. You can read the letter. It is explanatory.

Mr. MANN. I thought the gentleman had finished the letter.

Mr. STEPHENS of Texas. Let the Attorney General explain, and not the gentleman from Illinois. That part of the letter is as follows:

With reference to the probable time it would require to try such cases, I beg to say that that is a very difficult matter to approximate, for the reason that the progress of the defendants in this respect is regulated to a great extent by the activity of the claimants and the condition of the calendar of the court; but, assuming that the cases affected by the proposed bill could be tried to the exclusion of all others, in my judgment it would probably require three years to dispose of them.

Mr. MANN. That does not answer the question which I asked the gentleman, where he got his information that the amity clause only affected half a million dollars of probable claims that would be allowed against the Government.

Mr. STEPHENS of Texas. The gentleman misstates the proposition. I stated that there can not be more than half a million dollars recovered under that clause.

Mr. MANN. Under the amity clause?

Mr. STEPHENS of Texas. I do not think there could be, and that is what I understand to be the statement of the Attorney General.

Mr. MANN. Will the gentleman permit me to read from his own report?

Mr. STEPHENS of Texas. Certainly.

Mr. FITZGERALD. What page?

Mr. MANN. Page 5:

The amity clause defeats about \$11,000,000 of these. If that clause were removed a fair estimate of the recovery resulting therefrom is \$3,000,000 to \$5,000,000.

Mr. STEPHENS of Texas. When was that written?

Mr. MANN. I do not know when the gentleman wrote his report.

Mr. STEPHENS of Texas. That is a statement in some old report.

Mr. MANN. That is a statement in a report made in the Sixty-first Congress.

Mr. MONDELL. Mr. Speaker, will the gentleman from Texas support an amendment to this bill striking out all reference to the question of amity?

Mr. STEPHENS of Texas. In what respect?

Mr. MONDELL. It will be very easy to amend this bill so as to allow those cases to come in, where the question of amity is now raised, by amending line 11 and striking out the words "in amity with and."

Mr. MANN. If the gentleman will pardon me, he will notice that the bill is so skillfully drawn that the striking out of five words from the bill, without any other amendment, would admit liability for all of these so-called amity claims. I do not know who drew the bill, but it was drawn by a very skillful man.

Mr. MONDELL. That is the amendment I have in mind and would like to offer, and I asked the gentleman from Texas if he would support it.

Mr. STEPHENS of Texas. We have been endeavoring for many years to secure some tangible results from this matter; and having gone over the matter so carefully with the department and with the various interested parties and having a great many claimants in my own district, I am constrained to refuse the amendment, not on the ground that it is unjust but because we know that it can not pass here in this House.

Mr. JACKSON. Mr. Chairman, will the gentleman support an amendment to strike out the third proviso?

Mr. STEPHENS of Texas. Lines 13 to 16?

Mr. JACKSON. Yes.

Mr. STEPHENS of Texas. The words are:

Provided further, That nothing in this act shall be construed to authorize the presentation of any other claims than those upon which suit has heretofore been brought in the Court of Claims.

I should like to see that go out, because I would like to see the law of 1891 reinstated, but that, again, would prevent the passage of the bill. It would open wide the door for the passage of all these claims, and I do not believe it could be passed through this House in that shape.

Mr. JACKSON. My objection was that it seemed to prefer a certain class of claimants who filed their claims at a time when they had no right to file them. I shall oppose the bill for that reason, because it is clearly in the interest of a certain number of the claims that have been filed in the court and adjudicated.

Mr. STEPHENS of Texas. The gentleman is entirely mistaken.

Mr. FITZGERALD. How much is the aggregate of the claims already filed?

Mr. STEPHENS of Texas. About \$7,000,000 or more have been filed, but that was under and included the amity-clause cases and under the act of 1891, which expired by limitation in 1905.

Mr. FITZGERALD. I understand that the aggregate of claims filed is much in excess of \$7,000,000.

Mr. GARNER. I do not believe if this legislation is enacted that it will take more than \$150,000 out of the Treasury.

Mr. STEPHENS of Texas. The Attorney General, in the letter I have read, says that it will not cost more than \$300,000. It will be nothing but an act of justice to the men whose cases have been dismissed because they could not prove their citizenship, now living in that country, to reinstate their cases and try them. I do not think there should be any objection to it, and I hope that the gentleman from Illinois will not object to the consideration of this bill.

Mr. MONDELL. Mr. Speaker, if it be in order I would like to propose an amendment.

The SPEAKER. It is not in order, because the House has not yet given consent to consider the bill.

Mr. MANN. Mr. Speaker, still reserving the right to object, if this bill should pass the House simply providing for the payment of claims on account of citizenship, and it should go to

the Senate, and the Senate should add an amendment allowing the payment of claims on the amity proposition, and it came back to the House in that way, the bill, unless by unanimous consent, would be referred back to the Committee on Indian Affairs and receive consideration in the House. But if this bill, in the way it is drawn, goes to the Senate purporting to allow claims on the ground of citizenship, and the Senate should strike five words out of the bill, it would come back to the House and would not require any consideration in the House except the motion to concur in a Senate amendment.

Mr. STEPHENS of Texas. Would not that be subject to an "aye" and "no" vote in the House and discussion?

Mr. MANN. It might not be subject to discussion in the closing hours of the session. The gentleman would move to concur in the Senate amendment, and demand the previous question, and under the stress of business that would be done without consideration, instead of following the usual course where the Senate adds an amendment which ought to be considered in Committee of the Whole or in the House and be considered there.

Mr. STEPHENS of Texas. Does the gentleman from Illinois believe that the House can limit amendments on a bill going to the other body?

Mr. MANN. No; but it can reserve the right to consider them in Committee of the Whole after the committee of the House has reported upon them.

Mr. GARNER. Will the gentleman from Illinois agree to let this bill pass if the advocates of it will agree to oppose any amendment placed on it in the Senate?

Mr. MANN. We all know that there is no way of making an agreement of that sort effective.

Mr. MONDELL. Mr. Speaker—

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Wyoming?

Mr. STEPHENS of Texas. I will yield to the gentleman from Wyoming.

Mr. MONDELL. I wanted to ask a question of the gentleman from Illinois. I believe the gentleman from Illinois realizes that these claims are just; that it is very unjust to raise the question of amity against American citizens whose property was taken by Indians; that it is not fair that the mere fact that an Indian tribe was declared by some one to be at war with the United States should be a bar to the recovery by American citizens for property destroyed by the wards of the Government.

These claims are as just as claims we are now paying, and would the gentleman oppose the passage of the bill simply because it might result in the payment of just claims against the Government in behalf of the pioneer citizens of the West?

Mr. MANN. There are no just claims against the Government on account of the depredations of Indians. In 1859, under a Democratic administration, Congress repealed the law at that time which granted any claims against the Government in any shape whatever for Indian depredations. It was while this law was repealed, with no right on the part of anyone to make a claim against the Government for these depredations, that these depredations occurred, and it was not until a few years ago that Congress provided for the adjudication of any claims at all. When the circumstances under which these claims are now made occurred, there was an express statute on the statute books declaring that the Government assumes no liability whatever and would make no payment of any claims for Indian depredations.

Mr. MONDELL. Mr. Speaker, the gentleman does not answer my question.

Mr. MANN. I have answered it to the best of my ability.

Mr. MONDELL. The gentleman's assertion is that there is no legal claim. We all understand that, and yet the frontiersman of the West could not select whether he should have his property destroyed and family murdered by Indians said to be at amity with the Government or by marauders belonging to a tribe that some one said was at war with the Government. It does not alter the justice of these claims that there was a law on the statute book denying their payment; certainly that law was not placed there for the purpose of preventing pioneers from going forward into the West and there carving out States from the wilderness, in doing which they were set upon by savages. Many were killed and much property was destroyed. It was no fault of theirs that the Indians who destroyed their property are held by the courts to have been at war against the Government, instead of simply marauding bands of tribes not at war.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman from Wyoming allow me to ask him a question?

Mr. MONDELL. I have not the floor.

Mr. STEPHENS of Texas. Mr. Speaker, I yield to the gentleman from Wyoming.

Mr. BURKE of South Dakota. Does the gentleman from Wyoming take into consideration the fact that at no time in the history of the Government have we ever recognized depredations?

Mr. MANN. Oh, the gentleman is mistaken. We did for many years.

Mr. BURKE of South Dakota. No, no.

Mr. MONDELL. Depredations committed by the public enemy?

Mr. BURKE of South Dakota. By Indians not in amity with the United States.

Mr. MONDELL. What was the gentleman's question?

Mr. BURKE of South Dakota. The statement that the gentleman makes is this, if I understand him correctly, that the cases that would arise by reason of depredations committed by Indians not at amity have as much merit as these other claims.

Mr. MONDELL. That is my statement.

Mr. BURKE of South Dakota. We have never at any time recognized such claims.

Mr. MONDELL. I do not think the fact that we have not recognized them legally alters the character of the claim one iota. The pioneer went to the western plains, and he went there with his family.

Mr. BURKE of South Dakota. I understand.

Mr. MONDELL. He established his home. He was in the vicinity of Indian tribes. If two or three bloodthirsty marauders from one of those tribes broke loose and destroyed his property, he could collect; but if the entire tribe bore down upon him and wiped his property from the face of the earth this Government assumes that that tribe is a public enemy—the ward of the Government held to be the public enemy—think of it.

Mr. BURKE of South Dakota. That is true.

Mr. MANN. The gentleman is mistaken. Under the law he could not collect in either case.

Mr. BURKE of South Dakota. Not a dollar.

Mr. MONDELL. He could collect if the members of a tribe not at war with the Government destroyed his property.

Mr. MANN. The gentleman is mistaken. He could not collect for anything.

Mr. MONDELL. That is the only class of cases in which he can collect—where the Indians were not officially at war.

Mr. MANN. That law was passed long after the depredations had taken place.

Mr. JACKSON. Mr. Speaker, I would like to ask the gentleman from Wyoming a question. The men who are deprived from presenting a claim against the Government for these depredations were never deprived of their right to recover against the tribe for them, were they?

Mr. MONDELL. Mr. Speaker, the gentleman lives in the country where these Indian tribes roved, and he knows how utterly impossible it would be to collect against a tribe in cases of that character. The trouble is that we have treated the wards of the Government, when in open revolt as the public enemy, as if on any reasonable theory they could be so classified. They are all of them the wards of the Government, and what difference does it make whether the banner of revolt was raised by 50 men or by a marauding expedition organized by 5 men? The depredation was the same in either case, and the Government in justice and in righteousness is as much bound to pay in one case as in another. There has been nothing on the statute books of the Nation that constitutes a greater reflection upon the sense of fairness of the people of this Republic than the denial to the pioneers of the West of the right to recover for property destroyed by murderous marauding bands of the Government's wards.

Mr. JACKSON. The gentleman has made this speech twice, and I presume he is prepared to vote for this bill, but I doubt whether he will have the opportunity.

Mr. MONDELL. I will vote for it in any form, and the broader it is the more willing shall I be to vote for it.

Mr. JACKSON. I agree with the gentleman that it is not broad enough. The fact is that these men do not have any better right to recover on these claims than any man whose horse is stolen has a right to recover from the thief who has stolen it.

Mr. STEPHENS of Texas. I hope the gentleman from Illinois will withdraw his objection.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, we seem to have nothing else on hand unless somebody asks for the regular order. Reserving the right to object, the fact is that originally no person had the right to go into the Indian country at all under the law except by permission of the department, and when people went into the

Indian country and determined to go into it, apparently contrary to the law, Congress passed a law—

Mr. MONDELL. Will the gentleman yield to me, Mr. Speaker, right there?

Mr. MANN. In a moment. Congress passed a law that so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnifications out of the Treasury for property taken or destroyed in certain cases by Indian tribes on white men as described in said act, be, and the same is hereby, repealed.

And the people who went into the Indian country after that law was passed took their chance as pioneers everywhere took their chance, some against sickness, disease, Indians, the Government doing the best it could to protect them, but with the distinct understanding that the Government was to make no indemnification to the pioneers who went into those countries, and my father was one who went into the western country. Now, they took the chance hoping they would receive their reward by the great benefits they obtained in the securing of the property.

Mr. MONDELL. Mr. Speaker, the trouble with the gentleman's logic is that it is not, it seems to me, based on a true conception of the facts. The gentleman refers to people having gone into the Indian country. Now, there have been comparatively few claims for Indian depredations committed within what might properly be called the Indian country. There was a time when the Black Hills territory was Indian country and a man who went there was a trespasser and took his chance, but nine-tenths of the depredations that were committed on the western plains and in the western mountains were committed on lands subject to homestead settlement, lands opened by the Government to settlement, lands not the property of the Indian in any sense whatever. I know of no claim in my State that is founded on a depredation committed in territory that by any possible construction can be held to be Indian territory.

Mr. MANN. The gentleman may not know of any claim, but a large portion of the claims involved under this bill are of the very character of which I spoke.

Mr. MONDELL. I do not believe there is a man on the floor of this House who would object to an amendment that would prohibit the payment of any claim for depredations committed in what was legally forbidden territory, or Indian territory, as the gentleman calls it. We are perfectly willing to eliminate them.

Mr. STEPHENS of Texas. One of the clauses of this bill itself shows clearly the objection of the gentleman from Illinois is not well taken. Beginning line 5, page 2, we have this language:

Provided, That the privileges of this act shall not extend to any person whose property at the time of its taking was unlawfully within the Indian territory.

Mr. MANN. I understand—

Mr. STEPHENS of Texas. How would it be possible—

Mr. MANN. What I said was, originally Congress passed a law forbidding people to go into Indian territory, and subsequently, when it was permitted to those people to go into this territory, they passed a law providing that they would not make indemnification. In the one case they were prohibited from going into the country; in the other case they were permitted to go in, with the express understanding that if damaged they would not be indemnified by the Government. If the gentleman has finally secured my idea, I think I am logical.

Mr. JACKSON. Will the gentleman permit me? What right has a man under the conditions which the gentleman from Illinois mentioned, and as mentioned by my friend the gentleman from Wyoming, who went on public land and refused to become a citizen of the United States, even though he went there to take land, if he refused to avail himself of the protection of the United States Government—what right has he now to come here and say that he is entitled to damages? Under the laws of Canada he would not be permitted to be upon the land at all.

Mr. MILLER. I want to ask a question of the gentleman from Illinois, if I have an opportunity. If I understood him, he made the statement that originally we enacted legislation prohibiting people going in the Indian country. Will the gentleman kindly inform the House just what is constituted by law Indian country? If he is unable to do so, I will recall to him that it consisted of the western part of what is now the State of Tennessee, and that only.

Mr. MANN. The gentleman is mistaken about that. We have had that up and discussed it in the House before. Everyone else in the House, possibly except my distinguished friend

from Minnesota, knows that the Indian country is not, and never was, confined to Tennessee.

Mr. MILLER. I beg the gentleman's pardon. I did not say it was. I said the part designated by that act and by that treaty comprised a line drawn through the State of Tennessee and swept through the Indian country, what is now the western part of Tennessee, or then the western part of North Carolina, and I know what I am talking about.

Mr. MANN. The gentleman says "that act." I will undertake to find for the gentleman, I think, a dozen acts referring to the Indian country and forbidding trespassing in the Indian country.

Mr. MILLER. Let us pass that. That was 1791. I will ask the gentleman—

Mr. MANN. Oh, no; the act that I am talking about was not in 1791. The trouble with the gentleman is that he goes so far back, and I come down nearer 1911. That is the difficulty with the gentleman; he is not informed as to the acts since 1791. No wonder he does not know where the Indian country is. [Laughter.]

Mr. MILLER. I will simply say in reply to the gentleman that I was going back in order to get started right and not going back to a way station.

Mr. MONDELL. I would like to ask the gentleman from Illinois one more question.

Mr. MANN. The gentleman from Minnesota [Mr. MILLER] is asking me a question. I do not undertake to answer all these questions.

Mr. MONDELL. I assume the gentleman from Illinois has read the bill. He generally reads these bills with great care.

Mr. MANN. I am not seeking any advertisement.

Mr. MONDELL. The gentleman from Illinois does not require any advertising. I shall not say that he advertises himself, because that would not be polite. [Laughter.] The bill says:

Provided, That the privileges of this act shall not extend to any person whose property at the time of its taking was unlawfully in the Indian Territory.

Mr. MANN. Now, if the gentleman will do me the honor to read my remarks in the RECORD, he will find that I have fully answered that proposition three times already.

Mr. MONDELL. The gentleman is complaining that if we strike out the amity provision it would allow the payment of claims to men who were unlawfully in the Indian country—whatever that country may be. Whereas there is a prohibition against the payment of such claims.

Mr. ADAMSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. Are we trying this case or only moving a continuance?

The SPEAKER. The Chair will not pass on that.

Mr. MANN. Well, Mr. Speaker, I think this bill ought to be considered in the Committee of the Whole at some time, and in the proper way, and I shall have to object to the present consideration of it.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar. The Clerk will call the next bill.

COURTHOUSE RESERVE AT POND CREEK, OKLA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 17119, granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17119) granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes.

Be it enacted, etc., That block No. 43, designated "Courthouse reserve," in the town site of Round Pond, Okla., as appears from the official survey and plat thereof, approved by the Commissioner of the General Land Office on September 14, 1893, be, and the same is hereby, donated and granted to the city of Pond Creek, Okla., for municipal and school purposes, and that the Secretary of the Interior shall issue patent therefor.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to ask something about this bill.

Mr. McGUIRE of Oklahoma. Mr. Speaker, the facts are these: When what was known as the Cherokee Strip, now a part of the State of Oklahoma, was open for settlement in 1893, there were certain reserves for courthouses where there were Government town sites, and there was a Government town site reserved by proclamation of the President, at that time President Cleveland, in each county. In addition to the courthouse reserves, where there were Government town sites, there were certain park reserves. At what is now Pond Creek, which was design-

nated at that time as Round Pond, by the proclamation of the President there was reserved for courthouse purposes a block as described in this bill, and subsequently, after statehood, the county seat was changed from Pond Creek to Medford. The county is no longer in need of this block for courthouse purposes, and they now desire to use it for school purposes. The town of Pond Creek is not large. This block is comparatively worthless for any other purpose than for public schools. The city, I am advised, has already voted bonds on the theory that this will be given to the city for a school site. They are simply waiting now to construct a school building.

Mr. FITZGERALD. How much did the United States turn over to Oklahoma for school purposes in the enabling act, \$5,000,000?

Mr. McGUIRE of Oklahoma. They got \$5,000,000.

Mr. FITZGERALD. But it reserved lands in various places, did it not?

Mr. McGUIRE of Oklahoma. Well, the \$5,000,000 was in lieu of lands that we would be entitled to in the east end of the State, a section of country as large as the State of Indiana; but we could not get any school lands there because of the fact that it was all formerly an Indian reservation, and it was subsequently divided into Indian allotments.

Mr. FITZGERALD. How large a town is Pond Creek?

Mr. McGUIRE of Oklahoma. Pond Creek, I should say, is a town of fifteen hundred or two thousand people.

Mr. FITZGERALD. Has the State of Oklahoma volunteered to furnish the United States with sites for public buildings?

Mr. McGUIRE of Oklahoma. Well, that is entirely foreign to the subject matter of this bill.

Mr. FITZGERALD. I think not. My recollection is that on one day not very long since some gentleman from Oklahoma introduced bills, all in that one day, providing for the acquisition of sites in 13 different places in Oklahoma. If we are to adopt the policy of purchasing sites for Federal buildings and then giving to Oklahoma and its municipalities sites for school and municipal purposes when it is not possible in the House even to consider legislation for the purchase of property in the city of New York belonging to the United States, I should think it would be a very desirable thing to be a citizen of the State of Oklahoma.

Mr. McGUIRE of Oklahoma. It is. [Laughter.] Nearly 3,000,000 people think so.

Mr. FITZGERALD. I think it is, Mr. Speaker, and I think that the State of Oklahoma has been generously treated by the United States. I doubt the propriety of passing this bill in this way, particularly in view of the letter of the Acting Secretary of the Interior, which accompanies this bill, in which he says he is not sufficiently informed as to the facts to enable him to make a recommendation as to the propriety of the passage of this bill.

Mr. MANN. In that connection will the gentleman permit me to ask him a question—the gentleman from Oklahoma?

Mr. McGUIRE of Oklahoma. Yes, sir.

Mr. MANN. How much land was reserved in this town site for parks, schools, and other public purposes?

Mr. McGUIRE of Oklahoma. There was very little. I think two or three blocks.

Mr. MANN. Does the gentleman know how much?

Mr. McGUIRE of Oklahoma. I have a letter here from the Commissioner of the General Land Office. I can read it for the information of the gentleman. It will advise the gentleman.

Mr. MANN. Can not the gentleman state how much was reserved? It is a very simple matter.

Mr. McGUIRE of Oklahoma. The commissioner in his letter says:

Section 22 of the act of May 2, 1890 (26 Stat., 91), provides that all town-site surveys thereafter made shall contain reservations for parks, schools, and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; "and patents for such reservations, to be maintained for such purposes, shall be issued to the towns respectively when organized as municipalities."

The proclamation was issued under authority of the act of March 3, 1893 (27 Stat., 640), which, after making several reservations, further provided that—

"And the President of the United States, in any order or proclamation which he shall make for the opening of the lands for settlement, may make such other reservations of lands for public purposes as he may deem wise and desirable."

Under said proclamation block 43 in the plat of the official survey of the town site of Round Pond was designated "courthouse reserve," and contains 4 acres. Said town site embraces the land described in said proclamation as reserved for "County L," and the same is now within the limits of the town of Pond Creek. No patent has been issued to the country for said "courthouse reserve," and the legal title thereto is in the United States. I have no knowledge as to whether the county has placed any improvements thereon or has ever made any use of it, or whether it now contains any improvements. It is still covered by the reservation created by said proclamation and is not subject to adverse entry. Any use of it for other than the purpose for which it was reserved would, of course, be without authority of law and subject to further legislation. Its description is "block

43," designated "courthouse reserve," in the town site of Round Pond, Okla., as appears from the official survey and plat thereof approved by the Commissioner of the General Land Office on September 14, 1893.

Very respectfully,

S. V. PROUDFIT,
Assistant Commissioner.

Mr. MANN. With all due deference to the gentleman, the letter does not answer the question I asked.

Mr. McGUIRE of Oklahoma. The gentlemen, as I understand it, wanted to know how much was reserved for courthouse, school, and other purposes?

Mr. MANN. How much was reserved for parks and schools?

Mr. McGUIRE of Oklahoma. I do not know that, but in this particular case it is 4 acres.

Mr. FITZGERALD. This is in addition to the land reserved for schools and parks?

Mr. MANN. In this town are there 20 acres reserved for parks and schools?

Mr. McGUIRE of Oklahoma. I do not think so, but I think I am safe in saying that there were not 20 acres reserved.

Mr. MANN. There could not be less than 10 under the law—

Mr. McGUIRE of Oklahoma. Or more than 20.

Mr. MANN. This was intended for the county seat?

Mr. McGUIRE of Oklahoma. It was. Under the law the Congress of the United States said it should be done. It is a matter of law. Whether it was or was not reserved does not make any difference, so far as the equity of this case is concerned.

Mr. MANN. It makes quite a difference when we have already given a town 20 acres for park and school purposes, and reserved a site for a county courthouse, and it has been determined not to have a county courthouse in that town because it is not the county seat any longer, whether in addition to that we should give this town that much more than was received by any other town.

Mr. McGUIRE of Oklahoma. It was reserved for a courthouse. It was not used for a courthouse because the county seat was taken to another town, and that town purchased land for a courthouse. Now, I ask that this block be turned over to the town, not for a courthouse, but for educational purposes. I hope there will be no objection to the bill.

Mr. MANN. If another town got the county seat, and paid for a courthouse site in order to get it, does not the gentleman think that the equity would be to give that town the benefit of the value of this lot rather than to give it to this town which escaped the construction of a county courthouse?

Mr. McGUIRE of Oklahoma. The land is worth very little.

Mr. MANN. How much is it worth?

Mr. McGUIRE of Oklahoma. I should say two or three hundred dollars.

Mr. MANN. Then we had better keep it.

Mr. McGUIRE of Oklahoma. Very well; if the gentleman wants to do it.

Mr. MANN. If it is not worth more than \$200 or \$300 the town ought not to have it.

Mr. FERRIS. I do not know that I can add anything to what my colleague [Mr. McGUIRE] has said other than this: That the people of Pond Creek suffered quite a loss two years ago when the county seat was removed from their town.

Mr. FITZGERALD. Who took it away?

Mr. FERRIS. It was done by a vote of the people. The county seat is no longer at Pond Creek. It is a town of 800 or 900 people. When it was designated as the county seat this block was reserved. They no longer have the county seat and this block is now needed for school purposes. I can not imagine why the Federal Government should want to hang onto it. It is not a large enough town to have a Federal building. If it was a large enough town for that, then it might be conceived that this land should be reserved for a Federal building site.

Mr. MICHAEL E. DRISCOLL. Will the gentleman state how much land was reserved in this town for school purposes or for public purposes?

Mr. McGUIRE of Oklahoma. I do not know how much was reserved. My recollection is that there is a park in addition to this courthouse square. I know that this block is very conveniently located for school purposes, but the location would never do for a Federal building. In addition to that, the chances are a thousand to one that there never will be a Federal building located in a town of a thousand people.

Mr. FITZGERALD. Does not the gentleman from Oklahoma believe that the House is entitled to know how much land was reserved in this town, and how much has been utilized by the town? There are only 900 people there, and in addition to these 4 acres they have already had some 10 or 20 acres additional for park and school purposes. It might be an injustice to the town not to dispose of this land and make it a part of

the taxable area of the community. Not long ago we heard the argument advanced that as we were taking out of the taxable area of a small and not very rich community land for public purposes, the Federal Government should contribute to certain things that were not at all within the functions of the Federal Government.

Mr. RUCKER of Colorado. Reserving the right to object, it seems to me the question I am about to ask is the most important one in connection with this matter. The gentleman says this is in the Cherokee Strip.

Mr. McGUIRE of Oklahoma. It is in what is known as the Cherokee Strip.

Mr. RUCKER of Colorado. Now, I want to know of the gentleman seriously whether there is any political significance in this measure? In other words, to make myself plainer, seeing a gentleman on the Democratic side and a gentleman on the Republican side advocating this measure, I wish to know whether the passage of this bill will have any tendency to diminish the number of reservations over on the "Cherokee Strip" in this House? [Laughter.]

Mr. MANN. It will help transfer the "Cherokee Strip" from this side to the other side; and if it does not, there will be other things that will. [Laughter.]

Mr. McGUIRE of Oklahoma. There will be no change until after the next election.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

ENROLLMENT AND LICENSES OF VESSELS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18001) to amend an act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States," approved April 24, 1906, is hereby amended by striking out the words "of 20 net register tons or over," so that it will read as follows:

"That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed, from time to time, to consolidate into one document, in the case of any vessel of the United States, the form of enrollment prescribed by section 4319 of the Revised Statutes and the form of license prescribed by section 4321 of the Revised Statutes; and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject."

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Missouri if this bill has reference to what is known as the official list of vessels of the United States issued by the Bureau of Navigation?

Mr. ALEXANDER. It has not.

Mr. MOORE of Pennsylvania. It has no reference to vessels known as barges that have been refitted or built over?

Mr. ALEXANDER. It will not affect any vessels at all, except the smaller craft on the Great Lakes, and is intended to simplify the law. These vessels on the Great Lakes are now required to have a license and enrollment. This is to amend the law so that a consolidated document may be issued to them. It saves labor to the customs officers and the expense and annoyance to the vessel owners. According to the statement of the Commissioner of Navigation, there are now 3,285 vessels on the Great Lakes.

Mr. MOORE of Pennsylvania. If it does not refer to barges refitted from sailing vessels, which are now rapidly disappearing from the coastwise trade, I have no objection.

Mr. ALEXANDER. It does not refer to such vessels.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish to make this statement: As this affects primarily vessels now on the Great Lakes, in addition to the letter from the Secretary in the report, I asked the Commissioner of Navigation, Mr. Chamberlain, in regard to this bill, and he informed me that this would not require the enrollment or license of any vessel which is not now required to be enrolled or licensed; and that the only effect of the bill, if enacted into law, would be to consolidate the two documents now required, one of enrollment and one of license, into one document; that it would not add in any way to the requirements of existing law in reference to vessels, but would be of advantage to them.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that Senate bill 4475 be substituted for the House bill, as it is identical in form and has passed the Senate.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Senate bill 4475, of like tenor, be considered and the House bill be laid on the table. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LAW RELATING TO PATENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7711) to amend section 4889 of the Revised Statutes.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4889 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"Sec. 4889. When the nature of the invention admits of illustration by drawings, the applicant shall furnish one drawing signed by the inventor or his attorney in fact, and attested by two witnesses, and also such additional copies, photographic or otherwise, of such drawings as the Commissioner of Patents may prescribe, which shall be filed in the Patent Office; and a copy of the drawing, to be furnished by the Patent Office, shall be attached to the patent as a part of the specification."

Sec. 2. That this act shall take effect July 1, 1911, and shall not apply to any application filed prior to that date.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ESCH. Reserving the right to object, as I understand the reading of the bill it says that it is to go into effect on July 1, 1911.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 4, strike out the word "eleven" and insert in lieu thereof the word "twelve."

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM ACROSS SAVANNAH RIVER, GA.

The next business was the bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time in which to complete the actual construction of the dam authorized by the act entitled "An act to authorize the building of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909, be, and the same is hereby, extended until August 5, 1915.

With the following amendment:

Page 2, line 1, after the word "fifteen," insert: "Provided, That such dam shall be constructed, maintained, and operated in accordance with an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, as amended by an act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 23, 1910."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read: "An act to extend the time for completion of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., authorized by an act approved August 5, 1909."

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PHOENIX, ARIZ.

The next business was the bill (H. R. 1680) to enable the city of Phoenix, in Maricopa County, Ariz., to apply a portion of the proceeds derived from the sale of its sewer bonds to the purchase of the sewer system of the Phoenix Sewer & Drainage Co. in said city.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Phoenix, situated in the county of Maricopa, Territory of Arizona, be, and is hereby, authorized and empowered to use and apply \$60,000 of the proceeds of its issue of \$400,000 of sewer bonds to the purchase of the existing sewer system now owned and operated in said city by the Phoenix Sewer & Drainage Co.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MADDEN. Mr. Speaker, I suggest that it may not be necessary to take up this bill, since the consent of the Federal Government may not be necessary to the disposition of the funds of Phoenix, because of the fact that Arizona has come into the Union as a State.

Mr. MANN. We have nothing whatever to do with it.

Mr. MADDEN. We have nothing to do with it, and I suggest that it be stricken from the calendar. I object to its consideration.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the Calendar for Unanimous Consent.

RELIEF OF HOMESTEAD ENTRYMEN.

The next business was the bill (H. R. 18792) for the relief of homestead entrymen under the reclamation projects in the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That no qualified entryman who prior to June 25, 1910, made bona fide entry upon lands proposed to be irrigated under the provisions of the act of June 17, 1902, the national reclamation law, and who established residence in good faith upon the lands entered by him, shall be subject to contest for failure to maintain residence or make improvements upon his land prior to the time when water is available for the irrigation of the lands embraced in his entry, but all such entrymen shall, within 90 days after the issuance of the public notice required by section 4 of the reclamation act, fixing the date when water will be available for irrigation, file in the local land office a water-right application for the irrigable lands embraced in his entry, in conformity with the public notice and approved farm-unit plat for the township in which his entry lies, and shall also file an affidavit that he has reestablished his residence on the land with the intention of maintaining the same for a period sufficient to enable him to make final proof: *Provided*, That no such entryman shall be entitled to have counted as part of the required period of residence any period of time during which he was not actually upon the said land prior to the date of the notice aforesaid, and no application for the entry of said lands shall be received until after the expiration of the 90 days after the issuance of notice within which the entryman is hereby required to reestablish his residence and apply for water right.

The SPEAKER. Is there objection?

Mr. MARTIN of South Dakota. Mr. Speaker, reserving the right to object, I noticed in the thirteenth line of the second page it is provided that no application for the entry of said lands shall be received after the expiration of 90 days after the issuance of notice. What sort of application for entry is in the mind of the gentleman from Colorado in making that provision?

Mr. TAYLOR of Colorado. Mr. Speaker, section 4 of the reclamation act requires the Secretary of the Interior to give public notice of the date when water will be available for the irrigation of the lands under each project, and the provision in this bill to which the gentleman from South Dakota refers is inserted to allow the homestead entrymen within all the various reclamation projects 90 days' time after the issuance of that notice within which to get back on the land, reestablish their residence, and apply for a water right. In other words, that provision prevents anyone else besides the original entryman from filing on his land during that 90 days. The land is not jumpable during that period. No other application to enter the land will or can be received until after the expiration of that 90 days.

Mr. MANN. So that nobody else could get in.

Mr. MARTIN of South Dakota. It is to prevent adverse claims being filed during that time?

Mr. TAYLOR of Colorado. Yes, sir; no adverse claimant will be permitted to make an entry until after the 90 days' time allowed the original homesteader to get back and reestablish himself on his land. That provision is a limitation against the assertion of adverse claims, any kind of interference with the entryman's rights, and also a limitation of time within which he must get back and assert his rights.

Mr. MONDELL. I want to say to the gentlemen that it is a limitation in this, that the entryman can not in the interval relinquish his right to another party.

Mr. MARTIN of South Dakota. In other words, no entry whatever can be made during that 90-day period.

Mr. MONDELL. That is the intent of the law.

Mr. MARTIN of South Dakota. I have no objection.

Mr. MARTIN of Colorado. Mr. Speaker, I would like to ask the author of the bill [Mr. TAYLOR of Colorado] a question. It strikes me 90 days is a rather short time. I do not see any substantial objections to giving him 6 months to get back on the land.

Mr. TAYLOR of Colorado. I will say to my colleague that that time is rather short, but the officials in the Interior Department were of the opinion that 60 days' time after the notice was given would be sufficient. I thought it ought to be at least 4 months, but the Public Lands Committee decided that 3 months was long enough, so I agreed to it.

Mr. FERRIS. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. FERRIS. In line 8 of the bill should not the word "not" be inserted after the word "shall"?

Mr. TAYLOR of Colorado. If the gentleman from Oklahoma will look at line 3 I think he will see that the grammatical construction is correct.

Mr. FERRIS. That is all right.

Mr. TAYLOR of Colorado. Mr. Speaker, with the indulgence of the House I will briefly explain the objects of this bill and the necessity for this legislation.

Owing to the unexpected and unavoidable delay in the construction and completion of the various reclamation projects throughout the western part of the United States, and to relieve the homestead settlers under those reclamation projects from the useless hardships of trying to maintain residence upon and cultivate their respective claims before any water was available, Congress passed the act approved June 25, 1910, entitled "An act granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902" (Public, No. 314), which reads as follows:

Be it enacted, etc., That all qualified entrymen who have heretofore made bona fide entry upon lands proposed to be irrigated under the provisions of the act of June 17, 1902, known as the national irrigation act, may, upon application and a showing that they have made substantial improvements and that water is not available for the irrigation of their said lands, within the discretion of the Secretary of the Interior, obtain leave of absence from their entries until water for irrigation is turned into the main irrigation canals from which the land is to be irrigated: *Provided*, That the period of actual absence under this act shall not be deducted from the full time of residence required by law. (36 U. S. Stat., 864.)

I took an active part in the passage of that law, and it was the intention and belief of the Public Lands Committee and the Members from the States in which those reclamation projects are situated that that act would amply protect the rights of the entrymen and relieve them from all requirements of residence and cultivation until such time as the Government completed each project and was in position to furnish water for irrigation to the homestead settlers thereunder. And the Secretary of the Interior, on September 13, 1910, issued to the registers and receivers of the United States land offices a "Circular of instructions under the reclamation acts of June 11, 23, and 25, 1910, relative to entry assignments, leaves of absence, etc.," which was undoubtedly intended to carry out the intentions of Congress in the enactment of that law. But notwithstanding the passage of that act, the Secretary of the Interior, on July 12, 1910, rendered a decision denying the petition of W. L. McLaughlin and others, of Montrose, Colo., for the relief of the homestead entrymen within the Uncompahgre Valley irrigation project, and thereby substantially, if not directly, limited the effect and operation of that act to such an extent that neither the Government officials nor the attorneys generally now consider that law broad enough or sufficiently specific to fully protect the rights of the entrymen; and thereupon the Government agents proceeded to contest in the United States land office at Montrose, Colo., the rights of some 150 homestead entrymen under the Uncompahgre project, upon the ground of their failure to continue residence and cultivation on their claims, when there was no possibility of their being able to obtain any water for the irrigation of their lands for many years to come.

For the purpose of protecting the undisputed rights of those homestead settlers under that particular project I introduced House bill 9839 on May 18, 1911. That bill was referred by the Public Lands Committee to the Secretary of the Interior for his opinion and report thereon. On August 3, 1911, the Secretary rendered a report saying, in part, that—

The records of the General Land Office show that nearly 150 adverse reports have been submitted by special agents of that office against entries in this project, owing to the fact that the entrymen have failed to comply with the requirements of the homestead law as to residence and cultivation. Inasmuch as it is admitted that cultivation of these lands was utterly impossible without water, and as no water has been available for the lands embraced in many of the entries made under this project, it would seem to be at least harsh to enforce the strict letter of the homestead law and cancel these entries.

The department is of the opinion that entrymen who have in good faith made entries in the belief that the Government would furnish a suitable supply of water within a reasonable time are entitled to favorable consideration, and as the proposed law will afford a proper measure of relief I have no objection to offer to its enactment.

In the meantime, and until action is taken by Congress on this bill, the department will not cancel any of the entries for failure to comply with the requirements as to residence and cultivation.

While the action of the Secretary in suspending those contests temporarily protects or holds in abeyance the rights of

those homesteaders, pending action by Congress on that bill, yet that only applied to that particular project and afforded no relief to the settlers under any of the other projects. Thereupon, in the fall of 1911, the Government agents proceeded to prosecute contests against some of the homestead entrymen under the Grand Valley High Line project in Colorado. For the purpose of guarding those settlers against these contests, upon the reconvening of Congress on December 6, 1911, I introduced House bill 14665, for the relief of the homestead entrymen under the Grand Valley High Line project in my State. The Public Lands Committee referred that bill to the Secretary of the Interior for his opinion and report, and on December 18, 1911, the Secretary transmitted to the Committee his report saying, in part, that—

The department is of the opinion that entrymen who made entries in the belief that the Government would furnish a suitable supply of water within a reasonable time, and who make showing, as provided by the proposed bill, that the entry was made in good faith and not for speculative purposes, and that they have established residence on the land and placed valuable and permanent improvements thereon, are entitled to favorable consideration, and as the proposed law will afford a proper measure of relief, I have no objection to offer to its enactment.

The department will not cancel, for failure to comply with the requirements as to residence and cultivation, any of the entries on this project, which it is intended to protect by this bill, until after the end of the present session of Congress.

After the receipt of that report the committee took up for consideration jointly H. R. 9839 and H. R. 14665 and appointed a subcommittee to confer with the Secretary of the Interior and Commissioner of the General Land Office as to the necessity or advisability of making the legislation general and applicable to all homestead entrymen under all the various reclamation projects in the United States, instead of confining it to the two projects in Colorado. After extended conferences by the subcommittee among themselves and with the department officials the Secretary made a third report, recommending that the act be made general. On receipt of that report the full Committee on the Public Lands again took up the consideration of the subject at two different sittings and coincided with the Secretary in the recommendation that the act should be made a general law, applicable to all the reclamation projects in the United States. For the purpose of carrying out that determination and making the proposed law sufficiently specific to fully and unquestionably protect the legal rights of all bona fide entrymen under all the 32 reclamation projects until such time as water is available for the irrigation of their lands, the committee unanimously agreed upon the appropriate amendments, and in the amended form I reintroduced this general bill (H. R. 18792), which is indorsed by the entire committee in its present form. This proposed act is not intended to repeal or amend the act of June 25, 1910, but is supplemental thereto and intended to definitely grant the relief which it was hoped and intended that act would accomplish.

It is fully recognized by the Government officials and everyone else that it would be not only utterly useless, but almost inhuman, to try to compel settlers to remain upon barren desert lands for many years before there is any water to irrigate them. Improvements would be worthless and the raising of crops impossible. Many of the settlers have been compelled to haul water many miles for domestic purposes. Many of the settlers have been reduced to destitution, besides enduring untold hardships and depriving their children of schooling facilities in their efforts to hold on to their claims.

The effect of the passage of this bill will be that no qualified entryman who, prior to June 25, 1910, made bona fide entry upon lands proposed to be irrigated under a reclamation project, and who established residence in good faith upon the land entered by him, shall be subject to contest for failure to maintain residence or make improvements upon his land prior to the time when water is available for the irrigation of the lands embraced in his entry. But no such entryman shall be entitled to have counted as part of the required five-years period of residence any period of time during which he was not actually upon his land.

The Secretary of the Interior expressly decides in these matters that residence and cultivation upon the land before the water is obtainable is not only useless but impossible. Neither the law nor common sense requires anyone to do an utterly useless thing. Practically all of these homestead settlers are poor people. They can not conduct litigation with the Government. And, in the opinion of the committee, every person who was a qualified entryman and made a bona fide filing upon land under reclamation projects, and thereafter in good faith established his residence upon the land, should not be compelled to litigate either with the Government or private individuals to maintain his rights, or to prove residence or cultivation at any period prior to the time when water is available for the land. The passage of this bill will be an act of simple

fairness and equity between the Government and the homesteaders, and it will relieve thousands of worthy settlers from harrassing, vexatious, and utterly unwarranted contests and litigation, and will tend to the speedy and orderly development of the country under each of the numerous reclamation projects throughout the Western States.

The bill is preeminently just and necessary, and I hope it will pass without amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PAYMENTS BY CERTAIN HOMESTEADERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3475) extending the time of payments to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota.

The Clerk read as follows:

Be it enacted, etc., That any person who has heretofore made a homestead entry for land which was formerly a part of the Cheyenne River Indian Reservation, in the State of South Dakota, or the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, authorized by the act approved May 29, 1908, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, and payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

The committee amendments were as follows:

Page 2, line 1, after the word "due," strike out "and" and insert "such."

Page 2, line 6, after the word "payment," strike out the words "is due" and insert "becomes due by the terms of the act under which the entry was made."

Page 2, line 9, after the word "lands," add: "And provided further, That any entryman who has resided upon and cultivated the land embraced in his entry for the period of time required by law in order to make commutation proof may make proof, and if the same is approved further residence and cultivation will not be required, but patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask whether the last amendment proposed by the committee has been submitted to the Department of the Interior.

Mr. BURKE of South Dakota. Mr. Speaker, I will say it has not.

Mr. MANN. Well, I would like to ask whether this would be the effect of the amendment if agreed to, that whereas now a man is required to live on his homestead for five years, unless he commutes and pays for the land before that time, that under this amendment he would have the liberty of removing from the land at the end of two years, or whatever time it is—two years—and not require him to live on it the rest of the time until the five years were up?

Mr. BURKE of South Dakota. Upon the payment of interest at 5 per cent in advance upon each payment as it became due, and I want to say to the gentleman that this is not really and should not be a homestead proposition in the sense that we apply the application of the homestead law to the public domain. These are Indian lands. The law provided that the lands should be appraised and disposed of in tracts of 160 acres each to settlers under the homestead law. The lands were appraised at a maximum price of \$6 per acre, a price that was excessive, in my opinion—much greater than it is possible for the settler to pay and comply with the requirements of the law to the extent of living there for five years. These settlers who made entry paid in advance one-fifth of the purchase price at the time they filed. There was absolutely no crop whatever grown in the years 1910 and 1911 in that section of the country where these lands are located. It was so dry last year, I may say, that the grass did not even start in the spring. There was no vegetation at all until along in the month of September, when they had rain. Now, then, these lands, those appraised at the maximum price, as I say, were sold at \$6 an acre.

It is a physical impossibility for the people who have made these entries under the adverse circumstances, some of which

I have referred to, to remain upon the land and make their living for five years, and unless we pass some such remedial legislation as this they will abandon the lands and forfeit what they have paid. Then, at some later date, the lands, I presume, will be reappraised and they will probably sell at one-half, if not less, than what these people who have filed upon them have contracted to pay. Under the law as it is at present, after they have resided upon their homestead for 14 months they may commute and pay the balance of the purchase price and receive a patent for their land, and thereafter, of course, they are not required to reside thereon. Unfortunately the lands are not of sufficient value so it is possible for a man to borrow the amount of money that would be necessary to pay the commutation price, namely, \$4.80 an acre on the \$6 land. This bill simply does this: In addition to extending the time of the payment of the purchase price, after a man has lived upon his homestead the time required to make the commutation proof, it provides that then he may be excused from continuing further residence and improvement upon the land and be entitled to the extension by paying 5 per cent interest in advance upon the amount due, thereby making it possible for a settler to go elsewhere and earn money to pay this balance of \$4.80, if that is the amount, as it would be on the land sold at \$6 per acre, thus giving the Indians the benefit of the sale of the land at \$6 an acre. And in regard to the extension, if the settler was to come in under 14 months and pay this balance of the purchase price, it would go into the Treasury to the credit of the Indians and draw interest at 3 per cent per annum. In order to take advantage of this extension the settler is required to pay interest in advance at 5 per cent per annum, thereby benefiting the Indian to the extent of 2 per cent per annum. It does seem to me that it is a wise provision. And, so far as what the department may think about it, I do not believe it is a question that makes any difference or ought to make any difference to this House as to what that opinion might be. It seems to me it is a proposition that is so fair and so reasonable and so just, not only to the settlers but a proposition that is a good one for the Indians, that it ought to be permitted to become a law.

Mr. FERRIS. Will the gentleman from Illinois yield for a question?

Mr. MANN. All right.

Mr. FERRIS. I asked the gentleman to yield that I might make the observation that even though the proof has been submitted and the Land Office is satisfied at the end of 14 months, which is the commutation period, no title passes to the purchaser until every cent of the Indian's money is paid, with all interest. And that preserves the Indian fund and does not do a thing except release the purchaser from the rigorous provisions of the homestead law, which he ought not to be subjected to so long as he pays for the land in cash.

Mr. MANN. The gentleman seems to assume that this is a matter wholly between the Indian fund and the settlers. The Government has expended a large amount of money in the purchase of a portion of this land for public donation for school and other purposes in order to open up this land to homestead entry. It may be that the amendment suggested by the gentleman from South Dakota [Mr. BURKE] should go into the law, but it absolutely reverses the policy of the Government from the beginning of the homestead laws down to date, and I am unwilling to let such an amendment go through the House by unanimous consent until, at least, we have the opinion of the Land Office in regard to it.

Mr. FERRIS. If the gentleman will permit me, this does not reverse or change the policy of the Government.

Mr. MANN. That is a matter of opinion. I think it does.

Mr. FERRIS. Let me say to the gentleman here that I think it does not, and I am sure I am so familiar with homestead proceedings in the West that I can not be mistaken about that. The law of commutation prevails over a great portion of the West, and the law of commutation prevails all over our State.

Mr. MANN. I am aware of that. On the other hand, the Government opened this land under the homestead law, and unless the land is paid for the homesteader must live on the land for the required five years as he lives upon other land where he obtains it without price at all. In both cases the commutation may be made, but the same argument can be made in behalf of some poor fellow who has taken a homestead claim at some desert portion of the country, stayed there 14 months, and then, say, let him go and make a living until the end of five years and then give him title to the land.

Mr. FERRIS. Will the gentleman permit? Does not he make any distinction between the man who pays cash for land and the man who pays nothing for land as to how the provisions of the law should be applied to him? In one case he gets it

for nothing and in other cases he pays \$6, which is all it is worth.

Mr. BURKE of South Dakota. In this instance the settler gains nothing by a full five-year residence. He must pay the price, no matter when he pays it.

Mr. MANN. I understand the country derives a value from having settlers live upon the land, and that when we pay an exorbitant price, as we did for the school lands in these sections to donate for school purposes, in order to throw the land open to homestead entry, we did it with a view of having people settle on the land, so that there should be a population there to cultivate the soil.

Mr. BURKE of South Dakota. I will say to the gentleman from Illinois that we made an appropriation to pay for sections 16 and 36 in this section of country, that was formerly Indian reservation, at \$2.50 an acre.

Mr. MANN. We were only supposed to pay \$1.25.

Mr. BURKE of South Dakota. The question of homestead settlement was not considered at all; it was simply carrying out the solemn obligation of the Government, the enabling act admitting South Dakota into the Union having guaranteed to the State sections 16 and 36 in all of the Indian reservations.

Mr. MANN. And we had agreed to pay \$1.25 an acre, and we paid \$2.50 an acre.

Mr. BURKE of South Dakota. That has nothing to do with it. The only question there is whether or not we will allow these poor settlers, who have paid one-fifth of the purchase price, to go away after they have lived upon the land 14 months and earn money to pay the balance of the purchase price, and thereby try to save what he has already invested, or whether we will say, by refusing to legislate, that they will have to comply strictly with the law as it now exists, which means that 95 per cent of them will abandon the country.

Mr. MANN. Mr. Speaker, I am sorry my beloved friend from South Dakota did not hear, or does not remember, one of the statements in President Washington's Farewell Address, where he said that it would often happen under the stress of some hard circumstance that we would be asked to change the law, and thereby create a precedent which would be of inestimable damage to the Republic.

That is this case exactly, and unless the gentleman will submit this to the department and present to the House the department's opinion, whether it be favorable or unfavorable, I will not consent to have the bill passed by unanimous consent without amendment. The gentleman can probably take it up later on the Unanimous Consent Calendar.

Mr. BURKE of South Dakota. Does the gentleman contend that the propriety of legislation depends on the position taken by the departments on the several bills that come before the House?

Mr. MANN. Oh, I do not think that question is worthy of an answer, and therefore I will not answer it.

Mr. MARTIN of South Dakota. Mr. Speaker, considering the present attitude of the gentleman from Illinois in this discussion, I will ask unanimous consent that this matter be passed over.

Mr. MANN. But, Mr. Speaker, under the rules the gentleman can place the bill on the Unanimous Consent Calendar the second time.

Mr. MARTIN of South Dakota. Can that be done if it is objected to?

Mr. MANN. Yes, it can; otherwise I would feel differently about it.

Mr. BURKE of South Dakota. I do not care to amend the bill.

The SPEAKER. The bill is stricken from the docket. The gentleman has the right to reinstate it once, but not twice.

CLASSIFICATION AND APPRAISEMENT OF UNALLOTTED INDIAN LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 49) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be classified and appraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry which were not classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry.

Mr. MONDELL. Mr. Speaker, reserving the right to object, will the gentleman from South Dakota give us an explanation of this measure?

Mr. BURKE of South Dakota. I would say to the gentleman, Mr. Speaker, that if he will examine the report—and if he has not done so I will call his attention to it—he will find that the report on the bill explains in detail the purposes of the bill. The gentleman will remember that in these reserva-

tions where the surplus land has been authorized to be sold in recent years the law provides for a board of appraisers to appraise the land, and all of these bills, so far as I remember, limited the existence of the board of appraisers to six months, and they were obliged to complete their appraisal within that time.

Now, that was done and the lands were appraised. It subsequently transpired that there were occasional tracts, for instance, those which had been erroneously allotted, or a few isolated tracts that were overlooked by the appraisers, and there are a few tracts in some of these reservations that there is no claim to, and yet under the law they can not be disposed of. The purpose of this bill is simply to enable the Secretary of the Interior to appraise them and to fix the price at which they may be disposed of under the homestead law.

Mr. MONDELL. Does the Indian Office hold that it has no authority to make appraisals unless they have made them within the time prescribed in the acts?

Mr. BURKE of South Dakota. Within six months after the passage of the acts. The only provision in the law is that the appraisal must be made by a commission, and it must be done in six months.

Mr. MONDELL. This is the thought I had in my mind when I rose to interrogate the gentleman: There are Indian reservations which have been opened to settlement and entry recently where there was no definite or specific provision for classification. This bill seems to be general in character. Query: What view would the Indian Office take of a reservation in my State, for instance? I do not recall anything in the bill covering the opening of those reservations which called for any particular classification. There was no such thing as an appraisal or classification of the lands.

Mr. MANN. Then this bill would not apply to it.

Mr. MONDELL. Well, possibly not. But the gentleman, perhaps, is aware of the curious interpretation of departments in matters of legislation.

Mr. MANN. Well, I subside when the gentleman recalls that. [Laughter.]

Mr. MONDELL. I assume no reasonable man would say it would apply to a reservation that it does not apply to in express terms, but still it is so general in its character that I am a little afraid that the department might start out to make some kind of an appraisal or classification in reservations where no provision therefore has been made.

Mr. BURKE of South Dakota. Will the gentleman allow me to call his attention to the language in the bill? The amendment inserts the word "hereafter," so that this would apply only to land heretofore opened to settlement and entry and classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry.

The department says there are at this time small areas of unclassified and unappraised land within the former Cœur d'Alene Reservation and within those parts of the Cheyenne River and Standing Rock Reservations that were opened to settlement and entry last year. These tracts were omitted from the schedule of classification and appraisal by reason of being included within Indian allotments which were subsequently suspended, or within lands relinquished by Indians for the purpose of changing their allotments.

Mr. MONDELL. The gentleman remembers that the Wind River Reservation in Wyoming was opened to settlement and entry some years ago. There was no specific provision for classification or appraisal of these lands.

Mr. BURKE of South Dakota. Then, this bill would not apply to these lands.

Mr. MONDELL. The gentleman is sure that the bill would not apply to these lands?

Mr. BURKE of South Dakota. I am very confident of it.

Mr. MANN. The bill authorizes the Secretary of the Interior to reclassify where the lands have been erroneously classified.

Mr. MONDELL. There has been no classification made. They were being disposed of in accordance with law, and I assume that no one has a disposition to apply this law to these lands; but I should like to have it appear, at least that the gentlemen who are responsible for the legislation—

Mr. MANN. That is the Senate.

Mr. MONDELL. Well, we are not fortunate enough to be Members of that exalted body.

Mr. MANN. We are fortunate enough not to be.

Mr. MONDELL. As the gentleman desires to have it. His judgment is generally better than mine. If the gentleman is very sure that the department will not attempt to apply this to cases where there was no specific provision for allotment and appraisal, I shall not object.

Mr. BURKE of South Dakota. I can not promise the gentleman what the department may do, but I can assure the gentle-

man that this bill will not give them any authority to make any such claim.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to substitute Senate bill 405, now upon the Union Calendar, for House bill 49, it being identically the same as this bill and having been reported by the committee, and that the House bill lie on the table.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that Senate bill 405 be substituted for House bill 49, and that House bill 49, of identical tenor, be laid upon the table. Is there objection to the request to consider the Senate bill instead of the House bill?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MANN. I ask to have the Senate bill read.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry but not classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry, or where the existing classification or appraisal is, in the opinion of the Secretary of the Interior, erroneous.

Mr. BURKE of South Dakota. There is an amendment, Mr. Speaker.

Mr. MANN. In line 7, page 1.

Mr. BURKE of South Dakota. In line 7, page 1, after the word "reservation," insert the word "heretofore."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7, page 1, after the word "reservation," insert the word "heretofore."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER AT BEMIDJI, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16837) authorizing the construction of a bridge across the Mississippi River at Bemidji, Minn.

The bill was read, as follows:

Be it enacted, etc., That the Minnesota & International Railway Co., a corporation organized under the laws of Minnesota, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Mississippi River at a point in the northwest quarter of section 16, township 146, range 33 west, at or near Bemidji, in Beltrami County, State of Minnesota, suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

In line 7, page 1, after the word "point," insert the words "suitable to the interests of navigation."

In lines 10 and 11, page 1, strike out the words "suitable to the interests of navigation."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, in line 7, after the word "point," insert the words "suitable to the interests of navigation."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, in line 11, strike out the words "suitable to the interests of navigation."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

Mr. ADAMSON. There is an amendment to the title.

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Amend the title so as to read: "A bill authorizing the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at Bemidji, Minn."

The amendment to the title was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

SETTLERS UPON CERTAIN LAND GRANTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18964) to amend section 6 of the act of Congress approved May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act of May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 6. That all persons being then qualified homesteaders and who, under an order issued by the Land Department bearing date October 22, 1891, and taking effect November 2, 1891, made settlement upon and improved any portion of an odd-numbered section within the conflicting limits of the grants made in aid of the construction of the Chicago, St. Paul, Minneapolis & Omaha Railway and the Wisconsin Central Railroad, and were thereafter prevented from completing title to the lands so settled upon and improved by reason of the decision of the Supreme Court in the case of Wisconsin Central Railroad Co. v. Forsythe (159 U. S., p. 46), shall be entitled to select and receive patent to other lands, not exceeding one quarter section, subject to homestead appropriation, and in making such selection shall be given credit for the full period of their actual residence upon and the amount of their improvements made on the lands for which they were unable to complete title: *Provided*, That such credit shall not extend beyond the date of judgments in ejectment against such settlers rendered by the courts. In the event of the death of any person who, if living, would be entitled to the benefits of this act, the right to make such selection and to receive such credit shall inure to those persons only who, under the homestead laws, would be entitled, upon the death of a homestead entryman, to complete and receive title to a homestead initiated by him: *Provided*, That this act shall not be considered as entitling any person to the benefits of its provisions who shall have received title, under the homestead laws, to one quarter section of land since being prevented, as aforesaid, from completing title to the lands, as aforesaid, settled upon and improved by him, and the rights hereby conferred shall be accepted in full satisfaction of all rights under the homestead laws. In the event that a beneficiary of this act shall be able to establish by his affidavit, corroborated by two witnesses having knowledge of the facts, whether such affidavits have been heretofore or may hereafter be executed, that the period of residence had and the amount of improvements made on the land to which he was unable to complete title, as aforesaid, prior to the date of his ejectment therefrom would have been sufficient to have entitled him, upon the payment of the fees and commissions required by law, to a patent to such land had the Government been in position to grant such patent, such beneficiary shall, in making the selection hereby authorized, be relieved from compliance with the provisions of section 2290 of the Revised Statutes of the United States; but in all cases where the residence and improvements on the original canceled claim, prior to the date of ejectment therefrom, were for a less period than five years such beneficiaries of this act, in making application for new entry hereby authorized, shall comply with all the provisions of the homestead laws and reside upon and improve such second entry to such an extent as, when such residence and improvement is added to the period for which credit is given under this act, the same will equal a full compliance with the homestead laws: *Provided*, That in all selections or entries made under provisions of this act the fees and commissions required by law shall be fully paid: *And provided further*, That all applications or entries heretofore made under section 6 of the act of May 29, 1908, which substantially complied with the provisions of said act as hereby amended, be, and the same are hereby, approved."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill whether he thinks this bill will accomplish the purpose sought for, Congress having three times tried its hand at it without success?

Mr. TAYLOR of Colorado. Mr. Speaker, I will say that I hope it will. We have tried very hard to draft this bill so that it will afford the relief to those 80 or 100 homestead entrymen who were deprived of their homes by the errors of the Interior Department and give them another entry. We believe this will do so. I may say that this matter has been submitted to the department, and the legal officials have given it careful and exhaustive examination.

Mr. MANN. Why does the gentleman not have the report from the department?

Mr. TAYLOR of Colorado. Because they have reported upon it two or three times before, and they have always recommended that remedial legislation be granted for the purpose of affording those homestead entrymen the right to make another homestead entry. When the gentleman from Wyoming [Mr. MONDELL] passed the bill in 1908 the Secretary of the Interior reported that the purpose of the bill would serve to give these people the needed relief. I am now, and by this bill, endeavoring to carry out that intention and afford remedial legislation at this time.

The bill I passed about two years ago for the relief of these people was held insufficient. I do not agree with that decision, but I do not have the deciding of the matter, and I have tried to make the language of this bill broad and specific enough to accomplish what Congress has all along intended and what the Interior Department has repeatedly recommended. It seems to me the objects and justice of this bill ought to appeal to everyone who will look into the merits of the matter.

Mr. MANN. If the gentleman will pardon me, Congress passed an act in 1904 which did not accomplish the purpose. In 1908 a new bill was introduced for the purpose of carrying into

effect what was intended to be done by the act of 1904, and the department was asked for an opinion, and the opinion is printed in the report. Following that opinion we passed the act of 1908 for the purpose of carrying out the intent of the act of 1904. We did not succeed, and thereupon we passed an act in 1910 to carry out the purpose of the act of 1908, the purpose of that act being to carry out the purpose of the act of 1904. Now we have the fourth trial, and it seems to me that before we pass the fourth act on the subject we had better get in advance the opinion of the department that is to enforce the act.

Mr. MONDELL. I am inclined to think that the mistake we have made heretofore was in accepting the department's draft of the bill.

Mr. MANN. I do not understand that the department drafted the bill.

Mr. MONDELL. They thought they knew what was desired and what was necessary, and on at least one former occasion we accepted their draft of the bill; but when we came to enact the bill into law it was discovered that it did not mean exactly what we thought it meant at the time we passed it. The attitude of the department in regard to the matter is now, as I understand it, that if we really want to accomplish what we started out to accomplish several years ago we must have this legislation. The gentleman from Wisconsin [Mr. Morse] started this good work, and we concluded it would be well to frame a bill in the hope that we can now accomplish what we have been endeavoring so long to accomplish.

There is nothing in the bill that is objectionable, providing that we agree to the proposition that those people who were deprived of their homes and farms by a decision of the Supreme Court shall be placed in exactly the same position now in regard to homestead entry that they were in when they were ousted from their lands in Wisconsin. That is all we have endeavored to do, and we believe that we have finally reported a bill that will accomplish this highly meritorious purpose.

Mr. MANN. It seems to me from the reading of the bill that you have accomplished considerably more than that and given to these men a second right of homestead entry, although they may have practically exhausted their first right, not on this land, but on some other land.

Mr. TAYLOR of Colorado. Oh, I think the gentleman is mistaken.

Mr. MONDELL. I am quite sure the gentleman is mistaken.

Mr. MANN. Well, I have great faith in both gentlemen, but having tried three times, and now admitting their failure, I do not feel like taking their opinion the fourth time. [Laughter.]

Mr. MONDELL. But the gentleman will remember that I called his attention to the fact that heretofore the department has had something to do with framing the legislation, but we have not agreed as to interpretation.

Mr. MANN. I do not so understand.

Mr. MONDELL. I have had something to do with this legislation, and my recollection is that we have heretofore largely followed the department's suggestions in regard to the form of legislation.

Mr. MANN. The latest report we have from the department was in 1908, and since then we have passed two acts on the subject.

Mr. TAYLOR of Colorado. Will the gentleman permit me? I was in charge of the bill reported in 1910, and at that time we had an elaborate report, which I have not copied here—

Mr. MANN. Why has not the gentleman put it in this report?

Mr. TAYLOR of Colorado. Because the old report is full and specific.

Mr. MANN. Then, the one in 1910 was not full and elaborate, because this is not. Neither of them is full and elaborate. I think we are entitled to the opinion of the department about technical matters relating to work in the department.

I do not say that we should follow their bill, which they prepare, or their opinion. I think that a committee is guilty of neglect if it does not itself carefully scan a bill, although the draft of it may have been made in the department; but that is no reason why the Members of the House should not have the opinion of the department in relation to legislation directly affecting the work of that department. I served notice in this House some time ago that I would not permit the passage by unanimous consent of bills reported after that time which were properly referable to departments where no such reference had been made, and I am going to insist upon that now.

The SPEAKER. The gentleman from Illinois objects.

Mr. RUCKER of Colorado. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. RUCKER of Colorado. I understand from the gentleman's remarks that when this bill was up before it was accompanied by a report.

Mr. MANN. Which time?

Mr. RUCKER of Colorado. The last time—1910.

Mr. MANN. No; there was no report.

Mr. RUCKER of Colorado. Then 1908 or 1904—whatever time it was.

Mr. TAYLOR of Colorado. Nineteen hundred and ten also.

Mr. RUCKER of Colorado. And the gentleman approved of this bill at that time.

Mr. KENDALL. I demand the regular order, Mr. Speaker.

Mr. MANN. I have not made any such statement as that. This bill was not before the House at that time.

Mr. RUCKER of Colorado. A similar bill—

Mr. MANN. Quite a different bill.

Mr. RUCKER of Colorado. Undertaking to accomplish the same object. Does not the gentleman realize this is a meritorious bill? It needs only the confirmation of the department. Since the gentleman himself said that this bill ought to pass—

Mr. MANN. I am satisfied that this bill in the shape it is ought not to pass.

Mr. RUCKER of Colorado. Then, does the gentleman yield his opinion to the opinion of the department?

Mr. MANN. I might, if I had it.

Mr. RUCKER of Colorado. Is it not a fact that the gentleman never does yield his opinion to the department?

Mr. MANN. I frequently yield my opinion to gentlemen who can give me information. Can the gentleman from Colorado do that?

Mr. RUCKER of Colorado. Certainly not; and I defy anybody to give the gentleman from Illinois any information.

Mr. MANN. That is the gentleman's position and I think it is correct, so far as he is concerned.

The SPEAKER. Is there objection?

Mr. MANN. I object.

CERTIFIED CHECKS DRAWN ON NATIONAL AND STATE BANKS.

The next business was the bill (H. R. 13679) to amend an act entitled "An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes," approved March 2, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes," approved March 2, 1911, be, and the same is hereby, amended by adding a section to read as follows:

"Sec. 3. That the Secretary of the Treasury shall, at his discretion and under such regulations as he may prescribe, direct the collectors and others receiving checks under this act, or otherwise, to deposit the same in depository banks to the credit of the Treasurer of the United States, and the Secretary may authorize the transfer of such deposits to the credit of disbursing officers in subtreasury cities and Washington as elsewhere."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HARRISON of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CANAL AT SEATTLE.

The next business was the bill (H. R. 17242) to authorize the Northern Pacific Railway Co. to construct a bridge across the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., a corporation organized under the laws of Wisconsin, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington, at a point at or near the head of Salmon Bay suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendment:

Strike out all after the enacting clause and insert:

"That the Northern Pacific Railway Co., a corporation organized under the laws of Wisconsin, and having authority under the said laws to construct, maintain, and operate a bridge and approaches thereto across the waterway connecting Puget Sound with Lakes Union and Washington at Seattle, in the State of Washington, at a point at or near the head of Salmon Bay, is hereby authorized to cross and occupy with said structure the right of way owned by the United States adjacent to and along said waterway, under such terms and conditions as the Secretary of War may deem equitable and fair to the public, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Georgia a question.

Mr. ADAMSON. Certainly.

Mr. COOPER. I observe that on the first page, line 5, of the bill, the railway company was to be authorized to construct, maintain, and operate a bridge and approaches thereto across the canal connecting the waters of Puget Sound with Lake Washington at Seattle, and so forth. The authority was to be to construct, maintain, and operate a bridge, and so forth, across the canal. As reported, the amendment asserts that the railway company already has that right, having authority under the laws of Wisconsin to construct, maintain, and operate a bridge across the waterway. The authority which was asked for in the original bill is assumed in the amendment, and then the amendment proceeds to give this company authority to construct and occupy with said structure the right of way owned by the United States adjacent to and alongside of the waterway. That is considerably more authority than was asked for in the original bill. It proposes to give the railway company the right not only to build across the canal, but to occupy with said structure the right of way owned by the United States adjacent to and along said waterway. What is the object in changing the whole apparent intent of the bill in that way?

Mr. ADAMSON. I will ask the gentleman from Wisconsin if he has read the report of the Chief of Engineers, accompanying the bill?

Mr. COOPER. No; but I saw an extract from a letter by the Assistant Chief of Engineers.

Mr. ADAMSON. I can state briefly to the gentleman from Wisconsin that the bill was drawn by the gentleman from Washington [Mr. HUMPHREY], under a misapprehension of the situation. The exact situation was called to his attention by the report of the Secretary of War on this bill, a report made in response to our reference of the bill to the War Department, suggesting that the bill be amended as we have reported it. The reply was that authority had been given last summer by the War Department under the river and harbor act of 1899, and specifications had been approved for a bridge across the canal just as proposed in the original draft of the bill. The difficulty now existing and then existing, and provided for by the amendment as suggested, was that the Government owned the right of way along the canal, and the approval then was made on the condition that the railroad should secure from Congress at this session permission to cross the strip itself on which the Government owned the right of way, which the War Department had no authority to grant. If the gentleman will notice the amendment, it provides that the right is granted on terms to be fixed by the Secretary of War. Of course they should pay something for the right to build the bridge and approaches across the right of way belonging to the Government.

Mr. MONDELL. If the gentleman will permit, I notice that the bill as amended provides that the Northern Pacific Railway Co.—

Mr. ADAMSON. One moment, is the gentleman from Wisconsin sufficiently answered?

Mr. COOPER. I will wait until the gentleman from Wyoming concludes.

Mr. MONDELL. The committee amendment says that the Northern Pacific Railway Co. is a corporation organized under the laws of Wisconsin and having authority under the said laws to construct, maintain, and operate a bridge and approaches thereto across the waterway connecting Puget Sound with Lakes Union and Washington at Seattle. In what manner could the laws of Wisconsin authorize the Northern Pacific Railway Co. to build a bridge and approaches across the channel between Lake Union and Lake Washington?

Mr. ADAMSON. I suppose the idea attempted to be expressed by that language was that the corporation was chartered under the laws of Wisconsin, and it is recognized that the consent of the Government to cross that right of way along the canal must be obtained by an act of Congress, and that is what is asked for.

Mr. MONDELL. Is not that a curious sort of legislation to present to the House, legislation that states on its face that the laws of the State of Wisconsin gave this company the right to construct a bridge across the waters of Puget Sound connecting the Sound and Lakes Union and Washington?

Mr. ADAMSON. It may be possible, geographically speaking, there is a misprint and Washington should be changed into Wisconsin.

Mr. COOPER. Mr. Speaker—

The SPEAKER. To whom does the gentleman yield?

Mr. ADAMSON. I will take one at a time, Mr. Speaker.

Mr. MONDELL. How could the laws of Washington authorize that, inasmuch as that is a navigable stream?

Mr. ADAMSON. I should think that a State in which an operation is proposed to be made might provide the legal *modus operandi*, if any is necessary at all. The Government of the United States does not undertake to do anything except to consent that a navigable stream may be crossed.

Mr. COOPER. Will the gentleman from Wyoming permit me to ask one question? Has he read on the second page of the report a part of the statement of the Acting Chief of Engineers, as follows:

By an instrument executed August 16, 1911, the department approved the plans presented by the Northern Pacific Railway Co. for a bridge to be built across the waterway connecting Puget Sound with Lakes Union and Washington, in the city of Seattle, under authority granted by the Legislature of the State of Washington.

Now, I did not understand how a bill came to be brought in asking only for authorization to construct, maintain, and operate a bridge across the canal, and then the committee bring in an amendment assuming that this company already had that authority, and granting authority to occupy the right of way owned by the United States adjacent to and along the waterway.

Mr. MANN. If the gentleman will pardon me, the War Department itself has authority to issue a permit to construct a bridge across the canal, but not to use the Government property for the approaches, and I understand that is the point the gentleman did not understand, how they had that authority.

Mr. COOPER. But the original bill only gives authority to construct a bridge, and the amendment assumes that they already had that authority.

Mr. MANN. But the report of the War Department, the gentleman will notice, states that they already have authority to construct a bridge, but what they want is authority to put approaches on the land owned by the Government on each side of the canal.

Mr. COOPER. But the gentleman from Illinois will observe that the Acting Chief of Engineers said that the company had the right to build that bridge under the authority granted by the Legislature of the State of Washington, and the bill says "organized under the laws of the State of Wisconsin and having authority under the said laws."

Mr. MANN. That is erroneous. I quite agree with the gentleman upon that. The words "said laws" I have marked to strike out, if the bill should pass, leaving it to read "having authority to construct a bridge," and so forth.

Mr. COOPER. Then it is not under the laws of the State of Wisconsin?

Mr. MANN. Not at all. It is under authority, first, of the laws of Washington, to the company, and second, under the laws of the United States, which allow the War Department to issue a permit.

Mr. COOPER. It was confusing in phraseology, and I did not understand it.

Mr. MANN. I think the gentleman was quite right in calling attention to it.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Northern Pacific Railway Co., a corporation organized under the laws of Wisconsin, and having authority under the said laws to construct, maintain, and operate a bridge and approaches thereto across the waterway connecting Puget Sound with Lakes Union and Washington at Seattle, in the State of Washington, at a point at or near the head of Salmon Bay, is hereby authorized to cross and occupy with said structure the right of way owned by the United States adjacent to and along said waterway under such terms and conditions as the Secretary of War may deem equitable and fair to the public, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Speaker, I think I will suggest another amendment in line 8, on page 2. The amendment ought itself to be amended by striking out the words "under the said laws," and I ask unanimous consent that that be done.

The SPEAKER. Is there objection?

There was no objection.

So the amendment to the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize the Northern Pacific Railway Co. to cross the Government right of way along and adjacent to the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington."

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE WHITE RIVER AT OR NEAR COTTER, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16680) to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners, to construct a bridge across the White River at or near the town of Cotter, Ark.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, duly constituted and appointed under the laws of said State for the respective counties aforesaid as bridge commissioners, acting together for the two counties under such regulations as are now prescribed by the laws of said State, or may hereafter be prescribed by the laws of said State, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the White River at or near the town of Cotter, Ark., at a point suitable to the interests of navigation, near First Street in said town, in section 1, township 19 north, range 15 west, fifth principal meridian, or at a point near Third Street in said town, in section 6, township 19 north, range 14 west, fifth principal meridian, in the said county of Baxter, the abutment and approaches of said bridge on the opposite side of said river to be located at a point in section 29, township 19 north, range 15 west, fifth principal meridian, in said Marion County, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the first committee amendment.

The Clerk read as follows:

In line 8, page 1, after the word "under," strike out the word "such."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 8, page 1, after the word "regulations," strike out the words "as are now."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 9, page 1, after the word "State," strike out the words "or may hereafter be prescribed by the laws of said State."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 12, page 1, after the word "River," insert the words "at a point suitable to the interests of navigation."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 2 strike out the lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and the words "in said Marion County," in line 10.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 4, after the word "Cotter," strike out the remainder of the line, and all of lines 5, 6, 7, 8, 9, 10, 11, 12, and 13.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. ADAMSON. A division, Mr. Speaker.

The House divided; and there were—ayes 47, noes 0.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LAWS RELATING TO THE JUDICIARY.

The next business on the Calendar for Unanimous Consent was the bill H. R. 19238, a bill to amend the laws relating to the judiciary.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 90 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"Sec. 90. The State of Mississippi is divided into two judicial districts, to be known as the northern and southern districts of Mississippi.

The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Tate, Tippah, Union, Webster, and Yalobusha, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bolivar, Coahoma, Leflore, Quitman, Sunflower, Tallahatchie, and Tunica, which shall constitute the Delta division of said district. The terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; and for the western division, at Oxford on the first Mondays in June and December; and for the Delta division, at Clarksdale on the third Mondays in June and December: *Provided*, That suitable rooms and accommodations for holding court at Clarksdale are furnished free of expense to the United States. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson, Jefferson Davis, Lawrence, Lincoln, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Claiborne, Issaquena, Sharkey, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forrest, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, and Pearl River, which shall constitute the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division, at Vicksburg on the first Mondays in January and July; for the eastern division, at Meridian on the second Mondays in March and September; and for the southern division, at Biloxi on the third Mondays in February and August. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The committee amendment was read, as follows:

On page 2, lines 15 and 16, strike out the words "third Mondays in June and December" and insert in lieu thereof "fourth Mondays in January and July."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to amend the title so that it will read: "A bill to amend section 90 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911."

The SPEAKER. The Clerk will report the amendment to the title offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the title so as to read: "A bill to amend section 90 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

On motion of Mr. STEPHENS of Mississippi, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Calendar for Unanimous Consent is exhausted. It is true there are three or four more bills on that calendar, but they have not been on long enough.

WASHINGTON'S FAREWELL ADDRESS.

Mr. CULLOP. Mr. Speaker, I move that there be printed for the use of the House 20,000 copies of the Farewell Address of George Washington, the same to be placed in the folding room and prorated among the Members for their use in distributing the same.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] moves that there be printed for the use of the House 20,000 copies of the Farewell Address of George Washington, to be distributed pro rata among the Members.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether he has an official estimate of what the cost will be?

Mr. CULLOP. I have. I sent and got the cost of the same. The cost of printing 20,000 copies would be about \$165, a mere nominal sum.

Mr. COOPER. Mr. Speaker, if a thousand copies were prorated equally among 394 Members—

The SPEAKER. The proposition is to print 20,000 copies.

Mr. MANN. Mr. Speaker, I will not object, as I understand we are likely to have a report from the Committee on Printing on another matter that I am interested in, although at one time I had made up my mind to object to any more printing resolutions until that report had been received.

The SPEAKER. Is there objection to the motion of the gentleman from Indiana [Mr. CULLOP]? [After a pause.] The Chair hears none, and it is so ordered.

PRESERVATION OF NIAGARA FALLS.

Mr. SULZER. Mr. Speaker, I move to suspend the rules for the purpose of considering House joint resolution 232, as amended, relating to the preservation of Niagara Falls.

Mr. ADAMSON. Mr. Speaker, I ask the gentleman from New York first to let me ask him or the Chair to submit a request for unanimous consent to consider these "minority" bills, against which the Speaker has pleaded minority, saying they were too young to be considered to-day.

Mr. SULZER. This joint resolution is now on the calendar.

Mr. ADAMSON. Then I will ask unanimous consent to modify my request and ask unanimous consent to complete the calendar.

Mr. SULZER. Mr. Speaker, this joint resolution is a matter of such importance that it should be passed immediately. The time under the existing law expires March 1, and—

The SPEAKER. The Chair did not understand the request or remark of the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. I requested the gentleman from New York [Mr. SULZER] to modify his application to the Chair and to the House and to request unanimous consent to complete this calendar, including his resolution. The bills on the calendar now have not been on long enough under the rule, but under unanimous consent all of them can be considered or called, at least.

Mr. SULZER. Mr. Speaker, I will make that request just as soon as this resolution is passed.

Mr. MANN. Mr. Speaker, I do not think it wise to depart from the rule, or the letter of the rule, in reference to the consideration of these unanimous-consent bills. If it is done to-day the same request could be preferred on any day. I feel constrained to object.

The SPEAKER. The Chair thinks the gentleman from Illinois is right, and if the gentleman had not objected the Chair himself would have objected. The Chair has as much right to object to a request for unanimous consent as any other Member has. The Chair recollects hearing Speaker CANNON say once, directly after this rule was established, that it was a great relief both to the Members and to the Speaker, and it is, if it is properly carried out. Every man now knows his bill is coming up, and he does not have to go to the Speaker and request permission to bring it up.

Mr. KENDALL. Mr. Speaker, I wish to suggest that there are certain conditions connected with this joint resolution which make it desirable to pass it to-day.

Mr. SULZER. Mr. Speaker, I have moved to suspend the rules and pass the resolution.

The SPEAKER. The gentleman from New York is in order. The Clerk will report the joint resolution.

The Clerk read House joint resolution 232, extending the operations of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, as amended by the Committee on Foreign Affairs, as follows:

Whereas the provisions of the act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906, and extended to June 29, 1911, by joint resolution (Public Resolution No. 56), approved March 1, 1912, by joint resolution (Public Resolution No. 9), approved August 22, 1911: Be it therefore

Resolved, etc., That the provisions of the aforesaid act be, and they are hereby, extended from March 1, 1912, being the date of the operation of said act, to May 1, 1912.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is the motion of the gentleman to suspend the rules and pass the joint resolution, or to suspend the rules and pass the joint resolution with the committee amendments?

Mr. SULZER. With the committee amendments.

The SPEAKER. With the committee amendments.

Mr. KENDALL. Mr. Speaker, there is a typographical error in line 5, page 2. The word "operation" should be "expiration." I ask unanimous consent that the word "operation" be changed to "expiration."

Mr. MANN. It can only be done by unanimous consent.

The SPEAKER. The gentleman from New York can modify his proposition, but after the House once votes on it it can not be changed.

Mr. SULZER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered.

Mr. MANN. In order to expedite the matter I demand a second. No second has yet been demanded.

The SPEAKER. The gentleman is correct about that. The Chair should have asked, Is a second demanded?

Mr. MANN. I do not understand what the motion of the gentleman is, whether it covers the amendment suggested by the gentleman from Iowa.

Mr. SULZER. Yes; it covers that. I make the motion now.

Mr. MANN. The gentleman can not do that.

The SPEAKER. The gentleman can not make that motion after a second is ordered.

Mr. SULZER. Mr. Speaker, then I ask unanimous consent that the joint resolution be amended, on page 2, line 5, by striking out the word "operation" and inserting in lieu thereof the word "expiration." That is a mere typographical error.

The SPEAKER. The gentleman asks unanimous consent that the word "operation" be changed to "expiration," at the place in the bill indicated by him. Is there objection?

There was no objection.

Mr. COOPER. Mr. Speaker, has the gentleman from New York observed that on the first page of the bill, beginning with the word "whereas," that paragraph is not a complete sentence? It has no meaning as it reads there.

Mr. MANN. That is correct.

Mr. SULZER. I think it would be just as well to amend the "whereas."

Mr. COOPER. The word "approved," in the fourth line from the bottom, should be stricken out and the word "expires" should be inserted. It could not have been approved March 1, 1912.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to include that amendment. The gentleman is correct; and I want to say I did not draw this resolution.

The SPEAKER. The gentleman from New York asks unanimous consent to make a modification, which the Clerk will report.

The Clerk read as follows:

Strike out the word "approved," in the fourth line from the bottom of the whereas, and insert in lieu thereof the word "expires."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. SULZER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. SULZER. Mr. Speaker, just a few words. The so-called Burton Act regarding the taking of water for power purposes at Niagara Falls expires by limitation on the 1st day of March, 1912; in other words, in a few days. The Committee on Foreign Affairs of the House has had under consideration for some time legislation in regard to this matter, and has been holding extended hearings which have just been printed. The members of the committee have therefore been unable to formulate legislation in regard to the proposition.

At a recent meeting of the committee it was thought advisable to extend the so-called Burton law until May 1, 1912, in order to give the committee an opportunity to carefully consider the testimony which has been adduced before it and prepare and report to the House a bill to carry the treaty between Great Britain and the United States into effect regarding the preservation of Niagara Falls. The committee is diligently at work in the matter.

Mr. COOPER. Will the gentleman from New York permit a question?

Mr. SULZER. Certainly.

Mr. COOPER. The gentleman will observe another omission in that "whereas"; there is no recital in the clause that the act was extended to March 1, 1912. There is a recital that it was extended to June 29, 1911, but not that it was again extended to March 1, 1912.

Mr. SULZER. Oh, no; the whereas declares that "public resolution No. 9, approved August 22, 1911," carries the Burton Act to the 1st of March, 1912. That is substantially all that I believe is necessary for me to say about this legislation. It is a matter of much urgency; and at the request of several Members I have called it up to-day in the absence of the member of the committee who reported it to the House. The committee deems it a matter of much urgency to pass this legislation as

soon as possible in order to continue the Burton law until the 1st of next May.

Mr. MANN. Will the gentleman yield for a question?

Mr. SULZER. Certainly.

Mr. MANN. What would happen if the Burton Act were not extended beyond the 1st of March?

Mr. SULZER. The whole matter would be open under the treaty provisions.

Mr. MANN. What could be done by anybody if the act should not be extended?

Mr. SULZER. That matter was carefully considered by the committee during the extraordinary session, and it was thought advisable that the Burton Act be extended. I believe that we ought to continue the Burton law until Congress can enact legislation to carry the treaty into effect.

Mr. MANN. Considering the fact that Congress has already heretofore extended the Burton Act by two different joint resolutions, what makes the gentleman believe that they will now be able to finally settle the question by additional legislation by the 1st of May? They have had the subject under consideration for years and evaded it, in a way at least, by extending the provisions of the Burton Act. Why does anybody now think that we can get through Congress before the 1st of May an act settling the whole question?

Mr. SULZER. In reply to the gentleman from Illinois, I desire to say on behalf of the Committee on Foreign Affairs that a subcommittee has just been appointed to consider all legislation now pending in regard to this matter. We hope to prepare a bill which the committee will report ere long to this House to carry the treaty into effect; a bill which I hope will do substantial justice to all concerned.

Mr. MANN. But suppose the committee does report a bill. The Committee on Foreign Affairs has just been passed on a call of committees, and certainly will not be reached again by the 1st of May; and even if it were the bill would have to go through two bodies before it can become a law. I have not the slightest doubt that the gentleman from New York will be in the House again before the 1st of May with another resolution to extend a little further the operation of the Burton Act.

Mr. SULZER. If the committee does not report a bill, I am in favor of continuing the Burton Act until better legislation can be passed. I want to preserve the scenic beauties of Niagara Falls and at the same time do no injustice to anyone concerned. I believe that this Congress will legislate intelligently on the subject matter.

Mr. MANN. I have no doubt that it can legislate intelligently, but not by the 1st of May.

Mr. FOSTER of Vermont. Will the gentleman yield to me?

Mr. SULZER. I yield to the gentleman from Vermont.

Mr. FOSTER of Vermont. Mr. Speaker, I would like to add a word to what the chairman has already said in reply to the gentleman from Illinois. The committee has spent a great deal of time in listening to parties interested in this subject, and the committee is firmly of the opinion that it is going to be able, as the chairman indicates, to submit in the near future a bill which will meet with the approval of the House, and we hope to get that bill through before the 1st of May. In the meantime we offer this resolution. It will go over to the other branch of Congress.

Mr. MANN. And be extended.

Mr. FOSTER of Vermont. Very likely, if it is necessary to extend the date beyond the 1st of May it will be amended so as to extend it. But if it is found unnecessary to extend the date beyond the 1st of May, there will be no amendment; and if later on we should find that it is necessary to introduce another resolution, it will not be a very serious matter. I think everyone is in favor of letting the conditions at Niagara remain in statu quo until a conclusive and final arrangement is agreed upon and put into law. Therefore I trust that there will be no opposition to this resolution.

The SPEAKER. The question is on suspending the rules and passing the House joint resolution as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the resolution was passed.

REPORT OF TARIFF BOARD ON SCHEDULE K.

Mr. FINLEY. Mr. Speaker, I present the privileged concurrent resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House concurrent resolution 32.

Resolved by the House of Representatives (the Senate concurring), That there be printed 20,000 additional copies of House Document No. 342, being the message of the President of the United States transmitting a report of the Tariff Board on Schedule K of the tariff law, 12,000 copies for the use of the House of Representatives and 8,000 copies for the use of the Senate.

Report No. 347 to accompany House concurrent resolution 32.

The Committee on Printing, having had under consideration the House concurrent resolution (H. Con. Res. 32) providing for the printing of House Document No. 342, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be \$13,517.06.

Mr. FINLEY. Mr. Speaker, the resolution and report fully explains the proposition before the House. This provides for a reprint of the report of the Tariff Board on Schedule K. There has been considerable demand for it, and in the opinion of the Committee on Printing the resolution should pass.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. FINLEY. Yes.

Mr. BURKE of South Dakota. As I understood the reading of the resolution, it provides for the printing of 20,000 copies of this report, 8,000 for the use of the Senate and 12,000 for the use of the House.

Mr. FINLEY. That is correct. The committee reported the resolution in the identical language in which it was introduced by the gentleman from Illinois [Mr. MANN].

Mr. BURKE of South Dakota. Will these reports be placed in the folding room?

Mr. FINLEY. They will go to the folding room.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

AMERICAN RED CROSS.

Mr. LEVY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 20287, to amend section 5 of the act entitled "An act to incorporate the American Red Cross," approved January 5, 1905, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 5 of the act for the incorporation of the American National Red Cross, approved January 5, 1905, be, and the same hereby is, amended so that the annual meeting of the said organization shall hereafter be held on Wednesday preceding the second Thursday in the month of December in each and every year.

SEC. 2. That this act shall take effect immediately.

The SPEAKER. Is a second demanded?

Mr. HAY. Mr. Speaker, I demand a second.

Mr. SULZER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I will briefly explain the bill. All it does is to change the time for the annual meeting of the American National Red Cross from the first Tuesday after the first Monday in December each year to the Wednesday preceding the second Thursday in the month of December of each and every year. There is no objection to this change. The following letter, which I will read, explains it:

NATIONAL HEADQUARTERS AMERICAN RED CROSS,
Washington, D. C., February 17, 1912.

HON. WILLIAM SULZER,

House of Representatives, Washington, D. C.

DEAR MR. SULZER: The Red Cross desires to change the date of its annual meeting from "the first Tuesday after the first Monday in December," as now required in the charter, to "the Wednesday preceding the second Thursday in the month of December," because of the fact that during the early part of December many business and other meetings elsewhere require the attendance of a number of Red Cross delegates, and also because of the fact that during the week of the desired later date certain other annual meetings of important associations occur in Washington, some of whose members are or are apt to be delegates to the Red Cross meeting, which they will thus be able to attend. It is, therefore, to provide for a more convenient time for the delegates to meet in Washington that this change to another date for the annual meeting is desired.

Yours, sincerely,

MABEL T. BOARDMAN.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

BRIDGE ACROSS MISSISSIPPI RIVER, ITASCA COUNTY, MINN.

Mr. MILLER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 18155) authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the town of Grand Rapids, a municipal corporation organized and existing under and pursuant to the laws of the State of Minnesota, to build a bridge across the Mississippi River at a point suitable to the interests of navigation, from a point on the northerly bank in said river in lot 4, section 18, to a point on the southerly bank of said river in lot 5, section 18, both points being in township 55 north, range 25 west of the fourth principal meridian, Itasca County, Minn., in accordance with the provisions of an act entitled "An act to regulate the

construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The SPEAKER. Is a second demanded? [After a pause.] A second not being demanded, the question will be taken on the motion to suspend the rules and pass the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

BRIDGES ACROSS KOOTENAI RIVER, LINCOLN COUNTY, MONT.

Mr. ADAMSON. Mr. Speaker, I move to suspend the rules and pass the bill S. 3776 with committee amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3776) permitting the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana.

Be it enacted, etc., That the consent of Congress is hereby granted to the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges, and approaches thereto, across the Kootenai River, at points suitable to the interests of navigation, located as follows, all in Lincoln County, Mont.:

Near the town of Rexford, Mont.: From a point on the south bank of said river in the northwest quarter of section 21, township 36 north, range 28 west, Montana meridian, in Lincoln County, Mont., to a point on the north bank of said river in section 21, township 36 north, range 28 west, Montana meridian, in the same county.

Near the town of Libby, Mont.: From a point on the south bank of said river in the northeast quarter of section 3, township 30 north, range 31 west, Montana meridian, to a point on the north bank of said river in section 3, township 30 north, range 31 west, Montana meridian, in the same county.

Near the town of Troy, Mont.: From a point on the south bank of said river in the southeast quarter of section 12, township 31 north, range 34 west, Montana meridian, to a point on the north bank of said river in the northeast quarter of section 12, township 31 north, range 34 west, Montana meridian, in the same county: *Provided*, That the aforesaid bridges shall be constructed, maintained, and operated in accordance with the provisions of the act entitled "An act to regulate the construction of bridges upon navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "An act granting the consent of Congress to the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana."

The SPEAKER. Is a second demanded? [After a pause.] The Chair hears no demand.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

AGRICULTURAL ENTRIES ON COAL LANDS.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 8784, as amended in the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that we may dispense with the reading of the bill and read the amendment, the amendment being in the nature of a substitute.

The SPEAKER. As a bill is read so it is passed or rejected, and the Clerk will read the amendment, which is in the nature of a substitute.

The Clerk read as follows:

A bill (H. R. 8784) to amend sections 1 and 2 of the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands."

Be it enacted, etc., That from and after the passage of this act unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands or are valuable for coal shall, in addition to the classes of entries or filings described in the act of Congress approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," be subject to selection by the several States within whose limits the lands are situate, under grants made by Congress, and to disposition, in the discretion of the Secretary of the Interior, under the laws providing for the sale of isolated or disconnected tracts of public lands, but there shall be a reservation to the United States of the coal in all such lands so selected or sold and of the right to prospect for, mine, and remove the same in accordance with the provisions of said act of June 22, 1910, and such lands shall be subject to all the conditions and limitations of said act.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Each side is entitled to 20 minutes.

Mr. MANN. I think the amended title should be reported, because this is a motion to suspend the rules.

The Clerk read as follows:

Amend the title so as to read: "A bill to amend the act of June 22, 1910, entitled 'An act to provide for agricultural entries on coal lands.'"

The SPEAKER. The question is, Shall the rules be suspended and the bill pass?

Mr. MANN. Not yet, Mr. Speaker. The gentleman took the floor, I understood, to explain the bill.

The SPEAKER. The Chair did not so understand.

Mr. MONDELL. Mr. Speaker, I did not understand any explanation was desired. I do not care to take up the time of the House unless an explanation is desired.

Mr. MANN. I do not think it is proper to pass a bill of this sort without some statement of what it is.

Mr. MONDELL. I will be very glad to make a statement. The bill extends the provisions of what is known as the surface act by providing for two additional classes of entry under that act. It provides that in addition to the homestead, desert, reclamation, and Carey Act entries, that can now be made on lands of that character, the State shall have the right to make selections of the surface of such lands under congressional grants, and that the Secretary of the Interior, in his discretion, shall have the right to dispose of isolated and disconnected tracts of such land. The bill is in the form recommended by the Interior Department, and was unanimously reported by the committee.

Mr. MANN. Is this bill, as now proposed, in the same form as the bill was reported into the Senate?

Mr. MONDELL. There is a Senate bill on the same subject which I have not seen, but my understanding is that the Senate bill only covers one class of these entries.

Mr. MANN. Well, my recollection is that the Senate bill covered all classes of these entries and is of considerable length.

Mr. MONDELL. Well, this bill was of considerable length originally, as the gentleman will see, but the department suggested that instead of reenacting the act itself it would be better to enact a short provision which would carry out our intent.

Mr. MANN. What I was seeking to learn was information in regard to the probable form of the bill when it passes both bodies, if that should ever happen.

Mr. MONDELL. My desire is that this bill shall not be changed at all when it becomes a law, and, unless there is some very good reason, which I do not know of now and that I do not have in mind now, why it should be changed, I certainly should insist upon the bill passing as it passed the House.

Mr. MANN. I understand that is the position of the gentleman.

Mr. MONDELL. I have not heard any suggestion, I will say to the gentleman, of any change in the form of the bill or any further extension of it.

Mr. MANN. That is the reason why I asked whether the bill as reported in the Senate was in the same form as now reported in the House. My impression was it was a very different bill, aimed to cover all these matters in the bill in a different way perhaps.

Mr. MONDELL. I do not know as to that. I knew there was such a bill, but I do not think it covers anything but State selections. My thought was that it was very proper to do what this bill does, but I had not any thought of going further in extension of this act. And I know of no one else who has.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the amendment to the title be amended by striking out the word "amend" and inserting the word "supplement." We do not amend this statute; we supplement it.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

ISOLATED TRACTS OF PUBLIC LAND.

Mr. TAYLOR of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 2455 of the Revised Statutes of the United States be amended to read as follows:

"Sec. 2455. It shall be lawful for the Commissioner of the General Land Office to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than \$1.25 an acre, any isolated or disconnected tract or parcel of the public domain not exceeding one quarter section which, in his judgment, it would be proper to expose for sale after at least 30 days' notice by the land officers of the district in which such land may be situated: *Provided*, That any legal subdivisions of the public land, not exceeding one quarter section, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of said commissioner, be ordered

into the market and sold pursuant to this act upon the application of any person who owns, or holds a valid entry of, lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this act: *Provided further*, That this act shall not defeat any vested right which has already attached under any pending entry or location."

The SPEAKER. Is a second demanded?

Mr. FOSTER of Illinois. I demand a second, Mr. Speaker.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Colorado [Mr. TAYLOR] is entitled to 20 minutes and the gentleman from Illinois [Mr. FOSTER] to 20 minutes.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to have an explanation of this bill.

Mr. TAYLOR of Colorado. Mr. Speaker, the present law in relation to the sale of isolated tracts of public land is identically the first part of the bill as just read down to the first proviso, together with the second proviso. The first proviso is the only amendment sought to be made by this bill.

I have no intention or desire to change the present law. I am leaving it exactly as it is. But I am trying to add to this section 2455 of the United States Statutes the provision contained in the first proviso, for the sole purpose of making the isolated-tract law applicable to the conditions existing in the mountainous portions of the West. The present law and the rules and regulations thereunder, as set forth in the circular of the Department of the Interior and the General Land Office, dated June 6, 1910, renders the law practically a dead letter so far as the mountainous portions of the country are concerned.

I originally introduced this bill as H. R. 17938. That bill was referred to the Department of the Interior for its consideration. The Secretary, on January 26, 1912, rendered the opinion set out in the report which I have made on the bill.

For the purpose of carrying out the recommendations of the Secretary, as well as complying with some minor suggestions of the Public Lands Committee, I redrafted and reintroduced the bill in its present form. According to the construction placed upon the present law by the Department of the Interior, no tract of land can be considered isolated or disconnected until all of the surrounding lands have gone to patent, or at least been entered within the meaning of the land laws. That kind of a construction and that kind of a law may be all right so far as the plains or level country is concerned. But in the mountainous portions of the West there are, comparatively speaking, no tracts of good land whatever left vacant that are entirely surrounded by patented lands or even entered lands.

The object of the proposed amendment to the existing law is to make the isolated tract law applicable to the mountainous region, especially where the valleys are very narrow and the creeks run diagonally through the legal subdivisions leaving a large number of small, usually three-cornered, patches of Government land—subdivisions that corner down into the valley or bottom land and the greater part thereof extend up onto the mountains or onto broken land or foothills that are too rough for cultivation. Those little corners or patches of land are especially valuable to the adjoining owners and have little or no appreciable value to anyone else, because a homesteader can not afford to put in five years' time on a 5 or 10 acre patch of land, and go to the expense of putting in a long and costly ditch and probably purchase a road through other people's property to get to it. Whereas if these little irregular patches could be purchased from the Government at a fair price and included within the land under the adjoining owner's ditch and connected with his fields, they would be valuable to him and would become taxable property and help enrich the country, rather than remaining idle as thousands of them are at the present time. The adjoining owners are even compelled to fence around them to avoid violating the law. Those vacant pieces are good land and ought to be in cultivation, but they are of no use now to the Government and are a nuisance to the adjoining owners.

They never will become isolated within the construction of the present law, because they extend up on the mountains or onto broken, worthless land that may not be patented land for a hundred years yet, if ever.

The committee deems this not only proper but very important legislation toward the development of the West, and feels that the safeguarding provisions that I have put in this amendment will prevent any possibility of monopoly or speculation in any way. Moreover, the question as to whether or not any tract shall be sold and the conditions under which it shall be sold are left entirely to the discretion of the Commissioner of the General Land Office. And even if his discretion should some day be as liberal as possible, no one could get more than 160 acres of land, and the greater part of that would necessarily

have to be mountainous or too rough for cultivation and therefore practically worthless. There is no practicable way at present for anyone to obtain title to those small pieces of land.

If this bill becomes a law and is construed by the Interior Department in accordance with the way the committee and I intend, it will have the effect of allowing in every mountainous State hundreds of small irregular tracts aggregating many thousand acres of good land to go into private ownership and become productive, and neither the Government nor any person can by any possibility be defrauded or injured in any way, and the whole country will be greatly benefited thereby. This bill is being heartily indorsed by the boards of county commissioners and public officials throughout the West wherever it has been heard of, and if it becomes a law and is fairly construed it will be worth many millions of dollars to each one of those Western States.

When we consider the high cost of living, which keeps getting higher every day, and reflect that just a few years ago 80 per cent of all the population of this country were farmers, while to-day less than 30 per cent are engaged in agricultural pursuits, it does seem to me that any bill that will in an orderly manner tend to bring more good land under cultivation ought to receive the hearty indorsement of every thoughtful American citizen.

I earnestly trust that this measure may receive the favorable consideration of this House and become a law.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 17837.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17837) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

Be it enacted, etc., That section 4 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," is hereby amended to read as follows:

"Sec. 4. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain signed at Paris December 10, 1898: *Provided*, That the Philippine Legislature is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of other insular possessions of the United States, and such other persons residing in the Philippine Islands who could become citizens of the United States under the laws of the United States if residing therein."

The SPEAKER. Is a second demanded? [After a pause.] A second not being demanded, the question is, Shall the rules be suspended and the bill pass?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, that having been determined, I make the suggestion that there is no quorum present, and it is now 5 o'clock.

Mr. SULZER. Mr. Speaker, I ask the gentleman to withhold his motion for a moment.

Mr. MANN. Oh, we might as well adjourn now.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Friday, February 23, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Rhoda* (H. Doc. No. 562); to the Committee on Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and of fact in the French spoliation cases relating to the vessel schooner *Alfred* (H. Doc. No. 561); to the Committee on Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriations for construction and equipping a service magazine, etc., at Sandy Hook Proving Ground, N. J., to replace one destroyed by fire February 11, 1912 (H. Doc. No. 560); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. NYE, from the Committee on the Judiciary, to which was referred the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, reported the same with amendment, accompanied by a report (No. 342), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 17032) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal., reported the same without amendment, accompanied by a report (No. 344), which said bill and report were referred to the House Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 118) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, reported the same without amendment, accompanied by a report (No. 346), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WILSON of New York, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 345), which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Military Affairs, to which was referred the bill (S. 5046) to authorize the appointment of Shepler Ward Fitzgerald and of Alden George Strong to the grade of second lieutenant in the Army, reported the same without amendment, accompanied by a report (No. 343), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 20362) granting a pension to Catherine Wise; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20390) granting a pension to James D. Setliff; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20239) granting a pension to William Z. Edelin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20532) granting a pension to Ellen Bernard Lee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20549) granting a pension to Robert Strong; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 20623) to provide for the grading and improving of Minnesota Avenue SE. from Good Hope Road to Eighteenth Street, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PADGETT: A bill (H. R. 20624) to reimburse the enlisted men of the U. S. S. *Georgia* who suffered loss through the defalcation of Paymaster's Clerk Edward V. Lee; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 20625) to provide for the erection of a schoolhouse for the detached Indians living in the Kootenai Valley, Idaho; to the Committee on Indian Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 20626) to amend the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

By Mr. JONES: A bill (H. R. 20627) to provide for grading the roadway along the east side of the national cemetery at Fredericksburg, Va.; to the Committee on Military Affairs.

By Mr. LEVY: A bill (H. R. 20629) for increasing the Naval Establishment; to the Committee on Naval Affairs.

By Mr. HARDY: A bill (H. R. 20630) to provide for the further Federal regulation of pilotage; to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTHOLDT: A bill (H. R. 20631) to authorize the Commissioner of Internal Revenue to remit the specific penalty under subsection 8 of section 38 of the act approved August 5, 1909, in certain cases, and for other purposes; to the Committee on Ways and Means.

By Mr. WICKERSHAM: A bill (H. R. 20632) to provide assistance to persons in Alaska who are indigent and incapacitated through age, sickness, or accident, and for other purposes; to the Committee on the Territories.

By Mr. WILSON of Illinois: Joint resolution (H. J. Res. 249) for the purpose of creating a commission to investigate the general industrial conditions throughout the United States, with special reference to dangerous machines in places of employment, hygiene, ventilation, sanitation, occupational diseases, industrial poisons, fire protection, wages, effects of long hours of labor of women and children, the efficiency of mercantile and mechanical establishments, factories, workshops, laundries, mines, quarries, and transportation companies; to the Committee on Rules.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 250) providing for institution of suits to determine and adjudicate the rights of the Pima Indians to the use of the water of the Gila River and its tributaries in Arizona and New Mexico for irrigation purposes, and to determine and adjudicate the rights of the Yakima Indians to the use of water, for irrigation purposes, of Atanum Creek and the Yakima River and its tributaries in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEVER: Concurrent resolution (H. Con. Res. 40) providing for printing 10,000 copies of Senate Document No. 190; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WILSON of New York: A bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House on the state of the Union.

By Mr. ANSBERRY: A bill (H. R. 20633) granting a pension to Annie E. Best; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 20634) granting a pension to Rupert Haas; to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 20635) for the relief of Morrell Schoonover; to the Committee on War Claims.

Also, a bill (H. R. 20636) granting a pension to Joseph K. Jefferys; to the Committee on Pensions.

Also, a bill (H. R. 20637) granting a pension to Edgar Travis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20638) granting an increase of pension to Clark Gidley; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 20639) for the relief of the estate of James Curtis, late major, United States Army; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 20640) for the relief of William A. Power; to the Committee on War Claims.

By Mr. COX of Ohio: A bill (H. R. 20641) granting an increase of pension to Charles W. Hartpence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20642) granting a pension to Sylvester Haus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20643) granting a pension to William Weir; to the Committee on Pensions.

Also, a bill (H. R. 20644) for the relief of the estate of Samuel Judd, deceased; to the Committee on War Claims.

By Mr. CRAVENS: A bill (H. R. 20645) granting an increase of pension to Andrew J. Peters; to the Committee on Invalid Pensions.

By Mr. DUPRE: A bill (H. R. 20646) for the relief of the estate of Philip Felix Herwig, deceased, and authorizing a credit in certain accounts; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 20647) for the relief of the heirs of Elizabeth Ryan; to the Committee on War Claims.

Also, a bill (H. R. 20648) for the relief of the heirs of John Dasher; to the Committee on War Claims.

By Mr. GOULD: A bill (H. R. 20649) granting an increase of pension to Knowles Bangs; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 20650) granting a pension to Samantha L. Draper; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 20651) granting a pension to W. R. Trout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20652) granting a pension to Charles A. Sheets; to the Committee on Pensions.

Also, a bill (H. R. 20653) for the relief of W. D. Whitworth; to the Committee on War Claims.

Also, a bill (H. R. 20654) granting an increase of pension to Stephen M. McAllister; to the Committee on Pensions.

Also, a bill (H. R. 20655) granting an increase of pension to Reuben M. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20656) granting an increase of pension to Henry Gaines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20657) granting an increase of pension to Nicholas Burlbaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20658) granting an increase of pension to John W. Wray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20659) granting an increase of pension to William G. Reppy; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 20660) granting a pension to Hiley Underwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20661) for the relief of the legal representatives of R. B. Donnell; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 20662) granting an increase of pension to Henry Hughes; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 20663) granting an increase of pension to John H. Stratton; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 20664) granting an increase of pension to Andrew J. Escue; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 20665) granting an increase of pension to Willard Huffman; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 20666) granting a pension to Thomas Oldston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20667) granting a pension to Ardilla D. Rigg; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 20668) granting a pension to Catherine E. Broomfield; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 20669) for the relief of Isabella H. Silvey; to the Committee on War Claims.

By Mr. PARRAN: A bill (H. R. 20670) for the relief of Patrick Lannon; to the Committee on Military Affairs.

Also, a bill (H. R. 20671) granting a pension to James C. Landstreet; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 20672) granting an increase of pension to Albert Keller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20673) granting an increase of pension to Alpheus Thomas; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 20674) granting an increase of pension to Rufus L. Robinson; to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 20675) granting an increase of pension to Henry B. De Wald; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 20676) granting an increase of pension to Ira B. Timmons; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 20677) to correct the military record of Alfred J. Cook; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 20678) for the relief of Mrs. C. H. Ridley; to the Committee on War Claims.

By Mr. THISTLEWOOD: A bill (H. R. 20679) granting a pension to Susan Courier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20680) granting an increase of pension to Viola A. Lauderdale; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 20681) granting an increase of pension to James K. Meyler; to the Committee on Invalid Pensions.

By Mr. WILDER: A bill (H. R. 20682) for the relief of John W. Morse; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Edward Layport, of Columbus Grove, Ohio, for passage of an effective interstate liquor law, etc.; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Grange No. 1816, of Coshoccon County, Ohio, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of T. Lanning & Co., of Dennison, Ohio, protesting against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Atterbein Brotherhood, of New Philadelphia, Ohio, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of the Council of the Massachusetts Medical Society, of Boston, Mass., in favor of the restoration of the Army canteen; to the Committee on Military Affairs.

Also, petitions of the German-American Alliance, of Hermann, Mo., and the German-American Pioneer Association, of Lafayette, Mo., protesting against interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of Dr. George E. Shoemaker, of the Presbyterian Hospital, Philadelphia, Pa., in favor of legislation to restore the Army canteen; to the Committee on Military Affairs.

By Mr. BUTLER: Petitions of the Woman's Christian Temperance Union and churches of the State of Pennsylvania, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 67, 980, and 1173, Patrons of Husbandry, for certain amendments to the oleomargarine laws; to the Committee on Agriculture.

By Mr. CARY: Memorial of Wisconsin Butter Makers' Association, protesting against House bill 18493; to the Committee on Agriculture.

By Mr. COPLEY: Petitions of citizens of Aurora, Ill., and of the First Evangelical Church of Elmhurst, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Hampshire, Ill., against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of Arminto Williams (H. R. 20020); to the Committee on Invalid Pensions.

Also, papers to accompany House bill 19502; to the Committee on Military Affairs.

By Mr. FULLER: Petition of National Association of Life Policy Holders, favoring certain amendments to corporation-tax law, concerning the taxing of net incomes of corporations, etc.; to the Committee on Ways and Means.

Also, petition of Post No. 478, Grand Army of the Republic, in opposition to the Smoot pension bill and favoring the Sherwood bill (H. R. 1); to the Committee on Invalid Pensions.

By Mr. GOULD: Petition of Benton (Me.) Grange, Patrons of Husbandry, for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. GRAY: Papers to accompany bills for the relief of Daniel Bennett and Andrew Willis (H. R. 8527 and 8962); to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petitions of citizens of Constantine, Freeport, Lawrence, and South Haven, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HARTMAN: Petition of citizens of the State of Pennsylvania, indorsing House joint resolution 163; to the Committee on the Judiciary.

Also, petitions of German societies of Altoona and Hollidaysburg, Pa., protesting against prohibition and interstate liquor measures; to the Committee on the Judiciary.

Also, petition of Post No. 474, Grand Army of the Republic, for passage of Sulloway pension bill, or similar measure, etc.; to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of citizens of Hartford, Conn., for passage of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. HENRY of Texas: Petition of citizens of McGregor, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HENSLEY: Petition of Central Methodist Episcopal Church South of Bonne Terre, Mo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of residents of Norwich, Conn., in favor of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. HOUSTON: Papers to accompany House bill 12686, granting a pension to William L. Brown; to the Committee on Pensions.

Also, papers to accompany House bill 19749, granting an increase of pension to Canton A. Cox; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9925, granting an increase of pension to Robert L. Higgins; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Petitions of citizens of the State of Washington, for passage of old-age pension bill; to the Committee on Pensions.

Also, petition of the Woman's Christian Temperance Union of Mount Vernon, Wash., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Washington, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Bellingham and Ferndale, Wash., protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Washington, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. KINKAID of Nebraska: Petitions of citizens of the State of Nebraska, for passage of House bills 14 and 16819; to the Committee on the Post Office and Post Roads.

By Mr. KONOP: Petition of E. J. Westphal and others, of Appleton, Wis., protesting against enactment of Senate bill 237 into law; to the Committee on the District of Columbia.

Also, petition of E. J. Westphal, of Appleton, Wis., protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of Charles Schroeder and others, of Green Bay, Wis., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. LAFFERTY: Memorials of the Seventh-day Adventist Churches of Beaverton, Halfway, Milton, Portland, and Salem, Oreg., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, resolution of the Portland (Oreg.) Rotary Club, urging the passage of the bill providing for the creation of a division of information for dispensing information to immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of the City Council of Bend, Oreg., urging passage of bill providing for the establishment of experimental town mail-delivery systems and suggesting that such a system be established at Bend, Oreg.; to the Committee on the Post Office and Post Roads.

Also, petition of W. D. Campbell and others, urging passage of bill providing for the establishment of a parcel post as prepared by the Postal Progress League; to the Committee on the Post Office and Post Roads.

Also, petitions of J. Rosenberg and others, of Oregon, urging passage of bill providing pensions to aged citizens; to the Committee on Pensions.

Also, petition of H. S. Pruner, asking for a reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of William Nichols and others, protesting against the passage of the bill providing for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, resolution of Scout Young Camp, No. 2, United Spanish War Veterans, urging the repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petition of Hon. J. W. Maloney and others, urging passage of the bill providing pay for the members of the National Guard; to the Committee on Military Affairs.

Also, petition of Mrs. H. M. Ford and others, urging passage of resolution providing for a constitutional amendment prohibiting the sale, manufacture, and importation of intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of the Allied Forest Protective Associations of the Pacific Coast States composing the Western Forestry and Conservation Association, commending the Forest Service for work done and urging an increase in the appropriation for its maintenance and extension; to the Committee on Agriculture.

By Mr. LEVY: Petition of Camp No. 19, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, memorial of Maritime Exchange of New York, remonstrating against abolishing the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Chase, Roberts & Co., of Long Island City, N. Y., against certain paragraph of chemical bill; to the Committee on Ways and Means.

Also, petition of Army and Navy Union, for passage of House joint resolution 239; to the Committee on Military Affairs.

By Mr. LOUD: Papers to accompany bill for the relief of Willard Huffman; to the Committee on Invalid Pensions.

Also, petition of Henry McCormack and others, of Ithaca, Mich., against passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of citizens of Crosswell, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MARTIN of South Dakota: Memorial of Post No. 96, Grand Army of the Republic, protesting against proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petition of Pennsylvania State Board of Agriculture, in favor of Senate bill 4563; to the Committee on Agriculture.

By Mr. PETERS: Petition of medical staff of the Carney Hospital, South Boston, Mass., for passage of House bill 16690; to the Committee on Ways and Means.

By Mr. RAKER: Memorial of Chamber of Commerce of Sierra Madre, Cal., for passage of House bill 16841; to the Committee on Appropriations.

By Mr. STEDMAN: Petitions of members of Improved Order of Red Men of fifth congressional district of North Carolina, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: Petitions of citizens of Brooklyn and New York City, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of National Model License League, for passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of American Association for Labor Legislation, for passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of L. C. Gillespie & Sons, of New York City, relative to certain paragraphs of the chemical bill; to the Committee on Ways and Means.

By Mr. TILSON: Petition of the New Haven (Conn.) Chamber of Commerce, in favor of an international commission on the cost of living; to the Committee on Foreign Affairs.

By Mr. VREELAND: Petition of the First Baptist Church of Rushford, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILDER: Petition of the Woman's Christian Temperance Union of Ashland, Mass., for a certain amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of members of Improved Order of Red Men of Fitchburg, Mass., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. WILSON of New York: Petition of Wyckoff Heights Taxpayers' Association, of Brooklyn, N. Y., for construction of a battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. WOOD of New Jersey: Petitions of churches and Woman's Christian Temperance Unions of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of J. E. Murphy and sundry citizens, of Kemp, Tex., in favor of bill prohibiting gambling in products of the farm; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 23, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, draw us by Thy holy influence close to Thee, and make dominant in our hearts the angel song, "Glory to God in the highest, and on earth peace, good will toward men," that we may be at one with Thee, and enjoy a foretaste of the heaven which waits on the faithful. And songs of praises we will ever give to Thee. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4445. An act concerning unrigged vessels.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4445. An act concerning unrigged vessels; to the Committee on the Merchant Marine and Fisheries.

MAJ. GEN. F. C. AINSWORTH.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to report the following privileged resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Virginia [Mr. HAY] reports a privileged resolution, which the Clerk will read, and asks for its immediate consideration.

The Clerk read as follows:

House resolution 415.

Whereas on February 15, 1912, there was read in the House of Representatives a letter from the Secretary of War containing extracts of communications alleged to have been sent by Maj. Gen. F. C. Ainsworth, The Adjutant General of the Army, to the Secretary of War and to other officers of the Army; and

Whereas justice demands that the whole correspondence be disclosed: Therefore be it

Resolved, That the Secretary of War be, and he is hereby, directed to send to the House of Representatives full and complete copies of all memoranda, indorsements, reports, and other records which are on file in any bureau or office of the War Department which have any bearing on the extracts from communications of The Adjutant General of the Army which were embodied in the letter of the Secretary of War dated February 14, 1912, to The Adjutant General of the Army, which letter was read in the House of Representatives on February 15, 1912, and published on pages 2218 and 2219 of the CONGRESSIONAL RECORD of February 15, 1912.

Mr. HAY, from the Committee on Military Affairs, submitted the following report (No. 349) to accompany House resolution 415:

The Committee on Military Affairs, to whom was referred House resolution 415, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

In line 5, after the word "Department," insert the word "and," and after the word "which," in the same line, insert the words "contain or."

Mr. MANN. I reserve a point of order, and ask the gentleman whether this report or resolution is opposed by the minority members of the committee?

Mr. HAY. It is not.

Mr. MANN. I withdraw the point of order.

Mr. HAY. I ask for a vote.

The SPEAKER. The question is on the amendment to the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

PENSION BILLS.

The SPEAKER. This is Friday, Private Calendar day, and pensions have priority.

Mr. ADAIR. I ask unanimous consent that all bills on the Private Calendar be considered in the House as in Committee of the Whole.

The SPEAKER. Does the gentleman confine it to pension bills?

Mr. ADAIR. To pension bills.

The SPEAKER. The gentleman from Indiana asks unanimous consent that pension bills on the calendar be considered in the House as in the Committee of the Whole.

Mr. MANN. On the Private Calendar.

The SPEAKER. On the Private Calendar.

Mr. SHERLEY. Mr. Speaker, pending that, I desire to give notice that at the conclusion of the pension business I shall ask that the House resolve itself into the Committee of the Whole

House on the state of the Union for the consideration of the fortifications appropriation bill.

The SPEAKER. Pending that, the gentleman from Kentucky serves notice that as soon as these pension bills are disposed of he will move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the fortifications appropriation bill. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I desire to give notice that at the conclusion of the business on the Private Calendar to-day I shall ask that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the diplomatic and consular appropriation bill.

The SPEAKER. The gentleman from New York serves notice that when these pension bills are disposed of he will make the motion that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the diplomatic appropriation bill.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. During the consideration of the pension bills would it be in order for the gentleman from New York [Mr. SULZER] and the gentleman from Kentucky [Mr. SHERLEY] to arrange that matter in the lobby?

The SPEAKER. The Chair rather thinks it would. [Laughter.]

Mr. SHERLEY. Mr. Speaker, the statement I made was with proper consideration of the fact that the House ought to know what would likely be the business to come before it. I consulted with the Speaker of the House, and while the recognition necessarily rests with him as to motions of equal privilege, assuming that the recognition would be given to me for this purpose, I made the statement for the information of the House.

The SPEAKER. The Chair thinks the House understood that.

Mr. RAKER. Mr. Speaker, on to-day's Private Calendar is Senate bill 2453. Would that not be in order after the disposition of private pension bills?

The SPEAKER. This is private-bill day, and the parliamentary situation is this: If these gentlemen with these privileged bills wanted to antagonize this pension business and the rest of the private bills they could do it by simply making a motion; but that does not mean that the motion would prevail. When we get through with these pension bills, of course the rest of the Private Calendar is in order, unless the House votes to take up one of the appropriation bills.

Mr. RAKER. I am satisfied that the gentleman from New York [Mr. SULZER] and the gentleman from Kentucky [Mr. SHERLEY] will not oppose this little matter. It is unanimously reported by the committee and is easy to dispose of.

Mr. SHERLEY. The gentleman draws his own conclusion.

Mr. MANN. I ask for the regular order.

The SPEAKER. The regular order is the request of the gentleman from Indiana [Mr. ADAIR] to consider pension bills in the House as in Committee of the Whole. Is there objection?

Mr. RODDENBERRY. Reserving the right to object, I would like to inquire of the gentleman from Indiana if he proposes to take up both special bills at this time under his motion?

Mr. ADAIR. I propose to take up the bills H. R. 20586 and 20585. In the two bills there are 354 claims.

The SPEAKER. The Chair will state to the gentleman from Georgia and the gentleman from Indiana that these bills will be called in their order on the calendar.

Mr. ADAIR. They are only called up in the order they are on the calendar.

Mr. RODDENBERRY. If unanimous consent is granted, will there be any disposition to prevent a motion for the consideration of the bill, paragraph by paragraph, as each pension is reached?

Mr. ADAIR. The bills will be considered in the House as they always have been considered heretofore, by reading each item from the Clerk's desk.

Mr. RODDENBERRY. Does not the gentleman think, in view of the fact that these bills have just been reported and that the report has just been made available to Members this morning, the bill covering 350 pensions, that it does not give the membership an opportunity to look into the bills and the reports?

Mr. ADAIR. I scarcely think so; this has been the custom in the House for 20 or 25 years, and I see no necessity for varying the rule. In the past it has worked well; no harm has been done to any person, individual, or to the country. These bills are unanimously reported from the Committees on Pensions and Invalid Pensions, and I see no objection to proceeding in the usual way in passing the bills.

Mr. RODDENBERRY. I object.

Mr. TRIBBLE. Mr. Speaker, I rise to ask if the gentleman will allow an amendment.

The SPEAKER. This matter has been disposed of by the objection of the gentleman from Georgia.

Mr. ADAIR. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole for consideration of bills on the Private Calendar.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RUCKER of Colorado in the chair.

Mr. RICHARDSON. Mr. Chairman, I call up the bill H. R. 20628.

The CHAIRMAN. The Chair will state that these bills must be called up in the regular order in which they are found on the calendar.

Mr. RICHARDSON. But it has been agreed upon between the gentleman from Indiana and myself that this bill shall have precedence. These bills are from different committees.

The CHAIRMAN. That can only be done by unanimous consent. A private agreement to that effect can not be recognized.

Mr. RICHARDSON. I ask unanimous consent that I be allowed to call up the bills from the Pension Committee first.

Mr. RAKER. Mr. Chairman, I object.

Mr. ADAIR. Mr. Chairman, I call up the bill H. R. 20585.

The CHAIRMAN. The gentleman from Indiana calls up the bill H. R. 20585, the first pension bill on the calendar. The Chair will inform the gentleman that these bills must be called up in the order in which they are found on the calendar, unless it is determined otherwise by unanimous consent.

Mr. ADAIR. Then I will ask unanimous consent that the bill H. R. 20585 be taken up and now considered.

The CHAIRMAN. The Clerk will report the first bill on the Private Calendar.

The Clerk reported the bill S. 2453, an act for the relief of Benjamin F. Martz, and for other purposes.

Mr. FULLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FULLER. Are not pension bills given the right of way under the rule at this time? I think private pension bills have the preference under the rule, and should be first considered.

The CHAIRMAN. The gentleman is right, pension bills do have the preference under the rule, and the Clerk will report the first pension bill.

The Clerk read as follows:

A bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. ADAIR. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with.

Mr. RODDENBERRY. Mr. Chairman, reserving the right to object, I ask which bill the gentleman proposes to take up?

Mr. ADAIR. It is the bill H. R. 20585.

Mr. RODDENBERRY. Did I not understand that the bills were to be taken up in their order?

The CHAIRMAN. The Chair has ruled that pension bills should be taken up in their order.

Mr. RODDENBERRY. Mr. Chairman, I dislike very much to object to the gentleman's request, which, in effect, is to go directly to the bill and let it receive consideration.

We have had no time to examine the bill, and the objection to the gentleman's request is not a desire to pursue a dilatory course, but that objection will give the Members, if they desire it, a few moments' opportunity while it is being read to look over this report, and I respectfully object.

Mr. HAMILTON of West Virginia. It has to be read a second time; this is the first reading.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Alexander Babie, late of Company E, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Ford, late of Company C, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Flora O. McGinnis, widow of John J. McGinnis, late of Company B, One hundred and sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Reuben H. Dillon, late of Companies B and K, Fifth Regiment, and Company K, Sixth Regiment, West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John O. Bryan, late of Company E, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Leicester B. Goodell, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Agnes W. Culley, widow of Frank C. Culley, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Henry W. Wise, late of Company C, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Smith, late of Company F, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel C. Enochs, late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry H. Brunsteter, late of Company F, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Israel S. Fletcher, late of Company K, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph M. Ranney, late of Company B, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cicero C. Wait, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Greenberry V. Miles, late of Company B, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Bernard Campbell, late of Company I, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Annie H. Schuler, widow of David A. Schuler, late of General Service, and pay her a pension at the rate of \$12 per month.

The name of Israel Bower, late of Company D, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edwin Sharp, late of Company E, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Absalom N. Day, late of Company K, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mathew Maroney, late of Company B, Fifth Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Christopher C. Pike, late of Company A, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Reasin W. Eberhardt, late of Company D, Eighty-sixth Regiment, and Company F, One hundred and seventy-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Roberts, late of Company M, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Margaret I. Anderson, widow of Hamilton A. Anderson, late of Company D, One hundred and thirty-second Regiment, and Company K, Forty-third Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Isaac Spicher, late of Company K, One hundred and second Regiment, and Company K, Sixteenth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas R. Dumont, late of Company A, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. Chance, late of Company E, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jesse Metz, late of Band, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Theodore Weaver, late of Company K, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel W. Young, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and Company A, Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Theodore Shockley, late of Company K, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alvan G. Fleury, late of Company K, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Amanzel L. Spore, late of Company G, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ella Brodrick, helpless and dependent child of William P. Brodrick, late of Company F, Eighteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Augustus A. Shepherd, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Annie A. Lewis, former widow of George W. H. Allen, late of Battery E, First Regiment Rhode Island Volunteer Light Artillery, and Company L, Eleventh United States Colored Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of James Collier, late of Company I, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harriet M. Hakes, widow of Cary R. Hakes, late of Company A, Twenty-first Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Edward T. Buffum, late of Company F, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Rogers, late of Company L, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob P. Maple, late of Company D, First Battalion Nebraska Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benton O. Lewis, late of Company D, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Lucore, late of Company G, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William W. King, late of Company H, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John E. Campbell, late of Company F, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William F. Laton, late of Company H, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Francis M. Sanders, late of Company G, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob R. Smith, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Bryan, late of Company A, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David L. Coffman, late of Company F, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert C. Miller, late of Company C, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob Grundich, late of Company K, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Shaffer, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John Bonhoy, late of Company G, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Noah Sipes, late of Company D, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Christopher C. Wright, late of Company C, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Davis, late of Company B, Fourteenth Regiment, and unassigned One hundred and fifty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James S. Carter, late of Company E, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Wilson, late of Company H, Thirty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Engler, late of Company C, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alfred D. Dietrich, late of Company G, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Louis Hartrott, late of Company G, Fourth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Christopher Dillon, late of Company D, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elizabeth Rink, widow of Charles A. Rink, late of Company C, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Samuel Sewell, late of Company B, Thirty-eighth Regiment, and Company I, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David A. Piatt, late of Company H, First Regiment, and Company G, Eighteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alexander Clements, late of Company B, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William E. Peters, late of Company M, Twelfth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas KeChittigo, late of Company K, First Regiment Michigan Volunteer Sharpshooters, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Byron F. Davis, late of Company A, Independent Battalion, Pennsylvania Volunteer Heavy Artillery, and adjutant, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Reuben Jones, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mathias Klingel, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cadie Burrell, late of Company G, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jonathan S. Tindall, late of Company A, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Isaac J. Monk, late of Company E, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David M. Corbett, late of Company D, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. Housewerth, late of Company H, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Rusie, late of Company C, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Tabor, late of Company G, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George L. Byers, late of Company B, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin Barnhart, late of Company B, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Day, late of Company E, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Thomas J. Rice, late of Company I, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Lewis, late of Companies E and G, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George W. Doss, late of Company A, Seventeenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Varner, late of Company E, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary Odor, former widow of Walter Bell, late of Company K, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Leander D. Bevan, late of Company D, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lucy Peters, helpless and dependent child of Gibson Peters, late of Company F, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of James M. Totten, late of Company D, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Rossiter, late first-class fireman, U. S. S. North Carolina, Seneca, and Princeton, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Taylor, late of Company M, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eli Snyder, late of Company I, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Warner, late of Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Pethuel Dorcas, late of Company H, Sixty-sixth Regiment, and Company G, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Spencer C. Weaver, late of Company B, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Johnston, late of Company F, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaac Shemery, late of Company I, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel Cloud, late of Company G, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George S. Hampton, late of Company D, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Tungate, late of Company F, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alexander Morrow, late of Company G, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Allen O. Underhill, late of Company F, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward A. Bushnell, late acting second assistant engineer, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward Prentice, late of Company K, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Guy Smith, late of Company B, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Colvill, late of Company A, One hundred and fifty-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Cottingham, late of Company F, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Louis Keller, late of Companies A and F, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John A. Forbes, late of Company F, Forty-second Regiment Illinois Volunteer Infantry, and Company I, Seventh Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas H. Davis, late of Company E, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph H. Smith, late of Company H, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Walter J. Hardin, late of Companies C and D, First Regiment Nebraska Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William H. Richmond, late acting master's mate, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Louise A. Coe, widow of Edward Coe, late of Company F, Twenty-ninth Regiment Connecticut Volunteer Infantry, and Company I, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jesse P. Boone, late of Company D, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frank Bleser, late of Company K, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Thomas, late of Company G, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Thomas B. Holt, late of Company H, Fourth Regiment, and Company M, Twelfth Regiment, Illinois Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Leavitt O. Virgin, late of Company E, Maine Coast Guards, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John A. Fry, late of Company F, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry W. Rowley, late of Company E, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Wood, late of Company A, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Corl, late of Company D, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles C. Stover, late of Company A, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry E. Hill, late of Company E, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph A. Edmonds, late of Company C, One hundred and thirtieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Americus V. Kendrick, late of Company A, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Gammon, late of Company K, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel A. Garland, late of Company A, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Eisenlauer, late of Company F, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Amanda Neuffer, helpless and dependent child of Jacob Neuffer, late of Company D, One hundred and seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Richard Murphy, late of Battery B, Fifth Regiment United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Theodore F. Garvin, late of Company G, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eliza B. Herbst, widow of James D. Herbst, late of Company I, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Jane E. Wood, widow of John F. Wood, late of Company E, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Susan Fairchild, widow of William L. Fairchild, late of Company H, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Zimri Harrison, late of Company F, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Samuel W. Keymer, late boatswain's mate U. S. S. T. A. Ward, Wabash, and Princeton, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Polk D. Southard, late of Company D, First Battalion Arkansas Volunteer Infantry, and Company H, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Arthur Crawford, helpless and dependent child of James Crawford, late of Companies K and A, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Mary L. Tate, former widow of John D. Fowler, late of Company D, One hundred and fifty-second Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$12 per month.

The name of Jasper W. Shoemaker, late of Company H, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas L. Stringer, late landsman, U. S. S. North Carolina, Henry Adress, and Norwich, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Freeman, late of Company E, Thirty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alonzo Carson, late of Company B, One hundred and twentieth Regiment, and Company H, Seventy-third Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Hall, late of Company G, Twenty-sixth and Forty-fourth Regiments Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Louisa McConnell, widow of Joseph P. McConnell, late of Company E, Ninth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph H. Cox, late of Company F, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John N. Fox, late of Company D, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Benjamin F. Cohee, late of Companies E and I, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Luvina R. Prater, widow of George Prater, late of Company G, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Emanuel Strader, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Julius O. Deming, late of Company F, First Regiment Connecticut Volunteer Infantry, and Company G, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah Adams, widow of Edwin H. Adams, alias Francis P. Wyse, late of U. S. S. Minnesota, United States Navy, and pay her a pension at the rate of \$12 per month.

The name of Lizzie Allen, widow of Martin V. Allen, late of Company E, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph Hacker, late of Companies B and I, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Cheuvront, late of Company F, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harrison Shoemaker, late of Company G, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert Bryant, late of Company E, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George W. Welshymer, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin Heller, late of Company A, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Margaret Miller, former widow of Joseph Jimmerson, late of Company E, Forty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John Y. Hitt, late surgeon Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Josiah H. Ford, late of Company L, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Archibald McGaughey, late of Company B, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Archibald Spratt, late of Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Hubbell, late of Company F, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Philo M. Barnes, late of Seventeenth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Douglas Delano, late of Company D, One hundred and fifty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jefferson Wells, alias Jefferson Wilcox, late landsman U. S. S. Merrimac and Vermont, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 89. Alexander Bable.	H. R. 2161. Thomas R. Dumont.
H. R. 108. John Ford.	H. R. 2227. John J. Chance.
H. R. 172. Flora O. McGinnis.	H. R. 2292. Jesse Metz.
H. R. 189. Reuben H. Dillon.	H. R. 2383. Theodore Weaver.
H. R. 239. John O. Bryan.	H. R. 2644. Daniel W. Young.
H. R. 242. Leicester B. Goodell.	H. R. 2739. Theodore Shockley.
H. R. 262. Agnes W. Culley.	H. R. 2836. Alvan G. Fleury.
H. R. 282. Henry W. Wise.	H. R. 3041. Amanzel L. Spore.
H. R. 454. Henry Smith.	H. R. 3265. Ella Brodrick.
H. R. 514. Samuel C. Enochs.	H. R. 3460. Augustus A. Shepherd.
H. R. 523. Henry H. Brunsteter.	H. R. 3534. Annie A. Lewis.
H. R. 626. Israel S. Fletcher.	H. R. 3558. James Collier.
H. R. 667. Joseph M. Ranney.	H. R. 3568. Harriet M. Hakes.
H. R. 1348. Cicero C. Wait.	H. R. 3623. Edward T. Buffum.
H. R. 1527. Greenberry V. Miles.	H. R. 3643. Henry Rogers.
H. R. 1545. Bernard Campbell.	H. R. 3650. Jacob P. Maple.
H. R. 1560. Annie H. Schuler.	H. R. 3652. Benton O. Lewis.
H. R. 1594. Israel Bower.	H. R. 3772. John W. Lucore.
H. R. 1765. Edwin Sharp.	H. R. 3791. William W. King.
H. R. 1849. Absalom N. Day.	H. R. 3824. John E. Campbell.
H. R. 1913. Mathew Maroney.	H. R. 3846. William F. Laton.
H. R. 1966. Christopher C. Pike.	H. R. 3848. Francis M. Sanders.
H. R. 1996. Reasin W. Eberhardt.	H. R. 3850. Jacob R. Smith.
H. R. 2004. George W. Roberts.	H. R. 3880. William Bryan.
H. R. 2068. Margaret I. Anderson.	H. R. 3894. David L. Coffman.
H. R. 2159. Isaac Spicher.	H. R. 3905. Robert C. Miller.

H. R. 4055. Jacob Grundich.
 H. R. 4062. George Shaffer.
 H. R. 4073. John Bonheyo.
 H. R. 4104. Noah Sipes.
 H. R. 4235. Christopher C. Wright.
 H. R. 4261. William Davis.
 H. R. 4304. James S. Carter.
 H. R. 4401. John Wilson.
 H. R. 4531. John Engler.
 H. R. 4540. Alfred D. Dietrich.
 H. R. 4566. Louis Hartrodt.
 H. R. 4587. Christopher Dillon.
 H. R. 4595. Elizabeth Rink.
 H. R. 4605. Samuel Sewell.
 H. R. 4638. David A. Platt.
 H. R. 4811. Alexander Clements.
 H. R. 4858. William E. Peters.
 H. R. 4879. Thomas Ke Chittigo.
 H. R. 4886. Byron F. Davis.
 H. R. 4920. Reuben Jones.
 H. R. 5196. Mathias Klingel.
 H. R. 5233. Cadle Burrell.
 H. R. 5249. Jonathan S. Tindall.
 H. R. 5256. Isaac J. Monk.
 H. R. 5369. David M. Corbett.
 H. R. 5386. John J. Housewerth.
 H. R. 5546. William A. Rusle.
 H. R. 5574. James M. Tabor.
 H. R. 5590. George L. Byers.
 H. R. 5671. Martin Barnhart.
 H. R. 5698. John Day.
 H. R. 5736. Thomas J. Rice.
 H. R. 5825. William H. Lewis.
 H. R. 5860. George W. Doss.
 H. R. 6053. Samuel Varner.
 H. R. 6078. Mary Odor.
 H. R. 6204. Leander D. Bevan.
 H. R. 6228. Lucy Peters.
 H. R. 6282. James M. Totten.
 H. R. 6283. Charles Rossiter.
 H. R. 6335. William J. Taylor.
 H. R. 6377. Eli Snyder.
 H. R. 6385. David Warner.
 H. R. 6418. Pethuel Dorcas.
 H. R. 6463. Spencer C. Weaver.
 H. R. 6560. Samuel Johnston.
 H. R. 6633. Isaac Shemery.
 H. R. 6756. Samuel Cloud.
 H. R. 6798. George S. Hampton.
 H. R. 6828. William H. Tungate.
 H. R. 6913. Alexander Morrow.
 H. R. 6934. Allen O. Underhill.
 H. R. 7018. Edward A. Bushnell.
 H. R. 7022. Edward Prentice.
 H. R. 7080. Guy Smith.
 H. R. 7099. James H. Colvill.
 H. R. 7103. Edward Cottingham.
 H. R. 7104. Louis Keller.
 H. R. 7187. John A. Forbes.
 H. R. 7194. Thomas H. Davis.
 H. R. 7207. Joseph H. Smith.
 H. R. 7211. Walter J. Hardin.
 H. R. 7217. William H. Richmond.
 H. R. 7225. Louise A. Coe.
 H. R. 7247. Jesse P. Boone.
 H. R. 7293. Frank Bleser.
 H. R. 7328. Charles W. Thomas.
 H. R. 7361. Thomas B. Holt.
 H. R. 7442. Leavitt O. Virgin.
 H. R. 7578. John A. Fry.
 H. R. 7619. Henry H. Rowley.
 H. R. 7649. James M. Wood.
 H. R. 7680. George W. Corl.
 H. R. 7684. Charles C. Stover.
 H. R. 7726. Henry E. Hill.
 H. R. 7761. Joseph A. Edmonds.
 H. R. 7774. Americus V. Kendrick.
 H. R. 7790. Charles Gammon.
 H. R. 7844. Samuel A. Garland.
 H. R. 7845. Samuel Eisenlauer.
 H. R. 7953. Amanda Neuffer.
 H. R. 8021. Richard Murphy.
 H. R. 8022. Theodore F. Garvin.
 H. R. 8064. Eliza B. Herbst.
 H. R. 8095. Jane E. Wood.
 H. R. 8098. Susan Fairchild.
 H. R. 8115. Zimri Harrison.
 H. R. 8118. Samuel W. Keymer.
 H. R. 8119. Polk D. Southard.
 H. R. 8241. Arthur Crawford.
 H. R. 8351. Mary L. Tate.
 H. R. 8379. Jasper W. Shoemaker.
 H. R. 8380. Thomas L. Stringer.
 H. R. 8430. John Freeman.
 H. R. 8497. Alonzo Carson.
 H. R. 8524. James W. Hall.
 H. R. 8530. Louisa McConnell.
 H. R. 8564. Joseph H. Cox.
 H. R. 8723. John N. Fox.
 H. R. 8727. Benjamin F. Cohee.
 H. R. 8759. Luvinia R. Prater.
 H. R. 8834. Emanuel Strader.
 H. R. 8843. Julius O. Deming.
 H. R. 8863. Sarah Adams.
 H. R. 8908. Lizzie Allen.
 H. R. 8979. Joseph Hacker.
 H. R. 8991. Thomas Cheuvront.
 H. R. 9259. Harrison Shoemaker.
 H. R. 9364. Robert Bryant.
 H. R. 9377. George W. Welshmyer.
 H. R. 9378. Benjamin Heller.
 H. R. 9392. Margaret Miller.
 H. R. 9560. John Y. Hitt.
 H. R. 9605. Josiah H. Ford.
 H. R. 9639. Archibald McGaughey.
 H. R. 9640. Archibald Spratt.
 H. R. 9645. Charles H. Hubble.
 H. R. 9734. Philo M. Barnes.
 H. R. 9738. Douglas Delano.
 H. R. 9796. Jefferson Wells, alias
 Jefferson Wilcox.

During the reading of the bill the following occurred:

Mr. RODDENBERRY. Mr. Chairman, I ask for order; we can not tell from the reading of the bill what is being read.

The CHAIRMAN. The committee will be in order.

Mr. RODDENBERRY. Mr. Chairman, may I ask on which page the Clerk is reading, and what line?

The CHAIRMAN. Page 6, line 12.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order the Clerk is not reading the bill; that he is skipping lines; that he is skipping amounts; that he is skipping entire lines.

Mr. SULZER. Regular order, Mr. Chairman.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order, and insist on the point of order, that the bill be read in full.

The CHAIRMAN. Well, the Chair has directed the Clerk to read the bill, and unless informed in some official way to the contrary, the Chair holds that the Clerk is performing his duty.

Mr. RODDENBERRY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. In what official way can that point be brought to the Chair's attention?

The CHAIRMAN. The Chair will state to the gentleman from Georgia that the Chair up to this time has not followed the reading, but he will do so from now on.

Mr. RODDENBERRY. Mr. Chairman, may I inquire of the Chair through the Clerk what page he is now on?

The CHAIRMAN. Page 8, line 17, and the Clerk will read. The Clerk resumed and concluded the reading.

Mr. RODDENBERRY. Mr. Chairman—

Mr. TRIBBLE. Mr. Chairman, I offer the following amendment.

Mr. RODDENBERRY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The amendment is not in order now; general debate has not been closed.

Mr. RODDENBERRY. Mr. Chairman, I desire to be recognized to speak to the bill under general debate. Mr. Chairman, the bill just read to the committee is what has come to be known as a private pension bill. The measure is not misnamed;

it is a system, as gentlemen say, with ample precedent of many years. In many instances a Member of Congress from a multitude of pensioners among his constituents elects out a number of those who have contributed to his political fortune in the past and who he may hope will contribute to his fortunes in the future—both he and his kinsfolk—and forthwith introduces private bills for them. To do what? To separate one pensioner from the great class of Federal pensioners, to take his name from the roll where his comrades stand, to take him from the operation of the general law, and where he, along with his comrades for like injury under like circumstances, is receiving \$8 a month, segregating him from the rest, and give him \$30 a month.

Mr. KOPP. Will the gentleman permit a question?

Mr. RODDENBERRY. Certainly.

Mr. KOPP. The gentleman voted for the bill which passed the House known as the Sherwood bill, which sought to take care of all the soldiers?

Mr. RODDENBERRY. One trouble with voting for that bill is, there appears in the CONGRESSIONAL RECORD of yesterday a statement by a distinguished Senator that that bill carries an additional appropriation of \$75,000,000 for the people of this country to pay, and I voted against it. [Applause.]

Mr. JACKSON. Will the gentleman yield?

Mr. RODDENBERRY. Certainly.

Mr. JACKSON. I take it that the gentleman thinks that it is impossible at this time to pass a bill which will do justice to all the soldiers of the country. Is that what the gentleman means?

Mr. RODDENBERRY. I do not mean to so state at all. When the Democratic members of the Committee on Pensions, whose chairman is the venerable and distinguished gentleman from Ohio, Gen. SHERWOOD, brought into this House a pension bill by the provisions of which soldiers who had scarcely been enlisted in the Army could not be pensioned; further providing that soldiers who were obtaining the benefits of the soldiers' homes could not under certain conditions be incorporated in it; still further providing that soldiers with \$1,000, \$2,000, \$3,000, \$4,000, \$10,000, \$20,000, \$30,000 annual income should not be pensioned; and when that bill was brought in, supported by him, and his colleagues on this side left his leadership, left the Democratic committee, and engrafted on the Sherwood bill injustice, discrimination, and privilege, the like of which a Republican Congress refused to do [applause], I was against the bill, and so voted.

Mr. JACKSON. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Georgia [Mr. RODDENBERRY] further yield to the gentleman from Kansas [Mr. JACKSON]?

Mr. RODDENBERRY. I will.

Mr. JACKSON. Will the gentleman say now to the House and to the country that he would have voted for the Sherwood bill if it had not been amended?

Mr. RODDENBERRY. Under no circumstances.

Mr. JACKSON. Then what is the gentleman complaining about now?

Mr. RODDENBERRY. I am not making any complaint whatever. I am seeking a fair consideration of pending legislation.

Mr. JACKSON. Does not the gentleman understand that until the Sherwood bill or some similar act is passed there is no way on earth to relieve these special cases of destitution on the part of old soldiers except by these pension bills, which were passed upon by a committee of the gentleman's own party?

Mr. RODDENBERRY. One of the reports contains 85 pages of closely written matter, and another report contains 78 pages of closely printed matter, and in the cursory investigation I have been able to give it in the last 25 or 30 minutes, during which time only the reports have been available, I find scarcely a single case where a party named in the pending bill is not to-day drawing a pension under existing law—not a case. I can see no justification for the statement of the gentleman.

Mr. JACKSON. Let me ask the gentleman the same question in a little different form.

Mr. RODDENBERRY. Certainly.

Mr. JACKSON. Does the gentleman mean to impeach the honesty and good faith and the efficiency of the Pension Committee, the majority of which is composed of gentlemen upon his own side of the House?

Mr. RODDENBERRY. I would not submit the slightest unkind suggestion to the gentleman, but my observation in life has been that he who first suspects another may be well suspected himself.

Mr. JACKSON. Applying that doctrine, I think I understand what is the matter with the gentleman, because if he will simply read this bill he will find if the committee has made any error at all it is in refusing to do justice by these soldiers. So I take it, applying the gentleman's doctrine, that there must

be some sinister motive behind the gentleman's inclination to criticize that committee and the country for granting these bills.

Mr. RODDENBERRY. Mr. Chairman, there may be a sinister motive behind my conduct. If there be such a motive, I may say that no manifestation of it on my part is made with the desire to ingratiate myself with the old soldiers in order that I may come back to Congress.

Mr. JACKSON. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. RODDENBERRY. I do.

Mr. JACKSON. Is the gentleman quite sure that the conduct of other Members who sit upon this floor and the floor of the other branch of Congress is not an attempt to ingratiate themselves into the regard of soldiers who unfortunately happened to be on the other side in the Civil War?

Mr. RODDENBERRY. Mr. Chairman, I am glad the gentleman propounds the question, and I will answer it. And lest my answer might be discredited here among my colleagues, because I come from a State far to the South and thereby suspicion of sinister motive might be imputed to me, I will make no answer in my own language, but I will reply to the gentleman's question by quoting the language of a soldier of the Union Army who says he followed the Flag of the Union throughout the four long years as one of the Federal generals, and who lives to-day and fears not to pronounce his judgment on this species of legislation and to express his opinion as to what the purposes and motives are. I will now read from Gen. Francis Adams. I state by way of preface that the three articles contributed by Gen. Adams in a late magazine were afterwards put in pamphlet form, and the general, before publication of the pamphlet, did not call upon some friend of his to prepare a preface or introduction. He wrote it himself and to it he affixed his own name, and gave along with it the titles which he honorably bore during that great war.

Gen. Adams says:

The subject matter discussed in the following paper is momentous, reaching down, as it does, to the very base of our American institutions—the purity of the constituencies. The fast-developing pension system is nothing more nor less than the initial step in what will, and at no remote day, surely become an established policy of general bribery and corruption. At present, in dealing with the subject, Members of Congress and others are either shortsighted or foolish enough to say that, though the amount expended is large and steadily increases, it will be but for a brief time. In 10 years the veterans will all, or nearly all, be dead; the thing will then stop of itself.

Nothing of the sort will occur. On the contrary, it is vastly more probable that 10 years hence the pension roll of this country will be \$300,000,000 a year than that it will be less than it now is. What has hitherto been done in this way, or is now being done, is merely the entering wedge. It is so safe, as well as so personally inexpensive, for Members of Congress to buy votes with the public money.

That is no reflection by a gentleman who has sinister motives, but it is the language of a soldier who followed the flag of the Republic on the Union side throughout that great struggle.

Mr. BATES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Pennsylvania?

Mr. RODDENBERRY. Not until I have finished answering the gentleman from Kansas. [Laughter.] I read further:

The order of future events will proceed somewhat as follows: We now have a "veteran" pension system affecting, on an average, about 2,600 voters in every congressional district north of the Potomac and, with a few exceptions only, in all of those west of the Mississippi. The parties openly and avowedly bid against each other for that vote—Democrat against Republican.

It is Gen. Adams who says it is that way, not I. He goes on:

It already involves an annual disbursement of about \$400,000 a year in each congressional district. Under the proposed "dollar-a-day" largess measure this amount will be increased to about \$600,000 a year in each district. Next in order will be the volunteer officers' retired list, involving an annual expenditure of about \$15,000,000—\$50,000 on an average in each district. Next come the widows and dependents of the "veterans," involving an amount impossible now to estimate. If fixed at \$20 a month, as proposed, it will probably be \$100,000,000 a year for an indefinite future period and affect a number of households not easy to calculate. That the "old militia men and teamsters and telegraphers and the other men who did so much for the Union cause" should now be given a pensionable status is next urged. And why not? They also have votes in congressional elections!

So Gen. Adams says. Then he goes on:

The system thus fairly inaugurated, the next move, already agitated, is to pension the civil-service officials.

And on yesterday Members of Congress found on their desks a communication from the District committee of one hundred, proposing to go down here in the Pension and other departments where the employees sit under electric fans in the summer time and beside steam-heated radiators in the winter time—employees who report for duty from the street car at 9 o'clock in the morning and who knock off at half past 4 in the afternoon—selecting them from the masses who give their lives to labor, and pension them. At whose expense? At the expense of the old fellow who is sweating out in the sun-

shine, at the expense of the man who is cleaning out drains in his fields in shivering cold, who is digging in the mines, who is shoveling in coal, who is blasting out stone. These men will pay the proposed pensions of the radiator-favored and electric-fan-cooled civil-service and other officials in the Government employ, who sit in their comfortable places and draw a salary, followed by a pension. [Applause.]

Mr. BATES. Mr. Chairman, now will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Pennsylvania?

Mr. RODDENBERRY. Not until I have finished answering the gentleman from Kansas. [Laughter.] When did we get the right to tax the American people to give those civil-service employees jobs as long as they want them and then put them on the retired pension list for the balance of their lives when they take a notion to quit work?

Mr. BATES. Mr. Chairman, will the gentleman yield now?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Pennsylvania?

Mr. RODDENBERRY. I decline to yield, Mr. Chairman, until I have finished answering the gentleman's first question. [Laughter.]

Mr. ANSBERRY. The gentleman withdraws his question.

Mr. KENDALL. He withdraws the first question.

Mr. RODDENBERRY. Mr. Chairman, while we are on the subject of civil pensions, when these ladies and gentlemen who are working for the Government in Washington find their salary so small that they can not accumulate any money for a rainy day let them give up their jobs and go out in the country and accumulate something. There are more people hammering before the office doors of Congressmen and requesting leave to fill the places of those people than we could hope to provide for if we devoted our lifetimes to that purpose alone.

Mr. ANSBERRY. Will the gentleman yield?

Mr. RODDENBERRY. Not until I have answered the other question.

Mr. ANSBERRY. He has withdrawn his question.

Mr. RODDENBERRY. I will yield to the gentleman in a few moments. Let me read further from Gen. Adams, and then later on I may revert to the proposition to pension the lifelong sitters under the Dome of the Capitol.

Under the system hitherto in vogue in this country—

Mr. BATES. From what page of the CONGRESSIONAL RECORD is the gentleman reading?

Mr. RODDENBERRY. I heard the distinguished leader on the gentleman's side of the House say that no Republican would read the fine print in the RECORD, and I decline to give it. [Laughter.] But as a matter of courtesy to the gentleman, I will give him the information he wishes. Page 1974 of the CONGRESSIONAL RECORD of February 9.

Mr. BATES. I thank the gentleman.

Mr. RODDENBERRY. Gen. Adams says:

Under the system hitherto in vogue in this country of progressive pensions—that is, annual increases promised by candidates for office—it is not too much to say that at a not remote period the Government will thus at each election be practically put up at auction.

Mr. ANSBERRY. Will my friend permit an interruption?

Mr. RODDENBERRY. I object to being interrupted by the gentleman just now.

Gen. Adams says:

At a not remote period the Government will thus at each election be practically put up at auction. Each congressional candidate—

Now, listen. I do not know whether this fits the gentleman from Kansas or not—

Each congressional candidate will travel through his district, hat in hand, promising to be more liberal in the way of pensions, etc., than his opponent.

I wonder if any gentleman has adopted that line of procedure before now.

"Codlin's the friend, not Short. Short's very well as far as he goes, but the real friend is Codlin—not Short." The result of such competitive election bidding any disinterested citizen can with no considerable difficulty work out for himself.

I now read the concluding paragraph from Gen. Adams, by way of answer to the gentleman from Kansas:

The writer has frequently been asked why, in face of the apparently inevitable, he assumed the not inconsiderable task of preparing the following papers. His reply is simple. Having himself done military duty in the Civil War for a period little short of four years, his sole object is, in so far as may be in his power, to bear witness against what he considers and what many others consider one of the most individually demoralizing and politically debauching acts of which record exists, and altogether the most ill-concealed and unblushing piece of political jobbery, corruption, and bribery as yet to be found inscribed in American annals. Nor is any end to it yet in sight!

CHARLES FRANCIS ADAMS,
Colonel and Brevet Brigadier General, 1865.

WASHINGTON, January 1, 1912.

Now, it may be inquired, when these bills are brought up here to be ground out: Why should I undertake the insurmount-

able and get in the path of the inevitable, knowing that, with crushing votes and with crowning applause, when the vote is taken this species of favoritism will be rushed through? I have no apology for it; but I say to you that when you undertake further to raid the Treasury you not only do injustice to the American people, but if what Gen. Adams says is true, you do dishonor to the vast army of Federal pensioners and Federal soldiers.

Mr. JACKSON. Will the gentleman yield?

Mr. RODDENBERRY. I yield to the gentleman.

Mr. JACKSON. The gentleman has given rather an elaborate answer to my question, or what he seems to think is an answer to my question. Now, that the gentleman is in a little cooler temper than he was a few moments ago, perhaps—

Mr. HUGHES of New Jersey. Ask him to repeat his answer.

Mr. JACKSON. No; I will not ask him to do that. Will the gentleman tell the House if in reading this article which he says was written by Gen. Adams he applies the concluding paragraph, referring to bribery and political jobbery, to his colleagues on the Pension Committee on that side of the House?

Mr. RODDENBERRY. Gen. Adams signs it, and his address was Washington, D. C., January 1, 1912. I say to my friend that this is official business, and the gentleman can write to him and find out what he desires. It will not cost him a cent.

Mr. JACKSON. Oh, I do not need to write to him; what I want of the gentleman is to answer my question, whether he thinks the charge made there by the so-called Gen. Adams applies to the gentleman's colleague in control of the Committee on Pensions and the Committee on Invalid Pensions, and whether these gentlemen are, in bringing the bill into the House, guilty of bribery and political chicanery and robbery.

Mr. RODDENBERRY. I must take exception to the reference to Gen. Adams as the "so-called Gen. Adams." The records of the War Department recall his full history. The publications by the Government under Republican administration give him an exalted and high place, according to his record. Gen. Adams was not "the so-called Gen. Adams," but he was a sure enough general in the fight. [Applause.]

Mr. JACKSON. Will the gentleman from Georgia please tell the House now where Gen. Adams commanded during the Civil War?

Mr. RODDENBERRY. Oh, Mr. Chairman, I can not undertake to teach the gentleman history and pension legislation at the same time. [Laughter.]

Mr. JACKSON. The gentleman's history is as bad as the gentleman's position on pension legislation. Gen. Adams was a brevet general and never served a day as a general in the Army.

Mr. RODDENBERRY. Judging from the pensions you give some of these officers and soldiers for distinguished services who never fought, some of them were valiant enough to have died several times, and yet they have been drawing pensions 35 years.

Mr. SLOAN. Will the gentleman yield?

Mr. RODDENBERRY. Yes.

Mr. SLOAN. Does the gentleman not approve, and does he not indorse the work of those men, whom we are now called to pension, between 1861 and 1865? Does he not approve of the work of those soldiers who served their country between 1861 and 1865?

Mr. RODDENBERRY. Well, it is hard to tell.

Mr. SLOAN. It is not hard to tell from this side of the House whether we approve it or not. [Applause.]

Mr. RODDENBERRY. But the gentleman interrupts me. From 1861 to 1865. Let us see who your first pensioner in this bill is.

Mr. SLOAN. Will the gentleman answer or not?

Mr. RODDENBERRY. Yes; I am going to take the first pensioner in the bill. The first one is Alexander Babble, and according to the report he was in the war from February, 1865, to September, 1865, after the war was over. I do not know whether there was much fighting done up in this country in the fall of 1865. There was not down on the hills of Virginia or Tennessee or Georgia. Lee had capitulated months before. Sherman had passed through our State, through our Commonwealth, and had reached the sea, and the war was over.

Mr. SLOAN. I ask the gentleman if he approves of that.

Mr. RODDENBERRY. Approves of what?

Mr. SLOAN. Just what the gentleman last describes.

Mr. RODDENBERRY. Sherman's march through Georgia? [Laughter.]

Mr. SLOAN. Yes.

Mr. RODDENBERRY. The war is over, sir! I want to say to the gentleman from Nebraska that we accepted the decrees of war; we accepted the judgment resulting from the conflict. Our matchless Gen. Lee met the great Gen. Grant in the final struggle and accepted Lincoln's terms in the end. We saw our State

devastated; we saw her mountain cabins blasted away; we saw her valleys impoverished, her fields sterile, her farms deserted, her homes demolished, her churches razed, her farmers hungered, her tradesmen out of business, her banks in bankruptcy, her sons fatherless, her daughters orphans, their mothers widows, the smoke of war arising from every turret, and Sherman marching through the State to the sea, and then the struggle was over. We laid down our arms; we came to the Union and there we have abided; her fortunes are ours, her domicile is ours, her history is ours, and her future is ours. [Applause.]

Mr. MOON of Tennessee. Mr. Speaker—

Mr. RODDENBERRY. I will say further to the gentleman that the great State of Georgia and the southern country has arisen, and now from supine helplessness she stands a giant; a giant in literature, a giant in education, a giant in progress, a giant in the strength of her resources and in the industry of her people, a giant in her matchless development, and in all respects. Our wealth is restored, our homes have been rebuilt, our happiness has been recovered from the depths of sorrow, our prosperity by our sons is brought back. No stream of pensions to the South came to help us in our distress or relieve us in our misfortune. We have asked none and expected none. We have reasserted and reestablished our preeminence and preserved the purest civilization on the face of the earth by the heroic efforts of our own people—the Southern People. We love all sections and are loyal to every foot of the soil of this great country. [Applause.]

The CHAIRMAN. Does the gentleman now yield to the gentleman from Tennessee?

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order.

Mr. RODDENBERRY. I yield to the gentleman from Tennessee.

Mr. TRIBBLE. The gentleman has declined to yield, and he is entitled to the floor without interruption.

The CHAIRMAN. But the gentleman has just yielded.

Mr. TRIBBLE. He has declined to yield three times.

The CHAIRMAN. The Chair desires to say to the gentleman from Georgia that he understood the other gentleman from Georgia did yield to the gentleman from Tennessee.

Mr. TRIBBLE. I rise to a point of order because gentlemen break into his paragraphs and his speech in order to kill the force of it.

The CHAIRMAN. The Chair thinks the gentleman is able to take care of himself. [Applause.] Now, to whom does the gentleman yield?

Mr. RODDENBERRY. I yield to the gentleman from Tennessee [Mr. Moon].

Mr. MOON of Tennessee. Mr. Chairman, I want to ask the gentleman from Georgia a question that I think is a pertinent one, and I think that his devotion to the South or the Democratic Party is no greater than mine.

Mr. RODDENBERRY. Mr. Chairman, I yielded for a question—

Mr. MOON of Tennessee. I want to ask this question: Is the gentleman aware of the fact that under the policy of the Federal Government internal revenue is raised for the purpose of defraying the expenses of war and pensions? Is the gentleman further advised of the fact that all the States that participated in the Confederacy in the last fiscal year paid of internal revenue into the Government of the United States less than \$28,000,000, and that the States that stood for the Union paid of internal revenue about \$293,000,000? [Applause.] Let me continue my question. Is the gentleman further aware that the Southern States are getting back in pensions distributed in its borders in the aggregate more money than goes out from those States in payment of pensions?

Is the gentleman not further aware that the late Confederate States are drawing from the United States Treasury in benefits by way of river and harbor and other internal improvements, and by way of pensions and other sources nearly \$2, if not more, where it pays into the Federal Treasury \$1 from all ascertained sources of revenue? [Applause.] I want to say as a Democrat and as a southern man I am tired of this contemptible sectional rot. [Loud applause.]

Mr. RODDENBERRY. Mr. Chairman, observe the gentleman from Tennessee [Mr. Moon], and give audience to his applause. Rivers and harbors to the South. As merchandise, he in effect asserts, barter away your American citizenship and your oath under the Constitution by paying tribute to some other sections in pensions in return for "internal improvements!"

Mr. MOON of Tennessee. No—

Mr. RODDENBERRY. I decline to yield.

Mr. MOON of Tennessee. You had better not yield on that proposition. [Applause.]

Mr. RODDENBERY. I decline to yield. The gentleman's astounding statement, in effect, is that because the South receives some of this pension money we must close our mouths and go on with this policy of plunder and pillage of the great masses of the taxpayers of the country. We have not reached the stage yet, I trust, where because one section of the country pays less of internal revenue than another section of the country that we are to maintain that that section of the country which does not contribute most revenue has any less of patriotism or any less of right under this Government or less of duty to it. [Applause.]

I challenge, within the limits of parliamentary language, the abhorrent statement of the gentleman from Tennessee, the logical deduction from which is that we should ascertain the sections of the country which pay the most revenue and let them run it. His argument is that our section, which gets a little wad of money, must seal its lips because it is getting something. The gentleman may better grow tired of this damnable thing of bartering away the rights of the people for a contemptible mess of pottage. I controvert and deny every statement and imputation of the gentleman from Tennessee. The late official report shows that the 11 Southern States paid to the Treasury in internal revenue \$54,233,000, while the same States received a total of only \$16,693,000 for pensions, inclusive of Indian and Mexican War pensions.

Mr. MOON of Tennessee. No; I am tired of this contemptible thing of making a sectional issue of this question. The Democratic Party, in its platform, declared for liberal pensions, and nothing but liberal pensions have been given.

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order again. The CHAIRMAN. The gentleman will state it.

Mr. TRIBBLE. My point is that the gentleman from Georgia [Mr. RODDENBERY] declined to yield to the gentleman, and the Chair refused to stop him; that the gentleman rose and addressed the gentleman from Georgia without the Chair stopping him.

Mr. MOON of Tennessee. What is the gentleman going to do about it?

Mr. TRIBBLE. I am appealing to the Chair. I have a right to do it, and I propose to do it.

The CHAIRMAN. I will say to the gentleman from Georgia [Mr. TRIBBLE] that I was trying to get my information from the other gentleman from Georgia [Mr. RODDENBERY] as to whether he yielded. Does the gentleman decline to yield?

Mr. RODDENBERY. I decline to yield. Mr. Chairman, the statement is made by the gentleman that he is tired of this sectionalism. How much will his idea of broad patriotism cost? How much will his idea of wide and liberal nationalism cost? To-day, as Gen. Adams says, they corrupt the franchise of the country by one candidate going to a crippled man on the way to the grave and saying, "I will double your pension," and another candidate goes to him and says, "Old boy, vote for me and I will treble your pension." That is what the general says. I do not know. That is broad nationalism! Who injected the question of sectionalism? I am not here to say that any gentleman has, but certainly the record of the debate in so far as I have participated wants in any semblance of sectionalism. The gentlemen may have propounded questions of their own making which present a phase of sectionalism. There is no offensive sectionalism in me or my utterances.

It is not sectionalism to stand openly against injustice to all the country in the matter of appropriations, reckless pensions, and all things affecting adversely the general welfare and the country's progress. Is it necessary for a gentleman to be sectional in order to arise and resist a measure that is sought to be rushed through without a chance for debate, without opportunity for discussion—these bills reported in here for the first time this morning and obtainable only this morning by Members? When the first bill is called up it is proposed not to read the report, not to read the bill in full, but in a few moments' time pass 354 special pension acts, charging the Treasury with \$100,000 of annual expenditure in addition to the \$200,000 increase you have already had. I ask you, gentlemen, where is the economy of which you have been talking? Why do you not go to the Committee on the Post Office and Post Roads, of which the gentleman from Tennessee [Mr. Moon] is chairman, and bring out of that committee a provision giving to the great masses a measure for the further extension of the service of the postal department and forever cut loose the oppressive and tyrannous grasp of the express corporations of this country?

Mr. MOON of Tennessee. Will the gentleman yield for a moment?

Mr. RODDENBERY. I will not.

Mr. MOON of Tennessee. You have asked a question. Decency ought to require you to yield on that.

Mr. RODDENBERY. You can answer when you bring in this bill from your committee.

Mr. MOON of Tennessee. We will bring that bill—

The CHAIRMAN. The gentleman from Georgia declines to yield.

Mr. CURLEY. Mr. Chairman—

Mr. RODDENBERY. I decline to yield. And, further, Mr. Chairman, I would like to say that the Committee on Agriculture might profit the country by bringing out a bill for the relief of thousands, yes, millions, of American people by reporting a bill striking down the inhuman and merciless plunder of the American farmer by the Wall Street gamblers, who fix the prices of his products and crucify his prosperity. This carries no appropriation, but will be freighted and laden with blessings and happiness to our people.

Mr. THAYER. Mr. Chairman—

Mr. RODDENBERY. I decline to yield.

Mr. CURLEY. Does the gentleman yield?

Mr. RODDENBERY. I yield to the gentleman from Massachusetts [Mr. CURLEY].

Mr. CURLEY. I just wanted to ask, Mr. Chairman, if the gentleman on my right believes it is fair to compel every municipality in the North to maintain a soldiers' relief department, that costs one city, the city which I have the honor to represent in part—the city of Boston—every 10 years in excess of \$1,500,000 as an aid to old soldiers who receive pensions that are inadequate to care for their immediate wants? I want to ask him if he believes that that is fair? Does he not rather believe that the burden of the care of the soldiers and their dependents should be distributed among the 46 States? [Applause.]

Mr. RODDENBERY. I think every State in this Republic, from Maine to Florida, from California to Texas, from Wisconsin to Georgia, and every county within our domain, should pay their just tribute and just proportion to support and maintain the Government and to give just, adequate, unprivileged, and indiscriminating pensions to the old soldiers of this country who fought adverse to the position that my people took. The people of Georgia raise no voice and no protest against that. Go to the records of the past, as to pension legislation, and you will find that they have stood for it, and they have paid for it, and they ask no reward, no praise, and no applause. We take our place in this country and do our duty. But that fact and no other fact, not even that of sectionalism, is entitled to debar an humble Representative of any State from standing on this floor and maintaining that before you pass 355 special private pension bills through this Congress in one day's time that there should be opportunity for discussion, for debate, for reading, and for consideration of both the bills and the committee reports. In behalf of my constituency and in fidelity to public duty I protest against it and shall delay it as long as I possibly can.

And, gentlemen, I advise you now, in absolute frankness, that if you pass this bill without fair consideration you will do it only after availing yourselves of every legitimate parliamentary resort necessary to accomplish it, and it will only be after I shall have combated it in like manner, not for dilatory purposes, not for vexation, not for party or political embarrassment, but to let gentlemen understand that these measures shall not go through unconsidered and undigested, without a struggle, though weak, and without a resistance, though unsuccessful.

Mr. YOUNG of Kansas. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Kansas?

Mr. RODDENBERY. How much time have I left, Mr. Chairman? Maybe I can yield.

The CHAIRMAN. The gentleman has 15 minutes remaining.

Mr. RODDENBERY. I yield to the gentleman for a question only.

Mr. YOUNG of Kansas. I understood the gentleman to favor municipalities, counties, and so on paying pensions to soldiers.

Mr. RODDENBERY. Not at all.

Mr. YOUNG of Kansas. The question I want to ask is, Are you in favor of the National Government paying pensions to Federal soldiers?

Mr. RODDENBERY. Yes. The gentleman entirely misunderstood me.

I mentioned State governments, counties, and municipalities, referring to my own State specifically, merely to show, with emphasis, to the gentlemen on that side and the gentlemen on this side that the motives which actuate me in opposing the mad rush of these two pension bills through Congress were not because I sought to enable my people to escape, or that they desired to escape, their just burdens of duty or taxation for any just measure that the Congress might require.

Mr. YOUNG of Kansas. Then if the gentleman is in favor of the National Government pensioning the Federal soldiers, if I understand the gentleman in that way, what sort of a pension bill does the gentleman think the Federal soldiers are entitled to?

Mr. RODDENBERRY. I will state to the gentleman that the pension acts now on the statute books, though I do not approve them, are on their face more nearly wise and just than the bill now proposed or any bill that I have seen passed here. I am informed that on the pension rolls there are many pensioners against whom there rested a judgment of the War Department and the judgment of the Army court-martial that they were deserters. It is continually alleged that persons are on the pension pay roll whose record shows a judgment saying, "You have deserted the Army; you have betrayed the country."

Notwithstanding the military record of many of them show desertion, yet here 20 and 30 years after the war the soldier comes to Congress with a political friend who sets to work and technically straightens out the kink in his record of desertion. The court-martial and the judgment of the Army commander is set aside by legislative machinery, and, lo and behold, in 1912 he is drawing a pension as a faithful soldier of the Union Army while the records show that when the blood was flowing and the fight was in progress and when the roll was called he failed to answer to his name and was set down on the roster as a deserter. I am opposed to it. I am opposed to a pension proposition which takes a man, as is done in this bill, now drawing a pension of \$15 a month, who now owns property worth \$1,500, who has already been refused an increase of pension by the Pension Department because the evidence does not show that his disability entitles him to it, and doubles his pension in the face of these facts. I am against it. It is an outrage. [Applause.]

Mr. YOUNG of Kansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Kansas?

Mr. RODDENBERRY. Yes.

Mr. YOUNG of Kansas. I understand the gentleman voted against the Sherwood bill?

Mr. RODDENBERRY. I did.

Mr. YOUNG of Kansas. Will the gentleman, without a long discussion, describe to this House in a very few words the kind of a pension bill he would favor?

Mr. RODDENBERRY. Yes; I would favor a pension bill that has in it the names of wounded or needy American soldiers who enlisted in the Army and went into its service, and there answered the demands and the commands of their superior officers until they were either honorably discharged or until they met the fate that was met by so many men from both sections. Do not give to an officer, who sat back in a bomb-proof, \$200 a month and then give the old fellow who stood in the front of the fight \$10 a month. [Applause.] I say, do not give a pension of \$100 a month to your tin-horn generals and your tin-horn colonels, who hung around the wagon that handed out the grub and gave out the rations to the real soldiers, and never ventured closer to battle than to hear distant echoes of the cannonade, and then give to the old soldier whose wife is crippled and unable to contribute to his comfort a pension of \$10 a month.

If I could do so in a parliamentary way, I would say that it is the most monumental spectacle of favoritism, of hypocrisy, of political pull ever sought to be heralded as a patriotic care of the defenders of the Republic. No country maintains so shameless a roll of inequalities, injustices, and impostors, a dishonor to the thousands of heroes deservedly placed thereon.

Mr. POWERS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia [Mr. RODDENBERRY] yield to the gentleman from Kentucky?

Mr. RODDENBERRY. I must decline to yield to the gentleman from Kentucky.

Mr. YOUNG of Kansas rose.

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Kansas?

Mr. RODDENBERRY. The gentleman asked me a question which required so long to answer that I must decline further to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. THAYER rose.

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Massachusetts?

Mr. RODDENBERRY. I yield to the gentleman from Massachusetts.

Mr. THAYER. Is this Gen. Adams, who has written this criticism of the pension law—

Mr. RODDENBERRY. Mr. Chairman, I decline to yield in order to permit the gentleman to discuss the record of Gen. Adams. If the record of Gen. Adams is straight, it needs no statement from the gentleman.

Mr. THAYER. I am not asking to discuss his record in the war. I am simply asking if he is the same Gen. Adams that did something else.

Mr. RODDENBERRY. I decline to answer, and decline to yield to the gentleman to ask that question.

Mr. THAYER. All right.

The CHAIRMAN. The Chair understands that the gentleman withdraws his consent to yield?

Mr. RODDENBERRY. I decline to yield. I am going to confine myself to this pension bill, and I object to gentlemen asking questions about the record of any man not in the bill in order to dodge this pension bill. When I shall have concluded gentlemen may see fit to discuss it. If they do, that is all right so far as I am concerned. It is all right to attack my section, to attack the motives that move me, but I will ask you gentlemen to answer your country one thing, why you now propose to bring these bills in with long reports upon them at 12 o'clock noon to-day and force a vote on 350 items when no Member has had an hour outside of this House in which to consider them? Gentlemen, answer to the country and answer to your own sense of public duty if it is the part of judgment, if it is the part of wisdom, and if it inculcates a high regard for the honor roll of the American soldier that a bill providing for his necessities in old age shall come in here, unexplained and uninvestigated, and be written upon the statutes of the country in so short a time.

There is one other question, gentlemen. Can not we bring out some legislation that does not carry a pension to somebody—legislation to protect the toilers of this country against the gamblers who speculate in their products to the extent of vast millions? Can not we take up legislation to give the toilers of this country freedom from the tyranny and corporate oppression of the express companies and other carriers that literally float in the size of their dividends and give the people exorbitantly expensive service? Can we consider nothing but pensions and more taxes for Army, for Navy—for war in time of peace? And, more than that, we shall be glad to see that other committee who has had under consideration now for many, many months a measure relating to the restriction of immigration for the protection of American citizenship. Let us hope that that committee will bring in a bill for this House to consider that does not carry an appropriation; that will protect the American laborer against the influx of the Hottentot, the Ethiopian, and God only knows what other races of men from the scum of southern Europe and other criminal-breeding countries.

Gentlemen, if you want to legislate, bring in some measure like that in the interest of the American citizen, American manhood, American labor, that the enlightenment, intelligence, and virtue of our people may be maintained; that the high quality of the people of our great country and its resources may not be bartered away to the illiterate, the vicious, the Black Hand that now come literally in streams from the overcrowded, festering sections of foreign lands.

Gentlemen, I apprehend that when you bring in these bills, the gentleman from Missouri and the gentleman from Indiana and the gentleman from Kansas and other gentlemen will not be standing down there in the pit wanting these bills passed without consideration, without discussion, without reading, without investigation, or without argument.

I apprehend, Mr. Chairman, that when these measures are brought forward to be passed on by the House of Representatives they will not come in overnight and be called up on the floor the next morning under special rule or privilege like pension day, or farmers' relief bill day, or extension of the mail-facility day; I dare say they will not come to vote by unanimous consent and be passed without debate. I suspect that some gentleman will arise in his place and say that these measures ought to be carefully considered, and the consensus of the opinion of the House will be with him. Where are you now?

Mr. Speaker, I hope in the discussion of this question I have not left my position on it indistinct or unintelligible. These bills are here. It is favoritism, it is private legislation for elect individuals. Where are the other 460,000 soldiers of the Union Army? They are not in this bill. Who sits up here now to pick out 350 veterans and say out of the vast mass of 460,000 old, scarred, and blood-stained soldiers of this country we have chosen 350 and pensioned them because, forsooth, they may perish? Where are the other 460,000? No just bill, no honest legislation, no wise enactment need fear fair discussion bill by bill, report by report, fact by fact before the House of American Representatives. You have not dared open these bills to investigation and scrutiny of the people's representatives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I call the attention of the Chair to the rule forbidding applause or demonstrations in the gal-

lery. Occupants of the gallery are not allowed to express approval or disapproval of speeches in the House.

Mr. RODDENBERRY. Mr. Chairman, may I say in reference to the remarks of the gentleman from Illinois against approving applause in the gallery of my utterances that I have not a single officeholder in Washington holding a job now sitting in the gallery. [Laughter.]

The CHAIRMAN. The Chair is called upon to admonish the occupants of the gallery that applause, either of approval or disapproval, is not allowed.

Mr. FOSTER of Illinois. Mr. Chairman, I have listened with some degree of interest and with some astonishment to the speech of the gentleman from Georgia [Mr. RODDENBERRY]. I desire to attest here and now my admiration for the valor of the soldiers of the North and the soldiers of the South; they were American citizens and fought with the valor of American soldiers. I believe that those who went into the southern army were loyal to their section of the country and were honest though mistaken in their purpose. But I desire to take a few moments only to-day in the consideration of this bill. I realize that the war is over, and hope that the memory of those bloody deeds may be blotted out of our minds, except so far as history may record them, and that we can, I am sure, say that this is a united country and all join in thanks to God that such is the case. Let us not to-day indulge in any remarks that would wound the feelings of any.

And I am glad to-day that we can look around on the floor of this House and see good, true, and loyal men who served in the army of the South who are to-day serving here with these Union soldiers of the North. There is no bitterness, there is no strife between these soldiers on both sides who took part in that memorable struggle, and it only remains for a few of those who have come since that time who would attempt to stir up strife in this country on sectional lines. [Applause.] Reference has been made by the gentleman from Georgia to a recent article by Gen. Charles Francis Adams, and I believe he had that article placed in the RECORD. On May 24, 1910, Gen. ISAAC R. SHERWOOD, a Member of this House, a gallant Union soldier, and one who served four years as a soldier and participated in 42 battles in that war, to-day bears no ill will but only the kindest feeling for the people of the Southland, made a speech upon the floor of this House in reference to Gen. Charles Francis Adams, in which he used this language:

One would naturally expect Gen. Adams to have an especial feeling of comradeship toward former Volunteer officers of the subordinate grades—majors, captains, and lieutenants. From his entrance upon Army life as lieutenant of Cavalry in December, 1861, the Army records show that he served as lieutenant and captain largely on mounted headquarters duty.

In view of Gen. Adams's somewhat vivid version of his own Civil War experience and his indefensible reflection upon the honor of practically all the surviving officers, he can find no fault if I condense and reproduce his military record. I get the facts from the records of the War of the Rebellion, the annual report of the adjutant general of Massachusetts for 1865, and from the history of the First Regiment Massachusetts Cavalry, by Capt. Crownsfield, of that regiment.

Gen. Adams entered the service as first lieutenant of the First Massachusetts Cavalry on December 19, 1861. He served as lieutenant and captain until July, 1864. For a considerable time he was on detached service with two companies doing escort and provost duty at Gen. Meade's headquarters. In the spring of 1864, when bloody trouble was threatening the Army of the Potomac, Capt. Adams secured a leave of absence and went to Europe.

[Applause.]

When with his regiment Capt. Adams shared in its several skirmishes with the enemy's cavalry, and was, no doubt, a brave soldier. His severest fighting experience was at Aldie, Va., where he lost about half of his squadron captured, but with no fatalities.

[Applause.]

Is it not strange Gen. Adams should speak of his comrades in such language as he did in his pamphlet issued lately? One would naturally think he would express a kindlier feeling for those who served with him. They were just as brave as he in war and are to-day just as patriotic. He may need a pension less, but he needs the sympathy more of all true American citizens for his attack on these veterans.

Gen. SHERWOOD further says:

On July 15, 1864, Capt. Adams was commissioned lieutenant colonel of the newly recruited Fifth Massachusetts (Negro) Cavalry, of which regiment he became a colonel on February 15, 1865, some 60 days before Lee's surrender. The military history of this regiment records one skirmish, no battles, no fatalities, no wounded, no accidents.

[Applause.]

Gen. Adams says of his Army service: "Toward the close it became intolerably tedious." Gen. Adams's military service seems to have been of a nature to render him, now in his days of abundant wealth, unsympathetic with those of his former comrades who shared in the real fighting of the war, and many of whom now, in addition to the disability of wounds and age, carry the burden of pathetic penury.

This, my friends, is the statement of the gallant old soldier, Gen. SHERWOOD, whom you all know, as he gives the record of this man, Charles Francis Adams.

Mr. JACKSON. I simply want to inquire of the gentleman, or the gentleman from Georgia can reply if he cares to answer, whether the fact that Gen. Adams commanded a negro regiment for 60 days at the end of the war would help the gentleman in a campaign for reelection in the State of Georgia, the purpose for which the speech was evidently delivered on the floor of this House?

Mr. SLOAN. Mr. Chairman—

Mr. FOSTER of Illinois. I want to state that I do not know whose word one who has been born since the war began had better take than the word of an old general who served throughout the length of that war, and I want to read just a few more words from the speech of Gen. SHERWOOD, when he said:

There are many surviving officers who are so favorably situated financially that they will not avail themselves of the pecuniary benefits of the pending bill if enacted, but practically with one accord these men earnestly approve the measure, because of their knowledge of the absolute need of their less fortunate comrades, including the many hundreds in soldiers' homes.

Duty calls us to alleviate the woes of our needy comrades staggering to a near-by grave. Let us do our best to light and lighten the road. As the old English poet, Wordsworth, wrote, 120 years ago:

Make old age serene and bright,
And lovely as a Lapland night,
To lead them to the end.

[Applause.]

I now yield to the gentleman from Nebraska.

Mr. SLOAN. Mr. Chairman, the remarks of the gentleman from Illinois might be considered as somewhat depreciatory of the military record of this Gen. Adams. Would it not be well to add that Gen. Adams probably lent distinguished and effective service in the great battle which was held in the air on about the 23d day of February, 1912, of RODDENBERRY against the House of Representatives? [Laughter and applause.]

Mr. FOSTER of Illinois. Well, Mr. Chairman, I would not like to go into personalities in this matter, so far as Members of this House are concerned. I have great respect for the gentleman from Georgia, and I realize, Mr. Chairman, that sometimes humanity, sometimes human nature in all of us may be weak.

I realize that sometimes upon this floor Members are led to say things at which possibly others might take offense, and I would not wish to say anything personally against my friend from the State of Georgia [Mr. RODDENBERRY], although realizing that he is mistaken. But I believe that he is honest in his views, and at least, so far as he himself is concerned, deluded as he may be, he is honest enough to think what he has been saying has some effect upon this House and upon the country.

Mr. RODDENBERRY. I take no exception to the remarks of the gentleman from Nebraska [Mr. SLOAN], and merely observe that the water from the fountain, under no circumstance, can be any purer than its source.

Mr. FOSTER of Illinois. Does the gentleman want to ask a question?

Mr. RODDENBERRY. Yes.

Mr. FOSTER of Illinois. Go ahead.

Mr. RODDENBERRY. The gentleman from Kansas [Mr. JACKSON] asked the gentleman if he thought that the fact that Gen. Adams commanded a negro regiment would help me at home. I think not; and I do not think that the fact that you propose, as shown on page 12 of the report, to pension Maj. Pike, who was major of United States colored troops, will help me.

Mr. FOSTER of Illinois. I hope the gentleman from Georgia [Mr. RODDENBERRY] is not opposing this bill because he picked out that one individual case. I want to say—

Mr. RODDENBERRY. I assure the gentleman I did not.

Mr. FOSTER of Illinois (continuing). That the gentleman from Georgia can not hope to defeat a bill upon the floor of this House with such argument as that. And I want to say, Mr. Chairman, that I can pick out of this bill many cases that would appeal to him or any other fair-minded man of poor, old, and blind men who have had long and honorable service, and who now, when they are old—some of them 80 years of age or more—require the aid and constant attendance of another person. And I hope my friend from Georgia has not so far lost his feeling for humanity and for men who fought for their country as to want to deny them enough to live on while they yet remain on earth. Charity, what a blessed thing, and how much we all need it. Let us not forget the word and what it means, but let us, too, remember to be just to those who have deserved justice for noble acts performed. [Applause.]

Mr. RODDENBERRY. I want to interrupt the gentleman just long enough to assure him that he rightly defines my views and feelings on this subject. I have no such purpose, and in referring to the report as to the major of a colored regiment I was merely answering the gentleman from Kansas [Mr. JACKSON] in kind. His reference to the fact that Gen. Adams com-

manded a negro regiment had no more to do with the merits of the case than the fact that this major who wants an increase of pension was a negro commander.

Mr. FOSTER of Illinois. I do not care to go into a contest with the gentleman from Georgia on those points. All I want to know as to these pension bills is that these men had honorable service and have been honorably discharged as soldiers of this Government, that their condition financially and physically is such that they require more pension than they are now receiving in order to take proper care of them, or, at least, give them the necessities of life. When this committee, headed by that grand old man, Gen. SHERWOOD, bring in a bill which both Democrats and Republicans unanimously agree upon, after a thorough investigation by a man detailed by the Pension Department and the committee, I am willing, my friends, to believe that they have not put in that bill the names of men, or women, or children who do not need this little help from the Government that we are able to give them.

And I want to say just this in conclusion: As an old soldier wrote me a short time ago from out in Illinois, when the war broke out they were paid \$13 a month in depreciated currency, and after the war had closed the Government did not pay to the soldiers the difference between greenbacks and the gold, but did pay the bonds in gold. He said: "We gave our services to our country and were willing to lay down our lives if necessary to defend and help it. So we gave all we could. The man who loaned the money to the Government, the man who bought the bonds, gave what he had in worldly goods to sustain the Government. We certainly did as much as he, and he was not asked to take less than a hundred cents on the dollar of the money that he had advanced, and the claim was not made that the Government could not afford to pay it."

I yield five minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. ADAIR rose.

The CHAIRMAN (Mr. MARTIN of Colorado). The gentleman from Indiana [Mr. ADAIR] is recognized.

Mr. ADAIR. Mr. Chairman, I move that the committee do now rise.

Mr. FOSTER of Illinois. I want to yield, Mr. Chairman, to the gentleman from Massachusetts [Mr. WEEKS].

Mr. CAMPBELL. Mr. Chairman, I want to make a point of order that the gentleman from Indiana [Mr. ADAIR] can not take the gentleman from Illinois [Mr. FOSTER] off the floor.

The CHAIRMAN. The Chair did not understand that the gentleman from Illinois was yielding time. Whom does the gentleman from Illinois recognize?

Mr. FOSTER of Illinois. I wish to yield to the gentleman from Massachusetts [Mr. WEEKS] five minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WEEKS] is recognized for five minutes.

Mr. WEEKS. Mr. Chairman, I should not ordinarily take any part in this debate, because I assume that the bill as reported by the committee will pass, as has been the practice heretofore. But I want to say a word about Charles Francis Adams, whose name has been dragged in here as an argument against this bill, and who has been disparaged by those in favor of it, especially as to his military record.

Charles Francis Adams is the great-grandson of a President of the United States. He is the grandson of a President of the United States. His father was one of the most distinguished citizens of the United States in his day, and Charles Francis Adams is the worthy great-grandson and grandson and son of those in his family who have preceded him. He is one of the first citizens of this country to-day, not only intellectually and morally, but in every other way; and not only that, he was a gallant soldier of the Civil War.

In my judgment my friend from Ohio, Gen. SHERWOOD, did not add anything to the cause of pensions or anything to this debate by disparaging the record of Gen. Adams as a soldier. Gen. Adams went into the service a young man, as a lieutenant, served in various capacities, and was brevetted a brigadier general for his services. Everyone who knows him and knows his service intimately believes that it entitled him to great credit rather than disparagement.

But whether Gen. Adams was a good soldier or not has nothing whatever to do with this bill. His name and standing as a distinguished man has been dragged into this debate without any license whatever, and disparaging his service does not in any way change the question which is before the House. The matter which is before the House is the consideration of a pension bill which has been prepared by the same methods and which has the same characteristics as similar bills have had for many years. I do not know anything about the character of the bills which were passed before I came to Congress, and I have no particularly intimate knowledge of their character since

I came here, but I have introduced special pension bills for worthy soldiers and the widows of worthy soldiers, and I want to say that, as far as my personal experience is concerned, there never has been one of these bills reported by the Committee on Pensions, or by the Committee on Invalid Pensions, which has not been justified and which did not in every respect meet my approval.

Mr. KOPP. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN (Mr. RUCKER of Colorado). Will the gentleman from Massachusetts yield to the gentleman from Wisconsin?

Mr. WEEKS. With pleasure.

Mr. KOPP. Does not the gentleman think that as a matter of fact these special pension bills are the most meritorious ones that are passed, for this reason, that every Member will introduce bills specially where those who ask for them are absolutely needy, so that every special bill that is passed helps some one in great need, while many of the general pensioners receiving pensions under general law do not financially need the help to so great an extent?

Mr. WEEKS. Mr. Chairman, I was going on to say exactly what the gentleman from Wisconsin has said for me. So far as my experience is concerned, every one of the bills which have been passed, beneficial to the men and women in my district, have been bills relating to cases where there was great need, due to disease, wounds, or financial incapacity. Many of the beneficiaries under the general pension laws are not, in my judgment, needy to the same extent, and I am not entirely in accord with Gen. Adams in his criticism of these special pension bills. It may have been true in the past that bills were passed which gave a pension to persons who were not entitled to them, but I do not believe that that has been the case since I have been a Member of this House, and I have received assurance that the same methods are being followed by the Committee on Invalid Pensions in this Congress with respect to them that have been followed during the last six or seven years, and I believe that those methods have the approval of those Members of this House who have made any investigation of them. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. FOSTER of Illinois. Mr. Chairman, I yield five minutes to my colleague from Illinois [Mr. FOWLER].

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TRIBBLE. I would like to know who controls the time on this side?

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] is entitled to an hour, and he has used about 25 minutes of his time.

Mr. TRIBBLE. I understand that. I meant to inquire who has control of the time against the bill?

The CHAIRMAN. Anybody whom the Chair recognizes at the expiration of an hour is entitled to another hour.

Mr. TRIBBLE. I want to say that the gentleman from Colorado [Mr. RUCKER], who has been presiding, has my name marked down on a paper as one of those desiring time. If the Chair will consult the paper before him, he will see that that is true, and I call on the present Chair to grant me time.

The CHAIRMAN. The Chair is inclined to overrule the point of order. The gentleman from Illinois is recognized for five minutes.

Mr. FOWLER. Mr. Chairman, I have always felt that it took merit in order to receive reward, and I have never been disposed to cast my vote for the purpose of taking money out of the Treasury of the Government, that belongs to the people, unless it was for a meritorious cause. I am aware of the fact that there are some people who believe that the soldiers of this country have been paid enough. I am also aware of the fact that there are some who think they have been paid too much; but if there be such here to-day, I want to call their attention to the fact that the men in whose interest this bill is now before this House are men who are in such a physical and financial condition that they are suffering to-day for the necessities of life.

It is said that at the close of the war a handful of southern soldiers stopped on the wayside to parch some corn for a frugal meal. One of them said, "John, what are you going to do?" John replied, "I can't go back home and tell my people that the cause of the South is lost." He said to his comrade, "What are you going to do?" who replied, "I am going back home, kiss Mary, and make a crop."

That very same principle is what is making the South prosperous to-day. The man who can suffer defeat and take heart anew and go to work for a new civilization and a new future

is the man who will succeed in life. The section of country which can do that will be prosperous, and the South is doing that to-day. The new South is one of the most hopeful territories within the United States. It is rich in soil, it is rich in intelligence, it is rich in resources, and to-day we are looking to the South for some of the greatest results to be attained in our country.

My friend from Georgia [Mr. RODDENBERRY] takes the view of the gentleman who said he could not go back home and tell his people of defeat. The men who are supporting this bill represent the man who said, "I am going back home, kiss my wife, and raise a crop." I want to say that I belong to the class who take a hopeful view of the situation. Let us raise a crop for the future which will stand for America and the union of these States; a crop that will continue to honor the defenders of our national honor who left their homes, their wives, their babies, and their kindred, by paying them for their services a sufficient sum for their support during their declining years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. I would be glad to have a few minutes more.

Mr. FOSTER of Illinois. I yield to the gentleman three minutes more.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. FOWLER. Mr. Chairman, I am glad to yield to the distinguished gentleman from Indiana.

Mr. ADAIR. Does not the gentleman know that the time consumed in debate carried on by the friends of this bill is contributing toward the defeat of the bill; that it must be read under the five-minute rule; and that every man who wants to see this bill pass ought to allow time for it to be read under the five-minute rule?

Mr. FOWLER. Mr. Chairman, if I believed that the debate upon this bill would defeat it, I could come to but one conclusion, which would be that a discussion of the bill would reveal its lack of merit. I do not believe that. I do not believe a discussion of this bill will defeat it, because I think that a correct principle underlies this legislation. If that were not so, I would not want to stand on the floor of this House advocating the bill. I believe discussion of this bill will not only not defeat it, but that it will bring to it the support of men who are now doubtful as to whether they ought to vote for it. The old soldiers are not asking Congress to do wrong, neither are they begging for an allowance which is right, but they are demanding recognition and pay for their deeds of valor in the cause and the union of these States.

Mr. ADAIR. When will you get a vote on it?

Mr. FOWLER. Mr. Chairman, I have only a few minutes left, but I will say to the gentleman from Indiana he is no more anxious about the success of this bill than I am, but I can not sit still in my seat when men on the floor of this House call in question the motive which prompted the committee who reported this bill.

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. YOUNG of Kansas. Does not the gentleman believe that this debate is delaying the passage of this bill?

Mr. FOWLER. Mr. Chairman, the debate on any question delays a vote on it, but an honest, fair, and intelligent debate never did interfere with the passage of any good law. It is the reckless passage of a law that brings about contempt, but it is the free, open, and intelligent discussion of measures that gives the people satisfactory laws that are not likely to be repealed after their passage.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I desire permission to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. FOWLER. I am for this bill, Mr. Chairman, for it seeks to relieve those old soldiers who are now helpless, without means of support, and dependent upon others for the necessities of life. The Government owes to them a debt which can never be paid in money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I think it is proper to say a word after the speech of the gentleman from Georgia [Mr. RODDENBERRY]. In the first place, I understood the gentleman from Georgia to say that no Member of the House had had an opportunity until to-day to read this bill or the report upon it. If the gentleman thought that, the gentleman was in error. I had

this bill and report upon it and examined them both on yesterday. There has been more time intervening between the report on this bill being printed and the consideration of the bill in the House than there was between the printing of the report on the chemical schedule bill and its consideration in the House.

The gentleman from Georgia, if I understood him correctly, was opposed to the passage of this bill because it made exceptions to the general rule, and I thought I understood him to say that he was satisfied with the merits of the existing laws relating to pensions.

Mr. RODDENBERRY. Mr. Chairman, I do not want to take the time of the gentleman, but I did not intend to convey that idea.

Mr. MANN. A few days ago we had under consideration in the House the pension appropriation bill carrying appropriations for the payment of pensions authorized by existing law. That bill was in charge of the distinguished and able gentleman from Georgia [Mr. BARTLETT], a member of the Committee on Appropriations and the chairman of the subcommittee dealing with the pension appropriation bill. When the bill was considered in the House, and the consideration in committee had ceased, and the matter came up for final disposal in the House, a gentleman on the Democratic side of the House demanded the yeas and nays on the passage of the bill—an appropriation bill not extending in any particular the pensions authorized by law, but only appropriating the money to carry out the plighted faith of the Government as expressed by law for the payment of pensions already allowed.

I notice upon the roll call there were two gentlemen from Georgia who voted for the bill.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. MANN. I have only 10 minutes, and I can not yield until I finish this statement. The gentleman from Georgia, Mr. BRANTLEY, and the gentleman from Georgia, Mr. LEE, voted for the bill. Out of a delegation of 11 Members from that State the gentleman from Georgia, Mr. RODDENBERRY, voted against the appropriation bill. The gentleman from Georgia, Mr. EDWARDS, voted against the appropriation bill. The gentleman from Georgia, Mr. BELL, voted against this appropriation bill. The gentleman from Georgia, Mr. HOWARD, voted against the appropriation bill. The gentleman from Georgia, Mr. TRIBBLE, voted against this appropriation bill. It was a bill merely making appropriations to pay pensions already allowed under existing law. The gentleman from Georgia, Mr. ADAMSON, is not recorded as voting. The gentleman from Georgia, Mr. HARDWICK, is not recorded as voting. The gentleman from Georgia, Mr. HUGHES, is not recorded as voting.

In connection with the gentlemen from Georgia who voted against the bill there were included the gentleman from Texas, Mr. BEALL; the gentleman from South Carolina, Mr. BYRNES; the gentleman from Texas, Mr. CALLAWAY; the gentleman from Mississippi, Mr. CANDLER; the gentleman from Mississippi, Mr. COLLIER; the gentleman from Mississippi, Mr. DICKSON; the gentleman from Texas, Mr. DIES; the gentleman from South Carolina, Mr. ELLERBE; the gentleman from North Carolina, Mr. FAISON; the gentleman from South Carolina, Mr. FINLEY; the gentleman from North Carolina, Mr. GODWIN; the gentleman from Arkansas, Mr. GOODWIN; the gentleman from Texas, Mr. HARDY; the gentleman from Kentucky, Mr. HELM; the gentleman from Arkansas, Mr. JACOWAY; the gentleman from South Carolina, Mr. LEGARE; the gentleman from South Carolina, Mr. LEVER; the gentleman from Arkansas, Mr. OLDFIELD; the gentleman from Texas, Mr. SHEPPARD; the gentleman from Mississippi, Mr. SISSON; the gentleman from Texas, Mr. SMITH; the gentleman from North Carolina, Mr. STEDMAN; the gentleman from Mississippi, Mr. STEPHENS; the gentleman from Texas, Mr. STEPHENS; the gentleman from North Carolina, Mr. WEBB; the gentleman from Mississippi, Mr. WITHERSPOON; and the gentleman from Texas, Mr. YOUNG.

These gentlemen, on an appropriation bill to carry out the terms of the existing law to pay pensions already allowed under existing law, not under the Sherwood bill or these bills—these gentlemen, when the bill to pay these pensions had been reported by the distinguished gentleman from Georgia [Mr. BARTLETT], all voted against carrying out the confessed faith of the Government to pay pensions already allowed. [Applause.]

It is no wonder that the gentleman from Georgia now objects to this bill, and now objects to the Sherwood bill. He is opposed to the payment of the pensions which we agreed to pay by law, allowed under the law. The gentleman from Georgia and these other gentlemen who voted against paying these pensions are in marked contrast with the action of this House a few days ago, which passed, without a dissenting vote, without an opposing voice, the bill providing for the payment of war

claims, nearly all of which goes into the Southern States. [Applause.]

We on our side are willing to forgive and forget. We are willing to pay the claims in the Southern States growing out of the War of the Rebellion, and you—I thank God a small minority of you—are unwilling even to vote the money to pay the pensions which we have already provided. I do thank God that the minority is small.

Mr. COLLIER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COLLIER. I simply want to ask the gentleman from Illinois, because he has a list there, if he read all the list and if every one of all the names recorded as voting against the bill were from those States mentioned?

Mr. MANN. I read all the list, with one exception.

Mr. TRIBBLE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TRIBBLE. I offered an amendment one day last week carrying \$5,000 to pay a claim of a woman who lived in the South, but who during the war lived entirely every day of it in New York, in a State that was loyal. Did the gentleman who is now on the floor support that amendment?

Mr. MANN. I do not know what amendment the gentleman is talking about.

Mr. TRIBBLE. I have stated it.

Mr. MANN. Well, I can not tell from the gentleman's statement of it; I heard his statement. I voted for and helped to pass without a single vote against it, or a single voice against it, the omnibus war-claims bill, the beneficiaries of which are mainly in the States of the South, the representatives of which, or a portion of them, voted against paying pensions already allowed under existing law.

Mr. FERRIS. Will the gentleman yield for a question?

Mr. MANN. Certainly.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TAGGART. Mr. Chairman, I ask unanimous consent that the gentleman may be granted five minutes.

Mr. FOSTER of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Chairman, it has been charged that undue discrimination is used in the passage of these private pension bills. I do not desire that the record of our proceedings here shall go forth to-day with that statement unchallenged or unanswered. I do not believe that any man in the House or elsewhere can make that statement who has ever read the rules of the Committee on Invalid Pensions. The committee have a regulation that they will not even consider, let alone pass, a case of any soldier for increase or original pension unless it shall first be proved by sufficient affidavit that the soldier is either helpless or partially helpless, and also that he is pecuniarily dependent on his present pension. Again, consider the advanced age of the dependents who are proposed to be helped by this present bill: Garland, of Pennsylvania, 81 years of age, drawing a pension of \$20 a month; Tindall, of Ohio, 80 years of age, drawing a pension of \$20 a month; Wright, of Illinois, 77 years of age, drawing a pension of \$20 a month; and many of them 76, 79, 81, 84 years of age. I would like to ask the gentleman from Georgia, who consumed a whole hour to-day in making such a violent attack upon this pension bill, if he wishes to go upon record as desiring the soldiers of this Republic to spend their last days in the poorhouse?

The greatest discrimination has been used by the Committee on Invalid Pensions in deciding what claims shall be approved by them in reporting these special bills. Only a small fraction of the bills introduced ever find the light of day in this House because of the discrimination used by the committees and the special examiners in the two committees in the House and Senate, and I desire here to bear testimony to the faithfulness, to the industry, and the great painstaking of not only the chairman but the individual members of the Committee on Invalid Pensions throughout the years that have passed under Mr. SULLOWAY, of New Hampshire, and now under Mr. SHERWOOD, of Ohio. They have been fair and just in selecting the deserving cases from among the myriad of bills introduced and reporting them favorably to this House, and I believe that it is the consensus of judgment of the American people, East, West, North, and South as well, that the men who have borne the burden and heat of the day in battle shall be cared for by this country in their hour of need and in their declining years, and that they shall be given a competence to keep them out of public almshouses and enable them to feel that a grateful country still renders them homage for the great service they wrought and the sacrifices they endured. [Applause.] I yield back the portion of my time which may remain.

Mr. FOSTER of Illinois. I yield two minutes to the gentleman from Illinois [Mr. STONE].

[Mr. STONE addressed the committee. See Appendix.]

Mr. FOSTER of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. JACKSON].

Mr. JACKSON. Mr. Chairman, I sincerely regret that this question has come before the House for discussion at this time. I regret that any Member of this House found it necessary to break the long custom which I understand has existed here, allowing consideration of these bills without objection, and certainly without filibustering. But, Mr. Chairman, the fact that this has been done and the fact that it has gone broadcast in the press of the country that there is to be objection made both here and elsewhere in Congress to the enactment of these bills, makes it necessary, I think, that some one should say something upon this question.

Now, what is the situation? We have endeavored here to the best of our ability to pass a law which would do justice to all of the old soldiers of the North. So far we have not succeeded, and now when this committee, seeking merely to relieve destitution, comes into this House with a bill, we are met with this objection. The gentleman from Georgia [Mr. RODDENBERRY] and men who, like him, voted against the appropriation pension bill the other day, must face this situation when they charge that there is any political issue in this question. Mr. Chairman, it has long since ceased to be a political issue anywhere in the North. And I want to-day to resent the idea that anyone is favoring the pension of an old soldier for any political reason. The fact that gentlemen come here and make that charge, the fact that gentlemen come here and say that the pension roll is full of fraud and imposition upon the Government, I say, shows that they are impelled by some motive which no longer exists in the North upon this question.

I allow no man, Mr. Chairman, to exceed me in admiration for the people of the South, nor for the South as a section, nor for the private Confederate soldier. I believe that the men who followed the Stars and Bars as privates did so honestly, and I admire them as American soldiers. But, Mr. Chairman, I always have believed, and I still believe, that there never would have been any war if it had not been for the bad politics and bad politicians of the South. The only partisan feeling I have about this question whatever is that the same sort of bad politics will yet keep alive that feeling against soldiers of the North and against the people of the North unless the present statesmen of the South are wise enough to put a stop to it.

Mr. Chairman, there is one other thing I want to mention here in the short time allowed me, and that is that the people of the South are not alone in their unfairness to the old soldiers of the country. As I allow no one to exceed me in admiration for the people of the South, I do not allow anyone to exceed me in admiration for that great family of Adamses, of the State of Massachusetts. I have no doubt but that this Gen. Adams who has been mentioned here is a worthy successor of that great family. His is one of the great names of letters of the country. I have quoted his words on industrial questions as authority on this floor; but the trouble is that he, like others of the East, has become convinced that a continuance of the pension system of the country may eventually lead to the adoption of an income tax as a means of meeting the expenses of the Government. This tax would fall heaviest upon the people of Massachusetts and the East, where the great fortunes of the country exist. These fortunes were, for the most part, built up by the votes of old soldiers of the North and West, and it comes in ill grace for these beneficiaries of a political policy sustained by old soldier votes to join those of the South, the former foes of the soldiers, in opposing the liberal pensions which the Government has promised to its defenders.

Mr. FOSTER of Illinois. I yield five minutes to the gentleman from Ohio [Mr. ANSBERRY].

Mr. ANSBERRY. Mr. Chairman, a few moments ago I sought, by interrupting my friend from Georgia [Mr. RODDENBERRY], to have him state his true reason for his bitter opposition to pension legislation, manifested whenever a special or a general pension bill was under consideration here. He refused to answer my question; in fact, he refused to permit me to ask him the question.

I assume, then, that the only opposition which he has to pension legislation is based upon the reason that he gave to this House, and that is on the ground of economy. And yet within the past two weeks I heard the gentleman's voice—and I could not mistake that voice—raised on the floor of this Hall in favor of what he was pleased to term a "pork" bill; in other words, a bill for public buildings, some of them being for his district, I assume, in the State of Georgia.

I lay down the proposition here and now, as I have announced it several times before, in all earnestness, that the United States of America owes to the soldiers of the Civil War a larger debt, measured in dollars and cents, or by any other standard, than it can ever pay. [Applause.] I say that the United States of America owes it to itself to first discharge the obligation it owes to these old veterans before entering into new obligations to erect public buildings in your district, my friend, in order to return you to a seat in this House. [Applause.] It is my judgment that your constituents, who contended so valiantly against the northern army in the dark days of 1861-1865 do not oppose liberal pension legislation. I call the attention of the gentleman from Georgia to the fact that the distinguished gentleman from Colorado [Judge RUCKER], who is now presiding over the deliberations of the Committee of the Whole to-day, is an ex-Confederate veteran, a gentleman of Southern extraction, who served nearly four years in the Confederate Army, a part of which time, I am advised, he languished in a Federal prison, deprived of his liberty and of the right to fight for the cause which he deemed just, and whenever a pension bill is on this floor for consideration I am glad to say that that ex-Confederate veteran has always cast his vote in favor of that bill. He is not alone in this, for his position has been supported in the same way by another distinguished gentleman of this House from the State of Maryland, who likewise fought under the Southern flag and who gave his time and the best that was in him in the interest of the so-called "lost cause."

This old soldier—and I say that in reverence—is my friend, the Hon. J. FRED TALBOTT. It is a source of pleasure to me to refer to these gentlemen who endured all the hardships of war and who now, when the opportunity affords, are hastening with their vote to lend comfort to the declining days of those men who were their ancient enemies, but who are now their fellow countrymen and friends. The example of these old soldiers can well be followed by all of us, and their exhibition of a broader patriotism should guide the course of those who upon this floor seek to embarrass by technical opposition the course of pension legislation aimed to relieve the veterans of the Civil War. Does anyone believe that these two distinguished soldiers of the Confederacy to whom I have referred come under the category of those whom my friend from Georgia asserts are supporting pension legislation from selfish motives? No. Everyone knows that their assistance is given because they are actuated by honest impulses and the highest patriotic motives. [Applause.]

Further, I want to say to the gentleman from Georgia [Mr. RODDENBERRY] that his own native State has the self-same pension system in vogue, looking to the furnishing of assistance to those men who wore the gray. The State of Georgia—and I am glad it does—gives to the soldier who lost an eye in following the flag of the lost cause to defeat \$100 a month—

A MEMBER. A year—

Mr. ANSBERRY. Yes; \$100 a year, and pays a proportionate sum to the other soldiers who served in that cause. If the gentleman goes upon the hustings in his district and tells those ex-Confederate veterans that he is in favor of more liberal pension legislation for them on the statute books of the State of Georgia, he is chargeable with the self-same motives that he lays at my door and to the door of every man whom he opposes on the question of pension legislation on the floor of this House.

It is true that the pension bill has grown, but it has not kept pace with the needs of the many veterans of the Civil War, whose pension has constantly, as prices have advanced, decreased in purchasing power, and it should be the proud boast of every man, whether from the South or the North, that any man who risked his all to keep this Union intact and in support of that flag—and I do not say it for rhetorical purposes—should be given by the Government sufficient means to live with dignity, if not in comfort. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ANSBERRY. Mr. Chairman, I also would like permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] makes the same request. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Chairman, I move that the committee do now rise.

Mr. CAMPBELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. Is it the purpose to rise without reporting the bill to the House?

Mr. ADAIR. The bill has not been read under the five-minute rule.

Mr. TRIBBLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TRIBBLE. Is it the purpose of the gentleman to cut off debate?

The CHAIRMAN. That is not a parliamentary inquiry. The gentleman from Indiana [Mr. ADAIR] moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken; and there were on a division (demanded by Mr. RODDENBERRY)—ayes 93, noes 3.

Mr. RODDENBERRY. Mr. Chairman, I make the point of no quorum present.

Mr. MANN. I ask the Chair to count.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-five Members, a quorum of the Committee of the Whole, is present. On this vote the ayes are 93, the noes 3, so the committee determines to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RUCKER of Colorado, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and had come to no resolution thereon.

Mr. ADAIR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the further consideration of the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and, pending that motion, I move that all general debate close in five minutes.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House for the further consideration of House bill 20585, and, pending that, he moves that general debate be closed in five minutes.

Mr. RODDENBERRY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERRY. I rise to oppose the motion of the gentleman from Indiana.

The SPEAKER. That motion is not debatable. The question is on the motion to limit general debate to five minutes.

The question being taken, the motion was agreed to.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. ADAIR] that the House resolve itself into the Committee of the Whole House for the further consideration of House bill 20585.

The question being taken, on a division (demanded by Mr. RODDENBERRY) there were—ayes 142, noes 0.

Mr. RODDENBERRY. Mr. Speaker, I make the point of no quorum present, and I move a call of the House.

The SPEAKER. The Chair will count and see if he can count a quorum. [After counting.] One hundred and sixty-one Members, not a quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman does not need to do that. A call of the House comes automatically. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees. Those in favor of going into the Committee of the Whole House will, when their names are called, answer "aye," those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—ayes 233, noes 5, answered "present" 4, not voting 151, as follows:

YEAS—233.

Adair	Booher	Collier	Driscoll, M. E.
Adamson	Bowman	Connell	Dyer
Alney	Brantley	Conry	Esch
Akin, N. Y.	Brown	Cooper	Evans
Alexander	Browning	Copley	Faison
Allen	Buchanan	Covington	Farr
Ames	Bulkley	Cox, Ind.	Fergusson
Anderson, Minn.	Burleson	Crumpacker	Ferris
Anderson, Ohio	Burnett	Cullop	Finley
Ansberry	Butler	Curley	Fitzgerald
Ashbrook	Byrnes, S. C.	Dalzell	Floyd, Ark.
Barnhart	Byrns, Tenn.	Daugherty	Fornes
Bartholdt	Campbell	Davenport	Foster, Ill.
Bartlett	Candler	De Forest	Foster, Vt.
Bates	Cannon	Dent	Fowler
Bathrick	Catlin	Denver	Fuller
Beall, Tex.	Clark, Fla.	Dickinson	Gallagher
Bell, Ga.	Claypool	Dixon, Ind.	Gardner, Mass.
Berger	Clayton	Donohoe	Gardner, N. J.
Blackmon	Cline	Doremus	Garrett

Gillett	Jacoway	Murdock	Speer
Glass	Johnson, Ky.	Needham	Stanley
Godwin, N. C.	Johnson, S. C.	Neeley	Stedman
Goeke	Jones	Nelson	Steenerson
Good	Kendall	Norris	Stephens, Cal.
Goodwin, Ark.	Kennedy	Nye	Stephens, Miss.
Gray	Kinkaid, Nebr.	Padgett	Stephens, Nebr.
Green, Iowa	Kinkaid, N. J.	Page	Stephens, Tex.
Greene, Mass.	Knowland	Palmer	Sterling
Gregg, Tex.	Konop	Patton, Pa.	Stevens, Minn.
Hamill	Kopp	Pepper	Stone
Hamilton, Mich.	La Follette	Peters	Sulloway
Hamilton, W. Va.	Lamb	Pickett	Sulzer
Hamlin	Langley	Porter	Talcott, N. Y.
Hanna	Lee, Pa.	Pou	Taylor, Ohio
Hardwick	Lenroot	Powers	Thayer
Harris	Levy	Pray	Thistlewood
Harrison, Miss.	Lewis	Prouty	Townner
Haugen	Linthicum	Rainey	Turnbull
Hawley	Littlepage	Raker	Underhill
Hay	Lloyd	Rauch	Underwood
Hayden	Lobeck	Redfield	Volstead
Heald	Loud	Rees	Warburton
Heflin	McCoy	Relly	Watkins
Helgesen	McCreary	Reyburn	Webb
Helm	McKenzie	Rothermel	Wedemeyer
Henry, Conn.	McKinney	Rubey	Weeks
Henry, Tex.	McMorran	Rucker, Colo.	White
Hensley	Madden	Russell	Wickliffe
Higgins	Maguire, Nebr.	Sells	Willis
Hinds	Mann	Shackleford	Wilson, Ill.
Holland	Martin, Colo.	Sharp	Wilson, Pa.
Houston	Moon, Tenn.	Sherwood	Wood, N. J.
Howard	Moore, Tex.	Simmons	Woods, Iowa
Howell	Morgan	Sims	Young, Kans.
Howland	Morrison	Sisson	Young, Tex.
Hughes, N. J.	Morse, Wis.	Sloan	
Hull	Moss, Ind.	Smith, J. M. C.	
Jackson	Mott	Smith, Tex.	

NAYS—5.

Callaway	Roddenbery	Tribble	Witherspoon
Hardy			

ANSWERED "PRESENT"—4.

Andrus	French	Garner	Harrison, N. Y.
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NOT VOTING—151.

Aiken, S. C.	Ellerbe	Lee, Ga.	Richardson
Anthony	Estopinal	Legare	Riordan
Austin	Fairchild	Lever	Roberts, Mass.
Ayres	Fields	Lindbergh	Roberts, Nev.
Barchfeld	Flood, Va.	Lindsay	Robinson
Bingham	Focht	Littleton	Rodenberg
Boehne	Fordney	Longworth	Rouse
Borland	Foss	McCall	Rucker, Mo.
Bradley	Francis	McDermott	Sabath
Broussard	George	McGillcuddy	Saunders
Burgess	Goldfogle	McGuire, Okla.	Scully
Burke, Pa.	Gould	McHenry	Sheppard
Burke, S. Dak.	Graham	McKellar	Sherley
Burke, Wis.	Gregg, Pa.	McKinley	Slayden
Calder	Griest	McLaughlin	Slemp
Cantrill	Gudger	Macon	Small
Carlin	Guernsey	Maher	Smith, Saml. W.
Carter	Hammond	Malby	Smith, Cal.
Cary	Hartman	Martin, S. Dak.	Smith, N. Y.
Cox, Ohio	Hayes	Matthews	Sparkman
Crago	Hill	Mays	Stack
Cravens	Hobson	Miller	Sweet
Currier	Hubbard	Mondell	Switzer
Curry	Hughes, Ga.	Moon, Pa.	Taggart
Danforth	Hughes, W. Va.	Moore, Pa.	Talbott, Md.
Davidson	Humphrey, Wash.	Murray	Taylor, Ala.
Davis, Minn.	Humphreys, Miss.	Oldfield	Taylor, Colo.
Davis, W. Va.	James	Olmsted	Thomas
Dickson, Miss.	Kahn	O'Shaunessy	Tilson
Dies	Kent	Parran	Townsend
Difenderfer	Kindred	Patten, N. Y.	Tuttle
Dodds	Kitchin	Payne	Utter
Doughton	Konig	Plumley	Vreeland
Draper	Korby	Post	Whitacre
Driscoll, D. A.	Lafean	Prince	Wilder
Dupre	Lafferty	Pujo	Wilson, N. Y.
Dwight	Langham	Randell, Tex.	Young, Mich.
Edwards	Lawrence	Ransdell, La.	

So the motion was agreed to.

The following pairs were announced:

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. SCULLY with Mr. HUMPHREY of Washington.

Mr. RANSDELL of Louisiana with Mr. MCKINLEY.

Mr. ELLERBE with Mr. ROBERTS of Nevada.

Mr. SAUNDERS with Mr. AUSTIN.

Mr. SHARP with Mr. LAFEAN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. SHEPPARD with Mr. HARTMAN.

Mr. BURGESS with Mr. SLEMP.

Mr. CANTRILL with Mr. FORDNEY.

Mr. COX of Ohio with Mr. SAMUEL W. SMITH.

Mr. FIELDS with Mr. LANGLEY.

Mr. GEORGE with Mr. MALBY.

Mr. SLAYDEN with Mr. PLUMLEY.

Mr. HUGHES of Georgia with Mr. DRAPER.

Mr. DOUGHTON with Mr. FRENCH.
 Mr. THOMAS with Mr. HUBBARD.
 Mr. OLDFIELD with Mr. UTTER.
 Mr. LITTLETON with Mr. DWIGHT.
 Mr. EDWARDS with Mr. YOUNG of Michigan.
 Mr. TALBOTT of Maryland with Mr. PARRAN.
 Mr. MACON with Mr. SMITH of California.
 Mr. GRAHAM with Mr. DODDS.
 Mr. HUMPHREYS of Mississippi with Mr. LAWRENCE.
 Mr. BOEHNE with Mr. BINGHAM.
 Mr. SMALL with Mr. BARCHFELD.
 Mr. LEE of Georgia with Mr. MATTHEWS.
 Mr. WILSON of New York with Mr. WILDER.
 Mr. TUTTLE with Mr. VREELAND.
 Mr. GOLDFOGLE with Mr. TILSON.
 Mr. TAYLOR of Colorado with Mr. SWITZER.
 Mr. TAYLOR of Alabama with Mr. J. M. C. SMITH.
 Mr. SMITH of New York with Mr. RODENBERG.
 Mr. SHERLEY with Mr. ROBERTS of Massachusetts.
 Mr. RUCKER of Missouri with Mr. PRINCE.
 Mr. RICHARDSON with Mr. PAYNE.
 Mr. POST with Mr. OLMSTED.
 Mr. PATTEN of New York with Mr. MOORE of Pennsylvania.
 Mr. O'SHAUNESSY with Mr. MONDELL.
 Mr. MCKELLAR with Mr. MILLER.
 Mr. MCHENRY with Mr. MARTIN of South Dakota.
 Mr. McDERMOTT with Mr. McLAUGHLIN.
 Mr. LEVER with Mr. LONGWORTH.
 Mr. LEGARE with Mr. LINDBERGH.
 Mr. KINDRED with Mr. LAFFERTY.
 Mr. HAYES with Mr. KENT.
 Mr. GUDGER with Mr. KAHN.
 Mr. FRANCIS with Mr. GUERNSEY.
 Mr. FLOOD of Virginia with Mr. CURRIER.
 Mr. DANIEL A. DRISCOLL with Mr. GRIEST.
 Mr. DICKSON of Mississippi with Mr. FOSS.
 Mr. DUPRE with Mr. DAVIS of Minnesota.
 Mr. CARTER with Mr. MCGUIRE of Oklahoma.
 Mr. BORLAND with Mr. BURKE of South Dakota.
 Mr. CARLIN with Mr. CRAGO.
 Mr. LEWIS with Mr. ANTHONY.
 Mr. AIKEN of South Carolina with Mr. BURKE of Pennsylvania,
 Until Saturday:
 Mr. GREGG of Pennsylvania with Mr. FOCHT.
 Ending February 26, noon:
 Mr. MAYS with Mr. MOON of Pennsylvania.
 Mr. BULKLEY with Mr. DANFORTH.
 Ending February 26:
 Mr. BURKE of Wisconsin with Mr. CALDER.
 From February 22 to February 24, inclusive:
 Mr. KITCHIN with Mr. HILL.
 Mr. JAMES with Mr. McCALL.
 The result of the vote was then announced as above recorded.
 The SPEAKER. A quorum is present. The Doorkeeper will
 open the doors and, without objection, further proceedings under
 the call will be dispensed with.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. AUSTIN, for two days, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. JACOWAY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of S. E. Weaver, Sixty-second Congress, second session, no adverse report having been made thereon.

PENSIONS.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20585, Mr. RUCKER of Colorado in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20585, and by order of the House debate is limited to five minutes.

Mr. ADAIR. Mr. Chairman, I desire to ask for a reading of the bill.

Mr. TRIBBLE. Mr. Chairman—

The CHAIRMAN. What is the request of the gentleman from Indiana?

Mr. ADAIR. If no one cares to use the five minutes in general debate, I ask for a reading of the bill.

Mr. TRIBBLE. Mr. Chairman, I have been asking for five minutes or longer all day.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia.

Mr. TRIBBLE. Mr. Chairman, I do not rise for the purpose of making a speech, but I do desire to join in the complaint of the gentleman from Georgia [Mr. RODDENBERRY] that these bills are brought before the House and that Members are not given an opportunity to examine them and file their protest on the floor of this House, if necessary. I am not going to make a speech dealing with generalities, but I am going to take the record that is before us here, and I call upon Members of this House to read it for themselves. I take the first name found in the report. Then I will take the first name that is in the second report, showing I want to be fair about it. The first name is Mr. Bable. He draws a pension of \$10 a month. He asked the Pension Bureau for an increase to \$15 a month. His claim was rejected on grounds that the claimant could not furnish competent proof connecting his disability with military service. It was again rejected, and rejected on account of the fact that his rheumatism was not sufficiently shown. Now, Mr. Chairman, this man, according to the statement in here—the report of the committee—is worth \$600. But what is the fact? He owns a small farm, a small tract of land, and three houses on it in the State of Ohio. I would like for some man to point out to me in Ohio a piece of ground on which there are three houses that is not worth more than \$600. I would like to have information on the floor of this House, but we are shut off.

Mr. ANSBERRY. Will the gentleman yield for a question?

Mr. TRIBBLE. I decline to be interrupted.

Mr. ANSBERRY. This is my bill and I will give the gentleman information about it.

Mr. TRIBBLE. I can not yield, because it will take up my time—

Mr. ANSBERRY. The gentleman does not want the information.

The CHAIRMAN. The gentleman declines to yield.

Mr. TRIBBLE. I want to call attention to another thing. Take this bill and read it and you will find this man has tried time and time again the names of various diseases; his category of names was not exhausted, however, before he found one that served for pension purposes. He tried 13, and on the thirteenth he landed on nervousness, and with his record before the committee it comes in and recommends that he get an increase of pension to \$24 per month. He is 13 times down with complaints of different kinds. His name is Bable.

I am reminded of the Tower of Babel, and it is said that the men there could only speak one tongue. This man is improperly named; he speaks with 13 tongues, and every time he mentions his disability he calls it a different disease with a new tongue. Now, I think it is fair to this House that the members of this committee bring these reports in here in order that we may see and know what they are bringing here. Now, I want to take up the next bill and I want to take the first case in the bill, and I call the attention of the committee to it. The first man they bring in here in the next bill is William Hill. Now, I have not had time to go through these bills and pick out the bad cases, but I have taken the first two that have come up. What do we find? I find here is a man who has been drawing two pensions, contrary to the statutes of the United States, who stated in his petition that he was not drawing a pension at the time when he got his second pension. I can not say whether he swore to it or not, and yet gentlemen in their hurry to get these bills through this House say that these bills have passed in years gone by and that no man has ever raised his voice in protest. I want to say to you here to-day that I resent the intimation that it is a tribute to my diligence as a Representative on the floor of this House that bills are passed through here carrying millions of dollars and I not raise a protest. When I see bills being rushed through the House unjustly, as I conceive them, my constituents expect me to fight them, regardless of precedents.

The CHAIRMAN. By order of the House, general debate is now closed. The Clerk will read the bill.

The Clerk read as follows:

The name of Alexander Bable, late of Company E, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the section. As far as I can ascertain from the report of the committee on this particular claim, the applicant for a pension is at present the recipient of one. That fact does not necessarily argue or demonstrate that he should not have an increase of pension, but I submit, Mr. Chairman, that it does not show, either, that by his side in the war there were not other soldiers braving the dangers that he braved, undergoing the sacrifices that he underwent, who are not just as deserving and worthy of recognition as this applicant is. It appears that this soldier went into the war and stayed a little while. It also appears that he drew a pension; that thereafter he went to the

Pension Department under the existing law and sought to obtain an increase in his pension. It can not be said that the Pension Department of this Government has been prejudicial, unjust, or niggardly, or disposed not to extend the statutes to soldiers who came within the law and sought an increase of pension. Notwithstanding the fair and just disposition of the Pension Office to him, time and time again his claim for an increase of pension was turned down.

Now, after that happened, what transpired? From the meager report we have before us he comes to Congress, and a private bill is introduced in his behalf? Where is Private Jones? Where is Private Smith? Where is Private Williams? Where are all of those who side by side with him, so far as we know, are not receiving as much pension as he did and yet rendered more service, sustained greater injury, and made equally as valiant soldiers? Where are they? Perhaps the author of the bill can tell. And yet, after shifting from ground to ground, he was not allowed a pension for this disability. He was turned down for this ailment; he was not eligible and did not satisfactorily establish this infirmity; and when he had failed to do so he came here. The Congress, without debate, without investigation, without consideration, is asked to pass a privileged private bill for him. I have no desire to even suggest that the members of the Pension Committee report this bill with any view whatever to precipitate it on the House in order to accomplish an injustice. The committee is merely pursuing a precedent of the last four or six years, and possibly a little longer. And in pursuing that precedent they are no more justified than the actual facts will warrant. They get no immunity from the precedent. And I am merely rising to ask that the gentleman who introduced the bill and who is sponsor for it and who said that he would explain to "the gentleman from Georgia," to explain to the House whether or not the Commissioner of Pensions found unjustly against him in one case, in two cases, in three cases—

The CHAIRMAN. The gentleman's time has expired.

Mr. RODDENBERRY. I will be glad to have the author of the bill now explain it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERRY].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The name of John Ford, late of Company C, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the paragraph. Where is the gentleman who, when the question was asked, volunteered the statement that he was the author of the bill and wanted to explain the justice of it?

Mr. JACKSON. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Georgia yield to the gentleman from Kansas?

Mr. RODDENBERRY. Certainly.

Mr. JACKSON. I would like to ask the gentleman in good faith if it is his intention to make a speech on every paragraph of this bill for the purpose of filibustering and delaying the passage of it?

Mr. RODDENBERRY. I will answer that question frankly. I intend, Mr. Chairman, as a Member, under the rules of the House, to ask recognition from the Chair under the five-minute rule on every paragraph on which, in my judgment, as a Member, it is both my privilege and duty to be heard.

Mr. JACKSON. Will the gentleman further yield?

Mr. RODDENBERRY. I will.

Mr. JACKSON. I find here the bill H. R. 18430, in which the gentleman has asked this Congress to appropriate \$68,000,000 to pay certain claims to the people of Georgia and other people of the South. Does not the gentleman think if he would be a little more lenient in paying these claims that his bill would have a better chance to be enacted?

Mr. RODDENBERRY. I ask for nothing in that bill except what the records of the War Department say was taken by the Government from the people of the South and nothing except what the Supreme Court of the United States says was unrighteously taken. [Applause.] I challenge the gentleman to present to this House an argument against it based upon the law.

Ah, gentlemen, I well know that somewhere between the point of the hill that I now go down and the one I seek to climb I may fall under the contumely of some of my colleagues and may fall into their disfavor. I recognize that I shall be no exception, and that others have been as unfortunate; but as a Member of the Congress I purpose to meet my duty fearlessly. Likewise I take your criticism, I take your innuendo, I take your disposition to be inconsiderate of open discussion. I make no com-

plaint. I am answerable alone to my country in general and to my constituents in particular.

Mr. JACKSON and Mr. LANGLEY rose.

The CHAIRMAN. To which gentleman does the gentleman yield?

Mr. RODDENBERRY. I yield first to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. If the gentleman is sincere in his opposition to this bill, and if he was sincere in offering his amendment to the first paragraph, I ask him why he did not vote in favor of his own amendment? Because there were no votes cast in favor of it.

Mr. RODDENBERRY. I will answer the gentleman that when the steam roller comes along it sometimes hits a fellow before he can say anything. [Laughter.]

Mr. LANGLEY. I think that is what will soon happen to the gentleman from Georgia. [Laughter.]

Mr. RODDENBERRY. I have no doubt of it. But though you may find in the Record my honest objections to this bill, you will not find anywhere in the records of the departments an instance where I have indorsed a negro applicant for a job in a department in preference to an old veteran soldier.

Mr. Chairman, I ask that the Clerk read the report of the committee on the second paragraph, and I ask that it be taken out of my time.

The CHAIRMAN. Without objection, the report indicated will be read.

Mr. BOOHER. Mr. Chairman, I object.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order that as a matter of right I have the privilege of sending it to the Clerk's desk and having it read out of my time.

The CHAIRMAN. The Chair will have the Clerk read the rule on that subject for the benefit of the gentleman from Georgia.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.

Mr. RODDENBERRY. Mr. Chairman, House resolution 108 relates to John Ford, who was a private in a company and served from December 31, 1863, to July 20, 1865.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of Flora O. McGinnis, widow of John J. McGinnis, late of Company B, One hundred and sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

Mr. RODDENBERRY. Mr. Speaker, I move to strike out the last line. I would like, if I may, to inquire of the chairman of the committee or the chairman of the subcommittee, if he will permit it, apropos the name of Flora O. McGinnis, the widow of John J. McGinnis, whether or not he has before him the data on that case from the office of the Commissioner of Pensions? The report reads in this way:

The widow applied both under the act of June 27, 1890, and the act of April 18, 1908, but both claims were rejected after a special examination, on the ground that claimant's legal widowhood has not been established, it appearing that prior to her marriage with the soldier she had a former husband, named Henry Cooper, who left her in 1863, and the best obtainable evidence failing to show said Cooper's death or that he was divorced from her.

I should like to know of the gentleman what evidence was presented before the Committee on Invalid Pensions that would lead them to conclude that the finding of the Commissioner of Pensions was not warranted, or, if at the time warranted, what subsequent facts have been developed to show that the widow is entitled to a pension as the widow of such soldier. I have neither heard from the author of the bill, nor from the chairman of the committee, nor from the subcommittee. In other words, we have pending before the House—

Mr. ANDERSON of Ohio. Mr. Chairman—

SEVERAL MEMBERS. Oh, no; sit down.

Mr. RODDENBERRY. We have pending before the House a bill taking money out of the Treasury, and such is the disposition of the distinguished gentleman who occupies the head of the subcommittee as chairman and of the author of the bill, if he be present, that not a word is said in explanation of the items. On the contrary, when some Member, presumably the author of the bill, rises in his place to make explanation before his colleagues and let the truth go in the Record, gentlemen cry aloud to him, "sit down, sit down."

Mr. ANDERSON of Ohio. Oh, Mr. Chairman—

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Ohio?

Mr. RODDENBERRY. Certainly I yield.

Mr. ANDERSON of Ohio. The gentleman has made some reference presumably to me as being the author of this bill. I fail to find in this omnibus bill and report any names covering bills which I have introduced. I think I am the chairman of the subcommittee which considered this bill, although I am not sure. This pensioner might have been mustered in in New York and have moved into the district of the gentleman from Georgia, for aught I know, and he might be the author of the bill. I do not know about that; but I do say here that I think it is foolish to expect us to bring into this House all the evidence supporting each of these claims. I suppose there are 4 or 5 bushels of documents that would be required if that was done.

The CHAIRMAN. The time of the gentleman from Georgia has expired. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

The name of Reuben H. Dillon, late of Companies B and K, Fifth Regiment, and Company K, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the words "thirty dollars."

The CHAIRMAN. The gentleman moves to strike out the words "thirty dollars," in line 10.

Mr. RODDENBERRY. Mr. Chairman, there may be some good reason, and if there is I am certain the author of the bill or the chairman or some member of the subcommittee can explain what it is, and why the preceding paragraph of the bill gives to a widow by special act \$12 a month. The report sets forth the condition of this widow as to her infirmities, her poverty, and her dire circumstances. Now, when they come to this soldier, it appears that he is at the present receiving \$12 a month, the same amount that this special bill gives to the widow. Where is the patriotism, where is the justice, and where is the evidence to demonstrate that by a private bill this soldier should be paid \$30 a month when a widow on the same page of the bill is given \$12? Let us read the report:

Claim for additional pension, based on disease of liver and kidneys, was rejected June 5, 1909, on the ground of no record and the failure of the best obtainable evidence to establish incurable or existence in service or existence at discharge.

Medical testimony shows that applicant is suffering from rheumatism, a uric-acid condition of his whole system, catarrh, and liver trouble.

The Member introducing the bill—

I do not know who he is. It does not appear—

states that the applicant has no property and no income except his pension, and urges a measure of relief.

I wonder if the gentleman has some other constituents who want special pensions and who are suffering from disease. I wonder if they would not like to know how he is getting on with the bills providing for their relief.

An increase to \$30 a month is recommended.

Why \$30? Some gentleman remarked that in passing these bills we must take into consideration the fact that we have vast revenues raised from the country. I am quite sure there must be some good reason why the widow is entitled to \$12 while the soldier is entitled to \$30. I should like to know what that reason is.

It does not appear in the report; there is no evidence of it here. Yet gentlemen say I am doing violence to the patriotic spirit of the country. What sort of violence? Purely that of asking the author of the bill, the chairman of the subcommittee, to rise and state why it is that the soldier gets \$30 and the widow gets only \$12. Has he any good reason? Hand it down. Are the people of the country entitled to know? But no information is offered.

The CHAIRMAN. The time of the gentleman his expired. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of John O. Bryan, late of Company E, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the word "thirty." [Cries of "Regular order!"]

Mr. LANGLEY. Mr. Chairman, I make the point of order that this paragraph had been concluded and the next one had been begun.

The CHAIRMAN. The Chair thinks that the gentleman is entitled to offer his amendment.

Mr. RODDENBERY. I thoroughly appreciate the gentleman's solicitude for a full discussion. I know the call for the regular order was designed particularly to expedite the thorough investigation of the matter, and I hope the Members on this side of the House and of the other who are so heartily supporting me will take no exception to the gentleman's remarks. [Laughter.]

Mr. Chairman, this paragraph provides for a pension of \$30 per month, and the report says that John O'Brien served as a private in the Pennsylvania Cavalry for the period of the war, but that he is now a pensioner at \$15 a month. Now, if this soldier is drawing a pension of \$15 a month the report ought to give some good reason, unless it wants to impeach the Pension Bureau, why this increase is allowed. Let us read the report:

He was formerly pensioned under the general law at \$6 per month on account of a gunshot wound of the right foot, having been wounded by guerrillas near Frederick Hall, Va., in June, 1864.

Now, I have not the World Almanac nor the dictionary at hand to define exactly what guerrillas are, but I take it that it is not material to the pension.

He is a resident of Hot Springs, S. Dak., and was last examined in December, 1902, by the Milbank board of surgeons and was then found to be suffering from the wound, chronic rheumatism, and general debility.

I suspect hundreds and thousands of his old comrades are suffering with general debility without drawing over \$8, \$10, or \$12 a month, and yet this pensioner, according to the report, is to-day the recipient of \$15 a month. The report further says:

It is shown by the testimony of Dr. Jennings, of the claimant's home, that he is now totally disabled for labor by reason of chronic gastritis, constipation, a weak heart, and disease of the left kidney, due to renal calculus and uric-acid accumulation, and articular and muscular rheumatism affecting the muscles of the shoulders, arms, back, hips, and legs, and that he can only dress himself with great difficulty.

It is further shown that he owns no property, either real or personal, and has no means of support aside from his pension.

The case is a proper one for congressional legislation on account of the claimant's advanced age, his four years of faithful service, his total disability and destitution. Following precedents in like cases, an increase of his pension to \$30 per month is recommended.

If that is true, why is it that precedents in like cases should not be extended to other soldiers who in this very bill are not being given \$30 a month? Why does not the author of this bill establish by satisfactory evidence why this private privilege gives to these constituents a preference over his other constituents? I apprehend that gentlemen, who now sit in complacent silence as their bills are called, when they see their constituents who have read the facts in the RECORD, will answer them the questions that I propound. Why do you discriminate against your constituents? You may not answer me, but when you go home I give you notice again that you will have to answer them.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

The name of Leicester B. Goodell, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

Mr. RODDENBERY. Mr. Chairman, I move to strike out the word "thirty-six."

Mr. CULLOP. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CULLOP. This paragraph had been concluded, and the Clerk had proceeded to read the next paragraph, and the gentleman's motion is too late.

The CHAIRMAN. The gentleman from Indiana is misinformed. The Clerk had not begun to read the next paragraph.

Mr. FULLER. Mr. Chairman, a point of order. I make the point of order that the amendment is dilatory.

The CHAIRMAN. The Chair is of opinion that the Chair is not justified in holding that an amendment offered is dilatory even when that amendment is to strike out the last word.

Mr. RODDENBERY. Mr. Chairman, I move to strike out the last word. I now yield to the gentleman from Ohio [Mr. ANDERSON] for a question.

Mr. ANDERSON of Ohio. Mr. Chairman, I did not ask for any time; I was just proceeding to ask a question; but, Mr. Chairman—

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order.

The CHAIRMAN. The gentleman will please state it.

Mr. CRUMPACKER. And that is that a Member proposing an amendment and entitled to time can not under the five-minute rule yield his time to another Member.

The CHAIRMAN. The Chair will say to the gentleman from Indiana the Chair did not understand that to be the position, but understood the gentleman from Georgia yielded to the gentleman from Ohio for a question.

Mr. CRUMPACKER. I misunderstood the gentleman; I thought he yielded time.

Mr. ANDERSON of Ohio. I did not ask for time, but if the gentleman wants to give a little time I will ask him at this time—

Mr. RODDENBERY. I only yield for a question.

Mr. ANDERSON of Ohio. Why it is—

Mr. RODDENBERY. I yield to the gentleman for a question only.

Mr. ANDERSON of Ohio. I want to ask the gentleman from Georgia if he has in his mind, or carries in his mind, which he expects us to do, all the evidence in support of a claim which he introduced on behalf of Harry Hirschensohn, to pension a Spanish War soldier at \$30 a month? Can he tell what this soldier's disabilities were without looking the matter up?

Mr. RODDENBERY. Yes, sir; I will take great pleasure, but that is not before the Committee on Invalid Pensions; it is before the Spanish War committee—

Mr. MANN. Mr. Chairman, I make the point of order that gentlemen must confine themselves to the paragraph under discussion.

The CHAIRMAN. The point is well taken.

Mr. RODDENBERY. Mr. Chairman, I regret that under the rules of the House I can not present an answer to the question of the gentleman. If he will peruse the RECORD, he may find possibly some bill introduced by me before some other committee that would be germane, and I will be glad to answer him fully; and I desire to say that when a question is propounded to me as to what the facts are affecting the merits of a claim for a pension for any constituent in my district, whether he is a Spanish War soldier or a Union soldier, I shall not sit mute nor stand speechless and not rise and give to the country and my colleagues the justice of his claim. I will answer you. Now, in regard to this pending question, I would be very glad if the author of the bill would give some information. Here is where they get the disease down so as to affect him 40 per cent. He had a fracture and disabilities of various sorts, and he moved from one place to another, which a soldier has a right to do. He is a resident of Sioux Falls, S. Dak., and I judge that some gentleman from South Dakota introduced the bill; and perhaps he may not have to explain to the House why he got this particular pension, but he may have to explain to some of the other old soldiers why he did not get one for them.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"] Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

There was no objection.

The Clerk read as follows:

The name of Agnes W. Culley, widow of Frank C. Culley, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

Mr. RODDENBERY. Mr. Chairman, I would be glad if I could to ascertain—

The CHAIRMAN. The gentleman is out of order; there is nothing before the committee.

Mr. RODDENBERY. Mr. Chairman, I move to strike out the last 10 words. Mr. Chairman, I will be very glad to get information from the chairman of the subcommittee, as well as the author of the bill, in regard to this claim. It must have been shown that this claim was considered, as the Pension Department has already turned a pension down. It appears that this item is for the relief of his widow. This widow was married to the soldier in April, 1895. Well, that is some 25 years after the war, and the Pension Bureau hints, so the report says, that she has no right to pension under the act of 1908. She can not get a pension under the law as it stands, and I have no doubt the Pension Commissioner is correct. She is a resident of Wisconsin, a most magnificent State, producing many great men, although some of them are ruthlessly treated in the time of their misfortune. She is a resident, as I say, of Wisconsin, and owns a home worth \$2,200, and now the committee presents this as an extraordinary case where she must be allowed a pension by special act of Congress. Under existing law she is not entitled to it and the report of the committee shows that she is worth property valued at \$2,200.

I would like to have the author of the bill explain why it appears that the widow of a soldier who went through the war and 30 years afterwards married her should have a pension. She was not his wife during the war and she has \$2,200 worth of property. He proposes now to tax the industrious, laboring, working constituents of his district who have not a thousand dollars, or \$500, or \$200, or \$100 to pay a pension to a widow of a soldier who was not the soldier's wife during the war, but who married him 30 years after the war. I do not perceive the emergency of the case.

But I remember the gentleman from New York [Mr. PAYNE] made a statement on the floor of the House in which he undertook to quote President Taft, and he said that the President warned the Congress against too injudicious consideration of the claims of widows who sought family relationship with an old Federal soldier when he was tottering on the edge of the grave, from a mercenary motive. I would like to ask the author of the bill. But the author does not respond. The report does not say what extremity this woman is in who has a good home, worth \$2,200, and was strong enough to marry in 1895. I think it is a thrifty community, a prosperous country, and they have their charitable institutions and aid societies. I do not know that it could be said—

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

The name of Henry W. Wise, late of Company C, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. CURLEY. I move to strike out the last word. Mr. Chairman, I feel that it is most unfortunate and eminently unfair to the Committee on Pensions for a Member to rise in his place in this body and charge that the committee is discriminating in favor of certain individuals when he has no basis for his contention as based on a vote on a proposition that would establish some degree of equality.

Now, then, Mr. Chairman, if the Member from Georgia had voted in favor of the Sherwood pension act he, perhaps, would be justified in his contention that discrimination is shown in these various measures. But the very purpose of the Sherwood pension act was to destroy discrimination and to destroy personal favoritism and establish some plane of justice. As one Member of this body, Mr. Chairman, I regret exceedingly the position that is taken by my good friend from Georgia. Personally, I believed that the Spanish American War had furnished the cement necessary for the making of this Union whole. During that brief struggle the men who had fought under Lee vied with the men who had fought under Grant in proclaiming their love of country and regard for its flag. The spectacle furnished by these men, either on the field of battle or in camp, whenever the inspiring strains of the national anthem struck up, in attesting their loyalty, their fealty, and their devotion to a united Republic, was as pleasing to Americans as it proved displeasing to the rest of the world.

And, Mr. Chairman, I say it without any feeling in the matter whatsoever, that it is about time that some degree of justice should be extended toward those States of this Union who contributed most generously to the keeping of the Union whole. The commissioner of State aid in Massachusetts in a recent report disclosed the fact that \$36,000,000 had been expended by the State of Massachusetts since the close of the Civil War in State aid and soldiers' relief. I say, Mr. Chairman, that in God's name it is about time that we established a proper distinction and drew the line between charity and a spirit of justice, fairness, and equality. [Applause.] If men sacrificed their all, or stood ready to do so, that the Union might remain whole, we should give them sufficient pension to make it unnecessary for them to appear as supplicants seeking aid from a State commissioner or a soldiers' relief commissioner. [Applause.]

Mr. Chairman, it is about time to stop raising this issue. I had one pension case that the committee were to report to-day—the case of a man who suffered a stroke of paralysis in 1910 and for the last two years has been a confirmed paralytic. The committee voted an increase in that man's pension, reported it in the bill submitted to-day, but the man went to his great reward two weeks ago. If justice had been accorded in his case he would not have been compelled to wait for two years to receive tardy recognition for faithful service at the hands of this Government. [Applause.]

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. An amendment is pending.

Mr. RODDENBERRY. I desire to address myself to the amendment.

Mr. Chairman, I am glad that as the consideration of this bill has proceeded, when the rectitude, the justice, the fairness, and the merits of a bill proposed comes to the attention of a Member of the great State of Massachusetts, he does not hesitate to rise and state the merits of it. I am glad to know that the gentleman from Massachusetts [Mr. CURLEY] did not present a bill here of such a character that when it came up, either in the lifetime or after the departure from this life of his constituent, one of the old soldiers, he would not make free—and make brave, if need be—to stand and say why his

constituent was entitled to the relief asked for. Such a spirit of tolerance and such a spirit of open-mindedness and fair consideration makes me feel justified in taking fresh hope to proceed in the discussion of this measure in the desire, perhaps vain, that ultimately Members may relent and speak for the merits of the bills they have introduced and had favorably reported.

Mr. Chairman, another thing. The gentleman from Massachusetts [Mr. CURLEY] observes that time after time these questions are being raised, and that the gentleman from Georgia was presenting no facts in support of his statements. I maintain that the committee or author of the bill should support his bill with the facts.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Missouri?

Mr. RODDENBERRY. I yield to the gentleman.

Mr. RUSSELL. The item now under consideration, Mr. Chairman, is in behalf of Henry W. Wise. Is not that the bill?

Mr. RODDENBERRY. That is the bill.

Mr. RUSSELL. The proof in that case shows, and the report shows, that this soldier is 72 years of age, and is so afflicted that he can not feed himself, and requires an attendant all the time. Now, does the gentleman believe that the \$30 a month recommended in this item is unjust and ought not to be paid?

Mr. RODDENBERRY. I will not so state.

Mr. RUSSELL. Then, why fight this item?

Mr. RODDENBERRY. I will ask the gentleman a few questions concerning it, and then I may not fight it.

Mr. RUSSELL. Let me say this, my friend: There is not a single item in this entire omnibus bill that has not had the consideration of the entire Committee on Invalid Pensions. There is not an item in this bill that is not here by the unanimous consent of every man on that committee, on both sides of this House. We do not believe that there is a single item in this bill that is not justified under the rules of the committee, which provide that the testimony must show in each case, first, that the claimant is destitute, and, second, that he is not able to work for himself.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield for a question?

Mr. LANGLEY. And not an item but what has been gone over and reported by a special examiner—

Mr. RUSSELL. Yes; not a single item that has not been gone over and reported by a special examiner who has been detailed for that service by the Pension Department.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. RUSSELL. I have not the floor.

Mr. RODDENBERRY. Mr. Chairman, I yield to my colleague from Georgia.

Mr. TRIBBLE. Does the gentleman explain how he managed to get Mr. Hill into this list, the record showing that he had actually falsified the record in order to draw two pensions, and that he had been cut off, and that this committee took him up and got him an increase? How did you get him on after he had falsified the record?

Mr. RUSSELL. As I recollect that case, he was first pensioned as a Mexican soldier.

Mr. TRIBBLE. I beg the gentleman's pardon. He was pensioned as a Union soldier.

Mr. RUSSELL. I understand he drew pension both as a Mexican War soldier and as a Civil War soldier. That was observed two years ago by the Pension Department, and his pension was withdrawn.

Mr. TRIBBLE. And you put him back. Will you explain why you took upon yourselves that authority, when the laws of the United States say that no man shall draw two pensions at the same time?

Mr. RUSSELL. There is some testimony before us—

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment will be withdrawn.

Mr. SIMS. Mr. Chairman, I want to strike out the last two words. I want to make a little statement for the benefit of my friend from Georgia—and when I use the word "friend" I use it in its real meaning.

Mr. RODDENBERRY. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Mr. Chairman, I just want to make a little statement.

The CHAIRMAN. The gentleman from Tennessee has not been recognized, and the debate has been exhausted upon that amendment.

Mr. RODDENBERRY. Mr. Chairman, I withdraw the pro forma amendment to this item.

Mr. SIMS. Mr. Chairman, I move to strike out the last two words. I wish to state to my friend from Georgia [Mr. RODDENBERRY] what occurred here many years ago. There was then

a distinguished Member of the House from South Carolina—Mr. Talbert. At that time private pension bills were considered on Friday nights only. The gentleman from South Carolina, a distinguished, honorable, and patriotic man, began to make a fight on these private pension bills, which he kept up on every Friday night. After a while the majority of the House, which was then Republican, decided that he was making the fight simply to kill time, and so they brought in a very drastic rule abolishing Friday night sessions and giving two days each month to the consideration of private pension bills. In the rule as reported there was a provision that only five minutes should be used in favor of and against any such bill in Committee of the Whole, or in the House as in Committee of the Whole, so that a vote could be forced. Hon. James D. Richardson, then the Democratic leader, pleaded with the majority to amend the rule so as to strike out the limitation as to time, the rule having been reported by the gentleman from Pennsylvania [Mr. DALZELL], stating that that was not time enough to consider properly a bill to which there was any real objection; and he pledged the Democrats upon his honor that if that part of the rule was left out there would be no speeches or amendments on this side against bills merely for the purpose of delay. From that day to this that course has been pursued by the Democrats in the House, because they, not objecting to the pledge their own leader had made, have lived up to it ever since. Now, I have no objection to any gentleman making a fight against any bill if he really objects to the merits of it; but if it is the purpose of the gentleman to fight every bill, good or bad—

Mr. RODDENBERRY. It is not my purpose to do so at all. No coerced oral agreement that may have been made 15 years ago under Republican rule is binding here. This is a Democratic House, under Democratic rules. I dare not permit unconsidered legislation to go through without discussion for fear my party will resort to gag rule. If it come, let it come.

Mr. SIMS. If the gentleman's intention is simply to delay the consideration of these bills, the gentleman will force upon this House—over his protest and over mine—the adoption of some such rule, because there are Democrats enough as well as Republicans who are in favor of liberal pensions to put any kind of a rule through this House. [Applause.] They will bring in a rule limiting debate so that there will be no real debate. I hope the gentleman will take this into consideration in the course he is pursuing. I do not question his motives at all.

Mr. CALLAWAY. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. CALLAWAY. The minority leader at that time was simply begging Republicans to remove a rule that was imposed on the Democrats cutting off any discussion.

Mr. SIMS. Not to adopt the rule in that form.

Mr. CALLAWAY. That was at a time when we had to beg the Republicans for the right to discuss anything.

Mr. SIMS. They were in the majority.

Mr. CALLAWAY. Does the gentleman apprehend that the Democrats now will pass a rule that will cut off a man from discussing things that he believes are iniquitous in legislation?

Mr. SIMS. Oh, no; not iniquitous.

Mr. CALLAWAY. Simply because there is a majority here who want pensions.

Mr. SIMS. I do not put it on the ground of iniquity. I said where there is any real objection to the bill.

Mr. CALLAWAY. A bill that a Member believes to be iniquitous.

Mr. SIMS. I credit by friend [Mr. RODDENBERRY] with being perfectly sincere, but I am only warning him against the possibility of some such rule, and I am reminding the gentleman that in the past there have been gag rules that prevented the discussion even of a bad bill. Now, I have opposed extravagant pensions in this House perhaps as much as any man in it, but I know whereof I speak, and before the gentleman has been here five years he will know it also.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. If there be no objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

The name of Henry Smith, late of Company F, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. ANSBERRY. I move to strike out the last word. My colleague from Georgia [Mr. RODDENBERRY] referred to the case of William Hill, and stated that William Hill, a man who had attained the age of 85 years—

Mr. RODDENBERRY. Mr. Chairman, I make the point of order that the gentleman can not discuss the pension of William Hill when that item is not before the House.

Mr. ANSBERRY. I think it comes with mighty poor grace from the gentleman to prevent me from answering a question when he has impugned the committee and challenged the right of an old veteran of two wars to his pension.

The CHAIRMAN. The Chair is of the opinion that the gentleman from Ohio has lost his opportunity.

Mr. ANSBERRY. Mr. Chairman, I ask unanimous consent that I may be given three minutes to justify this committee and to justify the right of this old man to his pension.

Mr. RODDENBERRY. Mr. Chairman, reserving the right to object, will the gentleman tell me what page it is on?

Mr. ANSBERRY. On page 3. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is called for, which is equivalent to an objection, and the Clerk will read.

The Clerk read as follows:

The name of Annie H. Schuler, widow of David A. Schuler, late of General Service, and pay her a pension at the rate of \$12 per month.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the last line.

Mr. JACKSON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. JACKSON. I desire to make the point of order that the motion is dilatory, and I wish to read from the rules of the House:

The rules of procedure in the House shall be observed in Committee of the Whole as far as they may be applicable.

Now I read from paragraph 10, Rule XVI:

No dilatory motion shall be entertained by the Speaker.

I also desire to read from the precedents under that paragraph:

This rule was adopted in 1890 to make permanent the principle already enunciated in the ruling of the Speaker, who had declared that the object of a parliamentary body is action, not stoppage of action.

The Speaker has declined to entertain debate or appeal on a question as to the dilatoriness of a motion, as to do so would be to nullify the rule; but has recognized that the authority conferred by the rule should not be exercised until the object of the dilatory motion "becomes apparent to the House."

Now, the gentleman from Georgia admitted in the first question asked him, and it is in the record here, that he intended to interpose this motion for the purpose of delaying the passage of the bill. His motion is merely to strike out the last word, which is of itself essentially a dilatory motion and could not be anything else.

The CHAIRMAN. The Chair is ready to rule. If the gentleman from Kansas has referred to the precedents and the rules, the Chair does not think he could have been happier in his selection. The Chair overrules the point of order.

Mr. RODDENBERRY. Mr. Chairman, in the recommendation of the committee for Henry Smith it appears that in 1907, now five years ago, this pensioner began to receive \$15 a month. This is not the case, Mr. Chairman, to which the gentleman from Ohio referred. The bill I objected to is not the Henry Smith bill, but a bill that has not been reached on the calendar, and I shall not object to the gentleman being heard when it is reached in its order.

I desire in this connection to say there is a well-recognized principle of law which I want to call to the attention of the gentleman from Massachusetts, who does not criticize, but merely brings to my attention the fact that I am attacking all these pensions and submitting no evidence. I do not concur with the gentleman that I am making an attack on them. I am inquiring of the author of the bill, as under the rules I have the right to inquire; I am inquiring of the chairman of the subcommittee, as I have the right to inquire, for the facts. And the well-known principle of law is that a statement or assertion of a claim made by a party, which claim is questioned or which claim is denied or the contrary fact is asserted, the burden is upon the party who asserts it to establish it, and, having asserted it, his failure then to establish it in a court of law or in a court of equity in any of the 48 States makes the controverted allegation, taken and considered by a court as admitted. This rule applies here as strongly, and more strongly in principle and equity, than it does in a court of law, because the pleadings there on both sides are required to be before the court, and this House at this instant is the court.

And yet they say it is dilatory. Is it dilatory for a Member to ask for information where information does not exist? Why, my friend from Missouri, Judge RUSSELL, whom I more than admire, whose candor and integrity and ability receive no greater regard from any Member than from myself, says that this bill has been carefully considered by the committee, detailing the manner of its consideration, and that it was unanimously reported. I inquire, in the name of all public orderly procedure in the Congress of a great and thoroughly tried Republic, has the time come when a unanimous report of a committee to the House can not get the explanation and defense on

the floor from its author? Has the time come when a unanimous report disposing of \$100,000 of the people's money in the name of patriotic recognition of the American soldiers can not be considered?

The CHAIRMAN. The time of the gentleman has expired, and the Clerk will read.

The Clerk read as follows:

The name of Henry H. Brunsteter, late of Company F, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This paragraph proposes to pay one Brunsteter \$30 a month, and I now move that all debate upon the paragraph and amendments thereto be now closed.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order that the gentleman can not, upon the reading of the paragraph, have such a motion entertained.

Mr. MANN. Oh, but I have debated the motion. I made the motion to strike out the last word and debated it. Under the rules it provides that—

The committee may, by a vote of a majority of the Members present, at any time after the five-minute debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon the section or paragraph, etc.

It is Rule XXIII, paragraph 6.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. RODDENBERRY. Unless the Chair is prepared to sustain the point of order.

The CHAIRMAN. The Chair is not prepared to announce his decision.

Mr. RODDENBERRY. I so understand, but, Mr. Chairman, the rule says:

The committee may, by a vote of a majority of the Members present, at any time after the five-minute debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only, which motion shall be decided without debate; but this shall not preclude further amendment, to be decided without debate.

Now, Mr. Chairman, the motion of the gentleman, if adopted, is to absolutely preclude not only consideration but the offering of amendments, and the gentleman's construction of the rule is unsupported by the decisions and directly in the face of the rule itself.

The CHAIRMAN. It is not a question of amendment, the Chair will say to the gentleman from Georgia, but the gentleman from Illinois had offered some words in debate, and the Chair overrules the point of order.

Mr. RODDENBERRY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. If the gentleman from Illinois obtains the floor and addresses his remarks to an amendment to a section, then, while recognized for that purpose, can he, on concluding his remarks, at the same instant, without other Members on the floor being recognized, make a motion to close debate?

The CHAIRMAN. The Chair thinks the gentleman from Georgia has put a hypothetical question. The Chair has decided the point of order and overruled it. The question is on the motion of the gentleman from Illinois to close all debate on the section and amendments thereto.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. RODDENBERRY), there were—ayes 35, noes 2.

Mr. RODDENBERRY. Mr. Chairman, I make the point there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] A quorum is present, and debate is closed. The question is upon the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. RODDENBERRY), the committee again divided; and there were—ayes 1, noes 8.

So the amendment was rejected.

The Clerk read as follows:

The name of Israel S. Fletcher, late of Company K, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the report upon this bill shows that it is just and ought to be allowed by this committee. I now move that all debate upon the paragraph and amendments thereto be closed.

Mr. RODDENBERRY. Will the gentleman yield for a question? [Cries of "Regular order!"] Mr. Chairman, I make the point of order that the motion is not in order because there is no motion before the committee made by the gentleman to justify the discussion. [Cries of "Rule!"]

The CHAIRMAN. The gentleman from Missouri moved to strike out the last word.

Mr. RODDENBERRY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. May I ascertain if, under the rules of the House, it is possible for a Member to be recognized to discuss a paragraph?

The CHAIRMAN. I think it is apparent that the gentleman from Georgia [Mr. RODDENBERRY] has been recognized every time he has asked the Chair to recognize him.

Mr. RODDENBERRY. Then I move to strike out the last word, Mr. Chairman.

Mr. RUSSELL. There is a motion pending now.

Mr. RODDENBERRY. I desire to speak to that amendment.

Mr. RUSSELL. Mr. Chairman, I move that all debate close upon the amendment and paragraph.

The CHAIRMAN. It is moved by the gentleman from Missouri [Mr. RUSSELL] that all debate close upon the paragraph.

Mr. RODDENBERRY. A parliamentary inquiry. Am I recognized by the Chair?

Mr. TRIBBLE. Mr. Chairman, I move we adjourn.

The CHAIRMAN. The motion is not in order in the Committee of the Whole. The motion of the gentleman from Missouri [Mr. RUSSELL] is that the debate on this paragraph and amendments thereto be now closed.

Mr. RODDENBERRY. Mr. Chairman, I desire to be heard on the motion.

Mr. RUSSELL. It is not debatable.

The CHAIRMAN. The motion to close debate is not debatable. The question is on the motion of the gentleman from Missouri that discussion on this paragraph and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

Mr. RUSSELL. Mr. Chairman, I withdraw the pro forma amendment.

Mr. RODDENBERRY. I make the point of order that the gentleman from Missouri can not withdraw his amendment after the motion is carried.

The CHAIRMAN. Does the Chair understand that the gentleman from Georgia [Mr. RODDENBERRY] objects?

Mr. RODDENBERRY. Yes, sir.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. RODDENBERRY. Mr. Chairman, I call for a division.

Mr. RUSSELL. Mr. Chairman, I make the point that the motion is dilatory.

Mr. RODDENBERRY. It may be, Mr. Chairman.

The committee divided; and there were—ayes 0, noes 10.

So the amendment was rejected.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. RUSSELL. That is dilatory.

Mr. MANN. Mr. Chairman, I make the point of order that the motion made by the gentleman from Georgia is dilatory. A quorum has been ascertained to be present.

The CHAIRMAN. The point made by the gentleman from Illinois is sustained. The Chair has just counted and ascertained that there is a quorum present. The Clerk will read.

The Clerk read as follows:

The name of Israel S. Fletcher, late of Company K, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. SHACKLEFORD. Mr. Chairman, I move to strike out the word "thirty," in line 22, and insert in lieu thereof the word "twenty-nine" for the reason that it seems to me large enough for a case of that sort; and I move that all debate upon that paragraph and amendment thereto be now closed.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order against the gentleman's motion.

The CHAIRMAN. What is the point of order.

Mr. RODDENBERRY. The gentleman has not discussed the question, and I now desire to read the rules of the House on the subject.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Does the Chair desire to hear the gentleman on the point of order?

The CHAIRMAN. The Chair does not. The question recurs upon the motion of the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. RODDENBERRY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. I would like to know from the Chair if a section is read and an amendment is proposed and a vote is taken on that amendment, but prior to the vote a question of

order is raised, and the Chair overrules or sustains the question of order—

Mr. SHACKLEFORD. A point of order, Mr. Chairman—

Mr. RODDENBERRY (continuing). And they go to reading the next paragraph—a separate and different paragraph—

The CHAIRMAN. What is the point of order?

Mr. SHACKLEFORD. My point of order is that he is not presenting any parliamentary inquiry concerning anything now before the committee. It is purely hypothetical.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that I think he is entirely under a misapprehension, because the gentleman from Missouri [Mr. SHACKLEFORD] made a very elaborate argument upon his motion, and consequently brought himself within the rules.

Mr. RODDENBERRY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. It is this: The gentleman having made that motion to close debate, and then it being a different paragraph and a different amendment, if the point of order be made by a Member on a different paragraph and a different amendment, will the previous ruling of the Chair on a different paragraph and different amendment preclude a Member addressing the Chair from submitting a point of order on a different paragraph and different amendment or different motion made by a different Member?

Mr. HUGHES of New Jersey. Mr. Chairman, I make the point of order that the gentleman's parliamentary inquiry is without form and void. [Laughter.]

Mr. SHACKLEFORD. I submit my motion, Mr. Chairman.

Mr. RODDENBERRY. I feel grateful to the gentleman from New Jersey. [Laughter.]

The CHAIRMAN. The Chair will state in answer to the statement and question submitted by the gentleman from Georgia [Mr. RODDENBERRY] that his statement is purely hypothetical.

Mr. RODDENBERRY. Mr. Chairman, I do not catch the Chair's ruling.

The CHAIRMAN. The Chair will state to the committee and to the gentleman from Georgia that his position is entirely hypothetical. It is upon the present paragraph that the Chair held the motion of the gentleman from Missouri [Mr. SHACKLEFORD] to be in order.

Mr. ANDERSON of Ohio. Mr. Chairman—

Mr. TRIBBLE. Mr. Chairman, a point of order. If it is in order to make a motion to adjourn, I move that the committee do now rise.

Mr. MANN. I make the point of order, Mr. Chairman, that that motion is dilatory.

Mr. TRIBBLE. Mr. Chairman, I had the floor, and I had the right to make that motion.

The CHAIRMAN. The gentleman took the floor on a point of order, and he had no right to take the floor for that purpose. Now the question is on the motion of the gentleman from Missouri [Mr. SHACKLEFORD] to close debate on this paragraph. The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of Cicero C. Wait, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Chairman, I move to strike out the last word.

Mr. RODDENBERRY. Mr. Chairman, will the gentleman from Missouri yield for a question?

Mr. RUSSELL. No; I will not. The committee has investigated this case, and—

Mr. RODDENBERRY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Missouri yield to the gentleman from Georgia?

Mr. RUSSELL. No.

The CHAIRMAN. The gentleman refuses to yield, as the Chair understands.

Mr. RUSSELL. Mr. Chairman, the committee has investigated this case, and the committee believes that it is just, and believes that the claim ought to be paid. I move that all debate on this paragraph and all amendments thereto be now closed.

Mr. RODDENBERRY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. What motion did the gentleman make in the first instance?

Mr. RUSSELL. To strike out the last word.

Mr. RODDENBERRY. I move to amend by striking out the last two words.

The CHAIRMAN. The question first rises on the motion to close debate. The motion of the gentleman from Missouri [Mr. RUSSELL] is that debate be closed on that paragraph. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The motion prevails, and now the amendment of the gentleman from Missouri is in order.

Mr. RODDENBERRY. Now, Mr. Chairman, I move to amend the motion of the gentleman from Missouri by moving to strike out the last three words. [Cries of "Vote!" "Vote!"]

Mr. RUSSELL. Mr. Chairman, debate has closed on that paragraph.

Mr. RODDENBERRY. Mr. Chairman, I submit that—

The CHAIRMAN. The motion is not debatable.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order that the motion of the gentleman from Missouri [Mr. RUSSELL] merely closes debate on his amendment and not on the paragraph or the amendment to the bill. I appeal to the record to verify the correctness of that assertion.

Mr. RUSSELL. My motion was to close debate on that paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from Georgia is incorrect in his premises.

Mr. RUSSELL. Mr. Chairman, I move that all debate be now closed on that paragraph and all amendments thereto.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order that I have the floor, and that the gentleman from Missouri [Mr. RUSSELL] not having made that motion in the first place, there is nothing for the Chair to do except to ascertain what the original motion was, and on that I appeal to the Record.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that, as the Chair understands, the gentleman from Missouri [Mr. RUSSELL] contends that that was the motion he did make.

Mr. RUSSELL. It was.

Mr. RODDENBERRY. I accept the word of the gentleman, if he says so.

Mr. MANN. It is so. Everybody heard it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

Mr. RODDENBERRY. Mr. Chairman, a parliamentary inquiry. Is it possible for me, by unanimous consent, to obtain an opportunity to debate this?

SEVERAL MEMBERS. No, no.

The CHAIRMAN (Mr. TAYLOR of Colorado). The question is on the amendment of the gentleman from Georgia [Mr. RODDENBERRY].

The question being taken, the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. RUSSELL].

The question being taken, the amendment was rejected.

The Clerk read as follows:

The name of Greenberry V. Miles, late of Company B, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Chairman, I am a member of the Committee on Invalid Pensions. I move to strike out the last word. I have carefully examined the report upon this bill. I believe that it is just and ought to be allowed by the committee. I move that all debate on this paragraph and all amendments thereto be now closed.

The question being taken, the motion was agreed to.

Mr. RODDENBERRY. Mr. Chairman, is it in order to discuss the amendment of the gentleman from Missouri?

The CHAIRMAN. It is not. The question is on the amendment of the gentleman from Missouri [Mr. RUSSELL] to strike out the last word.

Mr. RODDENBERRY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RODDENBERRY. I rise for the purpose of moving an amendment to the amendment.

The CHAIRMAN. An amendment to the amendment is in order.

Mr. RODDENBERRY. I move to amend by striking out the section.

Mr. RUSSELL. That is not an amendment to my motion.

The CHAIRMAN. The question is first on the amendment of the gentleman from Missouri [Mr. RUSSELL].

Mr. RODDENBERRY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. It is first in order to perfect the paragraph.

Mr. RUSSELL. I withdraw my amendment.

Mr. RODDENBERY. I make the point of order that the gentleman can not withdraw his amendment.

Mr. RUSSELL. Then, I will not withdraw it, if the gentleman objects.

Mr. RODDENBERY. I do not object. I make the point of order that he can not withdraw it.

The CHAIRMAN. He does not withdraw it. The question is on the amendment of the gentleman from Missouri [Mr. RUSSELL].

The affirmative vote was taken.

Mr. RODDENBERY. Mr. Chairman—

The CHAIRMAN. The gentleman can not interrupt the taking of a vote.

Mr. RODDENBERY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERY. Does not my amendment have priority over the amendment of the gentleman from Missouri?

The CHAIRMAN. No. An amendment intended to perfect the text of a paragraph is in order before a motion to strike out the paragraph.

The question being taken on the amendment of Mr. RUSSELL, it was rejected.

The CHAIRMAN. Does the gentleman from Georgia renew his motion to strike out the paragraph?

Mr. RODDENBERY. I do.

The question being taken, the motion to strike out the paragraph was rejected.

The Clerk read as follows:

The name of Joseph M. Ranney, late of Company B, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Chairman—

Mr. RODDENBERY. Mr. Chairman—

The CHAIRMAN. In the opinion of the Chair, the gentleman from Missouri [Mr. RUSSELL] is entitled to recognition.

Mr. RUSSELL. Mr. Chairman, I move to strike out the last two words.

Mr. RODDENBERY. Will the gentleman yield for a question?

Mr. RUSSELL. I have examined the report of the committee upon this bill. It is unanimous. We believe that this pension is just and ought to be paid. I move now that all debate on this paragraph and all amendments thereto be closed.

Mr. RODDENBERY. Is it in order to move an amendment at this time?

The CHAIRMAN. The motion before the committee is to close debate and that is not amendable.

The question being taken, the motion of Mr. RUSSELL to close debate was agreed to.

Mr. RODDENBERY. I move to amend the amendment by striking out the last six words.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia.

The question being taken, the motion of Mr. RODDENBERY was rejected.

Mr. RODDENBERY. I make a point of order. I want to perfect the amendment. The motion of the gentleman from Missouri [Mr. RUSSELL] is first in order.

The CHAIRMAN. The committee has voted on the motion of the gentleman from Georgia.

Mr. RODDENBERY. I can not take issue with the Chair on that question.

The CHAIRMAN. The question is now on the motion of the gentleman from Missouri.

The question being taken, the amendment was rejected.

The Clerk read as follows:

The name of Edwin Sharp, late of Company E, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Chairman, I move to strike out the last five words. I am a member of the committee which investigated this claim, and the report shows that it is a just claim and ought to be paid. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

Mr. RODDENBERY. Mr. Chairman, I move to amend by striking out the last seven words of the section; and on that motion, Mr. Chairman, I would like to be heard.

The CHAIRMAN. All debate is closed.

Mr. DYER. Mr. Chairman, I make the point of order that the motion is dilatory and no Member voted the last time in favor of the gentleman's motion.

Mr. RODDENBERY. We are wasting a lot of money while it is going on.

A MEMBER. And you are doing the wasting. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were 15 ayes and 61 noes.

So the amendment was disagreed to.

Mr. RODDENBERY. I make the point of order that there is no quorum.

Mr. RUSSELL and Mr. MANN made the point of order that the point of order of the gentleman from Georgia was dilatory.

Mr. RODDENBERY. I would like to be heard on the point of order.

Mr. MANN. The gentleman can not be heard on that.

Mr. RODDENBERY. I do not agree with the gentleman from Illinois.

The CHAIRMAN. The Chair does agree with the gentleman from Illinois. The Chair will count.

Mr. RODDENBERY. On what does the Chair agree with the gentleman from Illinois?

The CHAIRMAN. That the gentleman can not discuss whether the Chair has the right to count a quorum.

Mr. RODDENBERY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. ADAIR. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were 85 ayes and 4 noes.

Mr. RODDENBERY. Mr. Chairman, I make the point of order that there is no quorum.

The CHAIRMAN. A quorum is not necessary for the committee to rise.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TAYLOR of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20585, and had come to no resolution thereon.

PENSION LEGISLATION.

Mr. HENRY of Texas. Mr. Speaker, I offer the following privileged resolution from the Committee on Rules.

The Clerk read as follows:

House resolution 423 (H. Rept. 352).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration in the House of House bills 20585, 20586, 20628, in the order named; that all debate upon each of said bills shall close at the expiration of 10 minutes, at the end of which time the previous question shall be ordered upon each bill without appeal or intervening motion.

[Applause.]

Mr. HENRY of Texas. Mr. Speaker, the resolution speaks for itself. It is evident that the majority desires to pass these bills and that the time of the House, which is valuable, seems to be wasted by some of the discussion here this afternoon, and that no real progress is being made. Therefore, in the interest of orderly procedure, it has become necessary to report the resolution which has been read from the Clerk's desk. Now I will yield to the gentleman from Georgia.

Mr. RODDENBERY. I could not digest this voracious rule all at one reading, and I would like to know if there is to be any debate under it.

Mr. HENRY of Texas. Ten minutes of general debate on each bill.

Mr. RODDENBERY. But on the adoption of the rule?

Mr. HENRY of Texas. We are debating the adoption of the rule now.

Mr. RODDENBERY. Then I will ask the gentleman, on account of his great constitutional knowledge and his knowledge of parliamentary law, if I may ascertain from him what opportunity I will be given to discuss this very unusual rule?

Mr. HENRY of Texas. I think the gentleman will have all the opportunity necessary to discuss it. The resolution provides abundant time, I think, to consider the merits of the three pending bills.

Mr. RODDENBERY. Ten minutes debate on the rule?

Mr. HENRY of Texas. No; the gentleman will have all the time necessary to discuss each bill.

Mr. RODDENBERY. How long will that be?

Mr. HENRY of Texas. I think, if the gentleman desires it, he could have five minutes on each bill.

Mr. RODDENBERY. Does the gentleman propose to follow the same course with reference to the diplomatic and consular bill, and the fortifications bill, and the agricultural bill?

Mr. HENRY of Texas. I can not say until those bills come up,

Mr. RODDENBERY. Does the gentleman think that this gag rule is in accordance with the protestations of the Democratic Party to the people? [Laughter.]

Mr. HENRY of Texas. I do not really think that the gentleman should call it a gag rule, inasmuch as it seems to be necessary.

Mr. RODDENBERY. Well, it is just simply a case of catching and stringhalting—

Mr. HENRY of Texas (continuing). The entire membership of the House seems to be in favor of the rule.

Mr. RODDENBERY. I have often seen five or six fellows catch one shote and stringhalt him, and yet I do not think the shote was in favor of it.

Mr. HENRY of Texas. I would not call the gentleman a shote. I think he is a pretty good sized product of Georgia Democracy.

Mr. RODDENBERY. Mr. Speaker, I desire to have five minutes in which to discuss this proposed rule.

Mr. HENRY of Texas. Mr. Speaker, I feel constrained to move the previous question.

The SPEAKER. The gentleman from Texas moves the previous question.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. RODDENBERY) there were—ayes 149, noes 13.

Mr. RODDENBERY. Mr. Speaker, I make the point of order there is no quorum present. I move a call of the House—

The SPEAKER. The gentleman does not need to move a call of the House.

Mr. RODDENBERY. Mr. Speaker, I make the point—

The SPEAKER. If the gentleman will take his seat, the Chair will count. [Applause.] [After counting.] One hundred and seventy-nine gentlemen are present, not a quorum. The Doorkeeper will close the doors, absentees will be notified, and the Clerk will call the roll.

The question was taken; and there were—yeas 197, nays 26, answered "present" 15, not voting 156, as follows:

YEAS—197.

Adair	Esch	Johnson, Ky.	Pray
Alney	Farr	Jones	Prouty
Akin, N. Y.	Fergusson	Kahn	Rainey
Alexander	Ferris	Kendall	Raker
Allen	Fitzgerald	Kennedy	Ranch
Anderson, Ohio	Floyd, Ark.	Kinkaid, Nebr.	Redfield
Ansberry	Fornes	Kinkead, N. J.	Rees
Ashbrook	Foster, Ill.	Knowland	Reilly
Barchfeld	Foster, Vt.	Konop	Reyburn
Barnhart	Fowler	Kopp	Rodenberg
Bates	Fuller	Lafferty	Rubey
Bathrick	Gallagher	Langley	Rucker, Colo.
Bell, Ga.	Gardner, N. J.	Lee, Pa.	Russell
Blackmon	Garrett	Lenroot	Shackelford
Boeber	Gillett	Lewis	Sharp
Bowman	Godwin, N. C.	Lindbergh	Sherwood
Brantley	Goeke	Littlepage	Simmons
Brown	Good	Lloyd	Sloan
Browning	Goodwin, Ark.	Lobeck	Smith, J. M. C.
Buchanan	Gould	McCoy	Speer
Burgess	Gray	McCreary	Steenerson
Burke, S. Dak.	Green, Iowa	McKenzie	Stephens, Cal.
Burleson	Greene, Mass.	McKinney	Stephens, Nebr.
Butler	Gregg, Tex.	McLaughlin	Sterling
Byrns, Tenn.	Guernsey	McMorran	Stone
Campbell	Hamill	Medden	Sulloway
Cannon	Hamilton, Mich.	Maguire, Nebr.	Sulzer
Catlin	Hamilton, W. Va.	Mann	Talcott, N. Y.
Clark, Fla.	Hamlin	Martin, Colo.	Taylor, Colo.
Claypool	Hammond	Martin, S. Dak.	Taylor, Ohio
Cline	Hanna	Mondell	Thayer
Connell	Hardwick	Morgan	Thistlewood
Copley	Harris	Morrison	Turnbull
Cox, Ind.	Haugen	Morse, Wis.	Underhill
Crumpacker	Hawley	Moss, Ind.	Underwood
Cullop	Hayden	Mott	Volstead
Curley	Hayes	Murdock	Warburton
Dalzell	Heflin	Murray	Wedemeyer
Daugherty	Henry, Conn.	Needham	Weeks
Davenport	Henry, Tex.	Neeley	Wickliffe
Davis, Minn.	Hensley	Nelson	Willis
Davis, W. Va.	Higgins	Norris	Wilson, Ill.
De Forest	Hinds	Nye	Wilson, Pa.
Denver	Holland	Padgett	Wood, N. J.
Dickinson	Houston	Palmer	Young, Kans.
Dixon, Ind.	Howell	Patton, Pa.	Young, Mich.
Doremus	Hughes, N. J.	Pepper	The Speaker
Driscoll, D. A.	Hull	Pickett	
Driscoll, M. E.	Jackson	Porter	
Dyer	Jacoway	Pou	

NAYS—26.

Bartlett	Cooper	Howard	Stephens, Tex.
Beall, Tex.	Dickson, Miss.	Lever	Trible
Berger	Edwards	Roddenbery	White
Byrnes, S. C.	Ellerbe	Sims	Witherspoon
Callaway	Faison	Sisson	Young, Tex.
Candler	Harrison, Miss.	Stedman	
Collier	Helm	Stephens, Miss.	

ANSWERED "PRESENT"—15.

Adamson	Garner	Page	Smith, Tex.
Andrus	Hardy	Ransdell, La.	Watkins
Flood, Va.	Hay	Saunders	Woods, Iowa
French	Legare	Slayden	

NOT VOTING—156.

Aiken, S. C.	Dwight	Lamb	Randell, Tex.
Ames	Estopinal	Langham	Richardson
Anderson, Minn.	Evans	Lawrence	Riordan
Anthony	Fairchild	Lee, Ga.	Roberts, Mass.
Austin	Fields	Levy	Roberts, Nev.
Ayres	Finley	Lindsay	Robinson
Bartholdt	Focht	Linthicum	Rothermel
Bingham	Fordney	Littleton	Rouse
Boehne	Foss	Longworth	Rucker, Mo.
Borland	Francis	Loud	Sabath
Bradley	Gardner, Mass.	McCall	Scully
Broussard	George	McDermott	Sells
Bulkley	Glass	McGillicuddy	Sheppard
Burke, Pa.	Goldfogle	McGuire, Okla.	Sherley
Burke, Wis.	Graham	McHenry	Slemp
Burnett	Gregg, Pa.	McKellar	Small
Calder	Griest	McKinley	Smith, Saml. W.
Cantrill	Gudger	Macon	Smith, Cal.
Carlin	Harrison, N. Y.	Maher	Smith, N. Y.
Carter	Hartman	Malby	Sparkman
Cary	Heald	Matthews	Stack
Clayton	Helgesen	Mays	Stanley
Conry	Hill	Miller	Stevens, Minn.
Covington	Hobson	Moon, Pa.	Sweet
Cox, Ohio	Howland	Moon, Tenn.	Switzer
Crago	Hubbard	Moore, Pa.	Taggart
Cravens	Hughes, Ga.	Moore, Tex.	Talbott, Md.
Currier	Hughes, W. Va.	Oldfield	Taylor, Ala.
Curry	Humphrey, Wash.	Olmsted	Thomas
Danforth	Humphreys, Miss.	O'Shaunessy	Tilson
Davidson	James	Parran	Towner
Dent	Johnson, S. C.	Patten, N. Y.	Townsend
Dies	Kent	Payne	Tuttle
Diffenderfer	Kindred	Peters	Utter
Dodds	Kitchin	Plumley	Vreeland
Donohoe	Konig	Post	Webb
Doughton	Korby	Powers	Whitacre
Draper	Lafean	Prince	Wilder
Dupre	La Follette	Pujo	Wilson, N. Y.

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. PAGE with Mr. POWERS.

Mr. MOORE of Texas with Mr. LOUD.

Mr. STANLEY with Mr. TOWNER.

Mr. LINTHICUM with Mr. ANTHONY.

Mr. LEVY with Mr. LA FOLLETTE.

Mr. KINDRED with Mr. LONGWORTH.

Mr. JOHNSON of South Carolina with Mr. HUGHES of West Virginia.

Mr. HARRISON of New York with Mr. HOWLAND.

Mr. GUDGER with Mr. HELGESEN.

Mr. FRANCIS with Mr. HEALD.

Mr. FINLEY with Mr. GRIEST.

Mr. DONOHUE with Mr. GARDNER of Massachusetts.

Mr. DENT with Mr. CURRY.

Mr. COVINGTON with Mr. FOSS.

Mr. BURNETT with Mr. BARTHOLDT.

Mr. SMALL with Mr. AMES.

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

For the balance of day:

Mr. CLAYTON with Mr. ANDERSON of Minnesota.

Until February 26, noon:

Mr. MOON of Tennessee with Mr. MOON of Pennsylvania.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. RODDENBERY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERY. For the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. I would like to inquire if under the rule which has been adopted 10 minutes of debate is not in order; and if so, is it not in order at this time?

The SPEAKER. Not on the previous question. The rule as to the previous question is that if there is any debate on the matter before it is submitted there is no debate afterwards, and there was 5 or 10 minutes of debate. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Clerk will report the first bill named in the rule.

Mr. MANN. Mr. Speaker, it has been read once.

The SPEAKER. The Clerk will read the bill.

Mr. CAMPBELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL. I understand the bill has been read once.

Mr. RODDENBERRY. Mr. Speaker, I make the point of order that the bill was read in committee.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] has the floor.

Mr. CAMPBELL. Mr. Speaker, I understand the bill has been read, and therefore it is not necessary to read it again.

Mr. HENRY of Texas. Mr. Speaker, I suggest that the bill would have to be read in the House, as the rule provides for considering it in the House.

The SPEAKER. The bill will have to be read in the House. The Clerk will report the bill.

The bill was again read.

Mr. ADAIR. Mr. Speaker, the gentleman from Georgia [Mr. RODDENBERRY] has asked for some time, and I yield five minutes to him.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERRY] is recognized for five minutes.

Mr. RODDENBERRY. Mr. Speaker, under the rules of the House we have now reached a point at which it appears that a vote will be taken on a bill making provision for the expenditure of something like \$100,000. Much of the day has been devoted by me to an effort to obtain from the chairman of the subcommittee and to obtain from the authors of the respective private bills some word explanatory of the measures they have introduced for the purpose of drawing upon the Treasury of their constituents and the people of the country. No gentleman, except one Member who gave utterance to an explanation of a measure which he had introduced for a soldier, since deceased, has spoken—

Mr. RUSSELL. Mr. Speaker—

Mr. RODDENBERRY. I decline to yield.

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Missouri?

Mr. RODDENBERRY. I can not yield. I have but three minutes.

The SPEAKER. The gentleman declines to yield.

Mr. RODDENBERRY. And possibly one other bill that I do not recall, which gentlemen can expatiate upon out of their own time. Yet, Mr. Speaker, notwithstanding this, on submitting to the House a simple request this morning on the presentation of these bills that fair debate be permitted, it was declined. Indeed, it was ignored. After standing here in no clandestine manner, but openly and, I trust, with courtesy to Members, and in my right under the rules of the House seeking information, paragraph by paragraph, none was accorded; and, finally, in order to circumvent further legitimate questions, the chairman of the subcommittee, or the Member in charge of the bill, rises, obtains the floor by reason of his right of prior recognition as a member of the committee, and cuts off absolutely not only all debate, but all investigation, and denies to a Member the right of making a single inquiry.

Not content with that, my colleagues of the Committee on Rules, forgetting their charges against Cannonism, lapsing in memory as to their recent protestations against the iniquity of the Dalzell conspiracy denying the right of debate in this forum of the people, retired to the cloakroom, and from there summarily brought forth a rule providing means for cutting off all fair debate and for passing this measure and another measure of equal importance, and, in addition to that, still another bill appropriating the public money. In effect, they say, "Gagged be public debate! Gagged be public discussion—"

Mr. ANDERSON of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RODDENBERRY (continuing). "And gagged be public consideration!"

Mr. ANDERSON of Ohio. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Ohio?

Mr. RODDENBERRY. I decline to yield until the next bill comes up. When I was up before and had time I nodded frequently to the gentleman that I desired to yield to him, and he declined.

Then, Mr. Speaker, comes the rule that puts these measures upon their passage. Why is it that on a pension measure, important as it may be—why is it that the Committee on Rules retires and brings in this Cannon rule? No effort is made to thwart the discussion, but the most vigorous and yet unavailing protests are made by appealing to the Members to give the House and the country light upon legislation providing for large expenditures in order that we might cast a vote based upon intelligence, based upon consideration, and based upon knowledge of the circumstances and the facts. Thus only can the truth be determined by the individual Member.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAIR. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I did not expect to say anything in reply to my friend from Georgia, and I only do it now because I think he inadvertently made a serious mistake in stating what this bill carries. He stated that it carried about \$100,000. There are in the two bills, this and the next bill on the calendar, 353 different items, and the average is about \$28, including the pensions that are now paid to the soldiers. The increases in these bills are about \$12 for each one, and that means 12 times 353, which is \$4,236.

Now, I submit that my friend in stating what he did referred to the entire amount to be paid to soldiers in both bills, including what they are now getting. I am satisfied that that was a mistake.

Mr. RODDENBERRY. I would like to correct it if I may be permitted.

Mr. ADAIR. Mr. Speaker, I do not care to use the balance of my time, and I will call for a vote.

Mr. RODDENBERRY. Will the gentleman yield?

Mr. ADAIR. Just for a question.

Mr. RODDENBERRY. I desire to ask the gentleman if, from reading the bill, or from the reading of the report, there is any statement in them anywhere showing in the report or in the bill how much this increase is in dollars?

Mr. ADAIR. Not in the report or in the bill.

Mr. RODDENBERRY. And no Member having yielded to me or furnished the information, I did not know.

Mr. ADAIR. It is a matter of calculation which anybody could make.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. RODDENBERRY. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER. The gentleman is too late; it has already been read.

The question was taken; and on a division (demanded by Mr. RODDENBERRY) there were—ayes 161, noes 47.

Mr. RODDENBERRY. I make the point of order, Mr. Speaker, that some Members of the House rose and voted "yea" and then rose and voted to the contrary. I make the point of order that no quorum is present.

The SPEAKER. As far as the first point is concerned, the Chair has nothing to do with it. The Chair can not assume that Members have voted both ways. As to the point of order that no quorum is present, the Chair has counted, and there are 161 ayes and 47 noes, which is a quorum.

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. If, upon putting the question, Members vote aye and are counted, and then, upon the Speaker putting the question for the other side, some Members who voted aye arise and vote again, is it in order for such Members to be counted in making and declaring a quorum?

The SPEAKER. Of course the House would not recognize the fact that any Member could do what the gentleman alleges some Members did do. They would be subject to be brought before the bar of the House and punished for it. The Chair can not assume that any Member did that.

Mr. RODDENBERRY. Mr. Speaker, I desire to state on my own responsibility as a Member that Members did do it. [Cries of "The regular order!"]

The SPEAKER. The vote discloses 161 ayes and 41 noes. The ayes have it.

Mr. CALLAWAY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The question is on ordering the yeas and nays.

The question was taken.

The SPEAKER. Four gentlemen have arisen—not a sufficient number, and the yeas and nays are refused. The ayes have it, and the bill is passed.

Mr. STEPHENS of Texas. Mr. Speaker, I rise to make a privileged report. I wish to report the Indian appropriation bill.

Mr. RODDENBERRY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERRY. I make the point of order that, under the rule brought in by the Committee on Rules and adopted by the House, these bills are of higher privilege than the matter submitted by the gentleman from Texas and that his matter is not in order.

The SPEAKER. Without ruling upon that question, the gentleman from Texas will please reserve his report until we get through with these bills.

Mr. UNDERWOOD. Mr. Speaker, under the rule, will these bills be in order as unfinished business in the morning, the previous question having been ordered?

The SPEAKER. The Chair thinks they will.

Mr. UNDERWOOD. Then, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Will the gentleman withhold his motion for a moment?

Mr. UNDERWOOD. I will.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, reported the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 351), ordered to be printed.

Mr. MANN. I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, February 24, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of South Bristol Harbor, Me. (H. Doc. No. 564); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Savannah River and Harbor, Ga. (H. Doc. No. 563); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post, reported the same with amendment, accompanied by a report (No. 348), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOBECK, from the Committee on the District of Columbia, to which was referred the bill (H. R. 17238) to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia, and employment of a competent sanitary engineer to report the latest approved methods for disposal of the same, reported the same with amendment, accompanied by a report (No. 350), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12525) granting a pension to Ernestine Hennig, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Texas: A bill (H. R. 20683) to amend "An act supplementary to an act entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May 5, 1892, and fixing the compensation of commissioners in such cases," approved March 3, 1901; to the Committee on the Judiciary.

By Mr. FRENCH: A bill (H. R. 20684) authorizing the donation of the lands, buildings, and other property heretofore used as the Lemhi Indian School on the Lemhi Reservation, in Idaho, to the State of Idaho; to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 20685) to authorize the Secretary of the Interior to use in the purchase of stock cattle moneys appropriated to fulfill treaty obligations; to the Committee on Indian Affairs.

Also, a bill (H. R. 20686) to ratify an agreement with the Weeminuchi (or Wiminuche) and hereafter referred to as the Wiminuche Band of Southern Ute Indians in Colorado, for the relinquishment to the United States of their right of occupancy of the tract of land known as the Mesa Verde; to the Committee on Indian Affairs.

By Mr. LAFFERTY: A bill (H. R. 20687) to establish a general parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LEGARE: A bill (H. R. 20688) transferring the custody and control of the old post-office building in the city of Charleston, S. C., from the Treasury Department to the Department of Commerce and Labor; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913; to the Committee of the Whole House on the state of the Union.

By Mr. BERGER: Resolution (H. Res. 422) instructing the Committee on Expenditures in the Treasury Department to make certain investigations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 20689) granting a pension to Louisa Kopp; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 20690) granting a pension to Benjamin Davis; to the Committee on Invalid Pensions.

By Mr. CATLIN: A bill (H. R. 20691) granting a pension to Christina B. Offer; to the Committee on Pensions.

By Mr. CLAYTON: A bill (H. R. 20692) for the relief of H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley; to the Committee on the Judiciary.

By Mr. CURRY: A bill (H. R. 20693) granting a pension to Bertie L. Wade; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 20694) granting an increase of pension to J. T. Kirkland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20695) granting an increase of pension to Edward W. White; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 20696) granting an increase of pension to John P. Craig; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 20697) for the relief of Frank Sheldon; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 20698) granting an increase of pension to Lydia A. Smiley; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 20699) granting an increase of pension to George Reed; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 20700) for the relief of the heirs of Joseph H. Davis, deceased; to the Committee on War Claims.

By Mr. LAFEAN: A bill (H. R. 20701) granting a pension to Mary Rose; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 20702) granting an increase of pension to All McKisic; to the Committee on Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 20703) granting an increase of pension to Moses King, Jr.; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 20704) for the relief of heirs of Isaac Stinnett, deceased; to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 20705) for the relief of settlers in township 32 north, range 66 west, of the sixth principal meridian; to the Committee on the Public Lands.

By Mr. MORGAN: A bill (H. R. 20706) granting a pension to Philip H. George; to the Committee on Pensions.

Also, a bill (H. R. 20707) granting an increase of pension to Albert G. Romine; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 20708) for the relief of the estate of Joseph Holt; to the Committee on War Claims.

Also, a bill (H. R. 20709) for the relief of estate of Mrs. F. M. Harris, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20710) for the relief of heirs or estate of Louis R. Dicus, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20711) for the relief of John Jones; to the Committee on Military Affairs.

By Mr. REILLY: A bill (H. R. 20712) to remove the charge of desertion from the military record of James Halloran; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 20713) for the relief of W. T. Newbill; to the Committee on War Claims.

By Mr. SMITH of California: A bill (H. R. 20714) granting a pension to Susan J. Isbell; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 20715) granting an increase of pension to Clark E. Semark; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 20716) to reimburse W. A. Gara, clerk of station No. 28, post office at Los Angeles, Cal., for loss of postage stamps; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 20717) granting a pension to James F. Brennan; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 20718) granting an increase of pension to Ervin J. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20719) granting an increase of pension to William S. Hanners; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20720) granting an increase of pension to John Rust; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 20721) to authorize the President to reappoint Henry Harrison Hall a second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. TURNBULL: A bill (H. R. 20722) granting a pension to Oliver J. Johnson; to the Committee on Pensions.

By Mr. VOLSTEAD: A bill (H. R. 20723) granting an increase of pension to Andrew P. Lankvest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20724) granting an increase of pension to John Kelly; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 20725) granting a pension to Mabel F. Coen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20726) granting an increase of pension to John S. Alexander; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 20727) granting an increase of pension to Vitruvius Tew; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 20729) granting an increase of pension to Irvin M. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20730) granting a pension to Sarah F. Duty; to the Committee on Invalid Pensions.

By Mr. MCCOY: A bill (H. R. 20731) granting a pension to Thomas Smith; to the Committee on Pensions.

Also, a bill (H. R. 20732) granting a pension to Catherine J. Callan; to the Committee on Pensions.

Also, a bill (H. R. 20733) granting a pension to Margaret Burns; to the Committee on Pensions.

By Mr. NEELEY: A bill (H. R. 20734) for the relief of P. C. Trump; to the Committee on Claims.

By Mr. RUBBY: A bill (H. R. 20735) granting an increase of pension to Arthur Corse; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Milwaukee (Wis.) Branch, Lake Seamen's Union, for passage of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Camp No. 207, Sons of Veterans, for increased pensions to veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of the Woman's Christian Temperance Union of New Philadelphia, Ohio, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of George U. Duer and 36 other citizens of Millersburg, Ohio, protesting against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Petition of citizens of Sheridan, in the city of Pittsburgh, Pa., favoring an amendment to the interstate-commerce law as shall be effective in prohibiting the distribution of liquors and beer in any territory contrary to the will of the majority of its electors; to the Committee on the Judiciary.

Also, petition of German-American Alliance of Pennsylvania; Reading and Williamsport (Pa.) Branches of German-American Alliance; the Harmony Maennerchor Society, of Ambridge and

Economy, Pa., against any prohibition or interstate liquor measure now pending; to the Committee on the Judiciary.

Also, petition of the Order of Patrons of Husbandry, to amend Federal oleomargarine laws; to the Committee on Agriculture.

Also, petitions of the Woman's Christian Temperance Unions of Duquesne and Crafton; Methodist Episcopal Church of McKees Rocks; Mount Washington Baptist, Mount Washington Methodist Episcopal, and Duquesne Heights Methodist Episcopal Churches, of Pittsburgh, all in the State of Pennsylvania, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the German Beneficial Union, No. 331, of Ambridge, Pa., against any prohibition or interstate liquor measure now pending; to the Committee on the Judiciary.

Also, petition of First Methodist Church of Crafton, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BEALL of Texas: Petition of citizens of Texas, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Valley Mills, Tex., protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petition of Bartels Brewing Co., of Kingston Station, Wilkes-Barre, Pa., indorsing House bill 16663; to the Committee on Ways and Means.

Also, petition of the Precious Metals Corporation, of New York City, for the establishment of a mining experiment station at Silverton, Colo.; to the Committee on Mines and Mining.

Also, petition of Slocum Council, No. 271, Junior Order United American Mechanics, praying for illiteracy test to immigration law; to the Committee on Immigration and Naturalization.

By Mr. BROWNING: Petitions of churches of Audubon and Salem, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petitions of citizens of Kansas and Missouri, protesting against extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Petition of members of the Improved Order of Red Men and residents of the eleventh congressional district of St. Louis, Mo., for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: Petition of St. Johns River (Fla.) Annual Conference, Methodist Episcopal Church, for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. CLINE: Petitions of German societies of Fort Wayne, Ind., protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. DALZELL: Petitions of the Woman's Club of Wilkesburg, Pa., and of the United Brethren in Christ Church of McKeesport, Pa., for the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of the New York Society for the Prevention of Cruelty to Children, New York City, against Senate bill 252, to establish a children's bureau; to the Committee on Labor.

By Mr. DWIGHT: Petitions of the Central Woman's Christian Temperance Union and the Methodist Episcopal Brotherhood of Binghamton, N. Y., and the Methodist Episcopal Church of Lansing, N. Y., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FORNES: Petition of Broadway Board of Trade, protesting against abandonment of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of a German Catholic society of New York City, for passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of National Association of Life Insurance Policy Holders, for certain amendment to the corporation-tax law; to the Committee on Ways and Means.

Also, petition of John Strootman, of Buffalo, N. Y., protesting against certain bills relative to shoe machinery, etc.; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Woman's Christian Temperance Union of Genoa, Ill., favoring the passage of the Kenyon-Sheppard bill, concerning the interstate shipments of intoxicating liquor, etc.; to the Committee on the Judiciary.

Also, petition of La Salle County (Ill.) Shoe Retailers' Association, protesting against the passage of the Campbell bill (H. R. 16844) providing for the imprint of manufacturer's name on shoes, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the City Council of Rockford, Ill., favoring the passage of the bill providing for the coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of Dearborn Drug and Chemical Works, of Chicago, Ill., in favor of the passage of a waterway bill; to the Committee on Rivers and Harbors.

By Mr. GRIEST: Petitions of the Grace United Evangelical Church, the Christian and Missionary Alliance, the St. Andrews Reformed Church, and the Memorial Presbyterian Church, of Lancaster, Pa.; the Keystone League, Christian Endeavor, of Columbia, Pa.; and of Rev. C. W. Getz, of Mount Joy, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolution of Pennsylvania State Board of Agriculture, favoring the enactment of Senate bill 4563, to advance the cause of agricultural education; to the Committee on Agriculture.

Also, petition of C. A. Burrows, of Lancaster, Pa., for passage of House bill 13114; to the Committee on Pensions.

By Mr. HAMILL: Memorial of Philadelphia (Pa.) Board of Trade, for passage of House bill 9242, for retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. HELGESEN: Resolutions of the Fargo Commercial Club, of Fargo, N. Dak., indorsing resolutions adopted by the Northwest Development League recommending the passage of laws inaugurating a United States Government domestic immigration policy; to the Committee on Immigration and Naturalization.

Also, petition of Canfield Co. and other business men, of Towner County, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KINKAID of Nebraska: Petition of residents of the sixth congressional district of Nebraska, for old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of sixth congressional district of Nebraska, for passage of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Buffalo County, Nebr., urging enactment of House bill 16689; to the Committee on the Public Lands.

By Mr. KINKEAD of New Jersey: Petitions of German-American Alliance of Middlesex County, N. J., in opposition to prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. LAFEAN: Papers to accompany bill for the relief of Mary Rose; to the Committee on Invalid Pensions.

Also, petition of the Christian Endeavor Society of the Lutheran Church of Arendtsville, Pa., urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of churches of Blairsville and residents of East Mahoning, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of the German-American Alliance of Nebraska, protesting against the passage of Senate bill 4043 and House bill 17593; to the Committee on the Judiciary.

Also, petition of Camp No. 21, United Spanish War Veterans, of Brooklyn, N. Y., for passage of House bill 17470; to the Committee on Pensions.

Also, petition of the Central Federated Union, against substituting enlisted men for civilian employees in the navy yards; to the Committee on Naval Affairs.

By Mr. LOBECK: Petitions of merchants and citizens of Pilger, Beemer, Leigh, and other towns of Nebraska, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Omaha (Nebr.) fire department, for passage of House bill 9242, known as the Hamill civil-service bill; to the Committee on Reform in the Civil Service.

By Mr. LONGWORTH: Petition of the Queen Manufacturing Co., of Cincinnati, Ohio, protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Papers to accompany bill for the relief of All McKisic; to the Committee on Pensions.

Also, petition of the Woman's Christian Temperance Union of Hope, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MCGILLICUDDY: Petitions of residents of the State of Maine, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Eugene B. Holden and others, of Oxford, Me., for school-teachers' retirement fund in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MCKENZIE: Petition of Forreston, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Dakota, Ill., protesting against repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. McMORRAN: Petition of the Woman's Christian Temperance Union of North Branch, Mich., favoring the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MATTHEWS: Petition of Mount Pleasant (Pa.) Grange, No. 1465, asking that certain changes be made in the Federal oleomargarine law; to the Committee on Agriculture.

Also, petitions of the German Beneficial Union, of Ambridge and Economy, Pa., protesting against the passage of any pending interstate-commerce liquor measure; to the Committee on the Judiciary.

Also, petitions from citizens of McDonald, Pa., asking for a reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, petitions from sundry citizens of New Castle, Pa., favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of Mount Pleasant and United Presbyterian Churches, of Darlington, Pa.; also of union meeting of four churches of Beaver Falls, Pa.; also of R. M. Pearce Bible Class, Reformed Presbyterian Sabbath School, and First Reformed Presbyterian Church, all of Beaver Falls, Pa.; also of the Woman's Christian Temperance Union of Claysville and the Ministerial Association of Monongahela, Pa., all favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MORGAN: Petitions of citizens of second congressional district of Oklahoma, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of second congressional district of Oklahoma, for passage of old-age pension bill; to the Committee on Pensions.

Also, petitions of citizens of Mutual, Okla., for passage of Kenyon-Sheppard interstate liquor bill; also of churches of Anadarko, Okla., protesting against nullification of State liquor laws; to the Committee on the Judiciary.

Also, petitions of citizens of second congressional district of Oklahoma, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MORSE of Wisconsin: Memorial received from the merchants of Minocqua, Wis., protesting against the passage of any bills extending the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Resolution of the Chamber of Commerce of Oakland, Cal., against the abolishment of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: Petition of citizens of Henryville, Tenn., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany bill for relief of estate of Joseph Holt, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of John Jones; to the Committee on Military Affairs.

Also, papers to accompany bill for heirs or estate of Mrs. F. M. Harris, deceased; to the Committee on War Claims.

By Mr. PARRAN: Papers to accompany House bill 18832, a bill for the relief of W. H. Hardesty, administrator of the estate of Uriah M. Johnson, deceased; to the Committee on War Claims.

By Mr. PRAY: Petitions of citizens of the State of Montana, protesting against the enactment of legislation for the extension of the parcel-post service, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Butte and Stevensville, Mont., in favor of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petitions of Chester and Gildford Commercial Clubs, 108 citizens of Hingham, Galata, Gildford, Lothair, Inverness, and Chester, State of Montana, favoring amendment to the enlarged homestead act providing for three-year proof and extension of time for cultivation, etc.; to the Committee on the Public Lands.

Also, petitions of citizens of Montana, in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Montana, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. RAKER: Resolutions of the Chamber of Commerce of San Jose, Cal.; of the California Legislature; of the San

Mateo County (Cal.) Development Association; of the Chamber of Commerce of Oakland, Cal.; of the Chamber of Commerce of Pittsburg, Cal.; and of the Merchants' Association of San Diego, Cal., in favor of House bill 16841; to the Committee on Appropriations.

Also, resolutions of the Humboldt Chamber of Commerce, of Eureka, Cal., in favor of House bill 18326; to the Committee on Rivers and Harbors.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., favoring an amendment to the interstate commerce law prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of Corning, Cal., in favor of House bill 18431, for improving the Sacramento River; to the Committee on Rivers and Harbors.

Also, resolutions of the Farmers' Educational and Cooperative Union of America, favoring a national bureau of child protection; to the Committee on Labor.

Also, resolutions of the Chamber of Commerce of Oakland, Cal., indorsing Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Wholesale Grocers' Association of Sacramento, Cal., and of Tarr & McComb, of Los Angeles, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Corliss Gas Engine Co., of San Francisco, Cal., against House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, petition of A. B. Spaulding, of Portland, Oreg., favoring the passage of House bill 8439; to the Committee on the Public Lands.

By Mr. SHEPPARD: Petition of citizens of Texarkana, Tex., in support of House bill 16450, providing punishment for unlawful breaking of car seals on interstate shipments; to the Committee on Interstate and Foreign Commerce.

By Mr. SPEER: Petition of Valley Grange, No. 1420, Patrons of Husbandry, of Dagus Mines, Pa., protesting against passage of any bill providing for the removal of the special tax on oleomargarine; to the Committee on Agriculture.

By Mr. STONE: Petition of citizens of Peoria, Ill., in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. SULZER: Petition of the Central Federated Union of Greater New York and vicinity, protesting against enlisted men in the Navy doing work formerly done by civilian employees at the Boston and other navy yards; to the Committee on Naval Affairs.

Also, petitions of citizens of Brooklyn, N. Y., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens for passage of House bill 14, to establish a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. TAGGART: Petitions of the Christian Church, the Relief Corps Church, and the First Baptist Church, of Iola, Kans., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Petition of members of the Improved Order of Red Men of Ouray, Colo., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. TOWNER: Petitions of citizens of Lenox and Promise City, Iowa, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WARBURTON: Petition of citizens of the State of Washington for passage of old-age pension bill; to the Committee on Pensions.

Also, petition of members of Agate Grange, Washington, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WEBB: Petition of R. W. Mitchell and 5 other citizens of Charlotte, N. C., asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of the Marysville Commercial Club, Marysville, Ohio, and the New York Cash Store, Delaware, Ohio, protesting against the enactment of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of Pennsylvania: Petitions of citizens of Arnot, Blossburg, Coudersport, Lock Haven, and Clinton County, Pa., in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of the Woman's Christian Temperance Union of Andrews Settlement, Pa., and the congregation of the Baptist

Church of Ulysses, Pa., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Order of Railway Conductors, Division No. 176, of Corning, N. Y., praying for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of Potter County, Pa., asking for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Williamsport and Jersey Shore, Pa., in opposition to changes in parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of the Friday Club, of Wellsboro, Pa., asking for legislation to investigate disease in dairy products; to the Committee on Agriculture.

Also, petition of German-American Alliance of Williamsport, Pa., in opposition to interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, resolutions of the National Organization of Bluejackets' Friends, for appointment of civilian commission to investigate condition and treatment of enlisted men in the United States Navy; to the Committee on Naval Affairs.

Also, petitions of Washington Camps, Nos. 158 and 628, Patriotic Order Sons of America, of Hughesville and Liberty, Pa., praying for illiteracy test to immigration law; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Kansas: Petition of citizens of Norton and Decatur Counties, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Norton and Decatur Counties, Kans., for regulation of express rates and classification; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Texas: Petition of J. J. Jones and sundry citizens of Smith County, Tex., in favor of old-age pensions; to the Committee on Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 24, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for the sublime faith which holds us close to Thee amid the sorrows and disappointments of life and which in times of peril and distress lifts us out of ourselves and makes us heroes. Increase, we beseech Thee, our faith in Thee, and especially in our fellow men, that we may discern beneath the rough exterior something noble, something divine; that we may throw our whole soul into the daily tasks of life, loving mercy, doing justly, and walking humbly with Thee our God and our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRIVATE PENSIONS.

The SPEAKER. Under the special order passed yesterday afternoon, the Clerk will report the next pension bill.

The Clerk read the bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William Hill, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Josiah F. Wildermuth, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Fisher, late of Company B, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. Ripley, late of Company C, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Francis Palmer, late of Company E, One hundred and fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas D. Orr, late of Company B, Fourteenth Regiment Missouri Volunteer Cavalry, and Company D, First Regiment Missouri State Militia, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Louis Regenhart, jr., late of Company K, Third Regiment, and Company B, Fifteenth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Slack, late of Company K, Eighth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John Egan, late of Company C, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Mowder, late of Company D, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Bennett, late of Company B, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Douglass R. Case, late of First Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Jones, late of Company K, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lavina Osborne, widow of Andrew Osborne, late of Company E, Third Regiment Missouri Militia Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Charles Johnson, late of Company E, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of McGill Clarke, late of Company D, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Counterman, late of Company C, Fifteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary A. Ault, widow of Adam F. Ault, late of Company C, Twenty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of William S. Weinhold, late of Company D, Ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Giles J. Burgess, late of Company A, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Mars, late of Company F, One hundred and sixty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of George W. Newman, late assistant surgeon Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Christopher M. McGuire, late of Company B, Twenty-fifth Regiment Missouri Volunteer Infantry, and Companies C and G, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Nangle, late of Company C, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Workman, late of Company F, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alfred Inks, late of Company E, One hundred and sixty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gilbert W. Ostrom, late of Companies A and E, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Allen Godard, late of Company D, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John T. Newcomb, late of Company D, Third Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John R. Burdick, late of Company B, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jesse W. Kennedy, late of Company D, First Battalion Arkansas Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Christina Reichardt, helpless and dependent child of Adolphus H. D. Reichardt, late of Company A, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month.

The name of William T. Bell, late of Company K, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Marcus L. Weeks, late of Company I, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nathaniel J. Dickey, late of Company F, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Blankenship, late of Company K, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of James M. Parsons, late of Company B, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Dyer C. Elder, late of Company E, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Cornelius Unger, late of Company G, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel H. Croyle, late of Company G, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William L. Taylor, late of Company E, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Holland, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles A. Brown, late of Company M, First Regiment Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lewis M. Franklin, late of Company K, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William T. Williams, late of Company B, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William C. Brown, late of Company C, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Manly S. Tyler, late of Company L, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John K. Willson, late of Company G, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry B. Wood, late of Company A, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas C. Noonan, late of Companies C and E, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Arthur McCloskey, late of Company D, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary H. Doherty, widow of William F. Doherty, late of Company A, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Napoleon Gignac, late of Company G, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension of \$30 per month in lieu of that he is now receiving.

The name of Hugh H. Long, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard Savage, late of Company I, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Eckols, late of Company F, One hundred and twenty-eighth Regiment, and Companies A and D, Ninth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Maggie L. McGrath, widow of Morris D. McGrath, late of Company I, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James G. Haner, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William R. Hardy, late of Company B, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Loyd T. Lathrop, late of Company B, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Benjamin Simmons, late of Company K, Third Regiment New York Volunteer Cavalry, and Company B, Fourth Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elizabeth Buhr, widow of Mathias Buhr, late of Company A, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of Nancy J. Bryant, widow of Anderson J. Bryant, late of Company F, Fifty-fourth Regiment Kentucky Mounted Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William B. Hicks, late of Company I, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel T. Edwards, late of Company G, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$12 per month.

The name of William Webster, late of Company E, Sixth Regiment New York Volunteer Cavalry, and Company E, Second Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Wilson E. Davis, late of Company M, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Jackson, late of Company E, Twenty-sixth Regiment United States Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Gustav Burghardt, late of Company G, Fifth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Moss Marcum, late of Company G, First Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Zachariah T. Anderson, late of Company B, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Downing, late of Company E, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward T. Smith, late of Sixth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert Bocklet, late of Company A, Ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Peckham, late of Company I, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Peter Ali, late of band, Twelfth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert P. Odell, late of Company C, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Moses S. Carlisle, alias Charles Carlton, late landsman, U. S. S. William Bacon, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles L. Collier, late landsman, U. S. S. Kickapoo and Great Western, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Judson D. Hammond, late of Company K, Twenty-second and Twenty-ninth Regiments Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Catherine D. Bauerly, former widow of George Vetter, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Benjamin T. Bradley, late of Company A, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Skanes, late of Companies C and E, Twenty-sixth and One hundred and fifty-sixth Regiments Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick Canz, alias Frederick Cane, late of Company H, Sixth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Lille, late of Twyman's Independent Company Kentucky Volunteer Cavalry, and Company D, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emil Wiegand, late of Company G, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William Fralley, late of Company D, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John C. Williams, late of Company A, Fifteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Campbell, late of Company I, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Y. Kelly, late of Company H, Eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Duncan D. Cameron, late of Captain Gray's company, One hundred and eighth Regiment New York Volunteer Infantry, and Company K, Ninth Regiment United States Colored Troops, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cyrus Tschupp, late of Company K, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George H. Dunn, late of Companies C and H, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Lipps, late of Company D, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lewis B. Clark, late of Company I, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew Dye, late of Company H, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Conklin, late of Company C, Thirteenth Regiment Indian Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Byers, late of Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hiram G. Dissinger, late of Company F, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martin Maloy, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joel Dunaway, late of Companies B and A, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James Dray, late of Company I, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lyman H. Fowler, late of Company C, Sixteenth Regiment Pennsylvania Volunteer Infantry, and Companies E and I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ada C. Mercer, helpless and dependent child of Pembroke Mercer, late of Company F, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Samuel C. Vorse, late of Company C, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Latourette, late of Company G, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Perry Mobley, late of Company G, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Latham, late of Company I, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James C. Burrall, late of First Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Timothy Keely, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Charles Campbell, late of Company K, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Hall, late of Company H, One hundred and seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Reese, late of Company A, Eighty-eighth Regiment, and Company D, Thirty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eleanor M. Freer, widow of Charles Freer, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Andreas Pfannschmidt, late of Company H, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Van Ryn, late of Company I, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Luther D. Morgan, late of Company B, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lottie L. Robinson, widow of Lawrence V. Robinson, late of Company H, Eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Samuel J. Scott, late of Company G, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lydia A. Benton, widow of George R. Benton, late of Company F, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Thomas McCullough, late of Company H, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Richard Le Graff, late of Companies D and H, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William A. McHaney, late of Company F, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Morris B. Evans, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Election J. Jenkins, late of Company L, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Presley V. Reynolds, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Frederick Carel, late of band, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Robert D. Cresson, late of Company F, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Johnson, late of Company F, Fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Gurden Reed, late of Company I, Fifth and Third Regiments Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Phillips, alias Charles Gray, late landsman, U. S. S. Key West, Great Western, and Naumhead, United States Navy, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John Sullivan, late of Company C, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thompson W. Dye, late of Company K, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Erasmus D. Loing, late of Companies A and B, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edmund F. Goodwin, late of Company G, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henrietta Dinegan, widow of John H. Dinegan, late of Company C, Fourth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Monroe Gunter, late of Company M, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John P. Godby, late of Company C, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Moses G. J. Pratt, late of Company E, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Peter Clark, late of Company K, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Clifton P. Savery, late of Company K, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry C. Gilliland, late of Company H, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary McKiernan, widow of Patrick McKiernan, late of Company A, Ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Sarah Wood, widow of Edward Wood, late of Company I, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles G. Radcliff, late of Company C, Twelfth Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joel Bundy, late of Company H, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Samuel K. Rudolph, late of Company H, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William Lowe, late of Company L, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Simons, late of Company C, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nancy McKnight, now Matsel, former widow of Henry McKnight, late of Company F, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John Bails, late of Company B, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elias Kebach, late of Company A, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Betsey J. Platt, widow of John Platt, late of Company H, Twenty-third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles W. Stewart, late of Company D, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Della Langdon, widow of Moses E. Langdon, late of Company B, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Ellen J. Smith, widow of George C. Smith, late of Company D, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$36 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lulu E. Smith, helpless and dependent daughter of said Ellen J. Smith, the additional pension of \$12 herein granted shall cease and determine: *And provided further*, That in the event of the death of George P. Smith, helpless and dependent son of said Ellen J. Smith, the additional pension of \$12 herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen J. Smith, the name of said daughter, Lulu E. Smith, and said son, George P. Smith, shall each be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Ellen J. Smith.

The name of Samuel M. Green, late of Company H, Seventeenth Regiment Indiana Mounted Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William M. Snipes, late of Company C, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Appenzeller, late of Companies B and K, Fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ralph G. Jones, late of Company C, Twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William M. Wallace, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Jennie Merrill, widow of Roscoe G. Merrill, late of Company H, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William Lockard, late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Glick, late of Company G, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Caldwell Oaks, late of Company K, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry H. Geiger, late of Company A, Eighty-fifth Regiment, and Company G, One hundred and thirty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emerson Sherwood, late of Company F, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Robert C. Fishpaw, late of Company F, Tenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph A. Harris, late of Company K, Seventeenth Regiment, and Company D, Forty-third Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Tully, late coal heaver, U. S. S. North Carolina, Vicksburg, and Union, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah E. Leaycroft, widow of William H. Leaycroft, late of Company D, Eighty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William Southern, late of Company B, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel J. Couch, late of Company H, One hundred and Seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac Adkins, late of Company C, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emanuel Scott, late of Company I, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Malissa Wilson, former widow of James Wilson, late of Battery B, First Regiment West Virginia Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month.

The name of Margarith Prescott, widow of Lewis Prescott, late of Company K, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of James M. Dalzell, late of Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Benjamin M. Campbell, late of Company G, First Regiment Missouri Enrolled Provisional Militia, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Belle Armel, widow of William Armel, late of Company K, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John Armel, helpless and dependent son of said William Armel, the addi-

tional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Belle Armel the name of said John Armel shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Belle Armel.

The name of Patrick Kennedy, late of Company G, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William T. Boyd, late of Company E, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

During the reading,

Mr. RODDENBERRY. Mr. Speaker, I ask for order. We are not able to tell where the Clerk is reading.

The SPEAKER. The House will be in order.

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. I ask the Chair to advise the House on what page the Clerk is reading.

The SPEAKER. The Clerk will state the page and line.

The CLERK. Page 26, line 23.

The reading of the bill was resumed and completed.

Mr. ADAIR. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. RODDENBERRY].

The SPEAKER. The Chair will state that as this rule provides for 10 minutes' debate, it seems to be fair that 5 minutes of the time should go to the gentleman from Indiana [Mr. ADAIR] and the other five minutes to the gentleman from Georgia [Mr. RODDENBERRY] or anybody else who wants to oppose the bill.

Mr. ADAIR. I will say that the gentleman from Georgia and I have an understanding.

The SPEAKER. All right. The Chair wanted to state his understanding of how the time ought to be divided. The gentleman from Georgia [Mr. RODDENBERRY] is recognized for three minutes.

Mr. RODDENBERRY. Mr. Speaker and gentlemen of the House, I regret that the reformed edition of the Cannon-Henry gag rule precludes me from discussing this bill more than three minutes, although it carries 170 private pension increases. In that short length of time I can but briefly call attention to three of the cases, giving one minute to each case. The first is that of William Hill, who drew a pension at \$8 at month. It was increased to \$12 a month. He also drew a Mexican War pension under false pretenses, according to the committee report, and at this very moment the department is deducting from his present pension in order to force him to refund the pension that he has already unlawfully and wrongfully drawn. Yet this special bill proposes to increase his pension, so as to nullify the fraud he had perpetrated upon the Government, upon the people, and at the expense of the Public Treasury.

The next case is that of James A. Ripley, who served but a few months in the Army, who, according to the report, has never been examined by the department surgeons, yet the committee recommends and proposes increasing his pension to \$30 per month. The report discloses that he is 67 years old and has a house and real estate worth \$2,200.

Gentlemen, why do not you give this pension increase to some poor old soldier who has no property at all? The next one to which I desire to call the attention of the House is that of a hornblower, a bugler in the Army, a part of the drum corps, who for four months, way back on the hillside beyond the range of the bullets, urged the old soldiers on to duty and to death, never himself in danger. You propose to give him \$24 a month. Why? What reason do you offer on this floor? In the name of God and justice why do you not take an old soldier who went to the front and substitute him for the hornblower, whose chief duty was camping near the commissary wagon and bringing up the rear guard after the distant echoes of the conflict had been stilled. Ah, gentlemen, this is your method of carrying 170 pension bills of privilege, of priority, of preference under the reform rule. Not a question answered, scarcely an explanation offered. I am tempted to apologize to the gentleman from Illinois [Mr. CANNON] for any assault upon his tyranny, his despotism, when I find that the Democratic side, in the face of our pledges and in the face of the charges made against his rule and his often alleged tyranny, comes now and adopts it themselves.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. ADAIR. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, in the one minute I desire to say this is a government through majorities so far as legislation is concerned, and that side being in the majority has the right to have legislation considered and brought to a conclusion. And I want to say I voted for this rule yesterday, although I am in

the minority. I want to say further that if I were an evangelist I would be glad to see the conversion upon that side, but looking at the gentleman from Georgia, who is in a small minority of the majority, I will say the doors are still open; "while the lamp holds out to burn, the vilest sinner may return." [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ADAIR. Mr. Speaker, I now yield two minutes to the gentleman from Pennsylvania [Mr. AINEY].

Mr. AINEY. Mr. Speaker, I would not desire to take up a moment of your time for the discussion of this bill were it not for the fact that the gentleman from Georgia [Mr. RODDENBERRY] has adverted to the case of William Hill, from my district. An attack has been made upon the particular feature of the bill carrying a special pension of \$20 per month in his favor. Yesterday there was a challenge sent forth by the gentleman asking that the Member who introduced the Hill bill stand up and defend it. Were the gentleman to speak until he grew hoarse with vociferation, or were he to rend himself as did the prophets of Babel, he could get no answer, for the gentleman who introduced the bill, my distinguished predecessor, who sat upon the other side of this House, is not here to answer. This House will assemble to-morrow in honor of his memory.

Mr. Speaker, under these circumstances I am pleased to accept the challenge and offer a word in defense of the action of my distinguished and now deceased predecessor in introducing this bill; of the wisdom and careful attention of the committee who favorably reported it; of the good name and fair fame of the gallant old soldier for whom the relief was intended; and, if needs be, of myself in assuming, after careful investigation, responsibility for the bill and in urging its consideration by the committee.

I have some familiarity with this case, for William Hill was an honored citizen of my district, who had rounded out 86 well-filled years, a veteran sailor and soldier of two wars, and one of that gallant band who raised the American flag at Monterey in 1846.

He represented a high type of American citizenship; he looked upon this great country of ours as a personality to whom he owed a most unselfish allegiance and in the ultimate justice of whose acts he had unbounded confidence. From the judge on the bench to the boy in the street he received the respect due to his patriotic conceptions.

For disability incurred in the Mexican War he was pensioned at a modest rate, and for other disabilities in his service in the Civil War he was granted another pension. He looked at these two pensions as badges of distinction, well won by him and generously granted by a grateful Government, and he proudly spoke of them as he recounted the occurrences of his service days. In the same envelope he mailed both pension vouchers to the pension agent, without the slightest effort at concealment and in full confidence of his rights thereto.

His pensions were his only income and together barely sufficient, with the strictest economy, for himself and aged wife. When the Government decided that these two pensions could not both be retained and charged against him the amount he had theretofore received, it left him without means, but he gave utterance to no word of complaint against his Government and bravely attempted to face the future.

Those facts were before the Committee on Invalid Pensions; an examination of the case was made by Special Examiner Goss, acting for the Bureau of Pensions, whose well-known efficiency will be vouched for by many Members of this House.

The files of the committee in this case were available to any Member of the House desiring more detailed information than could properly be introduced into a committee report and fully disclosed the merits of the case and acquitted the soldier of even the slightest imputation of fraud in the procurement of the second pension.

So the attack which has to no purpose occupied the attention of this House for two days, whether it was waged against the Member, the committee, or the soldier, fails; for with less time, less effort, and less inconvenience to Congress itself information could readily have been obtained by any Member desiring from the records and files of the committee in this and every other case in the bill.

There is, Mr. Speaker, another chapter to this case not known to the committee or to this House. The financial loss of the pension, serious as it was, weighed less heavily upon William Hill than the imputation that he had been unfair to his country. Carefully concealing the penalty of his position, until its accidental discovery by neighbors brought relief, he and his wife awaited the vindication he confidently expected at the hands of his country in Congress assembled.

Mr. Speaker, the handicap of years, the weight of suffering, the pressure of poverty, the keen anguish of a sensitive mind, were too much for him to bear, and a few weeks ago he passed to the great beyond. Our efforts in his behalf are too late, but I wish it were within the parliamentary power of this House to substitute the name of his feeble wife for the small amount which it was proposed to give that loyal soldier and patriotic citizen—William Hill, of Honesdale, Wayne County, Pa.

Mr. TRIBBLE. May I interrupt the gentleman for a question? The SPEAKER. The time of the gentleman has expired. [Applause.]

Mr. ADAIR. Mr. Speaker, in the three minutes left me I simply desire to make the statement that practically every claim in this bill was written up by Mr. Gauss, who was detailed by the Bureau of Pensions a number of years ago to do this work for the Committee on Invalid Pensions. Every Member of this House who knew Mr. Gauss knows of his honesty, his integrity, his faithfulness, and his carefulness in all of these matters. These bills or claims were recommended by him. They were examined carefully by all of the members of the Committee on Invalid Pensions, and the report upon these bills coming to this House is a unanimous report upon the part of the committee. We believe that every claim in the bill is just and proper and ought to be paid. Practically all of the claims in this bill are for soldiers of the Civil War who are now incapable of performing any manual labor, have no income to speak of, except the pension they now draw, and need this increase for their support.

Now, just one word as to the rule adopted for the passage of this bill. I want my position not only to be known by the membership of the House, but I want it to be known by every constituent I represent. As far as I am concerned, I am ready now or at any time in the future to vote for any kind of a rule that will enable this House to legislate. I would be ashamed of the party to which I belong—

Mr. TRIBBLE. Mr. Speaker—

Mr. ADAIR. I decline to yield. I would be ashamed of the party to which I belong, I would be ashamed of the majority in this House, if it permitted one man or two men in this body to prevent us from legislating. [Applause.] I am unalterably opposed to any rule or any set of rules that would allow any one or two men to conduct a filibuster in this body for the purpose of depriving of their pension needy and deserving soldiers, who in the dark days of 1861 to 1865 went out and rendered the service that held this country together and made it the greatest Nation the world has ever known. [Applause.]

The SPEAKER. The time of the gentleman from Indiana [Mr. ADAIR] has expired. The question is on the engrossment and third reading of the bill.

Mr. RODDENBERRY. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. Is it in order now to ask for the reading of the engrossed bill?

The SPEAKER. The gentleman will have the privilege. As soon as the House orders the bill read, I will recognize the gentleman to demand the reading of the engrossed bill. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time. Mr. RODDENBERRY. It being evident that the bill is on the Clerk's desk, under the rule I ask that the reading of the engrossed copy of the bill be made in full.

The SPEAKER. The Clerk will read the engrossed bill. The Clerk proceeded with the reading of the bill.

During the reading, Mr. RAKER. Mr. Speaker, I ask unanimous consent that the further reading of the engrossed bill be dispensed with.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to dispense with the further reading of the engrossed bill.

Mr. RODDENBERRY. Reserving the right to object, I would like to inquire of the gentleman, if the 25 minutes required for further reading of the engrossed bill be dispensed with, will he move for unanimous consent that the 25 minutes that would be saved by suspending a further reading of the engrossed bill be devoted to allowing Members, like the gentleman from Pennsylvania [Mr. AINEY] and other Members, to explain the facts concerning these bills that have not been explained? I do not want to waste the time.

Mr. SHACKLEFORD. Regular order, Mr. Speaker. The SPEAKER. Is there objection to the request of the gentleman from California [Mr. RAKER]?

Mr. RODDENBERRY. I object. The Clerk resumed the reading of the bill.

During the reading, Mr. RODDENBERRY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. RODDENBERRY. To make a point of order.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. There is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty-nine gentleman are present—not a quorum.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Francis	Lawrence	Roberts, Mass.
Bates	Gardner, Mass.	Lee, Ga.	Roberts, Nev.
Bingham	George	Lindsay	Robinson
Borland	Goldfogle	Linthicum	Rouse
Bulkeley	Graham	Littleton	Sabath
Burke, Pa.	Gregg, Pa.	Longworth	Sells
Burke, Wis.	Griest	Loud	Sheppard
Calder	Gudger	McCall	Slemp
Cantrill	Guernsey	McHenry	Small
Carter	Hartman	McKellar	Smith, Saml. W.
Cary	Hawley	Macon	Smith, Cal.
Catlin	Hayden	Malby	Smith, N. Y.
Cox, Ind.	Hayes	Matthews	Sparkman
Cox, Ohio	Hill	Mays	Stack
Crago	Hobson	Mondell	Staley
Danforth	Hubbard	Moon, Pa.	Sweet
Dickson, Miss.	Hughes, Ga.	Neeley	Switzer
Dodds	Humphreys, Miss.	Oldfield	Talbott, Md.
Donohoe	James	Olmsted	Taylor, Ala.
Doughton	Johnson, Ky.	O'Shaunessy	Thomas
Draper	Kent	Parran	Townsend
Dwight	Kindred	Patten, N. Y.	Tuttle
Fairchild	Kitchin	Payne	Utter
Fields	Konig	Plumley	Weeks
Flood, Va.	Korby	Post	Whitacre
Focht	Lafane	Powers	White
Fordney	Lafferty	Prince	Wilder
Fowler	Langham	Riordan	Wilson, N. Y.

The SPEAKER. Two hundred and seventy-five gentlemen have responded to their names—a quorum.

Mr. ADAIR. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The question was taken; and on a division (demanded by Mr. RODDENBERRY) there were—ayes 141, noes 1.

So the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors, and the Clerk will read.

Mr. RODDENBERRY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The motion is dilatory, because it has not been three minutes since a quorum was developed.

Mr. MANN. It does not require a quorum to dispense with the call.

The SPEAKER. The Chair is aware of that fact; but the roll call just taken shows the presence of a quorum. The proceedings under the call are dispensed with. The Doorkeeper will open the doors, and the Clerk will read.

The Clerk resumed and concluded the reading of the bill.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 9811. William Hill.	H. R. 11298. Jesse W. Kennedy.
H. R. 9814. Josiah F. Wildermuth.	H. R. 11400. Christina Reichardt.
H. R. 9862. James Fisher.	H. R. 11407. William T. Bell.
H. R. 9863. John A. Ripley.	H. R. 11423. Marcus L. Weeks.
H. R. 9932. Francis Palmer.	H. R. 11444. Nathaniel J. Dickey.
H. R. 9939. Thomas D. Orr.	H. R. 11446. James M. Blankenship.
H. R. 9940. Louis Regenhart, jr.	H. R. 11449. James M. Parsons.
H. R. 10014. William H. Slack.	H. R. 11516. Dyer C. Elder.
H. R. 10246. John Egan.	H. R. 11547. Cornelius Unger.
H. R. 10258. William H. Mowder.	H. R. 11590. Samuel H. Croyle.
H. R. 10273. John W. Bennett.	H. R. 11603. William L. Taylor.
H. R. 10276. Douglass R. Case.	H. R. 11632. John Holland.
H. R. 10318. John Jones.	H. R. 11738. Charles A. Brown.
H. R. 10409. Lavina Osborne.	H. R. 11806. Lewis M. Franklin.
H. R. 10584. Charles Johnson.	H. R. 11848. William T. Williams.
H. R. 10612. McGill Clarke.	H. R. 11885. William C. Brown.
H. R. 10671. Henry Counterman.	H. R. 11932. Manly S. Tyler.
H. R. 10716. Mary A. Ault.	H. R. 11943. John K. Willson.
H. R. 10738. William S. Weinhold.	H. R. 11948. Henry B. Wood.
H. R. 10756. Giles J. Burgess.	H. R. 11949. Thomas C. Noonan.
H. R. 10925. Samuel Mars.	H. R. 11987. Arthur McCloskey.
H. R. 10987. George W. Newman.	H. R. 12060. Mary H. Doherty.
H. R. 11009. Christopher W. McGuire.	H. R. 12079. Napoleon Gignac.
H. R. 11051. William Nangle.	H. R. 12090. Hugh H. Long.
H. R. 11114. Samuel Workman.	H. R. 12096. Richard Savage.
H. R. 11218. Alfred Inks.	H. R. 12097. Thomas Eckols.
H. R. 11255. Gilbert W. Ostrom.	H. R. 12150. Maggie L. McGrath.
H. R. 11281. Allen Godard.	H. R. 12168. James G. Haner.
H. R. 11282. John T. Newcomb.	H. R. 12170. William R. Hardy.
H. R. 11295. John R. Burdick.	H. R. 12198. Albert Bocklet.

H. R. 12336. Loyd T. Lathrop.
H. R. 12437. Benjamin Simmons.
H. R. 12477. Elizabeth Buhr.
H. R. 12484. Nancy J. Bryant.
H. R. 12639. William B. Hicks.
H. R. 12643. Samuel T. Edwards.
H. R. 12704. William Webster.
H. R. 12724. Wilson E. Davis.
H. R. 12728. Henry Jackson.
H. R. 12742. Gustav Burghardt.
H. R. 12760. Moss Marcum.
H. R. 12978. Zachariah T. Anderson.

H. R. 13079. George W. Downing.
H. R. 13125. Edward T. Smith.
H. R. 13227. George Peckham.
H. R. 13257. Peter Ali.
H. R. 13326. Albert P. Odell.
H. R. 13341. Moses S. Carlisle.
H. R. 13351. Charles L. Collier.
H. R. 13358. Judson D. Hammond.
H. R. 13365. Catherine D. Bauerly.
H. R. 13463. Benjamin T. Bradley.
H. R. 13477. James Skanes.
H. R. 13536. Frederick Canz, alias Frederick Cane.

H. R. 13561. James H. Lille.
H. R. 13625. Emil Wiegand.
H. R. 13643. William Frailey.
H. R. 13696. John C. Williams.
H. R. 13760. Henry Campbell.
H. R. 13763. William Y. Kelly.
H. R. 13860. Duncan D. Cameron.
H. R. 13903. Cyrus Tschupp.
H. R. 13994. George H. Dunn.
H. R. 14137. George Lipps.
H. R. 14141. Lewis B. Clark.
H. R. 14194. Andrew Dye.
H. R. 14209. David Conklin.
H. R. 14258. John Byers.
H. R. 14274. Hiram G. Dissinger.
H. R. 14281. Martin Maloy.
H. R. 14351. Joel Dunaway.
H. R. 14379. James Dray.
H. R. 14389. Lyman H. Fowler.
H. R. 14518. Ada C. Mercer.
H. R. 14599. Samuel C. Vorse.
H. R. 14652. William Latourette.
H. R. 14753. Perry Mobley.
H. R. 14792. Charles Latham.
H. R. 14795. James C. Burrall.
H. R. 14797. Timothy Keely.
H. R. 14847. Charles Campbell.
H. R. 14969. Charles H. Hall.
H. R. 14986. John H. Reese.
H. R. 14992. Eleanor M. Freer.
H. R. 14994. Andreas Pfannschmidt.

H. R. 15146. John Van Ryn.
H. R. 15280. Luther D. Morgan.
H. R. 15298. Lottie L. Robinson.
H. R. 15384. Samuel J. Scott.
H. R. 15397. Lydia A. Benton.
H. R. 15627. Thomas McCullough.

H. R. 15632. Richard Le Graft.
H. R. 15700. William A. McHaney.
H. R. 15809. Morris B. Evans.
H. R. 15838. Electious J. Jenkins.
H. R. 15853. Presley V. Reynolds.
H. R. 15856. Frederick Carel.
H. R. 16120. Robert D. Cresson.
H. R. 16143. William J. Johnson.
H. R. 16144. Gurden Reed.
H. R. 16168. David Phillips, alias Charles Gray.

H. R. 16225. John Sullivan.
H. R. 16231. Thompson W. Dye.
H. R. 16239. Erasmus D. Loing.
H. R. 16271. Edmund F. Goodwin.
H. R. 16387. Henrietta Dinegan.
H. R. 16388. Monroe Gunter.
H. R. 16413. John P. Godby.
H. R. 16488. Moses G. J. Pratt.
H. R. 16548. Peter Clark.
H. R. 16594. Clifton P. Savery.
H. R. 16641. Henry C. Gilliland.
H. R. 16691. Mary McKiernan.
H. R. 16714. Sarah Wood.
H. R. 16716. Charles G. Radcliff.
H. R. 16951. Joel Bundy.
H. R. 16952. Samuel K. Rudolph.
H. R. 17058. William Lowe.
H. R. 17122. George Simons.
H. R. 17314. Nancy McKnight, now Matsel.

H. R. 17338. John Bailis.
H. R. 17384. Elias Kebach.
H. R. 17464. Betsey J. Platt.
H. R. 17554. Charles W. Stewart.
H. R. 17610. Della Langdon.
H. R. 17626. Ellen J. Smith.
H. R. 17636. Samuel M. Green.
H. R. 17716. William M. Snipes.
H. R. 17717. Charles Appenzeller.
H. R. 17773. Ralph G. Jones.
H. R. 17778. William M. Wallace.
H. R. 17880. Jennie Merrill.
H. R. 17958. William Lockard.
H. R. 18097. John W. Glick.
H. R. 18109. Caldwell Oaks.
H. R. 18194. Henry H. Geiger.
H. R. 18248. Emerson Sherwood.
H. R. 18414. Robert C. Fishpaw.
H. R. 18416. Joseph A. Harris.
H. R. 18424. John Tully.
H. R. 18481. Sarah E. Leacycroft.
H. R. 18602. William Southern.
H. R. 18677. Samuel J. Couch.
H. R. 18678. Isaac Adkins.
H. R. 18701. Emanuel Scott.
H. R. 18706. Malissa Wilson.
H. R. 18735. Margarith Prescott.
H. R. 18775. James M. Dalzell.
H. R. 18994. Benjamin M. Campbell.
H. R. 19036. Belle Armel.
H. R. 19081. Patrick Kennedy.
H. R. 19099. William T. Boyd.

The SPEAKER pro tempore (Mr. TAGGART). The question is, Shall the bill pass?

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. RODDENBERRY. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 191, noes 15.

So the bill was passed.

The SPEAKER. The Clerk will read the next bill.

The Clerk read as follows:

A bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Fred F. Travis, late of Company B, Eighth Regiment California Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John J. Proffit, late of Battery G, Second Regiment United States Artillery, and pay him a pension at the rate of \$12 per month.

The name of James Henderson, late of Company D, Thirtieth Regiment United States Infantry, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

The name of George E. Boyer, late of Company M, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$8 per month.

The name of William D. Daniels, late of Company C, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month.

The name of Ida M. Crossley, widow of Charles A. Crossley, late hospital steward of the Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of two minor children of the soldier until they respectively reach the age of 16 years.

The name of Oliver P. Allen, late of Company G, First Regiment Ohio Volunteers, War with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Anne Flannigan, widow of Patrick Flannigan, late of the United States Marine Corps, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Ida M. Hoffman, widow of Edward Hoffman, late of Company D, Seventh Regiment Ohio Volunteer Infantry, War with

Spain, and pay her a pension at the rate of \$12 per month, with \$2 per month additional on account of each of two minor children of the soldier until they respectively reach the age of 16 years.

This bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 116 Fred F. Travis.	H. R. 14261. Ida M. Crossley.
H. R. 6967. John J. Proffitt.	H. R. 16228. Oliver P. Allen.
H. R. 7020. James Henderson.	H. R. 17723. Anne Flannigan.
H. R. 7584. George E. Boyer.	H. R. 18773. Ida M. Hoffman.
H. R. 10451. William D. Daniels.	

Mr. RICHARDSON. Mr. Speaker, for the information of the House, in reference to this bill I desire to say—

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. Being opposed to the bill, I would like to know if, under the rule allowing 10 minutes debate on this measure, I am not entitled to recognition for half of that time, to wit, five minutes?

The SPEAKER. The Chair thinks the gentleman is. Does the gentleman from Alabama desire to use his five minutes first or last?

Mr. RICHARDSON. I desire to use a part of it, at least.

The SPEAKER. The gentleman will proceed.

Mr. RODDENBERRY. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. Is it in order to request unanimous consent for the reading of the report of the committee on this bill?

Mr. FOSTER of Illinois. Regular order, Mr. Speaker.

The SPEAKER. When the gentleman gets the floor in his own right, he can then ask unanimous consent. He can not take the gentleman from Alabama off the floor.

Mr. RODDENBERRY. Mr. Speaker, will the gentleman from Alabama yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Georgia?

Mr. RICHARDSON. Not now.

The SPEAKER. The gentleman from Alabama.

Mr. RICHARDSON. I desire to say for the information of the House in connection with this bill that there are nine cases reported from the Pension Committee. Three of them come from the Regular Army, five from the War with Spain, and one a Mexican War soldier. There are two increases in this bill. It carries with it the aggregate sum of \$1,380. Each one of these cases has been carefully examined by the Pension Committee, and a unanimous report comes from that committee. Now I yield to the gentleman from Georgia [Mr. RODDENBERRY] the five minutes to which he is entitled.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERRY] is recognized for five minutes.

Mr. RODDENBERRY. Mr. Speaker, the gentleman insists that this bill, like the preceding bills, should be voted for because it has the unanimous report of the committee. The gentleman's explanation of his bill is satisfactory to me, and I have no doubt it is meritorious. I am glad to have such an explanation of one of these bills. But I am compelled to oppose present consideration of the bill because it is brought in here under a rule the stringency and unreasonableness of which equals anything that the gentleman from Pennsylvania [Mr. DALZELL] or the gentleman from Illinois [Mr. CANNON] ever perpetrated.

Mr. Speaker, when the Sherwood pension bill was up for consideration it had the unanimous report of the committee, but gentlemen on this side who were hungry for pensions left the committee and left the leadership of Gen. SHERWOOD and voted against the unanimous report of the committee.

Mr. ANDERSON of Ohio. Mr. Speaker—

Mr. RODDENBERRY. I decline to yield. They opposed the Sherwood bill provisions, which denied pensions to rich people at the expense of the taxpayer. Members on this side who were hungry for more pensions left the unanimous report of the committee, deserted Gen. SHERWOOD, its chairman, and voted to give \$30 a month pensions to inmates of soldiers' homes. Yet it was a unanimously reported bill. Why did not you stand by the committee then?

I wish to state further, in the brief moments I have, that when the pension appropriation bill was up, it came to the House with a unanimous report from the Committee on Appropriations, made by the gentleman from Georgia [Mr. BARTLETT]. As so unanimously reported it contained a provision denying pensions to pensioners living in foreign countries who had not actually been wounded in the service. Gentlemen who now cry out against interrogating the committee report left the unanimous report of that committee and further burdened the Treasury of our constituents with payment of pension money to alien soldiers who never fired a gun. Gentlemen on the Democratic side left the unanimous committee report and by

their votes struck that provision from the bill. But you did not then bring in a rule in order to cut off debate, you did not formulate a rule that would prevent a Member from considering a single paragraph separately, because then you did not want to stand by the committee. You gentlemen on this side who are so fearful now that we will "hurt the party" were not fearful then. The Sherwood bill was forced through to save the country for Democracy, so it is alleged. Gentlemen now want a special bill every two weeks to save seats in Congress for gentlemen who represent pension-hungry districts. In the face of inevitable temporary defeat I have resisted the passage of the first two bills. Where I go down, the people will rise up. The hour of your scourging will come.

Furthermore, gentlemen say that I shall fall into ill odor with my colleagues by this fight. Mr. Speaker and gentlemen, I am frank to say, face to face to you, that my public and official conduct, my judgment, and my motive are open to all men. I have sought to obtain and hold the regard of my fellow Members, which I highly prize; but if I am to buy that regard by being false to the pledges that we have made to the people to guard well the Treasury of the United States against loot and ill-advised expenditure, it is too high a price for me to pay for your good opinion. I disdain to lower the standard of my manhood in order to obtain any man's regard. Moreover, it is not necessary. I decline to betray the people of my district or my duty to them or the country by placing indefensible burdens upon their backs. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. Mr. Speaker, I am gratified to hear the gentleman from Georgia say that he indorses every case in this bill.

Mr. RODDENBERRY. I do most heartily indorse the cases in your bill, pensioning soldiers of the Indian and Mexican Wars.

Mr. DYER. Will the gentleman yield?

Mr. RICHARDSON. I will yield to the gentleman from Missouri.

Mr. DYER. I want to ask the chairman of the committee if his committee has yet considered the question of bringing in a bill to pension the widows of Spanish War soldiers, whether their husbands died of disabilities contracted in the service or not? I understand there are several bills of that kind before the committee.

Mr. RICHARDSON. The committee has not yet considered any such bill because, as I understand it, all widows are entitled to a pension of \$12 a month, the widows of soldiers in any war.

Mr. DYER. That is only on condition that their husbands died of disabilities contracted in the service.

Mr. RICHARDSON. Yes; but we have not considered any such bill.

Mr. DYER. As the gentleman knows, there are some bills of that kind before the committee.

Mr. RICHARDSON. Yes; a great many; but the committee has not yet disposed of them. Mr. Speaker, I now yield the balance of my time to the gentleman from Ohio [Mr. ANDERSON].

Mr. ANDERSON of Ohio. Mr. Speaker, I am sorry that I have not more time to discuss the question, but, as I am a member of the Invalid Pension Committee, I want to say that these bills have been given earnest and careful attention. I ask unanimous consent to insert in the Record a reply to the statement by George Francis Adams that was inserted in the Record on February 9 by my colleague from Georgia. This is a publication by the Tribune giving the war record of Gen. George Francis Adams.

The SPEAKER. The gentleman from Ohio asks unanimous consent to publish in the Record the article referred to. Is there objection?

Mr. RODDENBERRY. Reserving the right to object, I would like to ask the gentleman, in view of the fact that he regards—

Mr. ANDERSON of Ohio. Mr. Speaker, I have not yielded to the gentleman.

Mr. RODDENBERRY. I would like to ask the gentleman, who says he wishes he had more time in which to discuss this question, if the gentleman did not vote yesterday for the rule?

Mr. ANDERSON of Ohio. I would be glad to have more time, but I do not want it at the sacrifice of the passage of these bills.

The SPEAKER. The time of the gentleman has expired. Is there objection to the request of the gentleman from Ohio?

Mr. RODDENBERRY. Mr. Speaker, I withdraw any objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio to print the editorial in the Record?

Mr. MANN. If it reflects upon the reputation of anybody, I object.

Mr. ANDERSON of Ohio. It simply gives the gentleman's war record. Much has been said about the National Tribune regarding its stand on pension legislation. I know they have done everything in their power for a score of years to advance the interests of the old soldier. [Cries of "Regular order!"]

The SPEAKER. The regular order is called for.

Mr. ANDERSON of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The regular order is demanded, which is the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. RODDENBERRY. Mr. Speaker, I ask for the full reading of the engrossed bill.

The SPEAKER. The Clerk will read the engrossed bill.

Mr. RODDENBERRY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERRY. I ask unanimous consent that the time which would be consumed in reading the engrossed bill be given to the gentleman from Ohio to make any remarks he wants to make where he has been cut off.

Mr. MANN and others objected.

The engrossed bill was read in full.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUGHES of Georgia, indefinitely, on account of illness.

To Mr. NEELEY, for 10 days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. GALLAGHER, by unanimous consent, was granted leave to withdraw from the files of the House without leaving copies the papers in the case of Katie O'Brien, no adverse report having been made thereon.

Mr. JACOWAY, by unanimous consent, was granted leave to withdraw from the files of the House without leaving copies the papers in the case of E. Ross Smith and S. E. Weaver, second session Sixty-second Congress, no adverse report having been made thereon.

INVESTIGATION OF BANKING AND CURRENCY CONDITIONS OF THE UNITED STATES.

Mr. HENRY of Texas. Mr. Speaker, I offer the privileged resolution which is sent to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 429 (H. Rept. 356).

Resolved, That in order to obtain full and complete information of the banking and currency conditions of the United States for the purpose of determining what legislation is needed, the Committee on Banking and Currency is authorized and directed to make a full investigation thereof, including all matters touched upon in House resolution No. 405 within the jurisdiction of said committee; and the said committee is authorized, as a whole or by subcommittee, to sit during the sessions of the House and the recess of Congress, to compel the attendance of witnesses, to send for persons and papers, to administer oaths to witnesses, and to employ experts, counsel, accountants, clerical and other assistants. The Speaker shall have authority to sign, and the Clerk to attest, subpoenas during the sessions or recess of Congress.

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentleman from Pennsylvania [Mr. DALZELL] if an agreement as to limit of debate can be made?

Mr. DALZELL. Mr. Speaker, I will say to the gentleman from Texas we would like to have on this side of the House at least an hour.

Mr. HENRY of Texas. I suggest to the gentleman that perhaps we might agree to have 45 minutes on a side if he will agree that the previous question may be considered as ordered at the end of that time.

Mr. DALZELL. I can not agree to that.

Mr. HENRY of Texas. I will agree to an hour a side if the gentleman will agree that the previous question shall be considered as ordered at the end of two hours.

Mr. DALZELL. I can not agree to that. There are gentlemen on this side of the House who will insist on having a vote on ordering the previous question.

Mr. HENRY of Texas. Then, Mr. Speaker, I will say to the gentleman that I will have to take the floor in my own right, which would give me one hour, but am perfectly willing to accord one-half of that time to gentlemen on the other side, to be controlled by whomsoever they desire, and at the end of the hour shall move the previous question on the resolution.

Mr. MANN. Mr. Speaker, will not the gentleman agree that there may be two hours' debate, with the right of the gentleman to be recognized at the end of that time to move the previous question? The gentleman would not lose any rights. There is not much of other business to do now and we have time enough.

Mr. HENRY of Texas. I think if the gentleman will agree to 45 minutes on a side that would be better.

Mr. MANN. Well, I talked with the gentleman the other day, and I understood he would be willing to agree to that proposition, and gentlemen have figured on that time on this side of the House. It is only a few minutes more and it will be an accommodation, of course, with the unanimous-consent agreement, that the gentleman should have the right to move the previous question.

Mr. FITZGERALD. But if a gentleman is recognized he has the right to offer an amendment.

Mr. HENRY of Texas. But it is to be understood that they shall not have the right to offer amendments.

Mr. MANN. With the understanding that during the two hours' debate there shall be no amendments offered, and that at the end of that time the gentleman from Texas shall have the right to move the previous question. Of course, if the previous question is carried, no amendment then will be offered, and if the previous question be refused the resolution will be subject to amendment.

Mr. HENRY of Texas. I am willing to make an agreement with the gentleman for an hour and a half, 45 minutes to a side, and that I am to be recognized at the end of that time to move the previous question, and that during that time no amendment shall be offered.

Mr. MANN. We can have that by unanimous consent—that no amendment shall be offered during that time—and the extra 15 minutes will accommodate us very much.

Mr. SHERLEY. Mr. Speaker, I suggest to the gentleman that I am very anxious to get up the fortifications appropriation bill, and I see no reason why 30 or 40 minutes should be wasted in a roll call.

Now, if the gentleman is so anxious for time, let the agreement be coupled with an agreement that the previous question shall be considered as ordered. There is not any reason why, when time is being requested, that 40 minutes or more of it should be wasted in a roll call. I see no reason for consuming that length of time. I think it is important that this House should consider the supply bills that are now before it, and I am anxious to get up one of those bills to-day.

Mr. MANN. The gentleman can get recognition to consider it now.

Mr. HENRY of Texas. It is half way—45 minutes on a side.

Mr. MANN. The gentleman has stated to me that there would be an agreement as to two hours—one hour on a side.

Mr. HENRY of Texas. If the gentleman so understood it, I ask unanimous consent—

Mr. SHERLEY. I had something of an understanding that there would not be more than 40 minutes a side taken. But to ask for 2 hours' time, with a roll call, means the rest of the day.

Mr. MANN. I think we can satisfy the gentleman from Kentucky as to the fortifications bill.

Mr. HENRY of Texas. Then, Mr. Speaker, I ask for unanimous consent that two hours be the time allowed for debate, and that at the end of that time I be recognized to move the previous question and that in the meantime it shall not be in order to offer an amendment to the resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent that the debate on this resolution shall continue for two hours—

Mr. HENRY of Texas. And that it shall not be in order to offer any amendment.

The SPEAKER (continuing). One-half of it to be controlled by the gentleman from Texas [Mr. HENRY] and the other hour by the gentleman from Pennsylvania [Mr. DALZELL], and that during that time nobody shall offer an amendment, and at the end of the time the gentleman from Texas shall have the floor to move the previous question. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to ask if Monday is District day?

The SPEAKER. It is.

Mr. SHERLEY. The effect of this, then, is to put off until Tuesday the consideration of any appropriation bill?

Mr. MANN. There is very little District business on the calendar.

The SPEAKER. The Chair can recognize the gentleman from Kentucky to move to go into the Committee of the Whole House on the state of the Union.

Mr. SHERLEY. The House can displace the motion of the gentleman now. While I want to be reasonable, it seems to me totally unreasonable to ask two hours for a discussion of a provision of this kind. I do not think it requires any particular discussion.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. HENRY]? [After a pause.] The Chair hears none.

Mr. HENRY of Texas. Mr. Speaker, the resolution which has been reported from the Clerk's desk provides for one of the most important investigations during the last 40 years of our history. It is appropriate that I should say that, in my judgment, it is an opportune time for this issue to culminate. I can not permit this occasion to pass without saying that the issue was inaugurated and precipitated by the introduction of a resolution by the distinguished gentleman from Minnesota [Mr. LINDBERGH], and in doing so he has rendered his country a great service and is entitled to great credit for it. [Applause.]

Mr. Speaker, there is nothing partisan in the resolution, and it should not be so regarded. Each Representative should approach the solution of the problem, conscious of the responsibility resting upon him. I am glad the time has come when a dignified committee of this body is to investigate what is denominated, and truly so, the "Money Trust."

Mr. Speaker, it is also proper that I should say we do not propose to make war upon the business interests of the country, whether it be big business or small business; but we do complain of that colossal "combination" in the city of New York which has within its grasp the credits of the entire Republic. And it is the illegal combination which we condemn and into which this committee must inquire. And I make the statement here that, while it has been asserted by some that there will be found no combination which is in violation of the antitrust laws of this country, in the progress of the inquiry it will be revealed that this Money Trust is in combination with industrial corporations, with the great trunk railways, traversing the continent from one ocean to the other, and it will be found that this combination is daily violating the antitrust statutes of the United States, and are amenable to them and should be punished in accordance with their provisions.

Mr. Speaker, the resolution which has been read from the Clerk's desk proposes to investigate this combination and to take up matters set out in House resolution 405; and it was agreed and understood by those drawing the resolution this day offered by me that the matters segregated from House resolution 405 and set out in the appendix hereto annexed are strictly within the jurisdiction of the Banking and Currency Committee, and that said committee is now by this resolution ordered and instructed to investigate with thoroughness all the charges, specifications, and allegations as taken from House resolution 405 and appearing in the appendix hereto. In other words, it was understood and agreed that by express reference in to-day's resolution to House resolution 405 the pertinent parts thereof are as completely sent to the Committee on Banking and Currency as if they were entirely copied and set out in the resolution now under consideration, and such is the parliamentary effect. It instructs the Committee on Banking and Currency to investigate every one of the charges as stated in the preamble and as specified in the resolving clause of that resolution.

Therefore, the Committee on Banking and Currency, if it does its duty, which I assume will be done, will inquire into every single allegation and charge made in House resolution 405.

I shall not set out what those charges are, for they are written plainly in House resolution 405. They are substantially the same as the charges made by the gentleman from Minnesota [Mr. LINDBERGH], and the two resolutions tend practically to the same effect. If this committee probes deeply, as it should, it will unearth the things that he is seeking to uncover, as well as those upon which my resolution asks inquiry.

It is regrettable that time does not permit me to make a detailed statement as to what really constitutes this combination. But it is sufficient to say that during the last five years the financial resources of the country have been concentrated in the city of New York, until they now dominate more than 75 per cent of the moneyed interests of America, more than 75 per cent of the industrial corporations which are combined in the trusts, and practically all of the great trunk railways running from ocean to ocean, until these three great forces are in such combination and agreement that it is well-nigh impossible for honest competition to be set up against them. These great railways and industrial trusts are under the protecting wing of a small financial group in the city of New York, composed of not more than 10 or 12 individuals.

Independent railway building is at an end unless this group is willing for some independent line to compete with them. They have taken these industrial trusts under their wing and require them to take out their deposits from the local institutions where they are domiciled and transfer them to the banks and trust companies which they themselves control in the city of New York.

So, Mr. Speaker, charging those things, and feeling sure that they can be established, it seems to me it is the manifest duty of the American Congress to uncover the conditions and vicious system, in order that the people may understand the real situation. We can have no idea of the nature of currency legislation necessary until this investigation is made. We should not swallow

the Aldrich currency plan without understanding the facts. And until this committee makes its inquiry we shall be groping in the dark and will most assuredly go into the pitfalls set by this group of financiers.

Let me give you one instance of their powerful effect and influence in recent years. It will be recalled that a few years ago a patriotic citizen, Mr. A. E. Stilwell, undertook to build a railway from Kansas City across the States of Kansas, Oklahoma, Texas, and through Mexico to Topolobampo on the Pacific coast in competition with the Missouri Pacific, running from St. Louis to Texarkana, and the Texas Pacific and International & Great Northern Railways and Southern Pacific, running to California and the City of Mexico, thus competing with the great trunk railways lying north of the railroad which he proposed to construct. He undertook to organize the enterprise in this country and to build the railway with money raised here, but not one dollar could he raise in this country or its financial centers for that great enterprise. He was forced to go to Europe—to France, Germany, and Holland—where he raised \$26,000,000 to finance this great enterprise. He organized the enterprise and raised the money, and to-day, out of the 1,800 miles of proposed line, he has built 900 miles and equipped a splendid railway for our people.

But this coterie of financiers in the city of New York not only stood in his way at the beginning and during all of the years of his struggles and forced him to go to Europe for money, but in their effort to thwart him they have indulged in methods that are but little better than those who use the dynamite and bomb. They have engaged in conspiracies; they have published slanders and libels of his enterprise; and they have indulged in all sorts of rascality to defeat him.

So I declare the time has come when publicity should be given to these things, and the American people should know by what right a small group of men hold the finances of America in the hollow of their hands and control the destinies of 90,000,000 of people. [Applause.] That time has arrived, and this investigation will be made. At first these men said there should be no investigation by any committee. Now they say they are willing to have an investigation if it is not sensational.

Having said this much, permit me to state the case:

It is not possible for Congress to intelligently determine the vital economic questions of currency legislation, the trusts, and interstate-commerce corporations until it understands the methods of the insidious and almost supreme money power. No effective investigation can be made into the ramifications of the one without an examination of the other, so intimately interrelated and linked together are the three great problems.

It is not my purpose here to recount how during the last five years the money power has become concentrated in New York City, but I will state it as a fact that more than 75 per cent of our financial resources—industrial and railroad corporations—is now dominated and controlled by not more than four small groups of financiers. This financial oligarchy now has within its grasp the resources, deposits, and funds, with the power to paralyze competition and destroy competitors. They now have at their feet in merciless subjection more than 75 per cent of the vast army of banks and bankers throughout the country. They are combined and acting in strict accord with the railroads and industrial trusts by throwing their protecting arms around them with the avowed purpose of assassinating in business all their competitors. There is no great railway system of the country that is not in combination with them and under their protecting wing, and in identically the same way the rapacious trusts are sheltered by them.

To illustrate how successfully they have concentrated the money and resources of the country in their hands, I quote from the recent statement of Mr. Samuel Untermyer, a public-spirited attorney of New York City. He said:

The protecting wing of these banking houses is a thing that has got to be considered by Congress in legislating in respect to the trusts. * * * It is because of what seems to me to be the gravity of the situation that as a decent citizen I feel that we ought to know where we are drifting, so that when we come to meet these questions of currency legislation and the question of the trusts Congress will have the data on which to act. You see how these things interlock with one another. These two or three great issuing houses in New York, having taken under their wings the great railroad and industrial corporations of the country and acting as their bankers and sponsors and protectors, naturally are entitled to conduct the finances of those companies and to direct them, and that means that this vast sum of money of all these corporations is under their control; whether they are on the boards of these corporations makes no difference. * * * They have all this money—the railroad money, the money of these trusts, the money of the steel corporation. The steel corporation has an average daily balance of \$75,000,000. The number of other trusts runs the average daily balance up to hundreds of millions of dollars. * * * But now this money has drifted to New York, and you see institutions there now with balances of from \$150,000,000 to \$200,000,000—daily balances—when 15 years ago, I believe, the biggest bank or trust company in New York did not have \$15,000,000. I think perhaps \$20,000,000 was the largest at the outside. I think the Chemical National Bank had the largest bank balance. It is a mere pigmy now, these things have mounted up with such rapidity.

We should have light as to how these things have been accomplished, and individual cases uncovered that would illustrate the system and point the way to sane and wholesome remedial legislation.

It is also certain that these same financial interests of New York have a close community of interest with the bankers of the money centers of Europe and act together in protecting one another and destroying competition. In view of these alarming financial conditions, I charge and state that it can be established by indisputable evidence:

First. That the aforesaid groups of individuals, firms, national banks, and moneyed corporations are in agreement and combined together with fixed purpose and are now managing the financial affairs of practically all the interstate railroads and 75 per cent or more of the industrial corporations, joined together as trusts, and are using as they see proper the bankable funds of such interstate and industrial corporations. They require these funds to be deposited in New York and to be placed at their disposal.

Second. I charge, and it can be established upon proper inquiry by a committee with ample power, that the management of the finances of many of the great industrial and railroad corporations of the country engaged in interstate commerce is concentrated in the hands of a few groups of financiers in the city of New York and their associates, and that these groups, by reason of their control over the funds of such corporations and the power to dictate the depositories of such funds, and by other means, have secured domination over many of the leading national banks and other moneyed institutions in the city of New York and in other cities to which they direct such patronage, and over the vast deposits of money and of other assets of such institutions, and enabled them and their associates to direct the operations of the latter in the use of the money belonging to their depositors and stockholders and in the purchase and sale of securities and loans of money by such banks and other moneyed institutions; and that these institutions and their funds are being used to further the enterprises and increase the profits of these groups of individuals from such transactions and to augment their power over the finances of the country and to control the money, exchange, security, and commodity markets and prevent competition with the enterprises in which they are interested, to the detriment of interstate commerce and the welfare of the general public.

Third. These same groups of financiers have so entrenched themselves in their control of the aforesaid financial institutions and otherwise in the direction of the finances of the country that they are enabled thereby to use the funds and property of the great national banks and other moneyed corporations in the leading money centers to control the security and commodity markets; to regulate the interest rates for money; to create, avert, and compose panics at will; to dominate the New York Stock Exchange and the various clearing-house associations throughout the country, and through such associations and by reason of their aforesaid control over the railroads, industrial corporations, and moneyed institutions, and in other ways resulting therefrom, have wielded and are wielding a power over the business, commerce, credits, and finances of the country that is despotic and perilous and deadly to the welfare of the entire country. And that their directorates and agencies are so interlocked and inseparably linked with one another that it would be impossible to adequately and fairly investigate the affairs of one without exhaustively probing the affairs of the others. Hence, we can not possibly know what paths to travel in regard to currency, trust, and interstate-commerce legislation till a genuine investigation is had.

Fourth. I charge, and it can be proved, that these national banks and other moneyed corporations, controlled, as above set out, by the moneyed oligarchy of four groups, have been and are now engaged in the promotion, underwriting, and exploitation of speculative enterprises, many of them dangerous and questionable, wild and visionary, and many in other countries, and in the purchase and sale of securities of such enterprises, and in acquiring stocks of other banking institutions, and in absorbing and crushing competitors by the use of their concentrated corporate funds for such purposes, either alone or in conjunction, agreement, and conspiracy with one another: These financiers in New York have in their hands hundreds of millions of dollars that should be distributed throughout the country where the railroads run and the corporations have their domiciles. These men have in their coffers in New York all this railroad money, the money of the trusts, the money of the steel corporation. The average daily balance of the steel corporation amounts to \$75,000,000, and added to that the money of the other trusts and the railroads runs the amount up into the hundreds of millions of dollars. The country is poorly advised as to the real situation and as to how these things can be and have been done. And we sorely need the blazing light of pub-

licity in order to wisely legislate on the three great problems in hand.

Fifth. These individuals, firms, national banks, and moneyed corporations are interested in and connected with interstate corporations, and are constantly conspiring and agreeing with them and are enabled by reason of such connection to prevent and suppress competition in the interest of such interstate corporations and protect the latter from competition, and frequently to crush out competitors by means of questionable and vicious financial warfare. In fact, they are in combination with them in such a fashion that they are daily violating the provisions of the antitrust law, if the real facts were known. And only a most rigid probing of a compact congressional committee endowed with plenary power can ever get to the root of those evils.

Sixth. These national banks and other moneyed corporations and institutions are owned, dominated, and controlled through their directors, stock ownership, official management, patronage, and in other ways by the same persons, interests, groups of individuals, and corporations that are also interested in other national banks and moneyed corporations located in the same city, and in interstate corporations that are customers and really coconspirators of said national banks and other moneyed corporations. And the same individuals are officers and directors and are interested in, dominate, and control and have heretofore dominated and controlled more than one national bank or other moneyed corporation.

Seventh. I charge, and it can be established by abundant proof, that the funds and credit of national banks and other moneyed corporations are and have been used and employed in other ways than in making current loans to merchants and on commercial paper, and such funds have been and are employed (1) in the purchase of securities from bankers or others interested in or connected with such corporation; (2) in the guaranty and underwriting of securities and syndicate transactions, alone and in conjunction with others; (3) in loans on notes secured by bonds, stocks, or other collateral; (4) and in loans on and purchases of stocks of other banks and of trust and investment companies and financial and moneyed corporations, and have profited by joint action, understanding, and conspiracies to shut out competition.

Eighth. In agreeing and confederating together such national banks and other moneyed corporations, directly and indirectly, and by means of other corporations having substantially the same officers, management, control, or stockholders, or with stock paid for by the dividends of a parent or affiliated company, and, alone and with others, have acted as issuing houses in offering securities to the public and to investors by prospectus, advertisement, and solicitation, and have and are speculating in stocks and are diverting the funds of the banks from legitimate banking and commercial channels in order to get the railroad and industrial corporations within their protection and to destroy competition as far as possible.

Ninth. The management and operations of the New York Stock Exchange and the New York Clearing House Association are dominated and controlled by the aforesaid financial groups and national banks in New York City, and the officers of the Clearing House Association are mere dummies under their absolute dominion, and can wreck banks and destroy competitors upon their orders.

Tenth. These groups of men have it within their absolute power, in controlling the money in the banks and trust companies, their dominion over corporations, and their connection with the Clearing House Association, to make and unmake panics, make "bull" and "bear" markets, "easy" money and "tight" money, whenever it suits their pleasure. In a financial way it is not overstating the danger to say that they are almost omnipotent and hold the destiny of the business world within the hollow of their hands.

Five years have brought about the control secured by a few banking houses and their allies over the funds of the great corporations, and that this power has been cemented through the interlocking directorates in financial institutions that were naturally competitive; that this control is constantly widening and becoming more direct and pronounced, and the groups are constantly getting closer together and working in harmony. These men are thus enabled to assist their friends and punish their enemies in the financial world, and have used this power to subdue opposition and subject the smaller financiers and financial institutions to their will.

Eleventh. I charge that this group of financiers and national banks in New York have participated in and frequently participate in stock-gambling to a scandalous extent, and at times with the Government funds on deposit with them, and withhold money from legitimate commercial channels to engage in such gambling and in financing dangerous, doubtful, and sometimes disreputable, speculative schemes in this country and other

countries. And at times, seemingly with the knowledge of the Treasury officials of the United States, these banks and bankers have loaned money for vicious and perilous stock gambling on the stock exchange, and apparently such money was hurried from the National Treasury to the vaults of those banks for such purposes. A proper investigation will disclose such cases, and record evidence will be found to indisputably support this allegation. Along these lines an exhaustive investigation should be made in the interest of decency and good government as to the methods of these groups of financiers in tapping the National Treasury to secure the people's tax money to further their stock gambling.

Twelfth. It is undeniable that independent railroad building is at an end in this country if these financial groups remain the master. They will protect and finance the great railroads under their wing and wreck and ruin every competitor who undertakes railroad building on an independent basis. Permit me to illustrate by the fate of a great enterprise now in a death struggle with this group. I refer to the Kansas City, Mexico & Orient Railway, of which Mr. A. E. Stilwell is president:

Twenty-six million dollars have already been invested in the project, which is now threatened with disaster through what he believes to be the action of the interests that are representing transcontinental lines to which this would be a competitor. It looks as though Mr. Stilwell is going to make some sort of a fight by general appeal to the people to rescue his enterprise. If a fraction of what he says is true, this is as fair an illustration as you could hope to obtain of the workings of the system.

This statement comes to me from the New York lawyer, Mr. Samuel Untermyer. The next day Mr. Stilwell sent me the following signed statement:

Nevertheless, we built 130 miles of track in Texas last year, 25 per cent more than any other railroad and 15 per cent of all track built that year in the United States. Recently this opposition has seriously delayed the closing of a sale of \$5,000,000 bonds, legalized by the French Government and all underwritten in Paris. Detectives have followed our agents, prominent bankers have not hesitated to make false statements in speaking of our road; other bankers taken over the road and enthusiastic over its possibilities have been told that their business would be ruined if they attempted to help us in any way. Effort after effort was made by letter and personal interview to prevail on the Mexican Government to cancel our concessions, and effort was made also to prevent us from securing the harbor at Topolobampo. When in London making our steamship arrangements, prominent American interests cabled over endeavoring to prevent the closing of this important contract. Prominent brokers have called our investors by phone, advising them to sell our securities at once—people with whom they had never done business; and in one case the statement was made that we had but 6 miles of road in Texas and 4 miles in Mexico, whereas at that time we had over 200 miles in Mexico and 300 in the United States. * * * But now, with nearly 900 miles in operation, we think we are justified in calling attention to the obstacles we are daily encountering in a persistent endeavor to prevent the completion of this great international transcontinental road. * * * It is a singular coincidence that Mr. Samuel Untermyer should have made his argument before the committee of Congress during the very time I was preparing this prospectus and an advertisement for publication—a man who is in no wise interested with me in any enterprise. The facts which he so truthfully and eloquently affirmed are, perhaps, unbelievable except to those who, however innocently, have incurred the displeasure of the mysterious, sinister, but palpable influence called by him the Money Power. As for those injured by this power, what possible redress is there except to appeal direct to the people whose own money is thus exploited by those with whom they have temporarily intrusted it? No single victim could combat this oligarchy even if it were amenable to law. But Mr. Untermyer says it acts within the law. Its freemasonry is that of freebooters grown arrogant through immunity. Its whisper is that of the Mafia without its risk. Its "white hand" does the dirty work of the "Black Hand" without the excuse of poverty. It is wicked and cruel, but, thank God, it is not omnipotent.

Is it not time to inquire into these Black Hand methods? Should not we know something of the depths of villainy to which this "financial Mafia" will descend before we rewrite our currency laws? Would not it be better to probe deeply into that hidden and mysterious side before we swallow the Aldrich plan? Let me warn the American people we will be groping in the dark and will go down in their pitfalls unless we have a thorough congressional investigation and unearth their system, their villainy, and the secret methods of their combined moneyed monopoly. While we are grappling with this momentous problem, this money power is moving heaven and earth to circumvent us.

Stilwell, an honorable man, is in New York now fighting for his great enterprise meaning so much to the Southwest and Mexico. The financial freebooters are trying to destroy him. Every patriotic American ought to read his appeal from their midst in the very shadow of Wall Street.

To state it bluntly, these groups of financiers in New York, through their cementing together the great national banks of New York City and joining themselves together in conspiracy and action, have taken under their wings the great railways, corporations, trusts, and moneyed interests and made themselves the supreme dictators of the financial situation in the United States, with their power reaching into the money centers of Europe. And no man but themselves knows the depths of their conspiracies and combinations, and no other person

will know till they are searched to the bottom with the strong arm of a congressional probe.

In further proof of the concentrated money power in New York permit me to read the admission of the Wall Street Journal as contained in an editorial of February 12, 1912. Here it is:

BANKING RESOURCES OF NEW YORK CONCENTRATED IN HANDS OF A FEW—TWO GROUPS DOMINATE, WITH LEADERSHIP VESTED WITH J. P. MORGAN, OWING TO HIS EXCEPTIONAL CAPACITY—EVERY COUNTRY HAS WITNESSED SIMILAR CONCENTRATION OF BANKING CAPITAL—NECESSARY FOR THE SAFETY OF ALL BANKS THAT THEY SHOULD WORK TOGETHER—TOTAL ASSETS OF THE MORGAN AND STANDARD OIL BANKS AMOUNT TO NEARLY \$2,000,000,000—THE INDEPENDENT GROUP.

To deny that the banking resources of this city are concentrated in the hands of a small group would be useless. The central figure of this group is J. P. Morgan. Practically every bank and banking house in the city is subject to his influence.

To state that all these bankers are dependent upon what one man or group of men order or desire would be a dangerous half truth. Concentration of banking power has been a natural development, and the leadership vested in Mr. Morgan has been a result of his exceptional capacity. The actual control of the great majority of banks in the city is scattered among thousands of individuals.

Every country of any commercial or financial importance has witnessed concentration of banking capital like that in New York, but in the great European nations the various governments have recognized that a concentrated banking power should be regulated by the government but be independent of it in its banking operations.

There are only two dominated and one independent banking groups in Wall Street, the latter made up of small institutions and commercial banks not controlled by interests in the other two groups. Before the panic of 1907 there were two or three small independent groups, but these are now merged. Before the panic there was considerable rivalry for control, but to-day competition in most cases is limited to credit, and banking commissioners, superintendents, and comptrollers are beginning to realize that even credit should be regulated or controlled. This stride in banking regulation is ranked as similar in economic development with the recent tendency of clearing-house associations to hold regular examinations of member institutions.

In the past three years the lesson learned from the panic of 1907, that it is necessary for the safety of individual banks that all banks should work together, has been put to practical account. It is not uncommon to have the president of a bank in one group on the executive board of an institution in another. It has been found both natural and expedient, owing largely to the position that New York City banks hold in relation to the banks in the interior, that this community of interest should be cemented as much as possible without fettering credit.

In the tables that follow is given a list of the banks connected with the two important groups mentioned above—the Morgan and the Standard Oil. Some of these banks are directly controlled by these interests, but others are only connected with them in some indirect manner. In the case of the latter, the ties could be severed at will. Capital and surplus, deposits, and assets of the Morgan and Standard Oil groups.

	Capital and surplus.	Deposits.	Total assets.
MORGAN GROUP.			
First National	\$31,384,400	\$114,458,500	\$152,678,300
Commerce National	40,893,400	141,592,400	195,028,800
Chemical National	9,920,400	31,891,600	42,107,000
Liberty National	3,770,600	19,255,800	23,506,800
Chase National	13,704,500	106,605,900	121,305,600
Mechanics' & Metropolitan National	14,382,400	69,815,700	87,168,500
Astor Trust	2,389,400	18,663,200	21,813,000
Bankers' Trust	18,518,400	137,493,100	157,678,200
Guaranty Trust	27,888,100	156,022,800	208,793,600
Manhattan Trust	2,252,100	21,093,100	24,652,400
New York Trust	14,572,300	38,044,600	53,918,800
Standard Trust	2,411,200	17,561,000	20,642,500
Total	182,687,200	872,857,700	1,109,291,000
STANDARD OIL GROUP.			
National City	\$51,668,400	\$203,910,600	\$265,845,600
Second National	3,329,400	15,155,500	19,968,700
Lincoln National	2,663,900	17,746,100	21,756,100
Citizens' Central National	4,464,600	24,993,100	31,896,900
Hanover National	15,952,400	93,905,400	111,068,300
National Butchers & Drovers	447,100	3,040,000	3,534,700
Fidelity	267,400	1,118,300	1,492,400
Columbia	1,117,600	8,740,500	10,172,400
Colonial	877,600	7,397,300	8,325,700
Greenwich	1,398,400	12,036,800	13,459,100
Farmers Loan & Trust	7,340,400	132,631,300	140,627,900
Franklin Trust	2,360,800	11,261,200	13,787,100
Equitable Trust	14,205,300	40,348,700	54,885,700
Trust Co. of America	8,541,200	25,563,500	34,220,900
United States Trust	16,315,500	63,097,500	80,318,400
United States Mortgage & Trust	6,502,200	46,370,500	62,516,000
Total	137,552,200	707,312,200	873,965,800
TOTAL, BOTH GROUPS.			
Morgan	182,687,200	872,857,700	1,109,291,000
Standard Oil	137,552,200	707,312,200	873,965,800
Total	320,239,400	1,580,169,900	1,983,256,800

To these two groups, in making up a compilation of the banking power of this city, could be added the total assets of all the other banks. They all work together for mutual protection.

Further establishing the vicious methods of Wall Street, in assassinating business competitors, allow me to read a letter from Mr. A. E. Stilwell, president of a great trunk railway. Because he is endeavoring to build a competing railway across the continent, Wall Street and its allies, the transcontinental railways running to the Pacific Ocean and Gulf of Mexico, are trying to destroy Stilwell and crush his railway. His letter is illuminating and reads:

(An open letter.)

THE KANSAS CITY, MEXICO & ORIENT RAILWAY CO.,
Singer Building, New York, February 5, 1912.

To the United States Senators and Representatives, Members of Congress, Washington, D. C.

DEAR SIRS: For years I have been convinced that there was a money trust. I have felt its powers in my work. It has halted my endeavors and delayed my work.

It is a force for destruction of any man or any enterprise that does not consent to its decrees. It has a system as powerful as the Beef Trust, which every cattleman for years was positive, existed, but he could not prove it. This oppression of great interests is un-American. It breeds socialists and anarchists. While it destroys now for its own benefit, if not rebuked and removed it will destroy the Nation. The word is sent out that if the investigation of the money trust is made it will destroy business. If business is founded on evil it ought to be destroyed, so that sound, healthy business may rise out of the ruins. No surgeon would refuse to perform an operation for the reason that it would soil the linen. This is no valid reason for allowing the patient to die. It is no argument to abolish our courts because it may hurt business if crooks and swindlers are sent to jail. Threats of death do not deter the Government in its endeavors to destroy the Black Hand. The white hand of the Money Trust uses a force and power which comes from great wealth, which is the most potent of all commercial and political forces. If our business must pay tribute to this power, if men can not develop business enterprises for the benefit of our land without the approval of this power, this is no longer the land of the free.

George M. Reynolds, president of the Continental Commercial Bank of Chicago, affirms that there is a Money Trust. He said this at a meeting of financial interests in support of the Aldrich monetary plan, in which Mr. Reynolds admitted being one of a dozen bankers who control the money power of the country. In this address Mr. Reynolds said:

"I believe the money power now lies in the hands of a dozen men. I plead guilty to being one, in the last analysis of these men. There has been a great deal said about centralization of power. I contend this institution (referring to the reserve association) would cause a decentralization of power.

"I believe that two or three banks in New York, two or three in Chicago, and two or three in St. Louis could control the question of whether or not loans should be made to correspondents throughout the country."

There can be no damage done to business if there is no Money Trust. No nation may be afraid of evil consequences from doing right—right has no judgment day. The separating of business from evil abuses removes the curse and leaves the blessing. The Standard Oil and Tobacco companies have not suffered from the Government marking out the path for them to walk in. Their stockholders have not suffered. But the people they oppressed are relieved of the oppression. This is the duty of a nation, to protect the weak.

The money issued by our Government does not carry with it power of oppression. No corporation that does right, that conforms to the laws, has anything to fear from investigation. It is only the evildoers who fear investigation. There can be no damage done to any political party that is in favor of destroying evil abuses. The Republican Party can not suffer from its forcing the Standard Oil and Tobacco companies to stop their illegal acts. The period during the separation of the good from the bad did halt business, because of the uncertainty of what would happen. But now this much of the American business is on a rock foundation. The "hall-marking" of the securities of the Standard Oil and Tobacco companies by our courts will produce lasting good to these lines of trade and to the securities of these companies and will leave these fields free from suppression and open to all who desire to embark in these lines of trade.

Years ago I incurred the enmity of some of the members of the Money Trust. I refused to follow their dictates, which were illegal. They told me that the making of money was the only aim of man. I refused to believe it. I believed, and now believe, that success through dishonest methods in the long run means defeat, and that the person who achieves riches in this way has really lost—his gain is only a seeming gain. Notwithstanding the years of suffering that have been forced upon me, notwithstanding the fact that this Money Trust has made my work as hard as any man has ever had, I still am of the opinion that it is far better to give up all chance of gain—even life itself—than it is to surrender principle for profit.

I have a perfect right to thus address you in this letter. I am an American. I have worked for years to develop the West. By my work at least a billion dollars has been added to the wealth of our country. I, no doubt, have built as much main line of railroad as any man in the United States of my age. I have brought millions of gold to our land from Europe, and much of it during the panic years. I built one-fourth of all the railroad built during 1896. My orders for equipment were almost the only orders given during that dark year. I built one of the largest inland waterways of our country—the Port Arthur ship canal—which has now been taken over by the Government and is maintained by it. I built the splendid landlocked harbor at Port Arthur, that no storm has ever reached. I have financed corporations that furnish employment to thousands.

To exist, must I put on the Money Trust's yoke of gold, so that in the future I may be unmolested in my work? I refuse.

Ask the people of the West, whom I helped by giving them just rates on grain for export, which they did not have until I built the Kansas City Southern; ask the people of Kansas City, who, by the rates I gave them on lumber, were enabled to build up the greatest long-leaf pine market in the United States; ask the people in the 100 towns that I have built; ask the people of Port Arthur, which I built from a cow pasture; ask the farmers in the great rice fields of Texas that I laid out; ask the people on the 100,000 acres of western land that I have colonized; ask the owners of the pine forests, which by my work have increased in value from \$2 per acre and no market to \$40 and \$60 per acre and an active market; ask the people of western Texas, who, through my efforts, have seen an empire spring

up from the cattle ranges within six years; ask the people of Colorado, where one-eighteenth of all the gold produced is from a mine I financed; ask the miners of northern Mexico, who are served by the Orient Railway!

Must I longer stand unfair conditions; must the railway we are building be brought under the dictation of the money power; and must our plans for giving to the people of Kansas, Oklahoma, Texas, and Mexico a great international railway, that will forever be a blessing and furnish a sure and safe investment, be blocked and thwarted both in this country and in Europe?

I claim it right, if this is a free country, for enterprises to rise and fall on their own merits, and not to be assassinated. If the tricks and deceptions that have been played on me, the inquisition of the Money Trust, the numerous efforts to rob me and trip me, are now exposed, so that it is not possible in the future for some other American to suffer as I have, I will not have suffered in vain.

The American people, and a great many bankers, I am sure, deplore these existing conditions. There are many bankers and bankers who have never resorted to the oppressive methods of the Money Trust, and who are ready and willing to aid in correcting this deplorable condition.

The belief that our country is under the domination of a Money Trust is now affirmed by Mr. Reynolds, who says there is and that he is one of the 12.

Why not ask him and the other 11?

Yours, very truly,

A. E. STILWELL, President.

In a recent public address Gov. Woodrow Wilson said:

The great monopoly in this country is the money monopoly. So long as that exists our old variety and freedom and individual energy of development are out of the question. The industrial nation is controlled by its system of credit. Our system of credit is concentrated. The growth of the Nation, therefore, and all our activities are in the hands of a few men, who, even if their action be honest and intended for the public interest, are necessarily concentrated upon the great undertaking in which their own money is involved, and who necessarily, by every reason of their limitations, chill and check and destroy genuine economic freedom. This is the greatest question of all, and to this statesmen must address themselves with an earnest determination to serve the long future and the true liberties of men.

And Gov. Wilson continues to make his brave charge.

At first they said, "If you make this investigation, you will create a panic in this country." We replied, like old Andrew Jackson, when the bankers threatened to defeat his reelection, "If you have it in your power to create a panic, you have too much power for a few bankers, and should be put out of business." [Applause.] Mr. Speaker, they know full well that when this investigation is instituted the first thing established will be the fact that they have the power to make a panic, and there will be no panic. Because if they can make a panic they can prevent or stop one. They have the power to make "easy money" and "tight money," to make "bull" and "bear" markets, and to do as they please on the stock exchange and in the clearing house of the city of New York and the other clearing houses of the country.

It seems, too, that these men have some sort of a communication with the Treasury vaults of this capital, and whenever they see proper they are able to tap the Treasury of the United States and have money poured out of those vaults into the banks of the city of New York for the purpose of loaning it to stock gamblers, engaged in the wildest speculation in this country and in other parts of the world. They have been able to take the people's tax money out of the Treasury of the United States and loan it to those gamblers in cotton and agricultural products for the purpose of putting up and down the prices of the farm. The time has come when the people ought to know by what right they are enabled to secure this money, in order to depress the prices of agricultural products and manipulate the finances of the world. [Applause.]

APPENDIX.

House resolution 405.

Whereas legislation is now pending involving important changes in our national currency and monetary system and vitally affecting our national banks; and

Whereas it has been charged, and there is reason to believe, that the management of the finances of many of the great industrial and railroad corporations of the country engaged in interstate commerce is rapidly concentrating in the hands of a few groups of financiers in the city of New York and their associates, and that these groups, by reason of their control over the funds of such corporations and the power to dictate the depositories of such funds, and by other means, have secured domination over many of the leading national banks and other moneyed institutions in the city of New York and in other cities to which they direct such patronage and over the vast deposits of money and of the other assets of such institutions, thus enabling them and their associates to direct the operations of the latter in the use of the money belonging to their depositors and stockholders and in the purchase and sale of securities and loans of money by such banks and other moneyed institutions, and that these institutions and their funds are being used to further the enterprises and increase the profits of these groups of individuals from such transactions and to augment their power over the finances of the country and to control the money, exchange security, and commodity markets, and prevent competition with the enterprises in which they are interested, to the detriment of interstate commerce and of the general public; and

Whereas it has been further charged and is generally believed that these same groups of financiers have so entrenched themselves in their control of the aforesaid financial institutions and otherwise in the direction of the finances of the country that they are thereby enabled to use the funds and property of the great national banks and other moneyed corporations in the leading money centers to control the security and commodity markets, to regulate the interest rates for money, to create, avert, and compose panics, to dominate the New York Stock

Exchange and the various clearing-house associations throughout the country, and through such associations and by reason of their aforesaid control over the aforesaid railroads, industrial corporations, and moneyed institutions, and in other ways resulting therefrom, have wielded a power over the business, commerce, credits, and finances of the country that is despotic and perilous and is daily becoming more perilous to the public welfare; and

Whereas the national banks and other moneyed institutions controlled as aforesaid are charged to have been, and to be, engaged in the promotion, underwriting, and exploitation of speculative enterprises and in the purchase and sale of securities of such enterprises, and in acquiring, directly or indirectly, stocks of other banking institutions and absorbing competitors and in using their corporate funds and credit for such purposes, either alone or in conjunction with those by whom they are controlled; and

Whereas it is deemed advisable to gather the facts bearing on the aforesaid conditions and charges or in any way relating thereto or to any of the subjects above mentioned as a basis for remedial legislation, and for other proper and lawful purposes: Therefore be it

Resolved, That the Committee on Banking and Currency is authorized and directed—

First. To fully investigate and inquire into each and all of the above-recited matters and into all matters and subjects connected with or appurtenant to or bearing upon the same.

Second. To fully inquire into and investigate whether and to what extent—

(a) Individuals, firms, national banks, and other moneyed corporations are engaged in or connected with the management or financial affairs of interstate railroad or industrial corporations and what potential or other power they have or exercise over such corporations, and how and to what uses the bankable funds of such interstate railroad or industrial corporations are applied.

(b) The marketing of the securities that have been from time to time issued by interstate railroad and industrial corporations has been by competitive bidding or otherwise.

(c) Individuals, firms, national banks, and other moneyed corporations interested in or in anywise connected with such interstate corporations are enabled by reason of their relations or connection with other interstate corporations or with other individuals, firms, national banks, moneyed corporations or otherwise to prevent or suppress competition in the interest of such interstate corporations, or to protect or assist the latter in preventing or suppressing competition.

(d) Such interstate corporations and the individuals, firms, national banks, and moneyed corporations are mutually benefited and protected against competition and otherwise by the relations existing between them.

(e) National banks and other moneyed institutions are directly or indirectly owned, dominated, or controlled through their directors or through stock ownership, official management, patronage, or otherwise by the same persons, interests, groups of individuals, or corporations that are also directly or indirectly interested in other national banks or moneyed corporations located in the same city and in interstate corporations that are customers of said national banks and other moneyed corporations.

(f) The same individuals are officers or directors of or were or are directly or indirectly interested in or dominate or control, or heretofore dominated or controlled, in any way more than one national bank or other moneyed corporation.

(g) The funds or credit of national banks and other moneyed corporations are or have been used or employed other than in making current loans to merchants or on commercial paper by whose influence or direction such funds or credits were so used or employed, and particularly whether and to what extent such funds are or have been employed (1) in the purchase of securities from bankers or others in any way interested in or connected with such corporation; (2) in the guaranty or underwriting of securities or syndicate transactions, either alone or in conjunction with others; (3) in loans on notes secured by bonds, stocks, or other collateral; (4) in loans on or purchases of stocks of other banks or of any trust or investment company or financial or moneyed corporation; and (5) in any form or investment alone or in joint account with others.

(h) Any national bank or other moneyed corporation, whether directly or indirectly or whether through or by means of another corporation having substantially the same officers, management, control, or stockholders, or with stock paid for by the dividends of a parent or affiliated company, and, whether alone or with others, has acted as an issuing house or in offering securities to the public or to investors by prospectus, advertisement, solicitation, or otherwise, or has speculated or is speculating in stocks, and, if so, the nature of all such transactions and the profits and all other details thereof.

(i) The management and operations of the New York Stock Exchange and the New York Clearing House Association are, or may be, directly or indirectly, dominated, controlled, or otherwise affected by any individuals or groups of individuals who control or are influential in directing the use or deposit of the funds of national banks in the city of New York, or of interstate railway or industrial corporations, and the relations that the New York Stock Exchange and the New York Clearing House bear to such individuals and groups of individuals and to their financial transactions and to our commercial and financial systems and to interstate and foreign commerce.

(j) Any individual, firm, or corporation, or any one or more groups of such individuals, firms, or corporations may or can affect the security markets of the country through the New York Stock Exchange, or can create, avert, or compose panics by the control of the use and disposition of moneys in the banks and other moneyed corporations that are controlled by such individual, firm, or corporation, or by other means.

(k) There is any connection between the relations of bankers, banking firms, and their associates to the railroad and industrial corporations engaged in interstate commerce, and the relations of such bankers, banking firms, and their associates to the national banks and other moneyed corporations, and the relations of any of these interests to any of the others that operate to protect such interstate corporations against competition or are or may be used for that purpose.

Third. To investigate the methods of financing the cash requirements of interstate corporations and of marketing their securities, and the relations of national banks and others to such transactions.

Fourth. Said committee as a whole or by subcommittee is authorized to sit during the sessions of the House and during the recess of Congress. Its hearings shall be open to the public. The committee as a whole or by subcommittee is authorized to employ counsel, experts, accountants, bookkeepers, clerical and other assistants, may summon and compel the attendance of witnesses, may send for persons and papers, and admin-

ister oaths to witnesses. The Comptroller of the Currency is hereby directed to comply with all directions of the committee for assistance in its labors, to place at the service of the committee all the data and records of his department, to procure for the committee from time to time such information as is subject to his inspection, and to allow the use of his assistants for the making of such investigations with respect to corporations under his jurisdiction as the committee or any subcommittee may from time to time require.

No person shall be excused from giving testimony or from answering any question or from otherwise disclosing any fact within his knowledge, or from producing any book, paper, or document on the ground that the giving of such testimony or the production of such book, paper, or document would tend to incriminate him, or for any other reason. The Speaker shall have authority to sign and the Clerk to attest subpoenas during the recess of Congress.

Mr. DALZELL. Mr. Speaker, I yield 12 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, with most of what has just been said by the gentleman from Texas [Mr. HENRY] I am in hearty accord; but when the gentleman from Texas asserts that the passage of this resolution will mean such an investigation as he has described the gentleman from Texas is mistaken.

Mr. Speaker, this is a harmless resolution. I have no objection to its passage; but for gentlemen upon the other side of this aisle to assert that the passage of this resolution means an investigation of the Money Trust of this country, so called, is to attempt to perpetrate a fraud upon the membership of this House and upon the country. [Applause on the Republican side.]

This resolution will not give the Committee on Banking and Currency jurisdiction to investigate the real question before this country in any degree. Upon its face it limits this committee in its investigations to questions of banking and currency, and I submit that questions of banking and currency are only incidental to the real questions involved. The question is whether a small group of financiers, largely located in the city of New York, so control the credit of this country, so control the deposits of other people in this country, that they can destroy competition, if it exists, by withholding credit, or prevent it from coming into being.

Under this resolution this committee can not investigate that question. The gentleman from Texas referred to the case of Mr. Stilwell, who was promoting a railway in the Southwest. This committee, with this resolution passed, could not investigate that condition of affairs in any degree.

Mr. MURDOCK. Will the gentleman yield?

Mr. LENROOT. For a question.

Mr. MURDOCK. Inasmuch as Mr. Untermeyer, before your committee, testified that the United States Steel Corporation, which has an average daily balance of \$75,000,000, can so manipulate that balance by deposits that it can withhold credit to its competitors and get preferential credit for itself, does the gentleman mean to say that this resolution will not permit this Banking and Currency Committee to investigate such a charge as that?

Mr. LENROOT. I certainly do; I say the resolution will not permit the Committee on Banking and Currency to go into the question of what the depositor may do with his money.

Mr. DALZELL. Will the gentleman allow me to interrupt right there? Mr. Untermeyer especially refused before the Committee on Rules to be considered as a witness, and gave us nothing at all but rhetoric.

Mr. MURDOCK. Oh, but the gentleman must know—

Mr. LENROOT. Mr. Speaker, I have not yielded to the gentleman.

Mr. MURDOCK. Well, I wish the gentleman from Wisconsin would say that Mr. Untermeyer did testify as I have reported.

Mr. LENROOT. He did not testify; it was a statement he made before the committee. Now, Mr. Speaker, that is the very point; the questions of banking and currency do not involve what the depositor shall do with his money deposited in the bank. That is the very point I am making now.

To get at this question we have got to get at the men behind—the men that control the finances of this country—and it will not be done under this resolution. Mr. Speaker, we have abundance of information, so far as banking and currency methods are concerned, from the report of the Monetary Commission, but the question goes beyond that, and this resolution is designedly—and I use the word deliberately—designedly limited to questions of banking and currency, because the Democratic majority do not propose to permit the investigation of the methods of the great financiers of this country unless they are directly connected with the banks.

For what has been accomplished by the Democratic majority great credit must be given to the gentleman from New York [Mr. LEVY], whom the gentleman from Kentucky [Mr. STANLEY] referred to the other day as having the honor of having as a constituent of his district J. Pierpont Morgan.

On February 9, when the question was before the House of increasing the appropriation for the Stanley committee investigating the Steel Trust, Mr. LEVY said:

Mr. Speaker, I have always been under the impression that this investigation was a mistake, and therefore am opposed to the resolution to increase the expenditures of this committee. I think the investigation ought to be brought to an end.

Upon the same occasion Mr. LEVY said:

It seems to me the entire tendencies to these investigations are destructive.

He also said:

I trust that the better and saner sense of Congress will soon prevail, and instead of the reckless, confidence-destroying, credit-disturbing, and panic-bringing investigation we will have during this session of Congress an era of constructive, sane, and statesmanlike investigation.

Six days later the gentleman from New York [Mr. LEVY] appeared before the Committee on Rules, when these resolutions were under consideration, and said:

Mr. Chairman, I move you that the questions embraced in these resolutions be referred to the Committee on Banking and Currency.

Showing conclusively that the gentleman from New York believed that that would be an effectual means of stopping these—reckless, confidence-destroying, credit-disturbing, and panic-bringing investigations.

On January 26 the gentleman from New York [Mr. LEVY] again appeared before the Committee on Rules, and among other things said:

It has been spread all over the East, although not officially announced, that the Rules Committee has already recommended an investigation of the banking situation by a special committee. I can not explain how this rumor originated, but it has been spread all over the East. It has interfered with the business interests of the country.

Again, the gentleman asked that the question be referred to the Committee on Banking and Currency. After again requesting that the question be referred to the Committee on Banking and Currency, he says:

We have had enough of these investigations.

He further said:

Do you not suppose that it costs millions of dollars for these investigations on both sides, on the United States side and on the corporation side? You are tying up the whole business of the United States. This does not do any good.

Now, mark you, Mr. LEVY's remedy for stopping these investigations that he says are tying up the whole business of the United States is to refer this question to the Committee on Banking and Currency, as is proposed by the majority in the pending resolution.

On page 21 of the hearings Mr. LEVY further said:

Since the death of President McKinley the continued agitation over the Sherman law and, I might say, to some extent the socialistic proclivities of the Interstate Commerce Commission, have put us back 50 years.

This distinguished Democrat, who now seems to lead the Democratic Party upon that side of the aisle, refers to the splendid services of the Interstate Commerce Commission as "socialistic proclivities." Mr. Speaker, the gentleman upon the other side [Mr. LEVY] is to be congratulated upon what he has accomplished in trying to defeat an investigation of this so-called Money Trust. At every meeting of the Committee on Rules he has appeared opposing the investigation and asking that the Committee on Banking and Currency investigate. Why? Evidently because the gentleman believes that if the Committee on Banking and Currency should make this investigation there will be no investigation. [Applause on the Republican side.] Mr. Speaker, we all remember that a short time ago a Democratic caucus was held on the question of the Money Trust. The newspapers the next morning stated that there were 66 Members upon that side of the House who believed there should be an investigation of this question; but when they got into that caucus their belief was not so well founded nor so deeply embedded that they could not surrender those convictions to the behest of the Democratic Party caucus, to which they are slaves to-day. I want to say to you gentlemen upon the other side of the House that it is hard sometimes to stand in this House for what you believe to be right against a majority of your party; but I want to say to you, too, that there is some satisfaction, there is some reward, in being an independent Member in this House, free to vote for a measure according to whether you believe it is right or wrong, and I hope that the time is coming when you on that side of the House will not be willing to surrender your principles and your convictions and your consciences to the behest of a secret party caucus, as you are doing day after day during this session of Congress. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Louisiana [Mr. PUJO].

Mr. PUJO. Mr. Speaker, the matter of the investigation of monetary and financial conditions in this country is presented

as reflecting the judgment, the wishes, and the instructions of the responsible majority of this membership to the House and to the people of this country. The gentleman who last addressed the House assumes that the investigation ordered under the resolution now presented for consideration will not develop into any good or be a real investigation. Mr. Speaker, that is a matter purely of assumption. No Member of this House has a right to assume that another Member or a committee of this House, representing its legislative agency and power in so far as suggesting methods of legislation to it, will not do its duty. On the 7th day of February the responsible majority of this House determined that there should be an investigation along orderly lines and in due course of procedure. It was a jurisdictional question.

The Democratic Party, in its caucus, arrived at the conclusion that the investigation should be made by a committee having jurisdiction of the subject matter. Carrying out, as I interpret it, as chairman of the Committee on Banking and Currency, that conclusion, I introduced House resolution 411. In my humble judgment, Mr. Speaker, that resolution is broader and gives more power than the substitute reported by the Committee on Rules. The resolution introduced by me on the 8th of February represented, according to my interpretation and the interpretation of some of the best lawyers in this House, the suggestions of the caucus and gave broader powers than the limitations appearing in resolution 405 introduced by Mr. HENRY of Texas. The majority members of the Committee on Banking and Currency, at a public hearing before the Committee on Rules, stated that they had no pride of opinion about the verbiage of this resolution. If it did not give all the power that it ought to have and exercise, they said, incorporate in it any amendment you may see fit or any substitute that you may offer.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Nebraska?

Mr. PUJO. I do.

Mr. NORRIS. In answer to the gentleman's suggestion of incorporating any additional power in an amendment, it would be necessary to vote down the previous question in order to do that, would it not?

Mr. PUJO. The gentleman misunderstood me. I was giving a chronological statement of the history of this resolution and the way it is before the House. We accept it here upon our side as reflecting the views of the majority authorized by party action, and if that investigation should be authorized by the House I feel that that committee will put forth their honest endeavor to bring before the House information which it has been ordered and instructed to obtain.

Mr. FERRIS. Will the gentleman yield for a short question?

Mr. PUJO. I will.

Mr. FERRIS. The gentleman heard a few moments ago the colloquy between the gentleman from Kansas [Mr. MURDOCK] and the gentleman from Wisconsin [Mr. LENROOT] as to the scope of the authority of this resolution. I wish the gentleman would explain that matter for us.

Mr. PUJO. In my judgment, under the rules of this House, under the power to be conferred upon the Committee on Banking and Currency, which simply gives us the additional power to summon witnesses and to employ counsel, retaining to us only our jurisdictional power, I think the resolution gives us power to investigate the monetary system of the United States and the financial system of the United States.

Mr. FERRIS. The gentleman from Wisconsin [Mr. LENROOT], then, was undoubtedly mistaken?

Mr. MURDOCK. I would like to ask the gentleman if he believes that under this resolution as it is worded, limiting the jurisdiction of his committee, if he will investigate the charge made before the Committee on Rules that on the Stock Exchange of New York City stocks on occasions are taken off of the list in order to rob said stocks of their function as collateral? Does the gentleman think his committee can go into that matter?

Mr. PUJO. I certainly believe we will have that power.

Mr. MURDOCK. I do not think so, under your resolution.

Mr. PUJO. I think we can take up the financial system of this country primarily through the national-banking system and follow it out to the utmost ramifications.

Mr. CONNELL and Mr. RODDENBERRY rose.

The SPEAKER. To whom does the gentleman yield?

Mr. PUJO. I will yield to the gentleman from New York [Mr. CONNELL].

Mr. CONNELL. In other words, your committee will have just as much power and can go just as far to serve the country as any special committee that can be appointed? Is not that true?

Mr. PUJO. Absolutely; and it carries out and maintains the administration of this House.

Mr. FERRIS, Mr. LENROOT, and Mr. RODDENBERY rose. The SPEAKER. To whom does the gentleman yield?

Mr. PUJO. I will yield first to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. I wanted the gentleman to state emphatically, as chairman of the Committee on Banking and Currency, whether or not the statement made by the gentleman from Wisconsin [Mr. LENROOT], when he was interrogated by the gentleman from Kansas [Mr. MURDOCK], was or was not true—that you can not investigate deposits and the shifting of deposits which would make this Money Trust possible.

Mr. PUJO. With all due respect to the gentleman from Wisconsin [Mr. LENROOT], I think the very statement demonstrates the fact that he is not familiar at all with the subject, because certainly the committee, under the rules of this House, having jurisdiction of banking and of currency, can go into the matter of deposits and the manner in which they are handled—

Mr. LENROOT. Will the gentleman yield?

Mr. PUJO (continuing). Because they can not have banks without deposits.

Mr. LENROOT. Does the gentleman contend that his committee can go into the question of control of deposits by the individual owner of the deposits?

Mr. PUJO. Absolutely. We are vested with power—

Mr. LENROOT. What has that to do with the national banking law or currency law?

Mr. PUJO. It has everything to do with it. We can take up the question of deposits with any national bank in the United States, the manner in which they are controlled, the manner in which they are transferred, and the purpose to which they are applied, and see whether or not there is any violation of the law [applause] or as to whether the House shall be informed as to some of its—

Mr. LENROOT. As to control of the bank I agree, but not as to the control by the owner of the deposits.

Mr. PUJO. They are all inseparably linked. If we look at the deposit ledger we are bound to see what application is made of the funds.

Mr. RODDENBERY. Mr. Speaker—

The SPEAKER. Will the gentleman from Louisiana yield to the gentleman from Georgia?

Mr. PUJO. Certainly.

Mr. RODDENBERY. If the chairman of the committee, speaking so far as he can, should ascertain that under the power of the Banking and Currency Committee it did not possess the power referred to by the gentleman from Wisconsin [Mr. LENROOT], would not the gentleman be ready—

The SPEAKER. The time of the gentleman from Louisiana [Mr. PUJO] has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield four minutes additional to the gentleman.

Mr. RODDENBERY. Would not the gentleman then be ready to come back to the House and obtain such power as was necessary?

Mr. PUJO. Most assuredly. And I want to say further, Mr. Speaker, that I consider under the resolution now pending that our powers are very specifically determined, and that our instructions, at least, have been put in detail. We are told to investigate the banking and currency conditions here, and to do it in line with the instructions of resolution 405 upon every subject upon which we have jurisdiction.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Texas?

Mr. PUJO. Certainly.

Mr. HENRY of Texas. I will ask the gentleman if it is not a fact that his committee has already segregated all the matters contained in resolution 405 that go before the gentleman's committee for this inquiry, and have determined to make the inquiry in accordance with that resolution?

Mr. PUJO. I will anticipate the probable action of the House in replying to the gentleman from Texas and will say that we have had a subcommittee at work for a week on the task of segregating all the matters contained in resolution 405 of which we have jurisdiction.

Mr. HENRY of Texas. And in accordance with the caucus resolution?

Mr. PUJO. Absolutely.

Mr. LENROOT. Will the gentleman permit me just a moment? The gentleman contends that his committee will investigate all the questions touched by resolution 405?

Mr. PUJO. In so far as we have jurisdiction.

Mr. LENROOT. Why is it limited to matters over which you have jurisdiction?

Mr. PUJO. We are bound by the rules of the House, and we can not take up matters that go to other committees; for instance, the Judiciary Committee—

Mr. LENROOT. You could have had the same jurisdiction as is contained in the resolution 405. Why did you not assume it?

Mr. PUJO. We have it in so far as those subjects properly come before us. We have nothing to do with judiciary questions, and nothing to do with matters pertaining to interstate and foreign commerce, because the caucus action instructed the committees having jurisdiction of those subjects to take action along those lines, and they will do it. [Applause.]

Mr. CONNELL. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from New York?

Mr. PUJO. Yes.

Mr. CONNELL. In answer to the gentleman from Wisconsin [Mr. LENROOT] as to the ownership of private stock or bonds, there is no desire on the part of the committee to investigate the ownership of any property unless it be used in violation of the law.

Mr. PUJO. The gentleman has stated the situation absolutely.

I want to say, Mr. Speaker—because there are others who desire to address the House on this question—that this investigation, so far as I am able to speak for the majority and in so far as I know the work of the entire membership of that committee, will be a complete one, will be a fair one, and will be an effectual one, I hope. [Applause.]

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Nebraska?

Mr. PUJO. Just after I have completed this statement I will yield.

It will not be one for the yellow journals of this country. It will not be one in the interest of one class of financiers as against another class. But it will be carrying out the instructions of the Democratic Party, reflected by the action of its caucus and the majority action of this House. [Applause.]

Mr. NORRIS. I would ask the gentleman if he agrees with the gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, in his published statement, as follows:

The truth is, that only one-third of the matters provided for under my resolution pertain to the duties and jurisdiction of the Committee on Banking and Currency.

The SPEAKER. The time of the gentleman has expired.

Mr. PUJO. Will the gentleman please restate the question? I could not hear it.

Mr. NORRIS. Does the gentleman agree with the gentleman from Texas [Mr. HENRY] in his published statement, which is—

The truth is, that only one-third of the matters provided for in my resolution pertain to the duties and jurisdiction of that committee—

Meaning the Committee on Banking and Currency. Is that correct?

Mr. PUJO. I can not figure out right now the proportion, but that which is in Resolution 405, of which we have jurisdiction, will be given complete and full and entire consideration. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. PUJO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Louisiana [Mr. PUJO] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DALZELL. Mr. Speaker, I yield 12 minutes to the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 12 minutes.

Mr. CAMPBELL. Mr. Speaker, the substitution of the resolution now before the House for the Henry resolution shows the absolute insincerity of the Democratic Party upon this question. [Applause on the Republican side.]

The language of the resolution before the House limits the work of this committee to those subjects of which the Committee on Banking and Currency has jurisdiction. The jurisdiction of the Committee on Banking and Currency is confined to banking and currency questions. Since the creation of that committee up to this time it has only considered and reported on subjects relating to the strengthening of public credit; issues of

notes, and the taxation and redemption thereof; propositions to maintain the parity of the money of the United States; the issue of silver certificates as currency; national-bank current deposits of public moneys; the incorporation of national banks; and the subjects relating to the Freedmen's Bank.

Mr. Speaker, the real question at issue before the country is one that you have been discussing for a century and 10 years. Ever since the organization of the Democratic Party, money power, big money, the octopus, the red dragon, the money devil, and the Money Trust have been the principal assets of the Democratic Party. All these years while you have been out of office you have inveighed against these in every campaign in which you have been engaged. Your newspapers and your campaigners always write and talk about big money, big interests, trusts, and combines. You led up to it to-day in the speech of the gentleman from Texas [Mr. HENRY]. I thought as he spoke, is it possible he has changed the resolution adopted this morning by the Committee on Rules, and is he going to offer a resolution that will really open up the question and permit a real investigation?

The resolution read is absolutely useless for that purpose.

Mr. BYRNES of South Carolina. Will the gentleman yield for a question?

Mr. CAMPBELL. If the gentleman will make it very brief.

Mr. BYRNES of South Carolina. Are you in favor of this investigation?

Mr. CAMPBELL. I am, sir.

Mr. BYRNES of South Carolina. Then, why have you not introduced a resolution to investigate it before, during these 110 years?

Mr. CAMPBELL. I have not been here 110 years. I will tell the gentleman this: I have acted and offered some real bills and resolutions on these questions and have had real results.

Now, I want to say to the gentleman from Louisiana [Mr. PUJO] that under this resolution there are 35 national banks in the city of New York in the Wall Street district that he can go into and investigate. There his jurisdiction ends. There are 29 trust companies that he can not go into; there are 9 safe-deposit companies that he can not go into; there are 52 general offices of railroads that he can not go into; there are 46 fire insurance companies' offices that he can not go into; there are 18 life insurance companies' offices that he can not go into [applause on the Republican side]; there are 11 express companies whose offices he can not go into; there are 21 telegraph companies' offices that he can not go into; there are 18 steamship companies' offices that he can not go into; there are 42 coal companies' offices that he can not go into. There are over 200 other industrial and transportation companies' offices that the gentleman from Louisiana [Mr. PUJO] and his committee can not enter the portals of under the jurisdiction given them by this resolution. The Henry resolution gave jurisdiction to go into all these offices and find the relation of all these companies to the large financial interests of the country and all their operations.

Mr. GOOD. Will the gentleman yield?

Mr. CAMPBELL. I yield for a brief question.

Mr. GOOD. The report made by the chairman of the Democratic congressional committee in the last campaign shows that one man gave twice the amount that was contributed to the Democratic campaign by any other man. That man formerly came from Iowa and was then a poor man. At the time he made this contribution he was the confidential manager of J. Pierpont Morgan. I want to ask the gentleman if this resolution as it is now drawn would prevent an investigation of contributions of this kind, which brought that party into power?

Mr. CAMPBELL. Why, certainly it prevents it by not permitting it; the Committee on Banking and Currency has jurisdiction of questions only relating to banking and currency.

But, Mr. Speaker, the country has been led to believe that you would to-day really tear from its body every limb of the octopus and that in the presence of applauding galleries you would beat it to death with the bloody ends. Instead, you have offered a meaningless resolution that does absolutely nothing. As compared with the performance that was expected, it is a gentle pat with a dry puffball. You create a little dust, but do not be deceived. You deceive no one. The country knows that you have resolved not to investigate the Money Trust. The country knows that when the Democratic caucus decided that there should not be a special committee given full jurisdiction of the whole subject and that the investigation should be confined to the jurisdiction had by the Committee on Banking and Currency that there would be no investigation at all. The Committee on Banking and Currency could make an investigation if given power. You do not give it.

Mr. CONNELL. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. CONNELL. Will the gentleman add to his illuminating address that there are millions of private homes in the United States in which this committee can not go and does not want to go? [Laughter on the Democratic side.]

Mr. CAMPBELL. That is true; and if the gentleman wants to compare the offices of the companies I have enumerated with the private homes of the country and can get any consolation out of the comparison, he is welcome to it. [Applause on the Republican side.]

I want to say a word now to some gentlemen on that side of the House who are holding seats pro tempore. You are to be called upon in a few moments to vote upon the previous question. If you vote for the previous question, you vote against an opportunity to amend this resolution, putting teeth in it, giving jurisdiction to the committee so that it may investigate all the questions relating to big money and to big business. If you want that kind of an investigation, you will vote against the previous question. If you do not want that kind of investigation, you will vote for the previous question.

But do not go home and again assault the octopus if you vote for the previous question here to-day.

If you are in favor of investigating this whole question and not in favor of a special committee, authorize the Committee on Banking and Currency to make the investigation and give it jurisdiction, give it the language of the Stanley resolution, of the Hardwick resolution, of the Lindbergh resolution, or of the Henry resolution, if you want to equip the committee for warfare with the octopus. If you do not want to equip this committee for warfare with the money power, of which you have talked so much, just vote for the previous question, so that there can be no amendment of this resolution.

Mr. COOPER. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. COOPER. I wish to get the gentleman's argument clearly in my mind. Is it the gentleman's contention that, by the insertion of the words "within the jurisdiction of the committee" in the body of this resolution, the resolution, if adopted, will not at all enlarge the authority that the Committee on Banking and Currency now has?

Mr. CAMPBELL. Certainly.

Mr. COOPER. It leaves it exactly as if that part of the resolution had not been passed?

Mr. CAMPBELL. Yes; and the insertion of the words was to enlist a few insurgent Democrats who are holding their seats temporarily in this House.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. STEPHENS of Mississippi. Mr. Speaker, it would be almost disgusting if there was not an amusing side to it to hear gentlemen on the other side of the aisle who hold to the political principles that the gentleman from Kansas [Mr. CAMPBELL] does stand before this body and argue for greater power to investigate what he terms "big business, monopolies, combines, and the Money Trust."

The party to which those gentlemen belong was in complete control of this Government for 16 years, and yet there is not a man living who has ever heard them raise their voices in protest against those things or asking for any investigation whatever. [Applause on the Democratic side.]

Mr. LENROOT. Will the gentleman yield?

Mr. STEPHENS of Mississippi. I can not, as I have but little time. The gentleman from Kansas [Mr. CAMPBELL] asserted that this resolution shows the insincerity of the Democrats and that we do not really desire an investigation. I deny this most positively. I want to say to him that the Democrats, as is well known, recently had a caucus on this question, and not a solitary Member protested against an investigation of the so-called Money Trust. The only difference of opinion was in regard to the method of investigation, whether there should be an investigation by—

Mr. HAMILTON of Michigan. That makes quite a difference.

Mr. STEPHENS of Mississippi. I would like to hear what the gentleman has to say, so that I may reply to it.

Mr. HAMILTON of Michigan. I said that makes quite a difference.

Mr. STEPHENS of Mississippi. Yes; the difference is that the Democrats have said, by the resolution passed in caucus, that they favor an investigation of these matters, while your party has never spoken on the subject, and, I dare say, never would if it had continued in power. [Applause on the Democratic side.]

And this is the reason for your silence: These monopolies, combines, and trusts are the children of your own party—the outgrowth, the result of laws enacted by the Republican Party. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan. Why, a Republican introduced that measure.

Mr. STEPHENS of Mississippi. Mr. Speaker, as I was saying a moment ago, our party has determined to have an investigation; and, as I was attempting to state when interrupted, the only difference of opinion was as to whether the matter should be in the hands of a special committee or should be handled by the regular standing committees of the House.

I know that some persons and some newspapers have charged that a majority of Democrats voted down a resolution to investigate the Money Trust. I shall not charge that anyone has willfully, wickedly, or maliciously told a falsehood about this matter, but I will say that the ones making the statement displayed a wonderful amount of ignorance of the facts. It is evident that they had never even read the resolution voted for by the Democrats, because the resolution on its face shows the charge to be untrue. Its meaning is too clear to be misunderstood.

Facts talk, so I shall quote the resolution as it was adopted: *Be it resolved, etc.* That it is the sense of the caucus that investigations of the various matters touched upon in said House resolution 405 shall be made by the standing committees having jurisdiction of these matters.

This resolution refers directly to the Henry resolution, which is House resolution 405, and includes every subject matter that could possibly be investigated under the Henry resolution. The truth is, the only change that was made was that the matter of making the investigation should be in the hands of the regular committees instead of a special committee.

The argument that the majority of Democrats, or that any Democrat, attempted to sidestep any investigation or voted against an inquiry, no matter how rigid or how searching, is completely refuted by the caucus resolution itself. Language can not be broader in its meaning, in an effort to cover everything in the Henry resolution, than that which reads "that investigations of the various matters touched upon in House resolution 405 shall be made." Everyone admits that House resolution 405 is broad enough in its language to authorize a thorough inquiry in regard to the Money Trust. If so, then the resolution voted for by a majority of the Democrats also gives that authority.

That the Committee on Banking and Currency gave the resolution the construction that I have just stated is the only one that could be given it; and that the committee desired and expected to carry out the will of the majority, as expressed in the resolution which was adopted, is evidenced by the fact that the very next day a subcommittee of the Committee on Banking and Currency was appointed by the chairman, Mr. PUJO, to go over House resolution 405, the Henry resolution, and segregate all matters therein that the committee had jurisdiction of.

The matters contained in the Henry resolution, of which the Committee on Banking and Currency has jurisdiction, are as follows:

(1) Whether the management of the finances of any of the industrial and railroad corporations engaged in interstate commerce is, or has been, under the control of any group or groups of financiers and their associates, and whether said persons, by reason of control over the funds of said corporation and the power to dictate the depositories of such funds, dominate and control any of the national banks and other moneyed institutions of the country, and by such control and power direct operations in the use of money belonging to depositors and stockholders in making loans, purchasing and selling securities, controlling money, exchange securities and commodity markets, preventing competition, and furthering the enterprises and increasing the profits the persons exercising such control; and

(2) Whether there is any such control of the financial and industrial corporations and the finances of the country as to enable any person or persons to use the funds and property of national banks and other corporations to regulate the interest rates for money, to control the security and stock markets, to avert, create, or compose panics, to dominate or affect the stock exchanges and clearing-house associations, and to influence, affect, or control the business, commerce, credits, and finances of the country; and

(3) Whether the national banks and other institutions, controlled as aforesaid, are engaged, or have been engaged, in promoting, underwriting, or exploiting speculative enterprises, and in the sale and purchase of securities of such enterprises, and in acquiring, directly or indirectly, stocks of other banking institutions and absorbing competitors, and in using their corporate funds and credits for such purposes; and

(4) Whether national banks and other corporations are engaged in or connected with the management or financial affairs of interstate railroads or industrial corporations, and what power, if any, they have or exercise over such corporations,

and how and to what uses the bankable fund of such corporations are applied; and

(5) Whether the marketing of the securities that have been issued by interstate railroad and industrial corporations has been by competitive bidding or otherwise, and what connection national banks have had with such matters; and

(6) Whether individuals, firms, national banks, and other corporations interested in or in anywise connected with such interstate corporations, are enabled by reason of such interest, or connection with such corporations, or with other individuals, firms, national banks, other corporations, or otherwise, to prevent or suppress competition in the interest of such corporation, or to protect or assist the latter in preventing or suppressing such competition.

(7) Whether national banks and other corporations are directly or indirectly owned, dominated, or controlled through their directors, stock ownership, official management, patronage, or otherwise, by the same persons, interest, groups of individuals, or corporations, that are also directly or indirectly interested in other national banks and corporations and in interstate corporations that are customers of said national banks and other corporations; and

(8) Whether the funds of national banks and other corporations are now, or have been, employed in the purchase of securities from bankers or others in any way interested in or connected with such corporation in the guaranty, or underwriting of securities, or syndicate transaction, either alone or in conjunction with others in loans on notes, secured by bonds, stocks, or other collateral in loans on or purchases of stocks of other banks, or of any other trust or investment company, or financial corporation, and in any form of investment alone or in joint account.

(9) Whether any national bank or other corporation, either alone or in conjunction with others, has acted as an issuing house, or has offered securities to the public, or to investors, by prospectus, advertisement, solicitation, or otherwise, or has speculated in stocks, and if so, the nature of all such transactions in all their details.

(10) What are the methods of the management, operation, and control of stock exchanges and clearing-house associations, and the relation that they bear to the national banks and other corporations, and to the financial and commercial systems of the country, and how they affect the security markets?

(11) Whether any individual, firm, or corporation, or any one or more groups of such individuals, firms, or corporations, may or can affect the security markets of the country through the stock exchanges, or can avert, create, or compose panics by the control of the use and disposition of moneys in the national banks or other corporations that are controlled by such individuals, firms, or corporations, or by any other means.

12. What are the methods of financing the cash requirements of interstate corporations and of marketing their securities and the relation of national banks and others to these transactions?

I am heartily in favor of a probe of the so-called Money Trust. There can be no doubt in the mind of any man who is at all familiar with conditions that there is something radically wrong with the financial affairs of the country; that there are great combinations of capital that are despotic and dangerous in tendencies and purposes; that the markets of the country are being manipulated in the interests of a few; that the money and credits of the country are being controlled and manipulated for selfish interests; and that other conditions exist that demand regulation and control, and in some cases suppression, at the hands of the law.

An investigation of these matters will be made by the Committee on Banking and Currency, and it will be, in my judgment, as thorough, complete, and far-reaching as it is possible to make, for the purpose of determining what legislation may be needed to relieve the great masses of our people from the great burden of wrong and injustice that they have had to bear so long.

It is suggested that the resolution now before the House does not give our committee authority to inquire into all these matters. Some of the best lawyers here say that it does give the authority.

Mr. Speaker, let me say this: The Committee on Banking and Currency is not trying to shirk any duty, is not attempting to evade a full and complete investigation; and if we shall find that we do not have full power to act, we can easily come back to the House for greater power. And I assure you that if we find it necessary to do so we shall not hesitate to make the request for it. [Applause on the Democratic side.]

There can be no doubt that this Democratic House will vote to give all the authority necessary for that kind of an inquiry, but I do not believe that the gentleman from Kansas [Mr.

CAMPELL] and many others on that side would be very willing to grant it. [Applause on the Democratic side.]

The SPEAKER. The Chair wishes to remind gentlemen that whenever any Member has the floor the right way to interrupt him is to first address the Chair, and it is against good order and is unparliamentary for a gentleman sitting in his seat to interrupt a gentleman who has the floor.

Mr. HAMILTON of Michigan. Mr. Speaker, will the Chair permit me to explain [cries of "Regular order!"] that I was sitting in my seat and casually made an observation to a colleague, and the gentleman who was then addressing the House turned and inquired what I said.

The SPEAKER. The Chair understands, but the gentleman from Michigan evidently made the remark loud enough for the gentleman from Mississippi, who had the floor, to hear a part of it. [Applause on the Democratic side.]

Mr. HAMILTON of Michigan. No, Mr. Speaker; it was because the gentleman had supernaturally acute ears. [Cries of "Regular order!"]

The SPEAKER. The Chair thought it well to suggest that to Members, because they do it without thinking, and it disturbs the Member who has the floor.

Mr. HENRY of Texas. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, for many years I have been consistently contending that our banking and corporation laws were in dire need of correction. As far back as the Fifty-sixth Congress, in explanation of my vote against the then proposed constitutional amendment vesting in Congress the power to define and curtail trusts, monopolies, and combinations, I said:

Publicity and the prevention by legislation of overcapitalization are the two remedies which would cure all that is bad in combinations of business and capital, and I am in favor of both of these remedies.

Since making this statement many prominent men have said precisely the same thing, amongst them a former distinguished President of the United States. It has been conceded by all thinking men that our financial system is wrong, that we want it corrected, and I submit, Mr. Speaker, that the surest way and the quickest way to correct the many evils of this system is for the Banking and Currency Committee of the House to report a bill embodying sound principles and remedial legislation.

It is, I think, especially unfortunate that in the discussion of a question which requires cool and deliberate judgment there should be so much rash and intemperate language, so many reckless statements without the smallest iota of foundation in fact, and above all the inclination to show a sectional prejudice is as unjust as it is regrettable. It is hardly possible to conduct an argument on the financial question without drawing from some public man a vicious and an uncalled-for attack upon New York City, and yet, Mr. Speaker, the fact is as I stated in the hearings before the Committee on Rules recently, that—the prosperity of New York is the prosperity of the country; the prosperity of the country is the prosperity of New York. You can not hurt New York without hurting the country, and vice versa.

And all of the abuse that has been heaped upon the greatest city in the country can not change the fact that not only the entire country, but the whole world, is dependent upon this great city.

The golden harvests of the western prairies that yield their bounteous supply of breadstuffs, the snowy cotton fields of the South whose staples clothe the world, the glowing furnaces and the busy factories of the East, and the teeming industries of this country whose products of farm, factory, and mine are gaining the first place in the markets of the world, all of these, Mr. Speaker, have used, are to-day using, and will continue to use the Empire City as the clearing house between them and these markets.

New York is now the money market of the civilized world and is to-day supplying funds to finance the industries of every nation. She furnishes funds to move the crops, to build the factories, to develop the railroads, and dig the mines of the United States. It has been complained that some railroads of the country have been unable to borrow money in New York and have been unjustly discriminated against. Many, if not all, Members of Congress have received a letter from a Mr. A. E. Stilwell, president of the Kansas City, Mexico & Orient Railway Co., complaining bitterly of the treatment he has received from the financiers of New York, but in common with many others making like complaints he does not state the case fully.

Mr. Stilwell has endeavored to obtain money to aid him in building the Kansas City, Missouri & Orient Railway. This railroad runs into Mexico, a country whose numerous upheavals and revolutions in the past few years have made it a notoriously unsafe field for investment.

It must, however, be borne in mind that other causes contributed to the disinclination of money men to invest in rail-

roads. It is generally conceded that at the present time the United States needs fully 25,000 additional miles of railroad, but ever since the unreasonable treatment of railroads by the Interstate Commerce Commission failing to keep their agreement with the President of the United States and the railroads to allow the latter proportionate increases in rates based upon their increased wages to their employees, capital has not been especially anxious to invest in railway enterprises, and until there is a disposition to show a certain amount of fair treatment toward the great carrying roads of our country there will undoubtedly be but little future building of railroads.

One of the most serious mistakes in connection with the whole system of financial and corporation law is the continual agitation and passage of experimental and theoretical laws, like the Sherman law, whose effect upon industrial conditions in this country have been almost uniformly bad. The public has been complaining of high prices ever since this species of extreme legislation has been in vogue. The methods of correcting the evils of trusts under the Sherman Act are wrong, and instead of lessening the power of capital and reducing the cost of living it has had the effect, almost always, of increasing the prices of commodities, making the rich richer and the poor poorer. For instance, the recent dissolution of the Standard Oil Co. has increased the price of oil to the consumer over 2 cents a gallon, has ruined thousands of small investors, and has made the large stockholders richer beyond comprehension. I think I am not far out of the way when I state, what can easily be demonstrated, that the dissolution of the Standard Oil Trust has increased the wealth of one single interest over \$10,000,000.

Now, it has been proposed, and many gentlemen are still in favor of further investigation. I can not too often or too strongly insist that it is not investigation that we need, but legislation. The whole financial question has been investigated very thoroughly, Mr. Speaker. We have all the information that is necessary, and I believe we have a Committee on Banking and Currency fully familiar with every phase of the question and entirely competent to proceed at once to draft a bill or bills that will relieve an intolerable situation. We all realize that the banking and currency system of the United States is a vague, mixed system that certainly needs correction. The report of the National Monetary Commission, speaking of our credit operations, says as follows:

The methods by which our domestic and international credit operations are now conducted are crude, expensive, and unworthy of intelligent people. The annual value of the products of our industries is estimated at thirty-five thousand million dollars. If to this vast sum is added the cost of transportation and distribution, we can realize that the movement of these products, through the various stages from the producer to the consumer, requires the use of an enormous amount of credit and cash. To form an accurate estimate of the magnitude of our credit structure, we should add to this our accumulation of wealth and capital and the sums used in connection with our foreign trade. It is the function of a sound monetary system to take care of these vast operations without friction and in such a manner as will promote the prosperity of our people.

While I have not thoroughly gone into the report of the Monetary Commission, I believe some of their recommendations are a step forward in the right direction.

Our credit system at the present time is based upon stocks and bonds. What we need is a system based upon the principle of commercial paper. That is what the people of the United States need—facilities to borrow money. It is a great mistake to continually be agitating these great business questions.

Over and over again in the past the moment a reckless agitation began, even though business was in a normal condition and crops were good and factories running full time, a stagnation would immediately take place because a state of uncertainty would ensue, confidence would be destroyed, and people would withdraw their money from the banks and place it in safe-deposit vaults or some other place which would take it entirely out of circulation, and make money, which is the very lifeblood of business, stringent and difficult to obtain, and, Mr. Speaker, there is no possible way of compelling the people by legislation to invest their money or to keep it in circulation. The only way this can be done is by restoring confidence in the credit and integrity of our banks and industrial enterprises.

If we wish to see our country prosper, if we wish to see business conditions resume normal conditions, we must cease entirely this utterly useless method of agitating, investigating, and experimenting and confine ourselves to the work we are sent here to do, and that is to enact constructive remedial legislation, bearing one definite fact always in mind and applying Jefferson's doctrine against the centralization of power to the financial situation, and insisting against the centralization of capital and the overcapitalization of any corporation, either financial or industrial. When this is done, and not before, we can expect with certainty that the natural prosperous condition of the country will be restored, confidence will prevail, and not

only will be beneficial to the great financial centers but every little town and hamlet in our wide domain will once more be a center of American activity, energy, and enterprise, and a new era of industrial development will be ushered in that will make a grander, a greater, and a more prosperous United States than has ever before existed. [Loud applause.]

[During the delivery of the above, Mr. LEVY was granted leave to extend his remarks in the RECORD.]

Mr. HENRY of Texas. Mr. Chairman, I would ask the gentleman from Pennsylvania to use some of his time.

Mr. DALZELL. How does the time stand now, Mr. Speaker?

The SPEAKER. The gentleman from Texas has 23 minutes remaining and the gentleman from Pennsylvania 36 minutes.

Mr. DALZELL. I yield 10 minutes to the gentleman from New York [Mr. VREELAND].

Mr. VREELAND. Mr. Speaker, I intend to vote for the adoption of this resolution when the time comes that I can do so. I believe the effect of it will be educational, and I think there is no question that the country at least, and possibly the House, need all the education that they can get along this line.

The purpose of this investigation is to determine whether there is a Money Trust or not. It seems to me the committee ought to have no difficulty in discovering a Money Trust, because, so far as my knowledge goes, there are at least 15,000 or 20,000 money trusts in the United States. Every city, every town, every village that has a bank has a money trust, and when a village is too small to have a bank some good old Deacon Jones, who has laid up his money and is willing to lend it to his neighbors on good security, is the money trust there. The Money Trust, I suspect, is our old friend, the money power, that has been with us so many years. I think we will all admit that money is power wherever it is.

If some man worth a hundred millions of dollars should go out into the deserts of the West, in 30 days they would have paved roads leading out to where he lived, if there were no other way to reach him by those who desired to interest him in their projects. But this particular Money Trust that we are to investigate is supposed to exist in the city of New York. Of course, the Money Trust of New York is greater, probably, than that of any other city, because New York is greater than any other city in the country, and is a great financial center. Every country has a financial center. New York is much less the financial center of this country than London is of Great Britain or Paris is of France, because of our independent banking system. But New York is a great financial center, just as New Orleans is a great cotton center and Minneapolis is a great flour and wheat center.

New York was not made a financial center by law, Mr. Speaker. That is where we are going to fail to meet the anticipations of some of the radical gentlemen who are urging this investigation. New York was not made and is not a financial center by reason of law. It grew from natural causes.

Let me show you a few of the things that make New York a great financial center. New York State has savings banks in which are deposited the savings of workingmen of that State to the amount of more than \$1,500,000,000. If I remember right, \$1,750,000,000 are in the savings banks of New York State. Gentlemen here talk about the power of the Morgan group of banks. Assuming, Mr. Speaker, that every bank in which Mr. Morgan holds a dollar of stock, or of which any of his partners hold a dollar of stock, and suppose they are under his complete domination, the money on deposit in the savings banks of the State of New York amounts to about twice the deposits of all the Morgan banks put together. And yet they say with that power he dominates the affairs of 90,000,000 people. There are more than \$2,500,000,000 on deposit in the hundred or more banks of New York City, a very respectable money power in itself. There is something like a billion and a half or more of assets in the hands of the great life insurance companies of New York City. We did not create any of these by law. They are owned there. They came to New York naturally, because it is a great center.

Altogether, then, there are more than \$6,000,000,000 which I have enumerated, which help to make New York City a great financial center. In addition to that, thousands of wealthy men live there, with a great deal of money for investment. Every man in Chicago, St. Louis, or New Orleans who gets to be worth twenty millions or thirty millions of dollars moves to New York City, or has an office there, and helps to increase the financial power of that great community.

But some gentlemen here argue that it is the reserves of banks which we permit by law to go to the city of New York which give the banks of New York their financial power. The very slightest examination of the official statistics on the part of gentlemen will show that if we took every dollar of reserve

in national banks out of the city of New York it would very little affect its standing as a great financial center. The last time I looked there were about \$350,000,000 of outside bank reserves in the national banks of the city of New York. The banks of the country would be obliged to keep that amount of money with the banks in New York City whether we permitted them to count it as reserve or not.

Every gentleman here knows that for the convenience of the merchants and business men in every city and village of the United States who buy great quantities of merchandise in the city of New York, the banks are obliged to keep more or less of deposits in that city. Hence it is not the law. We have done nothing to create that great center. It has grown naturally, as some financial center grows in every great country of the world.

Now, Mr. Speaker, I am afraid that I can not anticipate the finding of any Money Trust which will come under any definition upon the statute books of the United States. It may be that we will find unlawful and illegal uses—conspiracies, if you please—among some of the great financiers of New York City. But if we find conspiracies whereby they attempt to block the sale of railroad bonds or the building of railroads in some parts of the Union, Mr. Speaker, their acts are already unlawful upon the statute books to-day and have been for a hundred years under the common law. Those injured could go into court to-day and bring forth the proof which they would have to bring forward under any law we could pass in order to convict of unlawful acts.

Mr. MURDOCK. Will the gentleman yield for just one question?

Mr. VREELAND. I can not yield now.

Now, Mr. Speaker, I am in favor of this investigation.

The people of this great country of ours know so little, have a chance to find out so little, about these great financial affairs in the cities that I believe it will be educational to them, and possibly to some of the Members of the House, to know more of the great business of the country and how it is conducted. But what I object to, Mr. Speaker, in some of the resolutions that have been presented to this House, is the starting out with a preamble which declares that "certain great banks," lawfully existing under regulation of the laws of the United States, "are unlawfully using their deposits, are attempting to rob the public, are endangering the deposits of their customers," and therefore be it resolved that we will appoint a committee to go and find out whether there is anything in it. I think that is a dangerous procedure. I think that gentlemen who propose that sort of procedure know very little about the vast and intricate fabric upon which the great business of this country is built.

Why, gentlemen, I can show you in the printed hearings passages where gentlemen of this House have by name pointed out banks in the city of New York, national banks, presumably doing business in an honest way until the contrary is shown, under the regulation of one of the best Comptrollers of the Currency that this country has ever had, and asserted there—and it is printed as part of the records of Congress—that these banks have made efforts to rob the public at the risk of their depositors. That is what I object to. That is all that anybody objects to. That is what is called the danger of bringing on panics and loss of confidence. [Applause.]

Mr. Speaker, the deposits in the banks of this country amount to nearly \$16,000,000,000, scattered among 25,000 banks. Probably 95 per cent of the business of the country is done with credit instruments of some kind through banks.

This great structure is reared upon confidence, and whoever imperils the confidence which people have in this system may start a fire which will become a conflagration.

The reputation of a bank is as delicate as the reputation of a woman. Many runs upon banks have been started by thoughtless or malicious remarks. Gentlemen may assail the Sugar Trust or they may assail the Steel Trust upon this floor and it may do no great harm beyond scaring some of their stockholders into selling their stock. The purchasers of sugar and the purchasers of steel and iron are not disturbed by the talk here.

But assaults upon banks, upon our credit structure, within the Halls of Congress may be dangerous. Gentlemen say that if these banks and financial institutions have not been guilty of violating the law they have nothing to fear. But gentlemen who say this would say that a Swiss watch could be sent to a blacksmith to be repaired.

Let us take a concrete case. Let us suppose that three banks here in Washington had been mentioned by name in the Halls of Congress; had been charged with robbing the public and endangering the money of their depositors, and a resolution is brought in to investigate them, and is debated in this House and is adopted, and our proceedings and debates are reported in the

newspapers. Do gentlemen not know that long before our committee would be ready to take up the work of investigation thousands of depositors would be swarming into those banks demanding their money? They might not believe that anything was really wrong, but they would give themselves the benefit of the doubt, and these runs might extend to other banks, and they might extend to other cities.

Mr. Speaker, it is because the members of the Banking and Currency Committee know the danger of assailing great credit institutions and impairing the confidence of their depositors in them that they are unwilling to pass resolutions in Congress which practically charge guilt against financial institutions without any definite knowledge whatever upon which to base such charges.

Mr. Speaker, whether we have competition anywhere else or not, we have it among the 25,000 banks of the United States. We have both competition and regulation by law, and nowhere is competition more keen than among the hundred banks which are located in Greater New York.

Statements have been made by both the gentleman from Minnesota [Mr. LINDBERGH] and the gentleman from Texas [Mr. HENRY] that 75 per cent of the vast army of banks and bankers of the United States are under the domination and control of two or three groups of financiers in New York City. It is worth all the trouble and cost of this investigation to find out whether this is true.

I declare that it is utterly untrue. I declare that not 5 per cent of the banks of the United States are under any sort of control or domination by New York banks and financiers.

The interests of our multitude of our home-owned banks are in the towns and cities where they exist. They do a great proportion of their business at home. Their stockholders and their customers and depositors live where the banks are owned. No outside interest can compare in importance with the home interests of these banks.

The number of outside banks in which New York banks or their officers or directors hold stock would not, in my opinion, amount to 1 per cent of the total number of banks. Instead of outside banks being under obligations to the banks of the city of New York, the obligation is the other way. The outside banks are their customers, and the competition among the New York banks is keen for their business, and the alleged control exists only in the minds of the gentlemen making the statement.

Mr. Speaker, I favor this investigation, not with a blare of trumpets and explosions of dynamite, but along safe and orderly methods of procedure. I believe in making it thorough. I think any man or set of men in the United States who believe that financiers in New York have conspired against them or injured them will receive a full and fair hearing before the committee.

So much has been said upon this subject, so many wild statements have been given to the public, that I believe the investigation should go on. It may be that the light of publicity turned upon great financial transactions may result in good.

Complaint has been made that the Monetary Commission did not investigate this subject more deeply. The commission investigated it, so far as they needed to, for the purpose of framing financial legislation; and the more financial control and financial centralization of power over our banking and currency system are alleged or found to exist, the greater the need of adopting the plan of the Monetary Commission, under which the National Reserve Association is charged with the responsibility of maintaining the credit of the banks and of the business of the country, in place of the great banks of New York City.

As one member of the Banking and Currency Committee I have no interest of any description in Wall Street or in New York. I live 400 miles from the great metropolis. I do not own a dollars' worth of stocks or bonds sold upon the stock exchange. The statement that members of the Banking and Currency Committee are under the control of Wall Street "interests" is one of reckless mendacity, without a shadow of truth, made entirely for political and partisan purposes.

Speaking for the minority of the committee, we will do our best toward making a searching and impartial investigation.

Mr. HENRY of Texas. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. HARDY].

The SPEAKER. The gentleman from Texas [Mr. HARDY] is recognized for four minutes.

Mr. HARDY. Mr. Speaker, in my opinion, if the Committee on Banking and Currency, upon the adoption of this resolution were to adopt the narrow construction placed upon it by the gentleman from Wisconsin [Mr. LENROOT], that committee would be damned by the whole country. I do not believe the Committee on Banking and Currency will adopt any such construction. I believe, in addition to that, that if, upon any given test

arising it should be held that this resolution clothes them only with authority limited as suggested by the gentleman from Wisconsin [Mr. LENROOT], and they do not then come before this House and ask for additional authority, they would still be damned. In other words, I believe that the construction contended for by the gentleman from Wisconsin is a narrow and unwarranted construction of the resolution.

I further believe that this resolution to-day is a part and parcel of original Resolution 405, and that the action of the Democratic caucus practically and substantially, and, in fact, adopted House resolution 405, the Henry resolution only changing the reference of the investigation to the several committees having jurisdiction of the different subjects instead of to one special selected committee. And those of us who in the caucus voted for the reference to one special and exclusive committee may well yield our judgment as to method, in deference to the action of a majority of our brothers, finding that the whole House is determined and ready to make the very investigations asked for by Resolution 405, only referring the different parts of that resolution to the different committees.

With that understanding, with that belief, with that knowledge, and further with the statement from the chairman of the Committee on Banking and Currency on the floor of this House that he did not agree in the narrow construction of the gentleman from Wisconsin, and his further statement that if it should be held on any test that the construction of the gentleman from Wisconsin was right, he would come back to this House for further authority, I can not see any reason why anyone on this side should fail to vote for the resolution now before the House. [Applause.]

Now, Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman from Texas yields back one minute.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, I shall vote against the previous question in order that the House may have an opportunity to consider amendments to the resolution reported. But, saying that, I will say further that, speaking for myself, I think I should vote against any amendment which proposed to enlarge the scope of the investigation, and that I expect to vote for the resolution.

Mr. Speaker, the most delicate machinery in all the world is the system of financial credits. It might easily happen that the action of this House would produce an effect upon the financial credits of the country which would bring ruin and disaster in their wake. I am not in favor of making an assault upon the financial credit of the country or of attempting to prevent the use of money for the purpose of extending and carrying on the business and industrial operation of the United States. I think it is quite as important that the committee which makes the investigation shall be a committee composed of sober, sensible-minded men, who have only the interest of the country at heart, and who place principle above party. I believe that that can be said of the Committee on Banking and Currency. [Applause.]

I would not favor the passage of resolution 405, which, if I can read it correctly, would propose an investigation of everything happening or not happening in the world before and since the birth of Christ. I do not believe it is to the advantage of the country to endeavor now to make an investigation concerning everything. While we have recently had already an investigation of the monetary system of the country by an able Monetary Commission, it may be advisable to continue that investigation through the Committee on Banking and Currency, not for the purpose of finding a Money Trust, but for the purpose of showing that there is no Money Trust, and that there can not be a Money Trust in our Government, under our system of civilization. It would be pleasant if any of us could telephone to a bank for unlimited credit or an unlimited supply of money, but that time will never come, however much the use of the telephone may be extended. Those people who have money in their hands to loan will always be found willing and anxious to loan it to those who have the security which makes the loan safe, and an investigation which shows that fact may do good. Placing principle above party and love of country above party advantage, I congratulate the Democratic side of the House upon the first safe and sane move it has made since it came into control of this body. [Applause.]

Mr. DALZELL. I yield 5 minutes to the gentleman from Minnesota [Mr. LINDBERGH].

Mr. LINDBERGH. Mr. Chairman, it is difficult for those who have given the thought to this Money Trust problem that the

subject justifies to understand how serious-minded men can temporize the way many Members have done in this case. To allow personality or politics to influence one's action is an indication that the importance has escaped such person. I do not believe that there is a Member who would neglect his duty in this matter if he really comprehended the situation. The only thing that I would feel like criticizing the majority membership for is the way it seeks to deceive the public by having time to waste on unimportant and transient matters, but when real momentous problems are up for consideration the "previous question" is ordered and the Members gagged by the rules from explaining important measures. Not since the Emancipation Proclamation has so important a subject been before the people for their consideration as this Money Trust, but it is slighted by the leaders calling to their aid those who believe that standing in is more important to them than the real welfare of the people, so the House sets aside days to discuss political differences and personalities; but this, the most important matter, is split into a series of from 5 to 12 minute discussions, to be all cut off in 2 hours.

The Emancipation Proclamation freed 4,000,000 slaves. A proper treatment of the Money Trust resolution would emancipate over 90,000,000 industrial slaves, and yet the Money Trust is treated with kindergarten methods.

There is unrest in this country. If I alone were to give emphasis in adequate terms to the actual feeling of the people, I might be called a radical, or even a "neurotic," and possibly a "firebrand," but it does not occur to apply such terms to Judge Gary, president of the great Steel Trust, so I will quote from some remarks he made February 14 at the New York Lehigh Club, as follows:

Unless capitalists, corporations, rich men, powerful men, themselves take a leading part in trying to improve conditions of humanity, great changes will come. They will come mighty quickly, and the mob will bring them.

Mr. Gary made it very clear that people generally are "evincing a readiness to take things into their own hands." He also stated that the "spirit of unrest" is not confined to the United States, but is world-wide. "Things are being said," he declared, "very similar to things said just before the French Revolution. I tell you the spark may yet make a flame, and that soon. I have an especial reason for saying this, and a reason that affects you and me. Men of great power and influence in the forces of the country have not all of them done the fair thing."

The unrest referred to by Judge Gary he thinks so serious that it threatens revolution. No honest student doubts the seriousness of the unrest, nor does he doubt there being a real cause for it. The cause is the Money Trust and its allied interests. But in the face of its supreme importance we, here in this House, are kept from giving the matter proper consideration because of petty politics and personalities.

I share Gary's views that there is unrest. We all know there is unrest. But those of us who had time and desire to study actual conditions and see how to apply a proper remedy know that revolution is not the remedy. We do not believe in violence, and while there may sometimes be excuse for violence, it is never justified. There are no conditions now that should lead to violence, but there are conditions that should enlist more serious views of this Money Trust and the economic problems than the House gives to them, and Members' failure to take a sufficiently statesmanlike view of the existing conditions could be the cause of the very thing that Judge Gary fears. It was like indifference to the rights of the people that caused the French Revolution, and even revolution would be better than decay. Decay is an ailment here in the House.

It is indeed a misfortune that the best opportunity that has been presented to Congress in a half century for the meeting of a great common demand has, to a certain extent, had politics injected into it. To accomplish all the good that is possible no politics should have entered. It is of the most vital importance to this country at this time that the public in general should understand the meaning of its own finances as they are handled by the great financiers. That could be done best by the appointment of a special committee, selected with a view to their knowledge of how to make an investigation and the importance of using the information in such a manner as to create the least disturbance, for it is already known that business methods have been adopted by the financial kings that are not consistent with the interests of the plain producers and consumers. There can be no justification for using facts that might be obtained for any other purpose than the correction of the present evils. They should not be used for political purposes, but simply to bring about justice in a consistent and orderly way.

When the subject was first approached Wall Street saw that the resolution was loaded with powder and lead and that it

would reach to the very heart of its practices. There was an attempt to smother it, so that the public might not know its importance, but as I pushed it for consideration, the press gave it publicity, and a realization of its importance, which has been growing larger and larger, until now it is recognized by the people as a momentous problem.

I was astounded a few weeks ago by an emissary from Wall Street calling upon me and directing my attention to the fact of the immense responsibility that I was taking in pressing such a resolution for consideration, and that if I continued a panic would be brought on worse than this country had previously known. He admonished me to withdraw the resolution. To this I suggested that if there was a condition existing among the greater business interests of this country that was so rotten that an investigation revealing those conditions would cause those interests to bring on a panic, that it is better that those conditions should be known now, that at least the future of the country might be assured. It is not possible to come to any other conclusion than that if the business is being honestly conducted an investigation could not do harm, and if business is dishonestly conducted then it is necessary that an investigation should be made in order to correct it. How is it possible that any honest, patriotic citizen should consent to stop an investigation in order to conceal such conditions as those intimated by the Wall Street emissary?

The Rules Committee continued to hold its hearings. It was sought to influence its chairman and members but they refused to allow politics to enter. That not succeeding the next step was to threaten some of the leaders of the House with a panic before election unless the investigation should be prevented, but in the meantime the public was making such demand that it would be dangerous to the political interests to do otherwise than at least give the appearance of making an investigation, so the members of a standing committee were secured to conjure up in their minds a jealousy, lest their privileges should be invaded, so that they demanded that they should be given the privilege of doing the investigating.

As long as these investigations were upon other matters that did not so vitally concern the special interests members of the committees were not so jealous of their privileges, and the less important investigations were therefore referred to special committees without the least compunction. This method of evasion of responsibility by the representatives of the people is one of the mockeries of representative government. Wall Street simply entered Washington and scared the politicians. It is a matter of common knowledge among many of the Members that its emissaries have been here lobbying in opposition to this investigation; but finally, when it was seen that the public demand was so great that it had to come and that it was too late to have it absolutely muffled, the next way out was to refer it to a standing committee.

Now that the public is being heard from, there is some chance of awaking the standing committee to the responsibility and force it to act with due diligence.

I do not impugn the honesty of the membership of the Banking and Currency Committee, but in view of the apparent wrong in our present system, openly demonstrated all the time, I do, and the country must, feel that the members of that committee are not over-diligent nor even diligent in attending to the great responsibility that rests on them. They have the ability, if they will apply it, but the education of most of the members of the committee is to permit the very things of which the public complain.

The chairman of that committee has proposed, and there is now before us for consideration, his resolution, instead of the ones introduced by me July and December, 1911, and January 3, 1912, and one by the gentleman from Texas [Mr. HENRY], January 29, 1912. The resolutions introduced by Mr. HENRY and myself would permit a committee to go to the bottom of the subject and treat it with the importance of the problem. The substance of my resolution and the one Mr. HENRY introduced are the same.

I shall say little now about the caucus system. I have spoken on that subject before. I am more than ever, by the proceedings in this case, convinced of the great injustice that is being done the American people by the use of the caucus system in legislative bodies. The people will not much longer be fooled by caucus wrongs. The caucus system is to destroy popular government.

Speaker CLARK has properly stated that an investigation should take place that would go to the bottom of this subject. The Speaker has no more authority to order that investigation than any other Member of this House. It is the business of this House to direct that committee to make the investigation. The very absurdity of the phraseology of the Pujo resolution

stamps upon those who are responsible for it a weakness that ought never to be shown in this House. The lack of force of the Banking and Currency Committee having charge of such an investigation is suggested in the resolution proposed by its chairman.

On the 30th of June, 1908, a law was passed directing the appointment of the National Monetary Commission, and that commission was appointed and by law was authorized to make a thorough investigation of this problem. The proponent of the present resolution was one of the members of the commission. He signed its report. There is in the report a proposed bill. He stands committed in its favor by having signed the report. By section 56 of that bill it is proposed that the Government of the United States shall give absolutely free to the proposed association approximately \$220,000,000.

Other provisions of the same bill make it optional with the association to get \$680,000,000 more free. Section 56 provides that the association shall pay a special tax on as much of the first \$900,000,000 of its note issue as it buys 2 per cent United States bonds from the subscribing banks. By section 49 the association is required to offer for a period of one year to buy from the subscribing banks their 2 per cent United States bonds securing their circulation. But there is no provision that the banks shall sell these bonds, and if the banks do not sell them to the association, and they retire their circulation, then the association will have the privilege of issuing \$900,000,000 absolutely free from tax for a period of 50 years.

There is no reason to believe that the subscribing banks will transfer these bonds to the association. It would be a bad business proposition for them to do so, for the Government has reserved the privilege to pay the bonds in 1930, and in order to maintain its credit, as it should, will likely pay them. The banks can draw 2 per cent interest on practically \$680,000,000 United States bonds, retire their circulation, and in 18 years collect \$244,800,000 interest, and by so doing save their association \$675,000,000 of taxes for the period of its charter. Does anybody expect, is it reasonable to expect, that these banks that are in the business for the profit there is in it are not going to use the opportunity?

That is not all. In that same bill, by other sections, it is provided that the association may issue any amount of its notes without paying any tax whatever if the amount issued is covered by lawful money held by it. There are provisions in the bill by which the United States is to turn over its general funds and still other provisions by which the association can secure the reserves of the banks throughout the country. These reserves which the association secures from the banks and the Government deposits will at one and the same time act as reserves for the banks and as lawful money to cover association note issues to save it from taxes. Within one year after the association would begin business it would have from the Government, and as reserve agent for the banks, lawful money on which it could, if it chose, issue more than a billion dollars to lend to its subscribing banks—a gift, pure and simple, to the great moneyed interests. Why, if such a gift is to be made, not let the people have the advantage instead?

That was the report signed by the proponent of the Pujo resolution. The gentleman, no doubt, is sincere, but he has not entered into a study of these problems in such a way as to be able by his work to promote the general welfare. He has been willing to and has signed the report by which the people of this country would grant the privilege to a private monopoly to issue money free of charge and give it legal tender. Several other of the members of the Banking and Currency Committee served on the National Monetary Commission and signed the same report. Are we going to turn over the money investigation to them? If we do, we must expect the investigation to be made from the viewpoint of bankers, whereas it is the wish of the country that it should be made for the purpose of all business and the people in general.

The purpose of this investigation was to get information to enable Congress to pass proper laws on the subject of banking and currency. We are asked to turn the whole matter over to bankers and the attorneys of bankers. It is on the same principle as if we would appoint J. Pierpont Morgan, John D. Rockefeller, and Andrew Carnegie, and a few more of the same school to investigate the trust problems and report their investigations and recommendations to Congress.

The Pujo resolution reads as follows:

Whereas the Committee on Banking and Currency is vested with the power to propose to the House all legislation relating to banking and currency; and

Whereas said committee is desirous of securing full and complete information regarding the banking and currency conditions of the country for the purpose of determining what legislation is needed: Therefore be it

Resolved, That the Committee on Banking and Currency, as a whole or by subcommittee, is authorized to sit during the sessions of the House

and the recess of Congress, to compel the attendance of witnesses, to send for persons and papers, to administer oaths to witnesses, and to employ experts, counsel, accountants, and clerical and other assistants.

My resolution reads as follows:

Whereas the money, exchange, deposit, reserve, and credit systems are essential to the business relations of the people with each other, requiring that they should be administered on a commercial and not a speculative basis in order to facilitate the dealing in, distributing, and exchanging of products, services, and articles of commerce; and Whereas it appears that our present system of money, exchange, and credit entails on the people enormous losses, due presumably to speculation, gambling, and manipulation, which are not necessarily incident to a natural commerce; and

Whereas it appears that these practices are directed through well-defined centers, the greatest of which, it is believed, does now actually have the power of controlling credit, exchanges, and deposits to the extent of being able to actually bring on business depression and even business disaster; and

Whereas there appears to be a constantly increasing power in certain individuals and corporate concerns to concentrate and control, for selfish purposes, the moneys, finances, and credits of the people: Now therefore be it

Resolved, That a committee of five, to be selected by the House, is authorized and directed—

First. To investigate as to whether there are or are not combinations of financiers or financial institutions or corporate or other concerns who control the money and credits, and through that control operate in restraint of trade and in violation of law.

Second. To investigate whether there are practices by which the spirit of the national banking laws is being violated in the organization of banks by the use of the kiting system of notes of the organizers, or by the use of others' notes through the organizers, or if any improper means are used to form the basis for any part of the capital of banks.

Third. To inquire into the deposit and use of the reserves by the banks, and especially that portion of the reserves authorized to be kept in the reserve and central reserve banks, and also the effect of the reserve system on the finances of the country.

Fourth. To make report to Congress on their investigation on said subjects and those matters having direct connection therewith, and make suggestions for further legislation if such seems to be necessary.

Said committee, as a whole or by subcommittee, is authorized to sit during sessions of the House and the recess of Congress, and the hearings shall be open to the public, and the committee, as a whole or by subcommittee, is authorized to employ clerical and other assistance, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

Then I amended that by adding the following:

To amend House resolution 314.

Whereas H. Res. 314 provides for the appointment of a committee to investigate as to whether there is or is not a Money Trust; and

Whereas it is common knowledge that certain of the larger and more important national banking institutions in New York City and in Chicago are owned and directed by those who are also in control of the larger and more important insurance and trust companies and industrial and railroad corporations of the country; and

Whereas frequent fluctuations in the prices of various and numerous stocks and shares of corporations have in the past brought great loss to the general public and in many instances to the people whose money was on deposit in said banking institutions; and

Whereas it is also common knowledge that the directors of said institutions have in the past profited largely by said fluctuations and manipulations of stock prices; and

Whereas there are certain subjects to which the attention of the proposed committee should be specifically directed as bearing on the main purpose of the resolution: Now therefore be it

Resolved, That without limiting or diminishing the present scope of H. Res. 314, the same shall be amended by adding to the four directing clauses thereto the following:

Fifth. To ascertain the ownership of stock and the practical control of the principal banks and trust companies eligible under the latest proposal of the so-called Aldrich plan, and as the same shall finally be submitted by the National Monetary Commission, to subscribe for and hold the stock of the proposed National Reserve Association, and if that is not the name proposed by the plan of said National Monetary Commission, then the association that will be proposed, and so far as practical to ascertain what relation in stock ownership, control, and management such stockholders have in the principal trusts that control the industries, railroad systems, and the large properties, and also, so far as practical, the influence these exercise over smaller banks and institutions throughout the country, so as to show what community of interest there is in the general scope of their business, and whether or not the business is generally conducted so as to conserve the country's general welfare.

Sixth. To ascertain the facts with reference to the use of the reserves by the reserve and central reserve banks, and so far as practical, to ascertain what proportion of the reserves are redeposited by the reserve in central reserve banks, and what percentage of the fixed reserves of the reserve and the central reserve banks are loaned, and so far as practical to determine what proportion of the deposits in the reserve and central reserve banks are loaned to persons and concerns engaged in commercial as distinguished from those engaged in speculative schemes.

Seventh. To ascertain the facts in regard to the control and use of the funds and resources of the principal life insurance companies, and whether or not they are so manipulated as to deprive the policy holders of a large part of the profits justly due them, and whether the management of these companies are or are not practically in the hands of a small group of speculators who use them for selfish purposes and in the interest of the Money Trust.

Eighth. To ascertain, so far as practical, the facts in regard to the loaning of surplus funds by country banks and the banks of the smaller cities, and what proportion of such funds are diverted from the localities of their origin in loaning to borrowers in other localities, and the effect of such diversion on the necessities of the local communities, and also the general character of the business in which the funds so loaned are used.

Ninth. To ascertain, as near as practical, how much cash is tied up in what are termed fixed reserves in (a) country banks; (b) reserve banks; (c) in the banks of the three central reserve cities, separating each of the latter, and from that determine, as near as practical, the working margin practical for business operation and particularly its holding, and find separately if the country banks and reserve banks

generally keep larger deposits in other banks than are necessary for their current exchange, and if the interest paid by banks to each other influence the amount of such balance and to what extent.

Tenth. To ascertain whether the stockholders in the larger banks in New York, Chicago, and other large cities, or the banks themselves, or their controlling directors, directly or indirectly, have been using the funds on deposit with them for the purpose of buying and selling stocks and other securities for the purpose of manipulation on the stock market or upon the New York stock market, produce markets, or other exchanges.

Eleventh. Find the facts concerning and the inspiration for the formation and organization of the First Trust & Security Co. by the First National Bank of Chicago, Ill.

Twelfth. Find the facts concerning and the inspiration for the formation and organization of the First Bank Security Co. by the First National Bank of New York City.

Thirteenth. Find the facts concerning and the inspiration for the formation and organization of the National City Security Co. by the National City Bank of New York City.

Fourteenth. Find the facts concerning the flotation of the Amalgamated Copper Co. through the National City Bank of New York City.

Fifteenth. Find the facts concerning the speculative operations in the shares of the Central Railroad of New Jersey and the Reading Railroad Co. by and through those in control of the First National Bank of New York City.

Sixteenth. Find the facts concerning the speculative powers operating in the past in the shares of the Tennessee Coal, Iron & Railroad Co., in New York City, exercised by and through those in control of the Hanover National Bank of New York City.

Seventeenth. Find the facts concerning the speculation and manipulation of the shares of any and all industries and railroad corporations by or through any national-banking interests in the United States, or those in control or the directors of said banks.

Eighteenth. Find the amount, as far as practical, of the loans made by these New York City banks at various times, secured by stocks traded in on the New York Stock Exchange, and the reasonable value of these securities so deposited as collateral for such loans over and above the amounts so loaned.

Nineteenth. Find the amounts of corporation deposits in these banks or elsewhere, under the control of those in control of these banks, and find whether the persons in control of such banks in the past have called loans for the purpose of strengthening money rates and in supporting the stock market or have offered money on stocks traded in on the exchange at radically different rates from those which have been charged to commercial customers.

Twentieth. Find why it is that money is frequently easily procurable on loans from the larger banking institutions at low rates of interest for the purpose of Wall Street speculation while it is difficult for merchants and business men throughout the country to discount their paper with such institutions for less than the legal rate and at times practically impossible to discount their paper at all.

Twenty-first. Find why it is that at the present time it is difficult and almost impossible for those engaged in a new industrial enterprise to procure the necessary capital when money is easily procurable for the purpose of buying the shares and securities of industrial and railroad corporations controlled by the stockholders and parties interested in these larger banking institutions.

Twenty-second. Find whether said banks have at times in the past allowed their cash reserves to sink below the legal requirements of deposits and if at other times they have gathered in extraordinarily high percentage of reserves, and find the relation between the aggregate of stocks carried in the loans of said banks at such times.

That the committee shall be authorized and if required by the House shall report on any part of its investigations before making its final report.

Later Mr. HENRY of Texas introduced a resolution seeking still wider scope to the inquiry.

What must the spirit of unrest, to which Judge Gary referred, answer to the evasion of true responsibility that the House seeks by turning this investigation over to the friends of the system?

In my presentation of the reasons for the investigation before the Rules Committee I dwelt upon the different divisions of the subject at considerable length. I quote the following from my speech before that committee:

CONTROL OF MONEY AND CREDITS.

COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, FRIDAY, DECEMBER 15, 1911.

The committee met at 10.30 o'clock a. m., Hon. ROBERT L. HENRY (chairman) presiding.

The CHAIRMAN. Gentlemen, the committee has been called to hear Mr. LINDBERGH in reference to House resolution 314, in regard to the Money Trust. If you are ready, Mr. LINDBERGH, you may proceed.

STATEMENT OF HON. CHARLES A. LINDBERGH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA.

Mr. LINDBERGH. Mr. Chairman and gentlemen, I see you consider that House resolution 314 is the resolution that is under consideration. I was just going to ask that that be substituted for the other one.

The CHAIRMAN. That is the one we have before the committee this morning.

Mr. LINDBERGH. Credits and debits, balanced by a small fraction of honest money, might be used as an equitable measure by which producers would be paid and consumers charged on the products and services of commerce. Unfortunately, however, a few speculators have wedged in between the producers and consumers, and operate and now principally control the system of credits and debits, and through it enough of the money so that these speculators control the commodities by paying the producers the least and charging the consumers the most they can stand. Under that arrangement present property and financial management conflicts with human rights and hinders common success.

Our financial system is false and a huge burden on the people. The money kings know that the people are sweating under it, and since there are some rather loose points about it, the money kings wish, through the demand of the people for a change, to manage it in the interest of Wall Street, and have proposed the Aldrich plan and are industriously trying to make the public favor that plan.

We know there is going to be a change in the banking and money laws, and, as the people's servants, we have a responsibility for which we should be in every way prepared.

I have alleged that there is a Money Trust. The proposed Aldrich plan is a scheme in the interest of the trust. There is a Money Trust. It is not in the form of the steel, the oil, the tobacco, the railways, and the other common trusts. It is maintained and governed by entirely different methods. It is father of the others, but unlike. The Government prosecutes other trusts, and it specifically and systematically supports the Money and Credit Trust. The Government creates by indirectness what it seeks to destroy by direction.

American intelligence justifies a study of finances from a rational view. In this day of general business knowledge we need not speak in theory or in vague terms of philosophy and law about business matters that are practically within daily observation. It is enough to make a true statement of the facts and of how the system operates, pointing out the errors and suggesting remedies.

Everybody is concerned in this, and to get an honest, equitable plan through Congress, with the Money Trust opposing it, requires determinative public support. That can not be secured to any specific end until the public knows what causes the troubles and how to remedy them. I proposed investigation for that purpose.

In my plea for this you will not expect me to present all the facts that would be brought out by it. If I did that, the investigation would be unnecessary. All I shall attempt now is to show the purpose and scope of the inquiry and that it is reasonably probable that information may be obtained that will be of value in working out a remedy for evils known to exist.

Money, and especially credit, is controlled principally through the banking system. I shall begin by describing some practices in that system and follow up to where the trust control has become effective. When I speak of national banks, practically it includes State banks, for there is little difference in the practical results of their business, and remedial legislation should comprehend all banking business.

Almost anyone who can impress the citizens of a locality with confidence can start a bank. It is not uncommon for strangers with letters of introduction, easily obtainable, to go into towns or cities, introduce themselves to business men, and start banks. It is often done by persons of little responsibility. Ten such or any greater number, so far as the law is concerned, might associate to start banks in as many towns. Preliminary visits are made to secure the good will of the citizens from whom deposits are expected. To a few a little stock is sold to qualify them for local directors. Those who originate the plan subscribe for the stock not taken by local people. The local manager, usually the president or cashier, is ordinarily made the largest stockholder in that place. That impresses the community with his financial responsibility.

Banks may be started by paying one-half the stock in cash. The other half may be paid by installments. Permission to start must be obtained from the Comptroller of the Currency. That is a mere matter of form.

I stated that banks can be started by paying one-half the stock in cash, but that is often a mere matter of form, for the stockholders choose their own directors and officers and may turn around and borrow the cash and deposit their notes instead. Sometimes the notes are used in the first place. Ten persons may borrow enough to pay in the entire capital. The capital would then be represented by their notes. They would require enough cash to pay expenses of organizing and buying the required United States bonds on which to base circulation, and so forth. The parties might be insolvent and their notes worthless.

Mr. GARRETT. Just there, Mr. LINDBERGH, do you not think that is a pretty strong statement?

Mr. LINDBERGH. No; it is absolutely true. I know of cases where that thing has occurred, and there is nothing in the law that prevents it from occurring, because the parties themselves who organize banks are often left to themselves. It is not always that an examiner is sent to inspect the conditions preliminary to the bank starting business.

Mr. FOSTER. Does not the bank examiner go and find out if the proper amount of money and security has been put up before the bank can be authorized to open?

Mr. LINDBERGH. Not always.

Mr. FOSTER. You are wrong about that, certainly.

Mr. LINDBERGH. I have no doubt you have had experiences yourself where the Comptroller of the Currency writes and asks you, as Congressman, what you know about these parties. They do make inquiry. I know of cases where banks have been organized without any actual inspection being made before they begin business. It has been done often.

Mr. FOSTER. Do you think it is done now?

Mr. LINDBERGH. Yes, sir; it is done yet. One was recently organized in my district, by perfectly responsible parties, but there was no inspector who went there to see what they were doing. The bank began business before an inspection was made.

Mr. GARRETT. I have had that experience of which you speak.

Mr. FOSTER. Where no inspector goes?

Mr. GARRETT. No; I do not mean that exactly. But I have had the experience of having a letter from the Comptroller of the Currency asking about men who are organizing banks.

Mr. FOSTER. That is always done. They inquire of you as to the character and responsibility of the people proposing to organize a national bank. But they do not take your word for any security. They send an examiner to examine into the bank—that is, as to the securities, and so forth—and the money that is put up for the capital stock. I never knew of a case where they did not do that.

Mr. LINDBERGH. I have no doubt they often do it.

Mr. FOSTER. They always do it in the country in which I live, and I have had considerable to do with the organization of several banks, and one in which I was interested myself. I know that that bank could not be opened until the examiner went there and examined into its securities, to see that the proper amount of capital had been put up in that bank. If the condition you speak of is going on in the organization of national banks, it seems to me it is a violation of law.

Mr. LINDBERGH. It is not a violation, technically, of the law, after they have organized.

I quote as part answer from page 18 of the Report of the Comptroller of the Currency for 1910:

"Under section 5133 of the Revised Statutes the organization of national banking associations by any number of persons, not less than five, is authorized. This section provides that the incorporators shall enter into articles of association specifying in general terms the object for which the association is formed and a copy thereof forwarded to the comptroller and preserved in his office. The following section provides for the execution of an organization certificate by those who have entered into articles of association. This certificate is required to be acknowledged before a judge of some court of record or a notary public and transmitted to the comptroller. When these documents have been filed with the comptroller the association becomes a body corporate, but

with powers limited to transaction of business incidental to organization until the issuance of the comptroller's certificate authorizing the association to begin the business of banking. The law further requires the collection and certification of payment of at least 50 per cent of the authorized capital stock and the deposit of a specified amount of the United States registered interest-bearing bonds, and authorizes an examination for the purpose of determining the amount of money paid in on account of capital stock and whether all requirements of law in relation to organization have been met.

"As the law, however, specifically confers upon the comptroller discretion with respect to approval of the name selected for an association, the course of procedure under the established rules of the office is to require the submission of a formal application for authority to organize an association wherein is stated the title desired, location of the bank, the capital stock, the signatures of the applicants given, accompanied by advice in regard to the business and financial standing of the applicants, number of shares to be subscribed for, and the previous banking experience, if any, of the applicants. Indorsements are required with respect to the character and standing of the applicants, the population of the place at which it is proposed to organize the bank, and an expression of opinion with respect to prospects of success of the association if chartered and conservatively managed.

"Prior to the disposition of an application a copy thereof is sent to the national-bank examiner, to the Member of Congress for the district in which the bank is to be located, and to the superintendent of the State banking department, with request for information with respect to the character and standing of the applicants, the existing demand for a bank at the locality, and an expression of opinion as to whether success is probable.

"Applications for authority to convert State banks into national banking associations are made by the directors, and each case of this character is investigated for the purpose of determining whether the bank has been conducted in conformity with law, its measure of success, and also as to the character of its assets and general business.

"In view of the fact that bank stock is generally regarded as a very desirable investment, the organization of banks, both national and State, has been very active during recent years, and it has been shown to be evident to both Federal and State authorities that many banking institutions are organized, or organization attempted, without giving due consideration to their demand or their prospects of success. As far as possible the State authorities are now acting in harmony with the comptroller in the upbuilding of banking conditions by preventing the organization of banks where the demand therefor is not apparent or where organization is attempted by those whose character and standing are questionable."

It will be seen that certification of payment of at least 50 per cent of the capital is required, but that is by the incorporators and it does not say in cash. The comptroller is authorized to cause an examination to be made, but is not required to do so. There is, as I understand, more care in this now than formerly. The comptroller's report from which I quote shows that.

Mr. FOSTER. The law requires that they must go and examine the securities and the capital before the bank can be opened. But what is done after it is opened, and the bank examiner goes away, is another thing. They might pull down the money and put up the securities. I agree with you on that, that that might be done.

Mr. LINDBERGH. That is often done.

Since I made the above statements the Comptroller of the Currency, in his report to Congress, on page 82, with reference to the same subject matter, states:

The following is a copy of the instructions to examiners in connection with investigations of this character:

"It has been for some time past the practice of this office to refer to national-bank examiners all applications received for the organization of national banks, with the request that they furnish such information as they were able to obtain in regard to the applicants and the existing conditions in the locality where it was proposed to organize the bank.

"As this office has no appropriation from which you could be paid for making a personal investigation, it has been necessary for you to get such information as you could by correspondence, and this has been in many instances entirely unsatisfactory. Hereafter, in all cases where the office is in doubt as to the propriety of approving an application, the examiner of that particular district will be asked to go to the place and make a careful investigation, for which he will be allowed \$25 a day and hotel and travelling expenses, to be paid by the applicants.

"The reason for this change is that for many years the bank examiners have been making investigations and submitting reports on applications for charters for national banks without receiving any compensation therefor; and in many instances it is impossible for an examiner to make a recommendation to the comptroller which carries any weight as to whether a bank should be established in a certain community or not when, in all probability, he has not been in the place and knows nothing of local conditions nor of the people interested in the proposed bank, nor of the necessity for one. The information which he would gather and submit by correspondence is nothing more or less than what the comptroller already has on file."

Reverting to my statement, so far as the law is concerned, there might be enough other parties, and all worthless, so that between them they could borrow not only the capital but the deposits as well, except the reserve. Even the greater part of the reserve, in a roundabout way, could be borrowed by the same associates if a reserve and a central reserve bank were included in the scheme, and much of the big business of the country has been started on a basis of credit rather than capital. I am not objecting to credit, for under a proper system it would be good, but the kind of credits I have described are special privileges.

You may ask, What are the bank examiners doing if banks can be filled with paper originally worthless?

Since I made the speech before the Rules Committee, from which I am now quoting, the following statement appeared in the press on June 6, 1912. It is a further illustration. I quote from the New York Times:

"CONSPIRACY CHARGES IN BOROUGH BANK PROBE—EXAMINER MAHONEY EXPECTS THAT THE DEVELOPMENTS WILL WARRANT THEM—BASED ON DUMMY NOTES—THE SIGNER OF ONE OF THEM GIVES HIS OWN IDEA OF HIS RESPONSIBILITY.

"Sufficient evidence on which to base charges of conspiracy against the so-called looters of the defunct Borough Bank of Brooklyn will have been secured in a few more days if the expectations of the inves-

tigators, as intimated at the close of the session yesterday, are realized. Special Examiner Mahoney believes that the use of dummy notes for securing loans constitutes conspiracy, and he told one of the witnesses as much. This witness—one of the three Clarendon Hotel employees who had sent regrets on Wednesday—didn't seem particularly perturbed by the information, and in a response to a question he remarked that he thought Mr. Hill was able to 'take care' of him.

"He referred to John J. Hill, proprietor of the Clarendon Hotel, one of those who were connected with the small real-estate concerns that had borrowed from the defunct bank. Mr. Hill had the witness, Chester H. Roods, and two other employees of the hotel sign notes that were discounted afterwards by the Borough Bank. Roods said that he had signed two notes at Hill's command without knowing what they were for.

"Hill would simply call me up to his office," Roods testified, "and say, 'Sign this.' I always did. He didn't think it was wrong to take money out of the bank on his credit. If anyone could get money out of the bank on my name the bank must have been crazy," he said.

"Roods had never got any of the money, he said. The notes he signed were for \$15,000 and \$25,000. At the time of the transaction he was a clerk in the steward's department of the hotel at a salary of \$55 a month. He said he also was a director in one of the real-estate companies in which Mr. Hill was interested, and he got a \$5 bill from John W. Walker, of the John W. Walker Co., when he resigned from the directorate. That, he said, was all he ever got for lending himself to the financial convenience of others. He scouted the suggestion that Mr. Hill had taken an unfair advantage of him, and it was at this point that he expressed confidence in Mr. Hill's ability to 'take care' of him.

"His reason for staying away from the session on Wednesday was his employer's reason, he said. Mr. Hill had objected to three of his employees being called away from the hotel on the same day and had dictated the three notes, according to Roods, in which each regretted his inability to attend. A warrant for one of the three was obtained from Supreme Court Justice Carr, but the sheriff was not compelled to serve it yesterday, as all three of the men—Roods, A. J. Wegge, and O. P. Warlick—arrived at the borough hall before the session began.

"Roods was followed by Warren E. Diefendorf, a director, who professed ignorance of the loans made by the bank to irresponsible individuals. Russell Randolph, formerly employed by Robert W. Hall, testified that he had signed many notes for his old employer without deriving much personal profit.

"The investigation will be resumed on Monday forenoon."

To give the bank examiners time to learn the value of bank assets would require an examiner for each bank, or at least one should be limited to a very few. A tabulation of the assets and a special check-up system to detect the kiting of notes between stockholders would be necessary. It would require individual examiners, district examiners, and a general examiner's department to check up the whole system. That would be the only way to get a check on the approximate value of bank assets consisting of unsecured paper.

It is quite common for examiners to enter banks with near a million dollars assets, consisting of hundreds and sometimes thousands of notes, list their amounts, subtract payments, count the cash, and examine the books all in a day. Such examinations do not go to the responsibility of the makers of the bank's notes. Ordinarily these examinations practically deal with figures only. With the limited time given to examiners, intelligent though they are, they can not determine the actual reliability of the banks they examine. To a large extent they rely upon their intuitive and perceptive qualities of observation.

I do not confine my statement on note kiting to make bank assets to small banks. It can be shown that some large financial institutions have based a part of their capital on the kiting of notes. I quote from a letter, merely as illustrative of the way it is done. I omit parts of the letter, as the writer is scared of harm being done him if the interests find him out, but the Committee on Rules may see the letter. The chairman has seen it.

EAST ORANGE, N. J., July 28, 1911.

HON. C. A. LINDBERGH.

DEAR SIR:

Prudential Insurance Co. officials, desiring to control the public utilities of the State to their personal profit, not having the funds to purchase such control, devised the plan of increasing the stock of the Fidelity Trust Co., of Newark, some \$6,000,000 and have the Prudential purchase it, as well as have the Fidelity purchase from the Prudential controlling owners the same amount of Prudential stock, so the control would be mutual and self-perpetuating, without financial interest on the part of the management. This plan was enjoined by participating policy holders, Neubauer v. Prudential Insurance Co., and the plaintiff's counsel adjourning the case, by mutual consent, sine die. * * *

The only string was that if they, the Prudential, was to attempt to carry out the same deal, that they would give 30 days' notice. In face of this they gave no notice, and have carried out, in effect, the same deal by slightly reducing the number of shares purchased, so as to conform in letter but not the spirit of the court order.

Since that time the Prudential makes their brags they do not hold "public-service corporation" securities. Now, the Equitable Life crowd accommodates them when it is necessary to hold an examination, and likewise the Prudential similarly accommodate the Equitable officers in their own control of securities.

To get at the bottom of the tobacco, steel, trolley, electric railroad, and banking combination you must get at the books of the insurance companies and examine the life insurance presidents, members of the Life Insurance Presidents' Association; there lies the secret of control. Now they are able to juggle around the loans and investments from one State's companies to another State's companies to accommodate the requirements of not being "found with the goods."

Respectfully,

I do not claim that banks generally are organized by the note-kiting system, but banks can be, and many are and have been. Even dummy notes are sometimes used. The extent to which these practices have been resorted to, directly and indirectly, is much greater than is realized. The general public has never realized that it is done at all.

The law providing for bank capital has not protected depositors. The bankers themselves have done that, and the public has been charged to make it up. Bankers are under the necessity of protecting themselves from failure, and it is due to their diligence and their self-interest that there has been so little loss to depositors, but lest I should

give some of them too much credit, I again call attention to the fact that many banks are originally started and capitalized on paper originally worthless, but the toll charge to the public is so great that the public makes the paper finally good, and the careful, businesslike banker, even though he often starts insolvent, becomes rich and financially responsible. In other words, the business charges the public so much that failure, generally speaking, is visited on the careless and incompetent only.

I have thus defined the practical effect of the law in providing capital in the organization of banks. It is impossible, of course, to determine how many banks started on paper originally worthless, or, in other words, without actual capital, but as most banks so started have become financially safe and sound by reason of accumulating profits, no great good would come from a knowledge of which of existing solvent banks were originally weak. I am not proposing an investigation for that purpose. It would be remiss in me, however, if I neglected to direct attention to the weakness of the capitalization of the banking system if there was pulled out from under it the large toll the public pays in its support. These facts should be known when it comes to constructing a better system, and instead of giving a special privilege to the banks a community advantage should be given to the people.

My main purpose is to show that the banks are the first step and the principal arteries through which the Money Trust is constructed, not that the banks are a part of the trust. Only a few of them are in the trust, but the money is taken by the people to the banks and the trust secures the money from the banks. It makes no difference that the people own a large part of the money. In fact, that is an advantage to the Money Trust as long as it controls its use. However, to hereafter have a still greater control, it now proposes through the Aldrich plan to get the money of the United States in addition to making as much as it needs of its own money.

After a bank is organized and ready to do business the securing of deposits is the important thing. Banks can not succeed without. Neither can the trusts. It is because of getting the reserve deposits that the Money Trust has for many years been in control. It is because of being able to borrow the deposits that speculators are exploiting the people to an illimitable extent. That is the initiative of what gives the Money Trust power to create other trusts.

The pretense of being able to control the trusts by prosecution and to dissolve and reorganize them into their original elements to reduce the cost of living while the Money Trust controls the Government would be too ridiculous to mention were it not for the fact that it diverts public attention from the real causes of our troubles.

The dissolution of the trusts and the reorganization of each into several is on a plan of reducing the system from one of grand or wholesale larceny to several petty-larceny trusts, aggregating greater stealings from the people than if the grand-larceny trust cooperative plan should continue.

Since I made that statement some facts regarding the subject have developed. I quote an article from the New York Journal of Commerce, as follows:

HAS DISSOLUTION RAISED OIL PRICES?—IS INCREASE DUE TO GREATER COSTS OR RETALIATION?—ADVANCES IN CRUDE OILS AVERAGE 3 TO 5 CENTS PER BARREL—EXPORTS ALSO SERIOUSLY AFFECTED—OFFICIALS REFUSE TO EXPLAIN—OIL IMPORTS IN 1911 EXCEED THE PREVIOUS RECORDS.

Recent developments in the prices of both crude and refined oils, as well as local deliveries of petroleum, point with considerable emphasis to entirely new conditions in the oil trade at the present time, as compared with the latter part of last year in the period immediately preceding the date of the dissolution of the Standard Oil Co. into 33 companies. In this connection it is pointed out that for the greater part of 1911, during the existence of the so-called Oil Trust, prices of crude and refined oils maintained an average balance which the present price movement does not hold.

The date set by the courts for the final dissolution of the Oil Trust was reached on December 21 last. Previous to that date oil prices had been suffering from periodic slumps. Five days after the dissolution, on December 26, the first upward price movement was witnessed, with advances averaging from 3 to 5 cents per barrel on three of the principal crude-oil productions formerly controlled by the Standard Oil Co., the Pennsylvania Oil Co., Kansas and Oklahoma, Ragland, and Somerset grades—from that time up to last Wednesday, at which time further advances were made, averaging 3 cents per barrel on Ohio, Illinois, and Indiana crude oils. Further strength was given to the upward movement in prices on the same day of this week, when there was an advance of 15 points in both "Standard white" and "water white" refined oils for export; at the same time there was an advance of one-half cent per gallon on all grades of naphtha, gasoline, and benzine for export.

While the many other grades of crude oils have yet to realize an advance in price, it is held by experts that such an advance generally is not improbable. The upward trend has led to considerable conjecture by the trade as well as the independent oil concerns. Investigation at the local offices of the various companies formerly comprising the Standard Oil Co., as to explanations for the higher prices met with no success, the various officials exhibiting great reluctance to discuss the situation. No response was given to queries as to whether the segregation of the companies had resulted in a higher cost of maintenance and operation which in turn had influenced a rise in prices of both crude and refined oils. The continuous rise and the latest confirmation of the movement, which was given yesterday when the Pratt Oil Co., another subsidiary of the former Oil Trust, announced that the price of oil to the consumer was raised from 8 to 9 cents a gallon, has led to the question of whether the rise is substantially corroborated by the new conditions or are the result of a desire on the part of oil interests to retaliate against the execution of dissolution plans. In this connection the question is also raised as to whether the higher prices of oil are the result of natural conditions which have now arisen or are part of a concerted movement among the oil producers and distributors of the country.

Another advance of 1 cent per gallon on refined local oil deliveries in barrel lots for jobbers and the same rise for tank-wagon delivery were introduced yesterday. The former is now at 10½ cents and the latter at 7 cents.

Jobbers throughout the country are seriously affected by the advance of one-half cent per gallon on naphtha, gasoline, and benzine, many having only recently taken on large orders under the lower quotations, which were considered steady. In many instances they have attempted to live up to their acceptances and still make a profit by demanding

that the subsidiary companies "cover them up" on such orders; in most of these instances they have been compelled to refuse the orders on the old basis.

And only lately we find the following press statement, which is true:

Standard Oil attracted attention chiefly as an exhibit of the results of trust busting. In 1901 the stock sold at \$43, but not until to-day did it approach that price again. In the meantime it has been down to 390, and since the Supreme Court's decision against it was handed down it has sold at 585. Insiders have made fortunes as a result of the splitting up of the concern. They alone have known which of the subsidiaries were valuable. They have refused to make any public statement of assets and have gone on quietly picking up the valuable ones until now they seem to have rounded up the available supply.

GAIN BY HOLDING ON.

But those Standard Oil shareholders who held fast to all they received have gained along with the insiders, for the record high price is offered for the old stock plus all its subsidiaries. The warning issued in this column at the time of the difference regarding the probable market action that would be taken by insiders, and the suggestion that none of the subsidiary interests be disposed of, has been justified by events.

The same thing will happen in Steel, and the insiders are fortunate in having to face dissolution. The courts should compel the subsidiary concerns of companies split up to make complete statements of operations from organization to the date of dissolution, so that the ordinary shareholders may know what they are getting. The Standard Oil Co. refuse to make such statements.

Positive announcement from Washington in the afternoon that the Government would mobilize troops on the Mexican border again was no surprise. The action has been expected for weeks, and the only surprise is at the delay.

Is it not rather strange that the people's alleged friend prosecutors of the trusts do not understand that the trusts are showing the value of the cooperation as an economic principle? The value of that plan is rather worth preserving in some form for the people, so they may get the products of their labor through economic cooperation. If we correct the money and credit system it will be easy to regulate the trusts. A new system will come about by economic evolution, forced by common necessity.

All this talk about the trust problem being adjusted in the first instance through special attorneys and the courts is a farce. The proper adjustment will have to come through the people in Congress. The money and credit system is properly and logically the first great problem requiring correction. Until that is done this side talk about trust busting is mockery.

A greater farce than the suit against the Standard Oil Co. is not to be found, unless it is the final wind-up of the Tobacco Trust case. The decree, which is always the vital part of a case, is futile. On page 191 of One hundred and seventy-third Federal Reporter the court finds:

"The distribution of the stock among the various defendants ratably among the shareholders of the Standard Oil Co., and the conveyance of the physical property and business of the defendants to one of their number, to perpetuate the unlawful monopoly, must be and is prohibited by the decree herein."

The above is the language of the court in its opinion, but by a mystery, that to the public may well-nigh seem incomprehensible with such eminent and well-paid counsel for the Government, the wind-up in that, like the Tobacco Trust case, came to naught for notice that the decree found in the same report, section 5, page 199, practically reversed the finding. The decree relating to that part reads:

"But the defendants are not prohibited by this decree from distributing ratably to the shareholders of the principal company the shares to which they are equitably entitled in the stocks of the defendant corporations that are parties to the combination."

The decree in practical effect is the opposite of the finding. On that case and its affirmance by the Supreme Court the true effect of the decree was never mentioned in the press nor by the trust busters. The trust busters were extolled for claiming to have done what the decree expressly and most emphatically shows they did not do. And it is the decree that counts. I predicted the effect of that decree. My prediction came true. A few days since, at 26 Broadway, the Standard Oil did distribute ratably among its shareholders. I do not claim any prophetic sight, but it was all very plain on the decree, and that is why I stated in a speech in the House, June 13 last, the following:

"It may be noted that the trusts are adjusting to the Supreme Court decisions under the Sherman Antitrust Act. The people are paying the expenses of the litigation in order that the trusts may know where they stand. Some of them are dissolved by decree, but the decrees are mere form, for the trusts carry on the work they organized for, regardless of that fact. What is the difference if they accomplish their purpose by a community of interest or under the management of the corporation? (Page 1996, CONGRESSIONAL RECORD, 1st sess. 62d Cong.)"

Now, the Standard Oil and the Tobacco Trusts are legalized trusts. The Government paid the costs to make them so, and their stocks have since been booming on Wall Street.

For the reserve requirements national banks are divided into three classes. The smaller towns and country districts are ostensibly required to keep 15 per cent of their deposits in reserve; the reserve cities, ostensibly 25 per cent; and the central reserve cities—New York, Chicago, and St. Louis—25 per cent.

The money kings were early in the game and conceived the idea that they would use as much as possible of the reserves and deposits themselves, so that in addition to the direct deposits made in the large cities they provided that the banks in country districts and the towns of least influence need hold only 6 per cent of their deposits in cash and that 9 per cent could be kept in reserve and in central reserve cities, where the money kings, financiers, and speculators reside, and could get more than three-quarters of it for speculation.

New York had the par excellence of financiers and speculators, so it played over all the others, but for political reasons included Chicago and St. Louis; and so the three cities are exclusive money centers in which to concentrate the cash belongings of the country folks and of small depositors in the cities, there to be used to exploit them and the general public. In plain language, the largest banks in the three cities, and more especially New York, are the promoters for the trusts.

New York, Chicago, and St. Louis are authorized to hold all deposits except 6 per cent of the country banks and 12½ per cent of the reserve banks. It is not defined in those terms by law, for the law

speaks of reserves; but there is no limitation, except that required in cash in vaults, to any bank sending all its deposits to reserve and central reserve banks. As a matter of fact, they do keep much of their deposits in these banks.

The system of permitting and encouraging banks to maintain a part of their reserve in other banks, and most of their deposits if they choose, and allowing the latter to pay 2 per cent interest—that is common—and to loan 75 per cent of it, and a still greater amount when it passes by the indirect route from nonreserve to reserve and then to central reserve banks, is a fraud on depositors, and may be termed the seed on which the Money Trust is grown and maintained. Outside of what is required for current exchange, the deposits of banks with each other breeds speculators, a Money Trust, and panics.

The 9 per cent of the reserves in one class of banks and the 12½ per cent in another, that may be kept in central reserve banks, may not, on first expression, seem sufficient to be the basis for a Money Trust. A trust controlling in the first instance only those amounts would not look formidable. These amounts, however, are only the seed, represented by the same principle as a farmer sowing 1 bushel of oats expecting to harvest 20, with the difference that the farmer has to reckon with the uncertainty of the season, while the trust has a certainty in its harvests.

Nonreserve banks must keep 6 per cent of their deposits in cash, but may deposit the balance of the 15 per cent, and any greater amount of the deposits, even to all, in approved reserve or central reserve banks. Having on hand the legal reserve, banks may carry balances in any other banks.

The district I represent is agricultural, and its bankers are mostly conservative and free from speculation. But, notwithstanding, they have had to follow the law of necessity created by our banking system. And to show what I mean by that statement I shall insert in my remarks, if I have consent to do so, three letters from banks as examples of the units from which the Money Trust gets its support, and that though the banks do not intend or desire to support the trust:

LETTER NO. 1.
(Capital, \$500,000.)

GERMAN-AMERICAN NATIONAL BANK,
Little Falls, Minn., November 17, 1911.

Hon. C. A. LINDBERGH,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of the 11th instant, asking some facts regarding our loans, in our report to the comptroller, under date of June 7, 1911, we reported:

	June 7, 1911.	Sept. 1, 1911.
Loans and discounts.....	\$401,643	\$421,679
Lawful money reserve.....	44,090	39,420
With approved reserve agents.....	103,020	48,208
Other national banks.....	2,154	643

Of the \$400,000 loans, \$300,000 is an average amount of outside paper, commonly known as commercial paper, and \$100,000 is local paper. We have never been able to loan more than this locally for commercial purposes, but we could put out, say, \$100,000 to \$200,000 on good real-estate loans—farm loans—if we were permitted.

We have at present over \$100,000 in savings deposits and \$275,000 in time deposits in this bank, which amounts do not fluctuate very much from month to month the year round, and in my opinion 50 per cent of this could be safely invested in farm loans and be a great benefit to this county at large, and neighboring counties also.

In a recent report to the comptroller we recommended that national banks be permitted to use 25 per cent of commercial deposits and 50 per cent of time deposits for farm loans.

In times of panic it is almost impossible to realize quickly on commercial paper, especially the large amounts, but a good farm loan can always be disposed of either for cash or in exchange for credit. A bank holding good farm loans could, in case of a panic, turn over any of them to depositors in lieu of cash wanted and the party who receives it would be perfectly satisfied provided he knew there was good land back of it. I have heard of several instances of this being done, and I myself have heard people give excuses for taking out money in the bank in times of panic "to buy land where it is safe."

We therefore are very much in favor of a law permitting national banks to loan on farm property, and you are at liberty to use this letter in any way you see fit to further this end.

Yours, respectfully,

E. J. RICHIE, Cashier.
JOHN WETZEL, Vice President.

I see published for the same bank a statement, and the amount due from approved reserve agents to that bank on December 5 was \$103,171.04. That fact applying to that and all other banks is an important consideration in connection with this whole question, because I expect to show that it is the reserves that we have in this banking system that give the Money Trust the control of the finances of this country, and the secret of their control rests principally in that the most of the reserves and a large part of the deposits are kept in the big banks that the trust controls. You will notice by the bank's statement in letter No. 1 that they have loaned out in the community from which they receive their deposits about \$100,000; they have loaned out to parties who are nonresidents, who live in distant places and with whom they have no direct business, about \$300,000; or, in other words, three-fourths of the deposits in that bank. That is another item that the public in general knows little about, that these country banks are obliged to take the deposits that are placed with them by the people who reside in the community in which they are doing business and loan them to distant borrowers, where the money does not serve the community in which it was presumably earned.

Mr. GARRETT. Why is that? Why are they compelled to do that?

Mr. LINDBERGH. That is because our national banking laws, and our banking laws in general, do not give the country banks an opportunity to invest in those enterprises that are going on in their own midst. They can not loan to a farmer because usually farmers require long-time loans, and yet those banks are taking time deposits. The time deposits of this bank writing letter No. 1 here amount, I believe, to about \$300,000. That bank should be given the opportunity of loaning on securities part of its deposits which are made on time. The

deposits which are there for checking in the usual way should be liquid, liquid all the time, so as to carry on the commerce of the country. There is a distinction between the two that we have to keep in mind.

Mr. LENROOT. Are not time deposits subject to call at any time?

Mr. LINDBERGH. They are subject to call.

Mr. FOSTER. The same as any other deposits, and they simply lose the interest—that is all?

Mr. WILSON. Yes; they simply lose the interest.

Mr. WILSON. Is there any bank that, if all the depositors made a demand for their deposits at the same time, could pay up?

Mr. LINDBERGH. There is not. It would be a bad bank for the community to keep its condition such that it could pay up instantly, unless it got help from the outside.

Mr. WILSON. I know; but they have only received the deposit, have they not, of these particular depositors?

Mr. LINDBERGH. Yes. They received them to be handled in the usual safe way. A bank that would receive deposits and leave them in the vaults would be a detriment to the community in which it did business.

Mr. WILSON. There is no question about that.

Mr. FOSTER. You understand that these foreign loans you speak of are many times commercial paper, sent out by large corporations that float paper at certain times. Is that what you mean by that—foreign loans?

Mr. LINDBERGH. Yes, that is what I mean by foreign loans.

Mr. FOSTER. You speak, for instance, of farmers. Is it your idea, then, that there ought to be a change in the national banking law permitting them to loan on long-time paper?

Mr. LINDBERGH. Yes, a certain amount of their time deposits.

Mr. FOSTER. How long a time?

Mr. LINDBERGH. At least a year.

Mr. DENVER. Do you mean by that they should be allowed to take mortgage loans?

Mr. LINDBERGH. Mortgage loans. Of course, the time is a mere matter of detail. I would not have it too long a time, understand.

Mr. FOSTER. What is your idea—that the amount of loans they could make is to be governed not in limited amount?

Mr. LINDBERGH. In that way? Yes; limited to a certain per cent of their deposits.

Mr. FOSTER. Yes.

Mr. LINDBERGH. There should be a limit to it, such as experience shows would be safe. I have letters from probably 100 bankers, and they to a unit agree that it would be better for the banking business, and better for the communities in which they are doing business, if they were permitted to use a certain per cent of time deposits to make loans on securities and reasonable time on farms.

Mr. FOSTER. You confuse time deposits there, I think, because they are all deposits subject to call.

Mr. LINDBERGH. I understand; but the practical effect is time, and it is its practical effect that I consider in these matters.

Mr. FOSTER. They are all subject to be withdrawn at any time.

Mr. LINDBERGH. They are all subject to be withdrawn at any time, and this bank letter No. 1 that I have in the notes particularly defines the conditions with reference to those. The bankers generally, who have written to me, say they can convert their mortgage loans into cash quicker than they can convert the commercial paper; and that is my experience, too, in what I have observed. I have observed the operation of that business to a considerable extent. Depositors not needing to use their money would be glad in times of panics to get safely secured paper.

Mr. LENROOT. The claim has been made a great many times that independent organizations have been able to do business independently only because of the opportunity to float their commercial loans through these banks outside of the great money centers; that if it was not for them the trusts and combinations, the New York financiers, would be able to bring them to time. I would like to hear what you have to say on that.

Mr. LINDBERGH. The first consideration of a bank, in the beginning of its business and throughout its continuance, should be to take care of the community from which it receives its deposits. I do not think anybody would question that. The people who are there doing business, whether it is farming or whatever it may be, should be taken care of by the natural business of that community. I think the banks should have the right, when they have taken care of their local demands, to go outside and buy commercial paper. I do not question that, and I think there is big force in the point that Mr. LENROOT makes, and they should have the opportunity when the circumstances of their own localities favor it or justify the investment of deposits in other localities.

I continue by quoting:

LETTER NO. 2.

FIRST NATIONAL BANK,
St. Cloud, Minn., November 17, 1911.

Hon. C. A. LINDBERGH,
Washington, D. C.

DEAR SIR: Answering your inquiry of the 11th relative to reserves in this bank at the time of the comptroller's call for statement of condition, we are pleased to advise you, as follows:

Cash reserves, June 7, 1911.....	\$62,162.35
With approved agents, June 7, 1911.....	105,707.70
With other agents (not approved).....	6,580.16
Cash reserves, Sept. 1, 1911.....	73,825.15
With approved agents, Sept. 1, 1911.....	154,204.34
With other agents (not approved).....	7,317.95

Our belief is that the privilege of making loans by national banks in rural districts on farm mortgages (not city property) would prove beneficial to the bank and the community. National banks in reserve cities should not be so privileged.

The proportionate percentage to deposits should regulate the amount to be loaned by the banks, the small banks having the larger percentage. For instance, 10 per cent for us should be the outside. For smaller banks, with, say, \$200,000 deposits, 25 per cent would be about right. This question of distribution or proportion is the one that will take the careful thought. The principle is right. It would save a lot of evasion of the present law, help the community, strengthen national banks in the minds of many depositors, and serve to keep funds in their own community.

With the privilege we would not have to buy any commercial paper to speak of, unless for temporary surplus funds.

You are at liberty to use the above as you see fit.

Respectfully,

W. W. SMITH, Cashier.

LETTER NO. 3.

(First National Bank of Sauk Center, Minn., capital \$50,000.)

Hon. C. A. LINDBERGH, Washington, D. C.

DEAR SIR: I am pleased to give you the information requested in yours of the 10th.

We believe that national banks should be permitted to make loans on unincumbered farm lands not to exceed 25 per cent of their interest-bearing certificates of deposit, provided the bank has capital, surplus, and undivided profits equaling their capital after deducting the amount they are carrying their real estate at. Many banks have nearly all of their investment as capital stock tied up in bank building, furniture, and fixtures, and said investment is not available in case it is required quickly to meet existing obligations. Our experience has taught us that a good, safe loan on farm land not otherwise incumbered comes as near being a liquid asset as any paper we are daily taking from the farmer with a signer or with chattel security. Of course this does not apply to the large city banks, for they take such securities that they can quickly realize on, provided funds are needed at once. Certain listed bonds are perhaps more easily converted into cash than real estate securities, but they are no better under ordinary conditions.

This is the statement you requested:

June 7, 1911, due from banks (reserve).....	\$62,800
June 7, 1911, cash in bank.....	24,000
June 7, 1911, on deposit with United States Treasurer.....	2,500
Total.....	89,300

Sept. 1, 1911, due from banks (reserve).....	72,700
Sept. 1, 1911, cash in bank.....	22,000
Sept. 1, 1911, on deposit with United States Treasury.....	2,500
Total.....	97,200

I am glad you are taking this matter up, and I trust you may finally be successful in getting a bill passed that will help the people in the country towns.

C. M. SPRAGUE, President.

On June 7 the reserve in the three banks was: Cash, \$130,253.35; with approved reserve banks, \$271,527.70. On September 1 their cash reserve was \$135,245.15; with approved reserve banks, \$275,112.34. At the same time they had about \$10,000 with banks not reserve agents. The latter is below the average of other banks answering, but the cash in banks and amount with reserve agents is a fair index to the banks generally as showing the relation of cash reserve to the reserve with reserve agents.

It will be seen that more than two-thirds of the reserves carried were held by the reserve agents. About 75 per cent of that, when held by reserve banks, and 87 per cent of it, when redeposited by the reserve in the central reserve banks, is available to the money trust. Practically the same conditions as prevail in my district prevail in all sections similarly situated.

All the banks that reported to me ask the privilege to loan on real estate, and firmly believe that proper real estate loans can be realized on more readily and are better in time of panic than commercial paper, especially better than that taken from speculators and others from the cities.

Since exhibiting letters from different bankers and since I made the speech from which I am quoting, the National Monetary Commission has taken my suggestion and amended their plan so as to permit nonreserve banks to loan upon real estate. Other amendments were also made in accordance with suggestions made by my arguments. But the main defects in their plan still remain.

It is well to bear in mind a distinction between money that is used as property—that is, a commodity—and money used as an agent of exchange. Money used as a commodity, like that deposited by wage earners, farmers, professional men, and others, who do not use the deposits in commercial transactions, should be treated in a different way in regard to their investment than commercial deposits that are subject to check in the ordinary way. The true purpose of money is its commercial use and all notes and accounts used in commerce should be liquid and at all times kept so. The deposits made on time certificates and the like should be loaned principally on securities, while deposits subject to the ordinary checking system, for commercial purposes, should only be loaned on short-time commercial paper. The accounts of the two classes of deposits should be separated so far as practical. Notice the statement in letter No. 1. You will see that the savings deposits and time certificates combined are a little in excess of paper held by the bank against makers from other localities. The deposits used to carry the \$300,000 paper taken from remote districts should be loaned to farmers and others in the locality where the deposits originate. That would also give confidence to the savings and time depositors. The bank making that statement shows that the officers fully appreciate the justice of responding to the legitimate demands of the locality from which it gets deposits, and that is true of all banks doing business independent of the Money Trust.

I commend for the study of Members letter No. 1 as giving a true state of conditions in the country districts. The other letters are as good on the facts they cover, and the study of the three is the A, B, C on which we can, in one respect, base an amendment to the banking laws that will save the country districts especially from some of the evil effects of panics, and it would lessen speculation in the cities.

The deposits of banks in other banks—that is, with each other—is the first start for the Money Trust.

Probably no banker in my district has the slightest idea that he furnishes the seed from which the Money Trust has grown, but I shall prove that they and their fellow bankers there and elsewhere are doing that very thing.

The CHAIRMAN. On that point, then, you do not contend that the bankers throughout the country in the respective States and the bankers in these money centers are in agreement, and have organized a Money Trust?

Mr. LINDBERGH. No; they have not.

The CHAIRMAN. In other words, you do not think there is any conspiracy?

Mr. LINDBERGH. I do not think there is a conspiracy on the part of the banks in general. I think there are a few banks in New York that form the backbone to a real Money Trust.

The CHAIRMAN. I understand. I mean in general.

Mr. LINDBERGH. Oh, no; not in the least can the bankers in general be charged with deliberately maintaining a Money Trust.

Deposits are substantially the assets of the banks. They term them liabilities, but it is from these they principally make their loans and profits. The accounts are due to the depositors, but the banks use the deposits to make loans. Consistently, the most of them prefer to loan in the locality from which they get their deposits. That would bring local repetition of deposits.

Bankers generally are fair and accommodating in their business, as the business is done. But the banking laws make it impracticable for them to loan all their deposits in the localities of their origin. In large cities, where the money kings, gamblers, and speculators reside, it can be done. These are heavy borrowers from the banks and take all they can get.

Mr. LINROOT. Right there, for information. Are what are termed as commercial loans loans of this character, commercial paper by stock gamblers, and so on?

Mr. LINDBERGH. The country banks figure all short-time paper that they buy as commercial paper.

Mr. LINROOT. I mean, as a matter of practice, are they that character of paper, or are they the paper of the large business houses, like Wannamaker and Marshall Field?

Mr. LINDBERGH. That is the real, true commercial paper.

Mr. LINROOT. What is the fact? That is what I am asking for.

Mr. LINDBERGH. The fact is, they use all kinds of paper they buy as commercial paper, or short-time paper.

Mr. LINROOT. I mean what do they buy? What is the character of the paper they do actually buy?

Mr. LINDBERGH. They actually buy paper of the character of Wannamaker & Co. and other companies like that. A large part of the paper is made by companies of that character. But they get paper that is made by speculators—men of means, you know—who buy for a rise in the market. They are satisfied if they get good paper.

Mr. GARRETT. In regard to reserves, your country bank is required to retain 15 per cent?

Mr. LINDBERGH. Six per cent in its vaults.

Mr. GARRETT. Six per cent in its vaults, and 9 per cent of it they put in a reserve. Then the bank in which it places that reserve is required to retain only 25 per cent of that 9 per cent?

Mr. LINDBERGH. And if it is a reserve bank it may redeposit it in another reserve or central reserve bank.

Mr. GARRETT. And so on; so that eventually it really works out to where there is almost only the 6 per cent that is really held?

Mr. LINDBERGH. Not very much more; not any more in the bank of original deposit. Farmers and wage earners can borrow but little from the banks, and especially from national banks, they not being allowed to loan on real estate nor make long-time loans. Some of the national banks in the country violate the law and do loan on real estate. They can better justify that than the New York banks can justify their continuous violation of the banking laws in other respects.

Another practice of most banks outside of the speculative centers and of which little is known by the public or depositors is the buying of notes from brokers. These are the notes of speculators and others in the large centers. This is another form of diverting moneys from the country to the centers. There is no record of sums so diverted. The bank statements include these in the item, "Loans and discounts," and as that item covers all loans, there is no way to separate them. The notes, as a rule, are purchased by the banks that carry large deposits in reserve cities. It is simply an additional way to use the deposits that can not be used in the locality of their origin because of the banking laws being made for Wall Street. Bankers are not to blame for this. It is simply a condition to which they are compelled to adjust. Funds thus diverted from the channels of their origin are large.

It will be seen in letter No. 1 that this small country bank alone loaned \$300,000 to parties outside of its banking district. Most country banks have such loans. In my home county, covered by letter No. 1, there is now and has been at all times a demand within the county by borrowers who had first-class security to give, for more than all the bank deposits in the county. These borrow through local agents, who charge them a commission to get money from mortgage companies and individuals in other and usually distant places.

The farmers, wage earners, and others who save and deposit money in the local banks would be benefited if the money were loaned in the localities where they live, and the borrowers would secure the same at less cost, but "No" has to be said to them, because, under our banking laws, speculators are given a preference. There is no objection to banks making safe loans in localities other than in which they do business when the local demands are not sufficient for safe loans. But the law should not obstruct loaning in a way most natural and desirable to those needing to borrow in the localities where deposits originate. That would encourage local enterprise, be a saving in addition, and a mutual advantage to bankers and borrowers, and not a breeder of panics.

If banks were permitted to accommodate the community in which they do business, it would make a home outlet for their deposits, and then the payment of interest by banks to other banks could be prohibited, for that would make it practicable to reduce the deposits of banks with each other to the amount required for exchange purposes. It would remove some elements of danger in panics and reduce the power of the Money Trust. An act to accomplish that should postpone the taking effect until there could be a natural adjustment.

Mr. FOSTER. You treat that there as if they are loaning as speculators?

Mr. LINDBERGH. To speculators.

Mr. FOSTER. That most banks are speculative centers. As was said by Mr. LINROOT, these commercial houses handle paper—that is, their brokers—and send out these notes, or a description of them, and the banks buy them, as I understand?

Mr. LINDBERGH. Yes, sir.

Mr. FOSTER. You do not treat them as speculative notes, do you?

Mr. LINDBERGH. Sometimes they are; not as a general rule. There is another class of loans that banks make in which I include the term "broker." For instance, a good many of the banks in Minnesota loan to parties in Dakota, or some other State, through other banks out there. I consider those bankers, through which they get such paper, when they act in that respect, as brokers.

Mr. DENVER. Is that for the purpose of stock speculation?

Mr. LINDBERGH. Oh, no; it is not.

Mr. FOSTER. They are not speculators?

Mr. LINDBERGH. No; they are not speculators in the sense of bonds and stocks.

Mr. LENROOT. Do you think, Mr. LINDBERGH, there is any substantial percentage of loans made by banks on speculators' paper?

Mr. LINDBERGH. Yes; there is.

Mr. LENROOT. I mean made direct by the banks?

Mr. LINDBERGH. Not a large per cent of their deposits are made in loans direct to speculators, except in the large cities.

Mr. LENROOT. But a large percentage of what are known as commercial loans?

Mr. LINDBERGH. Yes; there is a considerable per cent of that.

Mr. LENROOT. It would not be considered very safe banking, would it, in any community where a bank did that?

Mr. LINDBERGH. Perhaps I should give an explanation there. I consider a person who is buying a large quantity of timber out in Oregon, or any other State, a speculator in that timber. I do not mean that I confine the term "speculator" to persons who deal in bonds and stocks, but any person who uses the money that he obtains to invest in property on which he expects to receive a profit by a resale of it is a speculator.

Mr. LENROOT. Through its raising value?

Mr. LINDBERGH. Yes. He is a speculator.

Mr. WILSON. Then you would consider a man trying to corner the wheat market a speculator?

Mr. LINDBERGH. I certainly would.

Mr. LENROOT. Most anybody would.

Mr. WILSON. Is it not true there in Chicago that the board of trade men borrow great sums of money from the Chicago banks on their notes?

Mr. LENROOT. I think they put up collateral for everything they get.

Mr. LINDBERGH. Most of those people put up collateral.

Mr. WILSON. Not all of them. I think the character of the man has a great deal to do with that. I think many of the men there can borrow great sums of money.

Mr. LINDBERGH. The bankers are practical men, of course, and they seek to accommodate any legal, legitimate business, and if a speculator is responsible they will accommodate him.

Mr. LENROOT. But I think a pure speculator would have to put up collateral—a man who has not any other business.

Mr. WILSON. A man who has not the reputation of being a wealthy man could not go and borrow; but I think some of the wealthy men in Chicago who have the reputation, at any rate, of being wealthy men go in the banks there in Chicago and borrow large sums of money without any security.

Mr. LINDBERGH. Resuming my argument, the facts thus far considered show where the initial original support is given to the Money Trust. It extends back to the small depositors and into the country districts. It is brought up from these and is placed in the control of the trust. Therefore it is necessary to consider the general stock of money and credits and deposits.

For computation I use the report of the Comptroller of the Currency for 1910.

The volume of money in the United States June 30, 1910, was \$3,419,500,000. Of this, \$317,200,000 was in the Treasury, \$1,414,600,000 in reporting banks, and \$1,687,700,000 circulating among the people. The latter sum would be reduced by a small unknown fraction held by banks not reporting.

I call special attention to the \$1,414,700,000 in reporting banks, and particularly to the fact that business as a whole is done on approximately 95 per cent credit, money being used merely as a basis.

Most credits and debts are balanced by checking on banks. Checks based on deposits serve as current exchange money in practice. Bankers settle by a clearing system with each other.

Individual deposits in banks June 30, 1910, were \$15,283,396,284. At the same time the cash in banks (\$1,414,000,000) was less than one-tenth of the deposits. There was not a 10 per cent reserve for depositors. All the money in banks was less than two-thirds of 15 per cent, the amount required as reserve for nonreserve national banks. Therefore the reserve required for a large part of these deposits must have been less than that required by national and ordinary State commercial banks. The \$15,283,396,284 included large deposits in savings and trust company associations.

It is important to determine the amount of actual cash required as reserve, to find the margin left in the banks, on which the general business of the country is transacted. The small margin of free money easily enables the trust, through its banks, to control the money market. The cash reserve is dead capital. It can not be legally used except in the event of the banks being placed in receivership. But in a pinch the Wall Street banks violate the law by refusing to pay deposits except by clearing-house notes.

The \$1,687,700,000 cash circulating among the people is not available as a base for the credit system, and therefore figures very little in the 95 per cent of business done on credit, but in the ordinary money exchanges from hand to hand it performs more or less service. Otherwise more money would be withdrawn from the banks for that use.

It will readily be seen that when there is only \$1,414,600,000 cash in the banks to pay \$15,283,396,284 of individual deposits, which does not include banks' deposits with each other, that there will be something of a panic when any unusual number of depositors at one time demand their money. The law does not permit the use of the reserve to pay them, though that is the ostensible purpose for which it is kept.

Reserve city banks violate the law and use clearing-house certificates to pay deposits, but other banks would be closed if they did that. That is one of the instances in which the money kings control the Government. It is in panics that the Money Trust gets in its deadly work of capturing the smaller concerns for its subsidiary trusts.

Mr. GARRETT. It was a fact that during the fall of 1907 clearing-house certificates were used pretty generally over the country?

Mr. LINDBERGH. In reserve cities; I mean they were used from reserve cities. It is a fact, as you state, but they grew out of reserve cities.

Mr. LENROOT. That is, they started there?

Mr. LINDBERGH. Yes.

Mr. WILSON. But they extended quite generally, did they not?

Mr. LINDBERGH. They extended generally; yes.

Mr. GARRETT. In other words, your idea is that clearing-house certificates would not have been used in the country towns—the small agricultural districts like that which I represent?

Mr. LINDBERGH. No; they could not be used there.

Mr. GARRETT. They would not be used there if they had not been started in the reserve cities?

Mr. LINDBERGH. No.

Mr. FOSTER. Where would you keep enough money to pay these deposits if they should be called for, as they were in 1907? Suppose the people wanted their money; would you keep it in the vaults of the banks?

Mr. LINDBERGH. No. I would use the reserves in a panic to stop the panic, in the place of piling up the reserves, as the banks now do as soon as a panic begins. In my district I know one bank that increased its reserves during a panic to a little over 60 per cent. You will readily see that when, instead of using those reserves for the purpose of their creation, you collect every cent you can from everybody and pile it up in the vaults of the banks, it is going to aggravate the panic instead of relieve it.

Mr. LENROOT. Could you prohibit that in any way by law?

Mr. LINDBERGH. Prohibit what?

Mr. LENROOT. The piling up of the reserves. The bank certainly has the right to call in the loans if it feels that the interests of the depositors require it.

Mr. LINDBERGH. Exactly. I do not question that right. But the Government should not, in the time of panic, compel the banks to keep their reserves in the bank. They should then permit the reserves to be used.

Mr. WILSON. Is not that a selfish, you might say, a quite safe, thing for a bank to do in time of panic?

Mr. LINDBERGH. What?

Mr. WILSON. Get all the ready cash they can.

Mr. LINDBERGH. They are forced to by the present system of banking.

Mr. WILSON. All banks do it, do they not?

Mr. LINDBERGH. All banks do it, because the law practically compels them to do it.

Mr. WILSON. Is it the law that compels them to do it, or do they not do it for their own safety?

Mr. LINDBERGH. Certainly, they do it for their own safety.

Mr. WILSON. That is the principal reason, is it not?

Mr. LINDBERGH. It is a practical result of the law.

Mr. WILSON. They would do it whether or not there was a law compelling them to do it?

Mr. LINDBERGH. To a certain extent they would. But we all know that the New York banks reduced the reserve below the legal requirement during the panic of 1907, and yet there was no complaint on the part of the Government, and no attempt on the part of the Government to close the banks on account of the reserves being reduced below the legal requirement.

Mr. WILSON. Should the Government have done it?

Mr. LINDBERGH. It should not do it, and likewise in the country it should not close the door of a bank for doing the same thing, as long as the bank is solvent.

Mr. WILSON. Unless it is insolvent?

Mr. LINDBERGH. Unless it is insolvent. They should allow a bank to use its reserves.

Mr. WILSON. There should be a latitude in the law?

Mr. LINDBERGH. Yes.

Mr. LENROOT. That is, to use them upon express order in an emergency?

Mr. LINDBERGH. That would be a matter of detail. Maybe that should be the case. But the reserves should be used for the purpose of stopping a panic; that is, in other words, the depositors should have the right to get the reserves. I do not think they should be used to make additional loans.

The small margin of money available for use in the panic of 1907, and the failure of the credit system to respond, enabled the Money Trust to force the Tennessee Coal & Iron Co. to the financial death line, thereby giving the Steel Trust a chance to buy the Tennessee Coal & Iron Co. for a small fraction of its value. Because of that condition, I stated in the 1907 panic that the panic was due to a Money Trust manipulation. For that and other reasons that seemed to me in the public interests, I opposed and voted against the Aldrich-Vreeland emergency currency bill, through which scheme the Aldrich plan now proposes to legislate a 50-year additional yoke on the public.

The evil influence of such an act would extend generations beyond its expiration or repeal. The American Reserve Association is a name proposed to make the public believe that it is not a central bank. That is because there seems to be a public prejudice against a central bank. Any intelligent person who examines the plan will know that it is a central system, designed for the control of the banking business, and any person with a little knowledge of the way finances are managed will know that the Wall Street Money Trust will dominate it.

Considering our financial system on its own weak and unjust basis, its weakest point is in the use of the reserves. It favors neither general banking nor the public, but favors Wall Street. Reserves are ostensibly for the safety of the depositors, but can not be used for that purpose until receivers are appointed.

On August 15 the New York World published that the New York State banking department reports show that on July 1, 1911, there was due to depositors from 141 savings banks \$1,594,224,557.93, and included 2,962,845 accounts. The State banking department verified the figures to me. The New York World, commenting upon the report, said, "Here we get a glimpse of the real money power," intending, I suppose, to convey the idea that the money power was in the 2,962,845 open-account owners, the majority of whom had earned their little accounts by the sweat of their brows. But if that was the intent of the World it could not have missed the truth any further, for the money power is not in the owners of little accounts, not even if they combine with the owners of like accounts in savings banks, trust companies, and banks elsewhere.

Those who control these accounts and the credit based on them constitute the money power. They manipulate the money, stock, provisions, and general markets, and the owners of these little accounts and all the people are charged back with the interest the banks pay them and enough more to make it most profitable for the speculators to borrow the accounts and pay for them a larger rate of interest. The small depositors' accounts draw 3, 3½, and sometimes 4 per cent, and the banks reloaning them, of course, get a higher rate from the speculators. These have a system of gambling devices to control commerce, industries, and commodities, and they charge on the goods, wares, and merchandise, and other services the people buy enough to pay back all their expenses, including the highest rates of interest and dividends on watered stock.

It is all a deception that the money kings and speculators work on the plain producers. Plain people earn and save a few dollars and deposit them in the banks. The money kings attempt to make them believe that because the aggregate of their small deposits makes one large sum that they are the masters of the money situation. The only thing the small depositors can do to make their influence felt is to demand their money from the banks, which the banks can not pay until the speculators to whom they are loaned pay the banks. If the depositors make more than an ordinary demand it produces a panic.

That is a power to be sure, but is worse than worthless to the depositor. It is ruination to him.

The deposits of the nonreserve banks mean all things to the Money Trust. In national-bank deposits alone, including 7,173 national banks, on September 1, 1910, there was due from these to other national banks \$929,652,332.28, and to trust companies and savings banks \$499,646,587.85, and to State banks and bankers \$476,745,154.06. There was due from those banks deposits, held as reserve agents alone, \$688,715,945.08. It is on the facts as they thus appear that we may begin to comprehend the meaning of the power held by the Wall Street money kings and those in league with them. They control these great sums of money.

It is interesting to observe that approximately 400 national banks, in less than 50 reserve cities, authorized reserve agents, are by law allowed to deposit half of their own 25 per cent reserves with the central reserve banks in three cities. These redeposits are principally made in six banks. The growth of these deposits has been wonderful. I call your attention. They were—

September, 1898	\$94,394,210.54
September, 1899	154,514,691.64
September, 1900	176,731,918.08
September, 1901	216,763,488.34
September, 1902	253,515,055.97
September, 1903	227,780,147.03
September, 1904	258,558,149.91
August, 1905	291,732,471.82
September, 1906	334,560,214.13
August, 1907	336,553,788.53
September, 1908	311,499,877.57
April, 1909	332,682,210.28
September, 1909	399,658,140.85
September, 1910	400,740,817.04
March, 1911	427,767,313.91

It will be seen by the rapid increase of these reserves deposited in central reserve banks from \$94,394,210.10 to \$427,767,313.91 in 15 years that the money is being concentrated and fed out to speculators. In the period covered the money in all banks doubled only, but New York's control of the reserves more than quadrupled, and the Money Trust is bending every energy to pile up "fixed reserves"—"fixed" so it can use them.

The business of the stock market and the creation of trusts increased in proportion to the concentration of the money in the Wall Street banks under this system. But the increase thus mentioned is only a part of the Wall Street money power. There are other deposits and reserves besides those last described.

The reserve in the three central reserve cities due to other national banks, including that from nonreserve national banks, was, on March 7, 1911:

New York City	\$379,597,587.88
Chicago	158,083,336.10
St. Louis	69,175,213.99

A total in the three cities of..... 606,858,037.97

These figures do not include the deposits of State banks and State institutions kept in these central reserve cities. Those, I shall show, greatly increase the total. But before doing that an idea may be obtained by considering the deposits of the six principal banks of New York City. These banks are controlled by the trust. Individual deposits in these banks are as follows:

Hanover National	\$40,795,708
New York City National	127,707,910
National Park	44,183,799
National Bank of Commerce	82,819,314
First National	49,912,183
Chase National	26,445,545

Total amount of individual deposits..... 371,864,459

The amount due from these banks to other banks was as follows:

Hanover National	\$64,403,705
New York City National	102,036,546
National Park	57,844,090
National Bank of Commerce	86,741,446
First National	63,524,916
Chase National	70,353,728

The total due from these six banks is..... 445,104,431

Individual deposits for the six banks..... 371,864,459

Total..... 816,968,976

It will be noted that the deposits due to other banks is greater than the individual deposits. In the figures "due to other banks" are included some unimportant items which do not properly come under that heading. "Due to other banks" means all banks, whether national, State, trust, or savings banks.

I now wish to insert in the record an instructive letter I received from a party in New York City, whose name is left out for reasons that appear in another letter of the same party. I insert only such parts as bear on the points we are considering. Such of the figures as I have had time to verify are correct and I think they are all approximately correct:

LETTER NO. 4.

NEW YORK CITY, July 11, 1911.

Hon. C. A. LINDBERGH.

DEAR SIR: For a long time past my attention has been aroused by what seems to be a common belief in the great control of banking capital and deposits of this country in the hands of a very few of the strongest private banking houses; and your speech the other day, reported in the newspapers of Sunday last, while not perhaps upon that exact point, has attracted my interest and has incited me to write this letter.

In a very crude way I have been giving much thought to this topic and to allied subjects. My thoughts have been focused upon it recently by the amendment of the constitution of the clearing house of this city, which permitted trust companies, organized under the laws of this State, to become members of that clearing house, with the result that some 11 or 12 trust companies have now joined the clearing house. I have taken the trouble to gather together a few figures which seem

appalling. Of course, substantially the total banking capital and deposits of all banking institutions in this State gravitate toward the large banks and trust companies in this city, and if these are now to be absorbed in and swallowed up by the clearing house of this city, that unincorporated, voluntary, self-perpetuating institution, which rumor has it is controlled by a few men, will, in addition to the funds of national banks, control the banking capital of this State, including that of State banks, savings banks, and trust companies.

I find the following figures, which are approximately correct, as taken from various documents in the office of the State superintendent of banks:

Total deposits in New York State savings banks Jan. 1, 1911:	
(a) Greater New York	\$1,065,000,000
(b) Balance of State	477,000,000
Total	1,542,000,000

Total deposits in trust companies in Greater New York, reporting to clearing house as per—	
July 1, 1911	596,000,000
Not reporting to clearing house	646,000,000
Trust companies outside New York City	158,000,000
Total	1,400,000,000

Total deposits in State banks in Greater New York, members of clearing house	248,000,000
Deposits in other banks in Greater New York	103,000,000
Deposits in banks not in Greater New York	102,000,000
Total	453,000,000

Building and loan associations, say	50,000,000
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Add by surplus of savings banks	152,000,000
By surplus and capital of trust companies	259,000,000
By surplus and capital of banks	83,000,000
Total	494,000,000

Making a total of banking capital governed by the laws of the State controlled by the clearing house of..... 3,939,000,000
or about one-fifth of the total banking power of the United States.

The fact that New York is a central reserve city, toward which naturally gravitate the deposits and investments of national banks throughout the country, and we have at least \$5,000,000,000 additional added to the power of the New York Clearing House. Of course these figures are not easily assimilated. They are so vast as to be almost meaningless, but the power which can control this banking capital, surplus, and deposits can easily control the business affairs of the Nation.

It was to direct your attention to this vast aggregation in the hands of a few that is the primary purpose of this letter. I have in mind another purpose—the recent success of the prosecution of the Standard Oil Co. and the American Tobacco Co. It has been demonstrated that after 21 years the Sherman act is a powerful instrument for public benefit when honestly and resolutely enforced, but behind the accumulation of corporate wealth and the thing which makes these vast aggregations possible is the control of money.

Why, then, is not the clearing house of the city of New York an even greater offender against the spirit of the Sherman act than the Standard Oil or the American Tobacco Co.? Does any reasonable business man in the United States to-day believe that the flotation of a corporation with \$100,000,000 or more of capital can possibly have a successful outcome without the intervention of J. P. Morgan & Co., or the so-called First National Bank, or Rockefeller crowd, or one of the other powerful financial combinations in this city?

It must be conceded that the functions of the clearing house are beneficial so long as the clearing house confines its activity to the fundamental purposes of its creation, to wit, that of a clearing house; but when that clearing house seeks to control the deposits of its members by directing where those deposits shall be made, how much of them shall be retained in cash, what the nature and character of their investments shall be, and other similar details, being itself under no control, imagination need not be stretched to realize how all this power can be abused when vested in the hands of a few, nor is it beyond the clearing house of this city to use force to accomplish its purposes.

It is actually rumored that the institutions which have refused to join it will be penalized by having a tax placed upon their checks under the guise of a collection charge, and the newspapers of this city recently reported—within the past two or three weeks—that the clearing house had issued a new regulation that no member should clear the checks of a nonmember unless that nonmember maintained reserves of the same size as those required for members. If this condition could be legally imposed, the clearing house could equally impose upon nonmembers, as a condition for the privilege of clearing their checks, investment of their capital and surplus in designated securities or the deposit of their reserve funds in designated institutions.

The subject, of course, is too mighty to attempt to write in full about it, and with every temptation to extend, I feel that I have already imposed upon your good nature beyond reasonable limitations, especially when I consider the hot weather in Washington; but the two main thoughts that I should like to direct your attention to, if you have not already considered them, which undoubtedly you have, are, first, the enormous power possessed by a few men who control the New York Clearing House; and, second, the question of whether or not the clearing house is amenable to the Sherman Act, or if not now so amenable, could it not be made so by an amendment to that law or the enactment of a similar one?

Yours, truly,

Mr. WILSON. I see this letter here is not signed. Of course you have the name of the man; it was not an anonymous letter?

Mr. LINDBERGH. No. He is in business in New York City, and I have shown your chairman the letter, and I have his permission to show it to any member of this committee.

Mr. WILSON. I do not care to know his name; only I wanted to know whether it was an anonymous letter.

Mr. LINDBERGH. No; it is not an anonymous letter.

I wrote the writer of that letter asking him if I might use his name in connection with a print of the letter, and he replied as shown by letter No. 5:

LETTER NO. 5.

NOVEMBER 21, 1911.

HON. C. A. LINDBERGH, Washington, D. C.

DEAR SIR: I have your letter of November 18. Since I wrote you in July last my time and all my efforts have been occupied in commencing the practice of law, having recently passed my bar examinations. For this reason I have not further studied or considered the matters of which I wrote you, and for the same reason I fear harm might result to me if my name appeared in your brief, and I would much prefer that it did not. I am sincerely glad if my letter was in the smallest degree helpful, and am sufficiently repaid in the interest displayed by you in the matter, and particularly in your recognition of my letter. I shall follow your speeches with deep interest if you will put me on your mailing list, and will take the liberty from time to time of writing you if I run across any new facts which I think may interest you.

Very truly, yours,

I have received more than a thousand other interesting and instructive letters, coming from all parts of the country, giving information of wrongs practiced by the Money Trust. Many of them expressed a fear that they might be harmed if it was known that they wrote, and asked that their names should not be disclosed.

To show some of the advantages gotten from the use of the depositors' money, I quote from an article written by John Moody and George Kibbe Turner in McClure's Magazine:

"MASTERS OF CAPITAL IN AMERICA—THE SEVEN MEN.

"[By John Moody and George Kibbe Turner.]

"Seven men in Wall Street now control a great share of the fundamental industries and resources of the United States. Every year they and their successors will control more. They dominate, with their allies and dependents, the national machinery for the making and holding of great corporate monopolies, into which a greater and greater part of the capital and business of the country must inevitably be drawn.

"Three of these seven men—J. Pierpont Morgan, James J. Hill, and George F. Baker, head of the First National Bank of New York—belong to the so-called Morgan group; four of them—John D. and William Rockefeller, James Stillman, head of the National City Bank, and Jacob H. Schiff, of the private banking firm of Kuhn, Loeb & Co.—to the so-called Standard Oil-City Bank group.

"Not one of these seven men ever invented a mechanical operation or created a great industry. They are one thing, and one only—makers and traders in monopoly, the oldest and most reliable makers of monopoly in America. They began work in widely separated fields when the movement toward monopoly began to shape itself, shortly before 1880; came together 10 or 15 years ago in the two famous groups of monopoly makers in Wall Street; and since 1907 have been drawn closer and closer into one central group by the irresistible movement toward concentration in our industries.

"A DOZEN BILLIONS IN RAILROADS.

"According to the figures in Poor's Manual of Railroads for 1910 the securities of railroad companies actually in the hands of investors amount to nearly \$15,000,000,000. The market value of these, calculated on the prices of January, 1911, was about \$14,500,000,000. About 60 per cent of the railroads represented by these securities was under the direct and permanent control of the seven men and their nearest allies. About 25 per cent more is under a partial but still sufficient control. The remaining 15 per cent of the railroads is made up of a few weak systems and small, unrelated scraps of road. A detailed statement of this control follows:

Control of steam railways.

	Capital.	Percentage.	Market value.	Percentage.
Capital (Poor's Manual):				
Central group.....	\$9,080,853,307	61	\$9,562,523,976	66
Central-group alliances....	3,782,304,488	25	3,695,343,016	25
Other Wall Street groups....	1,013,340,000	7	839,810,000	6
Outside interests.....	1,013,299,465	7	360,000,000	3
Total.....	14,889,797,260	100	14,457,676,992	100

Central group: Union Pacific, Southern Pacific, Illinois Central, Hill roads, St. Paul, New York Central, New Haven, Erie, Reading, Southern, Rock Island, Atlantic Coast Line, etc.

Alliances: Pennsylvania, Baltimore & Ohio, Atchison, Gould lines. Other Wall Street groups: Hawley roads; Yoakum-Hawley roads.

"THE OWNERSHIP OF TRANS-MISSISSIPPI ROADS.

"West of the Mississippi, Hill, Morgan, and Baker, with a little group of multimillionaire fortunes, hold ownership of 20 or 25 per cent of the commanding stocks in the billion and a quarter dollar 'Hill system.' William Rockefeller, Stillman, and Schiff, with a very few associates, own nearly a third of the commanding stock in the billion and three-quarters Union Pacific system. William Rockefeller and another group of multimillionaires own a smaller but practically controlling interest in the half-million St. Paul system, and John D. Rockefeller is the financial backer of the whole billion-dollar Gould system. It is now tending out of the Gould hands into Rockefeller's exclusive control. The eastern link, which bound the system to the Atlantic seaboard, has already fallen definitely into Rockefeller's ownership. The western end narrowly escaped going into Rockefeller's and Schiff's hands last spring.

"The Rock Island system is controlled by the Moores, one of the closest subsidiary groups of the Baker-Morgan banking interests in Wall Street. The Atchison had from 15 to 20 per cent of its stock in the ownership of the Union Pacific and its directors until a few years ago, when fear of suits for monopoly by the Government caused the sale of the railroad's holdings. But the Atchison still remains closely allied to the central group by members of its directorate and undoubtedly by considerable stock holdings. In this trans-Mississippi territory there is only one railroad system not directly controlled by the seven men or closely allied to them; that is the new system which Edwin Hawley and B. F. Yoakum—two outside Wall Street men—are working to build out of minor roads from Chicago to the Southwest.

"This three-fifths of the United States west of the Mississippi—collapsing financially in the nineties and ever since growing in resources faster than any other section—created more wealth for railroads than any other part. A great share of the power of four of the seven men—of Hill and Schiff and Stillman and William Rockefeller—came from the money accumulated here, and it is used inside or outside of the district in extending their control.

"The control in other districts, although along different lines, is not less complete. In the South Morgan holds the Southern Railway by a voting trust; the Atlantic Coast Line is owned by Henry Walters, one of Morgan's closest allies, and is tied closely by interownership of necessary terminals to the Southern Railway; the Union Pacific Railway holds the Illinois Central by stock ownership; the Illinois Central the Georgia Central; and Henry M. Flagler, of the Standard Oil Co., the Florida East Coast Railroad. The only railway system of consequence not directly under control by the seven men is the Seaboard Air Line.

"THE MONOPOLY IN THE CENTRAL DISTRICT.

"Railroad monopoly in the great central railroad territory of the United States, between Chicago and St. Louis and the Atlantic seaboard, was established by tying bankrupt roads to the two commanding systems—the Pennsylvania and the New York Central. Morgan brought this about very largely, with the assistance later of George F. Baker. The other men in the group of seven entered the control of this monopoly still later. Together the seven men and their allies now control all the prosperous roads in the section. Only one line controlled outside the group passes through the territory—the system that Edwin Hawley is now trying to piece together out of minor and discarded railroads from Chicago to Newport News, Va.

"The dual railroad monopoly created by the New York Central and the Pennsylvania Railroads in the central territory of the country is the most important in the United States. It is in the control of the seven men. The New York Central is controlled by a stock ownership of over 20 per cent. The Union Pacific and the Vanderbilt family—Morgan's oldest alliance—each hold about 8 per cent; the rest is held by members of the Standard Oil and Morgan groups.

"The Pennsylvania Railroad is always displayed as the one great independent railway system in the country. Theoretically this may be so. Actually it is tied up with the New York Central and Union Pacific in the common ownership of the large competing railroads of the district into practically one concern. And the seven men and their allies not only own a stock control of the Union Pacific and the New York Central, but they own or vote nearly all of the largest blocks of stock in the Pennsylvania itself. Out of the control of this dual monopoly they have advanced to take control of the New England States.

"HOW NEW ENGLAND IS SEALED UP.

"New England is sealed up in an almost absolute transportation monopoly held by the New York Central and New Haven Railroads. The New Haven is held by a stock ownership in the hands of the Pennsylvania, the New York Central, and three institutions under the absolute control of the Morgan-Baker group of the seven men, the Adams and the American Express Cos., and the Mutual Life Insurance Co. of New York. These hold nearly 15 per cent of the New Haven's stock, and holdings of some half dozen individuals bring the group's ownership up to nearly 20 per cent. The New Haven and the New York Central own every steam railroad in New England except two spurs from Canadian systems to minor seaports and a small Maine road which gets most of its income from handling lumber. The New Haven Railroad also owns all the larger trolley lines in Connecticut, Rhode Island, and western Massachusetts and all the important coastwise steamers between New England and New York.

"CURIOUS TOOLS OF MONOPOLY.

"It was only about 8 or 10 years ago that the peculiar possibilities of the express companies began to be understood by the central Wall Street group. In that time they have made them into the most ingenious and interesting tools for creating monopoly in the country. The greatest of the express companies—the Adams and the American—are in form curious survivals of the time, 50 years ago, when they were created. They are not corporations, but joint-stock associations. One of the peculiarities of this form is that the board of managers hold office and elect their own successors continuously, unless the shareholders demand a special election and depose them. In practice the board of management is immortal.

"The American Express Co. is tied to the central group through ownership of its shares. A sixth of these are held by the New York Central Railroad; individuals have other large blocks of stock. The American absolutely owns the National Express Co. and holds stock control of the Wells, Fargo Co., the third largest in the United States, by the ownership of one-fifth of its stock.

"The Adams Express Co. has as the two most influential members of its board of management Charles Steele, a partner of J. P. Morgan, and George F. Baker. These managers could be changed only by a two-thirds vote of the stockholders, taken at a special meeting. No such meeting has been held in the 50 years of the concern's history.

"The Adams Express Co., with one old alliance, the Plant fortune, owns the Southern Express Co. With the American it owned a stock control of the United States. Because of fear of Government prosecution on account of monopoly this was sold in 1909 to individual ownership in the central group, where it is now held. This holding completes the control of all the express companies of consequence in the United States by the seven men and their allies.

"The Pullman Co. has a complete monopoly of the sleeping-car business in the United States outside of three lines, which operate their own cars. Since 1900, when it absorbed the Wagner Palace Car Co. by the exchange of stock, it has been under the domination of J. P. Morgan and the Vanderbilts, who together control the Wagner Co.

"THE ANTHRACITE COAL MONOPOLY.

"These subsidiary railway corporations, outside of the value of the express companies as stock-holding concerns, are small affairs. Their total capitalization is not over \$250,000,000, with a market value of under \$350,000,000. The anthracite-coal monopoly created by Morgan and Baker through the railroads is of more consequence.

"About \$160,000,000 worth of anthracite coal is produced annually in the United States. All of this comes from a small area of Pennsylvania. The railroads have been for 40 years buying control of these anthracite-coal lands. The first important work of Morgan as maker of monopoly was the eliminating of competition by buying control of a competing railroad line for the New York Central. The second was an

attempt to create an anthracite-coal monopoly through railroad combination. He worked at this for 20 years, George F. Baker nearly as long, and 10 years ago the monopoly was formed. The roads that hold it are now all in the control of the seven men. These roads now own lands containing about 95 per cent of the anthracite coal in the United States. They produce only 82 per cent. It is their policy to let the independent operators work out their deposits. This will give them in the future a still greater control of this mineral.

"It has been difficult to create any monopoly of the bituminous coal of the country; it covers so great an area. But this, like anthracite, is naturally controlled by the railroads which take it to the consumer; and there are many effective local monopolies. Morgan has been very active in creating these in connection with eastern roads. West of the Mississippi a great share of the usable coal is controlled either by the Union Pacific, the Gould system, or the Hill lines.

"87 PER CENT OF STEEL INDUSTRY.

"The steel industry has been dominated by or closely connected with the railroad from its beginning in America. To-day one-third of its business is supplied directly by railroad companies, and still more indirectly. On the other hand, the rates that railroads give the steel business on its heavy low-grade materials and products can make or unmake its profits. The seven men in control of railroads would very naturally hold a strong influence on its affairs. But they have, in fact, taken a much more direct part in its affairs. It came into their hands in very much the same way that the railroads and other industries have done—through actual or threatened collapse from competition—and was made into a monopoly.

"The United States Steel Corporation, the greatest industrial corporation in the world, was formed by J. P. Morgan to avoid the immediate danger of ruinous competition. He has held the management of the concern from the first, and the operators of the company are his choice, and a good share of the directors are either members of his firm or his direct business associates. Nothing short of financial revolution could take it from him. George F. Baker is now a director of the concern; John D. Rockefeller was at one time its largest stockholder.

"The Steel Corporation has always held to its announced program, never to control more than 60 per cent of the steel output of the country. A much greater control of the industry, however, is held in the hands of the seven men and their allies. The Colorado Fuel & Iron Co. is directly under this control. The Pennsylvania and Cambria Steel companies are owned by the Pennsylvania Railroad. Together with the United States Steel Corporation they had about 87 per cent of the capitalization of the steel business of the country, as given by Poor's Manual for 1910; and they had nearly 80 per cent of the output. But any statement of the present hold of the seven men and their allies upon the steel situation is inadequate. It is the future in which they are strongest.

"THE ULTIMATE SUPPLY OF ORE.

"Elbert H. Gary, the operating head of the United States Steel Corporation, appearing before the Ways and Means Committee of Congress in the winter of 1909, made this statement concerning his company's ore supply:

"Question. You practically do control the ore supply of the country?

"Mr. GARY. No; not now; not for the immediate future.

"Question. Well, the ultimate supply?

"Mr. GARY. Yes; I think so; that is, pretty nearly.

"Mr. Gary's meaning was this: There is an indefinite amount of low-grade ore in this country. The Steel Corporation has never owned any great percentage of this whole. It does own a great proportion of the richer ores of the country. Mr. Gary estimates that it now holds about three-quarters of the richest ore in the country (that containing from 55 to 60 per cent of iron) and nearly the same per cent of all the known ore of the country that is profitably workable under present prices. Its competitors are working out their richest ores much faster than it is doing; ultimately it will have a great share of all of this highest type of ore that remains in this country. In the meanwhile its corps of trained engineers are continually searching the Western Hemisphere for new ore bodies.

"CONCENTRATION BY BANKRUPTCY.

"The Steel Corporation was brought into Morgan's hands by a threat of ruinous business competition. All of the best of these ore bodies dropped into the hands of the steel company, either directly or through members of the central group in Wall Street, to whom they gravitated, as the railroads had done, through bankruptcy.

"John D. Rockefeller secured the best of the wonderful Lake Superior ore deposits in the panic of 1893 by the foreclosure of a mortgage of a few million dollars on a small ore railroad. He invested a few million dollars more in improvements and transportation and transferred the entire thing to the Steel Corporation at its foundation for \$77,500,000 in securities.

"James J. Hill also secured his Lake Superior ore deposits—second only to Mr. Rockefeller's—by the failure of a small railroad in the panic of 1893. He took it in the interest of the Great Northern Railroad, and after spending a few million dollars in the purchase of more lands, leased the mines of the Steel Corporation and distributed certificates representing them to his Great Northern shareholders. At present prices these certificates are worth nearly \$100,000,000."

Mr. Chairman and gentlemen, I call attention to the last two paragraphs to show how the Rockefeller and Hill interests, by loaning a few hundred thousand dollars to embarrassed men and then foreclosing and taking the properties and expending all told but a few million dollars, created so-called vested rights to the extent of \$177,500,000, peddle out the certificates to so-called innocent purchasers who are now claiming the right to assess the public annual interest on the total sum.

I continue quoting from the article:

"The third great ore body, the Tennessee Coal & Iron Co.'s, was taken by the steel corporation direct, with the advice and assistance of Mr. Morgan, in the panic of 1907. The holders of the Tennessee Co.'s controlling stock were overextended by the panic, and the steel corporation simply took over the stock of the company in exchange for an issue of bonds.

"One after another—always through the same route to actual or threatened business ruin—the iron resources passed from the weaker hands to the stronger monopoly. And, as in the railroads, it was the hands of the chief monopoly makers of the country who took them up and placed them there. Every year the steel corporation grows stronger. It holds the future not only by its raw materials, but by the strategy of its position. With its plants in Pittsburgh, Chicago, Alabama, and now on the Pacific coast, it has so covered the country that there are great areas where it can make profits over its competitors by its savings of freight charges alone.

"The future of the steel business belongs to the great corporation. But more than that is coming to it. Like the railroads, the steel industry is now extending into a control of other great industries which are bound to it by physical necessity. Two of these are now apparent.

"GAS AND CEMENT, BY-PRODUCTS OF STEEL.

"The first is the lighting of great cities. Until the last few years the gas produced in steel making was thrown away—millions of dollars' worth every year. In the steel corporation's new plants this gas will be carefully saved. In the great new plant at Gary enough gas will be generated, not only for its own use, but to light the whole city of Chicago as well. This gas is a by-product; it is lost entirely by the steel corporation's competitors. It can be piped 25 miles to Chicago and sold at a price that is but a fraction of the cost of specially manufactured gas. Sooner or later Chicago will be lighted by this gas, and sooner or later the other steel plants of the country will supply the cities about them with illuminating gas.

"The use of a second by-product is at the present time putting the steel corporation and Morgan in command of another new industry—the most remarkable growth of the past 10 years—the manufacture of cement. The output of this industry is now valued at some \$60,000,000 a year. In the last 10 years it has quadrupled; in the next year it will certainly double.

"The steel corporation at its beginning inherited from the Federal Steel Co., one of its underlying corporations, a method of using the waste of its furnaces for making cement. A considerable part of its material in this way costs it nothing, and it has built up a cement business of its own with enormous rapidity.

"In the past five years there has been murderous competition in the general cement business, in spite of the rapid growth in demand. It culminated about a year ago. At that time J. Rogers Maxwell, a close associate of George F. Baker, who controlled the Atlas Co.—the largest producer in the country—found that he had overextended, and was forced to drop his controlling interest. It was taken up by Morgan and his close associates. With this company and the steel corporation plant Morgan now controls about a third of the cement business of the country.

"THE TIGHTENING HOLD ON OIL AND NATURAL GAS.

"The greatest chain of monopoly control in the country started from the railroad; but the second and scarcely less important one has grown out from the petroleum trade—the oldest of successful monopolies in the United States. For 35 years this monopoly has never been broken. It was never stronger than it is to-day—after the order for its dissolution from the United States Supreme Court.

"The Standard Oil monopoly, like all others, is built upon the principle of progressive bankruptcy in its trade. Never was that principle in more active operation than now. In the past five years there has been a tremendous gush of petroleum. The Standard Oil, with its tens of millions of available money, has bought it at half price, stored it, and extended its pipe system for carrying petroleum, so that it delivers oil to the entire country at a minimum cost. Its system of distributing oil is now almost perfect.

"This same gush of oil has started a trade war in petroleum which is covering the entire world. As a result of it competitors in the United States are being either wiped out or brought into working alliance with the Standard Oil. At the present time concerns in these alliances handle some 85 per cent of the petroleum of the United States; the Standard Oil concern itself handles all of the two-thirds. No situation could be better for the Standard Oil Co. than the present condition in the oil trade. It is an exaggerated form of the very business conditions that created it.

"Meanwhile, in the past two years the Standard Oil concern has been acquiring greater and greater control of another field—the lighting of cities by natural gas. For years the Standard has been in this business, in competition with other companies. It is now bringing the advantages and savings of monopoly to this by a readjustment and division of the field. In the one territory of the United States where natural-gas supplies are near a great market—in Ohio and West Virginia and western Pennsylvania—the Standard has established a practical working monopoly in which it controls, itself, a large share of the production of the gas and sells much of it direct to the consumer. The profits of this business, under its readjustment, will be immense.

"So, between the Standard Oil Co. and the Steel Co., and the Consolidated Gas Co. of New York (controlled by the central Wall Street group), a great new business is entering directly into the hands of the seven men—the lighting of the cities of the United States by gas.

"LEAD, ALASKA, AND COPPER.

"The railroad and petroleum enterprises have brought in the chief assets of the seven men and their allies in the past. But other enterprises, especially in the last few years, have been coming into their control with equal rapidity. They come direct, seeking the aid of the only group in the United States that now has the apparatus to create successful monopolies of the size that present conditions demand.

"The monopoly of the lead output of the United States centers about the American Smelting & Refining Co. This handles 80 per cent of the lead produced from ores requiring smelting, and 60 per cent of the total lead of the country. By controlling the National Lead Co., the big consumer of lead for paints, it holds a strong domination over the lead business of the country.

"Men closely allied to the Standard Oil group were instrumental in starting this American Smelting & Refining Co. Soon afterwards it passed into the hands of a Hebrew family—the Guggenheims—who came into smelting from the lace business.

"The Guggenheims have been very ambitious and have extended out of the smelting business into the general production of metals—into lead and silver and gold, and especially copper. They have become a nucleus for a centralization of the metal business. As they have extended they have sought the assistance and alliance of Morgan.

"Alaska, the new mineral field of the United States, was opened up at just about the right time to come into the hands of the Guggenheim family. In developing it they joined themselves with Morgan in the Alaska syndicate. This now controls most of the steamers entering the district, all of the railroads of any consequence, and from time to time acquires the best of the mineral resources. Its general control of the district is assured by its control of railroad transportation.

"The monopoly of copper was first attempted by the Standard Oil City Bank group of monopoly makers in the late nineties through the formation of the Amalgamated Copper Co. This was unsuccessful. Since then the Guggenheims have taken the central position in the copper business by the development of great low-grade copper deposits

which can be worked very cheaply. These two interests, between them, control about 60 per cent of the copper production of the country.

"In the meanwhile the copper business has gone from bad to worse through overcompetition. The usual conditions preceding combination exist, and for some time a general consolidation of copper companies has been under consideration by the Morgan house.

"TAKING HOLD OF ELECTRICITY.

"Together with their plans for building the metal business into a working monopoly, the central group is now performing the same service for the electrical business. The largest consolidation now going on is the tying up of the telephone and telegraph systems.

"The American Telephone & Telegraph Co. is the largest electrical corporation in the country, with a total capital of nearly a billion dollars. In 1906 it had been growing so rapidly that it could no longer get enough money outside of New York. It then made an arrangement with Morgan and Schiff to finance it.

"It had not long been financed in New York when the Western Union Telegraph service was joined to it. For 30 years control of this had been in the hands of the Gould family. In 1909 George Gould sold it to the telephone company. The combination of the two concerns was a logical arrangement which had been under consideration for 25 years. It will make for economy and better service.

"Almost at the same time the American Telephone Co. began to absorb independent telephone concerns. In the preceding six or eight years this had developed very rapidly; the formation of a national system was being worked out. The usual overextension followed. In 1909 financial collapse came, and the largest and most ambitious of the independent concerns were ready to pass through the usual route to consolidation.

"They were at first sold directly to the American Telephone & Telegraph Co. State laws forbade this. Then Morgan took them over himself. The loss of these telephone concerns, located in the central and most important section of the country, greatly weakened the other independent telephone systems of the country. Since then the larger of these other independent telephone concerns have been negotiating with Morgan for absorption into the central concern. The American Co. and Morgan now hold at least three-quarters of the telephone business of the country. The long-distance lines are practically all in their hands, and all or most of the profitable business in the various larger cities of the country.

"During just about the same time that the control of the telephone business was coming into the hands of the central Wall Street group the smaller business of electrical manufacturing came under their control to a greater degree than ever before. Morgan has been the financier and a large stockholder in the General Electric Co. from the first; his firm is represented in its directorate. In the panic of 1907 the Westinghouse Electric & Manufacturing Co. was thrown into the hands of its creditors, and New York banking interests, in which Schiff is a leader, now manage the concern for them. These two concerns have now between them from 70 to 90 per cent of the different larger branches of the electrical manufacturing business.

"AN ESTIMATE OF THE CENTRAL GROUP'S CONTROL.

"It is impossible to express in exact terms the ownership or control of the seven men and their allies in American industry. But a rough expression of the percentage of their control of the various greatest operations and resources of the country follows. The percentages, where not otherwise indicated, are calculated from the figures of capitalization appearing in Poor's and Moody's Manuals:

Percentage of industries and resources controlled.

	Central group.	Alliances.	Outside.
Railroads.....	61	25	14
Express and Pullman.....	93½	.....	6½
Anthracite coal (supply owned).....	88½	6½	5
Steel.....	82	5	13
Cement (output).....	33½	.....	66½
Petroleum (output handled).....	67	18	15
Lead (output).....	.....	60	40
Copper (output).....	.....	60	40
Telephone.....	74	.....	26

"This table gives a general idea of the control that the seven men and their allies have gained in certain specific industries. But it is, at best, only a rough and only a partial statement.

"The control of these men has gone everywhere that it is possible to create a practical working monopoly of any kind. Steamship lines, cracker baking, the manufacture of farm machinery—these and many other industries as widely varied—have been combined into the so-called trusts controlled by them. And the list is always extending.

A BILLION OF CORPORATE CASH.

"With the creation of successful monopolies another source of capital came into the hands of the group—the savings and profits of corporations. How funds of this kind have aggregated in New York is well shown by the following statement of the cash holdings of railroads and large industries controlled in New York, taken from the figures given in Poor's Manual."

Cash holdings of railroads and industrials under New York control.

	Railroads.	Large industries.	Total.
1880.....	\$11,281,626	.....	\$11,281,626
1890.....	51,872,152	\$17,408,090	69,340,242
1900.....	160,561,811	46,536,909	207,098,720
1909-10.....	640,545,178	267,337,175	907,882,353

These figures do not include the holdings of Standard Oil.

The article from which I have quoted had broad and extensive circulation. The truth of it, I believe, has not been denied. I believe it states the facts as they substantially are, and they are very material in connection with the Aldrich plan for financial reform.

I have quoted from the article extensively for the purpose of calling attention to how much a few men in control of the people's fixed

deposits with banks, trust companies, life insurance investments, and so forth, can do with those deposits. The people, in the first place, furnished these men with the money that was taken from their deposits in banks and sent to New York to give the Money Trust the use of it to get a monopoly on all the agencies of production and distribution.

It is through the process of concentration of the small depositors' earnings into the Wall Street banks that Morgan, Rockefeller, and a few others, mainly controlling the New York banks, secure the use of a volume of money belonging to depositors in all parts of the country. They use it the same as if it was their own; with it they control finances, commerce, industry, and practically all the products on the market. By this system they drain the rest of the country of its free money and thereby destroy its local enterprise in the communities from which it comes.

The system takes the money and credits out of the localities of their origin and ownership and places them at the disposal of the Money Trust, enabling that monster to pyramid financial dealings aggregating tens of billions of dollars annually, and resulting in the establishment of the monopolies described in the article from which I quoted. On these the public is assessed interest and also charged to pay dividends on watered stock. It is added to the cost of commodities and the services of commerce that the people must buy.

The public meekly, innocently, and at times, I may say, almost admiringly permits itself to be robbed of practically all its natural rights and of a far greater part of its products from daily labor. It is all done through the systems of monopoly and charges of usury on loans and bonds pyramided over and over and in assessments for payments of dividends on watered stocks and the expenses of the whole game. Additional charges are made for a surplus on which to maintain the outrageous extravagances of a few thousand families. It would not be satisfactory to these pirates of commerce to take the cost of their families out of the principal, so, worst of all for us, they are to pile up so-called vested rights and property, the status of which is by the courts made superior to human personal rights.

On this vast accumulation of property the principle of its perpetual maintenance in a few hands is fixed by Judge Sanborn in the Minnesota rate case, in which that judge holds, and was concurred in by the other judges sitting, that 7 per cent above expenses and maintenance is a proper return for the capital investment. The people shall maintain and pay the expenses of all, and then 7 per cent interest compounded annually, until the principal and interest will swallow all their property and the products of their labor and ultimately reduce them to abject slavery—the inevitable sequence of the rule. Mr. Chairman, will we stand for it, and will we give that as a heritage to the unborn generations? Can we look our minor children in the face and do nothing to liberate them from such prospects? Will we let the system fasten the Aldrich plan as a final climax to hasten complete servitude to the interests?

Innocent depositors complaisantly look on the statute books of the United States and those of their States and assume that their deposits are supported by reserves held by the banks of deposit equal at least to 15 per cent, whereas the truth is that the greater part of the reserve has been concentrated in the control of the central reserve banks, and these being controlled by the trust have diverted more than 75 per cent of the reserves to its own use, thereby enabling it to monopolize the very things the people require in their daily lives. It is because of this system that we have become industrial slaves, a slavery even more dangerous than the old human-chattel slavery.

When we were in possession of our original and natural resources and could select the place we preferred to make home, go into nature, and, by the application of our energy, gather a living from God's storehouse, we were then free.

Now, nature's supplies, the factories for their conversion into usable material, the transportation facilities for taking them from the producers to the consumers, and money, the agent of exchange, all have gone into the control of the Money Trust. We no longer can select the place of our abode. We are compelled to live and work for this great trust. We are, I repeat, industrial slaves, and I defy successful contradiction to the truth of the statement.

We see ignorant officials, or else willfully deceptive ones, prosecuting the trusts that are subsidiary to the Money Trust, claiming to resolve them into their original elements, thinking, or else seeking to make the people think, thereby to lessen the cost of living. They are attempting to destroy the best means for efficient work and cheaper cost in production instead of modifying the application of the benefit.

This is not a period to trifle, as some noted politicians seem to think while jumping from hobby to hobby without other motives than to please the people when the people do not need them, and to stand by the special interests when it is material for the interests that they should.

This is an age of philosophy, of science, of mechanics, and of business, and a general all-around desire for knowledge and practical sense to meet actual conditions and necessities. If we are, or would be, true representatives, it is our business to discover the errors in the affairs of the people and of the Government, whether they are popularly known or not, and point out the remedies and by the force of truth, reason, and a better common understanding make corrections popular.

The gradual absorption of the reserves by the banks of the reserve cities, and especially those in the three central reserve cities, and more especially New York, has been nothing less than a political crime to the Nation. All these, and particularly New York, Chicago and St. Louis, have been feeding the reserves out to the Money Trust. The New York banks, by their report of March 7, 1911, are shown to have absorbed of the country's holdings at that date more than ever. The Money Trust of Wall Street is systematically taking to itself the control of everything.

By the pyramiding system of the Money Trust, in the use of money and credit under their control, worked through stock and bond brokers, these sums have been made the basis for billions and billions of dollars in credits, on which to corner stocks and control the products of the country for the trusts, and whenever the trusts run short of money they replenish by peddling watered stock and bonds out to so-called "innocent purchasers" whom the courts are educated to protect, and saddle their payments with interest on us and our posterity.

The transactions in stocks and bonds have kept pace in volume with the growth of the reserves held in New York City. It simply means that the money belonging to the people elsewhere in the country is being sent to these centers, and especially New York, and is there used by a few gamblers, under the direction of the Morgan-Rockefeller influences, to rob the producers and consumers everywhere. Not only does this group of monopolists handle reserves and deposits belonging to others as they please, but they scare the concerns ordinarily supposed to be independent, so that they dare not act independent of the trust. To illustrate the meaning of that I quote an editorial from

the Duluth Tribune of September 17, 1911. Many similar articles appeared in the press in different States. People whom I do not know, from different sections, took the trouble to mail many to me. This is an evidence of the public interest in this question. The Duluth Tribune editorial is:

"IS THERE A MONEY TRUST?"

"Congressman LINDBERGH is of the opinion that there is a Money Trust. The average citizen will generally agree with him. Mr. LINDBERGH wants this subject investigated, and again the average citizen adds his 'Me, too.' If for no other reason than to satisfy public opinion, the investigation should be made.

"The concentration of the money power is generally recognized as far more dangerous than any or all the industrial trusts. If there is a Money Trust, it is the father of the entire brood. The public has grown very suspicious, if not convinced through the seeming inability to float any large loan for any purpose, national or international, municipal or industrial, for transportation or any great enterprise, without the sanction and help of a small group of men.

"If Duluth or any other city should undertake to buy its railroad terminals, how could it sell the bonds? If the railroads opposed such a movement, does anyone believe it could be financed? Yet such bonds would seem to be gilt-edged. The railroads themselves would have practically to guarantee the interest and the surplus. But who would take the bonds in the face of their 'No'?"

"If this country is to have any semblance of competition to its present trusts, how could such a grouping of the present so-called 'independents' be financed? It would necessitate the organization not only of these industries, but of a powerful financial combination. Even Mr. Rockefeller, in the days before the perfection of the combinations, found he must keep off Mr. Carnegie's preserves.

"Some of the present conditions which to the man in the seat of the lowly seem pernicious are the control by the small financial group of the funds of the great insurance companies and the bulk of the deposits of the largest banks, the support by banks of speculative enterprises and stock manipulation, the underwriting of financial schemes of banks, and the alliance of speculative investment to the banks through subsidiary organizations.

"The same names are found in the directorates of the group of powerful banks. Investigation will show these same men to be directors of the industrial corporations which are dubbed 'trusts,' of the great railroad systems, of insurance companies, steamship companies, and mining ventures.

"It is not unusual for one man to be a director in from 20 to 50 corporations. He does not himself know the names of all of them, and is there only seemingly to assure that they will not get away or do obnoxious things. Such men are supposed, popularly, to represent not so much the stockholders as this more or less intangible Money Trust.

"Speculation goes up or down; stocks become active or lie dormant; industry expands or contracts; prosperity moves steadily, sweeps along, or halts; chimneys smoke or stand sullen; machinery whirs or wears a shroud; enterprise responds to ambition and energy or stalls; and, apparently, just as a few may will.

"We hear of the market being supported or allowed to go to the dogs, as these few think wise. We hear of a man reaching great wealth and having vast interests, only to learn later that, having grown ripe, he has been picked; or sometimes he is taken in to occupy a seat with the mighty, having given assurances of his willingness to be 'good.'

"Maybe there is no Money Trust, but the people would like to know a few more details before they mark Mr. Aldrich's banking plan with their approval."

The little depositors in the banks everywhere should know how their money is being used as a means to corner everything they need in this world and to boost the prices of all they must buy. In their right they should demand of their bankers where they deposit that the banks send not another cent except that necessary for current exchange to the reserve cities, and, further, that their balances now in those cities shall be withdrawn as rapidly as the same can be without creating financial disturbance. The bankers should be given reasonable time in which to make the adjustment, and from then on should be held to the financial support of the communities from which they get their deposits.

But the Money Trust has foreseen what might happen, and so has made the country bankers helpless. It was arranged that commercial banks should not loan farmers and wage earners who might need money for a year or more.

The money of farmers and wage earners and of small business men can not be loaned by the banks to farmers and wage earners who may need it for any considerable period of time. The money earned in the locality and deposited in the banks must be sent to reserve cities, to be mostly loaned on demand or short-time paper to speculators and sharks on the market.

Mr. WILSON. You say that the townspeople can not get the loans from their own banks, which is the depository of the townspeople; and, of course, when they want to borrow money, do they not pay a percentage to some broker for borrowing it for them from some eastern capitalist or insurance company in your part of the country?

Mr. LINDBERGH. They do. I cover that by my remarks. What a wonderful scheme this banking system is, and how helpless the country bankers are to bring about a remedy. Without intending it, they have become a part of the system, and New York now commands the most of them, directly or indirectly. You can imagine what we would get if we leave the settlement of this financial problem to the bankers, "because they know the business." The trusts and their dupes advocate that we should do that.

We might as well leave the trust problem to be settled by Rockefeller, Morgan, and others, as they know their business and would settle the trust problem in the same way as the bankers would settle this financial problem—for themselves.

I will cite an example of how scared the bankers and others are of the trusts. I quote you an editorial from the Duluth Tribune of November 23, 1911. By the way, the Duluth Tribune is owned by parties not in hostility to wealth nor the accumulators of wealth, but it is a live newspaper with an editorial writer who has a brain, a conscience, and a judgment enabling him to discriminate. The article is as follows:

"MEAT FOR LINDBERGH."

"If Congressman LINDBERGH wants excellent evidence as to the existence of a Money Trust, the transcontinental railroads seem determined to furnish it. Also, if these railroads desire to force Government ownership of transportation, they appear to be taking the right course to bring it about.

"It is reported and vouched for by a special correspondent of the St. Paul Dispatch that Bernard N. Baker, who was to build an independent line of vessels to operate in the coastwise trade via the Panama Canal,

has been balked by the transcontinental railroads in his efforts to finance the enterprise.

"He was to put on this line boats to meet the requirements of the Post Office Department as to the payment of postal subsidies, with the purpose of keeping the canal independent of railroad dominance. Evidently this precaution was necessary.

"Mr. Baker proposed to capitalize his company for \$15,000,000. Several banks volunteered, so it is said, to underwrite this entire amount, and applied to take the whole or to be granted a part of these bonds. Later, one after the other recalled the offer.

"Baker then sought private capital and had no difficulty in finding individuals willing to take the bonds. But the aftermath was the same, and these, one after the other, recalled their subscriptions. He was tagged by detectives, said to be in railroad employ, and it is said that subscribers to the fund have admitted that they withdrew because of railroad pressure.

"If that is not in restraint of trade, what is it? If that does not indicate a Money Trust, what does it show? If that is not undue and unreasonable control of financial affairs, what is it?"

"More than this, Congress has indicated that, if private capital did not put such a line of boats in operation, the Government would do so. It is to be hoped that it will. Indeed, it must do so, or concede control of the canal and ownership of coastwise ocean traffic to the railroads.

"The transition from Government ownership of ocean transportation to Government ownership of land transportation would be easy and swift. Is this what the railroads want?"

There has been a recent gathering of the Monetary Commission in my State, Minnesota, and they talked with the bankers and the men in control of great business. The farmer, the wage earner, and the thousands of small business interests were not consulted.

What do we expect this Monetary Commission to learn in their ramblings around the world when they do not enter into and tell us the inside of the Wall Street and Money Trust games? That commission is supposed to be getting facts for Congress, but it does not get the facts Congress needs the most.

September 29, 1911, 84 trust companies of the State of New York had due to them from approved reserve depositories, less amount of offsets, \$146,380,135, and due from trust companies, banks, and bankers, not included in the preceding item, \$55,543,292. The 84 trust companies held \$1,375,565,304 deposits. At the same time the New York State banks had total deposits of \$523,432,606. In trust companies and State banks there were deposits \$1,898,997,910 in the State institutions of New York alone. In connection therewith I call attention to the fact that the 84 trust companies held public securities, \$90,784,120; other securities, \$356,258,586. These two are counted as stock and bond investments. Then they had loaned on collaterals in addition \$541,991,508. The two latter items amount to \$898,250,044. I call attention to these two items particularly, for they are evidence of important facts, to wit, that the accounts of the depositors are being used by the speculators to exploit the people. The center of activity for staging these exploiting schemes is Wall Street. Therefore it is interesting to know that of the sums named that under control of the trust companies alone in two counties, New York and Kings, which are practically the city of New York, there was invested by these 84 trust companies in stocks and bonds and on collaterals \$504,179,029.

Why did the National Monetary Commission fail to investigate and obtain the facts so as to give us a report on the community of interests existing between the stockholders of the different New York banks and of the trust companies, and also show us who controls the funds belonging to the life insurance companies? Morgan, Rockefeller, and their associates control more than one and one-half billions of assets of three life insurance companies. Why did not the commission show us the relations between the officers and directors of all these and their interest in the different monopolies controlled in New York and elsewhere and how these branch out and control the managing boards of directors of the Standard Oil, the Steel, the railways, and show us other trust management?

Without giving us any of that data they offer us the Aldrich plan as a remedy. That Aldrich plan, I assert, is the Wall Street plan. One of the proponents of that plan, in a speech at Chicago November 11, 1911, in the following language, issued his challenge:

"I certainly welcome honest criticism. Of course, it takes peculiar forms at times. For instance, there are gentlemen who say the Government of the United States ought to take this business and manage it. Do you think that men appointed by even so wise a President as we now have could manage better than men who own the banks and who have spent their lives in learning how to run banks? Men who study history will find that every 20 years or so we have had men who wanted to put currency into the hands of the Government. We had the greenback craze and lots of other crazes."

And he continued as follows:

"In the last analysis it is the management of the association that will mean everything. I will tell you, and you already know it, you can not legislate to give men who are managing our institutions either ability or honesty. I am willing to trust the bankers of this country.

"This plan will meet opposition from the men who think the Government should control the currency."

He continued:

"I am glad to say that is where the contest is coming. Our predecessors all through the ages have fought it, and if we must fight it out we are ready for it. Let it come.

"Every 20 years or so"—

The same party said—

"we have had men who wanted to put currency into the hands of the Government."

He tells the truth there, but each time the Money Trust has taken and controlled the Government. "Yes," he added, "I am willing to trust the bankers of the country." He may be willing to do that. We are all willing to trust them to look out for themselves, and I say that with full respect for the bankers, for I do not know better people than my banker acquaintances, and those in my district, most of them, are as much opposed to false monopoly as I am. But I am not, as a public servant, willing to trust the bankers to make a currency and banking system all by themselves that involves their business with the public in general. The bankers will take care of their own end for the profit, and I do not condemn them for that, but we certainly have a right to and should condemn those who are dearly paid by the public for recommending that the settlement of the financial problem be left to the bankers.

I again quote the challenge of the proponent of the Aldrich plan:

"I am glad to say that is where the contest is coming. Our predecessors all through the ages have fought it, and if we must fight we are ready for it. Let it come."

That is a broad challenge to the Government by the champion of the Money Trust. It means another panic, if necessary, to intimidate the people, and it also means that we can not control the trusts as long as the Money Trust controls the Government.

Aldrich, paid by the Government to represent the people, proposes a plan for the trusts instead. But he is not alone, for there are almost innumerable others, some on the pay roll like him. Perhaps they think it a brave thing for the Money Trust that is in control and in possession of the Government to make this challenge.

These men are probably not intentionally wrong; it has been their education. Most of them have been rocked from the cradle of wealth to the walking child and nursed by the mothers of wealth and schooled by its extravagance, and thus ushered into the system of plutocracy without understanding the principles of a square deal to all mankind. I do not make that statement with any prejudice against wealth, but when a plan is presented to us we must analyze it and not rest content with the say so of those who drafted it. I analyzed the plan a year ago. Since then Aldrich has offered some changes. As the plan is a part of the Money Trust scheme, we should consider it here.

In the first place, it was by a very clever move that the National Monetary Commission was created.

It was in 1907 that nature responded so beautifully to the farmer's touch and gave this country the most bountiful crop it ever had. Other industries were busy, too, and from a natural standpoint all the conditions were right for a most prosperous year.

If the Government and business had been properly managed, it would have been a year to make us all happy. Instead, a panic entailed enormous losses on us. Not many of us knew the cause. Wall Street was wise, and it knew that we were demanding a remedy against a recurrence of such a ridiculously unnatural condition.

Most Senators and Members then fell into Wall Street's trap and passed the Aldrich-Vreeland emergency-currency bill. Its ostensible purpose was to provide an emergency currency, but the real purpose was to get a monetary commission which would ultimately frame a proposition for amendments to our currency and banking laws to suit the Money Trust. The "interests" are now, and have been for some time past, busy everywhere educating the people to favor the Aldrich plan. It is currently reported that a large sum of money has been raised for this purpose.

Wall Street speculation brought on the panic of 1907. Wall Street had used the people's deposits to speculate and gamble with. Deposits and liabilities had, by the usual Wall Street pyramiding practice, been increased until at that time they were very large, and on May 20 the banks' liabilities were larger than ever before.

A little later the depositors demanded some of their money, more than usual, but the reserve banks had loaned it to the speculators and stock gamblers. The banks in the country districts, from which much of the deposits came, were not allowed to loan the reserves nor the deposits to good, honest, industrious, reliable farmers, laboring men, or anybody, even on gilt-edge securities, unless they promised to pay it back in an unnecessarily short time.

The depositors' "sacred reserve" funds were sent to the reserve banks and by these loaned to gamblers, speculators, and anybody the Money Trust wanted to favor. Then, when the depositors wanted their money, the reserve banks did not have it. They had to call for pay from gamblers and others who had gotten the reserve and other deposits. The depositors wanted their money faster than these could pay. That made the panic. Some Wall Streeters profited by the panic and some failed, but the seven big men and their allies referred to in the article from which I quoted were great gainers.

All banks except those in control of the money kings were scared. These money kings, so far as it seemed necessary to them, took everything in hand, including the funds of the Government. They managed that panic. The Government was impotent in their control, except to aid them.

The New York Clearing House is an institution in the Money Trust control, and that institution issued its certificates instead of money to pay depositors. The New York banks refused to pay the country banks the reserves due them. Some of these had been deposited directly by the country banks and others indirectly through the reserve banks. The New York banks simply defied and violated the law.

If a country bank had done that it would have been closed by a bank examiner. If a group of country banks had attempted it, they would all be closed. But the New York Clearing House issued clearing-house certificates and forced them to pass as money. If the United States had issued certificates to help the people in that time of stress, the Wall Street Money Trust would have vetoed it. It would have dared to veto such action by the Government. But the Government did not dare to veto the New York banks' clearing-house system.

The Money Trust did other things. It intimidated some of the country banks for which it acted as reserve agent from paying cash to depositors. It ordered them to pay in clearing-house certificates. Through the guardianship of the Morgan-Rockefeller régime some of the more influential of the cities did resort to the New York Clearing House system to pay deposits.

The Money Trust at different times has sent notices to certain of its agents and those in community of interest to tighten up the money market and raise the rates of interest.

Merely as a suggestion of one of the methods, I quote from another letter such parts as seem to the point. I omit all parts that would identify the parties, for the reason that it seems best to do so, if their testimony is later to be secured. The original is in my office, and I will secure it for the inspection of any member of the Rules Committee. It is as follows:

NORTH DAKOTA, July 29, 1911.

Hon. C. A. LINDBERGH, Washington, D. C.

DEAR SIR: In the investigation of the Money Trust you can get valuable information from * * *

He has a personal knowledge that the * * * was invited to join in tying up money more than a year and a half ago to raise interest rates, and the rates were raised, as you know. * * * refused to go in, but had to follow suit in raising the rates after that was accomplished. Some one should interview * * * without his knowing beforehand for what purpose, and he will give them a lead that can be followed up and which will open up a great many facts of value for the investigating committee. Of course my name must not be mentioned in any way, either publicly or to * * *, but this letter may, if you deem it proper, be shown to the committee, and afterwards you had better retain it yourself.

Respectfully,

The first relief must be provided through the country banks. It is our duty to amend the banking laws so as to give an outlet for their

deposits without sending them into the speculative centers, where they are used to corner the staples and services needed by the people and to bring on panics. A few simple amendments to the banking laws will relieve the country bankers of the necessity of sending their depositors' money to the speculative centers. No report from the National Monetary Commission is necessary for that.

We need an entirely new money and banking system. But first we must know some things concerning the financial situation that the Monetary Commission has failed to furnish. We need some additional information, and can then build a permanent, honest money and banking system.

The people must know the ins and outs of the treatment they have received at the hands of the Money Trust, in order to avoid its pitfalls. We can not be bluffed out of an honest money just because of the Money Trust challenge.

Why does the Money Trust press so hard for the Aldrich plan now, before the people know what the Money Trust has been doing? Has it not got the Aldrich-Vreeland emergency law, an act of its own concoction, that does not expire until 1914? It said, when it fooled Congress to pass that act, that it was a sure remedy for panics. It knew we were scared of panics then. We had just been pinched by one.

We should get ready to pass honest money and banking laws as early as we can get the facts to properly guide us.

WHAT IS THE ALDRICH PLAN?

The Aldrich plan is the greatest monstrosity that was ever placed before the people. It proposes to create a corporation to include all the national and State banks and trust companies. In one breath some of our so-called great men are advocating this Aldrich plan to create the greatest corporation in the world and the most complete trust and in another breath they are praising the works of prosecuting the trusts. "Consistency, thou art a jewel" needs a new language dress in view of such.

It is proposed by that monstrous plan to make all State and national banks and trust companies into one. It is proposed that it shall take from the community in which it is doing business cash equal to 20 per cent of its capital and hand it over to the control of Wall Street.

The national and State banks and trust companies now in existence are capitalized at approximately \$2,000,000,000, which would give the Aldrich corporation approximately \$400,000,000. He says \$300,000,000, but my figures are nearer correct.

The Aldrich plan is to be vested with numerous special privileges:

(a) Its first act will be to drain all the communities of cash equal to 20 per cent of the capital of their banks and trust companies.

(b) The Government of the United States shall deposit its cash balance with the National Reserve Association, and the association shall pay it no interest. If the people asked the Government to furnish them money without interest, it would be charged by Aldrich and the advocates of this plan that they were Socialists. Again, "Consistency, thou art a jewel."

(c) The reserve association shall take over the Government bonds held by the banks and have the currency privilege attached to the same and assume responsibility for the redemption of the notes secured by the bonds. The reserve association shall issue its own notes—that means money—on the terms named, and may issue other notes—money—from time to time to meet business requirements.

(d) If the Government shall adopt the policy of issuing securities—bonds—at a higher rate of interest than 2 per cent, the reserve association shall have the first chance to get them.

The stockholders, which are the corporations that will own the National Reserve Association, are to get 5 per cent dividends. A sure thing if we once breathe life into the reserve association, which it is knocking for at the door of Congress. See its note-issue scheme.

It is hard to conceive of a private institution having the boldness to demand a special privilege of the nature asked for the National Reserve Association in regard to note issues. In order to force national banks to subscribe to its stock, it is provided that for the period of one year the association must offer to purchase, at not less than par and accrued interest, the 2 per cent bonds held by subscribing banks and deposited to secure circulation notes, and that the reserve association may issue its own notes instead.

Then follows the proposition that it shall be the policy of the United States to retire as rapidly as possible the bank-secured circulation and substitute therefor notes of the National Reserve Association, which may be issued from time to time to meet business requirements. The proposition is to cover these notes to the extent of one-third by gold or lawful money and the remaining portion to be bankable commercial paper or obligations of the United States. It could, for example, take \$10,000,000 lawful money and \$20,000,000 commercial paper and issue \$30,000,000 in notes (to be used as money) and keep repeating that operation over and over until the sum reached \$900,000,000. Thus by the use of \$300,000,000 of lawful money it may issue not only the \$300,000,000 of its own paper but \$600,000,000 in addition, a privilege so great that a person with a proper conception of the general fitness of things is filled with awe at the gall of the proposition. It is an endless chain by which to keep issuing money for the Money Trust. Here this association is to be given the privilege of making its own money, secured by notes given for loans of the same, and if after issuing \$900,000,000 under this wonderful special privilege it still is not satisfied with the gift of that it may issue \$300,000,000 more on the small tax of 1½ per cent per annum. If perchance or design it becomes the desire to corner the commodities of all the world to help in that, it is proposed to give it unlimited power to issue its notes, which are to pass as currency. If it issues in excess of \$1,200,000,000, it must pay a special tax at the rate of 5 per cent per annum. Absolutely no limit to the amount, and yet there are times when on Wall Street there are skirmishes to secure possession of great properties when the payment of 5 per cent interest would be a matter of minor importance to speculators. The commerce of the country could suffer unnoticed in one of those contests.

(f) The notes of that association shall be received at par in the payment of all taxes, excises, and other dues to the United States, and for all salaries and other debts and demands owing by the United States to individuals, corporations, or associations, except obligations of the Government which are by their terms specifically payable in gold. Note the last. That refers to the Government bonds that the reserve association itself proposes to hold. It is to take all of the money of the United States, and may pay the United States in reserve association money, but the United States must pay its bonds to the association in gold.

(g) The national reserve association and its branches and local associations shall be exempt from State and local taxation except on real estate.

The special privileges mentioned are not all. There are many others in the plan. They want it to be the absolute arbiter of the future

finances of the people and of the country. They ask Congress to breathe corporate life into it. The people and the Government's finances would then be under its control.

It is proposed to give it power to make money. The Constitution of the United States says:

"The Congress shall have power to coin money, regulate the value thereof, and of foreign coin."

Now, it is proposed that a private concern shall issue notes (make money) and look after the finances of all banks and, incidentally, of all of us.

It is a question of first importance: Who is to govern it? That is an all-important matter that the proposed investigation of the Money Trust would reveal with a clearness that would leave none in doubt. None should be in doubt now if they will read and understand. It is easy to see that the Money Trust would govern it.

I have shown that a few men already own most of the wealth, and that by the compounding of the annual interest at even as low as 3 per cent, and Judge Sanborn and his associates decided it should be 7 per cent, that the few will soon own all the property. By computation, that is the inevitable result of the court's decision. There is no escape if the rule of the court is followed. The few men who own the wealth would govern the proposed Aldrich corporation. Take his plan and analyze it.

There is first the father association—that is, the National Reserve Association. That will rule. It will have 45 directors, and they will control it. Who will elect these? There are 15 branches of the reserve association, and 1 director is to be elected by each, which will make 15 of the directors of the National Reserve Association. The units of a branch are the local associations, provided as follows:

"Each local association shall be composed of not less than 10 banks, and the combined capital and surplus of the members of each local association shall aggregate not less than \$5,000,000."

The public was not expected to analyze what would happen to the units of a branch—that is, the local associations—nor the units of the reserve association—that is, the branches. It is very doubtful if under the unit system proposed that territory for a single branch association out of the 15 could by the most skillful management be so framed as to take it away from the Money Trust control. These branches, we must remember, elect 15 of the directors that run the whole scheme.

We know that the controlling interests in the large cities are owned by the railroad officials, officials of other corporations and wealthy concerns, and by the stockholders and their friends, and that they are related to each other by a community of interests. All are tied up to Wall Street, as they depend on Wall Street to market their stocks and bonds.

North Dakota, for instance, contains units enough only for 1 local association. That is because there are no large cities in that State. It takes many local associations to make a branch, because there are only 15 branches in all. In Minnesota, Minneapolis and St. Paul alone contain units enough for 4 local associations and the State at large enough for 3 more, but 1 of the latter would include Duluth, which would dominate it.

As a matter of fact, there would not likely be 7 local associations in Minnesota; but whether there were or not, St. Paul, Minneapolis, and Duluth would dominate in any financial scheme in that territory, and Wall Street would control those cities on any financial problem that would not be submitted to the people, for there are enough trust interests in those cities to do that, without a shadow of a doubt. But even if these I have mentioned were not controlled by Wall Street, even the most hardened prevaricator would not deny that the cities of New York, Chicago, Philadelphia, St. Louis, Boston, and still other great cities, would each control the branch associations in which they would be, respectively, located. Even the 5 cities last named would control more than enough out of the 15 directors to be elected by the branches, so that with the 12 to be elected on a stock basis they would have a majority of the 27, who would select 12 more, the election of whom no one should be bold enough to deny that they would control absolutely.

I know, and this investigation if proceeded with will prove, that all except 3 of the 45 directors of the National Reserve Association would, even without effort, be controlled by the Wall Street Money Trust. The community of interest in the present holdings of stock in the banks and trust companies would lead to that. The three ex officio members, the Secretary of the Treasury, the Secretary of Commerce and Labor, and the Comptroller of the Currency, would have no power with the other directors opposed to them.

The other three ex officio members are the governor of the National Reserve Association, who shall be chairman of the board, and two deputy governors. But the Aldrich plan does not leave these three to be named by the President of the United States as in the President's judgment might seem best. On the contrary, the plan proposes that the President shall select them from a list submitted by the board of directors, which board, I assert, would be under the control of the Money Trust. The list would contain none that the trust objected to. They might just as well be chosen by the Money Trust.

The Aldrich plan, as proposed, is a most ingenious contrivance that in every way protects the Money Trust. The trust could let the local organizations and the branch organizations and the election of the directors of the National Reserve Association all go on without the least attention if it chose. The trusts would control the directorate without effort, for the stock interests would vote and conserve trust control.

It is well known that 20 per cent holdings of stock centered in any active force ordinarily controls the management, and in the case of the National Reserve Association on the very start a majority of the stock would be owned by the interests at such places that they would hold the key to the whole.

I have shown that enormous special privileges are proposed for the National Reserve Association. It is to get a nest egg to start with of over \$300,000,000 by taking it from all the communities in the United States. It is to have all the cash of the United States deposited with it and is to pay no interest and be exempt from taxation; it is to have all the Government bonds if it wants them; it will take from the banks the privilege to circulate money; it is to have the right to make its own money and force the people and the Government to take it in payment of debts; and it is to have many other special privileges.

After getting the people's money and the right to make its own, in addition to other powers given, it is proposed to give it the following powers:

To purchase and sell securities of foreign governments or of gold coin or bullion.

To invest in short-term obligations of certain foreign governments, to be named in the act.

To have power in other lands to deal in gold coin or bullion, to grant loans thereon, and to contract for loans of gold coin or bullion, giving, when necessary, acceptable security for their repayment.

To have power to purchase from its depositors, and to sell, with or without its indorsement, checks or bills of exchange payable in England, France, or Germany and in such other foreign countries as the board of the reserve association may decide.

To have power to open and maintain banking accounts in foreign countries and to establish agencies in foreign countries for the purpose of purchasing and selling and collecting foreign bills of exchange and shall have authority to buy and sell through such agencies prime foreign bills.

The association is to be a world-wide speculator, and at the same time it is proposed that it should be the financial guardian of the banks, the people, and the Nation. It is to be given unlimited powers to speculate not only at home, but abroad as well.

A special provision is made in the Aldrich plan for organizing foreign banks, and these banks could be used in Europe as a base, like the New York banks are used in America, to create European monopolies. And in one additional step we would be confronted with world monopolies to deal in all things that the people need to buy.

Are we going to let this monstrous proposition of the National Reserve Association for the conservation of wealth to the wealthy come seriously before the people and Congress without verifying the facts on which to base our judgment? Are we to act upon it without these facts?

I have already discussed the use the Wall Street Money Trust makes of the so-called depositors' "sacred reserves." The present fixed bank reserves is the rock on which prosperity may run at any time and produce a panic. Prosperity ran onto that rock in 1907.

The fixed reserves are the practical holdings of the Money Trust and they want to make them larger by the rules of the proposed National Reserve Association, for it is provided by that plan that all subscribing banks must conform as to the requirements as to reserves to be held against deposits of various classes, and that there shall be no change in the percentage required by the law to be held against demand deposits by national banks in the different localities, and that hereafter the same percentages of reserve shall be required of all subscribing banks—meaning the National Reserve Association—in the same localities.

That is intended to comprehend State banks and trust companies, which under the latest Aldrich plan are eligible to subscribe to the National Reserve Association.

No, the Wall Street Money Trust can not let go of the "sacred reserves." "There shall be no change," but on the contrary it wants to increase them by adding more banks to follow the same rule. They always have had the use of the reserves. They never have been used for the depositors except after actual insolvency. Insolvency of a bank brings loss to depositors, so the "sacred reserves" are most sacred to the Wall Street Money Trust.

A proper investigation of the trust will show the wrong that has been perpetrated on the people by this false fixed reserve—fixed—fixed—why, of course the Money Trust wants fixed reserves so that it can absolutely depend on having them. The penalty visited on depositors, if they insist on taking them away from the trust, is insolvency of the banks that would have them to pay their depositors.

The Money Trust for many years has had the use of practically a billion dollars fixed reserves—"sacred reserves"—to use in speculation and to manipulate and secure corners in stocks, capture and control railways and industrial companies, and to buy and own the Nation's enterprises and its natural resources, making them vested rights in the trust, on which to fix fabulous values to issue bonds and watered stocks and annually compound interest as a fixed charge on this and future generations. That is what the "sacred fixed reserves" have done for the Money Trust.

Fine and useful as the "sacred fixed reserves" have been to the Money Trust, still that monster has ever used them and has created and pyramided bonds and corporate stocks in such colossal amounts that the godfather of them, Morgan & Co., sees a mighty problem on his hands to cement all the world into one gigantic holding to forever secure the sacredness of "vested rights" to levy the full toll of the human capacity to respond with interest and dividends. That gigantic task is to be consummated in the adoption of the Aldrich plan for the National Reserve Association.

Any honest, intelligent, and active committee appointed for the purpose, and given proper powers to investigate the actual conditions, can prepare an abstract of the facts that have taken place under our present financial system that will show to Congress and to the people the absurdity of fixed reserves for the use of the Money Trusts. Any competent committee can demonstrate from the actual facts, that are easily obtainable, that the methods of the Money Trust more than any other one thing, are directly and indirectly responsible for the cost of living being several times higher than it should be.

New inventions and methods have increased production manyfold, and the cost of living should be correspondingly decreased, but the Money Trust has so manipulated the control of things that the increased production has been practically all added to capital.

The importance of the subject under consideration has necessitated a somewhat lengthy statement, and still the field is only partly covered. I could continue almost indefinitely showing conditions that lead me to charge the existence of a real Money Trust, but I think it is not necessary to add more to a preliminary statement. An investigation, if ordered, will cover the field more fully.

I have omitted entirely any reference to some practices that I have been informed exist, which, if true, would be sensational. If these exist, it will be for a committee to find out.

As of importance in the consideration of financial problems the House needs some information on the subjects I have described and on others. There is no source from which the information will come unless through a committee with proper authority to investigate. It will not be denied that the money and credit system is the most important consideration that will be before Congress for some time, and therefore the importance of the facts.

It is a matter of common knowledge, and judicial interpretation has established it as a legal fact, that we have within our social fabric great monopolies and trusts that are in control of many of the industries and much of the commerce of the country and are directing it in restraint of trade and for selfish ends. There has been some pretense to control these by prosecutions, but it is apparent that these prosecutions can be of no substantial advantage to relieve the people of the burdens of monopoly prices on things they buy for their daily use. We can not relieve the people of excessive burdens as long as Wall Street controls the use of the money and credits.

We know that a few men and their associates control, by stockholdings and a community of interest, practically all the most important industries and also the transportation systems on which the products of

all industries must be carried from producers to consumers. These same few men control the finances of the country and may bring on a panic any day that such would suit their selfish ends. We need no evidence of that fact.

The Aldrich plan is offered as a remedy for panics. I have investigated enough to know already that the Aldrich plan is wrong and in the interests of the same few men who control generally; but most of the people have not investigated, and there are many who believe it is right and are seriously advocating its enactment into law, some because of personal selfish views and others because they have not analyzed it in full view of Wall Street finance.

Therefore I would suggest that the committee called for by the resolution under consideration shall ascertain the ownership and management of the principal banks and trust companies that are eligible to hold the stock of the proposed National Reserve Association, and also ascertain the ownership and management of the principal trusts that control the industries, railway systems, and properties in general. Finding these facts will enable the public and Congress to determine whether or not there is a community of interest between the controlling banks and trust companies and the industries, railways, and other great property interests that are in trust control. I contend, with the finding of the true facts in regard thereto, that these will show that the National Reserve Association would be distinctly a Wall Street institution and would give the Money Trust still greater powers.

But it is not sufficient that this committee should establish the facts that will tear out from under the Aldrich plan its support, for that plan is the response of the interests to a demand by the people for an honest money and credit. The Money Trust is simply trying to ride in on that demand with a plan of its own in the hope that it will pass before its true purpose is discovered. The committee must keep in view the demand of the public and proceed to secure actual facts that are necessary to give a true understanding of the defects in our present money and banking system.

The committee should find, as far as practical, the extent of the abuse of the spirit of the law in the capitalization of banks and trust companies through a practice of note kiting and by the use of dummy notes.

The committee should find, as near as practical, to what extent the funds of country banks are being used to purchase so-called commercial paper in the cities and, if practical, to obtain some information as to whether or not the funds secured on such paper is not, much of it, used in speculation, and therefore a breeder of panics.

The committee should find, as near as practical—and this may be done with practical accuracy—how much of the fixed reserves of the different banking institutions is concentrated in the reserve and the central reserve cities, and particularly what part of that is kept in the three reserve cities, separating that which is deposited directly by the nonreserve banks and the reserve banks from that which comes by the indirect route from a nonreserve to a reserve and by the latter deposited in the central reserve.

The committee should find how much cash is tied up in what are termed "fixed reserves" in (a) the country banks, (b) the reserve banks, and (c) the three central reserve city banks, separating the latter, and from that determine the working-margin balance practical for business operations and practically its holding, and find separately if the country banks and the reserve banks generally keep greater deposits in other banks than are necessary for current exchange, and if the interest paid by banks to each other influences the amount of such balances, and to what extent.

The committee should, in a sort of a general way, for it can not be done specifically, find to what extent the diversion of deposits from country banks, invested in commercial paper in the cities and their deposits in the city banks, injure the localities from which these deposits are taken, and at the same time make suggestions as to how the deposits of those banks may be authorized in safe loans in the localities of their origin.

It should be the policy of the banking laws to give the banks in each community complete authority to take all safe loans, and banks should be stamped with disfavor whenever they loan funds in remote places when there is a local demand for safe loans in the territory from which they secure their deposits. When there is not sufficient local demand, the banks should be permitted to extend their loans into other safe channels. If each community is placed on its own resources to the greatest practical extent, there will be less loss and no serious panics of country-wide distress. Now the reverse policy is being followed. Everything is centered in New York, and a disturbance there creates general disturbance. The committee should inform itself on all these points, and report.

The committee should find whether or not the principal banks in New York and some other places conspire to raise the rates of interest to borrowers.

The committee should find whether the life insurance companies are being manipulated by their management to contribute to the control of the few principal banks and financiers; and if so, by what means it is done.

The committee should find whether or not any undue influences are used by certain of the New York banks that are in control of the trusts to concentrate with themselves the deposits of banks and trust companies in other localities.

The committee should find if any unnatural and improper methods are being used by the New York Clearing House to concentrate deposits and business into the special banks that it favors, and as to whether the rules of exchange and charges for the same are used to give a monopoly to its special favorites.

The committee should inquire particularly into whether or not there is a real Money Trust existing by virtue of the community of interest in a few parties who have the power to practically regulate the finances and the business of the country. I claim there is such a trust and that the fact can easily be established, and that when established the settlement of the money and banking problem will be very much simplified.

There is one of two things that will have to take place in this country if we are to be relieved of made panics—either the Government must go into the business of managing the issues of money and controlling the finances or else the concentration of the money belonging to the people into Wall Street will have to be stopped and the different sections of the country be allowed to conserve their own resources, aided by such legislation as may seem proper. The latter is, on condition of things as they now are, the first solution. Ultimately the other will come and compete with the first, and if it seems to the general public the most satisfactory it will replace the first; so, therefore, it is up to those who want the first to take more than a purely selfish interest in the adjustment of this great problem.

The whole country is now tied up to the Wall Street fortunes—tied up because the money from every section of the country is centered there in the control of the speculators. It is fixed by the reserve laws there for them.

Mr. Chairman, I have taken much of the committee's time, but I think no apology is necessary, for no one, with a conception of the wrong that has been inflicted on humanity by reason of not having an honest money and credit exchange system, can doubt the importance of the proposed investigation. By it can be determined the true causes why the producers and consumers are burdened by existing extravagances. With a knowledge of their causes there will be awakened in the public conscience a sense of justice the response to which will be evidenced by a liberation of personal, factional, and party prejudices, and it will lead to a common demand for the adoption of a system that will give to all a square deal and an opportunity to successfully develop through faithful industry. It will point the way to a liberation from industrial and commercial slavery. Under honest, intelligent direction the work may be useful to the world and become a peace bearer to relieve from some of their troubles the unsettled and restless peoples of other nations.

We still have with us a few veterans of the Civil War, some who fought for the emancipation of slavery and others who fought against it. On both sides there is now common agreement that right prevailed, and personal and sectional prejudice has ceased. It is now our duty to show by our actions and appreciation of the victory that came to the Union soldiers at enormous sacrifice. We still stand for freedom, and if we preserve it their sacrifice was not in vain. This appreciation surely is seconded by those who fought in the other battle lines in the first great struggle and they now recognize the justice of the maintenance of the principles settled in that struggle. We all join now in seeking to make those principles practical. We are of one heart and one soul, an inseparable national brotherhood, and unite in the acknowledgment of the wisdom and prophetic foresight of the immortal Lincoln when, near the close of the war, he gave utterance to the following:

"Yes; we may all congratulate ourselves that this cruel war is nearing its close. It has cost a vast amount of treasure and blood. The best blood of the flower of American youth has been freely offered upon our country's altar that the Nation might live. It has been, indeed, a trying hour for the Republic; but I see in the future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of war."

Yes; corporations were enthroned and an era of corruption in high places followed, and the money power of the country has prolonged its reign by working upon the prejudices of the people, and now wealth is aggregated in a few hands; and a proponent of the Aldrich plan, a representative of the money power, has issued the challenge by stating, "The plan"—meaning the new Aldrich plan—"will meet with opposition from the men who think the Government should control the currency. I am glad," he says, "that that is where the contest is coming. Our predecessors"—meaning the money kings—"all through the ages have fought it, and if we must fight it out we are ready for it. Let it come." That is the only open challenge that I know of coming from the money power. Its practice has been to do and not to challenge. This challenge is an evidence of impotence. In it I see a weakening of their forces. Through the money power industrial and commercial slavery was established. The place of its origin was in the North and it spread until it encompassed the Nation, and now the boards between the North and the South are the same. Each allowed slavery to originate in its territory, and now the plain people, North and South, everywhere, join by the law of reason and common sense and accept the money trust challenge. The campaign is on. We are ready.

In quoting my Rules Committee speech above, I have left out very little of it. I now desire to conclude by submitting, as an appendix to my remarks, a memorial to Congress from W. B. Fleming, of Louisville, Ky., formerly a law officer of the Treasury Department, I am informed.

To the House of Representatives, Washington, D. C.:

Your petitioner, a citizen of the United States and of the State of Kentucky, respectfully represents that there is now pending before you House resolution 314, introduced by Congressman CHARLES A. LINDBERGH, of Minnesota, "authorizing the appointment of a committee to investigate as to whether there are not combinations of financial and other concerns who control money and credits and operate in restraint of trade through that control."

Your petitioner humbly petitions your honorable body to act favorably on said resolution.

1. Because it is notorious that the combinations referred to in said resolution exist.

2. Because these combinations are dangerously inimical to the public welfare.

3. Because it is of the utmost importance not only that the Congress but the public whose welfare is at stake be informed of the material facts relating to said combinations, including their existence, their methods, their aims, and their power.

4. Because the necessary facts can in no other way be so well ascertained and given publicity.

Your petitioner further represents that this investigation is all the more urgent and necessary by reason of the fact that the Congress will soon be called upon to consider the report of the National Monetary Commission, which is indorsed and being pushed by these same combinations who are raising a very large sum of money to influence the public press and Congress itself. The scheme of the said commission is the most portentous ever presented for adoption to Congress, and is fraught with infinite possibilities for evil. If enacted into law, it will concentrate in a few hands a power greater than the Government itself.

Under the specious plea of providing against panics it is proposed to breathe the breath of life into a Frankenstein monster which would turn upon and destroy its creator and enslave the people.

The danger of a money monopoly was thus pointed out by John C. Calhoun in the United States Senate in a speech upon the United States Bank:

"If we turn our attention to the laws which govern the circulation we shall find one of the most important to be that, as the circulation is decreased or increased, the rest of the property will, all other circum-

stances remaining the same, be decreased or increased in value exactly in the same proportion. To illustrate: If a community should have an aggregate amount of property of \$31,000,000, of which one million constitutes its currency, and that one million should be reduced one-tenth part; that is to say, \$100,000, the value of the rest will be reduced in like manner one-tenth part; that is, \$3,000,000. And here a very important fact discloses itself which explains why the currency should be touched with such delicacy and why stability and uniformity are the essential qualities; I mean that a small absolute reduction of the currency makes a great absolute reduction of the value of the entire property of the community. * * * If we suppose the entire currency to be in the hands of one portion of the community and the property in the hands of the other portion, the former, by having the currency under their exclusive control might control the value of all the property in the community and possess themselves of it at pleasure. * * * It results from this that there is a dangerous antagonistic relation between those who hold or command the currency and the rest of the community."

President Garfield said:

"Whoever controls the volume of currency is absolute master of the commerce and the industries of the country."

Mr. Chase, Lincoln's ex-Secretary of the Treasury, before he died, saw the Money Trust in its infancy and realized that it had its birth in the national bank act. He said:

"My agency in procuring the passage of the national bank act was the greatest financial mistake of my life. It has built up a monopoly that affects every interest in the country. It should be repealed."

Jefferson said:

"Banks of issue are more dangerous than standing armies."

President Jackson said:

"All money, whether of metal or paper, should be issued by the Government, and bank issues should be abolished."

If the Morgan-Aldrich Central Reserve Association be enacted into law we will have a colossal octopus with one head and many tentacles. The big Wall Street banks, controlled by Morgan and Rockefeller, would be the head and the local branches the tentacles. These arms and armlets, reaching out from the head at New York all over the land, are to gather the sustenance upon which the monster is to feed. From the center of Wall Street orders will go out as Nero's orders went out from Rome—to the remotest bounds of the Empire—and to it will flow the spoil of the Nation as the plunder of the provinces poured into the Eternal City. This institution will be the fiscal agent of the Government and do business all over the world. Its speculations will not be confined to Wall Street, but extend to London, Paris, Amsterdam, Berlin, and other rich cities. And the Government—that is all the people—will guarantee the payment of all the notes issued by all these banks of issue.

The framework of this mighty structure is already set up.

The chief genius back of it is J. Pierpont Morgan, the great trust promoter. Some time ago this extraordinary man, who has long exercised strange influence at Washington, both in Congress and at the Treasury Department of the Government, took over the Equitable Life Assurance Society from Thomas F. Ryan, paying two and a half million dollars for stock that can legitimately earn only \$3,415 a year, so as to get control of the Equitable's \$400,000,000 assets and \$80,000,000 surplus, and lately his trust company has bought from his Equitable Life Assurance Society its holdings in the Mercantile Trust Co., by which transaction the aggregate assets of the bank controlled by him are said to exceed \$1,000,000,000.

The Morgan and Rockefeller interests are allied, and their big bank is the National City Bank. "The National City Co." has been organized. This company is under the absolute and perpetual control of three trustees, all officials of the National City Bank. It is to be the holding company of the stocks of other banks, and to become to the other banks what the Standard Oil Co. has been to its subsidiary companies.

The Money Trust has long been plotting to bring all the banks under the domination of one gigantic trust, and the Monetary Commission, which has already cost the people nearly \$250,000, is but the instrument in Morgan's hands to consummate this conspiracy.

Fed by the scheme recommended by the Monetary Commission, the centralized power already organized at Wall Street will quickly grow to the dimensions of a giant trust, and become the head and manager of the reserve association and dominate all the banks and business of the United States, and thus be made the legal arbiter of the destiny of the country and all our fortunes.

To combat the present power of the financial interests and to stay its mighty hand and prevent the absolute monopoly which the Central Bank Reserve Association would entail, it is of supreme importance that Congress should forthwith use its powers to lay bare the essential facts and, as servants of the people, expose them to the public view, so that the sovereign people may know the truth and take proper steps to save themselves from this threatened danger to their liberties.

To the end that the public welfare be conserved, a thorough investigation and report as to the present accumulations of capital, where and how it is concentrated and used; the effect of such concentration upon business and the life of the people; its connection with Wall Street; the names and motives of the great magnates who are concerned in the combinations; what, if any, laws of the United States have contributed to the monopoly; and the real scope and purpose of the Aldrich scheme are absolutely necessary.

Notes of warning of the power and menace of the Money Monopoly have come to us from many well-known publicists, and cries of alarm have come to us even from the ranks of the rich themselves.

Every industrial trust has been underwritten by the Money Trust, which is the keystone of the arch of trusts.

Gov. Woodrow Wilson has said that "the great monopoly in this country is the money monopoly."

Confronted as we are with the reign of the monopolies, will the House of Representatives, fresh from the people, as it is, refuse to even investigate the worst of all the monopolies?

The big financiers of the country have taken advantage of the financial laws, passed at their own instigation, to organize the Money Trust.

An appendix is added as part of this memorial, that you may see at a glance how the Congress has been made to play into the hands of those who control the currency and credits of the country.

To Federal legislation and money issues has been added the use of the credit of the Nation and of the great reserves of the United States Treasury Department.

Behind these laws and administrative and governmental favors and powers the Money Trust is entrenched, and it now boldly proposes to

consummate its power and add the capstone to the fortress it has built by the enactment of the Aldrich scheme.

Congress alone can save us from the grip of the money monopoly; but even Congress may not be able to do this without bringing the machinations of the money power into the light of day, and this can only be hoped for through congressional investigation, an investigation which the Money Trust is trying to block by threats of another panic. These threats of themselves suffice to prove the existence of the monopoly and the menace it is to the public welfare and the necessity for the action they are designed to prevent.

Wherefore your petitioner humbly prays that House resolution 314 be adopted.

And your petitioner will ever pray, etc.

W. B. FLEMING.

APPENDIX.

A REVIEW OF THE FINANCIAL LEGISLATION UPON WHICH THE MONEY MONOPOLY FEEDS AND WHICH THE ALDRICH SCHEME IS TO CROWN.

Early in the nineteenth century the financiers passed a law incorporating the United States Bank, and by that bank established a banking monopoly, which was destroyed by the heroic Andrew Jackson.

Not until the public mind was absorbed in the mighty struggle of the Civil War was any serious attempt thereafter made to again build up another; but in that struggle the money changers saw and took advantage of their opportunity.

In spite of its ravages and the vast destruction of property which that war entailed, the people of the United States were never so prosperous as they were at the time it was drawing to a close and immediately thereafter. This was largely because the people were supplied with an ample circulating medium issued and controlled by the Government. So ample was that currency that the business of the country was universally conducted upon a cash basis. The population of the loyal States was some 24,000,000 and the amount of money in circulation was \$1,180,197,147, or \$50 per capita. The times were so good that the sage Secretary of the Treasury, Mr. McCullough, said in his official report that the country was "too prosperous." The Secretary was the spokesman for the greed of those who wanted to "draw all wealth to themselves." What he really meant was that the wealth of the country was being too well distributed. A vast conspiracy was formed to change this order of things so that the great wealth of the United States might be diverted from the many to the few by the control in private hands of the circulating medium.

To this end it was necessary that the Treasury notes, public money, should be destroyed and be superseded by bank notes, private money. The foundations of this had already been laid by the national-bank system adopted in 1864, under which the national banks were made banks of issue. But in that year less than \$32,000,000 of these notes were in existence.

On April 12, 1866, an act was passed under which all Treasury notes were made convertible into bonds at the option of the owner. Under this act a large portion of the public money was exchanged for bonds, and the circulating medium thus greatly contracted. A tax was put on State-bank circulation to force its retirement. The demand notes, the one and two year notes, the compound-interest notes, the State-bank circulation, and other Treasury notes were withdrawn, until the aggregate of their retirement exceeded \$800,000,000. By 1869 the volume of money was reduced to \$750,000,000 for 40,000,000 people. That same year, by act of March 18, all the Government's obligations were made payable in coin. This included bonds bought with Treasury notes, and under the law payable in Treasury notes.

The panic of 1873 necessarily followed, and under its shadows, which long rested like a pall upon the country, the act of January 14, 1875, for the resumption of specie payments, was passed, providing that after January 1, 1879, the Secretary of the Treasury should redeem in coin the United States legal-tender notes then outstanding and sell bonds for that purpose. Under this act the public debt was increased and the reduction of the currency continued until Congress was forced by popular demand to pass the act of May 31, 1878, forbidding the further retirement of the legal-tender notes.

The next step in the evolution was to cut off the supply of silver money by closing the mints to silver coinage. Under cover of a bill which provided for revising and amending the laws relative to the mints, the coinage of silver was covertly dropped. By the same surreptitious method, under an act to codify the statutes, the legal tender quality of silver dollars for any sum in excess of \$5 was taken away.

This brought on the silver struggle. Popular agitation for the reopening of the mints and the recoinage of silver resulted in the partial restoration of silver coinage under the Bland-Allison bill of 1878, which was superseded in 1890 by the law known as the Sherman bill, whereby silver bullion to the amount of 4,500,000 ounces per month was purchased by the Government, against which were issued silver Treasury notes. These notes constitute a large part of the currency used in business to-day.

Under Presidents Harrison and Cleveland the Money Trust succeeded in having the Secretary of the Treasury surrender the option of the Government to redeem its notes in silver and in having them redeemed in gold.

The next step was to repeal the purchasing clause of the Sherman bill. To accomplish this Mr. Cleveland did not hesitate to use all the power of the Chief Executive, including the use of the Federal patronage. In addition the country was given "an object lesson." The command went forth from Wall Street that bank credits should be withheld. The panic of 1893 ensued. Some 600 banks failed and thousands lost their all. The commercial class was made to cry out for the repeal of the Sherman law. The Money Trust succeeded in repealing the Sherman law and in establishing the gold standard. Unfortunately in this fight the real issue was obscured by a contention for the ratio of 16 to 1—an arbitrary ratio. The question of ratio is a mere incident. The vital question involved, a currency supply of Federal money as against private money, was lost sight of.

The supply and use of silver thus curtailed, the trust busied itself with the Gage bill (Hill-Fowler bill), which boldly proposed to replace with bank issues the Government money—gold and silver certificates, greenbacks, and Treasury notes—aggregating nearly a billion dollars. But the Gage bill, prepared on the plan of the Baltimore Bankers' Convention, failed to pass. In 1900 the currency bill, a compromise measure urged by the Indianapolis Bankers' Monetary Convention, was passed. This was done in fulfillment of pledges made for enormous campaign contributions of 1904 and 1898. By this bill the Secretaries of the Treasury (commonly appointed at the dictation of the Money

Trust) were vested with unlimited power to issue bonds; the tax on national-bank notes was reduced one-half; permission was given for the issue of national-bank notes to the full amount of bonds deposited, instead of 90 per cent as previously provided; Treasury notes were to be cancelled; short-term bonds were replaced with long-term bonds; and the greenbacks impounded. Treasury notes, including silver certificates, were made redeemable in gold; the gold dollar was made the standard unit of value; and thus the silver dollars themselves and all forms of indebtedness, private as well as public, were in effect made payable in gold or its equivalent, in spite of the Mathews resolution of 1878, which passed both Houses of Congress, declarative of the law which *vi et terminus* provided that the obligations of the Government might be paid in silver as well as gold dollars.

The panic of 1907 enabled the trust to take another step in its march toward the goal of arbitrary and complete control of the currency. The Aldrich-Vreeland bill, which authorizes national banks to issue asset currency to the extent of \$500,000,000, was passed. Under this law the banks may deposit railroad and other bonds and securities with the Secretary of the Treasury and receive national-bank notes for these pledges, and while drawing interest on the securities loan out the money received.

Of this law the Philadelphia North American said:

"This law will mean the turning over of the Treasury of the United States to the gamblers of the New York Stock Exchange; the making of 'good times' and 'bad times' a 'bull' market and 'bear' market, according to the pleasure of Rogers and Rockefeller, of the National City Bank, and J. P. Morgan, of the National Bank of Commerce; the gift to the chief enemies of the Nation of the power to issue or retire half a billion dollars, exciting speculation, or compelling disaster, according to whatever suits their betting book."

The national bank act was designed to concentrate the currency of the country in the great cities. The "reserve" banks are there and the money of the country banks deposited in the reserve banks counts under the law as so much cash on hand. By a premium offered in the way of interest the deposits of the country banks are thus drawn to the great cities, chiefly to New York. In that metropolis is gathered also the money of the great insurance companies. Here, too, are deposited vast sums from the National Treasury. This congestion of money in the big Wall Street banks serves to divert the currency from commercial to stock jobbing and speculative purposes and puts it in the power of the big financiers to dominate the country. The Wall Street banks have in alliance with them the big banks of Boston, Philadelphia, and Chicago. The principal owners of the stocks in these banks are the industrial trusts, and by an interlocking system of directorates, the railroads, the iron and steel and copper business, the telephones and telegraphs, the express companies, and the municipal utility corporations are all largely brought under a common control—a control which, as shown by Senator LA FOLLETTE in the Senate, is now reduced to some 14 men.

This power overawes city councils, State legislatures, the Congress, and even the Supreme Court itself. Worse still, it overawes the people, who are afraid to vote for a change of administration when this power is arrayed against them. When a fearless enemy of the system is nominated for the Presidency a panic is threatened by the Money Trust, and the voters know it is able to execute its threat.

This trust is above the law. It defies all the laws against monopoly, including the law of its own being, the law of the banking act. Under the national bank act, whenever a national bank fails to pay a depositor's check, it is the duty of the comptroller to put the bank into the hands of a receiver. This law was utterly ignored in the panics of 1893 and 1907, which the bankers themselves instigated, and the banks were allowed to refuse payments of depositors' checks and to issue and circulate as money clearing-house certificates.

Potential as it now is, the Money Trust is actively engaged in the effort to legalize all the powers it is now exercising and make it even more despotic. To this end it secured the Monetary Commission and its recommendation of the central reserve association, by which the trust would monopolize governmental authority over financial matters and in effect create a United States bank with practically sovereign powers over the money, the credits, and the business of the country. To have the scheme enacted into law, bankers' conventions have been held all over the country and a stupendous fund is being raised to influence public opinion and control Congress.

[Mr. FERRIS addressed the House. See Appendix.]

Mr. DALZELL. Mr. Speaker, how much time is remaining on the other side?

The SPEAKER. The gentleman from Texas has 18 minutes and the gentleman from Pennsylvania [Mr. DALZELL] 16 minutes left.

Mr. DALZELL. I yield 3 minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, when the true history of congressional action on the so-called Money Trust investigation is written it will be found that the gentleman from Minnesota [Mr. LINDBERGH] is entitled to more credit than any other Member of the House. It was this gentleman who introduced the first resolution demanding an investigation of the Money Trust. It was at the hearing before the Committee on Rules, on his resolution, that the argument made by the gentleman from Minnesota set the members of that committee, the Members of this House, and all the country to thinking. Considerable has been said in this debate of a partisan nature, in which it is claimed that the present Democratic majority is entitled to whatever credit may be due for the proposed investigation. It is not my desire to enter into any partisan discussion of the subject, but the real facts are that it was the gentleman from Minnesota [Mr. LINDBERGH], a Republican, who first put the wheels in motion, and if there is any partisan credit to be given it should be given to him. His resolution covered the subject fully, but after a discussion of his resolution and after the entire country became interested in the discussion, then, for the first time, appears the mailed hand of politics, and for the first time there is an attempt made to get a partisan ad-

vantage. Then it was that the gentleman from Texas [Mr. HENRY] introduced his resolution on the subject. It was likewise a comprehensive resolution, and the gentleman from Texas is entitled to credit for its preparation and its introduction. I have no doubt of his sincerity and honesty of purpose as far as his attempt is concerned to get a real investigation. His resolution if adopted would bring about a real investigation. He provides in his resolution that the investigation shall be made by a special committee, but in his enthusiasm he seemed to forget that the emissaries of Wall Street were able to work within his party as well as within any other party, and as it became evident that it was his intention to make an attempt to have the Rules Committee report his resolution the leaders of the Democratic majority stepped in and called a Democratic caucus. This caucus seemed to be opposed to any real investigation. They decided that the Banking and Currency Committee should be instructed by a harmless resolution to sit during the session and the recess of Congress and make such investigation as they deemed necessary. It gave to them no additional power, no additional authority. On three different days this caucus resolution has been brought into the House. Every time, for fear of defeat, it has been withdrawn, and now it seems that the political machine has been so perfected that they feel confident that a real investigation can be smothered and this meaningless resolution passed through the House.

Shorn of all legal verbiage, this resolution, if passed, would simply give the Committee on Banking and Currency the right to sit during the sessions and the recess of this House. This resolution, which came in here to-day, practically means that and nothing more.

Now, we passed the resolution providing for a special committee for the investigation of the Sugar Trust, a special committee for the Steel Trust investigation, and when making an investigation of the greatest trust of all you simply refer it to the Committee on Banking and Currency, whose jurisdiction, it is admitted, does not reach more than one-third of the matters involved in this proposition of a Money Trust.

This resolution has been first in the Rules Committee, then to the Democratic caucus, then back to the Rules Committee, then to the House, back to the Rules Committee, back to the House, then the Rules Committee, and now here it is the third time, clothed in a little different garb, but it is just as impotent, just as worthless as it ever was, and if it could speak, it would offer its apologies to the Missouri poet, and then in the agony of its miserable existence say:

Every time I come to town
The boys keep kickin' me all aroun',
It makes no difference if I am a clown,
You've gotta quit kickin' me all aroun'.

[Laughter.]

The Democratic caucus by a vote of 115 has smothered the real investigation that was proposed by the Lindbergh and Henry resolutions. Think of 115 men in a secret caucus controlling the official action of 393 Members. We have here a practical illustration of the evils of the caucus. Oh, yes, gentlemen, you did—you helped some of us to overthrow what you termed the czar; and then you have given your allegiance to and placed upon the throne King Caucus, and you kneel and bow and scrape before his throne like the slave crouches in the dust at the feet of his master. [Applause on the Republican side.]

If you want a real investigation, why not pass the Henry or Lindbergh resolution? If you want to give to the people, to the public, to the country, and to this House the facts, then why conceal it and cover it up in this sham resolution that is now before the House by consent of Wall Street and by virtue of this Democratic caucus? [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. NORRIS. I would like to have a little more time.

[The time of Mr. NORRIS was extended.]

Mr. Speaker, it has been argued that there is no Money Trust and that an investigation would injure business. If there be no Money Trust, then no one can be hurt by an honest investigation, no matter how thorough it may be. Honest business will not be hurt by publicity, and any business that can not exist in the light of day is not honest and does not need and ought not have protection. I have here a letter from Mr. A. E. Stilwell, the great railroad builder. I presume every Member has a copy. It is an open letter, directed to Members of the Senate and the House of Representatives. In this letter Mr. Stilwell specifically charges that there is a Money Trust, and sets forth some of its evil doings. He says that he has felt its power in his work. He has been delayed and halted, and at times it looked as though he must fail on account of enormous combinations of wealth controlled by men

who did not want to see his railroads constructed. It is common knowledge that no man or set of men can finance any great institution or enterprise without they get the consent of a few men in Wall Street, and these men always demand their rake-off. In this letter Mr. Stilwell quotes from a speech delivered by the president of the Continental Commercial Bank, of Chicago, at a meeting of financial men. He quotes this gentleman, as follows:

I believe the money power now lies in the hands of a dozen men. I plead guilty to being one.

Mr. Stilwell says that two or three banks in New York, two or three in Chicago, and two or three in St. Louis control the question of whether loans shall be made to correspondents throughout the entire country. The man or men who control the money of a country control everything there is in it, and there is a general understanding throughout the country that such a condition exists and that a very few of the great money kings absolutely have their grip upon every enterprise and upon every great undertaking. The American people from one end of the country to the other are demanding the truth. They want an honest, square investigation. It was the purpose of the Lindbergh resolution and also of the Henry resolution to give such an investigation. This money power can prevent railway construction. It prevents the development of States and Territories by the control of credit. It holds in its greedy hands the destinies of millions. We are importuned by people from all over the country to provide for an investigation that shall be honest and thorough. As I have said, it is admitted that the Banking and Currency Committee does not have jurisdiction over more than a third of the matters controlled by the Money Trust. It is understood and known throughout the country that Wall Street has been laboring through those who can control the Democratic caucus for weeks and weeks, trying to squelch this investigation, or, failing in that, to have the matter referred to the Banking and Currency Committee and not investigated by a special committee, as provided in the Lindbergh and the Henry resolutions. There are many Democrats on that side of the House who, if uncoerced and uncontrolled by the silent but terrible power of the caucus, would gladly vote with us to defeat the previous question and then to pass an amendment that would make this a real investigation. The parliamentary situation is such that unless the previous question is defeated no amendment will be in order, so the vote on the previous question is the test vote; and I want to call to witness, gentlemen, that the man who has thrice lead your party in the presidential contest has sounded the warning and called attention to you and to the country that this investigation should be made, according to the Henry resolution, by a special committee, and to refer it to the Banking Committee is only to smother it. Mr. Bryan recently telegraphed Mr. HENRY of Texas, chairman of the Rules Committee, as follows:

I regard caucus on Money Trust investigation as crisis. Its result will largely affect our chances in coming campaign. Please say to anyone who values my judgment that I am heartily with you in demand for special committee. There are many objections to investigation by regular committee, but it is enough to know that Wall Street prefers regular committee. We can not afford to allow accused parties to select this jury. Success to you. If our party is afraid to offend the powerful financial interests that have fought us since 1896 we can not expect public confidence.

WILLIAM JENNINGS BRYAN.

But, my Democratic friends, that is not the only warning you have received. The chairman of the Committee on Rules, the able gentleman from Texas [Mr. HENRY], on the 2d day of February published a letter over his own signature in the Washington Post. In this letter he calls your attention to the real situation. Mr. HENRY says:

The truth is that only one-third of the matters provided for in my resolution pertain to the duties and jurisdiction of that committee, and an equal third each goes respectively to the Judiciary and Interstate and Foreign Commerce Committees, should the facts and frauds be uncovered, which I have promised the American people will be done if we can have a real investigation and not a sham.

These discoverable facts will belong with equal pertinency to the jurisdiction of these three committees when we unearth them. Then why send my resolution to the Banking and Currency Committee? Why?

These same men who are trying to do that were just as determined at first that there should be no investigation under any circumstances. They have now changed their tactics.

In a communication from Mr. Samuel Untermyer he informs me: "I happen to know something of the desperate efforts that are being made from New York, through the local banks in every section of the country, to defeat this investigation or to send it to the Committee on Banking and Currency. You have a big fight on your hands, but the game is well worth the candle. No more important or public-spirited fight has ever made."

Let me give assurance that I know Mr. Untermyer is speaking the unvarnished truth.

A careful reading of my resolution will demonstrate that if a real investigation can be had, facts will be uncovered and established that throw a flood of light on other propositions than a simple currency law. It will unearth conditions and a system that will show the American people not only how to legislate on the currency bill now pending, but the trust problem and interstate-commerce corporations and railways.

A thorough examination of my resolution will show that we will also get at the methods of the Money Trust in manipulating the prices of cotton and other agricultural products, their power to make "bull" and "bear" markets, and their conspiracies to depress the prices of farm products, and thereby the cotton growers of the South, the grain growers of the West, and the farmers everywhere will have authentic information and a long-sought answer as to how Wall Street has been executing these deeds and conspiracies for many years.

Therefore, I am fighting for a real investigation in a sane, deliberate, wise, and unsensational way.

R. L. HENRY.

Now, the question arises: Are you going to permit the call of duty to be subservient to the dictates of the caucus? Why not declare your freedom on this occasion and help us to amend this resolution so it will be effective? If you will vote down the previous question we will offer as a substitute the provision of the Henry resolution, providing for a special committee, giving to them full and ample powers to make the investigation thorough and complete. There are some of us over here who will not be shackled by the mandates of a secret party caucus. There are many of you over there who believe as we do. Why not, then, come out into the open; join with us; let us present a united front to a united enemy?

How foolish this investigation would be, even if it were started by three separate committees of the House. The House of Representatives, as I have said before, has never taken such a course in any prior investigation. What would you have said to us when you proposed to investigate the Steel Trust if we had said, "Let that part of the matters pertaining to the Steel Trust that is within the jurisdiction of the Judiciary Committee be investigated by that committee; let that part that is within the jurisdiction of the Interstate and Foreign Commerce Committee be investigated by that committee; let that part of the investigation pertaining to banking and currency be investigated by that committee; let that part which relates to the labor of its employees be investigated by the Committee on Labor?" The very statement of the proposition discloses its foolishness. The only practical, honest, fair way to make this investigation is by some one committee having complete authority to investigate all the details and all the ramifications of this great trust, no matter whether it leads in the direction of the Judiciary, whether it leads to Interstate and Foreign Commerce, or whether it leads to Banking. Everybody here knows and understands that this is only an attempt to avoid the real issue. You have been inveigled into it through the instrumentality of a caucus. Why not put our work here on the floor of the House, the place we have sworn to perform our duty, above and beyond the control of an unofficial organization held in secret, dominated and controlled by the political machine?

Mr. Speaker, in conclusion, first offering my apologies to James Whitcomb Riley, I want to dedicate to the loyal subjects of King Caucus this little stanza:

There was a little Democrat who wouldn't say his prayers,
And so the caucus gobbled him and spanked him unawares.
They threatened him, they pounded him, they rolled him thin and sleek,
And when the job was finished there he was humble, sore, but meek.
And the caucus 'll git you if you don't watch out.

[Laughter and applause on the Republican side.]

There were some stalwart Democrats, who swore they saw a trust;
With bulls and bears it gamboled there in Wall Street's dirty dust;
But when the caucus finished them they saw 'twas just a dream.
They laid their heads in Wall Street's lap and slumbered on again.
And the caucus 'll git you if you don't watch out.

[Laughter and applause on the Republican side.]

The SPEAKER. The time of the gentleman has again expired.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, public opinion is so easily molded for right or wrong, as the promoters of publicity intend it shall be, that it is refreshing to observe how cheerfully the editorial brethren dwell together on certain problems of political interest. Our friends of the Democratic Party have been discovering a great many mare's-nests since they have been in control of this House, and some of these they have investigated until the lead became too hot for comfort, as in the great Controller Bay exposé, which wound up in such a lamentable fiasco. As to the propriety of these proceedings, we have had both sides of the question; first, that the regular committees should make these investigations; second, that the work should be done by special committees with Representatives as accusers, as in the case of the inquiry into the Army shoe contracts; and both methods have been held by the House to be justifiable. While cutting down the tariff and reducing expenditures in other directions, making it a serious question whether

both ends can be met during the next fiscal year, and whether great public improvements like rivers and harbors and public buildings can be continued, the publicity following in the trail of the investigators has been a sufficient inducement to encourage and continue the investigations at much expense, notwithstanding the small returns and frequent failures resulting therefrom.

The latest scheme to attract attention to the activity of the Democrats in the House and to secure the newspaper headlines, which are so valuable for campaign purposes, is the professed desire to discover and drive from its lair the Money Trust. I do not intend to enlarge upon this new sensation, except to lay before the House the views of three of the great newspapers of the city of Philadelphia, who "agree" most indifferently upon this subject. In fact, even the casual reader of the editorials, which I now present, will be able to understand not only how wicked are the "malefactors of great wealth," who put all the money of the country in their own strong boxes, and deprive every mortal son of the 92,000,000 of us, who are still doing business in the country, to obtain any spare change at all, but they also seem to suggest that this hydra-headed and multi-fingered octopus, the Money Trust, is as much a myth as the Cerberus of Dante. That there is something spectral, if not demagogic, about this frightful monster that so completely enslaves us all is shown by the Philadelphia Record, our leading Democratic newspaper in Pennsylvania, in its issue of February 8. The Record's article is worth the reading, not only because it tersely presents its facts, but throws in a little classical history that is satisfyingly illustrative. It follows:

Of all the foolish spectres conjured up by politicians and demagogues to frighten a free and independent people, that of the so-called Money Trust is perhaps the most absurd. While we hear more of it now than perhaps ever before, this bugaboo is by no means new, but has frequently been invoked in days gone by for much the same purposes as now. Its history is interestingly traced by Prof. Joseph French Johnson, dean of the New York University School of Commerce, who delivered an address before the Economic Club of Boston on Friday evening. Taking as his subject "The proposed banking and currency legislation, with especial reference to monopolistic control of credits," he had this to say of the appearance of this monster in past centuries:

"The so-called Money Trust is the same old bogey with which demagogues have frightened the Simple Simons of all ages. Apparently its blood-sucking tentacles are no longer, nor more numerous, than when under the name of Julian, in the second century of the Christian era, it bought the Roman Empire, or than when, under the disguise of a Venetian banker, it financed the Crusades in return for a first mortgage upon Christendom.

"The Scotch historian, Archibald Alison, discovered the monster at work in England nearly 100 years ago. He writes of the 'common complaint that the money power has become all powerful, that its sway is paramount in the legislature, and that it is able to set all the other interests in the community at defiance.'

The people of the interior, who hate Wall Street, which is as much a hidden terror to most people of the East as it is to those of the South or West, might feel a sense of relief in the perusal of the Record's editorial were it not for the widely circulated Philadelphia North American, which is pronouncedly active on progressive lines. The North American does not agree with its distinguished contemporary the Record, but thinks there is a "Money Trust" and an "oligarchy" and a "conspiracy" and a great many other things that are calculated to stir the political fighting blood of all its readers. This is what the North American says in its editorial of February 9:

DEMOCRATS SURRENDER TO WALL STREET.

There can be no further dispute about where Presidential Candidates UNDERWOOD and CLARK and their assistant engineers of the Democratic House machinery stand in the conflict between special privilege and the public welfare. By their caucus action on Wednesday they classified themselves permanently when they substituted a false-pretense, perfunctory inquiry for the proposed thorough investigation of the centralized control of money and credit, which is giving to the Morgan-Rockefeller-Wall Street combination the power of life and death over business and industry.

Only four days ago that Wall Street spokesman, the New York Sun, said frankly: "An investigation of banking conditions carried on by the House Committee on Banking and Currency, whose members are known to be conservative men, and for the purpose of supplementing the work of the Monetary Commission, would be looked upon with comparative indifference in financial circles." And yesterday, while the Philadelphia and other Tory newspapers were deceiving their readers with such headlines as "Democrats order an investigation of Money Trust," joy produced new candor in the Sun, its headline reading truthfully, "No money hunt, says caucus."

Naturally, the Underwood-Fitzgerald-Clayton-Palmer-Adamson-Littleton-Pujo crowd did not dare openly oppose an investigation. They still hope to delude the people in regard to their worthless subterfuge. And, in a parliamentary way, it must be admitted that they did their service to the masters of Wall Street with some skill. The bogeyman of Bryan was set up and may have angered a few Members into support of UNDERWOOD. But the false pretense that the Henry resolution, which spoke the sentiment of all the progressives in both parties, represented only a desire by Mr. Bryan to "run Congress" did not blind many in or out of Congress.

More shrewd and more effective was the indignant plea that the appointment of a special committee would discredit all the standing committees and impeach the honor of their personnel.

Wall Street threats of a panic, the power of the House leaders, including Speaker CLARK, all the influence which could be brought to bear by banking institutions in the districts of the Members, all the threats and

promises which direct representatives of Wall Street could utter, and all the arguments in favor of party harmony and the wisdom of doing nothing to arouse the opposition of the great financial interests had more or less effect. And the Wall Street service was accomplished by a vote of 115 to 66.

The scheme thus successfully perpetrated was to save the Aldrich monetary plan from the exposure of its evils, which would have been certain in an honest and thorough investigation, and to do this by the Committee on Banking and Currency, of which PUJO, of Louisiana, is the chairman.

There is not in the entire list of House committees one so absolutely reactionary and special-privilege controlled as this. Most of the older members of the committee were appointed by CANNON, and were named by him to pack the committee against former Chairman Fowler, placing it in line with all the schemes of public exploitation which former Senator Aldrich and the Morgan-Rockefeller combination, which he represents, wished to force through the Congress.

VREELAND, appointed chairman of the Cannon packed committee and now vice chairman of the Aldrich packed Monetary Commission, is the leading Republican member. PUJO and the two other leading Democrats are also members of the Aldrich commission and signed the Aldrich consolidated banking scheme.

To refer a resolution affecting the direct interests of great and powerful financial combinations to the present Banking and Currency Committee of the House is exactly as would be its reference to former Senator Aldrich or CANNON or to any one of the half dozen Democratic House Members, like UNDERWOOD or LITTLETON, who are so obviously seeking to serve those interests for purposes of their own.

The whole Democratic Party must bear the burden of the subservience of UNDERWOOD and CLARK to the commands of the centralized Morgan-Rockefeller control of money and credit. But justice should be done to the Democrats who composed the surprisingly large minority in the caucus.

Only a little while ago PENROSE was declaring, in substance, that no one in or out of Washington was interested in the money question, and that only a select few experts had a glimmer of understanding of it. The action of those 66 Democrats, standing firm against all outside pressure and the power of their House organization for a full, fair, frank presentation of facts to the American people, was not, as the New York Sun chastely and temperately terms it, "the act of a band of populist blatherskites and former free silverites," but proof that understanding of the centralized control does exist and is swiftly spreading.

UNDERWOOD and CLARK stand self-exposed in their true colors as doers of Wall Street's bidding. If there follows any investigation, it will be a mock and a sham, conducted to conceal and not reveal the facts that would enable the American people to form an intelligent opinion of the Aldrich monetary scheme.

But one of the most important features of that caucus vote was its corroboration of Woodrow Wilson's statement at Allentown: "Parties are simply men who take sides, and there is no vitality in a party unless there is something to take sides about. One of the most difficult things in our time is for a man to determine what party he belongs to. It's like tweedledum and tweedledee."

That vote of the 66 and the open control assumed by Wall Street of the Democratic machinery and leadership in Congress are the latest auguries of an inevitable birth of a new party in this Nation, unless the reactionaries in either the Republican or Democratic Party are routed this year.

But the Philadelphia Record, great newspaper that it is, still loyal to the Democratic Party notwithstanding its ridicule of the so-called Money Trust in its issue of February 8, comes back to the rescue of the gentleman from Alabama [Mr. UNDERWOOD] in its issue of February 9 with a further editorial, which is commended to the gentleman from Texas [Mr. HENRY] who has in mind the very important question of continuing the search for the "hydra-headed monster." In this second editorial, the Record says:

THE HUNT FOR A MONEY TRUST.

Mr. UNDERWOOD remains leader of the House of Representatives despite the efforts of William Jennings Bryan to displace him. The House has been organized in accordance with the general public interests, and the standing committees are competent to perform any duties the House may assign to them. Mr. Bryan was anxious to have an investigation of the alleged Money Trust by a special committee created for the purpose, presumably with Mr. HENRY of Texas at its head, but the very reason why he wished this was a reason why it should not be done, and Mr. UNDERWOOD understood this and carried his point, that the several parts of the investigation, which many Members desired, should be assigned to the appropriate standing committees.

There is no Money Trust in any such sense as Mr. HENRY of Texas uses the term, but the financial interests of the country are centralized to a great extent, and it is entirely proper for the House of Representatives to see how far this centralization has gone and what are the effects of it. This work can very properly be done by the Committee on Banking and Currency. There is some demand for such an inquiry outside of political circles. There are men of business who believe such an inquiry would disclose useful information. The inquiry will create no alarm or uneasiness anywhere, and Congress can secure the information it may need to guide its action without any disturbance of business.

The project of a special investigating committee under the leadership of a man who believes that Wall Street has cornered the United States would be felt in all financial circles as an expression of hostility on the part of Congress, and it would add to the sense of uneasiness with which the commercial world looks forward to a presidential campaign. Investigation by the standing committees will not get on the nerves of financial concerns, and it will yield all the useful results that could be looked for from a special inquest.

The Democratic Party is opposed to monopolies of every sort, but it is not hostile to business, even big business, not even big financial business, and the efforts of Mr. HENRY of Texas would have created an injurious misconception of the party's purposes.

Meanwhile, it is fair to observe that the stalwart Republican Inquirer, of Philadelphia, viewing with favor the Democratic Record of February 8, and differing from the Record of February 9, with sinister references to certain presidential possibilities which might be affected by the outcome of the nationwide excitement over the so-called Money Trust, hints that

the Democratic Party is itself a little perturbed over the consequences of its heroic mounting of St. George to slay the dragon. Indeed, the Inquirer is skeptical, as will be seen in the following extract from the issue of February 9:

RUNNING AWAY FROM AN INVESTIGATION.

Are the heavens falling? Are the clouds tumbling down about our heads? For at last the Democrats of the House of Representatives actually are running away from an investigation. They have investigated about everything under the sun except the cold weather of this winter. They have ordered committee after committee to make inquiries. They have wasted tens of thousands of dollars on useless probings, and they have never seemed to learn wisdom.

But at last something has broken in upon the serenity of their dreams. One of their number—Representative HENRY—demanded still another committee—a special committee to be charged with the investigation of the Money Trust—and in caucus assembled, and in spite of the earnest advice of Mr. Bryan that the special committee be named, they have declared against the proposition and have buried the proposed inquiry in the pigeonholes of one of the standing committees.

There will be various opinions concerning this action. They will be obliged to listen to charges that they are under the thumb of the Money Trust—and Bryan himself will take that ground—that they don't dare to tackle Wall Street; that their professions of piety are loud but meant only for the ear, and that the "interests" have got 'em by the hair of the head.

But, after all, the probability is that the bulk of the Democrats assembled in caucus concluded that if there is a Money Trust it is intangible and impossible to get at, and that any serious effort to chase it would be about as fruitless as a boy's pursuit of the will-o'-the-wisp.

Nevertheless, between the Underwood and Bryan sections of the Democratic Party a great gulf is fixed, and it is likely to grow wider and wider, like the Panama Canal in the Culebra Cut.

Now, Mr. Speaker, I have cited these important editorial comments upon a problem that seems to be setting the political pulse afire, because they serve to show that the great mass of the people are sometimes to be excused for drifting away from their fixed principles. They depend largely upon the great editors for political gospel, and according as they are swayed, they frequently lambaste their Members of Congress who do not incidentally kill off all the railroad presidents, corporation managers, manufacturers and other employers of labor, or purveyors of wealth, as the restless and excited spirit dictates. To a large degree the Democratic Party thus far during this session of Congress has undertaken to destroy almost everybody and everything against which anybody has a grievance, and they have succeeded so well that business has been seriously affected, that revenues have been reduced, and that public improvements have been halted. There has been no let-up in the search for trouble, and there promises to be none so long as there is anything tangible to investigate or any constructive agency remains to be torn down.

But, Mr. Speaker, while I am inclined to believe with both the Democratic Record and the Republican Inquirer that this resolution is practically an ordinance to investigate windmills and will-o'-the-wisps, I do not want to deny the majority the right to exercise its own free will in this instance. Indeed, it would be useless to oppose them. If you are ready to assume the responsibility and take the consequences of an investigation that is calculated to work injury in financial circles, and possibly to institutions wherein are kept the savings of the poor, without accomplishing any corresponding benefit to the people at large, it is your affair. I am satisfied under these circumstances to have the matter go to the Committee on Currency and shall vote accordingly. It will be the simplest way of imposing the penalty and of allaying the agitation.

Mr. HENRY of Texas. Mr. Speaker, in reply to the gentleman from Nebraska, I yield four minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, I have been amused by the remarks of the gentleman from Nebraska [Mr. NORRIS]. He recited a little poem, saying there was a little Democrat, and so forth. The difference between the Democratic Party and the Republican Party is, the Democratic Party is sincere, harmonious, and militant, and the Republican Party is insincere, divided, and unreliable, and after the next election there will not be enough Republicans left in this House to write a little poem about. [Applause on the Democratic side.]

The gentleman from Nebraska [Mr. NORRIS] has been called neurotic by a distinguished Republican, and since that last effusion of his I am inclined to the opinion that he has been taking narcotics. [Laughter and applause on the Democratic side.] Mr. Speaker, some gentlemen on the other side who are opposing this investigation base their opposition upon what they term a lack of sincerity on this side to make the investigation. Will any Democrat in this House support them in this unwarranted contention?

This resolution states that the committee has the power to propose to the House all legislation relating to banking and currency, and then it expresses the desire to secure full and complete information regarding the banking and currency conditions of the country for the purpose of determining what

legislation is needed. And this resolution authorizes the Committee on Banking and Currency to compel witnesses to come before it, to send for persons and papers, to administer oaths to witnesses, to employ experts, counsel, and so forth; and not only that, the Speaker of this House is authorized to summon persons to appear before the committee.

Now, Mr. Speaker, one of the most effective arguments made as to why we should have this investigation was made by the gentleman from Kansas [Mr. CAMPBELL]. Every Democrat in this House should vote with his party upon this question, if for no other reason, because of the speech made by the gentleman from Kansas. The gentleman says that we have been talking about money trusts and other trusts for 16 years, when we were not in power in this House, and I desire to say to him that we are in power now in this House and we are going to make this investigation that you and your party have failed and refused to make for 16 years. [Applause on the Democratic side.] The gentleman from Kansas would have us repudiate the action of the Democratic caucus and reflect upon the sincerity of the men who represent this side of the House on that committee. We propose to make this investigation, and we will not come back to the House with broken promises, as you have so frequently done. [Applause on the Democratic side.] This committee will make a thorough and honest investigation, and we will report whatever we find to this House. We will not do as you did in 1904, when you pretended to have Mr. Cortelyou, Secretary of Commerce and Labor, with the Bureau of Corporations in his hands, to investigate the trusts. He was chairman of the Republican campaign committee and a trust investigator at one and the same time. He went out investigating trusts with one hand and showing his badge as chairman of the Republican campaign committee with the other, and the trusts said, "How much do you want?" [Laughter and applause on the Democratic side.] Where are all the facts gathered by Cortelyou regarding the oppressive trusts? Where is his report upon his findings? They sleep some where in the cashed-in checks of the Republican Party. His was a farcical investigation, and you are so accustomed to farcical investigations you can not believe that any other kind can be had. [Applause on the Democratic side.] You stand to-day branded all over with broken promises to the people, and during your reign great evils have sprung up in the Republic and this is the first time that the people have had an opportunity to get at these evils, and, by the eternal gods, we are going to get at them in spite of the Republican Party. [Applause on the Democratic side.]

Mr. HENRY of Texas. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. FOSTER]. [Applause on the Democratic side.]

Mr. FOSTER of Illinois. Mr. Speaker, the gentleman on the other side of the aisle complains of this resolution because it refers to only one-third of resolution 405. I want to say to those over there who believe in investigation of all subjects contained in resolution 405, if you will possess your souls in patience a little while we will start honest W. W. RUCKER, of Missouri, after the investigation of the collection and expenditure of campaign funds used in elections. [Applause on the Democratic side.] And then, when it comes to the antitrust question, I am sure we will give the distinguished and able chairman, HENRY D. CLAYTON, the power to investigate what is necessary as to the trusts and the laws necessary to take care of them. Then, when we get through with him, we will turn to the Committee on Interstate and Foreign Commerce, and we will give that committee all the power that is necessary to take up under that resolution and investigate the subject relating to interstate and foreign commerce, under the direction of the able chairman of the committee, Judge ADAMSON, of Georgia. And so I am sure, gentlemen, if you will just hold on for a little while and stand here and vote for these resolutions as they come in, and as I know you will do for this one, we will give you an investigation of these subjects that the American people have asked for for so many years while you were in power, and which you failed to give to them.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HENRY of Texas. I yield one minute to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, in order to still the impatience of the gentleman from Kansas [Mr. CAMPBELL], the gentleman from Nebraska [Mr. NORRIS], and the gentleman from Wisconsin [Mr. LENBOOT], I beg to read to the House a resolution which I have to-day introduced:

Resolved, That in order to obtain full and complete information in regard to proposed amendments of "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, for the purpose of determining what legislation is needed, the

Committee on the Judiciary is authorized and directed to make a full investigation thereof, including all matters touched upon in House resolution No. 405 within the jurisdiction of said committee, and said committee is authorized as a whole, or by subcommittee, to sit during sessions of the House and the recess of Congress, to compel the attendance of witnesses, to send for persons and papers, to administer oaths to witnesses, and to employ experts, counsel, accountants, and clerical and other assistants.

The Speaker shall have authority to sign and the Clerk to attest subpoenas during the sessions or recess of Congress.

[Applause.]

And, I think, under this resolution my friend from Nebraska [Mr. NORRIS], who is a member of the Committee on the Judiciary, and I can get busy and do any necessary investigating. [Applause on the Democratic side.]

Mr. HENRY of Texas. Mr. Speaker, how does the time stand between the gentleman from Pennsylvania [Mr. DALZELL] and myself?

The SPEAKER. The gentleman from Texas has 10½ minutes remaining and the gentleman from Pennsylvania has 11 minutes remaining.

Mr. HENRY of Texas. I ask the gentleman from Pennsylvania to use some of his time.

Mr. DALZELL. Mr. Speaker, my objection to this resolution is that it is a false pretense. It is an insult to the intelligence of this House. It is a pretended proclamation upon the part of the Democratic Party in this House that they will undertake an investigation of the so-called Money Trust, and it is at the same time a refusal to adopt the resolutions that they have already pending that would enable them to make such investigation.

Now, what is this resolution? It is a substitute for House resolution 411. House resolution 411 is this:

Whereas the Committee on Banking and Currency is vested with the power to propose to the House all legislation relating to banking and currency; and

Whereas said committee is desirous of securing full and complete information regarding the banking and currency conditions of the country for the purpose of determining what legislation is needed: Therefore be it

Resolved, That the Committee on Banking and Currency, as a whole or by subcommittee, is authorized to sit during the sessions of the House and the recess of Congress, to compel the attendance of witnesses, to send for persons and papers, to administer oaths to witnesses, and to employ experts, counsel, accountants, and clerical and other assistants.

That is the original resolution. The substitute is the same exactly as the original resolution, with this exception:

Including all matters touched upon in House resolution No. 405 within the jurisdiction of said committee.

Well, of course, I do not need to argue to an intelligent House that this supplementary resolution changes in no respect the original resolution, and adds nothing to the jurisdiction of the committee. If this resolution be passed to-day the committee will be authorized to investigate matters relating to banking and currency and to nothing else. [Applause on the Republican side.]

Now, then, will that investigation of matters relating to banking and currency be an investigation of the so-called Money Trust?

Let us see. We can find that out by going to resolution 405. That resolution No. 405—I can not undertake to go through it entirely—calls for the investigation of the financial operations of railroad corporations in the jurisdiction of the Interstate Commerce Commission. It proposes an investigation of the issue and sale of securities and stocks, the control of deposits in various banks of the country, and the banking resources of the country. It proposes an investigation of the financial power or money power controlling the security and commodity markets of the country. It proposes an investigation of the New York Stock Exchange. It proposes an investigation of the New York Clearing House Association.

These are the matters that are to be investigated in connection with the investigation of the Money Trust, and not one of them is included in the resolution now before the House, brought here for the express purpose of trying to fool the House, of trying to fool the people, of trying to make the people believe that you are engaged in an investigation of the so-called Money Trust when you have not the courage to report resolutions which would have authorized you to investigate the Money Trust. [Applause on the Republican side.]

Gentlemen of the majority, you do not want to investigate the Money Trust. If you did want to, why did you not report the resolutions now pending, which have been pending before the Committee on Rules since December last? The first of these resolutions was introduced by the gentleman from Minnesota [Mr. LINDBERGH]. He proposes to investigate the combinations controlling money and credits, violations of the banking laws, combinations to control deposits and the bank reserves. And, not satisfied with that resolution, which was pending for many

months in the Committee on Rules, he introduced a second resolution, which enlarged the scope of the original resolution and authorized investigations into the flotations of the Amalgamated Copper Co.'s stock, the rise and fall of the prices of the stocks of the Central Railroad of New Jersey, and of the Reading Railroad Co.; investigations with respect to the Tennessee Coal & Iron Co., the New York Stock Exchange, the New York Clearing House Association, and all that sort of thing.

Why did you not report that resolution? It indicates what you understand by the Money Trust. And while that resolution was pending before the Committee on Rules the gentleman from Texas [Mr. HENRY] introduced another resolution, from which I read a few moments ago.

Mr. THAYER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Will the gentleman from Pennsylvania yield to the gentleman from Massachusetts.

Mr. DALZELL. No; I regret I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. DALZELL. And in that resolution he proposed the creation of a committee of seven, to be selected from the Committee on Ways and Means, from the Committee on the Judiciary, from the Committee on Banking and Currency, from the Committee on Interstate and Foreign Commerce, from the Committee on Election of President, Vice President, and Representatives in Congress, and some outside Members. An investigation of the Money Trust, according to the gentleman from Texas, required the exercise of the jurisdiction of all these committees. It extended far beyond the functions or power of the Committee on Banking and Currency.

Now, do I need to stand here and argue that the measure of an investigation of the so-called Money Trust is to be found in the resolution presented by the gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, which your caucus instructed you not to report? Why, the resolution before the House to-day has been denounced in the public press as a fraud by the peerless leader of the Democratic Party, William J. Bryan. [Applause and laughter on the Republican side.]

But, more than that, it has been denounced in the public press by the chairman of the Committee on Rules, the author of the Henry resolution himself. [Applause on the Republican side.] Let me read his statement to you. In a signed article, published in the Washington Post on Sunday, February 3, of this present year, Mr. HENRY says, complaining of information which was given out to the effect that he wanted to be chairman of the investigating committee:

This inspired information was given to the public for the plain purpose of arousing the members of the Banking and Currency Committee against me.

Then he goes on to say:

The truth is that only one-third of the matters provided for in my resolution pertain to the duties and jurisdiction of that committee and an equal third each goes respectively to the Judiciary and Interstate and Foreign Commerce Committees, should the facts and frauds be uncovered, which I have promised the American people will be done if we can have a real investigation and not a sham.

[Applause on the Republican side.]

These discoverable facts will belong with equal pertinency to the jurisdiction of these three committees when we unearth them. Then, why send my resolution to the Banking and Currency Committee? Why?

Then he goes on:

A careful reading of my resolution will demonstrate that if a real investigation can be had, facts will be uncovered and established that throw a flood of light on other propositions than a simple currency law. It will unearth conditions and a system that will show the American people not only how to legislate on the currency bill now pending, but the trust problem and interstate-commerce corporations and railways.

So, I repeat, this resolution is on its face a sham. It has been denounced as a sham by your great leader, Mr. Bryan. It has been denounced as a sham by the chairman of the Committee on Rules, Mr. HENRY of Texas, who introduced the resolution. The Henry resolution for a real investigation has been repudiated by a Democratic caucus. [Applause on the Republican side.]

I want to say, before I surrender the floor, that I do not believe there is any Money Trust. I should vote against a resolution to investigate the Money Trust—an attack on business interests which would result in nothing but sensation—and, unlike my friend from Illinois [Mr. MANN], I shall vote against this resolution, first, because there is no necessity for it—the Monetary Commission has already made thorough investigation—and, secondly, because it is a humbug and a sham. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Speaker, I yield to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Speaker, the honorable minority leader [Mr. MANN] suggests that the people demanding this investigation are

pursuing a trust phantom. There was a time when men and parties could make the defense that there were no trusts; but the campaign slogan of Mark Hanna has been repudiated and the people have at last found out for themselves that there are trusts. [Applause on the Democratic side.] There was a time when men and parties could take an evasive position on public questions; but there is a change and a new order of things in politics to-day, and the people are demanding not only that their Representatives define their positions on measures, but they are holding over them the rule that he who is not for prompt legislation is against legislation. [Applause.]

The Money Trust question is broader than the jurisdiction of any one standing committee. A full and complete investigation of necessity involves more than the manipulation of money. It includes matters relating to industrial and commercial organization, in the production, transportation, and sale of commodities, and every branch of commerce and trade in which there is competition to be effected and restrained by the illegal use of finances. Such an investigation calls for a committee clothed with jurisdiction to comprehend the broad ramifications to which the illegal use of money is carried. The disadvantages of a division of jurisdiction is that it will be taken advantage of to halt the progress of any investigation undertaken whenever valuable information is about to be disclosed, and the jurisdiction of another committee will be urged temporarily, not only for delay, but to prolong the proceedings and finally to defeat the investigation altogether.

But the Democratic Party has seen fit to undertake the investigation by subdivisions and in parts rather than by a comprehensive proceeding embracing the whole question. If a full examination is made, and a complete disclosure of the facts relating to the use of money and credits in the creation of trusts and monopolies is obtained, and the same is followed with the initiation of proper legislation to correct the evils of which the country complains, the plan adopted will receive the approval of the public. But the people will not accept from the party an apology that the several committees could not agree on their respective jurisdictions, nor that the shifting pleas and defenses, going to the want of authority in the committee seeking to obtain the testimony of witnesses or to compel the production of books and papers, frustrated and prevented a full examination and thereby made a fruitful investigation impossible.

I take issue with the statement of the chairman of the Committee on Banking and Currency that the original committee resolution, No. 411, gives ample power for an investigation and is broader than the Henry resolution, No. 405. We promised the people if we were given power we would investigate the trusts and combinations in restraint of trade, and would initiate legislation to restore competition and remove the barriers against individual enterprise and equal opportunity. With this pledge to the people still echoing from the campaign the people were given resolution 411, which neither refers to trusts nor contemplates legislation to restrict combinations in restraint of trade, and which provides only that the Committee on Banking and Currency shall sit, without assigning an object or purpose for its sittings. It empowered this committee to do nothing. It authorized this committee to investigate nothing, and upon its very face was directed at nothing. If this resolution had been passed, it could have been well and truly said, Blessed are they who expect nothing, for they shall not be disappointed.

The demands upon us is not that we proceed against illegal combinations in restraint of trade generally or indirectly, or without aim or purpose. The Republican Party pursued that policy and was recalled from power for insincerity of purpose. The demand upon us is that we investigate monopolies especially, directly, and with the end in view of initiating legislation to restore competition and remove the barriers against equal opportunity and freedom of enterprise and trade. The Henry resolution provided for all this and was a good-faith compliance with our party pledges to the people.

Mr. HENRY of Texas. I yield five minutes to the gentleman from Kentucky [Mr. STANLEY]. [Applause.]

Mr. STANLEY. Mr. Speaker, I have witnessed many remarkable performances in this House, but the most unusual, the most novel spectacle upon which my eyes ever fell, was the spectacle of the gentleman from Pennsylvania [Mr. DALZELL] inveighing against the Democratic Party because it is not radical and sincere enough in its war upon the trusts. [Laughter on the Democratic side.] Has the gentleman from Pennsylvania [Mr. DALZELL] forgotten how, when he was chairman of the Rules Committee, resolution after resolution was presented to him to investigate known manifest abuses, which are now undenied by Members on this side or the other side of the

House, and every one of those resolutions went to its eternal tomb and was buried in silence?

Has the gentleman from Pennsylvania [Mr. DALZELL] forgotten how, when a resolution was offered both before the Judiciary Committee and before the Rules Committee, asking for an investigation of the affairs of the United States Steel Corporation, that resolution was reported over the objection of the President himself, over the objection of the Attorney General, by the Judiciary Committee, Republicans and Democrats, without a dissenting voice, saying there should be an investigation, saying that light should be thrown upon this question, saying that the Executive Department should tell the people the whole truth about this affair, and how the gentleman from Pennsylvania [Mr. DALZELL] refused to report a resolution investigating the affairs of that concern? Yet now he rebukes and reproaches the Democratic Party for lack of sincerity. [Laughter on the Democratic side.] The test of this investigation will be the conduct of it, and I am confident that after this investigation is concluded by the able men in whose hands it is placed, results will speak louder than the empty clamor of those who condemn these men before they are heard, and who are willing to throw suspicion upon their motives before they have any opportunity to know what their action will be. When their empty criticisms are forgotten, their work will stand to the eternal glory of the men who made the investigation, and the honor and integrity and patriotism of the great dominant party that ordered the investigation. [Applause on the Democratic side.]

Mr. HENRY of Texas. Mr. Speaker, I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HENRY of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, a good many crocodile tears have been shed, on one side of this aisle at least, over the Democratic harmony that prevails to-day on this resolution. I want to except from that statement the gentleman from Illinois [Mr. MANN], who has in a perfectly plain and candid way expressed his approval of the action that the majority takes to-day and his concurrence therein.

Mr. Speaker, it seems to me that the burden of complaint sung by the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Nebraska [Mr. NORRIS], when measured carefully and boiled down, means insurgent discontent at Democratic harmony. [Laughter and applause on the Democratic side.] These gentlemen insist that the resolution that this House is asking to pass will not authorize a real investigation. I challenge the assertion. I question the sincerity of gentlemen who dare make such a statement on the floor of this House.

Mr. LENROOT. Will the gentleman yield?

Mr. HARDWICK. Not now.

Mr. LENROOT. Then do not question the statement.

Mr. HARDWICK. I will yield to the gentleman later, if I have time. This House can confer upon no committee, regular or special, any broader power than it possesses itself; and if this House has not conferred upon this committee as broad a power as the House of Representatives itself possesses, then I stand confessed as a defeated champion in this cause.

But what is the jurisdiction of the Committee on Banking and Currency? All legislation, the rule says, that relates to banking and currency conditions in this country. What power is conferred by this resolution that the gentlemen so foolishly denounce as insincere? The power to investigate banking and currency conditions in the United States of America? What broader power could we give our committee, what broader power would the law sustain if we undertook to give the committee broader power? If gentlemen object, as they do, because it is plain that the procedure will necessitate the segregation of the Henry resolution into three or four parts, I want to say to gentlemen in perfect frankness, in perfect sincerity, that I know that there are many gentlemen who objected to this disposition of the matter in question on that ground. But it does not seem to me that the objection is well taken, if both sides of the argument are carefully weighed. When we remember that if a select committee is appointed its work must be submitted to the standing committee having jurisdiction of the subject matter, then the argument against unnecessary duplication of work is so strong that it ought not to be lightly disregarded or carelessly set aside. For that reason, unless there is some reason to question either the integrity or intelligence of the Banking

and Currency Committee, I submit that the Banking and Currency Committee ought to conduct this investigation.

Mr. HENRY of Texas. Mr. Speaker, I demand the previous question.

The SPEAKER. The question is on the motion of the gentleman from Texas to order the previous question.

Mr. DALZELL. And on that, Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 106, answered "present" 6, not voting 111, as follows:

YEAS—170.

Adair	Davis, W. Va.	Hensley	Rauch
Adamson	Dent	Holland	Redfield
Alexander	Denver	Houston	Richardson
Allen	Dickinson	Howard	Roddenbery
Anderson, Ohio	Dies	Hughes, N. J.	Rothermel
Ansberry	Dixon, Ind.	Hull	Rube
Ayres	Doremus	Humphreys, Miss.	Rucker, Colo.
Barnhart	Driscoll, D. A.	Jacoway	Rucker, Mo.
Bartlett	Dupre	Johnson, Ky.	Russell
Bathrick	Edwards	Jones	Scully
Beall, Tex.	Ellerbe	Kinthead, N. J.	Shackelford
Bell, Ga.	Estopinal	Konop	Sharp
Blackmon	Evans	Lamb	Sherley
Boehne	Falson	Lee, Pa.	Sherwood
Booher	Ferguson	Legare	Sims
Brantley	Ferris	Lever	Sisson
Broussard	Finley	Levy	Small
Brown	Fitzgerald	Lewis	Smith, Tex.
Buchanan	Floyd, Ark.	Littlepage	Stanley
Burgess	Fornes	Lloyd	Stedman
Burleson	Foster, Ill.	Lobeck	Stephens, Miss.
Burnett	Gallagher	McCoy	Stephens, Nebr.
Brynes, S. C.	Garner	McCreary	Stephens, Tex.
Byrns, Tenn.	Garrett	McDermott	Stone
Callaway	Glass	McGillicuddy	Sulzer
Candler	Godwin, N. C.	McMorran	Taggart
Cannon	Goeke	Maguire, Nebr.	Talcott, N. Y.
Carlin	Goodwin, Ark.	Maher	Taylor, Ala.
Clark, Fla.	Gould	Martin, Colo.	Taylor, Colo.
Claypool	Gregg, Tex.	Moore, Tex.	Taylor, Ohio
Clayton	Hamill	Morrison	Tribble
Cline	Hamilton, W. Va.	Moss, Ind.	Turnbull
Collier	Hamlin	Murray	Underhill
Connell	Hammond	Padgett	Underwood
Conry	Hardwick	Page	Watkins
Covington	Hardy	Palmer	Webb
Cox, Ind.	Harrison, Miss.	Pepper	White
Cravens	Harrison, N. Y.	Pou	Wickliffe
Cullop	Hay	Pujo	Witherspoon
Curley	Hayden	Rainey	Young, Mich.
Currier	Hedlin	Raker	Young, Tex.
Daugherty	Helm	Randell, Tex.	
Davenport	Henry, Tex.	Ransdell, La.	

NAYS—106.

Ainey	Foss	La Follette	Rees
Akin, N. Y.	Foster, Vt.	Lawrence	Reyburn
Ames	Fuller	Lenroot	Roberts, Mass.
Anderson, Minn.	Good	Lindbergh	Rodenberg
Austin	Gray	Loud	Simmons
Barchfeld	Green, Iowa	McGuire, Okla.	Sloan
Bartholdt	Greene, Mass.	McKenzie	Smith, J. M. C.
Bates	Guernsey	McKinley	Speer
Berger	Hamilton, Mich.	McLaughlin	Steenerson
Bowman	Hanna	Madden	Stephens, Cal.
Bradley	Harris	Mann	Sterling
Browning	Haugen	Martin, S. Dak.	Stevens, Minn.
Burke, S. Dak.	Hayes	Miller	Sulloway
Campbell	Heigesen	Mondell	Thayer
Catlin	Henry, Conn.	Moore, Pa.	Thistlewood
Cooper	Higgins	Morgan	Tilson
Copley	Hinds	Morse, Wis.	Towner
Crumpacker	Howell	Murdock	Volstead
Curry	Howland	Murphy	Warburton
Dalzell	Humphrey, Wash.	Needham	Wedemeyer
Davis, Minn.	Jackson	Nelson	Weeks
De Forest	Kahn	Norris	Willis
Difenderfer	Kennedy	Nye	Wilson, Ill.
Driscoll, M. E.	Kinkaid, Nebr.	Patton, Pa.	Woods, Iowa
Dyer	Knowland	Pickett	Young, Kans.
Esch	Kopp	Pray	
Farr	Lafferty	Prouty	

ANSWERED "PRESENT".

Davidson	Kitchin	Reilly	Slayden
French	Langley		

NOT VOTING—111.

Aiken, S. C.	Donohoe	Gudger	Lindsay
Andrus	Doughton	Hartman	Linthicum
Anthony	Draper	Hawley	Littleton
Ashbrook	Dwight	Heald	Longworth
Bingham	Fairchild	Hill	McCall
Borland	Fields	Hobson	McHenry
Bulkley	Flood, Va.	Hubbard	McKellar
Burke, Pa.	Focht	Hughes, Ga.	Macon
Burke, Wis.	Fordney	Hughes, W. Va.	Malby
Butler	Fowler	James	Matthews
Calder	Francis	Johnson, S. C.	Mays
Cantrill	Gardner, Mass.	Kendall	Moon, Pa.
Carter	Gardner, N. J.	Kent	Moon, Tenn.
Cary	George	Kindred	Mott
Cox, Ohio	Gillett	Konig	Neeley
Crago	Goldfogle	Korbly	Oldfield
Danforth	Graham	Lafean	Olmsted
Dickson, Miss.	Gregg, Pa.	Langham	O'Shaunessy
Dodds	Griest	Lee, Ga.	Parran

Patten, N. Y.	Roberts, Nev.	Smith, Cal.	Tuttle
Payne	Robinson	Smith, N. Y.	Utter
Peters	Rouse	Sparkman	Vreeland
Plumley	Sabath	Stack	Whitacre
Porter	Saunders	Sweet	Wilder
Post	Sells	Switzer	Wilson, N. Y.
Powers	Sheppard	Talbot, Md.	Wilson, Pa.
Prince	Siemp	Thomas	Wood, N. J.
Riordan	Smith, Saml. W.	Townsend	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. REILLY with Mr. KENDALL.

For the balance of day:

Mr. LINTHICUM with Mr. POWERS.

Until February 24:

Mr. GREGG of Pennsylvania with Mr. FOCHT.

Until February 26, noon:

Mr. BULKLEY with Mr. DANFORTH.

Mr. MOON of Tennessee with Mr. MOON of Pennsylvania.

Until February 26:

Mr. SLAYDEN with Mr. PLUMLEY.

Mr. BURKE of Wisconsin with Mr. CALDER.

Until February 28:

Mr. JAMES with Mr. MCCALL.

Until further notice:

Mr. KITCHIN with Mr. HILL.

Mr. AIKEN of South Carolina with Mr. ANTHONY.

Mr. ASHBROOK with Mr. BINGHAM.

Mr. BORLAND with Mr. BURKE of Pennsylvania.

Mr. CARTER with Mr. CRAGO.

Mr. DICKSON of Mississippi with Mr. GARDNER of Massachusetts.

Mr. DONOHUE with Mr. GARDNER of New Jersey.

Mr. FLOOD of Virginia with Mr. GILLET.

Mr. FRANCIS with Mr. GRIEST.

Mr. GOLDFOGLE with Mr. HAWLEY.

Mr. GUDGER with Mr. HEALD.

Mr. JOHNSON of South Carolina with Mr. HUGHES of West Virginia.

Mr. KINDRED with Mr. LAFEAN.

Mr. KORBLY with Mr. KENT.

Mr. MCHENRY with Mr. LONGWORTH.

Mr. O'SHAUNESSY with Mr. MOTT.

Mr. PATTEN of New York with Mr. OLMSTED.

Mr. PETERS with Mr. PAYNE.

Mr. POST with Mr. PORTER.

Mr. ROUSE with Mr. PRINCE.

Mr. SAUNDERS with Mr. SELLS.

Mr. SMITH of New York with Mr. SWITZER.

Mr. TOWNSEND with Mr. VREELAND.

Mr. TUTTLE with Mr. WILDER.

Mr. WILSON of New York with Mr. WOOD of New Jersey.

Mr. NEELEY with Mr. ROBERTS of Nevada.

Mr. KONIG with Mr. SLEMP.

Mr. SHEPPARD with Mr. HARTMAN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. MCKELLAR with Mr. BUTLER.

Mr. LEE of Georgia with Mr. MATTHEWS.

Mr. GRAHAM with Mr. DODDS.

Mr. MACON with Mr. SMITH of California.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. LITTLETON with Mr. DWIGHT.

Mr. OLDFIELD with Mr. UTTER.

Mr. THOMAS with Mr. HUBBARD.

Mr. DOUGHTON with Mr. FRENCH.

Mr. HUGHES of Georgia with Mr. DRAPER.

Mr. FIELDS with Mr. LANGLEY.

Mr. GEORGE with Mr. MALBY.

Mr. CANTRILL with Mr. FORDNEY.

Mr. COX of Ohio with Mr. SAMUEL W. SMITH.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. RIORDAN with Mr. ANDRUS.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

Mr. HENRY of Texas. Mr. Speaker, on that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 268, nays 8, answered "present" 5, not voting 112, as follows:

YEAS—268.

Adair	Ansberry	Berger	Browning
Adamson	Ayres	Blackmon	Buchanan
Ainey	Barchfeld	Boehne	Burgess
Akin, N. Y.	Barnhart	Booher	Burke, S. Dak.
Alexander	Bartholdt	Bowman	Burleson
Allen	Bartlett	Bradley	Burnett
Ames	Bathrick	Brantley	Byrnes, S. C.
Anderson, Minn.	Beall, Tex.	Broussard	Byrns, Tenn.
Anderson, Ohio	Bell, Ga.	Brown	Callaway

Campbell	Goeke	Lenroot	Rodenberg
Candler	Good	Lever	Rothermel
Carlin	Goodwin, Ark.	Levy	Ruby
Catlin	Gould	Lewis	Rucker, Colo.
Clark, Fla.	Gray	Lindbergh	Rucker, Mo.
Claypool	Green, Iowa	Littlepage	Russell
Clayton	Greene, Mass.	Lloyd	Scully
Cline	Gregg, Tex.	Lobeck	Shackelford
Collier	Guernsey	McCoy	Sharp
Connell	Hamill	McCreary	Sherley
Conry	Hamilton, Mich.	McDermott	Sherwood
Cooper	Hamilton, W. Va.	McGillicuddy	Simmmons
Copley	Hamlin	McKenzie	Sims
Covington	Hammond	McKinney	Sisson
Cravens	Hanna	McLaughlin	Sloan
Crumpacker	Hardwick	McMorran	Small
Cullop	Hardy	Madden	Smith, J. M. C.
Curley	Harris	Maguire, Nebr.	Smith, Tex.
Currier	Harrison, Miss.	Maher	Speer
Curry	Harrison, N. Y.	Mann	Stanley
Daugherty	Haugen	Martin, Colo.	Stedman
Davenport	Hawley	Martin, S. Dak.	Steenserson
Davis, Minn.	Hay	Miller	Stephens, Cal.
Davis, W. Va.	Hayden	Mondell	Stephens, Miss.
De Forest	Hayes	Moore, Pa.	Stephens, Nebr.
Dent	Heald	Moore, Tex.	Stephens, Tex.
Denver	Hefflin	Morgan	Sterling
Dickinson	Helgesen	Morrison	Stevens, Minn.
Dies	Helm	Morse, Wis.	Stone
Diffenderfer	Henry, Tex.	Moss, Ind.	Sulloway
Dixon, Ind.	Hensley	Murdock	Sulzer
Doremus	Hinds	Murray	Taggart
Driscoll, D. A.	Holland	Needham	Talcott, N. Y.
Driscoll, M. E.	Houston	Nelson	Taylor, Ala.
Dupre	Howard	Norris	Taylor, Colo.
Dyer	Howell	Nye	Taylor, Ohio
Edwards	Howland	Padgett	Towner
Ellerbe	Hughes, N. J.	Page	Tribble
Esch	Hull	Palmer	Turnbull
Estopinal	Humphrey, Wash.	Patton, Pa.	Underhill
Evans	Humphreys, Miss.	Pepper	Underwood
Faison	Jacoway	Pickett	Volsted
Farr	Johnson, Ky.	Pou	Vreeland
Fergusson	Johnson, S. C.	Pray	Warburton
Ferris	Jones	Prouty	Watkins
Finley	Kahn	Pujo	Webb
Fitzgerald	Kendall	Rainey	Wedemeyer
Floyd, Ark.	Kennedy	Raker	Weeks
Fornes	Kinkaid, Nebr.	Randell, Tex.	White
Foss	Kinkaid, N. J.	Ransdell, La.	Wickliffe
Foster, Ill.	Knowland	Rauch	Willis
Foster, Vt.	Konop	Redfield	Wilson, Ill.
Fuller	Kopp	Rees	Wilson, Pa.
Gallagher	Lafferty	Reilly	Witherspoon
Garner	La Pollette	Reyburn	Woods, Iowa
Garrett	Lawrence	Richardson	Young, Kans.
Glass	Lee, Pa.	Roberts, Mass	Young, Mich.
Godwin, N. C.	Legare	Roddenbery	Young, Tex.

NAYS—8.

Austin	Dalzell	Henry, Conn.	Thistlewood
Cannon	Gillett	Higgins	Tilson

ANSWERED "PRESENT"—5.

Ashbrook	French	Kitchin	Langley
Davidson			

NOT VOTING—112.

Aiken, S. C.	Fordney	Linthicum	Prince
Andrus	Fowler	Littleton	Riordan
Anthony	Francis	Longworth	Roberts, Nev.
Bates	Gardner, Mass.	Loud	Robinson
Bingham	Gardner, N. J.	McCall	Rouse
Borland	George	McGuire, Okla.	Sabath
Bulkeley	Goldfogle	McHenry	Saunders
Burke, Pa.	Graham	McKellar	Sells
Burke, Wis.	Gregg, Pa.	McKinley	Sheppard
Butler	Griest	Macon	Slayden
Calder	Gudger	Malby	Slemp
Cantrill	Hartman	Matthews	Smith, Saml. W.
Carter	Hill	Mays	Smith, Cal.
Cary	Hobson	Moon, Pa.	Smith, N. Y.
Cox, Ind.	Hubbard	Moon, Tenn.	Sparkman
Cox, Ohio	Hughes, Ga.	Mott	Stack
Crago	Hughes, W. Va.	Neeley	Sweet
Danforth	Jackson	Oldfield	Switzer
Dickson, Miss.	James	Olmsted	Talbott, Md.
Dodds	Kent	O'Shaunessy	Thayer
Donohoe	Kindred	Parran	Thomas
Doughton	Konig	Patten, N. Y.	Townsend
Draper	Korbly	Payne	Tuttle
Dwight	Lafane	Peters	Utter
Fairchild	Lamb	Plumley	Whitacre
Fields	Langham	Porter	Wilder
Flood, Va.	Lee, Ga.	Post	Wilson, N. Y.
Focht	Lindsay	Powers	Wood, N. J.

So the resolution was agreed to.

The Clerk announced the following additional pairs:
Until further notice:

Mr. COX of Indiana with Mr. JACKSON.

Mr. SHEPARD with Mr. BATES.

Mr. FLOOD of Virginia with Mr. HUGHES of West Virginia.

Mr. GUDGER with Mr. LOUD.

Mr. TOWNSEND with Mr. MCKINLEY.

Mr. FRENCH. Mr. Speaker, I want to ask if Mr. DOUGHTON is recorded?

The SPEAKER. He is not.

Mr. FRENCH. I voted "aye," and I wish to withdraw the vote, as I have a pair with the gentleman, and vote "present."

The result of the vote was announced, as above recorded.

REPRINT OF BILLS.

Mr. ADAMSON. Mr. Speaker, I desire to ask unanimous consent for the reprint of two short bills, the supply of which is exhausted. They are H. R. 12810 and H. R. 12811.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent for the reprint of the bills which he has mentioned. Is there objection?

There was no objection.

COMMITTEE ON EXPENDITURES IN THE AGRICULTURAL DEPARTMENT.

Mr. MOSS of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Expenditures in the Agricultural Department may sit during sessions of the House.

The SPEAKER. The gentleman from Indiana [Mr. MOSS], chairman of the Committee on Expenditures in the Agricultural Department, asks unanimous consent that the committee may sit during the sessions of the House. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will say, if the gentleman will permit, I shall not object to this request, but if a few more committees are given authority to sit during the sessions of the House, and exercise that authority, I am going to break up the practice by asking for a quorum in the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SPEAKER PRO TEMPORE FOR SUNDAY.

The SPEAKER designated Mr. ROTHERMEL to act as Speaker pro tempore of the House on Sunday, February 25, 1912.

ADDITIONAL MEMBERS OF COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, on account of the election of some new Members to the House, and the committees being filled, the gentleman from Illinois [Mr. MANN] and myself have agreed that it would be well to add a Democratic Member to the Committee on Indian Affairs and a Republican Member to the Committee on Irrigation of Arid Lands, so as to take care of these new Members, as they can not be taken care of otherwise. And to carry that out, I ask unanimous consent that the rules of the House be changed so there may be an additional Member appointed to the Committee on Indian Affairs from the Democratic side of the House and an additional Member to the Committee on Irrigation of Arid Lands from the Republican side of the House, just for this Congress.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the rules of the House be so modified as to add an additional Democratic Member to the Committee on Indian Affairs and an additional Republican Member to the Committee on Irrigation of Arid Lands, to extend only during this Congress. Is there objection?

Mr. MANN. Mr. Speaker, I have no intention to object, but if the consent goes through the way the gentleman asks it, if the next Congress should adopt the rules of this Congress—

Mr. UNDERWOOD. I asked that it apply only to this Congress.

Mr. MANN. I know it could only apply to this Congress, anyhow. But there would be the additional number in the next Congress. Why does not the gentleman just make the request and omit the reference to the rule?

Mr. UNDERWOOD. It takes a change of the rules, but I will comply with the gentleman's request.

The SPEAKER. To leave out the rule part of that request?

Mr. UNDERWOOD. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

FORTIFICATION APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and, pending that, I would like to ask the gentleman from Iowa [Mr. GOOD] if we can agree on the amount of time to be allowed for general debate.

Mr. HARDWICK rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HARDWICK. I want to raise the question of consideration on the gentleman's motion.

Mr. SHERLEY. The question of consideration comes on the motion itself. The House can vote it either up or down.

Mr. GOOD. Mr. Speaker, I would suggest, in response to the inquiry of the gentleman from Kentucky [Mr. SHERLEY], that two and one-half hours on a side would be satisfactory. We may not use that amount of time, but there have been several requests for time on this side. Possibly some Members may not use it all.

Mr. SHERLEY. I would say to the gentleman, frankly, that I will not agree to five hours' debate. I would be willing to agree to two hours to a side.

Mr. GOOD. That will be satisfactory.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kentucky whether he is willing on Saturday night, at 20 minutes after 5, to quit as soon as he gets his bill up under his motion?

Mr. SHERLEY. Frankly, I would state to the gentleman that if I consulted my own preference I would be willing to stop, but at the instance of the gentleman from Wisconsin [Mr. NELSON], on that side of the House, I have agreed to yield time to him for the discussion of a subject in which he is interested. He is desirous of addressing the House on a matter of some interest to the membership, a matter that will shortly be taken up before one of the committees, and he asked that he might be permitted to speak to-night. I understand he will not take more than 20 minutes' time.

Mr. MANN. I would like to hear the gentleman from Wisconsin [Mr. NELSON] on that question. It is a rather interesting question. But, to be frank with the gentleman, I do not desire to stay here longer this evening, and I do not think anyone else will.

Mr. SHERLEY. I will say to the gentleman from Illinois that 20 minutes will not be a long time.

Mr. NELSON. Mr. Speaker, I ask for a moment's time of the gentleman from Kentucky in which to explain my purpose in desiring to address the House.

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Wisconsin?

Mr. SHERLEY. Certainly.

Mr. NELSON. I had an arrangement with the gentleman from Kentucky, who is in charge of the fortification bill, for time since Friday, but this filibuster of the gentleman from Georgia [Mr. RODDENBERRY] and this extended debate on the resolution to investigate the Money Trust has taken up the entire time of two days.

I shall now merely make announcement of important hearings on my bill (H. R. 18720) to establish a legislative reference bureau in the Library of Congress.

Hearings on this very important measure will begin next Monday before the House Library Committee, at which there will appear such leading university men as Prof. Roscoe Pound, of Harvard University, and Dean William Draper Lewis, of the University of Pennsylvania Law School, who have given this legislative agency scientific study; such leading chiefs of legislative reference bureaus as Dr. Charles McCarthy, of Wisconsin, and Mr. Ernest Bruncken, former legislative reference librarian of the State of California, who have had years of experience with its practical operation; such heads of bureaus and departments of government in this city as Hon. E. Dana Durand, Director of the Census; Hon. C. P. Neil, Commissioner of Labor; and Dr. Frederick A. Cleveland, chairman President's Commission on Economy and Efficiency, who realize how effective this agency will be in making more available for our needs the vast stores of information that these bureaus and departments contain; the Librarian of Congress, who will explain how this bureau will focus the vast resources of that magnificent library, with its millions of volumes, magazines, and periodicals, upon the questions before us; the leaders of all political parties in this House, Speaker CHAMP CLARK, Hon. JAMES R. MANN, and Hon. VICTOR BERGER, who will explain our utter lack of present facilities for legislative efficiency. And I am very glad to say that at my request and upon the direct invitation of the committee the British Ambassador, the Right Hon. James Bryce, has consented, as a matter of courtesy to the committee and to me, to appear and explain how the British Parliament avails itself of a similar agency in the preparation of the substance and the form of the statutes of Great Britain.

The SPEAKER. The Chair will ask the gentleman from Wisconsin, for his own information, where this hearing is to be held on Monday morning?

Mr. NELSON. I am very glad to inform the Speaker, inasmuch as he has consented to appear in behalf of the measure, that the hearing will be held in the minority room in the House Office Building, beginning at 10 o'clock Monday morning.

Mr. SHERLEY. Mr. Speaker, I will renew my motion and ask unanimous consent that the general debate last for four hours, two hours to be controlled by the gentleman from Iowa [Mr. GOOD] and two hours to be controlled by myself. As I stated before, I do not expect to hold the committee for any considerable length of time.

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Kentucky [Mr. SHERLEY] if

he will agree that this shall be the only thing to come up here to-night?

Mr. SHERLEY. I will say to the gentleman frankly that I do not expect to hold the committee for any length of time, but the limitation of time for general debate is a matter for the House to decide, and I am perfectly indifferent as to whether unanimous consent is given on that proposition or not.

Mr. HARDWICK. I am simply asking the gentleman a question for information.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 20111, the fortifications appropriation bill; and pending that he asks unanimous consent that general debate be limited to four hours, one half to be controlled by himself and the other half by the gentleman from Iowa [Mr. GOOD]. Is there objection to this request?

There was no objection.

The motion of Mr. SHERLEY was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Mr. HOUSTON in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read the title of the bill.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 25 minutes p. m.) the House, under the order heretofore agreed to, adjourned until Sunday, February 25, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of appropriation for care, protection, and maintenance of Confederate burial plats owned by the United States (H. Doc. No. 565); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Palmas Altas Harbor, P. R. (H. Doc. No. 568); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Western Branch of Elizabeth River, Va. (H. Doc. No. 566); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. N. Talley, administrator of the estate of Beverly Tompkins, deceased, v. The United States (H. Doc. No. 567); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JACOWAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 19863) authorizing the Secre-

tary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma, reported the same with amendment, accompanied by a report (No. 353), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 9420) authorizing the Secretary of War to donate to the city of Jackson, Miss., two bronze or brass cannon or fieldpieces, reported the same without amendment, accompanied by a report (No. 354), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESTOPINAL, from the Committee on the Public Lands, to which was referred the bill (H. R. 20114) granting school lands to the State of Louisiana, reported the same with amendment, accompanied by a report (No. 355), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18532) granting a pension to Delia Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17404) granting an increase of pension to Marshall D. Watson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20549) granting a pension to Robert Strong; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 20736) to authorize the Secretary of the Interior to expend the proceeds arising from the sale of town sites on the Yuma Reservation in California and the Colorado River Reservation in Arizona and California; to the Committee on Indian Affairs.

By Mr. CARY: A bill (H. R. 20737) to amend the food and drugs act; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 20738) for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. STEENERSON: A bill (H. R. 20739) providing for the issue of patents to allotments on White Earth Reservation in certain uncontested cases; to the Committee on Indian Affairs.

By Mr. MONDELL: A bill (H. R. 20740) for the relief of settlers in township 32 north, range 66 west, of the sixth principal meridian; to the Committee on the Public Lands.

By Mr. LITTLETON: A bill (H. R. 20741) to approve of the celebration of the one hundredth anniversary of the treaty of Ghent; to the Committee on Foreign Affairs.

By Mr. LLOYD: Resolution (H. Res. 424) authorizing the Clerk of the House to employ a mechanic to repair typewriters; to the Committee on Accounts.

By Mr. HARDY: Resolution (H. Res. 425) authorizing the Committee on the Merchant Marine and Fisheries to investigate methods and practices of the various lines of ships, both of the United States and foreign countries, etc.; to the Committee on Rules.

By Mr. STEPHENS of Nebraska: Resolution (H. Res. 426) authorizing an investigation of the Indian Service; to the Committee on Rules.

By Mr. CLAYTON: Resolution (H. Res. 427) authorizing the Committee on the Judiciary to investigate and ascertain what legislation is needed to protect trade and commerce against unlawful restraints and monopolies; to the Committee on Rules.

By Mr. ADAMSON: Resolution (H. Res. 428) authorizing and directing the Committee on Interstate and Foreign Commerce to investigate certain alleged conditions affecting the Panama Canal; to the Committee on Rules.

By Mr. SMITH of Texas: Resolution (H. Res. 430) authorizing and directing the Committee on Interstate and Foreign Commerce to make a full investigation of industrial and transportation corporations; to the Committee on Rules.

By Mr. SULZER: Joint resolution (H. J. Res. 251) providing for the participation of the United States in the councils of the International Prison Commission; to the Committee on Foreign Affairs.

By Mr. HOBSON: Joint resolution (H. J. Res. 252) directing the War Department to send papers relating to conditions surrounding Army posts; to the Committee on Expenditures in the War Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 20742) granting a pension to George B. Hartley; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 20743) granting a pension to Henrietta Bartlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20744) granting an increase of pension to Theodore Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20745) granting an increase of pension to Theodore Stubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20746) granting an increase of pension to Frederick Schenkenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20747) granting an increase of pension to George Foote; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 20748) granting a pension to Charles N. Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20749) for the relief of La Fayette McFarland; to the Committee on Military Affairs.

By Mr. BATHRICK: A bill (H. R. 20750) granting an increase of pension to George D. Townsley; to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 20751) for the relief of S. S. Shaddox; to the Committee on War Claims.

Also, a bill (H. R. 20752) for the relief of the heirs of Susan Gregory, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20753) for the relief of heirs at law of Jonathan Poe, deceased; to the Committee on War Claims.

By Mr. BOWMAN: A bill (H. R. 20754) granting an increase of pension to Peter Banks; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 20755) for the relief of the estate of Leandre Campo & Co.; to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 20756) granting a pension to Lucien D. Copin; to the Committee on Pensions.

Also, a bill (H. R. 20757) granting a pension to Ulysses G. Duval; to the Committee on Pensions.

Also, a bill (H. R. 20758) for the relief of the heirs of Susan M. Pendleton, deceased; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 20759) for the relief of Stephen S. Staring; to the Committee on Military Affairs.

By Mr. CONNELL: A bill (H. R. 20760) granting an increase of pension to James E. Depew; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 20761) for the relief of Bruce C. Payne; to the Committee on Military Affairs.

By Mr. CRAVENS: A bill (H. R. 20762) for the relief of the heirs of J. T. and Isabella Mitchell, deceased; to the Committee on War Claims.

By Mr. DAVENPORT: A bill (H. R. 20763) for the relief of the heirs of Jonathan Wilson, deceased; to the Committee on War Claims.

By Mr. DAVIS of Minnesota: A bill (H. R. 20764) for the relief of J. P. J. Johnston; to the Committee on Claims.

By Mr. DUPRE: A bill (H. R. 20765) for the relief of heirs of Francis M. Fisk; to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 20766) granting a pension to Marcia J. Dewey; to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 20767) for the relief of heirs of Patrick McCormack; to the Committee on War Claims.

By Mr. GALLAGHER: A bill (H. R. 20768) granting an increase of pension to Homer D. Snediker; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 20769) for the relief of estate of Winston Morris; to the Committee on War Claims.

Also, a bill (H. R. 20770) for the relief of estate of Mary Phillips; to the Committee on War Claims.

By Mr. HARDWICK: A bill (H. R. 20771) for the relief of the heirs of Eli Frasuer, deceased; to the Committee on War Claims.

By Mr. HARTMAN: A bill (H. R. 20772) granting an increase of pension to Henry A. Folk; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 20773) granting a pension to Marie E. Tilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20774) granting a pension to Stephen P. Libby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20775) granting an increase of pension to Lizzie U. Ricker; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 20776) granting a pension to J. M. Luck; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20777) for the relief of Isaac M. Bennett; to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 20778) granting an increase of pension to William J. Letts; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20779) granting a pension to Elizabeth Sword; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 20780) granting an increase of pension to John W. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20781) granting an increase of pension to William E. Sands; to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 20782) granting an increase of pension to Benjamin A. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20783) granting an increase of pension to Harvey Bartholomew; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 20784) granting a pension to George W. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20785) granting a pension to Martha A. Kaiser; to the Committee on Pensions.

Also, a bill (H. R. 20786) granting a pension to Henrietta Glessner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20787) granting an increase of pension to Samuel W. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20788) granting an increase of pension to William H. Ross; to the Committee on Invalid Pensions.

By Mr. MCCOY: A bill (H. R. 20789) granting a pension to Margaret Burns; to the Committee on Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 20790) granting a pension to Charles H. Berry; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 20791) granting an increase of pension to Moses P. Jewett; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 20792) granting a pension to Judson G. Fullerton; to the Committee on Pensions.

Also, a bill (H. R. 20793) granting a pension to William M. J. Manning; to the Committee on Pensions.

Also, a bill (H. R. 20794) granting a pension to John Mansfield; to the Committee on Pensions.

Also, a bill (H. R. 20795) granting a pension to Russell M. Zuver; to the Committee on Pensions.

Also, a bill (H. R. 20796) granting an increase of pension to Nathan Forbes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20797) granting a pension to Margaret Dillon; to the Committee on Pensions.

By Mr. NORRIS: A bill (H. R. 20798) granting a pension to Susan M. Batman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20799) granting an increase of pension to David F. Rudd; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 20800) granting an increase of pension to Robert McDowell; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 20801) for the relief of Ella G. Richter, daughter of Henry W. Richter; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 20802) granting a pension to Susan Murphy; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 20803) granting a pension to Ada A. Parker; to the Committee on Invalid Pensions.

By Mr. RANDELL of Louisiana: A bill (H. R. 20804) for the relief of Martha B. King; to the Committee on War Claims.

Also, a bill (H. R. 20805) for the relief of heirs or estate of Mary A. Meredith, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20806) for the relief of heirs of Wilford C. Jackson; to the Committee on War Claims.

Also, a bill (H. R. 20807) for the relief of heirs of George Farris; to the Committee on War Claims.

Also, a bill (H. R. 20808) for the relief of heirs of Laura Lane Gibson; to the Committee on War Claims.

Also, a bill (H. R. 20809) granting an increase of pension to Lizzie Brooks; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 20810) to correct the military record of James M. Johnson; to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 20811) granting a pension to Joel H. Peter; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 20812) granting an increase of pension to Daniel Corbin; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 20813) for the relief of the estate of Phereby R. Sheppard, deceased; to the Committee on War Claims.

By Mr. SHARP: A bill (H. R. 20814) granting an increase of pension to Frederick C. Wickham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20815) for the relief of Joseph Kahnheimer; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 20816) granting an increase of pension to William Hastings; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 20817) for the relief of William K. Buchanan; to the Committee on Military Affairs.

By Mr. WEDEMEYER: A bill (H. R. 20818) granting a pension to Lizzie E. Johnson; to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 20819) for the relief of James Goodwin; to the Committee on War Claims.

Also, a bill (H. R. 20820) for the relief of heirs of Henry J. Heard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20821) for the relief of heirs of Francis Alleman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20822) for the relief of heirs of E. J. Penny, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20823) for the relief of heirs of R. J. and Mrs. R. V. Packer, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20824) for the relief of heirs or estate of Adolph Dupuy, deceased; to the Committee on War Claims.

By Mr. WHITE: A bill (H. R. 20825) granting an increase of pension to William T. Young; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of citizens of the State of Missouri, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Missouri, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Minnesota: Petition of Julsrud Bros. and others, of Rushford, Minn., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of special convention of the National Progresista Party of the Philippine Islands, for establishment in the islands of an independent Filipino government; to the Committee on Insular Affairs.

By Mr. ASHBROOK: Petition of Levi Hirschberg and other merchants of Newark, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of German-American Alliance, of Chillicothe, Ohio, protesting against passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Ministerial Association of New Philadelphia, Ohio, for passage of legislation forbidding interstate transmission of race-gambling odds and bets; to the Committee on the Judiciary.

Also, petition of Commercial Association and Business Men's Club of Cincinnati, Ohio, urging passage of House bill 18981; to the Committee on Public Buildings and Grounds.

By Mr. AYRES: Memorial of the General Fishermen's Association, in favor of House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Rochester (N. Y.) Chamber of Commerce, in favor of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, memorial of the National Progresista Party of the Philippines, with regard to independence; to the Committee on Insular Affairs.

Also, memorial of citizens of the Bronx, relative to the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. BARTLETT: Petition of Ham & Carter Co. and others, of Jackson, Ga., against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. BATES: Petition of citizens of Springboro, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Dawson Bros., of Corry, Pa., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Pennsylvania State Board of Agriculture, for Federal support of State agricultural colleges; to the Committee on Agriculture.

Also, petition of George McCullough, of Cambridge Springs, Pa., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of Erie (Pa.) Central Labor Union, praying that civil-service employees may have the right of petition to Congress, etc.; to the Committee on Reform in the Civil Service.

By Mr. BOWMAN: Petition of Harry Whipple, of Wilkes-Barre, Pa., for militia pay bill; to the Committee on Military Affairs.

Also, petition of A. L. Darrow, of Sacramento, Cal., for certain changes in the banking and currency laws; to the Committee on Banking and Currency.

By Mr. BROWNING: Petition of Friends' First Day School, of Mickleton, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petitions of citizens of South Dakota, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of South Dakota, protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Union and the Methodist Episcopal Church of Orient, S. Dak., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CARY: Resolutions of the Lake Seamen's Union, Milwaukee, Wis., indorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. CLARK of Florida: Petition of E. E. Dodge and numerous other citizens of Florida, for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of various Methodist Episcopal Churches and numerous citizens of the State of Florida, for legislation to prevent shipment of intoxicating liquors into prohibition territory; to the Committee on the Judiciary.

Also, petition of the Daughters of the American Revolution, for a suitable reservation in the State of Florida for the Seminole Indians; to the Committee on Indian Affairs.

By Mr. CAMPBELL: Petition of citizens of Oswego, Kans., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. CRAVENS: Petition of citizens of Arkansas, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of John Schaap & Sons Drug Co. and others, of Arkansas, protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. CURRIER: Petitions of citizens of Claremont and Peterboro, N. H., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: Papers to accompany bill for the relief of heirs of Jonathan Wilson; to the Committee on War Claims.

By Mr. DAVIS of Minnesota: Petition of the Minnesota Society Dames of the Loyal Legion, in favor of the Sherwood pension bill; to the Committee on Invalid Pensions.

By Mr. DWIGHT: Petitions of Tabernacle Methodist Episcopal Church, of Binghamton; Methodist Episcopal Church of Endicott; and Methodist Episcopal Church of Freeville, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of the State of Wisconsin, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of Marcia J. Dewey; to the Committee on Pensions.

By Mr. EVANS: Petitions of Albert M. Day, of Lake Forest, Ill., and James Gamble Rogers, of New York, N. Y., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of Central Federated Union, opposing replacing of civilian employees by enlisted men in the Boston Navy Yard; to the Committee on Naval Affairs.

Also, petition of National Model License League, protesting against passage of interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of Hodgman Rubber Co., of New York, relative to import duty on rubber; to the Committee on Ways and Means.

Also, petition of Russian Caviar Co., of New York, N. Y., for specific duty of 15 cents per pound on caviar; to the Committee on Ways and Means.

Also, petition of German-American Alliance of Omaha, Nebr., and George G. Brown, of Louisville, Ky., protesting against House bill 17593; to the Committee on the Judiciary.

Also, petition of the International Dry-Farming Congress, in favor of the Page bill; to the Committee on Agriculture.

Also, petition of the International Dry-Farming Congress, for legislation relative to the public lands; to the Committee on the Public Lands.

By Mr. FULLER: Petition of W. D. Allen Manufacturing Co., of Chicago, Ill., favoring the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of German-American Alliance of Nebraska, protesting against the passage of the Kenyon-Webb bill (S. 4043 and H. R. 17593) concerning the interstate shipment of liquors, etc.; to the Committee on the Judiciary.

By Mr. GARNER: Petition of the Retail Merchants' Association of Houston, Tex., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: Petition of merchants of Mount Olive, Ill., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HARDWICK: Papers to accompany bill for the relief of heirs of Eli Frasuer; to the Committee on War Claims.

By Mr. HAWLEY: Petitions of the Woman's Christian Temperance Unions, churches, and citizens of Oregon, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Oregon, in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HAYES: Petition of San Francisco (Cal.) Chamber of Commerce, for Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

Also, petitions of the Woman's Christian Temperance Union and others, of Los Angeles, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HINDS: Petitions of Young People's Christian Union of Bethel and of the Second Advent Church of Old Orchard, Me., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HOUSTON: Petition of citizens of Lincoln County, Tenn., to prevent the shipment of liquors into dry territory; to the Committee on the Judiciary.

Also, papers to accompany House bill 15848, for the relief of Soule College; to the Committee on War Claims.

By Mr. HOWELL: Petition of Louisa Frost and other citizens of Ephraim, Utah, protesting against the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Tremonton, Utah, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of the Woman's Christian Temperance Union of Pompton, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HULL: Petitions of W. H. Jones and other citizens of Lancing, Tenn., and of S. W. Brown and other citizens of Westmoreland, Tenn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KAHN: Petitions of Corliss Gas Engine Co., J. F. Palmer, and Henry C. Peterson, of San Francisco, Cal., opposing proposed legislation requiring all boats over 40 feet in length to be in charge of two licensed pilots; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Holbrook, Merrill & Stetson Co., of San Francisco, Cal., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Petition of 200 citizens of Jefferson and Clarion Counties, Pa., in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of citizens of Pennsylvania, in favor of Berge's old-age pension bill; to the Committee on Pensions.

By Mr. LANGLEY: Petitions of members of Improved Order of Red Men of tenth congressional district of Kentucky, for an American Indian memorial and museum building in city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. LAWRENCE: Petition of citizens of Westfield, Mass., in favor of old-age pension legislation; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: Petition of citizens of Washington Township, Pa., in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS: Petitions of the board of directors of the Frederick City Young Men's Christian Association, the Enterprise Farmers' Club, and the Ministerial Association, all of Frederick, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany House bill 19589, granting an increase of pension to Mollie C. Zimmerman; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to John W. Lynch; to the Committee on Pensions.

Also, papers to accompany bill for relief of Daniel Marmaduke; to the Committee on Pensions.

By Mr. LINDBERGH: Petition of citizens of Maple Lake, Minn., protesting against the enactment of legislation for the extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of St. Michael's Society, of Buckman; of St. Anthony Aid Society, of Delano; of St. Joseph's Maenner und Unterstützungs Verein, of Albany; of St. Joseph's Society, of Melrose; and of St. John's Society, of Long Prairie, all in the State of Minnesota, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of St. Anthony Aid Society, of Delano, Minn., in favor of House bill 2896, to provide for a tax upon white phosphorus matches, etc.; to the Committee on Ways and Means.

Also, petition of citizens of Garfield, Minn., in favor of House bill 14, for the extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of business firms and business men of St. Cloud, Minn., protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Board of Trade of Winona, Minn., urging some adjustment to avoid a crisis in the coal business in the Northwest; to the Committee on Labor.

By Mr. LINDSAY: Petition of George G. Brown, of Louisville, Ky., protesting against passage of House bill 17593; to the Committee on the Judiciary.

Also, petition of William Greilich Shoe Co., of Brooklyn, N. Y., protesting against passage of House bills 11380 and 11381; to the Committee on the Judiciary.

By Mr. LOUD: Papers to accompany bill for the relief of William J. Lettis; to the Committee on Invalid Pensions.

Also, petition of Rev. T. B. McGee and other residents of Bay City, Mich., urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MCGILLICUDDY: Resolutions of the Board of Trade of Lewiston, Me., advocating 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of the First Baptist Church of Augusta; the Grace Methodist Episcopal Church, of Bangor; the Ministers' Association of Bath; the Foss Street Methodist Episcopal Church, of Biddeford; Grange No. 300, Patrons of Husbandry, of Buckfield; the Men's League of Baptist Church of Damariscotta; of H. M. Ives et al., of Eastport; Grange No. 309, Patrons of Husbandry, of Nobleboro; the First Congregational Church of Waterville; Friends' Church of Winthrop; Franklin Grange, No. 124, Patrons of Husbandry, of Woodstock; and the Woman's Christian Temperance Union of Union, all in the State of Maine, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MCKINNEY: Petition of citizens of Monmouth, Ill., against the establishment of a system of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of South Dakota: Petition of the Ardmore Commercial Club, indorsing a domestic immigration policy; to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Petition of citizens of White County, Tenn., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. MORSE of Wisconsin: Memorial of the merchants of Tripoli, Wis., protesting against any bill favoring the extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. NELSON: Petitions of residents of Endeavor, Wis., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of W. F. Goldspohn and 18 other citizens of Arlington, Wis., protesting against the extension of parcel-

post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petitions of citizens of the State of Rhode Island, for reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of Camps Nos. 1, 3, 6, and 7, United Spanish War Veterans, for passage of Senate bill 291 and House bill 1235; to the Committee on Naval Affairs.

Also, petitions of Camps Nos. 1, 3, 6, and 7, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petition of Henry W. Burnett, of Providence, R. I., for legislation granting retirement and longevity pay to the officers of the Medical Reserve Corps; to the Committee on Military Affairs.

By Mr. PADGETT: Petition of citizens of Tennessee, for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. PEPPER: Petition of the McClellan Heights United Presbyterian Church, of Davenport, Iowa, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Clinton, Iowa, protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. POWERS: Petition of members of the Improved Order of Red Men and citizens generally residing in the eleventh congressional district of Kentucky, favoring the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: Petition of Sacramento Valley Development Association, of Sacramento, Cal., indorsing House bill 18431; to the Committee on Rivers and Harbors.

By Mr. RANDELL of Louisiana: Papers to accompany bill for the relief of Thomas Brooks; to the Committee on Invalid Pensions.

Also, papers to accompany bills for the relief of estates of Wilford C. Jackson, George Farris, and Laura Lane Gibson; to the Committee on War Claims.

By Mr. REDFIELD: Petition of the Brooklyn Institute of Arts and Sciences, for Lincoln memorial as recommended by the National Art Commission; to the Committee on the Library.

By Mr. REILLY: Petition of the special convention of the National Progresista Party of the Philippine Islands, for establishment in the islands of an independent Filipino government; to the Committee on Insular Affairs.

Also, petitions of the German-American Alliances of Meriden and Torrington, Conn., protesting against prohibition and interstate liquor legislation; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Connecticut, for passage of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. REYBURN: Petition of the Galveston (Tex.) Commercial Association, in favor of House joint resolution 217, relating to the Shipping Trust; to the Committee on Rules.

By Mr. SHARP: Resolution adopted by Henry B. Banning Camp, No. 207, Sons of Veterans, of Mount Vernon, Ohio, favoring such pension legislation as will enable all Civil War veterans to spend their few remaining days in peace and happiness and allowing increased pensions commensurate with their loyalty and service to our country; to the Committee on Invalid Pensions.

Also, petition of the German-Alliance of Chillicothe, Ohio, against the enactment into law of any prohibition or interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Norwalk, Ohio, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolution of Farmers' Institute at Greenwich, Ohio, favoring national aid for building and maintaining of public highways; also the establishment of a parcels post; to the Committee on Agriculture.

Also, petitions of citizens of Fredericktown and Mansfield, Ohio, protesting against extension of parcel-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. SIMMONS: Petitions of Congregational and Presbyterian Churches of Warsaw, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Common Council of Niagara Falls, N. Y., favoring the diversion of additional water from the Niagara River; to the Committee on Foreign Affairs.

By Mr. SPEER: Petition of citizens of borough of Emlenton, Pa., for construction of five slack watering dams on the Allegheny River; to the Committee on Rivers and Harbors.

By Mr. STEENERSON: Memorial of the Associated Commercial Clubs of Becker and Mahnomen Counties, Minn., for legislation relative to the White Earth Indian Reservation; to the Committee on Indian Affairs.

Mr. SULZER: Petitions of citizens of Brooklyn and New York City, asking that duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of the American Chamber of Commerce for Turkey, in favor of permanent improvement of the Consular and Diplomatic Service; to the Committee on Foreign Affairs.

Also, petition of the International Dry-Farming Congress, for legislation relative to public lands; to the Committee on the Public Lands.

Also, petition of John B. White, of Kansas City, Mo., for appropriation for fighting forest fires as recommended by the Forester; to the Committee on the Public Lands.

By Mr. TAGGART: Petitions of the Woman's Christian Temperance Union and the Men and Religion Forward Movement of Iola, Kans., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio: Petition of various citizens throughout Ohio, urging enactment into law of bill introduced by Hon. VICTOR L. BERGER, providing old-age pensions for deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. TILSON: Petition of citizens of Norwich, Conn., in favor of House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of the German-American Alliance, of Meriden, Conn., against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. TOWNER: Petitions of citizens of Corydon and Numa, Iowa, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WEBB: Petition of C. P. Davis and 5 other citizens of Charlotte, N. C., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Papers to accompany bill in support of Lizzie E. Johnson; to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: Papers to accompany bills for the relief of estates of Adolph Dupuy and Francis Alleman; to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SUNDAY, February 25, 1912.

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. ROTHERMEL.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we lift up our hearts in gratitude to Thee for the spark of divinity which Thou hast implanted in the breast of man which lifts him above the brute creation, binds him indissolubly to Thee, insures the immortality of the soul, and points the way to eternal bliss; hence "in the night of death hope sees a star and listening love catches the rustle of wings." "We live in deeds, not years; in thoughts, not breaths; in feelings, not in figures on a dial; we should count time by heart throbs. He most lives who thinks most, feels the noblest, acts the best."

We are met in memory of one who made his mark in the business world, served his country on the floor of this House, and has passed on to the larger life, leaving a void in the hearts of those who knew him best and will cherish his memory for what he was—a lover of men and ever ready to assist those who sought his aid and counsel. Comfort those, we beseech Thee, who mourn him, help them to copy his virtues, and especially be near to those who are near and dear in the bonds of kinship.

Prepare us all for the change that waits upon us, that we may go forward with brave and manly hearts.

We know not what the future hath
Of marvel or surprise,
Assured alone that life and death
His mercy underlies.

Thus we believe, thus we trust in Thee, O God our heavenly Father, through Him who is the resurrection and the life. Amen.

The SPEAKER pro tempore. The Clerk will read the Journal.
Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the reading of the Journal may be dispensed with.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that Members have leave to print for 10 days in connection with these ceremonies.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EULOGIES ON THE LATE REPRESENTATIVE GEORGE WASHINGTON KIPP.

Mr. WILSON of Pennsylvania. Mr. Speaker, I submit the following resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 431.

Resolved, That in pursuance with the special order heretofore adopted the House proceed to pay tribute to the memory of Hon. GEORGE WASHINGTON KIPP, late a Representative from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.
Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. WILSON of Pennsylvania. Mr. Speaker, GEORGE WASHINGTON KIPP was born in Green Township, Pike County, Pa., on March 28, 1847, and was consequently in the sixty-fifth year of his age at the time of his death. Like many men who have risen to prominence in the affairs of our country, his youth was spent in struggles and hardships through which was laid the foundation for his future. He was successful in business, not as some have been because they have risen upon the failures of others, but because of the strength of his own character, the keenness of his own perceptions, and the strictness of his integrity. He was a man of the highest honor. I can recall an instance within a year when he and some of his associates were considering the advisability of making a certain political move, when he said to his associates:

I know your purpose to be right—I am in hearty accord with it—but I have made some pledges to my people and I do not know whether or not they will view this act as being in violation of those pledges, and until I have consulted them and found what their viewpoint is relative to my pledges I can not go with you.

I cite that as an illustration of his strict construction of honorable action. To him was not given the gift of oratory. He could not sway the multitude with the elegance of his diction, the beauty of his rhetoric, the logical sequence of his conclusions from an accepted premise, or by the keenness of his repartee, but what is of more importance to mankind he knew how to work in a systematic and effective way to secure the objects he sought to attain.

To each man's life there comes a time supreme—
One day, one night, one morning, or one noon,
One rift through which sublime fulfillments gleam,
One freighted hour, one moment opportune,
One once when fate goes floating with the stream,
One time between too late too soon.
Ah, happy he who knowing how to wait
Knows also how to work and watch, and stand
On life's broad deck alert and at the prow,
To seize the passing moment big with fate
From opportunity's extended hand
When the great clock of destiny strikes now!

GEORGE W. KIPP was one of those men who stood on life's broad deck, alert and at the prow. He knew how to wait and work and watch with consummate patience to seize the passing moment big with fate from opportunity's extended hand, not for the selfish purpose of personal aggrandizement, but with purer object of promoting the public weal. Those who know the work of the House of Representatives and the enormous amount of detail that must be done in the committee rooms in perfecting measures for presentation to the House realize the importance of such men as Mr. KIPP in securing effective legislation. There his business training and his knowledge of men and affairs were invaluable.

None knew him but to love him,
None knew him but to praise.

Mr. LAMB. Mr. Speaker, it is in the committee rooms of the House that we make the closest acquaintances and form the nearest friendships. I would have had perhaps only a speaking acquaintance with Hon. GEORGE W. KIPP, of Pennsylvania, save that in the Sixty-second Congress he became a member of the Committee on Agriculture. From the first he manifested great interest in the work and asked me a number of questions touching the scope and usefulness thereof.

A day or two before his untimely death I received a letter from him, and I have thought that perhaps this was the last business letter he wrote. He impressed me from the first as a plain, unpretentious, unassuming business man, generous to a degree, and full of the milk of human kindness.

It happened that I was one of the several Members of this House selected to meet his remains at Towanda, his home town in Pennsylvania. The impressive ceremonies, conducted in part by the fraternity of Masons, the solemn pageant winding its way

to the last resting place near the banks of the Susquehanna, the sad mourners of every degree and walk in life, impressed a stranger like myself and caused me to inquire what were the sources of this man's influence and from whence came his power to invoke the reverence, confidence, and love of that people.

During the ceremonies at his funeral a striking impressive and pathetic prayer was offered by a minister of some church. That prayer revealed to me the secret of the man's life. I carried the keynote of the prayer in my mind for days and said to myself, GEORGE W. KIPP was strong with these people because he loved them and was frank in all of his dealings with them. One of our colleagues from Pennsylvania confirmed this judgment a few days ago, when he said to me, "GEORGE W. KIPP helped his people regardless of their politics. This was the source of his popularity."

Feeling that good taste required that I leave to those closer to him to tell of his life and character and services to his people, I thought it would be well to secure a copy of the prayer offered at his funeral. It is a reverential tribute to the dead and a touching expression of sympathy for the living.

PRAYER OFFERED AT THE FUNERAL SERVICES OF HON. G. W. KIPP, AUGUST 3, 1911, BY REV. J. M. JOHNSTON.

O Thou who driest the mourner's tear,
How dark this world would be
If, when deceived and wounded here,
We could not fly to Thee!

The friends who in our sunshine live,
When winter comes are flown;
And he who has but tears to give,
Must weep those tears alone.

But Thou wilt heal that broken heart,
Which, like the plants that throw
Their fragrance from the wounded part,
Breathes sweetness out of woe.

Oh who could bear life's stormy doom
Did not Thy wing of love
Come brightly wafting through the gloom,
Our peace branch from above?

Then sorrow, touched by Thee, grows bright
With more than rapture's ray,
As darkness shows us worlds of light
We never saw by day.

Yes, there are friends who when winter comes "are flown," but we thank Thee for the human friends who remain for such a time as this; and we feel that in this sorrow-stricken home they are in evidence, as is manifest in their expressions of sympathy, in their presence, in their floral tributes, in their tears, and in their prayers. But we also feel that after they have done the best that sincere and loving hearts can do, there is still the aching void which only Thou canst fill; hence in this hour of mystery and grief we turn to Thee.

We thank Thee for the life of this man, for the place he filled in society, in business, in politics, and in home. We thank Thee for the endearing home ties that bound him and his loved ones together. We thank Thee for the long and busy life he led, for his acknowledged business abilities, for the generous, benevolent, and human feelings which characterized him, that no one whom he could favor was turned empty away.

We thank Thee for the stand he took for civic righteousness and for the public-spirited man he was. We pray that these many good traits we may emulate and what faults there were we may bury in the sea of forgetfulness. We further ask that Thou wilt honor us with Thy blessing this day in these services.

We bespeak for the friends and neighbors whose presence and thoughtfulness have done much to alleviate our sorrows Thy friendly recognition. Give Thy blessing also to the men with whom in organizations, in social, in business, and in political life the deceased associated; write it on their hearts that they, too, must die.

Bless, O God, the Nation which we all so dearly love and for whose principles this man stood so firmly. Make it a Nation noted for righteousness, that it may be exalted. Bless our President, his Cabinet, those who make and execute our laws, and may these men in high places deal fairly with their constituents, their country, and their God. Bless this town and vicinity on which this great sorrow has fallen, and may the community rise to the high ideal this man had in view for it and to which end he planned and contributed.

God bless those who are so near to this man by the ties of kin and have been so suddenly touched by this dispensation of Providence; be strength to the brothers and sisters, the circle of which death has not invaded for many years; may they be made to feel their days, too, are numbered. Bless these dear little grandchildren; they may not realize their loss now, but who sooner or later will miss the kindnesses lavished upon them by a grandfather's love and indulgence. And especially would we bring in our arms of faith these the daughters of the deceased and lay them at Thy feet for Thy sympathy and help. They are indeed bereft; doubly so, as so recently their dear mother was taken; but, commensurate with their sorrow, be Thou their comfort and stay. In the absence of the earthly father, may they lean all the more on the everlasting arms of the heavenly Father.

Bless Thy servant in the message of admonition and consolation he will bring to us, and prepare our hearts to receive it. Go with us to the resting place of the dead, and on the return meet these sorrowing ones at the portal, and with Thine own hallowed presence fill the vacancy caused by the demise of this father. And to the Father, Son, and Holy Ghost we will give thanks, praise, and ourselves forever. Amen.

There are two assets in life that men enjoy and through which they impress their fellows and win success. One is wealth; the other, friends. Our deceased colleague possessed both. A man possessing wealth without friends is poor indeed, while possessing good friends with little wealth he may be counted rich. When a youth I heard a man of large possessions say to a neighbor, "Make money and you will have

friends." I lived to see this man count his friends on the fingers of one hand. He heaped up riches and lost his friends.

I do not know what estate our colleague left, but do know from what I saw and heard at Towanda that he died rich in friends.

In the hour of distress and misery the eye of every mortal turns to friendship; in the hour of gladness and conviviality, what is your want? It is friendship. When the heart overflows with gratitude or with any other sweet and sacred sentiment, what is the word to which it would give utterance? A friend.

Everything I observed and learned during my short stay in Towanda impressed me with the fact that a spirit of friendliness prevailed there. All party spirit seemed dead in the awful mystery we call death. The greater mystery of life I noted in strange faces and new scenery. Art and architecture gave an interest. A splendid county building, in front of which stood a statue on which was engraved emblems dedicated to truth and justice, attracted my attention. I examined the records and archives within.

Men whom I met in conflict 50 years ago welcomed me as a friend and brother. One high in authority spoke admiringly of Robert E. Lee even as I had heard Pennsylvanians speak in 1863. A week later I had the pleasure of sending him a life of Lee which he expressed a desire to read.

While it was a sad duty I was commissioned with my colleagues to perform, I was glad to meet the friends who had sent him here and learn that they trusted him because he was honest, loved him because he was faithful and true, and honored his memory because he was generous and benevolent and never turned empty away a worthy applicant for his favor.

It is the spirit in which we act that is the highest matter. It is the spirit of a man that gives him tone and character.

A spirit of friendliness was the leading trait in the character of Mr. KIPP. For the most part, it is the American spirit to-day—cultivated and encouraged through every available source it will save our civilization, neglected some Gibbon will write our decline and fall.

WHAT MIGHT BE DONE.

By Charles Mackay.

What might be done if men were wise—
What glorious deeds, my suffering brother,
Would they unite
In love and right,
And cease their scorn of one another?

Oppression's heart might be imbued
With kindling drops of loving kindness;
And knowledge pour
From shore to shore
Light on the eyes of mental blindness.

All slavery, warfare, lies, and wrongs,
All vice and crime, might die together;
And wine and corn,
To each man born,
Be free as warmth in summer weather.

The meanest wretch that ever trod,
The deepest sunk in guilt and sorrow,
Might stand erect
In self-respect
And share the teeming world to-morrow.

What might be done? This might be done,
And more than this, my suffering brother—
More than the tongue
E'er said or sung,
If men were wise and loved each other.

Mr. UNDERHILL. Mr. Speaker, it was my good fortune upon entering Congress last April to find that the late GEORGE WASHINGTON KIPP, of Pennsylvania, and myself had many mutual friends. Representing adjoining districts, although living in different States, we found that we had many interests in common, and thus began an acquaintance which I had learned to value highly before he started on that western trip from which he never returned alive.

Mr. KIPP was preeminently a representative of the people. He had not the advantages of a college education, but he was a graduate of the school of experience, and he learned to so handle matters through this training that he was a very successful man in this world's affairs. He was an excellent type of an American. Of the advantages that came to him from environment he made the best of use. His services in both public and private life were considerable and proved that he was a fitting representative of the people. He was twice elected a Member of this House in a district normally opposed to him politically, demonstrating the worth in which he was held by the community in which he lived.

In his death the State of Pennsylvania has lost a representative worthy of her best traditions, the House of Representatives a man of sterling character and highest integrity, while we, his friends, have lost a valued companion and counselor.

He was faithful and earnest in the discharge of his official duties. He was disposed to be fair and independent in all im-

portant matters and rose to the full standard of a man. His career demonstrates what a man of energy and industry can accomplish and how he can climb the ladder in this favored land of ours.

It was my privilege to be one of the committee appointed by the Speaker to represent this House at the last sad rites said over our departed colleague. The services were largely attended by friends for miles around, not only from the counties of his immediate district, but adjoining ones, and the neighboring State of New York was well represented. The regret was deep and sincere, and the general expression was that he was an unusual man and that it had been a privilege to have known him as a friend.

Mr. GREGG of Pennsylvania. Mr. Speaker, it is an undisputed fact that all men are born to die. The sacred pages of God's Book, the Holy Bible, declare that "it is appointed unto man once to die"; that "man that is born of a woman is of a few days and full of trouble; he cometh forth like a flower and is cut down; he fleeth also as a shadow and continueth not." We need only look around us, on every hand, to see the work of death. Observation has taught us that even the long-lived and towering oak will eventually fall and decay. The sweet-smelling and many-colored flowers at our feet flourish for a time, then wither and die. One season in this changeable climate of ours will teach us that the life of everything in nature can be extinguished by one cold breath from the lungs of that unwelcome visitor, death. And so it is with the life of human kind. The hallowed graveyards on the hills and in the vales, the crowded cemeteries in the cities and in the towns, go to prove but one mournful truth, that "life is even a vapor that appeareth for a little time, then vanisheth away." And it is to be observed in this day and generation that "pale death, with impartial footsteps, knocks alike at the poor man's hut and the palace of kings."

To-day we see a multitude of sorrowing friends follow the remains of a beloved one to the grave, and scarcely have the echoes of the funeral march that sounded his dirge died away till we see another and another and still another being borne to his last resting place.

There were two particular things in the life of GEORGE W. KIPP that impressed me. My acquaintance with him was not long. My office number is 356 and his was 354, and it gave me an opportunity to see something of his life. One thing that impressed me more than anything else, and which I know most impressed every other man who knew him, was his wonderful regard, his wonderful kindness, to the boys—to the little fellows. My son visited me during last summer, and Mr. KIPP was the one person more than myself who looked after that boy of mine. He among others was the one particular person who thought that a child amounted to something in this world. And whenever you can find a man who has some feeling, some regard, for a child, you find in him something that is a little bit bigger than you find in the ordinary man.

The other thing about Mr. KIPP which impressed me was his conception of responsibility in life. He thought that he was a man. He actually believed in himself, and the very fact that he did believe in himself was the very thing that made him great, and big, and strong, just as the gentleman from New York [Mr. UNDERHILL] has described him. That is the thing that amounted to something up in his congressional district; that is the thing that made him big there, and that will always make a man big wherever he happens to be. He was a man among men, and his reelection in a strong Republican district testifies that fact.

Mr. ANSBERRY. Mr. Speaker, I rise to pay my last tribute to the memory of my friend GEORGE WASHINGTON KIPP, who has solved the great mystery, who has been called to the bar of eternity to give the record of his life. And these few brief words of mine are the garlands of flowers that I place at his tomb. I first met GEORGE W. KIPP when sitting as a member of the Invalid Pensions Committee of the Sixtieth Congress. I found him to be my nearest neighbor, and his participation in the work of the committee discovered to me his hard common sense as well as the softer side of his nature, for he was always interested in forwarding the interests of those men, women, and children whom he styled "the Nation's wards." The acquaintance thus begun ripened into a friendship which I shall always cherish and which continued until his death. In the language of the phrase maker, he was essentially a man's man, and his society was always sought by a large company of his colleagues who had learned as I had to love him for his sterling qualities of mind and heart. I was proud of the fact known to many that I possessed in a great degree the affection and esteem of my dead friend, and because of this an intimacy grew up be-

tween us which I shall always preserve as one of the benefits I enjoyed as a Member of this House.

GEORGE WASHINGTON KIPP came up from the soil. He was one of and always in intimate touch with the common people. He was educated in the great university of the common people—the public school. He was a self-made man. Compelled to make his own way in life, he started as a lumberman and mastered every detail of that business. He prospered, grew rich, and soon branched out into other fields of endeavor, and in each he was an unqualified success. Always a Democrat and always manifesting an interest in public affairs, he on more than one occasion was his party's standard bearer, and invariably led it to success despite the fact of his party being in the minority. In 1906 his Democratic neighbors nominated him for Congress, and he succeeded in defeating a strong and popular adversary, and I am glad to say his greatest majority came from his home county, strongly Republican, where he was best known. The presidential tide ran strong against the Democrats in Pennsylvania in 1908 and Mr. KIPP was defeated for his second term by a narrow majority. Renominated in 1910, it was my pleasure to spend a brief week campaigning on his behalf, and in going up and down his district I soon learned that his constituents knew and appreciated the rugged honesty and strong character of the Democratic candidate, and I was assured on every side by men of every shade of political opinion that my friend would once more receive at the hands of his neighbors a trust to execute in the Nation's capital as their representative. He was elected by a substantial majority, and was but fairly launched upon his second term when death beckoned his gaunt finger and he was gone.

Many men of many minds, of varied accomplishments, come into this House as Representatives, some of whom are preceded by the bubbles "reputation," "fame." Some come from high offices in their native States, some from strong positions in the business world. All play their part—pass on, some to greater reputations, others to oblivion. My dead friend came into this House as a business man of large experience, the possessor of a fortune honestly won. He was plain, unostentatious, absolutely without pretense. Unknown to him was the desire to bask in the spotlight of notoriety. He was desirous only of doing well and thoroughly the task that lay at hand, be it great or small, and in passing he left behind a reputation for that greatest of all good qualities—common sense. It would be folly to talk of him as brilliant or as eloquent, and none would sooner reject such fulsome praise than he. It was my privilege to know my friend in his comfortable home, in the beautiful little city of Towanda, tucked away in the Pennsylvania hills. He was a kind father and an indulgent and loving husband to a wife who was long an invalid. I spent several days with him in his native town, and could not help but note that he was known and admired by every man, woman, and child within its confines, and he was never too busy to exchange kindly greetings with the laborer upon the street, nor was it the fawning smile or fulsome speech of the politician, but the kindly, neighborly salute which bespoke a large and generous heart. He died suddenly when far from home. I was not permitted the sad privilege of attending his funeral, but I recall him now in my mind's eye when last I saw him, the picture of a man in full health as he came into my office one day last summer to say good-by, as he was starting then on what proved to be the journey from whence he never returned. Although past 60, he looked in the prime of life. I never saw him again. God rest his brave soul.

Green be the turf above thee,
Friend of my better days;
None knew thee but to love thee,
None named thee but to praise.

Mr. AINEY. Mr. Speaker, I am sure I would do violence to my feelings and sentiments if I did not say a word in this place where we are gathered to pay our tribute to the memory of my distinguished predecessor.

I am at a loss for words with which to clothe my thoughts. Paradoxical though it may seem, we were drawn together by the laws of disassociation. We were of opposite political views and we came in close contact at no point, either in our business or political affairs, yet I knew him well and admired him greatly.

Many times since his decease, as I thought of him and of the influences of his life, I have wondered whether we are not placing a wrong emphasis upon what we call disagreements.

No longer is it safe to say that men traveling in opposite directions may not reach the same destination. In the material realm Galileo forced us to accept this apparently contradictory truth. Yet in the rush and stress of this life we give tardy recognition to the same principle when there are differences of opinion in the moral or political realm.

It is on occasions like this, where the prejudices and passions are stilled and our minds and hearts unite in sympathetic harmony, that we weigh things as they really are, and we find that after all our so-called differences, which too frequently stir the head and embitter the tongue, are merely the eastward or westward journeyings we elect to take, whereby we encompass the circle of honest effort to find that either way may bring us to a common goal.

I was curious to know and took great pains to ascertain, not in anticipation of this memorial gathering, but because I like to understand the real sources of the power underlying the successes of such a life and its activities, what were the personal factors which upon two occasions wrested the old Wilmot-Grow congressional district from its strongly tied party moorings and carried it into the harbor of the party to which he belonged.

I found that Mr. KIPP realized in his life the solution of the great problem of personal influence—sympathy—and yet he probably never gave a moment's thought to it; it was spontaneous, it was a part of the man himself, for there can be no counterfeit of this, it must be inwrought. He liked men.

The genuinely humanitarian spirit, outwardly manifested in the kindly handshake and sympathetic expression, was his. The bluff, but hearty, helpfulness with which he aided many a man over the last lift of the hill brought him a host of friends. As these kindly offices were without political thought or limitation the result was inevitable. There is more potency in a real handshake than in a great law. These men with whom he came in contact believed in the man; they relied upon his honesty of purpose, and because thereof they followed him, irrespective of any political differences.

GEORGE W. KIPP had great interest in mankind, and for them he had great purposes. He was a man of the people, desiring to serve the interests of the common people, and my last tribute to his memory is that he reached the goal of that ambition.

Mr. PALMER. Mr. Speaker, I realize that it is futile to pay tribute to the dead, for we all know the answer to the query of the poet Gray:

Can storied urn or animated bust
Back to its mansion call the fleeting breath?
Can honor's voice provoke the silent dust,
Or flattery soothe the dull, cold ear of death?

And yet it is altogether fitting and proper, it seems to me, that we should pause in the day's occupation to lay upon the closed grave of one of our colleagues the wreaths of love and honor gathered from the garlands of memory, and in any meeting, Mr. Speaker, called to do honor to GEORGE W. KIPP I could not sit silent, however inadequate my tribute might be.

He was my lifelong friend, and before me my father claimed his friendship for many years. He was born in the district which I now have the honor to represent upon this floor, within 30 miles of my own home, for he first saw the light of day in Green Township, Pike County, Pa. There the old Kipp homestead has fallen to decay, but beside its ruins there still stands the old-fashioned stone chimney, which years and years ago crept up the outside of the house to the gabled roof, and which is to-day pointed out by the old neighbors of the family to strangers and travelers as a sort of monument to him who lived to be known as the county's foremost and favorite son.

And he was properly known as such, Mr. Speaker, for any man who would observe the humble surroundings of his birth and his early life must be struck with the contrast between what they presented and this scene where he spent his last days, here in the Capital of the Nation, in the most important parliamentary body on earth, where he represented a constituency as intelligent as any upon our American soil, and sat in a seat which had once been honored by the great David Wilmot, author of the Wilmot Proviso, and by Galusha A. Grow, a former Speaker of this House. That contrast illustrates a sum of human achievement in which any community might well take pride.

There, in Pike County, amid humble surroundings and with limited and restricted opportunities for intellectual advancement and education along any line, Mr. KIPP grew to manhood's estate. Recognizing the limitations of the neighborhood, with a laudable ambition to succeed in large endeavors, he soon moved where present opportunities seemed to be greater and for some years lived in Wayne County, where he was honored by his fellow citizens by being chosen to fill various important positions in the local government. But again opportunity beckoned and the way was opened for him to move elsewhere, and he finally became a citizen of the thriving town of Towanda, in Bradford County, Pa. There, Mr. Speaker, he spent the last 30 years of his life, and lived to be known as the first citizen of the place.

My observation has been that in country communities such as that, if a visitor would find the man who possesses in largest

degree the confidence and trust of his fellow citizens he must look to the leading banking institution of the community and inquire for its head or its most influential member or officer. The success of a bank, especially in the country districts, depends entirely upon the character of the men who are in charge of the institution, and their reputation for honesty, fidelity, and integrity is the very best asset of any such bank. Mr. KIPP naturally moved forward to such a position in that community, and the institution of which he was for many years the chief and directing official acquired a reputation throughout all that section of the State largely because of the universal confidence and trust which were placed in him by the people of that entire community.

I have said that Mr. KIPP represented the same constituency that for years in the early days was represented here by two such great men as Wilmot and Grow. Mr. KIPP never reached the important place upon the stage of public life which was held by those, his distinguished predecessors. He was not a great man. He was not a great statesman. He laid no claim to being either. He made no false pretense for his work in public or private station. But he was a loyal, faithful public servant, ever mindful of his people's best interests, ever devoted to the principles of the political party to which he owed allegiance, and ever careful of the welfare of our common country.

It is undoubtedly true, Mr. Speaker, that some of the best work in this body has been done by men who have never been known as statesmen. The longer I live, the more I come in contact with men of affairs, the more I see of the workings of government, the more convinced I am that, after all, the man is the thing. There is no influence so potent in this House as the character of men. There is no engine for good or for ill which exerts anything like the influence upon public affairs in the legislative and executive departments of the Government as that force which we know as the "personal equation." We have seen many a good measure go down to defeat because it was managed or fathered by bad men, in whom others failed to have confidence. We have seen bad measures become laws because good men, in mistaken zeal, have taken them up and pushed them through to their final fruition. We have seen governments go wrong when bent upon proper quests because they were led by men of selfish designs; and the safety of our country in its future and the happiness and welfare of our children, the very salvation of the Republic, are more dependent upon the character of the men who are now being reared to manhood and are taking an interest in public affairs out in the country than upon the solution of the problems with which we are dealing here to-day. Our efforts here are but temporary and transitory, and will solve the problems which now beckon for solution with compelling force, only for a day, or a month, or a year. But back home, amongst the hills, throughout the length and breadth of the land, is being reared the citizenship which must permanently solve these problems in the future, and it will be dependent upon the character of that citizenship as to how they shall be solved and as to how our Republic shall go on to its destiny.

I have digressed thus far to comment upon what I conceive to be the paramount influence in this body in order to lead up to this statement, that in Mr. KIPP his people possessed a Representative who measured up to everything that could be expected of a man when he throws the weight of his personal influence into legislative matters in this Congress. He reached the standard of usefulness; he filled the true measure of conscientious, patriotic effort. His ideals were high, his purposes were noble, his plans absolutely unselfish and disinterested; and in his death not alone his people, but his State and his country, have lost a valued public servant.

The SPEAKER pro tempore (Mr. AINLEY). The gentleman from Pennsylvania [Mr. ROTHERMEL] is recognized.

Mr. ROTHERMEL. Mr. Speaker, I rise to pay a tribute of affection to the late GEORGE WASHINGTON KIPP, formerly a Representative from Pennsylvania. On July 26, 1911, it became my painful duty to announce to the House his sudden and unexpected death, which had occurred on Vancouver Island, in British Columbia, on the 24th. On January 19, by special order, the 25th day of February, 1912, was set apart for these memorial services.

Congressman KIPP was born in Pike County, Pa., March 28, 1847, where he continued to live with his parents until he reached his majority, working on the farm, and where he began the manufacturing of lumber. His life from the beginning was a strenuous one; his means of education were limited. I know of no school from which he graduated except the university of nature.

My personal acquaintance with him commenced with his services in the House of Representatives in December, 1907. I had

known him prior thereto by reputation as one of the noble sons of the great State of Pennsylvania. He was known as one of the successful business men of that State, who was fair in all his dealings between man and man and who dearly loved the common people, whose respect and confidence he enjoyed throughout his entire life.

When I first became acquainted with him I was impressed with his genial good nature, his wonderful business capacity, combined with good common sense, and his honesty and sincerity of purpose. His keen sense of justice endeared him to the people far beyond the confines of the district which he had the honor to represent in the House. His reputation was State wide before he came to Congress, and he soon became prominent as a national figure.

I feel that I have lost a friend, and I know the Members of this House and the people of the country have lost a friend. My friendship with him became so pronounced that it almost ripened into inseparable companionship during the sessions of Congress. It may well be said of him he was "a friend that sticketh closer than a brother."

He believed that the two great factors which rule the business world are capital and labor, and that labor is the more important of the two.

After his election to the Sixty-second Congress I asked him how he had overcome such an overwhelming Republican majority in his district, and he replied: "I have been in business in that part of the State for many years and employed a great many people, and I don't believe I could find one that voted against me. They have confidence in me and I had in them."

His love of justice, which he put into practice, endeared him to his fellow men.

He was just and true to labor, and always maintained that that is the only way to restore confidence between employer and employee.

As a legislator he was a success. He was proud of his constituents and attended to their wants in the minutest detail. He carefully guarded the interest of his State, and above all he loved his country and believed it was destined to become the greatest in the world, if the rights of the common people were properly guarded. He believed in the unwritten law of manifest destiny. He believed that in governments as in nature nothing is stationary, but that there is an onward movement in the course of evolution. In short, he was a wise, patriotic, and constructive statesman.

He was a devoted husband and often affectionately referred to his beloved wife, who had passed to the great beyond about a year before his death. He was an indulgent father. He was a public-spirited and progressive citizen. Of him it may be said: "Well done, thou good and faithful servant."

The SPEAKER pro tempore (Mr. ROTHERMEL). In accordance with the resolutions heretofore adopted, and as a further mark of respect to the memory of the late Congressman KIPP, the House will stand adjourned until to-morrow at 12 o'clock.

Thereupon (at 1 o'clock and 7 minutes p. m.) the House adjourned to meet to-morrow, February 26, 1912, at 12 o'clock noon.

SENATE.

Monday, February 26, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Thursday last was read and approved.

SENATOR FROM MISSISSIPPI.

Mr. WILLIAMS presented the credentials of JAMES KIMBALL VARDAMAN, chosen by the Legislature of the State of Mississippi a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 238. An act to authorize the extension of Lamont Street NW., in the District of Columbia; and

S. 4475. An act to amend an act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States."

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 405. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands;

S. 3776. An act granting the consent of Congress to the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River, in the State of Montana; and

S. 4551. An act to extend the time for completion of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., authorized by an act approved August 5, 1909.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 7711. An act to amend section 4889 of the Revised Statutes;

H. R. 8784. An act to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands";

H. R. 13679. An act to amend an act entitled "An act to authorize the receipt of certified checks drawn on National and State banks for duties on imports and internal taxes, and for other purposes," approved March 2, 1911;

H. R. 16680. An act to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners, to construct a bridge across the White River at or near the town of Cotter, Ark.;

H. R. 16837. An act authorizing the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at Bemidji, Minn.;

H. R. 17242. An act to authorize the Northern Pacific Railway Co. to cross the Government right of way along and adjacent to the canal connecting the waters of Puget Sound with Lake Washington, at Seattle, in the State of Washington;

H. R. 17837. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes";

H. R. 18155. An act authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota;

H. R. 18792. An act for the relief of homestead entrymen under the reclamation projects in the United States;

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 19342. An act to amend section 2455 of the Revised Statutes of the United States relating to isolated tracts of public lands;

H. R. 20287. An act to amend section 5 of the act entitled "An act to incorporate the American Red Cross," approved January 5, 1905;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. J. Res. 178. Joint resolution creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes; and

H. J. Res. 232. Joint resolution extending the operation of the act for the control and regulation of the waters of the Niagara River, for the preservation of Niagara Falls, and for other purposes.

The message also transmitted to the Senate resolutions on the life, character, and public services of Hon. GEORGE WASHINGTON KIPP, late a Representative from the State of Pennsylvania.

The message further announced that the House had passed a concurrent resolution (No. 32) authorizing the printing of 20,000 additional copies of House Document No. 342, being the message of the President of the United States transmitting the report of the Tariff Board on Schedule K of the tariff law, etc., in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 20287. An act to amend section 5 of the act entitled "An act to incorporate the American Red Cross," approved January 5, 1905.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 8784. An act to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands";

H. R. 18792. An act for the relief of homestead entrymen under the reclamation projects in the United States; and

H. R. 19342. An act to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public lands.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16680. An act to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners, to construct a bridge across the White River at or near the town of Cotter, Ark.;

H. R. 16837. An act authorizing the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at Bemidji, Minn.;

H. R. 17242. An act to authorize the Northern Pacific Railway Co. to cross the Government right of way along and adjacent to the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington; and

H. R. 18155. An act authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota.

H. R. 7711. An act to amend section 4889 of the Revised Statutes was read twice by its title and referred to the Committee on Patents.

H. R. 17837. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," was read twice by its title and referred to the Committee on the Philippines.

H. R. 13679. An act to amend an act entitled "An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes," approved March 2, 1911, was read twice by its title and referred to the Committee on Finance.

H. J. Res. 178. Joint resolution creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes, was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 232. Joint resolution extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

SUBSISTENCE AND QUARTERMASTERS' DEPARTMENTS (S. DOC. NO. 345).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a memorial signed by sundry clerks employed in the subsistence and quartermasters' departments at large, remonstrating against the adoption of section 5 of H. R. 18956, making appropriations for the support of the Army for the fiscal year ending June 30, 1913, pro-

posing to create a service corps to replace civilian employees now in service in those departments, which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

SAN CARLOS RESERVOIR SITE, ARIZONA (S. DOC. NO. 347).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of department decision of February 17, 1912, in the matter of rights of way applied for by the Arizona Eastern Railroad Co., J. M. Jamison, and the Gila River Water Co., involving or affecting the use of the San Carlos reservoir site, which, with the accompanying paper, was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

OCTAVIA Z. BOND AND OTHERS (S. DOC. NO. 346).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law filed by the court in the cause of Octavia Z. Bond, Virginia Z. Wilson, Felicia Z. Metcalf, Louisa Z. Sansom, and Felix Z. Gaither, heirs of Louisa G. Zollicoffer, deceased, v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted at a mass meeting of citizens of Valdez, Alaska, February 12, 1912, favoring the enactment of legislation providing for the building of a trunk-line railway from tidewater on the North Pacific Ocean to the Yukon watershed, and also for the opening of the Matanuska coal fields, which were referred to the Committee on Territories.

He also presented memorials of sundry citizens of Titonka, Iowa, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLIOM presented petitions of sundry citizens of Illinois, Rhode Island, and New York, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of members of the Board of Trade of Newark, N. J., praying that an appropriation of \$50,000 be made to defray expenses incident to the entertainment of foreign delegates to the Fifth International Congress of Chambers of Commerce, which was referred to the Committee on Appropriations.

He also presented memorials of sundry citizens of Monmouth, Strawn, Lake Forest, Mount Olive, and Galesburg, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Bond County Woman's Christian Temperance Union, of Illinois, remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Trades and Labor Council of Danville, Ill., remonstrating against the Navy Department compelling enlisted men to perform work formerly done by civilian employees, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry veterans of the Spanish-American War, residents of Galesburg, Ill., and Denver, Colo., praying for the enactment of legislation providing for the payment of travel allowance due volunteer soldiers of the Philippine Islands, which were referred to the Committee on Military Affairs.

He also presented a petition of the Retail Merchants' Association of Mount Olive, Ill., and a petition of Sarah Greenebaum Lodge, No. 16, of Chicago, Ill., praying for the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Murphysboro, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of Sylvia Golton Springer Fortress, No. 1, Daughters of the Grand Army of the Republic, of Chicago, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented petitions of the congregations of the Epworth Methodist Episcopal Church, the Free Methodist Church, the Presbyterian Church, and the United Evangelical Church, of Elgin;

of the Sheridan Road Methodist Episcopal Church, of Chicago; of the First Congregational Church of Dundee; of the Woman's Christian Temperance Unions of Henry and Robinson; and of sundry citizens of Forreston, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of members of the German-American National Alliance, of East St. Louis, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. REED. Mr. President, I submit a resolution which I ask to have read for the information of the Senate, printed in the RECORD, and lie on the table subject to call.

The VICE PRESIDENT. A Senate resolution?

Mr. REED. Yes.

The VICE PRESIDENT. It will not be in order for a few moments, not until after we pass through the order of petitions and memorials, and so forth.

Mr. REED. I understood the call was made for resolutions.

The VICE PRESIDENT. No; for petitions and memorials.

Mr. KERN presented a petition of Isham Keith Post, No. 13, Department of Indiana, Grand Army of the Republic, of Columbus, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a memorial of McPherson Post, No. 7, Department of Indiana, Grand Army of the Republic, of Crawfordsville, Ind., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Kokomo, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Odon, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of Berry Camp, No. 39, United Spanish War Veterans of Indiana, of Indianapolis, Ind., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. CULBERSON presented a petition of sundry citizens of Hunt County, Tex., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Hearne, Cisco, and Bastrop, all in the State of Texas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. FLETCHER presented a petition of sundry members of the Improved Order of Red Men of Palatka, and Fairview, in the State of Florida, praying that an appropriation be made for the erection of an American Indian memorial and museum building in the District of Columbia, which was referred to the Committee on Indian Affairs.

He also presented a memorial of Local Council No. 376, United Commercial Travelers of America, of Tampa, Fla., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented petitions of Local Union No. 325, Metal Polishers, Buffers, Brass, and Silver Workers, of Evansville, and of Union No. 5, National Brotherhood of Operative Potters, of Evansville, in the State of Indiana, and of Local Union No. 68, International Association of Machinists, of San Francisco, Cal., praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a petition of Isham Keith Post, No. 13, Department of Indiana, Grand Army of the Republic, of Columbus, Ind., and a petition of Post No. 571, Department of Indiana, Grand Army of the Republic, of North Judson, Ind., praying for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented a petition of members of the Civic Club of Plymouth, Ind., praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of McPherson Post, No. 7, Department of Indiana, Grand Army of the Republic, of Crawfordsville, Ind., remonstrating against the incorporation of the

Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Union No. 5, National Brotherhood of Potters, of Evansville, Ind., praying for the enactment of legislation granting to civil-service employees their inherent rights as citizens to the freedom of speech, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of Elkhart, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Loogootee, Odon, and Montgomery, all in the State of Indiana, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of Berry Camp, No. 39, United Spanish War Veterans, of Indianapolis, Ind., praying for the enactment of legislation to pension the widows and minor children of officers and enlisted men who served in the War with Spain or the Philippine insurrection; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of New Albany, Ind., praying for the enactment of legislation to protect from thefts interstate shipments on railways of freight, express, and baggage; which was referred to the Committee on Interstate Commerce.

Mr. CHAMBERLAIN presented a petition of the congregation of the Friends' Church, of Portland, Oreg., praying for the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Gresham, the City Council of Ashland, the Young People's Union of Ashland, and of sundry citizens of Ashland, and Gresham, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GARDNER presented petitions of Local Grange, Patrons of Husbandry, of Burnham; of the congregations of the First Methodist Episcopal Church of Hampden, the Universalist Church of Bethel, and the Fairfield Quarterly Meeting of Friends Church, of Winthrop; of the Woman's Christian Temperance Unions of Knox Center, Rumford Center, Caribou, and Paris, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's Christian Temperance Union of Skowhegan, Me., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. THORNTON presented a petition of the congregation of the Methodist Episcopal Church South, of St. Francisville, La., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. O'GORMAN. I present resolutions adopted by the New York State Senate, favoring Federal protection of migratory game birds. I ask that the resolutions be printed in the RECORD and referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the resolutions were referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

State of New York, in Senate.

Whereas there have been introduced in Congress three bills (Nos. H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made as appears by numerous petitions received: Now therefore

Resolved (if the assembly concurs), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all other States of the United States now in session or when next convened be, and hereby are, respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein, also to transmit copies hereof to the legislatures of all other States of the United States.

Mr. O'GORMAN presented petitions of the congregations of the Trinity Methodist Episcopal Church and the Calvary Presbyterian Church, of West New Brighton, New York City, and of the First Baptist Church of Cobleskill; of the Woman's Christian Temperance Unions of Westerleigh and Bloomfield; and of sundry citizens of Prince Bay and Bloomfield, all in the State of

New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BROWN presented resolutions adopted by the Woman's Club of Hastings, Nebr., favoring the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. JONES presented a petition of sundry citizens of Aberdeen, Wash., praying for the enactment of legislation to regulate the pay of the National Guard, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Reynolds, Wash., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Arlington, Zillah, Tacoma, Olama, Seattle, Everett, Vishon, Lake Shore, Olympia, Farris, Port Gamble, Hudson, Boundary, Prosser, and South Bend, all in the State of Washington, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Ferndale, Ariel, Carrollton, North Yakima, Spokane, Bellingham, Oakville, Olympia, Aberdeen, Bakville, Battleground, Loganton, and Auburn, all in the State of Washington, remonstrating against the enactment of legislation compelling the observance of Sunday in the District of Columbia and in the post offices of the country, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Seattle, North Yakima, Omak, Ephrata, Raymond, Newport, Colfax, Spokane, Newman Lake, Snohomish, King County, Sunnyside, Pullman, Walla Walla, Tacoma, Cashmere, Hatton, Olympia, and Nile, all in the State of Washington, and of sundry citizens of Buffalo, N. Y., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Aurora, Ill., praying for the enactment of legislation to grant pensions to certain defined veterans of the Civil War and the War with Mexico, etc., which was ordered to lie on the table.

Mr. BRISTOW presented memorials of sundry citizens of Morland, Howard, and Coldmbus, all in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Ashland, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Newton, Waldo, Bluff City, Chanute, and Nemaha County, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Beardsley and Council Grove, in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Topeka, Kans., remonstrating against the enactment of legislation providing for the abolishment of the United States pension agencies and their concentration in Washington, D. C., which was ordered to lie on the table.

He also presented a petition of sundry citizens of Garden City, Kans., praying for the enactment of legislation to strengthen the Federal banking system, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Kansas City, Kans., praying that an appropriation be made for the improvement of the Missouri River, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., praying for the enactment of legislation to prohibit any railroad or common carrier from having any interest in any common carrier by water with which it may compete, which was referred to the Committee on Interstate Commerce.

Mr. PERKINS presented petitions of sundry citizens of Willets, Berkeley, San Leandro, San Jose, Petaluma, Melsroe, Stockton, San Diego, Santa Ana, and Los Gatos, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the St. Johns Consolidated Quicksilver Mining Co., of San Francisco, Cal., remonstrating

against any reduction of the duty on quicksilver, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that the site in the Mall in the District of Columbia recommended by the Fine Arts Commission be selected on which to erect the proposed memorial to Abraham Lincoln, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Yankee Hill, Cal., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Chico, Stockton, Redding, Oroville, Napa, and San Francisco, all in the State of California, remonstrating against the enactment of legislation requiring two licensed men to run 40-foot power launches, which were referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Oakland, Cal., remonstrating against the enactment of legislation proposing to abolish the Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented a memorial of the Olive Growers' Association of Los Angeles, Cal., remonstrating against the proposed reduction of the duty on olive oil, which was referred to the Committee on Finance.

Mr. GRONNA presented a petition of the congregation of the Methodist Episcopal Church of Drayton, N. Dak., and a petition of sundry citizens of Dale, N. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Deering, De Lamere, and Napoleon, in the State of North Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of John B. Raymond Post, No. 17, Department of North Dakota, Grand Army of the Republic, of Tower City, N. Dak., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of members of the Woman's Study Club, of Wimbledon, N. Dak., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the Common Council of Duluth, Minn., praying for the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Rushford, Minneapolis, and Pennock, all in the State of Minnesota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Minnesota Society, Dames of the Loyal Legion, praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of the Presbyterian Ministers' Association of St. Paul, Minn., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of the congregations of the Congregational Church of Ada and the Methodist Episcopal Church of Blue Earth; of the Prohibition Club of Cherry Grove; the Woman's Christian Temperance Union of Hendrum; and of sundry citizens of Erskine, Hanley Falls, Minneapolis, and Hennepin, all in the State of Minnesota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Board of Trade of Winona, Minn., favoring intercession by some method of arbitration in the threatened coal strike in the Central West, which were referred to the Committee on Education and Labor.

Mr. CRAWFORD presented a petition of sundry citizens of Vivian, S. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Hoven, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Commercial Club of Ardmore, S. Dak., praying for the enactment of legislation to furnish immigrants with full information concerning industrial

opportunities in Western States, which was referred to the Committee on Immigration.

Mr. OLIVER presented petitions of sundry granges, Patrons of Husbandry, of Tioga County, Allegheny County, Calkins, Vernon, Woodbury, Linesville, Wallingford, Warriors Mark, and Lutzville, all in the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of Local Division No. 17, Ancient Order of Hibernians, of Wilmerding; of the Independent Citizens' Club, of Hazelwood; and of the Central Turnverein, of Pittsburgh, all in the State of Pennsylvania, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Patton, Pa., praying for establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of Cortland Saunders Post, No. 21, of Philadelphia; Captain C. G. Johnson Post, No. 159, of Berwick; General S. K. Zook Post, No. 11, of Norristown; and General George A. McCall Post, No. 31, of West Chester, all of the Grand Army of the Republic, in the State of Pennsylvania, remonstrating against the proposed abolishment of United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Lancaster, Beaver Falls, Darlington, Sharon, Springfield, East Mahoning Township, McKeesport, Big Run, Mount Joy, Pittsburgh, Kittanning, Monongahela, Clarendon, Wilkinsburg, Duquesne Heights, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of members of Constitution Chapter, Daughters of the American Revolution, of Washington, D. C., praying that an appropriation of \$60,000 be made for a heating plant and building for the Girls' Reform School in the District, which was referred to the Committee on Appropriations.

He also presented resolutions adopted by the Takoma Park Citizens' Association, of the District of Columbia, favoring the enactment of legislation providing for the extension of New Hampshire Avenue in a straight line, which were referred to the Committee on Appropriations.

He also presented a petition of the New Jersey State Federation of Women's Clubs, praying that an appropriation be made for the extension of the work of the Bureau of Education, which was referred to the Committee on Appropriations.

Mr. TOWNSEND presented a petition of the Common Council of Saginaw, Mich., praying for the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented a memorial of the Deal Buggy Co., of Jonesville, Mich., remonstrating against the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a petition of River Side Grange, No. 178, Patrons of Husbandry, of St. Joseph County, Mich., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Portland and Croswell, in the State of Michigan, praying for the establishment of a free mail delivery in towns, cities, and villages with a population of over 1,000, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 153, International Brotherhood of Blacksmiths and Helpers, of Escanaba, Mich., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of Local Council No. 43, United Commercial Travelers of America, of Saginaw, Mich., and a memorial of sundry citizens of Saginaw, Mich., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Woman's Christian Temperance Union of Averhill; of Local Grange, Patrons of Husbandry, of Stockbridge; and of sundry citizens of Walled Lake and East Leroy, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented a petition of members of Village Board and the Preston Club, of Preston, Idaho, praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

Mr. STEPHENSON presented a memorial of sundry citizens of Minocqua, Wis., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of George Leland Edgerton Camp, No. 32, United Spanish War Veterans, of Beaver Dam, Wis., and a petition of Casberg Camp, No. 11, United Spanish War Veterans, of La Crosse, Wis., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented a petition of Alexis Tallman Post, No. 70, Department of Wisconsin, Grand Army of the Republic, of Clinton, Wis., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a memorial of T. J. Hungerford Post, No. 36, Department of Wisconsin, Grand Army of the Republic, of Spring Green, Wis., remonstrating against the passage of the so-called Smoot pension bill, which was referred to the Committee on Pensions.

He also presented a petition of Local Branch, Lake Seamen's Union, of Milwaukee, Wis., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the board of trustees of St. Croix Falls, Minn., favoring the enactment of legislation granting permission to the St. Croix River Navigation & Improvement Co., of Minnesota, and the St. Croix Lumbermen's Dam & Boom Co., of Wisconsin, to replace the old Nevers Dam as now existing in the counties of Polk and Chisago with a modern concrete dam, which was referred to the Committee on Commerce.

He also presented a petition of members of the First Unitarian Society of Milwaukee, Wis., praying for the enactment of legislation to prohibit the manufacture of phosphorus matches, which was referred to the Committee on Finance.

He also presented a petition of members of the Wisconsin State Horticultural Society, praying for the enactment of legislation to prohibit the importation of Irish potatoes, which was referred to the Committee on Finance.

He also presented a petition of the Wisconsin Live Stock Breeders' Association and a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the enactment of legislation providing for the proper inspection of the agricultural colleges of the country, which were referred to the Committee on Agriculture and Forestry.

Mr. CLAPP presented petitions of sundry citizens of Duxby, Roso, Homestead, Blowers, Cambridge, Harris, Blue Earth, Little Falls, Ada, and Cloquet, all in the State of Minnesota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented a memorial of sundry citizens of Wisconsin, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented petitions of sundry citizens of Endeavor and Elkhorn, in the State of Wisconsin, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Elkhorn, Wis., praying for the enactment of legislation prohibiting the interstate transmission of race gambling odds and bets, which was referred to the Committee on the Judiciary.

Mr. MCLEAN presented a memorial of members of the German-American Alliance, of Torrington, Conn., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Methodist Episcopal Church of Windsorville, the Methodist Episcopal Church of East Windsor, and of the Trinity Methodist Episcopal Church, of New Britain, and of sundry citizens of Windsorville, all in the State of Connecticut, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SMOOT presented a petition of the congregation of the First Methodist Episcopal Church of Tremonton, Utah, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of sundry citizens of Campville, Vestal, and Union, all in the State of New York, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Baptist Church, the Methodist Church, and the First Presbyterian Church of Clyde; of the Methodist Episcopal, the Presbyterian, and First Congregational Churches of Spencerport and Ogden; of the Baptist Church of Dryden; and of the Woman's Christian Temperance Union of Champlain, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Rhode Island Business Men's Association, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. OVERMAN presented a memorial of sundry citizens of Sanford, N. C., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Charlotte, N. C., praying for the enactment of legislation providing for the punishment of persons found guilty of breaking the seals of railroad cars containing interstate shipments, which was referred to the Committee on Interstate Commerce.

Mr. CURTIS presented memorials of Local Council No. 46, United Commercial Travelers of America, of Lawrence, and of sundry citizens of Leavenworth, Council Grove, Leona, Ellis, and Soldier, all in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kansas City, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Iola, Kans.; and a petition of the United Presbyterian Church, of Newton, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. BRADLEY presented petitions of sundry citizens of Newport and Louisville, in the State of Kentucky, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, with the so-called Root amendment, and also for the ratification of a similar treaty with Germany, which were ordered to lie on the table.

Mr. RAYNER presented a petition of sundry citizens of Maryland, praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, reported it with amendments and submitted a report (No. 405) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 4839) for the relief of Mary J. Webster, reported it with an amendment and submitted a report (No. 406) thereon.

Mr. POINDEXTER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4470) to provide for the erection of a public building at Wenatchee, Wash., reported it without amendment and submitted a report (No. 408) thereon.

He also, from the same committee, to which was referred the bill (S. 2347) increasing the cost of erecting a post-office and courthouse building at Walla Walla, Wash., reported it with an amendment and submitted a report (No. 409) thereon.

Mr. BURTON, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara

Falls, and for other purposes, reported it with an amendment and submitted a report (No. 407) thereon.

FURNITURE, ETC., FOR GOVERNOR OF NEW MEXICO.

Mr. CHAMBERLAIN. From the Committee on Territories I report back favorably without amendment the bill (H. R. 18794) to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters, and I submit a report (No. 403) thereon. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOOL LANDS IN LOUISIANA.

Mr. THORNTON. By direction of the Committee on Public Lands, I report back favorably with an amendment the bill (S. 5059) granting school lands to the State of Louisiana, and I submit a report (No. 404) thereon. I request the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee on the Whole, proceeded to its consideration.

The amendment was, on page 1, line 6, to strike out the word "rectangular" before the word "sections," so as to make the bill read:

Be it enacted, etc., That all the unsurveyed lands in the State of Louisiana which are shown by official protraction of the Government surveys heretofore made to be embraced within sections numbered 16 and which lie in the same township as lands which have been certified or patented in that State under the act approved March 2, 1849, entitled "An act to aid the State of Louisiana in draining swamp lands therein," and the act approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," be, and the same are hereby, fixed, reserved, and confirmed to that State as though the official surveys had been regularly extended over such townships.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 5451) to further regulate commerce among the States and with foreign nations, to create a trade commission, and for other purposes; to the Committee on Interstate Commerce.

By Mr. KENYON:

A bill (S. 5452) granting a pension to James Rogers;

A bill (S. 5453) granting an increase of pension to Emmett A. Brockway; and

A bill (S. 5454) granting an increase of pension to Spear S. Zenor; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands; to the Committee on the Philippines.

A bill (S. 5456) for the relief of the estate of Philip Halsey Remington; to the Committee on Claims.

A bill (S. 5457) granting a pension to John Lehr (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors; to the Committee on Commerce.

A bill (S. 5459) for the relief of the Philadelphia & Reading Coal & Iron Co. and Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co.; to the Committee on Claims.

By Mr. CRAWFORD:

A bill (S. 5460) granting an increase of pension to Frederick Beckhorn (with accompanying paper); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 5461) governing the granting of licenses for bar-rooms in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CULLOM:

A bill (S. 5462) for the relief of Mary C. Mayers; to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 5463) granting an increase of pension to Modest Dufrane (with accompanying paper); and

A bill (S. 5464) granting an increase of pension to William H. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5465) for the relief of holders and claimants of preference rights on public lands; and

A bill (S. 5466) in aid of irrigation and creating a lien on public lands in the State of Washington situated within the boundaries of any irrigation district organized or heretofore organized under the laws of said State, and providing a mode of enforcing such lien by contest proceedings; to the Committee on Public Lands.

A bill (S. 5467) granting a pension to Virginia C. Crawford;

A bill (S. 5468) granting an increase of pension to Eldridge Morse;

A bill (S. 5469) granting a pension to Thomas Baxter; and

A bill (S. 5470) granting an increase of pension to Brazil Van Dusen; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5471) for the relief of the Victor Land Co., a corporation; to the Committee on Public Lands.

By Mr. CULBERSON (by request):

A bill (S. 5472) for the relief of the estate of Thomas Murray Tolman; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 5473) for the relief of Jennie R. W. Vollmer; to the Committee on Claims.

By Mr. GARDNER:

A bill (S. 5474) to provide for the general welfare and to regulate commerce with foreign countries and between the several States and to increase and enlarge the facilities and efficiency of the Post Office Department; to the Committee on Interstate Commerce.

By Mr. THORNTON:

A bill (S. 5475) for the relief of the heirs or estate of Eliza M. Parrott, deceased; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 5476) granting an increase of pension to Willson G. Nowers (with accompanying paper); to the Committee on Pensions.

By Mr. CLAPP (for Mr. LA FOLLETTE):

A bill (S. 5477) granting a pension to Lydia A. Flack (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 5478) appropriating \$10,000 to be used by the Forest Service in the construction of a highway through the Battlement National Forest, in Colorado;

A bill (S. 5479) appropriating \$15,000 to be used by the Forest Service in the construction of a highway from Wagon Wheel Gap to the Wheeler National Monument, in the Rio Grande National Forest, in Colorado;

A bill (S. 5480) appropriating \$5,000 to be used by the Forest Service in the improvement of the highway over Cochetopa Pass and through the Cochetopa Forest Reserve, in Colorado;

A bill (S. 5481) appropriating \$5,000 to be used by the Forest Service in the improvement of the highway over Monarch Pass and through the Leadville and Gunnison Forest Reserves, in Colorado;

A bill (S. 5482) appropriating \$5,000 to be used by the Forest Service in the improvement of the highway over Tennessee Pass and through the forest reserve of the Leadville National Forest, in Colorado;

A bill (S. 5483) appropriating \$15,000 to be used by the Forest Service in the construction of a road from Twin Lakes to Aspen, in the Leadville and Holy Cross Forest Reserves, in Colorado; and

A bill (S. 5484) appropriating \$25,000 to be used by the Forest Service in the construction of a wagon road in the San Juan National Forest, in La Plata County, Colo. (with accompanying paper); to the Committee on Agriculture and Forestry.

By Mr. CLAPP (by request):

A bill (S. 5487) for the relief of Frank Goins, a Choctaw Indian; to the Committee on Indian Affairs.

By Mr. CHILTON:

A bill (S. 5488) granting an increase of pension to Adeline Summerville; and

A bill (S. 5489) granting an increase of pension to John Walton; to the Committee on Pensions.

A bill (S. 5490) for the relief of Frances Arbogast; to the Committee on Claims.

By Mr. BOURNE:

A bill (S. 5491) for the purchase of a site and the erection thereon of a public building at Corvallis, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 5492) to provide for the formation of banking corporations for carrying on the business of banking in the Territory of Alaska, and for other purposes; to the Committee on Territories.

By Mr. BORAH:

A joint resolution (S. J. Res. 80) extending the time for cancellation of entries of land upon Minidoka project, State of Idaho; to the Committee on Irrigation and Reclamation of Arid Lands.

INTERSTATE TRADE COMMISSION.

Mr. NEWLANDS. I desire to introduce a bill, which is an enlargement of the interstate trade commission bill which I introduced at the last session.

It provides, not only as that bill did, for the change of the Bureau of Corporations into an interstate trade commission with three commissioners, of whom the Commissioner of Corporations shall be one, with powers of visitation, examination, investigation, and publicity similar to those of the Interstate Commerce Commission, but also makes the commission an aid to the court in carrying out its decrees under the Sherman anti-trust law and in the dissolution and reorganization of condemned corporations. It also enables the commission to act upon its own initiative, or the complaint of any person, or at the request of the Attorney General in investigating any corporation charged with the violation of the act creating the commission or the antitrust act, and gives the condemned corporation 60 days within which to readjust itself to the requirements of the law. It expressly provides, however, that nothing in the bill shall interfere with the Attorney General in enforcing the antitrust act. I ask that the bill be read.

The bill (S. 5485) to create an interstate trade commission, to define its powers and duties, and for other purposes, was read the first time by its title and the second time at length, as follows:

A bill (S. 5485) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Be it enacted, etc., That this act shall be referred to and cited as the interstate trade commission act. Corporations a majority of whose voting securities is held or owned by any corporation subject to the terms of this act are referred to herein as subsidiaries of such holding or owning corporation.

SEC. 2. That on and after the — day of —, 1912, the Bureau of Corporations shall be separated from the Department of Commerce and Labor, and shall be thereafter known as the interstate trade commission, and all of the powers, duties, and funds belonging or pertaining to the Bureau of Corporations shall thereafter belong and pertain to the interstate trade commission. And all the officials and employees of said bureau shall be thereupon transferred to the interstate trade commission. The said commission shall also have a secretary, a chief clerk, and such other and additional employees as shall be provided by law.

SEC. 3. That the interstate trade commission shall consist of three members, of whom no more than one shall belong to the same political party. The Commissioner of Corporations holding the office on the said — day of —, 1912, shall be ex officio a member of the commission for the first three years of its existence, and shall also be chairman of the commission for the first year of its existence, and thereafter the chairman shall be selected annually by the commission from its membership; and the then Deputy Commissioner of Corporations shall be the secretary of the commission for the first year of its existence, and thereafter the secretary shall be selected by the commission; and after the organization of the commission the titles and offices of Commissioner of Corporations and Deputy Commissioner of Corporations, respectively, shall cease to exist. The remaining two members of the commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of such commissioners so first appointed shall be six and nine years, respectively, and shall be so designated by the President in making such appointments; and thereafter all the commissioners shall hold office for the term of nine years, and shall be appointed by the President, by and with the advice and consent of the Senate. Each member of said commission shall receive a salary of \$10,000 a year. The secretary shall receive a salary of — thousand dollars a year.

SEC. 4. That every corporation heretofore or hereafter organized within the United States or doing business therein whose annual gross receipts, inclusive of the annual gross receipts of its subsidiaries, if any, exceed \$5,000,000, and engaged in commerce among the several States or with foreign nations, excepting corporations subject to the act to regulate commerce, approved February 4, 1887, as amended, and excepting banking and trust companies, but including pipe-line companies, shall, within four months after this act takes effect, or, if organized or otherwise becoming subject to this act subsequent to such taking effect hereof, then within two months after so becoming subject to this act, furnish to the commission in writing statements showing such facts as to its organization, financial condition, and operations as may be prescribed by the commission to be made in pursuance of this act. Similar statements shall be made by its subsidiaries. Such statements shall be made as of such date as may be prescribed by the commission and shall be verified under oath by such officers of such corporation as may be prescribed by the said regulations.

SEC. 5. That all corporations subject to this act, and their respective subsidiaries, shall from time to time furnish to the commission such information, statement, and records of their organization, business, financial condition, conduct, and management at such time, to such degree and extent, and in such form as may be prescribed by the commission; and the commission at all reasonable times, or its duly author-

ized agent or agents, shall have complete access to all records, accounts, minutes, books, and papers of such corporations, including the records of any of their executive or other committees. Failure or neglect on the part of any corporation subject to this act, or of any of its subsidiaries, to comply with the terms of this section or of section 4 within 60 days after written demand shall have been made upon such corporation by the commission requiring such compliance, shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than \$1,000 for every day of such failure or neglect.

SEC. 6. That the commission shall from time to time make public the information received under this act in such form and to such extent as shall be prescribed by the commission: *Provided, however,* That the commission shall, so far as possible, distinguish between information which is purely private and the publication of which can serve no public interest and such information as is not so private and is of importance to the public.

SEC. 7. That the district courts of the United States, upon the application of the commission alleging a failure to comply with such order of the commission or alleging a failure to comply with or a violation of any of the provisions of this act by any corporation subject thereto, shall have jurisdiction to issue a writ or writs of mandamus or injunction or other order enforcing such order of the commission or commanding such corporation to comply with the provisions of this act.

SEC. 8. That the said commission may at any time, if in the opinion of the commission public necessity requires such action, order and require any corporation engaged in commerce among the several States or with foreign nations, except corporations subject to the act to regulate commerce, approved February 4, 1887, as amended, and excepting banking and trust companies, but including pipe-line companies, to make such statements and give such information as is prescribed in sections 4 and 5 of this act, which information shall be published in accordance with the provisions of section 9 hereof. The commission may also obtain from any such corporation, through the powers granted in section 8 hereof, such information as shall enable said commission to determine whether such corporation is subject to the terms of this act. The decisions of the said commission made under the powers conferred upon it in this act shall be final, except as to matters involving the taking of private property without due process of law and involving the question whether the order is within the scope of the authority under which it purports to have been made.

SEC. 9. That in order to accomplish the purposes declared in sections 5 and 8 of this act the said commission shall have and exercise the same power and authority in respect to corporations subject to this act as is conferred on the Interstate Commerce Commission in said act to regulate commerce and the amendments thereto in respect to common carriers, so far as the same may be applicable, including the right to subpoena and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce and by an act in relation to testimony before the Interstate Commerce Commission, etc., approved February 11, 1893, supplementary to said act to regulate commerce; and the act defining immunity, approved June 30, 1906, shall also apply to all persons who may be subpoenaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by sections 5 and 8 hereof.

SEC. 10. That the said commission shall, on or before the — day of — in each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 11. That any person willfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

SEC. 12. That in case a final decree shall be issued against any corporation under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, the court entering such decree or the Attorney General may intrust the enforcement of such decree and the prescribing of all necessary details thereunder to said commission, which shall have power to so enforce such decree and provide for all arrangements, transactions, and organizations necessary to carry out to the full extent the said decree: *Provided,* That such court may, in its discretion, refer to the commission its decree, with instructions to take such evidence, consider such facts, and report such findings as to method of dissolution and reorganization as the commission shall consider best fitted to completely carry out such decree, and report the same back to such court for its action.

SEC. 13. That the said commission may at any time, upon complaint of any person, corporation, or body, or upon its own initiative, or upon the request of the Attorney General, investigate any corporation engaged in interstate trade for the purpose of determining whether such corporation has been guilty of a violation of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of "An act to reduce taxation," etc., which became a law August 27, 1894, or of any of the provisions of this act, and may hold such hearings and take such evidence as it may deem necessary; and in case the commission shall find that such corporation has been guilty of a violation of the provisions of said acts or of this act it shall make a finding, stating the facts, and prescribing the acts, transactions, and readjustments necessary in order that said corporation may thereafter comply with the terms of said acts and of this act, and shall transmit a copy of the said finding in full to such corporation. If within 60 days after transmitting said finding, or such extension thereof as shall be given by the commission, the corporation shall not have complied with the terms of the finding, and shall not have performed the acts prescribed as necessary to make it comply with the said acts or with this act, the commission shall report the fact of noncompliance to the Attorney General, together with a copy of such finding, for his action under the said acts or of this act. But the commission may, if it deems it proper, report the facts to the Attorney General without calling upon such corporation for compliance with said acts or with this act.

Nothing contained in this act shall be construed to prevent or interfere with the Attorney General in enforcing the provisions of the act to protect commerce, etc., approved July 2, 1890.

The VICE PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

COMBINATIONS IN RESTRAINT OF TRADE.

Mr. NEWLANDS. I also introduce a bill, which was drawn by Edgar H. Farrar, of New Orleans, late president of the American Bar Association, at the suggestion of the Interstate Commerce Committee, before which he recently appeared. This bill prescribes the conditions upon which State corporations may engage in interstate commerce. These prohibitions apply to holding companies, to corporations with interlocking directors, to corporations whose stocks or securities have been watered, to corporations which control an undue proportion of any business, and to corporations which seek to stifle competition by unfair practices.

This bill is on lines similar to those of the bill introduced by the Senator from Mississippi [Mr. WILLIAMS] and other proposals before the committee looking to the reformation of the loose corporation laws of the States, by preventing corporations organized under them from engaging in interstate commerce unless the State charters or the organization of the companies under them conform to the conditions laid down by national law.

The looseness of the State corporation laws is most effectively exposed in the address of Mr. Farrar before the American Bar Association. It will be found, together with his very clear and comprehensive statement, in the recent hearing of the Senate Committee on Interstate Commerce.

I ask that the bill be read in full.

The bill (S. 5486) to further protect commerce among the States and with foreign nations from unlawful combinations in restraint of trade and from monopolies by regulating the kinds of corporations and incorporated partnerships that may take part in such commerce was read the first time by its title and the second time at length, as follows:

A bill (S. 5486) to further protect commerce among the States and with foreign nations from unlawful combinations in restraint of trade and from monopolies by regulating the kinds of corporations and incorporated partnerships that may take part in such commerce.

Be it enacted, etc., That the provisions of this act shall not apply to railroads, steamship or steamboat or other water-transportation companies, pipe-line companies, express companies, or banking corporations or trust companies, unless such corporations shall contain, in their charters, powers and faculties authorizing them to buy and to sell or trade in the objects and articles of commerce otherwise than for their own use and consumption.

SEC. 2. That the provisions of this act shall apply to every corporation or incorporated partnership, both hereinafter called organizations, engaged in whole or in part in commerce in its own behalf or as agents, factors, or commission merchants for others, whose capital stock shall equal \$25,000 or whose capital stock, being less than \$25,000, conducts a business whose annual gross receipts are \$100,000, 10 per cent in amount of whose annual gross business in either case shall consist of transactions in commerce among the States or with foreign nations, or in both combined.

SEC. 3. That every organization, within the purview of this act, shall keep books, records, and accounts, so as to show clearly and intelligently all the business and transactions of the organization. A failure to keep such books, records, and accounts, or the willful concealment, or willful destruction of any material part of such books, records, and accounts, unless the same shall be more than 10 years old, shall debar such organization from the right to participate in commerce among the States or with foreign nations. The Bureau of Corporations shall have power to fix the kind and method of such bookkeeping and records.

SEC. 4. That every organization, by the very fact of engaging in commerce among the States or with foreign nations, or both combined, to the extent hereinabove specified, shall subject itself to the provisions of this act, and subject itself to the right of visitation by the United States, to be exercised by the Bureau of Corporations, either in its discretion or under the direction of the President of the United States, or by the Secretary of Commerce and Labor, or of the Attorney General of the United States, or of any committee of the Senate or of the House of Representatives of the United States. This right of visitation shall include the right to examine all the books, records, stock books, letters, papers, telegrams, and contracts of the organization, and the letters, papers, and contracts, etc., of the officers, directors, agents, or stockholders of the organization that pertain to the affairs, contracts, and business of the organization itself, and the right to examine under oath, in respect to the business or acts of the organization any officer, director, stockholder, agent, employee, or contractee of the organization. No person so examined under oath shall refuse to answer any question put to him by any authorized officer of said Bureau of Corporations on the ground that his answers might subject him to a criminal prosecution, but not such incriminating answers shall ever be used, directly or indirectly, in any criminal prosecution against the person answering, but such incriminating answers may be used against the organization itself or against any third person; nor shall the answering of such incriminating questions give the person answering any immunity from prosecution by the Government, if the Government can institute and conduct such prosecution on evidence other and distinct from said incriminating answers. This right of visitation if denied, hindered, or obstructed shall be enforced by summary rule, in the nature of a rule for contempt, taken in the name of the United States in the district court of the United States having jurisdiction over the organization, or the person to be examined and tried before a jury, and no writ of error or appeal shall be allowed from any verdict, judgment, or decree on such rule, except to the United States. No information of any kind

or nature in respect to the business or affairs of any organization obtained by the Bureau of Corporations under this act shall be disclosed to any person except to the Secretary of Commerce and Labor, the Attorney General, the President of the United States, or either of the Houses of the Congress of the United States upon its demand to that end, or to a grand or petit jury of the United States in a criminal or civil prosecution conducted by the United States.

Sec. 5. That the following organizations are hereby declared to be hostile to the public policy of the United States, and are hereby absolutely excluded from and prohibited from participation to any extent in commerce among the States or with foreign nations, to wit:

First. Any organization, popularly called a holding company, that is, organized to acquire and hold the stocks of one or more organizations engaged in commerce among the States or with foreign nations in substantially the same kind of business, or in kinds of business cognate to or auxiliary to, or ancillary to each other.

Second. Any organization any of whose stock is held, owned, or controlled, directly or indirectly, by any holding company, or by any other organization engaged in commerce among the States or with foreign nations in substantially the same kind or kinds of business.

Third. Any organization that holds, owns, or controls, directly or indirectly, any of the stock of any other organization engaged in commerce among the States or with foreign nations in substantially the same kind of business or businesses as its own business or businesses.

Fourth. Any organization which has issued or shall issue fictitious or watered securities, whether in the form of stocks, bonds, debentures, certificates, or of any other form or device whatever. Fictitious or watered securities are hereby declared to be securities, as above defined, issued, or assumed by the organization, without the actual receipt by the organization of money, or property, or franchises, or good will, or patents, or trade-marks, or labor, or service, which bear a fair and substantial ratio in their actual value to the par value of the securities issued therefor. Subject to the control of the courts, the Bureau of Corporations shall on the facts of each case determine what such fair and substantial ratio is, but in no case shall it be less than 75 per cent.

Fifth. Any organization formed for the conduct of any kind or kinds of business by the consolidation or amalgamation by purchase or otherwise of other organizations, or of the property or business of other organizations, or of the business or good will of individuals or firms, engaged in substantially the same kind or kinds of business, where at the time of the formation of such organization the aggregate of the business or businesses done in commerce between the States or with foreign nations, or in both combined, by the organizations, firms, or individuals transferring their business to the new organization, shall exceed 25 per cent of such kind or kinds of business annually done in the United States in such commerce.

Sixth. Any organization formed as provided in section 5, but not at the time of its formation coming within the purview of that section, which shall have increased its business in commerce among the States or with foreign nations by the subsequent acquisition of the business or property or good will of other corporations, firms, or individuals engaged in substantially the same kind of business or businesses in such commerce until its business or businesses annually done in such commerce shall exceed 25 per cent of such kind or kinds of business annually done in the United States in such commerce.

Seventh. Any organization formed as provided in section 5, but not at the time of its formation coming within the purview of that section, which shall have increased its business in commerce among the States or with foreign nations until its business or businesses in such commerce shall exceed 50 per cent of such kind or kinds of business annually done in the United States in such commerce.

Eighth. Any organization whose capital stock at the time of its organization, or whose capital stock and surplus established at the time of its organization, or by subsequent contributions of its stockholders, shall exceed 25 per cent of the sound actual capital of the organizations, individuals, and firms domiciled in the United States at that time engaged in substantially the same kind or kinds of businesses in commerce among the States or with foreign nations. The funds received by such a corporation from securities other than stock issued by it at the time of its organization, or within five years thereafter, shall be considered as part of its capital stock for the purposes of this act. This clause shall not apply to an organization formed to exploit a new industry or the manufacture and sale of a new article of commerce.

Ninth. Any organization, the majority of whose stock is owned or controlled by the same persons who own or control the majority of the stock in any other organization, engaged in commerce among the States or with foreign nations in substantially the same kind of business or businesses.

Tenth. Any organization which has the majority of its directors the same as the majority of the directors of any other organization engaged in commerce among the States or with foreign nations or in both in substantially the same kind of business or businesses.

Sec. 6. That any organization engaged or about to engage, as herein provided, in commerce among the States or with foreign nations, or in both, shall have the right to cause itself and its affairs to be examined by the Bureau of Corporations for the purpose of determining whether it has the power under section 5 to engage, or to continue to engage, in such commerce, and the decision of such bureau shall be prima facie correct, subject to the revision and control of the courts; and as long as the facts remain the same as they existed at the time of such examination, if they were then fully and truthfully disclosed to the Bureau of Corporations, the decision of the Bureau of Corporations in favor of such organization shall relieve such organization, its officers, agents, and employees from the fines and penalties herein imposed, but shall not relieve the organization from an injunction from prohibiting it from continuing to participate in commerce among the States or with foreign nations, or both.

Sec. 7. That if any organization within the purview of this act shall violate any of its provisions every officer, director, stockholder, employee, or agent of such organization responsible for such violation or participating therein shall be guilty of a misdemeanor of the highest grade, and shall on conviction be fined not less than \$2,000 and not more than \$25,000, and shall be imprisoned for not less than one and not more than five years. Where several of the officers, directors, stockholders, employees, or agents of a corporation shall be included in one indictment or information the right of severance in the trial of such indictment or information shall not exist, except on the demand of the United States. In all prosecutions under this act the organization which has violated its provisions shall be served with a copy of the indictment, and shall be considered a defendant in such action, and shall be permitted to appear and defend on its own account, but it shall not be called upon to pay the fines assessed against its officers, directors, stockholders, employees, or agents, unless they fail to pay the same and

until there is a return of nulla bona on any execution under a judgment for fines imposed on such individual defendants, whereupon execution may issue for such fines against the organization, which on payment of such fines and costs shall be subrogated to the rights of the United States against such defendants.

Sec. 8. That this act may be enforced by injunction against the organization or by criminal proceedings against individuals, or by both, separately or simultaneously; and no action or prosecution under this act shall be barred, except by the lapse of five years from the date of the offense or from the date when knowledge of it came to an officer of the United States authorized to prosecute.

Sec. 9. That this act shall go into effect one year from the date when it shall become a law, in order that all corporations may adjust themselves to its provisions.

Sec. 10. That all laws and parts of laws in conflict herewith are hereby repealed, but this act shall not be construed as a repeal of section 1 of the act approved June 29, 1906, known as the Hepburn Act, nor of the act approved July 2, 1890, known as the Sherman antitrust law, but it shall be construed as in aid of and in furtherance of said acts.

The VICE PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SUTHERLAND submitted an amendment authorizing the Secretary of the Treasury to pay Cora B. Thomas her salary as clerk of Class 3, Treasury Department, for the year 1912 at \$1,600 per annum, deducting therefrom any salary paid her during the year as a clerk at \$600, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. BURTON submitted an amendment proposing to appropriate \$5,900 for expenses at the International Radiotelegraphic Conference, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. BROWN submitted an amendment proposing to appropriate \$1,500 for the construction of a septic tank and sewer main at the Indian school at Genoa, Nebr., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$3,000 for the erection of a cottage for the use of the gardener at the Indian school, Genoa, Nebr., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$6,000 for the erection of a cottage for the use of the superintendent of the Indian school, Genoa, Nebr., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$3,500 for additions to the hospital and office at the Indian school, Genoa, Nebr., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for general repairs and improvements at the Indian school, Genoa, Nebr., from \$3,000 to \$6,000, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CURTIS submitted an amendment authorizing the Secretary of Agriculture to construct one or more demonstration plants on or near the west line of the State of Kansas, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate \$20,000 for the erection of a school building for the post at Leavenworth, Kans., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. POINDEXTER submitted an amendment proposing to appropriate \$10,000 for cooperation by the Forest Service with the University of Washington for the discovery of valuable products by distillation of woods, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate \$10,000 to enable the Secretary of the Interior to purchase lands for a school site to promote the well-being and civilization of the Indians residing among the Kalispel Indians, in Pend d'Oreille County, Wash., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate \$50,000 for the acquisition of a site near the town of Pembroke, N. C., for a school for the Indians of Robeson County, N. C., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. NELSON submitted two amendments intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which were referred to the Committee on Claims and ordered to be printed.

THE STEEL SCHEDULE.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was referred to the Committee on Finance and ordered to be printed.

ADDRESS BY JUSTICE STAFFORD (S. DOC. NO. 344).

Mr. SUTHERLAND. I send to the desk a copy of an address delivered by Justice Wendell Phillips Stafford of the Supreme Court of the District of Columbia before the New York County Lawyers' Association at its annual banquet, February 17, 1912, on the subject of "The new despotism." I move that the address be printed as a Senate document.

The motion was agreed to.

STANDARD OF LIVING AMONG COTTON-MILL FAMILIES.

Mr. OVERMAN. Mr. President, I send to the desk an article taken from the Washington Herald of the 24th instant, and ask the Secretary to read the head lines and the paragraph marked; and I also ask that the remainder of the article be published in the Record.

The VICE PRESIDENT. Without objection, that order will be made. The Secretary will read as indicated.

The Secretary read as follows:

[From the Washington (D. C.) Herald, February 24, 1912.]

"SOUTHERN MILLS BAD AS PRISONS" (BUREAU OF LABOR REPORT)—FAMILIES ILL FED, POORLY CLAD, AND IGNORED BY EVERY CLASS OF SOCIETY—CHILDREN ALL DRUGS.

TWENTY-ONE HOMES DESCRIBED.

The bureau selected 21 typical southern cotton-mill families, 10 of them living in or near Atlanta, 6 just outside of Greensboro, N. C., and 5 living at Burlington, N. C., and the report states that a comparison of the menus of the families studied with the dietary of the Federal prison at Atlanta shows that for breakfast and dinner the quantity and quality of food of the families living fairly well is not far different from the prison diet. They have a little more variety perhaps.

The remainder of the article is as follows:

The Bureau of Labor completed and made public yesterday a report on southern cotton-mill workers, which is likely to arouse the southern Congressmen considerably. In recent debates in Congress the Congressmen from southern States seemed sensitive on the subject of southern woman and child labor, and the report made public tells in a striking way the decidedly dispirited conditions under which southern cotton-mill workers live, of scanty pay, scanty food, crowded homes, company stores, and of but little hope for the future.

Taking the result of more than a hundred families studied in the southern cotton mills, the report says:

"The minimum standard is a standard of living so low that one would expect few families to live on it."

Of their social status the report says:

"In the first place, they are looked down upon by the other people of the South. There is no attempt to make them a part of the community into which they have recently come. The old residents know little about them and care less. In the second place, certain conditions of the new industrial life forces this isolation. The whole family—men, women, and children—are engaged in the same industry in which every other family in their community is engaged."

The report says that with few exceptions they live in houses owned by the mill company and in many cases buy their provisions from the company store.

"In other industries," adds the report, "the father may feel that he can never hope for anything more for himself, but he can at least plan and struggle for a better life for his children. Here the mill demands the children as well as the fathers."

The report says the so-called normal family—father, with wife and children depending upon him for support—is not found among the 21 typical southern cotton mills families studied, and that most of the families, even the poorest, were supported by the earnings of several wage earners and in addition the majority had the benefit of an income from boarders. The average number of wage earners per family for the 21 families was 3.6.

PORK THEIR MAINSTAY.

"The menus which appear with the family studies show better than any description the character of the food eaten by the cotton-mill operators," says the report. "It will be seen that corn bread, biscuit, pork, and coffee form a large part of the diet of all families. No tea is used, and one family had a substitute for coffee. When pork is mentioned without qualification it means fat pork, dry salted. This kind of meat contains very little lean. Other kinds of pork are always specified."

Supper with most of the families is a light meal. Frequently it is nothing more than what is left from dinner, warmed over or eaten cold.

In many other cases it is bread, meat (fatback), and coffee. Breakfast consists of coffee, bread, sirup, and pork in some form."

MOTHER IN DISCARDED GARB.

The report shows that the earning of a family where five were employed in the mill was something between \$800 and \$900 a year, and that the average amount spent by the father of the family on his clothing was \$38.97.

The mother, it is stated, spent less for her clothing than did the older daughters, and that in some instances the amount spent by them for clothing was wholly inadequate. In one instance one mother reported as clothing for the year "slippers, 98 cents," she wearing the clothing that her daughters had discarded. The average paid by any mother for her clothing for the year was \$14.92. In the majority of instances, it is stated, the families end the year slightly in debt.

Mr. OVERMAN. Mr. President, after reading that statement in the Washington Herald, my first impulse was to ask for an investigating committee on the part of the Senate to inquire whether or not those statements are true. I knew they were misleading and that they were not true. I went to see the Secretary of Commerce and Labor, whom I have always found to be a splendid gentleman, and I knew, together with his great ability, he was a man of justice and fairness. He called in the Commissioner of Labor, and, in response to what occurred at our conference, the commissioner has written me a letter, which I ask to have read at the desk.

The VICE PRESIDENT. Without objection, the Secretary will read the letter, as requested by the Senator from North Carolina.

The Secretary read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF LABOR,
Washington, February 24, 1912.

HON. LEE S. OVERMAN,

United States Senate, Washington, D. C.

MY DEAR SENATOR OVERMAN: Referring to our conversation this morning in Secretary Nagel's office concerning the article appearing in the morning paper in which a Bureau of Labor report is quoted as saying "Southern mills bad as prisons," and to your request that I write you in regard to that statement what I said to you in the conversation, I beg to say that no such statement appears in the volume to which the article in question clearly refers, nor any statement that would justify such a sentence.

Other than the data presented in the volume itself, no statement has been given out by me nor, so far as I can learn, by anyone in the Bureau of Labor in any way dealing with this volume.

The study itself represents an investigation of what standard of living the earnings of cotton-mill operatives permit them to maintain. A dietary standard, arrived at through the studies of the Federal Department of Agriculture, was taken as a basis of comparison. This dietary did not contain sufficient details for accurate comparison. It was found, however, that the dietary of the Federal prison at Atlanta corresponded very closely in its totals with the food requirements of the Agricultural Department standard, and, in addition, it furnished all the items in detail upon which the totals were based. This was taken as a minimum food standard for an adult male in full vigor at moderate muscular work. Allowances were then made, upon a basis arrived at by the Department of Agriculture, for age and sex, and the food requirements thus deduced were taken as a minimum standard. The actual standards of living found amongst typical cotton-mill families in several southern cities and in Fall River, Mass., were then compared with this minimum standard, and also with a higher standard, which was given as a "fair" standard as actually found amongst the families studied.

The study does show that in a considerable percentage of the cases studied the individual families were not able, through the combined income of the wage-earning members, to maintain a standard of living equal to the minimum standard in which the food requirements were represented by the dietary of the Federal penitentiary.

You were given a copy of the report in question this morning and can see by reading it what basis there is for the headlines to which you took exception and for which neither myself nor anyone connected with this bureau is in the slightest degree responsible.

I am, respectfully, yours,

CHAS. P. NEILL, Commissioner.

Mr. OVERMAN. Mr. President, why he should have compared these free-born American citizens who work in the cotton mills with penitentiary convicts I do not know. Such a comparison is odious and will enable some of these fanatical people to go up and down this country and charge that these cotton-mill hands are treated like convicts. And without the full report and the truth it would astonish and outrage the public. I remind the Senate that the penitentiary referred to is a Federal penitentiary at Atlanta, and that the prisoners are fed out of the bountiful funds of the Treasury of the United States. I want to read just two menus of two days of the penitentiary to show that those convicts live about as well as the ordinary man in this country. I know it to be a fact that no later than yesterday I was told by a distinguished lawyer from my State that when a man is convicted in a Federal court for a felony he always requests to be sent to the penitentiary at Atlanta rather than to jail. The following are some of the daily menus these convicts had set before them:

SUNDAY.

Breakfast: Oatmeal, milk, bread, butter, coffee.
Dinner: Beef, sweet potatoes, tomatoes, bread, butter, coffee.
Supper: Bread, butter, coffee.

MONDAY.

Breakfast: Wieners, grits, bread, butter, coffee.
Dinner: Pork and beans, raw onions, bread, water.
Supper: Sweet potatoes, bread, butter, coffee.

TUESDAY.

Breakfast: Potatoes, bread, butter, coffee.
Dinner: Beef, collards, bread, water.
Supper: Prunes, bread, butter, coffee.

WEDNESDAY.

Breakfast: Hash, bread, butter, coffee.
Dinner: Soup, sweet potatoes, bread, water.
Supper: Pie, bread, butter, tea.

THURSDAY.

Breakfast: Grits, bread, butter, coffee.
Dinner: Fresh pork, sweet potatoes, collards, bread, water.
Supper: Crackling bread, sirup, coffee.

FRIDAY.

Breakfast: Beef, bread, butter, coffee.
Dinner: Fish, sweet potatoes, bread, water.
Supper: Sauce, bread, butter, coffee.

SATURDAY.

Breakfast: Liver, bread, butter, coffee.
Dinner: Stew, bread, water.
Supper: Graham cookies, coffee.

The Senator from Missouri [Mr. STONE] suggests to me that he does not suppose that some Senators know what "crackling bread" is, but some of us do, and it is pretty good food.

I have gone indiscriminately through this report, which is Volume XVI of the report of the bureau. On page 26 it is stated:

Families 1 to 8 live in Atlanta, Ga.; 12 to 15 in Greensboro, N. C.; and 17 to 21 at the country mill near Burlington.

Now, I ask the Senate to listen and see whether the commission was justified in drawing that comparison when I read the menu of family No. 11 at Greensboro, N. C., and others at Burlington, N. C.:

FAMILY NO. 11.

This family has a cow which furnishes them with plenty of milk and butter, and enables them sometimes to increase their income by selling milk to their neighbors.

The membership of the family and the age, occupation, and earnings of the members are shown in the following table:

Membership and income of family No. 11, 1908.

Relationship.	Sex.	Age.	Occupation.	Industry.	Earnings during year.	Amount paid to family during year.
Husband.....	M.	52	Opener.....	Cotton	\$229.02	\$229.02
Wife ¹	F.	22	Housekeeper.....		46.69	46.69
First child.....	F.	18	Spinner.....	Cotton	197.20	197.20
Second child.....	M.	16	Doffer.....	do.	140.59	140.59
Third child.....	M.	15	do.....	do.	104.04	104.04
Fourth child.....	M.	13	do.....	do.	55.94	55.94
Fifth child.....	F.	10	At school.....			
Sixth child.....	M.	9	do.....			
Seventh child.....	M.					
Son-in-law.....	M.					40.00
Total.....						\$13.48

¹ Deceased.² Board for 4 months.

The eldest girl was married during the year, but she came home to keep house for her father. Her husband pays board to the family. The 15 and 13 year old boys attended school for a part of the year. The 16-year-old boy had pneumonia and was unable to work for three months.

The family occupies a four-room house and pays \$3 per month rent. They have none but the most necessary furniture, and no carpets, curtains, or rugs. Their chief diversion is going to preaching and Sunday school.

The annual expenditures of the family are as follows:

Expenditures of family No. 11, 1908.

ITEMS.	
Food.....	\$306.80
Rent.....	36.00
Clothing.....	131.00
Fuel.....	31.00
Light.....	13.00
Tobacco.....	4.00
Medicine.....	16.80
Doctor's bills.....	15.00
Insurance.....	31.20
Amusements.....	5.20
Cow feed.....	50.00
Washing.....	28.00
Sundries.....	5.72
Miscellaneous.....	30.26
Total.....	701.98

No details for clothing purchased for each member of the family are given, but the items for clothing included in the store account show an expenditure of \$60.66 for 24 weeks; from this an estimate was made for the year. It was learned from the family that each member wore out 4 pairs of shoes during the year. For approximately one-half of the year 17 pairs of shoes were bought for the 8 members in the family, the total expenditure for which was \$33.05, a little more than half of the total outlay for clothing. The father mends all of the shoes, buying the leather and nails at the company store.

All minor illnesses are treated by the family, as can be seen from the expenditure for medicine in the analysis of the account.

The average value of food consumed per week per man unit (including milk and butter from cow) for the year covered was \$1.19. Following is the menu of this family for three days:

MENU OF FAMILY NO. 11 FOR 3 DAYS.

APRIL 13.

Breakfast: Eggs, coffee (with sugar and milk), biscuit, butter.
Dinner: Pork and beans, corn bread, biscuit, onions, coffee, milk, butter.
Supper: Sausage, biscuit, butter, milk.

APRIL 14.

Breakfast: Ham, coffee (with sugar and milk), biscuit, butter.
Dinner: Turnip greens with meat, sausage, biscuit, corn bread, coffee, milk, butter.
Supper: Fried shoulder, biscuit, butter, coffee, milk.

APRIL 15.

Breakfast: Eggs, fried shoulder, coffee (with sugar and milk), biscuit, butter.
Dinner: Liver and onions, cheese, sweet-potato pie, corn bread, biscuit, coffee, milk, butter.
This family did practically all of their trading at the company store and a complete itemized account for 24 weeks was obtained. This includes their expenditures for food, clothing, light, tobacco, medicine, sundries, candy, and gum.

Do not your mouths water and do you not long for the good, old-fashioned home cooking, even of these poor cotton-mill families? That is a family whose living he compares with the penitentiary convicts of this country. What is the Government going to do about it? Do you propose to feed these people? Do you propose to clothe them? Do you propose to give them better wages? Now I will read from the report of a family living at Burlington, N. C.:

FAMILY NO. 16.

The father in this family is an itinerant preacher. The family represents a standard of living very high among cotton-mill workers. The following gives the membership of the family, with the age, occupations, and earnings of the members:

Membership and income of family No. 16, 1908.

Relationship.	Sex.	Age.	Occupation.	Industry.	Earnings during year.	Amount paid family during year.
Husband.....	M.	49	Preacher.....		\$50.00	\$50.00
Wife.....	F.	49	Housekeeper.....			
First child.....	M.	25	Store clerk.....			126.00
Second child.....	F.	16	Spinner.....	Cotton	225.53	132.00
Third child.....	M.	14	School.....		177.96	177.96
Fourth child.....	F.	9				
Married daughter.....	F.	Over 21	Weaver.....	Cotton	316.58	132.00
Son-in-law.....	M.	Over 21	do.....	do.		66.00
Boarder and lodger.....	F.	Over 21	do.....	do.		132.00
Do.....	M.	Over 21	do.....	do.		126.00
Total.....						941.96

¹ Board and lodging for 6 months.

Income from milk and butter amounted to \$20, making a total cash income of \$961.96. The family also consumed garden vegetables of their own raising valued at \$20, and they keep a cow.

The family live in a 6-room house, for which they pay \$5 per month rent. The house is exceedingly well cared for and well furnished. There are carpets on the floors of two rooms. They have an organ, center table, pictures, rocking chairs, high bedsteads, and lace curtains. Everything indicates a high degree of comfort. The two older children are allowed to keep their wages, but are charged for their board. They buy their own clothes and do with their money as they see fit. The 14-year-old boy came in from school while a part of the information for the study was being obtained. His clothes fitted well and were in good taste, and he wore a white negligee shirt with standing linen collar, a necktie, and gloves. He appeared bright and intelligent.

The diversions and amusements of the family are going to church, church sociables, parties, entertainments, and picnics.

The following shows the expenditures of the family during the year:

Expenditures of family No. 16, 1908.

ITEM.	
Food.....	\$403.00
Rent.....	60.00
Clothing.....	165.62
Fuel.....	72.00
Light.....	9.00
Medicine.....	2.90
Newspapers.....	3.50
Books.....	4.00
Church contributions.....	48.50
Amusements.....	5.00
Incidentals.....	12.80
Sundries.....	5.10
Candy.....	2.55
Washing.....	45.00
Barbering.....	8.00
Cow feed.....	90.00
Furnishings.....	25.55
Total.....	962.52

Nothing appears to have been spent on drinks or tobacco, but a large amount was given to the church and charity.

On page 123 is the following statement as to family No. 20:

FAMILY NO. 20.

This family consists of the father, mother, and six children. The following table shows the membership of the family, and the age, occupation, and earnings of the different members:

Membership and income of family No. 20, 1908.

Relationship.	Sex.	Age.	Occupation.	Industry.	Earnings during year.	Amount paid to family during year.
Husband.....	M.	40	Speeder.....	Cotton	\$206.77	\$206.77
Wife.....	F.	34	Housekeeper.....			
First child.....	F.	15	Spinner.....	Cotton	197.50	197.50
Second child.....	M.	14	Doffer.....	do.	157.79	157.79
Third child.....	M.	13	do.....	do.	138.35	138.35
Fourth child.....	F.	9	At home.....			
Fifth child.....	M.	6	do.....			
Sixth child.....	F.	4	do.....			
Total.....						700.41

The family also had a cash income from milk and butter sold of \$5.20, making the total income \$705.61. They kept a cow and also consumed pork of their own raising valued at \$90 and garden vegetables valued at \$7.

The family occupy a four-room house and pay \$2.60 per month rent. The house is neat and clean and the mother appeared to be an intelligent woman and a good manager. One room was used as the spare bedroom. It was furnished with a bed and bedding, washstand, dresser, table, chairs, a few pictures, window shades, and curtains. The bed was covered with a spread and pillow shams. The other rooms had the usual beds and bedding, a sewing machine, tables, and lamps. The kitchen, which is also the dining room, was furnished with table and chairs, a new six-hole range, and a good supply of cooking utensils.

The family had considerable sickness during the year. The husband lost nine weeks because of illness from malarial fever. All of the children had the measles. The amusements are simple. The family go to church and Sunday school, but this is only about once in four weeks, for there is no church at the mill. About once a month there is preaching in a schoolhouse which is some distance away.

The annual expenditures are as follows:

Expenditures of family No. 20, 1908.

Food.....	\$260.00
Rent.....	31.20
Clothing.....	111.84
Fuel.....	40.00
Light.....	11.70
Drinks.....	2.40
Medicine.....	10.00
Doctor's bills.....	22.50
Church contributions.....	11.20
Cow feed.....	64.50
Washing.....	26.00
Sundries.....	10.00
Two pigs.....	7.00
Furniture.....	39.80
Taxes.....	3.25
Barbering.....	3.00
Total.....	654.39

The family have saved practically nothing. The mother said that they would save up a little money and then they would find something they wanted, and it would be spent for that. She gave the instance of buying their stove. She said that at that time they had saved \$40. They went to town and spent it all for the stove, some furniture, and other things they needed.

The following, taken from page 129 of the report prepared under the direction of the Commissioner of Labor, gives the menu for one week of "Family No. 21," residing at Burlington, N. C.:

MENU FOR FAMILY NO. 21, WEEK ENDING MAY 8, 1909.

SUNDAY.

Breakfast: Fried meat, fried eggs, butter, preserves, coffee, biscuit.
Dinner: Fried chicken, chicken stew, butter, preserves, corn bread, biscuit.
No supper; just ate anything that was left from dinner.

MONDAY.

Breakfast: Fried meat, fried eggs, butter, preserves, jelly, coffee, biscuit.
Dinner: Beans with meat, canned corn, sweet potato pie, butter, preserves, biscuit.
Supper: Corn bread, butter, milk, preserves.

TUESDAY.

Breakfast: Butter, preserves, biscuit, fried meat, coffee.
Dinner: Stewed chicken, sweet potato pie, butter, preserves, wheat bread.
Supper: Wheat bread (biscuit), corn bread, butter, jelly, milk.

WEDNESDAY.

Breakfast: Biscuit, coffee, fried ham, eggs, preserves, jelly, butter.
Dinner: Biscuit, beans with pork, sweet potato pie, jelly, butter.
Supper: Corn bread, milk, butter; beans, pie.

THURSDAY.

Breakfast: Biscuit, ham, butter, jelly, coffee.
Dinner: Wheat bread, ham, cabbage with bacon, butter, jelly, beans, milk, sweet potatoes.
Supper: Biscuit, cabbage, beans, butter, jelly, milk.

FRIDAY.

Breakfast: Biscuit, ham, eggs, butter, jelly, coffee.
Dinner: Biscuit, bread, slaw, cabbage, ham, butter, jelly.
Supper: Biscuit, butter, jelly, ham, milk.

SATURDAY.

Breakfast: Biscuit, fried ham, butter, jelly, coffee.
Dinner: Biscuit, beans and meat, sweet potato pie, apple pie, butter, jelly.
Supper: Dinner warmed over.

Now I take the report on a family in Fall River, Mass.; they are having a strike to-day.

Mr. GALLINGER. No, the strike is at Lawrence.

Mr. OVERMAN. Yes; it is Lawrence; but I believe Fall River is a cotton-mill town, is it not?

Mr. GALLINGER. Yes.

Mr. OVERMAN. And there are 27 different languages spoken there by the operatives, if the papers tell the truth about it.

FAMILY NO. 103.

This family is Portuguese. They came from the Azores and had been in this country seven years. The children can speak English, but the parents can not. The family consists of the father, mother, and four children. The table following shows the age, occupation, and earnings of the different members:

Membership and income of family No. 103, 1908-9.

Relationship.	Sex.	Age.	Occupation.	Industry.	Earnings during year.	Amount paid to family during year.
Father.....	M.	44	Sweeper.....	Cotton	\$203.22	\$203.22
Mother.....	F.	36	Housekeeper.....			
First child.....	M.	19	Doffer.....	Cotton	340.33	340.33
Second child.....	F.	17	Spinner.....	do.	235.60	235.60
Third child.....	M.	11	At school.....			
Fourth child.....	F.	3	At home.....			
Total.....						\$29.15

The father's earnings are estimated because his name could not be identified on the pay roll of the company for which he worked.

They live on the first floor of a tenement in which there are eight families. They occupy four rooms, one of which is used for kitchen, dining room, and sitting room. The other three are used for sleeping rooms. The kitchen stove furnishes the heat for all the rooms in the winter. The house is very dirty and is poorly taken care of. The furnishings consist of absolute necessities only, such as table, chairs, stove, and beds.

The mother and younger children are poorly clothed and very dirty. The mother had typhoid fever during the year and a baby died of pneumonia. The health of the other members of the family was good.

The diversions of the family are simple—street car rides and moving-picture shows occasionally for the older members, and church.

The annual expenditures are as follows:

Expenditures of family No. 103, 1908-9.

Food.....	\$383.24
Rent.....	84.00
Clothing.....	77.84
Fuel.....	28.00
Light.....	7.28
Tobacco.....	5.20
Drinks.....	10.00
Medicine.....	7.00
Doctor's bills.....	30.00
Newspapers, etc.....	1.00
Church contributions.....	31.20
Amusements.....	5.00
Funeral expenses.....	35.00
Sundries.....	7.80
Poll tax.....	2.00
Total.....	714.56

The difference between the expenses for the year and the income shows that there may have been some savings. The mother said, however, that they had not saved any money. It may be that she was not telling the truth, though the grocery book showed that they were in debt to the store \$25.81.

The family lived very poorly and it would seem that they spent as little money as they could. The underclothing for most of the children and nearly all of the clothes for the youngest child are made by the mother from the flour sacks in which she buys her flour.

The average value of food consumed per week per man unit for the year covered was \$1.60.

The menu for two days—May 23 and 24, 1909—was obtained and is as follows:

SUNDAY.

Breakfast: Pork steak, bread, coffee, condensed milk.
Dinner: Soup (made of meat, potatoes, cabbage, and bologna), bread, coffee, condensed milk.
Supper: Soup left from dinner.

MONDAY.

Breakfast: Bread, coffee, condensed milk, soup from day before.
Dinner: Bread, coffee, condensed milk.
Supper: Soup from the day before.
The soup which entered so largely into the diet was made in a large iron pot. It is the custom to make enough to last several days, and to replenish it whenever the pot becomes empty. All kinds of meats and vegetables are put into it. The bread is a very soggy composition made of flour and corn meal. As the price of flour goes up, more corn meal and less flour is used in making it. On one of the visits to the family for information the oldest boy came home from work for his dinner. He sat down to the table, which was covered with oilcloth, and his dinner consisted of bread and coffee.

Now, Mr. President, I wish the country could read this report and see how these families live. I want to show to the country—and it can be shown from this report—that the North

Carolina cotton-mill operatives live as well as any laboring people in the world, and yet the Commissioner of Labor in the Department of Commerce and Labor sends out to the country, not the report as put in the papers, because that is exaggerated and untrue, but he does compare their method of living with that of the convicts in the penitentiaries of this country—these good people who live in my State and in Atlanta, Ga., and in Massachusetts. If the Senator from Georgia would read it he would see that the mill operatives in his State live just as well as do those in North Carolina. They are a happy people; they are a good people; they are American citizens; and I protest against this great Government of ours, to which they pay taxes—

Mr. TILLMAN. And they speak the English language, too.

Mr. OVERMAN. And they speak the English language. I protest against their being slandered in the way they have been by a great department of this Government. In passing, I want to say that the Secretary of Commerce and Labor told me that he did not recommend the establishment of a new bureau to gather such information as this, but reported against it; and yet the Senate has passed a bill establishing a bureau to get just such stuff as this, which it has been stated costs the Government the immense sum of \$300,000. I do not know what the purpose of making such a report is. Mr. President, why men should be guilty of such conduct, unless it is to create prejudice against as glorious a section as there is in this country and against as fine a people as live, I do not know. When he says that the people of the South look down upon the mill operatives, I deny it. They sympathize, encourage, and help them in every way possible under the circumstances of their living and environment. They build them schools, churches, and in some instances club houses, gymnasiums, reading rooms, and places of amusement.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. I yield to the Senator with pleasure.

Mr. GALLINGER. If the men who are sent out on these errands of supposed philanthropy did not find this sort of material in their minds, there would not be any use for them in this bureau.

Mr. OVERMAN. That is correct.

Mr. GALLINGER. If they should go out and report that the people employed in the mills in North Carolina, in Massachusetts, and in New Hampshire as well, are earning fair wages and living in a comfortable way, we would not make appropriations of four or five hundred thousand dollars for this bureau to gather information of this kind. It would come to an end. So, to perpetuate their own salaries, it is rather important that these men should find just this kind of thing that is being reported here, which looks to me to be utterly scandalous, and something that ought to be stopped in some way if we can stop it.

Mr. OVERMAN. And furthermore—

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield?

Mr. OVERMAN. I read from this report to show that the conclusions of the report are wrong, and that these people live as well and are clothed as well as any people in the United States similarly situated.

Mr. BORAH. Mr. President—

Mr. OVERMAN. I again say that some of these menus mentioned in this document are as good as the Senator from Idaho [Mr. BORAH], the Senator from New Hampshire [Mr. GALLINGER], or I have on our tables in our humble homes in our States.

Mr. BORAH. Mr. President, if that be true—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. OVERMAN. Yes.

Mr. BORAH. If it be true that this report discloses that these people are living in the luxurious manner suggested by the Senator, what is the fault with reference to the report?

Mr. OVERMAN. Why do you want to spend a million dollars to get out such reports as this?

Mr. BORAH. The expenditure has already been made; but, as I understand, now the Senator is objecting to something that is in the report.

Mr. OVERMAN. I am objecting to the commissioner's conclusions, based upon the statistics for 21 families, Nos. 1 to 11 living in Atlanta, 12 to 21 in Greensboro and Burlington, N. C., and a certain number in Massachusetts. I am objecting to his conclusions, and from what I have shown here from the menus of those people the conclusions are misleading and wrong.

Mr. WILLIAMS. And reading from his own report.

Mr. OVERMAN. And reading from his own report.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. OVERMAN. I do.

Mr. LODGE. Mr. President, the Senator from Iowa [Mr. CUMMINS] gave notice—

Mr. OVERMAN. I beg the Senator's pardon. I will yield to the Senator from Iowa.

Mr. LODGE. I only wanted to say that the Senator from Iowa is obliged to leave the city at 40 minutes past 3 o'clock, and if he could be allowed to make his speech now, I know that he would greatly appreciate the courtesy.

Mr. OVERMAN. I yield to the Senator from Iowa very gladly. I thank him for giving me this much of his time.

The VICE PRESIDENT. As the Chair understands the request of the Senator from Massachusetts, it is that morning business be suspended until the Senator from Iowa shall have concluded.

Mr. LODGE. I ask that the Senator from Iowa be permitted to proceed at this time, morning business meanwhile being suspended.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none. The Senator from Iowa will proceed.

PROPOSED PENSION LEGISLATION.

Mr. CUMMINS. Mr. President, I ask the attention of the Senate that I may consider for a very brief time the general subject of pension legislation. Upon this occasion I do not intend to discuss in detail the relative merits of the several bills and the various suggestions that have been debated before the committee. I pause only long enough to say that the most liberal of them, if enacted by Congress and approved by the President, will still leave the people of the United States under an unpaid and unpayable obligation to the Union soldiers of the Civil War, so great that it will only be recognized in that far-off day when the value of the Union which they preserved is more fully appreciated and more completely understood than it is possible to appreciate it or understand it now. At this moment I am speaking chiefly in the hope that I can hasten whatever action we are to take. It seems to me that the highest considerations which can move a legislative assembly command us to do whatever we intend to do immediately. Whatever enlargement of pensions we are willing to grant we ought to grant at once. Whatever debate is to ensue ought to begin now and be continued without cessation until we reach the end. What stands in the way? Nothing. The sessions of the Senate have been, and still are, well-nigh barren of important matters, and there can be no sufficient reason for not giving a few hours to the men who, loving their country, imperiled their lives for it and for us through four years of march and camp and battle. We convene at 2, adjourn an hour or two or three later, and meet again next day at 2. We are comfortable, have plenty to eat, enough to wear, and the day for us goes quickly and happily by; but on each of these days in which we have done little and suffered none two or three companies of these Union veterans die and enter into their reward upon the other shore. Some of them, indeed many of them, are dying in want and misery. If we are going to do something for these heroes let us, for the sake of humanity, do it so that they may die in peace and carry into the life beyond the recollection that their country was a grateful country and did what it could to make their old age comfortable and happy.

Moreover, of the half million or more who still bless us with their presence there are many, very many, who are living in poverty and distress—a poverty and distress which in a few instances may be justly attributed to idleness or improvidence or incompetence, but which in by far the greater number are the direct or indirect results of disabilities which were fastened upon them somewhere and somehow as they struggled along the weary way that lies between Sumter and Appomattox. If we intend to ease their burdens a little, if we intend to lift a little the hard hand of penury, for the sake of justice let us do it quickly.

I have heard and read much about the character of the obligation the country owes to these old men. I have heard it asserted with much emphasis that we owe them nothing at all. There are some who look upon these pensions as a charity, some as the payment of a debt of gratitude. To me all this is vain speculation. It is more—it is profanation. Our relation to these old soldiers defies classification or analysis. It is too high, too holy, too sacred to find expression in the language of commerce or even of sentiment. If you will tell me what impels a civilized man whose life or honor has been saved by another, who has risked his own life to save it, to feed that

other when he is hungry, to give him water when he is thirsty, and to clothe him when he is naked, and to feel in doing these things an exaltation of spirit experienced in no other act of life, you will at the same time tell me why the United States ought to make the last days of these brave fighters for the Union as restful and as content as human help can make them.

There has been much conflict of opinion as to whether we ought to expend in pensions, twenty millions, forty millions, or seventy millions more than we are now spending, and the merits of these bills with some people seem to rest upon the extent to which they go in an increase in the annual expenses of the Nation. I have not looked upon the subject from that standpoint. We are able to do what we ought to do, whether in doing it we add to our appropriations twenty millions, forty millions, or seventy millions. The inquiry always ought to be, What amount is necessary to drive want and misery away from these old men during the remaining years of their lives? The greatest allowance that has been suggested will not give the beneficiaries of the pension system the least luxury and will barely suffice to maintain them with their own incomes in the way that people of the most moderate means must live.

Why, then, should we hesitate to do our duty and to respond to the most creditable and patriotic sentiments that are known to human nature? There are some of these soldiers who need no assistance. It may be that there are some who are unworthy of recognition, but there is no practicable way of separating those who are in the enjoyment of good incomes from those who are not, nor is there any practicable way of distinguishing the few who are unworthy from the many who are worthy. Therefore what we do we must do for all, and it would be a crime against the most laudable instincts of civilized man to refuse help to the needy because there are some who are not needy, or to refuse to assist the good because some who are not good will share the benefaction.

I am not one of those who feel that this Government is powerless to do that which its patriotic citizenship knows that it ought to do, even though the expenses of the Government are substantially enhanced. I believe in economy, but to me economy does not mean the abdication of duty in order to reduce expenses. It means that every dollar which we appropriate shall be appropriated for an honest and proper purpose; that is to say, in order to carry out the policies which the Government ought to pursue. It means that every dollar, when appropriated, shall be efficiently expended, and within human limitations shall accomplish all that a dollar can accomplish in the affairs of men.

I am not in favor of omitting any appropriation for Government needs in order that we may increase pensions, but I am in favor of adding to our revenue whatever amount we find it necessary to add, to the end that the Government can perform in the most efficient way all the functions which it ought to assume and discharge. If I believed that to increase pensions or to add to the expenditures of any other field of governmental activity would, as a consequence, require us to still further tax the consumption of the people, and especially of poor people, I would hesitate long before giving my assent to any increase in appropriations. There is a way, however, in which the Government can add to its revenue and do justice to all its citizens. The time has come when the wealth of the country must bear a larger proportion of the taxes of the country than it now bears. Putting aside the revenue from the postal service, the three-quarters of a billion dollars which we annually collect to sustain the Government is substantially all laid upon the consumption of the people.

Wealth has multiplied enormously. It has not only multiplied almost beyond the power of intelligent comprehension, but the process of concentration is the most alarming feature of modern times. There is a way to tax this wealth reasonably and fairly, so that the hand of the Government will take from no man a farthing that he needs for his own subsistence. There is a way to tax it so that not only will the poor be untouched, but the rich from whom the contribution is enforced will be better citizens for the contribution which they make. The way is open to us. No constitutional amendment is necessary to authorize Congress to act. These rich and powerful persons and corporations owe their fortunes and their incomes, vast as they are, to the soldiers whose valor and patriotism preserved the Union in its hour of peril. They are the direct beneficiaries of the struggle and hardships, the consequences of which we now desire to alleviate. Commerce has been profitable beyond the dreams of avarice, and it has been profitable largely because the Union was saved, and the Union was saved because these men, whose last days are clouded with suffering, were willing to fight for it and to die for it. It is divine justice to now require the wealth of the country to recognize its obligation to the men

whose heroic efforts made a great and prosperous country possible. [Applause in the galleries.]

The VICE PRESIDENT. Applause in the galleries must cease and must not be repeated.

INQUIRY CONCERNING APACHE INDIANS.

Mr. HEYBURN. On February 21 I submitted a resolution which went to the table. It appears that there was one sheet missing. I withdraw Senate resolution 228, and introduce a new resolution covering the subject, for which I ask present consideration.

The resolution (S. Res. 232) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with the following information:

First. How many Apache Indians are now held as prisoners of war at the Fort Sill (Okla.) Reservation.

Second. How many of said Indians are males and how many are females.

Third. How many of said male Indians are under 40 years of age.

Fourth. How many of said Indians are known, at any time prior to their capture, to have been engaged in hostilities against the United States or to have committed acts of violence against citizens or residents of the United States.

Fifth. The names, ages, present condition of health, and general conduct of the Indians coming under the terms of the last paragraph.

Sixth. The military necessity, if any, for continuing to hold said Apache Indians as prisoners of war.

Seventh. By what authority the said Apache Indians are now held as prisoners of war, and, particularly, by what authority those of said Indians who were born in captivity and who have come of age while still in captivity are so held.

MINIDOKA RECLAMATION PROJECT IN IDAHO.

Mr. HEYBURN submitted the following resolution (S. Res. 233), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and is hereby, directed to report to the Senate the number of homestead settlers upon the Minidoka reclamation project in Idaho, stating separately those who have made payment under the provisions of sections 4 and 5 of the act of Congress of June 17, 1902, being an act providing for appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, and those who have not made payment or are in default in making payments, stating the names of those who are in default, together with the amounts and the reasons for such default.

HEARINGS BEFORE THE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. SUTHERLAND submitted the following resolution (S. Res. 234), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Buildings and Grounds or any subcommittee thereof, is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer oaths, to employ stenographers from time to time to report such hearings as may be had in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittee thereof may sit during the sessions of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on the 15th instant, approved and signed the following act:

S. 4109. An act to restore the name of Oregon Avenue, in the District of Columbia, and for other purposes.

REPORT OF THE PHILIPPINE COMMISSION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the twelfth annual report of the Philippine Commission for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, February 26, 1912.

DAM ACROSS SAVANNAH RIVER, GA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909.

Mr. NELSON. I move that the Senate disagree to the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. NELSON, Mr. PERKINS, and Mr. MARTIN of Virginia conferees on the part of the Senate.

THE WOOL SCHEDULE.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 32) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 20,000 additional copies of House Document No. 342, being the message of the President of the United States transmitting a report of the Tariff Board on Schedule K of the tariff law, 12,000 copies for the use of the House of Representatives and 8,000 copies for the use of the Senate.

SENATOR FROM DELAWARE.

Mr. REED. I ask that the resolution I offered be read now for the information of the Senate, and that it be printed in the RECORD and lie on the table, subject to my call.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

The Secretary read the resolution (S. Res. 230), as follows:

Whereas the President of the United States, on the 22d day of January, 1912, appointed Cornelius P. Swain United States marshal for the State of Delaware, and sent said appointment to the Senate of the United States for confirmation, and said appointment was in due course referred to the Committee on the Judiciary of the Senate for proper action in the premises; and

Whereas certain prominent citizens of the State of Delaware caused it to be made known to said committee that they desired to protest against the confirmation of the appointment of the said Swain, upon the ground that he was an unfit person to hold the office of United States marshal for the said State of Delaware; and

Whereas the Committee on the Judiciary of the Senate of the United States designated two of its members, viz, Senators SUTHERLAND and OVERMAN, to act as a subcommittee, authorized to investigate the grounds and reasons for said protest; and

Whereas on the 2d and 9th days of February, 1912, there appeared before said subcommittee Hon. Willard Saulsbury, of Wilmington, Del., representing certain objectors to the confirmation of the appointment of the said Cornelius P. Swain, and there also appeared the said Cornelius P. Swain in person and by his counsel, Daniel O. Hastings, Esq.; and

Whereas said objectors, before said subcommittee, in substance and effect charged:

1. That the said Cornelius P. Swain was unfit to occupy any place connected with or near the courts of the United States for the district of Delaware, because the said Cornelius P. Swain bore the common and general reputation of a persistent violator of the criminal provisions of the constitution of the State of Delaware intended to secure purity of elections;

2. That the said Cornelius P. Swain had notoriously been a vote buyer in the second representative district of Sussex County (New Fork Hundred) for many years;

3. That the said Cornelius P. Swain had procured and carried large sums of money into said precinct for the purpose of corrupting the voters of said district, and in the year 1908 was the assistant cashier of the corruption fund, and in substance charged that all of the above facts were notorious; and

Whereas the testimony of certain witnesses produced before said subcommittee and certain affidavits there read in evidence tended to prove:

(a) That at the election held in the State of Delaware in the year 1904 members of the legislature were being selected who would thereafter have the right to elect a United States Senator, and who did, in fact, elect the said HENRY ALGERNON DU PONT Senator from the State of Delaware;

(b) That shortly prior to said election a large sum of money, to wit, a sum in excess of \$25,000, and claimed to be in excess of \$58,000, was contributed by the said HENRY ALGERNON DU PONT;

(c) That said sum of money was distributed among various corrupt agents working in the interest of the said HENRY ALGERNON DU PONT;

(d) That said distribution took place in the office of the said HENRY ALGERNON DU PONT, and with his knowledge;

(e) That \$3,000 of the money so contributed was in the office of the said HENRY ALGERNON DU PONT delivered to be used for the purpose of corrupting the voters of the second representative district of Sussex County, Del., and was in fact so used under the direction of the said Cornelius P. Swain, and it was admitted by the attorney representing said Swain that said \$3,000 was so received by him; and

Whereas the evidence tended further to show that not only at the election held in the year 1904, but in the elections held in the years 1906, 1908, and 1910 similar corrupt practices were employed, and said evidence tended further to show that said corrupt practices did affect the election of the members of the legislature who in the year 1911 reelected the said HENRY ALGERNON DU PONT to a seat in this body; and

Whereas said subcommittee construed its duties to be confined to an investigation of the corrupt practices with which the said Cornelius P. Swain could be shown to be directly connected, and did not therefore investigate generally into the conditions surrounding said election, so that there has, in fact, been no investigation of the connection of the said HENRY ALGERNON DU PONT with said alleged corrupt practices, except in so far as the same was made to appear as an incident to the investigation of the said Swain; and

Whereas the said Cornelius P. Swain was appointed to said office at the request of the said HENRY ALGERNON DU PONT, notwithstanding the evidence tends to show his corrupt practices and general reputation as an election corruptionist: Now, therefore, be it

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized and directed to investigate and to report to the Senate, whether, in fact, corrupt methods and practices were employed by the said HENRY ALGERNON DU PONT to secure the election of members of the legislature, who thereafter elected him to a seat in this body; whether said corrupt practices related to the general election of 1904, or the general election of 1910, or to his election by the members of the legislature selected at said elections; and whether the said HENRY ALGERNON DU PONT is a proper person to retain his

seat, or ought to retain his seat, in this body as a Senator from the State of Delaware.

Said Committee on Privileges and Elections, or any subcommittee thereof, is hereby authorized to sit during the sessions or the recess of the Senate; to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation aforesaid; to employ stenographers; to send for persons and papers; and to administer oaths. The expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee.

Said committee is requested to proceed with said investigation with all reasonable speed and to report its findings, together with the evidence, at the earliest possible date.

The VICE PRESIDENT. Without objection, the resolution will be printed and lie upon the table subject to call.

Mr. HEYBURN. I will ask why, under the regular order of proceeding, the resolution does not go to the Committee on Privileges and Elections?

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent that the resolution be printed and lie on the table subject to call, intending to speak upon it prior to reference, as the Chair understood.

Mr. HEYBURN. I do not believe that menaces against a man's character, such as we gather from the reading of the resolution, ought to lie on the table or be subject to any man's call. When the integrity of the right to hold the office of Senator is challenged in this body it is everybody's business, and the party challenged has some rights. He has the right to prompt action, and every other Senator has the same right. I do not believe there is any rule under which the resolution can lie on the table subject to call.

The VICE PRESIDENT. Only by unanimous consent.

Mr. HEYBURN. I move that it be referred to the Committee on Privileges and Elections.

Mr. REED. Mr. President, it is quite unnecessary to move that it be referred to the Committee on Privileges and Elections, because that is where it would naturally go.

Mr. HEYBURN. I can not hear what the Senator is saying.

Mr. REED. I will try to make the Senator from Idaho hear. I asked to have the resolution lie on the table temporarily, because I desire to make some remarks upon it. I was not prepared to make those remarks to-day, but I intended to give notice that on day after to-morrow, at such hour as would be convenient, I would desire to address the Senate upon this resolution. My understanding is that a resolution lying upon the table and subject to call is subject to the call of any Senator, and that therefore there will be no delay worked, no hardship imposed, by virtue of the fact that this resolution does not immediately go to the Committee on Privileges and Elections.

Mr. HEYBURN. Mr. President, if the Senator will permit me—

Mr. REED. Certainly, for a question.

Mr. HEYBURN. A question of this kind can not, under the rules of the Senate, be discussed except upon the report of a committee, because the rules of the Senate provide that no personal reference shall be made to a Member of the Senate, except upon the report of a committee.

It is only proper after a committee of the Senate has reported to discuss upon this floor the character or personal acts of any Member of this body. This does not come within the rule of resolutions that may lie on the table to be discussed. That can not be done until after it has been reported upon. It was a wise provision, and it should be respected. I have asked for a reference.

Mr. REED. Mr. President, to what rule does the Senator refer as the basis for his statement?

Mr. HEYBURN. I have objected to it.

Mr. REED. I made the inquiry as to what rule the Senator stood upon.

Mr. HEYBURN. Let my objection be stated. My objection is to the resolution lying on the table. My objection is to the request, because I say it must go to a committee.

Mr. GALLINGER. I call the Senator's attention to section 2 of Rule XIX, which I think is clear.

The VICE PRESIDENT. Without objection, the Secretary will read paragraph 2 of Rule XIX.

The Secretary read as follows:

RULE XIX.

2. No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. REED. Mr. President, I am entirely familiar with that rule, although I have not had the extensive experience in this body that the Senator from Idaho and other Senators have had. I understand, I think, what that rule means. That rule is intended to place a limitation in debate upon the remarks of Senators, so that they shall not get into personal controversy

and make personal reflections upon other Senators. This is not that kind of a question. This is a question which challenges the right of a man to sit in this body as a Senator. It raises a question not personal in its nature, but of the highest public importance and the highest public character—

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. When I conclude my sentence. And although it may concern an individual, it is not a personal matter in the sense that the language of the rule was intended to be employed.

Mr. HEYBURN. May I suggest that the resolution, as I heard it read, in express terms charges a Member of this body with being guilty of bribery and corruption?

Mr. REED. The Senator heard the resolution, and it will speak for itself with some clearness. It is a resolution similar in its nature to other resolutions. There is a preamble to it, based upon testimony that was given in this investigation.

I say again that the rule which was read has no application to a matter of this kind. The rule that was read was intended to apply to personal remarks between Senators reflecting upon each other and not to the investigation of public matters.

Now, I want to say to the Senator from Idaho that I desire that this matter shall be investigated in the right way, that it shall be investigated calmly and judicially and properly; but before the Senate votes upon the question whether it will pass the resolution it is proper that the Senate should be advised as to whether there are any reasonable grounds upon which to base it, and those reasonable grounds I had intended, with the permission of the Senate, to present within the next two days of time.

I will not submit, unless compelled to do so, to any rule, which undertakes to say that in a matter of this importance and of this character no word can be uttered upon the floor of the Senate until a committee has seen fit to make its report. That sort of construction is not consistent with the previous record in the Senate. When the resolution was offered to reinvestigate the question of the election of the Senator from Illinois [Mr. LORIMER] it was a matter of debate here for two days, and the debate went unchallenged, and properly went unchallenged.

There have been disclosures made, Mr. President, in the taking of this testimony of such a character that the Members of the Senate ought to know what they are, and they ought to know before they cast their votes upon this matter.

Whether the resolution goes to the committee under the objection of the Senator from Idaho against its lying on the table or not, I shall insist upon my right to speak upon this question and to lay these matters before the Senate. I do not think that friends of the Senator from Delaware will gain anything by an attempt to shut off freedom of speech and debate in regard to this matter.

I renew my request that the resolution may lie on the table until the day after to-morrow, at which time I desire to submit some remarks.

Mr. HEYBURN. I object.

The VICE PRESIDENT. Objection is made. The Senator from Idaho moves that the resolution be referred to the Committee on Privileges and Elections.

Mr. REED. I move a substitute. The Senator has not had the floor. I make the motion direct—that the resolution lie on the table subject to call for two days.

The VICE PRESIDENT. The motion to refer is not an amendable motion.

Mr. REED. But the Senator from Idaho did not have the floor. I had the floor.

The VICE PRESIDENT. The Senator from Idaho had made the motion some little time ago, when he did have the floor.

Mr. REED. Not as I recollect it. I move as a substitute that the resolution be laid upon the table for two days' time, subject to call.

Mr. GALLINGER. That is not in order.

Mr. STONE. Mr. President—

The VICE PRESIDENT. The Senate should dispose of this proposition. Here is a motion to lay on the table, which is not a debatable subject. It can not be considered as an amendment to the motion made by the Senator from Idaho, but it is a preferential motion and should be disposed of first.

Mr. STONE. May I make an inquiry?

The VICE PRESIDENT. The Senator certainly can.

Mr. STONE. The motion is to lay what on the table?

The VICE PRESIDENT. The Senator from Missouri moves to lay upon the table the resolution which he has submitted.

Mr. LODGE. But under the rule, Mr. President, that is a motion of final disposition.

The VICE PRESIDENT. That is what it is.

Mr. LODGE. The other is a request that the resolution lie on the table subject to the call of a Senator. That is merely a request.

The VICE PRESIDENT. The request has been disposed of. That required unanimous consent. Following that request, the Senator from Idaho moved to refer the resolution to the Committee on Privileges and Elections, and the Senator from Missouri moved to lay it on the table subject to call.

Mr. LODGE. Subject to call.

The VICE PRESIDENT. That is not a preferential motion.

Mr. REED. That is the motion I made.

Mr. LODGE. That is not a possible motion.

The VICE PRESIDENT. It is not in order.

Mr. STONE. I ask a question for information. I speak hesitatingly, for it occurred before I came into the Chamber this afternoon, and I know only what I have been told about it, but I should like to inquire of the Chair if it be a fact that when my colleague offered his resolution soon after the Senate assembled he made a request that it lie upon the table, and that that request by announcement of the Chair was acceded to by the Senate without objection.

Mr. LODGE. No.

The VICE PRESIDENT. The Senator has been misinformed as to the facts. When the Senator from Missouri first presented his resolution, soon after the Senate convened, it was announced to the Senator from Missouri that the Senate had not reached the order of the presentation of resolutions. So the resolution was laid on the desk informally until the order of Senate resolutions was reached. Then, some little time later—possibly an hour or more—the Senator offered his resolution with the request as stated by the Senator from Missouri, to which request the Senator from Idaho objected and at once made his motion that it be referred to a standing committee. Before that motion was put the Senator from Missouri discussed it.

Mr. STONE. Mr. President, if I may have the indulgence of the Chair and of the Senate for a very few minutes, before the Chair rules and before the matter is disposed of, I should like to say a word.

Without reference to the wisdom or the unwisdom or the advisability of this proposed proceeding, it seems to me that the Senate ought to proceed in one case as it proceeds in all cases. I see no reason for an exceptional proceeding in this instance. If by a vote of the Senate this resolution is referred to the Committee on Privileges and Elections, it can be but for one purpose, and that purpose must be from hope or expectation of shutting off debate, of depriving the junior Senator from Missouri [Mr. REED] of the opportunity of speaking to the resolution, as he has announced his intention of doing. As he says, I well recall, and as every Senator sitting in this body at that time must recall, the circumstance, when it was proposed on the resolution of the senior Senator from Wisconsin [Mr. LA FOLLETTE] to reopen the so-called Lorimer case, that it was debated here at considerable length before it went to any committee. The question was what kind of committee should be appointed or to what committee the subject should be referred for investigation. I see no reason for departing from the practice of the Senate. But, after all, Mr. President, if the purpose is to deny to a Senator the right to speak, to say what he has a right to say on the floor of the Senate, it is, thank Heaven, a pretty hard thing to deprive him of that right by any kind of parliamentary legerdemain. He will find the opportunity to do it, and so nothing is gained.

I am not speaking now of the merits of the proposition to make this investigation; I am not referring to that. I am referring simply to this proceeding now that seeks to deprive my colleague of the right to say what he thinks he ought to say in respect to this resolution. If he speaks out of order, improperly, in violation of the rules of the Senate, he can be called to account here; but to undertake to deny him the right to speak at all is something that the Senate, in my judgment, ought not to attempt to do.

Mr. CLARKE of Arkansas. Mr. President, I rise to a question of order. I call the attention of the Chair to subdivision 5 of Rule XIV, which reads as follows:

5. All resolutions shall lie over one day for consideration unless by unanimous consent the Senate shall otherwise direct.

As the Senator from Idaho interposed his objection, the effect of that was to remove the resolution from the consideration of the Senate for this day. No motion could be made with reference to it, either to refer it or to lay it upon the table, or otherwise dispose of it. I submit that that disposed of it until to-morrow.

Mr. GALLINGER. Mr. President, it is reasonably well understood that this is to be a session devoted to playing politics.

Mr. CLARKE of Arkansas. Mr. President, would I still be within my rights if I asked for a ruling by the Chair before this matter is disposed of, because if the point of order is well taken it cuts off debate?

The VICE PRESIDENT. If the Senator from New Hampshire desires to discuss the point of order, the Chair certainly would not refuse to hear him.

Mr. CLARKE of Arkansas. I so understand.

Mr. GALLINGER. I did not intend to discuss the point of order that was raised.

The VICE PRESIDENT. The Chair thinks the point of order raised by the Senator from Arkansas is well taken, and the resolution goes over.

Mr. GALLINGER. Well, Mr. President, that being the case, I will withhold what I intended to say until the resolution appears again.

REPRINT OF JUDICIAL CODE.

Mr. BAILEY. I ask that a reprint of the judicial code shall be ordered by the Senate. Copies of that publication have been exhausted and there are numerous calls for it. I would really like to ask that a very much larger number might be printed than can be printed under the rule, and as the chairman of the Joint Committee on Printing is on the floor perhaps he will help me to have a larger number printed.

Mr. SMOOT. Mr. President, I will say to the Senator that as chairman of the Joint Committee on Printing I have ordered all the copies of the codes printed that it is possible to print under the law. I ask the Senator if he desires the reprint for the use of the Senate only or for the House of Representatives as well?

Mr. BAILEY. My request contemplated copies only for the use of the Senate, assuming that the House, if it so desired, would order it printed; but if the Senator from Utah has already this reprint in progress—

Mr. SMOOT. No; but I have already had the Committee on Printing to order as many copies printed as the law will allow me to do as chairman of the Joint Committee on Printing. I will therefore suggest to the Senator that in his request he name the number to be printed for the use of the Senate.

Mr. BAILEY. I understood there was a limitation upon the cost.

Mr. SMOOT. There is.

Mr. BAILEY. And without knowing what the cost would be I did not think it was safe to name the number.

Mr. SMOOT. That is so.

Mr. BAILEY. The chairman of the committee suggests that it would be possible for us to print 3,000.

Mr. HEYBURN. I would ask, for information, is that the judiciary code?

Mr. BAILEY. It is.

Mr. HEYBURN. I think I can throw a little light on the matter. The code is being annotated. Senators will observe that they just put bodily in the references of the old Revised Statutes, and with the division and subdivision under the reorganization of those sections the references are utterly without application. I am now having that reannotated and conformed to the present form of the code, and I think it would be a misfortune to print it as it is.

Mr. BAILEY. It undoubtedly would be a waste of public money to reprint it, as the Senator from Idaho is having the better arrangement made.

Mr. HEYBURN. In this connection I will say to the Senator that I should like to have some cooperation to devise a method of paying for it. It is being done now at my own expense. There is no fund out of which that work can be paid for, inasmuch as the committee has lapsed by reason of the failure of the other House to provide for that end of the joint committee. There is no fund against which to draw for this work. I simply entered into an arrangement with a competent person to work in cooperation with me to do that without any prospect of pay, but there should be some prospect of it.

Mr. BAILEY. The Senator from Idaho will find no difficulty when he brings that work into the Senate to have it printed. If he will bring with it a resolution to pay for the fair value of the services performed, the Senate will make no objection to it, because it is a work that ought to be done. I withdraw the request.

The VICE PRESIDENT. The Senator from Texas withdraws his request.

PROPOSED PENSION LEGISLATION.

Mr. CURTIS. Mr. President, if permissible, I desire to ask the chairman of the Committee on Pensions when it is his intention to call up the general pension bill, and also when it is

his intention to call up the various omnibus pension bills now on the calendar?

Mr. McCUMBER. Mr. President, it had been my hope and expectation to have disposed of the private pension bills to-day. The junior Senator from Georgia [Mr. SMITH] indicated to me some time ago his desire to speak to the private pension bills, and asked me to delay action upon them until he could be prepared to express his views upon them generally. I have from day to day allowed them to go over with that understanding. I had also from recent talks with the Senator from Georgia assumed that he would be able to take the matter up at the beginning of this week, but he sends up word to-day that he is not well, and therefore, during his absence and while he is unwell, I certainly do not wish to press the bills for consideration. I only desire to say that if the junior Senator from Georgia shall be able to speak to them in the early part of the week, I shall ask the Senate not only to take up and dispose of the private pension bills, but I shall ask, as soon as he is able, as he has indicated his desire possibly to oppose the general pension bill, that that bill also be taken up for consideration at the earliest possible moment.

Mr. BACON. Mr. President, I simply desire to state, in order that the matter may be definitely presented, that my colleague [Mr. SMITH of Georgia] is confined at home by illness at this time. He is not simply indisposed, but is not able to be in the Senate on account of personal illness.

LAWRENCE (MASS.) LABOR STRIKE.

Mr. POINDEXTER. I offer the resolution which I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 231), as follows:

Be it resolved, etc., That the Secretary of Commerce and Labor be, and he is hereby, requested to obtain and report to the Senate, through the Bureau of Labor, full information concerning the condition of the mill workers in Lawrence, Mass., and especially those now engaged in strike—their wages and conditions of living; also what approximate percentage of these employees are subjects of foreign countries and of what foreign countries; also what action has been taken by the local authorities at Lawrence to forcibly interfere with the free passage of said aliens or others from the city of Lawrence and State of Massachusetts to other States.

Mr. GALLINGER. I object to the present consideration of the resolution. Let it go over.

The VICE PRESIDENT. The resolution will go over under objection.

Mr. POINDEXTER. Mr. President, I desire to say, in connection with the resolution, that a condition has arisen, growing out of this strike in the city of Lawrence, which immediately involves the responsibility of the Federal Government. The local authorities have absolutely failed in the function, which they are obliged to perform, of guaranteeing the people who are involved in this strike the privileges and immunities of the Constitution of the United States.

A large number of these people are citizens of foreign countries. The fact that those people have been denied the privilege of free travel and free passage from one State to another State raises a situation which may at any moment become an international question, and with respect to which a foreign country can deal only with the United States.

Mr. BAILEY. Will the Senator from Washington permit me to ask him a question?

Mr. POINDEXTER. Certainly.

Mr. BAILEY. I understood the Senator to say that the local authorities have shown themselves incapable of dealing with the situation. I desire to ask if the executive of that State—I believe the legislature is not in session—

Mr. LODGE. It is in session.

Mr. GALLINGER. It is in session.

Mr. BAILEY. I am told by the Senator from Massachusetts that it is in session. Then I desire to ask the Senator from Washington if the Legislature of Massachusetts has asked Federal assistance in dealing with the situation?

Mr. POINDEXTER. I do not understand that the legislature has asked for Federal assistance, and this resolution does not intend or provide that the Federal Government shall supplant the authorities of Massachusetts. It calls for information as to the percentage of aliens, whether or not these people are aliens, and as to what has been done, what action has been taken by the local authorities representing the government of Massachusetts in prohibiting them from passing from one State to another—from the State of Massachusetts into another State.

Mr. BAILEY. I was attracted more by the Senator's argument upon which he seeks to support the resolution than by the language of the resolution itself. I thought it rather a novel doctrine to be advanced that, without any request from

the legislature, if it is in session, or if it is not in session, without any request from the governor, the Federal Government shall take notice of the fact that the local authorities are unable to deal with a violent situation in Massachusetts, for at last it could be nothing more, according to the Senator's statement, than a scene of domestic violence; and if the State of Massachusetts chooses to suffer under that condition without an appeal through her constituted authorities to the General Government, I think we have no jurisdiction over it.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I rose a moment ago to say that Massachusetts seems to be taking care of this matter in a perfectly competent way. The governor has intervened; the legislature is now in session; and it occurs to me that if Congress is to take cognizance of every strike that occurs in this country, and if an appeal is to be made to the Government of the United States to take a hand in such controversies, we are getting on rather dangerous ground.

Of course, the resolution goes over, and I presume it will be debated to-morrow; and when it is debated some of us will have a word to say on the subject.

Mr. POINDEXTER. I desire to ask unanimous consent—

Mr. ROOT. May I ask the Senator from Washington a question?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New York?

Mr. POINDEXTER. I yield to the Senator from New York.

Mr. ROOT. The question I desire to ask is whether any foreign government has made any complaint to the Government of the United States of the denial of treaty rights to any of the people who are concerned in Lawrence?

Mr. POINDEXTER. Not that I know of.

Mr. ROOT. If so, what government and under what treaties?

Mr. POINDEXTER. I am not aware of any application made by a foreign government for action by the United States.

This is the situation which exists in Lawrence: The authorities are absolutely ignoring the privileges to which the residents of Lawrence are entitled as residents of the United States; some of them are citizens of the United States. They have been prevented from leaving the city of Lawrence with the intention of going outside of the State of Massachusetts and into another State. There is no pretense on the part of the local authorities that these people were violating any law. There is no charge against them of having committed any crime. But large numbers of them, by military force, apparently without any authority except that of the commander of the militia and the chief of police of the city, have been seized and violently handled, put into patrol wagons, incarcerated in jails, because they were attempting to get on a train and leave the State of Massachusetts.

Of course the jurisdiction of the United States is involved. That jurisdiction is usually exercised through the courts. It may be inquired into by the Department of Justice. Various situations may arise which may call for congressional action.

I do not know that any foreign government has taken cognizance of this situation up to the present time. I do not know that the authorities of the State of Massachusetts have considered the question of appealing to the United States Government. But when an unprecedented situation arises—not, as the Senator from New Hampshire says, like any of the frequent strikes which have taken place, but under conditions which never existed before in the case of any strike in the United States—when the hand of the military authorities, without even going through the form of declaring martial law, is put in the place of the guaranties of the Constitution, so far as personal rights are concerned, it seems to me perfectly pertinent and appropriate for the Senate of the United States to call for particular information on that subject from one of the bureaus of the executive department which is equipped with the machinery to get that information.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I do.

Mr. GALLINGER. I have an impression that if the Senator from Washington had taken a little more time and deliberation to inquire into the facts in this case he would not treat this question as broadly as he does. I do not believe that the authorities of Massachusetts have done violence to the Constitution of the United States or have deprived anybody of his constitutional or legal rights; but that will appear in due time.

The Senator from Washington is altogether too impetuous in this matter. He wants to take care of the citizens of foreign governments without being asked to do so, and he wants to impeach the integrity of a sovereign State, and he is doing it upon inadequate information. I think if the Senator will possess his soul in patience a few days longer the authorities of Massachusetts will vindicate what they have done. I have no doubt of it.

Mr. POINDEXTER. I am not impatient, and I am perfectly willing to assume the responsibility for my action upon the information which I already have. I have some particular information which I think is sufficient to substantiate the statements I have made as to the conditions existing there, and I can not agree with the Senator from New Hampshire that only foreign Governments are interested in this fight, or that only the people residing in the city of Lawrence are interested in this question. The Constitution of the United States can not be held to apply to some people in our land and not to others. It has to work as to all alike or it will not work at all.

Mr. GALLINGER. I did not say that only citizens of foreign Governments are involved in this matter.

Mr. POINDEXTER. I understood the Senator to say that I was undertaking to interfere on behalf of foreign countries. I am not undertaking to interfere on behalf of foreign countries. I am not undertaking to interfere on behalf of the citizens of Lawrence or the State of Massachusetts. I consider that every citizen of the United States who has any regard for American institutions and for the American Constitution, which we hear so much about these days, is deeply interested in this question. It is simply a matter of substituting the irresponsible rule of a temporary local autocrat for the law. That is the situation which exists there to-day, and as to which this resolution calls for information.

Mr. GALLINGER. I will say to the Senator that some of the people who have been making a good deal of trouble in the city of Lawrence, and for whose constitutional rights the Senator from Washington is appealing, are in jail at the present time, and properly so.

Mr. POINDEXTER. A great many of them are in jail, and they are in jail without having committed any offense against the laws of the United States. They are in jail without being charged with any offense against the laws of the United States.

Mr. BAILEY. Have they committed any offense against the laws of the State?

Mr. POINDEXTER. They have committed no offense against the laws of the city or of the State.

Mr. BAILEY. Then a writ of habeas corpus will release them from imprisonment.

Mr. POINDEXTER. It has not.

Mr. BAILEY. Has it been sued out?

Mr. POINDEXTER. I do not think these people are capable of suing out a writ of habeas corpus. I doubt if they have the ability to employ a lawyer.

Mr. GALLINGER. Do you refer to Mr. Ettor?

Mr. POINDEXTER. I was not referring to Mr. Ettor.

Mr. BAILEY. I would not be willing to impeach the authorities of Massachusetts and its people like that.

Mr. POINDEXTER. I would. I am willing to impeach the authorities in that part of the State. I suppose ultimately these people will find a means to assert their rights. At present they are in jail, as the Senator from New Hampshire says, and they are in jail because they undertook to send a portion of their families from Massachusetts to Pennsylvania. That is the offense for which they are in jail, and the only offense.

Mr. GALLINGER. I did not say those people are in jail. They are not the ones I had reference to.

Mr. POINDEXTER. The Senator referred to Mr. Ettor. I am not referring to Mr. Ettor.

Mr. BAILEY. The Senator's statement is rather interesting, if he is well informed. I must confess that I am utterly unable to believe that there is a statute in the State of Massachusetts which allows the imprisonment of a man because he chooses to send a part of his family to some other State; and if that is the offense for which these people are imprisoned, then, there being no law of that kind on the books, as I am compelled to believe, in the absence of special knowledge to the contrary, obviously this imprisonment is unlawful; and if any man in Massachusetts, without taking the time to come down to Washington and lay the matter before a Senator from another State, would go to the governor of that Commonwealth, who, I understand, is a great friend of the people, especially of the oppressed and the downtrodden, I am sure he would employ counsel. He would order the attorney general for the State, if necessary, to institute habeas corpus proceedings to release these people from such an unlawful and outrageous imprisonment.

I am curious to hear what the Senator from Massachusetts [Mr. LODGE] is going to say about the manner in which they execute the laws in his State.

Mr. LODGE. The exact facts have not been stated.

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield.

Mr. LODGE. I do not desire to interrupt the Senator. I am perfectly willing to wait until he shall have concluded.

Mr. POINDEXTER. I am perfectly willing, if the Senator desires to interrupt me, to have him proceed. I am not quite through, however.

Mr. LODGE. I will wait until the Senator is through, and then I will say what I have to say.

Mr. POINDEXTER. Mr. President, I desire to say in conclusion, however unwilling the Senator from Texas is to believe that people can be imprisoned because they are attempting to send a portion of their families out of the State, nevertheless that is the condition existing in Lawrence at this time. Of course, there is no statute prohibiting their going. Consequently the imprisonment is invalid and unlawful. It is simply a forcible imprisonment. It is the substitution of military force for the civil law.

This resolution simply calls for information upon the subject. A number of women, with their children, went to the train for the purpose of putting those children in the care of certain friends, to send them into another State. They were confronted by a cordon of police. The police were backed up by a cordon of militia. They were seized, screaming and resisting, and by force carried by the military authorities from the depot to the jail and incarcerated there.

Then, after having taken their children from them, the parents were charged with neglecting their children. The children were incarcerated in a house of detention for the destitute and poor, after they had been seized, taken from parents who were attempting to provide and were providing means for their care and support.

The resolution calls for no action on the part of the Federal Government. It calls for information.

Mr. BAILEY. One more question, and then I will not interrupt the Senator further. I understood the Senator from Massachusetts to say that the legislature of that State is now in session.

Mr. LODGE. It is.

Mr. BAILEY. And I assume, therefore, that the executive of that State is in his office.

Mr. LODGE. He is.

Mr. BAILEY. I repeat, it is impossible for me to believe that a condition such as the Senator describes could exist in that ancient and honorable Commonwealth without there being a man in the legislature to raise his voice against it—I understand the majority there are Republicans—

Mr. LODGE. Yes.

Mr. BAILEY. And without the Democratic governor of that Commonwealth making a protest. But even if the Senator from Washington is right in what he says, which discloses a deplorable condition, it is still a Massachusetts condition with which we have nothing to do. But I hardly think such a condition could exist in any American Commonwealth.

Mr. POINDEXTER. I wish to read very briefly from the report of the Bureau of Labor, which was referred to a moment ago by the Senator from North Carolina [Mr. OVERMAN], relating to conditions of people not in Lawrence, but in other mill towns similarly situated. The mills in Lawrence are woolen mills. But the conditions under which labor is employed are similar:

The history of the cotton industry in Fall River is the same as that in other New England towns. In the beginning the employees were all Americans. These were replaced by the English and Irish immigrants. The English and Irish have been in a large measure replaced by the French Canadians, and now the French Canadians are being replaced by the Italians, Poles, and Portuguese. In each case the story has been the same. The newcomers, filling at first the positions demanding unskilled labor, gradually work their way into the more skilled positions until they dominate the whole industry.

Each succeeding race has come in with a standard of living lower than the prevailing one. This is graphically represented in Fall River. The workers of the different races live in different sections and quarters of the city. The standard of living that prevails among them can be told by even a cursory visit to the different sections. The Americans are so few as to be practically eliminated. The English and Irish no longer constitute distinct communities. The French Canadians are in communities and still dominate the occupations demanding skill, although many Italians, Poles, and Portuguese are now found among the weavers.

As the various newcomers rise in the industrial scale, their standard of living will no doubt gradually rise also. The test of their present condition is not whether their income permits them to live as well as they now desire, but whether it appears to offer any possibility of their gradual attainment of the standard set by the older races in the industry.

Mr. BAILEY. All this happened under the Republican protective tariff.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. LODGE. Mr. President, the situation in the city of Lawrence is one of very great seriousness, and it is a very severe misfortune both to the State and to the community in which the strike has occurred.

The point to which the Senator from Washington refers is in relation to the removal of children. Early in the strike a large number of children were sent from Lawrence to the city of New York, where they were made the subjects of a great Socialist demonstration, and it was supposed that they were sent there for that purpose. They have now begun to send children again to other points in the country. The local authorities, for reasons unknown to me, have taken what seems to me the extraordinary step of interfering with the dispatch of these children from the city. There was an attempt, as I am informed, to send the children to Philadelphia or elsewhere. Why the authorities have stopped it I do not know. As I said, it seems to me an extraordinary step. It is done, I think, under the statute in regard to abandoned children, which makes provision for the public care of children abandoned by their parents. If arrests have been made they have been made, I suppose, under the statute which provides for dealing with parents who neglect their children.

The State government is in full operation. The governor, the legislature, and the attorney general are, I believe, entirely competent to deal with the situation in Lawrence.

It is a very grievous situation, as I have said, but I do not know why this particular step has been taken. I should be glad to learn what the reasons of the local authorities were for taking that step, and on that I have no information. But it seems to me that the State is perfectly able to deal with the situation. There is no reason that I know of to suppose that the State is not able to deal with it. If wrong is being done in the treatment of these people, the governor and the State authorities can stop it in a moment. The wrong, if it has been done, has been done simply by the local police.

I think, Mr. President, in justice to the State, the State might be allowed to deal with this situation until it is apparent that it requires the interference of the United States Government. Reference has been made to the guaranty of a republican form of government, but Mr. President, there is no suggestion whatever of anything of that sort. There is no disorder with which the State has not been able to cope. Order has been maintained there by the usual authorities. The question is solely the one I have pointed out—that of the dispatch of these children to other cities and to other States. As I said, I can not explain why that step has been taken by the local authorities, but nothing should be done until all facts are known, and I see nothing that warrants action by the United States.

Mr. GALLINGER. The parents remaining behind.

Mr. LODGE. The parents of the children remaining behind, of course.

Mr. President, I have no objection in the world to having the Commissioner of Labor, if it is desired, make a report upon labor conditions. I have no desire to conceal anything there or have anything concealed. If there is wrong I want to have it brought out and brought to the light, and I have no objection to the Commissioner of Labor doing it, but he has no right to interfere or to investigate the State authorities. I think that on every ground we should refrain from calling on the United States to interfere in a State where the legislature is in session and the governor is active, and when no representation on the matter has been made to the executive authorities or to the Senators or the Representatives from the State.

Mr. OVERMAN. May I ask a question? Is there any pretense that the State of Massachusetts or the local authorities can not maintain order, or at any rate do they confess that they can not?

Mr. LODGE. Not the slightest. The whole question is the removal or the dispatch of these children by their parents to other cities outside the Commonwealth, and in one case to a town in Massachusetts.

Mr. OVERMAN. What is the ground upon which it is urged that the Federal Government should interpose itself in this affair?

Mr. LODGE. I do not understand precisely what the ground is on which the Federal Government is asked to interpose.

Mr. POINDEXTER obtained the floor.

Mr. CRAWFORD. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. POINDEXTER. Certainly.

Mr. CRAWFORD. The course of this discussion leads me to believe that I have misunderstood the resolution or else other Senators have done so. I wish to be corrected if I am in error. As I understand the resolution, it does not contemplate in any degree any interference whatever with the situation in the State of Massachusetts either with the functions that we would expect the legislature or the governor to exercise, but it simply provides for an inquiry into the conditions there and a report of those conditions to the Senate. If that be true, I fail to see where there is anything improper in the resolution. The situation is certainly an extraordinary one. The conditions of labor in a great manufacturing industry are of interest to the Senate, and information of that kind will be of value to the Senate whether it contemplates any interference in the situation in Massachusetts or not. So much was said about the imminent danger of interfering with the strong arm of the Government there that I thought possibly I was mistaken as to the purpose of the resolution.

Mr. POINDEXTER. The Senator from South Dakota has very accurately stated the purpose of the resolution. Both the Senator from Massachusetts and myself may be mistaken as to the exact particulars of the situation, but I think we are agreed as to the general features of it, and that situation is not that the governor of Massachusetts or the legislature of Massachusetts have failed to take notice of the situation existing in Lawrence, but that through the governor they are participating in that situation. It is not simply the local police. The militia of the State are there. They have their ball cartridges and their fixed bayonets. It is true that in a sense by that means they are preserving order, if Senators consider that that is the kind of order that our Government was formed to maintain. There is no disorder in a number of families going to a railroad train, a common carrier, for the purpose of getting on board a train to travel to another State. But I say that when they are confronted by a cordon of police, backed up by militia whose colonel has set himself up apparently as the autocrat of the situation, the presumption is that he is acting under the authority of the governor of the State. In restraining these women and forcibly carrying them away they are creating a state of disorder. If there is disorder there, it is created by the authorities of the State. Nobody cares anything for order that is maintained by force at the point of the bayonet unless it is under the authority of the law. That is the situation which exists in Lawrence.

Now, as to the seriousness of it, allow me to say a word. It is very readily understood what the result will be if that policy can be maintained.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield.

Mr. LODGE. The Senator has just been describing the matter of the children. I hold in my hand a telegram which has just come from John Golden, who is general president of the United Textile Workers of America, addressed to Hon. WILLIAM B. WILSON, chairman of the Committee on Labor of the House of Representatives. I did not attempt to go into details about the removal of the children, because I did not know; but I think his telegram will at least convince the Senate that there is more than one aspect to the case. It says:

FALL RIVER, MASS., February 25, 1912.

Hon. WILLIAM B. WILSON,
Chairman Committee on Labor, House of Representatives,
Washington, D. C.

DEAR SIR AND BROTHER: In answer to your telegram asking for information relative to the taking away of little children from the city of Lawrence, Mass., permit me to say that organized labor placed its stamp of disapproval upon this inhuman act immediately it became known, being firmly convinced from the beginning it was nothing more nor less than a diabolical scheme on the part of the officers of the Industrial Workers of the World to raise funds for the further propagation of their unholy war of class hatred and social revolution.

Many of these children do not belong to parents who are on strike and many others have been secured either by intimidating the parents or by the grossest misrepresentation. The large sum of money spent in sending these little children long distances from home could be put to far better use by sharing it among needy families, leaving the children to their mother's care. No mother with a spark of parental love wants to part with her offspring, if she can help it. Unacquainted with our American customs, unable to speak our language, they fall an easy

prey to the unprincipled tactics of such men as Haywood, Tantom, and others of like character, who, finding it impossible to carry out their evil designs and wrought up to the pitch of desperation as they realize the impending collapse of their efforts to prevent an amicable settlement of the dispute in Lawrence, do not hesitate to use little children even to extent of tearing them away from their parents.

If any unnecessary violence was used by the officers of the law in preventing these children from being taken away a searching investigation should be made and the offenders punished. If any constitutional law has been violated our courts must decide that question, and decide quickly; but in the final analysis the real ones who deserve to be punished are those who made such an occurrence as the one in the city of Lawrence last Saturday possible and who, when the clash came, sneaked into the train or around a street corner, leaving the mothers and their little ones to their own fate.

JOHN GOLDEN,

General President United Textile Workers of America.

I read that, Mr. President, simply to show that there is another side of this question and that the Senate knowing as little as it does ought not to undertake to pass upon it.

Mr. POINDEXTER. Mr. President, the resolution introduced does not ask the Senate to pass upon it, but for the very reason of knowing as little about it as it does it seeks means of obtaining information. It makes no difference, Mr. President, whether the assumption—

Mr. BAILEY. Will the Senator—

Mr. POINDEXTER. In just a moment. Whether the autocratic authority to seize people and carry them away by violence when they are not violating any law is concurred in by Mr. Golden, who has written the telegram which the Senator has just read, or whether it is the sole act of the local authorities of Massachusetts, in either case it is a violation of every principle of our laws and institutions and the rights of the citizens of this country.

The fact that Mr. Golden casts some aspersion upon some unknown persons—I do not know and I do not care who they are—because he says they went around and got on board trains and went away and left these women and children to face the situation by themselves indicates the character of that telegram. What does he mean by that? That the people he refers to ought to have stayed there with the women and children and faced the militia and police and fought out the situation?

Mr. LODGE. What he means is that the agitators he refers to by name—Haywood, Tantom, and others—got all these children together with a view of deporting them somewhere. Then when they found they were not going to be allowed to do it they sneaked off and left the mothers and children.

Mr. POINDEXTER. That was a horrible situation to leave them in under the circumstances, but I scarcely see how these people could have combatted with the police. I do not know what would have come from an attempt on their part to fight with the police and militia. That indicates the evil of this situation.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. POINDEXTER. I yield.

Mr. WILLIAMS. I understand the Senator to refer, and it seemed to me in a rather contemptuous tone, to the fact that the State authorities had made themselves autocrats of the situation there.

Mr. POINDEXTER. I do not mean all the State authorities; I mean those who are in charge of the situation.

Mr. WILLIAMS. I understood the Senator to say that a colonel in command of the troops had rendered himself an autocrat.

Mr. POINDEXTER. Yes.

Mr. WILLIAMS. And that this seemingly was with the approval of the governor of the State of Massachusetts and the authorities of the State of Massachusetts. I understand that that constitutes the gravamen of his complaint. I want to ask him if Massachusetts is not constitutionally the autocrat of the situation, and ought not to remain the autocrat of the situation? Now, the Senator has just said—

Mr. POINDEXTER. The Senator has asked his question. Now allow me to answer.

Mr. WILLIAMS. Yes.

Mr. POINDEXTER. I say that the State of Massachusetts, assuming to be an autocrat in defiance of the Constitution of the United States, it ought not to be allowed to remain in that position.

Mr. WILLIAMS. Now, then, Mr. President, the Senator tells me that the State of Massachusetts ought not to remain an autocrat in defiance of the Constitution of the United States, and to that I subscribe. No State has the right to do that, and nobody has contended since Calhoun urged nullification that any State had the right.

Mr. POINDEXTER. Then the Senator ought to have no objection to the resolution.

Mr. WILLIAMS. I want to ask the Senator this question: In what respect have the authorities of the State of Massachusetts, through this colonel receiving the approbation of the Massachusetts authorities, violated the Constitution of the United States, and why, therefore, can we as a Federal Government interpose in a matter of police regulation in the State of Massachusetts?

Mr. POINDEXTER. We are not interposing in a matter of police regulation. We are not asking leave to exercise military authority or military force in the State of Massachusetts. We are asking for information, which may be valuable in various actions which the Senate will have to take.

Mr. WILLIAMS. If the Senator will pardon me a moment more—

Mr. POINDEXTER. The Senator asks a great number of questions, and then proceeds with other questions without giving me an opportunity to answer them.

Mr. WILLIAMS. I beg the Senator's pardon. I thought I had given the opportunity to answer.

Mr. POINDEXTER. The Senator asks me in what respect—

Mr. WILLIAMS. I thought the Senator had answered that by saying he was merely seeking information.

Mr. HEYBURN. Mr. President, I rise to a question of order. The VICE PRESIDENT. The Senator from Idaho will state it.

Mr. HEYBURN. A demand that the resolution go over for one day having been made, I submit the question of order that it is not debatable, and that we shall proceed with the regular order of business.

The VICE PRESIDENT. The resolution has gone over. The resolution is not here; the subject seems to be.

Mr. HEYBURN. I call for the regular order.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. The morning hour has expired.

Mr. LODGE. And the unfinished business was temporarily laid aside.

The VICE PRESIDENT. It was temporarily laid aside.

Mr. LODGE. But, Mr. President, if the Senate chooses to discuss this question in connection with anything before it, of course, it can do so.

The VICE PRESIDENT. The Chair knows of no method by which a Senator can be taken off his feet, no matter on what subject he desires to address the Senate.

Mr. HEYBURN. I did not desire that, but I wanted to know whether the resolution had gone over.

The VICE PRESIDENT. The resolution has gone over. The resolution is not here.

Mr. HEYBURN. And the echo remains.

Mr. LODGE. The echo remains.

Mr. WILLIAMS. It is not now a question in connection with some one inquiry. Inquiry and action are not far apart. It seems to me that under the rule we can not demand information except upon a subject matter concerning which we propose later to act. Therefore I asked the Senator from Washington the main question, which was where the Federal Constitution had been violated, and where the authority of the Federal Government could be asked to interpose itself in a matter which, as I understand it, is a question of police regulation and the conservation of peace in the State of Massachusetts.

Mr. POINDEXTER. The privileges of the Constitution have been suspended by the military authorities preventing families or parts of families from going from one State to another. The Senator can readily understand, if this policy is to be sustained and continued, the people who engage in this strike or this controversy, or whatever it may be, can very easily be starved out. They are not working. When they were working they were getting something like \$7.50 a week in these mills, and a great many families were supported on wages of \$8 or \$8.50 a week. Now they are not working. If the mill owners can prevent them from leaving the town, and they can not go from one State to another, and they do it by violence, without any complaint being made in any court against it—

Mr. OVERMAN. May I ask the Senator a question?

Mr. POINDEXTER. Starvation will be the result. I yield to the Senator from North Carolina.

Mr. OVERMAN. Suppose the resolution is passed and we get the testimony the Senator desires, what is the Senate or Congress going to do about it? What can we do?

Mr. POINDEXTER. Congress may instruct the Attorney-General of the United States to begin proceedings in the courts of the United States.

Mr. OVERMAN. The Senator thinks that Congress has the right to instruct the Attorney General?

Mr. POINDEXTER. I think it has a right to request executive action. It is a very common practice on the part of Congress to pass resolutions and call for various branches of the executive departments to take this, that, or the other action. Congress may use this information in the consideration of the tariff bill which comes before this body. It is maintained that an exorbitant tariff on wool is necessary to insure a high standard of labor in the woolen mills. It may be valuable for that purpose. It may be valuable in case some foreign government should take action such as the Senator from New York [Mr. Root] referred to a few moments ago, in making an inquiry about the treatment of its subjects and the denial to them of the immunities of the law. That is what has happened. I said a military autocrat—I happened to use that word. The military authority assuming complete power, attempting to regulate the domestic affairs of private families in this community, issuing military orders, instructing them when they can not send their children away, and under what condition they may send them away. I assume that the colonel commanding the militia is a subordinate officer to the governor of the State. I do not know to what extent the governor supervises the orders which he makes, but he is acting under the general authority of the governor of the State and is setting himself up in place of the government prescribed by the law.

I say it is perfectly proper and pertinent for the Senate of the United States to call for that information.

Mr. STONE. I wish to ask the Senator from Washington a question, with his permission.

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield.

Mr. STONE. I understood the Senator to say that these mills at Lawrence, Mass., began operating with American working men and women.

Mr. POINDEXTER. I read from a report to that effect.

Mr. STONE. And that they proceeded on a descending scale in the employment of labor so far as wages went and the quality of the labor, until now they are operated by a lot of people from southeastern Europe who do not speak the English language, who do not, as has been suggested to me, have a sufficient knowledge of our institutions and of their rights to apply for a writ of habeas corpus, and that now people are working there for about \$7 a week, or about a dollar a day. Does the Senator know, and if so I would be glad to have him tell me, whether the owners and operators of these mills are now clamoring for the maintenance of the high-tariff rates prescribed under the Payne-Aldrich Act for the protection of American labor?

Mr. POINDEXTER. I can not speak from first-hand knowledge as to the attitude of these particular mill owners, but I can hazard a guess that they are.

Mr. CHILTON and Mr. GALLINGER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield, and to whom?

Mr. POINDEXTER. I yield to the Senator from West Virginia.

Mr. CHILTON. I wanted to ask the Senator a question before he sat down. In looking over the act of 1888, creating the Bureau of Labor, I find among the powers of the Commissioner of Labor the following:

The Commissioner of Labor is also specially charged to investigate the causes of, and facts relating to, all controversies and disputes between employers and employees as they may occur and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress.

Is the Senator's resolution any broader than that language of the act of Congress, which is still in force and which imposes that duty upon the Commissioner of Labor?

Mr. POINDEXTER. I do not think it is any broader. That is the ground upon which I framed this resolution, directing it to a particular bureau that is authorized by law to do this particular thing.

Mr. CHILTON. Now, one more word, if the Senator will pardon me.

Mr. POINDEXTER. Certainly.

Mr. CHILTON. Why should we again ask him to do his duty under an act of Congress?

Mr. POINDEXTER. We may ask him for information on this particular case, because it is a situation which has arisen. It is a new situation, and we simply ask him, by resolution, to investigate a particular situation, which investigation is within his general authority.

Mr. CHILTON. But the act says that he shall make this investigation and make the report upon each instance as it may occur.

Mr. LODGE. Mr. President, may I ask the Senator from West Virginia a question? Will he read the portion of the statute which authorizes him to investigate the operations of State authorities?

Mr. CHILTON. I hope there is no such statute in existence.

Mr. LODGE. That is the point which is to be investigated. It is whether the authorities of Massachusetts have been doing their duty and whether the police regulations are proper. That is the question. It is not a resolution to investigate the merits of the controversy between the employers of labor and the employees; it is to investigate the action of the local authorities. I did not catch anything in the statute relating to that.

Mr. CHILTON. It is not there, of course.

Mr. POINDEXTER. Mr. President, there is authority in the statute which was read by the Senator from West Virginia which would authorize the Commissioner of Labor to investigate the action of the local authorities. The statute directs him to investigate the conditions of labor, and where those conditions are affected in any way by the action of the local authorities it is his business to investigate to some extent the local authorities. He certainly does investigate—

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. In just a moment.

The Commissioner of Labor constantly investigates the action of local authorities and includes that in his report. His report refers to local regulations and to the action of local authorities as affecting the conditions of labor and the relations of laborers to their employers. This statute was passed in 1888, and, of course, those who framed it could not have foreseen at that time the condition arising in Lawrence, Mass. As the Senator from South Dakota [Mr. CRAWFORD] has suggested, the Commissioner of Labor may already have this information. The resolution simply calls upon him to report it to the Senate, if he has it, and then it will not be necessary for him to make any further investigation.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. There is one thing that the passage of the resolution would bring about, and that would be an additional appropriation of public moneys to this bureau. There is no doubt about that.

Mr. President, it is an easy matter for Senators to say that in the industrial centers of New England men are working for seven or eight dollars a week, intimating that that is the usual wage.

Mr. POINDEXTER. I think that is close to the average wage. I know it is—leaving out the mechanics.

Mr. LODGE. Oh, no.

Mr. GALLINGER. The Senator does not know what he asserts.

Again, Mr. President, it is easy for the Senator from Missouri [Mr. STONE] to indulge in a fling at the advocates of protection. We are accustomed to that; but if the Senator from Washington will take the trouble to inquire as to the amount of money that is in the savings banks of New Hampshire to the credit of the operatives in the woolen, cotton, and other mills of that State it will be illuminating to him.

Mr. BAILEY. We are not talking about New Hampshire now, but about Massachusetts.

Mr. GALLINGER. If I said "New Hampshire," I meant Massachusetts; but it applies to New Hampshire as well as to Massachusetts.

Mr. POINDEXTER. I should like very much to have the information, and consequently have introduced the resolution calling for it. I think it would be very illuminating.

Mr. GALLINGER. I do not think the resolution calls for the information which I suggest at all.

Mr. POINDEXTER. It certainly does call for it.

Mr. GALLINGER. I said that if the Senator would inquire and ascertain the amount of money to the credit of those people in the savings banks of New England it would be a matter that would interest him very much and it would give him information that I think would be valuable.

Mr. POINDEXTER. It would be extremely interesting to me if it could be shown that people working for an average of \$7 or \$7.50 a week had savings-bank accounts.

Mr. GALLINGER. It would be still more interesting to me to have the Senator establish as a fact what is a mere assertion on his part.

Mr. POINDEXTER. I am perfectly willing to rely on reports based on the resolution which I have introduced. If the

Senator wants the information he certainly will not object to the resolution.

Mr. GALLINGER. I do not need it, because I know it is not correct.

Mr. POINDEXTER. I think that I know that it is correct; but I do not care to bandy words with the Senator from New Hampshire in regard to that matter. I have very accurate and, I consider, very reliable information as to the average wage of the millworkers. It is true there is a class of skilled mechanics—machinists—who get a higher wage; but, leaving those out of consideration and taking the millworkers alone, \$7.50—

Mr. GALLINGER. Women and those under age included.

Mr. POINDEXTER. Certainly. Seven dollars and fifty cents a week is approximately the average wage.

Mr. GALLINGER. That is below the average wage, and that includes women, who constitute a very considerable part of the operatives in the mills in New England, and some children.

Mr. POINDEXTER. Comparatively speaking, there are few skilled machinists included among these mill workers. Most of them are outside of that class entirely.

Mr. President, anything which affects a large number of people in Massachusetts—I do not care whether they are Poles, Slavs, Canadians, French, or Portuguese; and I understand there are 31 different languages spoken by the mill workers in the town of Lawrence—it makes no difference to what nationality they belong, anything that degrades those people, anything that grinds them down to a condition of absolute penury, any situation which allows the authorities, when they are in that condition, to prevent them from leaving the town and leaving the State for the purpose of bettering themselves, degrades the average citizenship of the United States. It is a circumstance in which everyone is interested.

Mr. GALLINGER. Has the Senator any evidence that there has been any restraint put upon men who want to leave that State to better their condition?

Mr. POINDEXTER. There is most conclusive evidence that there has been restraint used upon men and restraint used upon grown women, the mothers of families, to prevent them from taking their own children out of the State.

Mr. GALLINGER. No; to prevent them sending their own children out of the State, abandoning them, making them objects of charity—

Mr. POINDEXTER. My information is not that they abandoned them.

Mr. GALLINGER. And clearing the decks in Lawrence for what may follow; and, in view of what has happened, the Senator can imagine what may follow.

Mr. POINDEXTER. Well, there is a difference of opinion about what has happened; but I want to say that the assertion of force in the place of law against these mill workers is the greatest incentive in the world to encourage the adoption of forcible measures on their part against the mill owners.

Mr. GALLINGER. But did not these men leave their work and then refuse to allow others to take their places?

Mr. POINDEXTER. I will not inquire—

Mr. GALLINGER. Have not the leaders, who came from other States, instigated and advised violence and committed murder?

Mr. POINDEXTER. I am informed not.

Mr. GALLINGER. Oh, well—

Mr. POINDEXTER. But if they did, it is no excuse or justification for the assertion of violence, or of force, or unlawful arrest on the part of the authorities. I do not think any such violence has occurred on the part of the mill workers. If it did, it ought to be put down. The same law ought to be exerted against them as ought to be exerted in their favor.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield to the Senator from Massachusetts.

Mr. LODGE. I should like to ask the Senator from Washington a question. It is stated in the telegram which has been read, and I know it as a fact of general repute, that the violence which occurred on certain occasions during the trouble in Lawrence was largely due to an organization known as the Industrial Workers of the World. I should like to ask the Senator from Washington whether that organization has ever appeared in his State?

Mr. POINDEXTER. I think so.

Mr. LODGE. And whether anything has ever been done about it by city authorities in the State of Washington? I am told that in Aberdeen, Wash., the Industrial Workers of the World were deprived by the city authorities of entry within the city limits. Is that true?

Mr. POINDEXTER. I do not know that the city authorities ever deprived them of entry within the city limits. If they did, I would not consider it as reprehensible as preventing them from leaving the city limits after they got in.

Mr. LODGE. Is it true that in the city of Spokane the Industrial Workers of the World were prevented from making speeches and were arrested under the order of the city authorities?

Mr. POINDEXTER. I can not answer in detail the catechism of the Senator from Massachusetts, but I will say in general answer to him—

Mr. LODGE. Well, I was told by citizens of Washington that those instances both occurred. I have not gone into the State of the Senator from Washington and, without reference to him, undertaken to deal with matters there as he has kindly done in the case of my State; but I wanted to call attention to the fact that the Industrial Workers of the World have been treated with some severity in the State of Washington.

Mr. POINDEXTER. I understand—

Mr. TILLMAN. Is it an anarchistic organization?

Mr. LODGE. No.

Mr. POINDEXTER. I know that there was difficulty between the city of Spokane, my home city, and the Industrial Workers of the World. The only force, so far as I know, that we used on that occasion was in stopping their meetings. There was considerable opposition to that action of the police by the people of the city. There never was, in the city of Spokane, in connection with that organization, any such action; and, so far as I know, there has never been in the United States, in connection with that or any other organization, any such unprecedented, extraordinary procedure as has taken place in the city of Lawrence.

I am not undertaking to interfere in any way with what is exclusively a matter of importance to Massachusetts. This is a matter of Federal importance; it is a matter of national importance; it is a matter in which everyone in this country is interested; and, assuming that such occurrences took place in the city of Spokane as the Senator from Massachusetts asserts, that the Industrial Workers of the World violated the law, that the authorities stopped them from violating the law and enforced order, by the same token when the mill owners and the local authorities undertake to exercise force and violence against the mill workers, the same law ought to be invoked in their behalf that is invoked against them. The law should not operate in one direction only. If it is going to operate at all, it must operate both ways and be an equal protection to both parties to the controversy. The fact that it has not done so is the obnoxious feature of the action of the local authorities at Lawrence.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator.

Mr. GALLINGER. Mr. President, the so-called Industrial Workers of the World have exploited themselves in the State of Washington, as I am informed, as they have in other parts of the country. Mr. Ettor, who is at the head of that organization, is in command at Lawrence, aided by Mr. Haywood, of unsavory fame. They have taken possession there. If the Senator would read some of the declarations made by those two men in Lawrence, I do not think he would be so sure that it was not necessary for the authorities to take some summary action to protect the people and the property of that city.

Mr. President, I thank the Senator for permitting me to interrupt him. I now want to offer an amendment to the resolution and to have it read, printed, and lie over.

The VICE PRESIDENT. Without objection, the Secretary will read the proposed amendment to the resolution.

The SECRETARY. In line 4, after the words "concerning the," it is proposed to insert:

Circumstances that occasioned the strike in Lawrence, Mass., what persons not residents of the State are engaged in it, what acts of violence and intimidation have been committed, and by whom.

The VICE PRESIDENT. The amendment will be printed and lie upon the table.

Mr. POINDEXTER. I will say that, so far as I am concerned, I have no objection whatever to that amendment.

Mr. BAILEY. I am not surprised—

Mr. HEYBURN. Can we have the regular order?

Mr. BAILEY. I am not surprised that a Senator who is in favor of the original resolution would agree to that amendment, but I would like to know what authority the Senate of the United States has to inquire about acts of violence in the State of Massachusetts?

Mr. GALLINGER. Mr. President—

Mr. BAILEY. Mr. President, as I listened to the two Senators each expressing his opinion with respect to what occurred in the State of the other, I was impressed with the view that one knows just about as much of what happened to Industrial Workers of the World in Washington as the other knows about what happened through the Industrial Workers of the World in Massachusetts; all of which persuades me that the Constitution was wise in leaving to each State the matters which affect it and its people.

Mr. GALLINGER. Mr. President, in offering the amendment—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, in offering the amendment I, of course, do not commit myself to the resolution. Whether it is amended or not, I shall vote against it, but in response to the Senator from Texas [Mr. BAILEY] I will say that we do know something of what has happened in Massachusetts, because we know that some men have been arrested in their mad career there who had—

Mr. BAILEY. I did not say that the Senator from New Hampshire did not know what had happened in Massachusetts; I credited him with knowing that; but I expressed a doubt regarding the information of the Senator from Washington about Massachusetts and an equal doubt about the information of the Senator from New Hampshire regarding the State of Washington.

Mr. GALLINGER. I have a little information that I will communicate in private to the Senator from Texas, if he desires. [Laughter.]

Mr. BAILEY. Well, Mr. President, if it is worse than we have already heard, I commend the Senator for wanting to communicate it in private. [Laughter.] But, so far as I am concerned, I daily witness an illustration of the wisdom of our fathers in ordaining a Government which left to each State the settlement of every subject which immediately and only concerns the people of that State. Whether or not there has been violence, either with or without justification, in the State of Massachusetts, I think it affects them, and I am not able to believe that the people of Texas—I will not say the people of Washington, but the people of Texas—at least, are interested in that except in a neighborly way.

We learn something, however—and our friend from Missouri [Mr. STONE], with his customary alertness, has not failed to emphasize what we have been learning—about the operations of the tariff law. My distinguished friend from South Carolina [Mr. TILLMAN], who sits by me here, has continually reminded me through all this debate that the industrial conditions now existing in Massachusetts are as bad as, if not worse than, the conditions which existed in the South before the war.

Mr. TILLMAN. We have substituted industrial slavery for chattel slavery.

Mr. GALLINGER. They are not as bad as they were under the operation of the Democratic tariff law of 1894.

Mr. BAILEY. "Still harping on my daughter." [Laughter.]

Mr. GALLINGER. The Senator surely does not like to hear about that tariff law. The operatives have some wages now; they did not have any then.

Mr. BAILEY. Mr. President, for the last 15 years no reference has ever been made to conditions when some of our friends on the other side have not referred to those bitter days from 1892 to 1897, days the bitterness of which began under a Republican administration and ended under a Democratic administration. I have often wondered what would become of our Republican friends if, in the providence of God and with the sanction of the American people, that tariff act of 1894 had not been passed. Some of them would be speechless whenever the tariff or any related subject was mentioned, because it is the burden of all they say, and sometimes they make it a burden without saying it, because they exhibit placards and posters and other appeals to people who can see without reasoning as to the effect of that law. I think it demonstrable—although this is not the time to demonstrate it—that our friends exaggerate the bad effects of that law, and I am almost persuaded that when the tariff question comes before the Senate again I shall attempt to convince the Senator from New Hampshire [Mr. GALLINGER] and that other sturdy champion of high tariff, the Senator from Michigan [Mr. SMITH]—although just exactly how sturdy he is in these days of division and discord in the Republican Party I am not able to say—

Mr. GALLINGER. And of harmony in the Democratic Party.

Mr. BAILEY. Mr. President—

Mr. POINDEXTER. Mr. President, I do not care to stop the Senator's speech, but, if the Senator will allow me, I shall conclude in a moment.

Mr. BAILEY. I thought the Senator had yielded the floor.

Mr. POINDEXTER. No; I had not.

The VICE PRESIDENT. The Senator from Washington had the floor and yielded to the Senator from Texas.

Mr. BAILEY. I would not abuse the Senator's courtesy by making a Democratic speech even in an insurgent Republican's time. That would not be exactly courteous, and I beg the Senator's pardon. When I say "insurgent Republican," I want it understood that I do not mean any offense; neither do I mean any offense when I say "a progressive Democrat." I have in my own mind a well-defined idea of the difference. A "progressive Democrat" is a Democrat who does not believe in the old principles of his party, and an "insurgent Republican" is a Republican who does not believe in the present leaders of his party.

Mr. POINDEXTER. Mr. President, the "insurgent Republicans" have no greater distrust of the present-time leaders of the Republican Party than they have of the present-time leaders of the Democratic Party. This resolution, however, was not intended to settle the relative merits of the Democratic and Republican Parties, nor to determine who caused the hard times of 1907. The objection of the Senator from Texas to this resolution was to be expected. It is perfectly in line, perfectly consistent with the objections which I have heard him make on various occasions in the Senate to attempts to secure action by some agency of the Federal Government. I am familiar with the tendency of the Senator from Texas to hark back to the founders of the Constitution and to their times, and to object to every attempt that is made to devise some new agency which the people need under the new conditions which have grown up since the Constitution was framed; but at the same time I have seen the country progress; I have seen the Senate and the other House of Congress create new agencies, not in conflict with the Constitution, but in perfect harmony with it, for the purpose of developing the principles of the Constitution and applying them to these new conditions, notwithstanding the objections of the Senator from Texas. I have seen the activities of the Federal Government which resulted in the report which was read by the Senator from North Carolina [Mr. OVERMAN], to which he objects and to which I do not object. I have no objection to publicity as to conditions in my State. The people of my State have no objection to any light that may be turned on by the Bureau of Labor, or by any other bureau of the Federal Government, affecting manufacturing conditions or any other conditions within its borders.

Mr. OVERMAN. Neither have I, Mr. President, but I want the conclusions to be just, and I want the truth to be reported by the agents.

Mr. POINDEXTER. Of course, we all have the privilege of objecting to the conclusions.

Mr. RAYNER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maryland?

Mr. POINDEXTER. I yield.

Mr. RAYNER. Without delaying the Senator, I want to give notice that at the earliest opportunity I desire to address the Senate upon the "Charter of the new Democracy," as expounded by ex-President Roosevelt at Columbus, Ohio, within the last few days.

Mr. POINDEXTER. I am sure that will be very delightful.

Mr. CLAPP. Mr. President, in that connection I desire—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I yield to the Senator.

Mr. CLAPP. I ask to have the address of Hon. Theodore Roosevelt, made at Columbus February 21, printed as a Senate document (S. Doc. No. 348).

Mr. BAILEY. Would it be in order to ask that it be read and printed?

The VICE PRESIDENT. It would be in order.

Mr. WILLIAMS. What is the request, Mr. President?

Mr. RAYNER. What is the proposition?

The VICE PRESIDENT. The request is that the address of former President Roosevelt at Columbus, Ohio, be printed as a Senate document.

Mr. WILLIAMS. I object.

The VICE PRESIDENT. Objection is made. The Senator from Washington has the floor.

Mr. POINDEXTER. Mr. President, I will conclude in just one word. The Senator from New Hampshire [Mr. GALLINGER] attempted to cast some aspersions upon this resolution by reference to Haywood and his activities and to the Industrial

Workers of the World and their activities in the State of Washington and in the State of Idaho. If Haywood or the Industrial Workers of the World entertain principles not in harmony with the Constitution and not in harmony with the equal operation of the law there is no Member of this body who would go further than I would go to see that they are subjected to the law. It is because I believe in that, because it is necessary that the law should operate equally, because I am opposed to force and violence, whether advocated by Haywood, or the Industrial Workers of the World, or the mill owners of Massachusetts, or the commanders of the militia of Massachusetts, or the chief of police of Lawrence, acting without warrant of law, that I offer this resolution.

Mr. STONE, Mr. WILLIAMS, and Mr. HEYBURN addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Washington yield?

Mr. HEYBURN. I merely desire to ask a question of the Senator.

Mr. POINDEXTER. I yield to the Senator from Missouri [Mr. STONE], who was first on his feet.

Mr. STONE. I do not rise except to ask permission, if it is in order, to make an announcement.

Mr. POINDEXTER. I yield to the Senator.

Mr. STONE. I desire to leave the Chamber. I had intended to make some observations to-day on Senate resolution 19 relative to affairs in Mexico, but the time has been otherwise occupied. I desire to give notice that to-morrow, immediately after the routine morning business, if I can have the consent of the Senate, I shall address the Senate for a few moments on that resolution.

Mr. HEYBURN. Mr. President, in regard to these announcements, I desire to give notice that after to-day, on each day after the expiration of the morning hour, I shall ask consideration for a matter of the highest privilege—that is, Order of Business No. 299, in relation to the right of the Senator from Wisconsin [Mr. STEPHENSON] to a seat in the Senate—and I shall ask the Senate to continue the consideration of that question until it is disposed of. I give notice of that now. I repeat, it is a question of the highest privilege, and I shall press it.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. WILLIAMS. Just for a moment.

Mr. POINDEXTER. I yield to the Senator.

Mr. WILLIAMS. A moment ago I made objection to a request made by the Senator from Minnesota [Mr. CLAPP], which, upon more exact information concerning its character, I wish to withdraw.

The VICE PRESIDENT. The Senator from Mississippi withdraws his objection to the request of the Senator from Minnesota for the printing of the speech delivered by ex-President Roosevelt at Columbus. Is there other objection? If not, the order is entered as requested.

Mr. POINDEXTER. Mr. President, with the reminder—

Mr. BAILEY. Mr. President, will the Senator permit me merely to suggest that I think the ex-President's letter to the governors ought also to be made a part of that speech.

Mr. CLAPP. Mr. President, I have no objection, as it emphasizes the issue which the ex-President made at Columbus.

Mr. BAILEY. Then, Mr. President, I ask unanimous consent that the letter of the ex-President to the governors be printed on the front page of that speech.

Mr. HEYBURN. That is a violation of the rules.

The VICE PRESIDENT. Is there objection to the request? Mr. HEYBURN. Under the existing rules nothing can be printed on the first page except the regular proceedings of the Senate.

Mr. BAILEY. I do not mean the front page of the Record, but the front page of the document.

Mr. HEYBURN. Not on the front page of the Record.

Mr. BAILEY. Oh, no.

The VICE PRESIDENT. The Chair hears no objection.

Mr. BRISTOW. Mr. President—

The VICE PRESIDENT. The Senator from Washington still has the floor.

Mr. POINDEXTER. I yield the floor. I have concluded.

Mr. BRISTOW. I wanted to object to that part of the request of the Senator from Texas [Mr. BAILEY] that the letter referred to be made a part of the speech. I am perfectly willing that it should be printed as a public document, but I do not think it is proper that—

The VICE PRESIDENT. The Chair does not understand the request was that it be made a part of the speech, but that it be printed preceding the speech as part of the document.

Mr. BRISTOW. Mr. President, I object to its being printed in that way. I am perfectly willing that the letter should be printed as an independent document, but do not think it ought to be made a part of the speech.

Mr. WILLIAMS. Oh, yes; both together or not at all.

The VICE PRESIDENT. The Senator from Kansas objects, then, to printing the document in the manner requested by the Senator from Texas.

Mr. BRISTOW. Only in the manner.

Mr. BAILEY. I will ask, then, instead of printing it first that it be printed as an appendix to the speech.

The VICE PRESIDENT. Is there objection to the request? The Chair hears none.

Mr. LODGE. Mr. President, I only want to say a word to make my own position and that of my colleague clear. We have not the slightest objection to publicity or to the fullest examination of all the facts that can be made, but what I do object to is inquiring into the action of the State authorities without any warrant, so far as I can see. I believe that the local authorities exceeded their power, and I have just been informed by my colleague, from whom word has come, that the local police exceeded their authority, and the State authorities are now taking steps to deal with and to remedy the conditions. I think they are the proper persons to do so.

Mr. BACON. Mr. President, in order that the RECORD may be complete, I ask unanimous consent that the document which we have just authorized to be printed may also contain the statement that the former Vice President made—I have forgotten the exact date, but I think in 1904—to the effect that he would never again accept a nomination.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent that the statement of the former Vice President—

Mr. BACON. The former President. I may have said "Vice President," but I meant President, although he was Vice President before he became President.

The VICE PRESIDENT. The Chair understood the Senator to mean the statement of the former President.

Mr. BACON. The statement made in 1904 and also the one made in 1907, which are practically to the same effect.

Mr. WILLIAMS. Mr. President, in that connection, if the Senator from Georgia will permit me, I would suggest that the remarks made by the present Senator from Massachusetts [Mr. LODGE] and by the former Senator from Michigan [Mr. BURROWS] at the National Republican Convention of that year, upon the same subject, be included in the same document.

Mr. POINDEXTER. I object.

The VICE PRESIDENT. Objection is made to the request of the Senator from Georgia.

Mr. BACON. Mr. President, I understood the objection was made to the amendment offered by the Senator from Mississippi and not to my request.

The VICE PRESIDENT. Does the Senator from Washington object to the request of the Senator from Georgia?

Mr. POINDEXTER. I object to both requests.

The VICE PRESIDENT. Objection is made.

Mr. BACON. In order that the CONGRESSIONAL RECORD may be complete, I wish to have inserted as a part of my remarks the words of the two paragraphs which I asked unanimous consent to have printed as a document.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

"On March 4 next I shall have served three and a half years, and this three and a half years constitute my first term. The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination.—Theodore Roosevelt, November 8, 1904."

"I have not changed and shall not change that decision thus announced.—Theodore Roosevelt, December 11, 1907."

Mr. WILLIAMS. Following up what the Senator from Georgia said, in order that the CONGRESSIONAL RECORD may be still more full and perfect, I wish to have inserted the speeches to which I referred as the subject of my request.

The VICE PRESIDENT. Is there objection to the request?

Mr. POINDEXTER. What is the request?

The VICE PRESIDENT. The Senator from Mississippi will please state more specifically his request.

Mr. WILLIAMS. It is that there be printed in the RECORD the remarks made by the Senator from Massachusetts [Mr. LODGE] at the Republican national convention during that year upon the subject of the good faith of the then President in not seeking a renomination and the remarks made at the same time

by the temporary chairman, the then Senator Burrows, upon the same subject.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

"Nothing has added so much to his (Roosevelt's) just fame as his persistent and irrevocable refusal to break the unwritten law of the Republic by accepting a nomination for a third term. By this act of self-abnegation he places his name and fame in the secure keeping of history by the side of that of the immortal Washington." [Applause.]

Speech of Julius C. Burrows, temporary chairman of the Republican national convention, 1908.

"His refusal of a renomination, dictated by the loftiest motives and by a noble loyalty to American traditions, is final and irrevocable. [Applause.] Anyone who attempts to use his name as a candidate for the Presidency impugns both his sincerity and his good faith, two of the President's greatest and most conspicuous qualities upon which no shadow has ever been cast. [Applause.] That man is no friend of Theodore Roosevelt, and does not cherish his name and fame, who now from any motive seeks to urge him for the great office which he has finally declined."

Speech of Senator LODGE, permanent chairman of the Republican convention of 1908.

PUGET SOUND BRIDGE, WASHINGTON.

Mr. JONES. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 17242) to authorize the Northern Pacific Railway Co. to construct a bridge across the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington, to report it without amendment.

There is on the calendar a similar bill reported from the Senate committee, and I ask unanimous consent that this bill be substituted on the calendar for the Senate bill and that the Senate proceed to the consideration of the House bill.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of the House bill, which the Secretary will read for the information of the Senate.

Mr. HEYBURN. In the interest of other business waiting, I shall object to taking up matters out of their order.

The VICE PRESIDENT. Objection is made.

Mr. JONES. Then I ask unanimous consent that the bill on the calendar, being the bill (S. 4846) to authorize the Northern Pacific Railway Co. to construct a bridge across the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington, be taken from the calendar and indefinitely postponed, and that the House bill just reported by me take its place on the calendar.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed and the House bill just reported by the Senator from Washington will take its place on the calendar.

CALL OF THE SENATE.

Mr. HEYBURN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Martine, N. J.	Shively
Bailey	Crawford	Myers	Simmons
Borah	Fletcher	Nelson	Smoot
Bourne	Foster	Nixon	Stephenson
Bradley	Gallinger	O'Gorman	Stone
Brandegge	Gardner	Oliver	Sutherland
Bristow	Guggenheim	Overman	Swanson
Brown	Heyburn	Page	Thornton
Bryan	Jones	Paynter	Townsend
Burton	Kenyon	Perkins	Warren
Chamberlain	Kern	Poindexter	Wetmore
Chilton	Lodge	Pomerene	Williams
Clapp	Martin, Va.	Root	Works

Mr. WARREN. I desire to announce that my colleague [Mr. CLARK] is detained from the Chamber by illness.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum of the Senate is present.

THE CALENDAR.

Mr. SMOOT. I ask that the Senate proceed to the consideration of the calendar under Rule VIII.

The VICE PRESIDENT. Is there objection? The Chair hears none. The first bill on the calendar will be stated.

The bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war was announced as the first bill in order on the calendar.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. It will go over.

CONFEDERATE NAVAL MONUMENT AT VICKSBURG NATIONAL PARK.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Mississippi that the Senate proceed to the consideration of the bill, the objection of the Senator from Idaho to the contrary notwithstanding. [Putting the question.] The yeas appear to have it.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The yeas have it.

Mr. WILLIAMS. I now ask to have the bill put at the end of the calendar, under Rule IX, the Senate having expressed itself upon the subject. I merely wanted to find out whether we are bridging the bloody chasm with lip service or heart religion.

The VICE PRESIDENT. Is there objection to the transfer of the bill to the calendar, under Rule IX? The Chair hears no objection, and it is so ordered.

EXECUTIVE SESSION.

Mr. LODGE. The hour is growing late, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 27, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1912.

COLLECTOR OF CUSTOMS.

Fred W. Wight, of Maine, to be collector of customs for the district of Waldoborough, in the State of Maine. (Reappointment.)

PROMOTIONS IN THE NAVY.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1911, to fill vacancies:

Ray S. McDonald, and

Frank J. Fletcher.

Machinist Paul R. Fox to be a chief machinist in the Navy from the 27th day of December, 1911, upon the completion of six years' service as a machinist.

UNITED STATES MARSHAL.

Charles A. Overlock, of Arizona, to be United States marshal, district of Arizona, under the provisions of section 31 of the act of Congress approved June 20, 1910.

REGISTER OF THE LAND OFFICE.

Cornelius N. Van Hosen, of Missouri, to be register of the land office at Springfield, Mo., his term having expired January 13, 1912. (Reappointment.)

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 21, 1912.

Raymond Cooley Bull, of Idaho.

Gordon Fay Willey, of Michigan.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Francis P. Hardaway, Coast Artillery Corps, to be first lieutenant from February 22, 1912, vice First Lieut. Robert P. Glassburn, detached from his proper command.

INFANTRY ARM.

Second Lieut. Alexander W. Maish, Infantry (detailed first lieutenant in the Ordnance Department), to be first lieutenant from February 20, 1912, vice First Lieut. Samuel C. Orchard, Third Infantry, dismissed February 19, 1912.

Second Lieut. William J. McCaughey, Infantry (detailed first lieutenant in the Ordnance Department), to be first lieutenant from February 20, 1912, vice First Lieut. Alexander W. Maish, whose detail in the Ordnance Department is continued from that date.

Second Lieut. Eugene R. Householder, Twenty-sixth Infantry, to be first lieutenant from February 20, 1912, vice First Lieut. William J. McCaughey, whose detail in the Ordnance Department is continued from that date.

POSTMASTERS.

ALABAMA.

George C. Brown to be postmaster at Citronelle, Ala., in place of Albert W. Ellyson. Incumbent's commission expires February 27, 1912.

CALIFORNIA.

Lucien C. Edwards to be postmaster at Fullerton, Cal., in place of Lucien C. Edwards. Incumbent's commission expired December 10, 1911.

Theodore W. Leydecker to be postmaster at Alameda, Cal., in place of Theodore W. Leydecker. Incumbent's commission expired January 13, 1912.

COLORADO.

Edward H. Albertson to be postmaster at Littleton, Colo., in place of Jessie L. Cozens. Incumbent's commission expires March 11, 1912.

Joseph M. Cravens to be postmaster at Sugar City, Colo. Office became presidential January 1, 1912.

Frank M. Goodykoontz to be postmaster at Cortez, Colo., in place of Davis H. Sayler, resigned.

IDAHO.

Watson N. Shilling to be postmaster at Rupert, Idaho, in place of Watson N. Shilling. Incumbent's commission expired January 9, 1912.

ILLINOIS.

John W. Foutch to be postmaster at New Berlin, Ill. Office became presidential January 1, 1912.

Frank Nickerl to be postmaster at Collinsville, Ill., in place of Frank Nickerl. Incumbent's commission expired February 17, 1912.

John R. Snook to be postmaster at Altamont, Ill., in place of John R. Snook. Incumbent's commission expired February 12, 1912.

INDIANA.

Edward L. Maudlin to be postmaster at New Carlisle, Ind., in place of Edward L. Maudlin. Incumbent's commission expired December 11, 1911.

KANSAS.

Robert T. Jellison to be postmaster at Belleville, Kans., in place of Robert T. Jellison. Incumbent's commission expired December 18, 1911.

James H. Large to be postmaster at Belle Plaine, Kans., in place of James H. Large. Incumbent's commission expired February 4, 1912.

LOUISIANA.

John T. Charnley to be postmaster at Alexandria, La., in place of John T. Charnley. Incumbent's commission expires March 20, 1912.

MAINE.

Melville J. Allen to be postmaster at Cherryfield, Me., in place of Melville J. Allen. Incumbent's commission expires March 12, 1912.

John Harkness to be postmaster at Rockport, Me., in place of John Harkness. Incumbent's commission expires March 12, 1912.

MASSACHUSETTS.

Willis A. Taft to be postmaster at Oxford, Mass., in place of Willis A. Taft. Incumbent's commission expires March 30, 1912.

MICHIGAN.

Leander D. Chapple to be postmaster at Wayland, Mich., in place of Leander D. Chapple. Incumbent's commission expired February 4, 1912.

Lewis E. Churchill to be postmaster at Gobleville, Mich., in place of Lewis E. Churchill. Incumbent's commission expired February 4, 1912.

MINNESOTA.

William B. Strom to be postmaster at Hector, Minn., in place of William B. Strom. Incumbent's commission expired January 29, 1912.

MISSISSIPPI.

Harry B. Brooks to be postmaster at Merigold, Miss. Office became presidential January 1, 1912.

William H. Gardner to be postmaster at Magee, Miss., in place of William H. Gardner. Incumbent's commission expires March 20, 1912.

John W. Lockhart to be postmaster at Durant, Miss., in place of John W. Lockhart. Incumbent's commission expires March 11, 1912.

MISSOURI.

Frank L. Wilson to be postmaster at Bowling Green, Mo., in place of Frank L. Wilson. Incumbent's commission expired January 13, 1912.

MONTANA.

Lorn D. Bates to be postmaster at Columbia Falls, Mont., in place of Lorn D. Bates. Incumbent's commission expires March 10, 1912.

NEBRASKA.

Ben F. Sailor to be postmaster at Elm Creek, Nebr., in place of Mark J. Jones. Incumbent's commission expired February 12, 1912.

NEW JERSEY.

George B. Jacobus to be postmaster at Caldwell, N. J., in place of George B. Jacobus. Incumbent's commission expires March 6, 1912.

NEW YORK.

Marc D. Johnson to be postmaster at Randolph, N. Y., in place of Marc D. Johnson. Incumbent's commission expired February 10, 1912.

NORTH DAKOTA.

James Power to be postmaster at Portland, N. Dak., in place of James Power. Incumbent's commission expired February 4, 1912.

OREGON.

Jared W. Moore to be postmaster at Redmond, Oreg. Office became presidential October 1, 1911.

PENNSYLVANIA.

Frank Barrett to be postmaster at Coaldale, Pa. Office became presidential July 1, 1910.

Joseph A. Fenner to be postmaster at Weissport, Pa., in place of Joseph A. Fenner. Incumbent's commission expired February 10, 1912.

Malcolm H. Shick to be postmaster at Sheffield, Pa., in place of Albert Secor. Incumbent's commission expires February 28, 1912.

J. Victor Wambaugh to be postmaster at Glen Rock, Pa., in place of Granville F. Heathcote, resigned.

Hugh T. Williams to be postmaster at Union Dale, Pa., in place of John E. Thomas, resigned.

SOUTH DAKOTA.

Arthur A. Blomquist to be postmaster at Milbank, S. Dak., in place of Allen M. Nixon. Incumbent's commission expired January 13, 1912.

John W. Jordan to be postmaster at Presho, S. Dak., in place of John W. Jordan. Incumbent's commission expired January 13, 1912.

VERMONT.

Henry G. Blanchard to be postmaster at Newport, Vt., in place of Henry G. Blanchard. Incumbent's commission expired January 9, 1912.

WASHINGTON.

James Lane to be postmaster at Roslyn, Wash., in place of James Lane. Incumbent's commission expires March 2, 1912.

Frank L. Turner to be postmaster at Raymond, Wash., in place of Frederick B. Sturgis. Incumbent's commission expired January 23, 1912.

WEST VIRGINIA.

Emerson E. Deitz to be postmaster at Richwood, W. Va., in place of Emerson E. Deitz. Incumbent's commission expired February 4, 1912.

Herbert P. Graham to be postmaster at Keystone, W. Va., in place of Herbert P. Graham. Incumbent's commission expired January 22, 1912.

Claude Shinn Randall to be postmaster at Shinnston, W. Va., in place of James N. Knox. Incumbent's commission expired January 12, 1911.

WISCONSIN.

Walter C. Crocker to be postmaster at Spooner, Wis., in place of Walter C. Crocker. Incumbent's commission expired February 26, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1912.

CONSUL.

Lewis W. Haskell to be consul at Hull, England.

JUDGE.

Julius M. Mayer to be United States district judge, southern district of New York.

UNITED STATES MARSHAL.

William O. Ligon to be United States marshal, southern district of Mississippi.

APPRAISER OF MERCHANDISE.

Joseph M. Weiss to be appraiser of merchandise in the district of Detroit, Mich.

POSTMASTERS.

ALASKA.

Richard McCormick, Douglas.

IOWA.

Frank E. Lundell, Stratford.
Edward Madigan, Clarksville.

KENTUCKY.

Eugene C. Stockwell, Trenton.

NEBRASKA.

Ben F. Sailor, Elm Creek.

HOUSE OF REPRESENTATIVES.

Monday, February 26, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the ages, everywhere present to uphold, sustain, and guide Thy children in right living, be with us lest we forget and wander from the paths of rectitude and duty and prove ourselves recreant to the trust Thou hast reposed in us as rational beings, gifted with the power of choice, for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of Sunday, February 25, 1912, was read and approved.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. This is District of Columbia day.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of disposing of legislation relative to the District of Columbia.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia bills.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia business, with Mr. LLOYD in the chair.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to call up the bill S. 238, an act to authorize the extension of Lamont Street NW., in the District of Columbia.

The Clerk read the bill, as follows:

An act (S. 238) to authorize the extension of Lamont Street NW., in the District of Columbia.

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend Lamont Street NW. through squares Nos. 2604 and 2605, with a width of 90 feet, said extension to be a direct prolongation of Lamont Street as now existing east of Nineteenth Street: *Provided, however,* That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits.

Sec. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the said condemnation proceeding taken pursuant hereto, and for the payments of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to call up the bill (H. R. 17238) to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia and employment of a competent sanitary engineer to report the latest approved methods for disposal of the same.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to employ a competent sanitary engineer of recognized ability and experience in all systems of ultimate disposal of municipal waste to investigate the collection and

disposal of garbage, ashes, refuse, dead animals, and night soil originating in the District of Columbia, said sanitary engineer to prepare and submit to the Commissioners of the District of Columbia and to Congress on or before December 4, 1912, a complete report upon the most sanitary and economical methods of collecting and disposing of said waste material.

Sec. 2. That there is hereby appropriated the sum of \$10,000, to be immediately available, half from the revenues of the District of Columbia and the other half from any money in the United States Treasury not otherwise appropriated, for said purpose, which appropriation shall include the employment of a competent sanitary engineer of recognized ability and experience and such other incidental expenses as may be necessary to carry out the purposes of this appropriation.

With the following committee amendments:

Strike out, of page 1, line 5, the word "all" and substitute the word "various."

Insert, in line 7, page 1, after the word "disposal," the words "within the District of Columbia."

Strike out, of page 1, line 11, the word "fourth" and substitute the word "second."

Insert, in line 2, page 2, after the word "material," the words "within the District of Columbia."

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield the remainder of my time to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Chairman, during the discussion of the appropriation bill for the District of Columbia, an appropriation was asked for and an amount stated for the purpose of investigating the amount of garbage and the disposal of it within the District of Columbia. It was stricken out of the appropriation bill on a point of order. Anticipating this, I had introduced this bill that is before us to-day. I introduced it to investigate the various systems of gathering and disposal of garbage. The gentleman from Virginia [Mr. CARLIN] was very much opposed to having a reduction plant located within the State of Virginia, and he asked for an amendment authorizing the investigation of the collection and disposal of garbage within the District of Columbia, which the committee approved and is contained in this bill, H. R. 17238.

It has been stated on this floor that there would be no bad odors arising from the location of such a plant. The gentleman from Virginia claimed if that was so he desired that if the garbage plant was built at all it should be located within the District of Columbia. That amendment by him was offered to the committee and adopted. The sum of \$10,000 for investigation was considered to be too large, and an amendment was offered, although I do not see it in the bill, in section 2, to make it \$5,000 instead of \$10,000. This bill only contemplates the gathering of information and recommendations for gathering and disposal of garbage, etc., and that sum was thought to be all that would be necessary. Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Nebraska whether he feels at all confident that the sanitary engineer would be able to make a report of much value within the time provided for in this bill?

Mr. LOBECK. I think there is no doubt about that.

Mr. MANN. The gentleman knows that all over the United States municipalities are considering this subject. A great many sanitation engineers in cities are giving careful attention to the subject. Does the gentleman have any anticipation that one sanitary engineer employed by the District Commissioners can, within the course of a few months, settle a problem like this?

Mr. LOBECK. I do not think there is any doubt about that.

Mr. MANN. I have no objection to the gathering of information or to the appointment of a sanitary engineer, but I am very confident that the man does not yet live that can settle that problem in three or four months.

Mr. LOBECK. I will agree that it is a subject that has been under discussion for a good many years.

Mr. KAHN. Will the gentleman yield?

Mr. LOBECK. Yes.

Mr. KAHN. Quite a number of large cities in this country have sanitary reduction works that are already in operation, and most of them have worked very satisfactorily.

Mr. MANN. I have given a good deal of study to this subject for some years. I was at one time, in a way, connected with a reduction plant in the city of Chicago. There is no satisfactory solution yet reached, in my judgment, and will not be after the sanitary engineer reports, if he does, in a few months. All the information that is available is easily obtained now.

Mr. KAHN. Of course there may be no sanitary reduction plant that is entirely perfect, but I know of several that are working quite well and are giving considerable satisfaction to the municipalities where they have been installed. I dare say that under this bill all that the sanitary engineer of the District could get would be the information as to how these various plants are working.

Mr. LOBECK. He could report the latest improved methods. Mr. MANN. These reports are obtainable now without the aid of a sanitary engineer, as far as that is concerned; it is a very live subject in many places.

Mr. KAHN. It may be advisable for the sanitary engineer to make a trip to some of these cities and investigate these plants personally. As the gentleman from Illinois says, he could easily get the reports that are published by the various municipalities where they have been installed. However, that might not be as satisfactory as a personal visit to the plants.

Mr. MANN. Of course the gentleman is aware that the sanitary engineer appointed under this bill will not be the first one that has visited these different works throughout the country.

Mr. KAHN. Oh, no.

Mr. MANN. And that there are different opinions on the part of the people who have visited them.

Mr. KAHN. I believe in getting all the information we can on this subject.

Mr. MADDEN. Is this bill up for consideration now?

Mr. LOBECK. Yes.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. LOBECK. I do.

Mr. MADDEN. Does the Committee on the District of Columbia think it is necessary to spend \$10,000 to get information on this subject?

Mr. LOBECK. The amendment was made to \$5,000.

Mr. MADDEN. Do you think it is necessary to spend \$5,000 or \$1,000?

Mr. LOBECK. I think so, to get the services of a competent sanitary engineer; and, with necessary incidental expenses, \$5,000 is not an excessive amount.

Mr. MADDEN. I want to say to the gentleman from Nebraska, as well as to the gentleman from California, that the great city of Chicago has made all the investigations which were necessary to be made to ascertain the best method of disposing of garbage in every form, and it sent to every city in the United States to see the methods by which they made disposition of their garbage, and such investigations were made without cost to the city. I do not see any reason why there should be any such sum of money expended as this bill provides. It would not cost \$1,000 to travel to every city in the United States where such disposition is being made of garbage as is proposed in this city. Personally I desire to say, if the gentleman will allow me, that while I was chairman of the finance committee of Chicago for a number of years we were given authority by the city council not only to make investigations but to make any expenditure we pleased for the disposition of garbage, either by incineration or reduction, and after all the investigations which we made, and as thorough as they were, we could not bring ourselves to the conclusion that we ought to spend any part of the public money for the disposition of garbage by any such method as is proposed by the Committee on the District of Columbia. We had all kinds of patentees with all kinds of schemes for the disposition of garbage submit their propositions to the city. We said to them, "If you have a good scheme, we will give you ground upon which to erect a plant; we will furnish you the material to consume; we will pay so much a ton for consuming it while the plant is in operation. If you are willing to make this kind of a test of your plant at your own cost, go ahead." We had a dozen people who believed their schemes were good. They each said theirs was the best in existence, and they erected them. We furnished them with the garbage, and we found that every one of them were failures, and you will find the same thing. If you want to test this thing, notify the men who think they have got something by which they can dispose of garbage to come here and put up the plants at their own expense, but the investigation you may make at the expense of the Public Treasury will result in nothing whatever. The only way you can get any actual results is by practical test. Select a lot somewhere along the river, let the garbage-reduction patentees erect plants on it, and test it in a practical way. What is the use of sending a Member of Congress or a member of the Board of Engineers or a member of the board of commissioners to see what is being done in Pittsburgh or Allegheny City or New York or Philadelphia or Chicago? They could at most make a report. The way to get information of any value is to let some one build a plant and test it.

Mr. KAHN. Will the gentleman yield?

Mr. MADDEN. With pleasure.

Mr. KAHN. It costs probably \$100,000 to put up a proper plant; at least it cost that much to put up one at San Francisco.

Mr. MADDEN. Well, let the men who think that they have the best plants come here and put them up.

Mr. KAHN. Do you think you can get anybody to put up such an expensive plant here in Washington for the purpose of testing it?

Mr. MADDEN. I can say only this to the gentleman: That in the large city of Chicago, one of the great cities of the Union, we were able to get men who pretended to have schemes for the disposition of garbage to put their money into plants for the purpose of giving Chicago the opportunity to test them, and it never cost the city of Chicago one cent—not a cent—and there is no reason why it should cost the city of Washington one cent.

Mr. DYER. Will the gentleman yield for a question?

Mr. MADDEN. Surely I will.

Mr. DYER. How do they dispose of the garbage there now?

Mr. MADDEN. They haul it out of the city and dump it at any place that they can dump it. I want to say to the gentleman from Missouri [Mr. DYER] that I went to New York to investigate the manner in which they dispose of their garbage. They said they were disposing of it by incineration, and that they were paying so much per ton in order to dispose of it by that method. What did I find? I found that they had an incineration plant or a reduction plant—I do not recall now.

Mr. LOBECK. A reduction plant.

Mr. MADDEN. Here is what happened: When the inspector was not watching them they took the garbage, put it on scows, and hauled it out to sea and charged the city of New York for disposing of it by incineration or reduction. That is what happened. I went to Allegheny City, now a part of Pittsburgh, and I found there that they had the best plant in existence anywhere; but it did not do the work. None of them ever do the work. You can not dispose of garbage anywhere by incineration or reduction unless you have three methods of separation, namely, one to dispose of the tin cans and bottles, the other for the ashes, and the other for the garbage, and put each one of those commodities in separate receptacles; and if you do that you can dispose of the garbage in any way you please. But you can not do it and you will not do it, and they do not do it anywhere. There is not a municipality on the face of the American Continent that would dare to enforce a law that would compel the people to do those things.

Mr. COOPER. Does the gentleman know how Berlin, Germany, does it?

Mr. MADDEN. I do not. I am not opposed to doing this thing. What I am opposed to is spending money without getting information. I am asking this committee to recommend a plan by which men who have schemes can be invited here and test them at their own expense, and not ask somebody to go out and get information on the subject which when you get it will not amount to anything.

Mr. COOPER. I understand that Berlin, Germany, has today a municipal plant that is profitable financially.

Mr. MADDEN. Maybe they have.

Mr. FOSTER of Illinois. Is it your idea that we ought to have people who put up plants of this kind come here and show what they can do?

Mr. MADDEN. Yes, sir.

Mr. FOSTER of Illinois. Instead of spending this money?

Mr. MADDEN. That is the only practical way to do it. They think the have something and are willing to test it, but when they have tested it you will find that they have not anything in 9 cases out of 10.

Mr. DYER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. DYER. I wanted to ask the gentleman if in Chicago they dump the garbage in the river now?

Mr. MADDEN. They never did dump it in the river. I want to say that since sewerage was let into the Sanitary District Channel and sent down to St. Louis diluted by the waters of Lake Michigan, the drinking water of St. Louis is purer than it ever was before.

Mr. LOBECK. I wish to say that the engagement of a sanitary engineer to do this work at \$5,000 instead of \$10,000 is to recommend new methods of gathering and disposal of garbage of this city, which is done in three different ways to-day, and which cost this city a great deal more money than it ought to cost the city. It is disposed of in an expensive manner. There are private garbage plants that take garbage from the city to-day, over in Virginia. The plan is not satisfactory. But plants are now constructed and in use in large cities, both in this country, in Canada, and in Europe, that dispose of garbage in a cleanly and first-class manner. The same can be done here. And if such gentlemen be engaged, as was spoken of here on this floor by the gentleman from Texas [Mr. BURLISON], the man that devised the systems for Milwaukee and the systems for Toronto, two entirely different plans, something satisfactory can be found. The garbage situation in Washington is not satisfactory to-day. It is not satisfactory to the commissioners. It is not satisfactory to the people. If any plan can be arrived at by a study of the situa-

tion here by men who have made the subject a life study and who are competent men, something can be done in that line for the small sum of \$5,000. It will be money well spent for the health of the city of Washington and the people of the District of Columbia.

Mr. DYER. Mr. Chairman, I would like to ask the gentleman a question. Will he yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Missouri?

Mr. LOBECK. Yes.

Mr. DYER. I would like to ask the gentleman to state if he has talked with any engineers upon this matter as to whether or not this investigation can be made for this sum of money?

Mr. LOBECK. No. My idea was that there ought to have been \$10,000 appropriated. That is what the commissioners thought. But the committee believed \$5,000 would be enough, because the engineer will not make building specifications. The contractors can furnish the plans and specifications for the works for consideration, either for reduction or incineration—

Mr. MANN. This is for \$10,000.

Mr. LOBECK. I will offer an amendment to that section.

Mr. MANN. Why does not the committee report the amendment to the bill?

Mr. LOBECK. These men who construct these plants, either for incineration or reduction, will furnish all the plans for consideration that are necessary and will do it through their own engineers. It takes a mechanical engineer to do this. The sanitary engineers do not prepare the plans. But they will get together the information and recommend systems that are so much needed in this city, and I think it can be done for \$5,000. An amendment to that effect will be offered here which the committee will accept.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to employ a competent sanitary engineer of recognized ability and experience in all systems of ultimate disposal of municipal waste to investigate the collection and disposal of garbage, ashes, refuse, dead animals, and night soil originating in the District of Columbia, said sanitary engineer to prepare and submit to the Commissioners of the District of Columbia and to Congress on or before December 4, 1912, a complete report upon the most sanitary and economical methods of collecting and disposing of said waste material.

Mr. MADDEN. Mr. Chairman, I move to amend the bill—

The CHAIRMAN. The committee amendments will first be considered. The Clerk will report the committee amendments.

The Clerk read as follows:

Strike out, of page 1, line 5, the word "all" and substitute the word "various."

The CHAIRMAN. The question is on the adoption of the committee amendment.

Mr. LOBECK. Mr. Chairman, I move its adoption.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Insert, in line 7, page 1, after the word "disposal," the words "within the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LOBECK. Mr. Chairman, I move its adoption.

The question was taken, and the Chairman expressed himself as being in doubt.

Mr. DYER. Mr. Chairman, I ask unanimous consent to have one minute in which to explain what this amendment is.

Mr. MADDEN. Oh, no.

Mr. KAHN. Wait until the committee has divided.

The committee divided; and there were—ayes 55, noes 4.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Strike out, of page 1, line 11, the word "fourth" and substitute the word "second."

Mr. LOBECK. Mr. Chairman, I move its adoption.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Insert, in line 2, page 2, after the word "material," the words "within the District of Columbia."

Mr. DYER. Mr. Chairman, I move to strike out the last word.

The effect of this amendment, if it is adopted, will be that the plant, if one is found feasible and practicable by this commission, must be established within the District of Columbia. Now, we have considered heretofore the establishment of this plant in other places. So far as I am concerned, I would prefer that it should be established in the District of Columbia if it is found to be for the best interests of all concerned. But I do not believe we should limit it. We should leave it to this commission to make its report, and afterwards we can legislate upon the location at which the plant shall be established.

Mr. MANN. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. DYER. Yes.

Mr. MANN. Does the gentleman say that in his opinion the words "within the District of Columbia" would locate the place of the disposal of the garbage or the waste material within the District of Columbia?

Mr. DYER. Mr. Chairman, in answer to the question of the gentleman I will say that it is my understanding of the reading of the bill and the statement of the gentleman in charge of the bill that it is put there with the express purpose of providing that this material shall be disposed of within the District of Columbia.

Mr. MANN. That is not what it says. Without that qualification it would apply to the disposition of waste material in any city of the country, and would require this engineer to report upon the general subject of the disposition of garbage anywhere. This requirement is that he shall report upon the disposition of waste material within the District of Columbia, and not waste material in Baltimore, New York, or Chicago.

Mr. DYER. The technical reading of it is as the gentleman from Illinois has explained; but it was the intention to provide that this plant must be located in the District of Columbia.

Mr. MANN. After all, the sanitary engineer reports upon a method. His report upon the place where it should be located would not cut any figure with Congress.

Mr. DYER. I will say to the gentleman that when he is appointed, if this bill becomes a law, he will be instructed that he must report upon a place for the disposition of garbage, located within the District of Columbia.

Mr. LOBECK. I move the adoption of the amendment.

The question being taken, the Chairman announced that he was in doubt; and on a division there were—ayes 27, noes 0.

Accordingly the amendment was agreed to.

The Clerk read as follows:

Sec. 2. That there is hereby appropriated the sum of \$10,000, to be immediately available, half from the revenues of the District of Columbia and the other half from any money in the United States Treasury not otherwise appropriated, for said purpose, which appropriation shall include the employment of a competent sanitary engineer of recognized ability and experience and such other incidental expenses as may be necessary to carry out the purposes of this appropriation.

Mr. LOBECK. I move an amendment, in line 9, in section 2, to strike out the word "ten" and insert in lieu thereof the word "five," so that it will read "five thousand dollars" instead of "ten thousand dollars." The committee have agreed to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, in line 9, strike out the word "ten" and insert the word "five."

Mr. MADDEN. I move to amend the amendment by inserting the word "two" instead of the word "five."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out "five" and inserting "two."

The question being taken on the amendment to the amendment, on a division (demanded by Mr. LOBECK) there were—ayes 19, noes 33.

Accordingly the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Nebraska [Mr. LOBECK], to strike out "ten" and insert "five."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, in line 16, on page 2, the word "appropriation" and insert the word "act."

Mr. LOBECK. I accept that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, in line 16, strike out the word "appropriation" and insert in lieu thereof the word "act."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move, in line 13, to strike out the word "employment" and insert in lieu thereof the word "payment," so that it will read:

Which appropriation shall include the payment of a competent sanitary engineer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, in line 13, strike out the word "employment" and insert in lieu thereof the word "payment."

The amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise and report favorably to the House the two bills which have been under consideration in the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 238) to authorize the extension of Lamont Street NW., in the District of Columbia, and had directed him to report the same to the House with the recommendation that the bill do pass; and also that the committee had had under consideration the bill (H. R. 17238) to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia, and employment of a competent sanitary engineer to report the latest approved methods for disposal of the same, and had directed him to report the same to the House with sundry amendments and with the recommendation that the bill as amended do pass.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on Senate bill 238.

The previous question was ordered.

The bill (S. 238) to authorize the extension of Lamont Street NW., in the District of Columbia, was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will read the title of the next bill. The Clerk read as follows:

A bill (H. R. 17238) to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia, and employment of a competent sanitary engineer to report the latest approved methods for disposal of the same.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate amendment.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. MADDEN. Mr. Speaker, I move to recommit the bill to the Committee on the District of Columbia with instructions to report a bill inviting bids from various people who have plants or means of disposing of garbage, to erect a plant in the District of Columbia at their own expense, and that investigation be made in that manner.

The SPEAKER. The question is on the motion of the gentleman from Illinois to recommit, with instructions, which is that the committee report a bill inviting bids to do this work.

The question was taken; and on a division (demanded by Mr. MADDEN) there were 11 ayes and 63 noes.

So the motion to recommit was lost.

The SPEAKER. The question is on the passage of the bill. The question was taken, and the bill was passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FORTIFICATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20111, the fortification bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union with Mr. HOUSTON in the chair.

The CHAIRMAN. The Chair will state that, by agreement, four hours is given for general debate, two hours of which is to be controlled by the gentleman from Kentucky [Mr. SHERLEY] and two hours by the gentleman from Iowa [Mr. GOOD].

Mr. SHERLEY. Mr. Chairman, I understand that the gentleman from Iowa [Mr. GOOD] desires to yield certain time, and I will now yield to him.

Mr. GOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON. Mr. Chairman, I desire to direct the attention of the House to H. R. 18720, a bill to establish a legislative reference bureau in the Library of Congress, which, when it shall be established, will serve as our collective secretary and greatly enlarge our individual and collective capacity for legislative service.

What is the watchword to-day in the business world? It is efficiency, efficiency, efficiency. We see in every line of business, especially big business, successful managers install, seemingly regardless of cost, labor, time, money saving, and multiplying machinery, devices and methods to attain the maximum of efficiency. They know from common sense and experience that it will pay, and pay well. They see in this investment for efficiency the difference between business bankruptcy and business success. They see in it the difference between the ruin of any business and its increased life.

Now, Mr. Chairman, is it not reasonable to suppose that if business efficiency is not only possible, but highly profitable, political and legislative efficiency should be equally so? We know from common sense and we may know from the experience of other States and countries that it does pay, and pay equally well, not merely in the saving of money to the people but also in the conservation of opportunities, rights, and freedom under our form of government. Why should we, as shrewd and thoughtful men hesitate to install, at a nominal cost, labor, time, and money saving facilities, methods, and machinery that will enable us to attain the maximum of legislative efficiency? May not this investment in efficiency mean to Congress in the future the difference between failure and success? Are there not signs to-day that indicate that it may mean the difference between the ruin of the representative institution and its continued and increased life in the confidence and good will of the people? Why not, therefore, throw off the remnant of our Chinese conservatism, permit our pigtailed legislators to go, and we, too, join the army of efficiency and progress with one-half of the States of the Union and the leading countries of Europe? Mr. Chairman, I respect the membership of this House. I realize that it is composed of very able and competent legislators, but I submit that in availing ourselves of helpful facilities so as to increase our individual and collective capacity for legislative service we may learn a timely lesson in the science and art of efficiency from a successful business world.

Our critics, and they are legion, go so far as to assert that we may not only learn a lesson or two, but that we might well take an entire course in the university of efficiency from successful business managers. Whether that is true or not, I do not believe that any Member of this House is likely to rise to a question of personal privilege, if some one should mildly suggest that even Members of Congress may be made more efficient, or, shall I say less inefficient, as lawmakers. We know well that with helpful facilities, up-to-date methods, and improved machinery even the Congress of the United States can be made a more efficient lawmaking body. We know well, too, that the law, our finished product, now so criticized for crude and careless preparation, might, under other conditions, be made more efficient in carrying out the ends of popular government, which expresses the collective will through law, by making the law less the embodiment of force for self-interest and more the expression of principle for the public good. For, in the ideal state of which the fathers dreamed when they laid the foundation of this Republic, the end of law is justice, the direction righteousness, and the effect equity among the people. When these cardinal principles shall be more efficiently embodied in the substance and expressed in the form of law, Congress will be vastly more efficient in promoting the life, the opportunities, the development, the welfare, and the well-being of life of the people of this country, 93,000,000 of human beings, our countrymen, who now so confidently intrust us, less than 500 of their number, with all their legislative power for their protection, peace, and happiness. Mr. Chairman, when we contemplate this trust in the light of the magnitude of the work before us, the work we do, and the way we do it, surely we should not hesitate to increase our efficiency so as to make ourselves worthy, more worthy, of the confidence of our constituents and of the good will of our country.

Mr. TILSON. Will the gentleman permit me to interrupt him?

Mr. NELSON. Certainly.

Mr. TILSON. Do I understand correctly that the State of Wisconsin has something of this kind that has proved helpful to the Legislature of Wisconsin?

Mr. NELSON. Mr. Chairman, replying to the gentleman's inquiry, I will say that Wisconsin has a very efficient legislative reference bureau, and that after observing its practical utility there for 10 years, the way it has increased legislative efficiency

and enlarged the individual and collective capacity of the State legislature; then realizing, as I have for six years in this House, how utterly we lack those helpful facilities and how very much they are needed, I have made this the object of my service in the House during this session to secure, if possible, this exceedingly helpful agency for the Congress of the United States.

Nobody expects Congress to attain the ideal. Such utopian thoughts are not entertained. But is that any reason why the Congress should not be keenly interested in the progress that has been and is being made by a score of States of the Union and the leading countries of the world in legislative efficiency? Surely, what they have done we can do. Mr. Chairman, I am confident that when the membership of this House understands the necessity, the value, and the practical utility of the legislative reference bureau, it will establish it without unreasonable delay, for in this twentieth century, in this great country, in this experiment of self-government, with its ever-increasing burden of legislation, with a multiplicity of problems pressing upon us for solution due to complex and changing economic, social, and political conditions, problems of the utmost importance to the life and well-being of this people, the question of increased legislative efficiency in this body is well worth our careful and conscientious consideration.

I have heretofore referred to the business world, because what private gain is to business the public good is to legislative efficiency. But this expressive term "efficiency," when applied to lawmaking, must be considered from three sides. First, we must look at the substance; then the form; and, finally, at the effect of law upon the business and the other activities of life of the people of this country.

Looking at the substance, we shall see how the legislative reference bureau has assisted State legislators, will assist us, to exact knowledge of conditions, relations, and circumstances with which we have to deal in any given field of activity and apply to them correct economic, social, sociological, and political principles. In other words, the reference bureau will facilitate our efforts to eliminate error and, consequently, to secure the refinement of truth, for truth, not error, should be the substance of our laws.

Looking at the form, we shall see how the legislative reference bureau has assisted legislators, will assist us, in approximating perfection of expression of law in language, by substituting for the vague and indefinite the certain and definite, by substituting for the inconsistent and ambiguous the consistent and the clear, by substituting for the loose, lengthy, and ineffective the concise, brief, and effective expression of the substance, the principle, the truth, in the statutory form of the law.

And, finally, looking at the effect, we shall see how the more we approximate purity of substance, conjoined with perfection of form, the greater will be the power of law to promote the public welfare. Perhaps I may here draw an analogy from nature. We know that there is a principle, an invisible fluid, in nature known as electricity. When acting as a blind force or in broken form it goes forth to do harm, to devastate, and destroy property and life; but when this natural principle is formulated into law and given expression in fitting form it becomes a tremendous power for good, pulling the cars laden with humanity up the steepest hills with ease. And so I think of this invisible force in human nature, the collective will, which, when it acts upon erroneous premises or in a broken, blind, or haphazard form, also goes forth to do harm, to devastate and destroy opportunities, rights, and freedom among the people; but when formulated in principles that are just, true, and equitable, principles expressed in fitting form, the strength of law is an immeasurable power for promoting the public good, pulling the cars of human progress up the heights of an advanced civilization for the enlarged welfare and well-being of mankind.

Mr. Chairman, from the sublime conception of law, as stated by Hooker, philosopher and poet, 400 years ago, "Of law there can be no less acknowledged than that her seat is the bosom of God, her voice the harmony of the world. All things in heaven and earth do her homage—the very least as feeling her care and the greatest as not exempt from her power," to this comment upon our methods of lawmaking by a foreign official, a Chinaman, "You proceed from premises not examined to consequences neither foreseen nor willed," surely there is room for improvement and progress, if we will but avail ourselves of the means at hand.

At this time it is my purpose merely to call attention to and arouse interest in this helpful legislative agency by pointing out in general terms its object, the increase of legislative efficiency, by referring to its fundamental functions, the approximation of

purity of substance and the perfection of form in lawmaking, and to indicate the resultant power for the public service.

At another time I hope to give a more detailed demonstration of its practical value and utility.

Objections may readily arise in any fair Member's mind, objections may be urged against any beneficial institution, objections may be urged against the legislative reference bureau, but these are trivial or untrue and may be easily overcome. I may here state and point out the fallacy of a few of them.

It is clearly to contradict the logic of events, the principle of progress, to say that Congress can get along without this legislative agency in the face of the fact that half of the States of the Union have now established it and the leading countries of Europe have long availed themselves of its invaluable aid and assistance.

It is to save pennies and lose pounds to make complaint of its cost in the light of the appropriations for it that are being made by hard-headed, closefisted State legislatures, who, after a fair and extended trial, have seen the economy that it effects in public expenditures by enabling committees to detect the needless, the useless, the wasteful, and the extravagant in legislative projects.

It is to deny self-evident conditions known to us all for anyone to assert that it is unnecessary for Congress to establish this legislative agency, when it is so clear that it is needed to focus the resources of the Library, with its millions of volumes, upon the problems before us, and to make more available for our needs all the resources of the bureaus and departments of government.

It is a false pride, at public expense, for any Member to fear that it will encroach upon his legislative right to prepare the form of legislation as he pleases; for surely he must know of the criticism now justly passed upon the laws of Congress for crude and careless preparation; he must know something of the endless litigation that this entails upon the people; he must know how jurists have praised State laws that have been prepared by experts of legislative reference bureaus, and that for years the leading countries of Europe have employed skilled draftsmen in the preparation of their great national statutes.

It is to reverse cause and effect to say that a legislative reference bureau with expert draftsmen will increase legislation; the multitudinous laws now being placed upon our statute books are, in large part, due to crude, careless, and hasty methods of lawmaking; and surely with better laws, scientifically prepared, statutes will be more permanent, and consequently the need of repeal, amendment, or change in substance or in form will gradually diminish in State and national legislatures.

While all such objections are found upon examination either trivial or untrue, the positive advantages of the legislative reference bureau are so clear and convincing that there can be no question as to what Congress will do when it rightly understands the helpfulness of this legislative agency wherever established.

As legislators we assuredly see the need of conserving our valuable time, our physical and mental energies.

We surely realize that the day is fast approaching when we must concentrate upon the great principles and policies of government and be relieved of the clerical drudgery that now exhausts our physical and mental strength.

We truly wish to lift legislation from the lower level of petty wrangling and partisanship to the higher level of patriotism and statesmanship.

Surely we desire to prevent a breakdown of the representative institution and to give it renewed life in the confidence and the good will of the people.

We wish to facilitate the elimination of the evils of legislation—the joker, the lobbyist, the special pleader, self-interest in all its varied legislative forms.

We see clearly the need of improving the substance and the form of legislation so as to reduce the necessity for judicial interpretation to the minimum, in order to prevent the dangerous encroachment of the courts upon the legislative domain.

Most certainly we wish to so enlarge legislative power, by every possible means, that it may keep pace with the complex and ever-changing social, political, and economic conditions of the country.

And assuredly we desire to so increase our individual and collective capacity that we may wisely solve the great problems that press upon us for solution on every hand—measures of the utmost moment to the life and happiness of the American people.

Mr. Chairman, I have given the House this general outline of the legislative reference bureau so that the Congress may know

that it is neither a visionary hope nor a Utopian dream, but a helpful, substantial, and practical reality; and let me add that after my personal observation of the practical operation of this helpful legislative agency in my own State, during a period of more than 10 years, and after my study of what is being done by a score of other States of the Union and by the leading countries of the world, I have become convinced, as I believe this House will be persuaded, that the legislative reference bureau is a practical, necessary, desirable, positive, constructive, powerful, and indispensable part of the legislative branch of popular government for the promotion of our country's prosperity, peace, and lasting welfare. [Applause.]

For the benefit of those who are interested in this subject, I will also state that this morning Ambassador Bryce and Librarian Putnam spoke to us before the Committee on the Library; also Dr. Cleveland, of the President's Economy and Efficiency Commission, and that this afternoon and to-morrow we will have 10 or 12 other experts. Among the Members of the House who have kindly consented to appear and speak are the Speaker of the House, the minority leader, Mr. MANN, and Mr. SHERLEY, who has had a resolution pending in the House for years to reform the processes of legislation, because, as a codifier, he has seen the great need of it, and Mr. BERGER, the representative of the Socialist Party here. Mr. Tawney, the former chairman of the Committee on Appropriations, has also promised to speak, and I think he will be here. If you are interested in this matter, I think you will also be interested in these hearings.

Mr. Chairman, I yield back the balance of my time.

Mr. HAMMOND. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. HAMMOND. Where will the meeting be held?

Mr. NELSON. In the minority room of the House Office Building.

Mr. MANN. It is the caucus room in the House Office Building.

Mr. GOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. HAUGEN].

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] is recognized for 20 minutes.

Mr. HAUGEN. Mr. Chairman, on Tuesday last, under the five-minute rule, I offered a few observations on the subject of oleomargarine legislation, not particularly with a view of discussing the merits or demerits of that proposition, but with a view to have printed in the CONGRESSIONAL RECORD a number of letters, resolutions, and a statement prepared by the representatives of the dairy people who met here in Washington recently, and also to have printed extracts from statements made by scientists and experts of the Department of Agriculture and others before the Committee on Agriculture.

Under the rules of the House I had but five minutes, and inasmuch as letters had been sent out by the thousand, as I understand, questioning the wholesomeness of butter and bolstering up oleo, or this counterfeit, and appealing to the various organizations throughout this country for further support in securing the repeal or to modify and to make ineffective the present laws, I felt that in justice to all concerned certain correspondence, resolutions, extracts from testimony given by scientists and experts should be printed in the RECORD, so that Members of the House and the people who care for that information could have it; and as the time given me did not permit my reading all the letters, resolutions, and extracts, I asked the privilege of extending my remarks by having the letters, resolutions, and extracts printed in the RECORD, a privilege generally extended on other subjects under consideration. Objections were made to the exercise of this privilege, but why this House and the country should be denied this information, and especially after agreeing to have printed only extracts from testimony given by witnesses presented to the committee by those friendly to modifying or repealing the present law, I know not; but I leave it to those objecting to answer that question. Through the courtesy of the distinguished gentleman from Iowa, my colleague [Mr. GOOD], I have been given time to read into the RECORD some of this testimony; but I have been accorded only 20 minutes, and I will now ask unanimous consent that I may have printed in the RECORD a statement prepared by the representatives of the dairy people, which has the headline, "Where the dairy interests stand in relation to oleomargarine legislation."

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent to have a certain paper printed in the RECORD. Is there objection?

Mr. BURLESON. Mr. Chairman, reserving the right to object, I should like to have the gentleman give the date of the communication he asks to be printed.

Mr. HAUGEN. Washington, D. C., January 26, 1912.

Mr. BURLESON. I have no objection.

Mr. HAUGEN. This is a statement prepared and submitted to the subcommittee having that subject under consideration.

The CHAIRMAN. Is there objection?

There was no objection.

The document referred to is as follows:

WHERE THE DAIRY INTERESTS STAND IN RELATION TO OLEOMARGARINE LEGISLATION.

The representatives of several leading agricultural organizations met in Washington, D. C., Friday, January 26, and considered the Lever bill, so called, which had been drafted by a subcommittee of the congressional committee on agriculture as a substitute for the Burleson bill. The following statement was prepared and presented to the subcommittee of the Agricultural Committee:

Mr. Chairman and Gentlemen of the Committee:

We, the undersigned representatives of different dairy and agricultural interests of the United States, hereby respectfully present our views in relation to H. R. 18493, which we have carefully examined. We find that there are many minor propositions in the bill with which we agree and some with which we disagree, but there are three vital objections to the measure as it stands, and we hereby call attention specifically to them, to wit:

1. It is desired that section 1 of the act approved May 9, 1902, which provides that the goods when going into any State or Territory from another State or Territory shall immediately become subject to the laws of the State be retained in the law. It seems to be somewhat of a question whether your bill eliminates that section. The doubt upon this point creates a strong and valid objection to the bill.

2. The bill is further objected to on the ground that the clause to call the one-half and 1-pound packages original packages and the larger package a shipping package distinguishes between them in such a way as to make it possible, if not probable, for the courts to decide that the smaller package becomes, by statutory enactment, the original package, with all the rights of such a package, under the decisions of the courts.

3. A further objection to the bill is that it omits all distinction between goods that are in their natural, uncolored state and goods that are in imitation or semblance of butter.

We stand for and shall advocate a bill which shall embody the following fundamental principle, to wit:

1. That shall make it impossible for oleomargarine to be imposed upon either purchaser or consumer as and for butter, the product of the dairy; and as the best and only practicable means to this end we are of the opinion that the statutes should not permit oleomargarine to be manufactured in semblance of butter of any shade of yellow.

2. In view of the fact that the present tax is assumed to add to the prices of butter and oleomargarine, we are willing to concede the reduction of all taxes to a nominal sum, providing that a bill is passed prohibiting the imitation or semblance above referred to.

The bone of contention is the color question. For twenty-six years the dairymen of the Nation have been contending against the imitation of butter. The oleomargarine interests have repeatedly come to Congress, as in this instance, asking in substance for nothing else than the privilege of coloring their product in imitation of natural butter. We contend that it is due the consumers of this country, as well as the producers, that the line of demarcation between these products be made so clear that each will sell upon its true merits and for a price based upon its commercial value. One should not be sold in imitation of the other, at an advanced price, thus allowing tremendous profits for counterfeiting. There is a widespread misunderstanding in the belief that this counterfeiting is due to the difference between the tax of one-quarter cent per pound on uncolored and 10 cents a pound on colored oleomargarine. The temptation and fraud are wholly because of the widespread difference in the cost of producing oleomargarine and butter. You have evidence of this in the statement of the Internal Revenue Department that, in its opinion, 50 per cent of the oleomargarine colored is sold for and as butter at a price nearly as great as butter.

G. L. Flanders, president National Dairy Union; J. A. Walker, president American Creamery Butter Manufacturers' Association; G. L. McKay, secretary American Creamery Butter Manufacturers' Association; N. P. Hull, president American Dairy Farmers' Association; H. E. Van Norman, president National Dairy Show Association; Geo. M. Whitaker, president Farmers' National Congress; F. N. Godfrey, chairman; C. O. Raine, secretary; S. H. Messick, Oliver Wilson, master; N. P. Hull, legislative committee, National Grange.

S. B. Shilling, secretary National Butter Makers' Association, though not personally present, indorsed by letter the sentiments in the above statement.

Mr. HAUGEN. Mr. Chairman, this expresses the sentiment of the dairy people. They ask for a square deal; nothing more, nothing less. And that means that the present law, if amended, should be strengthened and not weakened; or a law that will prevent fraud, counterfeiting, and deception, and not a law to make its fraudulent sale more easy.

Mr. Chairman, I also ask to have printed in the RECORD statements made by scientists and witnesses introduced by those who favor the repeal of the present law or its modification. These are extracts from statements and testimony given before the committee in the Sixty-first Congress.

The CHAIRMAN. The gentleman from Iowa also asks unanimous consent to have other statements printed in the RECORD. Is there objection?

Mr. BURLESON. Mr. Chairman, reserving the right to object, I will ask the gentleman if the dates of these hearings are made plain on the face of the paper that he proposes to insert in the RECORD?

Mr. HAUGEN. I wish to state to the gentleman that the extracts which I now offer are taken from the hearings before

the Committee on Agriculture during the Sixty-first Congress. I also have extracts from the hearings of 1900, but I do not offer them at this time.

Mr. BURLESON. I do not object to the excerpts from hearings held during the Sixty-first Congress.

Mr. RUCKER of Colorado. Reserving the right to object, will the gentleman state in this connection whether he has any statements or extracts from the grangers' and the farmers' unions throughout the country upon this subject, because, as I understand, they have taken action in the direction of the claims made by the gentleman?

Mr. HAUGEN. I would state to the gentleman that representatives of the National Grange concurred in the views expressed in the statements prepared by the representatives of the dairy people who met here in Washington recently, and, as I understand it, their views are expressed in the circular which I have already presented to be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

The matter is as follows:

STATEMENT OF MR. S. E. BENNETT, INSPECTOR, BUREAU OF ANIMAL INDUSTRY, DEPARTMENT OF AGRICULTURE.

The CHAIRMAN. Dr. Bennett, will you state your full name to the reporter?

Mr. BENNETT. My name is S. E. Bennett; I am inspector in charge of the Bureau of Animal Industry work at Chicago.

The CHAIRMAN. Would it be possible to manufacture a clean, sound oil, by any process of refining, out of filthy, rancid raw material?

Mr. BENNETT. No; you could not make a sound product from a sour, filthy fat.

The CHAIRMAN. I have another letter, written by a man who signs himself "A packing-house employee." It is addressed to the Committee on Agriculture, from New York City, and he says:

"I know that if you saw the shop fat from which oleo oil—its chief constituent—is made, you would never relish it nor soon care to eat it again. About one-third of all the oleo oil made is extracted from this shop fat, which is gathered promiscuously from the numberless little butcher shops throughout the city or country.

"This shop fat—or, more properly speaking, mixture—is mingled with the sawdust, chicken feathers, heads, entrails, bits of old rags, and almost everything else imaginable, as it is brought in wagons to the rendering establishments controlled and operated by the big packing houses. This may be seen most any afternoon as it is brought in to a rendering establishment at the foot of East Forty-fifth Street and at the foot of West Fortieth Street, in this city, although there are several other places as well; and I suggest that if convenient you take a look for yourself some time, but be careful and don't let them know who you are or what you are looking for.

"Another great abuse in this business is in the handling of grease from dead hogs and cattle and diseased animals (condemned). This vile grease and tallow is not colored or denatured as it should be, but is placed in containers or casks and simply marked 'inedible,' a word that is easy changed to edible. Some time ago the Government ordered that all inedible grease, etc., be colored or denatured to prevent its use as food, but the American Packers' Association lost no time in having the order recalled and simply require now that this stuff be marked 'inedible.'

"Certain firms not connected with the packing houses cart this stuff away and refine it or bleach it. This is done by cooking it with bicarbonated soda and then straining it, or, rather, filtering it, through fuller's earth, after which it is deodorized by forcing air through the mixture while heated to carry off the odor, and it comes out as white as snow."

Mr. BENNETT. I will tell you our experience with shop fat. Of course in New York City they have considerably more business in the shop-fat line than we have in Chicago. I think they have 7,000 shops that they collect fat from in New York, while we have comparatively few in Chicago. But at the same time, while we may get what they call shop fat, which may come in mixed with chicken feathers and chicken heads and all that kind of thing, and it is not an edible product, it is put into a tank and rendered into an inedible grease, and everything we receive in Chicago is absolutely pure and wholesome and bears the mark of inspection on it.

Mr. BENNETT. In the shops we have in Chicago they gather the shop fat, and I have a man that goes around there constantly from place to place to see that those shops are in good condition—are kept in sanitary condition—and we require them to have galvanized-iron containers to put this fat in, and we see that they are kept clean. It depends altogether on the weather how often it is collected. In the summer time they collect it and render it every day, but in the winter time they collect it and put it in their coolers, so that there is no danger of its getting in a bad condition. In the summer time it may become sour, and if it arrives at the plant in a sour condition we throw it into the grease plant.

The CHAIRMAN. What precautions do you take to make sure that the things you mark "inedible" do not finally get in with those that are edible?

Mr. BENNETT. No more than the precaution of marking it on the end of the package. We mark it "inedible." We mark it "grease" or "inedible grease," and some of them use a stencil; and if the product comes from what is termed the "black gut" in hogs, that makes a dark-colored grease.

Mr. BENNETT. There is no doubt about it. You can not make a No. 1 oleo oil from shop fat. I have known cases where they took a shop fat, apparently clean and wholesome in every way, and manufactured it into a No. 4 oleo oil. If you put shop fat into oleomargarine, you can detect it in the flavor right away.

Mr. BENNETT. Oh, I have known of cases where they have manufactured oleo oil from shop fat, but not from the kind of shop fat that he describes there. It was shop fat that came in marked, like kidney fat and cod fat. We do not permit any of the fat of that kind to enter into

an edible product in Chicago, except the fat from the kidneys and the cod fat.

Mr. LEVER. So that an unwholesome meat-food product could not go into the manufacture of oleomargarine?

Mr. BENNETT. I think it would be absolutely impossible. I do not see how it could possibly get into a food product—any unsound, unclean, or unwholesome product—without the connivance, as I say, of some employee.

Mr. HAUGEN. I supposed this question of wholesomeness was settled. I want to read to you from Dr. De Schweinitz, of the Agricultural Department. Do you happen to know him?

Dr. MELVIN. Yes, sir.

Mr. HAUGEN. Is he not in the department now? I should like to read from his testimony.

Mr. BURLESON. At what date?

Mr. HAUGEN. Before the committee, 8 or 9 years ago.

Mr. BURLESON. That was before there was any inspection.

Mr. HAUGEN. Let us see about it.

Mr. BURLESON. I do not think it is material at all.

Mr. HAUGEN. Well, I should like to read it, right on this question of wholesomeness.

Mr. BURLESON. I submit to the committee that it is simply a burdening of the record with the testimony of a man who spoke of conditions before Government inspection; and it has absolutely nothing whatever to do with this matter.

Mr. HAUGEN. Oh, those same things exist now. There is nothing to hinder that. I will read it to you, and you can see how easily it can be done. [Reading:]

"Dr. De Schweinitz, of the Agricultural Department, in his visit to a factory which was several years ago located in Philadelphia, found the same condition of affairs. Oleo oil was being made from a pile of fat scraps collected from the hotels, restaurants, and butcher shops, which pile gave out such an odor that it was sickening, and the makers admitted it was being made into oleomargarine."

Mr. FLANDERS. Yes. Then you do not mean by that statement that oleomargarine made of these other fats, while it is wholesome and nutritious, necessarily has the same degree of wholesomeness and nutrition that butter and other fats have?

Dr. WILEY. In our examinations we found they were about the same. There was scarcely any difference between them.

Mr. FLANDERS. But answer my question, if you will. You do not mean by that answer that they have the same degree of wholesomeness and nutrition—by your answer itself?

Dr. WILEY. Not necessarily; no.

Mr. FLANDERS. You said that butter, as I understood, had an amount of—you did not use the word "butyric," but you used the word "volatile" acids, did you?

Dr. WILEY. Volatile acids; yes.

Mr. FLANDERS. In greater amount than oleomargarine had?

Dr. WILEY. Yes.

Mr. FLANDERS. Does oleomargarine have any constituent that butter also has, but has it in greater quantity? For instance, stearine?

Dr. WILEY. I think oleomargarine has more stearine in it than butter.

Mr. FLANDERS. I believe you testified seven or eight years ago that it had from 16 to 20 per cent, did you not?

Dr. WILEY. I remember, I think, saying something about like that.

Mr. FLANDERS. And that butter has about how much.

Dr. WILEY. About 2 or 3 per cent, or less.

Mr. FLANDERS. Oleomargarine has about how much butyric or volatile acid?

Dr. WILEY. I said not to exceed 1 per cent, usually less, of volatile acid; not necessarily all butyric acid.

Mr. FLANDERS. And butter has about how much?

Dr. WILEY. Five per cent.

Mr. FLANDERS. Then they are not identical products?

Dr. WILEY. No, sir; not identical.

Mr. FLANDERS. And if those ingredients that are in different proportions have different values, the two commodities would have a different food value, would they not?

Dr. WILEY. That might be; yes, sir.

Mr. FLANDERS. And if one is not as easily digested as the other—if one is harder of digestion—then the one that had the most of the fat in it that was hardest to digest would be harder to digest, would it not?

Dr. WILEY. Naturally.

Mr. FLANDERS. And that might call for greater effort on the part of the system to get nutrition out of it than it would out of the one more easily digested; might it not?

Dr. WILEY. Yes, sir.

STATEMENT OF DR. CHARLES A. CRAMPTON, OF THE BUREAU OF INTERNAL REVENUE, TREASURY DEPARTMENT, WASHINGTON, D. C.

The CHAIRMAN. Dr. Crampton, will you state your name and your official position to the stenographer?

Dr. CRAMPTON. Charles A. Crampton, chemist in the internal-revenue office.

The CHAIRMAN. Mr. Burleson, will you proceed with your examination?

Mr. BURLESON. Doctor, what official position did you hold in 1902?

Dr. CRAMPTON. I was chemist in the internal-revenue office at that time.

Mr. BURLESON. How long had you held that place at that time, Doctor?

Dr. CRAMPTON. I went into the internal-revenue office in 1890. Prior to that time I was for seven years in the Department of Agriculture, under Dr. Wiley. In 1890 I entered the internal-revenue office. I have been there ever since. Four years ago, however, I was put in charge of the work in connection with denatured alcohol. Since that time my work has been along that line.

Mr. LEVER. Have you ever conducted any investigation to determine whether or not it is very much more indigestible than butter?

Dr. CRAMPTON. No, sir; I have never made digestibility experiments.

Mr. HAUGEN. If it is indigestible, would not that affect one's health? Would not that make it unhealthful?

Dr. CRAMPTON. Oh, yes; if it were not digestible, it would affect the health. But it might have a very slight effect on the health, which would not be ascertainable for some length of time.

Mr. LEVER. But you have never made any investigation for that?

Dr. CRAMPTON. No, sir.

Mr. HAUGEN. In what respect do you consider butter superior to oleomargarine?

Dr. CRAMPTON. It has a larger content of these volatile or fragrant glycerides, fatty glycerides, and as long as those are fresh they are a little more palatable than the tasteless glycerides which make up the larger part of the oleomargarine.

Mr. HAUGEN. You are familiar with the process of manufacturing oleo?

Dr. CRAMPTON. Yes, sir.

Mr. HAUGEN. And also as to the ingredients?

Dr. CRAMPTON. Yes, sir; to a considerable extent.

Mr. HAUGEN. To what extent is butter or cream used in the manufacture of oleo?

Dr. CRAMPTON. I think milk is used very largely in the manufacture of oleomargarine—I should rather say universally. That is, it is almost always used.

Mr. HAUGEN. Does the quantity affect the quality of the oleo?

Dr. CRAMPTON. To a certain extent, yes; but large quantities are not ordinarily used.

Mr. HAUGEN. The larger the quantity the better the oleo, is it not?

Dr. CRAMPTON. No, sir; not necessarily; because only a certain portion of the milk or cream goes into the oleomargarine.

Mr. HAUGEN. I will read to you a statement from Mr. Swift, who is a manufacturer of oleo:

"Creamery butterine is usually composed of 25 per cent creamery butter, 40 per cent neutral, 20 per cent oleo oil, and the balance milk, cream, and salt. Dairy butterine is different from creamery only in the proportions. It is a cheaper product, and its proportion of butter is about 10 per cent."

Dr. CRAMPTON. He is describing different brands of oleomargarine. There are different grades.

Mr. HAUGEN. The more butter that is used, or the more cream that is used, the better the grade, is it not?

Dr. CRAMPTON. Yes. I was making a distinction between the amount of milk and cream that is used and the amount of butter that is used.

STATEMENT OF MR. W. D. EDSON, OF PHILADELPHIA, PA., HEARINGS, SIXTY-FIRST CONGRESS.

Mr. BURLESON. Did I understand you to say that a large percentage of the colored oleomargarine that is sold in Pennsylvania is fraudulently sold as butter?

Mr. EDSON. Or considered so by our State.

Mr. BURLESON. Fraudulently sold as butter?

Mr. EDSON. Yes, sir.

Mr. BURLESON. You do not sell oleomargarine?

Mr. EDSON. No.

Mr. BURLESON. Did you ever sell oleomargarine?

Mr. EDSON. Yes, sir.

Mr. BURLESON. How long ago?

Mr. EDSON. It must have been—I don't know; away back in my first year in business. Everybody in Philadelphia was selling oleo. I tell you if we had had a year of it we would have wiped the dairy interests out of the State of Pennsylvania. [Laughter.]

Mr. BURLESON. You sold it as oleomargarine, did you not?

Mr. EDSON. We sold it for any old thing. It used to come in marked "Red Leaf Creamery," "Red Leaf Butter," and all those names; and the trade used to grow so fast—

Mr. BURLESON. Let me understand you. Did you sell it as oleomargarine or not?

Mr. EDSON. Well, the man that bought it knew it was suine, or some style of butterine. He asked the price, and we took it out and sold it for butter.

Mr. BURLESON. I did not ask you about the man to whom you sold it. I asked you if you sold it as oleomargarine?

Mr. EDSON. I can not answer that question, because we simply sold it for what it was marked.

Mr. BURLESON. Do I understand you, then, to come before this committee and say that if oleomargarine can be made for 50 per cent of what it costs to make butter a tax should be levied upon it, because it is a cheaper food than butter?

Mr. EDSON. No, gentlemen. I will say this: I have my own personal views on that 10-cent per pound tax. I know in my heart that 95 per cent of the colored oleo that is sold in our State is sold for butter, and at butter prices; and the poor workman does not get the 10-cent tax. I would a great deal rather see that go to the Government than to see it go into the pockets of the oleomargarine manufacturer.

Mr. HAUGEN. Mr. Chairman, I wish to read from the testimony given at the hearings in 1900, first from the argument of ex-Gov. Hoard, of Wisconsin, which will be found on page 583. He says:

The consumers and producers of butter have asked Congress to enact into law House bill 3717, which provides in the first section that all counterfeit substance for butter, when taken into any State or Territory, shall be subject to the laws of the State or Territory concerning such counterfeit.

He further states that—

With a tax of 10 cents a pound on the counterfeit, we believe these temptations for these profits and the deceptive sale and dishonorable and dangerous conspiring against the law and fraudulent competition against an honest industry will be greatly modified.

A great many people ask why it is not as permissible to color oleomargarine as it is to color butter. I would answer because they are not colored for the same purpose. Butter in winter is too light to suit the taste of most consumers. The highest value is in fresh butter not more than 10 days old. The consumer asks that it bear the yellow summer color of butter. That is a matter of taste, not deception, for it is not colored to resemble something it is not. But oleomargarine is colored to make it resemble butter, which it is not. It is colored, not for the benefit or taste of its consumer, but to deceive the consumer.

Said President Cleveland, in his message approving the oleomargarine legislation of 1886:

"Not the least important incident related to this legislation is the defense afforded to the consumer against the fraudulent substitution and sale of an imitation for a genuine article of food of a very general household use. . . . I venture to say that hardly a pound ever

entered a poor man's house under its real name and in its true character."

The argument still holds good.

There is no credible evidence to show that oleomargarine is innocuous; no evidence to show that when eaten continuously in place of butter it is not harmful. But there are reports in great abundance to the effect that oleomargarine is harmful.

Mr. Edmund Hill, a member of the Somerset County council, England, reports that the great bulk of oleomargarine, or "margarine" as it is called there, is eaten in public institutions, convents, schools, etc. At the Wells Asylum, with which he is connected, the inmates receive oleomargarine. In the asylums of Dorset, Wells, and Hants—the adjoining counties—butter is furnished, and the death rate at Wells is 30 per cent higher. At the Taunton Hospital there were 11 deaths in 13 months. Oleomargarine was substituted, and in 9 months the deaths rose to 22.

This accords with the experience in France, where its use in hospitals is forbidden. In the United States, in institutions for the blind and for girls, it has been noticed that the use of oleomargarine lowered the vitality of the inmates very perceptibly.

There is abundant reason for this. The normal heat of the human stomach is 98°. Butter melts at 92°, 6° below the heat of the stomach (passes into pancreatic emulsion and digestion). Nature designed this fat in its raw state for food.

Oleomargarine melts at the varying temperature of 102° to 108°, a temperature no healthful stomach ever attains. As a consequence, this unnatural foreign fat must be expelled by sheer gastric action and force.

Butter fat is found in the milk of all mammals. It is chemically and physically unlike any other fat in existence. It was designed by nature for the food and sustenance of infant offspring, having the most delicate of all digestion. Because of this most evident purpose and provision of nature, butter forms a healthful and important article of food in milk, cream, and in its separated state.

No matter what paid chemists may say, no counterfeit, even in its purest state, is wholesome or healthful.

But there is another phase of this question. There is absolutely no protection for the public against most dangerous introduction of positively unhealthful compounds into oleomargarine.

The Journal of the American Chemical Society and the department of agriculture of New York abound in proof of the adulteration of oleomargarine with paraffin, a substance which the strongest acids even are unable to affect. There is no reason on earth why the foulest of germ-laden fats should not be used in the making of this compound, when once they are deodorized by the aid of chemistry.

But with butter it is different. Any contamination or hurtful manipulation is instantly shown in a loss of flavor. Butter always advertises its condition.

It should be considered that the distinction proposed in taxation against colored oleomargarine will bring no hardship to the consumer who may want this article as a cheap, fat substitute for butter. The coloring of it adds nothing to its digestibility or food value, if it have a food value. The whole proposition is in a nutshell. Force out the color or semblance to butter and you put a stop to its being imposed on the consumer for butter. In addition you protect this great army of producers, the dairymen of the United States, from competition with a fraud and counterfeit.

It is high time that Congress entered upon this work of protection of all honest and legitimate industries against the dishonest greed of the counterfeiter and adulterator.

The Dominion of Canada has taken from us nearly all of our once magnificent export trade in dairy products. Canada absolutely prohibits the making of counterfeit butter or cheese.

Consequently the Dominion stands high among all foreign consumers as to the purity and honesty of its foods.

Our National Government can proceed repressively only in the way of taxation. We believe we are right, fair, and just, and in accordance with a wise public policy in asking of the members of this committee an earnest support of House bill 3717.

The Wilkins case gives a clear idea of the enormous frauds that are being practiced in the oleomargarine traffic, which do not affect the revenue, because the goods used for this fraudulent business have all paid the 2-cent tax.

Attorney General Griggs's statement of facts and refusal to recommend the pardon of Wilkins and Butler will give the reader a clear idea of the character of fraud which is being practiced, the lamentable phase of the question being the fact that this case which came to light is only one of the hundreds of swindles which are being carried on in a large way and of the thousands being practiced upon consumers in all portions of the country.

The Attorney General wrote to President McKinley as follows:

"The petitioners, Joseph Wilkins and Howard Butler, were convicted of fraudulently removing labels from packages containing oleomargarine in violation of the act of August 2, 1886, and were sentenced on March 17, 1898, as to Wilkins, to imprisonment for six months and to pay a fine of \$1,500 and costs, and, as to Butler, to imprisonment for four months and to pay a fine of \$500 and costs.

"The judgment of the district court was subsequently affirmed in the circuit court of appeals, to which it was taken by the defendants, and an application subsequently made to the Supreme Court for a writ of certiorari was denied. Thereupon, in November last, the petitioners were committed to serve their sentences of imprisonment.

"The grounds of the application for a pardon as to Joseph Wilkins are that he has a wife and child, and that each of the prisoners is of good reputation and standing, and has never been convicted of any other crime. They request, in view of the humiliation and disgrace already suffered by them, as well as of the heavy fines imposed, and in view of their good reputation and standing in the community, and of the fact that no revenue has been lost to the Government, that that portion of the sentence providing for imprisonment be remitted.

"The offense of which the petitioners are now convicted was committed December 20, 1896, two days after the verdict of acquittal in the trial in the District of Columbia. The petitioners were discovered by a revenue agent in the act of scraping off the stamps, marks, and brands from packages of oleomargarine.

"In connection with the present case, an offer to pay \$8,000 and costs in compromise was made, but rejected February 23, 1898, and thereupon the case went to trial with the result above stated.

"It is obvious that the business in which Wilkins was engaged must have been one of great profit, otherwise he could not have afforded to make the very large payments in compromise which he did make or offered to make.

"That he was aware of the fraudulent and dishonorable nature of the business in which he was persistently engaged appears from his own statement made in a letter addressed to the Commissioner of Internal Revenue, October 31, 1893, from which I quote the following:

"Notwithstanding that the authorities were induced to settle with him upon his promise of abstention in the future from similar violations of the law, it appears that he straightway resumed his operations, undoubtedly taking courage from the success with which he had compromised the first offenses in which he had been discovered.

"It is absolutely clear that for such a persistent violator of the law something more than a money penalty was essential. The sentence of imprisonment imposed in this case was peremptorily required by the circumstances. Nor can I say that the sentence was anything but moderate. It is less than the average sentence imposed upon persistent violators of the internal-revenue laws relating to the distillation of spirits, and much less than the ordinary sentences imposed for violation of the laws against the use of the mails for fraudulent purposes.

"Not only is the dignity of the law to be upheld against such persistent violations, but the public is entitled to be protected by the salutary influence of stern punishment against fraud and deception, such as were practiced in this case, by means of which the petitioners were enabled to impose upon innocent purchasers as genuine butter a counterfeit article, which, if sold for what it really was, would have brought very much less in the open market.

"I do not think that the sentences should be interfered with."

Now, Mr. Chairman, with the information furnished in these extracts and furnished by scientists and experts in the various departments, I fail to see why anyone should work night and day, in season and out of season, to enlighten the American people by sending out circular letters and extracts from testimonies submitted to the committee. Nor can I imagine why women's clubs and various organizations all over this country, who are so much interested in the health and longevity of the children and members of their family, why they should pass resolutions for the repeal or modification of the present law, and which would of course open the gates wide to fraud and deception. Gentlemen, I fear that some one in his zeal to serve the country has overlooked reading and giving to these various clubs and organizations all the testimony relative to this matter.

Gentlemen, these extracts are a few of many that will show that oleo is not altogether a wholesome food product, but I believe sufficient to prove that the contentions set out in the letters are not well founded, and that any law permitting coloring of oleo without an additional tax on the counterfeit, though it may provide for heavy penalties for breaking the original packages and selling it as butter can not be made effective in preventing its fraudulent sale and that to not make its sale subject to the laws of the State is a dangerous proposition; that it will open the gates wide for fraud and deception, and it seems to me that President Cleveland's and the Attorney General's and others' statement relative to its fraudulent sale ought to convince anybody, that rather than to weaken the present law, it should be strengthened.

While the present law is not perfect in all its details, it has worked fairly well, and I believe by amending the law as suggested by the Commissioner of Internal Revenue by providing for a strip stamp instead of a coupon it would be all that is required. Personally, I believe it very unwise to repeal section 1, which provides that the sale of oleo shall be subject to the laws of the State and shall not be exempt therefrom by reason of being introduced in original packages or otherwise, and equally unwise to permit its coloring in imitation of butter. Personally, I believe if coloring is permitted by law, the counterfeiting should be taxed equal to the difference of cost between oleo and butter, thus removing the incentive to perpetrate the fraud and I believe that taxing the counterfeit is the most effective way of preventing its fraudulent sale; but as stated in the statement, the representatives of the dairy people who recently met here in Washington, after carefully considering the conditions confronting us, including the prevailing misconception of the purpose of the 10-cent tax on colored oleo, many contending that the 10-cent tax is a tax on oleo, while of course it is not a tax on oleo, but a tax on fraud, for where oleo is sold in its natural color and for what it is, the tax is one-fourth cent per pound only and the 10-cent tax is applied only when colored to deceive and defraud. But after carefully considering all matters, it was decided to not insist upon the 10-cent tax, but to insist that oleo shall not be made in imitation or semblance of butter of any shade of yellow and that section 1 should be incorporated in the bill, and they prepared a statement presenting their views with relation to the Lever bill, and appointed a committee to draw a bill in accord with these views and requested me to introduce their bill which I did, and which is known as the Haugen bill, H. R. 19338.

The bill is not my bill. I claim no credit for its production. As before stated, it was prepared by thoroughly competent and experienced dairy men, including officers of the National Grange, men who have given the subject careful and thorough consideration, men of ability and the highest integrity, acting with the firm determination to draft a bill just and fair to the dairy interests and also just and fair to the oleo interests and to the

millions of consumers of the two products, and have sought to attach only such reasonable restrictions as would prevent fraud and protect consumers.

Gentlemen, by reading over these extracts you will find that Mr. Bennett, though he reluctantly admits it, let the cat out of the bag. Bennett says:

I do not see how it could possibly get into a food product *without the connivance, as I say, of some employee.*

Gentlemen, if the thousands of employees serve the Beef Trust in violating the law, and where heavy penalties are imposed for so doing, why would they not do what told to do where no penalties are imposed for so doing?

Gentlemen, bear in mind that the act of August 2, 1886, did provide that the packages of oleo should be marked and stamped as prescribed by the Commissioner of Internal Revenue; that the manufacturers should put on each package a label giving number of factory, and so forth. It provided for heavy penalties of \$50 for each offense for removal of labels so affixed; but, unfortunately, it permitted its coloring and provided for a uniform tax of 2 cents on colored and uncolored oleo. You will see that many of its provisions are practically the same as are provided for in the bills now pending in the House; and as it did not prohibit its coloring in imitation of butter, and did not tax the counterfeit, the law proved ineffective, and that is what we may expect of any similar act.

Mr. HARDY. Will the gentleman yield for a question?

Mr. HAUGEN. I have only 20 minutes, but I will yield to the gentleman.

Mr. HARDY. Does the gentleman believe that it is fair to one industry to impose a tax upon it if that industry sells its product not fraudulently as something else, but sells it for what it is and under severe penalties against fraudulent representation? Does the gentleman think it is fair to tax one product as against another?

Mr. HAUGEN. You mean if it is sold for what it is? As long as one sells his article for what it is no one raises any objection. We are willing to leave the present law as it is. I acknowledge that it is not perfect in all its details, but I believe that by amending it, as suggested by the Commissioner of Internal Revenue, it would be all that would be necessary.

Mr. HARDY. Leaving it without any taxation?

Mr. HAUGEN. In my opinion, the way to prevent fraud and deception in the sale of oleo is by taxing the counterfeit, the same as you tax the counterfeit of the gold dollar.

Mr. HARDY. There is no tax on a counterfeit gold dollar.

Mr. HAUGEN. No; but penalties are imposed for counterfeiting gold dollars.

Mr. Chairman, I want to say, in this connection, that at the beginning of the hearings of the Sixty-first Congress that it was practically agreed that the question of wholesomeness should not be brought up, and after such agreement was made no effort was made to introduce evidence to prove the wholesomeness of butter or the unwholesomeness of oleo by the dairy people; but as the matter was constantly brought up by the other side by introducing witnesses to prove the wholesomeness of oleo and discredit butter, I deemed it just to introduce evidence which had been submitted and printed in the hearings of 1900, but objections were made on the ground that it would be burdening the record, yet hundreds of pages of testimony intended to discredit butter had been presented at the hearings, but not one single paragraph relating to the unwholesomeness of oleo must go in, because it burdens the record. You remember that the same argument and the same reason was given last Tuesday against printing this testimony in the record.

Mr. HARDY. Would the gentleman be willing, also, to tax butter if it was colored?

Mr. HAUGEN. Certainly, if it was colored to deceive and pass a counterfeit; but the gentleman knows as well as I do that butter is never colored to pass it as a counterfeit. It is colored to suit the eye and to make it more palatable, while oleomargarine is colored for one purpose, and only one, and that is to pass it as butter and to sell it as butter and at a higher price. That statement is borne out by the statements made by witnesses who appeared before the committee, such as Mr. Cabell, the present Commissioner of Internal Revenue.

Mr. BURLERSON. The gentleman can not find in the hearings where Mr. Cabell said any such thing.

Mr. HAUGEN. What?

Mr. BURLERSON. That oleomargarine was colored only for one purpose, the purpose of disposing of it as butter.

Mr. HAUGEN. If you will give me time, I will read it to you.

Mr. BURLERSON. The gentleman can take all the time he wants, but he can find no such statement made by Mr. Cabell.

Mr. HAUGEN. Will you give me five minutes—

Mr. BURLERSON. I am willing to give you an hour, or even longer.

Mr. HAUGEN. But the gentleman does not control the time. I will print it in the Record, if that will suit the gentleman.

Mr. BURLERSON. Does not the gentleman know as a matter of fact Mr. Cabell said, speaking of the proposed legislation, that it would prevent or materially diminish the fraudulent sale of oleomargarine as butter; and, further, that it is absolutely impossible under existing law to prevent such frauds, whereas under the proposed bill that fraud would be reduced to a minimum?

Mr. HAUGEN. I say to the gentleman that Mr. Cabell's statement is this, That it is being colored for the purpose of enabling them to sell it as butter. You will find it, not only on one page, but you will find it running through the hearings; there is no question about that. (Hearings, 61st Cong.)

Mr. FLANDERS. When you speak of fraud, do you mean the fraud practiced upon the Treasury Department?

Mr. CABELL. Yes; of course. The debauching of the trade, and the fraud upon the public is a matter which I, as a citizen, am interested in, but as Internal Revenue Commissioner I am only interested in it incidentally.

The CHAIRMAN. That is to say, they have been led to believe that it was butter and not oleomargarine at all?

Mr. CABELL. Yes, sir.

Mr. STANLEY. Do you assume, in that data, that all colored oleomargarine is artificially colored?

Mr. CABELL. That is a distinction that we make. Recently manufacturers have begun to put tinted oleomargarine on the market, and that tinted oleomargarine is generally sold under its own name—that is, being put in labeled packages. There are one or two manufacturers selling oleomargarine under its own name, but most of the tinted goods being put out now which under the law is uncolored—that is, the color having been added by one of the ingredients—is sold under its own name, oleomargarine.

Mr. CABELL. Many persons do, but now we come to the other part, where the public is deceived. Our agents have this happen every once in a while, and this is how we catch a man. He begins to take chances, because the idea of profit becomes such a great temptation to him. The merchant will take the 60-pound tub of oleomargarine and set it on the counter, and put a 60-pound tub of butter on the counter. A man will come in and say, "What is the price of butter?" The answer will be, probably, "42 cents." Then the customer will say, "You know that I can't pay any such price as that; is that the price you are charging?" Then the merchant will say, "But I have some butter here which is just as good; it is not dairy butter, but you can't tell the difference, and I will sell you that for 35 cents." Then the customer will say, "Well, let me have a couple of pounds of that," and the merchant will take it out of the box of oleomargarine right before the customer's eyes and sell it for butter. And who is going to be the wiser, unless one of our agents catches it and analyzes it? And then the housewife does not want to come down to court and testify. He has done that with impunity. We have our agents dress up as street-car conductors, or laboring men, etc., and we catch them in that way. Dealers also will start out with oleomargarine on the wagons with all of the marks required by law. After the wagons start the drivers take the wrappers off; and they have sold it this way in the District of Columbia, even right on Connecticut Avenue and on Rhode Island Avenue.

HEARINGS BEFORE THE SUBCOMMITTEE, JANUARY 26, 1912.

Mr. CABELL. In my judgment the facts justify what I stated a few moments ago—that there are two causes. In a number of cases we find that the person qualified to sell uncolored oleomargarine sells oleomargarine artificially colored. There are a large number of violations of that class, but a larger number of violations are where they color it and mix it with butter and sell it for butter.

Mr. HAUGEN. That is to enable him to sell it at a higher price.

Mr. CABELL. They sell it somewhere in the neighborhood of the price of the lower grade of butter. There have been two classes of violations in that way; the one would use artificial coloring in it, selling it for oleomargarine; but in the greater number of cases we catch persons selling it for butter, and in those cases there are greater amounts involved.

Mr. HAUGEN. I believe you pointed out to some one last year that they sold nearly all of it as butter.

Mr. CABELL. Great quantities of it undoubtedly are sold for butter, as I pointed out in my annual report this year.

Now, a word as to the contention that practically all the merchants are in favor of the Burlerson bill; and as the Burlerson bill repeals the section which imposes a tax on oleo and does not provide a tax on either colored or uncolored oleo, it practically repeals the whole law, for in the absence of the tax on the article the Internal-Revenue Bureau will have no jurisdiction over its manufacture or sale. Therefore it is contended that the merchants generally favor the repeal of the present law, or at least to modify it, which in effect would weaken it and make it ineffective.

Gentlemen, that statement I can not believe, but letters and telegrams are pouring into Washington which convey that idea, and those letters and resolutions are being used as evidence of the fact and, evidently, with effect. Much capital has been made out of a letter from Mr. Thomas, secretary of the Iowa State Retail Merchants' Association, and one from Mr. Mulqueen, of Council Bluffs.

References have been made to statements made by Mr. Green, secretary of the Retail Merchants of Illinois. In answer to a question, "Do you indorse it?" (the Burlerson bill) he answered "Yes." (See Hearings, pp. 231, 232.) Mr. T. P. Sullivan, presi-

dent of the National Retail Grocers' Association of the United States, claiming to represent about 28 States and probably 140,000 members, said: "I desire to say that I indorse everything that Mr. Green has said." (Hearings, p. 233.) Notwithstanding these letters, resolutions, and statements, I want to say I believe—and, in fact, I know—that generally merchants throughout the country do not concur in the sentiment expressed by Mr. Green and Mr. Sullivan and in the letters and resolutions, and my understanding is that while no dairyman or merchant objects to selling oleo when called for, and sold for what it is, they do not believe in counterfeiting or making its fraudulent sale possible, and thereby not only crippling or destroying the legitimate industry carried on by their best customers—a business so conducive to the best interests of agriculture and prosperity in general—but will force onto millions of unwilling consumers an undesirable food product at enhanced and exorbitant prices, as did the 5,492 dealers who succeeded in selling 62,000,000 pounds of oleo in 1900 as butter and at butter prices and in violation of the laws, as pointed out by Grover Cleveland and the Attorney General and as shown by the records of the Treasury Department. Through its fraudulent sale they thereby not only rob the producers of butter of their legitimate market for a worthy and legitimate product, but rob millions of consumers of the difference of the cost between oleo and butter, and nobody benefited except the lawbreakers, the dishonest vendors in oleo. I can not believe the merchants generally desire such conditions to return, and I will want further proof.

Gentlemen, do you believe that merchants in general favor repeal or amendment of the present law so as to make it ineffective and to make fraudulent sale possible? No. If you do, you are mistaken. I know a number of merchants; I have been a merchant myself and know something about how business is transacted. I know that they are as much opposed to passing counterfeits on others as they are to have them passed on themselves. Every honest merchant wants to sell everything on its merit and for what it is. That is why he is for the pure-food law and against misbranding, adulteration, fraud, and deception. Do you believe that he wants to engage in the fraudulent sale of oleo? Certainly not. Oh, what a misconception it is on the part of those who contend that it is the dishonest man who succeeds in business. A few do, that is true; but show me a merchant who is known to be dishonest in his dealings and I will show you a merchant without a business. To the contrary, if a man is known to be honest, upright, square, and fair in his dealings, he will enjoy the confidence and respect of all who know him. Ninety-nine times out of a hundred it is the merchant whose character is founded on integrity, with a firm determination to do justice and right, who succeeds in life. I can not conceive that any merchant, with information of these fraudulent practices at hand, would, under any consideration, advocate the repeal or weakening of the present law or to make it ineffective in preventing fraud and deception. I may be mistaken, but to me it seems absolutely certain that to repeal section 1 of the present law and to permit the coloring of oleo without taxing the counterfeit would open the gates wide for counterfeiting and deception; and if the merchants see it as I do I know that they would under no circumstances favor the enactment of any such law.

Mr. BURKE of Pennsylvania. Will the gentleman yield for one question?

Mr. HAUGEN. I have not the time. If you will yield me the time, I will be very glad to discuss this matter all the afternoon.

Mr. BURKE of Pennsylvania. I wanted the gentleman's opinion on one important phase of the question.

Mr. HAUGEN. Mr. Chairman, if I may have permission—
The CHAIRMAN. The Chair will state to the gentleman that he has only two and a half minutes remaining.

Mr. HAUGEN (continuing). To have printed in the RECORD two letters and a resolution I will yield to the gentleman from Pennsylvania. Mr. Chairman, I ask unanimous consent that I may print in the RECORD a letter from Mr. Thomas, who claims to represent the retail merchants of the State of Iowa—

Mr. BURLESON. Reserving the right to object, I would like to ask the gentleman to state the date of that letter.

Mr. HAUGEN. Recently; I have it here—

Mr. BURLESON. I have no objection, but I do not think matter 12 years old should go into the RECORD.

Mr. HAUGEN. Within a few days.

Mr. BURLESON. I have no objection.

Mr. HAUGEN. Also the resolution passed by the Merchants' Association of Council Bluffs recently.

Mr. BURLESON. No objection to it.

Mr. BURKE of Pennsylvania. Now will the gentleman permit a question?

Mr. HAUGEN. Certainly.

Mr. BURKE of Pennsylvania. Do I understand the gentleman that if oleomargarine is allowed to be sold after it is colored or manufactured that it is impossible for the United States Government to throw around its sale sufficient restrictions to safeguard the public interests against fraud?

Mr. HAUGEN. Why, absolutely.

Mr. BURKE of Pennsylvania. That is all.

Mr. HAUGEN. As before stated, Congress passed a law in 1886 providing that every package should be marked and stamped, and providing for a heavy penalty for the destruction of those markings and the wrappers. And what happened? Five thousand four hundred and ninety-two dealers sold 62,000,000 pounds, every pound of which was sold in violation of law, every pound of it was sold in violation of the laws of the States, and 5,492 dealers were in the business of violating the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I would like a little time to—

The CHAIRMAN. The time is in the control of the gentleman from Kentucky and the gentleman from Iowa.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

The letters and resolution referred to are as follows:

IOWA STATE RETAIL MERCHANTS' ASSOCIATION,
Des Moines, Iowa, February 13, 1912.

Hon. G. N. HAUGEN,
Washington, D. C.

MY DEAR MR. HAUGEN: In behalf of the hundreds of thousands of consuming public in Iowa I would ask that you give your favorable consideration and support to the oleo bill as reported from the House committee.

You doubtless realize that the consumers of Iowa have been at the mercy this winter of the Creamery Butter Trust and have been obliged to pay 40 and 50 cents for this necessary article.

In the event of the passage of this oleo bill this will give the people a good, palatable article at a cost considerable less than that asked for the creamery product.

This legislation has been indorsed by our State association of merchants and, I believe, by the State Federation of Labor, and I trust will have your support, as requested.

Yours, very truly,

IRA B. THOMAS,
Secretary.

Also one from Mr. Mulqueen, grocer:

COUNCIL BLUFFS, IOWA, February 14, 1912.

Hon. G. N. HAUGEN,
Washington, D. C.

DEAR SIR: Inclosed find copy of resolutions passed by our association some time ago, which shows our, and I believe expresses the sentiment of every merchant in Iowa.

Respectfully, yours,

JOHN T. MULQUEEN,
230 Main Street, Council Bluffs.

OLEO TAX.

Whereas oleomargarine is conceded by chemists and food experts to be a wholesome food product, and

Whereas existing laws discriminate against this wholesome article of food through a tax of 10 cents a pound when artificially colored, the only purpose of which is to make it appear palatable, and

Whereas artificial coloring matter is permitted in butter and other dairy products, which clearly establishes a discrimination, and

Whereas the discriminatory tax placed upon oleomargarine must be paid, in the main, by poorer classes of people, and has a tendency to increase the price of butter, and

Whereas, with the present high cost of living, oleomargarine would afford a pure and economical spread for bread: Therefore, be it

Resolved by the Council Bluffs Retail Grocers and Butchers' Association, That Congress be petitioned to so amend the oleomargarine law that a tax of not more than one-quarter cent per pound be placed upon the product, whether colored or uncolored, and that a license fee not exceeding \$6 per year be placed upon the retail dealer for the privilege of vending oleomargarine, and that the product be sold only in original tax-paid packages.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose, and Mr. FINLEY having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

FORTIFICATION APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Chairman, it is astonishing how thoroughly obsessed one can become with the views of a particular class with whom he is constantly brought in intimate contact. The gentleman from Iowa [Mr. HAUGEN] is thoroughly honest in his belief that the proposed legislation to repeal the 10-cent tax on colored oleomargarine is for the sole purpose of making easy the fraudulent sale of oleomargarine as butter.

Mr. HAUGEN. I beg the gentleman's pardon. I did not make any such statement.

Mr. BURLESON. I thought the gentleman was honest in his statement, but I am willing to hear him further.

Mr. HAUGEN. That would be the effect of the repealing of the law, but that was not the purpose. I am not here to impugn the motives of the gentleman from Texas.

Mr. BURLERSON. I have not said that the gentleman was impugning my motives, and nothing the gentleman has said could be so construed. I will state again that the gentleman is thoroughly sincere in his belief that the repeal of this tax on colored oleomargarine would increase its fraudulent sale as butter, but, as a matter of fact, as is well known, every officer chargeable with the duty of administering this law takes the directly opposite view. The hearings before the Agricultural Committee during the Sixty-first Congress conclusively showed that the proposed legislation, instead of encouraging and increasing violations of the law, will materially diminish the fraudulent sale of oleomargarine as butter.

The Commissioner of Internal Revenue, Mr. Cabell—and a very efficient officer he is—repeatedly stated during the hearings that under the law as it now exists it is utterly impossible to prevent the "moonshiner" from disposing of oleomargarine as butter. At the same time, he was emphatic in his statement that if the bill now pending before the Committee on Agriculture should become law, it will reduce this fraud to a minimum.

But, Mr. Chairman, the gravamen of the complaint the gentleman from Iowa [Mr. HAUGEN] makes is that certain strictures or certain criticisms have been made with reference to the unwholesomeness of milk and butter. He says there was an agreement that during the hearings the unwholesomeness of oleomargarine should not be brought in question. That is true, because when the hearings were commenced those who favored the pending legislation had eminent chemists present for the purpose of showing that it was not only healthful and nutritious but that it was undoubtedly a wholesome product. And in order to save time those who stood with the gentleman from Iowa stated to the Committee on Agriculture that, in order to not take the time of the committee in hearings upon that issue, they would concede that it was a wholesome product. And because, forsooth, a letter was sent out in response to a number of resolutions that had been forwarded to me by women's organizations asking for an investigation with reference to the unhealthfulness of milk and butter, the gentleman intimates that there has been a breach of the understanding then had.

Mr. HAUGEN. Mr. Chairman, I do not want to take the gentleman's time. However, I would like to correct that statement. To begin with, I have not questioned the gentleman's right or motive in sending out these letters.

Mr. BURLERSON. Mr. Chairman, my time is limited, and I decline to yield. I have not said that he has impugned my motives or even questioned them. He could not if he wished, in view of the statements contained in the letter which he has caused to be printed in the RECORD.

But, Mr. Chairman, Mr. Parsons, late a Representative from the State of New York, introduced during the Sixty-first Congress a resolution urging the Committee on Agriculture to make an investigation of the unwholesomeness of milk and butter, directing attention to these products as vehicles of disease, and in response to that resolution this Congress has been flooded with resolutions from women's organizations from one end of this country to the other, appealing to the Congress to make an investigation of the dangers arising from the use of uninspected milk and butter.

Mr. HAUGEN. I would like to ask the gentleman one question.

Mr. BURLERSON. Certainly.

Mr. HAUGEN. I would like to ask the gentleman if these resolutions have not been passed in response to these letters that have been sent out, and as the gentleman now has referred to a certain letter, I will ask him if he has not sent out a number of letters at different times, and that these resolutions are in response to the letters sent out, and upon the representation made in those letters and the circular that went with them?

Mr. BURLERSON. Undoubtedly that may be true. A plain statement of fact was made with reference to this resolution, and the attention of women's organizations throughout the country was invited to the fact that butter and milk frequently reeked with typhoid and tuberculosis germs and were a prolific source of disease. And they were invited to support the resolution offered by the gentleman from New York asking for an investigation, with a view of securing action which, I hope, in due time will be taken.

Mr. Chairman, bearing on this important matter I send to the Clerk's desk a resolution adopted in this city as late as February 8 of this year, and ask that it be read. It will show the dangers I allude to in the letter which was printed in the RECORD.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

Resolutions on the protection of public health against the bovine source of human tuberculosis and for the conservation of food-producing animals. Adopted February 8, 1912, at a meeting of the board of directors of the Association for the Prevention of Tuberculosis of the District of Columbia, Surg. Gen. George M. Sternberg, United States Army, retired, president.

Whereas it has been proved by Federal and private investigators at Washington, D. C., and by State, municipal, and private investigators elsewhere in the United States, and by the British Royal Commission on Human and Animal Tuberculosis, and by the German Imperial Tuberculosis Commission, in Europe, that bovine tubercle bacilli in dairy products are a serious cause of human tuberculosis, especially among children, who should receive, alike on the basis of sentiment and reason; first consideration in measures taken for the protection of public health; and

Whereas this fact, confirmed by investigators the world over, has been accorded definite recognition by the International Congress on Tuberculosis, the National Association for the Study and Prevention of Tuberculosis, and the American International Commission on the Control of Bovine Tuberculosis, and has had marked influence on measures recently taken by the Governments of England and France to protect the public against tuberculosis; and

Whereas the danger to which the public health is exposed through the use of infected dairy products is a danger against which the individual, acting as an individual, can not protect himself; and

Whereas the danger to which the public health is exposed through the common occurrence of virulent tubercle bacilli in the milk from tuberculous dairy herds can be eliminated by obtaining milk from herds in which all the cows have been proved free from tuberculosis by the tuberculin test, or by the proper pasteurization of all milk and cream before they are used as beverages or in the preparation of butter, ice cream, cheese, etc.; and

Whereas it has been proved that the proper pasteurization of milk and cream protects the public health not only against the tubercle bacilli they may contain, but also against other disease germs, such as those of typhoid fever, diphtheria, scarlet fever, sore throat, etc., which are often spread through the agency of raw milk and cream in a way that causes epidemics, at times accompanied by great mortality; and

Whereas it is known that cream contains about 60 per cent of the total bacteria of the whole milk from which it is separated and that the bacteria contained in cream infect the butter and ice cream made from it; and

Whereas it is advisable that tuberculosis be eradicated from dairy herds: Be it

Resolved, That the United States Congress, the legislative body for the District of Columbia, be urged to enact a law requiring the pasteurization, under official supervision, of all milk and cream sold in the District of Columbia, unless such milk and cream are obtained from dairy herds in which the animals have been proved free from tuberculosis by both physical examination and the tuberculin test; that all dairy herds supplying milk and cream for the District of Columbia be kept in accordance with the sanitary requirements of the health office of the District of Columbia; and that the milk and cream of no cow showing clinical symptoms of tuberculosis or other communicable disease shall be sold as human food in any form in the District of Columbia; and be it further

Resolved, That this association respectfully urges upon the Congress of the United States that steps be immediately taken, in collaboration with the officials of various States which may so elect, for the complete eradication of all tuberculosis among animals; and be it further

Resolved, That this association recognizes the danger of tuberculosis resulting from butter, ice cream, and other dairy products made of raw milk and cream obtained from tuberculous herds, and respectfully urges that Congress enact laws which shall guard against such infection; and be it further

Resolved, That the Secretary of Agriculture be requested to continue the distribution of literature defining how tuberculosis among animals may be eradicated and how animals free from the disease may be protected against infection; and be it further

Resolved, That copies of these resolutions be sent to the President of the United States; to the President of the Senate; to the Speaker of the House of Representatives; to the Secretary of the Treasury, in whose department the Bureau of Public Health and Marine-Hospital Service is located; to the Secretary of Agriculture; to the chairmen of the Senate Committees on Public Health and National Quarantine, the District of Columbia, and Agriculture and Forestry; to the chairmen of the House Committees on Interstate and Foreign Commerce, the District of Columbia, and Agriculture; to the Commissioners of the District of Columbia; to the chairman, National Relief Board, American Red Cross Society; and to the National Association for the Study and Prevention of Tuberculosis.

Discussed and approved by:

George M. Sternberg, Surgeon General, United States Army, retired; Dr. Harvey W. Wiley, Chemist and Chief of Bureau of Chemistry, United States Department of Agriculture; Dr. E. C. Schroeder, Superintendent of Experiment Station, Bureau of Animal Industry; Dr. R. W. Hickman, Chief of Quarantine Division, Bureau of Animal Industry; Dr. George M. Kober, professor of hygiene and dean of Georgetown University Medical School; Dr. A. D. Melvin, Chief of Bureau of Animal Industry, United States Department of Agriculture; Dr. John R. Mohler, Chief of Pathological Division, Bureau of Animal Industry; Dr. Wm. C. Woodward, health officer, District of Columbia; Dr. G. Lloyd Magruder, emeritus professor of materia medica and therapeutics, Georgetown University.

Mr. BURLERSON. Thus it is seen that a Surgeon General of the Army, Gen. Sternberg; the Chief of the Bureau of Chemistry, the great food expert, Dr. Wiley; the Chief of the Bureau of Animal Industry, Dr. Melvin; the District health officer, Dr. Woodward; in fact the leading scientists of this city, support the very proposition that is laid down in the letter which the gentleman from Iowa complains about. Furthermore, Mr. Chairman, I hold in my hand the last report made by the trustees of the Washington Home for Foundlings, and from which I will read

a short statement relating to the death rate of that institution for the past several years:

If we compare the mortalities of the previous 10 years, we find that the average has been 21 per year—the highest in 1904, with 43 deaths, and the lowest in 1906, with 7 deaths.

Immediately preceding this statement, I read that—

The loss by death during the year was 4 out of a total of 77 children, and is by far the lowest mortality the institution has ever had.

Mr. Chairman, I had it from the lips of a gentleman connected with that institution that this marked decrease in the death rate of these unfortunate babies was directly attributable to the fact that the hospital authorities had instituted a careful inspection of the milk and butter that was supplied to it and which was being used to feed these foundlings. Thus human lives are saved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. I ask five minutes more.

Mr. SHERLEY. Mr. Chairman, I yield five minutes to the gentleman.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] is recognized for five minutes more.

Mr. FOSTER of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. FOSTER of Illinois. Does not the gentleman believe that many deaths in the last few years have been prevented not only through that means but through the effect of pure-food legislation?

Mr. BURLESON. I do not doubt that, but I do not see what bearing that has on the issue now under discussion.

Mr. FOSTER of Illinois. It shows that it has had at least something to do, although not all to do, with that particular subject.

Mr. BURLESON. I agree with the gentleman on that proposition, but I do not see what bearing that has on the question we are now discussing.

Mr. Chairman, further, with reference to milk and butter being a vehicle of disease, I hold in my hand one of the reports of the Public Health and Marine-Hospital Service, issued February 16, 1912. It is a report made by one of the leading experts of the Marine-Hospital Service, who was sent to Texarkana, Tex., for the purpose of investigating an epidemic of typhoid. Reading from the summary and conclusion of this report:

To sum up the foregoing, 25 out of 34 cases arising in the city, or 73.5 per cent, are attributed to the use of milk from one dairy.

Now, surely the gentleman from Iowa is not so anxious to promote the interests of the dairy people of this country as that he will stand here and block or interfere with or obstruct the passage of a resolution to make an investigation that will result in the saving of the lives of these unfortunate foundlings and the other children and people from one end of the country to the other.

I want to say to the gentleman that if he can get away from the narrow views of the class with which he is so intimately associated—the dairy interests and the butter combine of this country—he can then understand that the purpose of the proposed legislation is not to increase the fraudulent sale of oleomargarine, but it is to take a burdensome tax off a healthful, wholesome, nutritious food product. I assure him the purpose of the legislation is not to encourage fraud. It will, in fact, throw more stringent regulations around the sale of oleomargarine and serve to prevent rather than increase this fraud. The officer charged with the enforcement of the oleomargarine law—the Commissioner of Internal Revenue—argues in favor of its passage for the very reason that the gentleman from Iowa [Mr. HAUGEN] earnestly urges its defeat. Mr. Cabell says that it will prevent fraud. The gentleman from Iowa and the butter combine say that it will increase fraud. When this measure to repeal this indefensible tax is brought before this body for consideration those who favor it want to discuss it upon its merits, and upon its merits alone, and we have absolute confidence as to what the result will be when action is taken on it by this body. [Applause.]

Mr. SHERLEY. Mr. Chairman, probably no bill of a more technical character comes before the House than the fortifications appropriation bill, and probably no bill is of greater importance, considering the size of the appropriation, which is not large as compared with other supply bills of the Government.

The committee, in considering the estimates for the pending bill, had in mind the necessity of affording means for the proper defense of the country, and with a proper desire to exercise close scrutiny over estimates and to promote economy in public expenditures, there was never lost sight of this main

purpose of the legislation—to provide for a proper seacoast defense of continental United States and the insular possessions.

I am glad to be able to say to this Committee of the Whole that there has been no division along party lines or otherwise in any material sense as to what items should be carried in this bill and the amounts of those items. The estimates submitted amounted to \$7,218,899, of which sum there is recommended in the accompanying bill appropriations amounting to \$4,036,235, which amount is \$1,437,472 less than was appropriated for the same purpose at the last session of Congress and \$3,182,664 less than the estimates submitted; and while this is a very pronounced reduction from the estimates and a considerable reduction from the amount carried in the bill last year, there has been no matter omitted that was deemed in any sense necessary at this time to provide for, having in view a proper defense of our country.

No other supply bill that is presented to Congress has from its inception followed quite as closely a complete scheme as has the fortifications appropriation bill. In 1885 a board was appointed to prepare plans for the proper defense of the United States, that board being subsequently known as the Endicott Board. In 1906 there was again appointed a board to revise and bring up to date the scheme as presented by the Endicott Board. That latter board, known as the Taft Board, made its report, and the appropriations from the beginning of modern seacoast defense have been in line with the recommendations of the Endicott Board as subsequently modified by the Taft Board and as in turn modified from year to year as the exigencies of the situation developed the need for such modification.

For continental United States the original scheme, as modified to date, will cost \$163,933,480.66, of which amount \$119,944,434 has been appropriated.

The scheme of fortifications for the insular possessions contemplated by the National Defense Board, as revised to date, will cost in the aggregate \$28,951,355, of which amount there has been appropriated the sum of \$16,544,434.

The difference between the estimated whole cost of the so-called Endicott scheme of fortifications, as modified and revised to date, for continental United States, \$163,933,480.66, and the appropriations made therefor to date, \$119,944,434.03, amounts to \$43,989,046.63.

The difference between the estimated whole cost of the scheme of fortifications for the insular possessions, as revised to date, \$28,951,355.89, and the appropriations already made therefor, \$16,544,434.09, amounts to \$12,406,921.80.

The difference between the combined estimated cost of both schemes, \$192,884,836.55, and the combined appropriations therefor to date, \$136,488,868.12, amounts to \$56,395,968.43.

The difference between the \$136,488,868.12, already provided toward the scheme of the Endicott Board, modified by the National Coast Defense Board, and the sum total of appropriations, \$159,632,230.32, for fortifications since 1888, amounting to \$23,143,362.20, is represented in expenditures for erecting and equipping the gun factory at Watervliet, the gun-carriage factory at Watertown, the powder factory at Picatinny, N. J., the Ordnance and Fortification Board, the manufacture of mountain, field, and siege guns and ammunition therefor, and for sundry other objects incident to providing and maintaining a system of seacoast defenses.

Mr. HELM. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. HELM. I was trying to pay close attention. Did the gentleman state how much had been expended on the coast defenses of the United States?

Mr. SHERLEY. There has been spent, on projects carrying out the scheme for continental United States, \$119,944,000 in round numbers.

Mr. HELM. Will the gentleman, in as concise a way as possible, inform the committee for what purpose this sum of money has been expended?

Mr. SHERLEY. It is impossible to answer the gentleman's question with any satisfaction without going into a review of the entire expenditures since 1885. Broadly speaking, this money has been expended for providing fortifications at the major seacoast cities of the United States and such other places as possess strategic value and, in the opinion of the board, it was desirable to fortify.

Mr. HELM. Does that include the Coast Artillery posts?

Mr. SHERLEY. It includes the purchase of sites, emplacements, armaments and the accessories thereof, and so forth, but does not include barracks and quarters for the Coast Artillery, which have been carried in the sundry civil bill.

Mr. HELM. Can the gentleman inform the committee how much of this total sum that has been spent on continental United States has been spent on the Atlantic coast?

Mr. SHERLEY. I can not inform the gentleman offhand. The \$119,000,000 can not all be localized. Of that sum about \$76,000,000 could be, and of that sum about \$49,000,000 has gone to Atlantic and Gulf fortifications.

Mr. HELM. One more question. Does this bill carry any appropriations for the construction of an island at the mouth of Chesapeake Bay?

Mr. SHERLEY. It does not.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Pennsylvania?

Mr. SHERLEY. Yes.

Mr. MOORE of Pennsylvania. Referring to the last question put by the gentleman from Kentucky [Mr. HELM], as to the island at the mouth of the Chesapeake, is there not a commission now investigating the advisability of establishing such an island?

Mr. SHERLEY. Not that I know of. I will say for the benefit of the gentleman that from year to year various recommendations have been presented to Congress for the fortification of the lower Chesapeake, and as originally presented they contemplated the building of an artificial island at the mouth of the Chesapeake. The Committee on Appropriations and Congress, acting on their recommendation, have repeatedly refused to make such appropriation. There was carried in this bill an estimate for \$150,000 for the purchase of land on the Virginia side, with a view of fortifying the Chesapeake by the establishment of batteries there. By reason of the recent very great increase of range and efficiency of guns and mortars, the department has become convinced that it will not be necessary to construct an artificial island in order properly to guard the entrance to the Chesapeake.

Mr. MOORE of Pennsylvania. I have been looking over the report as carefully as I could with a view to finding out about the Chesapeake Bay fortification, since there is some apprehension on the part of people in Norfolk and vicinity that they may not be so well fortified and protected as they ought to be.

Mr. SHERLEY. That item of \$150,000 was not allowed by the committee. I shall be glad to discuss it further on if the gentleman desires.

Mr. MOORE of Pennsylvania. There is nothing in the bill pertaining to it?

Mr. SHERLEY. Nothing in the bill in that regard.

It may not be amiss, Mr. Chairman, in addition to the general statement I have just made, to discuss more in detail these large expenditures. I have referred to the Endicott and Taft Board plans. It is in pursuance of these plans that the estimates are submitted to Congress each year, and constitute the bill as originally considered by the Committee on Appropriations. I should state in passing that the estimates for the fortification of the Panama Canal are submitted as a part of the general canal estimates and are carried in the sundry civil bill and are not included in any of the figures I shall use.

These items of appropriation may be roughly divided into three general classes, namely:

1. Fortification of seacoast forts, including ammunition.
2. Supply of Field Artillery material, including ammunition.
3. Miscellaneous items related to the above but not strictly forming parts thereof.

The first classification can be subdivided into three items: (a) Items pertaining to new armament and installation, including reserve ammunition; these items embrace guns, gun carriages, emplacements, sites for defense, electrical installation, searchlights, sea walls, submarine-mine structures, fire-control instruments and structures, and ammunition; (b) items pertaining to maintenance, repair, and alterations of property embraced in subdivision a, except ammunition; and (c) items pertaining to seacoast target-practice ammunition, including appliances for same, and subdivisions a and b should also be segregated according as they relate to continental United States and the insular possessions.

Under these three subdivisions of the first general division there has been heretofore appropriated for continental United States, including practice ammunition used in the insular possessions, \$119,944,434.03. Of this amount, under subdivision a, items pertaining to new armament and installation, there has been apportioned \$86,811,050.25; items relating to reserve ammunition, \$14,832,885.98. Under subdivision b—that is, the item for maintenance, repair, and alteration—there has been appropriated \$12,686,095.43. Under subdivision c, seacoast target-practice ammunition, there has been appropriated the sum of \$4,414,058, and there has been covered into the Treasury unexpended \$1,200,344.37.

Under subdivisions a and b there has been appropriated for the insular possessions \$16,544,434.09. This total includes, under subdivision a, items pertaining to new armament and installation, \$14,651,589.09; items for reserve seacoast ammunition, \$1,700,000. Under subdivision b, for maintenance, repair, and alteration, there has been appropriated \$192,845. So that the total of appropriations for both continental United States and the insular possessions, under heading No. 1, amounts to \$136,488,868.12.

The second general classification, to wit, supply of Field Artillery material, including ammunition, can also be subdivided into three classifications similar to that of item No. 1. In other words, (a) those pertaining to new material, including reserve ammunition; (b) those pertaining to maintenance, repair, and alteration; and (c) those pertaining to target-practice ammunition.

The total appropriated has been \$7,030,200. The total of the above that is included under the subdivision a, new material, including reserve ammunition, is \$6,063,800, of which \$1,501,000 was for such reserve ammunition, leaving \$4,562,200 as the amount that has been appropriated for new material. Of this latter sum \$580,000 is counted as being for new material, though it is literally for the purpose of making new batteries out of old ones.

Under subdivision b, for maintenance, repair, and alteration, there has been appropriated \$306,000. Under subdivision c, for target-practice ammunition, there has been appropriated \$660,400.

The third general classification, to wit, miscellaneous items related to the preceding but not strictly forming parts thereof, consists of the following items, totaling appropriations of \$16,113,182.20:

Board of Ordnance and Fortification.....	\$2,425,003.00
Proving ground, Sandy Hook.....	1,497,178.00
Machine guns not used for seacoast defenses.....	385,082.00
Ordnance establishments, buildings, gun factory, powder factory, etc.....	2,997,042.00
Machinery for ordnance establishments.....	451,097.00
Purchase of materials abroad, Board of Ordnance and Fortification.....	100,000.00
Experimental guns, carriages, and ammunition.....	919,603.00
Testing experimental guns and carriages.....	167,500.00
Implements, equipments, alteration, and maintenance of old armament.....	133,896.00
Field material and ammunition of old designs.....	5,374,959.00
Field material and ammunition of old designs (national defense fund).....	1,341,383.00
Returned to Treasury.....	241,293.00
Unassigned balance for fire-control instruments on account of insular possessions.....	79,141.91
Unaccounted for to balance.....	1.29

The statement I shall read shows the funds that it is estimated by the War Department will be necessary for the completion of the various projects heretofore outlined.

Under the first classification, and for continental United States only, it is estimated that the items coming under subdivision a will be as follows:

For construction of emplacements.....	\$9,702,130.00
Sites for defenses.....	1,455,900.00
Electrical installations.....	4,652,769.00
Searchlights.....	2,200,000.00
Sea walls.....	1,524,845.00
Submarine-mine structures.....	377,406.00
Fire control.....	4,599,554.00
Guns and carriages.....	7,378,300.00
Reserve ammunition.....	7,750,266.63
Submarine mines.....	1,036,505.00

Total..... 40,677,675.63

Under subdivision b they are for—

Modernizing emplacements.....	1,024,201
Alteration of armament.....	2,287,170

Total..... 3,311,371

Making, under the first general division for continental United States, a grand total of \$43,989,046.63.

In addition to the above it is estimated that there will be annually required \$1,000,000 for maintenance, repair, and minor alterations, and \$425,000 for target practice.

For the insular possessions, under subdivision a of the first classification, the following is the estimate for the completion of projects:

For construction of emplacements.....	\$4,174,200.00
Electrical installation.....	266,528.00
Searchlights.....	379,400.00
Submarine-mine structures.....	400,000.00
Fire control.....	550,000.00
Guns and carriages.....	2,021,150.00
Reserve ammunition.....	4,293,493.80
Submarine mines.....	322,150.00

Total..... 12,406,921.80

It is estimated that no appropriations will be required under subdivision b for alteration or under subdivision c for target practice.

In addition to the above, it is estimated that \$76,585 will be annually required for maintenance, repair, and minor alterations, plus a proportionate increase due to the installation of new armament as it is supplied.

Under the second general classification, first noted, it is estimated that items coming under subdivision *a* will be as follows: For new matériel, including funds for the alteration of 3.2-inch batteries, \$15,230,686.80; for reserve ammunition, \$22,031,329.47, making a total of \$37,262,016.27.

In addition to the above, it is estimated that there will be required annually \$45,000 for alteration, maintenance, and repair, and \$130,000 for target practice.

It should be stated in connection with the foregoing items for Field Artillery matériel and ammunition that it is also estimated by the War Department that for such matériel and ammunition for the use of the militia there will be required a total of \$10,879,278, for which latter sum, however, it is expected that estimates will be submitted and appropriations carried in the Army bill.

In the present estimates there is asked, under the first general division for continental United States, subdivision *a*, new matériel, and so forth, \$822,000, of which sum there is recommended in the accompanying bill \$203,000, together with a reappropriation of \$50,000; under subdivision *b*, maintenance, repair, and so forth, \$997,000, of which amount the bill carries \$820,000, together with a reappropriation of \$161,000; and under subdivision *c*, target-practice ammunition, \$425,000, all of which is recommended in the bill, making a total estimate of \$2,244,000, of which the bill carries \$1,448,000; in addition to which there are recommended authorizations as above stated amounting to \$211,000.

In the insular possessions, under subdivision *a*, there is asked for new matériel, ammunition, and so forth, \$1,993,414, of which there is recommended in the bill \$1,272,500 and an authorization of \$71,400, and under subdivision *b*, maintenance, repair, and so forth, \$76,585, of which the sum of \$65,835 is recommended, making total estimates of \$2,069,999, of which \$1,338,335, exclusive of authorization of \$71,400 as above stated, is recommended, making a grand total of estimates of \$4,313,999 for both continental United States and the insular possessions under the first general division, of which there is recommended \$2,786,335, exclusive of authorizations and reappropriations of \$282,400.

Under the second general classification there is asked, under subdivision *a*, new matériel, and so forth, including alteration of 3.2-inch batteries, \$2,605,000, of which there is recommended \$975,000, with an authorization of \$300,000; under subdivision *b*, maintenance, repairs, and so forth, \$45,000, all of which is given; under subdivision *c*, target-practice ammunition, \$130,000, all of which is given, making total estimates of \$2,780,000, of which the bill carries \$1,150,000, with authorization of \$300,000 as above.

Under the third general division there are asked the following items:

Current expenses, ordnance proving ground, Sandy Hook, N. J.	\$56,200
Expenses of officers at the proving ground and compensation of draftsmen	18,700
Board of Ordnance and Fortification	50,000
Total	124,900

All of the estimates under the third general division are recommended except that for the Board of Ordnance and Fortification, which is reduced from \$50,000 to \$25,000.

Prior to entering into the consideration of the details of the estimates the subcommittee asked the Chief of Staff, Gen. Wood, to be present and to indicate what, in his judgment, were the matters most urgent and that should be given most attention to by the committee and Congress.

He suggested as of the utmost importance the continuation of the work of fortification in the Philippines and in the Hawaiian Islands, and a more liberal appropriation for the purpose of furnishing matériel for the Field Artillery together with ammunition therefor.

Following the line suggested by Gen. Wood the committee in making this bill has provided practically all the money that can be used on the work in the Philippines and the Hawaiian Islands prior to the enactment into law of another fortification bill, and they have been liberal in their estimate for the mobile Artillery and for reserve ammunition therefor.

The committee in regard to what might be called continuing work, have adopted a policy that is not new but which several times has been adopted previously, of appropriating only that amount of money that could properly be expended prior to the time when a new supply bill would have been enacted into law. The estimates as to the Philippines and Hawaii were estimates in excess of the amount that could be expended prior to the 4th of March of next year, and therefore the committee reduced such estimates.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MANN. Why does the gentleman fix the date as the 4th of March?

Mr. SHERLEY. Because the new supply bill will have to become a law by the 4th of March, the time when Congress by law ends, and the moneys carried in this bill are immediately available.

Mr. MANN. It is not pretended then that this bill carries appropriation sufficient to cover the entire fiscal year of 1913?

Mr. SHERLEY. It does as to those items of maintenance or items that necessarily and properly come within a fiscal year for which the appropriations are made up, but where there is work in progress, for instance, certain engineer work being done in the Philippine Islands, when a certain amount of money only can be expended prior to the 4th of March, we saw no reason why Congress should appropriate more money than the department could use prior to the time when moneys would become available in a new bill.

Mr. Chairman, the bill practically carries nothing for new fortifications in continental United States. Frequent statements are made in the press and elsewhere that we are in grave danger in America, due to lack of preparedness in case of war. I desire to state for the benefit of the committee and for the benefit of those timid souls outside who may be misled by such statements that the Atlantic and the Pacific coasts of the United States are not only properly fortified but, broadly speaking, are in many cases overfortified. There are only two places that I know of in continental United States where there will be probably in the future a need for fortifications of any material amount. One is the lower Chesapeake and the other is the harbor at Los Angeles, Cal. As to the latter no estimates were submitted and the committee did not feel at liberty to authorize expenditures in the absence of estimates by the department. As to the mouth of the Chesapeake, speaking for myself only, I am inclined to believe that the time will come when Congress will feel warranted in making provision for the fortifying of that place. I did not feel at this time that the estimate of \$150,000 was a proper estimate to be allowed. First, because I do not believe that the price asked for the land is a reasonable one, and, second, because it contemplated the buying of more land than the committee with its present information felt warranted in authorizing. I have had prepared a statement from the War Department as to the amount of land now owned by the Government at seacoast fortifications and the amount of it that is necessary in time of war, and from that statement it appears that something like 9,000 acres could be disposed of by the Government without harm to the seacoast defenses. With that fact staring us in the face I for one am not willing to make appropriations for the purchase of additional land that are not accompanied with provision for the sale of unneeded land.

It was urged strongly by my friend representing the Norfolk district [Mr. HOLLAND] that provision should be made for the purchase of this land, and if the matter were to be determined by his zeal and persistency it would have been carried in this bill, but the committee did not feel at this time warranted in carrying a provision for the purchase of this land at the mouth of the Chesapeake.

In regard to the mobile artillery, an estimate was asked of \$1,002,000 for the manufacture and purchase of mobile artillery, and the statement was made by Gen. Crozier that we were more backward in regard to mobile army matériel than in any other direction. The committee therefore allowed what they believed was a liberal sum, though nothing like the sum asked by the department. We allow \$300,000, with a provision for contract obligation of \$300,000 more, being practically an allowance of \$600,000 out of an estimate of \$1,000,000. As I have stated, the moneys for the mobile artillery are carried in two supply bills. The fortifications bill carries moneys necessary to supply the matériel for the Regular Army and for a Volunteer Army. The Army appropriation bill carries the moneys deemed necessary for the militia, and the same division is also true of items for ammunition for the Regular and Volunteer Armies and the militia. There are now built or building guns more than sufficient to supply the Regular Army at its full strength in time of war and leave some reserve for the Volunteers. The condition in regard to the militia is very much less promising, but in view of the fact that the Regular Army is the first branch looked to in time of war, the militia second, and the Volunteers third, the committee did not feel warranted in moving as rapidly as the War Department desired in appropriating money for mobile artillery for the Volunteers, because, as stated, we have now more than sufficient for the Regular Army at its full war strength. But we have appropriated a sum in excess of that

which has usually been appropriated in the past. As to ammunition, a request was made for \$1,500,000 for ammunition for mobile artillery, and the committee allowed the sum of \$600,000, which in its judgment is a very liberal provision. We made no cut as to the amount requested for practice ammunition, believing that it was a very shortsighted policy that would undertake to curtail expenses in that regard. The efficiency of seacoast batteries is entirely dependent upon the skill with which the guns are fired, and anything that would curtail the practice in that direction would be, in the judgment of the committee, a very grave mistake.

In maintenance we have allowed whatever was properly necessary; but, as I have said, we have not undertaken to provide for any new armament in the United States, nor have we gone forward as rapidly as might be desirable in the future and with a different condition of the Treasury in bringing up some of the accessories, such as searchlights and modernized fire control.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MOORE of Pennsylvania. The bill contemplates a total cut of over three millions of dollars below the estimates made by the department. Will the gentleman tell us what some of the things desired by the department were that the committee did not think they would put in the bill?

Mr. SHERLEY. If the gentleman wants a detailed statement—

Mr. MOORE of Pennsylvania. Not a detailed statement.

Mr. SHERLEY (continuing). He will find it in the report, where each item is set out, showing the estimates for this year, the appropriations for last year, and the recommendations contained in this bill.

Mr. MOORE of Pennsylvania. Is powder one of those items?

Mr. SHERLEY. Ammunition, which includes powder, was cut. A large cut from the estimates was made, but the appropriation recommended is a very liberal one in regard to ammunition. There was asked \$1,500,000 for reserve ammunition, which, of course, includes powder, for the mobile Artillery. There is recommended \$600,000, which is a cut of \$900,000. The allowance of the year before was \$300,000, so that we are recommending a sum just twice that which was recommended and passed by the last Congress.

Mr. MOORE of Pennsylvania. The gentleman has made a study of this matter. I call his attention to the items throughout the bill contemplating "the purchase, manufacture," and so forth. Now, with regard to powder and ammunition that may be used by the Coast Artillery in these fortifications, to what extent does the Government manufacture and to what extent purchase ammunition and supplies outside, including powder?

Mr. SHERLEY. The Government manufactures about 25 per cent of all the powder it uses in all branches of the military and naval service.

Mr. MOORE of Pennsylvania. How is it with regard to other ammunition?

Mr. SHERLEY. That is hard to answer.

Mr. MOORE of Pennsylvania. I mean other ammunition than powder.

Mr. SHERLEY. They make varying quantities, according to the particular object. I should not like to say what amount is manufactured of ammunition other than powder; I do not now recall the amount. As to guns, we manufacture in the arsenals nearly all, and of carriages, and so forth, I think we manufacture over two-thirds. I may not be accurate in that statement.

Mr. MOORE of Pennsylvania. The gentleman estimates that the Government makes about 25 per cent of the powder it uses in this service, and is not able to state as to other ammunition. Could the gentleman tell us to what extent there has been a cut as to the ammunition manufactured by the Government?

Mr. SHERLEY. There has been no cut. There has never been in this bill, or in any previous bill, an attempt to segregate what should be manufactured and what purchased, because it is impracticable to do it. The only way that cuts can be shown is in amounts.

Now, in point of fact, it is not expected there will be any less work done in any of the Government plants by virtue of any cuts made in this bill.

Mr. MOORE of Pennsylvania. With a view of continuing the service and being prepared for the future, the department did estimate for more ammunition and more powder than is being allowed in the bill.

Mr. SHERLEY. They, in one instance, did estimate for \$1,500,000 and got \$600,000, a difference of \$900,000.

Mr. MOORE of Pennsylvania. Could the gentleman indicate the proportion of the saving of \$3,000,000 that would involve ammunition?

Mr. SHERLEY. I did not catch what the gentleman asked.

Mr. MOORE of Pennsylvania. The committee proposes to save \$3,000,000 under the estimates of the department for supplies for the incoming year. Can the gentleman indicate to what extent ammunition will be involved in that \$3,000,000 of saving? I am including ammunition and powder. How much of a cut will there be so far as the Government manufacture of those commodities is concerned? If the gentleman can not answer directly—

Mr. SHERLEY. I think that cut is the only one—the \$900,000.

Mr. MOORE of Pennsylvania. Nine hundred thousand dollars will be about the limit of the cut on ammunition and powder?

Mr. SHERLEY. Yes, sir.

Mr. MOORE of Pennsylvania. Thank you.

Mr. DONOHUE. Will the gentleman yield?

Mr. SHERLEY. Yes, sir.

Mr. DONOHUE. A Member of this House made a statement, or is quoted as having made a statement, that this cut will materially affect the employees in the arsenals. Is that so?

Mr. SHERLEY. It is not so. There is no intention here to in any way lessen the amount of work that shall be done by the Government itself.

But if we had allowed the total estimates received, it would have forced the Government to put a larger amount of work outside and to do a less per cent of it itself, and inasmuch as the Government is doing all the work it does cheaper than it can be done at the establishments of private concerns, we did not feel called upon unduly to force it to place a larger proportion of the work outside.

Mr. DONOHUE. And these changes will not affect injuriously the employees of the arsenal?

Mr. SHERLEY. I do not know what may be the policy of the Government as to the arsenals. In my judgment, there is nothing in this bill, however, that in any way warrants the cutting down of the force at the arsenals.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to ask, if there is a reduction of \$900,000 in the amount of ammunition to be provided for the forthcoming year, whether it would not affect to that extent the employees of the arsenals in the Government service who have heretofore manufactured that \$900,000 worth of ammunition?

Mr. SHERLEY. It would in the event the gentleman's question was accurate, but it being inaccurate I answer "No." It so happens that they have never done all the work before, and the amount we are appropriating now is more than sufficient to give as much employment, if not more, than has been given by the Government in its arsenals for this kind of work.

Mr. MOORE of Pennsylvania. Is it not a fact that there will be \$900,000 less of ammunition manufactured at the Government arsenals than has been provided for the present year?

Mr. SHERLEY. It is a fact that they asked for \$1,500,000 and we gave them \$600,000, thus reducing the estimate \$900,000. But it is not a fact that that \$900,000 cut lessens by that sum the amount of work to be done as compared with work heretofore done at the arsenals. It simply means that if we had given them \$1,500,000 they would have to do more work outside than ever before.

Now, I would like to ask whether the gentleman is asking his question with the idea of having the work done inside of the Government arsenals or outside?

Mr. MOORE of Pennsylvania. I wanted to know what the policy of the committee was as to having this work done, whether in the Government arsenals or outside; whether it was the policy, as indicated in the bill, to have as much work as possible done outside and not to have as much done in the Government arsenals.

Mr. SHERLEY. The gentleman says "as indicated in the bill." There is nothing in the bill that indicates anything approaching that, and there is no desire on the part of the committee or any member of the committee to lessen the amount of work that the Government does itself.

Mr. MOORE of Pennsylvania. I call the attention of the gentleman to the paragraphs on page 5, beginning with line 6, "for the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon," and so forth, and on line 11, "for the purchase, manufacture, and test of ammunition for seacoast cannon," and so forth, and on line 16, "for the purchase, manufacture, and test of ammunition, subcaliber guns, and other accessories for seacoast artillery practice," and so forth, and on line 25, "for the purchase, manufacture, and test

of ammunition, subcaliber guns, and other accessories for mounted, field, and seige artillery practice." All of this would indicate that there are two ways of procuring ammunition.

Mr. SHERLEY. Of course I am not responsible for the gentleman's lack of familiarity with the previous bills, but if the gentleman knew about those previous bills he would know this to be the exact language that has always been carried in every one of them.

Mr. MOORE of Pennsylvania. But it is a fact that the Government has two ways of providing supplies of ammunition?

Mr. SHERLEY. Yes; and it ought to have two ways.

Mr. MOORE of Pennsylvania. I want to ascertain whether less work would be done at the arsenals than heretofore under the new system which seems to have been adopted in this bill.

Mr. SHERLEY. The trouble with the gentleman is that he is hunting for something that he can not find. There is no "new system." The plan now followed is the plan heretofore followed. There is no intention in any way to interfere with the work now being done by the Government in its own arsenals. I can not make a statement more comprehensive than that.

Mr. MOORE of Pennsylvania. Well, I realize that the committee has reported that it proposes to expend \$3,000,000 less next year than the department asked for.

Mr. SHERLEY. Yes; and if the gentleman had familiarity with the previous bills he would know that the estimates were cut much more than \$3,000,000 in some previous years. The fact that you cut estimates is not the determination of a policy, except as it indicates a desire not to progress as rapidly as we would with larger appropriations.

Mr. KONIG. Is it not true that the recommendations of the committee in its proposition this year are larger than were granted in the last Congress?

Mr. SHERLEY. No, sir. The recommendations in this bill are a million dollars less than were carried in the bill a year ago. The recommendations for ammunition are larger than the amount carried in the bill last year.

Mr. KONIG. Then you have a million dollars less than was appropriated by the last Congress. Why would not that \$1,000,000 affect the people engaged in the manufacture of powder in the Government arsenals?

Mr. SHERLEY. I tried to make myself clear. The reason is simply because it is impossible for the Government to manufacture in its arsenals or powder factories all of the ammunition, including powder, that it uses, and there has always been a certain amount expended outside. If we allowed the full sum that they asked, the result would be to have more expended outside than heretofore.

Mr. RAUCH. Will the gentleman yield?

Mr. SHERLEY. Yes, sir.

Mr. RAUCH. Is it not true that on page 5 of the bill the items to which the gentleman from Pennsylvania [Mr. Moore] alluded in his question, for the purchase, manufacture, and testing of ammunition, that those appropriations can be utilized by the department in the carrying on of work in the arsenals?

Mr. SHERLEY. Absolutely. There is no limitation upon the amount that shall be expended outside or in the arsenals except the capacity of the arsenals themselves and the determination of the officers in charge.

Mr. MOORE of Pennsylvania. That is to say, the discretion is left with the department to buy or to manufacture as it sees fit.

Mr. SHERLEY. That has always been the rule. That is not a new proposition. It has always been so.

I will say to the gentleman that this is my idea of what should be the policy of the Government as to work of this kind being done by the Government and being done outside. I believe that, owing to the unusual skill and efficiency of one man—Gen. Crozier, of the Bureau of Ordnance—we are making a saving in the manufacture of guns and carriages by the Government over what it would cost to purchase them outside; that is sufficiently large to make it desirable that we should do the major portion of the work by the Government itself; but I do not consider it advisable to do all the work in that way, and the reason for that is twofold. First, you would have no means by which you could test the cost of the work the Government is doing, whether it was economical or not, unless by comparison with what it cost outside. Secondly, you would put out of availability all the private concerns that now exist which are capable of doing this work and are actually doing it, who could be called upon, and of necessity would have to be called upon in time of war or of great need. That applies not only to guns and carriages, but, broadly speaking, it applies also to powder.

Mr. PEPPER. Right at that point I should like to ask the gentleman a question.

Mr. SHERLEY. Certainly.

Mr. PEPPER. I think I heard the gentleman from Kentucky [Mr. SHERLEY] express practically the same opinion upon another bill. I am desirous of having the gentleman state if he has in mind any proportion that he would recommend as the proportion that the Government should purchase, and the proportion that the Government should manufacture, of guns, ammunition, and so forth?

Mr. SHERLEY. I do not know that I can answer that question. My own judgment is that we ought to make more powder than we have been making. My own judgment is that we ought to run the arsenals to their full capacity, using the word "full" in the sense of ordinary capacity. I do not believe we ought to run them day and night in order to increase their output.

Mr. PEPPER. Does not the gentleman believe that the reason for purchasing of outside manufacturers that he has given, in order that they may be prepared to furnish these articles, would depend a good deal on the price; that is, the amount you purchase? For instance, if the difference is a great deal, it is paying a pretty high bonus to private manufacturers for maintaining a plant where the difference is such as to amount to quite a sum in the large expenditure we are making.

Mr. SHERLEY. Frankly, I say to the gentleman that the difference in cost as shown by the Government and by outside purchase strikes me in some cases as being rather extreme, and while much of it is due to the splendid efficiency of Gen. Crozier, still it would indicate that we are paying rather a large price to private manufacturers. But this committee was without the necessary ability to determine these questions. It can not have the information or the technical knowledge to enable it to determine how proper a contract for work of this sort may be. We have no information by which we can judge whether a contract is reasonable or unreasonable, and no other committee of this House could have the means of determining that matter. We are necessarily dependent on the efficiency and knowledge of the men who let the contract and who spend this money.

Mr. PEPPER. Of course, we might be partially responsible for the policy.

Mr. SHERLEY. We would be responsible to the extent that we would have the power to indicate how much of the work should be done by the Government itself. Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 50 minutes.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MANN. I want to make an inquiry of the gentleman partly developed by the colloquy that has already taken place. I notice the bill carries a smaller sum in total than has been carried for a number of years. The gentleman has explained that in part by stating that as to a portion of the appropriation it was only intended to go up to the 4th of March. I take it that the gentleman and I would agree on the proposition that it is not desirable to make a large appropriation one year, a small appropriation the next year, and a large appropriation the ensuing year for work of that character. Is the gentleman satisfied that the amounts carried in this bill are sufficient to carry the work along, and that similar amounts will be sufficient in ensuing years to carry out the necessary projects?

Mr. SHERLEY. The gentleman's question raises several considerations. As to the Philippines and Hawaiian Islands we have practically given what was asked, with the statement previously made that the moneys recommended for appropriation are such moneys as they can expend prior to the 4th of March next year. That is not a new policy. The same thing was done in bills reported by this committee several years ago.

As to continental United States, we have done nothing in the way of new ordnance and very little beyond maintenance. Now, the reason for that is this: The whole science of seacoast defense is not only a progressive one but a rapidly progressive one. It was stated before the committee, and I believe it to be true, that in many cases we are overfortified, due sometimes to mistakes in the original plans, but more frequently to the increased draft of vessels, making it impracticable, if not impossible, to attack some fortifications by any battleship or anything larger than what would now be called a small cruiser, and due also to the fact that the increased range of guns and the efficiency in shooting is such as to have given us overfortification at many places.

Now, that being true, with the situation we are in to-day, where we are short, very greatly short, of men that would be necessary to man the fortifications of the United States, it did

not seem wise to the committee to hasten in any way the work of further fortifying continental United States.

Now, there are quite a number of things in the nature of accessories that ought to be provided in the course of time. For instance, much will be found in the hearings in regard to a permanent system of fire control. There is not a fortification today that has not now a system of fire control that, in my judgment, would be efficient in time of war. It is not a standard system, in that some of the wires are not so placed underground as to be free from any danger of the enemy's fire, and it is not modern in the sense that it is up to date, although it is modern in the sense that it is only a few years old.

The committee did not feel warranted in going ahead with work for standardizing the fire control at this time. I will say frankly to the gentleman that there has been no cut made of a serious nature or in the elimination of items that was not made after ascertainment that it would not in any sense imperil the defense of the country.

It would have been possible for this committee to have gone more rapidly, but the history of this bill, the history of fortification schemes has been such as to hardly warrant Congress in going very rapidly. For instance, as to the mouth of Chesapeake, it was urged some years ago with great fervor that we ought to build an artificial island there, the cost of which no man knew. Nothing but the determination of the Committee on Appropriations not to authorize that expenditure on the loose information presented saved the Government from a waste of \$10,000,000 or \$20,000,000 in the building of that artificial island that is now acknowledged by the War Department to be unnecessary, made unnecessary, perhaps, by the very causes I spoke of a few moments ago. But with this rapid change of conditions we did not feel warranted in going forward at any faster rate than we have gone. There is another thing that is a little bit discouraging to the committee dealing with a bill of this kind, for while it speaks somewhat for the attention and the alertness of those gentlemen of the Army who are primarily concerned with this work, yet we find that we no sooner get to a point where it looks as if a matter was about to be ended and wiped off the books but what there comes a modification of the project or an enlargement of it that makes continued appropriations necessary. As to all of those things that the department stated were in any sense imperative, the committee has been liberal. As to those matters which were simply a question of how fast we should progress, the committee has taken the conservative course, and a course which we believe will be justified upon the examination of the items as they are reached in the bill.

Mr. HELM. Mr. Chairman, I have been very much interested in the statement of my colleague, and especially that portion of it that relates to the Coast Artillery posts. I have seen it stated recently by officers of certain divisions of the War Department that Chesapeake Bay is considered one of the most pivotal and strategic points on the Atlantic coast and that the fortification of it has been very much urged by them. In view of the statement made by my colleague that continental United States is well fortified and overfortified, I would like to know, if he cares to express an opinion, why out of these vast sums of money that have been used for the purpose of fortifying the coast some of that money has not been used at this strategic and pivotal point which now they think needs to be fortified?

Mr. SHERLEY. Well, it is only fair to say on behalf of the War Department that for several years past they have urged appropriations for the fortification of the mouth of the Chesapeake and Congress has refused to authorize them, so that the failure for that number of years has been the failure of Congress, and as a member of the fortifications committee for five years past I am willing to share part of that responsibility. This is the situation as to the Chesapeake. It is urged, and seriously urged, by those gentlemen—who, of course, have a technical skill and knowledge that makes a layman slow to question what they propose—that assuming control of the sea it would be possible to land a large army at the lower part of the Chesapeake and to march on to Washington, as was done a hundred years ago.

Mr. HELM. Right in that connection, may I ask the gentleman if Fortress Monroe would be an effective impediment to that march or not?

Mr. SHERLEY. The idea is that instead of coming up the Chesapeake and undertaking to engage Fortress Monroe and there landing, that there is a sufficient harbor to permit the landing of troops at the mouth of the Chesapeake way beyond the range of the guns of Fortress Monroe.

Mr. HELM. That is where I want to get in. Fortress Monroe is, I believe, 12 miles from the mouth of the bay—

Mr. SHERLEY. I could not state.

Mr. HELM. And I can not understand the wisdom and the reason for expending the sums of money that they have expended on Fortress Monroe when if the fort had been constructed at the mouth of Chesapeake Bay it would be of far greater service.

Mr. SHERLEY. Well, there are several reasons. In the first place it is sometimes desirable that there should be a double defense—an outer and an inner defense. In the second place it is only fair to say fortifications in many places were made at a time when the conditions of warfare were very different from what they are now, conditions such as I spoke of, the draft of vessels and the range of guns. It was not believed until very recently that it was possible to fortify, except by floating batteries, the mouth of the Chesapeake and that was recommended in the Endicott scheme. The entrance is very wide in Chesapeake Bay. Then, when Japan began to build artificial islands that idea was adopted here, that we should build an artificial island. Congress refused to authorize the project. In the meantime the range of guns have so increased and the drafts of vessels have so increased, which therefore narrows the channel that they could use, as to make it possible in the view of Army officers to fortify the two shores so as to close that entrance. Now, it is proposed to guard the entrance by guns and mortars on the Virginia side only—

Mr. HELM. I will ask the gentleman this question, Does the gentleman think there has been more or less of a haphazard scheme or plan manifested by the department in the location and construction of some of these Artillery posts?

Mr. SHERLEY. I would not be willing to go quite that far. I think this is true, that there have been quite a number of mistakes made.

Mr. HELM. They have abandoned this island proposition, have they not?

Mr. SHERLEY. Yes, sir. If the gentleman will permit, I think there are conditions now that are obsolete; that there are forts that could be abandoned and armaments removed, and, in some instances, that has been done. I think in one instance, as far as I can understand—and I am speaking as a layman—it had been possible to fortify Narragansett with one fortification instead of five. But some of those mistakes that are apparent to us now, looking backward, could not be apparent to those at that time, looking forward.

Mr. HELM. Is it not also true that the Coast Artillery defense is divided into districts, and then into posts, and then into batteries?

Mr. SHERLEY. I do not know that I can answer the gentleman fully as to that. I have not undertaken to familiarize myself particularly with that phase of the matter. The posts are largely designated from the standpoint of defense as main and subposts, according to the amount of armament they contain.

Mr. HELM. Is it not also true that the troops at these Artillery posts are scattered to a more or less extent among the different divisions of the district instead of quartering them along the idea of the concentration of the mobile army posts?

Mr. SHERLEY. I think this is unquestionably true that there are more garrison posts in connection with seacoast fortifications than are necessary. But it is also true that there is not any surplus of officers or of men in the Coast Artillery.

Mr. HELM. Well, the point I am getting at is this: Instead of concentrating the men, as the scheme or plan is in the mobile army posts and keeping them all in as few posts as possible, that they are scattered among these different posts or batteries; and could not any economy be effected by a more complete concentration of the troops?

Mr. SHERLEY. I am not so sure that there could be any special economy in the concentration of the Artillery. There could be an economy effected in disposing of a lot of land and of barracks and quarters at some places where they are not needed.

Mr. HELM. Is it not a fact that there are two or three, if not several, posts that, by reason of their isolation, would be ineffective in defense, and should be abandoned?

Mr. SHERLEY. I do not know that I can answer that.

Mr. HELM. Is there not one in Alabama, off by itself and entirely helpless, and could give no account of itself at all in an attack by a fleet?

Mr. SHERLEY. I think there are several posts that, perhaps, are not now needed, and it was because of that belief that the committee was not willing to enter upon a project for buying additional land for a large garrisoned post at the mouth of the Chesapeake until we had more information as to the general scheme.

Mr. HELM. As I understand it, all these artillery posts ought to be able to take care of themselves against an attack

by a fleet before a landing of troops is effected, and a post that could not do that is of no value.

Mr. SHERLEY. Unquestionably, the idea of a land defense is that it shall be able to repel any probable sea force that may come against it. And I want to say in that connection that in my judgment the test of a proper defense is going to be the fact that it is never called into action. Whenever you have properly fortified a place, that moment the probability of its being attacked by sea almost passes away. During the Japanese-Russian War the Japanese early discovered that they could not take Port Arthur from the sea, because of its being strongly fortified, so they gave up that attack and undertook a slower, but what in the end proved a successful attack by land.

Mr. HELM. That justifies my statement that no artillery post should be maintained that is not capable of defending itself.

Mr. SHERLEY. From the sea?

Mr. HELM. Yes.

Mr. SHERLEY. I should say, generally, that that was true.

Mr. RUCKER of Colorado. Will the gentleman from Kentucky [Mr. SHERLEY] permit me to ask his colleague [Mr. HELM] one question?

Mr. SHERLEY. Yes.

Mr. RUCKER of Colorado. Is it not true that the view you are taking now is absolutely contrary to the judgment of Gen. Wood in that respect? Does not he put it upon the ground—

Mr. HELM. He and I may differ from one another. I do not pose as an Army expert at all, but I am trying to exercise just a little modern common sense.

Mr. RUCKER of Colorado. I will ask the gentleman this further question—

Mr. HELM. And common sense tells me that it is useless and foolish to go out and put up a coast defense that can not give a good account of itself and can not take care of itself against an attacking fleet.

Mr. RUCKER of Colorado. I was going to ask the gentleman if it was not true that Gen. Wood expressed an entirely different view from that of the gentleman from Kentucky in that respect?

Mr. HELM. What does the gentleman understand Gen. Wood to say?

Mr. RUCKER of Colorado. I understood him to say that it is impossible to have a fortification at all times in shape to defend itself, but that it is absolutely necessary to have these interior garrisons in such condition that in case of attack they can be thrown into the forts of the seacoast defenses.

Mr. HELM. I have been unfortunate in my statement if the gentleman does not understand me. My statement is that a Coast Artillery post, with guns and equipment, ought to be able to take care of itself as a post; that it ought to have the equipment and the strength necessary, so that when it is properly manned it can give a good account of itself and defend itself and repel the attack of any invading fleet before any landing of troops has been effected.

Mr. SHERLEY. Mr. Chairman, I would prefer to continue my speech. If the gentleman desires to ask me a question, I will be glad to answer it if I can.

Mr. RUCKER of Colorado. Then I will ask the gentleman from Kentucky [Mr. SHERLEY] this question: If it is not true that Gen. Wood's report upon this matter is to the effect that one of these coast garrisons would be absolutely unable to defend itself against an attack from the sea because the landing forces would be so far away that the garrison would have no effect upon the vessels, and therefore the troops of the enemy could come in behind and it would be necessary for the Army to be there to defend it?

Mr. SHERLEY. I should say: No; I do not believe that Gen. Wood ever said anything of the kind. What seems to me to be confusing the gentleman is that he is failing to consider the difference in the ability of a seacoast fortification to withstand an attack from the sea and an attack from the land.

Now, it is true of all modern fortifications that while they are supposed to be protected from an attack by sea by virtue of the disappearing guns and the protection that is afforded by the land embankments, they are nevertheless exposed from the rear. If the gentleman has ever seen a modern seacoast fortification he will realize that from the rear they are absolutely exposed. Now this is true: Assuming that a force should land and make an attack upon the fortification from the rear, it is not expected that the Seacoast Artillery shall be relied on to defend from the attack from the land side, but that defense is a problem for the mobile Army and not for the Seacoast Artillery, which presumably will be engaged in repelling at the same time a sea attack.

Mr. RUCKER of Colorado. That is just the point I was making. I want to state to the gentleman that Gen. Wood says there never will be an attack made directly upon the forts from

the sea side, but that it will always be by a detour movement in the rear, and therefore the gentleman from Kentucky [Mr. HELM] is making the point that there should be an abandonment of these interior garrisons, the very thing that Gen. Wood says is necessary in order to protect the fort from attack.

Mr. HELM. Will the gentleman permit me just a moment?

Mr. SHERLEY. Yes; go ahead.

Mr. HELM. The gentleman from Colorado is missing the mark entirely. The gentleman is discussing a proposition after the enemy's fleet has effected a landing. I am talking about an attack made by the fleet without any force having landed to attack the fort.

Mr. RUCKER of Colorado. That is hypothetical; because there will be no attack made upon the fort from the sea.

Mr. SHERLEY. Mr. Chairman, I do not desire to delay much longer the committee. In the consideration of the bill by items I shall be glad to give to anyone seeking it such information as I possess touching any matter, and shall endeavor in particular to afford information touching fortifications in the Philippines and the Hawaiian Islands. Broadly speaking, the items carried in the bill practically provide for all present contemplated fortifications in Hawaii, and the work should be completed there within two years. In the Philippines about \$2,000,000, including amounts carried in this bill, is needed to complete the work, and it also should be completed in a little over two years, perhaps earlier. In the belief that proper provision has been made for carrying on the work of coast defense here in continental United States and in our insular possessions, as chairman of the committee on fortifications I submit the bill to the consideration of this Committee of the Whole House. [Applause.]

Mr. Chairman, I shall not further detain the committee. I now yield to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting some comments relative to the report of the National Monetary Commission. Mr. McCabe, of Columbus, Ohio, addressed the Middle Group of the Tennessee Bankers' Association, and I wish to insert in the RECORD his remarks, which I regard as clear and elucidating and worthy of careful consideration.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. McCabe stated in part:

It is folly to say that the improved, modern, and scientific monetary methods of other commercial nations can not be adopted here without also creating the monopolistic central bank.

The National Reserve Association is simply an organization for the coordination and cooperation of all the banks and trust companies of the United States for definite, specific purposes. It will be limited and restricted to the performance of essential duties which neither the Government nor our isolated banks severally can now perform. It will not be a gigantic bank of unlimited and far-reaching powers as are the central banks of Europe.

NATURAL OUTGROWTH.

The reserve association is the natural outgrowth of American business life. It is the evolution and an amplification on a national scale of that peculiar American institution known in all our cities as the clearing house association. It will be the national cooperative association of the banks and trust companies of the United States even as the clearing houses are now the cooperative associations of the banks for the cities of New York, Chicago, St. Louis, San Francisco, and other places. The American clearing house, rather than the European central bank, is the model for the creation of the National Reserve Association. There are no political objections to the American clearing houses and likewise there can be no valid political objections to the National Reserve Association. This organization is simon-pure American. There is nothing like it in the world. It is purely a republican, representative system of federated banks, even as our Government is a federation of States. If we are satisfied with the wisdom of our plan of government, as we are after more than 100 years of experience, then we should set the seal of our approval upon this proposed plan of bank organization.

All our banking institutions will continue as they are at present. No revolutionary changes in their character and functions are contemplated. They will continue to do business as separate units, but they will not be isolated as heretofore. They will continue to be independent, but not hostile, as oftentimes they have been. They will continue to compete with each other, but henceforth they will also cooperate to sustain the credit of each other, of the community, and of the Nation. They will perform the same daily functions they now perform, but by organization among themselves into the National Reserve Association, each bank, whether it be in Maine, Texas, New York, or Arizona, will be strengthened and fortified to render greater service to the people of its vicinity than it heretofore has been able to do.

SAME COMPETITION.

There will be the same vigorous competition for business among the banks as exists to-day, but in addition to this there will be hearty cooperation among them through the reserve association to sustain uniformly the credit of the Nation in all sections and at all times. It will be an organization for cooperation and not a capitalistic consolidation for monopoly. It will be cooperation for the public welfare and not monopoly for the profit of a few.

By the creation of the National Reserve Association our present disjointed and invertebrate system would be transformed into an articulate body having an intelligent head to think and act for the welfare of banks and public alike. The reserve association would be the executive head of a national league of competing banks. It would bring order, system, and concert of action among them; it would preside over all and stand behind each. It would be a neutral, impersonal

power which would neither seek to take advantage of the banks, nor would it permit them to take advantage of the people, but would strengthen and assist them to carry the burdens of commerce for which they are created. It would be a bank of banks, conducted without profit to its stockholders beyond fair interest on capital invested—wholly for the welfare of the American people.

ASSOCIATION CONTROL.

By a unique method of unit voting control of the reserve association will always be vested in the smaller banks of the country located outside the great financial centers. Although New York possesses 30 per cent of the banking capital of the Nation, yet it would have less than 10 per cent of the total representation in the reserve association. The South and far West, having only 23 per cent of the banking capital, would have 47 per cent of representation. There will be only three branches of the reserve association located in New England, New York, New Jersey, Pennsylvania, and Delaware, where half the banking capital of the Nation is located. Four branches will be located in the South, four in the Middle West, and four in the far West. It is thus provided that the planters of the South, the grangers of the West, and the wonderful people of the Pacific coast shall have banking facilities equal if not superior to those of the people of New York, Boston, and Philadelphia. The preponderating power of the smaller banks can neither be transferred by them nor can it be wrested from them. No bank can sell or dispose of its stock in the reserve association to any person or corporation, except to the reserve association itself, and then only when the bank ceases to be a member of the association or reduces its capital. Nor can its stock be voted by proxy. These provisions render it well-nigh impossible for any group of men, even though they should be backed by the wealth of Golconda, to gain control of or manage the reserve association for selfish purposes. Inasmuch as the maximum dividends which the banks shall receive on their stock in the reserve association can never exceed 5 per cent, and as all further profits shall go to the Government after a 20 per cent surplus has been accumulated, there would be no inducement for the great financial interests to seize control of the association. But what would they do with it even though they had it? They would have to run it without profit under the daily surveillance and constant supervision of Government officials; and the governor of the association, who would be appointed by the President of the United States, would have the veto on all their acts. It will be impossible to conduct the association for the profit of the banks or a select group of men. The banks, however, will furnish the capital at 5 per cent per annum for an institution which can not be more advantageous to them than it will be to the people. Less than half of the directors of the association will be bankers; the majority of the directors will be farmers, manufacturers, business men, and public officials. It is essential in the last degree that the reserve association shall be independent and high above the selfish interests of men and be conducted for the welfare of all the people of the Nation, and this is amply guaranteed by the safeguards thrown around its organization. It will be impossible to run it as a money-making institution. Primarily and ultimately it must be a great national monetary institution for the regulation and control of our monetary affairs, regardless of profits.

NOT IN COMPETITION.

As the reserve association is forbidden to receive deposits from or to discount directly for the general public, it can neither compete with our banks for business nor extend favors to individuals. It would arouse neither the envy nor animosity of the bankers or the people. As it can not "go out and get business," and as the bulk of its profits must go to the Government, it can not become a competitor of other banks and a huge money monopoly; and as it can not deal with individuals, it can not, even if it would, corrupt public officials.

It does seem that human ingenuity has finally succeeded in creating an organization which will be far removed beyond the reach of the grasping hands of the money power and which will also be immune to the sinister and baneful influence of politics.

We will have a supreme organization, democratic in principle and republican in form, which will safeguard the monetary interests of all, even as the civil rights of all are now impartially protected by the United States Supreme Court. Such an institution would not be repugnant to the democratic instincts even of Gen. Jackson. The National Monetary Commission has laid deep and broad the foundations of a democratic banking system, which, if put in force, will eliminate the fear of panics from the American mind, safeguard the daily business of life, prevent the universal sudden discharge of men dependent on daily wages, and which will also enhance, extend, and make preeminent the financial power of the foremost Nation on earth. The reserve association will be an exclusively commercial institution, like the great banks of Europe, having no connection with the stock markets, or the financing of railways, mines, or industrial enterprises. Its distinct aim will be to encourage commercial loans representing an exchange of goods and to discourage loans representing stock transactions.

UNHOLY ALLIANCE.

The reserve association will sever forever the tie which now binds American commerce in its unholy alliance with Wall Street. The bulls and bears would no longer terrorize legitimate business, as they now do. They could blow up Wall Street as often as they pleased, but the country would not feel the shock. The President of the United States and the Secretary of the Treasury would never again be required, as they have in the past, to humbly supplicate the magnates of Wall Street to save this mighty Nation of mighty people from financial ruin.

The reserve association will emancipate our business men, farmers, and manufacturers from the bondage and thralldom of the New York Stock Exchange. Every prudent man can then mind his own business without watching the ticker to see what is apt to befall him. What have always been to us the portentous operations of the bulls and bears will become the amusing antics of actors in a passing show.

The plan of the National Reserve Association may not be perfect, nor is any claim made for its perfection, but it is as near perfect as human experience and foresight can make it. We know it is republican in form, because it will be fashioned like our Government. We know it is democratic in spirit, because its benefits will be for all the people and not for the few. We know it is correct in principle, because it squares with reason. We know its operations will be efficient and safe, because of the experience of other nations. No one of comprehensive mind who has carefully studied the plan has been known to condemn its basic principles. Opposition comes only from those who will not inform themselves or from those whose mental processes are deranged by personal animosities, petty fears, and antiquated prejudices.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAUCH having taken the chair as Speaker pro tempore, a message from the Senate,

by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 18794. An act to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. PERKINS, and Mr. MARTIN of Virginia as the conferees on the part of the Senate.

FORTIFICATION APPROPRIATION BILL.

The committee resumed its session.

Mr. GOOD. Mr. Chairman, I yield to the gentleman from Missouri [Mr. BARTHOLDT].

THE RECALL OF JUDGES.

Mr. BARTHOLDT. Mr. Chairman, I desire to submit some remarks on the subject of the recall of judges and court decisions, but not wishing to take up the time of the committee I ask unanimous consent to extend my remarks in the RECORD.

Former President Roosevelt's advocacy of the recall of judges and court decisions has made this proposition a live political issue, especially in view of his announced candidacy for the Presidency. One of the latest expressions from a member of a court on this topic was an address delivered before the New York County Lawyers' Association at its annual banquet February 17 by Associate Justice Stafford, of the Supreme Court of the District of Columbia. Justice Stafford said, in part:

"We have built our institutions on the proposition that the people have a right to rule. Their will is made known through the suffrage. And when opinions differ, as they usually do, the majority must govern. But that is not the whole of the proposition. If it were, there would be no safeguard whatever for the rights of the minority. The majority might appropriate their property. It might reduce them to slavery. It might even take away their lives. The proposition takes for granted, then, certain guaranties for the protection of the minority. And what are these? They are those elementary rights which no majority, however large, may ever violate. They have been recognized in constitutions and bills of rights, but they were not created by them. They inhere in free government itself, for human freedom is impossible without them. Among these rights there is none more important than this, that no citizen shall be deprived of his liberty or property except by the judgment of the law, and after a trial before an independent and impartial tribunal. We have now come to the keystone of the arch. It is this: The majority of the legal voters can not constitute itself this tribunal.

"If it can, it still holds the property and lives of the minority in its hands, subject to its mere will and pleasure, for there is no one who can call it to account.

"The cases that may come before the tribunal are of two classes: First, those between individuals merely; second, those in which one of the parties is, in fact if not in name, the people themselves, or the popular majority. By far the most important and most trying cases will be those of the second class, in which it is contended that some fundamental right of the individual or the minority is being violated. The violation will be attempted under the form of law, and thus the real party upon one side is the people, or the popular majority, whose will has here found expression in the form of law. In such cases how is the independence and impartiality of the tribunal to be secured? How except by removing it as far as possible from dictation by either party? Let it be remembered that the tribunal, the court, has been created and its members chosen by one of the parties to the controversy, namely, the people. Clearly, then, the only security the other party can have is this: That the tribunal, once it is created and its members chosen, shall be permitted to decide without further interference. If it is to be checked and overawed by one of the parties; if the moment it decides the case against that party its power is to be taken from it and bestowed upon others, then it is the party that decides the case, not the tribunal.

SETS FORTH AN EXAMPLE.

"Let us inquire whether this reasoning fits the facts of the present time. Take but one example: A popular majority, through the legislature elected by it, or more directly by the initiative and referendum, enacts a statute requiring railroads to carry passengers for 1 cent a mile. A test case comes before the court. The railroad insists that the act robs it of its prop-

erty, and the court so holds. Thereupon the same popular majority votes the judges out of office and elects to fill their places judges who will reverse the decision. Has not the popular majority constituted itself the court? May a man be the judge in his own case?

"Let us test the measure by another fundamental principle. A despot makes the law and also decides whether the particular case comes within the law. Or he may just as well dispense with the law, since no one can question his decision that the case comes within it. On the other hand, in a free government one body makes the law, the general rule, while another body decides whether the particular case falls within the rule. Thus the citizen is protected. We call it keeping the legislative and judicial departments separate. In a despotism they are united. In a free government they are separate. Now, if the popular majority not only makes the law but also decides whether a given case falls within it, then the legislative and judicial powers are united in the same body and the government ceases to be free and becomes a despotism.

"If it be objected that the argument proves too much, since by this reasoning the rule should be once a judge always a judge, my answer is twofold: First, I hold with Hamilton that the judicial tenure ought to be nothing less than during good behavior; second, if the judges are to be elected for limited terms, those terms should be at least of such a length that the judge's reelection should not depend upon his decision of some particular case or question, but upon his general worthiness to be a judge.

"The argument for the recall assumes that judges are only agents of the majority, and easily reaches the conclusion that when the agent fails to satisfy his principal he may rightly be recalled. The fallacy in the argument is in the assumption that the judge is an agent. He is not an agent in any proper sense of that word. He is not the agent of either party to a cause. He is not even the agent of both parties. If his duty were to trade and compromise between them, he might be considered the agent of both. But that is not his duty. His duty is to decide; it is not for him to please, nor to seek to please, either party. It is for him to decide the question between them as law and justice require.

WHY NOT BE INSTRUCTED?

"If judicial opinions are to be reviewed at popular elections, why should not judges be instructed beforehand how to decide questions that are certain to arise? They would be saved the possibility of making a mistake. If that is not to be done, the greatest jurist will be the one who shows himself most expert and nimble in keeping on the side of the majority.

"When the King asked Lord Coke how he would decide a certain question if it came before him, he replied, 'When that case arises I will decide it as shall befit a judge.' History has recorded the answer with a proud smile. When democracy asks that question of her judges shall they answer with less dignity and self-respect than the chief justice of the Stuarts? When Prince Hal struck the lord chief justice on the bench and went to jail for it, the King shed happy tears that he had a judge who dared administer the law even to the heir apparent, and that he had a son who in his sober second thought accepted the judgment of the law. Has free America in the twentieth century less reverence for law than the house of Lancaster had 500 years ago? In one respect the Roman tribunes performed for the Roman people the office that our judges do for us—they had the power to veto laws that struck at fundamental rights. You remember that when the plebs were advised to do away with tribunes by those whose purpose had been thwarted by them, the tribunes recalled the people to their senses with a fable. Once upon a time, they said, the wolves advised the sheep to get rid of their watchdogs, because they interfered with the sheep going where they pleased and were really the only obstacle to a perfect understanding between the forest and the fold. When, afterwards, the people did give up their tribunes they lost their liberty, and they never regained it till they got them back. Your watchdog may annoy the sheep when they wish to go astray, he may even nip one of them now and then as he tries to bring them back, but let the flock think twice before they exchange the watchdog for the wolf.

"The proposal to recall judges for unpopular decisions is nothing less than a proposal to abolish courts. To abolish courts is to abolish freedom. However innocent the motives of those who propose the measure, no deadlier blow was ever aimed at the heart of human liberty than this. The people have only to understand it to reject it. They are not ready to throw away the fruits of their long labors and unnumbered battles, labors endured and battles waged for this very thing, that under the broad shield of a sacred and inviolable justice the weakest or most hated might rest secure in their liberty,

their property, their lives. They will discover the tyrant under this flattering disguise. And in the end they will consign to obloquy the names of those who would have tempted them to their destruction."

Mr. PROUTY. Mr. Chairman, before this House disposes of all the money it has at its command, I wish briefly to call attention to a bill that I have introduced for the purpose of asking Federal aid and supervision in the construction of highways. [Applause.]

The improvement of country roads is the most important question before the American Congress. In all else our Nation's progress has been unusual. We are the richest manufacturing people in the world. The products of our factories exceed those of all Europe. Our farms produce more food products than those of any other country and more cotton than all the world besides. We furnish more of the world's foods and clothing than any other country. Our mines supply 52 per cent of the world's mineral products. We have greater wealth collectively and per capita than any other nation. We have more banks and banking capital than any of them. The world's financial circulation now receives its heart throbs from New York City. Uncle Sam holds his finger on the world's financial and industrial pulse. We have more miles of railway than any other country and better equipped facilities for rail transportation. We surpass all other countries in foreign and internal commerce. We are the wealthiest, the most intelligent, and progressive people on earth, and yet we have the poorest roads of any civilized country in the world. Ninety-two per cent of our country roads are impassable during a part of every year and are poor most of the year. More freight is handled over these roads than over the railroads. It is impossible to estimate the annual loss suffered by our people on account of hauling and traveling over these miserable roads. If the United States is to maintain her supremacy in commerce she must look to the cost of initial and articulating transportation as well as public transportation. We can not maintain our prominence without developing the veins as well as the arteries of commerce. Commerce is the measure of the Nation's prowess and facilities of transportation the index of commercial progress. The United States has surpassed all of the nations of the world in facilities for public transportation. We have the best-constructed, best-equipped, and best-operated railroads in the world, but have the poorest facilities for initial transportation. This is not because we do not spend money enough upon our highways, but because of our system of handling road construction. We spend more than \$100,000,000 a year in the local construction of highways, but we do not get results because our system is defective.

The American colonists, when they came to this country, brought with them the local or parish system of England, and we still adhere to it, though England herself has abandoned it. A careful study of the history of road building in Germany, England, France, Austria, Russia, and Switzerland will show that all of them first tried the local or parish system of building and repairing highways, and it will further show that so long as that system was pursued they had poor roads. None of them made any real progress toward good roads until they combined their local system with national aid and supervision. It seems a little strange that the United States, which is so progressive in everything else, should still cling to the system of highway construction and repair that has been abandoned by practically every civilized country in the world. If the United States expects to keep abreast the world's civilization, she must at once begin and prosecute a national system of road construction. [Applause.]

The first question that suggests itself to every legislator in approaching this subject is, Has the National Government constitutional authority and power to expend its revenues in the construction of roads within the States? Section 8 of Article I of the Constitution provides:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

The power to "provide for the common defense" would clothe Congress with sufficient power to construct and maintain highways. No one thing adds so much to the effective strength of an army as facilities for mobilization. The clause providing for the "general welfare" would also be ample to clothe Congress with this power. It is under this clause of the Constitution that Congress has found power to give its money, property, and credit to the building of railroads. If it has power to assist in the building of railroads for private use, it certainly would have power to assist in the building of highways for public use. But it is not necessary to rely upon the implied powers of the Constitution. Paragraph 7 of said section 8, Article I, expressly provides that Congress shall have power

"to establish post offices and post roads." This necessarily gives the power to erect and construct post offices and post roads. It is under this clause that the Federal Government erects its post-office buildings, and the same clause must necessarily give to the Federal Government the right to construct post roads. President Monroe, on May 4, 1802, in a message to Congress, said that—

in whatever sense the term "establish" is applied to post offices, it must be applied in the same sense to post roads.

In 1818 the House of Representatives declared its authority under this article of the Constitution as follows:

Resolved, That Congress has power under the Constitution to appropriate money for the construction of post roads.

President Madison, in his message to Congress, said:

I particularly invite the attention of Congress to the expediency of exercising the existing powers * * * in order to effectuate a comprehensive system of roads * * * such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.

Henry Clay, in 1818, said:

Of all the modes in which a government can employ its surplus revenue none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community into whose pockets comes the difference in the expense of transportation between the good and bad ways. Thus, if the price of transporting a barrel of flour by the erection of the Cumberland Turnpike should be lessened \$2, the producer of that article would receive that \$2 more now than formerly.

Mr. John C. Calhoun was perhaps the strictest constructionist in Congress, and yet as early as 1817 he introduced a bill in Congress to provide funds for the construction of roads. In defense of that principle, among other things, he said:

Let it not be said the internal improvements may be wholly left to the enterprise of the State and of individuals. I know that much may justly be expected to be done by them; but in a country so new and so extensive as ours there is room enough for all, the General and State Governments and individuals to exert their resources. Many of the improvements contemplated are on too great a scale for the resources of States or of individuals, and many of them are of such a nature that the rival jealousy of the State, if left alone, might prevent. They require the resources and general superintendence of the Government to effect and complete them. But there are higher and more powerful considerations why Congress should take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals it might, indeed, admit of some doubt whether they ought not to be left alone wholly to individual exertion, but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. Good roads and canals, judiciously laid out, are the proper remedy. Let us, then, bind the Republic together with a perfect system of roads and canals.

And subsequently when the Secretary of War, in referring to the same subject, he said:

No object of the kind is more important and there is none to which State or individual capacity is more inadequate. It must be perfected by the General Government or not perfected at all.

As early as 1806 Congress passed a law appropriating Federal money to aid in the construction of highways, and that policy was pursued by the Government up to the time of the breaking out of the Civil War. During that time the Government appropriated and spent more than \$14,000,000 to aid in constructing public highways, and some of the best roads now in the East and in the South were constructed by Federal aid. With the breaking out of the war the depletion of our revenues made the cessation of work along that line necessary. After the war the Government directed its energies toward the improvement of our great national railroads, and millions of dollars and millions of acres of land were appropriated by this Government for that purpose, but not a dollar has been expended by the Government since the war in the construction of roads for the general public in the United States. It is true we have spent some \$5,000,000 from the Public Treasury in constructing roads in Porto Rico, Alaska, and the Philippine Islands, and it takes a strange interpretation of the Constitution to allow this Government to expend its funds in the construction of roads outside of the United States, but so construes it as not to allow the United States to build roads for itself, and it certainly is an exaggerated altruism that would spend money out of the Treasury for the benefit of an alien population and withhold it from our own citizens. There can be no question about the power of the Federal Government to aid in the construction of public highways, and there remains therefore but two questions for consideration.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. PROUTY. I do.

Mr. MOORE of Pennsylvania. Does the gentleman argue that the Government should appropriate money to construct roads wholly within a State?

Mr. PROUTY. Yes, sir.

Mr. MOORE of Pennsylvania. Does the gentleman think the Government has that power, and that it would be good policy?

Mr. PROUTY. I will discuss the policy a little later; I am now only speaking of the power.

Mr. MOORE of Pennsylvania. Let me ask the gentleman this: The gentleman is familiar with the construction of the Erie Canal in the State of New York?

Mr. PROUTY. Not very. It was constructed before I was in business.

Mr. MOORE of Pennsylvania. It has been very useful since that time.

Mr. PROUTY. Yes.

Mr. MOORE of Pennsylvania. The agitation for it was actively begun about 1811. The Government positively refused to participate in the construction of that canal, because it was regarded wholly as a State enterprise.

Mr. PROUTY. Well, I am not saying that the Federal Government could not withhold the building of a post office in a State.

Mr. MOORE of Pennsylvania. The gentleman raises a very interesting question if he advocates the appropriation of public funds—that is to say, United States funds—for the construction of good roads wholly within the jurisdiction and limits of a State.

Mr. PROUTY. Yes, sir; I do; and I will give my reasons for it if you will give me the time. I have only discussed so far the power. If the gentleman will pardon me, I will discuss in a minute the question of policy.

First. Is this work of sufficient importance to justify Federal aid and supervision?

Second. Is it fair as between our own people to take funds from the Public Treasury for this purpose?

I shall first direct your attention to the first proposition. The tonnage hauled over highways exceeds that hauled over all of our railroads. The cost of such transportation can be reduced practically 50 per cent with properly constructed highways. In France it costs 7 cents per ton per mile to haul freight over her splendid highways; in Germany it costs 10 cents; in England it costs 11 cents; in the United States it costs 23 cents. It is estimated by good authority that if our roads were thoroughly improved we could haul freight for about 13 cents, or a saving of about 10 cents per ton per mile. This would make an annual saving of over \$250,000,000. This is the "mud tax" the American farmer pays. But this is not all the loss. Considerable of the farm products will not stand the high cost of transportation and they are allowed to rot or waste. Again, there are many products in which the selling price does not equal the cost of production and transportation, and thus their production is arrested. It is safe to say that bad roads cost the American people from \$300,000,000 to \$400,000,000 per year.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. RUCKER of Colorado. The gentleman having the floor, I trust he will not yield it until he ascertains from the gentleman from Pennsylvania [Mr. MOORE] how the Government evidenced its refusal to contribute toward the building of the Erie Canal.

Mr. PROUTY. I will leave that for the gentleman to explain.

Mr. RUCKER of Colorado. It is quite important.

Mr. PROUTY. I may be compelled to ask for a few minutes more time.

Mr. MOORE of Pennsylvania. I will be glad to explain it. The original plan of De Witt Clinton and others was to have Congress pass an act, by which the States should cooperate through grants of land, which would enable loans to be obtained in foreign countries. In this way funds were to be raised to build the Erie Canal, which would bring the traffic of the Great Lakes to the seaboard, a seemingly national project. Congress refused to consider the proposition, and many of the States regarded it wholly as a New York matter; hence there was not the public interest in it that there ought to have been. The result was that New York was obliged to go ahead on its own hook, and did actually provide the ways and means for the construction of that canal. I thank the gentleman from Iowa [Mr. PROUTY] for permitting this interpolation.

Mr. PROUTY. Again, it makes country life undesirable. It isolates our people and drives our populations to the cities. In 1790 less than 4 per cent of our people lived in cities and towns; in 1850, less than 13 per cent; in 1900, over 40 per cent; and by the census of 1910 the city population had increased to 46 per cent. This abandonment of the farm and flight to the cities must be stopped if we would preserve our democracy. How can it be done? Statistics gathered by the Office of Public Roads show that in 25 counties, chosen at random, where there are practically no macadam roads, the average loss in population from 1890 to 1900 was 3,112 per county, while a

similar number of counties, chosen in the same way, in which 40 per cent of their roads were macadamized, the population increased in the same 10 years 31,095 per county. These figures clearly show that the way to increase our rural population and diminish our city population is by improving our country roads. This improvement should be undertaken from patriotic motives, if none other. Every man who has studied the question knows that it is dangerous to our Republic to have congested city population. The dwellers upon the farm are the hope of our democracy.

Again, we have about 400,000,000 acres of unimproved land in this country. Much of this would be cultivated if made to articulate with the railroads by good country roads. We have about 800,000,000 acres of land in the United States. The Agricultural Department estimates that good roads would increase the value of this land an average of \$5 per acre. This would add \$4,000,000,000 to the country's wealth. One-tenth of this would surface the principal well-traveled thoroughfares of this country.

Again, there is nothing that would so much tend to reduce the high cost of living as reduction in this transportation. It now costs more money to haul a bushel of wheat 8 miles over the country roads to market than it does to transport it by water from New York to Liverpool—3,000 miles. On the average, it costs more to haul the food products from the farm to the nearest railroad station than it does to transport it from there by rail to the point of final consumption. There would be more gained to this Nation by reducing this initial cost of transportation than by cutting down railroad rates.

Again, this would be a direct saving to the Government itself. Last year we paid out \$42,000,000 for rural-route delivery. It is estimated that nearly one-half of this could have been saved if the delivery could have been made over good roads. The importance of this matter to the Federal Government is accentuated by the possibility, or even probability, of the establishment of a rural parcel post. This will add very much to the weight of the matter to be distributed over these post roads, and the Government's interest in good roads will thereby be greatly increased.

I now come to the second question: Is it fair to take funds from the Public Treasury for the construction of highways in the States for the benefit largely of the rural dweller?

Mr. MADDEN. Will the gentleman yield?

Mr. PROUTY. I believe I can not. I am informed I can not get more time.

Mr. MADDEN. It is a simple question.

Mr. PROUTY. I will submit.

Mr. MADDEN. I understand the gentleman to say that the country lost about three or four million dollars a year because of the fact that they did not have good roads.

Mr. PROUTY. Yes, sir.

Mr. MADDEN. What would be the proportion of the State of Iowa if that is the case?

Mr. PROUTY. You can figure that quicker than I can.

Mr. MADDEN. About six millions?

Mr. PROUTY. You can figure it out.

Mr. MADDEN. If it would spend \$5,000,000 out of its State treasury, it would be a million dollars per year if it lost six?

Mr. PROUTY. Yes. And that brings me to the question of whether or not it is proper for the Federal Government to do this.

Mr. MADDEN. I do not think it is.

Mr. PROUTY. I realize that many men do not agree with me, but listen to my argument and see if I can not convince you. I do not expect everybody to agree with me. It matters not how high taxes are if they are expended for the benefit of those who pay them. But there is no greater crime that a nation can commit than to continue to collect taxes from one class of people and expend them for the benefit of another class. Every candid man will have to admit that in the past a large part of our public funds have been expended for the direct benefit of the dwellers in our cities. It seems to me that the time has fairly arrived when this Nation should give more attention to the welfare of the country dweller.

Mr. RUCKER of Colorado. That is right.

Mr. PROUTY. The farm is the primal source of our wealth, and the farmer is certainly the only hope of our Nation. It has been truly said that "You can tear down every edifice in our cities, and labor will rebuild them; but abandon our farms, and our cities will disappear forever." Therefore, whatever benefits the farmer benefits the Nation, and whatever injures the farmer injures the Nation. There is no injury like injustice. The farmers of this country have not received in expenditures their share of the public money. This Government has appropriated more than \$600,000,000 for the improvement of rivers and harbors, and has spent this money among and for

the direct benefit of those living in the cities along these channels of commerce. Three-fourths of this money has been paid by the inland dweller. Of course, he has received some indirect benefits from this expenditure, but he is entitled to have some money spent in which he receives direct benefits. The people in the cities would also receive indirect benefit from the expenditure of money for public highways. I do not say that the Government should not spend money to improve rivers. I believe in that policy, but I say the time has arrived in the history of this country when the Government should spend money not only for but among the people that contributed it. It is time for the farmer to have a chance to welcome back into his own community a few of the dollars he sends to Washington. What I am insisting upon is that the inland dweller be allowed to participate in direct benefits, and not alone in those vapory benefits called "indirect." If we have not sufficient money to improve the highways and build waterways at the same time, the money ought to be divided about in the proportion contributed. It is not fair to spend it for the benefit of one to the exclusion of the other.

Again, this Government has spent \$200,000,000 in public buildings in the various cities in the United States, and all of this money has been spent in the cities. The buildings and improvements are for the convenience and accommodation of the city citizens. [Laughter and applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman has attacked the cities, and I simply desire to ask him—

Mr. PROUTY. I live in the city myself, but nevertheless I can tell the truth, even if I am from the city. [Laughter and applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like the gentleman to consider the river and harbor bill that is coming into the House this week and then think it over.

Mr. PROUTY. More than half of this money came from the farmers. Why, in justice, should there not be an equal amount expended in the country to make improvements contributing to the convenience and accommodation of the country dweller? [Applause.] Can anyone tell me why he is not entitled to his half of the money? At this session of Congress there is pending a bill appropriating \$16,000,000 for the erection of public buildings in the cities. Every dollar of this money will be spent not only in the cities, but for the benefit of their people. Why would it not be fair to divide this up, giving half of it to the improvements of the cities and half to the improvement of the highways of the country, for the benefit of the country people? [Applause.]

Mr. MADDEN. Mr. Chairman, will the gentleman allow me—

Mr. PROUTY (continuing). And that three-fourths of that money has been paid by the fellow who lives in the country?

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. PROUTY. I regret that I have not got the time.

Mr. MADDEN. How much money do we lose every year for the Rural Free Delivery Service?

Mr. PROUTY. You would not lose half as much as you now lose if we had good public highways; I will tell you that. [Laughter and applause.]

The argument most commonly resorted to by those opposed to this measure is that we have not sufficient funds. That argument would be absolutely unanswerable if all the appropriations now made by Congress were for objects more worthy, more beneficial, and more just than this one. But it is not fair to take all the money and appropriate it for even good objects to the absolute neglect and exclusion of others equally as important and deserving. If we have not enough money to go around, let us divide it up, giving to each its just share.

Last year we spent more than \$126,000,000 for the Navy; and that, too, in time of profound peace. This was the high-water mark. It was more than was spent for the Navy during the highest period of the Civil War. It may be necessary to prepare for war, but I am inclined to think that greater good would come to this people if we would spend more of our money in improving the paths of peace and prosperity. The money that we spent in sending "Miss Navy" around the world to exhibit her toggings, her frills, and her feathers would surface a highway from New York to California. I am in favor of spending our money in such a way as will improve the living conditions of our people rather than in displaying our prowess. I can not just understand why we are spending these vast sums of money in strengthening our Navy while we are at the same time engaged in the making of treaties that ought to do away with all foreign wars. It may be that the time has not yet arrived "for the pounding of the sword into the plowshare and the spear into the pruning hook," but, gentlemen, I am sure that the

time has arrived when we might safely convert some of our mortars into macadam and our turrets into turnpikes.

There are plenty of other places where saving could be made of sufficient amount to begin this work. This Congress will probably appropriate a billion dollars, and it seems to me that out of that appropriation sufficient savings could be made by the exercise of strict economy to furnish funds to at least begin this great work of constructing national highways. I feel quite sure that it would not hurt some of these pampered pets of public patrimony to go on half diet awhile and let some other worthy objects have a chance.

But the vast resources of the United States will easily enable us to carefully provide for these matters and at the same time enter upon a conservative policy of Government aid for road building. If Congress should now make an appropriation for this purpose proportionate to our wealth, as compared with that appropriated by Congress in 1806, it would produce about \$615,000,000, more than the amount used by France in constructing the most magnificent system of highways in the world.

Again, it is fair that the Government itself should enter upon this project. When the Government in the Constitution divided the power of taxation between itself and the States it gave them the right of direct taxation and reserved to itself the power of indirect taxation. The latter is the easy way of collecting large sums of money. It is done almost imperceptibly; while direct taxation creates irritation. There are vast fields of taxation not yet employed. If the Government should lay an internal-revenue tax of 1 cent per package on chewing gum it would produce more money than is asked for in my bill the first year for improving highways. The initial cost of the material is such that this tax could be levied without increasing the cost to the retail dealer or to the consumer and yet leave reasonable profit to the manufacturer.

Again, there are many sources of expenditure of the Government that will soon be curtailed. It must be apparent to anyone that unless we enter upon new fields of expenditure the present revenues will soon produce a large surplus. Among other things, we are now paying out over \$150,000,000 a year for pensions. The pensioners of the Civil War are now dying at the rate of 35,000 per year, and this mortality will increase as the expectancy diminishes. The average expectancy of the soldier of the Civil War is now less than six years. Their ranks are very rapidly decimating. To what better purpose could the money, now used for pensions and not needed then, be used than that of building national highways, over which the citizens and soldiers of the future might pass with less hardship than did our soldiers in marching through the bogs and mires of the South?

Again, it is fair that the Government should assist in the building of roads. It is now using more than a million miles of roads which have been constructed and are now maintained by the State and local communities without its contributing or paying a cent. It treats the communities so different in this respect from what it treats the railroads. This Government helped to build the railroads of the country but still pays them more than a private transporter for every pound of matter sent over their tracks. This is not fair. The rural dweller is as much entitled to have Federal aid in the construction of articulating post roads, as the promoter is to have Federal aid in the construction of railroads, especially as the Government would use the former forever free and be compelled to forever pay for the use of the latter. The Government has given about 200,000,000 acres of land for that purpose, which at \$10 an acre would be \$2,000,000,000. It has been estimated, however, that that land is now worth \$40 per acre, which would make \$8,000,000,000; much more than would be needed to surface all of the well-traveled roads of the United States. More than twice as much freight is hauled by team over public highways as is hauled by all the railroads of the United States. Not half of the freight that is hauled from the country to the cities by team over the public highways, ever reaches the railroad station. It is used in local consumption. If it is good statesmanship to use the Federal Treasury to assist in creating facilities for transportation by rail, why is not it equally patriotic to use Government funds in improving the highways on which the greater volume of traffic takes place? The estimated savings on the cost of transportation on the highways would be equal to all the freight paid on all the railroads of the United States. From this we get some idea of the enormous waste that results from the bad roads of this country. There is no field in which the conservationists can show such a saving of energy and wealth, as in the construction of good roads, and it is just as important as a national problem, to conserve energy and waste, as natural resources.

Every objection that is now being urged against the use of public money for the improvement of post roads was urged against the establishment of free-rural delivery. They said

then that it would bankrupt the postal treasury, but experience has demonstrated the fallacy of that argument. The increased volume of mail matter has turned the postal deficit into a surplus. Increased facilities necessarily increase volume, and consequently increase revenues. If the Government enters upon the policy of either parcel post or parcel express, the saving upon the cost of transportation to the Government alone will amply compensate it for its cooperation in the building and maintaining of national highways. I would begin this matter as we began the postal-free delivery, by experimenting; but the time has arrived, in my judgment, for action.

There is another viewpoint from which this question should be considered. It was said a few days ago on the floor of this House that the productive power of labor is being so increased by the use of machinery that in 50 years the production of the world's necessities would only call for the labor of 2½ hours each day, and that this applied with special force to the United States. If that statement has any truth in it, and I think it has, we are rapidly approaching the national problem of diverting a considerable quantity of our labor from the field of production into the field of improvement. It will not do to have a nation of idlers working only three or four hours a day. It will not do to have one-half of our people working eight hours a day and the others having nothing to do. A rational national system of employment will then be necessary. What better method could the Nation devise for transforming surplus and idle labor into improvement for the public good, than providing a system that will enable this constantly increasing surplus of labor to be used in the construction of roads which will benefit all the people. It is always better to tax the people to furnish the labor for the unemployed than it is to tax them for supporting the poor in idleness. It is infinitely better for the laborer to have employment than to receive charity. Charity always humiliates and debases. Labor inspires and dignifies.

Back to the farm is the urgent cry of the hour, but intelligent men will not go in the mud or long remain there in exile and seclusion. [Applause.] Country life must be made attractive and intercommunicable. The country parish is the hope of our democracy. As long as it predominates this Republic is safe. When its conserving influence is swallowed up by the corrupt city force our Republic is gone. I have been profoundly impressed with this fact by my experience and research as a member of the Committee on Elections of this House. In all the cases I have examined I have not found a single strictly rural precinct that has been thrown out on account of fraud, intimidation, corruption, or ballot-box stuffing. These crimes against republican government have been confined to the cities. Self-preservation therefore demands that this Government should use its every constitutional power to increase and preserve this pure blood of our body politic. That can be done no way so efficiently as by making good country roads. This will hold the farmer's boy on the farm, and will entice some of the people from the political miasmas of the overcrowded cities to the pure moral atmosphere of rural life. This is the hope of the Nation.

The building of good streets draws population to that part of the city, so the building of good roads will draw population to the country. Good roads makes habitation along them desirable and attractive; they facilitate transportation of person and products; they increase the value of farm land and farm products, and at the same time reduce the price to the consumer by reducing the cost of transportation. The building of roads furnishes employment to labor and pays for it by economizing the time of those who use them; they make the country beautiful and attractive; they bring the city and the country in closer touch; the inhabitants of the country will go to the city oftener, and the residents of the city will be more frequently lured to the country; they will learn to know each other better and dislike each other less. Good roads will assist in educational, social, and religious progress and development of our people; folks will go to church, to school, to social gatherings more frequently and regularly over macadam than through mud. Good roads will do much to remove isolation and consequent intellectual stagnation. They will make broader and better our country life. They will help to purify city life. The city dweller never beholds the scenic wonders of field and farm; he never breathes the free air of the country that he is not made stronger and better. The improvement of our highways will add untold millions to our wealth. It will facilitate the transportation of the products of factory, forest, and farm. It will make the necessities of life cheaper to the consumer and higher to the producer. Every intelligent farmer now knows that the difference between the cost of transportation over good and bad roads often means a difference between profit and loss. The consumer can not stand the present high cost of living. The wise statesmanship of this age must be directed

toward the problem of reducing the cost of getting the article from one to the other, and in that cost transportation is one of the big items. Good roads means cheaper food products for the toilers in the cities and better prices for the farmer. Bad roads means still higher prices for the necessities of life. Good roads would benefit all classes of our citizens and all departments of our civic life. They would help the city, the country dweller. They would help the man that raises food and the man that eats it. They would help the man that digs coal and the man that burns it. They would help the man that rides in an auto and the man that wheels the barrow. They would help everybody and hurt nobody.

Viewing this subject from any corner I have been able to look at it, I firmly believe that the time has now fairly arrived when this country should enter upon the broad policy of assisting in building a system of national highways by direct national aid and supervision.

Mr. GOOD. I yield seven minutes to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, I desire to call the attention of the country very briefly to some of the achievements of our President to which we should point with pride.

THREE YEARS OF TAFT—AN INDEX.

Arbitration treaties with Great Britain and France, aimed at war, have been negotiated and are now before the Senate. Similar negotiations with other powers are pending.

Great trusts have been made to feel that the statutes carry penalties for them as well as for the small trusts and for the individual violator of the law. An era of calm enforcement of existing law has been inaugurated. The sugar corporation was convicted, proceedings brought against the Steel Corporation, and the coal, whisky, lumber, and beef corporations brought to court. More than two score prosecutions are pending. The Standard Oil and Tobacco cases have been completed and an interpretation of the Sherman law, many years in doubt, obtained.

When a Democratic House threatened to involve the United States with Russia in a too hasty annulment of the passport treaty, President Taft assumed the weight of responsibility and declared in diplomatic form that the treaty would be abrogated upon the notice of one year which it required.

Scientific tariff revision has been put in place of political giving and taking in such legislation. A Tariff Board has been created and its investigations have brought a recommendation from the President for a revision and reduction of the woolen schedule. Other schedules are under scrutiny, preparatory to further recommendations if they be found to conflict with Republican platform principles, and his policy looking to future revision on a scientific schedule-by-schedule revision has become effective. The tariff bill regarded by President Taft as a step in the right direction, even though not a perfect measure, has turned a \$58,000,000 deficit into a \$30,000,000 surplus. Wool, cotton, and so-called farmers' free-list bills, originating in a Democratic House, have been vetoed because they violated the principle of the Republican platform that revision of the tariff should be based upon the difference in the cost of production at home and abroad—a difference upon which information at that time was lacking.

The Panama Canal has been brought to a stage approaching completion and the date of opening advanced by several months through systematic work.

The Arizona statehood bill was once vetoed because it provided for the recall of judges. New Mexico and Arizona have now been admitted as States.

The Post Office Department has been placed upon a self-sustaining basis.

A difficult situation resulting from the revolution in Mexico, arousing deep feeling in the southern portions of the United States, was handled with diplomacy and tact, and the United States aided in the establishment of law and order in the neighboring Republic through preserving it in our own.

The Treasury agents and customs employees have been reorganized, fraud has been weeded out of the customs service, and many thousands of dollars lost under fraudulent importations have been recovered.

A Bureau of Mines has been created. Steps have been taken toward a new employers' liability and workmen's compensation act and the adoption of additional safety appliances on railroads.

A new policy as to river and harbor appropriations has been begun, the old "pork barrel" appropriation system abandoned, and the business policy of continuing contracts adopted.

A treaty with Japan has been negotiated, bringing about genuine friendship between her and the United States.

New treaties with Honduras and Nicaragua, that will make for permanent peace in those countries, have been negotiated and await action by the Senate.

Postal banks have been established. Rigid economy has been instituted in the Government departments. A Court of Customs Appeals has been created.

A Stock and Bond Commission has been appointed, and has made a valuable and exhaustive report.

Parcel post has been recommended.

Judicial appointments have been taken out of politics.

The Thirteenth Census was made nonpolitical.

President Taft has declared for the extension of the civil service, accomplishing much in this direction by Executive order.

The passage of a corporation-tax law, yielding \$30,000,000 annually, has been obtained, with the resultant surveillance of corporate activities.

The question of an income-tax amendment to the Constitution has been submitted to the States.

The President has provided for the accomplishment of conservation policies and obtained a bond issue for irrigation projects; obtained legislation further extending the power of the Interstate Commerce Commission and creating a Court of Commerce to review the commission's findings; recommended a Federal incorporation act; and induced China to open to American finance on equal terms with the rest of the world.

Peace in Cuba has been maintained by a word of friendly warning.

The railroads of the country were prevented, by an appeal to the writ of injunction, from putting rate increases into effect. [Loud applause.]

Mr. SHERLEY. I yield 15 minutes to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE. Mr. Chairman, in the few observations I shall make in the limited time at my command, I want to talk about the national defense, and particularly to emphasize what, to my mind, has not been properly emphasized in the discussion of this question upon the floor of this House or in the country.

The proponents of a large navy have always approached the people of the country and appealed to their patriotism along the line of the national defense; and the patriotism of the people of the whole country is such that this argument has made considerable impression. But, in my judgment, the advocates of this policy have purposely not referred to the phase of our national defense carried in this bill and now being considered by the House.

The testimony given in the hearings before the subcommittee that drafted the fortification bill is to the effect that the coast line of the United States is not only amply defended and protected by these seacoast fortifications, but that in many instances as stated by the chairman of the subcommittee [Mr. SHERLEY] we are overfortified.

In my judgment these facts have not been given to the people by those who favor a large Navy, and they have made it appear, in consequence, that the only protection from foreign invasion possessed by the United States is the protection afforded by the battleships.

During my service in this House I have never been one of those who have opposed a reasonable naval program, but I have believed, and do yet believe, that there are a large minority of this House who would appropriate more money for the construction of battleships than is warranted by the necessity for them.

During the last two or three weeks, from the other side of the main aisle of this House, and in the newspapers, particularly those published in this city, there has been a great deal of criticism of the action of a recent Democratic caucus, which passed a resolution instructing the Naval Affairs Committee of this House to eliminate battleships from the bill reported at this session.

That criticism, in my judgment, is not well founded, nor does it mean that those of us on this side who supported that resolution and who are willing to support a bill carrying out the provisions of that resolution, are not opposed to an efficient and effective Navy. I want particularly to call the attention of the committee to the Navy as it is now constituted. Only the other morning an editorial in one of the papers published in this city carried the information, coming from the Navy Department, that two vessels, the armored cruisers *Washington* and *North Carolina*, which have been in commission about five years, and the only two armored cruisers that are in the Navy, were to be taken out of active commission and placed entirely out of commission, or in the reserve line, for the reason that the officers and men who were on these vessels were needed to equip the new battleships that are being turned out from our navy yard.

Then, if you examine the last report of the Secretary of the Navy, you will find this language:

The Navy is very deficient in certain classes of vessels required for the maintenance and protection of the battle fleet. These vessels are battleships, cruisers, scouts, destroyers, submarines, repair, supply, fuel,

ammunition, and hospital ships, and tenders to torpedo vessels. A number of gunboats, river gunboats, and tugs also are required for the routine duties of peace as well as war. The number of such vessels, except gunboats and tugs, should be proportioned to the number of battleships; for example, there should be four destroyers for each battleship, one scout for each battleship, one repair ship for each squadron of eight battleships, etc. This is indicated fully in the following table:

	Present number of effective ships.	Number necessary on the basis of 33 battleships.	Present deficiencies.
Battleships.....	133		
Battleship cruisers.....		8	8
Armored cruisers.....	12		
Scouts.....	3	33	18
Protected cruisers.....	17		
Destroyers.....	50	132	82
Tenders to destroyers.....	1	7	6
Repair ships.....	1	4	3
Supply ships.....	3	8	5
Hospital ships.....	1	4	3
Ammunition ships.....		4	4
Fleet fuel ships.....	12	24	12
Submarines.....	38	60	22
Tenders to submarines.....	2	12	10

¹ The Indiana, Massachusetts, Oregon, and Iowa are not included in this table as effective ships.

² Armored cruisers have been superseded by battle cruisers; those on hand would be employed as scouts.

The Secretary says that to bring it up to the proper standard and put it so that it will be properly related now as to battleships, we need 8 battleship cruisers, 18 scout vessels, 82 destroyers, 6 tenders for destroyers, 4 supply ships, 3 repair ships, 3 hospital ships, 12 fleet fuel ships, 22 submarines, and 10 tenders for these submarines.

As one member of the majority in this House, I do not believe that the amount of appropriation brought in in the present bill from the Naval Committee necessarily should be less than it would be if there were authorization for two *Dreadnoughts* in that bill. I believe that the appropriation ought to be made for these auxiliary vessels for the Navy, in order that it may be brought up to the standard of efficiency and effectiveness in case we need it, and my remarks are warranted by the statement of the Secretary of the Navy as to the present needs of the Navy.

Then there is another reason why it is not, in my judgment, a proper policy to authorize at this time additional battleships, and that was referred to awhile ago in connection with the retirement of certain efficient vessels now in the Navy in order that the officers and men might be used upon new vessels.

The Secretary of the Navy says in his report that it would take 4,000 additional men to effectively man the vessels that are now effective in the American Navy. In a letter addressed to me by the Chief of the Bureau of Navigation, dated February 23, the statement is made that to effectively man with officers and men the present available fighting vessels in the American Navy would require 18,500 men in addition to those now in the service.

We might just as well be sensible about this matter, and if you apply common sense to a program, whether it be a naval program or any other, how can you justify the authorization of the construction of additional battleships when we have not the men to put them in commission without retiring from the Navy vessels practically of equal efficiency? [Applause.] And so, in my judgment, the action taken by the Democratic caucus, which has been so much criticized by our friends on the other side of the aisle, is justified by the facts as furnished by the Navy Department itself to the President and by him to the House. If the Navy of the United States is for anything, it is for defense, and if it can be justified to the American people along any line of argument, it is for the defense of America and Americans. I do not believe that the policy that is proclaimed in some quarters, and earnestly proclaimed at a meeting held in this city recently by those interested in the extension of our fighting force, that we are to become the great international policeman of the universe, that it should be the policy of the American people, through their Navy, to settle all the petty disputes of all the petty nations that are scattered over the face of the earth. For this reason the enlargement of the Navy, in my judgment, could not be justified to the American people; but I do believe that its justification is easy along the line of national defense, and I believe the action taken by the majority of this House in limiting the present bill and cutting out of it any appropriation for battleships is not only wise, so far as the Navy is concerned, but so far as the country itself is concerned, and for the best interests of the Navy itself. [Applause.]

Mr. SHERLEY. Mr. Chairman, how much time did the gentleman use?

The CHAIRMAN. The gentleman used 11 minutes.

Mr. SHERLEY. How much time have I remaining?

The CHAIRMAN. The gentleman has 25 minutes remaining.

Mr. SHERLEY. I yield that 25 minutes to the gentleman from Florida [Mr. Clark]. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I beg the indulgence of the committee for a short while in order that I may submit some observations which, while not pertinent to the bill under consideration, may nevertheless prove of some interest to my colleagues. I have tried during my service in this great body to consume as little of its time as possible consistent with my conception of my duty to the country as a whole and to the magnificent district which I have the distinguished honor to represent upon this floor. Believing that you will concede this claim, I make bold to impose myself on your good nature with some reflections upon my own course since I came among you.

Mr. Chairman, it is a very great honor to be a Representative in the Congress of the United States. It is a very much greater honor to deserve to be a Representative in the Congress of the United States. Every man upon this floor, no matter what his political faith may be, has been sent here by the free and untrammelled majority vote of more than 200,000 free, liberty-loving American citizens, and I submit that to be thus selected from among one's fellows is an honor worthy the ambition of any man. Under our form of government this body has come to be known as the "popular branch" of the legislative department, because of the fact that our Members are selected by direct vote of the people and come fresh from the great masses every two years. By virtue of this wise plan of the "fathers," if a Representative in Congress prove recreant to his trust, demonstrate his incapacity, or does not faithfully reflect the views of his constituency, he can speedily be replaced by another, and in my judgment he should be, as I hold to the opinion that no man should hold a commission to a seat on this floor unless he can in good faith truly reflect the views and register the wishes of the people who sent him here.

It is my well-considered and deliberate judgment, Mr. Chairman, that it is the solemn duty of a Member of Congress to faithfully and at all times and in every official act truly and to the best of his ability represent the wishes of his immediate constituency, and if in the course of his service he reaches a point where he can not conscientiously do so, he should at once return the commission he holds to those who intrusted it to him in order that his people may not be denied that just and true representation in this great body to which they are entitled. Our respective constituencies have the right to demand this of us, and no Member has the right—legal, equitable, moral, or political—to substitute the wishes of himself or any other man or any set of men for the wishes of his constituency. Now, I do not wish to be misunderstood right here. I do not mean to intimate that there should be no concert of action between members of the same political faith. I am a party man. I am an organization party man. I believe in organization and in party discipline, but under my oath as a Member of Congress, if the wishes of my constituents on a matter of importance to them should conflict with the wishes of my party associates, I would not be worthy of a seat here if I did not obey the views and wishes of those I represent. The Democratic Party, to which I belong, as represented in this House, has recognized and approved the principle for which I contend, and has clearly and unequivocally enunciated it in the rules governing the party caucus. Rule 7 of the Democratic caucus reads as follows:

Rule 7. In deciding upon action in the House involving party policy or principle, a two-thirds vote of those present and voting at a caucus meeting shall bind all members of this caucus; provided, the said two-thirds vote is a majority of the full Democratic membership of the House; and provided further, that no Member shall be bound upon questions involving a construction of the Constitution of the United States, or upon which he made contrary pledges to his constituents prior to his election, or received contrary instructions by resolution or platform from his nominating authority.

This rule is right. It clearly and distinctly blazes the way which the conscientious and faithful legislator should travel. Although, Mr. Chairman, I may not have "fought a good fight," thank God, I believe that I can truthfully claim that during my humble service in Congress I have "kept the faith" with my people and obeyed their will, even though on one or two occasions I have seemed to be at cross purposes with a majority of my party associates. [Applause.]

Mr. Chairman, during my service here I have witnessed the most marvelous development of our common country. During the past eight years we have grown as never before for a similar period in the history of the Republic. In the material upbuilding of the country millions have been added to our taxable values; tremendous advance has been made along all lines of human activity; our great rivers and harbors have been wonderfully improved; manufacturing establishments have been

multiplied amazingly; agriculture has revived and is fast regaining its former position of supreme importance in our affairs, while our population has increased more rapidly than ever before in our history for a like time. I feel like congratulating myself on having had the privilege to witness and play some little part in this great forward movement. I am proud of the fact that my own beloved State of Florida has been no laggard in this glorious march of progress. Blessed by the Creator with an incomparable climate; with a soil as rich and productive as the world-famed "Valley of the Nile"; with a seacoast of more than twelve hundred miles; with inexhaustible mines and magnificent forests; with such a diversity of agricultural and horticultural products as can be found in no other Commonwealth, and, above all, peopled with as intelligent, energetic, and patriotic a citizenship as inhabits the earth, it is not surprising that Florida has kept step to the music of our advancing and progressive civilization. [Applause.] The census returns for 1910 give to the State of Florida a population of 752,619 people as against a population of 528,542 in 1900, which is an increase of 42.4 per cent, and which establishes the fact that only 11 States have made a greater comparative gain than Florida, while Florida made a greater percentage of gain than any other Southern State.

In 1900 the second congressional district of Florida, which I have the honor to represent on this floor, had a population of 210,337 people, and by the census of 1910 that district had a population of 286,911 people, showing a gain of 36.4 per cent. Mr. Chairman, as evidencing the growth of that district since I came to Congress I desire to submit a few facts.

On the 4th day of March, 1905, when I began my first term as a Member of Congress, there was only one Federal building in all that district, and that one was located at Jacksonville, the largest city in the State. To-day, in addition to the Jacksonville building, there is at the city of Fernandina a handsome Federal building costing the sum of \$100,000; there is at the city of Gainesville a magnificent Government building which cost \$150,000; \$175,000 has been appropriated for the purchase of a site and the construction of a Federal building at the city of Miami; \$52,500 has been appropriated for the purchase of a site and the construction of a Government building at the city of Live Oak; \$63,000 has been appropriated for the purchase of a site and the construction of a Government building at the city of Palatka; \$5,000 has been appropriated for the purchase of a site for a Government building at the city of De Land, and \$5,000 has been appropriated for the purchase of a site for a Government building at the city of Orlando, aggregating the sum of \$550,500 for sites and Federal buildings for seven cities in my district. [Applause.]

RURAL MAIL ROUTES.

During my service in Congress, realizing the very great importance of better mail service for our rural population, I have taken the greatest possible interest in the extension of the rural mail service, with a result like this:

When I entered upon my duties as a Representative I found but 15 rural mail routes in operation in the second congressional district of Florida. These routes gave employment to only 15 men, and there was being paid out annually in the district on account of this service only \$7,670. Thousands of my constituents were getting no benefit from this most beneficent branch of the postal service, and I immediately set about to extend it, so that our farming population, so far as possible, might have equal mail benefits with those who dwell in cities. The result, Mr. Chairman, has been that to-day there are 86 rural mail routes in operation in my district, giving employment to 86 men and paying out on account of the service \$75,032 annually. There has been paid out in my district on account of rural mail service during my terms in Congress approximately the sum of \$395,250. There are pending in the department at this time 23 applications for the establishment of that number of additional rural mail routes.

RIVER AND HARBOR APPROPRIATIONS.

The river and harbor projects in my district are numerous and important. During the seven years that I have been a Member of this House there has been appropriated for river and harbor improvements a total sum approximating \$3,000,000. [Applause.] In addition to this a lightship, to be constructed and placed at the entrance of the St. Johns River, at a cost of \$125,000, has been authorized by Congress, and it will soon be a reality, much to the benefit of seagoing craft in that part of our waters. In addition to these, other appropriations, such as for the eradication of the white fly, the destruction of the water hyacinth, for the Weather Bureau, etc., have been made, aggregating a considerable sum of money, which, with pensions paid out annually in the district, aggregate about \$1,000,000 a year.

Mr. Chairman, it is far from my purpose to claim entire credit for these great appropriations, which the marvelous growth of the great district I represent imperatively demanded. [Applause.] The different Senators from my State serving here during that time rendered full service in this regard, and my colleagues from Florida on this floor accorded to me every possible aid; but I do mean to claim that I was here on guard at this end of the Capitol and had a hand in every part and parcel of this glorious record of accomplishment. [Applause.]

During my service in Congress, Mr. Chairman, I have had the pleasure of seeing more than 40 of the bills I have introduced, fully half of them of a public nature, and some of them of great public importance, written into the law. The House of Representatives, in addition to being the greatest deliberative body on the earth, is the greatest school the world has ever known. The Member who applies himself to the work becomes a more valuable representative of the people with each year of service. With length of service he reaches the more valuable committee assignments, and, with the close friendship contracted by long association, he becomes more influential and powerful among his fellows. [Applause.] So vast are the ramifications of the various departments of this great Government, so complex are the many questions which demand the attention of the present-day lawmaker, and so intricate are the many problems thrust upon us for solution by our advancing civilization that the new Member of Congress, no matter how able or brilliant he may be, is forced to undergo a lengthy period of instruction before he is really fitted for the rendition of the best service to his constituency.

I am aware of the fact, Mr. Chairman, that here and there in our history are isolated cases of some bright star suddenly blazing upon the legislative firmament with dazzling radiance, but beyond the delightful memory of the beautiful halo encircling them history affords no record of substantial accomplishment for the good of mankind. [Applause.] There is in the history of this great body no record of sudden elevation to leadership or position of power and influence. Commanding positions here must come as the result of patient, laborious work and long service. Eliminating self entirely from consideration, and looking only to the good of the respective constituencies represented upon this floor, and to the good of the country at large, I do not hesitate to say that in my humble judgment frequent changes of membership in this body is more responsible for the enactment of bad legislation and the failure to enact good legislation than any other half dozen causes. [Applause.] Fortunately, indeed, is that constituency which, having secured the services of a faithful, studious, and energetic and watchful Representative, has the good sense to keep him here so long as he is willing to serve and render efficient service. [Applause.] He will make mistakes, because "to err is human," but if his heart is right and his mind is sound he will become more and more valuable to his people and his country as the years come and go. [Applause.] A seat in Congress is not simply an honor to be passed around among the citizens of the district simply as a compliment to worthy men. It is a position of responsibility and work, to be intrusted to one as the representative of many. When a Member of Congress speaks, he speaks for the thousands who chose him; when he acts he acts for the vast number of his neighbors and friends at home, and upon his voice, his vote, and his act depend in large measure the weal or woe of his district and his country. [Applause.]

My colleagues, a mighty responsibility rests upon us as the representatives of more than 90,000,000 citizens of this great Republic. God Almighty, in His wisdom and beneficence, has given us the grandest territory ever comprised within the boundaries of an earthly government; He has conferred upon us every possible need for man and beast; He has vouchsafed unto us the highest civilization the world has ever seen; and He has blessed us with His own holy religion. Let us be careful with this mighty responsibility. Let us legislate with an eye single to the betterment of the condition of all our people and the prosperity and glory of our common country, keeping ever in mind as the chart for our guidance that glorious and eternal doctrine of "equal justice to all, special privileges to none." [Applause.] Do this, and whether the ship of state be riding peacefully at anchor or breasting a tempestuous sea, we can safely—

Nail to the mast the tattered flag,
Set every threadbare sail;
Give her to the God of storm,
The lightning, and the gale.

[Loud and continued applause.]

Mr. GOOD. Mr. Chairman, this bill comes to the House with a unanimous report from the Committee on Appropriations. Every item has been agreed to unanimously by the committee, and, while I may differ somewhat from the chairman of the

subcommittee on fortifications, I want to say that the carefulness with which the gentleman from Kentucky [Mr. SHERLEY] entered upon the investigation of the various items that compose this bill and the patriotism with which he acted upon every item ought to commend itself not only to the Members of this House but to the country as well. [Applause.] There are policies provided for in this bill in which I do not concur. I believe that officers in the Army and in the Navy are most generous when it comes to spending the people's money. But they are no more generous in the expenditure of money in the purchase of armament, ordnance, and ordnance stores in times

of peace than they are in their willingness to shed their own blood if the honor of the country were at stake. [Applause.] I believe, however, that in appropriation bills of this kind that Congress should say what the policy of the Government should be regarding the purchase and manufacture of armament and of ordnance and ordnance stores. I shall insert in the Record a statement made by Gen. Crozier, the Chief of Ordnance, in his report to the Secretary of War in 1910, showing the extent to which the Government now manufactures armament and ordnance and ordnance stores in the five principal arsenals belonging to the Government.

Manufactures, fiscal year 1910.

Class of material.	Ordnance establishments.					Total.
	Rock Island Arsenal.	Springfield Armory.	Frankford Arsenal.	Watervliet Arsenal.	Watertown Arsenal.	
Mobile artillery and equipments, supplies, etc.	\$487,207.55	\$12,249.11	\$79,176.44	\$116,453.27	\$106.97	\$695,193.34
Seacoast artillery and equipments, supplies, etc.	9,759.26	1,745.00	78,321.53	285,331.11	250,935.62	626,092.52
Personal equipments.	570,769.03	44,973.09				615,742.12
Horse equipments.	290,836.74					290,836.74
Small arms and parts.	448,813.71	1,022,685.76	736.95			1,472,236.42
Target material.	175,612.59	960.00	311.73		16,653.93	193,538.25
Artillery ammunition.	40,242.43		850,083.16			890,325.59
Small-arms ammunition.			2,452,723.44			2,452,723.44
General supplies.	165,998.61	13,228.20	2,551.50	2,897.37	25,302.08	209,978.36
Total.	2,189,239.92	1,095,841.16	3,463,904.75	404,681.75	292,999.20	7,446,666.78

It is a familiar argument that it costs the Government a good deal more than it costs private individuals or concerns to manufacture like articles. I concur in all that the gentleman from Kentucky [Mr. SHERLEY] has said with regard to the ability of the Chief of Ordnance, Gen. Crozier, as a manufacturer. He has proven that in every instance, with one or two exceptions, where the Government undertook the manufacture of ordnance

or ordnance stores, armament, guns, and cannon, their carriages, and so forth, that it has manufactured them cheaper than it could purchase the same articles. In the report of the Chief of Ordnance for 1906, Gen. Crozier makes a showing giving in detail the comparative cost of ordnance and ordnance stores purchased under contract and manufactured at the Government arsenals. This showing is as follows:

Comparative cost of ordnance and ordnance stores purchased under contract and manufactured at arsenals (1903 report).

Article.	Under contract.		At arsenals.	
	Price each.	Date of contract.	Price each.	Date of order.
3-inch field guns and carriages, model of 1902.	\$6,822.75	June 1, 1903	\$4,534.47	Aug. 12-14, 1903
3-inch field guns, model of 1902.	2,499.63	May 22, 1903	2,242.72	Aug. 12, 1903
3-inch field guns, model of 1905.	1,990.00	Nov. 12, 1905	1,491.90	Nov. 13, 1905
3-inch field-gun carriages, model of 1902.	3,014.83	Aug. 22, 1904	2,292.05	Oct. 18, 1904
Do.	2,850.83	Oct. 19, 1904	2,292.05	Do.
Do.	3,010.00	Nov. 17, 1905	2,292.05	Mar. 16, 1905
3-inch field caissons, model of 1902.	1,001.45	Aug. 27, 1904	1,056.77	Apr. 22, 1904
Do.	1,499.00	July 21, 1905	1,183.81	Apr. 3, 1905
Do.	1,325.19	do.	1,183.81	Do.
Do.	1,522.53	Dec. 8, 1904	1,183.81	Do.
3-inch limbers, model of 1902.	810.43	Jan. 4, 1905	745.31	Do.
15-pounder barbette carriages, model of 1903.	4,042.00	Mar. 6, 1906	3,642.37	Jan. 12, 1905
5-inch barbette carriages, model of 1903.	2,498.81	Apr. 28, 1904	3,894.09	Feb. 2, 1904
Battery commander's telescopes.	380.00	Apr. 18, 1904	186.30	Jan. 4, 1906
15-pounder shrapnel.	3.96	Sept. 14, 1905	2.83	July 21, 1905
21-second fuzes.	2.68	do.	1.91	Do.
Weldon range finders.	19.46		10.51	Mar. 12, 1903
Ball cartridges for rifle, model of 1903, per 1,000.	42.50	June 29, 1905	34.99	1905-6.

Again in the same report the Chief of Ordnance observes that while he is manufacturing cheaper than he can purchase like articles he does so under difficulties not experienced by private manufacturers. He says:

In comparing Government manufacture with that at private establishments certain advantages characterize each method. The private manufacturer is not restricted to eight hours of labor per day. This may or may not be an advantage, but there is no doubt the advantage

resulting from a relief from the necessity of paying for 15 days of vacation per year, for national holidays, and for Saturday half holidays during the summer months.

In a like report for the year 1909 is a statement showing the difference in the cost of manufacturing and the contract price for ordnance and ordnance stores and armament. In the table given below it will be observed that in but one instance is the arsenal cost greater than the contract price:

Comparative cost of ordnance and ordnance stores purchased under contract and manufactured at arsenals (1909 report).

Articles.	Under contract.		At arsenals.	
	Cost, each.	Date of contract.	Cost, each.	Date of order.
3-inch field guns.	\$2,029.80	Nov. 21, 1905	\$1,276.90	Oct. 13, 1905
3-inch gun carriages, model of 1902.	3,398.82	Oct. 12, 1906	2,156.66	July 10, 1906
Do.			2,290.02	May 28, 1907
15-pounder barbette carriages, model of 1903.	4,455.54	Oct. 19, 1907	3,433.84	July 31, 1907
12-inch disappearing carriages, L. F., model of 1901.	51,062.15	Sept. 25, 1907	56,987.18	Aug. 28, 1906
3-inch gun caissons, model of 1902.	1,744.10	June 12, 1907	800.00	June 12, 1907
3-inch gun limbers, model of 1902.	1,568.47	do.	605.35	Do.
Ball cartridges, caliber .30, model of 1906, per thousand.	134.84	Mar. 3, 1909	20.00	Feb. 20, 1909
Revolver ball cartridges, caliber .30, per thousand.	211.38	do.	10.78	Do.

¹ Average under 3 contracts, same date and amount.

² Average under 4 contracts, same date and amount.

Again, in the report of 1911 the Chief of Ordnance gives the comparative cost at the arsenal and under contract. A few days ago, in conversation with him, he handed me a report which shows a still greater difference in the cost of certain guns over the cost of manufacturing at the arsenal. It is as follows:

Some comparative costs of manufacture at Government arsenals and private plants.

Articles.	Costs.		
	At arsenals.	By contract.	Difference.
			<i>Per cent.</i>
3-inch gun carriages, each.....	\$2,510.60	\$3,398.82	35.3
3-inch limbers, each.....	689.22	1,568.47	127.5
3-inch caissons, each.....	1,128.67	1,744.10	54.5
Caliber .30 ball cartridges, per M.....	26.95	35.80	32.8

The total saving to the Government by manufacture at the arsenal, from the above figures, on the vehicles mentioned, which do not constitute the entire equipment, averages 55 per cent of the arsenal cost.

The contract prices taken were in each case for vehicles produced by manufacturers who had previously fabricated large numbers of the vehicles in question and who were consequently possessed of the necessary experience as well as of the tools, jigs, fixtures, etc.

Notwithstanding the fact that the cost to the Government by contract over Government manufacture ranges from 32.8 to 127.5 per cent more, yet the Government by this bill—by the Army appropriation bill which we have just passed and, I have no doubt, by the Navy bill—we will continue a policy of permitting a great deal of this work to be done by private contract. I would not complain of this policy if we were at this time operating our arsenals at anything like full capacity. But that is not the case. The Watervliet Arsenal has a capacity, so I am informed, for working 700 men. In 1905 it employed 496 men, in 1906 it employed 377 men, in 1907 it employed 322 men, in 1908 it employed 377 men, in 1909 it employed 341 men, in 1910 it employed 249 men, and in April, 1911, according to the report of the Chief of Ordnance, they were only employing in that arsenal, with a capacity of 700 men, 214 men. This, too, notwithstanding the fact that by increasing the number of men up to the capacity of the arsenal we could save for the Government large sums of money by manufacturing our armaments, ordnance, and ordnance stores.

The same thing, only in a lesser degree, prevails at Rock Island. The arsenal there in 1907 employed 1,671 men; last year it employed 1,568 men.

I hold in my hand a copy of a letter written by the Secretary of the Navy to the gentleman from New York [Mr. DE FOREST] with regard to the matter of purchasing guns. He says:

The department has recently awarded the Bethlehem Steel Co. and the Midvale Steel Co. contracts for the manufacture of twenty-five 4-inch guns at a price of \$7,000 per gun. It is estimated that it would cost the department \$5,400 per gun if this work were done in the Watervliet Arsenal.

I will not read the rest of the letter. I only read this much to show that this is the policy of the Government. If we could save \$1,600 per gun on a contract of 25 guns by manufacturing them at an arsenal that is run at present at less than one-third of its capacity, why not do so. I do not desire to criticize in the slightest degree the motives that prompt officers of the Army and officers of the Navy in following along the lines that they have been following, for I can well recognize their position in this regard and the motives that prompt them to follow that policy. But, after all, it is for Congress to say whether or not we shall train men in our arsenals who will be available when the time comes, if it ever should come, that we shall need increased armament, an increase in ordnance and ordnance stores, or whether we shall train men in private manufacturing plants, at the expense of the Government arsenal. Is it not just as patriotic to adopt a policy for the Government to have those trained men working in its arsenals as it is for private manufacturers to have trained men to do this same class of work for which the private manufacturer exacts a rather large return?

I realize the fact that these private manufacturers are at the same time asking for contracts. And, mind you, this is not the kind of a contract that affects the manufacturers generally. The Government of the United States is about the only customer who goes to a manufacturer and asks for cannon. The Government of the United States is about the only purchaser, and it can well be understood that it is a matter of conjecture as to how long the Government will continue this policy of purchasing its armament, and this makes the private manufacturer charge an apparently outrageous price for his product. In the hearing on this matter we went over the subject somewhat in detail with Gen. Crozier, Chief of Ordnance, and he stated

to the committee that it was not the intention of the War Department to increase in any respect the number of men employed at the arsenals, but that it would be necessary to increase the contracts to private contractors. He said, "I should say that the amount of contract work given out would be at least double."

Mr. HUGHES of New Jersey. Mr. Chairman—

The CHAIRMAN. Will the gentlemen from Iowa yield to the gentleman from New Jersey?

Mr. GOOD. I yield.

Mr. HUGHES of New Jersey. The gentleman is a member of that committee?

Mr. GOOD. Yes.

Mr. HUGHES of New Jersey. Has there been any discussion before the committee of a project to establish a foundry at the local yard here?

Mr. GOOD. There was no discussion of that subject before the committee this year. There may have been some discussion of it in prior hearings. I do not know.

Mr. HUGHES of New Jersey. As I understand it, the guns that are handled at these yards come to these local yards in the shape of rough castings. Is not that correct?

Mr. GOOD. The Chief of Ordnance did not go into the matter. I can not answer the gentleman as to that. I am not informed as to that matter.

A few days ago, when the Army appropriation bill was before the House, I had something to say on the question of the Powder Trust. After I had taken my seat I was called out of the Chamber, and my attention was not called to some remarks made by the gentleman from Massachusetts [Mr. AMES] until they appeared in the RECORD. I was in hopes he would be here to-day, for I told him I expected to discuss this bill and to refer to his remarks. I was amazed, when I came to read his remarks, to find that not only the accuracy of my statements was questioned, but the good faith and sincerity with which I made them was also questioned.

I was amazed beyond my power to explain that that statement should have been made by the gentleman from Massachusetts. I can recall that a few months ago, when the gentleman from Massachusetts, when the cotton bill was under discussion, said that he did not own stock and was not interested in cotton mills, but that members of his family did own stock and were interested in them. The other day, when the Army appropriation bill was before the House, the gentleman from Massachusetts [Mr. AMES] said that he did not own stock in ammunition concerns, but that members of his family did.

I want to raise the question now and have it settled once for all that not on the floor of this House, while I am a Member of it at least, will I have my integrity impugned by a man who stands here not as a Representative, but as a person representing members of his family who are stockholders in concerns that would receive dividends under contracts that might be awarded. I believe that Members on the floor of this House should represent an American constituency, a constituency of men, and not a constituency of family members demanding dividends earned on Government contracts. [Applause.]

It was also suggested by the gentleman from Massachusetts [Mr. AMES] that there was no Ammunition Trust. It is true that amendments offered to the Army appropriation bill referred to ammunition. Everybody who knows anything about ordnance and ordnance stores must know that every bit of ammunition has more or less of powder in it, and these appropriation bills have come to the House for a long time containing language providing for the "manufacture and purchase of ammunition," not of powder. Under that provision the Chief of Ordnance is permitted to buy powder, as he is permitted to buy other ammunition. And so, if we are going to regulate a monopoly such as the Powder Trust, I submit that we must regulate it by providing for the governmental manufacture of those things, a large component part of which is powder.

But the gentleman from Massachusetts [Mr. AMES] loudly proclaimed at that time that there was no Ammunition Trust. From the days of the shot pouch and the powder horn to the present time the ammunition industry, like others, has undergone radical changes. Only a few years back the firms which now control the fixed ammunition situation in the United States were engaged in supplying the component parts thereof, or some of them, to the various houses throughout the country, which either resold them in that condition or made up the hand-loaded ammunition and sold that.

Thereafter the Winchester Repeating Arms Co. and the Union Metallic Cartridge Co. and the United States Cartridge Co. entered into a combination that controls the fixed ammunition situation in the United States. The immediate result of

this was that the members of the combination told their former customers for component parts of ammunition that they must cease making ammunition and buy the completed cartridges from members of the association. Not only that, but, in harmony with the arbitrary methods of practically every other powerful and illegal combination, they informed their prior customers for parts, who had purchased machinery and owned it, as well as other equipment, and had owned supplies in large quantities, that they not only could not sell more of the hand-made ammunition, but that the members of the association would not take back from them the unmade parts which they had on hand.

One of the circular propositions issued by one of the members of this association is before me—a circular that is sent out to the trade generally, issued by the Winchester Repeating Arms Co. The method that is employed by this concern, I understand, is also used by the rest of the members of the combination.

A wholesaler desires to buy a carload of ammunition. It is sold to him on 60 days' time, with an agreement that he must not sell it only to the trade at the price at which he buys it; and then after a period of 90 days or 1 year they will make rebates to him—certain commission—if he has been good and has not cut prices.

After the speech of the gentleman from Massachusetts [Mr. AMES] the other day, I received from a number of wholesalers throughout the country copies of these circulars, which show this unlawful combination. The following is a copy of a circular received:

NOVEMBER 20, 1907.

GENTLEMEN: Withdrawing all previous salary and commission arrangements with you applying to our metallic ammunition and loaded shot shells to which our name is attached, we now submit the following proposition, to remain in force, if accepted, until you are otherwise notified by us:

We inclose herewith our current discount sheet on metallic ammunition and loaded shot shells, and under separate cover we mail you a copy of our general illustrated catalogue and current price list No. 73, to which it applies, showing our f. o. b. factory or New York invoice prices.

We will, until you are further advised by us, allow you a commission upon your purchases made from us directly equal in amount to 12½ per cent on our metallic cartridges, primed shells and bullets, ball caps, brass shot shells, paper shot shells (empty), gun wads, and primers, and 10 per cent on loaded shot shells in less than carload lots, and on loaded shot shells in carload lots 10 per cent and 2½ per cent, calculating the same on the basis of our factory or New York invoice prices, such earned commission payable quarterly, making the first payment to you on April 1, 1908, for purchases made during the quarter ending December 31, 1907.

Terms: Less 2 per cent for cash within 10 days from invoice date or 60 days net cash. Please note that the cash discount of 2 per cent will be allowed by us only when remittances are mailed within 10 days from respective invoice dates. On accounts remaining unpaid after maturity (60 days) interest will be charged at the rate of 6 per cent per annum from maturity date to date of payment.

In making you the foregoing proposition it is contemplated and understood that you will make no sales of the line of goods herein mentioned on a lower basis than our f. o. b. factory billing prices, freight added (less than carload rate), from factory, or New York, to destination, such selling prices to be not less than we may determine. Until further notice, however, your selling prices are to remain as at present.

That you issue no printed wholesale prices (except such quotation sheet bear the name and address of your customer, over your signature, and be sent under seal) at less than 5 per cent advance over the extreme selling prices above referred to, and these prices to ammunition dealers only.

That all sales at retail to individuals or consumers are to be at not less than 10 per cent advance over the wholesale prices designated for your city, except that loaded shells may be sold at wholesale prices to regularly organized gun clubs purchasing in quantity.

Any disregard of these conditions will forfeit your claim to any commission as herein mentioned that might otherwise be earned, and unfilled orders will become null and void.

Considering that you are now, and have been, identified with the handling of ammunition of the Union Metallic Cartridge Co. and United States Cartridge Co. manufacture, in addition to that of our own manufacture, and desiring to avoid all conditions that might prove embarrassing to you, we will not object to your continuing to handle these brands without prejudice to this commission arrangement with you, provided your sales of such brands are on no more favorable basis or terms than those of like goods of our manufacture as hereinbefore stated.

This offer or tender, if accepted by you, is not a contract, except as to the payment of commissions earned by you; and we reserve the absolute and unconditional right, at our option, to withdraw this tender and prices, or to substitute others, or to discontinue the payment of commission hereunder, or to terminate this and any other arrangements at our pleasure; but in the event of such withdrawal or termination, remittance for amount of earned commissions to date of such withdrawal or termination will be made when due, except as hereinbefore provided, and also except that should you fail to pay any of our accounts in full no payment of commissions for the preceding or current quarter will be made until such indebtedness has been paid in full, with interest at the rate of 6 per cent per annum for the extra time taken.

All correspondence pertaining to the subject of this letter or with reference to the purchase or sale of our goods should be addressed to this office.

If the above meets with your approval, please sign the inclosed acknowledgment forms and return the original to this office, retaining the duplicate for your own files.

Yours, respectfully,

WINCHESTER REPEATING ARMS CO.
G. E. HODSON, First Vice President.

Attached to a similar circular, sent out by the same concern, which was sent me, is a leaflet which reads as follows:

A rebate of 12 per cent on loaded shells and of 17½ per cent on metallic ammunition is given at the beginning of each year, beyond these printed discounts, to all customers (to whom these lists are sent) on the previous year's purchases, providing they have been good and have not cut the price.

That is to say, if a man buys a carload of ammunition he must sell only at the price he paid for it, and if he is "good" during the year and sells it at the price fixed—if he maintains the association agreement they call it being "good"—he will then have rebated to him from 12 to 17 per cent. There is one concern in the United States now selling ammunition in Duluth, Minneapolis, St. Paul, Des Moines, and at points on the Pacific coast that has a claim for rebate for more than \$15,000, and it is claimed by a member of this combination that this particular concern has not been "good," and hence is not entitled to the commission.

A gentleman from Cincinnati also forwarded to me copies of petitions that have been filed in the United States Circuit Court of the Southern District of Ohio, western division, wherein the Winchester Repeating Arms Co. has commenced three suits against Evans Bros. to enjoin them from selling ammunition and guns purchased by them from the Winchester Repeating Arms Co. at a price less than that fixed by the manufacturer. I quote the following from one of these petitions:

Your orator shows that from the origin of and during its business and manufacture it has been the uniform custom and practice of your orator * * * to fix, indicate, and announce, by and through catalogues, price lists, price sheets, and discount lists, fair, reasonable, and uniform prices therefore from your orator to wholesale dealers, from wholesale dealers to retail dealers, and from retail dealers to purchasers for use, and to request that all dealers in your orator's patented products observe and maintain such uniform, indicated prices in selling the patented product. * * * That the conduct, methods, and policy of said dealers in refusing to observe and maintain the prices designated for your orator's patented products, and in advertising and selling such products at less than such indicated price, has produced and was producing great demoralization and confusion in the trade.

In these three cases it is alleged that the product of this concern is sold only under a license, which, among other things, contains the following provisions:

(1) Jobbers may sell at wholesale only to retail dealers regularly handling their goods; may not sell to anyone designated by the company as a violator of license conditions; and may sell only at prices established by the company.

(2) Retail dealers * * * may not sell at less than the current retail price established by the company.

Here, then, we have laid down the astounding proposition that inasmuch as 99 per cent of the guns and 76 per cent of the output of the concern is covered by letters patent, that these Government patents give them a license to hold up the trade and to say to a wholesaler in that ammunition what he shall sell the ammunition for and to a retailer what he shall sell it for, and that the patents of the United States protect them in that kind of a transaction.

Mr. HINDS. Has not the Supreme Court of the United States declared such contracts illegal in a similar case?

Mr. GOOD. Yes; I think the Supreme Court has declared them illegal in every instance where that court has passed upon them; but this is an action that is pending in the lower court.

It seems to me, Mr. Chairman—and I speak only for myself—that Congress should define its policy in the matter of the procurement not only of ammunition but of armament as well; that Congress should direct the Chief of Ordnance, if we have ideas, what those ideas are; if we have some fixed convictions, what those convictions are. Otherwise, I suppose that the present policy will prevail, that of laying off men at the arsenal and buying this ammunition and buying these guns and gun carriages at an increased price of from 33 to 127½ per cent over Government cost at our arsenals.

Mr. TILSON. Before leaving the matter of the combination spoken of, has the gentleman any positive evidence that the ammunition company he has spoken of—the Winchester Repeating Arms Co.—has entered into a combination with others? Are not these circulars the gentleman speaks of simply from that company itself as a company and not representing any combination?

Mr. GOOD. I will say to the gentleman that I understand that the three concerns I mentioned sent out printed circulars that are in all respects similar; at any rate their methods of selling their output are similar. Formerly these three companies, with other companies, had a clearing house in New York City, and Mr. William Odell, of New York, was the commissioner, and all commissions were paid through Mr. Odell. Every dollar of profit or commission due the jobber on ammunition manufactured and sold by these concerns was paid to Mr. Odell, and he made the distribution for the various manufacturers of ammunition who were parties to this agreement.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 21 minutes.

Mr. GOOD. With regard to the ammunition association, I want to say further that the members of this association do not hesitate to enforce fully these arbitrary conditions upon their customers. They allow no commission or salary, as they call it, for the sale of goods if it is discovered that a dealer did not hold up the high price fixed by the association.

As an illustration of the extreme oppression to which these arms and ammunition men go, in common with others of the bold price fixer's stamp, I have learned of one man in one of the large cities, a wide-awake business man, who had been led to believe that the attachment to goods of a so-called "license label" compelling the maintenance of prices, where any patent was involved, was a license and authority issued directly under and by and with the sanction of the United States Government, and that on breach of its condition it was only necessary for the complainant to make known the fact to the proper authorities of the Government to have the poor, innocent purchasing or selling offender punished, including dispossession as to his own property.

There are in this bill a number of provisions providing for the purchase, manufacture of armament, and the manufacture and purchase of ammunition. It has occurred to me that Congress ought to say whether or not we should continue to give these contracts to concerns that charge from 32 to 127 per cent more for the manufacture of them than it costs the Government of the United States when it manufactures them at the arsenal.

A few days ago, when discussing the question of the manufacture of powder, I think I made some mistake in regard to the cost of the manufacture of powder at the arsenal. The cost of powder is not as great as I then stated. I make this statement, relying upon the report of the Chief of Ordnance for 1911. In that report he says:

During the last fiscal year approximately 385,000 pounds of cannon powder and 67,000 pounds of caliber .30 small-arms powder were manufactured. The cost of caliber .30 small-arms powder is about 10.5 cents per pound more than that of cannon powder. A total of 985,000 pounds of cannon powder and 80,000 pounds of caliber .30 powder have been manufactured since the factory was put into operation. The factory cost of this powder has been about \$497,000. Had this powder been purchased by contract at prevailing prices, it would have cost approximately \$685,500. The saving from the powder appropriation has, therefore, been about \$188,500, which is \$23,500 in excess of the cost of the factory. The factory has, therefore, paid for itself in the three years it has been in operation, if the charges, such as interest, etc., not coming out of the appropriation, are left out of consideration.

Again, he says:

As stated in my last annual report, the capacity of the factory will be such as would permit, with the employment of only one shift, the manufacture of more than four-fifths of the powder that is now being annually procured.

Notwithstanding the fact that it is only costing the Government 38 cents a pound for cannon powder, not including overhead charges, we are paying 60 cents a pound for cannon powder. By running only one shift per day we now have capacity for manufacturing four-fifths of the entire powder that is now being procured. Should we not at least operate our powder mill to one-third of its capacity? It does seem to me, Mr. Chairman, that while we are considering these appropriations that Congress should take some action in the matter of defining our policy. If we are to economize, let us economize when it comes to making appropriations and not when Congress adjourns and the campaign is on. [Applause.] That may be a good time to talk economy; this is a good time to practice real economy.

I submit that it is not economy to give the Secretary of War and the Chief of Ordnance unlimited power in the purchase of powder, and I submit that in the building of guns and in the authorization for the purchase of armament and other ordnance and ordnance stores that the Congress should take a positive stand, and that stand should be this: We would keep our arsenals at work to their full capacity on every article that can be manufactured cheaper there than it can be purchased for, and that we should purchase from private manufacture only those articles that we can not manufacture and those articles which we can purchase cheaper than we can manufacture. This program ought to commend itself to the common sense of Members of this House. I now yield what time I have remaining to the gentleman from Kentucky [Mr. SHERLEY].

Mr. HINDS. Will the gentleman permit a question?

Mr. GOOD. Certainly.

Mr. HINDS. May I ask this question? I am not at all familiar with the manufacture of powder in the Army arsenals, but two or three years ago I did go to Indianhead and, incidentally, I went over the powder factory there. Now, I saw it reckoned out in the hearings before the Committee on Naval Affairs that when the interest on the investment, depreciation of plant, and other expenses of that sort are counted in that the

difference of cost of production between the Indianhead plant, which I think is a very fine plant, and the commercial price that is paid is not great.

Mr. GOOD. About 5 cents a pound. I think the Indianhead cost was about 43 cents, not including overhead charges.

Mr. HINDS. Something of that sort. Does the estimate which the gentleman has read for the Army take into account these incidental expenses?

Mr. GOOD. The price I have read, Gen. Crozier states, does not include overhead charges of any kind or interest or depreciation, but these are included when he says that the cost was about 55 cents a pound. But I will say this, that the overhead charges, of course, are going on whether we manufacture 1,000 pounds or 1,000,000 pounds, and so by increasing our output at the arsenals we will decrease the cost per pound.

Mr. HINDS. But at the arsenal at Indian Head that will not be so, as they have a limited capacity.

Mr. GOOD. I think they only run one-third of their capacity, or one shift per day.

Mr. BUCHANAN. Will the gentleman permit?

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. GOOD. Just for a question.

Mr. BUCHANAN. I have recently heard from Admiral Twinning that the powder at Indianhead costs 33.6 cents to produce it; that figuring in the interest on the money and other charges which the Powder Trust figures in the cost it would run probably to 45.6 cents per pound, whereas they are now paying the trust 60 cents per pound.

Mr. GOOD. I now yield to the gentleman from Kentucky [Mr. SHERLEY]. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Chairman, I yield five minutes to my friend from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Chairman and gentlemen, I want to call the attention of the House to one of the most outrageous invasions of constitutional rights that has ever occurred in this country.

I refer to the brutal manhandling and clubbing of women and children in Lawrence, Mass., by the official and unofficial agents of the Wool Trust.

The wage earners of the worsted mills of Lawrence are striking against extremely low wages and inhuman conditions. While the worsted industry is one of the most highly protected of all our industries, the wages paid, according to the statements given out in that city, amounted to an average of less than \$6 per week.

It is true that a good many of the workers—in fact, a majority—are women and children. That is just one of the cruel characteristics of the present system.

The inventive genius of humanity has made it possible to introduce machinery which does not require for its operation skilled labor or great physical strength. The employers are thus put in a position whereby they can replace men by women and children. It is a well-known fact that the combined earnings of the family, as a rule, does not amount to more than what the husband alone earned before woman and child labor was introduced in this industry. Yet the evil of woman and child labor is continuously on the increase, because competition and the capitalistic profit system seem to require it.

The average wage of the 25,000 operatives in Lawrence, Mass., was less than \$6 per week. Lately a law was put into operation establishing 54 hours as a week's work instead of 56 hours. The manufacturers immediately cut the wages of the operatives 50 cents per week.

This reduction meant a great deal to the poor wageworkers. It meant a loss of 10 loaves of bread every week. Naturally they resisted it, and went on strike.

The interference of the police and of the militia very soon created trouble.

The strikers, in order to be able to resist longer, sent some of their children away to be taken care of by friends in New York and other cities. About 300 thus left their homes.

The mill owners, who feared that the strikers would thereby be in a position to win the strike, decided to stop any further sending away of children, although there are no legal, constitutional, or moral excuses for such action. But having the militia and police at their disposal, they forcibly took the children away from their mothers and fathers on Saturday, February 24, when the children were at the depot to be sent away. The policemen clubbed the men and women and were particularly brutal toward the women and children. A great number of the parents were arrested and held under the pretext that they were going to abandon their children.

There is not the slightest basis for such a charge. The children sent away left Lawrence only temporarily. They are well taken care of by their friends; in fact, they are enjoying a sort of vacation. It is almost incredible to believe that the right of free movement can be interfered with and "concentrado camps" created in a State belonging to the American Commonwealth in order to win a strike for the mill owners. It seems incredible that children should be practically imprisoned and starved with their parents in order to bring about the capitulation of workmen and working women fighting for better conditions.

Mr. BURLESON. What mills?

Mr. BERGER. Lawrence, Mass.

Mr. BURLESON. What is the character of the mills?

Mr. BERGER. Worsted, woolen mills. It means that the mill owners have put an embargo on the city of Lawrence, with the assistance of the governor and of a petty judge in Massachusetts. By the way, the governor of Massachusetts, Mr. Foss, is a Democrat.

Mr. Chairman, I have introduced a bill in this House asking for an investigation of the strike in Lawrence and of the methods employed by the American Worsted Mills. I hope that the Committee on Rules, to which this resolution was referred, will as speedily as possible bring in a report. I hope this for the sake of humanity, of justice, and of good citizenship.

I request unanimous consent to insert in the RECORD the United Press report of the outrage at Lawrence to-day, which was a repetition of the disgraceful scenes last Saturday.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

The article is as follows:

WOMEN AGAIN TARGETS FOR POLICE CLUBS—LAWRENCE MILL STRIKERS FORCED TO RETREAT SEVEN BLOCKS UNDER RAIN OF BLOWS—YOUNG GIRLS ARE BEATEN BY FORCE—SHOOTING AFFRAY IN EARLY MORNING PRECEDED RIOTING IN MAIN STREET OF CITY.

LAWRENCE, MASS., February 26, 1912.

Formed into flying wedges, cordons of the metropolitan State police to-day repeatedly charged a parade of 10,000 strikers and their sympathizers, smashing heads, hands, and arms with clubs and tearing clothing.

Men, women, and young girls were beaten by brute force.

The women were beaten about the hips and breasts as much as was possible. As the police charged they could plainly be heard to yell: "Get the men anywhere you can hit 'em. Hit the women on the hips and arms. We don't want to break any women's heads."

WOMEN ARE BEATEN.

A woman would be seen to shoot from the ground and run toward a side street. Instantly two or three policemen would be after her. Usually in such cases a night stick well aimed brought the woman to the ground like a shot, and the police would be on her hauling, beating, and pulling at her in as many different ways as there were policemen making the arrest.

This charge into the crowd and then a retreat to the next corner and then another charge and retreat was carried on for seven blocks along Essex Street. During the entire time the strikers—men, women, and children—continued singing.

After each savage attack by the police they would re-form without apparent leadership, and as if they had forgotten completely that they were the objects of attack, would calmly and without disorder continue their march up Essex Street, singing—always singing—patriotic and national airs.

During all this time the police were being urged by officers of the militia "to go in and break 'em—break 'em up." For some reason not an armed militiaman was seen during the entire affair.

TEN THOUSAND IN PARADE.

The crowd of 10,000 strikers and sympathizers gathered as if by magic early this morning when a squad of special policemen opened fire on an Italian tenement in Common Street.

When the excitement had subsided the army of unemployed began the march to the railroad station, where many had gathered, having been told another attempt would be made to-day to send children away.

They resembled a great crowd turning out for a gala event, except when scores of police dashed recklessly in and out of the crowd, when they were booed and hissed, the jeers being succeeded by a peculiar buzzing hum as if made from millions of bees.

The police version of the shooting affair which preceded the parade is that a squad of 15 special police was passing when a tenement window was thrown up and a hand holding a .44-caliber revolver was stuck out. A shot was fired, and another window was raised and a hand thrust forth holding a revolver. A second shot was fired, and then the special police began shooting at the windows. Fifty or more bullets rattled against windows and doors of the tenements.

SHOT IN BACK.

Carmelo Milas, a striker, was shot in the back as he ran from the scene. Three of five men, all strikers, who were standing in an alley from which Milas could not possibly have been seen, were arrested and charged with murder.

All three had cracked heads when they were thrown into cells at police headquarters. The police say Salvatore Bruno, one of the prisoners, had a smoking gun in his hand when taken. Two of the crowd got away.

POINDEXTER SCORES TREATMENT OF WOMEN IN LAWRENCE STRIKE.

LAWRENCE, MASS., February 26, 1912.

After a personal investigation into the action of the authorities in arresting men who were sending their children to other cities to be cared for, United States Senator MILES POINDEXTER, of Washington, to-day gave out the following statement:

"It is evidently a campaign of starvation of women and children. The mill owners, backed up, strange to say, by the police, the militia,

the prosecuting attorney, and the local judges, are making a concentration camp of Lawrence. The only parallels I know of were the Spanish concentration in Cuba and Kitchener's Boer campaign, in which the British Empire extinguished the liberty of a people by starving their women and children. The manner in which the order has been carried out in Lawrence, the rough handling of women and children, throwing them struggling into jail, all without warrant or even the forms of law, forcibly reminds one of Russian and Turkish brutalities to Jews and Armenians. The fact that such a thing occurs in America is startling, and shows how far our institutions have been degraded by avarice.

WOMEN ABUSED.

"The women and children were perfectly peaceable when they were forcibly stopped in their attempt to board a railroad train. In some instances they were cursed and abused by the police, dragged by force to a patrol wagon, the women thrown into jail, and the children incarcerated at the poor farm. The police contention that these people do not have the right to send their children in the care of friends to other cities is simply ridiculous. They have the same right to do so that anyone has.

"The true significance of this proceeding is not simply its effect on these people, but it is an assault upon the rights of every American citizen. A good many eulogies of the Constitution are heard nowadays. This affords an opportunity to test their genuineness. If crowds of peaceable people can be assaulted by officials of the Government, brutally treated, and incarcerated without any charge of violation of law being made or sustained against them, instead of being a constitutional Government of liberty under the law it becomes one of money and force, and people everywhere will soon be adjusting themselves to this new condition.

OF GREAT SIGNIFICANCE.

"It is of the most vital significance. If in exercising the right to the peaceful pursuit of their domestic affairs these people can be arrested without warrant and without any pretense that they have violated the law, then any of us are liable to be treated in the same way whenever it suits the interests of those having the physical power to do so. If we can be confined in this way within the city we can also be deported forcibly from the city when it is desirable for these astonishing authorities to do so.

"If these people can be forcibly kept in Lawrence, at the pleasure of the mill owners, to work at starvation wages or starve, then they are in reality slaves, and it is not desirable for any of us that slavery should be reestablished in this country."

Mr. SHERLEY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. RAUCH].

Mr. RAUCH. Mr. Chairman, in view of the very comprehensive statement made by the gentleman from Kentucky [Mr. SHERLEY] I shall be very brief in my statement in respect to this bill.

Being one of the Members who has been engaged in the preparation of this bill, I wish to make a statement indorsing it. It is true that large reductions have been made and that the bill as reported to the House comes about \$3,000,000 under the estimates for the fiscal year 1913. The most of this reduction is made in the items in the bill appropriating money for the continental part of our country. There has been little reduction in the items which carry appropriations for our insular possessions and the work in the Hawaiian and Philippine Islands will not be handicapped in any way. Those who are charged with the responsibility of preparing plans for the work for which the expenditures in this bill are made regard the work of fortification in our insular possessions as being at this time of the most importance and the committee has been guided by their judgment in the matter.

In regard to the introduction of new legislation into this bill, the committee has believed it to be wise to refrain from so doing. Amendments like the one which has been often proposed removing the limitations which require that our Government can purchase material abroad only in limited quantities, in the opinion of the committee, are in a measure political in their character and, if I mistake not, it is the policy of the committee to keep its work as free from politics as possible and for that reason it has refused to encumber the different items with amendments which change existing law, believing it to be better for the House to make such changes when it deems them to be necessary.

We are impressed, Mr. Chairman, with the fact that the appropriations which we are compelled to make are mounting higher and higher with each succeeding Congress. It is true that we can never say here we will stop and go no further. After the fortifications in the Hawaiian and Philippine Islands and the Panama Canal are completed the progress in the scientific construction of guns used in the fortification work, fire-control, and range-finding devices will make it necessary for us to expend money each year to keep abreast of the times. While this is true we have reasonable assurance that the time is not far distant when the work which is now being carried on in the Philippine and Hawaiian Islands will be completed. What change in plans, what future developments, future problems, or the development of present ones will disclose, this committee can not determine. I can only say that the committee, having in mind the protection of our country on the one hand and the burdens of taxation of our people on the other, have drafted this bill in such a way as to give due consideration to both.

Mr. SHERLEY. Mr. Chairman, I ask for a reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ARMAMENT OF FORTIFICATIONS.

For the purchase, manufacture, and test of mountain, field, and siege cannon, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$300,000: *Provided*, That the Chief of Ordnance, United States Army, is hereby authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed \$300,000, in addition to the appropriations herein and heretofore made.

Mr. RAUCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 1, page 5, insert the following: "Provided, That no part of this appropriation shall be expended for the purchase of any mounted, field, or siege cannon, including their carriages, from any person, firm, or corporation which has not at the time of commencement of said work established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work of construction of the cannon named herein."

Mr. RAUCH. Mr. Chairman, the purpose of this amendment is this: The House has already gone on record on this proposition, and I think the Members are familiar with that record.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana, which has just been reported.

[Mr. TRIBBLE addressed the committee. See Appendix.]

Mr. SHERLEY. Mr. Chairman, the amendment offered by the gentleman from Indiana [Mr. RAUCH] raises no new question here, and for that reason I have not felt that it was necessary that any elaborate statement should be made on my own part as to any views that I may entertain touching the provision. Personally I have always been a believer in shortening the hours of labor. I believe that man's civilization has increased and progressed with the shortening of the hours of labor. I firmly believe in such lessening of his toil that he may have time for something beyond simply his bodily needs. [Applause.]

I believe this and believe it intensely. At the same time I have not always been convinced that situations warranted the Government in undertaking arbitrarily to establish conditions that did not exist in the commercial world. Speaking solely for myself, I have sometimes thought that a provision of this kind ought to be accompanied with a proviso for overtime work with overtime pay; in other words, to hold out an inducement for the shortening of the workday without compelling the absolute shortening of it at a time when economic and industrial conditions in particular trades might not warrant that reduction of hours.

But this House has recently passed an eight-hour law, which is not only as broad as this provision, but broader, in that it embraces all work that may be done for the Government, not simply by the Government itself, but for the Government under contract. That being so, it did not seem to me, as the Member in charge of the bill, necessary that I should make to the House any detailed statement touching the matter. The question is no longer new or open. The House has expressed its view on it, and I am perfectly willing to accept the judgment of the committee on the amendment offered by the gentleman from Indiana.

[Mr. BUCHANAN addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Indiana. This House has passed, during the present session and by a practically unanimous vote, a comprehensive eight-hour bill. The purpose is to put under the operation of the eight-hour law all work done for the United States Government. This amendment is in line with the recommendation of the President of the United States in a message sent to Congress, either at the last session or the preceding one, and since it seems to be the adopted policy of the House and of the Executive, and is in line with the policy heretofore adopted, I believe it wise to adopt this amendment at this time.

Mr. TRIBBLE. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. TRIBBLE. The gentleman from Illinois stated that the eight-hour-a-day law was enacted in 1868; will the gentleman from New York tell me if that is correct?

Mr. FITZGERALD. The gentleman was correct, but by the construction of the Attorney General it made that law inoperative to vessels built for the Navy on the ground that battle-ships or war vessels were not public works within the meaning

of the law. Two years ago Congress made another attempt to place the building of war vessels under the operation of the eight-hour law. An extraordinary opinion by the Attorney General practically nullified the action of Congress. In the last session of the Sixty-first Congress a provision was inserted in the naval appropriation act about which there could be no question whatever.

I believe it is in language identical with the amendment proposed by the gentleman from Indiana. For the first time bids were received for the construction of vessels authorized for the Navy with the distinct understanding that they should be constructed as Congress intended under the provisions of the eight-hour law. I do not wish to enter at this time into a discussion—

Mr. BUCHANAN. Will the gentleman yield?

Mr. FITZGERALD (continuing). Into a discussion of matters properly affecting the naval bill. I desire to say this, however, to the gentleman from Georgia, that I am somewhat familiar with the history of legislation in regard to the construction of war vessels in Government yards and by contract. I originated in 1900 the movement to construct some vessels authorized for the Navy in Government yards. I do not know what has taken place in the Naval Committee during this session of Congress, but I would not be surprised if it were a repetition of what has transpired on former occasions. In the last session of the Sixty-first Congress, for instance, information was laid before the Naval Committee which demonstrated that it would cost an excessive sum to construct a vessel then under construction in a Government yard. After the bill was reported to the House I demonstrated to the satisfaction of the House that there had been charged up between \$600,000 and \$700,000 of overhead charges and items properly pertaining to the naval station to the cost of that ship then under construction.

The information I was able to lay before the House at that time made the situation so clear that the information submitted by the department had little weight with the House in its action. After the department has completed making out its case before the Naval Committee this year there will be ample opportunity to analyze the information which it volunteers and to submit some additional information, which, perhaps, will be as surprising as that submitted by myself during the last session when the naval bill was under consideration.

Mr. BUCHANAN. I would like to ask the gentleman this question—if it is a fact, as I stated, that the gentleman from Georgia, who has raised his voice in protest for the first time since the eight-hour law was passed in 1868—that the first voice that has been raised in protest in this Chamber is that raised by the gentleman from Georgia?

Mr. FITZGERALD. I believe that statement is a little broad. In the first place, I have not been here all of that time and I can not say whether anyone else has ever opposed eight-hour legislation. I do believe, however, that there are men both in this House and outside of it who have honest convictions as to the inadvisability of the eight-hour law. For myself, I believe that it would be a great benefit to all the country if such improvements could be devised as would enable those engaged in agricultural pursuits not to spend 12 and 14 hours a day, but a less number of hours, in the cultivation of the soil. I know the people would be benefited and the country would be benefited if those engaged in agricultural pursuits could devote some of the time now given to arduous toil to recreation and to mental occupations. They would be broadened, better informed, more widely cultivated, and better and happier people.

Mr. SHERLEY. Mr. Chairman, I move that all debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Kentucky moves that all debate on this amendment close in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. HUGHES of New Jersey. Mr. Chairman, I am surprised—

Mr. MANN. Will the gentleman from Kentucky yield for just one question?

Mr. SHERLEY. Yes.

Mr. MANN. Does the gentleman intend to move that the committee rise after this matter is disposed of?

Mr. SHERLEY. Well, it was not the particular desire of the gentleman that the committee rise, but I named 10 minutes thinking the gentleman from Illinois might desire 5 of it.

Mr. MANN. I do not desire any time, but by that time it will be half past 5 o'clock.

Mr. SHERLEY. I do not know how much discussion will come up in regard to the remaining paragraphs of the bill, but I would rather like to complete the bill this evening.

Mr. MANN. Well, it did not look that way on this paragraph.

[Mr. HUGHES of New Jersey addressed the committee. See Appendix.]

Mr. SHERLEY. Mr. Chairman, I ask for a vote.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. The time of the gentleman has expired. All time has expired on this amendment. The question before the committee is on the adoption of the amendment offered by the gentleman from Indiana [Mr. RAUCH].

The question was taken, and the amendment was agreed to.

Mr. JACKSON. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. JACKSON].

The Clerk read as follows:

On page 5, at the end of line 5, add: "Provided, That no contract for the purchase of any such armament shall be let in any case where the Government can manufacture the same at a less cost, except only for such armament as it may be necessary to procure in addition to the capacity of the Government to manufacture at its arsenals."

Mr. SHERLEY. To that, Mr. Chairman, I will make a point of order, or reserve it, if the gentleman from Kansas [Mr. JACKSON] desires to make a statement on his amendment.

Mr. MANN. I suggest that the gentleman move to rise instead. It is now nearly half past 5 o'clock.

Mr. SHERLEY. When this is ended I will do that.

Mr. MANN. Well, it is too late to go on further now.

Mr. SHERLEY. Well, Mr. Chairman, I have no desire to make unreasonable demands on Members of the House. The amendment is offered with the reservation of the point of order, and I now move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20111, the fortifications appropriation bill, and had come to no resolution thereon.

TWELFTH ANNUAL REPORT OF THE PHILIPPINE COMMISSION
(H. DOC. NO. 571).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, was ordered to be printed and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the twelfth annual report of the Philippine Commission for the fiscal year ended June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, February 26, 1912.

LAWRENCE (MASS.) LABOR STRIKE.

Mr. WILSON of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILSON of Pennsylvania. I rise, Mr. Speaker, for the purpose of asking unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

Mr. MANN. I suggest to the gentleman that he let it go over until to-morrow morning. It is now too late for such a matter.

The SPEAKER. The gentleman from Illinois objects.

Mr. WILSON of Pennsylvania. Then, Mr. Speaker, I ask unanimous consent that the resolution which I have sent to the Clerk's desk be inserted in the Record.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent that the resolution which he has sent to the Clerk's desk be inserted in the Record. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Following is the resolution referred to:

House resolution 433.

Whereas there is a strike in progress in Lawrence, Mass.; and whereas it is alleged that the police power of the city of Lawrence and the militia of the State of Massachusetts are being used to forcibly prevent parents from sending their children into other States, where arrangements have been made to take care of them until the strike is over; and

Whereas it is further alleged that many of these children do not belong to parents who are on strike, and many others have been secured either by intimidating the parents or by the grossest misrepresentation, made possible because many of the strikers are foreigners and do not understand our language; and

Whereas if the first allegation is true it is a violation of the fourth and fourteenth amendments to the Constitution and the inherent right of citizens to travel from State to State: Therefore, be it

Resolved, That the Committee on Labor, or any subcommittee thereof, be, and is hereby, authorized and directed to investigate thoroughly the allegations set forth in the preamble of this resolution and the causes which have produced such a condition of affairs.

Said committee, or any subcommittee thereof, is hereby authorized to sit during the sessions of Congress either at Washington or at Lawrence, Mass., to send for persons and papers, to administer oaths, to employ such stenographic and clerical assistance as may be necessary for the purpose of carrying out the provisions and purposes of this resolution, and that the expenses thereof, in a sum not to exceed in the aggregate \$10,000, be paid from the contingent fund of the House on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts. Said committee shall make a full report to this House as to whether, by reason of any facts thus ascertained, there shall be legislation by Congress with reference thereto.

DAM ACROSS THE SAVANNAH RIVER, S. C. AND GA.

The SPEAKER laid before the House the bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909, with House amendments thereto, disagreed to by the Senate, on which the Senate requested a conference.

Mr. ADAMSON. Mr. Speaker, I move that the House insist on its amendments and grant the conference requested.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] moves that the House insist upon its amendments to the bill and agree to the conference requested. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4475. An act to amend an act entitled "An act to simplify the issue of enrollment and licenses of vessels of the United States."

ADJOURNMENT.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 27, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy requesting an appropriation to pay for damages to Constitution wharf at Boston, Mass., caused by colliding with U. S. S. *Mayflower* on October 8, 1911 (H. Doc. No. 569); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior submitting a revised estimate of an appropriation for restoration of lands in forest reserves (H. Doc. No. 570); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held-under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama, which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, reported the same with amendment, accompanied by a report (No. 357), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 17908) granting a pension to Henry Mink, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 20826) for the relief of Indians occupying railroad lands; to the Committee on Indian Affairs.

Also, a bill (H. R. 20827) authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma; to the Committee on Indian Affairs.

By Mr. BUCHANAN: A bill (H. R. 20828) to regulate the compensation of the journeymen mechanics of the Washington Navy Yard and the naval proving grounds at Indianhead, Md.; to the Committee on Naval Affairs.

By Mr. TALBOTT of Maryland: A bill (H. R. 20829) making an appropriation for the deepening of the Curtis Bay Channel, Baltimore Harbor; to the Committee on Rivers and Harbors.

By Mr. MORSE of Wisconsin: A bill (H. R. 20830) to reward valor and encourage efficiency in the volunteer military and naval service of the United States of America; to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 20831) exempting oats and hay from duty; to the Committee on Ways and Means.

Also, a bill (H. R. 20832) to authorize the United States Government to take over and secure ownership of all express, telegraph, and telephone companies; to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: A bill (H. R. 20833) for the continuance of snagging and cleaning operations on upper Red River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 20834) for the construction of a dredge boat on upper Red River; to the Committee on Rivers and Harbors.

By Mr. PADGETT: A bill (H. R. 20835) to provide a uniform method for fixing the date from which the pay of officers of the United States Navy, when promoted to the next higher grade, shall be computed; to the Committee on Naval Affairs.

By Mr. FERRIS: A bill (H. R. 20836) to prevent gambling in cotton and grain futures, and providing penalties for the violation thereof; to the Committee on Agriculture.

Also, a bill (H. R. 20837) to provide for a permanent, lasting, and uniform system of improvement of public highways and post roads, and providing how the State and Nation may act in conjunction and by mutual contribution bring about the desired end, and distribute the surplus in the Treasury pro rata each year among the States for that purpose; to the Committee on Ways and Means.

By Mr. CLAYTON: A bill (H. R. 20838) to amend section 786 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. WICKERSHAM: A bill (H. R. 20839) to amend an act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, and for other purposes; to the Committee on the Territories.

By Mr. REDFIELD: A bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLAYTON: A bill (H. R. 20841) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: A bill (H. R. 20842) to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER: Resolution (H. Res. 432) to investigate certain coal companies doing business in Two Harbors, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Joint resolution (H. J. Res. 253) extending the time for the cancellation of entries upon the Minidoka project, Idaho; to the Committee on Irrigation of Arid Lands.

By Mr. SULZER: Joint resolution (H. J. Res. 254) congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government; to the Committee on Foreign Affairs.

By Mr. SIMMONS: Memorial from the General Assembly of the State of New York, favoring the militia pay bill; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 20843) granting a pension to George W. Poorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20844) granting a pension to Thomas J. Cartwright; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 20845) granting an increase of pension to Joseph Lethco; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20846) for the relief of Cornelia E. Laws; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20847) for the relief of Dr. W. W. Macfarlane; to the Committee on War Claims.

By Mr. CRAVENS: A bill (H. R. 20848) granting a pension to William F. McLean; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 20849) for the relief of Walter J. Gafford; to the Committee on War Claims.

Also, a bill (H. R. 20850) for the relief of the heirs of Peter Cheatham, deceased; to the Committee on War Claims.

By Mr. DONOHUE: A bill (H. R. 20851) granting an increase of pension to Annie E. Shetzline; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 20852) granting a pension to Roxana Alvira Mansfield; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 20853) granting a pension to Thomas Tigue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20854) granting a pension to Mary A. Walton; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 20855) for the relief of the heirs of John H. Mercer; to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 20856) granting a pension to Dell J. Harrington; to the Committee on Pensions.

Also, a bill (H. R. 20857) granting a pension to Eugene H. Hillyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20858) granting a pension to Sarah E. Compton; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 20859) granting an increase of pension to Wade H. Pyle; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 20860) granting an increase of pension to William Miles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20861) granting an increase of pension to Ashley White; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 20862) for the relief of the estate of J. J. Mock, deceased; to the Committee on War Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 20863) to correct the military record of John Minahan, alias John Bagley; to the Committee on Military Affairs.

By Mr. LEE of Georgia: A bill (H. R. 20864) for the relief of the trustees of the Friendship Missionary Baptist Church, of Floyd County, Ga.; to the Committee on War Claims.

By Mr. LEVY: A bill (H. R. 20865) granting a pension to Walter R. Tobisen; to the Committee on Pensions.

By Mr. LEWIS: A bill (H. R. 20866) granting a pension to Cornelius S. Sheetz; to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 20867) granting a pension to William E. Butterfield; to the Committee on Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 20868) for the relief of August Schultz; to the Committee on Indian Affairs.

By Mr. PORTER: A bill (H. R. 20869) removing the charge of desertion from the military record of Philip Boyer; to the Committee on Military Affairs.

Also, a bill (H. R. 20870) removing the charge of desertion from the military record of Peter Gallagher; to the Committee on Military Affairs.

Also, a bill (H. R. 20871) removing the charge of desertion from the military record of John Cramer; to the Committee on Military Affairs.

Also, a bill (H. R. 20872) removing the charge of desertion from the military record of William H. H. Bennett; to the Committee on Military Affairs.

Also, a bill (H. R. 20873) for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Sevid, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Marlin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.; to the Committee on Claims.

Also, a bill (H. R. 20874) granting a pension to Elizabeth Higgenbotham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20875) granting a pension to Barbara Kline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20876) granting a pension to William H. Harlander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20877) granting an increase of pension to William H. Crider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20878) granting an increase of pension to David Holliday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20879) granting an increase of pension to Jasper M. Hathaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20880) granting an increase of pension to George Duphorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20881) granting an increase of pension to John Ehrenfelt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20882) granting an increase of pension to Wilt Rippey; to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 20883) for the relief of Florimand Izard; to the Committee on War Claims.

Also, a bill (H. R. 20884) for the relief of Mrs. Joseph Du-hon; to the Committee on War Claims.

Also, a bill (H. R. 20885) for the relief of Raymond Jeann Piere; to the Committee on War Claims.

Also, a bill (H. R. 20886) for the relief of heirs of Silas Tal-ber, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20887) for the relief of heirs of Marie C. Labns, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20888) for the relief of heirs or estate of Francis Jean, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20889) for the relief of heirs or estate of Mrs. Celestine Malveau, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20890) for the relief of heirs of Louis Fontenot, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20891) for the relief of heirs of Achilles Savoie, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20892) for the relief of heirs of Joseph C. Miller, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20893) for the relief of heirs of Joseph Jean Savoie, deceased; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 20894) granting an increase of pension to Ezra Wilson; to the Committee on Invalid Pen-sions.

By Mr. SHEPPARD: A bill (H. R. 20895) for the relief of heirs of William (Billy) and Martha Sharp; to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 20896) for the relief of the legal representatives of Jesse A. Brown, deceased; to the Committee on War Claims.

By Mr. TAGGART: A bill (H. R. 20897) for the relief of the children of Ambrose Shields; to the Committee on Claims.

Also, a bill (H. R. 20898) granting an increase of pension to William H. H. Hurry; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 20899) granting an increase of pension to William Banks; to the Committee on In-valid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Papers to accompany bill granting an increase of pension to Joseph Lethcho; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Minnesota: Petition of F. A. Beddow and others, of Caledonia, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petitions of citizens of the State of Kansas, protesting against parcel-post legislation; to the Com-mittee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of S. E. Bell and 65 other citi-zens of Nellie, Ohio, and community, asking for the enactment of the proposed parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the Goodyear Tire & Rubber Co., of Akron, Ohio, protesting against an import duty being placed on crude rubber; to the Committee on Ways and Means.

Also, resolutions of the Rochester (N. Y.) Chamber of Com-merce, favoring House bill 17936; to the Committee on Coinage, Weights, and Measures.

By Mr. BARNHART: Resolution of Elkhart (Ind.) Saturday Club, for reduction of oleomargarine tax; to the Committee on Agriculture.

Also, petition of merchants of Elkhart, Ind., protesting against any parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, resolution of the Plymouth (Ind.) Civic Club, in favor of a national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of Central Council of Social Agents and of American Central Insurance Co., of St. Louis,

Mo., in favor of the so-called Esch bill and to prevent "phossy jaw"; to the Committee on Ways and Means.

Also, petition of the Wholesale Liquor Dealers' Association, of Omaha, Nebr., and the National German-American Alliance, of St. Joseph, Mo., protesting against interstate liquor legisla-tion; to the Committee on the Judiciary.

Also, petitions of St. Augustines Benevolent Society; of St. Boniface Young Men's Sodality; of St. Cecelia Benevolent Society; of St. Cecelia Branch, No. 129, Woman's Catholic Union; of St. Boniface Branch, No. 556, Catholic Knights of America; St. Anthony Branch, No. 309, Catholic Knights of America; and of St. Anthony Society, all of St. Louis, Mo., protesting against the resolution of inquiry in relation to Catholic Indian Mission; to the Committee on Indian Affairs.

Also, petition of Langenberg Bros. & Co. (Grain & Hay Co.), of St. Louis, Mo., protesting against the so-called clearance bill; to the Committee on Agriculture.

Also, petition of the Business Men's League of St. Louis, Mo., in favor of the bill to establish offices of the Interstate Com-merce Commission in the leading cities; to the Committee on Interstate and Foreign Commerce.

Also, petition of Swope Shoe Co., of St. Louis, Mo., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNING: Petitions of the Woman's Christian Temperance Union of Woodbury, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Resolution of Rochester (N. Y.) Chamber of Commerce, indorsing House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Twenty-eighth Ward Taxpayers' Pro-tection Association, Brooklyn, N. Y., for the establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Russian Caviar Co., New York City, request-ing specific duty on caviar; to the Committee on Ways and Means.

Also, petition of the National Conservation Congress, pro-testing against reduction of appropriation for fighting fires and taking measures for protection from forest fires; to the Committee on Agriculture.

Also, petition of National Progresista Party of Philippine Islands, for an independent Filipino Government; to the Com-mittee on Insular Affairs.

By Mr. CRAVENS: Petition of business men of Texarkana, Ark., protesting against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Methodist Episcopal Conference South of Bear, Ark., for the passage of the Kenyon-Sheppard inter-state liquor bill; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Papers to accompany House bill 20513, granting an increase of pension to John O'Mara; to the Committee on Pensions.

Also, papers to accompany bill granting a pension to Mary A. Walton; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20516, a bill granting an increase of pension to Henry A. Munzert; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20515, granting an increase of pension to Henry E. Boorman; to the Committee on Pensions.

Also, papers to accompany bill granting a pension to Thomas Tighe; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20517, a bill granting an increase of pension to Seymour H. Marshall; to the Com-mittee on Invalid Pensions.

Also, papers to accompany House bill 20514, a bill granting an increase of pension to Thomas O'Brien; to the Committee on Invalid Pensions.

By Mr. DE FOREST: Petition of members of the Improved Order of Red Men and citizens generally residing in the twenty-third congressional district of New York, favoring the erection of an American Indian memorial and museum building in Wash-ington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DOREMUS: Petition of Samuel F. and Claude Hook, of Detroit, Mich., protesting against the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Memorial of the International Dry-Farming Congress, relative to so-called land locators; to the Committee on the Public Lands.

By Mr. FOSS: Petition of a Methodist Episcopal Church of Chicago, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FRENCH: Petition of citizens of Buhl, Idaho, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of citizens of Idaho, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Idaho, protesting against the passage of the parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Washington and Idaho, urging passage of bill prohibiting gambling on futures on farm products; to the Committee on Agriculture.

Also, petition of citizens of Bannock County, Idaho, urging passage of the three-year homestead bill; to the Committee on the Public Lands.

Also, petitions of citizens of Idaho, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Jackson Park Yacht Club, of Chicago, Ill., in opposition to the passage of the Sherwood bill (H. R. 18788) amending the laws for preventing collisions of vessels and to regulate equipment of certain motor boats, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Progresista Party, of Philippine Islands, for an independent Filipino government; to the Committee on Insular Affairs.

Also, petition of Armstrong Paint & Varnish Works, of Chicago, Ill., protesting against proposed duty on chena wood oil and soya-bean oil; to the Committee on Ways and Means.

Also, petition of Sanford Manufacturing Co., of Chicago, Ill., protesting against proposed duty on shellac; to the Committee on Ways and Means.

By Mr. GARNER: Petition of citizens of the State of Texas, protesting against passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Aransas Pass, Tex., for a certain survey; to the Committee on Rivers and Harbors.

Also, petition of the Woman's Christian Temperance Union, of Hondo, Tex., for passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAYES: Petitions of citizens of the State of California, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HELGESEN: Petition of E. M. Anderson and 12 other business men of Lamoure County, N. Dak., and of C. Martineau and 8 other business men of Rolette County, N. Dak., protesting against the passage of a general parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Petition of the Connecticut Indian Association of Hartford, Conn., favoring House bill 16802; to the Committee on Indian Affairs.

By Mr. HOUSTON: Petition of citizens of Lewisburg, Tenn., favoring the passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of Central Labor Council of Seattle, Wash., urging favorable action on bill for Government trunk railroad in central Alaska; to the Committee on the Territories.

By Mr. HOWELL: Petition of Latter-day Saints of Logan City, Utah, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Utah Federation of Woman's Clubs, of Salt Lake City, Utah, urging the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: Petition of Rev. A. O. Evans, Sam T. Poe, and Joe A. Goetz, for the Asbury Methodist Church, of Little Rock, Ark., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Spadra, Ark., in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. KENDALL: Petition of D. E. Vance and other citizens of University Park, Iowa, and of A. A. McCoon and other citizens of Keota, Iowa, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of a Catholic society of Jersey City, N. J., relative to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of Maryland Association of Certified Public Accountants, protesting against employment of chartered accountants to the exclusion of certified public accountants; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of Presbyterian Church of York Springs, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of West Glade Run Presbyterian Church, near Kittanning, Pa., favoring the passage of

the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East Brady, Clarion County, Pa., for passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of the male members of the Woman's Christian Temperance Union of East Brady, Clarion County, Pa., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. LEVY: Papers to accompany bill granting a pension to Walter Tobisen; to the Committee on Pensions.

Also, memorial of Army and Navy Union, United States of America, Department of New York, in favor of House joint resolution 239; to the Committee on Military Affairs.

Also, resolution of the Rochester (N. Y.) Chamber of Commerce, in favor of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, petition of National Progresista Party, of Philippine Islands, for an independent Filipino government; to the Committee on Insular Affairs.

By Mr. LEWIS: Petition of the Gospel Mission Sunday School, of Frederick, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Memorial of National Progresista Party in the Philippine Islands, for self-government in the islands; to the Committee on Insular Affairs.

Also, petition of James K. Powers, of San Antonio, Tex., for passage of House bill 1339; to the Committee on Invalid Pensions.

Also, petition of the International Dry-Farming Congress, relative to so-called land locators; to the Committee on the Public Lands.

Also, petition of J. Z. White, of Kansas City, Mo., for appropriation as recommended by the Forester for fighting forest fires; to the Committee on Agriculture.

Also, petition of Nebraska Wholesale Liquor Dealers' Association, protesting against the passage of interstate liquor measures; to the Committee on the Judiciary.

Also, petition of Russian Caviar Co., of New York, N. Y., for specific duty of 15 cents per pound on caviar; to the Committee on Ways and Means.

Also, petition of Rochester (N. Y.) Chamber of Commerce, for passage of House bill 17936; to the Committee on Coinage, Weights, and Measures.

By Mr. LOUD: Papers to accompany bill granting a pension to William E. Butterfield; to the Committee on Pensions.

Also, petition of the Bay Shore Mercantile Co., of Bay Shore, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MCGILLICUDDY: Petition of Winfield L. Ham and other citizens of Bath, Me., in favor of House bill 14, for the establishment of a parcel post, etc.; to the Committee on the Post Office and Post Roads.

Also, petitions of the South Franklin Sunday School Association, the Hammond Street Methodist Episcopal Church, and the Methodist Episcopal Church, of Lewiston; the Woman's Christian Temperance Union of Bethel; the Woman's Christian Temperance Union of Gardiner; the Maine Baptist Missionary Convention, of West Enfield; Rev. A. E. Morris, of Methodist Episcopal Church of Oldtown; the Woman's Christian Temperance Union and Methodist Episcopal Church of Portland; Rev. Frank L. Wilkins, Free Baptist Church of Portland; E. T. Burrows and others, of Portland; and Frank Beverage and others, of North Haven, all in the State of Maine, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MARTIN of South Dakota: Petition of citizens of South Dakota, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of Madison County (N. Y.) Pomona Grange, in favor of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Rochester (N. Y.) Chamber of Commerce, in favor of standard packages and standard grades for fruit packing; to the Committee on Coinage, Weights, and Measures.

By Mr. NYE: Petition of Minnesota Society, Dames of the Loyal Legion, for pension legislation; to the committee on Invalid Pensions.

Also, memorial of St. Wendelin Catholic Aid Association of Minnesota, against all measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. PRINCE: Petition of Capt. F. W. Latimer and others, of Galesburg, Ill., favoring travel pay to volunteer soldiers who served in Philippine War; to the Committee on Military Affairs.

By Mr. PUJO: Papers to accompany bill for relief of heirs of Silas Talbert, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of Raymond Jeann Piere; to the Committee on War Claims.

Also, papers to accompany bill for relief of Mrs. Joseph Duhon; to the Committee on War Claims.

Also, papers to accompany bill for relief of heirs or estate of Marie C. Lebas; to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Francis Jean; to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Celestine Malvean, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of heirs of Lewis Fontenot; to the Committee on War Claims.

Also, papers to accompany bill for relief of Achille Savoie, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of Joseph C. Miller, deceased; to the Committee on War Claims.

Also, papers to accompany bill for relief of Joseph Jean Savoie, deceased; to the Committee on War Claims.

Also (by request), petition of sundry citizens of Louisiana, urging passage of House bill 16214 to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Louisiana, urging the passage of old-age pension bill; to the Committee on Pensions.

By Mr. RAKER: Petition of San Francisco (Cal.) Call, a newspaper, for a mining-experiment station in California; to the Committee on Mines and Mining.

Also, petition of the Chamber of Commerce of Auburn, and O. W. Lehmer, of Merced, Cal., in favor of the passage of House bill 16841; to the Committee on Appropriations.

Also, petition of the Maryland Association of Certified Public Accountants, protesting against employment by the Government of chartered accountants to the exclusion of certified public accountants; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 20803; to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of the New Haven (Conn.) Trades Council, protesting against employment of enlisted men in construction of battleships; to the Committee on Naval Affairs.

Also, petition of the German-American Alliance of Nebraska, against prohibition or interstate liquor measures; to the Committee on the Judiciary.

Also, memorial of the Rochester (N. Y.) Chamber of Commerce, for passage of House bill 17936; to the Committee on Coinage, Weights, and Measures.

By Mr. REYBURN: Memorial of Maryland Association of Certified Public Accountants, of Baltimore, Md., protesting against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, resolutions of the Pennsylvania State Board of Agriculture, for the eradication of the chestnut-tree blight; to the Committee on Agriculture.

By Mr. SIMMONS: Petition of residents of North Tona-wanda, N. Y., favoring House bill 16313, for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. J. M. C. SMITH: Petitions of citizens of East Leroy and Grand Lodge, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of citizens of West-over, Tex., favoring House bill 16214; to the Committee on the Judiciary.

Also, petitions of citizens of Clay County, Tex., favoring House bill 16214; to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of Strawn, Ill., protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of a resident of New York City, for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of National Drainage Congress, for Government aid in drainage and river regulation; to the Committee on Rivers and Harbors.

Also, memorial of Rochester (N. Y.) Chamber of Commerce, indorsing House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, petition of the International Dry-Farming Congress, for passage of the Page bill; to the Committee on Agriculture.

By Mr. TAGGART: Resolution of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, protesting

against general consolidation of all pension agencies at Washington, D. C.; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of the German-American Alliance of Torrington, Conn., protesting against prohibition or interstate liquor laws; to the Committee on the Judiciary.

Also, petition of citizens of Norwich, Conn., indorsing House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of citizens of New Haven, Conn., for old-age pensions; to the Committee on Pensions.

By Mr. TURNBULL: Petition of James H. Bailey, president Post C. Traveling Protective Association, and other residents of Petersburg, Va., protesting against establishment of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of G. M. Palmore and others, residents of the fourth Virginia district, asking for the establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. VREELAND: Petition of the Woman's Christian Temperance Union of Jamestown, N. Y., for passage of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. WEBB: Petition of J. G. Rutledge and 3 other citizens of Stanley, N. C., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of C. A. Wallace, Dallas, N. C., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Petition of citizens of Lenawee County, Mich., for passage of House bill; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the Epworth League of the Methodist Episcopal Church of Ashley, Ohio, asking for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Central Labor Council of Seattle, Wash., asking that immediate action shall be taken by Congress toward the construction of a Government railroad from some point in southern Alaska to the Yukon Valley; to the Committee on the Territories.

Also, resolutions of the Farmers' Institute at Mechanicsburg, Ohio, in favor of parcel post and against 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Kansas: Petitions of citizens of Thomas and Sheridan Counties, Kans., protesting against enactment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Waldo, Kans., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Rawlins County, Kans., asking for the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Thomas and Sheridan Counties, Kans., asking for legislation giving the Interstate Commerce Commission further power to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of R. L. Sutton and sundry citizens of Van Zandt County, Tex., in favor of bill to prohibit gambling in farm products; to the Committee on Agriculture.

SENATE.

TUESDAY, February 27, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM DELAWARE.

Mr. DU PONT. Mr. President, I rise to a question of personal privilege.

Certain resolutions were offered yesterday in the Senate by the junior Senator from Missouri [Mr. REED] formulating charges against me. I will at this time confine myself to making the most emphatic denial of the truth of the charges made and invite any action which the Senate may deem proper to take in the premises.

NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate the annual report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1911, which was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. South, its Chief Clerk, announced that the House had passed a bill (H. R. 17238) to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia and employment of a competent sanitary engineer to report the latest approved methods for disposal of the same, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill of the Senate (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909. It agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 4475) to amend an act entitled "An act to simplify the issue of enrollment and licenses of vessels of the United States," and it was thereupon signed by the Vice President.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. Mr. President, my attention has been called to an error in the printing of the calendar which affects the order of business. The CONGRESSIONAL RECORD of yesterday contains the notice which I gave relative to the investigation of charges against Senator STEPHENSON. I observe that on the calendar of to-day the notice is misstated. The notice given yesterday was "that after to-day"—which of course was after yesterday—"after to-day, on each day after the expiration of the morning hour, I shall ask consideration for a matter," and so forth, reciting it.

On the first page of to-day's calendar it says that I gave notice "that after to-morrow," which would postpone it for a day, "following the routine morning business," and the words "each day" have been omitted.

The VICE PRESIDENT. The correction will be made, as requested by the Senator from Idaho.

Mr. HEYBURN. I wish to have the correction made, because I desire to proceed under the notice of yesterday.

The VICE PRESIDENT. The correction will be made.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by members of the Department of the Potomac, Grand Army of the Republic, at its forty-fourth annual encampment, favoring an appropriation for the erection of an amphitheater at the Arlington National Cemetery as a memorial to the soldier dead who lie buried there, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Morse, La., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of members of the Commercial Club of Mellen, Wis., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Webster, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Woman's Club of Mishawaka, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. CURTIS presented a memorial of sundry citizens of Larned, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. RICHARDSON presented petitions of the congregations of the Pentecostal Nazarene Church, the Apostolic Holiness Church, the Methodist Protestant Church, and the Methodist Episcopal Church, of Harrington; of the Methodist Episcopal Church of New Castle and the Presbyterian Church of Felton; of members of Todd's Sunday School, of Farmington; and of the Woman's Christian Temperance Union of Harrington, all

in the State of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a memorial of sundry citizens of Aberdeen, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULBERSON presented a memorial of the Retail Merchants' Association of Cleburne, Tex., and a memorial of sundry citizens of Eagle Pass, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented a memorial of sundry citizens of Ottawa, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 224, International Brotherhood of Blacksmiths and Helpers, of La Salle, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying that an appropriation of \$50,000 be made to defray expenses incident to the entertainment of foreign delegates to the Fifth International Congress of Chambers of Commerce, which was referred to the Committee on Appropriations.

He also presented a memorial of the Maryland Association of Certified Public Accountants, of Baltimore, Md., remonstrating against the employment by the United States Government of chartered accountants to the exclusion of certified public accountants, which was referred to the Committee on Naval Affairs.

Mr. BOURNE presented petitions of sundry citizens of Brownsville, Arlington, Roseburg, Enterprise, and Heppner, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to provide for the retirement of civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of Captain Philip R. Schuyler Post, No. 51, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia, Pa.; of R. M. Johnson Post, No. 474, Department of Pennsylvania, Grand Army of the Republic, of Williamsport, Pa.; and of General S. K. Zook Post, No. 11, Department of Pennsylvania, Grand Army of the Republic, of Norristown, Pa., remonstrating against the enactment of legislation providing for the abolishment of the United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Unions of Clinton and Fallston; of the congregation of the St. John's African Methodist Episcopal Church, of Oxford; of members of the Union Mission of Fallston; and of sundry citizens of Springboro and East Smithfield, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Granite State Council, No. 1, Junior Order United American Mechanics, of Hampstead, N. H., and a petition of W. P. Warner, of Plainstown, N. H., praying for the enactment of legislation for the further restriction of immigration of aliens into the United States, which were ordered to lie on the table.

He also presented a petition of 85 citizens of the District of Columbia and the outlying sections of Maryland and Virginia, praying that an appropriation be made for the continuance of the Columbia Hospital in the District of Columbia, which was referred to the Committee on Appropriations.

Mr. DU PONT presented a petition of the congregations of the Bethel Methodist Episcopal Church, of Ocean View, Del., and a petition of the congregation of the Methodist Episcopal Church of Hockessin, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of members of the Woman's Club of Hastings, Nebr., praying for the ratification of the proposed treaties of arbitration between the United

States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Farmers' Elevator Co., of Stockham, Nebr., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Central Labor Union of Lincoln, Nebr., praying for the enactment of legislation granting to civil-service employees their inherent rights as citizens to the freedom of speech, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Central Labor Union of Lincoln, Nebr., praying for the enactment of legislation making it illegal for employers of labor during presidential elections to threaten employees with a shutdown of factories or reduction of wages should certain candidates or parties be successful, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Dolly Madison Literary Society, of Brooklyn, N. Y., and a memorial of the Martha Washington Society, of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of the congregation of the Methodist Church of Fort Fairfield; of Local Grange No. 485, Patrons of Husbandry, of Fort Fairfield; of Local Grange, Patrons of Husbandry, of Benton; of the Woman's Christian Temperance Union of Lincoln, and of sundry citizens of West Paris, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN presented a memorial of members of the German-American Alliance of Buffalo, N. Y., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Reformed Church and the First Baptist Church of New Brighton; of the Kingsley Methodist Episcopal Church, of Stapleton; and of the Woodrow Methodist Episcopal Church, of New York City, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Binghamton, N. Y., praying that an appropriation be made for the erection of an American Indian memorial and museum building in the District of Columbia, which was referred to the Committee on Indian Affairs.

Mr. POINDEXTER presented a petition of sundry members of the State Federation of Labor residents of Tacoma, Wash., praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon work done for the United States, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which was referred to the Committee on Finance.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation to prohibit the exclusion of certain publications from the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry members of the State Federation of Labor, residents of Tacoma, Wash., remonstrating against the adoption of certain recommendations contained in the report of the National Monetary Commission, which was referred to the Committee on Finance.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation to better the condition of American seamen, which was referred to the Committee on Commerce.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation providing for the condemnation and purchase of the franchises of express companies of the United States, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry members of the State Federation of Labor, residents of Tacoma, Wash., remonstrating against the installation of the so-called Taylor system of shop management in Government navy yards, etc., which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the enactment of legislation providing for the sale of the United States military reservation at Walla Walla, Wash., which was referred to the Committee on Military Affairs.

He also presented a petition of members of the Commercial Club of Montesano, Wash., praying for the adoption of certain amendments to section 40 of the immigration law, which was referred to the Committee on Immigration.

He also presented a petition of members of the Commercial Club of Montesano, Wash., praying that an appropriation be made for the improvement of Wallapa Harbor, in that State, which was referred to the Committee on Commerce.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying that an appropriation be made for the opening to navigation of the Columbia and Snake Rivers, in that State, which was referred to the Committee on Commerce.

He also presented a petition of sundry members of the State Federation of Labor, residents of Tacoma, Wash., praying for the proper enforcement of the immigration law, which was referred to the Committee on Immigration.

Mr. WILLIAMS presented petitions of sundry citizens of Sherman, Miss., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. SMOOT presented petitions of the congregations of the Church of the Latter-day Saints of Logan City; the Methodist Episcopal Mission Church and the Church of the Latter-day Saints of Elsinore; of the Woman's Christian Temperance Unions of Ogden and Elsinore; and of members of the town board of Elsinore, all in the State of Utah, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of Cockeysville, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented petitions of sundry citizens of Ford, Miller, and Valentine, all in the State of Nebraska, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRADLEY presented petitions of the Christian Endeavor Society of the Arlington Christian Church, the Woodland Christian Endeavor Society, the Christian Endeavor Society of the Second Presbyterian Church, the Young People's Society of Christian Endeavor of the Lottie Street Presbyterian Mission, the Christian Endeavor Society of the Maxwell Street Presbyterian Church, the Christian Endeavor Society of the Broadway Christian Church, and of the Christian Endeavor Union, all of Lexington, in the State of Kentucky, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. STONE presented memorials of sundry citizens of Lancaster, Deepwater, Kansas City, Thayer, Richwoods, Gunnison, St. Joseph, Smithville, Jackson, Clayville, McBride, Claryville, Freistatt, Marshall, Milan, Carl Junction, Altenburg, Strain, Hamburg, Hawk Point, St. Louis, Memphis, Mount Vernon, Ash Grove, Richmond, Seneca, Commerce, Winfield, De Soto, Holland, Flat River, Montrose, Portageville, Centralia, Boles, Skidmore, Weanbleau, and Sparta; of the Retail Merchants' Association of Jefferson City; of Poplar Bluff Council, No. 364, U. C. T.; of St. Joseph Council, No. 25, U. C. T.; and of Missouri Drummers' Association, all in the State of Missouri, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Pleasant Grove Church of Purdin; Christian Church of Columbia; Methodist Episcopal Church of Billings; Methodist Protestant Church of Billings; First Baptist Church of Columbia; Methodist Episcopal Church of Campbell; La Fayette Park Methodist Episcopal Church South, of St. Louis; Presbyterian Church of Louisiana; First Baptist Church of Campbell; Baptist Church of Meadville; Congregational Church of Meadville; Methodist Episcopal Church of Meadville; Christian Church of Poplar Bluff; Second Baptist Church of Poplar Bluff; First Baptist Church of Poplar Bluff; Woman's Christian Temperance Union of Louisiana; Woman's Christian Temperance Union of Lebanon; and of sundry citizens of Senath, Charleston, Purdin, Humphreys, St. Louis, Centralia, Marceline, and Linneus, all in the State of Missouri, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by

outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of the McKendree Methodist Church, of Canton; the Harney Heights Improvement Association, of St. Louis; Mennonite Church of Fortuna; First Presbyterian Church of Jefferson City; Linwood Presbyterian Church of Kansas City; of the Carthage Presbytery of the Presbyterian Church of United States of America, assembled at Webb City; of the Ministerial Alliance of Springfield; of the Thursday Literary Club of Cape Girardeau; of the Federated Women's Club of Hannibal; and of sundry citizens of Clay and Platte Counties, all in the State of Missouri, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PAGE presented a petition of sundry citizens of Swanton, East Highgate, and Franklin, all in the State of Vermont, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. CRANE presented a petition of sundry citizens of Worcester, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of the Vorort des Pittsburgh Tum-Bezirks, of Pittsburgh, Pa., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of Clover Grange, No. 1172, Patrons of Husbandry, of Baxter, Pa., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of General Alexander Hays Post, No. 3, Grand Army of the Republic, and Encampment No. 1, Union Veteran Legion, of Pittsburgh, and of Captain Philip R. Schuyler Post, No. 51, Grand Army of the Republic, of Philadelphia, all in the State of Pennsylvania, remonstrating against the proposed abolishment of the United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

He also presented a memorial of E. R. Brady Post, No. 242, Department of Pennsylvania, Grand Army of the Republic, of Brookville, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of East Mahoning, Marion Center, McKeesport, Kirby, East Brady, Beaver Falls, and Norristown, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the State Board of Agriculture of Pennsylvania, praying for the enactment of legislation to provide for instruction and demonstrations in agriculture and in home industries and economics applicable to rural life, etc., which was ordered to lie on the table.

Mr. ROOT presented a petition of the congregation of the First Methodist Episcopal Church of Ilion, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Improved Order of Red Men and sundry citizens of Binghamton, N. Y., praying that an appropriation be made for the erection of an American Indian memorial and museum building in Washington, D. C., which was referred to the Committee on Indian Affairs.

Mr. BROWN presented a memorial of sundry citizens of Boelus, Nebr., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 836) for the relief of Joel J. Parker, reported it with an amendment.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 3288) for the relief of H. J. Randolph Hemming, reported it with an amendment and submitted a report (No. 411) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 410), accompanied by a bill (S. 5493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was

read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

- S. 47. Cornelius S. Munhall.
- S. 63. Wilson Aler.
- S. 207. John J. Hill.
- S. 208. Thomas J. North.
- S. 210. William J. Nash.
- S. 358. Abel Statton.
- S. 359. William Marks.
- S. 366. William H. Scannel.
- S. 379. Samuel Smith.
- S. 507. Caleb Eldred.
- S. 509. George L. Hiatt.
- S. 542. George P. McKee.
- S. 582. Winfield S. Blain.
- S. 584. Alfred E. Robinson.
- S. 585. William J. Salisbury.
- S. 685. Patrick Wallace.
- S. 686. James F. Farnsworth.
- S. 691. Shepard Goodwin, Patrick.
- S. 811. David C. Morgan.
- S. 917. Hiram F. Chappell.
- S. 942. John H. Cline.
- S. 1126. Lewis Hashman.
- S. 1200. Robert Murray.
- S. 1205. John Jones.
- S. 1206. William H. Ridgman.
- S. 1350. Daniel C. Grover.
- S. 1539. Warren Caswell.
- S. 1556. Allen H. Benton.
- S. 1668. Charles H. Weeks.
- S. 1678. Elmore Y. Shelt.
- S. 1900. William Smith Lackor.
- S. 1901. Henry Mingles.
- S. 1904. Edward V. Holland.
- S. 1935. Benjamin Miller.
- S. 1944. Mortimer Seymour.
- S. 1971. Henry H. Fackler.
- S. 2007. William B. Roberts.
- S. 2103. Elijah B. Morris.
- S. 2104. Warren Seaward.
- S. 2177. Henry S. Bell.
- S. 2189. Daniel Powell.
- S. 2341. Eli Sherman.
- S. 2475. Isabella Oliver.
- S. 2581. Lafayette Hall.
- S. 2772. William Plate.
- S. 2790. George R. Howard.
- S. 2868. Annie D. Diamond.
- S. 2893. Francis M. Howard.
- S. 2951. Joshua Pinkham.
- S. 2994. Seba Coffin.
- S. 3113. Solomon Baker.
- S. 3318. Washington Masters.
- S. 3434. Thomas S. Neal.
- S. 3458. Thomas Varner.
- S. 3481. George Gorham.
- S. 3493. Lewis C. Berg.
- S. 3501. William W. Day.
- S. 3530. Henry Bisbin.
- S. 3531. Marion L. Wilson.
- S. 3711. Henry D. Lockwood.
- S. 3810. Samuel Black.
- S. 3820. Joseph La Rock.
- S. 3855. Joseph S. Spencer.
- S. 3857. John Vander Horck.
- S. 3887. Charles A. Fernald.
- S. 3911. Harrison Buchanan.
- S. 4046. Mary B. Boyer.
- S. 4209. Ellen Brackett.
- S. 4492. John B. Randolph (alias John Brendo).
- S. 4523. Alceus Ward Fenton.
- S. 4561. William Hartin.
- S. 4611. Abraham Mowery.
- S. 4677. Daniel W. Coan.
- S. 4696. George A. Lindall.
- S. 4716. William H. Hunt.
- S. 4717. James Dillon.
- S. 4719. Philinda Lewis.
- S. 4752. George R. Roberts.
- S. 4777. Harrison Flinton.
- S. 4817. Joseph F. Sutton.
- S. 4863. Jacob B. Copley.
- S. 4927. Charles H. Smith.
- S. 4932. James E. Wheeler.

S. 4961. Jacob L. Cook.
S. 5154. William J. Cavender.
S. 5168. Graham M. Meadville.
S. 5312. Joseph C. Bullock.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 3306) to authorize the Secretary of the Interior to investigate the status of the Indian reserves set aside under the Choctaw treaty of 1830 and the Creek and Chickasaw treaties of 1832, for which no patents have been issued and the ownership of which is in question, and appropriating money therefor, reported it with amendments and submitted a report (No. 412) thereon.

Mr. LODGE. I am directed by the Committee on the Philippines, to which was referred the bill (H. R. 17837) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," to report it without amendment.

There is on the calendar Order of Business 309, S. 4829, with a similar title, which was reported by me on the 15th instant, from the same committee. I ask unanimous consent that this bill be substituted for the Senate bill and that the Senate bill be postponed indefinitely.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed and the House bill just reported by the Senator from Massachusetts will take its place on the calendar.

GEORGE WASHINGTON MEMORIAL.

Mr. ROOT. From the Committee on the Library I report back to the Senate the bill (S. 5133) to provide for the erection of a building to be known as the George Washington Memorial Building. The bill should properly have been referred to the Committee on Public Buildings and Grounds. I report it back and ask that the Committee on the Library be discharged from the further consideration of the bill, and that it be postponed indefinitely; and as I wish to make some changes in the bill I ask leave, out of order, to reintroduce it for reference to the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. The committee on the Library will be discharged from the further consideration of Senate bill 5133 and it will be postponed indefinitely, and the Senator from New York, out of order, without objection, introduces a bill, which will be read twice by its title and referred to the Committee on Public Buildings and Grounds.

The bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

REPORTS ON COTTON TARE.

Mr. RICHARDSON. From the Committee on Printing I report back favorably without amendment House concurrent resolution 23, to print 100,000 copies of the Special Consular Reports on Cotton Tare.

The VICE PRESIDENT. The concurrent resolution will be placed on the calendar.

Mr. SMOOT subsequently said: The Senator from Delaware [Mr. RICHARDSON] has left the Chamber, but the Senator from Florida [Mr. FLETCHER] desires very much to have House concurrent resolution 23 considered at this time. I ask unanimous consent for its present consideration.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring). That there shall be printed and bound in volume form, with accompanying illustrations, 100,000 copies of the Special Consular Reports on Cotton Tare, submitted by the Department of State, in response to the request of Representative WILLIAM G. BRANTLEY, of which 30,000 shall be for the use of the Senate and 65,000 for the use of the House of Representatives, and 5,000 to be delivered to the House document room for distribution.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 5495) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on Claims.

A bill (S. 5496) granting an increase of pension to Thomas Buckley (with accompanying paper); to the Committee on Pensions.

A bill (S. 5497) for the relief of A. J. G. Kane (with accompanying papers); to the Committee on Military Affairs.

By Mr. DIXON:

A bill (S. 5498) granting an increase of pension to Elvira J. Morton; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5499) for the relief of the estate of William Richards, deceased (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON of Maine:

A bill (S. 5500) granting a pension to Marie Martin; and

A bill (S. 5501) granting an increase of pension to Justin E. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 5502) granting an increase of pension to Ralph Van Brunt; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5503) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming; to the Committee on Public Lands.

A bill (S. 5504) granting an increase of pension to Mary Crowder; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 5505) for the relief of Edward R. Wilson, passed assistant paymaster, United States Navy; and

A bill (S. 5506) for the relief of Michael Dolan and certain other Army officers and their heirs and legal representatives; to the Committee on Claims.

By Mr. GUGGENHEIM:

A bill (S. 5507) for the relief of A. W. Cleland, jr. (with accompanying paper) to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 5508) to exempt from internal-revenue tax cigars supplied employees by the manufacturers thereof; to the Committee on Finance.

By Mr. NIXON:

A bill (S. 5509) granting a pension to Alice O. Lord; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 5510) for the relief of the heirs of Mark Beamer, deceased; and

A bill (S. 5511) for the relief of the trustees of the Christian Church at Missouri City, Mo. (with accompanying paper); to the Committee on Claims.

A bill (S. 5512) granting a pension to Berry Weese;

A bill (S. 5513) granting an increase of pension to Robert H. Bickers;

A bill (S. 5514) granting an increase of pension to Joseph Striker (with accompanying paper); and

A bill (S. 5515) granting a pension to Hannah F. Stitzel (with accompanying papers); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 5516) granting an increase of pension to Laura A. McKellup (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 5517) granting an increase of pension to John Donahue (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5518) for the relief of the estate of Zealous Bates Tower; to the Committee on Claims.

A bill (S. 5519) granting a pension to Edward F. Collins (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5520) granting an increase of pension to Carrie Diefenbach;

A bill (S. 5521) granting a pension to Sarah Virginia Richardson;

A bill (S. 5522) granting an increase of pension to Mary J. Mulholland;

A bill (S. 5523) granting a pension to Margaret Crawford Irwin; and

A bill (S. 5524) granting an increase of pension to Thomas Jefferson Morris (with accompanying papers); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 5525) for the relief of the estate of Joseph Hunter McArthur; and

A bill (S. 5526) for the relief of the executor of Loomis Lyman Langdon; to the Committee on Claims.

By Mr. BAILEY:

A bill (S. 5527) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KERN submitted an amendment proposing to increase the salary of the probation officer, Supreme Court, District of Columbia, from \$1,800 to \$2,400 per annum, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. DU PONT submitted an amendment providing that section 3620 of the Revised Statutes, as amended, shall not be construed as precluding Army paymasters from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by an officer of the Army who is stationed beyond the continental limits of the United States, or in Alaska, or en route thereto, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$25,000 for an investigation and report, to be made by the Geological Survey, as to the extent of the various underflows in western Kansas, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. BACON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

MEMORIAL ADDRESSES ON THE LATE SENATOR FRYE.

Mr. JOHNSON of Maine. Mr. President, I desire to give notice that on March 14, immediately after the close of the routine morning business, I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of my late colleague, WILLIAM PIERCE FRYE.

HOUSE BILL REFERRED.

H. R. 17238. An act to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia and employment of a competent sanitary engineer to report the latest approved methods of disposal of the same, was read twice by its title and referred to the Committee on the District of Columbia.

WATERS OF NIAGARA RIVER.

Mr. BURTON. I ask unanimous consent for the present consideration of House joint resolution 232, Order of Business 350.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The morning business is not yet closed, the Chair will state to the Senator from Ohio.

Mr. BURTON. I understood that there were no further bills or joint resolutions.

The PRESIDING OFFICER. There are two resolutions coming over from yesterday, which are on the desk.

Mr. BURTON. This, I take it, can be taken up by unanimous consent.

The PRESIDING OFFICER. It may.

Mr. BURTON. It is a measure of some urgency, and I should like to have it considered now.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent for the consideration of a joint resolution, which the Secretary will read by title.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. The Secretary will read the title of the joint resolution for the information of the Senate.

The SECRETARY. A joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HEYBURN. Mr. President, I only desire to say that I shall not object, with the understanding that immediately after the consideration of this measure I shall call up the Stephenson case, which is a matter of the highest personal privilege. I merely give notice that after this I shall interpose that business.

The PRESIDING OFFICER. The morning business is not yet closed. Is there objection?

Mr. O'GORMAN. I object to the present consideration of the joint resolution.

The PRESIDING OFFICER. Objection is made by the Senator from New York.

Mr. BURTON. I move, Mr. President, that the joint resolution be considered notwithstanding the objection.

The PRESIDING OFFICER. The morning business is not yet closed.

Mr. BURTON. I supposed that morning business had been concluded. After it shall have been concluded I give notice that I shall make that motion. I have every desire to accommodate the Senator from New York. Does he desire merely to examine the joint resolution?

Mr. O'GORMAN. I am making no captious objection to the consideration of this measure. I wish to be informed respecting its merits. I want to make some inquiries about it.

Mr. BURTON. Very well. I trust I shall be able to answer the inquiries.

SENATOR FROM DELAWARE.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 230, submitted by Mr. REED on the 26th instant, authorizing and directing the Committee on Privileges and Elections to investigate certain charges against HENRY ALGERNON DU PONT, a Senator from the State of Delaware.

Mr. REED. Mr. President, I ask that that resolution be permitted to go over.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. If I can be permitted to finish my request—

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REED. I ask that that resolution go over until to-morrow. I desire to say that my reason for doing so is that I have been informed that there is certain information which I ought to be in possession of.

Mr. HEYBURN. Mr. President, may I inquire what is—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I yield for a question.

Mr. HEYBURN. I desire to inquire as to the matter before the Senate. We can not hear a word here which the Senator is saying, so that we do not know what request may have been made.

The PRESIDING OFFICER. The Secretary will again report the resolution to the Senate by title.

Mr. HEYBURN. The report of the resolution has been distinctly heard, but whatever may have been said has not been heard.

The PRESIDING OFFICER. The Senator from Missouri has made a request.

Mr. HEYBURN. But we have not heard it.

The PRESIDING OFFICER. It was not stated in the form of a motion. The Senator from Missouri has the floor.

Mr. REED. I stated that I should like to have the resolution go over until to-morrow; that I had been informed that there were certain facts that I ought to be placed in possession of, and would be by that time. What those particular facts are I am not sufficiently advised to state at this time. I make the request that the resolution be permitted to go over until to-morrow.

The PRESIDING OFFICER. Does the Senator make it as a unanimous-consent request?

Mr. REED. Yes; I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the resolution lie on the table until to-morrow. Is there objection? The Chair hears none, and it is so ordered.

LAWRENCE (MASS.) LABOR STRIKE.

Mr. HEYBURN. Mr. President, I desire to inquire if the morning business has been concluded?

The PRESIDING OFFICER. It has not been concluded. The Chair was about to lay before the Senate another resolution coming over from yesterday.

Mr. HEYBURN. I yield for that purpose.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from yesterday.

The Secretary read the resolution (S. Res. 231) submitted by Mr. POINDEXTER on the 26th instant, as follows:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to obtain and report to the Senate, through the Bureau of Labor, full information concerning the condition of the mill workers in Lawrence, Mass., and especially those now engaged in strike, their wages and conditions of living; also what approximate percentage of these employees are subjects of foreign countries, and of what foreign countries; also what action has been taken by the local authorities at Lawrence to forcibly interfere with the free passage of said aliens or others from the city of Lawrence and State of Massachusetts to other States.

Mr. POINDEXTER. Mr. President, I move the adoption of the resolution.

Mr. GALLINGER. Mr. President, on yesterday I suggested a proposed amendment to the resolution, but I desire now to state that I shall not offer any amendment to it.

Mr. LODGE. Mr. President, I have no desire to further discuss the resolution. I merely wish to say that the head of the Bureau of Labor, under the existing statute, is authorized to inquire into labor conditions in any State; but I object in the strongest way to sending the head of the Bureau of Labor, or any other Federal officer, to inquire and report upon the action of the authorities of a State, as is required by this resolution, and I am perfectly ready to dispose of it at once.

Mr. BORAH. Mr. President, may I ask for a reading of the resolution again?

The PRESIDING OFFICER. Without objection, the Secretary will again read the resolution.

The Secretary again read the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. BORAH. I presume the portion of the resolution to which the Senator from Massachusetts objects is the last sentence?

Mr. LODGE. Inquiring as to the action of the authorities; yes. I do not think there was the slightest need of the resolution, because the head of the Bureau of Labor now has authority under the statute to inquire into labor conditions anywhere.

Mr. POINDEXTER. Mr. President, I desire to say in regard to the objection of the Senator from Massachusetts that the state of the law to which he refers is a very strong reason for the adoption of the resolution. If the head of the Bureau of Labor did not have authority under the law to make this inquiry, I think it would probably be improper for the Senate to ask him to make it. The fact that he has that authority makes it very appropriate for the Senate to request the Secretary of Commerce and Labor, through the Commissioner of Labor, to obtain the information, or, if he already has obtained it, to report it to the Senate.

The particular part of the resolution to which the Senator from Massachusetts objects—that the Commissioner of Labor shall inquire into what action has been taken by the local authorities to forcibly prevent the free passage of these people from the State of Massachusetts to another State—is also within the authority of the Bureau of Labor under the statute. If the authority that is properly exercised by investigation into labor conditions of mill workers by the Department of Commerce and Labor should exclude any investigation of the condition of these people by reason of local ordinances or statutes or the action of the local authorities, it would be a very incomplete, one sided, and practically useless investigation. The law authorizes, and makes it the duty of, the Secretary of Commerce and Labor to report the condition of these people. It is impossible to report the true condition of the people unless the effect of the law upon them, the condition in which they are placed by the statute and by the action of the authorities, is included in that investigation. I have information which convinces me that it is very important that conditions in this particular city ought to be investigated by the Bureau of Labor.

As one instance in the town of Lawrence, where this strike is now going on, there live in a tenement house 14 families of millworkers, numbering 54 people, who are involved in the strike. Out of this number there are 22 wage earners. They pay \$117 a month rent. They receive \$146 and some cents a week in wages. The average wage of the 22 employees in this particular instance is \$6.67 a week. That speaks for itself. That is a condition existing under supposedly favorable surroundings, favorable laws, and favorable treatment by the local authorities. I think the Senate is entitled to know what treatment the local authorities accord these people and what the conditions of the law are which lead to results of that kind. It is not in any way elevating to our citizenship to allow conditions of that character to exist. We are soon to consider here a tariff bill with which these questions are very intimately concerned and connected.

As to the importance of the last lines of this resolution, Mr. President, it is not so much—although in that view it is important, too—as to what effect it had upon these women and children for the police and militia to seize them and roughly handle and imprison them, as to the effect upon the respect which the people of this country are going to have for the constituted authorities supposedly acting under the law. It is something of which the Senate ought to take cognizance, something of which it has a right to be informed.

The argument against the authority of Congress to inquire into these matters was made at the time the Bureau of Labor was established, at the time the general law, I believe of 1888, was passed, making it the duty of the bureau to make these

investigations. That matter was settled at that time. It was included within the authority given to the bureau at that time, and see no sound objection which can be made now to the Senate calling for the exercise of that power. I move the adoption of the resolution.

Mr. CULBERSON. Mr. President, I move to strike out in the resolution all after the word "countries," in line 8.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Texas.

The SECRETARY. At the end of the resolution it is proposed to strike out:

Also what action has been taken by the local authorities at Lawrence to forcibly interfere with the free passage of said aliens or others from the city of Lawrence and State of Massachusetts to other States.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. POINDEXTER. Mr. President, if the portion of the resolution which the Senator from Texas moves to strike out is eliminated, the result will be that in sending an officer of the Government to investigate the conditions existing in this strike we would at the same time be instructing him, in effect, by this action not to investigate the most important feature of the strike. The action, unprecedented, at least so far as I am informed, upon the part of the public authorities in attempting to regulate the domestic affairs of families engaged in this strike is a thing which intimately concerns them, intimately concerns the condition of all the workers there, and intimately affects the result of this conflict between capital and labor and the conditions under which it is being conducted. I simply wanted to make this statement in order that the effect of the amendment proposed by the Senator from Texas might be understood.

Mr. BACON. Mr. President, I move to amend the amendment by striking out all after the word "Resolved."

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment proposed by the Senator from Georgia.

The SECRETARY. It is proposed to strike out all of the resolution after the word "Resolved," in line 1.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. REED. Mr. President, the motion of the Senator from Georgia [Mr. BACON] if passed of course kills the resolution. That is the purpose of the amendment to the amendment. I do not believe the resolution ought to be disposed of in this summary way. I am sorry that I can not agree with anything that is suggested by the distinguished Senators who have moved these two separate amendments. I know nothing in regard to the labor conditions existing at Lawrence, Mass., except what I have gained from the press, but it strikes me that, if confidence is to be reposed at all in the press—and I still think it can be—a condition of affairs exists with which the Senate and Congress as a whole is deeply concerned.

As has been said, one of the questions which will come before us within a few days is the question of a tariff, levied, we are told, largely for the protection of American labor. These men work in a protected industry. I do not intend for a moment to undertake in my feeble way to drag this question into politics, but the condition of the laborers in these mills is something that we ought to know; and if it be true that they are subjected to the hardships depicted by the press of the country, if it be true that their wages are starvation wages, then that fact is a potential fact to be considered in the enactment of tariff legislation. One of the highest duties devolving upon this body is to try wisely to shape legislation so that these desperately bad conditions, if they are as bad as depicted, may be alleviated. Therefore I do not think the resolution should be disposed of in this summary way.

Some of these people are American citizens, and those who are not citizens are inhabitants of this country. We are charged with responsibility in regard to them, and we can well afford to direct an officer of the Government to make a proper investigation. So much for the general question.

Now, with reference to the objection to investigating the action of the State authorities, I concede that there we come to a matter which ought to be considered carefully. But it is not proposed here to undertake to regulate the conduct of State officers. It is not contemplated that the Government shall in any manner interfere with the State officers. It is only meant that in connection with the other matters of investigation the facts relative to the action of the State authorities should also be inquired into so far as is pertinent to the main object of the investigation.

But, Mr. President, I go a step further. If it be true, as has been charged, truthfully or not, I do not undertake to say, that the militia have deprived citizens of the natural right to send their children out of one State and into another State, then it

is a matter that concerns this body, because as the militia are now organized they are equipped by the Federal Government, and they are to a certain extent maintained by the Federal Government, and they are, in fact, a branch of the Army of the United States. Therefore it is a very important question whether the militia have been used for oppressive purpose. I trust an investigation will show that that has not been the case. I trust that investigation will show that no officer has in any manner trespassed upon the rights and liberties of these people. But, in view of all that has been said, it seems to me the least we can do is to ascertain the absolute facts.

Mr. POINDEXTER obtained the floor.

Mr. BACON. Mr. President—

Mr. POINDEXTER. I yield to the Senator from Georgia.

Mr. BACON. Mr. President, as has been stated by the Senator from Massachusetts [Mr. LODGE], I presume there is no objection on the part of anyone to a proper investigation by the officer of the law charged with this duty into these conditions affecting labor in Massachusetts. The resolution itself, however, I submit, is not in a form to receive the support of this body. The latter part of the resolution I should certainly object to as being a trespass upon the field properly belonging to the State authorities. I will not stop to discuss that further than to allude to one remark which fell from the lips of the honorable Senator from Missouri [Mr. REED], in which he speaks of the use of the militia as being something which called for the controlling investigation, if you please, of the United States Government.

The Senator speaks of the militia of the State as being within the control of the Federal Government and as being subject to the supervision of the Federal Government when not called into the service of the Federal Government. That is absolutely and utterly at war with any possible construction of the constitutional relation of the militia to the Federal Government. The militia, when not called into service through the act of the President of the United States, acting in pursuance of express constitutional and congressional authority, belongs exclusively to the State, and what the governor does in the ordering of the militia in the administration of the State government is none of the business of the United States.

Mr. REED. I would not have the Senator misunderstand me. I did not state the proposition definitely, but I did say that we arm the militia—

Mr. BACON. Of course.

Mr. REED. And we equip the militia—

Mr. BACON. Yes.

Mr. REED. And we do have some interest in knowing how the guns and bayonets furnished by the United States Government are being used.

Mr. BACON. If that proposition is correct, then, as the militia are thus armed and thus equipped, every act of the militia in the administration of the State governments would be subject to the supervision of the Federal Government. If one such act by the militia is, another is. The proposition is too plain to be argued. The furnishing of the militia with equipment and with arms is in pursuance of the contemplation and purpose of the Constitution. But, however armed and however equipped, except when called into the service of the United States Government, they are exclusively the agency of the State, and so long as their acts are not in contravention of the limitations prescribed by the Constitution upon the action of the States the Federal Government has no concern in what may be done by the State government with the militia.

It is a most important question, a very vital one, one which reaches far beyond anything contemplated in this resolution, that there should be such a contemplation and such a recognition by the Senate of the United States—that because the militia have arms and equipment at the hands of the Federal Government, therefore the Federal Government has the right to supervise and direct and control and criticize and prohibit, if you please, whatever action it may be deemed proper by the State authorities to require at the hands of the militia.

But, Mr. President, that in passing. What is this resolution? Is it a joint resolution or a concurrent resolution? If it is a joint resolution, Mr. President, it is not in the form of law. If it is a joint resolution, it is not in the form that we can possibly give our sanction to. Laws do not request. Laws direct. The Senate may, if it sees proper, though it does not ordinarily do so, request information of a department; it generally directs that; but where can you find in a statute or a joint resolution, which has the effect of a statute, the use of the word "request"? Law commands. Law does not request.

Now, Mr. President, this resolution has no title by which we may judge whether it is intended to be a resolution which shall be acted upon simply by this body as a Senate resolution

or whether it is intended as a concurrent resolution or as a joint resolution.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. It is a Senate resolution, and is so defined at the top.

Mr. BACON. What is that?

Mr. LODGE. It is defined at the top as a Senate resolution.

Mr. BACON. It has not a title, but a number is put upon it as a Senate resolution.

Mr. LODGE. A Senate resolution.

Mr. BACON. But there is nothing that I have been able to find in the body of the resolution or in the title of the resolution which indicates it is a Senate resolution.

Mr. LODGE. No; but it is indicated in the first line—"Senate resolution 231."

Mr. BACON. If it had been introduced as a joint resolution, it would have had the same thing on it. If it were a Senate bill, it would have "Senate bill" on it, although it is to go to the House. I can not conceive, however, that the Senator from Washington intended it as a Senate resolution, because the Senate could not possibly give any direction of that kind to an officer of the Government. The Senate can request of a department, or direct of a department, which it usually does, any information or the production of any paper which may be in the possession of the department; but if, outside of such things, a duty is laid upon an officer of the Government to perform a certain duty, it requires a law to do it; and in order that it may be a law, it must be in the form of a statute or a joint resolution. I do not see any possible escape from that proposition.

Now, Mr. President, I repeat that my purpose in moving to strike out all after the word "Resolved" was not to prevent any investigations that it might be proper to make. I was influenced by the fact that, as read on yesterday by the Senator from West Virginia, the law now clothes the very officer mentioned in this resolution with all the authority this resolution would give, except that in the latter part of it, and that latter part contains authority which ought not to be given to any officer, either by joint resolution or by statute, or attempted to be conferred upon him by Senate resolution, which, of course, would not be effective for that purpose. Under the law as it now stands the Department of Commerce—

Mr. POINDEXTER. Will the Senator from Georgia yield for a question?

Mr. BACON. I do.

Mr. POINDEXTER. Will the Senator from Georgia explain how the Commissioner of Labor in investigating the condition of the employees of the mills is going to separate that portion of their condition which is caused by the local authorities from that which is caused by other influences, when the law the Senator refers to authorizes him and instructs him to report their condition?

Mr. BACON. I think, with all due respect to the Senator from Washington, that the latter part of the resolution goes a little further than to direct an inquiry into conditions. It goes into the field of an inquiry of the action which has been taken by the State government. That is the thing that I object to, because if you enter upon such a field where are the activities of the Federal Government in that regard to end? What is to be the limit? Where is the line to be drawn?

I recollect that upon more than one occasion a very distinguished Senator of the State of Massachusetts, who was once our colleague and whose departure we all deplored, Senator Hoar, had occasion to speak to the Senate of the danger of the Senate, through inadvertence or through thoughtlessness or carelessness entering upon a line of conduct or investigation which might lead to such widespread and deplorable consequences as the recognition of the right of the Federal Government to go into the States for the purpose of investigating acts of those States within their own proper jurisdiction and authority.

Mr. President, we all applaud the purpose of the Senator from Washington and we all sympathize with what the Senator from Missouri has said as to the importance that there should be proper information upon these subjects, but everything within its proper sphere and in order. We have recognized that in the enactment of a general law. We have clothed an officer of the General Government with and devolved upon him the duty of making investigations of this kind.

Mr. KERN. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.

Mr. KERN. Does the Senator from Georgia hold that the Senate of the United States has not the power or the right to request officers of an executive department to furnish information to it?

Mr. BACON. Has the Senator from Indiana completed his question? I ask because the Senator retains the floor. I can not satisfactorily answer him "yes" or "no," and I want him to complete his question, and then I will answer him.

Mr. KERN. The question is whether the Senator claims that the Senate has not the right or the power to call for or to request from an executive officer of the Government, information that he may have or that he may obtain.

Mr. BACON. I will say in reply to the Senator that I have in the past in the Senate made myself possibly sometimes a little obnoxious in my insistence upon the right of the Senate not only to request but to direct any officer of the executive department to furnish to the Senate any information and every paper which might be in his possession. If there has been one thing in which I have been insistent and upon which I have spoken in no uncertain terms it has been that.

Mr. KERN. Mr. President—

Mr. BACON. I hope the Senator will let me finish my reply to his question before he adds to it. Nobody who knows of the attitude I have occupied on that subject can have any possible doubt of my view on that question.

But the power to request, and not only the power to request but the power to direct, a department to give information, as the Senate usually and almost universally does, except in the case of information desired through the State Department which is of a delicate nature, requiring frequently that there should be coupled with it the right to exercise discretion on the part of the State Department—the power to direct, I say, is one which is exercised by the Senate and one for which I have most earnestly insisted.

But that is a different thing from that which the resolution asks for. It is not for information in the possession of the department; it is not for the production of any paper in the possession of the department, but it is a request that this officer shall proceed to do a certain thing for the purpose of getting information.

Mr. KERN. Under the resolution he is requested to proceed to the performance of his duty under the statute.

Mr. BACON. If the Senator will permit me, I will read what it says.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to obtain and report to the Senate, through the Bureau of Labor, full information concerning the condition of the mill workers in Lawrence, Mass., and especially those now engaged in strike, their wages and conditions of living; also what approximate percentage of these employees are subjects of foreign countries, and of what foreign countries; also what action has been taken by the local authorities at Lawrence to forcibly interfere with the free passage of said aliens or others from the city of Lawrence and State of Massachusetts to other States.

Now, I do not find in there the language the Senator used.

Mr. KERN. I will ask the Senator whether or not the resolution down to line 8, the word "countries," is not simply a request, a polite request, of the Secretary of Commerce and Labor, to perform those duties relative to this particular incident that are prescribed for him in the statute read yesterday by the Senator from West Virginia?

Mr. BACON. That may be true; but it practically requests him to do what the law now says he shall do. If that is the case, I do not think it is a proper thing for us to do. We can direct him, if we want to, in a certain way to do certain things. If, however, we wish to prescribe for him certain duties, it has to be done by law and not by request.

Mr. KERN. May not the Senate request the Secretary to perform, in this particular instance, his duties prescribed by law?

Mr. BACON. As a matter of correct procedure, I think not.

Mr. KERN. Is there any legal objection to it?

Mr. BACON. I think there are objections to the propriety of it.

Mr. KERN. Oh! If the Senate has the legal power to direct—

Mr. BACON. Legal power which is not practical in its effect does not amount to anything.

Mr. KERN. If the Senate has power to direct, it certainly has power to prefer a polite request.

Mr. BACON. The same might be said about the enactment of any statute. Congress has the right to enact a statute which shall command, and, according to the Senator, it would be within the proprieties of legislative action, instead of passing a law requiring a certain thing to be done, to pass a law requesting that a certain thing should be done. That matter is more or less technical, and I suggest it for the purpose of having the Senator from Washington, if he desires to do so, put this reso-

lution in shape where we can know exactly what we are doing. If it is a Senate resolution, then it ought to be so denominated; and then when it has passed, if it should be passed, the Secretary of the Senate will not be in doubt as to whether or not he should take it to the other House for concurrence.

If it is intended to be a concurrent or a joint resolution, then it ought to be so stated in order that the Secretary will know what he is to do, and being so stated in order that we may know when we come to vote upon it whether it is a Senate resolution or a joint resolution.

Mr. STONE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. BACON. I do.

Mr. STONE. May I ask my friend from Georgia a question? Would he have any doubt in his mind as to the right of the Senate to raise a committee of its own to make this investigation?

Mr. BACON. Well, it depends on whether you propose to investigate the action of the State. We would have the power, of course, but I do not think it would be proper for us to do it, so far as the last part of it is concerned, which relates to the action of the State government in the control of its domestic affairs.

Mr. STONE. If my friend will pardon me just a moment, I should like to say, Mr. President, that there is one phase of this resolution that I particularly feel concerned in, for it proposes to gather information that undoubtedly would be of great value to the Senate when we come to consider the tariff bill.

Mr. BACON. If the Senator will pardon me for the interruption, I have no objection to an investigation which shall be made for that purpose, but that is not the purpose alleged in this resolution. That is not the purpose for which this resolution is proposed.

Mr. STONE. What I mean to say to the Senator and the Senate is that we have heard some statements made here in the Senate since this resolution was taken up as to the people employed there, hundreds and hundreds of them displacing American working men and women, as to the wages they are receiving, as to their manner of living, and all that. Those people are employed in a highly protected industry. We are considering this matter now, I may say to the Senator, on hearings before the Committee on Finance, and a great deal is being said by those who come there to plead for the continuance of the present tariff duties to the effect that they ask for the maintenance of those duties not for themselves or for profit, but for the benevolent purpose of taking care of the working men and women of the country. I did not mean to take the Senator off his feet.

Mr. BACON. Oh, no.

Mr. STONE. So I apologize.

Mr. BACON. No; go on.

Mr. STONE. From this standpoint I would be very glad if some means could be employed to investigate this particular case, for it furnishes an object lesson.

Mr. BACON. Mr. President, I entirely agree with the Senator from Missouri in that particular; and if he will introduce a resolution looking to an investigation for that purpose, I think it would be an entirely legitimate purpose, the object being to get information as to the condition and wages of these people which will aid the Senate in tariff investigation and consideration and in tariff legislation. But I believe that these things should be done in the proper way and with the proper machinery. If the Senate chose to send a committee of this body there for that purpose it would certainly have the right to do so, and I would vote for an investigation by a Senate committee; but that is not, as I understood it, the purpose of the resolution. I understood that it was the purpose of the resolution to request the Secretary of Commerce and Labor to do exactly that which the law now says he shall do. Mr. President, if we request him to do what the law says he shall do, have we any reason to believe that we will more readily accomplish the end than if we leave the law in the shape of a command, rather than compromise it by an additional request?

I repeat, Mr. President, I think it important that this resolution should be put in a form where we will know, in the first place, what is intended—whether it is a request from the Senate or whether it is intended to have the effect of a law, which would require the cooperation of the other House. If it is to be the latter, then it ought not to use the word "request," but it ought to command. If it should be the former, in other words, simply a Senate resolution, then it ought to be limited to such things as the Senate can properly request or direct of the head of the Department of Commerce and Labor, and that is, to furnish information now in his possession or which may

come into his possession. If you shall go further and direct him to procure information, you undertake to make investigations that require more than a request of the Senate.

Mr. REED. Mr. President—

Mr. BACON. I yield to the junior Senator from Missouri.

Mr. REED. I merely wanted to ask the Senator a question, to get his views. I understand the Senator concedes that, with the exception of that part of the resolution which provides for an investigation into the action of the local authorities, the resolution only embraces those subjects which now by law it is made the duty of the Secretary to investigate and report upon. I think we agree upon that.

Mr. BACON. Yes; so far as I recollect the terms of the law; I have not it before me.

Mr. REED. It being, therefore, the situation that by a law of the United States the power is vested and the duty is imposed upon the Secretary of Commerce and Labor to make these investigations, does the Senator hold that there is any impropriety when a special matter arises for the Senate to request in a respectful way that a special investigation be made of that particular matter at once? Has not that been done over and over again by the Senate?

Mr. BACON. It may be, but it does not rest in my recollection.

Mr. REED. Have not requests been made of the Secretary of Agriculture to investigate and report and recommend with reference to various diseases of animals that were contagious?

Mr. BACON. I think not, but I may be mistaken. I think it will be found that he has been authorized or directed by law to make such investigations.

Mr. REED. I think it is a common practice. But if it were not a common practice, if we were without precedent, does the Senator hold that the law having imposed the right upon the Secretary of Commerce and Labor to make such investigations, there is any impropriety in the Senate requesting him to make a special investigation of a particular matter which is now before the country and pressing for attention? Is there any impropriety in that? I grant you if the man does not obey it he could probably not be punished, but is there any impropriety in making the request?

Mr. BACON. Mr. President, according to my view, neither the Senate acting singly nor the Senate and House acting together ought to make a request where it has a right to make a command. It is the function of the Senate and of the House to pass laws. The Senate is entitled to all the information it needs for the purpose of enabling it to pass laws intelligently. For that reason, I say, if the Senate should see proper to have an investigation made of conditions there, with a view to giving it the information which it will need in the enactment of any law, I care not whether it is a law within its jurisdiction which affects labor or whether we pass a law which shall relate to customs duties, in either case the Senate has a right, or the two Houses acting together have a right, to set on foot such investigations as will get information which may be needed.

But I do insist, Mr. President, that there is no propriety, and, I think, no precedent for the proposition that where there is an existing law upon the statute books the Senate should pass a resolution requesting that an officer shall do what the law requires him to do. Of course, by joint resolution or by statute, if we think the officer is not performing his duty, we can require him to do it; but, Mr. President, that is a very different thing from either the House singly or the Senate singly preferring to him a request to obey the law. I say that is manifestly improper.

I would be very glad if the Senator from Washington would give us the information whether this is a Senate resolution or a joint resolution. If it is a Senate resolution, I repeat, it goes beyond the power of the Senate to request an officer to do something outside of his office; in other words, to do more than to give information, furnish papers, and so forth. We have a right to request and direct him to do that. If it is a joint resolution, then, Mr. President, it ought to be put in a form where it shall have the effect of law, and the word "request" ought not to be in it, but the word "direct" or the word "command" should be inserted. If the information is needed which is sought by this resolution, then it should be put in such shape that we would be sure to get it.

Mr. GALLINGER. Mr. President, there is very important business pending before the Senate. This resolution has been discussed at great length, and I move to lay the resolution on the table.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. The Senator from New Hampshire moves to lay the resolution on the table. It is not a debatable question.

Mr. POINDEXTER. I did not desire to debate that question; but I desire to answer the question asked me by the Senator from Georgia.

The VICE PRESIDENT. The Chair regrets to say that under the rules of the Senate that is not permissible.

Mr. BACON. I hope the Senator from New Hampshire will permit the Senator from Washington to proceed.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire to lay the resolution on the table.

Mr. GALLINGER. I will withhold the motion so that the Senator from Washington may make a brief statement.

Mr. POINDEXTER. Mr. President, the Senator from Georgia dwells on the fact that the militia is a State force under the command of the State. The Senator shakes his head.

Mr. BACON. I can not hear the Senator. That is the reason why I shook my head.

The VICE PRESIDENT. The Senate will please be in order.

Mr. POINDEXTER. I say the Senator from Georgia emphasizes the fact that the militia of the State of Massachusetts is not a Federal force, but is an agency of the State, with which, of course, I agree. But if the militia of the State, acting under the authority of the State, should undertake to stop a railroad train that was passing through that State into another State, I apprehend it would then be interfering with a function which the Federal Government has a right of control—interstate commerce.

Mr. BACON. Yes; I would say to the Senator in such a case the law prescribes the remedy through an appeal to the courts, and not to the legislative branch of the Government.

Mr. POINDEXTER. It is for the purpose of gaining information upon which Congress might do what the Senator has so forcibly said it had the right to do, to command—I am not willing to go to that length, however—the executive department of the Government to perform its duty under the law, that the resolution is directed. If in the performance of the request contained in the resolution it should be disclosed, as it would be disclosed, that the military force of the State of Massachusetts, the police and the militia, had interfered with the free passage of orderly and law-abiding people from that State into another State, then, according to the Senator from Georgia, the Congress of the United States could instruct, could command, the executive department of the Government of the United States to take proper steps in the courts, as he says, or otherwise to see that interstate commerce was not interfered with.

The militia did not stop a train, but they stopped a large number of people who desired to ride upon the train, which to that extent was the same thing, and in principle and in effect as much an interference with interstate commerce as though they had obstructed the passage of the entire train. It is clearly within the jurisdiction of the United States Government.

The Senator says that the resolution would be perfectly proper if introduced for the purpose of obtaining information to be used in the discussion of the tariff bill. I do not understand that it is necessary—

Mr. BACON. No; The Senator will pardon me. I did not say that this particular form of resolution would be sufficient. I said that a resolution put in the proper shape for that purpose would be all right, but I never have said—at least I do not think I did; if I did I spoke inadvertently—that a resolution in this shape, a Senate resolution requesting an officer of the Government to do that which the law now requires him to do, not in the way of furnishing information or producing papers or anything of that kind, would be cured by the question as to the particular purpose it proposed. I simply said that if it was desired to procure information as to the wages of these strikers, or as to the number of foreigners, or any other question affecting labor entering into the manufacture of articles about which we were to legislate in the way of imposing a tariff, that would be a legitimate subject of inquiry, and that put in proper shape I would certainly support it myself. But I do not think I have said—I certainly did not so intend to say—that a resolution in this shape would be good if intended for that purpose, because I do not think it would be good for any purpose in this shape.

Mr. GALLINGER. Mr. President—

Mr. POINDEXTER. Will the Senator indulge me just one minute? As I understand it, the effect of the argument of the Senator from Georgia is that at least that portion of the resolution which calls for information in regard to the millworkers in Lawrence, if put in proper form and addressed to the proper official of the Government, would be within the functions of the Senate, would be perfectly proper.

Mr. BACON. I think—

Mr. POINDEXTER. The result of that is that the Senate would not call upon any officer of the Government to furnish

the information except some one who had no authority under the law to get it. He objects to the resolution because the officer to whom it is directed has authority under the law to do what the resolution requests him to do.

Mr. BACON. Mr. President—

Mr. GALLINGER. I move to lay the resolution on the table.

Mr. CULBERSON. I ask the Senator from New Hampshire if he would be willing to withdraw that motion until the resolution can be perfected. There is a motion I made to strike out all after the word "countries" in line 8.

Mr. GALLINGER. I prefer that my motion should be put.

Mr. CULBERSON. Very well.

The VICE PRESIDENT. The question is on tabling the resolution.

Mr. MARTINE of New Jersey. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. For what purpose does the Senator from North Carolina rise?

Mr. SIMMONS. I rose to ask the Senator from New Hampshire if he would not withdraw his motion for a moment.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Senator from New Hampshire has insisted upon his motion, which is not debatable.

Mr. SIMMONS. I should not be precluded from making my request on that account.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. I do not know how he would vote if present, and I therefore withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire to state that my colleague [Mr. GAMBLE] is necessarily absent from the Senate on business. He is paired with the junior Senator from Arkansas [Mr. DAVIS].

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I will ask to withhold my vote.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS], and therefore withhold my vote.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND].

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I therefore withhold my vote.

Mr. BACON (when the name of Mr. SMITH of Georgia was called). My colleague [Mr. SMITH of Georgia] is necessarily detained from the Senate by personal illness.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK], who is absent from the Chamber. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS], and vote. I vote "nay."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is necessarily absent from the city. He has a general pair with the Senator from Maryland [Mr. RAYNER].

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], and therefore withhold my vote.

Mr. WETMORE. I desire to announce the pair of my colleague [Mr. LIPPITT] with the junior Senator from Tennessee [Mr. LEA].

The roll call was concluded.

Mr. McCUMBER. I transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the junior Senator from Illinois [Mr. LORIMER], and vote. I vote "yea."

Mr. KENYON. I desire to announce that my colleague [Mr. CUMMINS] is necessarily absent from the city.

Mr. WARREN. I desire to say that my colleague [Mr. CLARK of Wyoming] is absent on account of illness. He is paired with the senior Senator from Missouri [Mr. STONE].

The result was announced—yeas 24, nays 37, as follows:

YEAS—24.

Bacon	Dillingham	McCumber	Smoot
Bailey	du Pont	Nixon	Stephenson
Brandegge	Foster	Overman	Thornton
Burnham	Gallinger	Paynter	Tillman
Crane	Heyburn	Perkins	Warren
Curtis	Lodge	Root	Wetmore

NAYS—37.

Borah	Bryan	Clarke, Ark.	Gardner
Bourne	Burton	Crawford	Gronna
Bristow	Chamberlain	Culbertson	Gugenheim
Brown	Clapp	Fletcher	Hitchcock

Johnson, Me.
Johnston, Ala.
Jones
Kenyon
Kern
McLean

Martin, Va.
Martine, N. J.
Myers
O'Gorman
Page
Poindexter

Pomerene
Reed
Shively
Simmons
Smith, Md.
Smith, Mich.

Stone
Swanson
Works

NOT VOTING—30.

Bankhead
Bradley
Briggs
Chilton
Clark, Wyo.
Cullom
Cummins
Davis

Dixon
Gamble
Gore
La Follette
Lea
Lippitt
Lorimer
Nelson

Newlands
Oliver
Owens
Penrose
Percy
Rayner
Richardson
Smith, Ga.

Smith, S. C.
Sutherland
Taylor
Townsend
Watson
Williams

So the Senate refused to lay the resolution on the table.

Mr. SMITH of Michigan. Mr. President, I voted "nay" because I favor the amendment offered by the Senator from Texas [Mr. CULBERSON]. I do not recognize anything unusual in the resolution of the Senator from Washington [Mr. POINDEXTER] in so far as it asks for information from the Department of Commerce and Labor regarding labor conditions in the State of Massachusetts. I favor the amendment of the Senator from Texas because I am unwilling to stigmatize as inefficient or impotent or unjust the local officers of the government of Massachusetts.

Mr. POINDEXTER. Will the Senator from Michigan yield for a question?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Washington?

Mr. SMITH of Michigan. Certainly.

Mr. POINDEXTER. This inquiry might result, if the facts warranted, in vindicating those officers. It must not necessarily stigmatize them. Whether, however, it would stigmatize them or not would depend altogether upon the conditions which existed.

Mr. SMITH of Michigan. Mr. President, I think in the exercise of the police powers of the State of Massachusetts we have no constitutional concern whatever. I see no reason in the world for imputing to those officers any failure to do their duty or for voluntarily intruding ourselves into a controversy solely within the power of that State to remedy.

Mr. BAILEY. Mr. President, there could be no sufficient reason for the introduction of this resolution with the last clause of it eliminated, because I suppose that no Senator on the floor will pretend to think that the law as it stands does not cover all of the inquiries proposed, except the last one. The Senator from Washington understands that as well as I do, and he is too intelligent a Senator to attempt a vain or a useless thing. I was impressed by the speech which he made in favor of this resolution, with the belief that the one fact which he sought information upon was that the State of Massachusetts had failed in her duty.

I am of the opinion that without the last clause the Senator from Washington would not have introduced the resolution, and it was for that reason I voted to table the whole resolution. Undoubtedly, if it is to be passed at all, it ought to be passed without the concluding clause, because it would then do no more than to direct an officer of the Government to do what the law now makes it his duty to do.

While I am on my feet, Mr. President, I want to say that if I thought a sovereign State of this Union had failed to perform the duties assigned to it by the Constitution in such a way as to vest a jurisdiction, even of inquiry, in the Federal Government, I would never consent to order a subordinate officer of any department to prosecute that inquiry, but instead, sir, I would raise a committee of the Senate or a joint committee of the two Houses and intrust to them an inquiry of that importance and of that dignity.

Mr. CULBERSON. Mr. President, I am not in favor of this resolution in its present form; but if the resolution is to be adopted at all—and I presume it will be in some form—I want that part of the resolution stricken out by which the Senate of the United States undertakes to direct a minor officer of this Government to inquire into the acts of a sovereign State of this Union. So much for that.

It has been said that the object of the resolution is determined by the last paragraph, which I have suggested, by my amendment, shall be stricken out. I do not know what the object of the Senator from Washington is except as I read the language employed by him in this resolution. What is that? That the Secretary of Commerce and Labor shall obtain and report to the Senate—

Full information concerning the condition of the mill workers in Lawrence, Mass., and especially those now engaged in strike—their wages and conditions of living; also what approximate percentage of these employees are subjects of foreign countries and of what foreign countries.

I should like to ask the Senate if that is not a substantive suggestion? There is some other object to this resolution besides inquiring what was done by the officers of the State government of Massachusetts. Do we want to inquire into the conditions of labor in Massachusetts? We have laws on the subject. Why do we want to inquire into the wages paid to these employees of the manufacturing industries in Massachusetts? So far as I am concerned, it is to obtain information upon which we can measure the tariff we ought to levy, and to see whether the object of the Republican protective tariff is indeed to give additional wages to American laborers or whether it is not a subterfuge, Mr. President, to enrich the manufacturers themselves by enabling them to employ cheap foreign labor, although it is employed in this country.

With reference to the suggestion which has been made by several Senators that the law already empowers and directs this inquiry to be made, what if it does? The object of this resolution, if I can amend it so as to accomplish my purpose, is to have an immediate inquiry and not leave it to the executive officers of the Department of Commerce and Labor to take their time about it and report to the Senate too late for action in the present inquiry on the subject of the tariff.

That, Mr. President, in substance, is why I have offered the amendment. I would rather see the proper committee of the Senate make this inquiry—the Finance Committee, for instance. I should like to see the officers of the Government volunteer and go immediately to make this examination now but I see no reason why the Senate of the United States should not request or even direct that the inquiry may be immediate in order that we may have the information promptly so as to determine the questions upon which we are now about to enter.

Mr. SIMMONS. Mr. President, I am very glad that we shall be able to vote upon this resolution with the last clause stricken out. That part of it is very objectionable to me.

Mr. BACON. That has not yet been stricken out.

Mr. SIMMONS. That is the motion, I understand, of the Senator from Texas. He proposes to make that motion.

Mr. CULBERSON. I have submitted it.

Mr. SIMMONS. The Senator has already submitted that motion and, therefore, we shall get an opportunity to vote for or against the resolution with that very objectionable provision stricken out.

There are two reasons to my mind why this resolution ought to be passed: The information that it seeks to secure will affect two very important subjects of legislation now pending before the Senate—one, the tariff, to which the Senator from Texas [Mr. CULBERSON] has alluded; and the other, equally important, the restriction of immigration, to which the Senator from Texas did not allude.

It is true we have the report of the so-called Tariff Board on the subject of wool and woollens, but that report will not enlighten the Senate about conditions that exist in the woolen mills at Lawrence, Mass.; and if the conditions that exist in the woolen mills at Lawrence, Mass., are such as are described in an article that I shall presently read to the Senate, appearing in the last issue of a magazine called the Survey, written by Mr. W. J. Lauck, a member, I believe, of the Immigration Commission, then it is highly important that the Senate should be in possession of the information sought to be obtained by this resolution, not only for the purpose of enabling us intelligently to legislate upon the tariff schedules that affect wool and woollens, but also for the purpose of enabling us to decide intelligently the question of whether our immigration laws ought to be so amended as to prescribe additional tests for the purpose of excluding undesirable foreigners.

I want to read briefly from the article written by this authority. I said a little while ago he is a member of the Immigration Commission. He, together with Prof. Jenks, another member of the Immigration Commission, has written a book upon the subject investigated by that commission, which I have been reading, and which I find to be full of very valuable information.

This article appeared in the last issue of the Survey. I will not read all of it, but only a part. It says:

The Lawrence labor troubles have also been of unusual interest, for the reason that the industry around which they have centered is one of the chief beneficiaries of our protective system. The argument has long been made that the woolen and worsted goods manufacturing industry needed a high tariff in order to protect its wage earners from the products of the pauper labor of Europe. The recent development at Lawrence, however, has disclosed the fact that the so-called American wage earner, whose standard of living, it is claimed, must be upheld by the tariff, is largely a myth, and that in reality the American woolen-mill operatives are made up of "pauper workmen" of almost half a hundred of the immigrant races from the south and east of Europe and from Asia.

As a matter of fact, the term American wage earner is a misnomer, and in no industrial locality is this better illustrated than in Lawrence,

the principal center of our worsted-goods mills. According to the last census this important textile manufacturing city had a population of 85,000, made up of the various races, as follows.

I will not read the table, but I will ask that it be incorporated with my remarks. It shows that of the 85,000 population in the city of Lawrence, Mass., only 12,000 are Americans, the balance being foreigners, and a large part of them being immigrants of recent arrival in this country from southern and eastern Europe.

English.....	9,000
French-Canadian.....	12,000
Polish.....	2,100
Hebrew.....	2,500
Syrian.....	2,700
Lithuanian.....	3,000
American.....	12,000
Irish.....	21,000
Scotch.....	2,300
German.....	6,500
Portuguese.....	700
Italian.....	8,000
Armenian.....	600
Franco-Belgian.....	1,200
Other races.....	1,400

Complete total..... 85,000

The numerical importance of the Polish, Portuguese, Italian, Syrian, Armenian, and Lithuanian races, all of recent arrival in the United States, is in strong contrast to racial conditions of a generation back.

Skipping a part of it, I read:

The racial composition of Lawrence and the racial displacements which have occurred in the worsted and woolen mills there are typical of other woolen goods manufacturing centers in New England. This has recently been disclosed by the United States Immigration Commission and the Tariff Board.

Only about one-eighth of the woolen and worsted mill operatives at the present time are native Americans. Slightly more than three-fifths are foreign born, chiefly recent immigrants from southern and eastern Europe. The remainder are the native-born children of parents who were born abroad. During the past 20 years the American and the British and northern European immigrants have been rapidly leaving the mills, owing to the pressure of the competition of the recent immigrant. The south Italian, Polish, and north Italian are the three principal races of southern and eastern Europe engaged in the industry, while the English, Irish, and German of the races of past immigration are represented in the largest numbers.

Of the foreign-born employees, about one-fifth of the males and two-fifths of the females have had experience in the same kind of work before coming to this country, while two-fifths of the male employees and one-third of the female have been farmers or farm laborers in their native countries. The average weekly wage of the male operatives, 18 years of age or over, is only \$10.49, and of the female employees \$8.18. The average annual earnings of male heads of families employed in the industry are only \$400, and of all males 18 years of age or over \$346.

Mr. President, I say the information we are likely to get, if this resolution passes, if this eminent authority has not misrepresented conditions at Lawrence, will not only be of great benefit to us in fixing the rate of duty that ought to be imposed upon wool and woolen goods, when we come to act upon that schedule of the tariff, but it will be exceedingly valuable to us in the consideration of the immigration bill that is now pending before Congress. While the committee have stricken out the literacy test, it is proposed to offer an amendment imposing that literacy test, and if the information given by this eminent writer and authority, who has given the last two or three years of his life chiefly to investigation of these subjects is true, then we have at Lawrence, Mass., the best and the most cogent reason why there ought to be some further restriction of immigration and why that restriction ought to include the literacy test, because in those mills are employed chiefly immigrants of those races that are the least educated and that constitute largely the illiterate element which is now crowding out of this industry our native laborer. I hope the resolution as amended by the Senator from Texas will pass.

Mr. BORAH obtained the floor.

Mr. BAILEY. Mr. President—

Mr. BORAH. I yield to the Senator from Texas.

Mr. BAILEY. I thank the Senator from Idaho. I said a moment ago that the chief, and I presumed the only, purpose that moved the author of the resolution to present it was the inquiry into the attitude of the State; and I based that opinion upon the fact that all the other authority conferred by the resolution exists under the present law. The suggestion that this investigation will be made immediately finds no warrant in the resolution, because this officer is not directed or even requested to do that at once and report to the Senate. That officer is already charged with duties by the general law, and I very gravely doubt the power of the Senate to suspend the performance of those general duties and direct or request him to perform this special duty, if he has less time than both require.

But, Mr. President, with the indulgence of the Senator from Idaho, I wish to read the statement of the Senator from Washington when he presented the resolution to the Senate, and I think that will remove all doubt as to his purpose.

On page 2445 of the RECORD, the first two paragraphs of the remarks made by the Senator from Washington [Mr. POINDEXTER] were as follows:

Mr. President, I desire to say, in connection with the resolution, that a condition has arisen, growing out of this strike in the city of Lawrence, which immediately involves the responsibility of the Federal Government. The local authorities have absolutely failed in the function which they are obliged to perform of guaranteeing the people who are involved in this strike the privileges and immunities of the Constitution of the United States.

A large number of these people are citizens of foreign countries. The fact that those people have been denied the privilege of free travel and free passage from one State to another State raises a situation which may at any moment become an international question, and with respect to which a foreign country can deal only with the United States.

No suggestion here of information upon which to base tariff or immigration laws. At that point I interposed the inquiry, which any Senator can find by following the debate, and the whole question turned on that. It was not only the resolution itself, which embodies no matter not now provided for by law except the inquiry whether Massachusetts was performing her duty, but it was the statement of the author of the resolution in the very first paragraph presenting his argument to the Senate which attracted my attention, and convinces me that the important part of the resolution is the last clause.

Mr. BORAH. Mr. President, the criticism which has been lodged against the resolution as to its form seems to me to have some merit, in this—that the resolution, it seems to me, ought to direct this investigation, or order it, and there ought to be something to suggest a time within which the report should be made; and I should be glad, before the vote is taken, if such an amendment could be made to the resolution.

I apprehend there is no real purpose upon the part of the resolution or the mover of it to secure any facts which have relation to anything other than the labor conditions and the disturbance which prevail in the city of Lawrence, in the State of Massachusetts. So far as concerns the bearing it may have upon tariff legislation, I am not interested, and I doubt very much if anybody else is very particularly. Such information would be without value on that matter because of its incompleteness.

I presume the resolution had its origin in the news which the newspapers carried to the effect that the authorities of the States had prevented some of the citizens or residents of Massachusetts from going into another or adjoining State; and I presume everyone will concede that such a condition of affairs in this country would naturally call for inquiry by the proper body, whatever that body may be. For the authorities of a State to prevent a party from traveling from the State of Massachusetts or any other State into another State is something in which I think we might all be interested, at least to know by what authority they presumed to exercise such a power. I doubt not that this resolution had its origin solely in that news which was carried by the newspapers in regard to that fact.

My observation, Mr. President, has been that there can not be too much light thrown upon the labor troubles which occur sometimes in different parts of this country; and while I would not for a moment vote for a resolution, or support in any way a resolution, which would tend to take from the State authorities their authority to act until such time as the State authorities have requested such action upon the part of the National Government, my experience and my observation have been, nevertheless, that, so far as the revealing of the actual state of affairs is concerned, it is better for both sides that it be done, and be done by some impartial person.

Everyone knows that when these labor troubles come there are charges and countercharges; things are alleged to have been done which, perhaps, never were done; charges made which have no foundation; and it is almost impossible for those against whom the charges are made to have the facts presented to the American public in such a way that the public will accept them otherwise than by some impartial investigation or by some party who may go there disconnected with the controversy, impartial as to the conflict, and reveal the actual state of affairs to the public.

Without making any personal reference, I know that there have been conditions where those in charge of State affairs would have been most fortunate if they could have had the facts as they actually existed made known to the public; and I doubt not if the actual facts here are made known it will not be to the disadvantage of the State authorities. That has been my observation and my experience. It is the things which are reported to be true that are not true; it is a condition promulgated to the public which has no foundation; it is the charges laid without any just reason against officers who are seeking to do their duty that necessitate, in my judgment, an investigation as to the actual condition of affairs.

If the State officials are correct in their position; if they are assuming no other authority than that which they have a right to assume, instead of an investigation reflecting upon the State of Massachusetts or injuring her authorities, it will, in my judgment, be a credit and a distinct benefit to the State of Massachusetts to have the investigation made.

On the other hand, if it should turn out that the State authorities of Massachusetts are preventing people from going from that old Commonwealth to some other State, I do not agree with those who say we have no constitutional right to look into the question. I undertake to say when a State, or the State authorities, or those representing the State, undertake to prevent the passage of a resident or citizen of one State to another, it is not a matter of concern to that individual State alone, but it is a matter of supreme concern to the entire Nation, and the United States has the right to inquire into it. Indeed, the Supreme Court of the United States has held pointedly upon this question that it is not within the power of the State or the authorities of the State to interfere with the free passage of a citizen out of the State into another or through a State into another, and it is a matter of which the National Government should and can take cognizance; that it is a right which a man enjoys not alone as a citizen of Massachusetts, but as a citizen of the United States, to go hither and thither, as he chooses, unless there is lodged against him complaint of some crime or that he has violated some law.

If it be true that in the extraordinary condition of affairs which prevails in the State of Massachusetts the State authorities of that State, misconceiving their duty and making a mistake as to the policy, have undertaken to prevent people from leaving the State when there is no charge of crime against them, it is something we have a right to inquire into; not for the purpose, until the Governor or the legislature or both shall ask us to interfere, for the purpose of interfering—that is to say, for the purpose of taking control of the situation and policing the situation—but we certainly have a right to know what it is necessary to do in order to protect the free passage of citizens from one part of the country to another.

Mr. President, who is going to be injured thereby? In my opinion the State of Massachusetts will be distinctly benefited and her officers will be distinctly benefited if these charges are untrue. On the other hand, I say if they are true it must be conceded it is a thing about which we have a right to inquire, and too much light can not be thrown upon the conditions which prevail there. The light generally reveals a condition of affairs altogether different from that which is carried in popular news, because the news must necessarily come from one source or another, both of which are prejudiced in the matter.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the resolution goes to the calendar. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. LODGE. Mr. President—

Mr. GALLINGER. I will agree that the unfinished business may be laid aside that the Senator from Massachusetts may address himself to some subject.

Mr. LODGE. I merely desire to say a word.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. STONE. Mr. President—

The VICE PRESIDENT. The Senator from Massachusetts was recognized.

Mr. LODGE. Mr. President, I did not intend to say anything further on this matter, but I do not wish to have any misunderstanding in regard to my position. I said yesterday more than once that I had no objection to any publicity or any investigation whatever into general labor conditions in Lawrence, or the particular conditions surrounding this strike. Such an inquiry is fully provided for in the law of the United States—the act of 1888—which was read yesterday by the Senator from West Virginia [Mr. CHILTON]. The Commissioner of Labor has full power to examine into the strike now existing.

I voted to lay the resolution on the table simply and solely because it contains the clause in regard to the local authorities, and, Mr. President, I object and I shall resist—

Mr. CULBERSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I do.

Mr. CULBERSON. Will the Senator kindly read the extract from the statute to which he refers?

Mr. LODGE (reading):

The Commissioner of Labor is also specially charged to investigate the causes of and facts relating to all controversies and disputes between employers and employees as they may occur and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress.

That, as I have already said, gives him absolute and sweeping authority to make an investigation into all such cases as that now existing in Lawrence. But I object to bringing for trial before the bar of a commissioner, or the head of a bureau, what has been done by the authorities in my State. The governor of the State of Massachusetts is not of my party, but he is the executive of the Commonwealth, and I shall resist any attempt to bring his conduct for investigation or trial before the Commissioner of Labor, the head of a bureau, or any subordinate Federal official.

There is no evidence whatever that the State of Massachusetts has interfered with the operations of interstate commerce. It is said in the newspapers that the police of Lawrence stopped the sending away of certain children on Saturday last. I have also been informed—I heard, in fact, from my State—that they exceeded their authority in so doing, and that the State had taken means to correct it.

When it is shown that the State of Massachusetts is resisting the laws of the United States or interfering with them, then, and not till then, will the time come for the Congress of the United States and the Government of the United States to consider it. But I object, Mr. President, to bringing up the action of the authorities of the State to be looked over by the head of a bureau. I do not think we have any right to do it, and I know that it is utterly wrong and improper.

We do not, as a matter of fact, know anything about the situation in Lawrence except what has appeared in the newspapers. I think it would be well to wait before we censure or summon the authorities of the State until we have some better information. They are not looking for a vindication at the hands of the head of the Bureau of Labor or anybody else, and until something is presented to Congress more tangible than has yet been presented I think the Senate should hesitate long before it establishes a precedent that the authorities of a State are to be turned over to the head of a bureau to be investigated as to whether they have done their duty. What the State has done has had nothing to do with the conditions of labor or the conditions of the strike. It was the duty of the State to preserve order in Lawrence when there was rioting and disorder threatened in that city, and I do not think a resolution ought to be passed which brings them forward for trial, for that is what this resolution amounts to.

That is the reason why I voted against the resolution as it stands, and I shall continue to vote against it as it stands. If that clause about the authorities of the State is stricken out, I have no objection to its passing; but it is then wholly superfluous. It is simply telling the commissioner to do what he now has full authority to do without mandate or suggestion from us.

Mr. BACON. Mr. President, I ask permission to say a further word in regard to the matter.

It is needless for me to repeat what I have already said as to my objection to the resolution, particularly and basically on account of the last clause, which the amendment offered by the Senator from Texas [Mr. CULBERSON] proposes to strike out, nor to repeat the reasons which I gave as to the first part of the resolution on the ground that it is not properly framed, and so forth.

As the suggestion has been made that this information is needed for the purpose of legislation, either as to the enactment of a tariff law or as to the regulation of the subject of immigration, I want to say that if the resolution is put in proper shape and the proper authority is clothed with the investigation I shall vote for it. For that reason I shall suggest as the proper means of securing this information that there should be a committee of the Senate—and I will now say that if the resolution comes again before the Senate I intend to offer an amendment to the effect that the investigation shall be made by a committee or subcommittee of either the Finance Committee or the Committee on Immigration, and put in that shape and with that sustained by the Senate we shall then have an authoritative investigation.

There is much in what the Senator from Massachusetts has just said as to the impropriety of sending a subordinate officer of an executive department of the Government to investigate the internal affairs of a State.

Therefore, Mr. President, if this is a matter of importance—and Senators here evidence that it is, in their opinion, a matter of importance—let us treat it as a matter of importance and clothe the proper committee of the Senate with power to make the investigation. It is not now in order that I should offer the

amendment, but, I repeat, if the matter again comes before the Senate I shall offer an amendment clothing a committee of the Senate with power to make the investigation so far as relates to the first part of the resolution. But, so far as the resolution relates to the action of officials of the State of Massachusetts, I do not think it is a proper matter for investigation here by an officer of a bureau or by a subcommittee of the Committee on Finance or any other committee of the Senate, unless the State of Massachusetts is in some way transcending its constitutional authority or is violating its obligations to the General Government.

PUBLIC UTILITIES COMMISSION.

Mr. GALLINGER. I ask that the unfinished business may be laid before the Senate.

Mr. BURTON. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. Let the unfinished business be stated.

Mr. BURTON. I should like to ask if the Senator from New Hampshire will postpone his request for a few minutes.

Mr. GALLINGER. I should like to have the unfinished business laid before the Senate, and then the Senator can prefer his request.

The VICE PRESIDENT. The unfinished business will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. STONE. Mr. President—

The VICE PRESIDENT. The Senator from Missouri gave notice that he would desire to be heard at this time. Does the Senator from Missouri yield to the Senator from Ohio temporarily?

Mr. STONE. How much time does the Senator wish?

Mr. BURTON. I think not more than three minutes.

Mr. STONE. Unless it is very important I would rather not yield.

Mr. BURTON. I will state that it is important, because it relates to an extension bill, the operation of which expires March 1, and there will have to be a conference between the House and Senate.

Mr. STONE. I am always desirous of showing the utmost courtesy, but there is a situation that I fear makes it rather improper for me to yield.

Mr. BURTON. I do not wish to interfere or to take any considerable time if the Senator desires to address the Senate. Is that the intention of the Senator from Missouri?

Mr. STONE. What I desire to do is this: I gave notice yesterday that I would address the Senate at this time, but at the request of the senior Senator from Maryland [Mr. RAYNER] I intend to yield to him. I have just stated to him that I would yield; and I will take my chances of making such observations as I have in mind to make when he is through, or to-morrow at the close of the morning business.

Mr. BURTON. I withdraw the request until the Senator from Maryland has had an opportunity to make remarks.

"THE CHARTER OF DEMOCRACY" AS ADVOCATED BY EX-PRESIDENT ROOSEVELT AT THE OHIO CONSTITUTIONAL CONVENTION.

Mr. RAYNER. Mr. President, I hope in what I am about to say to-day upon the subject that I have announced, that the Senate will understand that I am not influenced by any political considerations whatever, because I believe that our party will succeed in the next presidential contest no matter who may be nominated by the Republican convention. I have another purpose to subserve entirely, and that is to present to this body my views upon a proposition that was advanced by ex-President Roosevelt before the constitutional convention of the State of Ohio a few days ago in an address entitled "The Charter of Democracy," and which I regard as the most dangerous doctrine ever brought forward by anyone who has the slightest regard for the stability of our institutions and whose opinion is entitled to any weight or respect.

In this address of the ex-President there are a number of suggestions, such as the election of Senators by the people and primary elections for the nomination of political candidates, with which I entirely agree. What I desire to call attention to to-day is a unique and original conception which he advanced upon this occasion and which I quote literally, as follows:

The decision of a State court on a constitutional question should be subject to revision by the people of the State.

If any considerable number of the people feel that the decision is in defiance of justice, they should be given the right by petition to bring before the voters at some subsequent election, special or otherwise, as might be decided, and after the fullest opportunity for deliberation and debate, the question whether or not the judge's interpretation of the Constitution is to be sustained. If it is sustained, well and good.

If not, then the popular verdict is to be accepted as final, the decision is to be treated as reversed, and the construction of the Constitution definitely decided—subject only to action by the Supreme Court of the United States.

Mr. President, if a proposition of this sort had been advanced by an ordinary agitator or by an anarchist no attention would be paid to it; the people would understand that it was utterly meaningless, and it would involve no actual danger to the Republic. We must realize, however, that this is the utterance of a political leader, who occupies to-day as prominent a place before the public as anyone in the country, who is gifted with tremendous power, who commands great popularity, and who for seven years occupied the position of President of the United States, and who is now a candidate again for the office.

I would like to accept the apology that has been offered for him by one of the leading papers of the country, when it says:

We shall pay Mr. Roosevelt the compliment of stating that we do not think that he believes a word of the nonsense he uttered in this speech.

But I can not do so. I would rather accept the criticism of another great paper, which observes in its editorial columns as follows, in commending to the attention of everybody this salient feature of his address:

We beg leave to remark that it is the most astonishing and in the view of healthy intelligence the craziest proposal that ever emanated either from himself or from any other statesman since the organization of our Government by law.

I am inclined to think that the last criticism goes perhaps a little too far when it says that it is the craziest proposal that ever emanated from himself, because I have from time to time taken the liberty to submit to the Senate a number of other proposals of the ex-President which are equal to it in this regard. I want it to be known that I am very fond of the ex-President, and whenever I have had occasion to comment upon any of his constitutional views I have always done so with the greatest deference and respect.

What I would really like to know now is, not as a matter of curiosity but for my own information, whether any man of intelligence, in his sober moments of thought and reflection, agrees with him in this contemplated change that he proposes to make in the nature of our institutions. I would like some Member of the Senate to arise here now, or at any time hereafter, and announce to the country and to his constituents that he believes in the doctrine that popular verdicts should supersede judicial construction upon constitutional questions.

I would like to arise, for instance, before the people of my State—and I represent as intelligent and patriotic a constituency as there is in the Union—and address them as follows: "Fellow citizens, whenever the Court of Appeals of Maryland decides that an act of the General Assembly of Maryland is unconstitutional, then the decision shall be submitted to the people, and if the people at a popular election, by a majority of their suffrages, decide otherwise, then the court shall be reversed and the decision set aside." What do you suppose, Mr. President, they would do with me? What disposition would they make of me, and where would they send me to?

Just let us grasp this appalling announcement for a moment, and, if we can, let us realize that it was deliberately made after the most thorough preparation and with an actual purpose in the mind of its author that if again invested with the reins of power he would, with all the influence that he can command, advocate to the people of the States that they should, by constitutional amendment or otherwise, put it into practical execution. I am not speaking as a partisan now, and I assure you upon my honor that I do not want to do anything that may weaken the chances of Mr. Roosevelt for a renomination at the hands of his party, because I do not believe that our party could have an easier opponent to defeat than a candidate who, by an inflammatory proposal of this character, has arrayed against himself the united intelligence of the country.

I am speaking of this declaration from an entirely nonpartisan view so as to present, if I can, to my countrymen, the overwhelming peril that confronts them if any man, to whatever party he may belong, who entertains such an idea of our institutions should again at any time or under any circumstances be invested with the administration of our affairs. I would like to go a step farther than this and ask if in any civilized country where anarchy does not prevail such a scheme of outlawry has ever been suggested upon all the pages of history.

People who regard this merely as a flippant and impulsive utterance of a candidate for public office who is trying to attract public favor are making a great mistake. In my judgment, the ex-President has been reflecting over this proposition for years, and contrary to his usual custom it is the result of profound study and investigation upon his part of the judicial history of the country. He has always been hostile to the decisions of the courts whenever they conflicted

with his own views, and he has over and over again, in private and in public, given expression to his opposition to them. I can recall statement after statement that he has made upon this identical subject, and his reappearance now for public favor indicates to me that he is willing in this particular to identify himself before the people as the apostle of destruction and to aim with all his energies and with unerring precision at the judiciary of the country for the purpose of leveling the distinctions of the Constitution and destroying as far as possible the most sacred department of American institutions.

It is folly to tell me that he will exercise no influence with the people of the States if he succeeds in accomplishing his present ambition. No living man wields the power to-day that he does with a certain class of their citizenship. If it were not for this and if I thought that this utterance was merely an impetuous outburst, I would pass it by and let it die at its birth. This I know is not the case, and I speak of my own personal knowledge when I say that an idea is firmly implanted in his mind that if he ever again has the power he will do all that lies within his reach to effect the identical purpose that he has thus indicated, and I therefore take him at his word. You will observe that he is very careful in what he says and that his proposition is not to take away from the courts either by constitutional amendment or otherwise their power to construe an act of the legislature. His idea is to leave that power where it is in the courts, and though their decisions may be in perfect accord with the law and with the Constitution and with the authorities, nevertheless to give to the people the right to reverse their judgments and decrees and from day to day, by popular verdicts, to make constitutions of their own. Of course it follows as a necessary corollary that if they can do this with the decisions of the courts they can do it with enactments of the legislature, and therefore at one fell swoop not only the judicial but the law-making power would lie prostrate at our feet.

If a legislature in any State should pass a law confiscating private property and deprive men of their earnings and possessions honestly and legitimately acquired without any compensation or by any process of law, and appellate tribunals should determine that such an act was in violation of the organic law of the land, then the people would have the right to meet upon a town lot or in a convention hall or at a popular ballot and set aside the solemn decrees of their judicial tribunals. In other words, public clamor, public agitation, and the appeals of demagogues are to deprive the courts of their highest functions and enable the people to take the law into their own hands whenever the rights of property or the liberty of individuals may be involved, with this pacifying modification of the scheme, that this attack upon our institutions must stop at the doors of the Supreme Court of the United States. Why, I ask, at the Supreme Court? The Supreme Court is the very tribunal that Mr. Roosevelt has mercilessly attacked whenever it has dared to disagree with him in his interpretation of the law. Why not have complete anarchy? Why have only partial anarchy? Why not carry this beautiful system to the utmost limit of its complete perfection? I insist upon it that you have no right to stop at the threshold of the Supreme Court, and I submit to the ex-President that in order to perfect the symmetry of his plan and to have perfect harmony in its arrangement whenever the Supreme Court renders a decision that is not in absolute accord with his own views, if he should happen to be President, that he summon to the ballot box the people of the United States to set aside the judgment of the court, and, if his motion is seconded and it meets with popular approval, let him issue a proclamation that the motion is carried and the decision is reversed.

A justice of the peace followed this plan in our earlier days in one of our States. A prisoner was before him for murder upon a preliminary hearing. The office of the justice was thronged with friends of the prisoner. After the testimony was concluded the counsel for the prisoner said, "Your honor, I make a motion that the prisoner be discharged." In all of his practice the justice had never heard of a motion, and he did not know what to do with it. Deliberating upon it for a few moments, he said, "Gentlemen, is there a second to the motion?" The motion was seconded. "Now, gentlemen, you have heard the motion. All in favor of it say 'aye.'" The motion was unanimously carried, and the prisoner was acquitted.

Mr. President, what is the use of having any courts at all? What is the use of having any constitution? Why did the framers of the Constitution say that—

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain or establish?

Why did they not say that the judicial power shall be vested in the people? Mr. Roosevelt says the people made the Constitution, now let them interpret it. This is the substance

of his argument, if it can be dignified by the name of argument. This is the hallucination that he is trying to inculcate in the minds of the rising generation. This is the new revelation of which he is the prophet and the messiah. Mr. President, where did the people ever make a constitution? Give me an instance of it. I challenge him. They have ordained, they have established, and they have ratified, but where have they ever made a constitution?

He forgets that in every constitution that has ever been adopted in these United States the people, through their representatives, in convention or otherwise, have established the forum that is to interpret the constitution that they have ordained. The people change from day to day, but the tribunal that they have constituted to interpret the law lives forever.

Now, there is a motive for all this, and there is a cause for this attack upon the institutions of the land. I think I can tell you what it is. It arises from the fact that when Mr. Roosevelt was President he was not allowed to influence and control the decisions of the courts, and they declined to pass under the domination of his arbitrary and imperious will. Of course, judges are only human; they have made mistakes and their adjudications are not divine; but one thing they have done to their eternal credit, and that is that they have stood as a barrier between him and dictatorial usurpation.

During the whole of his administration he had an idea lingering in his mind that it was the duty of the courts to carry out the policy of the executive branch of the Government, and this belief was connected with another idea, and that was that, so far as executive functions were concerned, he was absolutely supreme, unlimited by the specifications of the instrument that created them. I recall an incident that occurred during his administration that illustrates the point that I am now making.

Some few years ago, during his reign, a prominent member of the New York bar delivered an address before the New York Bar Association, contending against Webster, and the most profound and illustrious statesman that this country has ever produced, that when the Constitution invests executive power in the President it gives him unlimited executive power, and that he was in no manner bound by the delegated powers assigned to him in the instrument, and that he had the same prerogative as the Czar of Russia or any potentate of the most absolute monarchy. When the President heard of this address, he sent for the author of this frantic proposition, embraced him, extended to him the hospitalities of the Executive Mansion, showered upon him his presidential benedictions, and informed him that he was the only lawyer whom he had ever met who had the proper conception of the Constitution of the United States.

Now, what is the present situation? Mr. Roosevelt is a candidate for President of the United States. There was no need of any persuasion whatever to induce him to enter the field. There was no dragging of Cincinnatus from the plow, and there was no necessity that any Mark Antony should thrice upon the Lupercal offer him the crown. He is willing to come with his own crown and frame a constitution of his own in accordance with the charming and alluring platform that he has promulgated. I do not know what sort of a new party we will have if he is nominated and elected. We have quite a number of parties on hand now. There are Republicans and Democrats and insurgents and progressives and radicals and reactionaries and neurotics and paranoiacs, and another party will only add to the gayety and festivities of the entertainment. I have written some brief amendments to the Constitution for him, which I believe that he will accept if he will examine them carefully, and I would like to tender them to him so that if he is again called to the throne he can incorporate them in his message to Congress; and as I am satisfied Congress will pass them, they can then be submitted to the people in the shape of constitutional amendments. They do away with a great deal of unnecessary intermediary process between the executive and legislative branches of the Government, and they send a simple proposition to the American people which they will readily comprehend.

I, Theodore Roosevelt, in order to properly govern the people who have called upon me to preside over their destinies, to establish justice, insure tranquility, promote the general welfare, and secure the blessings of liberty do hereby recommend the following amendments to the Constitution, to the Congress of the United States:

ARTICLE 1. Executive power: Whereas it has been established by congressional precedent and judicial authority that in the exercise of executive power I am limited by the specifications of the Constitution; and

Whereas this interpretation ignorantly acquiesced in for over 100 years does not at all accord with my views upon the subject, now I recommend the following amendment to the Constitution, to be voted upon by the people:

All executive power of every sort and description at any time exercised by anyone shall be vested in me, and any interference with or criticism of the exercise of any power that I may consider myself invested with shall be construed as treason and punishable as such.

ART. 2. Judicial power: Whereas the courts of the United States and the appellate courts of the different States have at various times rendered decisions upon constitutional questions which have not at all met with my approval and which are contrary to my policies as Executive of the United States, it is therefore herein provided that in order to remedy this defect and to make these decisions conform to my own interpretation of the Constitution, that whenever any of the appellate courts of the States, or the Supreme Court of the United States, shall decide a constitutional question an appeal or writ of error shall lie to me, and whatever interpretation I may place upon the constitution of any State or upon the Constitution of the United States, shall be final and no further appeal shall be allowed.

ART. 3. Dormant legislative powers: Whereas the Congress of the United States has failed to exercise from time to time a large number of Federal powers upon the ground that such powers are not delegated in the Constitution; and whereas this is a mistaken interpretation of the Constitution and there ought to be some tribunal that can exercise these powers for the general welfare of the people, therefore I recommend to the Congress of the United States the following amendment: "All dormant Federal powers not exercised by the Congress of the United States shall vest in me. The following powers are herein specifically enumerated. I shall have the right to grant charters to corporations and supervise their transactions; to issue interstate marriage licenses and to grant limited and unlimited divorces and permits for individuals to transact business; to define the amount of property that any one person shall own and what amount of business he shall transact; to superintend all the domestic affairs of the Nation; to prescribe the amount and quality of food that they shall consume; and to establish rules for the increase of population, prescribing the number of children that each family must contain, and provide adequate penalties for failure to attain the proper limit.

ART. 4. All Executive powers of every sort, kind, and description and wherever situate and being, whether active or dormant, not herein delegated to me by these amendments are reserved to me, and I shall have the right at any time to submit to myself for my rejection or approval such further amendments to the Constitution as I may deem proper, so that I may more effectually carry out the designs and purposes herein indicated and so that I may at all times insure absolute peace and tranquillity among the people whom I have been called upon to govern.

You know what I believe, Mr. President? I believe that there are a large number of Mr. Roosevelt's followers in this country who would to-day favor vesting in him autocratic power. Our institutions underwent a radical change under his administration. He inaugurated a new era of constitutional thought. He announced over and over again, in defiance of the unbroken decisions of the courts, that under the general-welfare clause of the Constitution Congress had the power to enact any legislation that tended to the general welfare of the Nation. He disclaimed upon inherent rights, when the Supreme Court had by an irrevocable line of decisions anchored the proposition in our constitutional history that we are strictly and literally a government of delegated power. He trespassed upon the rights of the States and in one public utterance after another perverted the Constitution so as to encroach upon their functions and invade their jurisdiction. The only department that saved us from dictatorial government was the judicial power of the States and of the Nation. Now it is proposed to practically deprive them of their constitutional functions. As this seditious proposal flashed through the country it shocked and appalled its intelligence, but, Mr. President, it has attracted an attentive audience, because the ex-President has whole battalions of loyal disciples who follow his leadership with the same discipline that an army follows its commander.

I want to say this: I agree with him in a great many things that he advocates. I am for progression and not for reaction. I am for the rights of the people against the domination of their political masters. This has been my familiar theme during the whole of my public career. To-day the people are in the field, and the day of the political manager is over and the hour of the patriot and the statesman has arrived. We can see with the naked eye that a great revolution is in progress, and that this is the age of political liberty and legislators; and Representatives and Senators are being warned that they are the servants and not the masters of the people. Down with the walls and back to the people, wherever it can be done without undermining the institutions of the Republic. It is because I am for these things with all sincerity that I have arisen to deprecate this unfortunate delusion that Mr. Roosevelt has brought to the front. It injures the cause of the people's rights.

Even now the students of our colleges and universities who are studying the science of government and the framework of our institutions are inquiring what does this inflammatory effusion portend. I received a communication to-day asking me to explain its scope and effect, and I answered that its only scope and effect was to distract and derange the mind of anyone who attempted to reconcile it with the cardinal principles of the Republic. I received another letter from a young man telling me he was studying to get to the United States Senate and asking me which side I was on upon this question. I will receive a score of these inquiries within the next few days. What sort of a Senate will this be in the years to come if the minds of the rising generation are to be bewildered by such incendiary utterances as this?

No progressive leader in this body that I know of has ever given expression to such views. The senior Senators from Wisconsin and Iowa, both of whom have been strongly indorsed for the presidential nomination, have never raised such an issue. They are men of sincere purpose and of deep convictions, and they have never undertaken to sap and undermine the foundations upon which the Republic rests. I had hoped that outbreaks like this were over when Mr. Roosevelt abdicated his place a few years ago and started upon his restful and harmless expedition to the jungles of Africa to slaughter animals that Providence had never created. I had hoped that he might remain there and not return and start these frenzied schemes again. Here he is, however, and he has come to stay. I do not know what we will do with our friend. Would it be possible, if he consents, to tender him to the new Republic of China, in the event of his defeat—and I am satisfied that, even if nominated, he will be easily defeated. I would almost be willing to make a new treaty for Chinese immigration if they would accept him in exchange. This would be a splendid opportunity for him to start a Chinese constitution framed upon the plan that he has outlined. Of course, we will miss him—there is no doubt about that—and the exhilarating commotion and excitement that he is constantly treating us to. The newspapers will miss him. He is the most valuable asset of American journalism that ever made his appearance in this land. I will miss him personally, because I like him and he has been a constant source of interest and amusement to me. I regard him as the most unique and picturesque character in all American history. When he was President I was constantly beguiled and diverted by his political performances.

I never retired at night that I did not expect some political earthquake in the morning, and I never arose in the morning that I did not look for some volcanic eruption at night. I think he is a most captivating and charming person. He can talk to you by the hour upon subjects that he does not know anything about at all with the same ease and facility that he can discuss those to which he has devoted the closest study. This is a gift of Providence that none of his predecessors ever possessed. His dissertations upon the Constitution are a feast of reason and a flow of soul. The last conversation I had with him was in relation to the case of Col. Stewart, whom he had charged with certain temperamental infirmities, and in whose behalf I had asked for a court of inquiry in the Senate. He informed me that being Commander in Chief of the Army and Navy of the United States he would not pay the slightest attention to any law that Congress passed, and that he had a perfect right, if he wanted to, to sentence Col. Stewart to death; that he did not intend to do it, but that he had the constitutional right to do so.

Mr. President, this is exactly the line of thought that he has followed in his address before the constitutional convention of Ohio.

He is simply advocating martial law. The best definition of martial law is that it is no law at all. When people are ordered to assemble in their polling places to set aside the solemn judgments of the courts that involve the rights of property and the liberty of our citizens and to trample upon precedent and order and authority, then we have an era of martial law. No one supposes for a moment that Mr. Roosevelt could carry a revolutionary system of this sort into operation. That is not the point. The point is that he would use every power at his command to strengthen the executive arm of the Government and compel the Federal judiciary to fall in line with his policies. Whenever he is to make appointments to the Supreme Court and to the various Federal circuits or is to select an Attorney General for his Cabinet, he will have a distinct understanding and ascertain definitely before the appointments are determined upon that his nominees are in accord with him upon constitutional construction and executive power. We know what he will do in the future from our experience in the past. He held his party in Congress under absolute vassalage and subjection, and he will revive his attempt to place the judiciary under his influence and control.

Make no mistake. I am not exaggerating the situation. He is perfectly sincere, and his motive is not a corrupt one, and he will do this because he is possessed with a mad fancy that this is and ought to be an Executive Government, that the powers of the Executive ought to override those of the legislative and judicial branches of the public service; and what he proposes is not by constitutional amendment, because he knows he can not procure it, but by all the patronage and all the power and all the resources that he can command to practically force upon the country an interpretation of our organic law that will level its distinctions and mutilate and obliterate its checks and balances. He will then, in the pursuit of his own insatiable ambition, possess a degree of autocratic power that no President of

these United States has ever attained or would have ever dared to exercise, except at the risk of impeachment. Speaking for my country and not for my party, speaking for the autonomy and stability of our institutions, speaking for the Constitution in all of its parts, if we are to pass in again under his yoke, with his outstretched arm under his latest utterance hanging over the seat of justice, the refuge and bulwark of our institutions, ready to strike it down with a wanton attack upon its integrity, and if this attack is to succeed and the era of the common law is to be revived, when its judges were the abject serfs and slaves of the Crown, then, in my judgment, it would have been better if the Constitution had never been framed and its authors had never attempted by an apportionment of constitutional functions almost perfect in their allotment to construct an indissoluble Union of indestructible States.

AFFAIRS IN MEXICO.

Mr. STONE. Mr. President, I gave notice on yesterday that I would address the Senate to-day on a resolution I have heretofore offered relating to the conditions prevailing along the border between this country and Mexico. Circumstances have made it impracticable for me to do so to-day. The hour is now too late. If I can find opportunity, without trespassing upon more important business of the Senate to-morrow, I give notice that I shall then address the Senate at the conclusion of the routine morning business.

WATERS OF NIAGARA RIVER.

Mr. BURTON. Mr. President, I again ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The joint resolution had been reported from the Committee on Foreign Relations, with an amendment, on page 2, line 5, after the word "to," to strike out "May 1, 1912," and insert "January 1, 1914," so as to make the joint resolution read:

Resolved, etc., That the provisions of the aforesaid act be, and they are hereby, extended from March 1, 1912, being the date of the expiration of said act, to January 1, 1914.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The VICE PRESIDENT. The question is on agreeing to the preamble.

Mr. BURTON. Mr. President, I find two errors in the preamble as it came to us, and I move to amend it by striking out the word "expired" before the word "March" and inserting in lieu thereof the words "and further extended to"; and after the words "August 22, 1911," to insert the words "expires March 1, 1912." It is clearly an error in the print in the form in which the joint resolution came to us.

The VICE PRESIDENT. Without objection, the preamble is amended as suggested by the Senator from Ohio, and without objection the preamble as amended is agreed to.

KOOTENAI RIVER BRIDGES, MONTANA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3776) permitting the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana, which were, on page 1, line 6, after "River," to insert "at points"; on page 1, line 7, after "navigation," to strike out "at the following points" and insert "located as follows"; and on page 2, line 19, to strike out "bill" and insert "act."

Amend the title so as to read: "An act granting the consent of Congress to the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana."

Mr. DIXON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in

executive session, the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 28, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 27, 1912.

POSTMASTERS.

INDIANA.

Timothy De Brular, Garrett.

MISSISSIPPI.

Robert S. Powell, Canton.

MISSOURI.

Richard Collier, Shelbyville.

John P. Rankin, Higbee.

OHIO.

Elva A. Jackson, Troy.

E. Lee Porterfield, Delaware.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 27, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of light and love, justice and mercy, righteousness and peace, help us, we beseech Thee, to quell the tumult which sometimes surges within us and threatens the very citadel of the soul; that with patience, calmness, and serenity we may meet the conflicts which rage round about us and quit ourselves like men in the great battle of life, under the sublime leadership of the Lord Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE SIXTEENTH AMENDMENT.

The SPEAKER laid before the House the following communication from the governor of North Dakota:

STATE OF NORTH DAKOTA, EXECUTIVE OFFICE,
Bismarck, February 20, 1912.

To the Hon. CHAMP CLARK,

Speaker of House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Find inclosed herewith copy of house bill No. 1, passed by the Twelfth Legislative Assembly of the State of North Dakota, the same being a joint resolution ratifying the sixteenth amendment to the Constitution of the United States.

Very truly yours,

JOHN BURKE,
Governor.

House bill 1, twelfth legislative assembly, State of North Dakota, begun and held at the capitol in the city of Bismarck on Tuesday, the 3d day of January, 1911.

A joint resolution ratifying the sixteenth amendment to the Constitution of the United States.

Whereas the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration": Therefore be it

Resolved by the Legislative Assembly of the State of North Dakota, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of North Dakota; and be it further

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the President of the Senate and the Speaker of the House of Representatives of the National Congress.

J. M. HANLEY,

Speaker of the House.

E. H. GRIFFIN,

Chief Clerk of the House.

USHER L. BURDICK,

President of the Senate.

JAMES W. FOLEY,

Secretary of the Senate.

Received by the governor February 20, 1911, 5 p. m.

Approved February 21, 1911.

JOHN BURKE, Governor.

STATE OF NORTH DAKOTA,
SECRETARY'S OFFICE.

Filed in this office this 21st day of February, at 5 p. m., 1911.

P. D. NORTON, Secretary,
By JOHN ANDREWS, Deputy.

This certifies that the within bill originated in the House of Representatives of the Twelfth Legislative Assembly of the State of North Dakota, and is known on the records of that body as house bill No. 1.

E. H. GRIFFIN,
Chief Clerk of the House.

Approved February 21, 1911.

JOHN BURKE, Governor.

STATE OF NORTH DAKOTA, County of Burleigh, ss:

I, P. D. Norton, secretary of the State of North Dakota, do hereby certify that the foregoing joint resolution is a true and correct copy of the enrolled house bill No. 1, duly filed in this office on the 21st day of February, A. D. 1911, at 5 o'clock p. m. of said day.

In witness whereof I have hereunto set my hand and caused to be affixed the great seal of the State of North Dakota this 20th day of February, A. D. 1912.

[SEAL.]

P. D. NORTON, Secretary of State,
By JOHN ANDREWS, Deputy.

The SPEAKER. This communication will be printed in the CONGRESSIONAL RECORD.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ANSBERRY, for five days, on account of important business.

LAWRENCE (MASS.) LABOR STRIKE.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 433.

Whereas there is a strike in progress in Lawrence, Mass.; and Whereas it is alleged that the police power of the city of Lawrence and the militia of the State of Massachusetts are being used to forcibly prevent parents from sending their children into other States, where arrangements have been made to take care of them until the strike is over; and

Whereas it is further alleged that many of these children do not belong to parents who are on strike, and many others have been secured either by intimidating the parents or by the grossest misrepresentation, made possible because many of the strikers are foreigners and do not understand our language; and

Whereas if the first allegation is true, it is a violation of the fourth and fourteenth amendments to the Constitution and the inherent right of citizens to travel from State to State: Therefore be it

Resolved, That the Committee on Labor, or any subcommittee thereof, be, and is hereby, authorized and directed to investigate thoroughly the allegations set forth in the preamble of this resolution and the causes which have produced such a condition of affairs.

Said committee, or any subcommittee thereof, is hereby authorized to sit during the sessions of Congress either at Washington or at Lawrence, Mass., to send for persons and papers, to administer oaths, to employ such stenographic and clerical assistance as may be necessary for the purpose of carrying out the provisions and purposes of this resolution, and that the expenses thereof, in a sum not to exceed in the aggregate \$10,000, be paid from the contingent fund of the House on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts. Said committee shall make a full report to this House as to whether, by reason of any facts thus ascertained, there shall be legislation by Congress with reference thereto.

Mr. GARRETT. Mr. Speaker, I reserve the right to object.

Mr. WILSON of Pennsylvania. I hope the gentleman will not object. Every Member of this House is familiar with the statements which have been carried in the press relative to the situation in Lawrence, Mass.—statements which, if true, show a horrible condition existing in that city, a condition which is a disgrace to the fair name of Massachusetts.

Mr. GILLETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GILLETT. May I ask by what title the gentleman has the right to address the House?

The SPEAKER. He has not any, except by unanimous consent.

Mr. GILLETT. I was not here when the gentleman rose. Has he asked unanimous consent?

The SPEAKER. He has asked unanimous consent, and it has not been granted.

Mr. GILLETT. Did he ask unanimous consent to address the House?

The SPEAKER. He asked unanimous consent for the consideration of this resolution, and the gentleman from Tennessee [Mr. GARRETT] reserved the right to object.

Mr. GILLETT. Mr. Speaker, I did not hear the beginning of this resolution, but I assume by the end of it that it is a request to investigate some of the occurrences at Lawrence. I feel that the State of Massachusetts is able to cope with that matter, and for the present I object.

The SPEAKER. The gentleman from Massachusetts objects.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Mr. SIMS in the chair.

Mr. SHERLEY. Mr. Chairman, when the committee rose last night there was pending an amendment offered by the gentleman from Kansas [Mr. JACKSON], to which a point of order had been reserved. If the gentleman desires to discuss the merits of the provision, I will withhold making the point of order pending such discussion.

Mr. JACKSON. I thank the gentleman. Will the Clerk again report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

On page 5, at the end of line 5, add: "Provided, That no contract for the purchase of any such armament shall be let in any case where the Government can manufacture the same at a less cost, except only for such armament as it may be necessary to procure in addition to the capacity of the Government to manufacture at its arsenals."

Mr. JACKSON. Mr. Chairman, the Army and Navy of the United States, including our fortifications and all equipment for fighting, should constitute, in my judgment, a great engine for self-defense. It is by this bill that we are supposed to lay the foundation of that defense and the keels of the vessels that are to protect us from foreign invasion. The philosophers of history tell us that there is no truer test of civilization of a nation than the organization of its army. If its army be organized for conquest, it may be set down as a military power. On the other hand, if the military organization is one for self-defense, the minds of the people are turned to their own institutions, the minds of the people are turned to the improvements in agriculture, to arts and sciences and the general improvement of its people.

Now, I have no fault to find in the main with this bill. I believe that it carries out this purpose of preparing in an orderly way, in a progressive way, for self-defense. But we have here a provision which authorizes the expenditure of \$600,000 for the purchase, manufacture, and test of mounted field and siege cannon, or for the machinery necessary to manufacture this equipment.

The purpose of this amendment is to make it necessary that the Chief of Ordnance shall determine that he is unable to manufacture these in the arsenals of the United States. Now, I say that in laying the foundation of defense, aside from the question of economy, you could do nothing which is more to the point and which will tend to more strongly provide for the defense of the Nation than to train our men so that in times of crises we can manufacture the things we need for the defense.

I need only to refer to the speech of the gentleman from Iowa [Mr. GOOD], in which it is shown that this equipment can be manufactured from 25 to 127 per cent cheaper by the Government than it can be by contract and purchase.

Mr. PAYNE. The gentleman does not mean 127 per cent cheaper; that would be nothing and something less.

Mr. JACKSON. I mean what the table shows. The table shows that it costs the Government 127 per cent more to purchase it than to make it.

Mr. PAYNE. That is a different statement.

Mr. JACKSON. That is starting with the basis of the figures and the per cent added.

Mr. CANNON. If the gentleman will allow me, where does he find that statement?

Mr. JACKSON. On pages 2482 and 2483 of the RECORD. I will not stop to read it in detail because the gentleman from Iowa [Mr. GOOD] gave it yesterday in an eloquent and learned speech.

I want to say now on this point of order that this is not subject to a point of order because it goes to the expenditure of the very money mentioned in this section and is a condition of the appropriation itself. As the bill now reads it reads that the Chief of Ordnance may use this money to purchase this upon contract or he may purchase the machinery to make it with. What I propose is that he shall not do the latter. He shall not purchase or make any contract to buy unless he finds that it is impossible to make it because of the inadequacy of the arsenal or the incapacity of the arsenals of the United States.

Furthermore, Mr. Chairman, as suggested by the gentleman from Illinois on my right [Mr. McKINNEY], if it did not apply directly to the expenditure of this money it would be within the Holman rule, which tends to reduce expenditures, and in the very appropriation itself. [Applause.]

Mr. SHERLEY. Mr. Chairman, I have already stated my views as to what should be the policy of the Government, in the amount it should manufacture, and how much it should purchase of armament. I now make the point of order against the amendment, and I suggest to the Chair that it is not a limitation upon the appropriation within the meaning of the rule. It does not undertake to place a limitation on the moneys directly, but it does undertake to require of an officer the ascertainment of certain conditions, upon the ascertainment of which he shall take certain action, which is a change of existing law to that extent, and therefore it is not in order.

It does not appear, also, that it will necessarily decrease the expenditures, and is not in order, in my judgment, under the Holman rule.

Mr. JACKSON. Will the gentleman yield a minute on the discussion of the point of order? I want to make this additional suggestion, Mr. Chairman: That aside from the Holman rule this proposed amendment will make it necessary for the Chief of Ordnance to find that the arsenals are not adequate to do the work, whereas as the bill now reads he has his own will; he can make these contracts and leave the arsenals of the United States absolutely idle; and there is a statement in the remarks of the gentleman from Iowa [Mr. GOOD] showing for the last year the capacity has not been more than half or two-thirds occupied. Now, on the point that this amendment changes existing law. This amendment does not change existing law at all, but it simply says how this money which is now appropriated shall be used.

Mr. SHERLEY. Mr. Chairman, the gentleman's own statement convicts him. He says at present the Chief of Ordnance may let such work out as he sees fit, whereas under this proposed provision he will be required to ascertain what work can be done in the arsenals and only the remainder can be let out, and thereby his power and duties are changed, which is a change of existing law.

Mr. JACKSON. They are under the appropriation as it is proposed.

Mr. SHERLEY. That is just it; the provision as proposed in the bill is in accordance with the existing law. Now, the provision, as it will be if amended by the amendment of the gentleman, takes from the officer that discretion, requiring of him the ascertainment of a fact and upon the ascertainment of that fact he shall do certain things, and to that extent it changes existing law.

Mr. JACKSON. It is certainly within the competency of Congress to do that.

Mr. PEPPER. Mr. Chairman, I would like to ask the gentleman from Kentucky, with reference to the point of order, and that is under the amendment offered by the gentleman from Kansas, does not the fact that the Chief of Ordnance shall only spend such money as the arsenals can not use in manufacturing, necessarily involve a reduction of expenditures?

Mr. SHERLEY. Not at all.

Mr. PEPPER. For the reason that the arsenals are manufacturing these guns a good deal cheaper than at the present time they can be bought, and this limitation compelling him to use this money in the Government arsenals necessarily reduces expenditures to the extent of economizing the entire plant of the Government.

Mr. SHERLEY. My answer to the gentleman is that that is argumentative and does not appear in the face of the law as it is, and there is nothing there to show that the work is done cheaper in the arsenals than outside. Neither is there anything in the law showing what quantity is done in the arsenals and what outside. The present law would permit all work to be done in the arsenals, and therefore it can not be argued that a provision which does not give full discretion to an officer is necessarily a provision in the line of economy.

The CHAIRMAN (Mr. HOUSTON). The Chair is of the opinion that the amendment is not such a limitation of the expenditure of this money as falls within the rule. In order that the provision of this amendment be carried out it would be necessary for the executive officers to take affirmative action to make the investigation and find out certain things. Now, we find in Hinds' Precedents:

That a limitation is negative in its nature and may not include positive enactments establishing rules for executive officers.

This amendment certainly would require positive action and provide something for the executive officer to do in the ascertainment of the fact. Furthermore this amendment on its face does not patently appear to be a limitation of expenditures, hence does not fall within the Holman rule. The point of order is sustained.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FITZGERALD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5059. An act granting school lands to the State of Louisiana.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 23.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in volume form, with accompanying illustrations, 100,000 copies of the Special Consular Reports on Cotton Tare, submitted by the Department of State in response to the request of Representative WILLIAM G. BRANTLEY, of which 30,000 shall be for the use of the Senate and 65,000 for the use of the House of Representatives, and 5,000 to be delivered to the House document room for distribution.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, \$600,000.

Mr. RAUCH. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars," in line 10, page 5, insert the following: "Provided, That no part of this appropriation shall be expended for the purchase of any ammunition from any person, firm, or corporation which has not at the time of commencement of said work established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work of manufacturing the ammunition named herein."

Mr. RAUCH. Mr. Chairman, this amendment limits the purchase of ammunition for mountain, field, and siege cannon to factories which have established an eight-hour workday, and is practically the same as the amendment which I offered yesterday and which was adopted by the committee putting a similar limitation on the Government in the purchase of mountain, field, or siege cannon.

This amendment is in line with the eight-hour law which recently passed the House. It is in line with the recommendations of the President; it is in line with the more advanced methods in the manufacturing world, and I think the amendment should be adopted.

Mr. MANN. I read the amendment which the gentleman offered yesterday. It is impossible to gather from the reading of the amendment in the existing confusion just what it covers. Does the amendment of the gentleman cover the question of the purchase of machinery?

Mr. RAUCH. It does not.

Mr. MANN. Is it the intention of the gentleman to offer a similar amendment to all the paragraphs in this bill?

Mr. RAUCH. Well, I think it logically follows that the amendment should go to the subsequent paragraphs relating to ammunition.

Mr. MANN. If it is the intention to offer a similar amendment to those provisions in the bill to which such an amendment might be applicable; it is a very good illustration of the need of the advisory board which they were discussing before the Committee on the Library this morning, because it would seem almost too absurd for consideration to insert in one bill a few pages along the same language applicable to each paragraph of the bill when the insertion of it in the bill once would be amply sufficient.

Mr. SHERLEY. If the gentleman will permit, I will say to him it was my intention, if this amendment should be adopted by the committee, to ask unanimous consent to so reform it as to make it apply to all appropriations for ammunition, and thereby avoid the repetition of the limitation on each of the items. I am in accord with the suggestion of the gentleman.

Mr. MANN. Now, one other question, if I may ask the gentleman. It has been usual in provisions of this sort to insert "except in time of emergency in case of war." Yet there is no such provision in this amendment. While war is not expected, still the whole theory of the bill is that war may come. We would be rather childish to insert a provision in a bill designed wholly for time of peace when the bill is designed for time of war, which would prevent the operation of the appropriation in time of emergency in case of war.

Mr. RAUCH. I will say to the gentleman I have no objection to that provision being incorporated in the amendment.

Mr. MANN. I hope, if this amendment is to be agreed to—and I assume that it is, because a similar amendment was

agreed to by the committee yesterday—it may be re-formed so that there will be only one provision in the bill, and that there is an exception made as to emergency in case of war. Everybody knows that sometimes we have to act very quickly and without the usual restraint.

Mr. GOOD. Will the gentleman from Indiana [Mr. RAUCH] consent to adding to his amendment words something like these: "or from any corporation known as a trust." So as to make his proposition squarely within the Democratic platform? Would he accept that as an amendment to his amendment?

Mr. RAUCH. I have no objection to the gentleman offering that amendment.

Mr. GOOD. Well, will the gentleman incorporate it in his amendment, so that when I offer it it will not go out on a point of order?

Mr. RAUCH. I will say frankly to the gentleman that such an amendment will raise questions that are not raised by the amendment that I have offered, and I prefer to have the gentleman offer the amendment himself.

Mr. CANNON. Mr. Chairman, I make a pro forma amendment for the purpose of asking a question. What proportion of powder is now manufactured by the Government?

Mr. SHERLEY. About 25 per cent of all the powder used by the Army and Navy is now manufactured by the Government.

Mr. CANNON. And these amendments are to provide both for the present use and for the reserve, and that there shall be no powder bought that is not manufactured by people who employ labor exceeding eight hours a day?

Mr. SHERLEY. That, I take it, is the purpose of the amendment.

Mr. MANN. It does not cover powder at present.

Mr. CANNON. I take it that it is ammunition. Can the gentleman inform me whether, under this or proposed legislation or limitation, or under existing law, in the event of an emergency the Government could use these appropriations for the purpose of importing ammunition?

Mr. SHERLEY. There is a provision in the bill that permits the purchase abroad, in limited quantities, of supplies provided for in this bill, which would include ammunition, and in point of fact there have been times in the past when a limited amount of powder has been bought abroad.

Mr. CANNON. Is there any proposed legislation to the effect that that powder shall be manufactured by labor that is employed not longer than eight hours a day?

Mr. SHERLEY. I would say to the gentleman that I have not offered this amendment, but I presume that if this amendment limits this appropriation, it would limit it whether the money was spent in this country or outside of this country.

Mr. CANNON. I do not know, because I have not made inquiry, but in the production of ammunition and other material under contract what proportion of the people engaged in the production of that material work under the eight-hour rule?

Mr. SHERLEY. I could not inform the gentleman as to that.

Mr. CANNON. Can the gentleman give the information as to whether, considering the Government as a customer, in the event these various makers of ammunition and other munitions of war would comply with the eight-hour law, it would be for their interest to do so in order to secure the Government as a customer?

Mr. SHERLEY. I suppose that would depend very largely upon the particular facts surrounding each proposed bidder for Government work. I have not the information necessary to enable me to answer.

Mr. CANNON. Does the gentleman know whether such information exists or not?

Mr. SHERLEY. I do not. There have been in the past elaborate hearings on the eight-hour law. I was in charge of this bill; this House at this Congress has passed a general eight-hour law applying to all work that the Government may do or have done for itself; and that having been recently enacted by this body, I felt that it expressed the deliberate opinion of this body. Therefore, when the gentleman from Indiana [Mr. RAUCH] offered an amendment in the form of a limitation, which, in my judgment, was not subject to a point of order, I simply made a statement to the House as to the facts which I have just related to the gentleman from Illinois, and the Committee of the Whole yesterday adopted a provision similar to this.

Mr. CANNON. Has the legislation, or the bill which the gentleman refers to as having been passed by the House, been enacted into law?

Mr. SHERLEY. So far as I know, it has not passed the Senate yet.

Mr. CANNON. The object of my inquiry is this: It seems to me that if we are to prohibit the purchase of war material, not only for present use, but for a reserve, unless it is made by eight-hour labor, inasmuch as we buy only 25 per cent of ammunition, for instance, it would be little short of criminal negligence if we do not march up and provide money sufficient to build Government factories so that we could manufacture the material that may be necessary in time of stress and danger.

The gentleman from Iowa [Mr. Goob] has referred to a platform, of which I do not recollect the exact terms, declaring that trust-made goods should not be purchased by the Government. That is one of the declarations in the platform in support of which gentlemen on the other side claim they came into power. Well, I can see that there might be trouble about that, as to finding out what are trust-made articles.

Gentlemen, it is one thing to play politics, but it is another thing to face the situation, and if this legislation is to be enacted—and you are responsible for legislation now—it seems to me that you should take such steps by appropriation and by legislation as will not leave the Government defenseless, and that can only be done by providing the means by which the Government can protect itself by its own factories and by labor employed directly by itself. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. JACKSON. Mr. Chairman, I desire to offer the following amendment to the amendment.

Mr. RAUCH. Mr. Chairman—

The CHAIRMAN. The Chair recognizes the gentleman from Indiana.

Mr. RAUCH. Mr. Chairman, I ask unanimous consent to modify the amendment which I offered in accordance with the one which I now send to the Clerk's desk, which I think will meet the objection of the gentleman from Illinois. I ask, Mr. Chairman, to have it read.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

After the word "dollars" in line 10, page 5, insert the following: "Provided, That except in time of war or when, in the judgment of the President, war is imminent no part of this or of any other sum in this act for ammunition shall be expended for the purchase of any ammunition from any person, firm, or corporation which has not at the time of commencement of said work established an eight-hour day for all employees, laborers, and mechanics engaged or to be engaged in the work of manufacturing the ammunition named herein."

Mr. JACKSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. RAUCH] asks unanimous consent to modify his former amendment, as indicated by the amendment just reported by the Clerk. Is there objection? [After a pause.] The Chair hears none.

Mr. JACKSON. Mr. Chairman, I send to the Clerk's desk an amendment to the amendment.

The CHAIRMAN. The gentleman offers an amendment to the amendment offered by the gentleman from Indiana, which the Clerk will report.

The Clerk read as follows:

Add to the amendment the following: "And such purchases shall be by public bid submitted by those offering to sell such materials, which bid shall be accompanied by affidavit of the bidder stating that the bidder is not a member of or a party to any trust, trust agreement, combination, or arrangement with others to restrain trade in or to fix or control prices of said commodities in violation of the laws of the United States or any State of the United States."

Mr. SHERLEY. Mr. Chairman, to that I make a point of order.

Mr. JACKSON. Will the gentleman reserve the point of order?

Mr. SHERLEY. I am willing to reserve it if the gentleman desires to speak to the merits.

Mr. JACKSON. Just a word.

The CHAIRMAN. The point of order is reserved by the gentleman from Kentucky.

Mr. JACKSON. Mr. Chairman, my reason for offering this as an amendment to the amendment was in the hope that it might escape any point of order being made to it.

It is a little bit hard to see just why this eight-hour amendment is not subject to a point of order. I understood the gentleman from Kentucky [Mr. SHERLEY] to admit that eight-hour amendments which have been offered, which involve practically the same conditions, but the others are subject to a point of order and are without the Holman rule.

As I understand the discussion here, the eight-hour amendment is admitted to be not subject to a point of order, at least by the gentleman from Kentucky, because the national platform of the Democratic Party declared for it—

Mr. SHERLEY. I am sure the gentleman does not want to make that reflection upon the gentleman in charge of this bill.

Mr. JACKSON. Oh, no. Let me complete my sentence and the gentleman will see that I do not.

Mr. SHERLEY. It would need completion if it were not to contain a reflection, I will say to the gentleman.

Mr. JACKSON. The gentleman interrupted me before I completed the sentence. What I mean to say is this, that the point of order was not made, or the committee agreed to this amendment, which I am in favor of, limiting this appropriation to the expenditure for materials manufactured only under the eight-hour rule, because at least one of the political parties in the country has declared in favor of it, and I hope both parties are in favor of it.

The same party has declared against the purchase of trust-made goods, and I hope both parties are in favor of that proposition.

It seems to me a strange sort of procedure that we sit here day after day devoting the public moneys to legislation against the trusts, instructing the departments of the Government to prosecute the trusts, and then vote millions to buy goods of the trusts.

As has been mentioned here on the floor of the House time after time, the Government of England has recently set us the example of refusing to deal with one of the concerns in our country, forsooth, because we had even charged in our Department of Justice that it constituted a trust. Are we to proceed to vote millions of dollars to purchase materials of a concern which I understand is at this hour being proceeded against by the Department of Justice? I say we ought not to do it.

Mr. SHERLEY. Mr. Chairman, of course I am in no sense responsible for the ability of one gentleman to draw an amendment within the rules of the House and the inability of another gentleman to draw an amendment so as to be in order under the rules of the House. I did not make a point of order to the amendment offered by the gentleman from Indiana [Mr. RAUCH], because in my judgment it was not subject to a point of order. I did reserve a point of order to the amendment offered by the gentleman from Kansas [Mr. JACKSON], because it clearly is subject to a point of order, and I repeat that I am in no sense responsible for the inability of the gentleman so to present the matter as to come within the rules of the House. Neither am I to be considered as showing any partiality, when my action is necessarily based on the skill of the one gentleman and the lack of skill of the other.

Mr. JACKSON. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. JACKSON. Will the gentleman please explain to the committee, if this amendment which I have offered is adopted, how any of this appropriation could be used except under the conditions imposed by that amendment?

Mr. SHERLEY. Of course; but that has nothing to do with the question of the point of order. I can not undertake to educate the gentleman at this late day as to the rules and what is a limitation and what is new legislation.

Now, as to prohibiting the purchase of goods from a trust, I am a little bit surprised to find a gentleman belonging to the party in control of the legislative machinery of this Government having so little confidence either in the inclination or the ability of that branch of the Government as to believe that it needs the legislative rather than the executive arm of the Government to interfere with the continued prosperity of the trusts in this country. For myself, I would not be willing at this time to prevent the Government from buying powder from the du Pont powder people, which is the intention of the gentleman as expressed in his amendment, because, whether they be subject to his indictment of being a trust or not, I am not willing to leave the Government in a position where it might not be able at a time when it was necessary to acquire the powder needed for proper defense of the Government. Mr. Chairman, I make the point of order that the amendment of the gentleman is plainly new legislation and not a limitation.

The CHAIRMAN. The Chair sustains the point of order. The question now is on the amendment offered by the gentleman from Indiana [Mr. RAUCH].

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer the following amendment. First, I would like to ask the Chair if the amendment of the gentleman from Indiana follows the word "dollars," in line 10, page 5?

The CHAIRMAN. That is correct.

Mr. GOOD. Then my amendment will follow his.

The Clerk read as follows:

Amend, to follow the amendment just offered by the gentleman from Indiana:

"Provided, That said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals before any portion thereof is expended in the purchase of ammunition."

Mr. SHERLEY. Mr. Chairman, to that I reserve a point of order.

Mr. GOOD. Mr. Chairman, it seems to me that it is clearly a limitation on the expenditure. It will also mean economy in the expenditure of the money that is appropriated. The hearings reveal the fact that it cost the Government a great deal less to manufacture this ammunition than it does to purchase it, and this is a limitation on the appropriation to the extent that only that portion of it can be used in the purchase of the ammunition that can not be manufactured at the arsenal. It requires no determination as to outside conditions to ascertain this fact. The Chief of Ordnance knows what the capacity of the arsenals are. He has stated in his report that the arsenals now have a capacity, running but one shift a day, to manufacture four-fifths of all the powder needed by the War Department. Of course, that estimate does not apply in all respects to ammunition; while we are manufacturing all of our ammunition of a certain class, there are certain kinds of which we are manufacturing only a small portion. It seems to me that this is clearly a limitation, and not new legislation.

Mr. SHERLEY. Mr. Chairman, the amendment offered by the gentleman provides that "said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals before any portion thereof is expended in the purchase of ammunition."

Now, under existing law, it is for the Ordnance Department to determine what proportion shall be expended in the arsenals and what proportion shall be expended outside. The very purpose of this amendment is to deprive the Ordnance Department of that discretion which it now possesses and to require that it shall exhaust the facilities of the arsenals before it puts any work outside. It is therefore plainly an attempt to change existing law, and, being new legislation, is subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. GOOD. Mr. Chairman, I offer another amendment, which I send to the desk.

The Clerk read as follows:

Provided, That said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals, in all cases where the same can be manufactured more cheaply than it can be purchased, before any portion thereof is expended in the purchase of ammunition.

Mr. SHERLEY. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$140,000.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals, in all cases where the same can be manufactured more cheaply than it can be purchased, before any portion thereof is expended in the purchase of ammunition.

Mr. SHERLEY. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition, subcaliber guns, and other accessories for seacoast artillery practice, including the machinery necessary for their manufacture at the arsenals, \$425,000.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That said amount shall be expended in the manufacture of ammunition to the full capacity of Government arsenals, in all cases where the same can be manufactured more cheaply than it can be purchased, before any portion thereof is expended in the purchase of ammunition.

Mr. SHERLEY. I make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That no portion of the said appropriation shall be expended in procuring such ammunition made by any corporation known as a trust or that is a member of any unlawful combination in restraint of trade.

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on that amendment.

Mr. GOOD. Mr. Chairman, as I understand the amendment offered to the provision that provided for the purchase of ammunition and test of mountain, field, and siege cannon, which provided that no portion of the appropriation should be used except that it be for ammunition purchased of concerns that had established an eight-hour day, is not subject to the point

of order. No point of order was made against it, and yet it involves the determination by the Chief of Ordnance of an investigation into the question of what factories had employed the eight-hour system.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I could not, from the reading at the desk, judge of the amendment. Since the reading of it I am inclined to think that it is not subject to the point of order.

The CHAIRMAN. The question is upon the adoption—

Mr. SHERLEY. The gentleman from Illinois [Mr. MANN] desires to see the amendment before the point of order is withdrawn. Mr. Chairman, the gentleman from Iowa, I am sure, appreciates that, as the Member in charge of this bill, it is my duty to raise questions of order on amendments. I raised the point of order and reserved it in this instance because I was unable from the reading at the desk to ascertain whether it was subject to the point of order or not. I now believe it is not subject to the point of order and therefore I do not make the point of order, but I am opposed to its adoption, and my reasons are these: The purpose and intent of the amendment is to prevent the purchase of powder from the Du Pont Powder Co. or any of its subsidiary companies. Now, it so happens that it is the only company in America prepared to manufacture for the Government the kind of powder it requires, and if we adopt this limitation it means that the Government must manufacture all the powder that it needs, and the Government is not now in a position to manufacture all the powder that it needs. Even if it were in a position to manufacture it all, we, in my judgment, should not manufacture all of the powder. As I stated when the Army bill was up for consideration, there are two good reasons why the Government should not manufacture all of those things necessary to its defense. One is that if it manufactures them entirely it has no means by which it can test the cost of its own manufacture. If, on the other hand, there is some work done by private concerns, there is always a basis upon which you can determine how economically the Government is performing its work. Secondly, we ought not to put this country in a condition where it would be dependent solely upon governmental factories for the supply of ammunition that would be needed in case of war. The powder that is used is of a peculiar kind and quality not used in commercial life. There is no demand outside of the Government demand for its manufacture. If the Government does not, therefore, purchase of outside manufacturers, there is no inducement for those manufacturers to make such powder. We lose the benefit of their skill, of their inventive genius, and of the economies that they may bring about in connection with that manufacture.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman from Kentucky if we have an important reserve now of such powders as are contemplated to be purchased under this paragraph?

Mr. SHERLEY. My recollection is that this paragraph relates to the reserve for seacoast cannon. As to that, we have a reserve of about 70 per cent of what is considered requisite.

Mr. Chairman, it is only fair to say this in connection with the Du Pont people, I have never been either their defender or apologist. It was at my instance that a limitation was put on the price of powder we bought from them. But it is only fair to say that the efficiency of the Government factory, its ability to make powder at the price it does, its skill in making the character of powder it makes, is largely the result of the information and aid that were given to Government officials by the Du Pont powder people. And I believe in giving the devil his due, and though it were four times over a trust, I should present that phase of it to this House.

What is the condition as to powder? We are not paying an extravagant price. I only wish it were possible for the Government to do business at as reasonable a figure in other respects as it is now relative to powder. A limitation was put upon the bill some time ago which confined the price that should be paid for powder other than small-arms powder to 64 cents a pound. At that time we were paying 67½ cents. We are now buying, under contract from the Du Pont people, such powder at 60 cents a pound. The testimony before the committee shows that it costs the Government 55 cents a pound to manufacture, carrying into the computation charges of an overhead nature and interest on money, and so forth.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. I do not believe that the difference between 55 cents that it costs us to make it and the 60 cents that we pay is an unreasonable difference, considering the right of a private concern to earn a reasonable profit on its investment, which profit was not taken into consideration in estimating the cost to the Government of making powder.

Now, as regards small-arms powder, it is costing the Government 65 cents to make it. They were paying, and are now paying, 75 cents; and I placed upon the Army bill this year a limitation that we should not pay exceeding 71 cents for small-arms powder, because I thought the difference between the 65 cents that it costs us to make it and the 75 cents that we were paying was too great a difference, considering that only a difference of 5 cents existed between the Government cost price and the contract price as to powder other than small-arms powder. We do not need any such provision as is offered by the gentleman from Iowa [Mr. Goop] in order to protect the Government in this instance, and by adopting it we might put the Government in a situation where in time of great need we would not be able to get the powder necessary to properly protect this country. And I hope the amendment will be defeated.

Mr. GOOD. Mr. Chairman, in reply to the gentleman, I wish to read just a few sentences from this little red book that I hold in my hand:

The failure of the present Republican administration, with an absolute control over all the branches of the National Government, to enact any legislation designed to prevent or even curtail the absorbing power of the trusts and illegal combinations, or to enforce the antitrust laws on the statute books, proves the insincerity of the high-sounding phrases of the Republican platform.

And again, from the same book:

A private monopoly is indefensible and intolerable. * * * We therefore demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

I have read two sections from the Democratic platforms—one from the platform of 1900 and the other from the platform of 1908. While we are appropriating \$1,595,000 in this bill for ammunition, every dollar spent in the purchase of ammunition goes into the coffers of what is commonly known as the Powder Trust. We appropriated money a few days ago in the Army bill, a number of millions of dollars, for powder and ammunition, and every dollar appropriated for the purchase of ammunition went into the pockets of what is known as the Powder Trust and the Ammunition Trust. I offered an amendment to limit the expenditure to 10 per cent for the purchase of ammunition. That was rejected by that side of the House. I finally offered an amendment to limit purchases of ammunition to 60 per cent of the appropriation. Notwithstanding the fact that we have now a Government powder factory, with capacity, running at only one shift a day, of producing four-fifths of all the ammunition consumed by the Army—or a capacity, running at full time, to produce more than twice the ammunition that is necessary—gentlemen on that side repudiated their party platform and voted down the amendment.

And Gen. Crozier says that since the establishment of our powder mills by the Government in the Government arsenals we have reduced the price of powder from \$1.60 on cannon powder to 60 cents a pound, and he says we are producing better powder now than we ever received by purchase from private manufacturers.

I submit that this resolution ought to be welcomed by the other side of the aisle. You gentlemen over there ought to stand up with one accord if you mean what you say. If you meant what you said when you questioned the sincerity of the Republican Party when it was in power in the House, you should support this amendment. Now that you are in power in this House you should, by your acts, vote according to your party declarations on the trust problem. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, I am inclined to think that the amendment already inserted in the bill will prevent the purchase of powder from the Du Pont Co. But whether it will or not I do not know.

I would like to make this suggestion to the gentleman from Iowa [Mr. Goop] who offered the amendment, that the legislative body ought always to deal fairly with the administrative body. Here is a proposition to say that the administrative body shall determine what is a trust, and shall not make purchases of powder from a trust. It would be fairer, seems to me, if it is the will of Congress that no powder shall be purchased from the Du Pont Powder Co. or any of its subsidiary companies, to say that. And it is quite in order to offer an amendment that no portion of this appropriation shall be expended in the purchase of powder from the Du Pont Co. or any other company which may be named, if Congress chooses to name it. But what will the administrative officers of the Government do with a

provision of this kind inserted in the law? Is the Secretary of War—

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. MANN. In just a moment. Is the Secretary of War or the Chief of Ordnance to determine whether a company is a trust or not? We are unable to determine it here. The courts, so far, have not determined it. The Attorney General, so far, has not determined it. Have we come to a point where we propose to let the Chief of Ordnance determine what corporations are trusts?

Now, I yield to the gentleman.

Mr. GOOD. I would only suggest that the Federal court in the State of Delaware has already determined that about 20 of the powder-producing companies, most of which are subsidiary companies of the Du Pont Co., are unlawful organizations in restraint of trade.

Mr. MANN. Is that a final determination?

Mr. GOOD. I do not know whether the case has been appealed to the Supreme Court or not, but I think it should be sufficient for the guidance of the administrative officer of the Government, to guide him if this amendment should prevail.

Mr. MANN. I do not think so at all. If the court has determined that a trust exists, it is the duty of the court to dissolve the trust. How are you going to leave a question of that sort to be determined by an administrative officer of the Government? If you are going to say that the determination of the court in Delaware is to be a final or official determination, let Congress declare that.

Mr. GOOD. I assumed that the gentlemen on the other side would bring in another bill on the heels of this, defining what a trust is, within the meaning of their platform—that if a concern manufactured more than 50 per cent of a given product it should be deemed to be a trust.

Mr. MANN. My friend from Iowa should remember that there is quite a difference between the responsibility of that side and the responsibility of this side of the House as to legislation. The people, while temporarily entrusting the majority side of the House with legislation, really have no confidence in their legislation, and the bumcombe amendments that are introduced in this body usually come from that side of the House. We can never afford to indulge in them because, after all, we do retain and we intend to retain the confidence of the country for real legislation in the interests of the people and of the country. [Applause on the Republican side.]

I do not believe that on the fortifications bill, where the whole country is interested in the proper defense of the country, we ought to indulge in mere partisan efforts to gain advantage before the people at the expense of the defense of the country. We have already agreed to an amendment offered from that side of the House in reference to eight-hour labor, which we all know ought not to be in the law, because much as we may favor the eight-hour proposition we know it has no place in this bill. That has been agreed to; that is in the power of this body to agree to; and if the body here desires to say that no portion of the appropriation shall be expended in the purchase of powder from Du Pont companies, that is taking the responsibility on their shoulders, where it belongs. I do not believe in a legislative body shifting the responsibility, or declaring what is a trust, or from whom purchases shall be made, on to an administrative officer or an administrative bureau, which neither has the time nor the opportunity nor the capacity to determine such a question. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PROUTY. Mr. Chairman, I move to strike out the last word.

The time to prepare for war is during peace. If the statement made by the gentleman from Kentucky [Mr. SHERLEY] is correct I think it is time that this Government, while we are now in profound peace, should look forward to the consequences that will be brought upon this country by the policy that he is now advocating.

He has said that there is no concern from which the Federal Government could secure its powder in case of emergency. Now, think of that proposition for a moment. What is a trust? A trust is an institution that has such control of a commodity that it can fix its own price, without any competition from anybody else. Suppose that a war was declared and the Government had no facilities for buying powder except from this trust, which had the power to command the price that it demanded. What condition would this country be in? My opinion is that if the facts are as stated it is time for the Government to begin now the policy of providing means, either of its own or through independent concerns, by which it can secure its powder in case of a war, without being absolutely and un-

qualifiedly dependent upon what the gentleman practically concedes to be a trust.

My good friend from Illinois [Mr. MANN] suggested that we are throwing upon the department the question of determining whether it is a trust. Not at all. There is now a decision of the court—which, so far as I know, has not been appealed from—which is the law of the land until appealed from and reversed, directing exactly how these men may operate in this matter. It has now been decided what the trust is, and until that decision is reversed, if this amendment is agreed to, the Government can not buy from that organization.

The word "buncombe" has been used here. I am not charging anybody with using buncombe, but I do say that it is a serious and grave problem for a country to confront, when it is admitted by the gentleman in charge of this bill that there is no other place where this Government can get its ammunition, in case of war, except by going to an illegal combination that is in absolute control of the commodity. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Iowa. If it were possible to exterminate the trusts which he is now anxious to prevent selling munitions of war to the Government, I should be very glad to have that done. It may be that within a very brief time there will be an administration that will so conduct the affairs of the Government that there will be no worry about the existence of trusts in this country. But it is useless to shoot at the moonshine. The gentleman from Iowa has not been many years a Member of this House, although he is a very efficient Member. Had he been here longer he would have known more of the history of the attempts to control the du Pont Powder Trust, and he would have realized that his action in attempting to control them has been very rare on that side of the aisle.

In 1906 this side of the House attempted to remedy the situation about which so much complaint was justly made. It attempted in the fortifications act to provide for the establishment of a powder factory for the War Department, but under the operations of the Republican Congress and the application of its rules and its determination that nothing whatever should be done that would interfere with the operation of the Du Pont Powder Co., it was impossible to insert in the fortifications bill an amendment providing for the establishment of what has now become known as the Piccatinny Arsenal, at Dover, N. J.

The controversy was carried to the Senate, and a little later Senator Daniel, of Virginia, offered on the floor of the Senate an amendment to the fortifications bill appropriating \$165,000 for the establishment of a powder factory for the War Department. The amendment was adopted and a Republican House was compelled, much against its will, to accept an amendment forced upon it by a Democratic Senator. Whatever good has come from the operation of a Government powder factory is not due to the Republicans, who have until this Congress been in control of the Government in all its branches during 16 years.

Upon the naval appropriation bill for the fiscal year 1910 a Democratic Member of the House, in an attempt to control the activities of the Du Pont Powder Trust, offered an amendment which was finally incorporated into that appropriation act. As finally incorporated it was somewhat different from that proposed in the House. As written in the law the provision was:

No part of any appropriation made in this act for the purchase of powder shall be paid to any trust or combination in restraint of trade, nor to any corporation having monopoly of the manufacture and supply of gunpowder in the United States, except in the event of an extraordinary emergency.

The latter clause was the modification made as a result of the action of the Senate. The next year the department came to Congress and said that it had gone on and purchased powder from the trust as it had theretofore, and the reason it gave was that as it was impossible to obtain the necessary powder in any other place and as the appropriation was for powder essential for the proper conduct of the Government and for the maintenance of that amount of ammunition essential to the proper defense of the Government, it had determined that "an extraordinary emergency" existed and that it was entitled to purchase from the trust.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask for five minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Since that condition existed, Mr. Chairman, it was realized that it was futile to attempt to prohibit the purchase of powder from the trust. No similar provisions have since been incorporated in the naval appropriation bills.

These munitions of war are essential for the safety of the country, and they must be had, whether manufactured by a trust or manufactured elsewhere.

Unable to prevent the purchase from a trust, Democrats—not Republicans, let me say to the gentleman from Iowa—sought another means to control the operation of the trust, and it was upon the initiative in nearly every instance of the gentleman from Kentucky himself [Mr. SHERLEY] that an amendment was offered to these various bills and enacted into law which placed a restriction upon the price which might be paid for the powder to be purchased from the appropriations made. During all the time in which that was done the gentleman from Kentucky, and those in support of him on this side of the House, had the active and almost united opposition of the Republican majority in the House.

Now, the gentleman from Iowa, with such a record before us, complains that the Democratic Party has not in reporting this appropriation bill incorporated a provision that would be absolutely futile and unavailing to accomplish the purpose which we have long desired and which recently there are indications is desired in some spots on the other side.

It would be futile to enact such a provision, because if it were incorporated in this bill the department would nevertheless be compelled to purchase powder from the Du Pont Powder Co. and report to Congress that it was essential for the public safety to obtain it, and that it could be obtained nowhere else. Unwilling to play politics in an important matter of this kind, I prefer to do what was declared by the Democratic Party at the outset of this Congress to be its policy, to make every appropriation essential for the proper conduct of the Government without attempting to impair or hamper the administration in the conduct of public affairs; and so, Mr. Chairman, I am opposed to the amendment and hope that it will be voted down. [Applause.]

The CHAIRMAN (Mr. SMALL). The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. Good) there were 6 ayes and 37 noes.

So the amendment was rejected.

The Clerk read as follows:

For the alteration and maintenance of Seacoast Artillery, including the purchase and manufacture of machinery, tools, materials necessary for the work, and expenses of civilian mechanics and extra-duty pay of enlisted men engaged thereon, \$300,000.

Mr. HOLLAND. Mr. Chairman, I desire to offer an amendment as an independent section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, after line 14, add an independent section as follows:

"For the purchase, if a satisfactory price can be agreed upon between the Secretary of War and the owners thereof, and if this can not be done, then for the acquisition by condemnation proceedings, which the Secretary of War is authorized to cause to be instituted, of a sufficient quantity of land at Cape Henry, Va., on which to begin the construction of fortifications at the mouth of Chesapeake Bay, and a sum not exceeding \$150,000 is hereby appropriated."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order to that.

Mr. HOLLAND. Mr. Chairman, I have consumed since I have been a Member of this House so little of its time that I am going to ask unanimous consent to be allowed to discuss this amendment for 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. HOLLAND. Mr. Chairman, in the discussion of this bill yesterday certain statements were made which are calculated, unless corrected, to create erroneous impressions with reference to the fortification of Cape Henry, and to these remarks I feel that it is my duty to make a brief reply.

It was then intimated that the owners of the land at Cape Henry desire the Government to purchase, and at an exorbitant price, more land than is needed for fortification purposes at this point. This intimation does the owners of the land a very great injustice. Unless I have been misinformed, a Government survey has already been made of this land and the quantity of land desired by the Government has already been designated. It is true that no agreement as to price has been reached, but I can say for the owners that, if a satisfactory price can not be agreed on, they are perfectly willing that condemnation proceedings may be instituted for the purpose of ascertaining a fair value for this property. These owners live in my district and I know them well, and I know that they have no disposition whatever to impose on the National Government, but, on the contrary, are willing that the land may be taken for this purpose at even less than its market value. The question, therefore, of the quantity of land to be taken and the price

to be paid therefor can not be used as a persuasive argument against this proposition when the offer is thus made on the part of the owners to convey to the Government any quantity of land determined by the Government to be necessary for its purposes, and at a price to be ascertained by disinterested freeholders in regular condemnation proceedings.

It was also stated that our great coast line is not only properly fortified, but in many cases overfortified. This statement is certainly contrary to the opinions expressed by several distinguished Government officials, and is also contrary to the express recommendation of all the Army and Navy experts who have from time to time been appointed to make proper investigations and report what seacoast defenses are actually needed.

Under date of March 5, 1906, President Roosevelt sent to Congress a message, transmitting a letter from the Secretary of War, together with a report of the National Coast Defense Board, upon the coast defenses of the United States. (59th Cong., 1st sess., S. Doc. No. 248.) On page 11 of this report is the following:

Commercially and strategically Chesapeake Bay is to-day, as it always has been, of the very first importance. With the entrance as it is now, unfortified, a hostile fleet, should it gain control at sea, can establish, without coming under the fire of a single gun, a base on its shores, pass in and out at pleasure, have access to a large quantity of valuable supplies of all kinds, and paralyze the great trunk railway lines crossing the head of the bay.

On page 26 of this same report a committee headed by Gen. John P. Story, United States Army, in a report to the Secretary of War, said:

Of the ports above named which are known to be without defenses, those whose protection is urgent are Guantanamo, Subic Bay, and the entrance to Chesapeake Bay. The importance of securing the entrance of the Chesapeake Bay at Cape Henry as an outer line of defense to Baltimore, Washington, Newport News, Norfolk, and the great railroads crossing the Susquehanna River at the head of the bay can not be exaggerated. Any expenditure, however great, is justifiable for the protection of such vast interests.

In President Taft's message to Congress at the beginning of the second session of the Sixty-first Congress there is, under the head of "War Department," the following paragraph:

The coast defenses of the United States proper are generally all that could be desired, and in some respects they are more elaborate than under the present conditions are needed to stop an enemy's fleet from entering the harbors defended. There is, however, one place where additional defense is badly needed, and that is at the mouth of Chesapeake Bay, where it is proposed to make an artificial island which shall prevent an enemy's fleet from entering this, the most important strategic base of operations on the whole Atlantic and Gulf coasts. I hope that appropriate legislation will be adopted to secure the construction of this defense.

Under date of January 11, 1911, Maj. Gen. Leonard Wood, Chief of Staff, United States Army, wrote to me, in part, as follows:

In reply to your letter of January 9 relative to an appropriation for the fortification of the entrance to the Chesapeake Bay, I have only to inform you that the fortification of that entrance is regarded by this department as a matter of military necessity.

These are the statements and recommendations of our highest officials and best Army and Navy experts. So far as I know, not one of them lives in the district in which these defenses are to be constructed, and hence they can have no local bias or interest in the proposition. They have made this recommendation as disinterested and patriotic Americans deeply concerned in all vital matters of national defense, and have thereby declared that this is no longer a local question but one of national importance.

The report of the National Coast Defense Board has formed the guide from which it has heretofore been determined what points along our coast line should be, as a matter of national defense, properly fortified and protected. If this report is a proper guide as to the scheme of fortifications adopted at other points—and it has always been so considered—and if most of the plans and projects recommended in it have already been favorably passed on by this House, is there any good reason why this report can not now be safely followed as to fortifications at the mouth of the Chesapeake Bay?

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an inquiry?

Mr. HOLLAND. Yes, sir.

Mr. SHERLEY. Does the gentleman know what this land is worth?

Mr. HOLLAND. I am perfectly willing, Mr. Chairman, that its value shall be determined by condemnation proceedings and fixed by disinterested freeholders.

Mr. SHERLEY. I am glad to know that, but I asked the gentleman if he knew what the land was worth.

Mr. HOLLAND. I will say frankly to the gentleman that I can not give him an estimate of the value.

Mr. SHERLEY. Does the gentleman know how much land will be needed?

Mr. HOLLAND. A Government survey has been made, I can state, but whether or not all the land included in that survey will be necessary or not I can not say.

Mr. SHERLEY. Does the gentleman know what armament is proposed to be put there, and what garrisons?

Mr. HOLLAND. That is a matter to be hereafter determined by the Congress.

Mr. SHERLEY. Does the gentleman think Congress is warranted in going ahead and making an appropriation now of \$150,000 without knowing the value of the land, the amount necessary, the armament that should be placed there, or the cost of the scheme when completed?

Mr. HOLLAND. Yes; I can say in reply to my friend, I do; and I do for this reason: Because I believe that I can trust to the Congress of the United States to show the judgment which may be necessary in providing for fortifications of this character.

Mr. GOOD. Will the gentleman yield for a question?

Mr. HOLLAND. Yes, sir.

Mr. GOOD. I understood the gentleman to say that a survey has been made by the Government. What did that survey show?

Mr. HOLLAND. Something like 300 acres, as I understand it.

The mouth of the Chesapeake Bay once entered would give an enemy easy access to the National Capital. No well-informed naval officer doubts that, under cover of darkness or during hazy or misty weather, the ships of a foreign nation can easily pass Cape Henry, safe from the marksmanship of our splendid gunners at Fortress Monroe, more than 12 miles away. And once past Cape Henry these ships can steam up Chesapeake Bay without going within the range of a single gun. "With this entrance as it is now, unfortified, a hostile fleet, should it gain control at sea," says the report of the National Coast Defense Board, "can establish, without coming under the fire of a single gun, a base on its shores."

And only a few days ago another Army officer, Gen. Crozier, Chief of Ordnance, made the following statement:

I think that Washington could be captured within a month if any power or combination of powers, which had command of the sea, should think it worth while to try it. I think that the mouth of the Chesapeake Bay ought to be closed, if it can be done with any reasonable expense, because it is a large body of sheltered water and it would afford a resting place for the same kind of operation that was successful in 1814. I do not see why, if one or two powers of Europe should conceive that they had occasion to make a bold stroke against us, there would be anything impracticable in their capturing this Capital again.

Gen. Crozier at the same time made this further strong statement:

Assuming they had control of the sea, a hundred thousand troops could do it, with a large margin to spare. A hundred thousand troops could be gotten over here and into Chesapeake Bay and be landed at Annapolis, or upon the same river they landed before, the Patuxent, the mouth of which is not fortified, and by which they could land within a short distance of Washington and march overland.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. I ask that the gentleman may be granted five minutes additional.

Mr. SHERLEY. Mr. Chairman, I ask that the gentleman may have five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HOLLAND. If Gen. Crozier is right in his conclusion that Washington can be thus captured within a month by a foreign power or combination of powers, then it also follows that the cities of Baltimore and Philadelphia, as well as Annapolis, and the Naval Academy located at that point, can as easily be captured. It also follows that the cities of Norfolk and Portsmouth, Newport News and Richmond, along with the well-equipped Government naval station at Portsmouth, the extensive shipbuilding plant at Newport News, and the great coal piers on Hampton Roads, representing millions of dollars in value, can also be taken by a foreign foe. The fact is at no other point on our great coast line is presented in the hands of an enemy such an opportunity for the capture and destruction of vast property interests. "Any expenditure, however great," says the report of the National Coast Defense Board, on page 26 of that report, "is justifiable for the protection of such vast interests."

In pursuance of the plans and projects recommended in that report estimates are annually submitted by the Secretary of War of the sums needed to carry on the work. In his last annual report, Gen. W. H. Bixby, Chief of Engineers of the Army, made the following recommendation:

With the view to beginning the construction of defenses for the entrance to the Chesapeake Bay, an estimate of \$150,000 is submitted, to be applied to the acquisition of land at Cape Henry.

The estimates so made, according to usual custom, constitute the bill as submitted by the committee. But in this case this

estimate for some reason has been eliminated. Can the reason have been a sound one?

It seems to have been eliminated, first, because it is not believed that this, the most important strategic and yet most vulnerable point on the entire Atlantic and Gulf coasts, is in danger, unless an enemy should gain control at sea. If this argument is sound, then it follows that the millions of dollars already expended for great coast defenses near the great city of New York and at other important and vulnerable points along our great coast line have been unwisely expended. The fact is, such an argument could be made against all coast defenses and, if followed, would leave our entire coast line unprotected, save by our battleships. I do not believe this is a wise national policy. It is certainly against the advice of the National Coast Defense Board, by whose recommendations we have heretofore been guided in matters of this kind and by whose recommendations we can still safely be guided.

It seems to have been eliminated, secondly, because an effort is being made to establish a record for economy, and to make appropriations for only such projects as have already been undertaken, and must, therefore, be maintained. My contention is that this appropriation can not be denied on this ground. With these fortifications at Cape Henry fewer battleships will be required to defend these vast interests, and, in the event of war, a larger number of ships can profitably be used for the defense of other points along the Atlantic, Gulf, and Pacific coasts. Several of our greatest ports lie almost within gunshot of the ocean, and, in time of war, would require, in addition to their present defenses, all the protection that they could get from the great battleships of our Navy. The great Pacific coast, with its present inadequate defenses, most assuredly needs for its better protection a much larger number of battleships than can now safely be withdrawn from the Atlantic division. When the great Panama Canal is opened, this great American project, along with the Government's other vast interests over the seas, will need the protection of a much larger number of battleships than now belong to the American Navy. The refusal, therefore, to fortify Cape Henry will make more necessary, in order to properly guard and defend the great interests of the Government, a much larger increase in the size, strength, and effectiveness of our Navy than is now anticipated—an expense which can partially be saved by the construction of the necessary defenses at that point.

But even in order to establish a record for economy, I do not believe the policy advocated by the committee is a wise one or should be followed. I believe in economy, but I also believe that economy, when unwisely practiced, is almost criminal. I believe that the affairs of the Government should be economically administered, but I do not desire to establish a record for economy at the possible risk of the Nation's capital or at the possible sacrifice of the Nation's interests. The American people have condemned, and will continue to condemn, needless extravagance on the part of its representatives, but they have justified, and will continue to justify, all proper expenditures deemed necessary for the Nation's defense or for the protection of the Nation's property.

I do not believe there is any present probability of war. The likelihood of any nation landing a force for the invasion of this country is remote. The National Capital and the vast interests about which I have spoken are doubtless safe from capture by a foreign power or combination of powers at any time within the near future. But in time of peace, and when war is not anticipated, the Nation's money can safely and wisely be appropriated for matters of national defense.

Mr. SHERLEY. Will the gentleman yield?

Mr. HOLLAND. I have but very little time, and if the gentleman will give me five minutes more I will.

Mr. SHERLEY. I will give the gentleman whatever time he wants, as far as I can, but I would like to ask the gentleman if he can state for the information of the committee the various forms through which this project has gone from the time it started out as a floating battery and ended with an artificial island and then with two forts up to the time when it now reaches the indefinite proposition of buying land for one fort.

Mr. HOLLAND. I have not been in Congress as long as my friend from Kentucky, and I am unable to give him all the information he may desire with regard to this matter; nor have I been a member of the Committee on Appropriations, and hence I am not entirely familiar with the information which my friend seems to possess.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JONES. Mr. Chairman, I ask that my colleague be permitted to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Virginia asks that his colleague may be permitted to proceed for five minutes

longer. Is there objection. [After a pause.] The Chair hears none.

Mr. SHARP. Will the gentleman allow me to ask him a question purely for information?

Mr. HOLLAND. If the gentleman does not take up too much of my time.

Mr. SHARP. Does the gentleman know whether, in any other previous bills appropriating money for fortifications, estimates have been made at all upon this project?

Mr. HOLLAND. I understand estimates have been made, but just exactly what those estimates were I am unable to say.

Mr. MOORE of Pennsylvania. Mr. Chairman—

Mr. HOLLAND. I will ask my friend to excuse me, as I have only a few minutes' time.

The unprotected entrance at the mouth of the Chesapeake Bay is now an open invitation to an invasion by any nation with whom we might be at war, and the time has come when that invitation should be withdrawn. The entrance from the ocean into Chesapeake Bay and into Hampton Roads lies between Cape Henry and Cape Charles. The main ship channel lies on the Cape Henry side, and this channel must be followed by all great battleships coming into the Capes from the ocean. Cape Henry is therefore so situated that, with our present long-range guns, it can be so well fortified as to make it impassable and impregnable. This fact was practically admitted on yesterday by my friend Mr. SHERLEY, the chairman of the subcommittee, when, after stating that the recommendation to build an artificial island at the Capes had been abandoned, he further said that "the range of guns has so increased and the draft of vessels has so increased, which therefore narrows the channel that they could use, as to make it possible, in the view of Army officers, to fortify the two shores so as to close that entrance." And until it is so closed the most important strategical base of operations along the whole Atlantic and Gulf coasts will not be properly protected.

I have, for these reasons, offered this amendment providing for an appropriation of a sum not exceeding \$150,000 for the acquisition of land at Cape Henry on which to begin the construction of such defenses. A scheme of fortification at Cape Henry has been strongly recommended by the National Coast Defense Board. The appropriation of \$150,000 for that purpose has been recommended by Gen. Bixby, Chief of Army Engineers, and I hope this House, relying on these recommendations, will adopt this amendment.

Mr. LINTHICUM. Mr. Chairman, Napoleon, when asked during his campaign in Russia, "What is war?" replied, "The trade of barbarians, the whole art of which consists of being strongest on a given point." The gentleman from Virginia [Mr. HOLLAND] has introduced an amendment to the fortification bill providing for the appropriation of \$150,000 for the purchase or condemnation of such land as may be necessary at Cape Henry, in Virginia, in order that the same may be used to fortify the other side of the mouth of the Chesapeake Bay. If there is any one place on the Atlantic seaboard which should be made impregnable it certainly seems to me it is the entrance to the Chesapeake Bay between Cape Charles and Cape Henry, and I would not inject myself into this discussion nor burden the House with the remarks I am about to make were it not for the fact that I see the great necessity for proper fortifications at this point.

Chesapeake Bay is one of finest inland waterways in the world. From it proceeds those great rivers—the Susquehanna, the Patapsco, the Severn, the Patuxent, and the Potomac. On the Patapsco lies the great city of Baltimore, the gateway to and the metropolis of the South. Through this city passes the great railroads which carry the goods of the South to the North, and those of the North to the South, and convey passengers to and from those sections of our country. It is, I might say, the small end of the funnel, all the immense wealth of the South pouring into the large end of the funnel and passing into or through the city of Baltimore—figuratively speaking, the small end—to the North beyond. Its shipping and its commerce are vast; its trade and its manufactures are immense. On the Severn lies the historic city of Annapolis, the capital of the State of Maryland, the place where Washington resigned his commission as Commander in Chief of the American Army, and the location of the new Naval Academy of our country, where millions of dollars have been spent in the erection of magnificent buildings and the equipment of a naval institution worthy of a great Nation.

On the Potomac lies Washington, the Capital of the country, with its beautiful buildings, its wide avenues, its vast collection of Government archives and treasures, and all the necessities and machinery for the Government of this great United States. And then near the mouth of the bay we have the pros-

perous and splendid cities of Norfolk and Newport News with their shipping, their business and their wealth, and at Newport News the large shipyards that have constructed so many battle-ships of the American Navy.

I might mention several smaller rivers that lead from this bay upon which are cities smaller in size, but of wonderful resources. To neglect, therefore, to protect by fortifications at Cape Henry the vast wealth represented by these cities and this section of our country would be, indeed, a great mistake.

If we had the time it might be well to glance into history, and particularly into the history of the War of 1812, between this country and Great Britain, and consider well the lessons it taught. When we recall the landing of the British in 1814 at Benedict, on the Patuxent River, their marching with little opposition to Bladensburg, the retreat of the unskilled but patriotic American militia, and the capture and burning of Washington by Gen. Ross and his forces, that recollection should be sufficient to guard us against any negligence as to fortification for time immemorial. When those forces, after destroying the city of Washington with its public buildings, arrived at the city of Baltimore, they found the forces at Fort McHenry awaiting them, and the volleys which they poured into the British ships soon compelled them to withdraw; and there and then was born our national anthem, The Star-Spangled Banner, written by Francis Scott Key while imprisoned on a British ship. When the land forces arrived at the city of Baltimore they, too, were met by American troops, and Gen. Ross himself was killed by two Baltimore boys—Wells and McComas. His death disorganized the British troops and had as much to do with the repulse of the expedition as any other one cause. And to-day there arises in the city of Baltimore a modest but interesting monument bearing the names of Wells and McComas, those two patriotic youths.

The repulsion of the British at Baltimore—the city they were so desirous of capturing, because it was the home port of the numerous ships which roved the seas and did such telling damage to English shipping—was the conclusion of an invasion which brought home to our forefathers the need for proper fortification. And so I say, Mr. Chairman, while I do not believe such an occurrence possible of repetition, I believe at the same time it is highly important in time of peace to protect this country and its people by every necessary fortification from the incursion of an enemy from any point.

The gentleman from Kentucky [Mr. SHERLEY] contends that the owners of the land are asking too much for the land. In answer to that I will say that this amendment provides for the condemnation, if necessary, of the land; and whether or not the price is high or low, if it is necessary for the proper fortification and proper protection, it would be well for this country to have it at any cost.

The Coast Defense Board has recommended that this land be purchased and that proper fortifications be erected, and I believe that every Member on the floor of this House recognizes the importance of the fortifications at the mouth of the Chesapeake Bay, and I sincerely hope, Mr. Chairman, that the amendment will be adopted.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to add my voice in support of this amendment. We are not given to consider as carefully as we might the commercial importance of this part of the Atlantic seaboard. I presume, if the statistics could be brought into the House at this time, they would show that the commerce passing around about Capes Henry and Charles, and running up as far as Cape Henlopen, would exceed, perhaps 10 times, the volume of commerce it is anticipated will pass through the Panama Canal the first year of its operation. Norfolk and vicinity are constantly increasing as export and import points. The country is developing in that direction, and its inland waterways are constantly adding new business. But the Chesapeake Bay approaches are not only to Hampton Roads and Norfolk and vicinity, but they extend on up to Baltimore and through canals that now exist, and which we hope some day will be improved, to Philadelphia and New York, and ultimately to Boston. And by the same token they extend south, and provision, I understand, will shortly be made by this Congress for the improvement of an inside waterway south of Norfolk, which will lead on into the North Carolina sounds and out into the Atlantic Ocean below Cape Hatteras. There ought to be a better system of defenses at the mouth of the Chesapeake Bay than we have to-day. It is perhaps the most exposed point along the entire Atlantic coast. Narragansett Bay is frequently spoken of as a point at which we may some day mobilize the naval forces of the country on the Atlantic seaboard. It is a well protected bay, but there is no finer body of water in the United States, nor a body of water which is now attracting more attention on the part of naval men and commercial men than Chesapeake Bay. It is a more exposed

bay than any along the Atlantic coast for a stretch of fully 1,800 miles, and it seems to me that we ought to look a little bit into the future with regard to the protection of so important a point along our seaboard.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I will.

Mr. FITZGERALD. Does the gentleman have any fear that these remarkable warships will take Philadelphia through one of those canals?

Mr. MOORE of Pennsylvania. Not at all; but I would like to protect the commerce that comes from the South to Philadelphia through the inside waterways to-day.

I have stood on Fortress Monroe with officers of the Navy Department. I stood there with the commander of the Atlantic Squadron not more than two months ago, and I heard the observation passed by him and by others with regard to the need of additional defenses. There is an expanse of water there perhaps 12 miles wide from the fort to Cape Henry.

Mr. SHERLEY. Does the gentleman mean to tell this committee that that part of the Chesapeake which is supposed to be protected by Fortress Monroe is not adequately protected?

Mr. MOORE of Pennsylvania. It was stated on this last visit of mine to Fortress Monroe that we were not adequately protected, and that in the event of darkness or possibly fog it would be easy for an enemy to go into Chesapeake Bay and begin the bombardment of Norfolk.

Mr. SHERLEY. If the gentleman means that part of the Bay that is supposed to be protected by Fortress Monroe, I beg leave to say to him that this is the first time that I have ever heard it intimated by anybody, layman or otherwise, that there are not ample fortifications there.

Mr. MOORE of Pennsylvania. At Fortress Monroe?

Mr. SHERLEY. We have been spending a lot of money uselessly there if those fortifications are not ample.

Mr. MOORE of Pennsylvania. I have not raised that question at all. I had reference to the other side of the water toward Cape Henry. The amendment offered by the gentleman from Virginia proposed to fortify the Cape Henry side. I have raised no question as to the sufficiency of the fortifications at Fortress Monroe, but I do raise the question, as the gentleman from Virginia does, with regard to the nonprotected coast on the Cape Henry side.

Mr. SHERLEY. Does the gentleman believe it would be possible to attack Norfolk from the sea without first subduing the forts now in the Chesapeake?

Mr. MOORE of Pennsylvania. All I have to say in reply to that is that I have heard naval men say so.

Mr. SHERLEY. I have never heard of their saying so.

Mr. MOORE of Pennsylvania. Vessels could make their way up there in the dark, and it seems to me we should guard against it.

Mr. HELM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky [Mr. HELM]?

Mr. MOORE of Pennsylvania. Certainly.

Mr. HELM. Does the gentleman from Pennsylvania know the opinion of Gen. Wood as to the efficiency of Fort Monroe?

Mr. MOORE of Pennsylvania. Oh, he is an Army man. I am speaking of naval men. The conversation I had was with naval men. I would be very glad, however, to have Gen. Wood's view.

Mr. HELM. This question was asked Gen. Wood in the Committee on Expenditures in the War Department:

The CHAIRMAN. How does Fort Monroe compare with the other coast-defense posts?

Gen. Wood. It is a first-class work, and up to the range of its guns it is thoroughly efficient in every way. It is an excellent, well-equipped fortress.

Mr. MOORE of Pennsylvania. That is, up to the "efficiency of its guns." Now, I would not undertake to set my judgment up against that of Gen. Wood in a matter of this kind, but the "efficiency of its guns" leaves me out. What we need is fortification beyond "the present efficiency" of those guns, because the present fortifications do not protect the entire approaches to the bay and to Hampton Roads.

Mr. HELM. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended one minute. I desire to ask him another question.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] asks unanimous consent that the time of the gentleman from Pennsylvania [Mr. MOORE] be extended one minute. Is there objection?

There was no objection.

Mr. HELM. I would like to ask the gentleman from Pennsylvania how wide is that roadway?

Mr. MOORE of Pennsylvania. I think it is about 12 miles from Fort Monroe to Cape Henry.

Mr. HELM. That is not in Hampton Roads?

Mr. MOORE of Pennsylvania. I am speaking of the distance across from Fort Monroe to Cape Henry.

Mr. HELM. That is not where Fort Monroe is located?

Mr. MOORE of Pennsylvania. I say that the guns at Fort Monroe are not sufficient to reach all the approaches to Hampton Roads. I have seen the guns tried myself.

Mr. HELM. The gentleman was speaking a moment ago about the protection of Norfolk, and my colleague [Mr. SHERLEY] stated that the guns at Fort Monroe were ample to protect the city of Norfolk. From the gentleman's statement I understand that he was standing on the fort with a naval officer when the officer expressed the opinion that Fort Monroe was not a sufficient guard or protection.

Mr. MOORE of Pennsylvania. Yes. Not only was it so stated, but it was apparent from the ocular demonstration we had in seeing the shells fall; and they did not pretend that the shells could go across the expanse of water between the fort and the capes, and I doubt if they can, although it is true that we have large disappearing guns that rise and fall at that fort.

Mr. HELM. Does the gentleman take the position that a man-of-war, a *Dreadnought*, could pass Fort Monroe and get to Norfolk without discovery?

Mr. MOORE of Pennsylvania. I think one could in the dark, and in the fog, and under other certain circumstances.

Mr. KONIG. Mr. Chairman, I do not propose to consume more than a minute of the valuable time of this House, but I construed the remark of the gentleman from Kentucky [Mr. SHERLEY], the chairman of the committee, yesterday as meaning that he would be in favor of beginning the construction of a fort at Cape Henry, providing that certain interests were not trying to hold the Government up, trying to get an excessive price for some land beyond what it was really worth.

I have been informed that the gentleman from Kentucky is a very excellent and able lawyer, and I know, as a plain layman, that nobody can hold up the United States Congress, because, in my judgment, it holds it in its power to institute any condemnation proceedings that it wishes to put into effect through executive officers.

Mr. SHERLEY. Mr. Chairman, the history of the proposed fortification of the lower Chesapeake is illuminating; and if ever there was an instance where Congress has been warranted by events in the pursuit of a conservative course touching fortifications, it has been in regard to the Chesapeake. Those of the membership of the House who are familiar with the report of the Endicott Board will recall that that report contemplated the placing of floating batteries in the middle of the mouth of the Chesapeake in order to protect it. That was the original scheme that Congress was asked to adopt. No one to-day would seriously contend for its adoption now.

That was followed by a program to build an artificial island in the middle of the Chesapeake, though the proposal was not accompanied with any knowledge as to the depth of water, or had there been any borings to show the depth to which it would be necessary to go before a firm foundation would be reached, or what the real cost might be. The committee were unanimous in rejecting that proposal.

Then it was suggested that we fortify the mouth of the Chesapeake by fortifications on the two shores, and now it is suggested that we fortify it by guns and mortars simply at Cape Henry.

Mr. LINTHICUM. I should like to ask when it was that the artificial island was recommended?

Mr. SHERLEY. Within less than four years. I have been a member of the Committee on Appropriations for five years, and I recall that during that time the matter was brought before the committee and seriously urged, just as it was urged that we should build an artificial island in Manila Bay.

Mr. LINTHICUM. Is the gentleman aware that Fort Carroll, near Baltimore, was abandoned some 30 years ago because an artificial island was found not to be satisfactory for that purpose?

Mr. SHERLEY. Oh, I beg to assure the gentleman that the abandonment of a particular plan because it is unsuited does not estop the Army at any future time from recommending the same thing as being highly desirable. In point of fact, we have had this very great change of program, and to-day there is no detailed information in the possession of the committee, nor was there in the possession of the officer who presented the item, as to the amount of land that would be required there or the character of the fortifications. I have from other sources information as to the probable armament that would be put at Cape Henry, but the committee do not feel warranted at this

time in recommending an appropriation of \$150,000 for the purchase of land the value of which we know but little about, and the quantity necessary we know even less about.

Now, I have had the Secretary of War prepare for me a statement showing the amount of acreage owned by the Government of the United States at the various seacoast forts and the amount of that acreage that it is probably unnecessary to own. It shows that something like 8,000 acres of land could be disposed of by the Government as being unnecessary. As I stated yesterday, I for one am unwilling to meet a proposition so generally stated as this with an affirmative vote appropriating \$150,000 to buy land when we now have 8,000 acres of land that ought to be disposed of. We never have presented to us by the War Department a proposition to sell along with a proposition to buy, but it is always a continual asking that we buy additional land without any disposition to relieve the Government of the burden of land and of fortifications no longer necessary.

Mr. HOLLAND. Is it not a fact that the Government owns no land at Cape Henry?

Mr. SHERLEY. Certainly it is, or you would not be here asking us to buy it.

Mr. HOLLAND. Is it not a fact also that what it owns at other points should not interfere with the purchase by the Government of land at Cape Henry?

Mr. SHERLEY. Yes and no. This is true: That the proposition, if it has merit, ought to stand on its own bottom, and I am frank to say that I believe the time is approaching when the War Department will present such a detailed reasonable plan as to appeal to the judgment of the committee and of Congress.

[The time of Mr. SHERLEY having expired, by unanimous consent he was given five minutes more.]

But when we have had such extravagant plans presented as this, presented without any detailed information, I do not believe that this Congress ought to be swept off its feet by the talk we have every year of the danger of Washington being sacked and burned by a foreign foe, landed on the shores of Virginia and marching from there to the Capital. Why, if this fright keeps on—and it has extended now to Philadelphia, which is rather notable for its timidity—if it ever reaches New England the Lord knows what will happen, for they were in a panic during the Spanish War. [Laughter.]

Mr. CARLIN. Will the gentleman allow me a question?

Mr. SHERLEY. Certainly.

Mr. CARLIN. Has the War Department recommended this scheme?

Mr. SHERLEY. In general terms, that \$150,000 be appropriated for the purchase of land there. But they do not carry with this recommendation the detailed information as to the value of the land, the amount of the land that is needed, or the cost of the whole project, or any of the other things that the committee is entitled to know before it is asked to appropriate this sum.

Accordingly, in view of the fact that it has been only a year or two since they told us it was useless to undertake the defense of the mouth of the Chesapeake by batteries on shore—that unless we built the artificial island it was unavailing—is the committee to blame if it insists on going slow in this matter and asking for more information?

Mr. CARLIN. The committee has been in session three months. Has it not had time to get that information?

Mr. SHERLEY. The committee has had the time to get it if it was available, but the men who were supposed to have the information, when interrogated about it, did not have it. The statement was made by Col. Burr that the information was in the possession of the Norfolk officer, and he could only state that it had been transmitted here, and he presented it here without any personal knowledge concerning the matter.

Mr. CARLIN. The information is in existence?

Mr. SHERLEY. I presume so; but I say I do not think there is such a need for the fortification that the committee would be warranted in going ahead without it. If the War Department is not able to furnish detailed information to the committee, we are not to be censured because we have not gone out ourselves and procured it.

Mr. CARLIN. I am not censuring the gentleman or the committee; I am simply asking if the information is not in existence and obtainable.

Mr. SHERLEY. I do not know; I know the statement was made by Col. Burr that he did not have it; that the information came from the officer at Norfolk, and he presumably did have it. But it has never been furnished to the committee, and it has never been thought advisable for the committee to send for district officers to determine whether they should enter into a project of this kind or not.

In my judgment, we are going to reach a time when they will have presented an item sufficiently modest in amount and accurate in detail to justify Congress in doing something toward the fortification of the lower Chesapeake; not because I believe there is any danger of an army ever being landed on those shores. I do not. Speaking for myself, I believe that the fears that these Army officers express, and gentlemen on this floor have expressed, are without any reasonable basis. I do not expect ever to see the time when there is any probability of that being realized; but because I recognize that men having a technical training and skill are better qualified to judge than I am, even though their zeal for their profession sometimes biases their judgment, I am unwilling to stand on my personal views; but I am not willing at this time, without information, to have Congress appropriate this sum of money for this purpose.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to call the attention of the gentleman to the fact that the amendment does not direct the purchase of the land, but simply leaves it with the War Department to negotiate for the land if, in its judgment, it ought to be purchased.

Mr. SHERLEY. Oh, the gentleman is too old a legislator, and I think I am, to be willing to submit a proposition in that loose way on the theory that the department may not spend the money. If you appropriate \$150,000 for the purchase, \$150,000 will most likely be spent for the purchase of the land.

Mr. MOORE of Pennsylvania. The basis of the recommendation of the department is that \$150,000 should be appropriated for the purpose, and this amendment merely carries out the recommendation.

Mr. SHERLEY. A recommendation unaccompanied by any information.

Mr. MOORE of Pennsylvania. I do not understand that the gentleman from Kentucky disputes the wisdom of placing fortifications on Cape Henry.

Mr. SHERLEY. I say, personally, I dispute it. I am not and never have been impressed with the idea; but I am not willing to put my opinion against men of more skill and learning in matters of this kind.

Mr. FITZGERALD. Mr. Chairman, it is just six years since the scheme of providing these defenses at the entrance of Chesapeake Bay was broached. It was initiated in the report of the so-called Taft Board, which made a report supplementing the scheme of fortifications for the United States prepared by the Endicott Board in 1886. I have been a member of the Subcommittee on Fortifications ever since this matter was first proposed, and I came to the conclusion several years ago that the scheme was absolutely unnecessary and indefensible. The testimony before the committee is to the effect that every important place within the Capes is impreguably fortified and that these defenses are needed for an entirely different purpose than that stated by the gentlemen urging this amendment. Several years ago I went down to the mouth of the Chesapeake with a number of distinguished officers who desired to show to the committee just where they wished to establish these defenses and to point out their necessity. Among those in the party were practically the entire General Staff. Coming back there was a discussion as to the necessity of the proposed defenses. One of the most distinguished officers in the War Department at that time undertook to establish the necessity for them. I hope the committee will listen carefully to this statement, because upon it is predicated the recommendation of the department. It determined for me that the expenditure was wholly unwarranted. The proposition is that, in the event of a coalition between Germany and Great Britain against the United States, they would probably seize Cuba and would establish there a base of operations. They would then sweep the American Navy from the seas, and, with Cuba as a base of operation, they could enter the Chesapeake Bay without coming in range of the guns of any fortifications and could convey within Chesapeake Bay about 100,000 men, land them in this country, and be prepared to move in an offensive manner against the point they would select. I said to this officer, "It took Great Britain three years to put 100,000 men into South Africa, a country that did not have a rowboat and was insignificant in every sense in comparison with the United States."

I do not know how long it would take Great Britain and Germany to transport these 100,000 men to Cuba and to transport them then to the United States, but what do you imagine would happen to 100,000 foreign troops landed on the soil of the United States within the capes of Chesapeake Bay? "Well," he said, "the British army took Washington and burned it during the War of 1812." I said, "Yes; and very little mention is made of the manner in which the American Army acted during that campaign, and the less said about it the more thankful American citizens are." This proposition originally, and I do not know

whether it has been modified, I understand it has, contemplated the construction of an artificial island in the mouth of the Chesapeake between the capes, which at first was roughly estimated to cost \$4,000,000. At that time the present Chief Executive was Secretary of War. He appeared before the committee in support of the project. No borings had ever been made, no surveys had ever been made, nobody knew whether it was quicksand or rock or mud at the place where it was desired to construct the artificial island. It was intended to be placed on a shoal in 17 or 18 feet of water. The committee very properly and wisely declined to enter upon any such scheme, and yet the present Chief Executive was so enamored of it, and gentlemen seem to have overlooked this fact, that he once sent a special message to Congress urging that an appropriation be made to construct this artificial island. It later developed that instead of costing \$4,000,000 it would cost at least \$10,000,000. My recollection has brought back some incidents in connection with this enterprise, and I have looked up the testimony.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that my time be extended five minutes.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. FITZGERALD. In 1908 there was a hearing on this question, and this island was under discussion, and I inquired of Col. Abbot:

Have you any estimate of what those sites will cost?

Col. ABBOT. \$2,600,000 is the estimated cost of the artificial island; and we must make a purchase of land at Cape Henry, for which we will have to have practically a half million dollars.

Mr. FITZGERALD. Is that where they want \$4,000 an acre?

Col. ABBOT. They put in a bill at the last Congress ordering the purchase of two square miles for \$500,000.

Mr. SMITH. Was that for both Cape Henry and Cape Charles?

Col. ABBOT. Cape Henry alone.

Gen. MACKENZIE. Cape Charles was \$30,000.

Col. ABBOT. That is for a small island right off Cape Charles.

Mr. GILLET. Then it would be something over \$3,000,000 for the sites.

Mr. SMITH. And that would make a total of \$9,232,871. If we were to start part of this work, it would be of very little value unless completed in accordance with the plans of the Taft Board?

Col. ABBOT. Yes, sir.

Mr. SMITH. What would be the effect of long-range batteries mounted on Capes Henry and Charles without the artificial island?

Col. ABBOT. It would not prevent anything from coming in.

Mr. SMITH. So that you would regard any construction of batteries on Cape Henry or Cape Charles as worthless unless Congress appropriated the money to carry out this island project?

Col. ABBOT. I do, sir, unquestionably.

So that the purchase of this land, the price of which has gradually decreased from something in the neighborhood of \$4,000 an acre to, this year, \$500 an acre, does not mean merely the erection of guns at Cape Henry, but it means entering upon a project that will cost at the very least \$10,000,000. The testimony from which I have read was given less than four years ago. The erection of these defenses to keep out a fleet which may come, in the event of a coalition between two great powers like Germany and Great Britain, against the United States, provided they should first occupy Cuba as a base of operation, was too much even for my youthful innocence at that time.

Mr. HOLLAND. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. HOLLAND. The gentleman knows the amendment proposed provides for the acquisition of this land by condemnation proceedings, so far as it can be agreed upon?

Mr. FITZGERALD. Yes, I do; and I have practiced law, and have practiced largely in condemnation proceedings—

Mr. HOLLAND. The gentleman stated a few minutes ago—

Mr. FITZGERALD. Let me make this statement first. I know that a government, either Federal, State, or municipal, even in condemnation proceedings, never gets land within a reasonable reach of its true value.

Mr. HOLLAND. The gentleman stated a few minutes ago it had been estimated that these fortifications would cost something like \$10,000,000.

Mr. FITZGERALD. I did.

Mr. HOLLAND. Where did you get that information?

Mr. FITZGERALD. I got that information from the hearings before the Committee on Appropriations. That includes the artificial island which is part of the Taft Board scheme, and it was stated that the doing of any part of it would be of practically no value unless the entire scheme was carried out.

Mr. HOLLAND. Is not the gentleman aware that this plan for a floating island has been abandoned?

Mr. FITZGERALD. I understand the department has now come to the point where it believes that an artificial island is not necessary, and it is my opinion that if we wait a little longer it will catch up with me altogether and come to the conclusion that this wild dream of a coalition between Germany and Great Britain, by which Cuba will be seized as a base of

operations and a futile, ridiculous, preposterous attempt made to land 100,000 troops in the United States inside of the capes at the entrance to the mouth of the Chesapeake, will never be realized and should be abandoned even by the wildest dreamer who sleeps in dread of the possibility of war between the United States and some foreign power.

Mr. MOORE of Pennsylvania. Even admitting there is some basis for the gentleman's picture of the dream and its impossibilities, have we not got down now to a concrete proposition?

Mr. FITZGERALD. No; we have had this proposition—

Mr. MOORE of Pennsylvania (continuing). And taking a start toward fortifying the other side of Hampton Roads as it ought to be?

Mr. FITZGERALD. It is not the other side; it is the same side.

Mr. MOORE of Pennsylvania. Cape Charles is on one side, and Cape Henry is upon the other side; and the idea here is to start fortifications on the other side and command both sides of the entrance.

Mr. FITZGERALD. The gentleman from Pennsylvania [Mr. MOORE] has posed here as a great military strategist.

Mr. MOORE of Pennsylvania. I never served in that capacity.

Mr. FITZGERALD (continuing). And he makes the same statement as many other gentlemen in urging this matter. He talks about a foreign fleet coming into Chesapeake Bay in a fog or on a very dark night in case of war. Now, he is too much of a mariner, if he would stop to think a minute, ever to believe that any foreign fleet will attempt to enter the Chesapeake Bay on a foggy night or in the dark.

Now, Mr. Chairman, just one word as to the point of order.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I will ask the gentleman this question: If it is not a fact that at Boston both sides of the entrance are fortified, and at New York, which is perhaps as weak a point as any along the coast?

Mr. FITZGERALD. The gentleman is mistaken about New York and about other places. I have inquired about the probabilities, in the event of war, of New York being reduced by a hostile fleet, and I was told by the Chief of Artillery that the defenses of New York Harbor, in about one-half hour, would blow out of the water any fleet that might be brought within range of them.

Mr. RUCKER of Colorado. Before they got in sight?

Mr. FITZGERALD. It is immaterial whether they were in sight or out of sight.

No foreign fleet will attempt to enter Chesapeake Bay merely for the purpose of resting there and to permit the officers and crews to recuperate; and every point within the Capes, according to the testimony, is impreguably fortified.

Mr. MOORE of Pennsylvania. I only want the gentleman to consider as fairly the approaches to the Chesapeake Bay as he would consider those other great seaports along the Atlantic coast and along the Pacific coast. I am confident that if the gentleman looks into it that he will find that in most cases both sides of the entrances are amply fortified.

Mr. FITZGERALD. Mr. Chairman, in order to have adequate fortifications it is not necessary to have guns on both sides of the entrance.

Mr. MOORE of Pennsylvania. If you can reach across the intervening expanse with your guns or gunfire, that would be so, but here in this case the distance is so great that you can not reach across.

Mr. FITZGERALD. There are a number of places on the Atlantic coast and on the Pacific coast into which foreign fleets can go, and yet it has never been suggested that those places should be defended. Foreign fleets do not enter harbors for the purpose of anchoring or for the purpose of knocking down trees. They go in there to accomplish something. Every city that has to be reached by passing through the Capes and through Chesapeake Bay, according to the official testimony taken before the Committee on Appropriations, is impreguably fortified. Under those circumstances what necessity is there to spend \$10,000,000 to gratify the desire of eminent and distinguished gentlemen to have what, in their opinion, would be a more perfect system of fortifications?

It is not contemplated that the fortifications within the Capes shall be abandoned if this project is authorized. It would be absolutely essential to retain them and to maintain them. If the gentlemen will be patient, within one or two years the range of guns may be so increased—and the range seems now to be

increasing at a rapid rate—that very probably this suggestion to put defenses at Cape Henry may be abandoned, as the proposal to build the artificial island has been.

Now, Mr. Chairman, the decisions which hold that—

Mr. MANN. Is this on a point of order?

Mr. FITZGERALD. Yes. The decisions which hold that items upon a fortifications bill, new items for work not in progress, are not in order, are readily available. I cite a specific instance:

For the purchase of a site for the increase of the fortifications and for the enlargement of seacoast defense of New York Harbor, \$1,000,000.

That amendment was offered on February 23, 1907, by the gentleman from New York, Mr. Waldo, and a point of order was interposed to it and sustained.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. Certainly.

Mr. MANN. Does any one claim that this amendment is in order?

Mr. FITZGERALD. I am taking time by the forelock, because nobody claimed for a hundred years that these defenses were necessary. But when a board was appointed and reexamined conditions at the entrance to the Chesapeake, a place at which money could be expended, although nobody had ever suggested it before, the result is these discussions.

In section 3611, volume 4, Hinds' Precedents, a decision was rendered on an amendment offered by the gentleman from Virginia, Mr. Maynard:

To make all necessary surveys, borings, and other investigations necessary for and the preparation of an accurate detailed statement of what it would cost to construct proposed artificial island for fortifications between Capes Charles and Henry, Chesapeake Bay, and to ascertain whether the title to the site of said proposed artificial island can be obtained without expense to the United States, \$3,000.

A point of order was sustained upon that amendment upon the distinct ground that the introduction of a new item for work not in progress is not in order on the fortifications bill. This work is not in progress, and has not been authorized, and I submit it is not in order.

The CHAIRMAN. This section of Hinds' Precedents, section 3611, in the opinion of the Chair is exactly in point:

While the fortifications appropriation bill carries general appropriations for a plan of work in progress, specific appropriations for individual works not authorized by law and not in progress are not in order thereon.

Now, in the opinion of the Chair the amendment offered falls within that category exactly, and the point of order is sustained. The Clerk will read.

The Clerk read as follows:

ORDNANCE DEPARTMENT.

The Chief of Ordnance, United States Army, is, in addition to appropriations heretofore made, hereby authorized to enter into contracts or otherwise incur obligations not to exceed \$71,400 for the purchase, manufacture, and test of seacoast cannon for coast defenses, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals.

Mr. MANN. Mr. Chairman, will the gentleman make a short explanation of that first paragraph under the Ordnance Department? It makes no appropriation. I believe the current appropriation is something over \$200,000, but there is a contract for \$71,400.

Mr. SHERLEY. There were certain balances on hand in the Ordnance Department, and Gen. Crozier testified that if he was authorized to use the amount of \$71,000 he could get along with the work that would be necessary to do or to contract for prior to the 4th of March next year. The estimate was \$83,600, and he stated in the hearing that that estimate was a mistake, and that he found the sum necessary to do the work was \$71,400.

Mr. MANN. Are these cannon all made under contract by people outside of the Government service?

Mr. SHERLEY. Oh, no; the words are:

To enter into contracts or otherwise incur obligations.

Some of it is done by the Government and some of it by contract.

Mr. MANN. I did not quite see how the Government could incur an obligation in doing the work itself without having the money.

Mr. SHERLEY. It has the money on hand and would have money sufficient to pay this sum. All it wanted was an authorization for the expenditure of money that it had on hand for this purpose, and the language here is submitted by Gen. Crozier as being sufficient for the purpose.

Mr. MANN. That may be, but is it the purpose to purchase these cannon under contract or for the Government to make them?

Mr. SHERLEY. It is not the intention of the Government to put out at contract the making of these cannon. The Government, in point of fact, makes practically all of the cannon, though it does not make all of the carriages. Some of the work for carriages is done outside, but the actual making of the cannon is done by the Government, and there is no intention to change that policy.

The Clerk resumed and completed the reading of the bill.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SHERLEY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. SULZER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill.

Mr. LAMB. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. LAMB. I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the agricultural appropriation bill, which was placed on the calendar before the bill of the gentleman from New York [Mr. SULZER].

The SPEAKER. These two motions are of equal dignity, and the gentleman from New York had the floor first and is recognized. Now, if the House wants to take up the agricultural bill first, it can do it by voting down the motion of the gentleman from New York.

Mr. LAMB. Our bill was on the calendar for days before the bill of the gentleman from New York.

Mr. SULZER. The diplomatic appropriation bill was on the calendar long before the fortifications bill. I gave way for that. The diplomatic bill will only take a day to pass.

The SPEAKER. The Chair has stated the condition of things. The Chair has no jurisdiction about it, except to recognize the gentleman who first rises. The question is on the motion of the gentleman from New York [Mr. SULZER] that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill H. R. 19212, the diplomatic appropriation bill.

The question was taken, and the motion was lost.

Mr. SULZER. It is evident there are more farmers than diplomats in the House.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill H. R. 18960, the agricultural appropriation bill; and pending that, I would like to ask the gentleman from Iowa if we can not agree on the time for general debate.

Mr. HAUGEN. I wish to say that I have requests for 4 hours and 35 minutes, and I am willing to agree on 9 hours' general debate.

Mr. LAMB. We can not agree to that on this side. If the gentleman will say 6 hours—3 hours on a side—I think we can make an agreement.

Mr. HAUGEN. I would agree to 4 hours on a side. I do not think I could possibly cut the time down below 4 hours.

Mr. LAMB. Then I move that we go on with the general debate without the agreement.

The SPEAKER. Before the Chair puts the motion he wishes to state once more, for the information of all concerned, that when the Unanimous Consent Calendar was established it was intended that that should take the place of the Speaker recog-

nizing Members for unanimous consent; and the Chair proposes to enforce that rule.

Mr. MANN. Mr. Speaker, I hope the gentleman from Virginia, if possible, will agree to a time for general debate, so that the time may be controlled by the two sides. Without that it involves an extra loss of time. We very much desire four hours on this side, and we desire to use it legitimately.

Mr. UNDERWOOD. Mr. Speaker, with the consent of the gentleman from Virginia, I wish to say to the gentleman from Illinois that the appropriation bills are behind in this session; that it is important that they should be pushed as rapidly as possible. I think after they are passed there will be opportunity for debate by all gentlemen on the floor of the House. The resolution distributing the President's message is now on the calendar. I have left it there without action upon it, so that when the appropriation bills are out of the way opportunity may be given for general debate on both sides if they want it. But I do not think that more than one day at this time ought to be devoted to general debate on an appropriation bill.

Mr. MANN. And yet that has always been the custom—to permit gentlemen who have prepared speeches on propositions to get in on general debate on appropriation bills, especially at this time in the session. A part of the discussion will be upon this bill and in relation to matters involved in the bill.

Mr. UNDERWOOD. I would like to ask the gentleman from Illinois if he is willing to agree, without calling for a quorum, to night sessions for the purpose of debate?

Mr. MANN. I hope the gentleman will not make that request at this time in the session. Later on we will have to do it.

Mr. UNDERWOOD. I think it is far more important than any other question before the House that these bills should be sent to the Senate. There are several on the docket, and I will ask the gentleman if he is not willing to let the session run to-night until 10 o'clock and consume that much time in general debate?

Mr. MANN. I do not think it is right to ask the House to stay here to-night, nor do I think it makes any difference about the length of the session, whether these bills get over to the other end of the Capitol now or a month from now. Without making any reflection on that body, it has a peculiar way in relation to the passage of appropriation bills.

Mr. HAUGEN. Mr. Speaker, in view of the statements made by the distinguished gentleman from Alabama and the distinguished gentleman from Virginia, I ask that general debate be limited to seven hours. That does not give me one minute to explain the bill.

Mr. UNDERWOOD. I am sure that gentlemen will have time for general debate on other questions later on.

Mr. HAUGEN. I do not expect to take any time myself.

Mr. UNDERWOOD. If the gentleman is willing to agree that the session shall run to-night until 10 o'clock, I think there will be no trouble.

Mr. HAUGEN. Personally I do not care if it runs all night.

Mr. WICKLIFFE. I would like to ask the gentleman from Alabama if to-morrow, being Calendar Wednesday, would not interfere with the completion of consideration of the bill.

Mr. UNDERWOOD. It would have to go over to-morrow, anyhow. If the gentleman from Iowa is willing to have seven hours' general debate, and take a recess from 6 o'clock until half past 7, I think this side of the House might accord the time he desires.

Mr. HAUGEN. I will state that one of the parties who desires time on this side is not ready to speak to-day, but prefers to have the time to-morrow.

Mr. UNDERWOOD. There is another appropriation bill on the calendar to follow this, and I have no doubt that gentlemen can arrange to get time on that.

Mr. HAUGEN. In all probability the time there is limited.

Mr. LAMB. Mr. Speaker, I still ask my colleague to agree to three hours on a side, or six hours for debate, and that would settle the whole matter.

Mr. HAUGEN. As I have stated, I have requests for 4 hours and 35 minutes, and I could not possibly agree to it. I will agree to three hours and a half on a side, or seven hours.

Mr. LAMB. Rather than do that and go into the Committee of the Whole House with the matter in abeyance I will give the gentleman half an hour of my time. We will have six hours, three hours to a side—

Mr. MANN. No; two and a half hours to one side and three and a half to the other.

Mr. GARNER. The gentleman offers to give him 30 minutes of his time.

Mr. RUCKER of Colorado. I do not know but I shall object—

Mr. HAUGEN. The gentleman's word is good.

Mr. RUCKER of Colorado. As I do not see why they should have any more time over there than we are to have over here.

Mr. LAMB. The gentleman ought not to object to my giving my own time.

Mr. RUCKER of Colorado. But you may steal that from me.

Mr. LAMB. I am going to take it from my own time. I renew my request that we have three hours' general debate on a side—six hours altogether—one half to be controlled by the gentleman from Iowa [Mr. HAUGEN] and the other half by myself.

The SPEAKER. The gentleman from Virginia [Mr. LAMB] asks unanimous consent, pending the motion to go into the Committee of the Whole House on the state of the Union, that general debate on this bill be limited to six hours, one half to be controlled by himself and the other half by the gentleman from Iowa [Mr. HAUGEN]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, with Mr. BORLAND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18960, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. LAMB. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. LAMB. Mr. Chairman, in view of what was said here awhile ago, I will only occupy about one-half the time I intended to occupy.

Mr. Chairman, the act making appropriations for the Department of Agriculture has heretofore attracted more general interest in this House than many of the larger supply bills. Certainly its provisions have been more closely scrutinized and more carefully discussed.

The reasons for this may be found in the fact that the activities of the department are widely extended and touch in a way a large proportion of our people in nearly every district represented on this floor.

This work is so well known to my colleagues here and so fully appreciated by the country that I do not deem it necessary to review the work of the past year nor to go into any general discussion of the provisions of this bill, save to point out some of the changes we have made and to give a few reasons for these changes.

In this connection, I call the attention of the Members of the House to the report of the Committee (No. 271) accompanying House bill 18960. A careful reading of this report will show the few increases. This will perhaps make unnecessary many of the questions usually asked by Members and save time to the House.

Under the act of May 26, 1910, making appropriations for the Department of Agriculture, a large number of the employees of the Department were transferred from the lump-sum fund to the statutory roll, so that there can be no increase in the salaries of these people save through action by Congress.

The Committee on Agriculture, bearing in mind the necessity for economy and following the lines of suggestion from various sources, declined to recommend many of the increases asked for in the estimates for the department, not only in the salaries of clerks and assistants, but also in the sums under the head of general expenses, cutting the estimates by \$1,403,286.

In the Bureau of Entomology, whose accomplished chief recommended no increase over last year's appropriation, we felt constrained to increase the appropriation \$35,000 in order to provide for the investigation of the Mediterranean fly in the United States and its possessions. This fly is very destructive in the Hawaiian Islands, and it becomes absolutely necessary to prevent it from entering the United States.

I desire to call careful attention to the increases of salaries of all clerks on the statutory roll who now receive less than \$900 per annum. These are graded as follows: All clerks receiving less than \$720 per annum, to receive \$720; all clerks receiving between \$720 and \$840, to receive \$840; all clerks receiving \$840 or less than \$900, to receive \$900.

These increases affect 159 clerks, at salaries ranging from \$600 to \$840 and entail an expense of only \$13,000.

These items are, of course, subject to a point of order, but we do not believe that any Member will desire to make a point of order on them.

The necessity for such action has been recognized in this House and often referred to when points of order were being made on items of increase of salaries over \$1,200. Most likely this increase would have been made in previous appropriation bills save for the fear that the sum carried by such an appropriation would amount to many thousands of dollars and set a precedent for general appropriations in other departments.

I need not refer to the reasons that influenced the committee in recommending these increases. The high cost of living, or, in other words, the cheapening of money in this country, was the chief reason. The condition of these employees appeals to every one who has a heart to feel or a mind to think. Then, we believe that these people will be encouraged to do better work, or will do it more cheerfully, when their services are recognized and appreciated. I can well fancy 159 happier souls in this city when this bill becomes a law. Then I assume that in 100 cases we might multiply by 4 or 5, and that innocent children and loving mothers will send up prayers for the Committee on Agriculture.

The increases of salaries to those now drawing \$1,200 and over are very few and sum up only \$3,400.

The committee declined to recommend a number of the increases carried in the estimates, though doubtless many of these are meritorious, on account of the necessity of practicing as rigid economy as possible.

We doubt very much whether there is a business in this country employing a capital of \$1,000,000 that has not increased its salary list to a larger extent in the past year than we do under this bill carrying \$15,000,000.

I do not know that the thought occurred to any member of the majority on our committee that this increase was a good political move or not. If they harbored this idea, they gave no expression to it around our board. Nor did a single member of the minority intimate that anyone was playing politics.

And let me say right here, by way of parenthesis, that the minority members of our committee did not interpose in any way, by speech or vote, objection to the reduction in the estimates coming from the department. On the contrary, they seemed to recognize the necessity for economy, and helped, by suggestion and otherwise, in reaching the conclusions that we came to.

I may repeat here what I have said time and again in running debate on this floor when I was a minority member, that we have no politics on the Agricultural Committee. It is all business ticks, boll-weevil ticks, conservation ticks, cattle ticks, investigation ticks, and the ticks that breed close by the everglades in the "Sunny South." [Applause.]

The new places in this bill may provoke some criticism, but the necessity for these places will be shown at the proper time, when, under the five-minute rule, the cavalry, infantry, and artillery will move on the positions that we have taken with care and fortified with labor and are prepared to defend with patience, courage, and endurance.

The flying squadrons and the aviators have already been sending telegrams and night letters, predicting a destruction of all of our forests and great damage to the general welfare of the mighty kingdom known as forest reserves.

We are prepared to show that not a tree will be hurt nor the least harm come to any of the thousands who live, move, and thrive in the forests, in the rocky, woody regions, many acres of which the surveyor's chain has not been over nor the foot of man trod.

Our committee has given perhaps more attention to the Bureau of Forestry than to any other bureau.

They felt this to be necessary, and hope to be prepared to answer at least one-half of the questions usually asked when the forests are under discussion.

When the hearings on the Forest Service before the committee began, the chairman called attention to the subject in language like this:

The CHAIRMAN. Gentlemen of the committee, we will consider this morning the estimates of the department for the Bureau of Forestry. You will doubtless recall that when the bill was on the floor last year it was more severely criticized in relation to the estimates for this than any other of the bureaus. The former chairman of this committee, skilled in the use of language and fruitful in resources, had his patience and endurance taxed to the uttermost.

I invite the attention of this committee, as well as of Mr. Graves, the chief of this bureau, to the startling statements made on the floor in February and March of this year, as well as in 1910, when this appropriation bill was before the House. The statement was made that the Forest Service has spent more money in matters that do not directly relate to the preservation of forests in the reserves than in matters that do relate to that service. It was claimed that the Interior Department, with \$350,000, protected the forests as well as they are protected now;

that this amount protected one-third of the present area; and that \$1,000,000 should give protection to the present area.

A few of us have watched the growth and development of this tremendous work, protesting mildly sometimes, but often earnestly, that the growth was abnormal and not healthy. We have seen the estimates increase from \$1,000,000 in 1907 to \$5,500,000 in 1912. The sales of timber and grazing permits furnish a good deal to the credit side of the account, and we hope will supply a much larger amount in the near future.

Since making this statement before the committee I have learned from the efficient Chief Forester, Mr. Graves, that the gross area of the national forests is 297,850 square miles, which is 1,000 square miles greater than the combined area of the German Empire, Switzerland, Holland, Denmark, Belgium, and Ireland.

The gross area of the national forests is greater than the area of Norway and Sweden taken together, and is greater than the combined area of France, England, Wales, and Ireland.

If you gentlemen will take the pains to glance over the CONGRESSIONAL RECORD of last year, when this bill was before the House and the Forestry Bureau was being discussed, you will find that all kinds of objections and complaints were made of the operations of this bureau—some amusing, some to us almost ridiculous—and I invite the attention of Mr. Graves to this particular matter; I have no doubt he heard a part of it. We have to meet these objections. This is a business question, gentlemen, and a tremendous business question. Just bear in mind that the forests cover nearly 200,000,000 acres of land; perhaps in territory it is equal to New England and New York together.

Mr. GRAVES. More than that. The chief object is to protect these forests, guard them, and let the natural growth of the timber redound to the interests of the whole country, and to do that as economically as possible. During the course of this investigation, gentlemen, we will call out the fact that the Forestry Bureau is going into experimental work to a degree which some of us question, and we will draw Mr. Graves out on those points and endeavor to make this bill so practical that we can go before the House in confidence and meet the criticisms Members will make. Now, Mr. Graves, what do you prefer to do in this matter? We will hear you for awhile and then go through the bill.

You do not wonder after this suggestion that the committee examined the witnesses with great care and skill. No doubt every Member whose district embraces a forest reserve has read these hearings over several times.

In the preparation of this bill your committee did not lose sight of the condition of the revenues, and sought to reduce the expenses of the department wherever this could be done without injuring any of its activities.

It was found impracticable to make any considerable reduction in the great Bureaus of Plant Industry, Animal Industry, Chemistry, and so forth, although in most of these the estimates were cut from \$20,000 to \$50,000, as the report shows. The committee soon learned what the older Members well understood, that the Forest Service had received increases in the past few years for general expenses in experimental work and cooperative work with State colleges that might be dispensed with in part, so that these general expenses were cut to the amount of \$383,370.

The item for the construction and maintenance of roads, trails, bridges, and so forth, has been reduced from \$500,000 to \$275,000, the amount of \$275,000 being the same appropriation as of the fiscal year ending June 30, 1911. This reduction was not only made in the interests of economy, but because the committee considered the sum sufficient for the necessary improvement and development of the national forests.

The emergency fund of \$1,000,000 has been reduced to \$200,000, because your committee could not see the necessity for holding this amount of money subject to the order of the Forest Service, when as a matter of fact only \$22,000 of this fund has been called for at any time. The regular appropriation of \$150,000, with the \$200,000 emergency fund, we thought sufficient to meet the necessities of the situation.

While the total amount carried by this bill for the Forest Service is \$5,000,000, in round numbers, let it be borne in mind that the receipts from the sale of forest products last year were over \$2,000,000, from the following sources:

Received from timber sold.....	\$1,014,769.84
Received from grazing.....	935,490.38
Received from various other sources.....	76,645.93

There was also a small return from water-power sites.

On page 286 of the hearings before the Committee on Agriculture you will find a statement giving the gross receipts for 1911 from every State in which there was a forest reserve. I call special attention of the House to these hearings, and would modestly suggest that a good deal of time would be saved and many questions answered by a careful perusal, on the part of the Members of the House, of these hearings.

The funds above referred to—receipts from the sale of forest products—were, of course, passed into the Treasury, so that there stands to the charge of the Forest Service \$3,000,000 in round numbers.

When transportation facilities reach the present inaccessible forests and timber values increase, as they will under the unchanging law of supply and demand, we see no reason why the

sale of ripe timber from these vast forests, together with the grazing permits, will not meet, or very nearly meet, all the various expenses of this Forest Service when economically administered.

In addition, I am fully persuaded that the grazing fees can be increased. These charges now average from 30 to 40 cents per head for cattle and from 10 to 12 cents for sheep for the entire year. They are, I understand, far below those paid for grazing privileges by private parties.

A moderate increase will add from \$500,000 to \$1,000,000 a year to forest receipts. I am sure the Secretary of Agriculture will carefully consider this matter. Indeed, I know he will, for his mind and heart are wrapped up in the success of the Agricultural Department over which he presides and to which he has devoted so many years of his useful life. For 15 years, as a member of the Committee on Agriculture, I have been thrown closely with the Secretary, and no Member of this House not one of his own party has had any better opportunity to observe his splendid qualities of head and heart that have made him a model officer and furnished the judgment and inspiration through which he has achieved magnificent results.

I cheerfully bear testimony to the efficiency of the corps of devoted men, unexcelled in their scientific attainments, who carry into effect the program marked out by the Secretary.

I have spent a month at a time inspecting the bureaus and divisions, and have made acquaintances and friends of the officers and employees.

It has been a painful duty to reduce the estimates the Secretary and his chiefs have submitted, but we felt constrained in the interests of economy to do this. They will doubtless apply this principle of economy themselves and prevent, as far as possible, the "lost motion" that must be guarded against in every great business enterprise.

Under the five-minute rule we will furnish any information Members may require touching the details of this bill. It has been prepared with all the calm deliberation we could command. The varied and far-reaching activities involved appeal to the hearts and consciences of the American people and, entering their homes, will be discussed around their firesides. We present it with confidence, and trust it will meet your approval. [Loud applause.]

Mr. Chairman, I now yield 35 minutes to the gentleman from Indiana [Mr. Moss].

Mr. MOSS of Indiana. Mr. Chairman and gentlemen of the committee, I regret that it becomes necessary, or, in my opinion, seems to be necessary, that I should utter a single word of criticism against an appropriation bill that has been prepared by a committee of this House a majority of the members of which belong to the Democratic Party, and yet our honored chairman has disarmed any remarks which I may make by stating that on the Agricultural bill we have no politics. I am glad that this statement is literally true.

The bill under consideration—the agricultural appropriation measure—allots the sum of \$30,000 for the maintenance of the Referee Board for the ensuing fiscal year. The functions of this board were given especial consideration by your committee in the investigation of the Wiley episode and our inquiry into the whole executive machinery which is used in the enforcement and administration of the pure-food law. In the concluding paragraph of its report to this House—a report which was signed by every member of your committee—the following language is used:

Having arrived at these conclusions concerning the Referee Board, your committee can not recommend its further maintenance under its present status. It is the opinion of your committee that a board exercising the functions such as are exercised by the Referee Board, its decisions being given such far-reaching effects by the honorable Secretary, ought not to rest on the authority of an Executive order. If such board be deemed necessary or advisable in the administration of the pure-food law, its authority should be expressly conferred, its scope and jurisdiction clearly defined, and the effect of its decisions declared by act of Congress.

So far as I am informed, Mr. Chairman, this is the first expression by any committee of this House with reference to the Referee Board which is based on a careful study of its relations to the pure-food law.

For weeks this committee gave this subject faithful consideration and study, and though the members are not in accord at all points, there is absolute agreement that the pure-food law must not be unduly subjected to Executive modification and restriction; and if there are amendments to be made to this most important law, they must be proposed by Congress and not by the Secretary of Agriculture. The soundness of that conclusion, Mr. Chairman, has not been challenged by any authority, so far as my knowledge extends, and yet this item will tend to nullify this purpose and most probably will encourage the administration to resist the much-needed reorganization of

the Bureau of Chemistry in the interest of a more efficient administration of the pure-food laws. I do not consider the item important if it be considered from a monetary standpoint. The bill carries a lump sum of more than \$600,000 for the enforcement of this law, and if it were a question of doubt I would gladly give the benefit in favor of the law; but if we treat this item as tending to defeat the reorganization of the Bureau of Chemistry, and thereby prevent an effective enforcement of the law, then, Mr. Chairman, this item is of tremendous importance.

Indeed, sir, I will venture the assertion that no single question growing out of this legislation—as important as the agricultural appropriations are to the growth and permanent prosperity of our country—no single question, I repeat, will exceed this one in consuming interest to the whole American people or which will more vitally affect the political fortunes of the individual Members who are called upon to decide this issue by their votes. We need not seek to disguise the point in debate or to pretend that we are deciding one question when in fact we are determining another. The real question which we will decide—the record which we will establish for ourselves and for this House—is whether we demand a vigorous enforcement of the pure-food law in the interests of the consumers or whether we will longer submit to a “toning down” of its provisions in the interest of the producer and the purveyor of our food supplies. It is making a choice between the application of the law as Congress enacted it to check the waste in human life and the law as it has been modified to protect the commerce of our Nation. It is a return of that eternal struggle between right and wrong which began with the Creation and can end only with the Resurrection. The people are demanding the law in all its strength and virility; the manufacturers are praising the checks which executive authority has written into the law. The relative positions which the parties in interest are occupying are graphically depicted in the American Food Journal of February 15 in a cartoon “Roped and tied,” which presents Dr. Wiley tied by two ropes; one of the ropes is the recommendation for a Board of Food and Drug Inspection and the other one is the recommendation for a Referee Board. The Food Journal is an opponent of the activities of the Bureau of Chemistry and a partisan in favor of the Referee Board. We have thus graphically presented the issue in this debate, “Shall the Bureau of Chemistry be roped and tied by executive orders of the Secretary of Agriculture?” or shall Congress declare the relation which shall exist between the bureau and the reviewing authority?

This question should not have been raised in this appropriation bill. This department deals with the welfare of all the people of our Nation, and in years to come when history shall deal with Secretary Wilson and his public service his friends will lovingly dwell on his aid and assistance toward the development of agricultural science and will pass over in profound silence any connection with the much-advertised act of roping and tying Dr. Wiley. This whole controversy has recently been before the American people, and once more has a right decision been made, and the mandate which comes to this House out of our democracy of public opinion is to strike down the abuses in its administration; define by legislative enactment all grants of authority, and thus destroy the feuds and factional warfare which have scandalized our Nation.

The pure-food law—a statute which vitally affects the interests of every American citizen—says that the Bureau of Chemistry shall make examinations of specimens of foods and drugs for the purpose of determining if such articles are adulterated or misbranded within the meaning of the law. No other officer or bureau is given a like grant of power; it pertains exclusively to this division of the Government. The power thus conferred can destroy no legitimate business, nor can place no innocent person in jeopardy. The plea of big business for protection against the activities of the Bureau of Chemistry as guided by law is the plea of special interests for license against the common welfare, protected by the judiciary of our Nation. The Bureau of Chemistry has no power to convict or to acquit, and the extreme limit of their power is to collate and present information to the district attorney on which he can predicate an indictment and thus bring the cause to trial before a court of justice. Every regularly impaneled grand jury in the United States has equal power. As well, then, insist on restraining the power of our grand juries to investigate crime and present indictment therefor as to complain of the power of the Bureau of Chemistry to destroy honest business by making examinations to detect dishonest practices. If the decision of the bureau shall be that an innocent person has adulterated or misbranded articles of food or drugs, the alleged offender is not thereby convicted of crime and can not be punished under the law. The only authority which the Secretary of Agricul-

ture has in the premises is to notify the accused party and give him a hearing under the regulations adopted by the three Secretaries to determine if the findings of the Bureau of Chemistry are free from error, and if he shall so find, then he certifies the case to the proper Federal court and the district attorney is required to institute prosecutions against the accused parties without delay. This is the simple procedure of the law as has been determined by the Supreme Court of the United States.

Mr. LEVER. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Indiana [Mr. Moss] yield to the gentleman from South Carolina [Mr. Lever]?

Mr. MOSS of Indiana. Certainly.

Mr. LEVER. In that connection I would like to ask my friend from Indiana if there is any authority in section 4 of the pure-food law by which there can be created such a board as the present Remsen Board as the last court of appeals on propositions concerning the misbranding of food, and so forth, in his judgment?

Mr. MOSS of Indiana. Mr. Chairman, I am not a lawyer; but if there is authority in any section of the pure-food law which would give the power to create a referee board and give it any legal function or power whatever, except what the Secretary of Agriculture in his own discretion may accept, I have never found that authority or heard anyone point it out.

Mr. LEVER. Is it a fact that even the Department of Justice has differed upon the proposition as to whether or not there was such authority in the pure-food law for the creation of such a board?

Is it not a fact that the Attorney General holds one view of the situation and some of his strong subordinates who have looked into the question carefully hold different views upon the proposition?

Mr. MOSS of Indiana. It is true, Mr. Chairman, that Mr. Fowler, when he was Assistant Attorney General of the United States, prepared an opinion in which he declared that there was no authority under the law for the creation of the referee board, but that was overruled, and the Attorney General held that there is authority.

Mr. LEVER. And the gentleman's committee—and I desire to say that his committee has done splendid service—

Mr. MOSS of Indiana. Thank you for that.

Mr. LEVER (continuing). Has held, with the Assistant Attorney General, Mr. Fowler, that there was no authority in the pure-food law for the creation of such a board as the Remsen Board.

Mr. MOSS of Indiana. I think it would be fairer, Mr. Chairman, to say that our committee raised that question, but did not pass finally upon it.

Mr. HIGGINS. Do I understand the gentleman to say now that his committee, the Committee on Expenditures in the Department of Agriculture, did not find that the Referee Board was legally created?

Mr. MOSS of Indiana. If the gentleman had waited until I had got through with my answer he would have understood what I said.

Mr. HIGGINS. I beg the gentleman's pardon. But the questions of the gentleman from South Carolina [Mr. Lever] would certainly lead the Members present to the conclusion that the Expenditures Committee in their report found that no law existed for the creation of that board.

Mr. MOSS of Indiana. With all due deference to the gentleman from Connecticut, I would rather suppose that the gentleman from South Carolina expected the gentleman from Indiana to answer that question.

Mr. HIGGINS. The report speaks for itself, and I am willing to rest on that.

Mr. MOSS of Indiana. I say it would have been nearer correct to say that the Committee on Agriculture raised that question without determining it. The decision of the Committee on Expenditures in the Agricultural Department, as I understand it, is this: That the Secretary of Agriculture had the power to create any board which was necessary to aid him in the proper discharge of his duty. Does the gentleman from Connecticut agree to that statement?

Mr. HIGGINS. Mr. Chairman, it seems to me, in view of the report which the gentleman's committee made, that we might dispose of this matter, so far as the legality of the Referee Board is concerned, very quickly, and I had supposed in that report the gentleman had disposed of it. And I would really like to know if the gentleman is contending that the Referee Board to-day is illegally constituted.

Mr. MOSS of Indiana. The gentleman from Indiana has not made that statement.

Mr. HIGGINS. Will the gentleman be kind enough to say whether he finds, as a matter of fact, that the Referee Board is illegally constituted?

Mr. MOSS of Indiana. The gentleman is perfectly willing to repeat the language of the report. There may be authority.

Mr. HIGGINS. If the gentleman does not want to answer my question, I will not press it.

Mr. LEVER. I understood the chairman of the committee to say that the committee had not passed upon the proposition of the legality of the board; but I would like to ask the chairman if it is not a fact that the committee did pass upon the proposition as to whether or not the Remsen Board, as at present constituted, should be continued? If the report did not show that the Remsen Board ought to have its functions set out by law; either that, or it ought to be discontinued?

Mr. MOSS of Indiana. The decision of the committee has been stated—that is, the committee declined to recommend a further maintenance of the Referee Board unless on the theory that it be deemed necessary or advisable for the proper enforcement of the pure-food laws.

Mr. HIGGINS. Is it held it was illegal?

Mr. LEVER. I take it, of course, Mr. Chairman, if the gentleman will permit, as to whether or not the board ought to be continued is a matter for the decision of Congress and not for the Secretary of Agriculture or the President of the United States.

Mr. MOSS of Indiana. That is my own opinion, and that is what I am attempting to establish in these remarks which I am submitting to the committee.

The honorable Secretary was not content to take this simple and evident meaning of the law. He preferred rather to elevate the dignity of his high office and to increase his official power. Speaking to this point, the united voice of your committee said:

Your committee does not question the motives or the sincerity of the Secretary of Agriculture, whose long service at the head of the Department of Agriculture has been of signal service to the American people. From the beginning, however, the honorable Secretary has apparently assumed that his duties in the proper enforcement of the pure-food law are judicial in character, whereas, in fact, they are wholly administrative and ministerial. This misconception of the law is fundamental and has resulted in a complex organization within the Department of Agriculture, in the creation of offices and boards to which have been given, through Executive order, power to overrule or annul the findings of the Bureau of Chemistry.

In this indefinite grant of authority to review the findings of the Bureau of Chemistry is the weakness of the law. No sane mind can study this question with a due regard to the vast interest involved and fail to reach the conclusion that there should be a review of the findings in the presence of the person who is accused of fraud and crime, but this grant of authority should be definitely written in the law and the relation between the bureau and the review board should be clearly defined. Thus we will avoid the disputes over relative rank and authority which has nearly proven fatal to the efficiency of this great department of our Government under present conditions.

The central idea of the pure-food law is that the Bureau of Chemistry, with its splendid technical equipment, shall pursue special investigations to discover evidences of adulterations and of fraud in foods and drugs. This preliminary work should be subjected to careful review by expert authority, because the law should be a shield to honest manufacturers as well as to honest consumers. The only class of our citizenship which should fear the execution of the pure-food law is the crook—the man who desires to obtain dollars without giving value received. But it is undeniable that many honest dealers are afraid of the decisions of the Bureau of Chemistry. This is true of many who have no good reason to fear that their business will ever be subjected to any adverse decision of the Bureau of Chemistry. If the Referee Board had the support only of those who may expect to profit from its decisions, this debate need not occur to-day. Every grain exchange in the country is excited over the question of grading of grain; a convention is called to meet in St. Louis to take measures for protection, and Members are receiving urgent telegrams to support the Referee Board as a protection to the grain exchange against the activities of the Bureau of Chemistry. The Referee Board has no possible connection with this class of cases and never can have. There is no allegation of adulteration; only of misbranding in that the grade of grain is changed.

I have stated, in the course of these remarks, that I do not question the sincerity of the Secretary of Agriculture because he misconstrued the law.

Mr. MADDEN. Mr. Chairman, will the gentleman permit me to ask him a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. MOSS of Indiana. Yes; with pleasure.

Mr. MADDEN. I understood the gentleman to say that he believed the findings of the chief chemist should be subject to review by a scientific board?

Mr. MOSS of Indiana. That is my opinion; yes, sir.

Mr. MADDEN. Is the Remsen Board a scientific board, in the gentleman's opinion?

Mr. MOSS of Indiana. I have no reason to doubt it.

Mr. MADDEN. I will ask the gentleman to state what is the objection to the Remsen Board?

Mr. MOSS of Indiana. I will state it before I get through. Would the gentleman like me to state it now?

Mr. MADDEN. I would like very much, if it is not interfering with the trend of the gentleman's remarks to have him state it.

Mr. MOSS of Indiana. I would like to defer that until later, because I shall speak directly on that subject later on in my remarks.

Mr. MADDEN. Very well.

Mr. MOSS of Indiana. I will say the same of Dr. Wiley and his associates on the board in their course of extending the pure-food law in an attempt to govern the grain exchanges of this country. I am a farmer and know that we need most urgently a uniform system of grading grain. I will welcome such a measure, as it will give the farmers of this country large relief from the present system which permits, in many cases, the buying of grain at a lower grade and selling the same grain at a higher grade. No well-informed man will deny that such a practice is prevalent and that it is not commercially honest; but the pure-food law was not enacted to control the sale of grain in the ordinary course of exchange in the commercial centers of our country. The millers are justly entitled to receive the grade of grain for which they have paid; the farmers are justly entitled to be paid for the grade of grain which they actually deliver to the purchaser; but the Bureau of Chemistry, acting under the pure-food law, is not the proper arbiter of these transactions; and neither the Referee Board nor Board of Food and Drug Inspection has any call to expend public funds to investigate the grades of grain under the presumption that they are protecting the public health.

If the pure-food law makes it the duty of the Bureau of Chemistry to fix the grade of grain in car lots which enter interstate commerce, and gives to it the power to declare that a grade which has been regularly and officially established by local authority is a misbranding under the pure-food law, then we are in urgent need of an amendment to the law which will make it possible to sell grain legally. Grain is sold by sample or by grade, and at the present time the grade is determined as between buyer and seller in most commercial centers by officials appointed for that purpose and who do not represent either the buyer or the seller. Neither party to the trade agreement can avoid accepting the grade thus established, and the price follows the grade, so far as State commerce is concerned. If this grain enters interstate commerce, it will be reinspected at the center where it next changes ownership, and this grade will likewise govern the parties in interest.

Mr. MADDEN. Will the gentleman yield for a question right there, please?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. MOSS of Indiana. Yes; with pleasure.

Mr. MADDEN. Does the gentleman from Indiana undertake to say that the United States Government fixes the grades of grain?

Mr. MOSS of Indiana. I say that under the rulings of the Bureau of Chemistry they attempt to do that very thing.

Mr. MADDEN. Is there any law that gives the United States Government the right to inspect the wheat and corn and oats that is sold in the markets of the United States?

Mr. MOSS of Indiana. It is a question arising under the pure-food law. The pure-food law undoubtedly covers the sale of all foods, and under the present ruling they would probably undertake also the supervision of the sale of grain.

Mr. MADDEN. I would like to ask the gentleman from Indiana this question: Has anybody undertaken to determine the purity of the grain as it comes from the fields?

Mr. MOSS of Indiana. I would state to the gentleman that I will insert in my remarks notice of judgment No. 1135, which gives exactly the information he wishes. The notice is as follows:

F. & D. No. 1123.
I. S. No. 48310-a.

Issued November 9, 1911.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT No. 1135.

(Given pursuant to section 4 of the food and drugs act.)

ADULTERATION AND MISBRANDING OF NO. 2 RED WHEAT.

On January 28, 1911, the United States attorney for the western district of Missouri, acting upon a report by the Secretary of Agriculture, filed information in four counts in the district court of the United States for said district against the Hall Baker Grain Co., a corporation, Kansas City, Mo., alleging shipment by it, in violation of the food and drugs act, on or about May 3, 1909, from the State of Missouri into the State

of Texas of a carload of wheat which was invoiced and sold as No. 2 red wheat, and which was adulterated and misbranded.

Examination of samples of said wheat by the dairy and food commissioner of the State of Texas, acting under the authority of the Secretary of Agriculture, showed the product to contain 33 per cent hard wheat and 7 per cent mixed wheat. Misbranding was alleged in the first count of the information, for the reasons that said wheat was offered for sale and sold under the distinctive name of another article of food, to wit, red wheat, another and different article of food than the contents of said car, namely, mixed wheat; and because said wheat was labeled and marked so as to deceive and mislead the purchaser thereof into the belief that it was red wheat, when in fact it was not red wheat, but was mixed wheat. Misbranding was alleged in the second count for the reasons that said wheat was offered for sale and sold under the distinctive name of another article of food, to wit, No. 2 red wheat, another and different article of food than the contents of said car, namely, mixed wheat; and because said wheat was labeled and marked so as to deceive and mislead the purchaser thereof into the belief that it was No. 2 red wheat, when in fact it was not No. 2 red wheat, but was mixed wheat. Adulteration was alleged in the third count for the reasons that other and different substances and articles, to wit, various kinds and grades of wheat, had been mixed and packed with said wheat so as to reduce, lower, or injuriously affect the quality and strength of said wheat, and because other and different substances, to wit, various kinds and grades of wheat, had been substituted in part for the wheat represented to have been sold and shipped as red wheat; and further because a valuable constituent or part of the wheat sold and shipped and represented as red wheat had been in part abstracted and removed; that is to say, a certain portion of red wheat had been abstracted and removed therefrom and a like quantity of various kinds and grades of wheat inferior and less valuable had been substituted therefor. Adulteration was alleged in the fourth count for the reasons that other and different substances and articles, to wit, various kinds and grades of wheat, had been mixed and packed with said wheat so as to reduce, lower, and injuriously affect its quality and strength; that other and different substances, to wit, various kinds and grades of wheat, had been substituted in part for the wheat represented and pretended to have been sold and shipped, to wit, No. 2 red wheat; that a valuable constituent or part of the wheat sold and shipped, to wit, No. 2 red wheat, had been in part abstracted and removed; that is to say, a certain portion of No. 2 red wheat had been abstracted and removed therefrom, and a like quantity of various kinds and grades of wheat inferior and less valuable had been substituted therefor; and that said wheat was mixed and packed with other kinds and grades of wheat in a manner whereby damage and inferiority were concealed.

Under this ruling, if at Indianapolis a carload of wheat has been inspected and graded as No. 2 wheat, and it is consigned to Chicago and thus enters interstate commerce, and the inspector of the Bureau of Chemistry comes along and decides that it is not No. 2 wheat but some other grade, then, under the decisions and rulings of the bureau, that grain is liable to be seized on the ground that it has been misbranded.

Mr. MADDEN. What I want to ask the gentleman from Indiana is this: By what authority of law does the Agricultural Department assume to say what the standard of grain is?

Mr. MOSS of Indiana. They do not attempt to say what the standard of grain is, but under the pure-food law one must deliver exactly what one sells. Thus it is that if a miller in Illinois buys No. 2 wheat and makes that trade with a citizen of Indiana, and there is shipped over what is No. 2 wheat in Indianapolis, but when it gets to Peoria, for example, it is graded as No. 3, that miller has the right to complain, and it is claimed that he has bought something which is misbranded under the law.

Mr. MADDEN. I understood that the pure-food law had to do with manufactured food products. Am I to understand that the pure-food law includes in its scope an inspection of agricultural food products?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from South Carolina?

Mr. MOSS of Indiana. With pleasure.

Mr. LEVER. Mr. Chairman, I would like to state that the matter of the standardizing of grain has been pending before the Committee on Agriculture for 10 years, I presume, and that committee has invariably declined to pass upon that proposition, so that if there is an attempt on the part of the Bureau of Chemistry, through the exercise of any power under the pure-food law, to regulate the standards of grain, or attempt to standardize grain, then they are doing it under what I conceive to be a contravention of the judgment of the House of Representatives.

Mr. MOSS of Indiana. There is no question, Mr. Chairman, but that at least one suit has been taken into court on a question of that kind and decided on that very point. There have been other suits in which the parties at interest have settled by withdrawing the tender and making it satisfactory to the Bureau of Chemistry under the very point I am discussing.

Mr. MADDEN. There is one point that I would like to get information upon, and that is how the chemist in charge of the Bureau of Chemistry in the Agricultural Department gets the inspectors to give him information upon which he bases a judgment as to the purity or standard of the various grains. Are they appropriated for by the Committee on Agriculture?

Mr. LAMB. I do not believe they are. I have no knowledge of their having been appropriated for.

Mr. MOSS of Indiana. He gets it by seizures by traveling inspectors as other specimens of foods and drugs are collected

for examination by the Bureau of Chemistry. This brings up incidentally the question or the right to sell sulphured oats. A very large trade has grown up in this country whereby dealers sulphur oats as they come from the farm and sell them as a special grade of oats, under a distinctive trade name. This grade of oats is recognized in every grain exchange in the United States. Elevator men sell them as a distinct grade and dealers order them by grade. Every party to the transaction is on notice, and no one can be imposed on or deceived unless it is the horse who eats the oats. There is no question or allegation of adulteration; only misbranding and fraud by raising the grade of the oats; that is, buying them as one grade and selling them as a different and higher grade. But all parties are well aware of the grade of grain, and it seems to me that we have gone a long way to look for dishonesty and fraud if the National Government feels impelled to intervene between two citizens in commerce, the one offering an article under a distinctive name and the other purchasing it because it is of that particular grade.

If in transit the Federal authorities shall exercise the right to inspect the grain, and if their judgment shall differ from that of the last inspector, and that this difference shall constitute a misbranding under the pure-food law, then insuperable difficulties have been added to the grain trade of our country, which it is the imperative duty of this House to remove by enacting amendments which will make it possible for a farmer to sell a carload of wheat or oats without violating the pure-food law or being compelled to defend a suit before a Federal court at the instance of our Federal authorities.

This well illustrates the absolute necessity of Congress clearly defining the authority, scope, and jurisdiction of these executive boards and of defining the effect of any decisions which they may deliver. If this were done, we will have no necessity for one of these boards and will escape the scandals which have followed the transactions of each, for in each of them has public funds been wasted and the purpose of the law has been exceeded.

The Bureau of Chemistry in its work of investigating and examining specimens to discover evidence of adulteration and fraud has expended \$1,990,354 of public funds and has reported on approximately 27,000 specimens. Of this number 9,866 cases were reported as alleged violations of law. Reviewing this work of the Bureau of Chemistry through the board of food and drug inspection the Secretary has abated 6,202 of these cases by failing or refusing to certify them to the district courts for prosecution. Thus approximately two-thirds of all cases recommended for prosecution by the bureau has been reversed by the Secretary or some authority appointed by him for that purpose.

The larger number was abated on the advice of the Board of Food and Drug Inspection, composed of Dr. Wiley, Dr. Dunlap, and Solicitor McCabe. The records show that Dr. Wiley voted to sustain the findings of the bureau and order prosecutions in two-thirds of all the cases, but was overruled by Dr. Dunlap and Solicitor McCabe. If it so happened that Dr. Dunlap voted with Dr. Wiley to sustain the bureau, and thus favor a prosecution, and Solicitor McCabe afterwards voted in opposition, to abate the case, then in every such instance Dr. Dunlap changed his vote to agree with McCabe, and thus prevented the prosecution of the case. These recommendations of the board came to Secretary Wilson for approval, but in every one of the 6,202 cases the Secretary was exactly of the same opinion as was the majority of the board; in no single instance did he sustain Dr. Wiley if the doctor was opposed by Dunlap and McCabe.

The next progressive step looking toward the effacement of Dr. Wiley from the enforcement of the pure-food law was in the composing of order No. 140, an order wholly illegal and as vicious from an administrative standpoint as it was invalid from a legal standpoint. The lust for power and the lengths to which an official will go to satisfy his longing when assailed by such temptation is well illustrated in this instance. Proposing, for economy's sake principally, to have but one legal office in the Department of Agriculture—a proposal wholly in the interest of good administration—the purpose grew until on the slender grant of authority to effect a commendable economy the power of the Solicitor was projected in giant strength over the Bureau of Chemistry in opposition both to law and to economy of administration. Under the terms of this order, which was written by McCabe and signed by Secretary Wilson, all the Bureau of Chemistry did, and all it was given the power to do, was to make the examination of specimens and then send them over to the Solicitor's office to have the examination completed by a decision whether the specimens were adulterated or misbranded within the meaning of the law. The Secretary had as well have closed Dr. Wiley's office in the Bureau of Chemistry with a big signboard, "See McCabe." What this means in administrative

results is clearly shown by the record. The Bureau of Chemistry spent \$1,190,784 in examining cases, not one of which was reported to the Federal courts for prosecution. It cost the Government \$515.95 to make the examination in the Bureau of Chemistry for every case which was reported for prosecution.

Commenting on this record, your committee said:

It does not require comment to sustain a conviction that either too many cases were prepared in the Bureau of Chemistry or too many were abated in the Board of Food and Drug Inspection.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MOSS of Indiana. Mr. Chairman, I do not wish to trespass upon the time of the committee, but I had an understanding with the chairman of the Committee on Agriculture that I was to have more time, or at least that he would ask for it.

Mr. LAMB. I yield to the gentleman 5 minutes more.

Mr. MOSS of Indiana. I do not think 5 minutes will do; but if the gentleman will give me 10 minutes more I think I can complete the statement I wish to make. I wish to say that since I have been here I have taken up no time, and I should like at least an opportunity to finish my remarks on this subject, if it will not trespass too much on the indulgence of the committee.

Mr. LAMB. I yield to the gentleman 10 minutes.

The CHAIRMAN. The Chair will call attention to the fact that the committee can not extend the time; but the gentleman in charge of the time can yield any time he desires.

Mr. LAMB. I have yielded to the gentleman 10 minutes.

Mr. MOSS of Indiana. Take either alternative; this is a record which this House can not indorse with due regard for the proper expenditure of public funds. It is indisputable evidence that there is urgent need for a reorganization and reform in the executive machinery which has been devised to carry this law into effect. The business world, in a ferment of fear lest they be destroyed, and the consuming public with ample knowledge that it is largely a case of "fuss and feathers," with many abatements and few prosecutions.

An exception must be noted, however, when the offender happened to be Dr. Wiley; for while thousands of alleged violators of the law were leisurely traveling the road which leads away from the doors of the Federal courts it was impossible for Dr. Wiley to escape when accused of disregarding an order regulating the wages of expert witnesses at court. Not content with depriving Dr. Wiley of the rightful power and dignity of his office, there must needs be a desperate effort to destroy and to drive from office the man whose labors have done more to protect the lives, the health, and the daily income of the great consuming masses of our citizens than any other man of our generation. [Applause.]

Good name in man and woman, dear my lord,
Is the immediate jewel of their souls.
Who steals my purse steals trash; 'tis something, nothing;
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.

It is not possible to compute the value in money of the services of Dr. Wiley to the American people. It is not possible to know the total number of lives he has saved by his warfare against the sale of impure drugs, or to estimate the value of his services in the cause of commercial honesty. In all of these directions he has been the acknowledged leader of the Nation and has fought the good fight by keeping the faith. It is not surprising that such service should earn the rancor of those whom he has exposed, whose damnable methods he has discovered, and whose illegitimate profits he has destroyed. That is a part of the price which honesty must pay for the privilege of warfare against dishonesty. It is a badge of honor which the honest man and upright official is proud to wear in the presence of his enemy; but the mystery is that this spirit of hostility could invade the sanctuary which is guarded by the flag of freedom and of justice and secure false indictment against an official who had offended, if offense could be found, by his fidelity to the duties and obligations of his office.

The Referee Board is not authorized by any express provision of law—

Mr. HAMILL. Will the gentleman yield for a question?

Mr. MOSS of Indiana. Yes.

Mr. HAMILL. I understand it is established by an interpretation of the law made by the Secretary of Agriculture and confirmed by an opinion of the Attorney General. Is that so?

Mr. MOSS of Indiana. That is correct, so far as the present status is concerned. I have only a very few minutes left and I should like to complete my remarks.

The CHAIRMAN. The gentleman declines to yield.

Mr. MOSS of Indiana. Indeed, section 9 of the bill as it passed this House and which authorized such a board was deliberately stricken from the bill in the Senate. Thus the weight of legislative

intent is opposed to the board. This leaves it as one of these modern creations whereby the executive branch of Government seeks to place its will above the mandates of Congress. Commissions are often resorted to by Congress as an expedient to delay the enactment of remedial legislation; and they are commonly organized by the Executive when it is the wish to tone down reform legislation which the people have secured by legislative enactment. In this instance it would seem that the desire is to prevent the Bureau of Chemistry from exercising the functions given under section 4 of the law. No one will seriously question the authority or the propriety of the Secretary of Agriculture to review the findings of the Bureau of Chemistry to discover errors in their examinations. The Board of Food and Drug Inspection was created expressly to perform this duty. The referee board was organized on the theory that the Secretary of Agriculture has the power to determine the question of purity in foods and drugs independently of any examination by the Bureau of Chemistry. He asserted that the law spoke to him; that the enforcement of it was in his hands; and that it was necessary for him to know definitely whether certain articles are deleterious when added to foods.

Thus a question of purity which has not been considered by the Bureau of Chemistry can as readily be referred to the referee board as one which had been so considered, and by such action deny to the bureau the right to make such examination. To quote the Secretary's language to the fruit growers of California:

I will tell you what to do. Just go on as you used to go on, and I will not take any action to seize your goods or let them be seized or take any case into court until we know more about the number of milligrams to the kilo and all that.

The food business is the biggest branch of business in the Nation, and for one man to assert that it is within his power to say what may be sold and what products shall not be sold in our markets, vacating all lawful processes and denying adjudication by the courts, but in their stead arbitrarily submitting these most important questions to personal appointees holding office at his will, exercising just so much or so little power as he may determine, is most truly an exercise of kingly prerogative.

When a question is submitted to the Referee Board there can be no expression of judgment except on the precise form submitted by the Secretary. On this point Dr. Remsen said before our committee, in speaking of his experiments with benzoate of soda:

We were asked the plain question whether or not it was harmful in small doses or in large doses. When we answered that question our duty was ended.

The most important problem, whether such substances are used to preserve partly decayed material and thus conceal inferiority and lead to fraud, could be given no consideration at all, because it was not included in the question asked by the Secretary when he submitted the subject. But the honorable Secretary was not content to limit the functions of this board to such purposes as were indicated in the order which organized these experts into a board; he was like the ancient king who issued his orders to the waves of the sea. If the board said "thumbs up" to the Department of Agriculture, then thumbs must go up in the States as well as the Nation. Accordingly, acting at the request of an attorney for private corporations, he sent three members of the Referee Board, in violation of their conception of dignity and propriety, and exposing them to just criticism, to appear in court in aid of these corporations in their attacks against the pure-food law of the State of Indiana. The following correspondence well illustrates the reluctance of the board and the zeal of the Secretary in applying these new functions of the Referee Board:

PROUTS NECK, ME., September 9, 1909.

MY DEAR MR. SECRETARY: The Referee Board is going to be subjected to very severe criticism for testifying in the Indiana suit, and in order to protect ourselves it is our desire that we should have from you a written request that we should give this testimony. I hope you will have no objection to sending this request to me. We are to testify at Seal Harbor, Me., on the 17th. My address until that time will be Prouts Neck, Me.

We are all glad to have been to Denver, and we all recognize the soundness of your judgment in asking us to go.

Yours, very truly,

IRA REMSEN,

Chairman Referee Board.

One can not withhold sympathy from the president of a great university in his extremity, which forced him to write such a piteous appeal in order to hold a Government job at \$2,000 per year. Dr. Remsen and his associates had better suffered the fate of Dr. Robinson, who was discharged by Secretary Wilson because he would not yield to the Secretary's views on this question, and if proof were needed that this board should not be continued under its present status no stronger presentation can be made than in this particular instance. Dr. Remsen absolutely refused to appear as a witness for the Curtice Bros. when approached by Mr. Baldwin, attorney for that firm.

Later at Denver, where Secretary Wilson had assembled the members of the Referee Board in a grand attempt to strangle the just criticism which was directed against his administration of the pure-food law by the State boards of health, a member of the firm of Curtice Bros. approached Dr. Remsen again to ask his aid and assistance in the Indiana suit. Dr. Remsen consulted the board, and they decided that it was not their business to give assistance to the corporations in their lawsuits against public interests and the health laws of States, and notified Mr. Curtice accordingly. Here was a decision by the Referee Board as truly as any decision which has been given by that body, and one which, if it had been adhered to, would have commended them to the confidence of the country in a greater measure than any other decision which they have uttered. The country does not blindly follow Dr. Wiley as an infallible guide; they know he may make mistakes, but they also know that he can not be controlled. How happy would it have been had Dr. Remsen and his associates established a similar reputation before the people of our country by refusing to yield their convictions on this question; but following the repeated refusal of Dr. Remsen and his associates to enter the court room in the interest of Curtice Bros., Mr. Baldwin, their attorney, entered the office of Secretary Wilson. The purpose of that visit and its result is told under oath before your committee by Mr. Baldwin. He stated that he found the Secretary in doubt as to the propriety of the appearance of the board, but that it did not take him—Mr. Baldwin—15 minutes to get the Secretary to change his mind and to agree that the board should give their testimony in the Indiana suit, as so ardently desired by the Curtice Bros.

Accordingly he wired Dr. Remsen as follows:

TRAER, IOWA, September 13, 1909.

IRA REMSEN, *Prouts Neck, Me.*

It is my request that the testimony be given at Seal Harbor or wherever the decisions of the Referee Board are questioned.

JAMES WILSON.

Having thus ordered his board to testify whenever and wherever corporations are fighting the enforcement of State pure-food legislation, it only remained to violate the law by the expenditure of public funds to defray the expenses of these members when attending court as expert witnesses for private corporations. And this was done, whether in a spirit of irony or through sheer recklessness, from the money appropriated by Congress to enforce the pure-food law of the Nation.

The Federal pure-food law has done much to protect the people from gross evils in the matter of foods and drugs; it could have accomplished much more good if the central thought in its administration had been the consumer rather than the producer. This change in administrative policy must be made. In a recent issue of the Outlook, the following editorial language is used:

The American people are now thoroughly convinced that they have in the past not infrequently eaten bread baked in filthy bakeries, meat packed in filthy packing houses, and preserved and canned foods composed of filthy materials and containing poisonous chemicals introduced for the purpose of concealing the filth.

Under such indictment is this House going to hesitate to take a step forward? Are you willing to stand side by side with the manufacturers who have founded the "association for the promotion of purity in foods"? This association is composed solely of "manufacturers or distributors of strictly pure American-made food products." I am proud that every food manufacturer in the State of Indiana is qualified for membership in this most patriotic and law-abiding association. The following is a clause from its constitution:

The aim of the association is to elevate standards in American prepared and semiprepared foods of all kinds by an insistence upon strict purity; the employment of only sound, wholesome raw material; the entire and absolute omission from foods of artificial chemical preservatives and recognized harmful artificial colors of any and all kinds; and the maintenance of a high degree of sanitation of premises and surroundings in establishments where food is prepared—to the end that increased public confidence in prepared foods may be secured, to the mutual and lasting benefit of both the consumer and the reliable food manufacturers.

The membership of this association do not desire a referee board to stand between them and the Federal courts.

I am in favor of a board of review, created by law, whose duties shall be to pass upon the findings of the Bureau of Chemistry in connection with the representations of the manufacturer who composed the product under examination. This board should supersede the Referee Board and the present Board of Food and Drug Inspection. The Secretary of Agriculture should be relieved from all responsibility of making these decisions, except to nominate well-qualified officials to fill the board, and the decisions of this board should be final until they are passed upon by the Federal courts. The Secretary of Agriculture should be a farmer and not a chemist. His paramount duties should be to promote the agricultural wealth and in-

dustry of the country and not to decide innumerable questions as to the effects of drugs and salts on the human system.

But we can not secure this change unless we refuse to support the present clumsy machinery. We can not stand with the progressive manufacturers and distributors of food supplies if we vote to support the Referee Board in its present status. Public opinion is awake; progressive sentiment is in the ascendant; let us join the movement. Let us refuse this appropriation and then pass an amendment to the pure-food law which will authorize a board of review with authority to decide these moot questions, not in any narrow form which may be prescribed in a formal statement, not in small doses or in large doses, but decide them in the manner best calculated to protect the health of the consumer, the honest dollar of the buyer, and the honest profits of the producer. Let us give the whole American people—the producer, the purveyor, and the consumer—the greatest possible benefit from a law which, when rightfully administered, will distribute its benefits like the dews of heaven on everyone alike.

MR. LAMB. I will ask the gentleman from Iowa [Mr. HAUGEN] to use some of his time now.

MR. HAUGEN. Mr. Chairman, I yield 45 minutes to the gentleman from Oregon [Mr. HAWLEY].

MR. HAWLEY. Mr. Chairman, on March 25, 1908, I called the attention of the House by some remarks to the fact that there was a large body of land in Oregon granted to the Oregon & California Railroad Co., upon the condition that such lands were to be sold to settlers in certain areas and at a fixed price, and that the company was refusing to comply with the law. By reason of action taken subsequently, in which I took an active part, a resolution already passed by the Senate, was passed by the House, submitting the matter to the courts to determine the rights of the United States, the people, and the company; and so far as the proceedings now pending in the United States District Court for Oregon are concerned the passage of this resolution was and is the sole cause and basis for the institution of the suit.

The passage of this resolution was due in no way to ill will toward the railroad company, either on the part of myself or of the people of Oregon, but to the much broader and sounder reason that the development of the State was being retarded by the refusal of the holding company to sell the lands as required by law. It was desired that the lands be improved and otherwise put to beneficial use.

I come to-day to present for the consideration of the House another important problem relating to the improvement and development of now unused lands, not only in Oregon, but in all the public-land States. This is the matter of dealing with settlers on the public domain, the consideration of proofs made upon entries, and the issuance or denial of patents. The nature of the case is indicated by the questions frequently asked of me by persons desiring to make homes on the public lands, such as, "Can I get a patent?" "Is the Government issuing patents?"

So great are the difficulties experienced by settlers in securing patents, so many the official hardships they are subjected to, that a belief seems to be extant that the Government is not giving lands to settlers, or that the conditions under which they are given are almost impossible of fulfillment. As a result vast areas of good land, unprofitable in their present wild state, are not being reduced to cultivation for the benefit of the people of this country, but instead the men and women who should be doing this are going to Canada in considerable numbers. An effective and reasonable remedy for this state of affairs is greatly needed.

The Government by its most solemn act provides that its citizens shall acquire title to tracts of land if they comply with certain definite requirements. Whether they do so comply is a matter of judgment and information, naturally to be determined by investigation upon the ground and the testimony of credible witnesses who are acquainted with the facts. The Government requires residence, improvements, and cultivation. This refers, of course, to homestead entries. The amount of improvement and cultivation depend somewhat upon the life of the entry, the nature of the land, its surface cover, if any, its condition and distance from market, the financial circumstances of the entryman, his physical strength, industry, and experience. Settlers are usually people of very limited means, whose principal capital is the ability and willingness to do hard labor. They usually are not able to hire assistance, can buy few, if any, beasts of labor, and are able to purchase implements or powder only to a very limited extent. Frequently they are dependent almost entirely upon their bodily strength. A man of some means can make more improvement and do more cultivation in the required time than can one without means, but his good faith may be no greater. The test of good faith is in the intent

of the entryman, and the evidence of that intent is shown by his complying with the law to the best of his ability. The evidence of his neighbors as to his diligence is most important information in determining his good faith. An investigator who comes casually to inspect an entry may report what he thinks is right and with honest intent, but his conclusions may be far from correct. The rights of an entryman are as susceptible of proof as any other right to property, and he ought to have the same protection in his rights as any owner of property, where acquired by his exertions and in a legal way. He should not be deprived of his entry without due process of law—that is, after due process in the courts. The entryman, during the period before he can prove up on his entry, does a great deal of labor which has a distinct monetary value, and expends certain sums in improvement. These things being done upon an implied agreement offered in the law should give him a property right or interest in the land, and, in case of dispute, be ascertained by the courts. To so protect him, I have, after five years of experience and upon consultation with experienced persons, introduced H. R. 18235, which reads as follows:

A bill (H. R. 18235) relating to entries on the public lands.

Be it enacted, etc., That on and after the passage of this act it shall be unlawful for any executive or administrative officer of the Government of the United States to consider or use in connection with any order, finding, or decision to be entered, made, or rendered in any case relating to the rights of any person to enter or perfect title to any land entered under the public-land laws of the United States any report, letter, or other information submitted in writing, directly or indirectly, without first submitting to the person whose rights are affected a true and literal copy of said report, letter, or other information submitted in writing, and affording said person proper opportunity, at a hearing to be had, to disprove any charge so made injuriously affecting his or her rights, and at said hearing issues shall be joined upon the charge or charges made and evidence shall be confined strictly to the matter in issue.

SEC. 2. That every report hereafter submitted by any agent of the Government of the United States affecting the rights of any person to enter or perfect title to any public lands under any law relating to the disposition of the public lands of the United States shall state: First, those facts made of the agent's personal knowledge; second, those facts alleged upon information and belief; and all reports submitted by any such agent shall be signed by said agent and shall be of the same solemnity as though duly acknowledged by said agent under oath, and for any false report so submitted any such agent shall be proceeded against under chapter 6, section 125, of the Penal Code of the United States, approved March 4, 1909.

SEC. 3. That upon the entering of any final order or the rendition of any final decision by any executive or administrative officer involving the right of any person to enter or perfect title to any land of the United States, the aggrieved party shall have the right to appeal therefrom to the Supreme Court of the District of Columbia or to the United States district court within whose territorial jurisdiction the land in controversy is situated within 90 days from the entering of said final order or rendition of said final decision, and jurisdiction is hereby conferred upon the Supreme Court of the District of Columbia and the United States district courts to hear and determine the right or rights of any such person or persons in any such case so appealed. Upon the filing of the appeal and a proper bond for costs, to be approved by the judge, in either of said courts, and the issuance of citation and evidence of service thereof upon the opposite party or parties, the clerk of said court shall so advise said executive or administrative officer from whose final finding or decision the appeal is taken, who shall thereupon cause to be forwarded to the said court the complete record in the case, and said cause shall then be heard upon the record so transmitted and the rights of the parties determined according to the law and equities of the case, with the right of appeal as in other cases provided by law: *Provided, however,* That whenever, in the opinion of the judge before whom the cause is pending, it is deemed necessary in the interests of justice to allow additional evidence to be offered, such evidence may be taken under such order or orders as may be entered by the court and shall become a part of the record in the case.

SEC. 4. That upon final judgment or decree being entered by a court in any such case said judgment or decree shall be certified by the clerk thereof to the Secretary of the Interior, who shall proceed in strict conformity therewith.

SEC. 5. That upon the submission of final proof upon any lands entered, it shall be the duty of the Commissioner of the General Land Office to consider and determine the sufficiency of said proof within one year from the submission thereof, and upon his failure to so do the entryman may then apply to the United States court within whose jurisdiction the land is located, and upon the submission by the entryman of satisfactory evidence of his compliance with all the requirements of the law, the judge thereof shall enter a final order, judgment, or decree, adjudging or decreeing the entryman entitled to a patent to the land applied for from the Government of the United States, which said judgment or decree, unless appealed from as in other cases provided by law, shall become final within 60 days from the entering thereof, and upon certification thereof to the Secretary of the Interior shall be by him carried into effect.

This bill if enacted into law will give the entryman legal rights in place of what is now changeable executive discretion. It places the efforts of the settler and miner under the protection of the United States courts. The interpretation of the laws by the Department of the Interior is putting a ban upon settlement in many places.

We have become a great Nation. But in practically every mile of the advance of this greatness the settler has led the way. New York City was once a settlement; likewise Boston, Philadelphia, and Chicago, and so on around the glittering circle of mighty cities. The earliest settlers laid down the boundary of the present United States a few miles inland from the Atlantic Ocean; they and their immediate successors carried it westward to the summits of the Appalachians; a hardy band carried it

down the broad fertile lands east of the Mississippi; again sturdy men in search of homes picked up the boundary of the United States and carried it across the river; thence westward they carried the hem of empire with their ox wagons to the Rocky Mountains; they sought and found gateways through them to the Golden West, and after 200 years of almost incredible heroism, toil, and suffering the eighth generation of settlers laid the border of our country down to stay along the sands of the Pacific Sea. They always carried with them law and liberty and love of country. We have been a Nation of settlers. It has been national policy, wise and sound, to promote their spread. We have made a mighty appeal to the landless but land-loving sturdy peoples of Europe by the offer of free homes, and they have responded by coming in millions to the immeasurable benefit of this country. Europe was inundated by barbarism; America overflowed by civilization. "Sons of pioneers" has always had a heroic ring. The estate of the settler was highly honorable.

But recently a change appears to have come over the spirit of the dream. The settler or miner now appears to be a person to be regarded askance. Mysterious espionage must attend his activities. He must be spoken of with the finger beside the nose and with elevated brow. When did the settler fall from his high estate? I have known them by the thousands, and as a body there are no more honorable, kindly, or industrious men and women. What has been the result of the unfavorable attitude of those clothed with practically arbitrary power? I submit below the report of Mr. John E. Jones, our consul general stationed at Winnipeg, as printed in the Daily Consular and Trade Reports for December 13, 1911, fourteenth year, No. 291. Attention is called to the large number of our citizens which are removing to Canada and the conditions prevailing there which induce them to go. I call the careful attention of the House to this report:

THE CANADIAN IMMIGRATION SYSTEM.

[From Consul General John E. Jones, Winnipeg.]

The work of handling the immigration movement into Canada has brought into existence a machine of somewhat complex and yet effective character, whose ramifications reach out all over the country from ocean to ocean. Last year over 311,000 immigrants came into the Dominion from all quarters, and this year the number will approximate closely 400,000, of whom at least 130,000 to 140,000 are from the United States.

Immigration is divided into three parts—British, foreign European immigration, and immigration from the United States. The organization dealing with the work, however, makes no distinction, though the conditions under which the people come renders the operation of the machine different in some respects. For instance, the immigrant from Great Britain does not lose his British citizenship, and starts from England with a cheap rate to Winnipeg and a 1-cent-a-mile rate to any point west of Winnipeg, whereas the ordinary rate is 3 cents per mile. The same conditions apply very largely to the Scandinavian and other immigrants.

THE AMERICAN HOMESTEADER—PREEMPTING METHOD.

Of the total immigration into the country, it is calculated that at least 50 per cent comes west of the Great Lakes, and among this is included almost the entire so-called American immigration. While the United States railways do not give any consideration, practically, to immigration to Canada, the Canadian railways have made arrangements whereby, on the presentation of a Canadian Landseekers' Association ticket order at the boundary line, the holder thereof is granted a rate of 1 cent per mile to inland destinations and 1 cent per mile back to the boundary, if it is his intention to return with a view to finally settling in Canada. These certificates are granted through the medium of the Canadian Government offices at St. Paul, Chicago, Kansas City, Detroit, Spokane, and elsewhere in the United States. The American homesteader having previously discussed his ultimate destination, either with the Government agents in the United States or with others, makes his way to the nearest Government land office, where he gets information of an accurate character as to the available homesteads for which he can make entry.

All over the West, particularly in the three Provinces of Manitoba, Saskatchewan, and Alberta, there are available about 200,000 homesteads. Each homestead has an area of 160 acres, and in some sections of the country a man may preempt an additional 160 acres by paying the Government \$3 per acre for it, with the payments spread over 10 years.

In return for this homestead or homestead and preemption the settler pays \$10 entry fee and undertakes to perform certain homestead duties, notably to reside on the homestead six months every year for three years, and cultivate the homestead to the extent of 15 acres every year for three years, and build upon the homestead a habitable house. The same duties are required, except residence, in the case of preemption; that is to say, in the preempted area he must also cultivate 15 acres every year. At the end of the three years, if the duties have been performed, the homesteader gets an absolute title to his property without further demand of any sort.

AID FOR ALL WORKERS.

In the case of a man coming in who is not prepared to take up land the Immigration Department finds him employment at agricultural work in almost any part of the country. He is registered on his arrival, and out of the hundreds of applications for help a place is selected for him; and, with a 1-cent-a-mile rate and a card of introduction, he is sent to the agent of the Government in the district in which he proposes to work, and by that agent is taken to the employer or employment to which he has been specifically sent.

Upon his arrival in the country, if he does not care to take up his quarters in a hotel, there are in Winnipeg and west of Winnipeg about 40 Government immigration buildings. In these halls he is at liberty to make his home during the period in which he is deciding as to his destination or arranging for employment. In these halls are provided

heat, light, bedrooms, and bedding, and each man is entitled to two week's residence without cost; and if it is found that settlement has not been decided upon at the end of that time, and that the delay is in no way due to the settler himself, a further and indefinite period of residence in the hall is permitted.

CONTRACTS WITH EMPLOYERS.

The farmer, in his application for help, must state his nationality, the nationality of the man he wants, the kind of home he has, the area of the farm, the wages he is willing to pay, and the period of employment. The prospective employee is supplied with a duplicate copy of this application, and knows the conditions under which he takes service with the farmer. If a dispute arises between the employer and the employee, the new settler has recourse to the immigration department, where his case is taken up; and if it should appear that injustice has been done him, action is taken by the department in the interests of the new settler without delay.

In connection with each Government land office are a number of Government land guides, provided free by the department. These land guides, who are properly authenticated and possess a distinctive badge of office, are obtained through the Dominion land office of the district in which the settler proposes to locate. No charge is made for the land guides' services, though of course the new settler must pay the carriage transportation between the land office where he engages the livery and the locality upon which he decides to homestead.

EMERGENCIES PROVIDED FOR.

In case of sickness and, on that account, inability on the part of the new settler to perform the required duties, his homestead is protected—that is to say, an extension period is granted him by the department of the interior, so that, instead of performing all his duties in three years, he may be permitted four or five, as the case may be. In any event no advantage is taken of his sickness to deprive him of the homestead upon which he has placed his labor and perhaps his capital.

In case of sickness in his family and consequent destitution, due either to insufficient capital or to extra expenditure for medicines and medical help, the new homesteader has the right to appeal to the immigration department of the interior.

Inquiry is made into the situation, and if it is found that the settler, through no fault of his own, is lacking in food, fuel, or clothing, this is provided by the department and a lien taken upon the homestead for the amount advanced to the homesteader, with 6 per cent interest added. The homesteader understanding that he can not become possessed of his final title until he has met and liquidated all the advances of the Government. In cases where the homesteader has suffered partial or total failure of crop from hail, fire, or other untoward circumstances, and where he is still upon land for which he has not received his patent, the Department of the Interior will advance him a reasonable quantity of seed wheat and seed oats to enable him to get upon his feet again and proceed with his spring sowing. The amount of this grain, the actual cost of the grain itself plus transportation only, is made a charge upon the homesteader.

The department makes no charge for administration, the cost price of the grain and transportation only being a debt upon the homestead and payable before the patent is issued. In cases of prairie fire or in cases of prolonged sickness the Department of the Interior is always willing to help the homesteader to his feet again; and in very few instances indeed has the recipient failed to make proper payment of his indebtedness.

RETURN OF UNDESIRABLES—NO CHARGES FOR SERVICES.

In the case of persons who are undesirable, either through disease, criminal character, or insanity, such persons become the charge and care of the Department of the Interior, and are sent to their respective homes at departmental expense, after negotiations, of course, with the authorities of the country to which it is proposed to return these persons.

No charge is made by the Department of the Interior for service of any kind rendered to the immigrant. Where persons from another country have become destitute through sickness or lack of employment, in the cities, within a year after their arrival, the Department of the Interior either finds sufficient employment, or, in the case of sickness, food and medical comforts, for the destitute newcomer. The same conditions prevail in the country districts, except that the period during which the immigrant is a charge upon the Department of the Interior is three years, as against one year in the city and urban centers. Absolutely no distinction and no favoritism of any kind is shown in the disposition of homesteads. Any man of good character and sound mind, 21 years of age, is open to make entry for a homestead, and all homesteads are awarded strictly in the order of priority. In cases of the cancellation of a homestead—that is to say, when some one has failed to perform the duties required and has left the district—the right of entry on this canceled homestead is accorded first to the neighbors or the families of the neighbors, in preference to any outsider. In the case of aliens the oath of allegiance must be taken before the patent is granted.

ADVANCE PLANS FOR SCHOOLS.

Schools are provided in every district of the country where there are 10 or 12 children of school age to be found. In every township in western Canada two full sections of land have been set aside as an endowment for school lands. These sections, each constituting 640 acres, are sold to the highest bidder, and the proceeds are an endowment to the school that is yet to be.

All land, by whomsoever owned, immediately upon ownership is liable to a school tax, though this does not apply to police or general taxation. No property owner, however, can escape the school tax, which becomes operative the moment the transfer of the property takes place. Persons adjacent to Crown timber have permission to cut all the timber they require for home building, fuel, or fence building upon receipt of a permit, for which a nominal charge of 25 cents is made by the land agent or subland agent of the district.

I have no complaint to make of our sister to the north. She is entitled to the results of the wisdom of her policy and the justice of her actions. But we can not afford to lose these people while millions of acres of as fertile land as we have are awaiting agricultural development in this country. While the demand for subsistence of our own people is evidenced by rising prices, where is the wisdom of the policy that stays the hands which fill the horn of plenty every harvest time, while hungry men, women, and children regard its stinting with distress? A family on every 100 acres of tillable land is a wise policy. As a commentary on this loss of settlers to Canada and the unsatis-

factory treatment of settlers in the United States, the total area of land entered during the year ending June 30, 1911, was 8,752,169.55 acres less than for the preceding year, a decrease of 33 per cent in a single year.

Also it appears that from July 1, 1910, to July 1, 1911, 90,768 citizens went from the United States to Canada and only 49,080 from all other countries; and from July 1, 1911, to December 1, 1911, five months, 40,085 American citizens and only 18,499 aliens went to Canada. (Statement of Senator GALLINGER, CONGRESSIONAL RECORD, p. 1012, this session.)

One source of distress to the entryman has been in the allowing of too many contests. I know of entries against which three or four contests were admitted. The cost to the entryman in defending his entry becomes a burden greater than many poor men can afford, and they are driven from the land when they were without fault. A court could determine by the facts, ascertained from witnesses, whether the entryman's residence, cultivation, and improvements were sufficient, and these facts once so determined would protect the entryman in his rights.

The practice has been to allow anyone who so desired to file a contest against any entryman. Where the entryman is not complying with the law in good faith, a contestant may render a public service. But it seems to me that the statements made by contestants, no matter how sincere in intent, should be most carefully scrutinized. The contestant is interested in the cancellation of the entry; and in many cases the value involved will prove a serious temptation. He finds an entryman on a piece of land, with good and substantial improvements. There are a house, a barn, outbuildings, fences, and cleared and cultivated land. The place begins to look like a home. If he can cause the cancellation of the entry he will become the possessor by preference right of the results of another man's industry, enterprise, and sacrifice without compensation to him and with little cost to himself for contest proceedings. He will have an improved entry, with roads or trails thereto, and the matter of complying with the law will be much easier for him. My experience has been that in many instances the statements of contestants against original entrymen have not been so scrupulously examined as they should have been; and I know of instances where contestants of some means have by repeated contests broken up a poor settler and compelled him to abandon his entry, being unable to bear the burden of expense involved in defending his entry.

I do not wish to be understood as opposing all contests. A contestant who files contest affidavit against a man who purposes to defraud the Government renders a public service. My contention is that they ought to be allowed only upon good and sufficient cause, and when it clearly appears that the purpose is not merely to harass the entryman in the hope that he will be forced or induced to abandon his entry.

If an entryman knew that his acts might subsequently be reviewed by a court which had power to summon witnesses; that the witnesses as well as himself would be subjected to skillful cross-examination; that false statements for or against him would be promptly and severely punished; if he knew the greatest strength his case could have would lie in his industry and good faith in complying with the law, I believe there would be little or no inclination or attempt to perpetrate fraud upon the Government. He would also know that every statement against him would be subject to the same analysis and penalties, and that no secret report or unsigned paper or secret verbal report would have any consideration. He would not be subjected to the necessity of submitting his proof and his case to find it stated later that he had failed at some time to answer charges made against his entry—charges that he was never informed of and never expected to have been made, but which were contained in secret reports. Many a settler has lost his entry upon secret charges and never found out why he was ruled against. This statement is based upon the numerous complaints made to me by entrymen and their attorneys during the past five years—people whom I know and believe to be worthy of credence.

Why should there be secret information? All information is either true or false, in whole or in part, and the measure of its truth or falsity is susceptible of proof. If the secret information is not true, the Government ought not to take advantage of it; and if true, it would lose none of its efficacy by being made known. Suppose a trial were being held in a court, and after all the evidence was supposed to be in, the plaintiff should declare that he had some secret evidence; that thereupon the defendant and all in his interest should be ordered to withdraw and the court should in secret session hear this secret evidence and decide the case upon it and declare its decision, stating that it was based upon the secret and undis-

closable evidence. Such a procedure would not last a single hour among a free people. Yet settlers must submit to it. Are men who desire to settle upon the public lands of such a peculiar class that their every act must be viewed with suspicion, that they must be surrounded with secret inspection, and matters in which they are vitally interested decided in a secret court, from which no appeal can be had to the open-air courts, established to secure justice for high and low, and from which they alone are excluded? Such treatment of a worthy body of our citizenship is out of place in the twentieth century. The system is both wrong and unnecessary.

I do not know what proportion of entries on the public lands are fraudulent entries and, under the present imperfect system of deciding upon the merits of an entryman's claim, I do not think anyone knows or can know the amount of fraud by or against the entryman. I confidently believe that many who are justly entitled to their lands are driven from them. During several years of experience in representing a part of a public-land State I have been appealed to by a large number of settlers who were having trouble in securing patents. I have advised them in the submission of additional proofs, ascertaining, where possible, the exact nature of the charges against the entry, so that if they had a good case they could meet the charges with valid proof. Many have received patents. Others, it seemed to me, would have won in a court of law. I wish to pause long enough to say that I am not making an attack upon the public officials who deal with business relating to the public lands. If it were in place, I might say some pleasant words. Our relations are cordial. My disagreement is with a system, or policy, which I do not believe continually secures justice, nor do I see how it can. I believe an appeal to the courts is absolutely indispensable. I recall a case which was passed to patent after some eight or nine years' delay, during which time the entry had several times been ordered canceled; if renewed and repeated efforts had not prevented such action, the entryman would have been deprived of the land, finally justly decided to be his. I could enumerate a long list of such cases. There was a man whose patent was secured after efforts similar to those above described, while two poorer neighbors, wearied and discouraged after years of waiting, failed to apply for aid and their entries were canceled; all of these cases were equally meritorious.

Secretary Fisher, at Boise, Idaho, on September 18, 1911, in a speech made the following statement:

Here we find that a man comes on the land, puts his money into necessary buildings, a house and outbuildings and sheds, and buys implements, then starts to clear his land. He comes in good faith, meaning to do everything the Government asks of him, and he works ahead, and pretty soon his money is all gone and he is up against it hard. There is no mercy for him. He faces ruin and the loss of everything. His hard years of toil and effort and sacrifices and isolation and struggle have netted him what? Nothing! Tell me that is right? Tell me that is just? I say, no! It is wrong—dead wrong—and the fact that the United States Government does it and allows this sort of thing to go on, knowing the terrible injustice of it, makes no difference to me. I have come that far to the western view.

These words seem worthy of universal application.

When the final proofs have been passed upon by the local land officials they are forwarded to the General Land Office in Washington. Here examination is made, and such action upon the entries is recommended by some subordinate as his judgment may determine. The cases in the first instance and upon appeal are thus apparently prepared. I have never been able to satisfy myself as to what extent the higher officials make original and independent examination of the merits of an entry, especially in cases upon appeal where their superior judgment should be exercised. Official correspondence in such cases is much initialed, apparently indicating its preparation by some subordinate; and in cases upon appeal possibly and probably by the same person who originally passed upon it adversely, and who will naturally have a pride of opinion in seeing his former action sustained.

Frequently certain reports from special agents or others are regarded as secret, and neither the entryman nor anyone in his behalf is allowed to examine them. What they contain of fact or error can not be determined. They appear to be treated as of more value than the known and sworn evidence of competent witnesses. In presenting his evidence where secret reports are concerned the entryman makes his statements as it were in the dark. How can he answer an unknown charge, especially a charge he never expected anyone to make because not in accord with the facts as he knows them? A Member of this House told me the life history of one of these secret papers. An entryman was denied patent, and the refusal was said to be justified by a secret report. After many months of endeavor, the Member succeeded in inducing a high official to personally examine this secret paper. It was opened. It was found to contain an immaterial statement and was unsigned.

The high official was dumbfounded. The entry was passed to patent. All proceedings in court are open to the light of day. Secret papers and secret evidence are unknown. Every material allegation must be proved in open court. Every witness may be cross-examined and every statement sifted to find the exact amount of information possessed by the witness, his ability to acquire information, to understand what he sees, and his accuracy and sincerity in relating it. False statements by either side would be promptly and severely punished.

Before a court no witness is given special credence by reason of any special service he may be in. Every witness must submit what he knows, how he knows it, and his credibility upon cross-examination may be attacked. A court would examine into the facts, would ascertain from witnesses what the settler had actually done, would admit no secret papers, would give no special credit to any special agent testifying either for the one side or the other, and it would decide the case upon the preponderance of the evidence and on the merits.

During a speech by Senator BORAH in the Senate on January 19, 1912, the following statements were made:

MR. BORAH. That is true. You can imagine the difficulty which confronts the homesteader when that happens. In the first place, the chances are all to the effect that he has not the means to enter into litigation.

The second proposition is that he must litigate the Government of the United States. The representatives of the Government of the United States are the protestants. The result is, as the Senator from North Dakota has said, that they, in a great many instances, after these five years of residence and effort, abandon at the last moment the hope of getting a home, because it is discouraging enough indeed when you go into a court to contest a proposition when the court is the contestant; and the homesteader has learned that there are a great many chances to take in that kind of litigation.

Moreover, Mr. President, we have up here somewhere, or did have, in the Interior Department, something that I will venture no other Government in the world has, or if it has it has been criticized for it in many different ways. We have what we call a secret-service department. When these special agents go into the Interior Department with their facts, they are sent into division A or B, or whatever they call it, and there is not power enough in the United States to get those facts out of that division.

MR. HEYBURN. Alleged facts.
MR. BORAH. But the homesteader never knows the facts, or alleged facts, upon which his title may be canceled, and he can not get them. I denounce such a system as un-American, tyrannical, brutal. It ought to damn any system that will sustain it. I believe in an open fight in every avenue of life, and I here and now charge upon my Government this cowardly and infamous system which has been rejected years ago by all just and fair-minded people. There is no place in this Government for star-chamber proceedings, no place for secrecy as against a man's contested right. It is vicious.

MR. CLARK of Wyoming. Mr. President—
THE PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

MR. BORAH. I yield.
MR. CLARK of Wyoming. After these facts have been passed upon by the Department of the Interior, there is no court on the face of the earth that has jurisdiction to determine whether or not the decision of the Department of the Interior is a true decision, and the homesteader is left absolutely helpless. The only man under the flag of the United States who can not have his day in the courts of his country to determine his rights is the man seeking to avail himself of the land laws.

By reason of his employment by the Government a man has no access of judgment, honesty, or wisdom. He is no better in his public capacity than he was in his private station, and no wiser; his statements are no more worthy of credence or trust than before or than the statements of any good citizen who is informed upon the matter. I have confidence in the citizens of the United States. An honest man is always under oath. A man to be a special agent to examine entries upon the public lands ought to be a man who knows not only the land laws of the United States, but is also well informed as to the difficulties settlers experience in making homes in any particular locality where he is making examinations. Special agents frequently are not adequately prepared for the work assigned to them. It is not sufficient to come casually into a settlement and in a few hours think himself able to make a report; and in no case ought a report to be made upon the statements of others unless such persons are well known to be entirely honest and disinterested, and the report should state upon whose information it is made. I am inclined to believe too much importance is attached to the statements of special agents and too little to other evidence.

If I were a special agent and ordered to examine certain entries, I would go to the locality, examine the general topography of the country, the nature of the growths on the land, its distance from market or older settlements, the original difficulty of obtaining access to the lands settled upon, the trails to be made, roads to be built, the resources of each settler, his ability to buy animals and tools, to employ assistance in clearing and improving the land, his physical ability, his industry, and his experience. I would examine each entry to ascertain what peculiar difficulties were met with in establishing a home thereon. I would inspect his buildings and see what labor and capital were necessary in preparing the materials and transporting them to the place of use; his fences in the same way; and his cultivated land, to be sure what amount of labor the preparation

of the land involved. I would be inclined to expect more of a strong man than of a weaker one; of a man with some means than of one with none. Good faith is as clearly shown when a poor man of small physical strength does his best diligently as when a stronger man of some means does more. These things I would consider elementary. I would make my report in such a way as to clearly show all these things and with the expectation that the entryman and his neighbors would, as they ought to, have full knowledge of what I had reported.

I most earnestly dissent from any suggestion that persons who make entries on the public domain are to be regarded as being engaged in a suspicious occupation, whose every action is to be viewed with distrust. While the entries are made in the public-land States, the entrymen come from all parts of the country, and in defending their good name and purposes I am no more defending my own people than I am those of practically every other State.

It is reported that in the year ended June 30, 1911, special agents personally examined and reported on 26,505 entries, of which reports 16,483 were favorable and 10,022 were adverse. In my opinion if the entrymen had had the right to have had their entries examined in a court upon the questions of compliance with the law and of good faith a very considerable number of those whose entries were adversely reported would have been found justly entitled to their lands; and in every case where the true facts were not as reported by the agent and where such persons lost their lands the result was a miscarriage of justice. It is shown that the adverse reports were 62 per cent of the favorable reports, a percentage entirely too high, in my judgment, to represent the real condition of the entries reported upon. Reporting an entry adversely may present the appearance of great care and diligence on the part of the agent, but anything that is wrong is wrong. No one ought to endeavor to make a showing at the expense of the rights of some one else or of public justice.

The following table is part of the table given in the report of the Commissioner of the General Land Office for 1911, page 64, so far as it relates to homestead entries where fraud was alleged:

Homesteads.	Pending June 30, 1910.	Received during year.	Approved.	Cancelled.	Otherwise disposed of.	Total.	Pending June 30, 1911.
Original.....	14,940	8,427	.....	3,431	3,096	6,527	16,840
Finals.....	257	5,887	2,629	58	542	3,229	2,915
Cash.....	482	2,953	2,864	74	436	3,374	61
Total.....	15,679	17,267	5,493	3,563	4,074	13,120	19,816

This shows that the cancellations were nearly 65 per cent of the number approved for patenting, and I can not believe that this percentage shows the real condition as it would have appeared had the entrymen had the opportunity of defending their rights in a court.

During the past fiscal year there were 52,076 patents issued upon homestead entries. During the same period more than 7,000 cases were before the General Land Office upon appeal, of which some 4,200 were finally disposed of, no appeal apparently having been taken to the Secretary of the Interior. Of the remainder some 2,800 were apparently appealed. It would be most interesting to know in how many of these cases the ordinary courts of the United States would have concurred in the final award as given under the present system. I desire to call attention to the following statement made by the Commissioner of the General Land Office in his current report:

As it exists, the General Land Office, under an organization originally intended and equipped for executive duties alone, is required to perform judicial duties not often imposed upon a court of special jurisdiction.

This court, subject to appeal to the Secretary of the Interior, decides cases involving in the aggregate immense values, and there is no appeal to courts of higher jurisdiction upon questions of law or of the sufficiency of the evidence upon which the case is decided, and no adequate provision for determining the competency, relevancy, or material nature of the facts alleged by the usual legal tests.

I have in mind a case which will illustrate what the difficulties are in the way of the settler. A man entered a tract of land and in due time made final proof. Patent not being issued within what appeared to be a reasonable time, inquiry was made. It was stated in reply that a special agent had reported adversely. After some considerable time and trouble, the nature of the charges were, in this case, ascertained and evidence was submitted to overcome them. Again charges were made and evidence in refutation submitted. This was repeated several times. Finally, every possible charge having

been made that seemed possible to submit, and the entryman having proved his case so clearly, the land was admitted to patent, after 10 or 11 years of contention. This entryman was fortunate in being able to discover what the charges were, but had they been held as secret as occurs in many instances, he would have undoubtedly lost his land.

An entryman in such a case ought to have the right to prove his case in open court, and the courts ought to be open to him. I have no plea to make for the man who would defraud the Government. My plea is for the man who is trying to do right and that he should have an American's right of his day in the established courts. My objection is to a system or policy which has grown up under the administration of the land laws. I urge a change in the laws to provide more equitable conditions. I have in mind no official or special agent, with the desire to visit punishment upon any person. I believe the present system does not accomplish the ends of justice and that a new system which will ought to take its place.

There is another matter that is the cause of serious complaint. It is frequently alleged by entrymen that after a date has been fixed for a hearing upon an entry and the entryman has appeared with his witnesses at considerable expense a special agent will have the hearing postponed to a later date. In the event that a postponement is ever necessary due and ample notice of it should be given the entryman. If it were necessary, I could multiply such instances, as I believe could be done by every Member of this House from a public-land State.

There is a question akin to this in so far as it relates to the opportunity to develop the natural resources of the public-land States, and especially in the matter of agriculture. In my judgment the agricultural lands in the national forests ought to be listed, preferably by a commission of men expert on all questions involved in such work. The listing should begin with the lands more easily accessible and for which there is an actual present demand on the part of settlers. All the Representatives from the States in which there are national forests are continually in receipt of inquiries from intending settlers, stating that they desire to homestead certain areas within the national forests and that they are refused the right by forest officials. In some instances within my knowledge I believe the settlers were right in their contention that the lands were agricultural. Such lands are under the law to be open to settlement.

It seems to me that it would be a great relief to the Forest Service to have the lands listed by a commission. It would also greatly facilitate settlement upon the lands, as intending homesteaders would know where the lands that were open to homestead entry were located, and that they could get patent in the usual way. It is a serious handicap to settlement where settlers are left in doubt as to the final outcome of their entries. All homestead and mining business ought to be conducted by one office, that of the Department of the Interior, and the Forest Service relieved of this burden, a burden outside of the care and protection of the forests. There are within the national forests some 163,000,000 acres of land, excluding areas in Alaska, many millions of acres of which are suitable for agriculture.

In the matter of secret reports the following official communications are of interest. The news article erred in supposing that my bill was the result of Forester Graves's testimony. I have already explained that it antedated his testimony and have so informed the distinguished Forester. It is to be noted that the reports made by forest officers are not kept secret at their request. They are willing for the contents to be known and the statements examined. The secret reports generally referred to in these remarks are reports by special agents.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, January 6, 1912.

Hon. W. C. HAWLEY,
House of Representatives.

DEAR SIR: There has come to my notice an article in the Tacoma (Wash.) Ledger of December 19, 1911, apparently due to my testimony while recently before the House Committee on Agriculture with reference to reports made by forest officers on claims, and which article states that "in consequence" of that testimony you "would introduce a bill requiring that all reports of this character be made public."

I have lately looked over the official report of my testimony, and I see that I was not as clear as I intended to be in making plain the facts and situation in regard to reports that are made by forest officers on claims.

Forest officers do not go upon lands outside national forests to report on settlement claims. There may have been a few instances some years ago where claims outside and adjacent to national forests were examined and reported upon by the Forest Service, on the request of the Land Department, in a spirit of comity, but that practice was abandoned long ago, and I know of no such cases now. In fact, there is no such practice existing. When a forest officer receives a notice of final proof on a claim from a register and receiver he has been expressly instructed to return the notice to the register, indorsed that the claim is outside the national forest and no report will be made, as the Forest Service has no jurisdiction. However, at the instance and special request of the General Land Office, forest officers are permitted, upon request of the Chief of Field Division or a special agent

of the General Land Office made to any one of them for information in respect to a claim adjacent to a national forest, to give such officers any information or facts incidentally within his knowledge or possession regarding a claim, but no examination and report on the claim is to be made by the forest officer on any such request to him, since no authority exists for the Forest Service to expend any part of its appropriation for such reports.

A proposition by a Chief of Field Division that forest officers might indorse information possessed by them on the back of final-proof notices returned by them to registers on claims outside national forests, with an expression of opinion on the bona fides of the claim, has been refused.

As regards the confidential character of reports, it was at first the practice of the Forest Service not to treat reports on claims as confidential until it was expressly requested so to do by the General Land Office, since it was the practice of that office to treat the reports of its special agents as confidential and it was so treating the reports of the Forest Service on claims when received by it. If the Forest Service made known the report, it would be in conflict with a long-established rule of the Land Department. While, so far as national-forest interests alone are concerned, there is no reason to treat Forest Service reports as confidential, yet since the General Land Office is charged with the prosecution of alleged illegal claims, if it asks that a report be regarded as confidential, it would seem that the Forest Service should comply. It may be supposed that to give publicity to a report might in some way embarrass the Land Department in advance of its readiness for trial in a case.

In view of the newspaper article referred to and its statement of a purpose by you to introduce a bill founded on my testimony before the committee, I have felt you should know the precise situation in the Forest Service as to reporting on claims, and I hope that my statement above will be found satisfactory.

Very truly, yours,

H. S. GRAVES, *Forster.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
SISKIYOU NATIONAL FOREST,
Grants Pass, Oreg., December 13, 1911.

N. C. DIVELBISS,
Port Orford, Oreg.

DEAR SIR: Your letter of December 2 is received.

I regret that it is not possible for me to comply with your request for a copy of Ranger Milbury's report on your mineral application No. 06872. Reports of this nature are made at the request of the General Land Office, and are entirely confidential in nature, so far as the Forest Service is concerned. The question of allowing the public to see or obtain any copy of such a report therefore lies entirely with the General Land Office.

Very truly, yours,

R. L. FROMME,
Forest Supervisor.

On January 19, 1912, Senator BORAH delivered an able speech in the Senate, during which both he and other Senators made statements very material to the subject matter of this discussion, and I desire to add some of them to these remarks.

Mr. SMITH of Michigan. My criticism goes to the employment of men who are not needed. I rebel against the idea that every man who undertakes to get land from the Government is dishonest. It is a shameful charge, and the Acting Attorney General of the United States acknowledged but a few days ago in a formal opinion over his own signature dismissing a case, that he had been misled by the "field officers" of the Government into a prosecution that was not justifiable. I quote:

"You are hereby directed to dismiss the three suits in equity for the prosecution of which you were heretofore specially retained by me."

In three cases that arose over certain lands in Arizona, said the Attorney General to the special assistant in Arizona:

"To explain: This litigation was the direct result of a letter from the Secretary of the Interior, dated August 23, 1909, strongly representing upon the faith of certain reports made by field officials of the General Land Office that the patents had been procured by grossly fraudulent misrepresentation of material facts, particularly in regard to the discovery of mineral in place within the various locations."

"After due investigation and consideration the Secretary, by his letter of August 23, 1911, a copy of which I send herewith for your further information, advises in effect that no further effort can consistently or properly be made to maintain the litigation."

"The charge that the land was in part acquired to be sold and used as town lots and to be used for grazing purposes seems wholly unsupported."

"Evidently the request which led to the institution of these suits was due to an oversight by subordinate officials of the Land Department. The nature of the case as it stood before that department at the time when the patents issued could not have been known to the Secretary of the Interior when he made that request, and was not known to this department."

"It is a matter of sincere regret to me that the Government should have been placed in the position of accusing of dishonesty and fraud persons whose conduct, for aught that appears, was above reproach."

There are too many overambitious and meddlesome employees of this department who feel it necessary to base serious charges on idle rumor.

Mr. BORAH. Mr. President, in conclusion I urge that our public-land laws are antiquated and out of date, impracticable, harsh, and sometimes cruel in their operation. They discourage bona fide settlers. They have practically driven from our public domain the man of limited means, the man whose peculiar province it ought to be the duty of the land laws to serve. They have, as I have shown by the figures submitted, driven thousands and thousands of our best settlers and citizens into expatriation. They leave the homesteader at the time he acquires title, if he ever does, stripped, impoverished, discouraged, and ready to sell at a sacrifice that which he has so dearly bought by his efforts and which he intended as his home. These laws do not help the Government; they retard the development of the community, and they are unfair and unjust in their operation toward the individual settlers.

Mr. HAYBURN. Mr. President, if I may trespass upon the courtesy of my colleague, the law requires that the settler shall receive his patent at the expiration of the term. I am in sympathy with the Senator's bill, and shall support it, to reduce the time. The complaint to-day, based upon the incidents recited, is properly directed not to the law, because there is no law that postpones the delivery of the patent or authorizes it for an hour, but the difficulties we contend with are rules

and regulations that are in violation of the law, of the right of the settler under the law. There is no law authorizing the inspection after the performance of the duty of the entryman at the land office. There is no law authorizing the sending of a special agent to ferret out and play detective upon the acts of the settler. There is not a word in the statute that authorizes it. There is no law that authorizes any steps to be taken by the Interior Department after the final proof at the land office, except upon irregularities appearing upon the face of the papers.

Mr. BORAH. Now, I do not propose to go into the question of the exact facts as to whether they had complied in all particular instances with the homestead law or not; I have my own view of the matter. I think they were there in good faith and intended to make homes; but, whether they had actually complied with the law in all particulars or not, one thing is certain—that it ought not to have taken the Government of the United States six or eight years to determine against a single homesteader whether or not he has a valid title. It is proof conclusive to anyone who watches the proposition that if they can not cancel it upon facts they simply destroy them by the long time in which they engage them in litigation.

Mr. DIXON. I have been much interested in what the Senator from Idaho has said. It has been my experience, however, that the great delay and drag and irritation has come from the administration of the land laws rather than from the land laws themselves. I have a letter on my desk, not over 10 days old, relating to a case where I personally know the conditions, in which five homesteaders in the county where I lived had lived there 15 years before the lands were surveyed. One of them is a member of the board of county commissioners of my county.

Three years ago he made final proof on his homestead, but the patent has been withheld on account of a desire for the classification for a power site. Three years ago last summer I induced the chief of the division—the Hydrographic Division, I presume—to visit these lands personally and make a report. These three years have dragged, and still the patents do not issue. Cases of that kind create more irritation in my State than the laws now on the books.

A year ago last June they withdrew from entry over 20,000,000 acres in Montana, either homestead or desert, and classified it for coal. Eighteen months have passed and not an acre of the 20,000,000 has yet been classified, and the settlers are waiting and waiting and becoming more poverty stricken every day, because they do not know what the final result is going to be. I think four-fifths lie in the administration of the present laws.

I am wholly in sympathy with the three-years bill that the Senator has introduced, but I can not overlook my own belief that it is the red tape and the continuation of the red-tape administration in the Department of the Interior that could be cut without any further legislation.

Mr. BORAH. I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I was going to make a suggestion along the line of the remarks made by the Senator from Montana.

My recollection is that we now have upon the books, put there, I think, at the instance of the senior Senator from North Dakota [Mr. McCUMBER], laws providing that when a man has complied with the terms of the law and his hearing has been held and no fraud has been alleged his patent shall issue. I think we have that in distinct, plain terms, and yet in the administration of the law the patent does not issue.

For instance, I can cite a case within my personal observation in the last 30 days, where the man has lived upon his land for 5 years. There is no question as to his good faith. There is no question as to his raising agricultural products. There is no question but that the man and the land were both right for entry under the homestead law. The final receipt has issued at the local land office. The patent has not been issued.

Inquiry is made at the General Land Office at the end of two years—two years, mind you—while the settler stands waiting there, hoping he can realize something, either by borrowing money or getting credit. It is there found that notwithstanding the fact that the law has been fully complied with, the patent is still held up awaiting investigation by certain bureaus as to whether or not the land is valuable for other purposes, the last one awaiting the investigation of the Geological Bureau whether or not there is a water-power site upon the land; and when the question is asked of the head of the bureau, "What difference does it make whether there are water-power sites upon the land or not; suppose your Geological Survey finds there is a water-power site, what then?" they reply, "Then, eventually, the man must get his patent whether there is a power site there or not."

It simply means delay, delay, and delay.

Mr. SMITH of Michigan. Will the Senator from Idaho permit me?

Mr. BORAH. I yield to the Senator from Michigan.

Mr. McCUMBER. The Senator has indicated in his discussion so far that he would close with the subject that he has now under consideration. I want to suggest to him that he has so far omitted a most important feature in the matter of the administration of our laws.

Congress is to blame in one respect. Congress is employing to-day a corps of people known as special agents, but whose general duties seem to be those of detectives, for the purpose of arresting every possible farmer in the country who is upon public land. These men are employed with the idea that has been very prevalent of late that every man who is upon a homestead is necessarily there because he wants to steal it from the Government without paying a proper price. Assuming that to be the case, we have assisted the departments in furnishing them with a great army of detectives who feel that they can not earn their salaries unless they do it at the expense of the man who is on the farm and upon Government land in attempting to show that he is trying to steal his land.

Further than that, if the Senator will pardon me one moment, we have gone so far in the administration that instead of allowing the claimant upon public land to make his proof before the register and receiver of the land office, as in the old way, we have a fixed date on which he can have his hearing, and that date must be fixed to agree with the convenience of the detective who is there and must investigate whether or not he has any right. Then the detective goes there, and he has the right, and the administration accorded him that right, to hold it up for further consideration. So his proof has been held up from year to year at the suggestion of a detective employed for the purpose of disturbing him, until he has become so discouraged about getting his title that in many cases he has been compelled to leave it. In that respect the Congress of the United States is very much at fault.

Mr. BORAH. I agree with the views of the Senator, so well stated. I remember upon one occasion, where there was a contest over a homestead title, to have seen seven special agents in one town waiting upon the trial, to watch a homesteader who did not have money enough to pay an attorney \$5 to take the evidence before the land office.

But I think there is a little daylight upon the subject. I am looking forward to an entirely different administration. I stated there had been a disposition to return to the revenue basis, and this, in my judgment, which has been suggested by the Senator, is one of the evidences

of it. I am of the opinion the regulation has been abandoned now—at least, I have not seen the effects of it so much of late—but there was a time when the homesteader would go into the public-land office and make his proof. The next day, after the homesteader had gone his way, assuming that the representatives of the Government had all that they desired to have and he had made the complete proof, the special agent would come along, without any facts or knowledge in his possession whatever of any defect upon the part of the title, and he would simply file a contest or a protest in the hope that there might be something he could find in after years.

Mr. HEYBURN. I should like to suggest to my colleague that in addition to that they withhold from the person seeking to enter land the grounds of the protest, and that is unpardonable.

Mr. BORAH. That is true. You can imagine the difficulty which confronts the homesteader when that happens. In the first place, the chances are all to the effect that he has not the means to enter into litigation.

The second proposition is that he must litigate the Government of the United States. The representatives of the Government of the United States are the protestants. The result is, as the Senator from North Dakota has said, that they, in a great many instances, after these five years of residence and effort, abandon at the last moment the hope of getting a home, because it is discouraging enough indeed when you go into a court to contest a proposition when the court is the contestant; and the homesteader has learned that there are a great many chances to take in that kind of litigation.

Moreover, Mr. President, we have up here somewhere, or did have, in the Interior Department, something that I will venture no other Government in the world has, or if it has it has been criticized for it in many different ways. We have what we call a secret-service department. When these special agents go into the Interior Department with their facts, they are sent into division A or B, or whatever they call it, and there is not power enough in the United States to get those facts out of that division.

Mr. HEYBURN. Alleged facts.

Mr. BORAH. But the homesteader never knows the facts, or alleged facts, upon which his title may be canceled, and he can not get them. I denounce such a system as un-American, tyrannical, brutal. It ought to damn any system that will sustain it. I believe in an open fight in every avenue of life, and I here and now charge upon my Government this cowardly and infamous system which has been rejected years ago by all just and fair-minded people. There is no place in this Government for star-chamber proceedings, no place for secrecy as against a man's contested right. It is vicious.

Mr. CLARK of Wyoming. After these facts have been passed upon by the Department of the Interior, there is no court on the face of the earth that has jurisdiction to determine whether or not the decision of the Department of the Interior is a true decision, and the homesteader is left absolutely helpless. The only man under the flag of the United States who can not have his day in the courts of his country to determine his rights is the man seeking to avail himself of the land laws.

Speaking especially for the State I have the honor to represent, let me present the difficulties we experience from the standpoint of legislation and administration in the matter of our internal development. The State of Oregon has some 61,000,000 acres of surface area; of this amount, 16,000,000 acres are included in the national forests. Immense areas in addition are included in various forms of reservations and withdrawals. This materially diminishes our opportunities for development, and makes our plea for favorable conditions to develop what is left all the stronger. The exclusions of the millions of acres above referred to are for the benefit of the Nation at large, as against the benefit of the State of Oregon, or at least not for its special interest. I earnestly urge, therefore, that all the lands which remain, not excluded from use by the laws or by administrative policy, and which are open to settlement and development under the law, should not be hedged about with restrictions that impair their use according to law. In these remarks it will be observed that I am dealing with the lands that are legally intended to be developed by agriculture and mining especially. My remarks apply to the areas that are open under the law. I am asking legislation to make secure in their rights the settlers and miners who are devoting their days of toil to the development of unused resources. There is no intention expressed in the law that lands valuable for agriculture and mining should not be so used; rather it is expressly provided that they shall be open to the settler and miner. But in the administration of the laws a policy has been followed which has greatly restricted their use. I believe this was not the intention of the laws. I believe that no man's right should be left undefined and unprotected. The bill I am advocating is reasonable, and follows the practice immemorially exercised in this country in protecting the rights of our citizens by extending the protection of the courts to the settler and miner. Our lands have rich soils and valuable minerals. The lands which have passed into private ownership are being profitably used. We wish to extend this beneficial use to other lands, which the law expressly provides may be so used, and in strict conformity to the law.

I do not believe the excellent and enterprising citizenship of Oregon needs any eulogy at this time; their material advance is eloquently set forth in the facts and figures of the recent census. One matter, however, not included in the census reports I think well worthy of the attention of the House. The people of the State of Oregon and of its several localities have inaugurated a policy in the matter of river and harbor improvement that seems to me notable and commendable and which will meet the approval of the Congress of the United States, as well as with cordial and generous cooperation. The legislature

at its session in 1909 enacted a port act, which authorizes the people of any locality having a waterway within it to create a port commission and to issue bonds and levy taxes, with the proceeds of which to make improvements on the waterway in which they are interested. The legislature has also appropriated \$300,000 to be used in cooperation with the Government in the construction of free locks at Oregon City, on the Willamette River. Under the port act several ports have been created and others will be. Those now in existence are the ports of Coos Bay, Tillamook, Siuslaw, Bay City, Bay Ocean, Myrtle Point, Nehalem, and Port Orford. These ports have raised or will raise for the improvement of the waterways in which they are interested, for expenditure in cooperation with the General Government, about \$1,500,000, to which should be added the \$300,000 above referred to, making a total contribution of some \$1,800,000. This sum will be materially increased later. No greater evidence of good faith, of enterprise, or the necessity for the improvements could be given. The improvements are to meet the needs of present commerce, and to provide for future growth. These communities are largely dependent, as is the rest of the State, upon the development of the sustaining or surrounding country. No State can attain its destined greatness, nor her people that place in the world to which they are entitled, if its several communities are to be segregated by large areas of unused lands.

With malice toward none, but with a fervent hope that the remedy desired to cure the evils of an imperfect system may be provided, I appeal to the representatives of a justice-loving people. The interests of the whole Nation are injured and the growth and development of nearly a third of our superficial area is retarded. The West is a famous and deserving land peopled with a worthy people. The burden we bear is too great a hindrance. Millions of acres are permanently withdrawn to form forests for the entire United States. Their imperial extent is a serious handicap. But there are lands which it is intended by the laws as an expression of the public will shall be ours to develop for the common good and for our own aggrandizement as a people. Unimagined riches of mine and soil are everywhere. Shall they be to us the waters of Tantalus? The glories and achievement of our beautiful States will be a common heritage. We greatly need the work of the settler which has been the basis upon which the other and older States have arisen to power and affluence. We have not been idle. We have the spirit of enterprise. The only limit to our growth will be a restraining hand forbidding the legitimate and legal use of the vast resources with which a bountiful nature has abundantly provided us. The bill to which I have called your attention is a reasonable measure. It will effectively remedy the adverse conditions under which we suffer. It will recall our citizens to our own lands and encourage a new era in settlement. Vast areas will be reduced to profitable use. For the reason of the good I confidently believe it will do I intend to urge its passage. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. HAUGEN. Mr. Chairman, how much time has the gentleman from Oregon consumed?

The CHAIRMAN. Thirty-one minutes.

Mr. HAUGEN. I yield 30 minutes to the gentleman from Minnesota [Mr. LINDBERGH].

[Mr. LINDBERGH addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, I wish to invite the attention of the committee to the items in the Agricultural appropriation bill which have to do especially with protection of our national forests against destruction by fire.

The items of the present bill reduce the appropriations for improvement work \$250,000 and cut \$800,000 from the special fund set aside for use in fire prevention in case of emergency. Last year \$1,000,000 was set apart to be used by the Forestry Department in fighting forest fires in cases of extraordinary emergency. This year the bill sets apart \$200,000.

I want to direct the attention of the committee to the importance of fire protection, and in doing so I do not propose to discuss the merits of various features of the forest-reserve policy or of its administration. I am aware that the Members of this House have different opinions upon this great subject. I am aware that there are those in our country who believe in more of State power in the handling of our forestry question. There are those who believe that large areas of land now included in forest reserves should be excluded and opened to settlement. There are those, again, who believe that the present policy of Forestry Service should be continued, and that the hands of the Federal Government should be sustained and strengthened in carrying out this policy.

I do not propose to discuss the merits or demerits of any of these questions, but rather want to call the attention of the Congress to the importance of protecting our national forests against ravages by fire. This is a question upon which we must all agree, whether we favor the present forestry policy, the policy of control by the several States, or the policy of throwing open to settlement vast areas included within the forest reserve.

Within the confines of the national forest to-day is untold wealth that belongs to the American people; and, no matter how this vast heritage shall be handled in the future, it is equally important that it shall be protected now.

It is estimated that at this time upon the forest reserves within the United States, exclusive of Alaska, there are 518,000,000,000 board feet of timber.

A few years ago timber of the character that is included within our forest reserves was sold at \$1 per thousand, but it has increased in value. In 1909 it was sold at \$1.75 per thousand; in 1910, \$2.44 per thousand; in 1911, \$2.56 per thousand; and if we figure the more than 500,000,000,000 feet of timber as worth the amount of the average sale of timber from our forest-reserve lands last year, we have a property in timber alone valued at more than \$1,400,000,000.

Surely this wealth demands protection, but this is not all. If this timber should be destroyed, vast loss would occur on account of the immense cost that would be required for reforesting our lands. More than this, the property of the Federal Government can not be destroyed without destruction being visited upon the timber property of States and of individuals in the region in which the forest lands of the United States lie.

Hence I say it is a matter of vital concern to all our people, no matter what our views may be with respect to the ultimate forest-reserve policy within our country. Our forests now should be protected.

It is a matter of great good fortune to the United States that until the year 1910 very little property was destroyed by fire, and consequently a very small amount of money was required to maintain satisfactory forest protection.

It is altogether probable that had conditions been slightly different from those that prevailed the loss might have been terrific, because of our unpreparedness, but fortunately conditions were favorable and our losses were light. In 1908 we spent \$73,283.53 for fire protection beyond the cost of regular maintenance in administering the forest reserve. In 1909 we spent less than this, or, in other words, \$54,669.83. In 1910, however, when unusual conditions confronted the Forestry Department, with which it had to contend, we were compelled to spend \$1,086,590.80 in order to cope in any way with the situation, and even then the loss that was sustained by our Government was enormous.

The winter of 1909 and 1910 and the spring following did not give the usual rainfall to the region in question. The result was that as the season opened the forest areas became dry early in the year. This made the danger from fire great, and with this there were coupled severe windstorms in the dry season.

During the summer of 1910 the Northwest suffered most seriously. Speaking of the forest lands belonging to the United States alone, the fires of that year destroyed 6,508,369,000 feet of timber. That year the average sales of timber brought something like \$2.38 per thousand to the Government, and at that valuation the destruction of this timber in itself meant the loss to the Government of \$14,889,724.

Here was a loss incurred in a single season to the United States alone in the destruction of property that was already in existence, and consequently an asset. It is estimated that the loss in the destruction of the forage upon the areas burned amounted to upward of \$100,000. More than this, it is estimated that it will cost to reforest the burned areas more than \$9,000,000, and in addition we will sustain a loss on account of a less area being able to yield timber from year to year, and consequently higher prices to the users of lumber.

Mr. LEVER. Mr. Chairman, I dislike very much to interrupt the gentleman, but I would like to know if the gentleman has read the report of the Forester before the Committee on Agriculture, in which he makes the distinct and definite statement that no amount of money Congress might have appropriated could have saved the forest fire of which the gentleman is now speaking?

Mr. FRENCH. I think that is correct so far as that particular year is concerned, as regards the appropriations that might have been made within a year or so prior to that time.

Mr. LEVER. Is it not a fact also that the Bureau of Forestry in fighting the fire spent something like \$900,000, coming to Congress with a deficiency which Congress readily and promptly gave?

Mr. FRENCH. Yes; and it is with that in view that I want to call attention to the necessity of preparedness for forest fires.

Mr. LEVER. Is not it a fact also, in the opinion of the gentleman, that it is better policy to throw upon the administration of the forests the burden of making a deficit rather than giving to them the temptation of finding an emergency by holding out an appropriation of \$1,000,000, as we had in the present law? By making such an appropriation it holds out to them the temptation of making this emergency when they really did not have an emergency.

Mr. FRENCH. In my judgment it is not. I think it is not good policy to require any administrative department to incur a deficiency. It is probable that this Congress would honor a deficiency that might be occasioned on account of such a disaster as that which occurred in 1910, but my judgment would be that the better policy would be to make the provision so that no deficiency would occur, if it is possible to do so.

Mr. LEVER. The difficulty about that is we could not with any degree of certainty set a limit upon the amount of money carried in the emergency fund.

Mr. FRENCH. That is true, but—

Mr. LEVER. And is not there a very great temptation when you hold out a great big emergency fund for the administrative officer to find the emergency, and he is likely to see imaginary emergencies and draw upon this fund for them?

Mr. LAMB. If my colleague will permit me, I will say that it is a fact that only \$22,000 of this emergency fund has yet been used at all, and, judging the future by the past, we do not believe that any more of it will be used, or not much more, and we provide \$200,000—

Mr. FRENCH. The statement of the gentleman from Virginia, although intended to support the position of the gentleman from South Carolina, is to my mind the very answer I would make. The fact that \$1,000,000 was made available for the last year, and that only the small amount of \$22,000 of that amount was used, certainly seems to me to indicate that the department was exercising splendid discretion in the use of the money that was made available.

Mr. LAMB. Nobody has denied that; but we do not propose to keep \$1,000,000 in the Treasury set aside not to be used when there is no necessity, in our judgment, for so doing.

Mr. FRENCH. But there is in the present bill a provision for nearly 10 times the amount that was used last year—

Mr. LAMB. Because we wanted to be on the safe side, and that provision, with the \$150,000 regular, gives about \$400,000 for that work.

Mr. FRENCH. This, of course, after all, is more a matter of judgment as regards policy, and it was rather to the general question of being prepared, and also, to some extent, upon the question of policy, that I was addressing myself in discussing these features.

The grand total of loss to the United States in dollars and cents for the year 1910 amounts to more than twenty-four millions of dollars. Added to this as the loss to the people of our country must be the destruction of timber, of homes, the cost of reforesting, and the loss of timber and forage on lands owned by the States, or owned by private individuals and scattered throughout the forest areas.

But this is not all. The loss that appeals to us most keenly as a result of the forest fires of 1910 is in the sacrifice of life that was met that year. Seventy-eight employees of the Forestry Service of the United States lost their lives during the summer of 1910 in fighting forest fires. Many others lost their lives who were fighting fires on their own account, or who had homes within the forest areas.

The story of the suffering of victims in my own State that has been related to me is harrowing in the extreme—suffering and death of persons not in the employ of the Government, but equally deserving of the Government's protection.

The loss of life sometimes may not mean so much as injury or other consequences, and many are the persons who will be compelled to go through life partially or almost totally incapacitated on account of their experience. I have pending in the present Congress a bill for the relief of one of the employees of the Government who, while he escaped with his life, will, in all probability, never again be able to do the work of a day. I have another bill for the relief of the widow and little children of one of the victims of the forest fires who was in the employ of the Government and whose family were left almost destitute.

These and other cases to which I could refer suggest something of the horror that follows in the wake of a devastation by fire such as that which occurred in 1910.

Going still further into the burden which the fire of 1910 entailed, I would say that as the Federal Government was not

authorized and had no means of lawfully bearing the medical and hospital expense of those who were injured by fighting fires and in caring for those who lost their lives, contributions were voluntarily made by employees of the Forestry Service and by others as soon as the necessity became apparent. More than this, the loss was so serious and the hardships so great that the National Red Cross Society offered its assistance and did its share of the work necessary to meet the immediate situation.

The expenses incurred here I have no memorandum of, and as they were borne by a scattered number of persons, it will probably be impossible to even estimate the same.

Probably I need not go into much detail in describing the condition that exists with respect to the ownership of land within forest-reserve areas. It is true that the forest reserves of the Government are not compact, but the States have areas of forest land which adjoin the reserves of the Federal Government and extend into and are surrounded by these reserves. It is also true that thousands of settlers have their little homes in these same regions.

Some of the lands are already owned in fee simple by the settlers. Other lands are being made into homes by these settlers, and all of the property, whether owned by the State or by the individual, is deserving equally of protection. And the States and the settlers and other owners of timber are bearing their share of this responsibility, as I shall point out.

The forest areas of my own State, Idaho, were fortunately, in the year 1910, not within the most disastrous fire belt, yet that year the State lost \$30,000 worth of timber, and it cost the State \$60,000 more as its share of the burden in fighting fires.

The losses in wealth and in life to which I have called attention are the losses sustained chiefly by the Federal Forest Service. It is not possible for me to give even approximately the figures that will represent the loss sustained by the States and by private individuals scattered over the large areas that suffered on account of the forest fires. However, I think that it requires nothing of imagination, but simply a fair deduction from the facts in hand, to demonstrate clearly to anyone that the loss to State and to individuals must itself have been great.

There is another expense to which I have not called attention that will have to be met ultimately by our Government. To-day we have a law under which if a railway mail clerk is killed in line of duty his family may be compensated to the extent of \$2,000. A similar bill is pending with respect to rural free-delivery carriers. This policy is right, because when an injury occurs to an employee of a private concern there is always the opportunity for redress or for a settlement within our courts. With the Federal Government it is different. The heirs of the particular victim injured in a railroad wreck while he is in line of duty as a railway mail clerk can not sue the Government for damages, and it is a wise provision of law that enables the Postmaster General to make settlement with the ones dependent upon this employee.

This same principle will undoubtedly be applied to all lines of Government service where the employment is hazardous, and who can say that the service of those who are protecting the forest areas of our Government is not hazardous when a single year has claimed not less than 78 victims—persons who were working for the Government.

Already the Congress has made appropriation for relieving as much as possible the burden in connection with those who were killed or injured, and undoubtedly there will be still greater demand, for in a service that carries with it so much of hazard the Government will be asked to assume still more of responsibility.

What is the cause of forest fires? That is a question that is of vital importance in connection with considering this problem, because if we can once get at the cause, maybe we can get at the remedy. The forestry department estimates in its report of 1910 that 12 per cent of the forest fires were caused by lightning, that 84 per cent were caused by the lack of reasonable care upon the part of forest users and by the railroad locomotives which traverse the forest areas. This would leave 4 per cent caused by other reasons.

The report for 1911 is more specific with respect to the causes of fires. I find that in that year the department estimates that nearly 14 per cent of the fires were caused by lightning, nearly 33 per cent by railroad locomotives, a little more than 13 per cent by campers, a little less than 6 per cent on account of incendiarism, a little less than 6 per cent as a result of indiscretion in burning brush, a little less than 1 per cent on account of sawmills and donkey engines, more than 44 per cent from miscellaneous causes, and nearly 23 per cent from causes that have not been ascertained by the department.

No one can examine these figures without being convinced that by reasonable care upon the part of our railroads, of our campers, and of our people who, in clearing land must burn their brush, many fires could be avoided.

Undoubtedly the effort that is now being made by our Government and by our States and by the fire associations throughout the country to impress upon these persons the necessity and advisability of utmost care with respect to fires in forest areas deserves the hearty commendation and encouragement of our people.

Still there remains nearly 14 per cent of fires caused by lightning, and in spite of the most reasonable care that can be taken undoubtedly from time to time some fires will be started. By the aid, then, of a hurricane or of a straight wind the opportunity for destruction would be great.

Another matter that is of immediate interest to the Congress in considering this question is the aid that is given in the way of forest protection by private citizens and by States.

It happens that I live in a region surrounded by forest areas owned by the Government, by the State of Idaho, and by numerous private companies and individuals. Here probably is as good an illustration of the working system as it should exist.

The associations which comprise all of these three classes of owners, with the exception of the very inconsiderable number of private individuals, exist for the protection of the common property on the timber areas. Undoubtedly the private individual who is not a member of the association, but who is interested in the protection of the timber on the little tract of land that he owns, does his full part for fire protection. So instead of being a loss he is a gain to the fire service.

The association, however, which does embrace the large owners of timber divides the cost of fire patrol proportionately among them. In this way the State bears its share, the private individuals bear their share, and the Federal Government bears its.

I might say, in this connection, that this system is the most economical system that has so far been devised and has proved of great economy to the Federal Government, as well as to the State and the private owners of timber.

It saves double patrol work and it enables a less number of men to cover a larger area and to be able to concentrate the forces necessary at a point of danger.

I am especially anxious that Congress shall understand the working system, because the Members of Congress should know that the Federal Government is not called upon to protect the private property of the individuals or the property of the State, other than such protection will come from protecting its own property, and this is a kind that is returned by the reciprocal service of the State and of the private individual.

I am advised that the system that I have outlined, and which applies to northern Idaho, applies also to other regions, and that it is believed that a complete system of fire patrol of this character will soon cover almost every area of timberland in which the Government is interested.

I am satisfied that the experience of 1910 has driven it home to the settlers in the forest areas and to campers who visit these areas that they must exercise the utmost care.

I am also informed that some of the railroads traversing forest regions have already taken steps, by installing spark arresters on their locomotives or by burning oil, to put an end to this cause of forest fires. Some of them have not done this, and the situation will need to be met in a manner that will mean for the elimination of this large element of danger to our forest areas.

The first question that is of vital interest to this Congress is the one with respect to what is being done to meet the situation at a time when the fire is not actually causing its destruction.

In answer to that, I would say that more and more protection is being furnished by the destruction of underbrush as timber is felled, and by the building of roads and trails through the forest and the establishment of telephone communication and organization. This work should receive the hearty cooperation of Congress and of everybody, regardless of what the different beliefs may be with respect to the ultimate forestry policy. We must stand for the protection of our forest area, not only at the time the fire may be playing havoc, but we should make preparation at a time when there is no fire so as to protect our forests with the greatest efficiency when the lightning or the careless camper or the railroad may start the blaze.

In this work much has been done, but at best, with the vast area of forest lands, only a small amount could be accomplished with the money that has been made available in the past, and the chief forester estimates that it would cost five

hundred thousand a year for 15 years to bring up, through roads and trails and other means for protecting our forests—the forest areas of the United States—so that they could be reasonably protected with the minimum of expense.

Assuming that the figures of the Forester are correct, this would mean an appropriation during the period of 15 years of seven and one-half million of dollars. The Forester advises me that any cut at this time necessarily will delay the time that this forest property will be secure from destruction.

We can not consider the appropriation of so large an amount as that involved without asking ourselves whether or not it is the economical thing to do. The question of economy is sufficiently answered when I point out, as I have already pointed out, that the loss of 1910 alone in timber and in forage was more than twice the total amount that it is estimated would be necessary during a period of 15 years to put our forests in a reasonable position for the withstanding of forest fires.

From that standpoint the appropriation suggested seems not an extravagance, but the most reasonable economy that could be practiced by our people.

Making another comparison, the total amount in question covering the period of 15 years is nearly \$2,000,000 less than the amount that it will be necessary to expend in order to reforest the area that was burned over in the fires of 1910.

When there is considered the fact that the money spent for putting our forests into the best shape for their own protection is spent for the protection of values conservatively estimated as upward of \$1,400,000,000, we must again be impressed with the thought that this is true economy.

The money, however, to which I have referred is that which would be required for what we should call permanent improvements. In addition thereto this Congress should make available for use in case of an emergency as much money as was made available one year ago. One year ago the Congress made available for use in case of an emergency in fighting fires \$1,000,000. The present bill proposes an emergency fund of \$200,000. Ordinarily this amount would be sufficient. It is far in excess of the amount expended last year or in 1908 or in 1909, but is less than one-fifth the amount that was found necessary to meet the situation in 1910.

At that time, in the absence of the appropriation for this purpose, it was necessary that a deficiency be created to meet the situation, and it should not be necessary for the administrative officer of the Government to create this deficiency.

It is to be hoped that at no time in the future will the experience of 1910 be repeated, but we should not fail to make such reasonable provision as will enable those intrusted with this tremendous asset of the Government to meet the situation and protect the people's property and their lives as fully as the conditions would warrant.

Because the city of Washington might be fortunate in passing through a year or several years without a serious conflagration we would not discontinue the fire department of the city. Because the experience of the Baltimore disaster of a few years ago has not been repeated in Baltimore, that city should not discontinue its fire protection, and because we safely passed through one year following the experience of 1910, in which, while the Government made available an emergency fund of \$1,000,000 to be used for fire protection without the necessity for drawing upon that fund, we should not take the position that everything is secure for the future and fail to make adequate provision at this time.

It is for this reason that I hope that this Congress when the items to which I refer shall be reached will feel that it is not an extravagance, but rather that it is in the interest of plain economy to make the reasonable appropriations necessary to protect the property and the lives of the people within our forest areas.

Mr. LAMB. Mr. Chairman, I yield four minutes to my colleague [Mr. LEVER].

Mr. LEVER. Mr. Chairman, I have listened with a great deal of interest to the statement of the gentleman from Idaho touching the matter of the reduction of the million-dollar emergency fund carried in the Forestry Bureau for the purpose of fire fighting. I desire to say I do not believe there is a committee in this House which is as strongly in favor of forest preservation as the Committee on Agriculture. Most of us on that committee have grown up with the Forestry Service, and we have seen the appropriations for it jump from a few hundred thousand dollars up into millions of dollars. The present law carries an appropriation of \$1,000,000 for the purpose of fighting fire—an appropriation carried in an emergency fund. In addition to that it carries \$150,000 to be expended by the Forest Service in fighting ordinary forest fires. When the Committee on Agriculture took up the Bureau of Forestry for consideration, to provide for it the money with which it should be run

for the next fiscal year, it struck the committee that it was bad policy to lock up in the Treasury the sum of \$1,000,000 to meet an emergency that might not occur once in 50 years.

We had the experience with a great fire in the West in 1910, when the Forestry Bureau used something like \$900,000 above its appropriation and, coming back to Congress, had no difficulty at all in making up the deficiency. We felt that if a great emergency fire should happen to arise, whether there was an emergency appropriation or not, the Forestry Service would be under the most solemn obligations to go out and meet the emergency, and that they would not stop for one instant to consider whether or not there was locked up in the Treasury of the United States \$1,000,000 as an emergency fund for this purpose, or whether they would have to come to Congress and ask for a deficiency appropriation. We concluded, therefore, that it would be, as a matter of policy, better for us to give them a small emergency appropriation of \$200,000, which we have provided in this bill, plus \$150,000, which the bill has carried from year to year, making a total of \$350,000 for the purpose of fighting forest fires as they may occur in the national forests, and turn back into the general fund \$800,000, which is now locked up in the Federal Treasury and kept out of the ordinary channels, money that we can not appropriate, and money that we can not get hold of in any way. And hence the committee has, I say, reduced the present \$1,000,000 emergency fund to \$200,000.

In that connection I desire to say that the emergency fund of \$1,000,000 has never before been carried in any bill except the present law, and that came about on account of the terrific fire which they had out in the West in 1910, and which scared the Committee on Agriculture half to death. That is the truth of the matter.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Crook, one of his secretaries.

VETO MESSAGE—JOHN L. BAIRD (H. DOC. NO. 574).

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith without my approval an act entitled "An act for the relief of John L. Baird," H. R. 8853.

My reasons are stated in letters from the Acting Secretary of the Interior, the Secretary of Agriculture, and Assistant Attorney General Knaebel, which accompany this communication.

WM. H. TAFT.

THE WHITE HOUSE, February 27, 1912.

Mr. FITZGERALD. Mr. Speaker, I move that the message and the accompanying papers be referred to the Committee on the Public Lands, and printed.

The motion was agreed to.

PRINTING OF REMARKS IN THE RECORD.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I would like to submit a request for unanimous consent. A few days ago I made an address over in New Jersey on the subject of the initiative, referendum, and recall, which I would like to have permission to print in the Record.

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent to print in the CONGRESSIONAL RECORD a speech that he recently delivered in the State of New Jersey on the subject of the initiative, referendum, and recall. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, and regretting we will not have the opportunity of hearing the speech, I do not object. [Laughter.]

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to inquire by whom this speech was delivered?

Mr. HUMPHREYS of Mississippi. By me.

Mr. RAKER. In favor of or against the recall?

Mr. HUMPHREYS of Mississippi. The gentleman ought to know me well enough to know that I would not make one in favor of it.

Mr. RAKER. Knowing the gentleman so well, I withdraw the objection.

Mr. COOPER. Mr. Speaker, reserving the right to object, what is the request?

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent to print in the RECORD a speech which he recently delivered in the State of New Jersey on the initiative, referendum, and recall.

Mr. COOPER. It was against the initiative and referendum? Mr. HUMPHREYS of Mississippi. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following is the address above referred to:

"MR. PRESIDENT, LADIES, AND GENTLEMEN: I think that I would be less than human, certainly less than American, if I were not impressed with the facts of our surroundings—facts which would certainly furnish inspiration, had I either the wit, words, or the power of speech to stir men's blood. No words of commendation can be overpraise for the men who conceived and brought into being the patriotic purpose of rescuing from the uncertain and fixing with definiteness the spot where the Stars and Stripes were first unfurled as the flag of our Republic; and I hail the day, which can not be far distant, when this great Government, which has sent that banner of liberty as a messenger of hope to the oppressed of all the earth, will mark this spot by a monument in keeping with the sacred sentiment which inspires it, and of such proportions and artistic beauty as to be worthy the full significance with which a century of high achievement has crowned so important an event.

"But what a task to put upon an artist! To chisel out of cold, unspeaking stone a story really worthy an event so meaning full. Behind them the wilderness of an uncharted continent, a little band of brave and determined men hauled down that flag which was the acknowledged symbol of power as far as the ocean bore its foam, hoisted in its stead their own starry banner to announce the birth of a new evangel, and challenged to mortal combat the political doctrines which had thwarted the liberties and the consciences of men since the stars sang together when the world was born. But whatever the limitations of the artist's hand, however his fancy may fail him in the task, the story which that shaft shall tell will crown it with a halo before which the lovers of liberty and of men will stand uncovered to the end.

"Wherever that flag floats to-day it is saluted with salvos from ships and batteries. Wherever Americans live to-day, they have left off their accustomed labors and have gone forth to a national holiday, because it is the anniversary of that day when he was born who, we delight to say, was the Father of his Country. There is not a land beneath the skies where its story has not been told, and with every race which has come beneath the beneficent light of its stars the name of Washington is a household word.

"We have gathered here to-day, inspired by the patriotic purposes of your association, to commemorate the birth of the flag as a national emblem, to further the movement to have this hallowed spot designated in appropriate fashion to the end that those who pass this way in the years to come may mark it as one of the mileposts along that long and bloody trail which led at last to Yorktown! He is a bold man who will undertake to say just when and where that trail began—whether at Lexington, at Naseby, at Runnymede, or in the Black Forests of Germany, when Arminius first checked the victorious flight of the Roman eagles. In fact, that is not the end of the road we are most vitally interested in. The study of the story of that long struggle and an appreciation of the heroic sacrifices which its every turn discloses are an inspiration to patriotism, and patriotism is the foundation stone upon which good citizenship is builded. But it is vouchsafed to us, as it was not vouchsafed to the fathers, to look back upon a long fight which has already eventuated in victory. The divine right of kings has perished, and in its stead that other theory that governments which are instituted among men derive their just powers from the consent of the governed has triumphed.

"When we look back over the road which we have traveled since that good day what a story reels before us. The wilderness which hemmed them in has fallen; the continent has been conquered; in strict obedience to the divine injunction they have multiplied, replenished, and subdued the earth; and to-day 90,000,000 Americans are gathered together throughout the confines of the Republic to pay grateful tribute to the memory of him who wrought so well for us, and to consecrate anew our lives, our fortunes, and our most sacred honor to the lofty task of maintaining in their integrity these institutions of freedom for our children. This is the burden upon us; this is the duty we owe to the men who have gone before us as well as to the

men who are to come after us. I would not, of course, upon an occasion like this violate the proprieties by making a political speech, but there are some questions which, in their importance, transcend mere matters of party dispute, as they involve a change in the very fundamental principles upon which our Government is founded. To a discussion of these questions, briefly, of course, under the necessary and proper limitations of the occasion, I shall address my remarks to-day, believing that there could be 'No place so meet, no time so apt' for such a discussion as at Bound Brook on the 22d of February.

"The men who founded this Republic were no novices. Search the history of mankind and I believe no body of men better equipped for the task before them ever sat together for a common purpose. Washington, Hamilton, Madison, Pinckney, Franklin, Livingston, Patterson—names to conjure the world. They knew what the mailed hand meant; they had felt it. They knew what the man on horseback meant; they had seen him. They knew what the struggle for liberty meant; they had fought it; and they brought to their task a knowledge of the history of the governments which had gone before them, and an understanding of the rights and the limitations of man which few, if any, similar bodies of men ever possessed before or since that day.

"In every crisis in the history of our race—and when I say crisis, I mean a crisis—and I believe that it is a justification of our boast that as a race we are the most capable of freedom—the biggest and the bravest and the most capable men have been chosen by the people to do the work at hand. The demagogue, always the forerunner and apostle of calamity, has never held the center of the stage except to squeak and gibber in the piping times of peace. And so it came to pass that when the great crisis confronted our fathers in 1787, when the old confederacy was about to crumble and the very liberty which they had so dearly bought was in the balance, they chose for the tremendous task the men best equipped for that high responsibility. It is a fact worthy of remembrance that when these great architects entered Independence Hall to frame a written constitution which would either justify or defeat their claim that the people were capable of self-government they locked the doors behind them, entered a pledge of secrecy, and not until 50 years after the convention adjourned were the seals broken and the history of their proceedings made public.

"I sometimes wonder if the distinguished gentlemen who are so insistent to-day upon overturning the representative Government which these great statesmen gave us, and who cry aloud so persistently for a 'restoration of popular government,' would be willing to undertake that responsibility with the activities of the press agent similarly restricted and the fascinating prospect of the headlines entirely removed.

"Did they do well—else why do we celebrate? I am one of those who believe that from that good day until now the flag whose birth we glorify to-day has been the symbol of righteousness, and never more so than on this good day, February 22, 1912. But times have changed, we are told, and in the process of the suns we have outgrown the ancient instrument. We have progressed, and may the Lord have mercy on his political soul who is not a Progressive. I believe few men in or out of politics would be willing to admit that they are opposed to progress, but I do believe that it is a saying worthy of prayerful consideration that all change is not progress.

"I am one of those who entertain the belief, whether that faith be a manifestation of a spirit progressive or reactionary, that the people of this Republic have not lost their capacity for self-government, and that therefore the men whom they have chosen to places of high honor and great responsibility in their Government are honest, high purposed, and patriotic. I have been in public life a long time, and I have been thrown in intimate and constant association with men of all parties and in all branches of the public service, and it is my deliberate judgment that the man who is charged with the responsibility of office, and who, for sinister purposes, betrays his trust, is one of the rare products of our civilization. I say this because thereby I wish to express the conviction which is in my heart, that representative government as established by the fathers and which has stood the test of time and the shock of war has not proven a failure. If we are to abandon this system now and set up in its stead another, let those who champion the change at least cite us to the page of this wide world's history which tells the story they would have us emulate. As for my single self, I shall refuse to prefer any system of government which had been put to the test of time before this more perfect union was formed, because there are no statesmen of my generation who have had better opportunities to study those systems than had the framers of our Constitution, and there are none now in whose judgment in such matters I have greater

faith than I have in Madison and Hamilton and their fellows. The citation must be to a page of the history of the century just closed—a page written side by side with the history of our own national life, a page which must crowd into 120 years more that has made for human liberty and human happiness than is told in our own story.

"A few years ago one of the most distinguished men of our times—at that time the President of the United States—lamenting the hard conditions of these times and casting about for a prescription which would revitalize the body politic, declared that 'what we need is through Executive action, through legislation, and through judicial interpretation and construction of law, to increase the power of the Federal Government.' Not, you will observe, by the orderly processes pointed out by the Constitution, which we are all sworn to support and defend, but by 'Executive action,' by 'legislation,' and by 'judicial construction' to increase the power of the Federal Government. A short while after this another distinguished gentleman—then the Secretary of State—announced that unless the States exercised the powers which were theirs under the Constitution 'sooner or later constructions of the Constitution will be found to vest the power in the Federal Government.' 'The instinct of self-government among the people,' he warns us, 'is too strong to permit them long to respect anyone's right to exercise power which he fails to exercise.' And so it has come to pass that if we continue to insist upon shaping our conduct by the square of that government of checks and balances bequeathed to us in trust as a priceless legacy for our children, constructions will be found to substitute instead a government by instinct.

"I would not presume to answer two such distinguished statesmen as Mr. Roosevelt and Mr. Root with any argument of my own, but here at Bound Brook, on the 22d day of February, I shall presume to read the words of Washington, the foremost man in the tide of time:

"It is important likewise that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.

"On the one hand, it is proposed to change the Government we now have and thereby, as Washington tells us, 'create, whatever its form, a real despotism' by having the court to find constructions by which all power may be centralized in Washington. On the other hand, we are told that the courts have already found constructions which will deliver us body and boots into the hands of the malefactors of great wealth, and therefore we shall have the recall of judges, so that when the umpire decides against the home team the whole matter may be referred to the bleachers.

"I am a very humble member of the bar, and yet I hold it a high honor that I have been permitted to enroll my name with the members of that great profession. I believe the highest office in any government is that which calls a man to sit in judgment on the life, the liberty, and the property of his fellows. The supreme test of the capacity of any people for self-government is, in the last analysis: Did they under their system of government put upon the bench men who measured up to the full stature of a just and fearless judge? I believe that we have stood that test.

"There was never a time when it was more universally desired that a construction of the Constitution should be found to amplify the Federal power than when the great Marshall sat in judgment at the trial of Aaron Burr. By killing Hamilton, Burr had incurred the fiery hatred of the Federalists to an extent never seen, except under the impulse of religious fanaticism. On the other hand, Jefferson had accused him of treason against his country and so brought down upon his head the maledictions of the Democrats. From every side there arose the universal cry, 'Crucify him! Crucify him!' and yet this great judge, chief sinner among the broad Constitutionals though he was, refused to find constructions which would so extend the Federal power as to recognize the doctrine of 'constructive presence' where the overt act was committed, and so Burr was set free.

"When the great Taney, a worthy successor to the illustrious Marshall, was called upon to render the decision in the case of Dred Scott, who demanded his freedom under the terms of the Missouri Compromise, the peace of the Nation was at stake, yet

the Supreme Court refused to find a construction which would extend the power of the Federal Government beyond the limitations fixed by the Constitution.

"In 1865, when the echo of the last rebel yell had scarcely faded away and the roar of the cannon had but lately ceased in the valley of the Shenandoah, when Jefferson Davis, a vicarious sufferer, lay shackled in Fortress Monroe and the overburdened air was literally rent with execrations against the doctrine of State's rights, the Supreme Court of the United States declared that 'the Federal Government possesses no powers except such as have been delegated to it by the Constitution; the States have all except those which they have surrendered.'

"I know that—

In the corrupted currents of this world
Offense's gilded hand may shove by justice,
And oft 'tis said the guilty prize itself
Buys out the law.

"But I know also that those words were written when every judge in England was subject to the recall.

"The men who wrote our Constitution knew of Jeffreys and the Bloody Assizes, and they knew also the story of Lord Coke. There was no greater lawyer in all England than Lord Coke, and none who coveted more the glory of the ermine. One day he and his associates were brought before the King and commanded peremptorily to reverse a judgment they had rendered. They fell upon their knees and promised immediate compliance, all save Coke. He alone rose to the full stature of his great office and hurling his official robes at the astonished monarch, replied, 'I shall do that only which becomes a judge of England.' James II was no worse than many of his predecessors. He and they had the power under the law to appoint the judges, and they had the power to recall them at pleasure. All the technicalities of the common law, the ghosts of which still haunt our statute books, were simply devices which the Commons had conjured up in their efforts to protect the people from the harsh and oftentimes cruel judgments of these dependent judges. They were contrivances to enable the innocent subject to escape the condemnation of these judges, and not, as they too frequently are to-day, to furnish an avenue of escape for the guilty from the just judgment of the law.

"The Saxon has fought against tyranny since he first appeared upon the stage of history, and at last old England, sick unto death with this malady of puppet judges, drove the Stuarts from the throne; but let us not forget this fact—that when they wrote the Act of Settlement, which passed the crown to the Prince of Orange, they provided in it that thereafter their judges should hold by no such uncertain tenure, but should be placed beyond the shifting caprice of the sovereign and should hold their offices for life. This was the act of those who had lived and walked and had their daily being under the bloody terror of these dependent judges; and our fathers, after noting the course of justice for a hundred years under these changed conditions, and comparing it with the reign of terror when the judges were compelled to adjust their decrees to suit the fancy of the sovereign, in the fullness of that wisdom which guided their deliberations throughout the long session of the convention, preferred to profit by the lessons of history. They therefore wrote into our Constitution that our judges should hold for life, subject to removal only by the orderly process of impeachment. By the Act of Settlement the English judges were removable by impeachment and also "upon address of the Parliament" for cause which might not justify impeachment, but the framers of our Constitution rejected even the removal by address, relying solely upon the power of impeachment to protect them from the usurpations and tyrannies of the court.

"It is now deliberately proposed to return to the old system under which Jeffreys flourished and Coke was recalled. What is the reason for this reactionary step, suggested in the name of progress? The judges, we are told, are too subject to the sinister influence of the special interests, and therefore we are to provide a remedy by giving the people frequent opportunity to select better and braver men. It is a curious fact that no man ever advocates the recall who is not also in favor of the initiative and referendum. The bench is to be purged of the hirelings of predatory wealth by frequent elections, and yet the legislator is to be shorn of his functions because the people are unable to pick an honest man.

"In order that we may understand the full import of this proposition for the recall of our judges let me read an extract from the Appeal to Reason. This was published last year when the campaign was on in the State of California. At that time the McNamara brothers were awaiting trial on a charge—to which they subsequently pleaded guilty—of having murdered some 21 workmen by blowing up a house, the property of a man whom they wished to punish. At that time Mr. Debs

made this illuminating contribution to the campaign for 'the restoration of popular government':

"The fight at the polls this fall will center around the adoption of the initiative, referendum, and recall amendments to the constitution. Under the provisions of the recall amendment the judges of the Supreme Court of California can be retired. These are men who will decide the fate of the kidnapped workers. Don't you see what it means, comrades, to have in the hands of an intelligent, militant working class the political power to recall the present capitalist judges and put on the bench our own men? Was there ever such an opportunity for effective work? No; not since socialism first raised its crimson banner on the shores of Morgan's country. The election for governor and State officers of California does not occur till 1914. But with the recall at our command we can put our own men in office without waiting for a regular election.

"This is one of the changes proposed by our progressive leaders, but there are others. One of the beauties of progress consists in its infinite variety. After centralizing all power in the Federal Government by 'finding constructions,' by 'Executive action,' by 'legislation,' and by having the recall put 'our own men' on the bench, as Mr. Debs put it and as Mr. James II did it, we are to add still further to the gayety of nations by progressing back some score or more of centuries and still further 'restore popular government' by adopting the compulsory initiative and referendum.

"The initiative and referendum are neither the discovery nor the invention of modern statesmanship. Restoration of popular government is a very catchy phrase, but even the art of phrase making is as old as the conflict of human ambitions. There were springs to catch woodcocks before our day. If popular government has been lost, under what system of government did it flourish? We should know this in order that we may turn to that page of history and study carefully the workings of that governmental system before we exchange our own for it. When I was a boy we used sometimes to swap 'sight unseen,' but experience did not commend the wisdom of that procedure to my judgment. The history of the democracies of the old world revolved in a fatal cycle—democracy, anarchy, despotism. We boast of Anglo-Saxon civilization. What contribution has the Saxon made to the science of government? There were monarchies and democracies, there were republics before his day. The contribution which he made was indeed a notable one which has been copied by all the peoples of the earth as they have advanced in liberty since that day, and that contribution was the system of representative government. When our fathers met in Philadelphia and undertook the serious business of sifting out of all the experiences of man a governmental system that would secure the blessings of liberty to them and to their posterity, they preferred this one and wrote it into the Constitution and hedged it about with such limitations as to make its amendment practically impossible except by revolution. Since that day all the liberty-seeking peoples of the earth have sought to copy it. The story of its success is told wherever men gather around their hearthstones and talk of liberty.

"A few years ago a delegation of Congressmen were sent abroad upon a public mission. One evening they attended a popular gathering at a little place just within the Russian border. It was an occasion of great importance in that country—a sort of national holiday. A military band sat in the pavilion and played the national airs of the country. At last, out of compliment to the American representatives present, they played 'Hail Columbia, Happy Land.' Instantly the peasants, who had theretofore stood off in the distance, began to draw near and applaud. It was not the music that appealed to them; as a musical production it was not equal to the others, but it told its story even in that far land, and those oppressed people gathered about the stand and encored, not once, but twice, and yet again, inspired by the hope that maybe in the fullness of God's providence the light of liberty, which blessed that far off 'Happy Land,' might some day, somewhere, somehow, illumine the political darkness of their own unhappy valleys.

"Representative government was evolved out of the theory that sovereignty is, and of right ought to be, in the people, and that the people are endowed with sufficient intelligence and with sufficient patriotism to select out of their number representatives who will honestly and faithfully perform all of the functions of government. How is that done under our Constitution? Let us trace, for instance, the genesis of a statute.

"In the first place, the people are divided into districts according to population. They select from among their number a man in whose integrity and ability they have confidence. He repairs to the seat of government and with the other representatives similarly chosen organizes the Legislature by selecting a presiding officer, adopting rules of procedure, and dividing the membership into small groups or committees, each with its particu-

lar jurisdiction prescribed. The Member introduces a bill; it is referred to the proper committee for examination and report. This committee then summon before them those who are familiar with the subject matter, and after hearing all who desire to be heard on the subject, both for and against, a subcommittee is appointed to whip it into proper form and verbiage. The full committee then reports the measure to the House, when it is read by sections, debated, amended, and passed. It is then sent to the other Chamber—because under our system of government two Chambers are as much a tradition as trial by jury—where it goes through a similar process. If there are changes made by the other House, committees of conference are appointed by the two Chambers and the differences are discussed and an agreement reached, and then both Chambers take up the bill as amended, and after further discussion pass it and send it to the Executive for his approval. But even after all the relentless scrutiny to which the bill has thus been subjected it sometimes happens that its provisions run counter to the fundamental principles which are written into the Constitution, and so the law may be questioned by any person whose rights have been infringed and in due course must be passed upon by the courts of the country.

"Can human ingenuity conjure up a scheme by which erring man can be better secured in his rights of life, liberty, and the pursuit of happiness, to secure which all governments are instituted among men? Now, look upon that picture and on this. I hold in my hand an exemplification of the initiative and referendum, stripped of all its rhetoric, of all its pretended faith in the people. This is the concrete fact and not the much vaunted and glorified sham.

"This is an official ballot used in South Dakota in the election of November, 1910. It is, by actual measurement, 5 feet 6 inches long and 10 inches wide. It proposes six entirely separate matters of legislation, varying from 'the regulation of the transportation of dead bodies' to 'the organization of the National Guard.' It is closely printed in very small type and contains 16,830 words. The voter must vote 'yes' or 'no.' No opportunity to alter or amend; no chance or opportunity for any discussion of its innumerable paragraphs. Oh, Liberty! Liberty! What crimes have been committed in thy name!

"My countrymen, do you believe that your life, your liberty, or your property will be better safeguarded by this wild, fantastic counterfeit than by the orderly processes which have stood the test of human scrutiny, of talent, and of time?

"If this law, so fearfully and wonderfully made, receives a majority of the votes cast, no veto can head it off in its mad rush for the statute book, and if perchance this tragedy reach the Supreme Court, and there for the first time it occurs to somebody to read it and thereupon it is ascertained to contravene the plain mandates of the Constitution, the next scene will open with his honor on the stump, endeavoring to justify his imprudent, if not impudent, curiosity in a campaign for his recall.

"We are told that the people have lost faith in their legislators. When did they lose it? Since the last election? If so, then they will have a chance this year to select legislators in whom they do have confidence. It is an insult to the people of this country to say that they have not enough discriminating judgment left to choose out of their own number men who will be faithful for two years. If they have lost that quality, then all hope for any government based on popular sovereignty has gone. I wish to enter my protest against so mean an imputation against our people. If I would suggest any change, it would be to elect Representatives for four years instead of two. What is needed is to remove this sword of Damocles, instead of weakening the thread which suspends it. Let us trust the people more in the selection of their Representatives; add to the responsibilities of the great office, instead of subtracting from its dignity and importance through the referendum. Fortify him with responsible power, but do not reduce him to the irresponsible condition of old Father Adam before his ungallant behavior in the Garden of Eden, which charged him finally with the responsibility of choosing between good and evil and elevated him to the dignity of a breadwinner.

"When will the average man, who has to eat his bread in the sweat of his face, find time to obey this scriptural injunction, if 8 per cent of the people can put the initiative and referendum into operation and 25 per cent can order a recall? Of course, the more frequent the elections the greater the notoriety of some gentlemen whose activities are thus blazoned to a listening world, and the greater the fame the bigger the gate receipts. But how about the rest of flesh? When that bright day comes the busiest man in the Government will be the tally clerk, and the dulcet song of the ticket vendor will relegate the hurdy-gurdy to innocuous desuetude.

"If we are to adhere to the fundamental principle of popular government, that the majority should rule, we must withhold from the minority this lash by which the professionally discontented few can scourge the representatives of that majority from the temples of power and responsibility by senseless and ceaseless trial at the polls.

"Just one more thought in conclusion. Let no man embrace these cure-all nostrums that political thrift may follow fawning. The people of this country do not want their laws written through the crude and ponderous processes of the initiative and referendum. No people want it. In Switzerland, whither we are so frequently referred, the electorate became so thoroughly tired of these ceaseless elections that it became necessary to provide by law a punishment for every man who failed to vote, but even then they refused to attempt the exercise of a function for which they were not qualified and deposited their ballots unmarked.

"When the constitutional convention in Mississippi concluded its labors in 1890 they declared the constitution, which they had framed, adopted without referring it back to the people. It provided of necessity for amendment, and when one is proposed by the legislature it must be ratified by the people. After much agitation of the question, two years ago an amendment was proposed changing the system of selecting judges from appointment by the governor to election by the people. There was no other contest on, and when the election day came only 25,000 votes were cast—17,000 voters favored the change, and the amendment was adopted.

"A few years ago less than 10 per cent of the voters of New York voted an amendment to their constitution. Even in California, where these so-called progressive ideas are apparently most popular, in the election last fall, after a campaign so noisy as to attract the attention of the entire country, when 23 separate amendments were submitted to the people, the one providing for woman suffrage, which received the highest vote of any, received less votes than Mr. Bryan received in 1908, when Taft carried the State by 90,000 majority.

"The people will refuse to undertake the functions of the legislator, and the discontented few, always the most clamorous for every change—and the more radical the change the more active their enthusiasm—will write the laws of the land. Majority rule, which can obtain only in a representative democracy, will be overthrown, and the rule of the minority substituted for it, and that, too, under the specious and wholly misleading pretense of 'restoring popular government.'

"I do not challenge the good faith or the high purpose of those who are urging this revolution with such earnestness and marked ability. They are all Chanticleers, crowing upon the hilltops, firm in the faith that they are thereby causing the sun of popular government to rise. But with all regard for their plumage and their faith, I prefer the judgment of those humbler cocks down in the valley, who believe in the daylight when they see it.

"In view of all the history of the past, with its bloody struggles of the many against the oppressions of the few, remembering the glorious victories which at last crowned the sacrifices of our fathers, under the folds of that flag whose birth we glorify to-day, let us join in one universal prayer—

"Lord God of Hosts, be with us yet,
"Lest we forget, lest we forget."

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18794. An act to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 238. An act to authorize the extension of Lamont Street NW., in the District of Columbia.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5050. An act granting school lands to the State of Louisiana; to the Committee on the Public Lands.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned until Wednesday, February 28, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John J. Christenberry, administrator of estate of Martin Dill, deceased (H. Doc. No. 573); to the Committee on War Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William F. Smithey (H. Doc. No. 572); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 4728) to authorize the change of the name of the steamer *Salt Lake City*, reported the same without amendment, accompanied by a report (No. 359), which said bill and report were referred to the House Calendar.

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19638) to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel, reported the same with amendment, accompanied by a report (No. 362), which said bill and report were referred to the House Calendar.

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street-railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 361), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (S. 339) providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes, reported the same with amendment, accompanied by a report (No. 364), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 20721) to authorize the President to reappoint Henry Harrison Hall a second lieutenant in the Army, reported the same without amendment, accompanied by a report (No. 358), which said bill and report were referred to the Private Calendar.

Mr. ESTOPINAL, from the Committee on the Public Lands, to which was referred the bill (H. R. 17501) for the relief of the heirs of Myra Clark Gaines, deceased, reported the same without amendment, accompanied by a report (No. 360), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 12375) authorizing Daniel W. Abbott to make homestead entry, reported the same without amendment, accompanied by a report (No. 363), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (S. 2512) for the relief of the Snare & Triest Co., reported the same without amendment, accompanied by a report (No. 365), which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (H. R. 10784) for the relief of Charley Clark, a homestead settler on certain lands therein described, reported the same without amendment, accompanied by a report (No. 366), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 20682) for the relief of John W. Morse; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 16799) granting a pension to Clinton L. Coleman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13747) granting a pension to John Zanger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18636) granting an increase of pension to Mary P. Leahy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 20900) to amend sections 39 and 111 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on Indian Affairs.

By Mr. MILLER: A bill (H. R. 20901) establishing a hospital to be known as Chippewa Hospital of Minnesota, and creating a board of governors and providing for the operation thereof; to the Committee on Indian Affairs.

By Mr. DAVENPORT: A bill (H. R. 20902) to reimburse certain Eastern Cherokees who removed themselves to the Cherokee Nation under the terms of the eighth article of the treaty of December 29, 1835; to the Committee on Indian Affairs.

Also, a bill (H. R. 20903) making an appropriation to reimburse the Cherokee and Creek Indians in Oklahoma, formerly Indian Territory, for money deducted from the royalties from leased lands of the Cherokees and Creeks, and for other purposes; to the Committee on Indian Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 20904) to amend the law providing for the payment of the death gratuity as applicable to the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. RANDELL of Louisiana: A bill (H. R. 20905) to amend an act entitled "An act in relation to the Hot Springs Reservation in Arkansas"; to the Committee on the Judiciary.

By Mr. HAY: A bill (H. R. 20906) to appropriate \$6,000 to defray the expenses of the United States rifle team to the Pan-American tournament at Buenos Aires May 16 to 30, 1912; to the Committee on Military Affairs.

By Mr. SIMMONS: A bill (H. R. 20907) to give effect to the fifth article of the treaty between the United States and Great Britain, signed January 11, 1909; to the Committee on Foreign Affairs.

By Mr. BLACKMON: A bill (H. R. 20908) to require all common carriers engaged in interstate and foreign commerce to collect, accept, receive, transmit, and deliver all express packages not exceeding in weight 50 pounds; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: A bill (H. R. 20909) to encourage the development of the American merchant marine and to promote commerce and the national defense; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of Pennsylvania: Resolution (H. Res. 433) to investigate labor conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. SMITH of Texas: Joint resolution (H. J. Res. 255) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, determine the amount due, if any, and press them for payment; to the Committee on Foreign Affairs.

By Mr. WICKLIFFE: Joint resolution (H. J. Res. 256) to print 30,000 copies of the message of the President of February 12, 1912; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 20910) granting a pension to Ada Cahoon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20911) granting a pension to Frank B. Nofsinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20912) granting an increase of pension to William S. King; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 20913) granting an increase of pension to George E. Wilson; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 20914) granting an increase of pension to William H. Whitson; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 20915) granting a pension to Mary Mullen; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 20916) granting an increase of pension to Charles W. Gray; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 20917) for the relief of James H. Patton; to the Committee on War Claims.

By Mr. DAVENPORT: A bill (H. R. 20918) granting an increase of pension to William R. Hendricks; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 20919) granting a pension to Rachel Waskom; to the Committee on Pensions.

Also, a bill (H. R. 20920) granting a pension to George C. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20921) granting a pension to Caroline Boone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20922) granting an increase of pension to Johnson White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20923) granting an increase of pension to George W. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20924) granting an increase of pension to John F. McConnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20925) granting an increase of pension to William H. Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20926) granting an increase of pension to Edward Pickett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20927) granting an increase of pension to William H. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20928) granting an increase of pension to Amelia Raschig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20929) granting an increase of pension to Frank Genter; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 20930) to restore, in part, the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 20931) to appropriate \$15,000 out of the funds in the United States Treasury to the credit of the Cherokee Indians to pay Charles M. Rice, of St. Louis, and his associates for legal services; to the Committee on Indian Affairs.

By Mr. FIELDS: A bill (H. R. 20932) granting an increase of pension to Henry C. Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20933) granting an increase of pension to Charles W. Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20934) granting an increase of pension to Lauderdale L. Tabor; to the Committee on Pensions.

Also, a bill (H. R. 20935) granting an increase of pension to McCager S. Gee; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 20936) granting a pension to James McNulty; to the Committee on Pensions.

Also, a bill (H. R. 20937) granting an increase of pension to John L. Hefling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20938) granting an increase of pension to William L. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20939) granting an increase of pension to Samuel Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20940) granting an increase of pension to Benjamin F. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20941) for the relief of Jonathan Milburn and granting him a pension; to the Committee on Military Affairs.

Also, a bill (H. R. 20942) granting an increase of pension to William Henderson; to the Committee on Invalid Pensions.

By Mr. GARNER (by request): A bill (H. R. 20943) for the relief of William Berry Bridge; to the Committee on War Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 20944) for the relief of Mary A. Coleman; to the Committee on War Claims.

Also, a bill (H. R. 20945) granting a pension to Charlotte Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20946) granting an increase of pension to Winfield T. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20947) granting an increase of pension to Edward Braham; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 20948) granting a pension to J. B. Ashbrooke; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 20949) for the relief of Clarissa Duncan and Charles E. Duncan; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20950) for the relief of Thomas M. Bybee; to the Committee on War Claims.

Also, a bill (H. R. 20951) granting a pension to James Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20952) granting an increase of pension to Basil M. Bennett; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 20953) granting a pension to Edward O. Tripp; to the Committee on Pensions.

Also, a bill (H. R. 20954) granting a pension to Henry Lee; to the Committee on Pensions.

Also, a bill (H. R. 20955) granting a pension to John Prater; to the Committee on Pensions.

Also, a bill (H. R. 20956) granting an increase of pension to Edmond Bonneau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20957) to correct the military record of Richard Prendergast; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 20958) granting an increase of pension to Charles Lakin; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 20959) granting an increase of pension to Sarah J. White; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 20960) granting an increase of pension to Amos J. Henry; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 20961) for the relief of Morgan Stuart; to the Committee on War Claims.

Also, a bill (H. R. 20962) for the relief of the legal representatives of R. M. Holliday, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20963) for the relief of the legal representatives of Calvery McCallister, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20964) for the relief of the legal representatives of William T. Rust; to the Committee on War Claims.

By Mr. McHENRY: A bill (H. R. 20965) granting a pension to William E. Ammerman; to the Committee on Pensions.

Also, a bill (H. R. 20966) granting an increase of pension to Carrie Keefer; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 20967) granting an increase of pension to Daniel Newell; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 20968) granting a pension to Helena Victoria Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20969) granting a pension to Mary A. Healey; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: A bill (H. R. 20970) granting a pension to Dennis Daly, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20971) granting an increase of pension to James McDonnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20972) granting an increase of pension to Roseltha A. Daly; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 20973) granting a pension to Daniel Wesley Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20974) granting an increase of pension to Alfred Richards; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 20975) granting a pension to Z. L. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20976) granting a pension to Presley F. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20977) granting a pension to William Winkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20978) granting an increase of pension to Luke Deasy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20979) to remove the charge of desertion standing against Lewis Wells; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 20980) granting an increase of pension to William Geer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20981) to remove the charge of desertion from the military record of Charles V. Barber; to the Committee on Military Affairs.

By Mr. RANDELL of Louisiana: A bill (H. R. 20982) for the relief of N. W. Jones; to the Committee on War Claims.

Also, a bill (H. R. 20983) for the relief of heirs or estate of Thomas Washington Tompkins, deceased; to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 20984) to correct the military record of Joseph Bourgeret; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 20985) granting an increase of pension to A. J. Goodfellow; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 20986) for the relief of Levi Adcock; to the Committee on War Claims.

By Mr. EDWARDS: A bill (H. R. 20987) for the relief of the heirs of H. Stanton; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of the Forty-fourth Annual Encampment of the Department of the Potomac, Grand Army of the Republic, urging passage of House bill 16092; to the Committee on Public Buildings and Grounds.

By Mr. AINEY: Petitions of churches and Woman's Christian Temperance Unions of the State of Pennsylvania, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 1063, 1311, and 1447, Patrons of Husbandry, for certain changes in the oleomargarine laws; to the Committee on Agriculture.

Also, petition of the Aldenville Baptist Church, of Clinton, Pa., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Smithfield Grange, No. 214, Patrons of Husbandry, East Smithfield, Pa., and of Vernon Grange, No. 842, Patrons of Husbandry, Alderson, Pa., for certain changes in the Federal oleomargarine law; to the Committee on Agriculture.

By Mr. ANDERSON of Minnesota: Petition of A. J. Krebsbach and 8 others of Adams, Minn., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of the Maryland Association of Certified Public Accountants, against employment of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

By Mr. ASHBROOK: Petition of the Coshocton Glass Co., of Coshocton, Ohio, protesting against the so-called Webb and Kenyon bills, prohibiting interstate commerce of liquors; to the Committee on the Judiciary.

Also, resolutions of Prosperity Grange, Tuscarawas County, Ohio, asking for the enactment of the proposed parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the Maryland Association of Certified Public Accountants, in opposition to the employment of foreign accountants; to the Committee on Expenditures in the Navy Department.

By Mr. BOEHNE: Petition of 12 citizens of Evansville, Ind., asking for the construction of a battleship in the Government navy yards; to the Committee on Naval Affairs.

Also, petition of 18 business firms of Boonville, Ind., protesting against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petition of Pennsylvania Child Labor Association, in favor of the Peters bill, to establish a Federal children's bureau; to the Committee on Labor.

Also, petition of the National Conservation Congress, protesting against reduction of appropriation for fighting fires and taking measures for protection from forest fires; to the Committee on Agriculture.

Also, petition of C. Morgan's Sons, of Wilkes-Barre, Pa., against certain provisions of the chemical schedule; to the Committee on Ways and Means.

Also, petition of the Scientific Temperance Union, Boston, Mass., protesting against the repeal of the anticaneen law; to the Committee on Military Affairs.

Also, petition of St. Peter's Society, of Wilkes-Barre, Pa., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of Parrish Street Methodist Episcopal Church, of Wilkes-Barre, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Pennsylvania State Veterinary Medical Association, in favor of House bill 16843, to consolidate the veterinary service, United States Army, and to increase its efficiency; to the Committee on Military Affairs.

By Mr. BROWNING: Petitions of the Woman's Christian Temperance Union and Baptist and Presbyterian Churches, of Daretown, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of the Thomas Co., of Gainesville, Fla., and about 40 other merchants, protesting

against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of William B. Kistler and 19 other citizens of Earleton, Fla., favoring the passage of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of Arthur Strudel and 46 other citizens of Miami, Fla., favoring the Berger old-age pension bill; to the Committee on Pensions.

By Mr. COPLEY: Petitions of the First Baptist Church of Elgin; the First Free Methodist Church of Elgin; the Congregational Church of Dundee; the House of Hope Presbyterian Church, of Elgin; the Salem United Congregational Church, of Elgin; and the Epworth Methodist Episcopal Church, of Elgin; and letters from R. R. Osborne, M. D., of Elmhurst, all of the State of Illinois, praying for the passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

By Mr. COX of Ohio: Petitions of the German societies of the State of Ohio, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of the Stereotypers and Electrotypers' Union No. 15, against Senate bill 2564; to the Committee on Printing.

Also, petitions of citizens of the third congressional district of Ohio, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of the Chamber of Commerce of Cincinnati, Ohio, protesting against any change in present administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS: Petition of citizens of the State of Texas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Quitman, Ark., for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Petition of Rochester (N. Y.) Branch, Catholic Knights of America, favoring the passage of House bill 2896; to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal, Ogden Presbyterian, and First Congregational Churches, of Ogden, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ESCH: Petitions of business firms and business men of Arcada, Cashton, Sparta, Tomah, Westby, and West Salem, Wis., for regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petitions of business firms and business men of Arcada, Cashton, Sparta, Tomah, Westby, and West Salem, Wis., protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FERGUSON: Petitions of citizens of the State of New Mexico, for more liberal homestead laws; to the Committee on the Public Lands.

By Mr. FLOOD of Virginia: Petition of sundry citizens of Virginia, favoring the enactment of legislation to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Alleghany County, Va., favoring the enactment of legislation to regulate express companies; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Augusta County (Va.) Fruit Growers' Association, approving House bill 18659; to the Committee on the Census.

Also, resolutions of the General Assembly of Virginia, favoring the passage of Senate bill 2117, to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Alleghany and Augusta Counties, Va., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Memorial of the Rochester (N. Y.) Chamber of Commerce, for passage of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, petition of A. O. Probst & Co., of New York City, for protection of American interests in China; to the Committee on Foreign Affairs.

Also, petition of the Maryland Association of Certified Public Accountants, protesting against employment by the Government of chartered accountants to the exclusion of certified public accountants; to the Committee on the Post Office and Post Roads.

Also, petition of Larkin Co., of Buffalo, N. Y., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: Resolution of Socialist Party of Steubenville, Ohio, protesting against Lawrence (Mass.) outrages; to the Committee on Labor.

Also, petition of H. J. Bradfield, of Barnesville, Ohio, against the extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of Somerset Grange, No. 1662, of Barnesville, Ohio, favoring a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of numerous citizens of Barnesville and Baileys Mills, Ohio, in favor of the Postal Progress League parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Bradley & Vrooman Co., of Chicago, Ill., in opposition to proposed duty on gum copal, etc.; to the Committee on Ways and Means.

Also, petition of Russian Caviar Co., of New York, for a specific duty on caviar; to the Committee on Ways and Means.

Also, petition of Nebraska Wholesale Liquor Dealers' Association, opposing the passage of the Kenyon bill (S. 4053) and Webb bill (H. R. 17593) concerning interstate shipments of intoxicating liquor, etc.; to the Committee on the Judiciary.

Also, petition of the International Dry-Farming Congress, for legislation placing land agents operating on the public domain under registration, etc.; to the Committee on the Public Lands.

By Mr. GARNER: Papers to accompany bill for the relief of William Berry Bridge; to the Committee on War Claims.

Also, petition of citizens of Eagle Pass, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of the Temperance Section of Philadelphia Yearly Meeting of Friends, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of the Pennsylvania Board of Agriculture, for cooperation of the Federal Government with the several States in the eradication of the chestnut-tree blight; to the Committee on Agriculture.

By Mr. HARTMAN: Petition of citizens of the State of Pennsylvania, for old-age pensions; to the Committee on Pensions.

By Mr. HARRIS: Petition of numerous citizens of Attleboro, Mass., in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. HELM: Petition of Improved Order of Red Men of Richmond, Ky., asking for the erection of an American Indian memorial building and museum in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Connecticut: Petition of Wonx Tribe, No. 28, Improved Order of Red Men, of Southington, Conn., for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: Petition of the Woman's Christian Temperance Unions of Elsmore and Ogden, Utah, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of the Society of the Cincinnati in the State of New Jersey, in favor of Senate bill providing for compilation of the military and naval records of the Revolutionary War with a view to their publication; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: Petition of John J. Brereton Camp, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petition of the Society of the Cincinnati in the State of New Jersey, in favor of Senate bill providing for compilation of the military and naval records of the Revolutionary War with a view to their publication; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: Petitions of several hundred citizens of Pearl, Leahy, Spangle, Bridgeport, Conconully, Hudson, Spokane, Mead, Hillyard, Twisp, Winthrop, Mazama, Wauconda, Aeneas, Republic, Baird, Coulee City, and Mondovi, all in the State of Washington, urging the passage of House bill 14, the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Spokane and College Place, Wash., protesting against the Johnston bill, for the observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of the Improved Order of Red Men of Walla Walla, Northport, and Prescott, all in the State of Washington, urging the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

Also, petitions of citizens of College Place, Wash., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Resolution of Pennsylvania State Board of Agriculture, indorsing Senate bill 4563; to the Committee on Agriculture.

By Mr. LAFFERTY: Petitions of citizens of the State of Oregon, for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of Lester C. Rhodes and others of Drewsey, Oreg., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of E. R. Nelson and others of Portland, Oreg., for old-age pension legislation; to the Committee on Pensions.

By Mr. LAMB: Memorial of Farmers' Educational and Cooperative Union, for Government monopoly of the tobacco business, etc.; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of citizens of Marion Center, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Hodgman Rubber Co., of New York City, against import duty on crude rubber; to the Committee on Ways and Means.

Also, petition of Larkin Co., of Buffalo, N. Y., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Maryland Association of Certified Public Accountants, protesting against employment by the Government of chartered accountants to the exclusion of certified public accountants; to the Committee on the Post Office and Post Roads.

Also, petition of the Central Federated Union of Greater New York and vicinity, in favor of House bill 11032, regulating the issuance of restraining orders and to limit the meaning of the word "conspiracy"; to the Committee on the Judiciary.

By Mr. LITTLEPAGE: Petitions of citizens of the State of West Virginia, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. LLOYD: Petition of citizens of Hannibal, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petitions of citizens of Iowa, Nebraska, and South Dakota, against parcel post; to the Committee on the Post Office and Post Roads.

Also, resolutions of Central Labor Union of Lincoln, Nebr., indorsing House bill 5970; to the Committee on Reform in the Civil Service.

Also, resolutions of the Commercial Club of Omaha, Nebr., relative to Lincoln memorial; to the Committee on the Library.

By Mr. LOUD: Papers to accompany bill for the relief of Amos J. Henry; to the Committee on Invalid Pensions.

By Mr. McKELLAR: Petition of citizens of Middleton, Tenn., asking the passage of an effective interstate commerce liquor law; to the Committee on the Judiciary.

By Mr. MAHER: Memorial of the General Henry W. Lawton Camp, No. 21, United Spanish War Veterans, Brooklyn, N. Y., indorsing House bill 17470, providing a pension for widows and minor children of deceased Spanish War veterans; to the Committee on Pensions.

By Mr. MALBY: Petition of residents of Port Henry, N. Y., protesting against the extension of parcel post beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, resolution of Nicholville (N. Y.) Grange, No. 797, protesting against the repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, resolution of Fort Covington (N. Y.) Grange, No. 937, protesting against a reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, petitions of residents of West Chazy, Malone, Port Henry, Crown Point, Crown Point Center, and North Hudson, N. Y., asking for a reduction in the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MARTIN of South Dakota: Petition of numerous citizens of Dewey, S. Dak., favoring the immediate passage of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of numerous citizens of Scenic and Folsom, S. Dak., favoring immediate passage of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. MONDELL: Petition of members of the Improved Order of Red Men, of Casper, Wyo., urging the enactment of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Guernsey, Hartville Junction, and Wheatland, Wyo., in support of House bill 14, providing for a

parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Maryland Association of Certified Public Accountants, urging the employment of certified public accountants in preference to chartered accountants; to the Committee on Expenditures in the Navy Department.

Also, memorial of the National Committee for Mental Hygiene, urging legislation providing for the mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of First Baptist Church and Woman's Christian Temperance Union of Salinas, Cal., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of California Civic League, for more effective enforcement of white-slave traffic act; to the Committee on the Judiciary.

By Mr. NELSON: Petitions of 12 citizens of Pardeeville, Wis., asking that duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of the Lycoming Branch of the German-American Alliance, of Williamsport, Pa., protesting against the passage of Federal prohibition laws; to the Committee on the Judiciary.

By Mr. PAYNE: Petitions of numerous citizens of Palmyra, N. Y., favoring House bill 16313, providing for an American Indian memorial building and museum in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of numerous citizens of Palmyra, N. Y., favoring an old-age pension bill; to the Committee on Pensions.

By Mr. POWERS: Papers to accompany bill to remove the charge of desertion from the military record of Charles V. Barber; to the Committee on Military Affairs.

By Mr. RAKER: Petitions of citizens of the State of California, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Civic League of San Francisco, Cal., for more effective enforcement of the white-slave traffic act; to the Committee on the Judiciary.

Also, petition of San Francisco (Cal.) Chamber of Commerce, protesting against Senate bill 4043; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Sacramento (Cal.) Development Association, in favor of House bill 18431; to the Committee on Rivers and Harbors.

Also, petition of citizens of the State of California, favoring improvement of Monterey Bay, Cal.; to the Committee on Rivers and Harbors.

By Mr. REILLY: Memorial of Maryland Association of Certified Public Accountants, protesting against the employment by the Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of the Central Labor Union of Meriden, Conn., indorsing House bill 11032; to the Committee on the Judiciary.

Also, resolution of the Westchester District Association of Letter Carriers, Stamford, Conn., indorsing bill providing for the retirement of employees after 30 years' service who have reached the age of 60 years; to the Committee on Reform in the Civil Service.

Also, resolution of the Westchester District Association, Stamford, Conn., indorsing the Reilly bill, providing for a schedule of 8 hours' duty in 10, with extra compensation for extra service; to the Committee on the Post Office and Post Roads.

Also, petition of the German-American Alliance of Waterbury, Conn., protesting against any prohibition or interstate liquor measure now pending; to the Committee on the Judiciary.

By Mr. REYBURN: Petition of Jewish Community of Philadelphia, Pa., remonstrating against further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of German-American Alliances of the States of Nebraska and New Jersey, remonstrating against prohibition and interstate liquor measures; to the Committee on the Judiciary.

Also, petition of Middlesex Shoe Co., of New Brunswick, N. J., protesting against House bills 11580 and 11381; to the Committee on the Judiciary.

Also, petition of John J. Brereton Camp, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

By Mr. SHEPPARD: Papers to accompany House bill 20895, for the relief of heirs of William (Billy) and Martha Sharp, deceased; to the Committee on War Claims.

By Mr. STEPHENS of California: Petition of assayers and metallurgists of Los Angeles, Cal., for passage of House bill 17033; to the Committee on Mines and Mining.

Also, petition of General Fishermen's Association, for passage of House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Los Angeles (Cal.) Clearing House Association, indorsing the Newlands river-regulation bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of W. L. Williams, of New York City, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of Central Labor Council of Seattle, Wash., for the building of a Government railroad in Alaska; to the Committee on the Territories.

Also, petition of Central Federated Union, for passage of House bill 11032; to the Committee on the Judiciary.

Also, petition of the Maryland Association of Certified Public Accountants, protesting against employment of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of numerous citizens, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of residents of New York City, for passage of House bill 17253; to the Committee on Ways and Means.

Also, memorial of the National Progresista Party of the Philippine Islands, for self-government in the Philippine Islands; to the Committee on Insular Affairs.

By Mr. TILSON: Memorial of the Westchester District Association of the National Association of Letter Carriers, of Port Chester, N. Y., for certain legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the New Haven (Conn.) Trades Council, protesting against employment of enlisted men in construction of battleships; to the Committee on Naval Affairs.

Also, petition of Louisa G. Lane and William C. Gilman, of Norwich, Conn., for passage of House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of the German-American Alliance of Waterbury, Conn., protesting against prohibition and interstate liquor measures; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Burt Stone and other citizens, of Plano and Brazil, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Carl M. McGuire and 68 other citizens of Humeston, Iowa, in favor of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of citizens of the State of New York, for enactment of House bill 16450; to the Committee on the Judiciary.

Also, petition of the Rochester (N. Y.) Chamber of Commerce, in favor of House bill 17936; to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Johannes Verein Society, of Elmira, N. Y., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, memorial of the National Progresista Party in the Philippine Islands, for self-government of those islands; to the Committee on Insular Affairs.

By Mr. VREELAND: Petitions of the Woman's Christian Temperance Union, the Congregational Church, and the Universalist Church of Friendship, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITACRE: Petitions of churches and citizens of the State of Ohio, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the German-American Alliance of Youngstown, Ohio, protesting against enactment of prohibition or interstate liquor measures; to the Committee on the Judiciary.

Also, petition of members Improved Order of Red Men, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of Watch Case Engravers' Union of Canton, Ohio, for Berger old-age pension bill, etc.; to the Committee on Pensions.

Also, petition of the East Liverpool (Ohio) Trades and Labor Assembly, favoring repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. YOUNG of Kansas: Petition of citizens of the sixth congressional district of Kansas, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Norton and Sheridan Counties, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Norton and Sheridan Counties, Kans., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, February 28, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

REFUNDING CLAIMS OF INSURANCE COMPANIES (S. DOC. NO. 351).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting in response to Senate resolution 255, Sixty-first Congress, second session, certain information relative to the claims of the American Fire Insurance Co. and the Insurance Co. of North America, both of Philadelphia, Pa., which was referred to the Committee on Finance and ordered to be printed.

WITHDRAWAL OF PUBLIC LANDS (S. DOC. NO. 349).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, certain information relative to the withdrawals and restorations, under the acts of June 22 and June 25, 1910, of coal, oil and gas, and phosphate land, of lands valuable for power sites or reservoirs, and of other lands withdrawn for classification or public purposes, which was referred to the Committee on Public Lands and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4749) relative to members of the female nurse corps serving in Alaska or at places without the limits of the United States.

The message also announced that the House had passed the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 238. An act to authorize the extension of Lamont Street NW., in the District of Columbia; and

H. R. 18794. An act to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters.

PETITIONS AND MEMORIALS.

Mr. WATSON presented petitions of sundry citizens of Clarksburg, Webster Springs, Chester, New Cumberland, Fairmont, Newell, Farmington, and Broomfield, all in the State of West Virginia, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Retail Hardware Association, of Shinnston, W. Va., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Lewis, Hubbard & Co., of Charleston, W. Va., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a petition of Charles P. Kirkland Camp, No. 18, United Spanish War Veterans, of Winsted, Conn., praying for the enactment of legislation to pension widows and minor children of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Putnam, Conn., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Grange No. 151, Patrons of Husbandry, of Enfield, Conn., praying for the enactment of legislation to provide for the collection and publication of additional statistics on tobacco, which was referred to the Committee on the Census.

He also presented petitions of sundry citizens of Mystic, New Britain, Meriden, Danielson, and Torrington, all in the State of Connecticut, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Local Grange No. 2, Patrons of Husbandry, of Kingston, R. I., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agri-

cultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Westerly, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the congregation of the Evangelical Church of Cherry Grove, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Nstrand and Foxhome, in the State of Minnesota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM. I present a petition praying for the ratification of the proposed arbitration treaties between the United States, Great Britain, and France. The petition is signed by Judge David Cross, a distinguished lawyer, 95 years of age, and until recently in the active practice of his profession. It is also signed by judges of our supreme and superior courts and by members of the Hillsboro County bar. I ask that the first page of the petition be printed in the RECORD and that it lie on the table.

There being no objection, the petition was ordered to lie on the table, and the first page was ordered to be printed in the RECORD, as follows:

Petition for the ratification of the arbitration treaties with Great Britain and France in substantially the form in which they have been proposed by the President.

Signed by Judge David Cross, president of the Hillsboro County Bar Association; Hon. David A. Taggart, ex-president of the New Hampshire State Senate; James C. Tuttle, attorney general; Justice Robert J. Peaslee, of the supreme court; Justices Robert G. Pike, Robert N. Chamberlin, John M. Mitchell, of the superior court; Hon. C. W. Hoitt, district attorney; Sherman E. Burroughs and other members of the bar in Manchester and vicinity.

For presentation in the Senate by Hon. HENRY E. BURNHAM, United States Senator from New Hampshire.
MANCHESTER, N. H., February 24, 1912.

Mr. BURNHAM presented a petition of Granite State Council, No. 1, Junior Order United American Mechanics, of Hampstead, N. H., and a petition of Mount Prospect Council, No. 16, Junior Order United American Mechanics, of Plymouth, N. H., praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. GALLINGER presented a memorial of the Keene Glue Co., of Keene, N. H., remonstrating against a reduction of the duty on glue, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of West Lebanon, N. H., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Mount Prospect Council, No. 16, Junior Order United American Mechanics, of Plymouth, N. H., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. CULLOM presented a memorial of members of the Pierian Club, of Greenville, Ill., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Peoria, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the United Evangelical Church and the Fourth Street Methodist Episcopal Church and of the men's bible class of the First Baptist Church, all of Aurora, in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Merchants' Association of Nashville, Ill., praying for the enactment of legislation providing for a reduction of postage rates on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, and a petition of the Board of Trade of Scranton, Pa., praying that an appropriation of \$50,000 be made to defray expenses incident to the entertainment of foreign delegates to the Fifth International Congress of Chambers of Commerce, which were referred to the Committee on Appropriations.

He also presented a memorial of the Chamber of Commerce of Sacramento, Cal., remonstrating against a reduction of the

duty on olive oil, which was referred to the Committee on Finance.

He also presented a memorial of the Eighth Ward Taxpayers' Association, of Paterson, N. J., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. O'GORMAN presented petitions of sundry citizens of New York City, Westfield, and Port Richmond, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of General Henry W. Lawton Camp, No. 21, Department of New York, United Spanish War Veterans, of Brooklyn, N. Y., and a petition of General Francis V. Greene Camp, No. 54, Department of New York, United Spanish War Veterans, of Tonawanda, N. Y., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented a memorial of members of the Martha Washington Society, of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of the Wyckoff Heights Taxpayers' Association, of Brooklyn, N. Y., and a petition of the Broadway Board of Trade, of Brooklyn, N. Y., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships at the Brooklyn Navy Yard, which were referred to the Committee on Naval Affairs.

He also presented a memorial of the Chamber of Commerce of Syracuse, N. Y., remonstrating against the adoption of an amendment to any schedule of the tariff law until the Tariff Board shall have made a thorough investigation of that schedule and reported thereon, which was referred to the Committee on Finance.

Mr. FOSTER presented a petition of sundry citizens of Welsh, La., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of Press Assistants' Local Union No. 2, of Omaha, Nebr., praying for the enactment of legislation proposing to increase the compensation of pressmen employed in the Government Printing Office, which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 190, of Omaha, Nebr., praying that an investigation be made into the labor-strike conditions at Lawrence, Mass., which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wiltonville, Cambridge, and Lebanon, all in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. MARTIN of Virginia presented sundry affidavits in support of the bill (S. 3661) granting a pension to Walter S. Buchanan, which were referred to the Committee on Pensions.

Mr. CURTIS presented a memorial of sundry citizens of Ogden, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. RAYNER presented a petition of the congregation of the Grace Reformed Church, of Pleasant Hill, Md., and a petition of the congregation of the Grace Reformed Church, of Frederick, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Central Labor Union of St. Johnsbury, Vt., praying for the enactment of legislation to prohibit the use of unnecessary poisons in American match factories, which was referred to the Committee on Manufactures.

Mr. SHIVELY presented a memorial of the Milk Producers' Association of Indiana, Illinois, and Wisconsin, remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of South Bend, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PAYNTER presented memorials of sundry citizens of Kentucky, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Grayson, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of 21 citizens of Boston, Mass., and vicinity, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, submitted adverse reports thereon, which were agreed to and the bills were postponed indefinitely:

S. 101. A bill for the relief of Jarib L. Sanderson (Rept. No. 418); and

S. 4311. A bill for the relief of the estate of Richard Ralph Randall (Rept. No. 417).

Mr. GUGGENHEIM, from the Committee on Public Lands, to which was referred the bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land, reported it with an amendment and submitted a report (No. 413) thereon.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred an amendment submitted by himself on the 19th instant, proposing to appropriate \$7,156 for the pro rata share of the United States in the administrative expenses of the Permanent International Council for the Exploration of the Sea, in the interests of the commercial fisheries, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. SMOOT, from the Committee on Printing, to which was recommended the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported it with amendments and submitted a report (No. 414) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 16680. An act to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners, to construct a bridge across the White River at or near the town of Cotter, Ark. (Rept. No. 415); and

H. R. 18155. An act authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota (Rept. No. 416).

ALEXANDER M'KENZIE AND HENRY L. ABBOT.

Mr. TOWNSEND, from the Committee on Claims, to which were referred the bills (S. 5119) for the relief of Alexander MacKenzie, United States Army, retired, and (S. 5120) for the relief of Henry L. Abbot, United States Army, retired, reported the following resolution (S. Res. 235), which was considered by unanimous consent and agreed to:

Resolved, That the claims of Alexander MacKenzie, United States Army, retired (S. 5119), and Henry L. Abbot, United States Army, retired (S. 5120), now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

ESTATE OF JOHN A. HEARD, DECEASED.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 2044) for the relief of the estate of John A. Heard, deceased, reported the following resolution (S. Res. 236), which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 2044) entitled "A bill for the relief of the estate of John A. Heard, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 5528) granting an increase of pension to Mary Clancey;

A bill (S. 5529) granting an increase of pension to George Potter;

A bill (S. 5530) granting an increase of pension to William H. Buckingham;

A bill (S. 5531) granting an increase of pension to William H. Warren; and

A bill (S. 5532) granting an increase of pension to William Douglas; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5533) granting an increase of pension to William Harper (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 5534) to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands"; to the Committee on Public Lands.

By Mr. CULLOM:

A bill (S. 5535) granting a pension to William J. Fort (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5536) granting a pension to Eva J. Clarke (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 5537) granting an increase of pension to Bradley Gilbert (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5538) to amend paragraph 7, chapter 389, of volume 1 (second edition) of the supplement to the Revised Statutes of the United States, relating to park watchmen; to the Committee on the District of Columbia.

By Mr. MARTIN of Virginia:

A bill (S. 5539) giving jurisdiction to the Court of Claims to ascertain the interest of Anna M. Fitzhugh, and the value of such interest, in the wood taken from the estate of Ravensworth by the military authorities of the United States; to the Committee on Claims.

OMNIBUS CLAIMS BILL.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

PROPOSED PENSION LEGISLATION.

Mr. JONES. I submit an amendment intended to be proposed to pending pension legislation. I move that the amendment lie on the table and be printed.

The motion was agreed to.

PAY AND ALLOWANCES IN THE ARMY.

Mr. BURNHAM submitted an amendment relative to the right to arrears of pay and allowances on account of past services of officers or enlisted men in the Army, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

PRESERVATION OF FUR SEALS.

Mr. HITCHCOCK submitted an amendment intended to be proposed by him to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, which was referred to the Committee on Foreign Relations and ordered to be printed.

CORRESPONDENCE WITH COLOMBIA.

Mr. HITCHCOCK. Mr. President, I send the following resolution to the desk and ask to have it read.

The resolution (S. Res. 237) was read, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to transmit to the Senate copies of all correspondence and communications between this Government and the Government of Colombia since the last presentation to the Senate of such correspondence and communications to this date.

Mr. HITCHCOCK. I ask unanimous consent for the present consideration of the resolution. It is a mere formal resolution to bring down to date the correspondence between the United States and Colombia that was sent here several years ago.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution.

Mr. ROOT. May the resolution be read again?

The VICE PRESIDENT. Without objection, the Secretary will again read the resolution.

The Secretary again read the resolution.

Mr. ROOT. I think the resolution had better go over.

The VICE PRESIDENT. The resolution will go over under the rule.

DEVELOPMENT AND CONTROL OF WATER POWER.

Mr. BURTON submitted the following resolution (S. Res. 238), which was read and referred to the Committee on Printing:

Resolved, That there be printed 500 copies of Senate Document No. 274 for the use of the Corps of Engineers, United States Army.

SURVEY OF SHIPYARD RIVER, S. C. (S. DOC. NO. 350).

Mr. NELSON. I have a letter from W. H. Bixby, Chief of Engineers, United States Army, transmitting, in response to a resolution of the Senate Committee on Commerce, copies of reports on the examination and survey of the Shipyard River, S. C., which was printed for the use of the committee. The supply is exhausted. I move that it be printed as a document for the use of the Senate document room.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

KATE FERRELL.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (S. 5287) for the relief of Kate Ferrell.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Kate Ferrell, widow of John Ferrell, \$1,080, this being the amount of the annual salary of the said John Ferrell, who at the time of his death was an employee of the Bureau of Mines, and came to his death on January 19, 1912, in a mine at Cherry Valley, Washington County, Pa., while engaged, under the direction of the Bureau of Mines, in the hazardous employment and work of exploring said mine filled with poisonous gases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM DELAWARE.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from yesterday.

The SECRETARY. Senate resolution 230, submitted by Mr. REED on the 26th instant, authorizing and directing the Committee on Privileges and Elections to investigate certain charges against HENRY ALGERNON DU PONT, a Senator from the State of Delaware.

Mr. REED. Mr. President, upon this resolution I desire to submit some remarks, if this is an appropriate time to do so.

When on Monday I introduced the resolution providing for an inquiry into the right of the junior Senator from Delaware to retain his seat in the Senate and recited what I conceived to be the effect of certain evidence adduced before a subcommittee of the Judiciary Committee of the Senate, I fully appreciated the gravity of my action.

In common with all other Members of this body, I shall be glad, indeed, if a thorough investigation shall result in completely exculpating the Senator from all suspicion of wrongdoing. But I deemed it to be my solemn duty, in view of recent disclosures, to call for an investigation and to lay before the Senate the grounds and reasons for this demand.

If the investigation be had and the Senator from Delaware shall be justly exonerated, then the effect of the evidence already adduced will be rendered nugatory; but if an investigation be denied, or if a full hearing be prevented, then, justly, the conclusion will be drawn that those most intimately concerned stand in fear of the facts.

It is not my purpose now to argue this case, but simply to lay before the Senate in concrete form certain facts in an inquiry which was recently made.

On the 22d day of January, 1912, the President of the United States appointed Cornelius P. Swain United States marshal for the district of Delaware and sent said appointment to the Senate for confirmation.

I am not at liberty to disclose the proceedings of the executive sessions, but if the newspapers are to be trusted the committee exercised remarkable diligence and unusual alacrity in reporting the appointment favorably upon the very day it entered the Senate. But objections were made by some Senator, and the vote reconsidered and the appointment recommitted on Jan-

uary 23. The nomination was afterwards withdrawn by the President on February 13.

Prior to the withdrawal, and on February 2, there appeared before the subcommittee of the Judiciary Committee Hon. Willard Saulsbury, representing certain objectors to the appointment. Cornelius P. Swain also appeared in person and by his attorney, Daniel O. Hastings.

Thereupon Mr. Saulsbury stated, among other things, as follows. I quote at some length from his remarks.

Mr. Chairman and gentlemen: I will rehearse again what I have already informally stated to the members of the committee who are present, in the way of charges filed to the effect that Mr. Swain, the appointee, is an unfit and improper man to occupy any place connected with or near the courts of the United States for the district of Delaware. * * * The petition is based on the well-known reputation of the appointee in the district as a persistent violator of the criminal provisions of the Delaware constitution intended to secure purity of elections, and on certain specific violations of said provision hereafter mentioned. * * *

Further, Mr. Saulsbury charged:

Cornelius P. Swain has notoriously been a vote buyer in the second representative district of Sussex County (Northwest Fork Hundred) for many years. His reputation in this respect is a fact, as will be testified to by many persons of the greatest respectability in that community. * * * Specification 2: That on November 4, 1904, a Republican mass meeting was held at Dover, Del. After this meeting, at which Dr. Caleb R. Layton presided, and Robert H. Richards, Henry C. Conrad, and Walter H. Hayes spoke, an appointment was made with Col. du Pont's manager to meet a number of the old Addicks leaders at his, the manager's, office in Wilmington the next day, on Saturday, November 5, 1904. This appointment was made by a telephone call of one of the candidates on the State ticket, who had learned from the Addicks, or Union, Republicans that they were without money for the election. Addicks notified United States Senator Allee that he could not "make good" for election money. (This was on Thursday or Friday, November 3 or 4.) It was said that Col. du Pont's manager had blocked Addicks on getting his money in New York, and the Republicans were without money.

Mr. LODGE. May I ask the Senator from Missouri in what year this happened?

Mr. REED. This particular matter that the objector was then presenting related to 1904.

The candidate saw Senator Allee and told him he could put him, Allee, in the way of getting money if Addicks fell down. The candidate telephoned from Allee's store to Col. du Pont's manager in Wilmington, and made the appointment for the meeting next day, Saturday, November 5.

On Saturday, November 5, Senator Allee, Dr. R. C. Layton, Robert O. Houston, et al., went to Wilmington to Col. du Pont's manager's office, where they saw the colonel and his manager, and discussed how the money should be spent.

Enough paper money could not be had from the Wilmington banks to supply the demand, so there was a great amount of gold—in the neighborhood of fifty or sixty thousand dollars—divided there. It was understood that \$10,000 more would be forthcoming on Monday.

C. P. Swain, now nominated for United States marshal, took his allotment for the second representative district of Sussex County (Northwest Fork Hundred) in gold coin \$20 gold pieces, done up in bags, put it in a satchel and left for home. * * * Dr. George W. Marshall, of Milford, Del., was also present at the meeting, which was held at the office of Col. du Pont's manager in the Equitable Building.

When the additional \$10,000 was to be given out on Monday the manager telephoned Senator Allee to come with the man who was to get it, as he, the manager, would not otherwise trust that man.

Swain took the \$3,000 in gold to Bridgeville, Del., where he and his friends discussed what they should do with it for safe-keeping over Sunday.

The speaker then charged that the money was divided for safe-keeping over Sunday, and that on Monday morning, November 7, Newell Ball took the money to Philadelphia, had it changed into bills of convenient denomination, and divided it at the house of John T. Vandenburg, who was then a candidate for the legislature.

Mr. Saulsbury further charged that this money was delivered to political workers for the purchase of votes on the following day; that there was a carnival of election debauchery at that time in Northwest Fork Hundred; and that the money aforesaid was actually used on election day for the purchase of votes.

He charged that an office was opened in the harness room of H. P. Cannon's stable, where a cashier was established, and the money paid out for voters from that point.

He further charged:

Addicks got some money loosened up on Monday and furnished it to his lieutenants, who already had the du Pont money, and in that way "cut under" the Colonel (Mr. du Pont) and his manager; that is, Addicks's old crowd, and so produced the senatorial deadlock in 1905.

That the legislature thus elected met January 3, 1905, and adjourned March 23, 1905, without election of Senator; that a special session was called for May 31, 1905, the first vote taken on June 12, and Col. du Pont (now Senator du Pont) was elected June 13, 1906.

It will be observed that these charges were directed against the confirmation of the said Cornelius P. Swain; that the name and alleged action of the Senator from Delaware only came into the charges so far as his alleged acts related to the acts and character of Mr. Swain; that the charges were limited to the election of 1904, except that specification which declared Swain to be an unfit and improper man to occupy any place connected

with or near the courts of the United States for the district of Delaware, and asserted him to be one who had notoriously been a vote buyer in the second representative district.

Thus the issue before the committee was narrowed to an examination of facts with which it could be shown Swain was personally connected and to his general reputation.

This was the construction placed upon the issues by the committee as is manifested by several rulings, to a few of which I call attention. The references to the pages following are to the typewritten transcript of the stenographer's notes.

At page 9 it appears that an objection was made by the attorney for Mr. Swain on the ground that the matter about to be disclosed did not concern Swain. The witness Owens started to answer, "Last fall a year ago, 1910, at the election," when he was interrupted by Senator SUTHERLAND with the statement:

Let me tell you in advance that you should not tell us anything that is not in any way connected with Mr. Swain, and unless it is in some manner connected with Mr. Swain there is no use to take up our time to relate it.

This ruling was made early in the proceedings, and, speaking generally, was adhered to throughout the investigation. Illustrations will be found at pages 101 and 107, where Senator SUTHERLAND made the express ruling:

We do not want to go into an investigation of general political conditions in Delaware. We want this testimony confined to Mr. Swain's participation in the matter, and we do not want to go over the whole field of what has happened in Delaware.

Another illustration will be found at page 136 and elsewhere in the record. A reading of the record will show that after these rulings were made the objectors confined themselves closely to those acts of irregularity and criminality with which Swain could be directly connected. This narrow boundary not only circumscribed the investigation made of the election of 1904, but the elections of 1908 and 1910.

I call attention to these rulings not for the purpose of criticizing the committee, but only that the Senate may understand the narrow limits within which this investigation was confined.

The objectors offered proof to show the general reputation of Mr. Swain at the time he was appointed. This proof was in the form of affidavits and testimony adduced upon the stand. In general terms, the following-named witnesses, viz, Phillip P. Jacobs, Charles Owens, William L. Gray, William B. Troitt, William H. Whitney, Minos E. Allen, George W. Wiley, Clayton S. Elliott, George P. Willen, Charles E. Russell, John G. Allen, Edward L. Kinder, Charles Owens, Fred L. Willey, George W. Willen, William I. Hubbard, and J. T. Russell, testified that Mr. Swain's general reputation was, and for years had been, that of a man who was at the head of the buying of votes and distributing the money to those who bought votes; that this reputation was open and notorious, some of the witnesses stating that it had been open and notorious for 25 years. It is but fair to say that a number of witnesses testified to the good reputation of Swain, among them two ministers of the gospel, one of whom did not live in the neighborhood. Some of these witnesses were members of the same local political organization as Swain. One of them admitted that he believed Swain had used money corruptly, while others admitted they had heard of Swain's reputation being called into question.

The conflict of testimony is, however, unimportant, in view of the undisputed fact to which I shall now refer, and the further fact that the undisputed evidence shows Swain's corrupt practices, in at least one important transaction, to have been pursuant to a plan devised in the office of the Senator from Delaware. Assuming the facts to be true, as shown by the undisputed evidence, it must therefore be taken as proven that the Senator from Delaware recommended Cornelius P. Swain for the important position of United States marshal with full knowledge of his corrupt practices.

I pause here long enough to remark that Swain, although present on the 2d of February and introducing much evidence at that time, did not take the stand in his own behalf; neither did he afterwards take the stand, although the hearing was adjourned from the 9th of February to the 13th of February for the express purpose of affording him that opportunity.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. OVERMAN. I desire to say that the committee continued its hearings for Mr. Swain to give testimony, and when we met that morning we received word from the White House that Mr. Swain's name had been withdrawn. His counsel desired him to make a statement and we desired to hear him, but we had no jurisdiction, inasmuch as his name had been withdrawn.

Mr. REED. Very well. Then I take it the President, having heard of this evidence, decided the question of Swain's fitness for himself.

It is also important to consider that his appointment was withdrawn, and, so far as appears by the record, while he was under fire and without his protest.

I come now to consider that portion of the testimony which bears directly upon these charges and shows the relation of the Senator from Delaware to the practices complained of.

It is important to know that section 7 of article 5 of the constitution of the State of Delaware provides:

Every person who shall pay, promise to pay, transfer or deliver, contribute or offer to contribute, to be paid or used, any money or other valuable thing as an inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, of a vote at any general or special election, etc., shall be deemed guilty of a misdemeanor and fined not less than \$100 nor more than \$5,000 or imprisoned for a term of not less than one month nor more than three years, or by both such fine and imprisonment, etc.

There is a further penalty that the person convicted shall lose his right of suffrage for 10 years.

The legislative act of 1903 fixes the statute of limitations at two years.

Whoever, therefore, has violated the provisions of the constitution aforesaid has placed himself in the class of felons and is liable, within the discretion of the court, to a penalty of three years' imprisonment and a fine of \$5,000 and disfranchisement for 10 years. Such is the gravity of the acts to which I challenge attention.

The witnesses to whose testimony I now call attention were, I think, without exception, most unwilling witnesses, who testified only under compulsion.

It appears from the testimony that for several years there have been two factions in the Republican Party in the State of Delaware; one of them is the Union Republicans, or Addicks faction; the other is the Regular, or du Pont, faction.

The condition to which the Addicks faction had brought the State of Delaware is well described in the testimony of a witness for Swain, the Rev. Stephen M. Morgan, who refers to the Addicks faction as "the Addicks régime, that had corrupted the State there from top to bottom and from north to south." (Record, p. 67.)

Mr. Charles Owens testified that prior to the election of 1902 Swain represented what is known as the du Pont faction, or Regular Republicans. (Record, p. 26.) In 1902 S. H. Nelson was a candidate on the Republican ticket, and that Mr. Swain came to Mr. T. J. Gray, who appears to have represented the Democrats, and got them to nominate Nelson upon their ticket; that the Democrats assented to this because they could not elect a Democrat in that district, and that they hoped to beat the Union, or Addicks Republican, candidate. Swain said that he would furnish all the money that was needed, but that it did not make any difference, so that they carried their representative. The representative was what they (du Pont Republicans) wanted. The night before election he (Swain) came from Wilmington on one of the trains; that he arrived there about 9 o'clock and gave Mr. T. J. Gray some money, at least \$150 (Record, p. 21); at this time Swain said that Mr. du Pont could not get all the money he expected to get—as much money as he expected to get—but that he would spare Mr. Gray, or "us," this quantity of money, which he gave him; he said the money was to buy votes with. He used the words "buy votes." (Record, p. 22.)

Swain was known as the buying manager of the vote buying, or manager of the floating element; Mr. Swain made himself very watchful with the floating element (Record, p. 28); the witness described a floater as a man who sells his vote. (Record, p. 30.)

The foregoing testimony is principally important in that it tends to show Swain's financial dealings with Senator du Pont at this early date.

Ex-United States Senator J. Frank Allee testified—and I shall quote a portion of his testimony in *haec verba*—that in the year 1904 he was the chairman of the Republican State committee of Delaware. He was asked to state the occurrences which led to a meeting in Wilmington, Del., a few days prior to the election of 1904, at which meeting Mr. Swain, among others, was present. (Record, p. 104.) It is interesting to note that at this point the attorney for Swain, who had theretofore been objecting to any testimony with respect to any meetings at which Swain was not shown to be present, arose and formally admitted that Swain took \$3,000 from this meeting in Wilmington to Bridgeville. The manifest purpose of this admission was to halt the investigation with reference to this meeting. Senator SUTHERLAND, however, for the committee, rules that they would hear the witness. Ex-Senator Allee then stated in substance that he would confine his testimony to Mr. Swain's connection with the meeting. The record makes plain the pur-

pose of the witness and counsel for Swain to prevent investigation of what took place at this meeting, and, manifestly, the story was but partly told. (Record, p. 105.)

Senators who are interested in knowing the exact state of the record will find it at page 105.

However, it appears that on Saturday preceding the election on Tuesday, a meeting was held in Wilmington, Del.; ex-Senator Allee, then State chairman, and certain other gentlemen were there to arrange for the conduct of the campaign; that Mr. Swain was in an adjoining room. The witness vehemently protested against being required to disclose anything with which Swain was not directly concerned, and such was the ruling of the committee (record, pp. 106-7), and I think the committee probably ruled correctly.

During this colloquy ex-Senator Allee stated:

If they do want generally what has happened there they had better issue a general subpoena for all people prominent in politics in Delaware. I was unfortunately chairman of the State committee, and I met people in that connection that I am sorry now I did meet politically. (Record, p. 107.) The men I met were the so-called du Pont or Regular Republican Party. I was with the so-called Union Republican Party (the Addicks faction). (Record, p. 108.)

This was a meeting of the political leaders of the State; it was brought about by the knowledge on the part of the people who furnished the money that Mr. Addicks at that time had not been able to furnish (record, p. 113); it appears that there had been a preliminary meeting, but the witness was not permitted or required to disclose what took place at this preliminary meeting.

Referring, however, to the second meeting, at which the money was divided, he testified—and now I quote his exact language—

an appointment was made with me by Mr. Layton to meet two gentlemen in Wilmington. They were Henry A. and T. Coleman du Pont; that meeting was to discuss ways and means to conduct our campaign successfully.

Now, mark you, this was on Saturday immediately preceding the Tuesday on which the election was to be held.

I do not see where this has any bearing on the Swain end of this matter, but I may explain why I was there. I was there as State chairman, and when those arrangements had been concluded I referred the matter to Dr. Marshall, Dr. Layton, the chairmen of Kent County and Sussex County, and there my connection with the matter ceased. I, with Dr. Layton, made the arrangements with T. Coleman du Pont and HENRY A. DU PONT and then turned it over to what I would call people down the line—county chairmen and so on. (Record, p. 114.)

Referring to this same meeting, witness was asked whether any considerable amount of money was distributed (record, p. 109), and said:

My impression is it was over \$25,000. I can not say the amount.

He further testified that a sum of money, admitted to be \$3,000, was there turned over to Swain in the office of HENRY A. DU PONT; that this money was used for the purpose of securing the election of governor, the State ticket, and members of the legislature. (Record, p. 110.)

Witness testified that he could not state that the amount was between \$50,000 and \$60,000 (record, p. 114), that this division of money occurred on Saturday, that the election was held on Tuesday, and that while there were some Saturday night meetings to be held they were inexpensive.

Ex-Senator Allee further testified:

It seems rather hard, with a number of people at that meeting, that you should center on me and bring me here and try to get from me the amount of money contributed, when you have it in your own hands. Senator DU PONT is here, and you could call him at any minute and ask him what he knows about it. (Record, p. 117.)

Being asked whether he considered Swain a fit man to be made United States marshal, the witness said:

To answer your question frankly, I said in the newspapers that I saw no reason why Swain should not be confirmed; that if Senator DU PONT, who contributed the money, should be United States Senator and if Mr. Swain is only the common carrier to carry it to Sussex County, it is my judgment that Mr. Swain is fit to be United States marshal. (Record, p. 119.)

A little later the witness added:

Senator DU PONT recommends his appointment; it is on his recommendation that he is appointed.

It is manifest, Mr. President, from reading the testimony of this witness that all of the details with reference to raising this money, and the uses to which it was put, were eliminated from his testimony, except so far as Swain had immediate connection therewith, and it is perfectly manifest that if the testimony had been allowed to take a broad and general scope that this witness could have told of other agreements by which the du Pont faction was to furnish money and the terms upon which it was to be furnished.

It is further extremely probable that this witness could have told of the devices employed to prevent Addicks from securing money to be used in the election, to the end that the funds contributed at this meeting might constitute the balance of power

between the contending factions and enable those who furnished it to control the legislature about to be elected. Much light is thrown upon this by the testimony of other witnesses, but I propose now to follow the \$3,000 placed in the hands of Swain in the office of HENRY A. DU PONT to its ultimate corrupt distribution.

Newell Ball, an ex-member of the legislature, testified:

That during the week preceding the election of 1904 there was considerable uneasiness as to whether the munitions of war should be had. On Saturday night prior to the election of 1904 I, together with other gentlemen, met Mr. Swain on the arrival of the 6.10 train (from) Wilmington for the purpose of asking him what success he had had.

Now, that was the train which brought Swain from the office of HENRY A. DU PONT, where it was admitted \$3,000 in gold was turned over to him. Continuing the testimony, I read:

His reply was, "Boys, I have got her." He said, "Where can we go?" One gentleman who was with me suggested that we adjourn to his house. We did so. Mr. Swain produced what he said was \$3,000 in \$20 gold pieces. It was put out on this gentleman's dining-room table. (Record, p. 121.) So far as my recollection goes, the first matter under discussion was as to what method we would proceed to follow to put that \$3,000 in \$20 gold pieces in usable form. It hardly seemed practicable to start out with material of that sort for the purpose for which was intended. Various methods were suggested of getting it converted into proper currency, but no method suggested seemed practicable until I suggested that I had a bank account in Philadelphia, and that my relations with the bank officers were very close personally, and that I could, if it was desired to do so by the representative of the voters of that district, who was Mr. Swain—he was a member of the county committee, if I am not mistaken—that I would take that \$3,000 to Philadelphia; that I could take it into the private room of the bank to which I referred, and have it changed into the form in which we desired to have it.

After considerable discussion, it was decided that I be asked to do so, and I did so. (Record, p. 122.) That was on Saturday night. The question was suggested as to what disposition should be made of that gold, which you know is bulky, in the interim between Saturday night and Monday morning. They suggested various plans, but it was finally resolved into this: That I myself take to my home \$2,000, and another gentleman who is now dead, and whose name I would prefer not to mention, took the other \$1,000. I said, "Gentlemen, if I am to handle this, I want to be sure that you bring it to my house before train time, because I don't want to handle stuff of that sort around the station"; but he didn't do as he promised for some reason, and he gave it to me at the station. (Record, p. 123.)

This brings us to Sunday morning; and it appears that sometime on Sunday the custodian of this \$1,000—probably because it was the Lord's day and in recognition of the principle that "the better the day the better the deed"—this guardian of the exchequer proceeded to purloin a portion of the trust fund that had been placed in his possession. When the fact was discovered by Mr. Swain, his righteous soul was wrought with grief, his noble spirit charged with agony, that any man born of woman could basely lay unholy hands upon the fund that had been set aside for the sacred purpose of purchasing votes; and although the man who had purloined the fund protested there was a debt due to him from the committee and that he had only paid himself an honest debt out of the corruption money, Swain refused to be swerved from the strict path of duty and sternly told the false custodian "That money is here to buy votes and it must not be touched." So they restored the fund to all of its original chastity and started on their way to Philadelphia to have it changed into "a convenient form."

I read the commonplace language of the witness:

After we got on the train—Mr. Swain and myself—he said, "You have got the \$1,000?" I said, "Yes." He said, "Do you know that fellow took out a certain sum?" I said, "No; did he?" I said "I am sorry to hear that, because it will place me in a very embarrassing position with my bank connections." He said, "He took it out, but I made him put it back; I told him that that money was sent here to buy votes."

Mr. Swain said that this man claimed that he had a bill against the committee and that he had paid himself out of this amount; that was what Mr. Swain said. Mr. Swain went on to say, "I told him that that money was intended for the purpose of buying votes, and if he had any bill against the committee he should present his bill and it would be paid by private subscription." (Record, p. 124.)

Thus it appears that while there is honor among thieves, it does not always apply to election rogues. But Brother Swain intended that the highest kind of morals should be applied to this transaction, and he compelled a restoration of the fund.

The witness continued:

I took the money to Philadelphia and had it changed into fives, tens, twos, and ones. (Record, p. 122.)

Before that time I had been asked to be treasurer of that fund—

Why, they have this system in Delaware down so fine that they run it under parliamentary rules and elect officers with due formality and solemnity.

Before that time—

Said the witness—

I had been asked to be treasurer of that fund and see that it was used for the purpose for which it was intended. Without having any very vivid recollection on the subject, I think I held that in my possession until the following day—election day—and I took it down to town and to the office which had been selected as my office as treasurer of that fund, where I was provided with a clerk and kept books; and that \$3,000 was paid out in that way.

MR. SAULSBURY. Paid out for votes?

Mr. BALL. Yes.

Senator OVERMAN. "For the purpose for which this money was intended," you said. Was it intended to purchase votes?

Mr. BALL. Yes; that was my understanding, and that was the purpose for which it was used.

Under protest the witness stated that the name of the clerk who kept the books and assisted him was Edward Hazard. (Record, p. 125.)

Mr. SAULSBURY. Where was this transaction had where he acted as clerk?

Mr. BALL. The office at that election was in a harness room belonging to Mr. H. P. Cannon's stable in Bridgeville. (Record, p. 126.)

The office, the vote-buying office, "at that election," indicating that there was a custom which had covered a period of years and that at other times other offices had been opened at which they kept sets of books. At this particular election, however, to which the investigation was confined, it was in Mr. H. P. Cannon's stable, in Bridgeville.

The witness testified that he had always been a Republican, and his father before him. (Record, p. 127.)

Asked by Senator SUTHERLAND how the money was distributed to the voters, the witness replied:

It has been quite a number of years since I was engaged in anything of that sort. As I said before, since then I have been in a good many different lines of business, and my memory is not very exact on it; but my impression is that certain active young men, who have the best interests of the party at heart—or, at least, who are anxious to reach success, no matter by what means—go out, and they find a man leaning against a fence who had not disposed of his vote and they dicker with him and make a bargain for whatever sum may be satisfactory to him; they take him in and vote him, or by some method satisfy themselves that they get what they pay for. Workers bring their men into the treasurer's office and say, "I agreed to give John Jones five, ten, fifteen, or whatever it may be," and that is paid if they have voted according to the agreement, and the book is kept, "John Jones, by William Smith, \$10," and so on.

Why, it appears, sir, that they have the system of vote selling and vote buying reduced to about the same point where it is conducted much as are public sales by auction. They have clerks, they keep books, they have offices. When they refer to the purchase of voters they use the very terms they would employ if they were referring to ordinary sales of merchandise.

Notice the expression, "Find a man who has not yet disposed of his vote." Notice the other expression, "If they get what they bought." And throughout this record you will find there is a language of fraud. There is a vocabulary of corruption which is applied with the same laconic indifference we display when we use ordinary commercial terms at the stock yards if we are buying cattle or bartering in hogs.

After the testimony which I have just read was given, Senator SUTHERLAND inquired, with a maidenlike innocence that was refreshing and an astonishment that appears to have been genuine:

And the voter understands that he is to vote in a particular way for that sum of money?

Mr. BALL—

Mr. Ball's answer left no room for doubt he was himself a business man representing business men, who had introduced business methods into politics. Doubtless he felt rather piqued at the intimation of doubt expressed in the question. Here is the answer:

Well, Senator, I don't think that they usually trust an understanding. It is customary to follow some sort of method to be certain—

Notice the commercial phrase—

that the goods for which the money is paid are delivered. There are various methods of satisfying themselves as to that. (Record, p. 127.)

Senator OVERMAN inquired whether Swain was on this occasion active in bribing voters himself or did he do it through his lieutenants. The witness replied:

I don't believe I can answer that question; I was closely confined to my duties in this office as treasurer, and I was not outside. I really don't know what Mr. Swain did. Possibly if the books had been kept and could be produced they would indicate.

The witness testified there were between 400 and 500 floaters in that district; that the whole \$3,000 was spent that day for the purpose of buying their votes. (Record, p. 129.) His impression was that an additional thousand dollars was also expended; that there were purchased by the moneys on hand that day from 350 to 400 votes—practically the entire floating vote. That there was paid about \$10 for each vote. (Record, p. 130.)

This witness belonged to the Addicks branch of the Republican faction. It appears that Swain, representing the du Pont faction, procured this money in du Pont's office, and turned it over to Ball, of the Addicks faction, who acted as treasurer, kept the books, and paid out the money. (Record, p. 131.)

The witness further testified:

I think I am safe in saying that there have been large sums of money spent there since 1908, since the passage of the election law. * * * Every election, it is the general belief, that they (the floaters) will sell their votes. (Record, p. 132.)

The witness, however, only gave this as his general impression. (Record, pp. 132 and 134.)

The witness testified—

that various methods have been produced to satisfy the purchaser that he gets the goods he pays for. That so far as his own slight knowledge and experience go, the most satisfactory method has been to provide the voters assistants * * * and to provide him with a number of buttons, which is his certificate, and which entitled him to the sum agreed upon by the worker. (Record, p. 135.)

Mr. Salsbury sought to show when these buttons were used, but was not permitted to do so, because he could not state that could show Mr. Swain's connection therewith. (Record, p. 136.) Neither was the witness permitted to tell where the additional thousand dollars came from which was furnished for use at this election. (Record, p. 137.)

I here make the suggestion that it may be very interesting to follow that thousand dollars and learn where it came from, and it may be very interesting to inquire how these buttons were distributed by the voters' assistant.

I pause long enough at this time to say that the record sufficiently discloses what a "voters' assistant" is under the laws of the State of Delaware. He is a man who is permitted to go into the booth to "assist the voter" in casting his vote; and it is through the voters' assistant scoundrels make sure that the poor wretch who sells his honor and betrays his country and makes of himself a criminal has in fact done so. It is through the voters' assistant that the button is delivered to the miserable wretch, which is at once his certificate that he has betrayed his country, his conscience, his honor, and his God, and that he is entitled to his share of the bribe money at the office of the treasurer of the corruption fund.

I pass to another witness.

John T. Vandenburg testified that he saw the package containing the money brought by Swain; that it was carried to his house; he corroborated Ball's testimony with reference to the division of the money. He, however, denies guilty knowledge.

This Mr. Vandenburg was the Union Republican candidate for the legislature at that time. He evidently sought to avoid the admission of criminal responsibility in the transaction, and in a painful manner undertook to avoid the cross-questioning of Senator SUTHERLAND by saying that the money might have been used to hire workers at \$10 per day. It is perfectly manifest, however, that this witness was merely dodging. This, however, is immaterial in view of the positive testimony that money was actually used in bribing voters. (Record, pp. 144 to 153.)

Other testimony was given of a corroborative nature. All the foregoing evidence with relation to the election of 1904 stands undenied in the record. Not one syllable of it is challenged by a living witness, although Swain was present with an able attorney and was here at the threshold of his own State where witnesses were accessible. If, then, this testimony is to be taken as true, HENRY A. DU PONT, upon the very eve of the election of 1904, contributed the sum of \$25,000 to be used on election day, and \$3,000 of this sum was followed to its ultimate disposition and was shown to have been used in the wholesale scheme of bribery. This money was used in part to secure the election of a member of the legislature.

The evidence is sufficient to warrant the conclusion that the use of this money resulted in returning to the legislature men who were committed to HENRY A. DU PONT. It is a matter of public history, and was charged at this hearing, that a legislative deadlock occurred between the Addicks and du Pont factions, but that finally HENRY A. DU PONT was, on the 13th day of June, 1906, sent to the United States Senate by the votes of members of the legislature, a number of whom, at least, were elected by these corrupt practices, and with du Pont money.

The evidence undoubtedly did not disclose the entire amount of money contributed, because it was circumscribed to meet the limits of the particular investigation; but if we limit ourselves to the proof actually adduced, more than \$25,000 was in fact contributed. The magnitude of this fund can only be appreciated by Senators from large and populous States when I say there are but three counties in the State of Delaware and that its total voting population, as indicated in this record, does not exceed approximately 42,000. Why, there are 20,000 more voters than that in the little western city in which I reside. In this small State \$25,000, and probably \$60,000, was distributed. The magnitude of the fund under these circumstances ought to be appreciated. If a similar amount of money per voter were to be distributed in the State of New York or in any other of the large States it would shock the conscience of the American people, as indeed the expenditure of any sum of money for corrupt purposes ought to shock the conscience, and does shock the conscience of every decent man in this Republic.

I come now to consider the evidence so far as it discloses irregularities in subsequent elections. As a result of the election of 1904 HENRY A. DU PONT took his seat in the United

States Senate. There came after that the elections of 1906, 1908, and 1910, and the legislature elected in 1910 returned him once more to his seat in this body.

As to this branch of the testimony, I intend to deal with great frankness and to lay it before the Senate for just what it is worth. Mark you, this investigation was all the time limited to Swain, and when Swain's connection could not be shown there the investigation halted. I say again I am not repeating this to criticize the committee, because I think they properly kept within the bounds they set; but it is important to understand that these limitations were fixed to the end that we may know that the disclosures here are but of the most partial character.

It appears that Mr. Swain, the trusted agent, if the testimony is to be believed, of the du Pont forces, did not cease his political activities in the field of vote buying when the polls closed in November, 1904. He was still a faithful laborer in the du Pont vineyard. Let us again refer to the record:

W. A. Draper testified that he resided at the town of Bridgeville and had been tax collector there; that he was present at a meeting at Mr. Swain's house just prior to the election of 1908. (Record, p. 156.) At this meeting Mr. Reese Layton, Thomas Ake, John Dimes, and others were present.

Mr. Swain had a list there to draw off names to deliver to certain ones to look after the day of election. This was a meeting of the political workers of that precinct or hundred. These gentlemen had sheets of paper and were taking down certain names to look after (record, p. 157); that as the names were called off Swain would occasionally say, "I will take that one myself," and other names were assigned to different political workers. These were the names of men known as floaters. "By floaters, I mean the purchasable element among the voters; floaters is the name they go by." (Record, p. 158.) Mr. Swain did not mention any money to be paid to these voters.

Then the witness was asked what Swain did do, and this was his reply:

He held up his hand, and he said, "That much for the colored ones [witness holding up one hand and extending his fingers] and that much for the white ones [witness holding up both hands and extending his fingers]. That meant \$5 and \$10, the way I understood it—\$5 for the colored voters and \$10 for the white voters."

Mr. Swain is at the head of the political organization in that hundred, as I understand it. I am a Republican. (Record, p. 159.)

Incidentally, this witness testified that at a previous election, when Swain was himself a candidate for the legislature against Layton, Swain had offered witness's own father \$20 for his vote. (Record, p. 160.)

The witness stated that at this meeting in 1908 he took a list of voters. He was asked if he made any agreements with the voters to pay them for their votes. He protested that he had not been subpoenaed to answer that question, and when informed by Senator SUTHERLAND that he could not be compelled to incriminate himself, if, in his judgment, the answer would incriminate him, witness refused to answer. (Record, p. 161.) Witness, however, testified that he received money after the election to pay off his voters, and that the money he received was \$80 (record, p. 164); that this amount corresponded with the sheet which had been given him before the election; that at the meeting Cornelius Swain had said, "Bring in your list after election of the men you have bought," and that he would see that we were taken care of. (Record, p. 165.)

It appears that something had occurred which alarmed this band of rogues at this time; they did not proceed so boldly; they did not have an open office for buying votes; they did not set up a bookkeeper to keep tally. They had now arranged to divide the voters out by means of lists and to make agreements by word of mouth with the voters. The voter had to trust to their honor afterwards for payment, and the payments were made subsequent to the election, each man bringing in his list of the men he had bought, and the money was then paid through the instrumentality of Mr. Swain or his associates.

Robert Reese Layton testified that he attended the meeting at Swain's house in 1908; that he was called there, as was customary in that district, to ascertain the number of purchasable votes, or number of straight votes, or number of colored people, or number of white people, or number of Democrats, or to analyze the lists.

I presume that was one object of the meeting. (Record, p. 169.)

That the lists were analyzed, and different ones would take different names. They would read off a man's name, and as a man's name was read out different people would condescend to look after these people on election day. (Record, p. 170.)

Note the language:

Different people would condescend to look after those people on election day.

Senator SUTHERLAND asked him the following question:

I understand you to say that you understood something of the subject of the votes being purchased. What do you mean by that?

Mr. LAYTON. Well, that was the object of the meeting.

Senator SUTHERLAND. How do you know that?

Mr. LAYTON. That is why I went there.

Senator SUTHERLAND. That was the thing operating in your mind?

Mr. LAYTON. Yes. (Record, p. 171.)

Further on witness testified that when the different ones took the list of names the object of that was to purchase the votes. (Record, p. 172.)

Witness was asked whether he took a list at this meeting, and answered, "I don't like to specifically state." He was further asked whether he received any money at that time, or afterwards, in connection with the election. He answered, "I don't especially want to answer that." (Record, p. 174.) His attention being directed to the fact that the two-year statute of limitations avoided any prosecution, witness stated, "Well, I don't care to be published all over the State as being implicated in buying votes." (Record, p. 175.)

Again, on page 176, witness declined to state whether he had received any money at this meeting for the purpose of buying votes.

The foregoing evidence with reference to the election of 1908.

This brings us to the election of 1910. Frank M. Jones was the deputy attorney general in Sussex County, Del. He testified that in the performance of his duty he undertook to investigate certain election matters in Northwest Fork Hundred at the election of 1910. Under the law he is authorized to summon witnesses before him and take their affidavits. He produced before the committee various affidavits relating to that election.

But again, while his examination had extended, at least we are warranted in inferring, throughout the State, his testimony was confined to his investigation of Swain's corruption. Therefore we are narrowed again to an investigation simply of the Bridgeville voting precinct, and to that alone.

One of these affidavits was that of Samuel Scott, and I think if the Senate will bear with me I will read that affidavit:

Samuel Scott, of North West Fork Hundred, Sussex County, and State of Delaware, being duly sworn on the Holy Evangelists of the Almighty God by Frank M. Jones, deputy attorney general of the State of Delaware for Sussex County, deposes and says as follows:

William J. Swain saw me down near the railroad station in Bridgeville on Saturday before the last election, November 5 of the present year, and he says to me, "Sam, ain't you going to help us at the election?" and I says, "Will, I don't see how I can, for I have got to carry my potatoes to the potato house." And he says, "For God's sake get out and help us and you shall be well paid for it." I don't know as I made him any answer, but went on home.

I went out and did some work for the Republican Party that afternoon, but made no promises to the voters as to the amount of money they would get, as I had not been told how much to promise. I don't think I saw Mr. Swain any more until the following Monday night, the night before the election, when I walked down to Mr. John Dimes's store—

Dimes was the man concerned in the elections of 1908, and the same crowd are operating now in 1910—

and I saw Mr. "Nell" Swain right in front of the store. He walked up to me and put his hand on my shoulder and he says to me, "What do you know?" I says to him, "I don't know much"; and he says, "What do you mean by not knowing much?" I don't believe I answered him; and then he says to me, "Whatever information you want, get it from Will Swain or John Dimes." I hung around waiting for Will, and after awhile he came to the store, and I says to him, "Will, what are you going to do?" And he whispered to me, "Sam, you can promise \$10." That was all that was said then, and I went home. Election morning I came down town and met Mr. Cornelius P. Swain on the corner by Sudler Bros. store. We talked awhile, and I says, "Say, Mr. Swain, are you back of these boys—what they tell me?" He says, "Who?" I says, "Will Swain and John Dimes." He put his hand on my shoulder and says, "I am. I would sell my house and lot but what I would back up what they say. Go ahead and do what they say." Then I went to knocking around to see the boys. I did not hunt any votes that day—just merely stood around in a position so that them I had seen Saturday could see me. All the men I had seen on Saturday, except one, came to me.

They would come to me and whisper and say, "What can you do?" And I told them to get Mr. Will Swain to mark their tickets and I would see that they got \$10 apiece. I saw George Polk, colored; William Dashiells, colored; James Hastings; Michael Hastings; John Donovan; William Brumble, colored; Jacob Todd; Thomas Todd; William Walls; Charles H. Walls; and Frank Rickards.

I put the names down on my book as I saw each man. After the polls had closed I gave my book to Mr. Jim Todd and asked him to give it to Mr. John Dimes to hand it to Mr. Will Swain. Wednesday night I came down to Mr. Dimes's store and Mr. Swain was there. He had my book with the names, and we went over it together and checked off the names, and when we came to the name of a colored man Mr. Swain said they were paying them off with \$5. There were eight white men at \$10 apiece and three colored men at \$5 apiece, making \$95. Mr. Swain says, "Sam, what will satisfy you for your work?" I says, "O, anything you say will be satisfactory to me." He then made a figure 10 and asked me if that would do. I said, "Yes." That made a hundred and five dollars. Mr. Will Swain drew a roll of money out of his pocket and counted out some and laid it down on the counter behind the water cooler, and says to Mr. Dimes, "Here, John, count that." Mr. Dimes got up out of his chair walked across and counted it, and says, "There's a hundred and five." Will says, "That's right." Then Mr. Dimes put it down on the counter and I picked it up, rolled it together, and stuck it in my hip pocket. I did not look at it or

count it at that time. I brought the same roll down to Mr. George W. Willin's house last night, counted it, and marked each bill. I marked one of them "Samuel Scott" and all the others I marked "S. Scott." They were all \$5 bills. There were 21 of them. After I marked them I put them all in an envelope and sealed them up. When this money was paid over to me Mr. Horace Sudler was in the store and within a few feet of me. Mr. Will Dimes was also there and not many feet away. Mr. Russell Short was also in the store and very close to us.

This affidavit was subscribed and sworn to on the 12th day of November, 1910.

It appears from all the evidence, which I will not take time to read, that the deputy attorney general of the State was advised of this transaction and that these bills were marked under his direction.

On a later date, the 22d of November, this man makes another affidavit:

Samuel Scott, being first duly sworn according to law, deposes and says as follows:

Frank Rickards, one of the men I promised \$10 to vote the Republican ticket on last election day, came to my house last Tuesday night, November 15, 1910, and I paid him the \$10 in my wagon house. This was about 7 o'clock in the evening. I paid him two \$5 bills. He took the money and left. The same night I paid Mr. James Hastings the \$10 I had promised him for voting the Republican ticket. I paid him two \$5 bills at the same place. I should judge it was about half past 7 when I paid him—in the evening. This was Tuesday night, the day the law was off for shooting. The same night I paid John Donovan the \$10 I had promised him for voting the Republican ticket. I gave him two \$5 bills in the same place, in my wagon house, immediately after I had paid Mr. Hastings.

I then paid Michael Hastings the \$10 I had promised him. I gave him two \$5 bills also, at the same place, right after I had paid Mr. Donovan. These three men drove up to my house together in a buggy, but I did not pay any one of the three in the presence of either of the others. There was a lighted lantern in my wagon house at the time I gave these men the money.

I will not read the rest of the affidavit; but it goes on and discloses where he paid out every dollar of this money to these 11 roughish gentlemen who had been selling their rights as American citizens.

The evidence discloses, Mr. President, that there were some prosecutions thereafter, but only one or two of these men were convicted. I believe one or two ran away, and if we are to credit the facts sworn to we may well ask whether the leprosy of corruption has spread itself into the very temples of justice of the State of Delaware, because such things as these can not be and long continue where there are courts that honestly administer the law. They appear to have long continued in that State.

The affidavits that were filed, while they are limited as to the territory they cover, nevertheless disclose the fact that the same system of corruption existed in 1910 that existed in 1904. The affidavits and the testimony disclose the fact that in 1902 Swain was the trusted agent of the du Pont faction. In 1904 we trace Swain to the very office of the Senator from Delaware and there show the distribution of this large sum of money.

We trace \$3,000 of it down until it actually passes into the corrupt hands of the voters through the foul hands of Swain. We trace this money again in 1908, where a certain set of gentlemen are operating through Mr. Swain, and we find Mr. Swain in 1908 returning with the money from the town in which the Senator from Delaware keeps his office, and from the very town where the money was distributed in 1904. We trace again the corrupt use of the money in 1910 by the same corrupt agent.

The investigation was narrowed to Swain, always to Swain; never beyond the skirts of Swain's garments could the witnesses or the investigators go. I say again I do not criticize the committee for that. I think their ruling was the correct ruling of lawyers trying a particular matter, but as we confront this question as Senators we must look at it in its broader light, and we must know that not all of the corruption took place through the hands of Mr. Swain, and we must know as Senators that it is our duty to look further.

I challenge your attention to this fact, that if this testimony is true—God knows I hope and pray it is not true; I hope it for the sake of the State of Delaware; I hope it for the sake of the Senator from that State; I hope it for the sake of this body that ought not to be defiled by any improper conduct—but if it be true, then we are forced to the inevitable conclusion that the Senator from Delaware knew that his man Swain's hands were covered with the slime of corruption; that for 25 years he had been a defiler of the electorate of his State; that for a quarter of a century he had been a sapper and miner, digging beneath the citadels of Delaware, beneath the foundation of our civilization; and yet, nevertheless, he causes his name to be sent to this body that we may put the insignia of our approval upon the name of a man of that kind. To recommend that such a man as this should be put close to the courts of Delaware, put into the very halls of justice, given the authority to stand within the shadow of the figure of equity, to recommend that this vote buyer, this corruptionist, to be put

in charge of juries and of witnesses is an offense against the Senate. If the Senator from Delaware did this, and did it knowingly, then he is not worthy of a place in this body. If any Senator has done that and that alone, then he is guilty of an act that calls loudly upon this body to vindicate its honor and to protect the credit of the American people. If these witnesses have testified falsely, then let it be shown before a committee of the Senate, and if vindication shall come and the hands of the Senator from Delaware shall be found to be clean, I shall gladly lift my voice to cheer that result. But, sir, if this evidence is true, you can not ignore it and preserve the chastity and the integrity of the United States Senate.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho to refer the resolution to the Committee on Privileges and Elections.

Mr. REED. I beg the Chair's pardon, but I made a motion not to refer the resolution to a committee, but that the resolution be adopted.

The VICE PRESIDENT. But in the face of a motion to refer that motion could not be made.

Mr. REED. My motion was made before the motion to refer.

The VICE PRESIDENT. That would not make any difference. A motion to refer to a committee would have precedence over a motion for the adoption of any resolution.

Mr. REED. Let me state it to the Chair, and if I am wrong I shall be content. The resolution before the Senate in itself calls for an investigation by the Committee on Privileges and Elections. I made a motion to adopt that resolution. That motion was pending. Now, if the Chair rules that a motion to refer it to the committee, without permitting a vote upon my motion, is correct, I shall be content, if that is the parliamentary situation.

The VICE PRESIDENT. The Chair is now obliged to announce that the hour of 4 o'clock having arrived, the resolution goes to the calendar.

PUBLIC UTILITIES COMMISSION.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission.

Mr. GALLINGER. I ask unanimous consent that the unfinished business may be temporarily laid aside, giving notice at the same time that when the unfinished business is again reached I shall press for its consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire that the unfinished business be temporarily laid aside? The Chair hears none.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. I ask the Senate to proceed to the consideration of Order of Business 299, which is a question of the highest privilege.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. The Secretary will announce the question of privilege which is called up by the Senator from Idaho.

The SECRETARY. Order of Business 299, Senate resolution 136, a resolution directing the Committee on Privileges and Elections to investigate certain charges relative to the election of ISAAC STEPHENSON.

The VICE PRESIDENT. The pending question is the motion of the Senator from Idaho.

Mr. HEYBURN. It stands on my motion that the report of the committee be adopted.

The VICE PRESIDENT. Yes; that is the pending question.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. The Senator from Idaho has the floor, if he desires to occupy it.

Mr. HEYBURN. I desire to occupy it.

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. For the purpose of stating his purpose.

Mr. POINDEXTER. I want to make a parliamentary inquiry. Do I understand that the so-called Stephenson resolution comes up as a matter of right, without the question of its consideration being submitted to the Senate for a vote?

The VICE PRESIDENT. Oh, yes; it is a matter of the highest privilege. It can be called up, and is called up as a matter of the highest privilege.

Mr. POINDEXTER. And it is considered by the Senate regardless of any action the Senate may wish to take?

The VICE PRESIDENT. It is up. The Senate can dispose of it after it is up. It is up as a matter of privilege.

Mr. HEYBURN. Mr. President, I feel it a duty, having charge of this measure, to press it for consideration. It involves the right of a Member of this body to his seat in this body as a Senator. There can be no more important question. A few days since I made a general statement intended to present the question to the Senate. I now desire more specifically and very briefly to present the questions involved.

The question is whether or not in the election of Senator STEPHENSON by the Legislature of the State of Wisconsin there were used corrupt methods. There are certain conceded facts that should be stated as a premise to anything that may be said. It is admitted that the Legislature of Wisconsin on the 26th day of January, 1909, entered upon the performance of its constitutional duty to elect a Senator from that State to this body.

The law is specific and definite as to what shall occur at that time. It is conceded that the legislature was organized prior to that date and was in a position to perform this duty. The statute of the United States reads as follows, referring to the election of Senators:

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At 12 o'clock meridian of the day following that on which proceedings are required to take place as aforesaid the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house he shall be declared duly elected Senator.

On the 26th day of January, 1909, a vote was taken on the election of a United States Senator, each house voting separately. In the senate Mr. STEPHENSON received a majority of all the votes cast. On the same day, in the house, Mr. STEPHENSON received a majority of all the votes cast. Pursuant to the provisions of the act of Congress, on Wednesday, January 27, being the next day, at noon, the two houses met in joint convention. The lieutenant-governor presiding, stated—I call attention to his statement—

Gentlemen of the joint convention, you are assembled here for the purpose of expressing your choice for United States Senator. In order to comply with the Federal law the clerk of the senate and the clerk of the assembly will read from the journal of each house, respectively, the proceedings of the preceding day with reference to the election of a United States Senator.

That was entirely regular and in conformity with the statute.

The chief clerk of the senate read the journal of the senate of January 26, 1909, and the chief clerk of the assembly read the journal of the assembly of January 26, 1909.

In each case it appeared from the reading of the journal that ISAAC STEPHENSON had received a majority of all the votes cast. The statute says that it is the duty of the presiding officer to declare the party receiving the majority of the votes in each house to be elected a Senator. The presiding officer failed in the performance of that duty, notwithstanding the records clearly disclosed the facts that Mr. STEPHENSON had received a majority of all the votes cast.

It is contended by some that the failure of the presiding officer to announce the election of ISAAC STEPHENSON prevented the statute from operating in favor of his election. The announcement of the result of that vote was purely an administrative or executive act on the part of the presiding officer. It can not for a moment be accepted as a fact that the failure of that officer to perform his duty could in any way affect the validity of the election, because it is determined not by a vote in the joint meeting of the two houses, but it is declared by the disclosure of the record that ISAAC STEPHENSON received the majority of all the votes cast in each house.

I submit as an inevitable conclusion that his election was complete, whether or not the presiding officer should perform his duty. Otherwise it would rest within the power of a presiding officer to defeat the will of the legislature, and such a condition was never contemplated by those who enacted the statute under which Senators are elected.

I contend that on the day of the meeting of the two houses in joint session ISAAC STEPHENSON was elected a Senator from the State of Wisconsin to the United States Senate, regardless of the failure of the presiding officer to declare the result. The declaration of the result is not made any part of the election of the Senator. He had been elected in each house, and the purpose of the joint assembly's action was only to declare that fact. That fact being shown by the reading of the records, then ISAAC STEPHENSON'S election was complete.

Now, Mr. President, for some reason, known, perhaps, only to those who participated in it, there was this attempt to defeat the will of the Legislature of Wisconsin, so that by withholding

the announcement they could render nugatory the action of the two houses of the legislature. I do not believe that any Senator in this body would be willing to subscribe to such a doctrine. It makes some difference whether or not ISAAC STEPHENSON was elected a Senator on the 27th day of January or on the 4th day of March. Regardless of the statute of the United States the presiding officer failed to make the announcement, and proceeded to call for the vote of the members of the legislature comprising the joint meeting of the two houses. They continued to vote upon that question, which had been already settled, until the 4th day of March. At no time between the 27th day of January and the 4th day of March did any person receive a majority of the votes of the two houses in joint meeting. It was not necessary that he should, but it seems that there was an acquiescence, which could not defeat the statute. There was an acquiescence in this procedure until the 4th day of March, and on that day ISAAC STEPHENSON received a majority of all of the members voting in this continuous joint meeting of the two houses.

He was elected on the 27th of January. If we were to concede that that election was not complete, then he was elected beyond controversy on the 4th day of March. It will probably be necessary for Senators voting upon this question to arrive at a conclusion in regard to that matter—that is, as to whether or not the election was complete when the record of the two houses voting in separate session was read in the joint session of the two houses. But whatever their conclusion in that regard may be, they must conclude from the record, and it is not denied that the record speaks truly that he was elected on the 4th day of March.

Now, the charges of corruption in regard to the election on the 4th day of March consist in the contention that upon that day the absence of three members of that joint assembly was brought about by corrupt means; that is to say, that they were bribed to absent themselves upon that day in order that the balance of the contention or controversy might result differently than it would have resulted had they been present.

There were three members absent on that day. Had they been present the vote might have been a tie; it might not. Those members, in regard to whom the charge is made, were Mr. Farrell, a Democrat; Mr. Ramsey, a Democrat; and Mr. Towne, a Democrat. It is contended that had those three men been present the 65 votes received by Mr. STEPHENSON would not have constituted a majority, and, I repeat, it is charged that their absence was procured by fraud and corruption. The facts disclosed by the record—and I think no one will have the temerity to question those facts—are that Mr. Ramsey was paired with a Republican member who had been ill for some weeks and was confined to his home away from the capital; that Mr. Farrell, as he said under oath, had grown tired of the controversy between Republican factions and voluntarily absented himself; and that Mr. Towne, for similar reasons, absented himself.

Now, unless you impeach the pair of Mr. Ramsey the result would still have been the same, because had Mr. Farrell and Mr. Towne both been present then Mr. STEPHENSON would still have had a majority of all the members present and voting.

Mr. Ramsey is dead, but testimony that can not be controverted was introduced and is in the record showing that he procured this pair through a party entirely disassociated with the controversy and, therefore, had he remained in the chamber he could not have voted. Pairs were recognized in the Legislature of Wisconsin on the vote for Senator all through the record of the proceedings.

We were to admit that the absence of Farrell and Towne was procured by some one other than Mr. STEPHENSON, by bribery or any other corrupt means, we would still have to concede the election of Mr. STEPHENSON, because their presence would not have changed the result; and unless you can successfully impeach the pair of Mr. Ramsey, even conceding that Mr. STEPHENSON had not been elected on the 27th of January, we must concede that he received a majority of all the votes cast in that joint session on the 4th of March. If corruption had been attempted and had resulted in securing the absence of Towne and Farrell, then it would not have affected the result. Now, that states it as the record states it and as it will not be controverted on this floor.

The testimony introduced disclosed the fact that no corruption was used; that those men absented themselves in order to be rid of an annoying condition, recognizing the fact that it was a controversy between factions of a party and not between two political parties.

Mr. President, the next charge is that Mr. STEPHENSON, acting through others, bribed or attempted to bribe members of the legislature. The testimony utterly failed to establish it. They came before the committee with an exaggerated statement that

one hundred or two hundred thousand dollars, or varying sums—always in large figures—had been used for the purpose of attempting to corrupt the legislature.

The testimony utterly failed to establish any such condition. The men who were charged with knowledge of the alleged fact were brought before the committee and utterly failed to substantiate that charge. They charged that one Mr. Hines had been instrumental in attempting to bribe the legislature. The testimony absolutely annihilated that charge. It was shown that no offer had been made and that no attempt had been made to influence the legislature through Mr. Hines or any other person.

At one stage of the proceeding it was charged that there was a meeting in Milwaukee where it was planned to bribe these three absent members. A witness had testified before the legislative committee that he looked over the window transom into a room and saw these members, alleged to have been bribed, receive money at the hands of one Mr. Regan. Even that committee refused, after an investigation of the premises, to attach any importance to it, because it was disclosed that there was no transom over the door in the room, and that no single fact claimed by that witness had any foundation whatever. He was afterwards indicted for perjury for swearing to that statement and convicted, and is serving his sentence under that judgment of conviction.

Now, so much for the charge of corruption in the legislature.

Mr. SWANSON. Will the Senator permit me to ask him a question?

Mr. HEYBURN. Certainly; at any time.

Mr. SWANSON. Was there any reason given why the presiding officer of the joint assembly failed to announce the election which had been held the previous day?

Mr. HEYBURN. There was no explanation of that.

Mr. SWANSON. As to whether it had been done negligently or willfully?

Mr. HEYBURN. It was simply done without any explanation. There was a contention that members of the assembly present and not voting should be counted in order to determine whether or not the votes cast for Mr. STEPHENSON constituted a majority. I think no one will be troubled with that controversy, however, because the legislature was convened in regular session, a constitutional quorum was present, and out of that constitutional quorum the result was obtained. Members who refused to vote or absented themselves from the chamber did not succeed in effecting the purpose, if they had one.

Now, Mr. President, that leaves Senator STEPHENSON on the record the duly elected Senator from that State. This Senate would not allow any person to take advantage of his own wrong act. Mr. STEPHENSON having received that majority could not be defeated of the purpose of the election by a failure of the presiding officer to announce the next day a result where the law placed the responsibility upon him.

During the campaign between the primaries and the general election it is not charged that Mr. STEPHENSON was guilty of any act of corruption. He contributed to the State campaign fund the sum of \$2,000 for the general purposes and expenses of the campaign. Others did the same, or rather contributed in other amounts. So the record between the primary and the general election at which the legislature was elected is absolutely clean. The record between the time of the election of the legislature and the election of the Senator, either on January 27 or March 4, whichever you choose to accept, is absolutely clear and clean of any charge of fraud. If any was attempted it was fruitless; it did not affect and could not affect the election.

Now we come to the third ground urged against the validity of his election, and that is the primary election. In Wisconsin they have undertaken to circumvent the Constitution of the United States by providing that a candidate for the United States Senate in that State must be nominated at a primary election. Mr. STEPHENSON received a very large vote of those cast at the primary. I contend that it is immaterial whether he did or did not receive a majority of them; that it was only a straw vote, there being no law authorizing such a primary. It is not competent under the Constitution as it is at present for a primary election to determine the question of the election of a United States Senator. A candidate may subject himself or submit himself to the people for the purpose of determining whether or not a majority of the votes cast at a primary election shall recommend him to the legislature, but it can not in any way control the action of the legislature, because under the Constitution of the United States it is the legislature that elects. The question before this body is not, Was Senator STEPHENSON nominated to the United States Senate, or as a candidate for the United States Senate before the legislature, but the question before this body is, Was he elected by the legis-

lature? The legislature would not be bound in any manner or to any extent to elect the man who had received the most votes at the direct primary, because it is not a ballot recognized by the law of the United States or by the Constitution. It is not the electorate that elect a Senator, but the legislature. So I repeat that the legislature might disregard entirely the question as to who received a majority of the votes at a primary or as to whether or not the primaries were conducted in conformity with the laws of the State or with any law or rule that might be invoked in the matter.

Mr. STEPHENSON, however, received a majority of the votes at the primary election—a large majority—and the question that gave the committee some, not concern, but some reason for inquiring into the manner of conducting that primary never seemed to me to be a serious question at all. There is no such proceeding known as the nomination of a United States Senator except before the legislature itself. There can be no such thing as candidacy for the United States Senate except before the legislature. You may call a man a candidate because, forsooth, he goes out among the constituents and asks them to vote for him and says, "I am going to be a candidate"; but the word "candidacy" has no place in the consideration of this question, because, I repeat, there is no such thing as being a candidate for the United States Senate before any body or at any place other than in the legislature. The legislature was entirely at liberty to select a Senator regardless of the result of the primaries; it was at liberty to select a Senator who had not been before the primaries or whose name had not been mentioned before the meeting of the legislature at which the responsible action was to be taken. Therefore, I want to get rid of this question of candidate and candidacy in the beginning, as it only tends to confuse the issue.

Mr. President, this statement covers the proceedings properly subject to the consideration of this body at this time. First, was the legislature a legally organized body meeting pursuant to and in conformity with the provisions of the act of Congress? Congress is given specific authority to make such regulations. No other question is involved but that of the proceedings before the legislature.

It is contended that if it can be shown that ISAAC STEPHENSON attempted by unlawful means to secure the indorsement at the primary election that question may be taken into consideration in determining his right to a seat in this body. I deny that proposition. I claim that it was not necessary and it is not competent to inquire into the regularity of the proceedings at the primary or preceding it. I will, however, concede something to argument. Under the direct primary law of the State of Wisconsin and other States a man may file his petition to go before the primary for its indorsement. ISAAC STEPHENSON filed such a petition. No claim is made that the petition was not in form or did not comply with the statute of the State, but it is charged that in order to secure that indorsement by that straw vote he unlawfully expended large sums of money. He testifies that he expended about \$107,000 before the direct primary election for the purpose of securing his indorsement at that direct primary. The testimony shows that that money was expended largely for the purpose of canvassing the electors of the State of Wisconsin and securing their favorable consideration and indorsement at that direct primary. It was expended, according to the testimony, for the purpose of securing the services of men to canvass in the various districts and counties of the State. First, a portion of it was expended for the purpose of securing signers to the nominating petition which he must file.

Mr. CULBERSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. I want to ask the Senator a general question, if he will permit me. I preface it by saying that my mind is not made up on this case and I am asking purely for information.

The minority report, as I understand, lays down the general proposition that, it being admitted that the very large gross sum of \$107,000 having been expended in this primary, it raises a presumption of impropriety or illegality and shifts the burden from the person who makes the charges to the Senator from Wisconsin himself. In going over this testimony—I have read about 230 or 240 pages of it so far only—I noticed on page 163 an examination by the Senator from Idaho, who is now speaking, of a witness by the name of Sacket, and I will read a question or two and the answers:

The CHAIRMAN. How did you expect to be able to answer a possible charge that you had furnished the money to these men whom you term "organizers," to be used for bribing voters; how did you expect to be able to meet that kind of a charge?

Mr. SACKET. I never expected such a charge to be made.

The CHAIRMAN. You knew the law puts the affirmative upon a man who uses money during a campaign when the use is challenged, did you not?

Mr. SACKET. I did not.

I read this, Mr. President, to ask the Senator at this time if he indorses the position of the minority, that under such circumstances as these the burden is now on the Senator from Wisconsin to show the proper use of this extraordinary amount of money?

Mr. HEYBURN. Mr. President, if the Senator from Texas had read the next paragraph he would have had the answer to that question. Mr. Sacket said, as has been read by the Senator from Texas:

I did not.

The CHAIRMAN. The law requires the filing of an account which shall state not merely that you paid out money, but shall state the purpose for which you paid it out and that it was applied to that purpose; did you know that?

To which Mr. Sacket replied:

Mr. SACKET. I did not so understand the law.

The CHAIRMAN. You say you read the law?

Mr. SACKET. I did.

The CHAIRMAN. That is a law in the absence of any special statute, is it not? If you pay out money to be used by the party to whom you pay it for purchasing votes or bribing electors, do you not know that you would be responsible under the law of any State in the Union?

Mr. SACKET. I presume I would, if it were proven.

The CHAIRMAN. Then did it not occur to you that this memoranda which you were destroying, even before the primaries and afterwards, made the basis of your defense against such a charge?

That controversy arose over the question asked the witness in regard to keeping and filing accounts. It had no other application; it was stating a question of principle; and I will tell the Senate in a moment what I think in regard to that. The Senator has passed, before coming to that, a controversy that arose between Mr. Littlefield, who was representing Mr. STEPHENSON, and the chairman of the subcommittee in regard to the presumption. If the Senator's attention had been called to that—

Mr. CULBERSON. I simply make the inquiry at this time. I have read it, the report of the committee and the statement of the counsel for Mr. STEPHENSON in the opening proceedings, but I wanted to get the view of the Senator, as he was approaching the discussion of the subject of the expenditure of money, where, in his opinion, the burden of proof lies in this case?

Mr. HEYBURN. Mr. President, the controversy was as to the general expenditure of money and the keeping and stating of the accounts of such expenditure. I think I have stated it correctly, and I feel at present like adhering to that statement, because I think it is correct. Those expenditures were not all expenditures by Mr. STEPHENSON, but I was seeking simply to fasten the responsibility upon one of his representatives who had charge in part of the disbursement of money as to the rule in keeping accounts of expenditure, and I think the rule is correctly stated.

Mr. CULBERSON. Mr. President, may I ask the Senator if it is not a fact that there was a failure to file the proper account under the statute of Wisconsin?

Mr. HEYBURN. That is a question of law, and I will discuss it for a moment. The law of Wisconsin requires all candidates, including their candidates for States offices, to file an account of the expenditures incurred in the contest. The question was whether or not this account, which was admittedly filed within time, and, so far as form is concerned, in compliance with law, was a proper account in so far as it concerned the method of stating the details of expenditure? That was the question under consideration, and I was asking this witness as to whether or not he considered it a proper manner of conducting a campaign, whether a legitimate and authorized campaign or any other to destroy memoranda and state items of expenditure in gross. I was not discussing the question, nor were we considering the question, as to whether or not ISAAC STEPHENSON, under the law, was required to file a statement of account, because he had filed one, but the question was raised for consideration by the committee as to whether or not the account filed was such an account or was such a statement of account as was contemplated by the law. The question would have been just as applicable applied to any other candidate before those primaries.

It was contended that the manner of stating the account was not a compliance with the law. Under the statutes of Wisconsin the failure to file such an account does not affect the title to office, but is made an offense under the law, punishable as prescribed in the law. It is not a question with which the United States Senate should deal, because under no act that governs us in determining this question is any account required.

I was merely testing this witness, who, in the judgment of the subcommittee, as stated in its report, had been very careless and lax in his methods in expending and accounting for moneys in that primary, and, in fact, at every stage of this campaign.

So I think the Senator can not fairly take the matter he has read as applicable beyond the question then at issue, and that was the sufficiency of the account.

Mr. CULBERSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield further to the Senator from Texas?

Mr. HEYBURN. Yes.

Mr. CULBERSON. I did not intend to put any construction upon what the Senator asked the witness, but to ask what construction the Senator himself would now place on it and would place on the law?

Mr. HEYBURN. I will state that. If it were admitted that it was incumbent upon Mr. STEPHENSON to file an account, and the question were raised as to the sufficiency of his act in doing so, then we might probably attach some importance to the quotation from the testimony that has been read by the Senator from Texas and the part following that, which was read by me; but at all times I have maintained, and I maintain now, and I believe every member of the committee then present will agree with me, that it was not incumbent upon Mr. STEPHENSON to show to the senatorial committee investigating this case that he filed any accounts at all, or that if he had filed them that they were a subject of criticism that would go to the merits of the case.

I do not believe that the State of Wisconsin can place any burden upon a Senator that rests upon a statute of general application to candidates for office before a primary or at an election, but we felt that it was proper to bring into the Senate all of the facts pertaining to all of these questions so that they might be submitted to the judgment of the Senate. The committee expressed itself responsibly and officially in its report. The committee in its report takes the position that it was immaterial; but we went into a great many questions that were immaterial, because we realized that the final judgment as to materiality rested with the Senate and not with the committee. Because we bring the record of the proceedings here it is not to be taken as the judgment of the committee that such an account was either required to be filed or that the manner of it was sufficient or insufficient.

Mr. President, it is not competent for the Legislature of Wisconsin or of any State to require a Senator whose title to his seat in this body is questioned to show that he filed an account or that he filed it in a certain manner or that it complied with the State statute, or that it did not, because, under the provisions of the Constitution of the United States, it is not competent for the legislature of a State to regulate the election of a Senator in any particular or to require him to do any act or thing.

Mr. CULBERSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield further to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. Mr. President, without reference to the statute of Wisconsin on the subject of reports of expenditures of money in a primary, where does the Senator believe rests the burden in this case when it is shown affirmatively at the beginning that the extraordinarily large sum of \$107,000 was paid out in the primary, which at least indirectly led to Mr. STEPHENSON's election to the Senate of the United States by the Legislature of Wisconsin?

Mr. HEYBURN. When charges are made against a Member of this body the burden rests upon the charging party, and never shifts. The presumption is in favor of the regularity and the validity of the proceedings that certify to the Senate that a man has been elected by the legislature of the State.

Mr. CULBERSON. That answers the question that I have been wanting an answer to from the Senator.

Mr. HEYBURN. I am pleased to have arrived at that answer because that is my belief. All the way through this case it has been the contention, and I believe the belief of members of the committee who have inquired into this matter, that there was no burden resting upon Senator STEPHENSON, but that there was a responsibility resting upon him to vindicate himself against any charge of corruption. It would not have been corrupt for him to fail to file an account. The legislature could have elected him had it been confessed before the legislature that no account had been filed or that no attempt had been made to file an account. The legislature might then, proceeding in the performance of its duty under the Constitution, have elected him a Senator regardless of whether an account was filed or an attempt was made to file one.

The real controversy, I will say to the Senator from Texas, arose over the nature of the account, and resulted in a comparison between the account that was filed, which need not have been filed, and the accounts filed by other candidates at the same primary. The attorney who prepared the account testified that when he prepared it he took as a criterion the account filed by the candidate for supreme judge at that same election. It

had that approval. It was also in manner similar to the accounts filed by other candidates, regardless of party. It was in conformity with accounts which had been filed at previous elections.

The question in the testimony to which the Senator directed my attention was one intended to probe the conscience of Mr. Sacket. The committee were not satisfied with the manner in which Mr. Sacket and others connected with him in the management of this campaign had conducted it, and, regardless of the legal effect, we deemed it proper to bring the whole proceeding into the Senate for consideration.

Comparatively large sums of money were expended; they were placed in the hands of a banker, and through the banker were distributed to those who were directly in charge of the campaign of Mr. STEPHENSON. It is not necessary that the committee should approve of those methods or disapprove of them in order to determine the question at issue here, which is whether or not Mr. STEPHENSON was elected a Member of this body by corrupt means and methods. The means and methods go to the election, not to the nomination, because, I repeat, there is no such thing known to the law as the nomination of a Senator; and corruption in connection with matters not pertaining to the election of a Senator may be the proper subject for a local jurisdiction to determine, but not for this body. That would involve the question of the judgment of those in charge of the expenditure of this money. They may have erred in judgment; they may not have expended this money in a proper manner; but unless the expenditure was shown to have been corruptly made by the party in interest, then it would not affect the validity of his seat in this body.

Now, let me for a moment consider the character of those expenditures. I am not going into the matter in great detail, but I want to state the principle behind the testimony which we have brought to the Senate. Witness after witness was examined as to the manner of this expenditure. The result was that, to the minds of all the members of the committee who sat at the hearings, there was no corruption shown in connection with the expenditure of this sum of money or of any part of it. It grew out of a vicious law that projects the question of the election of a Senator into a contest where it has no place, but the expenditure of the money was shown to have been under this vicious law, which the candidate seems to have taken upon himself to attempt to comply with.

If he failed to comply with it, he might be responsible to the criminal statutes of the State that made the law, but not to this body, because it was no part of the proceeding of electing a Senator.

Witnesses testified that money was paid to them to organize the counties. I probed those witnesses, and so did other members of the committee, to find out what they meant by "organize." It was an indefinite term, and might mean almost anything, but it transpired that the term "organize" was used to describe the process of getting together a man's friends in each county or subdivision of the State in order that they might work together to secure an indorsement of Mr. STEPHENSON for the election. It was charged that this was an expenditure in violation of the State law, which is a peculiar one, and which I will call attention to in a moment. The money that was paid to organize was paid to men to put up posters, to see men and talk to them in Mr. STEPHENSON's behalf, to distribute literature which told the people how worthy he was and why he should be elected to the Senate. It was made necessary by the fact that there are so large a number of counties and voting precincts in that State that it was reasonable that he should have in each one of them some one who could vouch for him, some one who could tell the voters why they should vote for him, and the money was shown to have been expended—such sums as were expended—for that purpose, with this addition, that on the day of the primary election men were employed with teams to carry voters to the polls, or, at the legal distance from the polls, to hand Mr. STEPHENSON's card to voters to remind them that he was before them for their indorsement.

Mr. OVERMAN. Mr. President, may I interrupt the Senator there?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. I have seen it stated that out of 600,000 voters there were at that primary only 190,000 votes cast. Was there any evidence to show why the voting population did not vote—why such a large proportion of the voting population remained at home and did not vote at the primary?

Mr. HEYBURN. It is the usual cause and one of general application. Only a very small proportion of the people anywhere vote at a primary election.

Mr. McCUMBER. If the Senator from Idaho will allow me, I think I can give an answer to the Senator from North Caro-

lina that will conform to the facts as shown in the States that have adopted the primary system, especially in the Northern States. The people are kept so continuously agitated in the matter of elections, one following after another, that they simply get disgusted with the whole thing and will not go to the polls. It is impossible to get them all out.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. The returns of the last presidential election show that the percentage of voters who remained away from the polls upon election day was almost as large in some of the States as the percentage of those who remained away from the primary. It is not quite fair to put all the remissness of the American voter upon the primary. He is just as likely to go to the primary as he is to go to the election; and, if I had my way, if he stayed away from either I would deprive him of the advantage of going again when he wanted to.

Mr. HEYBURN. I suppose that is probably as strong a statement as can be made in favor of the direct primary, but the fact remains that in the State which my colleague so ably represents in this body I have personal knowledge—and I think he will bear me out—that in some voting precincts the candidates received 8 and 10 votes at the primary and 160 and 180 at the election.

Mr. BORAH. There were about 10 or 15 carriages at the election and none at the primary. That was my observation, and that has been my experience.

My observation has been that if there is no greater exertion made at one time than the other there will be no difference in the vote. It is not because it is a primary or not a primary, but it is simply because interest has not been worked up to a point where the people will take part in the election.

Mr. HEYBURN. I will not at this time pause to enter at length upon the consideration of the primary election law. I may later say something about it.

Mr. OVERMAN. It seems very remarkable to me that in a State with a voting population of six hundred thousand, a hundred and ninety thousand, less than one-third of the voters, should go to the primary. Does the Senator from Idaho know what was the vote at the election following the primary?

Mr. HEYBURN. I have the data. It is in the record.

Mr. OVERMAN. There is no evidence of any attempt to keep voters from going to the polls?

Mr. HEYBURN. No one claims that any money was used for that purpose.

The fact remains that only a small portion of the voters of Wisconsin took advantage of the opportunity to express a preference as to a candidate for United States Senator.

Mr. McCUMBER. I should like to ask the Senator if, as a matter of fact, there was not really a harder contest made in the primaries, at the time when the workers did not get the people out, than there was at the general election?

Mr. HEYBURN. Perhaps so; and I suspect that the people did not go to the primary to vote on the question of the United States Senatorship for the same reason that I would not go—that it would be a sham battle, binding upon nobody and indicative of nothing that would control anyone.

Mr. McCUMBER. Can not the Senator see another reason, if he will allow me? My observation has been that in the primaries the battle in each party becomes a factional fight in the party, and a personal assault by one faction of the party upon the candidate of the other faction, and there are a great many good partisan men who are willing to go to the polls and vote their party ticket at the election who do not desire to go to the polls at a primary for the purpose of voting against one of their party.

Mr. HEYBURN. Furthermore, my belief is that after an ordinary primary contest, if the people were to take the express judgment of the men of their own party in discussing the merits of the candidates, they would not vote for any of them.

Mr. CULBERSON. Will the Senator allow me to make an inquiry?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. I will ask the Senator if it is not a fact, as shown by this record, as bearing upon the influence exerted by the primary in this election upon the election itself, that the Republican candidates for the State senate and the State house of representatives did not pledge themselves and bind themselves to vote for Senator for the man nominated in the primaries?

Mr. HEYBURN. I think some of them did.

Mr. CULBERSON. Is not that the general trend of the testimony in the case?

Mr. HEYBURN. Yes. They had no right to do it; they violated their official duty, if not their official oath, when they did it.

Mr. CULBERSON. One further question. Did not some members of the legislature announce that they would not have voted for the Senator who was elected except for the expression of the primary?

Mr. HEYBURN. No. Some of them gave as a reason for voting, to counteract certain other statements that were made, that Mr. STEPHENSON had received the indorsement of the majority of those who voted at the direct primary.

Mr. CULBERSON. And they voted accordingly.

Mr. HEYBURN. Yes; but they would have voted the same way had he not received a majority. The Senator will not find in the record any statement or any claim by anyone that he was bound only by that.

Mr. CULBERSON. I stated a while ago that I have read only 230 or 240 pages of the testimony, but I caught from what I did read that the candidates for the legislature, some of whom were furnished money, according to this testimony, during the campaign pledged themselves to vote for the man receiving a majority of the votes in the primary; and some of the members of the legislature announced as they cast their votes, either before or after, that they did so because he had received a majority in the primary.

Mr. HEYBURN. I think perhaps the word "because" might be stricken out. They stated in confirmation of their vote that he had received a majority of the votes at the primary, but they did not, any of them, state that had he not received a majority they would not have voted for him.

Mr. BRISTOW. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. I should like to ask the Senator whether he believes that if Mr. STEPHENSON had not received a majority of the Republican votes in the primary those members of the legislature would have voted for him as the Republican candidate?

Mr. HEYBURN. Undoubtedly so. When they were questioned in regard to it they said so.

Mr. BRISTOW. They would have done it anyway?

Mr. HEYBURN. Yes, sir.

Mr. BRISTOW. Whether he had been the Republican nominee at the primary or not?

Mr. HEYBURN. The Republicans would have voted for him.

Mr. BRISTOW. If Mr. Cook or Mr. McGovern had gotten more votes in the primary than Mr. STEPHENSON, then these Republicans would have ignored this indorsement of some other man?

Mr. HEYBURN. If Cook or McGovern had received a majority of the votes in the primary, candidates to the legislature favorable to one or the other of those men would have been elected.

Mr. BRISTOW. Did not the Republican candidates state in the primary that if nominated they would vote for the Republican who received the party nomination in the primaries?

Mr. HEYBURN. Some of them said so. But I do not see how it affects this question one way or another. It is not claimed that any Democrats voted for Mr. STEPHENSON, and if the Republicans chose to abide by the result of the primary that is no violation of any rule or moral law that I know of. The fact was Mr. STEPHENSON was so clearly the choice of the Republicans of the State, as indicated by this straw vote, that there was no excuse for any Republican in the legislature to vote against him.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Before passing from the subject of the small vote at the primary, it occurred to me, as I was reading the testimony, that there was an utter absence of anything to call out the voter in the campaign other than the use of money; and in saying that I do not use the term in an improper way. But what I mean is this: Apparently there was no discussion of any important question and nothing in the way of a public meeting or public discussion of any matter in which the people of the State might be greatly interested; that is, comparatively no campaign of that kind. The campaign was carried on almost entirely on a cash basis. Those the workers could bring out through organization and through the use of money they seem to have got to the polls, but so far as the record discloses there was pending no question in which the people of the State might themselves have been greatly interested purely as a matter of interest. No political proposition in which the people might have been concerned seems to have played any part in the campaign. That would account to my mind very thoroughly for the absence of those who did not go to the polls.

Mr. HEYBURN. The fact was Senator STEPHENSON was then a member of this body. He had been elected to that position, and the presumption would be that in the absence of any specific objection they would support him for reelection.

Mr. OVERMAN. It has been stated that \$850,000 was spent in this primary. Did it take that much money to get out the voters?

Mr. HEYBURN. I do not know who said that. I think I saw it in the newspapers.

Mr. OVERMAN. I think I heard Mr. Littlefield make the statement in his argument before the committee.

Mr. HEYBURN. The Senator is speaking of the sums in the aggregate expended by all the candidates?

Mr. OVERMAN. Yes.

Mr. HEYBURN. It was a very liberal sort of a campaign, I will admit. I do not approve of it personally. However, I am not here to determine the merits of my belief in that regard, but to determine whether or not Mr. STEPHENSON violated any law which should prevent him from sitting in this body.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. Certainly.

Mr. POMERENE. I simply wanted to suggest, in answer to the question put by the Senator from North Carolina, that there was some statement in the brief submitted by Mr. Littlefield to the effect that about \$800,000 had been expended not only in the State campaign but in the congressional and county campaign.

Mr. HEYBURN. Altogether?

Mr. POMERENE. Altogether.

Mr. HEYBURN. Yes. I have not added those sums together. Two or three other candidates expended forty or fifty thousand dollars, or thereabouts, and others twenty-five or thirty thousand dollars, and so on, in the senatorial contest. I do not approve of it. It is not necessary that it should meet with my approval in order to give it its proper place in the consideration and determination of this question. It is a part of this system which I have characterized.

Mr. OVERMAN. Does not that show the viciousness of the primary?

Mr. HEYBURN. I am in entire accord with the Senator from North Carolina; but we are not here to determine the morals of that question.

Mr. BRISTOW. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Yes, sir.

Mr. BRISTOW. The Senator from North Carolina seems to be taking this opportunity to strike at the primary system in what seems to me to be a very unfair way.

Mr. OVERMAN. I am speaking of the primary system in Wisconsin.

Mr. BRISTOW. Because men see fit to use large sums of money corruptly or otherwise at primary elections does not necessarily brand all primary elections as of the same character. If the Senator from North Carolina will inquire as to the operations of the primary laws in other States of the Union he will find that the primaries are conducted orderly and without any such expenditure as in this case.

Mr. OVERMAN. I am only discussing the facts as they appear in this primary. Here is a primary in which it is admitted that \$850,000 was spent, and out of 600,000 votes in the State only 190,000 were cast. Less than a third of the voting population voted. It took \$850,000 to get them to the polls. That is true in the State of Wisconsin, which has been held up as an exemplar of purity and as having such good laws. I am only arguing as to the facts in this State. I do not know what are the facts in Kansas. I should like to know, if the Senator has any evidence on that subject. I do not want to branch off into any other question like that now, but I am bringing forth the facts that occurred in this particular case.

Mr. HEYBURN. I hope the discussion will be confined largely to the facts in this case, because we do not need to go outside of this case to find a basis for a conclusion in regard to this class of performance. It affords an opportunity for a class of citizens to graft upon candidates and to make use of the real or imaginary necessities of the candidate as a means of extorting money from him.

The question here is whether or not this graft was regularly worked out. It was made necessary, so far as the State candidates were concerned, by the laws of the State. The State doubtless—the Supreme Court has said that—had the power to enact this law, but the Supreme Court did not say it had the power to make this law applicable to the candidacy of persons for the United States Senate.

It is charged that the expenditure of this money for the purpose of organizing was in violation of the laws of Wisconsin.

It certainly was not in violation of any law of Congress. It is charged that the practice of sending men out through the State to put up posters, to make arguments, to discuss the merits of men was in violation of the law of Wisconsin. It may be. It is immaterial for the determination of the issue before us.

Mr. BROWN. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. I yield.

Mr. BROWN. Does the Senator take the position that a candidate for the Senate can enter on a campaign to get that office in the way provided by a State statute, and then violate that statute, and that we have no right to consider that in determining whether he is entitled to a seat here or not?

Mr. HEYBURN. The State has prescribed the penalty for a violation of that statute, and it does not mention or include the forfeiture of the right to a seat in the United States Senate.

Mr. BROWN. The State statute may not provide for its forfeiture, but does the Senator contend that the Senate has no right to take into consideration the fact, if it be a fact, that a Member of this body has violated the State statute under which he undertook to elect himself here?

Mr. HEYBURN. I do not contend any such thing, if the proceeding is one appropriate. That might arise on a question as to the moral character of a Member of this body, but we are not trying that issue.

Mr. BROWN. When the Senator speaks of a proceeding appropriate, he is referring to the State primary of Wisconsin?

Mr. HEYBURN. Yes.

Mr. BROWN. Now then, does the Senator contend that a candidate for a seat in this Chamber can enter upon that candidacy in accordance with the Wisconsin statute and violate it and we have not the right to inquire into that violation?

Mr. HEYBURN. He did not enter upon it in pursuance of that statute, because the statute is void, and a man can not be bound by a void statute.

Mr. BROWN. But he entered the primaries under the Wisconsin statute for the United States Senate?

Mr. HEYBURN. Yes; and he might have filed for a corner grocery.

Mr. BROWN. And as provided by that statute he filed a statement of what he had done? Is that true?

Mr. HEYBURN. Yes.

Mr. BROWN. Now, does the Senator contend that we can not inquire into his violation of the Wisconsin statute when we come to pass on the question whether or not he was legally elected?

Mr. HEYBURN. We have inquired into it, and we have brought here two large volumes of testimony in regard to that question.

Mr. BROWN. Yes; but as I understand, the Senator takes out of our consideration entirely the fact as to whether he lived up to the Wisconsin statute or whether he violated it. I wanted to find out just how far we are to be permitted, under this theory of the Senator, to inquire into his violation of the statute of his own State.

Mr. HEYBURN. Every man, according to his conscience, is permitted to inquire into it the same as he would be permitted to inquire into any other personal act that was not connected with the election of the Senator to the Senate. He might inquire into many questions affecting the integrity of the Senator, but this proceeding was not instituted for that purpose. This proceeding was instituted for the purpose of determining whether or not his election by the legislature was secured by fraud.

Mr. BROWN. Exactly. If money was used at the primary in violation of the law of the Senator's own State, is it the contention of the Senator from Idaho that that has nothing to do with the question whether or not he was legally elected by the legislature?

Mr. HEYBURN. I am not compelled to reach that point, because the testimony has shown and the committee has found that he did not.

Mr. BROWN. Exactly. You have been arguing that this is a vicious statute.

Mr. HEYBURN. No; I have not been arguing it. I have asserted it. I have not argued that question.

Mr. BROWN. I have not heard any argument. I heard the Senator's assertion. I beg the Senator's pardon.

Mr. HEYBURN. I do not feel under the slightest obligation here to go into an argument on that question. The question at issue is whether Mr. STEPHENSON procured his election, or his nomination, for that matter, by corrupt means.

We bring the testimony here for the consideration of the Senate, and I was discussing the question as to what it is ma-

terial for us to consider in order to arrive at a conclusion in the matter.

Now, the testimony shows, as I was saying, that the money was expended for purposes of organization. Is that a violation of any law? It is not a violation of the law of Wisconsin, because every man who is a candidate does the same thing, even the candidates for the supreme bench, and until the necessities of this prosecution, if I may so denominate it, seemed to make it useful, if not necessary, no one ever dreamed that the Senator from Wisconsin was open to any such charge.

They made the charges, and then they started out to find something to substantiate them. The man who made the charges, Mr. John J. Blaine, a member of the Senate of Wisconsin, one of the legislative committee of that State which investigated this case, swore in his testimony that he made those charges on information and belief, and that as to the more material matters he knew nothing; that he had no facts. The burden was upon them to sustain those charges, and when we put on the stand the man who made the charges, he said he did not have any information upon which to base them; that he had made them—I will use his language as nearly as I can remember it—for the purpose of giving an investigating committee something to work on.

Mr. OVERMAN. Will it interrupt the Senator if I ask him a question?

Mr. HEYBURN. No.

Mr. OVERMAN. How many counties are there in Wisconsin?

Mr. HEYBURN. There are 71 counties, with 2,200 precincts. Take those 71 counties, and if you appoint three men in a county as head organizers to secure others to do this necessary work of making the voting population familiar with the fact that Mr. STEPHENSON was a candidate and familiar with the facts upon which his candidacy was urged, the expense would amount to a pretty large sum of money. If you expend \$20 in each precinct for the purpose of posting his literature and distributing his literature, you have a very large sum of money.

It was charged that it was bribery for Mr. STEPHENSON to contribute to newspapers in order that they might tell their subscribers he was a candidate and why he was a candidate. Mr. Blaine testified that he considered that to be within the bribery statute. No Senator would consider it to be such. They claim that it was bribery for him to employ men to go into the counties for the purpose of organizing. But no Senator will charge that that was bribery. It was the expenditure of money for a purpose made necessary by the direct primary law. Before the abolition of conventions in that and some other States to which representative men were sent by the people for the purpose of selecting candidates for office, where the delegates and the candidates looked each other in the face and measured each other by their action in the convention and upon the recommendation of friends who sent them there and who indorsed them, it was not necessary that a man should be advertised throughout the silent country as a candidate.

I do not desire to tire the Senate after rather a long session, and I will ask that this matter be now laid aside. I renew the notice that I will call it up to-morrow.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 29, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 28, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Conden, D. D., offered the following prayer:

Father in heaven, look down from Thy throne of grace with compassion; forgive our sins; be gracious unto us; help us to be true to our better self in all that pertains to life that we may have the good will of our fellow men and inherit Thy praise. So may Thy kingdom come and Thy will be done in all our hearts. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. This is Calendar Wednesday, and the call rests with the Committee on Military Affairs.

DONATION OF CANNON TO CITY OF JACKSON, MISS.

Mr. HAY. Mr. Speaker, I call up House bill 9420, authorizing the Secretary of War to donate to the city of Jackson, Miss., cannon or fieldpieces.

The SPEAKER. The Clerk will report the bill. What is the calendar number?

Mr. HAY. Union Calendar, No. 112.

The Clerk read as follows:

A bill (H. R. 9420) authorizing the Secretary of War to donate to the city of Jackson, Miss., cannon or fieldpieces.

The SPEAKER. This bill is on the Union Calendar, and the House resolves itself automatically into the Committee of the Whole House on the state of the Union, and the gentleman from Tennessee [Mr. Moon] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. Moon of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9420) authorizing the Secretary of War to donate to the city of Jackson, Miss., cannon or fieldpieces.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Jackson, in the State of Mississippi, two bronze cannon or fieldpieces, with their carriages, not needed for present service, which are now and have been for a number of years mounted on either side of the Confederate monument in one of the parks, called Confederate Veteran Park, in said city of Jackson, in the State of Mississippi.

Mr. HAY. Mr. Chairman, this bill proposes to donate to the city of Jackson, Miss., these two cannon that are now placed in this park and which have been in that park for the last 15 years. No expense will be incurred by the United States by reason of the donation of these two fieldpieces. They are of no use to the United States, and the reason for the passage of this bill is that the War Department has directed that these guns be advertised for sale.

I do not know that it is necessary for me to take up the time of the House with any further remarks upon it. There can not be any objection, I think, to the House agreeing to the bill. If nobody desires to ask any questions, I will ask that the committee rise and report the bill.

Mr. MANN. I would like to offer an amendment.

Mr. HAY. All right.

Mr. MANN. Mr. Chairman, I would like to go a little further than the bill does. I see by the report from the Chief of Ordnance, included in the report on the bill, that there is this statement, contained in a letter addressed to the mayor of Jackson, Miss.:

The 3-inch wrought-iron gun referred to by you is hereby donated to your city. There is no authority of law, however, for the donation of the carriage for this gun, but it can be sold to you at a price of \$10.

That is in addition to the two cannon which it is proposed to donate. Would not the gentleman be willing to accept an amendment to include in the donation the carriage for one 3-inch wrought-iron gun?

Mr. HAY. I would be very glad to do it, and I presume the gentleman from Mississippi would be glad.

Mr. COLLIER. If the gentleman from Virginia will permit me, I think the carriage, at least the working part of it, is practically destroyed. These guns were lying out for some years in a park.

Mr. MANN. I understand. But the Secretary of War says there is no authority for him to donate the carriage, but it can be sold to the mayor for the price of \$10, which is not a very large amount. Why not do it all at once and not make two bites of the cherry?

Mr. HAY. What is the amendment?

Mr. MANN. The amendment is to insert in line 5, after the word "Mississippi," the words "the carriage for one 3-inch wrought-iron gun and."

Mr. HAY. All right.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Insert, after the word "Mississippi," in line 5, the following: "the carriage for one 3-inch wrought-iron gun and."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendment be adopted and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] moves that the committee do now rise and report the bill to the House with the recommendation that the amendment be adopted and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Moon of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the

bill (H. R. 9420) authorizing the Secretary of War to donate to the city of Jackson, Miss., cannon or fieldpieces, and had directed him to report the same back to the House, with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On line 5, page 1, after the word "Mississippi," insert the words "the carriage for one 3-inch wrought-iron gun and."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or fieldpieces"

On motion of Mr. HAY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE FOR FEMALE NURSE CORPS.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 18781) providing for cumulative leaves of absence for the superintendent and members of the female nurse corps when serving in Alaska or at places without the limits of the United States.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the superintendent and members of the female nurse corps, when serving in Alaska or at places without the limits of the United States, may be allowed the same privileges in regard to cumulative leaves of absence and method of computation of same as are now allowed by law to Army officers so serving.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration. The gentleman from New York [Mr. SULZER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SULZER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill.

Mr. HAY. Mr. Chairman, this bill is intended to cure a defect in the act of March 23, 1910, in which female nurses were allowed cumulative leave of absence at the rate of 30 days for each calendar year; but the act made no provision as to the commencement or termination of leave when granted to those serving in Alaska or places without the limits of the United States.

The act of July 29, 1876, grants to Army officers leave of absence for 30 days in each year. The leave is cumulative, and may be extended to 4 months if taken only once in 4 years. It is simply desired by this bill to put the superintendent of the female nurse corps and the members of the corps on the same footing as officers in the Army. I think it is a matter of justice to that corps, and that the bill ought to be agreed to.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAY. I will.

Mr. MANN. I notice that the bill says they may be—

Allowed the same privileges in regard to cumulative leaves of absence—

And so forth.

As I understand it, this does not change and is not intended to change the law at all as to cumulative leaves of absence, except as to the time when the leave commences and ends.

Mr. HAY. That is all. I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SULZER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18781) providing for cumulative leaves of absence for the superintendent and members of the female nurse corps when serving at Alaska or places without the limits of the United States, and had directed him to report the same back to the House without amendment and with the recommendation that the bill do pass.

Mr. HAY. Mr. Speaker, there is a similar Senate bill (S. 4749) on the Speaker's table. I ask unanimous consent that the Senate bill be substituted for the House bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Senate bill 4749, which is identical with the House bill 18781, be substituted for it. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MANN. Let us have it read.

The bill was read at length.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. MANN. The bill says:

Without the limits of the United States.

Is that intended to mean without the limits of continental United States?

Mr. HAY. Yes.

Mr. MANN. This bill under its terms applies to Hawaii?

Mr. HAY. It is not intended to apply to Hawaii. It only applies to Panama, Porto Rico, and the Philippine Islands.

The SPEAKER. The question is, Shall the Senate bill pass?

The bill was passed.

By unanimous consent, House bill 18781 was ordered to lie on the table.

PAYMENTS FOR SUGGESTIONS MADE BY EMPLOYEES IN THE ORDNANCE DEPARTMENT.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant.

The SPEAKER. This bill being on the Union Calendar, the House will resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17937, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, during the closing days of the extra session of the present Congress a special committee was appointed, consisting of Hon. WILLIAM B. WILSON of Pennsylvania, Hon. WILLIAM C. REDFIELD of New York, and myself to investigate the so-called Taylor efficiency system of shop management and other systems of shop management, with special reference to their application to Government works. In pursuance of our work we heard much testimony as to relations between Government officials in charge of Government works and the Government employees in such works. One of the questions considered was as to whether there has been heretofore proper cooperation between the management and employees and especially as to whether the Government has received such benefit as it should from suggestions growing out of the skill and experience of its employees. It was suggested by Gen. Crozier, Chief of Ordnance, that the full advantage of such cooperation had not been had by the Government on account of there being no adequate means by which the Government could offer suitable inducements to the workmen. Under the present law no other remuneration could be given to employees making such suggestions than to note such suggestions on their efficiency cards. Such workmen might be already in the highest grade, so that it could be of no advantage to them, except in the improbable event of preventing reduction to the next lower grade.

A number of instances were brought to the attention of the committee where valuable suggestions had been made by workmen and adopted by the management to the advantage of the Government without any corresponding advantage to the workmen making the suggestions. This is not fair to the workmen, and I am very glad to have a part in providing a remedy for the injustice. Following out a suggestion of Gen. Crozier, I introduced this bill, which authorizes the Secretary of War, at his discretion, to pay suitable cash rewards for such suggestions from employees as may be adopted and used. I conferred with a considerable number of workmen, including a number of labor-union leaders, and all agreed that it would be a most desirable thing for both the Government and the workmen if such legislation were enacted. The Committee on Military Affairs has unanimously approved the bill, and it is here now on the recommendation of that committee that it do pass.

In the report are cited a number of instances of valuable suggestions being made by employees. Gen. Crozier, as well as Col. Burr, commandant of the Rock Island Arsenal, stated before the investigating committee that a large number of such instances could be cited. It is well known that in many private establishments this policy has long been in vogue and that many useful improvements have come as the result of such cooperation. There is no reason why our Government arsenals should not follow the same course. In fact, there is every reason why they should, and this bill authorizes them to do so.

It will be noted that no appropriation is called for in the bill and that any amount paid out for rewards for valuable suggestions must come out of an appropriation already made for general and shop expenses. The total amount which may be expended in all the Government arsenals in any one month is limited to \$1,000, so that the aggregate amount that could be paid out under this bill is \$12,000 per year. I believe that the expenditure of this small amount of money in this way will yield large results, both to the Government, in the way of economies, and also to the employee whose brain and intelligent skill are thus rewarded. There is a further advantage—and, to my mind, the greatest of all—growing out of this legislation. It will tend toward bringing the management and the employees into closer and more friendly relations with each other. It will be a forward move on the part of these Government establishments, bringing them into line with our most advanced private concerns. Our Government has not always maintained its manufacturing plants as models in their respective lines. It is gratifying to note a general disposition toward improvement. The arsenals and armories under the Ordnance Department have made most commendable progress in the direction of better conditions for workmen and a higher degree of efficiency in production. A closer and more harmonious relation between management and employees is now being sought in the proper spirit by both. This legislation will aid in bringing it to pass. I have found Government employees willing and eager to do their full share in establishing and maintaining relations of helpful cooperation. I know from conferences with a number of them and from letters from others that this bill will be received by them as an evidence that fair dealing for all is intended.

Now I shall be very glad to answer, so far as I am able, any questions that may be asked in regard to this measure.

Mr. MANN. Will the gentleman yield?

Mr. TILSON. I will yield to the gentleman.

Mr. MANN. In reference to some of the details of the bill, I understand that the scope of the bill is confined to the Ordnance Department of the War Department.

Mr. TILSON. That is the intention.

Mr. MANN. As I understand, the purpose of the bill contemplates a possible expenditure of \$12,000 a year?

Mr. TILSON. That is correct; including all the Government arsenals and armories.

Mr. MANN. I see that the bill states that the total amount paid under the provisions of this act shall not exceed \$1,000 in any one month. I take it that it might take the Chief of Ordnance or the Secretary of War in some cases a longer time than it would in others to determine whether the reward ought to be paid at all. Would it not be desirable to provide that the amount paid shall not exceed \$1,000 for any one month?

Mr. TILSON. I believe that would better express the idea and carry out the exact meaning that was intended to be put into the bill.

Mr. MANN. The bill provides that the rewards shall be paid for a suggestion which shall be deemed the most valuable of those submitted and adopted for use. It might be that some suggestion would be adopted, and yet not be considered worthy of receiving a reward. Would the gentleman object to inserting an amendment, which would come in after the word "cost," on page 2, line 3, reading as follows: "And, in the opinion of the Secretary, shall be so worthy as to entitle the employee making the same to receive the reward?"

Mr. TILSON. That was undoubtedly the original intention, and I shall be very glad to accept it, as it would make it more clear.

Mr. NYE and Mr. FITZGERALD rose.

Mr. NYE. Will the gentleman yield?

Mr. TILSON. I will yield to the gentleman.

Mr. NYE. Is this a unanimous report of the committee?

Mr. TILSON. It is a unanimous report.

Mr. NYE. Does this include the full scope of the inquiry of the committee on the Taylor system?

Mr. TILSON. Not at all; this is only an incident of it. This does not come from that committee. The data that led to the introduction of this bill was brought out before that committee. Now I will yield to the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, the amount stated in the bill that may be paid is \$1,000 a month. The report states that the payments are to be made from general appropriations for shop expenses. Does the gentleman believe that the department has an appropriation that will enable this sum to be paid out of its current appropriations?

Mr. TILSON. It says so in the bill, "and shall constitute part of the general or shop expense of the establishment."

Mr. FITZGERALD. I know; but it does not say so in the bill; the gentleman is mistaken about that.

Mr. TILSON. It says it shall constitute part of the general or shop expense of the establishment.

Mr. FITZGERALD. I understand that; but my recollection does not make me believe that appropriations for the arsenals are so lavish that the department has any surplus funds from which to pay these rewards.

Mr. TILSON. I made inquiry of the Chief of Ordnance in regard to that, and he felt sure that he would be authorized, under the appropriation bill as it stands, to pay these rewards from the general or shop expense fund.

Mr. FITZGERALD. I understand the gentleman in his report to say that is the fund from which it is to be paid, but I do not know that the appropriations for arsenals are so generous that there would be money to meet any such payments if demand were made upon them. Has the gentleman any information as to the amount of appropriations that would be available to meet these items?

Mr. TILSON. No; I have no definite information as to that. We relied upon the Chief of Ordnance, Gen. Crozier, who felt confident that he would be authorized, under the appropriation as it stands, to make these payments from the "general or shop expenses," and those were the words he used, and I assumed that he had the funds under that head which he could use for that purpose.

Mr. MANN. I would suggest to the gentleman from New York—

Mr. HAY. In the Army bill there is an item carried for ordnance service which amounts to about \$200,000.

Mr. MANN. Three hundred thousand dollars—that is, there is an item in the Army appropriation bill which the House passed under the head of the Ordnance Department, ordnance service, which includes, among other things, in the item:

For incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; and for publications for libraries of the Ordnance Department, including the Ordnance Office, and payment for mechanical labor in the office of the Chief of Ordnance, \$300,000.

Whether that would cover it or not, I do not know.

Mr. HAY. I think that is the appropriation out of which expenses now have been made, but I do not believe it will amount to as much as \$1,000 a month.

Mr. TILSON. It is not anticipated they will, but that would be the limit.

Mr. HAY. It was thought well to provide some limit, and I do not think it would ever go that much unless some very extraordinary occasion arose.

Mr. TILSON. If there is no further debate, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to offer periodically at such of the establishments of the Ordnance Department as he may select a cash reward for the suggestion, or series of suggestions, for an improvement or economy in manufacturing processes or plant, submitted within the period by one or more employees of the establishment which shall be deemed the most valuable of those submitted and adopted for use: Provided, That to obtain this reward the winning suggestion must be one that will clearly effect a material economy in production or increase efficiency or enhance the quality of the product in comparison with its cost: Provided further, That the sums awarded to employees in accordance with this act shall be paid them in addition to their usual compensation and shall constitute part of the general or shop expense of the establishment: Provided further, That the total amount paid under the provisions of this section shall not exceed \$1,000 in any month: And provided further, That no employee shall be paid a reward under this act until he has properly executed an agreement to the effect that the use by the United States of the suggestion, or series of suggestions, made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

Mr. TILSON. Mr. Chairman, on page 2, line 9, I move that the word "in" be stricken out and the word "for" inserted therefor.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, strike out the word "in" and insert in lieu thereof the word "for."

The question was taken, and the amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move that after the word "in" and before the word "month," in line 9, page 2, the word "one" be inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, after the word "in," insert the word "one."

The question was taken, and the amendment was agreed to.

Mr. TILSON. Mr. Chairman, in line 9, page 2, strike out the first word, "section," and insert in lieu thereof the word "act."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, strike out the word "section" and insert in lieu thereof the word "act."

The question was taken, and the amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move the following amendment, in line with the suggestion made by the gentleman from Illinois, insert after the word "cost," in line 3, page 2, the following: "And in the opinion of the Secretary shall be so worthy as to entitle the employee making the same to receive the reward."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, page 2, after the word "cost," insert the following: "And in the opinion of the Secretary shall be so worthy as to entitle the employee making the same to receive the reward."

The question was taken, and the amendment was agreed to.

Mr. TILSON. In line 1, page 2, there is one word misspelled. I suggest the correction of the spelling in the word "suggestion."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, insert another "g" in the word "suggestion."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant, and had directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] The vote will be taken en bloc.

The amendments were agreed to.

Mr. GILLET. Mr. Speaker, I am heartily in favor of this bill, and I am glad that there has come this result from the hearings before the committee to investigate the methods of work at the Government armories. I think it is a very natural result. No committee or man could become familiar with the work in these establishments without being impressed with the fact that the ingenuity of the employees is constantly improving methods whereby the Government saves money, and I am glad to support this first step toward recognizing and encouraging that ingenuity and enterprise. In the city of Springfield, which I represent, for over a hundred years there have been employed in the United States armory some of the most skillful mechanics in the world, and if they had been compensated for all the processes and improvements and inventions which their brains and hands have contributed to the manufacture of small arms there would be many more families of affluence in Springfield to-day. But they were interested in their work; they devoted their Yankee shrewdness to the service of the Government without any reward except their day's pay, and the whole country has profited from it. Now, when machinery is so highly developed and processes of manufacture have become so scientific and perfect there is not the same opportunity for improvements that there has been in the past; but even now at Springfield suggestions are still made which lead to economy and time saving, and it is wise for the Government to recognize and reward such devotion. It will be an encouragement to the men, and while I believe that without this incitement they would continue to give to the Government their zealous help and suggestions in the future as they have in the past, still to have the United States give some evidence that it appreciates such service is but fair and will, I think, have excellent results and be to the ultimate advantage of both the Government and its employees.

Mr. PEPPER. Mr. Speaker, this bill, which comes with a unanimous report from the Committee on Military Affairs, is as follows:

A bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant.

Be it enacted, etc., That the Secretary of War is hereby authorized to offer periodically at such of the establishments of the Ordnance Department as he may select a cash reward for the suggestion, or series of suggestions, for an improvement or economy in manufacturing processes or plant, submitted within the period by one or more employees of the establishment which shall be deemed the most valuable of those submitted and adopted for use: *Provided*, That to obtain this reward the winning suggestion must be one that will clearly effect a material economy in production or increase efficiency or enhance the quality of the product in comparison with its cost: *Provided further*, That the sums awarded to employees in accordance with this act shall be paid them in addition to their usual compensation and shall constitute part of the general or shop expense of the establishment: *Provided further*, That the total amount paid under the provisions of this section shall not exceed \$1,000 in any month: *And provided further*, That no employee shall be paid a reward under this act until he has properly executed an agreement to the effect that the use by the United States of the suggestion, or series of suggestions, made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

I consider this bill of unusual merit. It provides authority for the proper reward of men working in the arsenals of the United States who make valuable suggestions looking toward improvements and economy in manufacturing processes.

Under the law at present there is no inducement offered for men to contribute ideas of this character.

The Government arsenals have in their employ men of the highest character and skill. They are men who are contributing valuable services to the Government. And I know that even without any reward whatever they have made many valuable suggestions which have been accepted by the Government. The Chief of Ordnance, on January 22, 1912, in a communication to the committee, cites the following specific cases where men in the employ of the Government at its arsenals have made such suggestions and the same have been accepted and adopted by the Government:

[Memorandum giving some typical cases of suggestions made by employees of the Ordnance Department for which it has not been possible to pay any reward under existing law. For similar cases a reward could be paid if H. R. 17937, Sixty-second Congress, second session, should become law.]

Suggested change from a chip reamer to a fluted reamer for reaming the bore of small arms. This improvement effected a saving of between 20 and 25 cents per barrel, which for the barrels made since the adoption of the suggestion amounts to at least \$200,000.

Suggested automatic cartridge-trimming device. The estimated saving resulting from the adoption of this device is \$9,500 per annum.

Suggested automatic varnishing device for caliber .30 ammunition. Estimated saving, \$10,000 per annum.

Suggestion for improved cupping die for cartridge cases. Estimated saving, \$750 per annum.

Suggestion for varnish-drying device for cartridge cases. Estimated saving, \$2,000 per annum.

Suggested improvement in canteen cover. Estimated saving, \$200 per annum.

Suggested improvement in substituting low steel for tool steel in the shanks of large drills. Estimated saving per annum, \$260.

Suggested improvement in method of machining fuse-hole bushings for projectiles. Estimated saving on one order for 11,000 bushings, \$500.

Suggestion for high-pressure testing device for shrapnel cases. Estimated saving, \$2,500 per annum.

Suggestion for an adjustable arbor for milling machines. Estimated saving, \$300 per annum.

Suggested improvement on bullet-assembling machine. Estimated saving, \$600 per annum.

Suggested improvement on slug-forming machine. Estimated saving, \$500 per annum.

Suggested improvement for glueing machine. Estimated saving, \$375 per annum.

Suggested lubricating device for bullets. Estimated saving during five years of use, \$10,000.

ORDNANCE OFFICE, January 22, 1912.

The men who made the foregoing suggestions did not receive one cent in the way of reward. They could not and did not receive any benefit for their valuable ideas, except, perhaps, a slight credit on their efficiency card. It strikes me as absolutely right and proper that men who thus render service of value to the Government should receive a substantial reward. I believe the effect of the passage of this bill will result in a great benefit to both the men and the Government.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. TILSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

—MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3776) permitting the board of county commissioners of Lincoln County, State of

Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana.

The message also announced that the Senate had passed with amendments the joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 232. Joint resolution extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

BRIGADE POST AT FORT OGLETHORPE, GA.

Mr. HAY. Mr. Speaker, I call up the bill H. R. 17029, authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe, Ga., into a brigade post.

The SPEAKER. This bill being on the Union Calendar, the House resolves itself automatically into the Committee of the Whole House on the state of the Union for the consideration of the same, and the gentleman from Massachusetts [Mr. CURLEY] will take the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convert the regimental Army post at Fort Oglethorpe, Ga., into a brigade post, and that for the purpose of the enlargement of the same to accommodate and quarter a brigade of troops there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$700,000, or so much as may be necessary for this purpose.

SEC. 2. That the Secretary of War, in his discretion, may locate and construct buildings necessary for the use and accommodation of the troops of the brigade at any point in the Chickamauga and Chattanooga National Military Park, whether the same be contiguous to Fort Oglethorpe or not, said buildings to be used for the accommodation of part of the brigade to be located at Fort Oglethorpe.

Also the following committee amendment:

Strike out, after the word "post," on page 1, line 5, all the words down to and including the word "purpose," in line 10, on the same page.

Mr. HAY. Mr. Chairman, this bill was very strongly recommended by the Secretary of War as being a part of the concentration scheme which he is now trying to enforce. The committee, after careful consideration, have recommended the bill favorably, amending it, however, by striking out that part of the bill providing for an appropriation of \$700,000. The committee thought that the War Department could, out of the current annual appropriation for barracks and quarters, and for roads and sewers, build up this post without incurring any additional expense. I will read what the Secretary of War says, in order to apprise the committee of the fact that it is a part of the project for concentration of the troops:

WAR DEPARTMENT,
Washington, February 5, 1912.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

Sir: Referring to the bill presented by Representative MOON January 5, 1912, and the bill of same wording presented by Representative LEE January 8, 1912, for the purpose of converting the post at Fort Oglethorpe into a brigade post, I have the honor to report that this department recommends favorable consideration of this measure.

The large extent of land of the Chickamauga and Chattanooga National Military Park made available by the terms of the bill; the climatic conditions, which permit troop training almost the entire year, the strategic advantage of that point, the economic considerations involved by thus concentrating troops, all make the enactment of said project highly advantageous to the Government. Fort Oglethorpe is the site decided upon by the department as the most suitable and available location in the southeastern section of the United States for a brigade of Cavalry.

Very respectfully,

H. L. STIMSON,
Secretary of War.

Does anybody desire time?

Mr. MANN. There are two or three gentlemen who wished to be heard on this bill, but they do not seem to be in the Chamber. Let me say that the gentleman's committee recently reported a bill which was passed by the House for an investigation and report concerning maneuver ground at Anniston, Ala. The gentleman's committee has also reported a joint resolution authorizing the Secretary of War to accept title to about 5,000 acres of land at Tullahoma, in the State of Tennessee, for maneuver ground. If this brigade camp should be established at—

Mr. HAY. The gentleman means a brigade post.

Mr. MANN. A brigade post. Not being a military man, I did not use the correct expression. I call it a camp, because everybody knows what that means. If this brigade camp be established at Fort Oglethorpe, and in connection with the barracks that the Government owns there, why could not that be used for maneuver ground instead of acquiring other ground close to it?

Mr. HAY. That is a matter, of course, in the discretion of the department.

Mr. MANN. Oh, no; that is a matter that seems to be put with the gentleman's resolution already passed, and another resolution which is pending.

Mr. HAY. But it comes back to Congress for determination as to whether or not they will accept this site, as I understand it, and the department is not compelled to use either the site at Tullahoma or the site at Anniston.

Mr. MANN. Oh, I take it that when Congress passes a law providing authority to do a certain thing, and acquiring the ground for the purpose, it does not leave to the department very much discretion in regard to it.

Mr. HAY. I call the gentleman's attention to this fact, that Oglethorpe is already a regimental post located in a park owned by the Government. The purpose of the bill is to make it a brigade post. Now, as a matter of fact, the Secretary of War could do that himself if he desired to do so, but he desires that Congress shall pass upon all these questions hereafter coming up with regard to making regimental posts into brigade posts.

Mr. MANN. But the Secretary of War could not, as I understand, without the authority of Congress, locate or construct buildings for the accommodation of the troops of a brigade in the Chickamauga and Chattanooga Military Park?

Mr. HAY. Yes; he could. Why not?

Mr. MANN. What authority has he?

Mr. HAY. The authority he has to expend the appropriation for barracks and quarters at any mobile army post in the United States.

Mr. MANN. Fort Oglethorpe is a post?

Mr. HAY. Yes.

Mr. MANN. Is the Chattanooga Military Park, the ground not contiguous to Fort Oglethorpe, a military post?

Mr. HAY. As I understand it, the post is located in the boundaries of this park.

Mr. MANN. There the gentleman thinks he can locate these buildings?

Mr. HAY. Yes.

Mr. MANN. The gentleman does not claim that the Secretary of War would have authority to erect post buildings on some other portion of the park not contiguous to the post. That is the reason why it is in the bill.

Mr. HAY. As to that particular provision, perhaps he would not; but he would have authority to put up buildings at the post on land which has been occupied and used for the troops.

Mr. MANN. What I was trying to get at was this: Here we have had a proposition which has been passed upon, and another proposition which is now up, and still another proposition which is reported. If this post is to be enlarged and these military parks are to be used in the way indicated, why are they not sufficient to be used for maneuver grounds? Why should we accept additional grounds and improve them for national militia maneuvers?

Mr. HAY. The Chickamauga Park may be large enough for maneuver grounds. I think it is. But I do not see that it has anything to do with the other proposition. They are entirely separate and distinct propositions.

Now, I yield 10 minutes to the gentleman from Tennessee [Mr. Moon].

Mr. AUSTIN. Mr. Chairman, before the chairman of the committee sits down I would like to ask him a question. Is it not a fact that President Taft, when Secretary of War, recommended this same change of enlarging this into a brigade post?

Mr. HAY. I think so. Now I yield 10 minutes to the gentleman from Tennessee [Mr. Moon].

Mr. MOON of Tennessee. Mr. Chairman, it seems to be the policy of the Government to concentrate the troops of the United States in certain strategic centers. The War Department has made arrangements to that effect, so far as it has been able to do so, and in the opinion expressed by that department it is held that for the purpose of carrying out this concentration of troops in the interest of economy and efficiency in the Army certain places in the United States be made and designated as centers of concentration. The first one mentioned is Fort Oglethorpe, near Chattanooga, Tenn., which is said to be a desirable center, especially for a Cavalry brigade, and then come Fort Sam Houston and Fort McPherson and the Presidio and Columbus Barracks and at Albany. That is the policy of the Government now, which I assume we will all deem to be wise.

As to why a Cavalry post should be placed in the Southeastern States, there is nothing I could say on the subject that would be half so forceful as the report of the Secretary of War on this identical bill. He says, on approving the purpose of this bill:

The large extent of land of the Chickamauga and Chattanooga National Military Park made available by the terms of the bill, the

climatic conditions, which permit troop training almost the entire year, the strategic advantage of that point, the economic considerations involved by thus concentrating troops, all make the enactment of said project highly advantageous to the Government. Fort Oglethorpe is the site decided upon by the department as the most suitable and available location in the southeastern section of the United States for a brigade of Cavalry.

Very respectfully,

H. L. STIMSON, Secretary of War.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MOON of Tennessee. I yield to the gentleman.

Mr. MARTIN of South Dakota. How much expenditure for the construction of buildings is anticipated, if this bill should pass?

Mr. MOON of Tennessee. I placed in the text of this bill originally the sum of \$700,000, purely as an arbitrary figure. It may take \$500,000 ultimately to construct the barracks that are needed there, but that is stricken from the bill, because of the fact that it is left to the discretion of the Secretary of War alone to determine the advisability and feasibility of the project, and he has enough money in the general appropriation to carry it out if desired.

I want to say in reference to these matters that these Army posts are built up largely in this way. There is already a post at Fort Oglethorpe that cost, I believe, \$1,114,000. It is full too large for the regiment that is there. It will accommodate part of another regiment. In pursuance of the policy referred to it is desired that a brigade be placed there for the reasons stated by the Secretary of War. The ground is owned by the United States. There is a park of between 6,000 and 7,000 acres of land that belongs to the Government. There is a rifle range of a thousand acres near it. Fort Oglethorpe is situated within this park. It may be desirable to put the barracks for the other regiments close to the fort as it now exists. It may be best to place them a few hundred yards, or a thousand yards, or half a mile away, and we want to leave this discretion as to the location to the Secretary of War. At Fort Oglethorpe we now have the water plant and the electric-light plant. In that great park monuments have been placed by different States of the Union commemorating the valor of the soldiers of the States who fought upon the field of Chickamauga. It will be remembered that this park is on the Chickamauga battle field itself.

The advantages of this location are many; not only its strategic position, but the ease of access to it. There are eight great trunk lines that run within 10 miles of the park, convenient for the movement of troops in any direction throughout the United States. There is one railroad that runs right through the edge of the park. There is an electric line that runs to the park from the city of Chattanooga, some 8 or 10 miles distant. At Chattanooga and in the surrounding country supplies for the soldiers, for the Cavalry horses, and for all that may be needed at the park can be bought perhaps as cheaply as anywhere else in the United States. These are some of the advantages of that location.

Mr. MARTIN of South Dakota. If I understand the gentleman, there is already provision for one regiment at that fort?

Mr. MOON of Tennessee. The fort was constructed for one regiment, but it is ample to contain a portion of another regiment.

Mr. MARTIN of South Dakota. Has it accommodations for Cavalry?

Mr. MOON of Tennessee. It is a Cavalry regiment that is there now.

Mr. MARTIN of South Dakota. This bill, if passed, would authorize provision for two additional Cavalry regiments, would it not?

Mr. MOON of Tennessee. For one brigade, which would be three regiments, as I understand it, including the one that is already there.

Mr. MARTIN of South Dakota. The gentleman has stated, I think, that the cost for the present barracks and buildings has been something like \$1,200,000.

Mr. MOON of Tennessee. \$1,114,000, but that means the ground. There are 6,000 acres of ground there owned by the United States.

Mr. MARTIN of South Dakota. Does the \$1,400,000 include the purchase of the ground?

Mr. MOON of Tennessee. Yes; I think so.

Mr. MARTIN of South Dakota. What has been the expense in the construction of the barracks and the buildings?

Mr. MOON of Tennessee. I do not know.

Mr. MARTIN of South Dakota. Has the gentleman had any estimate made?

Mr. MOON of Tennessee. I should think it would take between \$500,000 and \$700,000 ultimately to construct the barracks that will be desired in the concentration of these troops.

Mr. MARTIN of South Dakota. I think the expenditure generally for the construction of the buildings and fixing the grounds for regimental posts has been over \$1,000,000 for each regimental provision.

Mr. MOON of Tennessee. I do not include in that estimate the 1,000 acres of land that Congress bought two years ago, for which it paid \$20,000.

Mr. MARTIN of South Dakota. Is the gentleman quite sure that \$1,400,000 includes the purchase of the ground?

Mr. MOON of Tennessee. I would not be certain of it; but I think it does, because of the fact that at the time the ground was purchased land was very cheap.

Mr. MARTIN of South Dakota. This is a part of the national park?

Mr. MOON of Tennessee. It is in the national park.

Mr. MARTIN of South Dakota. What is the acreage of the park?

Mr. MOON of Tennessee. Between 6,000 and 7,000 acres.

Mr. MARTIN of South Dakota. Then does the gentleman mean for us to understand that the expenditure for this 6,000 or 7,000 acres of land is included in the \$1,400,000?

Mr. MOON of Tennessee. I think so; for at the time that was acquired that land was not worth more than \$10 to \$15 an acre. The gentleman must recollect that this park is 10 miles from any town or city, is back in the ridges and valleys, and in a country that is not particularly fertile.

Mr. MANN. Will the gentleman yield?

Mr. MOON of Tennessee. I yield to the gentleman from Illinois.

Mr. MANN. Is the Chickamauga and Chattanooga National Military Park wholly within the control of the War Department, or is there a commission?

Mr. MOON of Tennessee. It is wholly within the control of the War Department, because the commission is under the control of the War Department, and the War Department supervises and controls the action of the commission. The commission acts until some question arises for decision, and that is decided by the War Department.

Mr. MANN. Do we not appoint the commission?

Mr. MOON of Tennessee. The House of Representatives? The President appoints the commission. The law provides that the Secretary of War shall make the appointment, but, as a matter of fact, we know that the President is always consulted on this subject.

Mr. Chairman, in view of the forceful position that is taken by the Secretary of War and all the facts as they exist and the necessity for the enlargement of this post under the economic system of the department, I feel that there ought not to be any objection to the passage of this bill.

Mr. MARTIN of South Dakota. I would like to ask the gentleman one question more. Does he consider it good legislation to authorize the provision for two additional regiments at that place without any limitation upon the amount that the Secretary of War may expend?

Mr. MOON of Tennessee. It could not be built except out of the general appropriation already made for military purposes, and that is purely within the discretion of the Secretary of War. He need not build it at all. The whole matter is within his discretion. I will say to the gentleman, however, that in most posts in the United States there never have been any appropriations for their construction.

[The time of Mr. MOON of Tennessee having expired, Mr. HAY yielded him five minutes more.]

Nearly every post in the United States in the beginning was constructed without specific appropriations from this House. It was under the influence of the first commissioner, that great and good old man Gen. Boynton, that this work was done in commemoration of that great battle.

Mr. MARTIN of South Dakota. Under the present law the Secretary of War could not expend over \$20,000 on any one structure except under special authorization.

Mr. MOON of Tennessee. The gentleman does not interpret the law on the subject as I do. This question is not a new one. Outside the proposition of concentration offered by the Secretary of War, the present President of the United States when Secretary of War felt it to be his duty to go before the Military Affairs Committee and recommend the enlargement of this post, and he was so deeply interested in the question that he brought with him the General of the Army, and they recommended the enlargement of this post and the maneuvering grounds. The General of the Army insisted on legislation along this line in the interest of the National Government. It is a proposition that has been supported all along outside of the new idea of concentration, and the President even in his campaign thought so much of it that he promised the people that he would take

an interest in the establishment of this maneuvering ground and post if he was elected President of the United States.

Mr. HELM. Mr. Chairman, I want to ask the gentleman from Tennessee a question. How far is Chickamauga Park from Fort Oglethorpe?

Mr. MOON of Tennessee. Fort Oglethorpe is in Chickamauga Park.

Mr. HAY. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I hope there will be no opposition to this bill on this side of the Chamber. It is not only a meritorious proposition, but it is one coming here with the indorsement of two Republican Secretaries of War, the present able Secretary and President Taft. It comes here with a unanimous report from the Committee on Military Affairs. It was passed upon by a commission from the War Department, it has the approval of practically every leading general, it is in the interest of the Army, it is in the interest of the service, and it is in the interest of the country. This is a proposition long advocated by my able and efficient colleague from the third district of Tennessee [Mr. MOON], and I have never known him since I have been a Member of this House to father any legislation which I did not believe honestly was in the interest of the public service, and I hope that my colleagues on this side will give their united support to this bill. Chattanooga is a great historical place, and the immortal battle field of Chickamauga, where the world witnessed the great valor and peerless courage of the men of the North and the South, should be a lasting monument to the American people and the American soldiery. I sincerely trust that this bill will encounter no opposition in this House. [Applause.]

Mr. HAY. Mr. Chairman, I reserve the balance of my time.

Mr. FITZGERALD. Mr. Chairman, I do not believe this bill should be passed. It is here apparently in response to a recommendation that Fort Oglethorpe be made a brigade post. It is apparently to carry out a policy of the War Department not yet accepted by the Congress and not yet put into effect. The Secretary of War, under date of January 25, 1912, recommended that certain Army posts be abandoned and that provision be made for the enlargement and concentration of troops at certain other posts. In the Army appropriation bill, by amendments placed thereon in the House, provision is made that no appropriation shall be expended for improvements at certain posts indicated by the Secretary of War as proper for abandonment, but that policy has not yet been adopted by the Congress, nor has any comprehensive, definite, fixed policy been adopted as to where troops shall be concentrated and as to what shall be done for their protection.

No limitation is placed upon the amount that may eventually be expended upon this post; no estimate of its cost of what the post will need has been made. There is some indication as to how much the initial expenditure might be by the fact that this bill as introduced provided that there should be expended, to carry out the provisions of the bill, \$700,000 during the next fiscal year. Mr. Chairman, before Congress initiates a policy of largely increasing the size and capacity of these posts the Congress itself should adopt a definite, permanent policy in regard to what shall be done. That the War Department is not to be relied upon I shall demonstrate in a few moments. It has no fixed policy; it has no permanent policy. It changes its policy overnight. No one here will say or can authoritatively say that within six months or a year the War Department will not be back in Congress advocating the retention and maintenance of small posts rather than large posts. I have in my hand some papers of a very interesting character which show the fluctuating, unstable, unreliable policy of the War Department, and the futility of Congress attempting to rely upon its recommendations, and the necessity for Congress itself adopting a permanent policy before it begins piecemeal to go into the matter of authorizing the enlargement of posts. In the sundry civil act, approved March 4, 1909, and also in the act approved June 25, 1910, \$200,000 was appropriated, and contracts were authorized not to exceed \$600,000 for the establishment of a Cavalry post for what is known as Camp Schofield in the Hawaiian Islands. The authorization was made in response to a unanimous demand upon the Committee on Appropriations by the General Staff as to the imperative necessity for Cavalry accommodations in the Hawaiian Islands. The appropriation was made because it was believed to be imperatively needed for the public defense, and it was made available speedily because of the pressing necessity for the accommodations. Under date of May 3, 1911, the Secretary of War forwarded a communication to me requesting that the money appropriated for the establishment of Cavalry barracks on the Island of Oahu be modified so as to permit the purchase of additional land in the city of Honolulu and the erection of barracks there-

on to accommodate three regiments of Infantry. The statement was made that the Cavalry was so much more needed at that time on our Mexican border and could be so much more economically maintained in the United States than in the Hawaiian Islands that it was not deemed desirable to send Cavalry at that time to Honolulu, but that it was desired that the money be made available for Infantry barracks.

The Senate, on the 16th day of May last, passed an act in compliance with this request of the War Department to make available the money for Infantry barracks rather than Cavalry barracks. As the result of a notification sent by me to the War Department, its policy again was changed. Under date of February, 1912, an estimate was submitted to Congress in connection with the matter. The communication which I sent to the Secretary of War, under date of May 4, is as follows:

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 4, 1911.

Hon. JACOB MCG. DICKINSON,
Secretary of War, Washington, D. C.

DEAR SIR: Your favor of the 3d instant, with inclosures, relative to legislation to permit the use of appropriations heretofore made for the accommodation of Cavalry in Hawaii, for the accommodation of Infantry in the city of Honolulu, is at hand.

It is the policy of the House and of this committee not to enter upon the consideration of general legislative matters during this session. Unless there be some matter of imperative necessity, consideration will be deferred until the next regular session of Congress.

The suggestions contained in your letter indicate a very marked change from the grounds heretofore taken as to the necessity of Cavalry accommodations on the island of Oahu, and would probably necessitate careful and exhaustive investigation by the committee before any action would be taken.

Very truly, yours,

JOHN J. FITZGERALD.

Mr. MOON of Tennessee. I did not catch just what the gentleman was reading. What is he discussing now?

Mr. FITZGERALD. I am discussing the fluctuating attitude of the War Department.

Mr. MOON of Tennessee. The fact that the War Department changed in its attitude about some things? Are you discussing the Hawaiian position?

Mr. FITZGERALD. I am showing just what the Department of War has done within the past few months.

Mr. MOON of Tennessee. I just wanted to get in line with the argument.

Mr. FITZGERALD. I was discussing what the department stated to be imperatively necessary for the public defense in the Hawaiian Islands and its changing attitude.

Under date of February 19, 1912, after this request of last May, and after the Senate had passed, in compliance with the War Department's request, a bill to make this money appropriated for Cavalry available for Infantry barracks, an estimate was transmitted to Congress requesting that the authorization contained in the sundry civil acts, to which I have referred, providing accommodations for two squadrons of Cavalry on the island of Oahu, be amended and changed so as to permit the construction of accommodations for a full regiment of Cavalry on that island. In his communication the Secretary calls attention to the fact that the Quartermaster General states that in view of existing conditions in Hawaii the interests of the service demand that the post located at the Schofield Barracks Reservation be completed "as expeditiously as possible." Though the department had had the appropriation for more than two years, no step was taken to use it to build this Cavalry post, so urgently required, until it was found that Congress would not follow the department in its fluctuating and unstable policy.

It is now proposed, upon this letter of the Secretary of War, without any authoritative determination by Congress as to its policy, to authorize the construction or the conversion of this regimental post into a brigade post. I shall read an extract from this communication of the Secretary which may condemn in the language of the department itself this very project more forcibly than I can do it myself.

Speaking of the old system under which posts had grown up the Secretary of War said:

The Army leaders had grown old under a system of scattered posts due to former Indian troubles. The board of general officers recommended 52 of the 65 Army posts for permanent occupation, 13 for temporary occupation, and the establishment of 7 new posts. Army Regulations stated nothing as to the importance of combined maneuvers, but dwelt strongly on the post commander's duty to make his post "an attractive home for the Army by every means available." For years a beautiful parklike reservation had been the surest means of gaining for the commanding officer favorable mention at the annual inspection. There had been no General Staff to consider the needs of the Army as a whole, no Chief of Staff to coordinate the idea of progressive subordinates and recommend the proper course of action. As a whole, the Army was not aware of its own shortcomings.

Yet here is a recommendation from the War Department that Fort Oglethorpe, now a regimental post, be enlarged into a brigade post, and that the department be permitted to locate

such of the buildings as it desires within the Chickamauga National Park, so as very likely to give that parklike appearance which would commend its commanding officer to the good graces of his superiors in the War Department. One of the arguments in favor of the concentration of troops is that buildings could be placed close together so that there would be economies effected in administration and in the maintenance of the post.

Mr. MOON of Tennessee. Will the gentleman let me ask him a question?

Mr. FITZGERALD. Certainly. I yield.

Mr. MOON of Tennessee. Does not the gentleman think it would be wise to give this discretion, and that it is best not to crowd all these buildings up together, but to locate some of them a little distance from the others? Ought not that discretion be left to the Secretary of War?

Mr. FITZGERALD. I think in a post sufficient to accommodate a brigade of troops all of the buildings can not be very closely located to one another, but this bill provides—and I call the gentleman's attention to the provisions of it—that these buildings may be located in any portion of this park, regardless of whether the place where located is contiguous to Fort Oglethorpe. It is impossible to have that concentration and that desirable economy of maintenance and administration by scattering these buildings through any part of this 7,000-acre national park.

Mr. MOON of Tennessee. The gentleman has stated that it ought to be, in wisdom, left to the discretion of the Secretary of War.

Mr. FITZGERALD. Perhaps I do not go as far as the gentleman from Tennessee.

Mr. MOON of Tennessee. But you can not determine in advance that the Secretary of War is going to do a thing so ill-advised as what you suggest.

Mr. FITZGERALD. I do not know. I have just read from the official records as to what the War Department has done, as to what the Secretary of War has done, recommending last May that an appropriation made two years ago for Cavalry quarters in the Hawaiian Islands be diverted to Infantry quarters, and urging in February that authority be given to provide larger accommodations for Cavalry, and calling attention to the fact that expedition is necessary in the construction of the quarters because of the conditions pointed out three years previously to the Committee on Appropriations.

Before any attempt is made to concentrate troops, before any attempt is made to enlarge any of the existing posts, I believe that Congress should, by legislation, lay down a definite policy and state positively what posts shall be maintained, either as regimental or brigade posts, and what posts shall be definitely abandoned, and then proceed in a proper and logical manner to make the expenditures therefor. Not only that, but the War Department should be compelled to submit detailed estimates showing what it would cost to make the necessary enlargement, showing what buildings are needed, the character of them, the cost of them, the necessity of them, and then let Congress determine whether the recommendations of the department are such as to meet its approval, or whether it will modify them so as to bring them within what would be determined to be reasonable and proper limits.

Here is authority to make a brigade post out of a regimental post without any limitation whatever upon the cost of the enterprise. It will always be in order on an appropriation bill to offer amendments to provide for increased expenditures at such posts. It is an indefensible policy to adopt and should not be approved by the House.

There is something else that shows the necessity of some definite policy. The House the other day passed a bill creating a commission to report to Congress, as I recall, by the 1st of May, as to the propriety of acquiring land near Birmingham, Ala., for the purpose of maneuver grounds for the troops. There is on the calendar, reported from the Committee on Military Affairs, a bill accepting 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, for the purpose of establishing "a maneuver camp for the maneuvering of troops, for establishing and maintaining camps of instruction, for rifle and artillery ranges, and for the purpose of assembling and mobilizing troops from the States of Tennessee, Kentucky, Alabama, Georgia, and South Carolina." That bill is next in order on the calendar, reported by the Committee on Military Affairs, and the gentlemen interested in the maneuvering grounds in Alabama have probably been caught napping; because, if this bill becomes a law, there will be absolutely no excuse for any commission to report to Congress, either before or after the 1st of May, as to the advisability of establishing another maneuver ground so near the one proposed at Tullahoma.

Mr. Chairman, it is apparent that before the Congress and this House enters upon the policy of authorizing these enlarged posts or additional maneuvering grounds, there should be formulated and laid before Congress a comprehensive scheme, which should be taken up by Congress and carefully worked out. Congress itself should adopt a policy and adhere to that policy.

The gravest indictment and the most severe criticism that can be made of the War Department is that it has no definite, permanent policy. Every time there is a change in the War Department, or a change in the offices of the General Staff, or in the head of the General Staff, a new policy is proposed, new schemes are introduced. Whatever one man advocates apparently is opposed by his successors. It seems to be the proof of progress. There is no continuity of policy here. Take the scheme in the Hawaiian Islands, to which I have referred. A plan for its proper defense, supposed to have been carefully worked out by the General Staff and in the War College established for that purpose, was laid before Congress. It was adopted. Yet, although in 1909 and in 1910 they advocated the immediate appropriation of money for Cavalry barracks, in 1911 they asked to have it diverted for Infantry barracks at Honolulu, a distance of some 12 miles from Camp Schofield, and then in 1912 the department comes back again and asks that additional authority be given for greater accommodations for Cavalry.

I do not wonder that in time of war, if this country is so unfortunate to be afflicted with it, the United States should be found unprepared in every department of the military service. If we are expending the vast sums that we do expend, and if we are educating officers at the expense to which we are put to have them study and determine military questions and they are unable overnight to confine themselves to any given policy or plan or scheme, it is no wonder that when war does come upon us we should have all the horrors and misfortunes that followed from the Spanish War.

Mr. Chairman, I believe it is unwise to pass this bill. In view of the fact that we have no definite information as to cost, and no definite information as to requirements, and there is no limitation upon the amount to be expended, with the likelihood of having within a few brief years a repetition of what has happened on former occasions, a change of policy, a change of control in the governing bodies in the War Department, and a recommendation that this system of brigade posts be abolished, and that some new or other system be established, action should be deferred until Congress changes the existing conditions. I hope the House will not pass the bill.

Mr. MOON of Tennessee. I will ask the gentleman from New York how many of these little brigade posts which the gentleman speaks about have been established in the State of New York, and how many are now being constructed there?

Mr. FITZGERALD. There are none being constructed there. When the Army bill was under consideration, I did my best to get permission for the Secretary of War to negotiate for the sale of one post in the city of New York, so that Congress would not be plagued with it, but I could not do it. One of the posts in the State of New York, recommended for abandonment, to which I interposed no objection, is the Madison Barracks on Lake Champlain. One or two of these posts are in the vicinity of Buffalo. All of them are at least 400 miles from where I live.

Mr. MOON of Tennessee. You have about six posts in the State of New York, and you have a group about Albany?

Mr. FITZGERALD. I am in favor of abolishing many of them, not of enlarging them.

Mr. MOON of Tennessee. I have no objection to your having all the posts you have in New York; but with all those posts for the troops up there, where it costs four or five times the amount necessary in our country to keep them, I do not see why the gentleman from New York should be opposing a Cavalry post for all the Southeastern States.

Mr. FITZGERALD. I do not know that I do object—

Mr. MOON of Tennessee. You have done it.

Mr. FITZGERALD. I do not object to a post for Cavalry in the Southeastern States. If the department were to submit, and Congress were to adopt a definite policy, I should be very glad to support the action to be taken.

Mr. MOON of Tennessee. But the gentleman is opposing the policy of the department which looks to that very thing.

Mr. FITZGERALD. I have no confidence in the recommendations of the department now, and I do not see how anybody else can have any confidence in its recommendations.

Mr. MOON of Tennessee. If the gentleman is going to take the position that the Secretary of War and all the people connected with the War Department are faithless and not worthy of consideration by this House, and that they are not properly discharging the duties of their office in connection with this

matter or any other, then possibly the gentleman is right, but I do not concede that position.

Mr. FITZGERALD. I do not have to go that far. I think they are incompetent in many respects. They certainly have no definite, fixed policy. They fluctuate, they shift, they twist. The Secretary of War himself admits that present conditions grew up because of political pressure that could not be resisted by some distinguished gentlemen, so that I am not originating this charge.

One of the posts in the State of New York recommended for abandonment, since the gentleman refers to it, and to which I have interposed no objection, is the post on Lake Champlain, Madison Barracks, I believe, at Plattsburg. I know the reasons that have been urged for its abandonment, and I also know that after the War with Spain, when troops were sent back to this country in very bad condition of health, they were sent to Madison Barracks to recuperate. Whether it is necessary to have the barracks there in time of peace I have not said, but I made no objection to the abandonment of the post.

Mr. MOON of Tennessee. It may be desirable to have that post at all times. I am making no objection. I am entirely willing that the great State of New York should have five posts; but I think the Representative from New York, who is no doubt honestly seeking to protect the interests of the Treasury, is a little bit extreme in opposing the unanimous report of a committee of this House that proposes merely to add two regiments to the one regimental post and create a brigade post for all these Southwestern States, in view of the statement of the Secretary of War on this subject, which the gentleman impeaches, but which I respect.

Mr. FITZGERALD. Let me say this, Mr. Chairman: I do not believe the number of posts located in the State from which I come should have any effect at all upon my attitude on this bill; and I know that it does not. The fact that it is proposed to locate this post at this particular point does not affect me at all. It is a question of the propriety of authorizing at this time the enlargement of any regimental post into a brigade post. I am inclined to believe—I am not quite certain, but I believe that when the Army appropriation bill passed a provision was inserted in it prohibiting the change of a regimental post into a brigade post. The gentleman from Virginia will recollect about that.

Mr. HAY. Yes; but this is doing just what that provision contemplated—that Congress is to act on these propositions.

Mr. FITZGERALD. Yes; it is taking an isolated instance without having yet succeeded in discontinuing any of the other posts. I hope a good many will be discontinued, but none have yet been eliminated.

My experience has been that it is very unwise to start upon a new project until we have definitely eliminated the old one.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. I will yield.

Mr. BURKE of Pennsylvania. The gentleman stated that before Congress acts the War Department should frame a definite policy, and he next stated that the War Department is inefficient and incapable to form a definite policy for the guidance of Congress. Now, where do we get on and where do we get off, according to the argument of the gentleman from New York?

Mr. FITZGERALD. The gentleman from Pennsylvania may have heard what I said, but he evidently is incapable of repeating it. I did not say that the department was entirely incompetent. I have said that its action during the past three or four years shows that it has no definite policy, that it has fluctuated and shifted and trimmed from one side to the other, and if the papers I have called to the attention of the House, in one of the most important matters in connection with the defense of the country, do not demonstrate the accuracy of my statement, I do not know how it would be possible to demonstrate anything.

Mr. BURKE of Pennsylvania. The gentleman has stated definitely now that the War Department has fluctuated, trimmed, and shifted—

Mr. FITZGERALD. I say that.

Mr. BURKE of Pennsylvania. Is not that equivalent to saying that it is incompetent? I do not agree with him, but ask the question.

Mr. FITZGERALD. The gentleman is supposed to have reasoning powers, and he can draw his own opinions. The ones I draw and wish to express I have never found any difficulty in doing so.

Mr. BURKE of Pennsylvania. Would the gentleman from New York be willing to state whether he would support the policy of the department in an important measure if sent to this House through the proper channel?

Mr. FITZGERALD. I might. I did not on the Army appropriation bill, and neither did the majority of the House. What particular charm is there about the recommendations of the department now that it did not possess a few weeks since?

Mr. BURKE of Pennsylvania. I do not think there is any particular charm attaching then that does not attach now, until I heard the argument of the gentleman from New York. He says that because of the absence of all these virtues and the recommendation of the War Department, the committee should not act.

Mr. FITZGERALD. Mr. Chairman, I did not say anything of the kind. The gentleman can not state what I did say. My objection to the bill was not based on the action of the War Department. I have referred to the communication from the Secretary of War in reference to this new policy, but my objection is not based on that ground. I am sincere in my opposition to the bill, and some gentlemen here are sincere in their advocacy of it. I express the hope, Mr. Chairman, that until a definite, fixed policy regarding these posts is adopted by Congress, not by the War Department, these isolated cases will not be singled out and changes authorized without any knowledge as to what the limit of cost will be, without an estimate of what it is proposed to expend, without any limitation fixed by Congress as to what may be expended in the work. I reserve the balance of my time.

The CHAIRMAN. The gentleman from Wyoming is recognized for one hour.

Mr. MONDELL. Mr. Chairman, this is the first fruits of the widely heralded new policy of concentration of Army posts. Its consideration involves the question of the abandonment of posts in the Northwest as well as the building of a brigade post in Tennessee. This is some more of the policy of economy so loudly heralded on the other side of the aisle. In the interest of economy you give the War Department carte blanche to spend \$5,000,000, for when you give the War Department authority to build a brigade post you give them authority to spend all the appropriations as they are made for barracks and quarters for the construction of that post. It costs about \$5,000,000 to build a brigade post. When the military bill was under discussion a few days ago the gentleman from Virginia [Mr. HAY] offered an amendment that no part of the appropriation therein contained should be used for any purpose; that is, the appropriation for barracks and quarters, at certain named posts. I hope gentlemen will follow me. Those posts are as follows:

Fort Apache, Ariz.; Boise Barracks, Idaho; Fort Brady, Mich.; Fort Clark, Tex.; Fort George Wright, Wash.; Fort Jay, N. Y. (mobile garrison only); Fort Lincoln, N. Dak.; Fort Logan H. Roots, Ark.; Fort McIntosh, Tex.; Fort Mackenzie, Wyo.; Madison Barracks, N. Y.; Fort Meade, S. Dak.; Fort Niagara, N. Y.; Fort Ontario, N. Y.; Fort Wayne, Mich.; Whipple Barracks, Ariz.; Fort William Henry Harrison, Mont.; Fort Yellowstone, Wyo.; Fort Ethan Allen, Vt.; Plattsburg Barracks, N. Y.; Fort Robinson, Nebr.; Fort Missoula, Mont.; Fort Logan, Colo.; Fort Douglas, Utah; Fort D. A. Russell, Wyo.

Those posts, Mr. Chairman, have cost this Government, I think, about \$22,000,000—between \$22,000,000 and \$25,000,000. With the exception of two or three small posts therein mentioned, they are all comparatively new, modern, up-to-date Army posts. Many of them have been practically rebuilt within 10 years, first class, with the latest specifications, located, many of them, on reservations of thousands of acres, located in an ideal climate, practically every one of them, for the housing and maneuvering of troops, and yet this House—no; not this House, but the Democratic side of this House which to-day brings in this bill—proposes that we shall not use a penny to stop a leak in the roofs of any of the Army buildings at these Army posts. In the interest of economy, twenty to twenty-five million dollars' worth of Government property is to go to rack and ruin, and at the same time, in the interest of economy, I assume, the War Department is to be given the power to build a \$5,000,000 Army post. Why do I say a \$5,000,000 Army post? There are at this time four brigade posts in the United States—four posts that may properly be called brigade posts. Fort D. A. Russell, Wyo., is one of them. It has cost up to this time \$4,925,000 in round numbers. Fort Leavenworth, Kans., is a brigade post. It has cost \$4,263,000 in round numbers.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In a moment. Fort Sam Houston, Tex., is a brigade post, and it has cost \$3,625,000 in round numbers. Fort Riley, Kans., is larger than a regimental post; it has cost \$3,491,000. So that a brigade post means an expenditure of approximately \$5,000,000. Now, I yield to the gentleman.

Mr. HELM. What is the capacity of Fort Leavenworth?

Mr. MONDELL. The gentleman's committee made a most exhaustive report on that subject a short time ago. If I had the time I should be very glad to quote from it, but I do not have in mind now the exact capacity of Fort Leavenworth; but Fort Leavenworth has the capacity for approximately the number of troops provided for in this bill. It is, in other words, a brigade

post, and so known in the Army. Fort D. A. Russell is the newest brigade post. It has cost almost exactly \$5,000,000.

Mr. HELM. Mr. Chairman, does the gentleman state that Fort D. A. Russell has the capacity to quarter a brigade?

Mr. MONDELL. No; I think it has not. I was giving the gentleman the benefit of the doubt. I was giving the cost of posts known as brigade posts. I think perhaps none of them have the capacity of quartering a brigade; and if the gentleman desires to have me amend my figures and say that a brigade post will cost \$8,000,000 or \$9,000,000—and there is no limit on the amount the department might expend—I am perfectly willing to take the gentleman's estimate, whatever it is, provided it is above the amount which it has cost to build the posts which are now called brigade posts. The post which it is proposed to enlarge into a brigade post has cost up to this time \$1,101,000 in round numbers. So that, assuming that the expenditure which we are authorizing to meet the difference between the cost of this post as it now stands and the usual cost of a brigade post, the very least that the bill authorizes is the expenditure of \$4,000,000, and it will not require another line of legislation to authorize the expenditure of that amount of money.

I said this was the first fruits of the new policy of concentration and economy. That is not entirely accurate. It is about the third blossom, but it seems to be the first to approach fruition. There have been passed through the House a resolution, or have been reported two—one looking to the purchase of maneuver grounds in Tennessee, the other authorizing investigations which are expected to lead to the purchase of large areas in Alabama for maneuver grounds. Of course that means, in the due course of events, the erection of Army posts. So, in the interests of economy, we are proposing to encourage the War Department to abandon twenty to twenty-five million dollars' worth of up-to-date military property in the Northwest and to spend millions to establish new Army posts in other parts of the country. The gentleman from New York [Mr. FITZGERALD] has made some statement with regard to the policies of the War Department. I want to record my assent to his statement. I suppose the gentlemen on the General Staff of the War Department must have something to occupy their time, and consequently every so often the Congress has presented to it some new and weird proposition of change of organization or for housing the Army. If we were to follow all of the changing moods of the military and the gentlemen from civil life connected from time to time with the War Department our military organization would be a hodgepodge that would be a spectacle worth going miles to see.

Why, take, for example, their suggestion as to the abandonment of Army posts in the Northwest. Fort Yellowstone is a child of the Army. No political influence had anything to do with the building of Fort Yellowstone. So far as I know no mere politician suggested the building of an Army post at Fort Yellowstone. The department spent about \$650,000 for the building of an Army post there, and they spent it properly, because I know of no better location for an Army post than at Fort Yellowstone. The climate is ideal for the recuperation of troops. It is a place where men grow strong, hardy, and vigorous in that mountain climate. The Cavalry stationed there is occupied in policing a great national pleasure ground. It is an ideal post from the standpoint of the troops, and the troops there are about the only ones in the entire Army who are really performing valuable service in time of peace. And yet the War Department having, on its own motion and without suggestion from anyone, spent nearly three-quarters of a million dollars at Fort Yellowstone, having there an ideal Army post, perfect and up-to-date buildings, a large reservation, an ideal location, proposes to abandon the property, and it will be utterly valueless and worthless when abandoned. At least it will bring no return to the Treasury of the United States. Abandon Fort Yellowstone for what? For a proposed policy of concentration.

The abandonment of the northern and northwestern posts, they tell us, is in the interests of economy and for the purpose of concentration, but the first recommendation we have from the War Department has nothing to do with the policy of concentration. The policy of concentration, as I understand it, contemplates the building of barracks and quarters in or immediately adjacent to great cities and allow the officers commutation of quarters in order that they may live in the city. That is the department's idea of concentration. They want to get away from the rural denizens of the agricultural districts and establish quarters for our Army in the slums or adjacent to the slums of great cities, in order, I presume, that the officers, in addition to their other advantages, may be given the opportunity to attend the opera and enjoy all the delights of large cities. They have been proposing to take the American soldier

away from the isolated posts, where he is free from the temptations of great cities, away from the mountains and the plains, where he enjoys a bracing, delightful, healthful climate, and put him in the midst of all the temptations of great cities and congregate him in great units. While that is the theory, the moment some gentleman of the majority approaches the War Department with a proposition not of concentration, but a proposition for shifting the present scattered Army posts to another part of the country, the War Department finds it in its heart to adjust its theory of concentration to the theory of scattering the Army posts in other portions of the country than that in which they are located. That is all that is proposed.

That is all this proposes. Concentration! Why, they are not even satisfied to have the new buildings located adjacent to the buildings already erected. They can scatter them all about on this 8,000 acres of land which the Government owns and spend all the money that we shall appropriate for the next 10 years for barracks and quarters in building up this great post down there in Tennessee, leaving, I suppose, the splendid posts of the North and Northwest tenantless, inhabited by bats, open to the winds of heaven. What matters the throwing away of twenty or twenty-five million dollars of Government money? The people pay it and our salary runs on just the same. Why not toss a \$5,000,000 Army post to the winds every morning and establish a new one in the district of some gentleman who may desire it?

Mr. MOON of Tennessee. Mr. Chairman, will the gentleman permit me to interrupt him?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Tennessee?

Mr. MONDELL. Certainly.

Mr. MOON of Tennessee. Does the gentleman mean to say that the purpose of passing this bill is to get somebody back to Congress?

Mr. MONDELL. Well, I have such very high regard for my friend from Tennessee and so great a desire that he may come back that if there is anything in what I have said that would convey that idea I will take it back.

Mr. MOON of Tennessee. I do not want the gentleman to say it. [Laughter.]

Mr. MONDELL. I did not have the gentleman from Tennessee in my mind in connection with my remarks.

Mr. MOON of Tennessee. It was my bill, and therefore I thought the gentleman had me in mind.

Mr. MONDELL. No; because high as is my regard for my other colleagues there is none for whom I have a higher regard than the gentleman from Tennessee [Mr. Moon]. [Applause.] It is because I have so high a regard for him that I regret exceedingly that I feel it my duty to oppose this measure as vigorously as I can.

Mr. MOON of Tennessee. I thank the gentleman for his high regard, but I hope it will not increase any more. [Laughter and applause.]

Mr. MONDELL. I have a great regard for the gentleman from Tennessee. I also have a great regard for the welfare of the people and for the Treasury of the United States.

Mr. Chairman, the whole theory of so-called concentration is un-American. It is simply an attempt to ape the methods of the military-ridden, military-burdened monarchies of Europe. If we did not have an Army post to-day in the United States, if we were now free to outline a plan for the housing of the Army, in my opinion the Army should be housed practically as it is to-day, with the posts scattered throughout the country, and particularly in those portions of the country where the Government has large reservations, where the climate is healthful and invigorating, where troops can be maintained at a comparatively small cost, where the Army of the United States shall be available as a model for the National Guard, where the Army may be so scattered among the body of the people that in case of war the Army posts can be utilized as points for the recruiting of volunteers scattered throughout the agricultural regions of the country, from which we receive the bulk and the best of our Volunteer Army, where they are easily accessible for the maneuvers of the National Guard, and where they are conveniently located for the purposes of concentration in time of war.

We have in Wyoming a brigade post, the finest in the Union. I realize that there is no danger of its being abandoned. Secretaries of War may suggest and Democratic majorities may attempt to hasten that sort of thing, but we are not going to abandon \$5,000,000 worth of property situated on the main transcontinental lines of the United States—north and south and east and west—even in connection with some weird plan of concentrating the Army in the slums of great cities. The War Department may not know it, but it is a fact that it is the same distance across the continent with Army posts located midway between the two oceans as it is across the continent if an Army

post were located in one corner of the country. In case of an outbreak requiring our troops on the Pacific coast it will cost quite as much and considerably more to bring troops from Fort Oglethorpe than to transport them from Fort D. A. Russell, Wyo. And in the case of trouble on the Canadian border the cost of transportation would be greatly increased.

But gentlemen have heard of the reclamation law. In their wanderings throughout the country, having occasionally got away from the attractions of the large cities, they have run across some reclamation projects somewhere, and it has occurred to them that inasmuch as the Government is hoping to recoup its expenditures made in the irrigation of lands, it may recoup its expenditures in the abandonment of Army posts in the same way.

I imagine the people of the country are simply falling over each other to buy old abandoned Army posts. There may be an Army post somewhere in the United States for which we could get a few dollars if it were abandoned. Some of the posts in New York State were granted with a reversionary clause, and if they are abandoned I assume they go back to the original owners, buildings and all. There was a post recently abandoned in Texas, and I think one of the gentlemen from that State has a bill proposing to turn it over to the State of Texas. Unless there are some unusual conditions there, I think that is a very proper way to dispose of it. You could dispose of all the Army posts that way, except those that the States would consider white elephants and would not have anything to do with.

Mr. STEPHENS of Texas. Fort Elliott, in my district, was abandoned a few years ago, and also Fort Richardson, and those buildings brought the Government practically not 1 cent of what they originally cost the Government.

Mr. MONDELL. No one who has any knowledge of what has occurred in previous abandonments or has any knowledge of the surroundings and conditions of Army posts imagines for a moment that any sum worth considering could be secured by the sale of these posts. The Government may have a small tract of land somewhere which could be sold for a considerable sum of money. If there is such a tract, it is probably one which the Government can very well afford to keep and have in reserve in case of war, when depots for supplies may be needed.

Mr. KAHN. Does the gentleman recall the case of Fort Walla Walla, which was abandoned a few years ago? There was a proposition to turn the fort over to Whitman College. I think \$121,000 had been expended on the post in the shape of new construction about two years before it was abandoned. Whitman College made an effort to secure the land, but some real-estate dealers in Walla Walla began to put up the price of the land, and I believe they finally offered something like \$350 an acre for it; so that is one post, at any rate, where the Government is going to get some value for its property.

Mr. MONDELL. There may be some Army posts where the Government can sell a little property for town sites. An Army post which cost the Government nearly half a million dollars in my own State was abandoned some years ago and ceded to the State. It has been somewhat of a white elephant on the hands of the State ever since.

A MEMBER. Cede it back.

Mr. MONDELL. The gentleman says "cede it back." I think we would have to do it when there was nobody on the floor of the House that understood the situation. I do not think that the Government wants to be handicapped with that sort of property. Army posts are, in the main, a considerable distance from the large cities. The War Department suggests that we might use them for the purpose of suburban residences. Imagine the splendid Army post in the district of my friend from South Dakota being used for the purpose of suburban residences. It is now an up-to-date post, in a delightful climate, with a large reservation, with enormous forest reserves immediately adjacent.

No finer place for maneuvers could be imagined than in that territory belonging to the Government immediately adjacent to this post. And that is so with nearly all the northwestern posts, which have, most of them, large reservations and near them great mountain forest reserves, an ideal location for maneuvers, where the Government owns millions of acres of land, where maneuvers of all kinds can be carried on without the danger of trespassing on any man's property.

Furthermore, they are in a territory where there is often use for the Army in fighting great forest fires. A year ago last fall, up in Idaho and northern Montana the troops proved themselves exceedingly useful and valuable in helping to put out the forest fires.

In several instances the troops were the only considerable body of men available in the first instance, and except for the

presence of detachments of Cavalry and Infantry the fires, which destroyed millions of dollars worth of Government property in timber, would have destroyed very much larger areas of Government timber.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. RUCKER of Colorado. Is the gentleman aware also that the department is committed to the policy of ordering these troops to put out these fires wherever they can be reached?

Mr. MONDELL. I think the department has never at any time declined to cooperate with the Forest Service where a request has been made, and ordinarily the men are glad to do it, because it gives them exercise and gets them out into the field.

Mr. KAHN. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. KAHN. I want to call the gentleman's attention to the fact that in fighting forest fires many soldiers have lost their uniforms, or, at any rate, their uniforms were so seriously damaged that they had to be replaced. The War Department recommended that the soldiers be paid for this damage, and they ought to be paid. I have not heard that any bill has been brought in by any committee of this House to refund this money to the soldiers, and I dare say that much of the enthusiasm that they have displayed heretofore in putting out forest fires will be dampened in the future if they find that when their uniforms are ruined in doing such good work they will not be paid for the destruction.

Mr. MONDELL. Well, the enlisted men of the United States Army are fine fellows, and I think they would be glad to help put out forest fires even though they might get their uniforms smudged a little. Of course, if any uniforms have been lost or seriously damaged in that way the Government should replace them.

As I said a moment ago, this is one of the first fruits of the proposed imitation of the plans and policies of the armies of military monarchies in Europe. Because in Europe they concentrate their troops in large garrison towns, forsooth, it is a good thing to do in the United States; and yet the very committee that reported the bill encouraging the War Department to move in the direction of that kind of a policy did not have enough confidence in the War Department to leave them free to change the Army uniforms.

If we need any new military posts I have no objection to their being in the hills of Tennessee or Georgia, if they have a country down there that is suitable for the housing of troops, healthful, invigorating in climate. I have no objection to our having any number of Army posts there if we need them, but I do object to the Government abandoning its first-class and up-to-date property in the Northwest along the Canadian border, on the plains, in the mountains, in the finest climate in the world in which to grow and train men. Abandon them, turn them over to the owls and the bats, and then give the War Department an opportunity to spend \$5,000,000 for building an Army post somewhere else. One of the finest Army posts anywhere in the country is in the district of my friend from Colorado on the other side of the aisle, a fine post centrally situated in a fine climate.

Mr. RUCKER of Colorado. Will the gentleman yield for a question?

Mr. MONDELL (continuing). And in every way suitable for a military post, with new buildings, and yet if they leak, they must continue to leak because the War Department is prohibited from repairing them.

The CHAIRMAN. Does the gentleman yield to the gentleman from Colorado?

Mr. MONDELL. I do.

Mr. RUCKER of Colorado. I think the gentleman said that Fort D. A. Russell was the newest brigade post. Fort Logan, I believe, is the newest regimental post, and it is an up-to-date post, and yet within the last two years it was reduced from a regimental post to a recruiting station, and there are over \$500,000,000 of the Government's money in the mint at Denver unprotected by any troops other than by those at Fort D. A. Russell.

Mr. MONDELL. All a mistake; all of this policy of so-called concentration is a mistake, from anybody's standpoint, except from the standpoint of officers who do not get close enough to the American people to understand the theory on which we maintain the Regular Army Establishment. We do not have to mass our troops on the borders of a hostile enemy, as France and Germany are compelled to do, or as they feel they are compelled to do. We are not compelled, thank God, to mass our troops in the vicinity of great cities to put down riot, and I hope the day will never come when that will be necessary in this country. We maintain our Army as the nucleus of a war establishment.

It should be scattered, not too widely; there should be some brigade posts; and if we needed another brigade post I would have no objection to have it at the point suggested by this bill; but, in the main, the regimental post is the ideal post for an Army like ours. It brings the soldier in contact with the citizens; it places him where he is available in the training of the National Guard; in case of war the various posts may be used as points of rendezvous. It brings the citizen soldiers together and trains them for warfare. Our distributed system of military posts is not an accident. It is the result of carrying out of the fixed policy of the American people touching our military establishment, and it will not be departed from, in my opinion. Following the suggestion of the gentleman from New York [Mr. FITZGERALD], I shall not be at all surprised if within a year we should have recommendations from the War Department for the regarrisoning of posts heretofore abandoned.

Fort Assiniboine, for instance, up on the Canadian border, in Montana, no more ideal location for troops on earth than that great post; up to date, splendid buildings, and I think there are some 25,000 or 30,000 acres of land or more for which the Government is going to get nothing. It will be settled upon, it is now settled upon, and it will be taken under the homestead law.

Our present distribution of the Army is ideal. The troops ought not to be permanently kept in large bodies. It is not in the interests of the military establishment or the morale of the Army that they should be. And it is easy to bring them to common maneuver grounds. Out in the Dakotas, and in Wyoming, and in Montana, and up north along the Canadian border in New York, there are innumerable localities where troops can be cheaply assembled and where, in connection with the National Guard, maneuvers can be carried on to the advantage of the National Guard and of the Regular Army.

In my opinion we will not depart from our past policy—no matter who may temporarily recommend it—in this bill.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. BURKE of Pennsylvania. The gentleman seems to be so thoroughly informed that I would like to have his views on the practical disadvantages of concentration of these troops.

Mr. MONDELL. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has nine minutes remaining.

Mr. MONDELL. Mr. Chairman, there are innumerable objections to concentration. In the first place, the proposed concentration means the abandonment of at least twenty-five to fifty millions of dollars of Government property for which I do not believe the Government would receive a million dollars all told. It means the expenditure of at least \$50,000,000 to erect the buildings necessary for the proposed concentration. And when it is done, what have you? The massing of troops in the vicinity of large cities. The idea is, I believe, that officers be given commutation of quarters, as they are in Europe, so that they can live in the cities.

Mr. BURKE of Pennsylvania. Does the gentleman believe actual economy in the matter of administration would result from concentration?

Mr. MONDELL. I do not. The War Department says they can save two and one-half millions of dollars in the matter of transportation. If there is anyone under heaven who can explain how that can be done I shall be glad to be convinced. Say we have five great Army posts and it is necessary to move the troops, or advisable to move them, as we do now, from one post to another occasionally. Is the map going to be shrunk any by this policy of concentration? It is going to be just as far between two given points as it is now. Will it cost any less to move a brigade from the proposed post to the Pacific coast than it would be to move the same brigade from two or three posts nearer the Pacific coast?

Mr. MARTIN of South Dakota. If the gentleman will yield at that point, I would like to say that the figures of the War Department on this subject, or of the board, appear to be that they would spend 90 per cent and only save 10 per cent, evidently made up on the theory that after they got the troops concentrated in a few large posts they will simply keep them there.

I think the experience in the last year shows just what would happen under that system as compared with the present system. Last year we wanted troops upon the Mexican border, and they had to be taken there, and it would have cost the Government just as much to have taken the troops down there from a few large centers as it did cost to take them from the various posts from which they came. I know from personal observation that the troops from the intermountain posts were among the first

to get their entire regiments upon the Mexican border. They got there just as quickly and just as economically as they could have been brought from any part of the United States.

Mr. MONDELL. Mr. Chairman, the whole thing is ridiculous beyond words. I am amazed that any officer would put his name to the suggestion that by concentration you would reduce the cost of the transportation of the Army, as my friend from South Dakota [Mr. MARTIN] says, nine-tenths of its present cost.

Mr. TILSON. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Connecticut?

Mr. MONDELL. With pleasure.

Mr. TILSON. Did I understand the gentleman from South Dakota to say that the troops from the northwestern posts reached Texas as quickly as any troops from other parts of the country?

Mr. MARTIN of South Dakota. In substance, I said that the getting of the troops from the intermountain posts to the Mexican border was accomplished with the same promptness as the getting of the troops there from the other parts of the country.

Mr. MONDELL. Mr. Chairman, we never will have an Army so large but that in time of war all available troops must be utilized. Is there anyone who proposes an Army so large that if we are attacked in Florida, for example, we will use only the troops from the proposed post of concentration in that neighborhood; that if we are attacked on the Mexican border we will use only the troops stationed in Texas; and if we are attacked on the Northern border we will use only the troops from the posts located in that neighborhood? No. Nobody proposes that. We shall never have an Army large enough but that in case of hostilities the whole Army will have to be moved. And how, under Heaven, can you move the troops more cheaply if you have them concentrated in five or six camps on the borders of the country than you can if they are scattered generally throughout the country? There, gentlemen, is a proposition in mathematics which the gentlemen of the War Department will need more time than they have as yet taken to work out.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from California?

Mr. MONDELL. Certainly.

Mr. KAHN. I think the gentleman misunderstands the policy of the War Department in regard to the moving of troops. The policy, as I understand it, is this: When one of these brigade posts shall be established, then it will be the policy of the War Department to get the recruits that may be enlisted for the Army within the vicinity of that brigade post into that brigade post, and thereby save a great deal of money for transportation, instead of sending the recruits to a far distant post.

Mr. RUCKER of Colorado. It will work just the other way.

Mr. MONDELL. Why, Mr. Chairman, the gentleman from California does not certainly agree with that proposition. Where do we secure our recruits? From the body of the people in all parts of the country. The cheapest way to secure recruits and have them brought to the posts where they can be trained is to have the posts scattered throughout the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Instead of it being a measure of economy it would greatly add to the expense.

Mr. KAHN. The testimony before is that most of the troops come from the large cities.

Mr. MONDELL. I do not understand that is true.

Mr. LOBECK. It is not true in time of war.

Mr. HELM. Mr. Chairman, I had not intended to address the House any further on this subject of the Army posts, but it seems to me that, in view of the position that some of the Members are taking on the subject, something ought to be said to correct what I believe is an entirely mistaken idea, and especially the views expressed by the gentleman from Wyoming [Mr. MONDELL]. It seems to me that it is such a simple proposition, in its last analysis, that the concentration of these troops in a few quarters is a cheaper proposition than keeping them in 176 different quarters, that it ought to go without saying. The illustration of the proposition might be stated in this way: Here are a man and his wife with five or six children. Would it be a matter of economy to maintain a separate establishment for every child in the family? Remember that the War Department is spending millions of dollars for heating, lighting, plumbing, furnishing, and equipment, and all the running expenses connected with the establishment. If it would not be economical in the case of one family, then if you multiply that

proposition by 10,000, you can at once grasp what it means to be keeping these troops in this multiplicity of places.

The gentleman from Wyoming [Mr. MONDELL] seems to think that this entire proposition hinges upon the question of the transportation of troops. As I have stated before on the floor, these Army quarters are comparable to small towns or cities. You have expensive heating and lighting plants. You must have your waterworks, your reservoirs, your sewage system, and miles of roads and concrete sidewalks at every one of them. The question of transportation enters but a small way into the proposition of maintaining the troops in these quarters.

I do not want to make war on any man's pet project in the shape of an Army post. The gentleman from Wyoming [Mr. MONDELL] lauds and praises these posts that are situated out in the Northwest. I do not vouch for the statement, but I hear it here and there—on the wings of the wind, in the language of Henry Watterson—that the winds are so severe in those Northwestern States that they actually drive the soldiers crazy. The only recommendation that the gentleman from Wyoming [Mr. MONDELL] can give for his pet project is that it has a good climate. I submit to the intelligence of this House that there are other more vital elements for consideration than climate. You can not live by bread alone, and you can not maintain an Army post simply for climatic reasons. It can not subsist simply because it has a good climate. There is a great deal of good climate in this country.

Now, I want to make this further suggestion to the gentleman from Wyoming: It is your baby that you are spanking here. This War Department, that you say is so badly out of joint, has been under the control and administration of the Republican Party for over 16 years, and all of these mishaps and misadventures of which you are hearing on the floor of the House belong on the doorsteps of the Republican Party. [Applause on the Democratic side.]

Mr. MONDELL. The gentleman is also aware of the fact that the War Department never got wrong in these matters until we got a Democratic majority in the House to influence the Democratic majority in the War Department.

Mr. HELM. It is a wonderful influence that the Democratic majority in the House has on the War Department.

Mr. MONDELL. It seems to be remarkable.

Mr. HELM. The Democratic majority found a condition to exist there which was in existence long before there was any Democratic majority. In the language of a very distinguished gentleman, we simply turned on the light, and lo and behold, according to the statement of the gentleman from Wyoming [Mr. MONDELL], what have you?

Now, I want to remind this House once more that since the 1st day of May, 1898, the day of the Battle of Manila, the War Department has expended \$2,149,275,766.11, and the military establishment of the War Department has expended \$1,456,000,000. When I say the War Department, that includes the civil establishment, the entire expense. The military establishment relates exclusively to the maintenance of the Army.

Mr. MONDELL. Will the gentleman yield?

Mr. HELM. Certainly.

Mr. MONDELL. I assume that because of the fact that the military establishment has cost a great deal of money, the gentleman feels justified in supporting a measure which will take \$5,000,000 more out of the Treasury in order that it may be wasted in additional Army posts.

Mr. HELM. The answer to that is that whenever you, as a business man are conducting a business that is losing money, will you continue to run the business or quit it and get out of it? Here you are; you can not deny the fact that this Government is spending a stupendous, a staggering sum of money, and what have you for it?

Mr. MONDELL. We have got some mighty good Army posts up in the Northwest that they propose to abandon and build some others down in Tennessee.

Mr. HELM. But you can not make an army out of army posts alone. The Army is a fighting machine. An army is in battle what the twine binder or the thrashing machine is to the farmer at harvest time. When your machine does not give good results, it does not pay any man to fool with that machine. He is losing time, he is losing money and wasting his crops. The Army as such is intended to fight with, and here is the statement of a man who has been 21 years in the service of the Government in the War Department, who has devoted his life work to the study of military affairs, and I am going to take the time to read a few extracts from his statement to show you that you have not an army and you never will have an army, and the reason that you can not have an army is because you are going in the very opposite direction from that

which you should go. You are practicing a system that destroys an army instead of making one. As long as you quarter your Army in these scattered Army posts you may spend \$2,000,000,000 and you can not have an army. It is the most gigantic, stupendous, monumental piece of stupidity, I think, that a government ever stood for.

Using again my illustration to the gentleman from Wyoming, did you ever play football—ever see a game played by trained experts? Do not you know that these men have to work months and months together in teamwork? Here you have a division, a so-called division of the Army, known as the eastern division of the Army, scattered from Canada to the tip end of Florida, but you have not anything in it that resembles a division.

Scattered all over the country here and there are a few companies that I doubt ever saw each other. Now, you are going to set them in a game and play the game. You go to Maine and California and gather up a few football players and bring them to Washington to play against a trained team, and what kind of success would you have? The mere statement of the case furnishes the answer.

Now, I want to read something that this officer says. I am reading from the statement made by Maj. Shelton. Many of you no doubt know him.

Mr. MURRAY. Will the gentleman yield?

Mr. HELM. With pleasure.

Mr. MURRAY. Before the gentleman reads the extract I want to make a suggestion to him for the purpose of getting clearly in my mind the absolute necessity of a much greater establishment of the Regular Army than the gentleman seems to advocate. If we are to have the mobilized forces and still have the same degree of protection that we are now fortunate enough to have in the protection from foreign foes in the country, may I ask whether or not we could maintain in this country a standing Army large enough to protect the country and still have the same efficiency that the gentleman says is so essential?

Mr. HELM. The question of the gentleman is somewhat involved and is not intended to be taken seriously. No one expects the Army to be converted into a quasi fire department; but I will say this to the gentleman, that one well-organized division of the Army in tactical organization is worth more than all that you have now in its present shape. In other words, one division of our Army organized and in fighting trim is worth more to the United States than the four divisions that you have with no organization.

Mr. MURRAY. Well, surely that division would not be of much value if it were on the eastern border for the purpose of protecting the western border of the country.

Mr. HELM. Does the gentleman mean to say that the soldier has to fight fire or anything in his own back yard in order to put up a fight?

Mr. MURRAY. Well, the soldier who is wise, if I have been correct in my reading of military warfare, picks out his own back yard rather than the other fellow's back yard and tries to get him in it.

Mr. HELM. Does the gentleman think that because he could fight well on the Atlantic coast he could not on the Pacific coast; that his training that he has had on the Atlantic coast would not train him to fight on the Pacific coast?

Mr. MURRAY. Not so; but it will take some time to take him over there. In other words, if you are going to have a system of large organizations in separate places the places must be very few, and a tremendous number of places must be left unprotected, and therefore it is unwise to maintain mobilized centers with so many other places unprotected.

Mr. HELM. Well, I am a little unfortunate in not following the gentleman as well as I might have done, but I understand that it is the present intention of the War Department to maintain as many of the troops on the Pacific side as it does on the Atlantic side so that if there is any occasion for troops on the Pacific side, why, there they are. They would be trained as efficiently on the Atlantic side as on the Pacific side, and vice versa.

Mr. MURRAY. Now, the purpose of my inquiry is to determine whether or not they can do that without a tremendous increase of the present force.

Mr. HELM. There is no occasion for an increase in the force. What you want is organization of your present force.

Mr. KAHN. Will the gentleman yield?

Mr. HELM. A small organization organized for fighting purposes, on fighting lines, on a fighting footing, is better than a large organization which is unorganized.

Mr. KAHN. Will the gentleman yield?

Mr. HELM. I do with more than usual pleasure.

Mr. KAHN. Thank you. As I understood the gentleman, his contention is that the Army should be organized either into

tactical or geographical units. Is that the position of the gentleman?

Mr. HELM. Never into geographical; what has geography got to do with the Army? That is what you have done; you have got it on geographical lines.

Mr. KAHN. Does not Maj. Shelton, from whom the gentleman is going to quote, say that the Army ought to be organized either into tactical or geographical units? Does he not say so specifically?

Mr. HELM. Tactical; not geographical.

Mr. KAHN. I think if the gentleman will read Maj. Shelton's testimony—

Mr. HELM. Will the gentleman explain to me what geography has to do with organization?

Mr. KAHN. Certainly I will. At present there are three divisions of the Army—one on the Atlantic seaboard, one in the center of the country, and one on the Pacific slope.

Mr. HELM. What does that mean; what does it amount to?

Mr. KAHN. Now, the idea is to concentrate in each one of those divisions enough troops to organize the troops within the geographical district into tactical units, so that there will be a proper proportion of Infantry, Cavalry, and Artillery in each geographical division.

Mr. HELM. Now, what has geography to do with that?

Mr. KAHN. Well, I have just explained to the gentleman.

Mr. HELM. You can organize without dividing the United States into three equal parts. The fact that you have started out by dividing the United States into three equal parts has nothing to do with the proposition.

Mr. KAHN. That is the way in which the United States is divided at the present time.

Mr. HELM. What does it amount to; what do you get out of it; what ice does it cut, to put it that way?

Mr. KAHN. The War Department officials say it is a question of economy; that instead of having five or six departments, as they had a few years ago, they were now dividing the country into three divisions for the sake of economy.

Mr. HELM. Now, what does the division of the country into three sections save?

Mr. KAHN. It makes for economy in the matter of administration very largely and in the matter of distribution of troops.

Mr. HELM. As a matter of fact, to give you just an instance that these geographical divisions do not make for economy, there is a vacancy created either by death or by promotion of an officer who belongs to an organization of the eastern division, and his successor will, perhaps, be in or come from the western division—

Mr. KAHN. You mean that he is detailed in the western division?

Mr. HELM. (continuing). And he goes to his assignment there. Now, this geographical division does not reduce his traveling expenses. The fact that you divide the country into three parts does not get any results for you at all. A complete tactical organization, without reference to geography, is the thing desired. Now, I hope I have in a measure answered you, and I would like to proceed.

Mr. KAHN. I can not quite catch the drift of the gentleman's argument.

Mr. HELM. I must confess I am a little unable to understand the meaning of the gentleman's question, except that he just divides the country into three parts, and therefore you have an army.

Mr. KAHN. The gentleman knows that the country is divided into three parts now by the War Department, does he not?

Mr. HELM. Yes; but it does not amount to a rap for any purpose.

Mr. KAHN. Then I entirely misunderstand the gentleman. What does the gentleman propose to do? Does he propose to put our Army up in the air or put it down to the bottom of the sea? Where does he propose to put it. If it does not have to do with geography at all, where is he going to put his Army?

Mr. HELM. Naturally, it has to have a habitat, of course. It must have one.

Mr. KAHN. It does have a habitat at the present time—one division is in the East, one in the middle of the country, and one in the West.

Mr. HELM. It is scattered here, there, and everywhere.

Mr. KAHN. Is not the department trying to concentrate the Army in those three divisions?

Mr. HELM. I trust they are trying. It is time—

Mr. KAHN. When they have concentrated it in those three divisions is it not the policy of the department to reorganize the Army in each one of those divisions into tactical units so that it can be expanded or contracted when the occasion may require?

Mr. HELM. I understand you to say it is the intention of the department to do that?

Mr. KAHN. Yes.

Mr. HELM. Then I would infer it has not done that.

Mr. KAHN. The gentleman was going to read from Maj. Shelton, who was one of the strongest advocates of that policy.

Mr. HELM. I hope the gentleman feels satisfied with the position that he has taken and will let me proceed now.

Mr. KAHN. I thank the gentleman for yielding so much of his time to me.

Mr. MURRAY. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Kentucky yield to the gentleman from Massachusetts?

Mr. HELM. Mr. Chairman, how much time have I left?

The CHAIRMAN. Thirty-eight minutes.

Mr. HELM. I will yield.

Mr. MURRAY. Is it not a fact that the principal value of the Regular Army is as a nucleus for a volunteer army in time of conflict?

Mr. HELM. An army is worth nothing as a nucleus. An army is a finished product, so to speak. The more of a nucleus it is, the worse it is. The nearer you approach a nucleus, the less you approach an army.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. HELM. I have been quite liberal as to time. Let me read this, and then I will yield.

Maj. Shelton, being before the committee, was questioned along this line:

The CHAIRMAN. Including the time that you were at West Point, how long have you been connected with the service?

Maj. SHELTON. Nearly 21 years.

The CHAIRMAN. And you have devoted your life work to the study of the Army?

Maj. SHELTON. Yes, sir; to the study of the Army.

The CHAIRMAN. And you are necessarily familiar with its present organization?

Maj. SHELTON. Yes, sir.

The CHAIRMAN. Explain that to the committee as fully as you can.

Maj. SHELTON. Our present organization of the Army can be described very briefly. We have no organization of the Army as an army whatsoever.

The CHAIRMAN. Why? What is the defect or reason that we have none?

Maj. SHELTON. If we will stop for a moment to consider what an army is I think it will make my meaning clearer. An army is simply a machine—a human machine, it is true, but a machine—made up of many different parts; and these different parts are groups of men, each of which is designed to fit into its place in the complete machine. Therefore, just as with any other piece of machinery, unless each part is fitted to its place, and unless all the parts are on hand and properly assembled, the machine will not run. Our Army is not an army to-day, because, while it has practically all of the different parts of the whole, these parts have never been fitted into any place in the whole, nor has the whole ever been assembled, nor have we ever tried to operate the whole machine. Until we do this we have no army; and until we have an army, regardless of its size, we have got nothing in the way of collective military efficiency. We have individual efficiency, I think; we have highly qualified men and highly qualified officers. It could hardly be otherwise with our requirements, which are severe in both cases; but individual efficiency is not enough. Unless we can collect these individuals and make them all move together for the same purpose, we have not an efficient service; and we can not, under our present system, collect these various individuals and groups of individuals and use them for the true purpose of an army.

The CHAIRMAN. As I understand you, under the present arrangement, the Army is not efficient as an organization?

Maj. SHELTON. No, sir.

The CHAIRMAN. Does the present arrangement of the Army result in the unnecessary expenditure of money?

Maj. SHELTON. Yes, sir.

Now, I could read you much more of the statement of Maj. Shelton, putting the proposition more strongly than the passage I have read to you. There is not a particle of doubt in my mind—and I am not posing here before the House as a man of any military experience at all—that a great deal of the criticism that has been made on the floor concerning the Army is well taken. I do not believe that the officers of the Army themselves will undertake to defend existing conditions in the Army. The time has come, and it is right here, when we must face about and get better results for the money that is being expended.

Yesterday on the floor the gentleman from Pennsylvania [Mr. MOORE] told of being at Fort Monroe and standing on the fort with some naval officers, and he quotes those officers as saying that that fort was not strong enough or sufficient to defend Hampton Roads. Here is Gen. Wood's statement before this committee that it is a well-equipped fortification; that every one of these Artillery posts can defend itself against a fleet of *Dreadnoughts*; and that particularly Fort Monroe is one of the best forts on the Atlantic coast, and that it could defend itself against a fleet of *Dreadnoughts*.

Now, if the gentleman from Pennsylvania has quoted the officers of the Navy correctly, and Gen. Wood has certainly made the statement, because I read it to you yesterday, there you have the House of Representatives placed in the position

of depending upon these different departments for information, and one of them comes up here and says one thing and another one comes along and denies it and says an entirely different thing. What better result can you expect than what you are getting under such conditions? In order to act wisely you must at least have accurate information.

Coming down particularly to this bill that we have up for consideration, as a general proposition I am in favor of this concentration. The letter of the Secretary of War mentions Fort Oglethorpe as a proper place for the concentration of troops. So far I am inclined to think that it is a good proposition, but whether you are going at this proposition in the right manner is the thing to be considered. I am inclined to agree with the gentleman from New York [Mr. FITZGERALD] that time should be taken, thought should be had, and this proposition should be thought out carefully for once. The Army should take Congress more into its confidence, it seems to me. Let Congress and the Army understand each other. Let Congress know what the War Department intends, or what policy it has in view, and how it proposes to carry it out. If that were done, I believe the demands of the Army would receive a better response in Congress than they receive to-day.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from California?

Mr. HELM. Yes.

Mr. KAHN. My friend from Pennsylvania [Mr. MOORE] is not in the House, but the gentleman from Kentucky has referred to a statement made by the gentleman from Pennsylvania on the floor yesterday. I am sure that the gentleman from Kentucky does not want to do that gentleman an injustice.

Mr. HELM. No, sir.

Mr. KAHN. I desire to call to his attention exactly what the gentleman from Pennsylvania said in regard to Fort Monroe. I read from page 2518 of the CONGRESSIONAL RECORD:

Mr. MOORE of Pennsylvania. I have not raised that question at all. I had reference to the other side of the water toward Cape Henry. The amendment offered by the gentleman from Virginia proposed to fortify the Cape Henry side. I have raised no question as to the sufficiency of the fortifications at Fortress Monroe, but I do raise the question, as the gentleman from Virginia does, with regard to the nonprotected coast on the Cape Henry side.

Mr. HELM. Does not the gentleman from California find the place there where the gentleman from Pennsylvania says that Fort Monroe is not sufficient or able to defend Portsmouth? In other words, he said that a *Dreadnought* could pass Fort Monroe and go into Portsmouth, provided you had a fog made to order.

Mr. KAHN. He said in effect that somebody had made a statement that that was so, and then he goes on to make this statement which I have just read. I will read what was said if the gentleman from Kentucky will permit.

Mr. HELM. Oh, I have been quite liberal with the gentleman from California, and it is far from me to do the gentleman from Pennsylvania an injustice. I think the gentleman from California will find there that the gentleman from Pennsylvania says Fort Monroe is not sufficient to protect Hampton Roads.

Mr. KAHN. The gentleman from Pennsylvania said:

It was stated on this last visit of mine to Fort Monroe that we were not adequately protected, and that in the event of darkness or possibly fog it would be easy for an enemy to go into Chesapeake Bay and begin the bombardment of Norfolk.

He does not himself state that he found it so.

Mr. HELM. Some officer told him that.

Now, Mr. Chairman, here is one of the most strategic points along the Atlantic coast, Cape Henry, and yet, if there is any weight or importance to be placed upon the statements of these officers, it would appear that instead of having fortified the gate, we have fortified the back door, so to speak.

It looks to me about as sensible for a banker to leave open the vaults of his bank and lock the directors' room. When you construct a fort 12 miles away from the entrance to the harbor, the invader is allowed to enter the vault, so to speak. I did not intend going into this, but it strikes me that there is need of some good headwork down there in that department somewhere—that we need more headwork and less expenditure of money.

The gentleman from Kentucky [Mr. SHERLEY], in discussing the fortification bill, said there had been \$49,000,000 spent on the Atlantic coast, and, according to the conditions, here is a point where the very vitals and heart of our Government, the Treasury of the United States, can be reached through Chesapeake Bay. Apparently you have fortified every other place and left the most vital strategic point of access to your Treasury and your Capital unfortified, and you are still maintaining

a fort down there that these men represent to you to be worthless. Now, I should like to know from the chairman of the committee, if Fort Oglethorpe is to be designated as one of the concentration points, what are the transportation facilities there, because transportation of supplies enters so largely into the proposition?

Mr. MOON of Tennessee. Will the gentleman permit me to answer?

Mr. HAY. The gentleman from Tennessee [Mr. Moon] went fully into that this morning.

Mr. HELM. I am sorry that I did not hear it.

Mr. MOON of Tennessee. Fort Oglethorpe is some 8 or 10 miles away from Chattanooga. There are eight railroads and a river to the city of Chattanooga. Troops can be sent in any and every direction throughout the United States by rail from Chattanooga. There is a railroad that runs through the park to the edge of the fort, that goes down to Atlanta, and there is also an electric car line from the city of Chattanooga out to the fort. The fort now has an electric plant and a water plant and all the facilities of a first-class fort. It is also suggested to me by the gentleman from Georgia that there is a belt line connecting all of these roads within 3 miles.

Mr. AUSTIN. Is not Chattanooga the greatest railway center in the South?

Mr. MOON of Tennessee. We think so. I do not know just whether it is or not. We think it is pretty nearly so.

Mr. HELM. From that it would seem that Fort Oglethorpe is well equipped on the question of transportation. The only remaining question, as I see it, is whether to proceed in the manner that this act would lead you into, and if it is to be determined finally that you are to abandon these posts and concentrate the troops whether this would disconcert a well-thought-out and well-considered plan. I am not prepared to say. I am somewhat inclined to think that if the entire proposition could progress as a project perhaps it would be better.

Mr. MOON of Tennessee. I want to say to the gentleman from Kentucky, if he will permit me for a moment, that this is a part of the project of general concentration; but before the idea of concentration was thought of the War Department and the then Secretary of War, now President of the United States, recognized the necessity of the establishment of a Cavalry post at this particular place. This recommendation has been made heretofore regardless of this plan, but you will find from the letter of the Secretary of War that the reason is set forth for it as strongly as it is possible for language to make it. And I will say to the gentleman that if a plan of concentration covering the whole country is to be carried out, there can be no objection to the beginning of that plan by the establishment of a brigade post at a point which, regardless of the plans before they were thought out, was determined by the War Department to be, for economic and strategic reasons, the best place in the whole Southeast.

Mr. HELM. Can the gentleman give the committee any information as to what posts the department proposes to eliminate if this project is carried into effect?

Mr. MOON of Tennessee. I can not because I do not know what the plan of the department is, but I want to say this: That when the troops, or a portion of the troops, which it is likely, are brought back from the Philippines, these posts and every other post in the United States in operation will be needed. But I am not speaking by authority on that question.

Mr. HELM. Mr. Chairman, as I stated before, in so far as this particular bill seems to carry out the plan which should prevail and which looks like common sense, I am inclined to support the bill.

Mr. MURRAY. Will the gentleman yield?

Mr. HELM. With pleasure.

Mr. MURRAY. The gentleman from Kentucky is the chairman of the Committee on Expenditures in the War Department. I would like to inquire of him if he can give the House any information regarding the expenditures of the War Department in the Philippine Islands. The purpose of my inquiry is that I to-day received a letter from a former Member of the House of Representatives, a distinguished representative of the district that I now represent, in which he suggests that it would be an act of constructive statesmanship to have an act passed by Congress requiring the total expenditures by the War Department segregated and charged to a distinct account. I have written to the Hon. Joseph A. Conry about that, and he has indicated to me that there is a great deal of difficulty in determining from a reading of the expenditures in the War Department just what the Philippine expenditures may be. May I ask the gentleman from Kentucky if he can give the House any information upon that matter?

Mr. HELM. The Committee on Expenditures in the War Department have had some testimony before it as to the expenditures in the Philippines, but I am unable at present to put my hand on it. I think I could state with reasonable accuracy that the extra cost of maintaining the Army in the Philippine Islands since the treaty of Paris—and by extra cost I mean the additional pay that the enlisted men get, the 20 per cent, and the additional pay that the officers receive, transportation to and from, and some other elements of cost—amounts to \$167,486,403; that is, the extra cost of maintaining the troops in the Philippines over what it would cost if they had been in the United States. This sum, given to the committee by Gen. Wood, is bound to be, as admitted by Gen. Wood, far from accurate and manifestly many times too small, because no one can estimate how many more men have been maintained in toto because of the fact that we have been in possession of the islands than would have been the case without them.

Mr. MURRAY. Were those figures brought out in the testimony before the committee of which the gentleman is chairman?

Mr. HELM. Yes. I will not vouch for the absolute accuracy of my statement; but I will make it correct in the Record.

Mr. MURRAY. May I ask also that the gentleman include in his statement a reference to the hearings where those facts and figures are found?

Mr. HELM. I will do so with pleasure—page 197 of hearing before Committee on Expenditures in the War Department. Now, Mr. Chairman, I was about to conclude my remarks with the statement that if this particular proposition did not disconcert or interfere with any plan that has been put forward by the War Department to carry into effect the policy of concentration, it is a step in the right direction.

The fact that you are abandoning property that cost the Government \$25,000,000 is no more argument against the proposition than it would be against that of a man in business that he ought to keep on against a losing proposition. The testimony before the committee was that it has cost over \$2,000,000 within the last five years for the upkeep and repairs of these Army posts, so that you can see the result within a few years if you abandon them, or that if you continue the expense of \$2,000,000 every five years to keep up these posts, you are still not saving any money. As long as you have them they are a barrier, an absolute prohibition against an organized Army as such. It would be the part of wisdom on our part to get rid of the 41 Army posts, as recommended by the Secretary of War.

I undertook to show you that the proceeds of the sale of large bodies of land that surrounded these posts could be utilized in the construction of enlarged quarters. You do not have to give immediate possession, but retain possession until the proceeds are realized, with which larger quarters can be constructed, and it looks to me as if that might be an element of consideration here. If this proposition is to be put on foot, it might have been well to have sold some of the land, disposed of some of these posts, and with the proceeds of that sale use it in this proposition. But, on the whole, I believe that it is a reasonable and safe proposition, and for myself I feel somewhat inclined to support the bill.

Mr. HAY. Mr. Chairman, I would like very much to have some understanding about concluding this debate. It has taken a wide range and has not been confined wholly to the bill.

Mr. MANN. Is the gentleman willing to concede 45 minutes to this side?

Mr. HAY. If we can reach an understanding to have 45 minutes on a side, one half to be controlled by the gentleman from South Dakota and the other half by myself, why I am willing to agree to that.

Mr. MANN. All right.

Mr. HAY. Mr. Chairman, I ask unanimous consent—I do not know that this can be done in committee—

Mr. MANN. Oh, yes; it can be done by unanimous consent.

Mr. HAY. Mr. Chairman, I ask unanimous consent that general debate may be confined to 45 minutes on a side, one half of the time to be controlled by the gentleman from South Dakota [Mr. MARTIN] and the other half by myself.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that general debate be confined to 45 minutes on a side, one half to be controlled by the gentleman from South Dakota [Mr. MARTIN] and the remaining 45 minutes by the gentleman from Virginia [Mr. HAY]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MARTIN of South Dakota. Mr. Chairman, when the Army appropriation bill was under consideration at this session, upon an amendment offered by the gentleman from Virginia [Mr. HAY] limiting the expenditures for barracks and

quarters and repairs in such manner as to preclude any portion of the fund being used for the repair of some 25 modern Army posts in different parts of the country, I made a brief discussion of the question then and now involved. There are two phases of this problem. One is purely a question of military policy; the other is the question of economy or financial management. Personally I am satisfied that the new proposition which involves an abandonment practically of four-fifths of the present Army posts of the country, upon which there has been expended somewhere in the neighborhood of fifty to seventy-five million dollars in the past decade, is not only a faulty policy from a financial standpoint, but, so far as I, a layman, a private citizen, am able to judge, is also a very questionable policy from the standpoint of military management. There have been and are now two distinct ideas advocated by prominent men in the War Department upon this subject. The idea of one class of Army men and officers is represented by our present military system in this country, and the idea of others, a majority of the present General Staff, is represented by the policy which would practically abandon the old system and, whereas we have some 49 Army posts at present, to construct 3 along the Atlantic seaboard, 3 along the Pacific coast, and 2 in the intermediate country, making 8 great posts in all, in which should be concentrated all of our standing Army—the Cavalry, the Infantry, and Field Artillery—all under one great field post.

I want to make simply one observation upon this general conflict of policy. It seems to me that the policy now advocated is based upon the theory that the Army in time of peace should be constantly not only in readiness for war, but at the point supposed to be most likely of attack from a foreign enemy, and that the policy that has been pursued under the direction and advice of the War Department is a policy better calculated to care for our standing Army in time of peace. In other words, one is a war policy and the other is a peace policy. As a matter of experience we have had no invasion from a hostile foe for a century. As a matter of probability we will have none for another century. We have some use for our standing Army in time of peace, chiefly in the Philippine Islands, where we keep a number of regiments of Cavalry, and we have had a little use for a portion of our Army for moral or political or public effect along the Mexican border recently. We will have some use for our Army down in Panama for the protection of that zone, but so far as we can look into the future and so far as we can judge of the future from the past there is absolutely no likelihood of an invasion of this country on the Atlantic seacoast or the Pacific seacoast. Why should we abandon the present system of our military establishment for over 100 years of peace upon the theory that this country is liable to foreign invasion and that we have to keep our Cavalry, our Infantry, and our Field Artillery all together and ready for an anticipated conflict. It is a piece of foolishness. Other considerations of greater importance ought to determine where we will have our Army posts and what we will do with our standing Army in time of peace. As a principle I am against the idea of concentration. There is no body of men of less service in time of peace than a concentrated standing Army, particularly in a republic. The new policy, as has been so well said by the gentleman from Wyoming, is, historically speaking, the military idea of monarchical Europe. There they have contending nations side by side, liable to spring at each other's throats at any time.

They are in readiness for war, and they must have their posts along the frontier. Here in our peaceful Republic all conditions are changed. We might have no standing Army, absolutely none. We are not liable to an invasion either from the Atlantic or the Pacific coast, or from our friendly neighbor to the north, Canada, between which country and this we scarcely take the trouble to mark the boundary line. This modern idea of aping monarchical continental Europe in the management of the standing Army of the American Republic in time of peace is as a fundamental policy, in my judgment, altogether wrong. [Applause.] I am never able to work myself up to any excitement over the annual declarations of war of our good friend from Alabama [Mr. Hobson]. I have no fear of a Japanese or any other invasion. The speed with which the troops of any foreign country may ever again land upon American soil will be redoubled by the alacrity with which they will escape after they have taken stock of their surroundings.

Mr. TILSON. Will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. TILSON. Following out the gentleman's argument, would it not be better to entirely disband the Army and get rid of the expense?

Mr. MARTIN of South Dakota. My candid opinion is that if we had not taken upon our shoulders the problems in connection

with the Spanish-American War and taken over the Philippine Islands and assisting those people to a point where they can take care of the problems of civilization for themselves, we could have gone right back to the small standing Army that we had before the Philippine trouble with entire safety and propriety.

Mr. TILSON. Having assumed those burdens and obligations, then what?

Mr. MARTIN of South Dakota. Having assumed those burdens and obligations, we had better take care of our standing Army in the posts we now have, with our real problem in view. What is that problem? We send a number of regiments of Cavalry every year over to the Philippine Islands. They live in that tropical country in a climate to which they are not accustomed. They last in active service from one to three years, and are brought back in large numbers every spring. What have we been doing with those regiments, mounts and men, when they return from that tropical climate, many of them having acquired diseases incident to the life of a white man in that oriental country? We have been sending them out into the vigorous altitudes of the intermountain west, where, upon the recommendation of the War Department for the last 10 years, we have built the most modern barracks for the men and the most modern stables for the accommodation of the horses, and in the course of a year those troops are well recuperated. We had better continue just what we have been doing. That is the only war problem that we have, namely, the sending of American boys and American horses into tropical countries and the bringing of them back and the taking of their place by others while we are recuperating again our Cavalry force for other service abroad.

What is here proposed? I want the members of the committee to consider the absurdity. First, we have a bill which, if concurred in by the Senate, will reduce the Cavalry of our standing Army from 15 regiments to 10 regiments. In other words, we are abandoning one-third of the Cavalry of our Army if we follow the lead of the Democratic Committee on Military Affairs. This House has already acted. What will follow? We have now, practically, accommodations for our Cavalry at modern, well-built Cavalry posts, in some of the most healthful parts of the country. Here it is proposed, after abandoning one-third of our Cavalry or preparing for the disintegration of it, to build accommodations for 2 more Cavalry regiments down in Oglethorpe, Ga. The policy not only lacks any financial economy or any business management or recommendation, but it tears to tatters any pretense of either a systematic idea or general policy of economy in the management of our standing Army. Has anyone upon the floor of this House undertaken to give this committee a reason why, in the face of abandoning or preparing for the abandonment or disintegration of one-third of our Cavalry troops, having already more good modern quarters than necessary to house the balance, we should proceed to build a brigade post down in Fort Oglethorpe, Ga., to house 2 full regiments of Cavalry in addition to what there is by the way of accommodations there now? It can not be justified and no one has undertaken to justify it. Has any reason been given here to the effect that that point will be any better as a place to take care of these boys who come back with debilitated health from service in the Tropics than the posts in the intermountain region, with an altitude of 3,500 feet, or thereabouts, above the sea?

No sufficient reason or argument can be given to justify any action of that sort. I undertake to say that, from the standpoint of the average layman on military affairs, the best use of a standing army in time of peace is to have it distributed as far as possible in different parts of the Republic to form a nucleus—notwithstanding the attack of the gentleman from Kentucky on that word—for the rallying together of the militia or the National Guard of the States in the effort to make with each individual citizen just as good a preparation for the war which never comes under our peace policies as could possibly be had; and the idea of concentration will not only be more expensive, because it involves the abandonment of something over \$50,000,000 worth of property, but to my mind it is absolutely a poorer policy in time of peace, even if it did not incur the additional expense.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Alabama?

Mr. MARTIN of South Dakota. Certainly.

Mr. HOBSON. Just merely to state to the gentleman that a bill is pending in the Committee on Naval Affairs upon the whole question or policy of national defense, and I believe before the session is done the chances are that there will be

available a council of national defense that can pass properly upon such a question as this without prejudice to any side.

Mr. MARTIN of South Dakota. That leads me to remember something that I might otherwise have forgotten. This Committee on Military Affairs has appointed a subcommittee from the membership of that committee to confer with the War Department in an effort to work out a general plan under which this new idea of monarchical militarism can be carried on in this country. It is considering the matter with the War Department now and has made absolutely no report, and yet before those deliberations are concluded we are asked here by that committee in one bill and another—and I will refer to some more of them in a moment—to indorse this and that and the other project, without any limitations upon them whatever, authorizing the Secretary of War to make a brigade post down at this point, with no limitation on the amount of money to be expended, no limitation on the number of buildings or barracks or officers' quarters to be erected, and absolutely no limitation upon the matter in any respect. And that, I say, is done in the face of the fact that the Committee on Military Affairs has appointed a subcommittee to work out, in connection with the War Department, a general constructive plan to be followed in case Congress should conclude to adopt this newly imported idea from Europe, which Congress has not yet adopted.

Now, I want to remind the committee that although for years the War Department has been proceeding along another line, which I think altogether a better policy, and although this new idea so recently put forth has not been passed upon by either House of Congress, much less ripened into law, the House has been asked to proceed to indorse numerous projects.

We can perhaps judge something of the desirability of this proposed system when put into legislative practice by reminding ourselves of how far we have gone along this line thus far and to inquire how well we like the policy in so far as we have proceeded in it. In the first place, I have already reminded the committee that under the Democratic leadership we have had attached to the Army appropriation bill a limitation upon appropriations which makes it impossible for the War Department to protect and preserve any of these great new Army posts until we may be able to make some disposition of them, if we ever do.

If that bill should pass and be enacted into law as it went from the House, it would make it impossible to make the simplest repairs. A hydrant bursts in the cold weather, and there is no fund provided from which it can be repaired. A roof blows off or springs a leak over a bin of corn or of oats or of hay. The damage by water may run into thousands of dollars. But this Committee on Military Affairs has asked the House to follow its leadership in a restriction which would make it impossible to put a new roof on the building or repair the old roof. In other words, it is a policy of waste and reckless neglect of public property.

Now, while we have been thus careless and thus unmindful of the Government's property, what have we been doing in other ways to encourage new expenditures? It has been argued in the report of the Secretary of War that the land and the buildings of the present Army posts should be sold, and that out of the proceeds we should build new ones.

We have not as yet directed the sale of any; but one of the first things that was done by this House under the recommendation of the Military Affairs Committee was to convey to the State of Texas a portion of the lands at Fort Clark, Tex. In the cross-examination of the sponsors for that measure upon the floor of the House it was not easy to ascertain the value of that property, but from such questions as were answered upon the floor it seemed to me reasonable to suppose it was worth in the neighborhood of \$250,000. There is a sum of money that might have been applied to the construction of new posts, if that was the policy; but it will be found, just as that precedent indicates, that comparatively little will be realized by the Government out of these old properties.

Following up the bill giving a portion of Fort Clark to the State of Texas there comes from this same committee an authorization to the War Department to investigate and make report upon the advisability of taking over some 5,000 acres, if I remember correctly, of lands down in the State of Alabama for maneuver purposes, and that bill has passed the House. There is pending upon the calendar from this committee, doubtless to be urged shortly, after this bill is out of the way, if the Military Affairs Committee does not lose its standing upon Calendar Wednesday, another proposition of some interest, House joint resolution 118, authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver

camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina. Here, before the Congress has even adopted a change of policy, we are asked to adopt new propositions looking to the establishment of large new military enterprises in the districts or States of the men interested.

Something has been said in the newspapers against various Army posts in the Northwest, upon the theory that they were political posts. What do we mean by political posts? I suppose we mean posts designated by politicians or by public men in legislation. I have looked through the list of Army posts in the Northwest, and I find that comparatively few, indeed, have been established by legislative act. The only post near the locality where I live was established back in 1878 by the Secretary of War himself as a military necessity. At no time has Congress had anything to do with it, except at such time as the War Department has sent in its estimates for new buildings or for the support or maintenance of posts. Yet here we are starting out, under Democratic leadership, with a swift, unconsidered method of establishing Army posts and maneuvering points practically all through the South. Texas, Alabama, and Tennessee are heard from thus far, and Georgia is now before the House.

Political posts, indeed! I suppose if, in the revolution of the political wheel, the Republicans should be in the majority next time, if the example of our Democratic friends is to be followed, we would have a like number of bills reported out of the Military Committee creating similar establishments in the Northern or Western States. And if by another revolution the country should conclude that that sort of uneconomic management is poor, whether it emanates from one or the other of the great parties, and our friend, VICTOR BERGER, and his Socialist cohorts should come into control next time, we would have maneuvering grounds in Milwaukee and other great municipal centers. I want to say that you are forcing this question of Army management into politics and into sectionalism. Certainly, if we are to embark upon an entirely new system we ought to do it with decency and with deliberation and upon the recommendation of some proper board which may present the entire plan and designate the places where these great new posts should be established.

Just a word as to the defects in this particular bill before I take my seat. They have already been called to the attention of the committee by the gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations. It is nearly 12 years since I first became a Member of this House. I do not recall at any time a bill passing this Congress and becoming a law that was drawn with the same looseness and recklessness in the expenditure of public money with which this bill has been prepared.

The Secretary of War is authorized to convert a regimental Army post at Fort Oglethorpe into a brigade post. He is simply authorized to make this transformation. What does that mean? It means increasing a regimental post by the addition of barracks and officers' quarters, all of the various improvements necessary to make it competent and prepared for caring for three regiments instead of one.

There has been expended now \$1,400,000 on the post, and it would indeed be a confiding Representative who would be willing to hazard a guess that less than \$1,000,000 for each additional regiment, making \$2,000,000 in all under that general authorization, will be expended in the conversion of that post from a one-regiment to a three-regiment post.

The Secretary, in section 2 of the bill, at his discretion, may locate and construct the buildings necessary for use of the troops of the brigade at any point in Chattanooga and Chickamauga National Park, whether the same is contiguous to Fort Oglethorpe or not.

How do you suppose the Government money would be likely to be expended in a broad authorization of that kind? In section 1 he is authorized to increase the capacity from a regimental to a brigade post, and in section 2 he does not need to expend all of the money at Fort Oglethorpe, but he may put it anywhere in that national park of six or seven thousand acres in extent. If the War Department, in advance of adopting this general policy, is to begin to apportion out its supposed benefits to localities, let us, in the name of consistency and good legislation, define what buildings are to be constructed and place upon them a limitation of cost. Let us not take away our legislative authority and transmit it to any men or single individual, however great or prudent or however much confidence we may have in their business sagacity or the good pur-

pose of the present Secretary of War. We all know that administrative officers, in the very nature of things, are not permanent as to tenure of office.

How have the posts in the Northwest been built, one after another? Invariably by an estimate coming for the construction of the particular barracks to cost so much, a riding hall to cost so much, or improvement of roads within certain limitations, item by item, specifying as to the amount that can be expended. Under this authorization we say to the Secretary of War: "You have a free hand; go down there and make a post that will take care of three regiments of Cavalry; house the men and officers and mounts; build these buildings, just as you please—of stone, of brick, or granite, or what not—expend upon them as much as you see fit; you are not limited as to any particular part of the work or as to the aggregate amount. You are held accountable to no one except to bring out the result."

I may be wrong, Mr. Chairman, but I very much doubt whether this House of Representatives has as yet reached the point, even under the leadership of the present Committee on Military Affairs, where we are willing to legislate in this reckless and inconsiderate manner. I now yield five minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Chairman and gentlemen, there is one thing that attracts me in listening to this debate. Gentlemen speak about the great expenditure for the Army, but do not take into consideration that most of this money is spent at home; that it is not money wasted or thrown away, and that in the present system of Army posts scattered throughout the country, the money is probably more evenly distributed than it could possibly be if you had a centralized Army-post system, where a few great Army contractors would get together and handle these Army supplies. I think that is worth taking into consideration when we contemplate cutting down the Army posts and concentrating the troops at a few points for the sake of economy. Now, I have no objection to this bill if properly drawn. I have no objection to their having the post advanced to a brigade post in the South that is now only a regimental post, nor have I any objection to cutting down or doing away with some of the Army posts that are not needed, but I think in this wholesale reduction of Army posts, there is very little wisdom being shown. A great many of those posts have not been built more than from 5 to 10 years, many of them for even a less time. They are on the great transcontinental railroads. We have one in my State that has three transcontinental railroads and, in addition to that, a railroad leading up to the Canadian border and another that will lead to the Mexican border, giving those facilities of transportation from that post. I have reference to Fort George Wright. A gentleman speaking awhile ago in reference to these Army posts said they were where the winds would blow and the soldiers would go crazy, and all that. I want to say that the most of the Army posts in the West, when it comes to location, are ideally located for health and for the comfort of the men. Fort George Wright is located close to the city of Spokane, a city of 125,000 people, and I venture to say that anybody who has ever seen it will not dispute my assertion when I say it is a city almost alone in its class—that there is not one out of a thousand of its size which can compare with it either at home or abroad. It is 10 hours railroad from Puget Sound, the greatest harbor that we have got in the United States, and I think the greatest harbor in the world. There is no reason in the world for the abandonment of that Army post, because some Army officer whose wisdom is perhaps not any better than that of some other man, has conceived the idea of the concentration of troops. You get a great number of troops together and you will have these maneuvers to make this Army the good fighting machine, as the gentleman from Kentucky spoke about awhile ago. You get this great Army together and you will then only have these general maneuvers maybe once or twice a year. They will only get the practice very slowly and they must learn the rudiments of their work in small bodies just the same as they are drilled now in small Army posts.

Mr. Chairman, I believe in economy, but I believe that when we get to the policy of concentrating our troops at a few points near the largest cities that we are moving a step in a radically wrong direction. I am against such a policy.

Mr. BURKE of South Dakota. Mr. Chairman, my colleague was called from the Chamber and asked me if I would control the time on this side; and, unless there is some gentleman on this side who desires to speak, I yield 10 minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. HAY. Mr. Chairman, how much time has the gentleman taken?

The CHAIRMAN. The 10 minutes will complete the time on the other side of the Chamber.

Mr. HAY. I would like to yield to some gentleman over here if it will not inconvenience the gentleman.

Mr. BURKE of South Dakota. Go ahead.

Mr. HAY. I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, the purpose of this bill is to incorporate, as I understand it, the recommendations of the War Department for the reduction of the number of posts in this country in order to economize in the expenditure of money for the support of the Army—

Mr. MONDELL. Will the gentleman yield for a question?

Mr. CULLOP. Yes.

Mr. MONDELL. Will the gentleman explain to the committee how the building of this brigade post will lead to an economy or the reduction of the number of troops in the country?

Mr. CULLOP. That is the very purpose for which I intended to speak, and will do so before I am through.

Mr. MONDELL. It will be interesting to hear it.

Mr. CULLOP. It is to begin the plan, as I have said, of preparing for a concentration of the Army of the country, and I find that this plan has been recommended by the present President of the United States when he was Secretary of War, and every Secretary of War since 1905, and the plan is recommended by them all down to this time, and the reason that the War Department says that it has not been consummated up to this time is the reason urged by the last gentleman who spoke on that side of the Chamber. It is for the purpose of keeping and maintaining the post in his district and, as he said, it was a more equitable distribution of the public moneys throughout the country. So that if you are to take that argument and reduce it to the last analysis the argument would mean a large expenditure of money irrespective of the good that would be derived, because it would furnish to the individual Member the maintenance of some public institution in his district. Now, let us see what has been the result of this system, which largely began its growth at the close of the Spanish-American War. It had a new impetus then. Up to the time of the breaking out of the Spanish-American War we had a standing Army of 25,000 men, including the officers, that cost the people of this country to maintain about \$23,000,000.

To-day we have a standing Army of about 94,000 men, and it is costing this Government over \$110,000,000 annually with which to maintain it. Is the country deriving the amount of benefit from that expenditure that it should? I think every gentleman on this floor will at once say that it is not. Posts are maintained in this country to-day for the purpose simply of distributing the public revenue in expenditures for purchases that are made for supplies in the cities around these posts. They have been established and kept up largely as the "stalking-horse" upon which gentlemen's political interests may ride to success. And if a Congress is to expend the people's money, that which is raised from the people by taxation, for the purpose of keeping some man in office, it is not meeting the requirements for which this Government was established. What is the result? The cost of keeping up these posts is constantly being added to the expenditure of the country by the distribution of the Army so that they may be occupied, without any good result either to the drilling of the Army to make it more perfect for use or for the benefit of the citizens of this country.

If concentrated, as the proposed plan would necessarily do, the expense of maintenance would be reduced per capita and the efficiency would naturally be enhanced. Means of transportation of both men and supplies are so abundant, radiating to every section of the country, as would enable a reduction of cost in both and would furnish the basis for reducing the original cost in the purchase of all supplies. The same business rules apply to this matter that apply to other business propositions. Concentration of business projects are made in other matters in order to lessen operating expenses. Such rules apply here with as much pertinence as in other business pursuits. There is no difference in their application. If you oppose this policy, my Republican friends, you are opposing the recommendation of every Republican Secretary of War since 1905. The present Chief Executive, when Secretary of War, recommended the policy, and the present Secretary of War recommends it. The officers of the Army recommend it. The policy is a wise one and will eliminate much of the extravagance now existing in the maintenance of the Army and which calls for attention from Congress, because the country demands retrenchment in this particular, and we should respond to that demand. The cost of our standing Army has been growing annually at an alarming rate, without a corresponding efficiency and without a corresponding benefit to the public welfare. This policy will, as the officials show, increase efficiency and reduce the

cost. Is not that a controlling feature, one sufficient to command support for it? To my mind it is amply adequate to justify our action and vote for its adoption.

Local conditions too often control the action of Members against policies beneficial to the whole country. Such influences should be subordinated where public weal is at stake.

Public benefits are the desirable objects to be attained in public service, and all other considerations should be waived. The wishes of the public, the citizen whose fealty to his country's welfare inspires his support or opposition to a measure, is worthy of attention in the adoption or rejection of a measure and should not be ignored. The public approves the policy proposed on this subject. It is a wise policy and inaugurated for the benefit of the Army, the public service, and the public good, and personal considerations of Members to preserve the posts in their districts should not secure its defeat or militate against the establishment of this or any other measure which will curtail extravagance. That it will be of such benefit there can be no doubt as a business proposition, and good business methods approve it. The cost of maintenance can be under such a policy largely reduced below what it now is. It is well worth consideration to investigate the growth in the cost of this department and ascertain its cause. Those charged with its management attribute much of it to be in the matter which this policy proposes to remedy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. Mr. Chairman, I would like before beginning to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLMSTED. Before beginning, I desire to yield two minutes to the gentleman from Montana [Mr. PRAY].

Mr. PRAY. Mr. Chairman, I had no intention at first of making any remarks on the subject of this bill, but in listening to this very interesting debate it occurred to me that I should like to address myself to one or two phases of this important question relating to the Army which is now under consideration. The first is this: It appears from the discussion by gentlemen of the committee that it is very desirable to have places in the United States suitable for the recuperation of troops who have been on campaign in the Tropics. Some reference was made by the gentleman from Wyoming [Mr. MONDELL] during the course of his remarks to an Army post located in my State. He referred to Fort Assinniboine. Now, in order to throw some additional light on this question this afternoon I want to tell you about Fort Assinniboine. This post was built some 25 years ago of stone and brick, and is said to have cost nearly \$2,000,000. It is situated in the northern part of my State, on the Canadian frontier, within 50 miles of the Canadian line. The reservation consisted of 343 square miles. It was one of the most magnificent reservations in the entire country, with a splendid climate, a location consisting of mountains, plain, and valley, suitable for all kinds of maneuvers of every branch of the Army—of Artillery, of Infantry, and of Cavalry. Why, only a few years ago \$386,000 were expended in repairs on this post. Here it was that the Twelfth Regiment of Cavalry got its training for two or three years previous to the outbreak of the Spanish-American War.

The officers and men of this regiment were as fine specimens of physical manhood as could be found in the Army. That they gave a most excellent account of themselves on San Juan Hill is a matter of history. My recollection is that out of 22 officers of that regiment 11 were either killed or wounded. There never was a better place in the country for the recuperation of troops coming from the Tropics than Assinniboine, and the same thing may be said of Forts Harrison, Missoula, and Keogh. The latter post, with a reservation of 57,000 acres, has been turned into a remount station. Fort Assinniboine was abandoned last November while I was en route to Washington, and now it appears that Forts Missoula and Harrison, with 23 other posts throughout the North and Northwest, have been selected for abandonment. According to the Secretary of War in his report for 1911 these Army posts have cost nearly \$100,000,000. And now it is proposed to abandon them in the interests of economy. If I really thought that this movement would result in economy or any substantial saving of money in the maintenance of the military establishment, it would be a different proposition altogether. But what appears to be the situation in this regard at present?

A few days ago a resolution passed which is intended to result in the purchase of maneuver grounds in the State of Alabama, and to-day we have a bill before us for the establishment of a brigade post in Georgia at a probable cost of five hundred thousand to seven hundred thousand dollars. Why this great expenditure of money for maneuver grounds and Army posts

when the Army is abundantly provided for in this respect in all sections of the country? In the limited time at my command I shall not be able to say all that I should like to say in opposition to this alleged scheme of economy. But the ground has been thoroughly covered by others, and I shall not attempt to do more at this time than to record my protest against what appears to be the plan of the majority to abandon these splendid Army posts and reservations now owned by the Government in order that other reservations may be purchased and other posts established in other sections of the country.

Mr. OLMSTED. Mr. Chairman, this bill proposes to convert the regimental Army post at Fort Oglethorpe, Ga., into a brigade post. In its original form it proposed an appropriation of \$700,000 for the enlargement of that post. The committee recommends the striking out of that provision, because it says:

The necessary buildings can be provided for from current annual appropriations.

But the second section of the bill confers unlimited authority for the construction of buildings at any point in the Chickamauga and Chattanooga National Park, whether contiguous to Fort Oglethorpe or not, and with no limitation whatever upon the expense.

Now, with the merits or demerits of this particular proposition I have very little knowledge, and therefore shall not speak upon that subject. But I agree with the gentleman from New York [Mr. FITZGERALD] that it is unwise and not in the interest of economy to be appropriating for Army posts here and Army posts there and everywhere, without having in mind any definite plan.

There was a definite plan looked forward to and provided for to a certain extent a few years ago, when in pursuance of an act of Congress there was appointed a commission, of which, I remember, Gen. Nelson A. Miles was a member. I think he was the head of it. It was a commission composed of able and experienced Army officers, including some of the most distinguished Army engineers. They investigated the whole subject matter. They traversed the country from the pine forests that used to exist in the State of Maine down to the Everglades—about which we hear so much—in Florida, and from the Atlantic coast to the Pacific coast. They reported at great length and in great detail upon every place that was suggested as an eligible place for an Army post or camp. They finally recommended the establishment of four camps in different parts of the country. One was at Mount Gretna, in my district, and there certainly is no more desirable point in the United States.

It is a place that is used from time to time for the encampments of the National Guard of Pennsylvania, an organization numbering nearly 10,000 men. It is a place that has been used by the United States troops for target practice and for other purposes. It was used as a concentration camp during the War with Spain. It has not only a desirable climate most of the year, as this Fort Oglethorpe is stated to have, but it has such a climate all the year that troops can be drilled there without the slightest inconvenience from undue heat in summer or undue cold in winter. It has the advantage of being splendidly watered with the purest water imaginable and well drained. It has the advantage of two railroad systems. It is not far from the Chautauqua encampment; it is not far from the camp-meeting grounds, so that the private soldier may have the advantage of religious and literary instruction and entertainment. The officers, if they must needs have city life, as we have been told, may run down the road a few miles to the beautiful city of Lebanon, or they may go down the other way to the beautiful city of Lancaster; or, better still, they may come up to Harrisburg and attend the opera and visit our magnificent State capitol, the handsomest and finest State capitol in the United States.

Mr. BOOHER. May I ask the gentleman how much it cost?

Mr. OLMSTED. I would say to the gentleman that it is the cheapest public building in the United States in proportion to its size and its furnishings and its quality.

Mr. BOOHER. Does the gentleman mean in proportion to what it actually cost?

Mr. OLMSTED. It cost very much less proportionately than any similar State capitol in the Union at all comparable in size or quality.

Now, I am not recommending Mount Gretna because I think it may help me to be reelected, because I am not a candidate. I have made two records—at least one—since I have been in this House. Since I entered the service in this House I have taken a wife and have had five children born to me. [Applause.] That is one record; and possibly I made another one when, last December, having no opposition whatever in my district, I announced to my constituents my irrevocable determination not to be a candidate to succeed myself. So that I am speaking now in the interest of the United States, in the

interest of the Army, and in the interest of economy in recommending that the Committee on Military Affairs, of which my friend from Virginia [Mr. HAY] is chairman, will hunt up that elaborate report that was made a few years ago, which certainly cost the Government of the United States at least \$5,000 to print and which will be found a most important and useful volume of information in great detail, touching all the points which have been considered as to military encampments or sites for brigade posts. If they will examine that and make inquiry and then make a report to this House according to its recommendations, I am sure the gentleman from Virginia [Mr. HAY] and his colleagues will have the support of the entire House, and I know they will be doing a good thing for the Army if the other three posts are at all comparable to that proposed at Mount Gretna. [Applause.]

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Wyoming?

Mr. OLMSTED. With pleasure.

Mr. MONDELL. I understand that the gentleman stated that he had announced to his constituents that he would not accept another nomination. Do I understand that he announced that "under no circumstances" would he accept another nomination, and that his announcement "had reference to the substance rather than the form"? [Laughter.]

The CHAIRMAN. The Chair will state that the time of the gentleman has expired.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that the gentleman may have time in which to answer the question.

Mr. HAY. Mr. Chairman, I regret very much indeed to hear that the distinguished gentleman from Pennsylvania [Mr. OLMSTED] has declined to be a candidate for reelection. I do not know of any gentleman in this House who has rendered more valuable service during his term than the distinguished gentleman from Pennsylvania. [Applause.] I should hope that there might be a string tied to it, but as he does not resemble others whom I might mention, I expect when he says a thing he means it. [Laughter and applause.]

Now, about this bill, from which there has been a very great departure since we started this morning, I want to answer as briefly as I can the objections made to it.

The gentleman from New York [Mr. FITZGERALD] opposes the bill because he says no estimate has been made of how much money is to be spent at this post. The gentleman from New York knows, or ought to know, that no estimates are made for any post which has already been established by the War Department, in the sense in which the gentleman calls for estimates. He knows, or he ought to know, that when an appropriation is made for barracks and quarters, the Quartermaster General allots to the various posts throughout the country a certain amount of money to be spent at each one of those posts, and the gentleman knows, or he ought to know, that it is not proposed by the War Department or anybody else to take all of the money that is appropriated for barracks and quarters and spend it on this post. I do not think there is anything whatever in the gentleman's objection. The War Department, as a matter of fact, could of its own motion, without any authorization whatsoever from Congress, spend money enough to build this post up to be a brigade post, if it wanted to do it; but the Secretary of War and this administration prefer to come to Congress to get authorization for the purpose of showing their good faith in carrying out the scheme for the concentration of troops in posts which they believe will make for economy and for strategic advantage. I see no reason why this House should not approve and indorse this course. Of course I understand the reasons actuating my friend from Wyoming [Mr. MONDELL], and the gentleman from South Dakota [Mr. MARTIN], and the gentleman from Washington [Mr. LA FOLLETTE], and my genial friend from Montana [Mr. PRAY]. It has been recommended by the War Department that all the posts in the State of Wyoming be abandoned.

Mr. MONDELL. Mr. Chairman, I know the gentleman wants to be accurate, and he generally is very accurate. I think he is not entirely accurate in his last statement.

Mr. HAY. Well, then, I will say three posts in Wyoming. I did not know there were more than three posts in that State.

Mr. MONDELL. I do not recall any recommendation of the War Department for the abandonment of Fort D. A. Russell.

Mr. HAY. I will read what the War Department says:

The following posts should be abandoned as soon as suitable provision can be made elsewhere for their garrisons.

That applies to Fort Yellowstone and Fort Mackenzie.

The following posts are not located with a view of securing economy of administration and supply or a full measure of military effectiveness. Their garrisons should not be increased, and should ultimately be withdrawn to such concentration centers as Congress may authorize.

That applies to Fort D. A. Russell, and if that does not mean abandonment when we finally get the troops into these concentration centers I do not know what it does mean.

I say I understand the motives which actuate these gentlemen, and I am very sorry that they saw fit to take this occasion to make an attack on this bill, simply because the War Department has recommended the abandonment of posts in their States.

This bill will make for economy; it will make for effectiveness; it will make for efficiency; and there is no reason that I have heard adduced by any one of the gentlemen who have spoken why the House should not approve this bill. If it does not make for economy, for effectiveness, or for efficiency, I would be very glad to be informed why it does not.

Mr. MONDELL. Mr. Chairman, I assume that the gentleman did not do me the courtesy of listening to my remarks. I endeavored to point out why the expenditure of \$5,000,000 for a new Army post and the abandonment of \$20,000,000 to \$25,000,000 worth of military property was not in the interest of economy.

Mr. HAY. I heard almost every word the gentleman said, and when he said that it would take \$5,000,000 to build this post up the gentleman stated that of which he could not have been advised, because \$1,000,000, or very near it, has already been spent, and it certainly will not take \$5,000,000 more to make it into a brigade post.

Mr. MONDELL. Will the gentleman explain in his time how it makes for efficiency and economy to abandon brigade posts in the center of the country for which nothing can be obtained and spend the money necessary to build other brigade posts?

Mr. HAY. If the gentleman wants me to, I will be glad to show the gentleman how it will make for economy to abandon Fort D. A. Russell and build a brigade post at Chattanooga, notwithstanding \$5,000,000 has been spent at Fort D. A. Russell. You have a post where there is a climate in which Cavalry and Infantry can not be drilled during almost seven months in the year. You have a post that when the Army was mobilized it took 11 days to get the troops from Fort D. A. Russell to the Texas border.

Mr. MONDELL. The gentleman does not mean that there are seven months in the year when troops can not be maneuvered at Fort D. A. Russell?

Mr. HAY. They can be maneuvered when the thermometer is below zero, but they are not. The gentleman knows that the climate of that country is not suitable for the maneuver of troops in the winter months.

Mr. MONDELL. Has the Army of the United States reached that point that it can not stand zero weather?

Mr. HAY. Oh, the gentleman always begs the question. The gentleman stated that we are adopting a policy of economy which has abandoned \$25,000,000 worth of property. We are not doing anything of the sort. We do not propose to abandon that property until we get property elsewhere for the purpose of sheltering these troops. The gentleman said that you could not under the policy adopted here on this side of the House mend a water faucet if it got out of order in a northwest fort. The gentleman when he made that statement did not know what he was talking about. There is not a thing in the bill which limits the department from making any necessary repairs to any one of the forts recommended to be abandoned in the report of the Secretary of War.

Mr. MONDELL. Well, it is possible that you could mend a faucet, but you could not put in a bathtub.

Mr. HAY. You could put in any repairs that are necessary. The only thing that the amendment to the Army bill provided was that there should not be spent any money for permanent improvements at those posts which the department says ought to be abandoned.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. HAY. Oh, yes.

Mr. MARTIN of South Dakota. I have examined the bill again, and I find the only limitation against permanent improvements seems to be in the one regarding the water system. There is absolutely no authorization, as I read it, as to barracks.

Mr. HAY. If my friend understands disbursements under the bill, he would understand that under the item of "regular supplies" are the items of repair. Under "Barracks and quarters" they make some repairs, but the most of it is done for permanent improvement.

Mr. MANN. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. MANN. I notice under the item the gentleman refers to "repairing public buildings at military posts."

Mr. HAY. Barracks and quarters item.

Mr. MANN. Yes. Is not that the item under which they make repairs?

Mr. HAY. Yes, some; and they make some under the head of "Regular supplies." The object and purpose of the amendment was to not spend any money upon these posts for permanent improvement where they had been recommended to be abandoned.

Mr. MONDELL. Then my statement was substantially correct.

Mr. HAY. The gentleman's statement was not correct.

Mr. MONDELL. That you could not mend a leak in the roof or repair a water faucet.

Mr. HAY. That is not correct; nor was it ever intended that there should be anything of that sort in the bill; nor do I imagine that the War Department will follow out any policy of that sort. The gentleman knows very well that it is much more economical to abandon a post which has cost the country a great many thousands of dollars and to put the money somewhere where it will not cost as much to maintain when it is established than to keep up the posts which do cost that much and which do not occupy a strategic position. It is not economical, and it will inevitably cost the Government more than it ought to cost.

Mr. MONDELL. Will the gentleman yield for another question?

Mr. HAY. Yes.

Mr. MONDELL. What information has the gentleman on which he bases his assumption that you can maintain a brigade post any cheaper in Georgia than you can maintain a brigade post in Kansas or Wyoming?

Mr. HAY. Well, we are not talking about Kansas.

Mr. MONDELL. One of the posts referred to in the report of the Secretary of War as a post that might ultimately be abandoned is a great Army post in the State of Kansas.

Mr. HAY. Fort Riley.

Mr. MONDELL. Does the gentleman imagine that it costs less to keep buildings in repair and to feed men in Georgia than in Kansas?

Mr. HAY. Well, I do not know about that, and that is not the point in this case.

Mr. MONDELL. That is the gentleman's argument.

Mr. HAY. No; I am answering the gentleman's argument that we are trying to take troops from the Northwest, and the gentleman from South Dakota [Mr. MARTIN] undertook to make a sectional matter of it. In so far as I am concerned, there is nothing sectional about it, and there can not be. This bill was introduced without any purpose of interfering with posts in the Northwest.

If those posts have been interfered with, if they are proposed to be abandoned, it has been done by the Secretary of War and not by this side of the House. We are not undertaking to make this a sectional question, and far be it from me ever under any circumstances to make the Army or the posts where the Army is sheltered a sectional question. [Applause.]

Mr. MONDELL. Will the gentleman yield for another question?

Mr. HAY. Oh, yes.

Mr. MONDELL. With regard to the gentleman from Virginia, I feel those are his sentiments, but it is a curious fact that although the Secretary of War has proposed some seven centers of concentration, the two resolutions and this bill which have been brought to the attention of the House contemplate new posts in Alabama, Tennessee, and Georgia.

Mr. HAY. Well, as a matter of fact, they only provide for one post and two maneuvering grounds.

Mr. MONDELL. There is nothing sectional except that fact.

Mr. HAY. I will state to the gentleman, if it is true, it is because it is recommended by the Secretary of War.

Mr. MONDELL. And the Secretary has recommended these other concentration points?

Mr. HAY. No; this bill was sent to the Secretary of War, as all other bills are when they are requested by any Member of this House who introduces a bill. It was sent there. If any other bills have been introduced for that purpose, I do not know it, I have not heard of it. No bill has been introduced for Fort Leavenworth, no bill has been introduced for any other post except this bill, and this bill was sent to the War Department, as the gentleman very well knows is the case with all bills before the Committee on Military Affairs, for report, and it came back with this report.

Mr. MANN. Will the gentleman yield?

Mr. HAY. I will.

Mr. MANN. Do I understand that this is an invitation to the gentlemen in whose districts these posts are to introduce bills?

Mr. HAY. If they choose to introduce them, I am sure they will be accorded the same treatment and given the same consideration as this or any other bill. [Applause.]

Mr. MANN. I have no doubt of that, and I have no doubt they will be introduced.

Mr. HAY. Mr. Chairman, I do not want to take up any further time of the committee. I hope that this bill will be agreed to, because I believe it is in the interest of economy, and it carries out the policy which is now being entered upon. It is the beginning of this concentration policy, and I think it ought to be adopted. I yield a half minute to the gentleman from Georgia [Mr. LEE].

Mr. LEE of Georgia. Mr. Chairman, I asked the privilege of extending my remarks on the bill which has been read—"A bill authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post"—which was introduced by the distinguished gentleman from Tennessee [Mr. Moon] and myself. It provides for the establishment of a brigade post of three regiments of Cavalry at Fort Oglethorpe, located in Catoosa and Walker Counties, in the State of Georgia. Fort Oglethorpe, now a regimental Cavalry post, equipped with an up-to-date lighting plant, a splendid system of waterworks, and with everything else that contributes to the convenience and comfort of the troops stationed there, is located in Chickamauga National Park, an imperial domain of about 7,000 acres. The Government also owns 1,000 acres for rifle range, a short march from Fort Oglethorpe, so that the Government is the owner altogether of something like 8,000 acres in that immediate locality.

In the debate on this bill so much has been advanced to commend the proposed legislation to favorable consideration that I need not trespass unduly upon the patience and time of this House in urging it to passage. It has the indorsement of the former Secretary of War, now President of the United States; of the present Secretary of War; of Gen. Duvall; of the Army Board; and unanimously of the Committee on Military Affairs. So far, therefore, as official commendation is concerned, I can well afford to let the proposition take care of itself, especially as it is in the line of a general policy looking to the concentration of the Army in a comparatively small number of centrally located posts instead of having it scattered, as it now is, all over the country.

A board was named in 1906 for the purpose of investigating the desirability of locating a brigade post and maneuvering grounds at or near Chickamauga Park. From the report, dated Atlanta, Ga., January 9, 1907, I submit the following extract:

The board is of the opinion that the portion of this tract adjoining Fort Oglethorpe is well suited for expansion into a brigade post, with the necessary ground for close-order drills, ceremonies, and elementary instruction in extended order. The present garrison of Fort Oglethorpe has the use of Chickamauga Park for drill purposes, and it is recommended that authority be obtained to continue its use for this purpose. The board states the remaining portion of the tract to be admirably suited for maneuver purposes. It would be difficult to find a region lending itself so well to these objects, lying, as it does, in a temperate climate, where the winters are usually short and mild. The varied extents of its terrain afford opportunities for exercises in every kind of military operation, while the water supply is more than ample in quantity and excellent in quality.

The board is of the opinion that the tract shown is both suitable and adaptable for the purposes of a brigade post and maneuver site and recommends that it be acquired.

WILLIAM P. DUVAL,
Brigadier General, United States Army, President.

J. B. KERR,
Colonel Twelfth Cavalry, Member.

F. G. HODGSON,
Deputy Quartermaster General, Member.

EDWARD T. DONNELLY,
First Lieutenant, Artillery Corps, Aid de Camp, Recorder.

A good deal has been said in the course of this debate as to salubrity of certain Army posts in the great Northwest and in Pacific Coast States. Far be it from me to say aught in detracting of that magnificent climate; but, Mr. Chairman, for all-year-round comfort there is in all this broad land no place that can surpass, if it can equal, that where the Cavalry brigade post is proposed to be located. A more equable climate can not be found anywhere. I will not say that "eternal summer reigns in magic splendor there" all the year round, because there may be sometimes atmospheric conditions that cause the mercury to fluctuate a few degrees up or down. I do assert, however, and I fear no contradiction, that there are no extreme variations of temperature, and that our soldiers could live a comfortable outdoor life from January to December, with interruptions but few and far between. Secretary of War Stimson extols these "climatic conditions which permit troops training almost the entire year." Neither the men nor the horses would have to stagnate in quarters and stables for weeks and months because

of inclement weather. They can be kept in activity, their physical powers maintained and developed by proper exercise, their health kept at the very highest possible standard of excellence. That, Mr. Chairman, is not only a moral, but a most important economic consideration.

I submit a letter written by Hon. H. L. Stimson, Secretary of War, addressed to the chairman of the Military Affairs Committee:

WASHINGTON, D. C., February 5, 1912.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

SIR: Referring to the bill presented by Representative Moon January 5, 1912, and the bill of same wording presented by Representative LEN January 8, 1912, for the purpose of converting the post at Fort Oglethorpe into a brigade post, I have the honor to report that this department recommends favorable consideration of this measure.

The large extent of land of the Chickamauga and Chattanooga National Military Park made available by the terms of the bill, the climatic conditions which permit troops training almost the entire year, the strategic advantage of that point, the economic consideration involved by thus concentrating troops, all make the enactment of said project highly advantageous to the Government. Fort Oglethorpe is the site decided upon by the department as the most suitable and available location in the southeastern section of the United States for a Cavalry brigade post.

Very respectfully,

H. L. STIMSON,
Secretary of War.

In 1898 an investigation of Chickamauga Park was made, and I submit a report of Lieut. Nicholas Senn, Assistant Surgeon General, made at that time:

Chickamauga Park is admirably adapted for a large camp. It embraces several square miles. The forest trees furnish protection against the burning rays of the semitropical sun, and the many open places and fields are utilized as drill grounds. Humus is scanty, and the subsoil is of clay. The surface is somewhat undulating and is cut up here and there by ravines, which add much to the beauty of the scenery. An ample supply of pure water is obtained from numerous wells from 50 to 65 feet in depth, recently supplemented by a pumping station, which derives water from the river a short distance below Crawfish Spring and distributes the water to different parts of the park through iron pipes. The vastness of the grounds is realized by the visitor as soon as he reaches Camp George H. Thomas, which at present is occupied by nearly 50,000 men, yet seldom more than one regiment can be seen at one and the same time.

Gen. H. V. Boynton, chairman of the Chickamauga National Park Commission, made the following report in 1898:

It is a well-known fact in this section that Catoosa and Walker Counties, in which the park is situated, are among the healthiest in the United States. In the seven years that the park force has been at work here not a single member of it, either officer or employee, has died from disease. There has not been a single case of typhoid fever among them or the 2,000 laborers employed in that time. In the last census year there was not in the whole of Catoosa County (and this is the county in which the present much-criticized forest camps are situated) a single death from typhoid fever and only three from malarial fever.

Holding the above views, I respectfully ask that this communication may be placed in the files, and that if the major general commanding agrees with me that it would be fair to do so, an attested copy may be furnished the press for publication.

Very respectfully, your obedient servant,

H. V. BOYNTON,
Chairman Park Commission.

Could any locality be found more suitable for such maneuvers as cavalry should undertake? The park is ideal for both mounted and dismounted practice, and the near-by rifle range furnishes opportunity for the soldier boys to perfect themselves in "shooting straight." Transportation facilities are more than ample, for nine trunk lines of railway run within a few miles of the park, while one touches its very boundaries. Provisions for man and beast are plentiful in the country around and can be procured at reasonable prices. A God-fearing, morally clean community abounds in all that section, and what that means in the case of a large body of troops every commander can tell you. When nature formed that spot she forgot nothing that might contribute to the health and comfort of man—fertile soil, pure atmosphere, and the best of water. There is a spring right at the park than which even famous Ponce de Leon is no greater. Crawfish Spring may almost be called an inland basin, with a daily flow of 40,000,000 gallons of water. There are many other famous springs in that locality—Yates Spring, capacity 10,000,000 gallons daily; Martins Spring, capacity 9,000,000 gallons daily; Leet Spring, capacity 5,000,000 gallons daily; Poplar Spring, capacity 2,000,000 gallons daily; Pond Spring, capacity 6,000,000 gallons daily—all a short distance from Fort Oglethorpe. Their cool, limpid waters are indeed a joy forever. What place can be named, Mr. Chairman, in all our beautiful land more beautiful than this and that could be more ideally adapted to the purpose of being made the abiding place of a great body of troops.

There is still another consideration of commanding importance, and that is the historical greatness of the place. I know very well that this alone could not, and should not, determine the selection of a modern Army post, but with such a combination of physical advantages as I have pointed out it well deserves to be called to mind. Chickamauga Park is hallowed ground. All over its expanse the Blue and the Gray grappled in titanic conflict for the cause which each held sacred and right. Every foot of the soil has been wet with the lifeblood of

heroes. Near here was fought "the battle in the clouds," on Lookout Mountain, and the bloody Battle of Missionary Ridge. Deeds of daring and valor were done there that will thrill the souls of generations yet unborn. What inspiration more profound, more abiding, to a soldier than in such surroundings? What incentive more powerful than this to duty, patriotism, and sacrifice?

In the discussion of this proposition the question of dollars and cents has been elaborately put into the foreground, and I shall but briefly touch that feature. We have been told that \$1,000,000 has already been spent at Fort Oglethorpe, and that the enlargement of the post to proportions adequate to the accommodation of a brigade of Cavalry will call for the expenditure of probably \$4,000,000 more. Mr. Chairman, I am proud of my membership in a party that is pledged to economy in every department of the Government, and I would not wantonly support or indorse any scheme that falls short of an accurately measured standard of public housekeeping. By early training and by the habits of a lifetime I am accustomed to "guard the dime to gain the dollar," and this principle of private life I have always endeavored to apply in the discharge of public duty. Mere local considerations would not move me to give voice or vote to any enterprise, no matter how alluring, which would lack the essential of usefulness.

In this instance, however, my mind is clear as to the great advantages to the Government from the proposed change. From the Canadian border to the Gulf, and from the Atlantic Ocean to the Pacific, Army posts are scattered over the wide expanse of our country. Poor, indeed, the State that does not contain one or more of them. They have cost the Government hundreds of millions of dollars for construction and maintenance. In many instances their location was determined, not by the judgment of officers of the Army, but by political pressure. In the years gone by some of them have served a useful purpose as bases of protection against marauders of one kind or another. But conditions have changed, and these straggling outposts are no longer needed. As population increases and becomes more and more concentrated; as regions, once sparsely settled, teem with dwellers, police protection by the Army is required in ever-decreasing measure. Nothing, then, more reasonable than that the War Department should seek to further the larger purposes to which every branch of the Military Establishment should be applied.

The plan for the centralization of troops, of which the proposition embodied in this bill forms a part, is not only in the direction of economy, but also of the readier movement of large army units. In this plan is embraced the question of transportation facilities no less than that of the saving caused by providing maintenance for thousands at one point instead of hundreds in widely separated localities. The argument that an Army post may be a few hundred miles nearer a given point loses its force when it appears that transportation from that post to that point is more difficult of accomplishment than from a post more distant perhaps, but within immediate reach of ample means to transport large bodies of troops without delay.

All essential requirements are met in the case under consideration. Central location, nearness, and amplexness of transportation facilities, salubrious climate combine to make Fort Oglethorpe an ideal place for a great Army post, and I earnestly hope that this bill will be passed.

The CHAIRMAN. The Clerk will proceed with the reading of the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convert the regimental Army post at Fort Oglethorpe, Ga., into a brigade post, and that for the purpose of the enlargement of the same to accommodate and quarter a brigade of troops there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$700,000, or so much as may be necessary for this purpose.

Mr. HAY. I will call the attention of the Chair to the fact that the committee has recommended an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 5, by striking out all in the line after the word "post" and all of the remainder of the section.

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the last word of the amendment for the purpose of asking a question. The gentleman from Virginia stated in his closing remarks that this bill, in his opinion, ought to be supported, because it was in the direction of economy. What I ask of the gentleman is, have there been any facts brought before the committee tending to show that a brigade of Cavalry can be maintained any more cheaply at Fort Oglethorpe, Ga., than at our present Cavalry posts?

Mr. HAY. I will state to the gentleman that at some posts where there is now Cavalry, for instance, at Fort Apache, in

Arizona, I believe we have two troops of Cavalry, a post about 60 miles from a railroad, it is very easy to perceive it will be very much cheaper to put those two troops of Cavalry at Fort Oglethorpe than to keep them where they are.

There are also other Cavalry posts, or places where they have some Cavalry, and it would be very much cheaper to abandon those posts and put that Cavalry at Fort Oglethorpe. But I want to say to the gentleman that the mere fact of the maintenance or the sustenance of Cavalry is not the only thing that enters into the economy. Transportation is a very important and a very large item. Take, for example, the transportation of recruits. Three or four hundred recruits are transported to these various posts at one time. If you have a post like Chattanooga, for example, where it is on a line of railway and easily accessible to the centers where troops are largely recruited, it costs much less to transport them there than to a post out in South Dakota, or in Wyoming, or in Washington.

Mr. MARTIN of South Dakota. Of course, it depends entirely on where you start the troops from.

Mr. HAY. That is true.

Mr. MARTIN of South Dakota. And there has been no effort made, so far as I have seen, to show the probable place of starting of troops is any nearer Oglethorpe, Ga., than Wyoming?

Mr. HAY. I will say to the gentleman that the three largest recruiting posts in this country are New York, Chicago, and Columbus Barracks. They get more recruits from those depots than from any other points in the United States.

Mr. MARTIN of South Dakota. Of course, the transportation of the troops is a small part of the maintenance of the Cavalry arm of the Government.

Mr. HAY. It is a very large expense.

Mr. MARTIN of South Dakota. There are the supplies for men and for horses. The particular post in Arizona to which the gentleman refers is a small one.

Mr. HAY. That is true. I happened to think of that one.

Mr. MARTIN of South Dakota. You are proposing now to cut down five regiments, or one-third of the entire remaining Cavalry. I know from observation that there are some of these Cavalry posts in the best agricultural sections, where forage for horses and general supplies for men, the large items of maintenance, can be supplied in competition with Fort Oglethorpe or any other part of the United States.

Mr. HAY. That may be. But I do not understand the gentleman maintains it is any cheaper at those posts than it is at Oglethorpe?

Mr. MARTIN of South Dakota. Exactly as cheap and perhaps cheaper.

Mr. HAY. I have tried to show the gentleman that there were other economies entering into the location of these posts other than the purchase of supplies or the mere purchase of what the cavalryman may have to eat.

Mr. MARTIN of South Dakota. That is one item.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. MARTIN] has expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

When the Army bill was under discussion the gentleman from Virginia [Mr. HAY] moved an amendment, which was carried, reducing the Cavalry Arm by 5 regiments. If that should become a law we should have only 10 regiments of Cavalry. If the bill now before us should become a law and the post be enlarged as proposed it would house 3 of the 10 regiments of Cavalry in the United States Army. In other words, the proposition puts nearly a third of the Cavalry regiments of the Army at one post. The gentleman discusses the matter from the standpoint of economy. I think it can scarcely be successfully demonstrated that Cavalry can be maintained in northern Georgia or Tennessee more cheaply than it can be maintained in Kansas or in Wyoming. The gentleman seems to be particularly disposed to criticize the maintenance of Army posts in Wyoming.

Mr. HAY. No; I am not. The gentleman seemed disposed to criticize me and I simply criticized him.

Mr. MONDELL. The gentleman speaks of the added cost of transportation. Most of the mounts of the Cavalry regiments of the country come from the Mississippi Valley and the Plains and Mountain States. All of these Cavalry horses will have to be transported from 1,000 to 1,500 miles in order to reach this great Cavalry post, whereas the Cavalry posts now built and utilized are in the localities from which Cavalry horses are drawn, and therefore, instead of it being in the interest of economy to establish a great Cavalry post down in the region proposed, it would very largely increase the cost of the maintenance of Cavalry.

The fact is that there is no argument at all for this bill unless we need additional Army posts, and that we do not re-

quire additional posts is proven by the fact that the War Department now is considering the advisability of abandoning some of the posts we already have. So that the proposition before the House, as I attempted to state it a little while ago, is to abandon first-class, up-to-date Army posts, recently constructed in the North and Northwest, and to spend the people's money uselessly in the building of new Army posts elsewhere.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, the head of the Army and the Secretary of War have made recommendations to reverse what has been the policy of the country heretofore in reference to Army posts, recommendations designed to do away with the smaller posts and to concentrate the Army in larger posts. While I am not at all sure that the recommendations of the present Secretary and the present Chief of Staff may not be reversed by the succeeding Secretary and the succeeding Chief of Staff, I would be inclined to follow the recommendation of the Secretary of War in reference to this bill if it were not for one thing. The letter of the Secretary of War is dated the 5th of February, the 5th of this month. At that time the Army appropriation bill was practically prepared, if not reported. There was no item in that bill, as reported, cutting down the Cavalry by one-third, and it is to be presumed that the Secretary of War, in making his report upon this bill, contemplated a brigade post at this point, upon the basis of 15 regiments of Cavalry, where he might be willing to recommend that one-fifth of the Cavalry be concentrated at this military park. But in so far as I am aware, we have no expression of opinion from the Secretary of War as to whether one-third of the Cavalry in all the United States shall be concentrated at this one post. It is quite a different thing to put 3 regiments of Cavalry out of 15 at Fort Oglethorpe from what it is to put 3 regiments of Cavalry out of 10 at this post.

Mr. MOON of Tennessee. Mr. Chairman, does the gentleman think there will be just 10?

Mr. MANN. Well, I do not know just how many there will be, but certainly it is the part of wisdom not to act upon the assumption that the House will not maintain its prerogatives in reference to appropriations, and it is not to be assumed now for the purposes of legislation that the proposition which the House agreed to will not be in the law when it is passed.

Mr. MOON of Tennessee. No; I do not assume that.

Mr. MANN. It would be easy and wise to wait until the appropriation bill is disposed of and we know whether there will be 10 or 15 regiments of Cavalry before we legislate upon either proposition.

Mr. MOON of Tennessee. Let me ask the gentleman a question. Does not the gentleman think it safer to leave the question of the distribution of Army posts to the discretion of the Secretary of War rather than that Congress should go into details of administration of that character?

Mr. MANN. I do. I fully agree with the gentleman in reference to that. But I do not think it wise for Congress to legislate in providing a new post upon the assumption that the action which was recently taken is to be stricken down or overridden at the other end of the Capitol, and we have no report from the Secretary of War as to what he would recommend, based upon only 10 regiments of Cavalry in the United States.

Mr. MOON of Tennessee. If it is to be left to the discretion of the Secretary of War, where the gentleman concedes it ought to be left finally, is it not the wise course to leave it there now regardless of the action of the Senate?

Mr. MANN. No. On the contrary, the Secretary of War feels bound, and ought to feel bound, by the action of Congress in legislating, and if we legislate to provide a brigade post at this place it is the duty of the Secretary of War to carry out the expressed wish of Congress. The gentleman has already stated that the Secretary of War now has the authority to do this, and the purpose of this legislation is to guide that authority which he now exercises. If that is the case, we ought to wait until we know what we are to legislate upon. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. HAY] on behalf of the committee.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Secretary of War, in his discretion, may locate and construct buildings necessary for the use and accommodation of the troops of the brigade at any point in the Chickamauga and Chattanooga National Military Park, whether the same be contiguous to Fort Oglethorpe or not, said buildings to be used for the accommodation of part of the brigade to be located at Fort Oglethorpe.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The amendment presented by the gentleman from New York will be reported by the Clerk.

The Clerk read as follows:

Add to section 2 the following:

"Provided, That for the fiscal year 1914 and thereafter the Secretary of War shall submit to Congress, for its approval, detailed estimates of any buildings and improvements to be made at said post before proceeding further to the construction thereof."

Mr. FITZGERALD. Mr. Chairman, it seems to me that in the authorization of these brigade posts Congress should have detailed information as to the scheme proposed by the department, and should approve some plan for the enlargement of them. This amendment is so drawn that if this bill shall become a law, it will not interfere with the department in its work during the coming fiscal year. Thereafter detailed estimates are to be submitted, and then the committee having jurisdiction of this matter can specifically approve and make its recommendations, and Congress will have some control over the enlargement of the post. I believe it to be wise legislation to keep that control in the hands of Congress.

Mr. HAY. Mr. Chairman, I have no objection to the amendment offered by the gentleman from New York; first, because the department submits detailed information as to how they spend each appropriation and where they propose to spend it, and, secondly, because Congress would have a right, by a limitation on the appropriation bill, to confine the appropriation to a particular sum at any post.

The CHAIRMAN. The question is on agreeing to the amendment submitted by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post, and had directed him to report the same back to the House with sundry amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, the Speaker declared the bill passed.

Mr. MONDELL. I make the point of no quorum present.

Mr. AUSTIN. Mr. Speaker, I make the point that the point of no quorum comes too late.

The SPEAKER. The announcement had been made that the bill was passed, and the Chair thinks the suggestion comes too late.

Mr. MANN. The Chair usually announces that the bill is passed, but in this case the Chair did not make the usual announcement.

The SPEAKER. If the Chair did not announce that the bill was passed, then the gentleman's point of order is in time.

Mr. MANN. The Chair announced that the bill was passed, but the Chair did not make the preliminary announcement which the Chair usually makes, that "The ayes seem to have it." The point of order was made in proper time.

The SPEAKER. The Chair likes to be fair and to give every man a chance, and while he does not remember whether he said "The ayes seem to have it" or not, the point of order is made that there is no quorum present, and the gentleman from Virginia [Mr. HAY] moves a call of the House.

Mr. MANN. It comes automatically, does it not?

The SPEAKER. That is true. The call of the House orders itself automatically.

Mr. AUSTIN. Mr. Speaker, what has become of my point of order against the claim of the gentleman from Wyoming that there is no quorum present? I made the point of order that the Speaker had announced the result and declared that the bill had passed.

The SPEAKER. The Chair will state that usually and properly the proceeding is to announce that the ayes or the noes, as the case may be, seem to have it, and thus give Members an opportunity to make the point before the announcement that the bill is passed. But when everything seems to be going along smoothly and nobody raising opposition sometimes the Chair is pretty quick in announcing these matters and does it before a Member can make himself heard. The

Chair remembers that the very same thing occurred with the gentleman from New York [Mr. FITZGERALD], and the Chair gave him a chance to raise the point.

Mr. MANN. The rules provide, Mr. Speaker, that if the Chair announces the result—

The SPEAKER. There is no trouble about it because the Chair recognizes the fact, and the call of the House takes place automatically under the rule.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. I want to make the suggestion that it has not officially been determined that there is no quorum present.

The SPEAKER. The gentleman is correct, although the Chair thinks his eyes are pretty reliable. The Chair will count. [After counting.] One hundred and thirty-nine Members present; not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the passage of the bill will, when their names are called, answer "aye" and those opposed will answer "no."

The question was taken; and there were—ayes 177, nays 40, answered "present" 11, not voting 165, as follows:

YEAS—177.

Adair	Dies	Holland	Pou
Alexander	Dixon, Ind.	Houston	Rainey
Allen	Donohoe	Howard	Raker
Anthony	Doremus	Hughes, N. J.	Rauch
Ashbrook	Driscoll, D. A.	Hull	Rees
Austin	Dupre	Humphrey, Wash.	Reilly
Ayres	Dyer	Humphreys, Miss.	Roddenberry
Barchfeld	Edwards	Johnson, Ky.	Rubey
Barnhart	Ellerbe	Johnson, S. C.	Russell
Bartlett	Evans	Jones	Sabath
Bathrick	Faison	Kahn	Sharp
Beall, Tex.	Fergusson	Kendall	Sherwood
Bell, Ga.	Ferris	Kennedy	Simmons
Blackmon	Fields	Kinhead, N. J.	Sims
Booher	Finley	Kitchin	Sisson
Bradley	Flood, Va.	Knowland	Slayden
Brown	Floyd, Ark.	Konop	Speer
Browning	Foss	Korbly	Stedman
Buchanan	Foster, Ill.	Lafean	Stephens, Miss.
Burgess	Francis	Lamb	Stephens, Tex.
Burke, Pa.	Gallagher	Langley	Sterling
Burleson	Garner	Lee, Ga.	Stone
Burnett	Garrett	Lee, Pa.	Sulloway
Butler	Glass	Legare	Sulzer
Byrnes, S. C.	Godwin, N. C.	Lever	Talbot, Md.
Byrns, Tenn.	Goldfogle	Lewis	Talcott, N. Y.
Callaway	Goodwin, Ark.	Linthicum	Taylor, Ohio
Candler	Gould	Lloyd	Thayer
Cannon	Gray	McCoy	Thistlewood
Carlin	Gregg, Pa.	McKinney	Thomas
Clark, Fla.	Gregg, Tex.	Maguire, Nebr.	Tilson
Claypool	Griest	Miller	Tribble
Clayton	Hamilton, W. Va.	Moon, Pa.	Turnbull
Cline	Hamlin	Moon, Tenn.	Tuttle
Collier	Hammond	Morgan	Underwood
Connell	Hardwick	Morrison	Watkins
Crago	Hardy	Moss, Ind.	Webb
Cravens	Harrison, Miss.	Murray	Wickliffe
Cullop	Hay	Needham	Wilson, N. Y.
Curley	Hayden	Padgett	Wilson, Pa.
Curry	Heald	Palmer	Witherspoon
Daugherty	Heflin	Parran	Young, Tex.
Dent	Helm	Pepper	
Denver	Henry, Tex.	Peters	
Dickinson	Hensley	Plumley	

NAYS—40.

Anderson, Minn.	Esch	La Follette	Pickett
Bowman	Fitzgerald	Lenroot	Roberts, Nev.
Bulkeley	Gardner, N. J.	Lobeck	Sloan
Burke, S. Dak.	Good	Mann	Smith, J. M. C.
Calder	Hamilton, Mich.	Martin, Colo.	Utter
Cooper	Hayes	Martin, S. Dak.	Volstead
Copley	Hinds	Mondell	Wedemeyer
Davis, Minn.	Kent	Murdock	Willis
Diffenderfer	Kopp	Nye	Woods, Iowa
Dodds	Lafferty	Olmsted	Young, Kans.

ANSWERED "PRESENT"—11.

Adamson	French	Jacoway	Page
Bates	Gillett	McMorran	Shackelford
Berger	Hobson	Moore, Pa.	

NOT VOTING—165.

Aiken, S. C.	Cary	Driscoll, M. E.	Gudger
Ainey	Catlin	Dwight	Guernsey
Akin, N. Y.	Conry	Estopinal	Hamill
Ames	Covington	Fairchild	Hanna
Anderson, Ohio	Cox, Ind.	Farr	Harris
Andrus	Cox, Ohio	Focht	Harrison, N. Y.
Ansberry	Crumpacker	Fordney	Hartman
Bartholdt	Currier	Fornes	Haugen
Bingham	Dalzell	Foster, Vt.	Hawley
Boehne	Danforth	Fowler	Helgesen
Borland	Davenport	Fuller	Henry, Conn.
Brantley	Davidson	Gardner, Mass.	Higgins
Broussard	Davis, W. Va.	George	Hill
Burke, Wis.	De Forest	Goeke	Howell
Campbell	Dickson, Miss.	Graham	Howland
Cantrill	Doughton	Green, Iowa	Hubbard
Carter	Draper	Greene, Mass.	Hughes, Ga.

Hughes, W. Va.	Macon	Ransdell, La.	Stanley
Jackson	Madden	Redfield	Steenerson
James	Maher	Reyburn	Stephens, Cal.
Kindred	Malby	Richardson	Stephens, Nebr.
Kinkaid, Nebr.	Matthews	Riordan	Stevens, Minn.
Konig	Mays	Roberts, Mass.	Sweet
Langham	Moore, Tex.	Robinson	Switzer
Lawrence	Morse, Wis.	Rodenberg	Taggart
Levy	Mott	Rothermel	Taylor, Ala.
Lindbergh	Neeley	Rouse	Taylor, Colo.
Lindsay	Nelson	Rucker, Colo.	Towner
Littlepage	Norris	Rucker, Mo.	Townsend
Littleton	Oldfield	Saunders	Underhill
Longworth	O'Shaunessy	Scully	Vreeland
Loud	Patten, N. Y.	Sells	Warburton
McCall	Patton, Pa.	Sheppard	Weeks
McCreary	Payne	Sherley	Whitacre
McDermott	Porter	Slemp	White
McGillicuddy	Post	Small	Wildner
McGuire, Okla.	Powers	Smith, Saml. W.	Wilson, Ill.
McHenry	Pray	Smith, Cal.	Wood, N. J.
McKellar	Prince	Smith, N. Y.	Young, Mich.
McKenzie	Prouty	Smith, Tex.	
McKinley	Pujo	Sparkman	
McLaughlin	Randell, Tex.	Stack	

So the bill was passed.

The Clerk announced the following pairs:

Until to-morrow:

Mr. SAUNDERS with Mr. MOORE of Pennsylvania.

Until Friday noon, March 1:

Mr. McKELLAR with Mr. McCREARY.

Until March 4:

Mr. JAMES with Mr. McCALL.

Until further notice:

Mr. CARTER with Mr. DALZELL.

Mr. BURKE of Wisconsin with Mr. CURRIER.

Mr. BROUSSARD with Mr. CATLIN.

Mr. BRANTLEY with Mr. CRUMPACKER.

Mr. BOEHNE with Mr. CAMPEELL.

Mr. ANSBERRY with Mr. BARTHOLDT.

Mr. ANDRUS with Mr. AMES.

Mr. AIKEN of South Carolina with Mr. AINEY.

Mr. THOMAS with Mr. HUBBARD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. CANTRILL with Mr. FORDNEY.

Mr. GEORGE with Mr. MALBY.

Mr. HUGHES of Georgia with Mr. DRAPER.

Mr. DOUGHTON with Mr. FRENCH.

Mr. SHERLEY with Mr. GILLET.

Mr. SHEPPARD with Mr. BATES.

Mr. OLDFIELD with Mr. BINGHAM.

Mr. UNDERHILL with Mr. CURRY.

Mr. FARNES with Mr. McKINLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. MACON with Mr. SMITH of California.

Mr. CONRY with Mr. DANFORTH.

Mr. COVINGTON with Mr. DE FOREST.

Mr. COX of Indiana with Mr. MICHAEL E. DRISCOLL.

Mr. COX of Ohio with Mr. FARR.

Mr. DAVENPORT with Mr. FOSTER of Vermont.

Mr. DAVIS of West Virginia with Mr. FOCHT.

Mr. DICKSON of Mississippi with Mr. FULLER.

Mr. ESTOPINAL with Mr. GARDNER of Massachusetts.

Mr. FOWLER with Mr. GREEN of Iowa.

Mr. GOEKE with Mr. GREENE of Massachusetts.

Mr. GUDGER with Mr. GUERNSEY.

Mr. GRAHAM with Mr. HANNA.

Mr. HAMILL with Mr. HARRIS.

Mr. HARRISON of New York with Mr. HARTMAN.

Mr. KINDRED with Mr. HENRY of Connecticut.

Mr. KONIG with Mr. HAUGEN.

Mr. LEVY with Mr. HAWLEY.

Mr. LINDSAY with Mr. HELGESEN.

Mr. LITTLEPAGE with Mr. HIGGINS.

Mr. McDERMOTT with Mr. HOWELL.

Mr. McGILICUDDY with Mr. HILL.

Mr. McHENRY with Mr. HOWLAND.

Mr. MAHER with Mr. HUGHES of West Virginia.

Mr. MAYS with Mr. JACKSON.

Mr. MOORE of Texas with Mr. KINKAID of Nebraska.

Mr. NEELEY with Mr. LANGHAM.

Mr. O'SHAUNESSY with Mr. LAWRENCE.

Mr. PATTEN of New York with Mr. LOUD.

Mr. POST with Mr. MCGUIRE of Oklahoma.

Mr. RANDALL of Texas with Mr. McKENZIE.

Mr. RANDELL of Louisiana with Mr. McLAUGHLIN.

Mr. REDFIELD with Mr. MADDEN.

Mr. RICHARDSON with Mr. MATTHEWS.

Mr. ROBINSON with Mr. MOTT.

Mr. ROTHERMEL with Mr. PATTON of Pennsylvania.

Mr. ROUSE with Mr. PORTER.

Mr. RUCKER of Colorado with Mr. PAYNE.

Mr. RUCKER of Missouri with Mr. PRAY.

Mr. SCULLY with Mr. POWERS.

Mr. SMALL with Mr. PRINCE.

Mr. SMITH of New York with Mr. PROUTY.

Mr. SMITH of Texas with Mr. REYBURN.

Mr. STACK with Mr. ROBERTS of Massachusetts.

Mr. STANLEY with Mr. RODENBERG.

Mr. STEPHENS of Nebraska with Mr. SELLS.

Mr. SWEET with Mr. SLEMP.

Mr. TAGGART with Mr. SAMUEL W. SMITH.

Mr. TAYLOR of Alabama with Mr. TOWNER.

Mr. TAYLOR of Colorado with Mr. VREELAND.

Mr. TOWNSEND with Mr. WEEKS.

Mr. WHITACRE with Mr. WILSON of Illinois.

Mr. WHITE with Mr. WOOD of New Jersey.

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. PUJO with Mr. McMORRAN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors, and further proceedings under the call are dispensed with.

On motion of Mr. HAY, his motion to reconsider the vote by which the bill was passed was laid on the table.

MANEUVER CAMP NEAR TULLAHOMA, TENN.

Mr. HAY. Mr. Speaker, I call up House joint resolution 118.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 118) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States and which have been inspected by the commission authorized under the joint resolution approved February 24, 1911, for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

SEC. 2. That he is directed to take steps to have the State of Tennessee cede jurisdiction over said lands to the United States Government.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This joint resolution being on the Union Calendar—

Mr. HAY. It is not on the Union Calendar; it is on the House Calendar.

Mr. MANN. Well, it should be on the Union Calendar—

Mr. HAY. Why?

The SPEAKER. The Chair asked the gentleman from Virginia, and he said it was on the House Calendar.

Mr. MANN. I am not making a point of order on it.

Mr. HAY. As a matter of fact, it is on the House Calendar.

Mr. MANN. I was going to ask a hypothetical question based on its being on the Union Calendar.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3776. An act granting the consent of Congress to the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 18794. An act to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned to meet to-morrow, Thursday, February 29, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate for increase in current appropriation, and also deficiency estimate of appropriations for care and custody of insane in Alaska (H. Doc. No. 576); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting an estimate of an appropriation, to be immediately available, for expenses of rifle team to represent the United States in the Pan-American tournament to be held at Buenos Aires May, 1912 (H. Doc. No. 575); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 254) congratulating the people of China on their assumption of the powers and responsibilities of self-government, reported the same without amendment, accompanied by a report (No. 368), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 19788) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, reported the same with amendment, accompanied by a report (No. 367), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DOREMUS: A bill (H. R. 20988) to increase the appropriation for the addition to the post-office building at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. HENSLEY: A bill (H. R. 20989) for the erection of a post-office building at Bonne Terre, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. HINDS: A bill (H. R. 20990) to provide for the purchase of a site and the erection of a public building thereon at Saco, in the State of Maine; to the Committee on Public Buildings and Grounds.

By Mr. FLOOD of Virginia: A bill (H. R. 20991) authorizing the Secretary of War to donate to the town of Covington, Va., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 20992) for the retirement of employees of the Government who served in the War with Mexico or in the Civil War; to the Committee on Reform in the Civil Service.

By Mr. WARBURTON: A bill (H. R. 20993) making an appropriation for the improvement of the Government road connecting with the State and county road in Pierce County, Wash., through the Rainier National Forest Reserve, connecting with the Government road in Mount Rainier National Park; to the Committee on Appropriations.

Also, a bill (H. R. 20994) to provide that 25 per cent of the forest timber shall go to the States and Territories in which the forest is located, for the benefit of public schools and public roads, and 25 per cent shall be used for the construction of roads and trails in the said forests; to the Committee on Agriculture.

By Mr. HOWLAND: A bill (H. R. 20995) granting to the civilian employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

By Mr. LAFFERTY: A bill (H. R. 20996) authorizing the Secretary of War to convert the regimental Army post at Vancouver, Wash., into a brigade post; to the Committee on Military Affairs.

By Mr. WILSON of New York: A bill (H. R. 20997) to establish a life-saving station at or near Sea Gate, New York Harbor, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 20998) to authorize the Rapid Transit Interurban Co., a corporation, to construct and operate a railway, telegraph, telephone, and trolley lines through the Platt National Park, in Oklahoma, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 20999) granting an increase of pension to Charles Myer; to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 21000) granting a pension to Toliver W. Corn; to the Committee on Pensions.

Also, a bill (H. R. 21001) granting a pension to William A. Senkbeil; to the Committee on Pensions.

Also, a bill (H. R. 21002) granting a pension to Jackson A. Watkins; to the Committee on Pensions.

Also, a bill (H. R. 21003) granting a pension to James N. Parker; to the Committee on Pensions.

Also, a bill (H. R. 21004) granting a pension to Swinfield Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21005) granting a pension to William S. Kemp; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 21006) granting a pension to Elizabeth Canady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21007) granting an increase of pension to Clark M. Slade; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 21008) for the relief of Joseph Sledz; to the Committee on Claims.

Also, a bill (H. R. 21009) granting an increase of pension to Robert Crow; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 21010) granting a pension to George Gregory; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 21011) granting an increase of pension to Bartimeus Beardsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21012) for the relief of Thomas Ashley; to the Committee on War Claims.

Also, a bill (H. R. 21013) for the relief of the heirs of John McBride; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 21014) granting an increase of pension to John L. Worsham; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 21015) granting an increase of pension to Alexander Chisholm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21016) granting a pension to Alec A. Ewing; to the Committee on Pensions.

Also, a bill (H. R. 21017) to correct the military record of William F. McGee; to the Committee on Military Affairs.

Also, a bill (H. R. 21018) to correct the military record of Jeremiah Miller; to the Committee on Military Affairs.

By Mr. COX of Ohio: A bill (H. R. 21019) to restore Lieut. Cyrus R. Street, retired, to the active list of the Army; to the Committee on Military Affairs.

By Mr. DONOHUE: A bill (H. R. 21020) granting an increase of pension to Charles R. Gentner; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21021) granting a pension to Minnie Noeller; to the Committee on Pensions.

Also, a bill (H. R. 21022) granting an increase of pension to Ernest Buse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21023) for the relief of Charles J. Allen; to the Committee on Claims.

By Mr. FAISON: A bill (H. R. 21024) for the relief of R. W. Williamson, administrator de bonis non of the estate of William Ward, deceased; to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 21025) for the relief of Allen J. Mann, jr., sole heir of Allen J. Mann, sr., deceased; to the Committee on Claims.

Also, a bill (H. R. 21026) granting an increase of pension to James K. Polk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21027) for the relief of the estate of Samuel Walker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21028) for the relief of Mary E. Park; to the Committee on War Claims.

Also, a bill (H. R. 21029) for the relief of Ivy L. Merrill; to the Committee on Indian Affairs.

Also, a bill (H. R. 21030) to correct the military record of James Wilson; to the Committee on Military Affairs.

Also, a bill (H. R. 21031) for the relief of the widow and heirs of Josiah Short; to the Committee on Claims.

Also, a bill (H. R. 21032) for the relief of John H. Schmidt; to the Committee on Indian Affairs.

By Mr. FRANCIS: A bill (H. R. 21033) granting an increase of pension to Abisha C. Thomas; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 21034) to correct the military record of Aaron Kibler; to the Committee on Military Affairs.

By Mr. GOEKE: A bill (H. R. 21035) granting a pension to Lucy Roser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21036) granting a pension to Georgianna E. De Forest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21037) granting a pension to Scott Wilkins; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 21038) granting a pension to Susan W. Newell; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 21039) granting an increase of pension to Reuben M. Cole; to the Committee on Pensions.

By Mr. HINDS: A bill (H. R. 21040) for the relief of Thomas W. Bell; to the Committee on War Claims.

Also, a bill (H. R. 21041) to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903; to the Committee on Claims.

By Mr. HOWARD: A bill (H. R. 21042) authorizing the establishment of a brigade post at Fort McPherson, Ga.; to the Committee on Military Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 21043) for the relief of the owners of the cargo laden aboard the schooner *Moi Wahine*; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 21044) for the relief of John J. Sewell; to the Committee on War Claims.

Also, a bill (H. R. 21045) for the relief of Merida Risner; to the Committee on War Claims.

Also, a bill (H. R. 21046) for the relief of the heirs of William O'Bryant; to the Committee on War Claims.

Also, a bill (H. R. 21047) for the relief of Moss Martin; to the Committee on War Claims.

Also, a bill (H. R. 21048) for the relief of Eliza Magowan; to the Committee on War Claims.

Also, a bill (H. R. 21049) for the relief of the legal representatives of Thomas O. Marrs; to the Committee on War Claims.

Also, a bill (H. R. 21050) for the relief of the legal representatives of Samuel Marrs; to the Committee on War Claims.

Also, a bill (H. R. 21051) for the relief of the heirs of Caleb May; to the Committee on War Claims.

Also, a bill (H. R. 21052) for the relief of E. W. McCormick; to the Committee on War Claims.

Also, a bill (H. R. 21053) for the relief of the legal representatives of G. V. Lykins; to the Committee on War Claims.

Also, a bill (H. R. 21054) for the relief of Gilbert Yates; to the Committee on War Claims.

Also, a bill (H. R. 21055) for the relief of R. F. Wells; to the Committee on War Claims.

Also, a bill (H. R. 21056) for the relief of G. W. Adkins; to the Committee on War Claims.

Also, a bill (H. R. 21057) for the relief of Harriet Auxier; to the Committee on War Claims.

Also, a bill (H. R. 21058) for the relief of the legal representatives of Adam Baum; to the Committee on War Claims.

Also, a bill (H. R. 21059) for the relief of the heirs at law of George Boone, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21060) for the relief of J. William Burroughs; to the Committee on War Claims.

Also, a bill (H. R. 21061) for the relief of the legal representatives of Polly Clark; to the Committee on War Claims.

Also, a bill (H. R. 21062) for the relief of Alfred Combs; to the Committee on War Claims.

Also, a bill (H. R. 21063) for the relief of J. M. Daniel; to the Committee on War Claims.

Also, a bill (H. R. 21064) for the relief of William H. Dotson; to the Committee on War Claims.

Also, a bill (H. R. 21065) for the relief of B. L. Davis; to the Committee on War Claims.

Also, a bill (H. R. 21066) for the relief of Amanda Davis; to the Committee on War Claims.

Also, a bill (H. R. 21067) for the relief of Elijah Fuller; to the Committee on War Claims.

Also, a bill (H. R. 21068) for the relief of Clary Fulkerson; to the Committee on War Claims.

Also, a bill (H. R. 21069) for the relief of John E. Groves; to the Committee on War Claims.

Also, a bill (H. R. 21070) for the relief of Henry Holbrook; to the Committee on War Claims.

Also, a bill (H. R. 21071) for the relief of Phoebe J. Hammond; to the Committee on Claims.

Also, a bill (H. R. 21072) for the relief of John Henry; to the Committee on War Claims.

Also, a bill (H. R. 21073) for the relief of Riley Howard; to the Committee on War Claims.

Also, a bill (H. R. 21074) for the relief of the legal representatives of Arch Huffman; to the Committee on War Claims.

Also, a bill (H. R. 21075) for the relief of the legal representatives of George W. Johnson; to the Committee on War Claims.

Also, a bill (H. R. 21076) for the relief of the legal representatives of Evan Jones; to the Committee on War Claims.

Also, a bill (H. R. 21077) for the relief of Mrs. John Wesley Leap; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 21078) granting a pension to Caroline Koch; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 21079) for the relief of Hugh Chambers; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 21080) to correct the military record of Edward Tighe; to the Committee on Military Affairs.

Also, a bill (H. R. 21081) granting an increase of pension to Eliza Ann Eastman; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 21082) granting an increase of pension to La Salle Corbell Pickett; to the Committee on Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 21083) granting an increase of pension to James C. Firth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21084) granting an increase of pension to Frederick J. Cotton; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 21085) granting a pension to Hugh McKane; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 21086) granting an increase of pension to Samuel Mecham; to the Committee on Invalid Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 21087) granting a pension to Sarah Jackson; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 21088) granting an increase of pension to Thomas Overstreet; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 21089) granting a pension to Ann M. Hays; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 21090) granting an increase of pension to Frances M. Dille; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 21091) granting an increase of pension to Arthur W. Brittingham; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 21092) granting an increase of pension to Martin B. Monroe; to the Committee on Invalid Pensions.

By Mr. Warburton: A bill (H. R. 21093) granting an increase of pension to James L. Conn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of the Milk Producers' Association of Illinois, Wisconsin, and Indiana, protesting against any change in the Federal laws respecting oleomargarine and butterine; to the Committee on Agriculture.

By Mr. ANDERSON of Minnesota: Petition of Agrimson & Ensberg and others, of Peterson, Minn., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petition of Levi Rickenbach and other business men of Leona, Kans., protesting against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of J. H. Riley and other citizens of Soldier, Kans., protesting against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Sabetha and Whiting, Kans., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Sutton Bros., of Columbus, Ohio, asking for the passage of House bill 17936; to the Committee on Interstate and Foreign Commerce.

By Mr. BULKLEY: Petition of citizens of Cleveland, Ohio, for old-age pension bill; to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: Resolution of the Union Veteran Legion, of Pittsburgh, Pa., against abolishment of the pension agency at Pittsburgh, Pa.; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: Petition of the Woman's Christian Temperance Union of Bancroft, S. Dak., in favor of House joint resolution 163, for an amendment to the Constitution; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Maryland Association of Certified Public Accountants, protesting against employment of chartered accountants to exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

By Mr. CLINE: Petition of the Hawpatch Industrial and Live Stock Association, of Lagrange County, Ind., in favor of House bill 18160; to the Committee on Agriculture.

Also, resolution of Maryland Association of Certified Public Accountants, protesting against employment of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

By Mr. COOPER: Petition of J. J. Uren & Co. and other residents of Blanchardville, Wis., asking for legislation to extend the powers of the Interstate Commerce Commission toward the regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. J. Uren & Co. and other residents of Blanchardville, Wis., protesting against the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of H. D. Maxon and other citizens of Walworth, Wis., against enactment of House bill 9433, providing for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Memorial of the General Francis V. Greene Camp, No. 54, United Spanish War Veterans, Tonawanda, N. Y., indorsing House bill 17470, providing a pension for widows and minor children of deceased Spanish War veterans; to the Committee on Pensions.

Also, resolutions of Camp John M. Stotsenburg, No. 1, Army of the Philippines, held at Lincoln, Nebr., indorsing House bill 11169, granting pensions to widows and minor children of deceased soldiers and sailors of the War with Spain and the Philippine insurrection; to the Committee on Pensions.

Also, petition of San Juan Camp, No. 2, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. CRAVENS: Petition of citizens of Shawmut, Ark., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CURRIER: Petition of George H. Kibling and other citizens of West Lebanon, N. H., against the extension of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Souhegan Grange, of Amherst, N. H., for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Webster, N. H., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of 95 members of Improved Order of Red Men of Rochester, N. Y., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DICKINSON: Papers to accompany House bills 2114, 15300, 15385, and 15299; to the Committee on Military Affairs.

Also, petitions of citizens of Cedar and St. Clair Counties, Mo., against passage of the Johnston Sunday bill; to the Committee on the District of Columbia.

By Mr. DANIEL A. DRISCOLL: Papers to accompany bill for the relief of Minnie Noeller; to the Committee on Pensions.

By Mr. FERGUSON: Petition of citizens of Solano, N. Mex., praying for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 20020; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Central Federated Union of Greater New York and vicinity, for construction of at least one battleship at Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. FRANCIS: Petition of the Bible Class of Shadyside, Ohio, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Maryland Association of Certified Public Accountants, opposing employment of chartered ac-

countants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of the Lakes to the Gulf Deep Waterway Association, favoring the passage of House bills 19405, 19406, and 19407, for increase in salary of officers in the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

Also, petition of German-American citizens of Peoria, Ill., against passage of legislation for prohibition of interstate-commerce liquor measures now pending; to the Committee on the Judiciary.

Also, petition of L. M. Bayne and other merchants of Ottawa, Ill., against legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the National Dairy Union, for legislation to prevent the coloring of oleomargarine in imitation of butter; to the Committee on Agriculture.

Also, petition of the National Conservation Congress, protesting against reduction of appropriation for fighting forest fires; to the Committee on the Public Lands.

By Mr. GARRETT: Petition of citizens of Gibson County, Tenn., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Improved Order of Red Men of Witt, Ill., in favor of House bill 16313, for the erection of an American Indian memorial and museum building at Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. GRAY: Papers to accompany House bills 16741 and 16742; to the Committee on Invalid Pensions.

By Mr. GRIEST: Petitions of the German Alliance, of Williamsport, New Castle, and Reading, Pa., against the enactment of legislation restricting the interstate transportation of intoxicating liquors; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petitions of citizens of the State of Maine, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMILTON of West Virginia: Petitions of citizens of the State of West Virginia, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. HANNA: Petition of the Baptist Church of Fairmount, N. Dak., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of P. Berglund, of Palermo, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Napoleon, N. Dak., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Huff, N. Dak., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Wisconsin Country Life Conference Association, for House bill 18160; to the Committee on Agriculture.

Also, petition of the Woman's Study Club of Wimbledon, N. Dak., for investigation of disease in dairy products; to the Committee on Agriculture.

Also, petition of citizens of Brogie, N. Dak., for old-age pensions; to the Committee on Pensions.

By Mr. HAWLEY: Petitions of citizens of the State of Oregon, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HINDS: Petitions of the Woman's Christian Temperance Unions, churches, etc., of the State of Maine, praying for legislation to restrict the interstate traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of Grange No. 63, Patrons of Husbandry, of Harrison, Me., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: Petitions of citizens of the State of Arkansas, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Local Union No. 665, F. E. & C. U. A., of Quitman, Ark., for parcel-post, etc.; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY: Petition of St. James Congregation of St. Paul, Iowa, against Stephens resolution regarding Indian missions; to the Committee on Indian Affairs.

Also, petition of the Friends Church of Salem, Iowa, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KENT: Petitions of the Woman's Christian Temperance Union and churches of Petaluma, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of the Woman's Christian Temperance Union of Big Run, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Grange No. 1172, Patrons of Husbandry, for certain changes in the oleomargarine laws; to the Committee on Agriculture.

By Mr. LAWRENCE: Petition of the Men's Club of Williamsburg, Mass., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of Citizens No-License Committee, of Pittsfield, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of the Union Guard, of Brooklyn, N. Y., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of the Central Federated Union of Greater New York and vicinity, New York City, urging the construction of at least one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. LOBECK: Petition of Nebraska State Automobile Association, Omaha, Nebr., protesting against House bill 2948, relative to size of freight cars; to the Committee on Interstate and Foreign Commerce.

Also, petition of Commercial Club and Chamber of Commerce of Tacoma, Wash., giving 10 concrete reasons for free tolls at Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, resolution of North Platte Valley Water Users' Association, of Scotts Bluff, Nebr., relative to irrigation matters; to the Committee on the Public Lands.

By Mr. MCGILLICUDDY: Petitions of citizens of the State of Maine, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the First Methodist Episcopal Church and of W. A. Danforth and David N. Beall, of Bangor; the Woman's Christian Temperance Union of Camden; the Evangelical Church (Congregational) and the Woman's Christian Temperance Union of Greenville; of William O. Ayer, of Kenduskeag; the Pleasant Street Baptist Church and of Edward C. Leach, A. K. Morton, and W. A. Gould, of Mechanic Falls; the Methodist Episcopal Church of New Harbor; and of Rev. Edmund B. Tetley, of Topsham, all in the State of Maine, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MANN: Petition of members of the Milk Producers' Association of the States of Illinois and Indiana, protesting against any change in the present Federal laws respecting oleomargarine, butterine, etc.; to the Committee on Agriculture.

Also, petition of William Hymen and others, of Chicago, Ill., for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. MARTIN of South Dakota: Petition of citizens of Spearfish, S. Dak., protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. MONDELL: Petition of W. H. Smith and others, of Buffalo, Wyo., in support of House bill 14, for the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the members of the Improved Order of Red Men and citizens generally of Sheridan, Wyo., in support of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, resolutions of the Commercial Club of Soda Springs, Idaho, in support of Senate bill 3367, to allow entrymen to perfect title after three years; to the Committee on the Public Lands.

By Mr. MURDOCK: Resolution of the Garden City (Kans.) Industrial Club, relating to a tariff on sugar; to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of the United Presbyterian Congregation of Salinas, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PADGETT: Petition of citizens of the State of Tennessee, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. PALMER: Petition of the People's Education and Social Club of Stroudsburg, Pa., protesting against treatment accorded strikers at Lawrence, Mass.; to the Committee on Labor.

By Mr. PAYNE: Petitions of citizens of the State of New York, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petition of the Waterbury (Conn.) Central Labor Union, protesting against employment of enlisted men in construction of battleships; to the Committee on Naval Affairs.

Also, petition of H. B. Brown, of East Hampton, Conn., protesting against the repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petition of Kate A. Stevens, of New Haven, Conn., in favor of House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of members of the Improved Order of Red Men of the second congressional district of Connecticut, in favor of House bill 16313, providing for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. SCULLY: Petition of the Manalapan Church Congregation, of Manalapan, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Society of the Cincinnati, in the State of New Jersey, for compilation of the military and naval records of the Revolutionary War, with a view to their publication; to the Committee on Military Affairs.

By Mr. SISSON: Petitions of members of the Woman's Christian Temperance Union, and Baptist, Methodist Episcopal, and Presbyterian Churches, and citizens of Pontotoc, Miss., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Petitions of citizens of the State of Michigan, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Michigan, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TALBOTT of Maryland: Petition of citizens of Baltimore and Carroll Counties, Md., protesting against repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petition of residents of Baltimore, Md., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TILSON: Petitions of citizens of New London, Conn., for enactment of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. TOWNER: Petition of Mrs. Clara McKinley and others, of Humeston, Iowa, in favor of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Elias G. Moore and other old soldiers of Bedford, Iowa, asking for a raise of rating of pensions; to the Committee on Invalid Pensions.

By Mr. TUTTLE: Resolutions of the Society of the Cincinnati in the State of New Jersey, urging the passage of Senate bill 271, to authorize the compilation of the military and naval records of the Revolutionary War with a view to their publication; to the Committee on Military Affairs.

Also, petitions of the Presbyterian Church and First Reformed Presbyterian Church of Boonton, the Presbyterian Church of Succasunna, and the Methodist Episcopal Church of Vienna, all in the State of New Jersey, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UTTER: Papers to accompany House bill 11462; to the Committee on Invalid Pensions.

Also, memorials of Camps Nos. 1, 3, 6, and 7, United Spanish War Veterans, favoring House bill 1235; to the Committee on Naval Affairs.

Also, petitions of Camps Nos. 1, 3, 6, and 7, United Spanish War Veterans, favoring House bill 1747; to the Committee on Pensions.

Also, petition of Woonsocket Chapter, Daughters of the American Revolution, of Rhode Island, favoring a national archive building; to the Committee on Public Buildings and Grounds.

Also, petitions of the Sunday School Association of Woonsocket, R. I., and Rhode Island Christian Endeavor Union, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WEBB: Petition of citizens of North and South Carolina, asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of General Henry W. Lawton Camp, No. 21, United Spanish War Veterans, Brooklyn, N. Y., indorsing House bill 17470, providing a pension for the widows and minor children of deceased Spanish War veterans; to the Committee on Pensions.

Also, petition of the Russian Caviar Co., New York City, requesting specific duty on caviar; to the Committee on Ways and Means.

Also, resolution of the Twenty-eighth Ward Taxpayers' Association, Brooklyn, N. Y., for the establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Central Federated Union of Greater New York and Vicinity, protesting against employment of enlisted men in construction of battleships; to the Committee on Naval Affairs.

By Mr. WILSON of Pennsylvania: Petitions of numerous granges, Patrons of Husbandry, in opposition to repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Petitions of the Woman's Christian Temperance Unions and churches of the State of New Jersey, for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the German-American Alliances of Middlesex County, Elizabeth, and Newark, against passage of prohibition or interstate liquor measures; to the Committee on the Judiciary.

SENATE.

THURSDAY, February 29, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9420. An act authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or fieldpieces; and

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909.

The message further announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 232) extending the operation of the act for the control of the waters of the Niagara River, for the preservation of Niagara Falls, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULZER, Mr. FLOOD of Virginia, and Mr. FOSTER of Vermont managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3776) granting the consent of Congress to the board of county commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River in the State of Montana, and it was thereupon signed by the Vice President.

SAVANNAH RIVER DAM.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from the following amendment to said bill:

"Provided, That such dam shall be constructed, maintained, and operated in accordance with an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, as amended by an act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 23, 1910."

That the Senate recede from its disagreement to the following amendment of the House and agree to same:

"Amend the title so as to read: 'An act to extend the time for completion of a dam across the Savannah River, at or near

the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., authorized by an act approved August 5, 1909.'"

KNUTE NELSON,
GEO. C. PERKINS,
THOMAS S. MARTIN,

Managers on the part of the Senate.

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,

Managers on the part of the House.

The report was agreed to.

LAWRENCE (MASS.) STRIKE.

Mr. SMITH of Michigan. I have received a communication transmitting resolutions of the common council of the city of Grand Rapids, Mich., bearing upon the Lawrence strike. I send the resolutions to the desk and ask that they may be read for the information of the Senate.

There being no objection, the resolutions were read and ordered to lie on the table, as follows:

Whereas it has come to our notice through the columns of the daily newspapers that the authorities in the city of Lawrence, Mass., where there is now pending a strike of large magnitude, have taken it upon themselves to detain children of the strikers who are about to leave the city, on their way to the homes of friends and sympathizers in other sections of the United States, which friends and sympathizers were to care for the children temporarily, so that the suffering occasioned by the strike troubles in that locality might not reach the children who are innocent of any participation in said trouble: Therefore be it

Resolved, That the common council of the city of Grand Rapids, as city officials and as representatives of the citizens thereof, do hereby protest against the unjust and cruel acts of said officials of said city of Lawrence, Mass., and do decry said acts as inhuman and against all the principles of American citizenship, and as this body believes against the laws of these United States relative to the free enjoyment of liberty by every citizen and every resident within the confines of this country; and be it further

Resolved, That a copy of said resolutions be forwarded to the governor of the State of Massachusetts, the mayor of the city of Lawrence, Mass., Congressman EDWIN F. SWEET, Senators TOWNSEND and SMITH.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the National Woman's Christian Temperance Union, praying that an appropriation be made for the erection of a colossal statue of peace at the entrance to the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

He also presented resolutions adopted by the Board of Supervisors of the county of Hawaii, Territory of Hawaii, favoring the enactment of legislation granting to L. S. Conness, W. H. Johnson, and their associates and assigns a franchise for a street railroad system for the city of Hilo, county of Hawaii, Territory of Hawaii, and also that the same be amended so as to include the rights and privileges of furnishing power, lights, and ice, etc., which were referred to the Committee on the Pacific Islands and Porto Rico.

Mr. GALLINGER presented petitions of the congregation of the Christian Church; of the Christian Endeavor Society; of Rockland Grange, No. 284, Patrons of Husbandry; and of sundry citizens, all of Sunapee, in the State of New Hampshire, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Union Council, No. 8, Junior Order of United American Mechanics, of Rochester, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented resolutions adopted by the Central Council of the Thirty-second Irish County Associations of Greater Boston, in the State of Massachusetts, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CULLOM presented memorials of sundry citizens of Rock Island, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Furniture Manufacturers' Association of Chicago, Ill., remonstrating against an increase of the duty on varnishes and other materials used for finishing furniture, which was referred to the Committee on Finance.

He also presented a memorial of the Tri-City Central Trades Council, of Granite City, Ill., remonstrating against the Navy

Department compelling enlisted men to perform the work formerly done by civilian employees, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Produce Exchange of New York, N. Y., remonstrating against the proposed reduction in the annual appropriation for the maintenance of the Diplomatic and Consular Service, which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Massachusetts, New York, New Jersey, Ohio, and Wisconsin, praying that an appropriation of \$50,000 be made to defray expenses incident to the entertainment of foreign delegates to the Fifth International Congress of Chambers of Commerce, which were referred to the Committee on Appropriations.

Mr. BRIGGS presented petitions of the Woman's Christian Temperance Unions of Penns Grove, Alloway, Bridgeton, Mays Landing, Hancock's Bridge, Medford, Pleasantville, and Woodstown; of the Bethel Methodist Protestant Church, the St. Paul's Methodist Episcopal Church, and the Emanuel Methodist Episcopal Church, of Penns Grove; of the Society of Friends and the Methodist Episcopal Church of Hancock's Bridge; of the Seventh-day Baptist Church of Shiloh; the Methodist Episcopal Church of Alloway; the First Baptist Church and the First Presbyterian Church of Manasquan; the Methodist Episcopal Church and the Presbyterian Church of Mays Landing; the Presbyterian Church of Hopewell; the First Methodist Episcopal Church of Pennington; of Local Grange No. 36 of Medford; of the Simpson Memorial Methodist Episcopal Church, of Long Branch; the First Baptist Church of Trenton; and of sundry citizens of Haddonfield and Bridgeton; of the Woman's Christian Temperance Unions of Bridgeton, New Egypt, Dennisville, and Audubon; the Methodist Episcopal Church of New Egypt, Woodstown, National Park, Clarksboro, Bradley Beach, Point Pleasant, Bayhead, Clayton, and Hightstown; of the First Methodist Episcopal Church of Cape May City; the Presbyterian Church of Woodstown; the Logan Memorial Presbyterian Church, of Audubon; the Friends Meeting of Woodstown; the Reformed Church of Oradell; the Wesley Methodist Episcopal Church, of Trenton; the Bethany Evangelical Lutheran Church, of North Bergen; the First Presbyterian Church of Point Pleasant; the First Congregational Church of Closter; the First Presbyterian Church of Long Branch; the Presbyterian Church of Westfield; the Woman's Christian Temperance Unions of Vineland, Cape May City, Smithville, Trenton, and Tuckahoe; of the Methodist Episcopal Church of Smithville; the Pearl Street Baptist Church, of Bridgeton; the Young People's Society of Christian Endeavor of New Egypt; the Wesleyan Methodist Church, of Vineland; the Woman's Christian Temperance Union of Port Norris; the Methodist Episcopal Church of South Dennis; the Methodist Episcopal Church of Dennisville; and the Congregational Church of Closter, all in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of members of the Civic Club of Arlington, the Porch Club of Riverton, the Public Welfare Committee of Essex County, the Woman's Christian Temperance Union of Orange, and of sundry citizens of Newark and Bound Brook, all in the State of New Jersey, praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Blackwood, Haddonfield, Marlton, Ashland, Merchantville, and Laurel Springs, all in the State of New Jersey, praying for the passage of the so-called Sulzer parcel-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Calton, Andover, and Jersey City, all in the State of New Jersey, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Hamilton Grange, No. 79, Patrons of Husbandry, of Hamilton Square; the Grand View Grange, No. 124, Patrons of Husbandry, of Flemington; and of sundry citizens of Blackwood and Laurel Springs, all in the State of New Jersey, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of members of the German-Irish Alliance of Essex County; of the Republican Club of Passaic; and of sundry citizens of Jersey City, Passaic, and Montclair, all in the State of New Jersey, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. DU PONT presented a petition of the Delaware State Federation of Women's Clubs, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GRONNA presented a petition of sundry citizens of Sarles, N. Dak., praying for the repeal of the Canadian reciprocity act, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Anamoose, N. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CHAMBERLAIN presented a petition of sundry citizens of McMinnville, Oreg., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Medford, Oreg., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Union and Jefferson, in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. THORNTON presented a petition of the Pastors' Association of Lake Charles, La., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented resolutions adopted by the Maine Peace Society, in convention at Portland, Me., favoring the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. JOHNSTON of Alabama presented memorials of sundry citizens of Union Springs, Huntsville, and Demopolis, all in the State of Alabama, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of Local Union No. 30, International Alliance Theatrical Stage Employees of the United States and Canada, of Indianapolis, Ind., and of Columbia Lodge, No. 174, International Association of Machinists, of Washington, D. C., praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry members of the Indiana National Guard, residents of Indianapolis, Ind., praying for the enactment of legislation to regulate the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. WATSON presented petitions of sundry citizens of Fairview, Mannington, Cameron, Clarksburg, Bridgeport, and Shinnston, all in the State of West Virginia, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Hillsdale County, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. BOURNE presented a petition of sundry citizens of Pendleton, Oreg., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens of Worcester, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of sundry citizens of Johnsonburg, Pa., praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pottstown, Pa., praying that an appropriation be made for the erection of a Federal building in that city, which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of sundry citizens of Oxford, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of Encampment No. 1, Union Veteran Legion, of Pittsburgh, Pa., and a memorial of General Hays Post, No. 3, Department of Pennsylvania, Grand Army of the Republic, of Pittsburgh, Pa., remonstrating against the

proposed discontinuance of the United States pension agency at that city, which were referred to the Committee on Pensions.

Mr. PAGE presented petitions of sundry citizens of Johnson, Middletown Springs, Washington, Waterville, North Bennington, and Ludlow, all in the State of Vermont, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. GUGGENHEIM presented a petition of the congregation of the Free Methodist Church, of Colorado Springs, Colo., and a petition of the Young Men's Christian Association of Colorado Springs, Colo., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a memorial of members of the German-American Alliance of Minnesota, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

Mr. BROWN presented memorials of sundry citizens of Wilsonville, Lebanon, and Cambridge, all in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which were referred to the Committee on Post Offices and Post Roads.

Mr. TILMAN presented petitions of sundry citizens of Newberry and Branchville, in the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Columbia, Sumter, Newberry, Abbeville, Greenwood, Anderson, Greenville, Westminster, Spartanburg, and Orangeburg, all in the State of South Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a petition of Local Post No. 71, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Eureka, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Frankfort, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Sabetha and Whiting, in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of the congregation of the Congregational Church of Goshen, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Westchester District Association of the National Association of Letter Carriers, of Port Chester, N. Y., praying for the enactment of legislation to regulate the hours of employment of letter carriers, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Westchester District Association of the National Association of Letter Carriers, of Port Chester, N. Y., praying for the enactment of legislation providing for the retirement of civil-service employees after 30 years' service and who have reached the age of 60 years, which was referred to the Committee on Civil Service and Retrenchment.

Mr. SWANSON presented a petition of sundry citizens of New Kent County, Va., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Roanoke, Petersburg, and Richmond, all in the State of Virginia, remonstrating against the establishment of a parcel-post system and for the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Danville, Va., praying for the enactment of legislation to provide proper punishment for the breaking of seals of railroad cars containing interstate or foreign shipments and the larceny of the same, etc., which was referred to the Committee on Interstate Commerce.

Mr. ROOT presented petitions of the congregations of the Universalist Church and the Congregational Church of Friendship; of the Presbyterian, Methodist, and Baptist Churches of Penn Yan; of the Woman's Christian Temperance Unions of

Coxsackie, Newfield, and Friendship; and of O. R. Pang, of Jamestown, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

AFFAIRS IN MEXICO.

Mr. CULBERSON. Mr. President, while I do not desire or propose at this time to discuss the situation in Mexico, yet as that matter is being considered, I understand, by the Committee on Foreign Relations, I feel it my duty to present to the Senate a letter, or rather a part of a letter, which I have received from a very intelligent and respected citizen of San Antonio, Tex. I ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SAN ANTONIO, TEX., February 23, 1912.

Hon. CHAS. A. CULBERSON,
United States Senate, Washington, D. C.

DEAR MR. CULBERSON: I write this to call your attention to the continued use of this city as a place of rendezvous and plotting for numbers of revolutionists in rebellion against the constituted authorities of their own country. This has been the case for many years past, especially in connection with discontented politicians from Mexico, who have so often availed themselves of the security afforded them here to arrange and work up schemes against their home government, this being a direct violation of the neutrality laws, as Mexico is a friendly power. I think it is high time that some adequate measure should be adopted to put an end to such proceedings, which are so extremely disastrous to the commerce of San Antonio, of the State of Texas, and of the United States in general.

I especially call to your attention a clipping inclosed from the local paper, which shows the audacity of these people in their use of our soil as a ground for working up their plots. The thing usually happens in this way: Señor don Such-a-One arrives here full of appeals for sympathy as a much-abused refugee from his country; his life and his family's lives in danger there, and coming here to seek sanctuary in the land of the free, where everybody is safe. This is Act I. Then comes Act II. This peaceful and peaceable gentleman, who declares he has not the slightest idea of promoting a revolution nor any intention of making any active or inactive movement against the home rulers, receives the visits of "a little band of his devoted friends and adherents," and this pacific gentleman, who is here only for peace and safety and a little pleasant recreation, issues a manifesto, stating his infinite reluctance, etc., but really, in view of the immense need which his country has for him, etc., etc., he will consent to accept the Presidency, etc. Act III comes in in another direction, when Americans living in Mexico, many of them at a distance from large towns, in small pueblos, or on haciendas, are forced to flee for their lives, having no police or military protection against rebels or bandits, leaving their property to the mercy of the raiders, and often suffering great danger and hardships on the way and great loss and ruin in their business interests. Then there is the interruption or practical destruction of trade between the two countries; the interruption or disruption of traffic and transportation facilities; and this is not merely for the time, but each occurrence of this sort increases the feeling of hostility toward the United States, for the party in power for the moment will not fail to bear in mind the successful machinations of their opponents, under the protection of our flag, even though they also may have sought and used the same protection not long before. This sort of thing has been done no less than three times within a year, and but for this immunity and the ease with which conspirators can come here and carry on their plottings, under the guaranties of safety they have here, the revolutionary movements in Mexico would not have been as easy to initiate nor as difficult to suppress as they have been with this shield behind their organizers.

I would ask you, then, to take at once some steps to bring about adequate and proper legislation for the purpose of putting a stop to the unmolested presence here of such plotters, who are audacious enough to allege their complete innocence and innocuousness up to the very moment of their starting out in armed rebellion against their home government. The consequences of such disturbances are ruinous to the many Americans having interests in Mexico, besides the damage to our commerce with that country, the expense of military movements entailed by the need of border protection, etc.

Mr. CULBERSON. The name of the writer of this letter is not given by me, but the original letter is subject to the inspection of any Senator who may desire to see it. The newspaper article to which he refers is from the San Antonio Daily Express of the 18th instant, and I ask that it may be inserted in the Record without reading. It contains a manifesto dated and signed at San Antonio, Tex., February 17, 1912, by a man who has been chosen as provisional President of the Republic against the present occupant of that high station.

There being no objection, the article referred to was ordered to be printed in the Record, as follows:

[From San Antonio Express, Feb. 18, 1912.]

GOMEZ ACCEPTS THE PROVISIONAL PRESIDENCY—IN MANIFESTO ISSUED FROM SAN ANTONIO HE SAYS HE HARKS TO CALL FROM MEXICO—WILL NOT CROSS BORDER—HE REITERATES THAT HE WILL STAY IN SAN ANTONIO AND WILL TAKE NO PART IN WARFARE—URGES THAT ALL FOREIGNERS BE RESPECTED.

Emilio Vasquez Gomez, formerly a member of the Mexican cabinet, broke his sternly kept silence last night by issuing a manifesto addressed to the Mexican Nation, in which he says he is willing to become provisional president of the country across the Rio Grande if the people are willing and want him.

Señor Gomez, self-exiled, has told reporters of the Express daily for two or three weeks that he knew no more of what was going on in Mexico than he gathered from the daily papers. He has repeatedly declared he knew no more of the workings of the men and factions opposed to President Madero than did any other man who made a habit of perusing the press.

Immediately after his arrival, however, he said he would like to see conditions in his country bettered, but that he would not engage in the work of leading any such a force as he thought would be necessary to bring about the change he desired.

The proclamation of Mr. Gomez goes further than did his original statement, but nowhere does it contain a suggestion even that its author expects to cross the dividing line between the land of his birth and the one in which he has found refuge during the past few weeks.

Mexican Consul General M. A. Esteva heard of the Gomez proclamation and came to the Express office to see a copy of the document. He communicated with United States Marshal Nolte at once, and, of course, cabled Mexican Minister of Foreign Affairs Manuel Calero the substance of the matter.

ESTEVA IS SURPRISED.

Mr. Esteva regards the proclamation as deeply significant. He expressed much surprise that a man of Gomez's quietness would attach his signature to a manifesto of the kind. "I had come to believe Señor Gomez was entirely harmless," said Mr. Esteva. "We shall pay closer attention to him in future."

"I received good news from my Government to-day," added Mr. Esteva. "I am officially informed the disorders in and about Chihuahua are lessening to a minimum and that better conditions prevail in a number of sections."

Mr. Esteva and Marshal Nolte will have a conference this morning. United States and Mexican secret-service men will at once begin a sharp surveillance of Mr. Gomez and of his residence at 501 South Presa Street. But Marshal Nolte says the proclamation, no matter how significant it may be, can not be construed within itself as an overt act, as something demanding a warrant of arrest on account of the neutrality laws of the United States.

The Gomez proclamation, signed in his own hand and given to the Express, follows, the translation having been made by a capable instructor in Spanish in the San Antonio public schools:

"Manifesto of Hon. Emilio Vasquez Gomez to the nation: In the city of Tacubaya, on the 31st of October of last year, while I was absent from my country, the plan bearing the above name was subscribed by some of my followers calling the Mexican people again to arms to continue the glorious revolution according to the San Luis Potosí plan, because the high ideals proclaimed in the said plan of San Luis Potosí and brought out victorious in the last revolution had been abandoned and even destroyed by the leader of that revolution, Mr. Francisco I. Madero.

"The Tacubaya plan declares void the general elections from the 1st to the 15th of October, 1911, on account of the vice presidential imposition the Houses of Congress of the union are declared dissolved as well as all their acts null from the 15th of September to the 15th of December; it demands that the elections legally effected throughout the States of their respective officers should be held as sacred; and finally proclaims the actual continuation of the revolution according to the Tacubaya plan, which has for its immediate purpose to take me, after the accomplishment of victory, to the presidency of the Republic, endowed with all the necessary powers to convoke to general elections for President and Vice President of the Republic, for Representatives and Senators to Congress of the union, and in order that I should at once begin in that high position to carry out the glorious ideals won by the revolution of November, and in this manner to restore the peace and tranquillity of the country, which had already been altered when the plan of Tacubaya was proclaimed.

"From the last days of September of last year to the present moment I have been and I am still in a foreign land, without taking part in my country's politics, excepting the small correspondence addressed to the press and to some persons in Mexico, advising them as to what should be done to heal the deep wounds and cure the acute pains that my country was and is still bitterly suffering.

"CONDEMNNS MADERO GOVERNMENT.

"The conduct of the government of Francisco I. Madero by abandoning and even destroying the sacred ideals of the revolution has exclusively created and developed in the south, in the north, and even in the center of the Republic formidable revolutionary movements that will shortly do away with the present Government. That armed movement has for its general aim the triumph of the Tacubaya plan and bears also for its general standard my humble name.

"By means of those revolutionary movements the Mexican people, disappointed on account of the conduct of Mr. Madero, is anxiously and patriotically striving to establish as facts and truths in their daily life the ideals of political liberty; of justice in all its manifestations; the establishment of irrigation by the State; the acquisition and division, without injury to anybody, of the extensive tracts of land; to organize numerous legions of small proprietors throughout the country, securing peace and the increasing development of Mexico; and in some regions still go further, and regain for the small towns lands, water, and woods, so that they may in this manner enjoy the life of the honest worker, free from misery and from the sordid and abject condition they have stood for many years.

"In the presence of so far-reaching events, brought forth by intense desire and the firm determination of the Mexican people to sincerely, honorably, and patriotically carry out in triumph and to their complete realization the glorious ideals of the revolution, because they clearly see in them the longed-for conquest of their moral, intellectual, political, and economical aggrandizement, I therefore feel that it is my duty before such events to break silence and declare, as I do solemnly declare, that with heartfelt gratitude and deep conscience of the high duties imposed upon me I shall accept the position as provisional President of the Mexican Republic, and I shall comply, and I do now protest that I shall honorably and patriotically comply with the high duties imposed upon me by the highest charge and by the plan of San Luis Potosí as reformed in Tacubaya.

"I have considered it imperative to formulate the above protest and declaration, because all Mexicans must be always and inexcusably at the service of the fatherland and where the fatherland calls us.

"I appreciate the great responsibility that a citizen assumes when under such difficult and serious circumstances as those about to come decides to take the rudder of state to firmly guide it toward the return of constitutional order and toward peace, toward the realization of the ideals already won and longed for by all, but I have faith, profound faith, in the fact that with a fixed eye persistently riveted upon our supreme laws and upon the revolutionary ideals, the only lighthouses that shine over my path, and with the help of common effort from all and the patriotism and heroic example of our forefathers in similar cases that has inspired the heart of the Mexican people, we shall all united reach the desired port where we shall find salvation and the

aggrandizement of that fatherland bequeathed to us by our fathers, and which we protest to deliver to our children integral and always worthy.

"WILL NOT GO TO MEXICO.

"I am residing now and I shall continue to reside in this city, without taking, as I have never taken, part at all in the armed movement now going on in my country, but I take the liberty of recommending, as a simple citizen only, to all my partisans who are now or may be under arms the greatest order possible in all their acts, profound respect and even true protection to the life of a peaceful man, whosoever he may be, either native or foreigner, since in this manner only just, noble, and patriotic causes are conducted, so do national culture, decency, and dignity demand it at all times and under all circumstances.

"I would make a special recommendation in regard to foreigners; they have effectively and powerfully contributed and will continue to contribute their capital and valuable teachings that they bring to us for the elevation of the Mexicans and the progress of the country, and it is necessary that they should have in our honest and worthy conduct a true guaranty and protection of their lives and property, and we must necessarily do it in this manner to justify and give credit to our cause and in order to maintain before all the nations of the earth the culture of our people and the national dignity.

"Everything for the fatherland's sake and for the fatherland.

"EMILIO VASQUEZ.

"SAN ANTONIO, TEX., February 27, 1912."

WOULD REMEDY CONDITIONS.

Señor Gomez said yesterday he would use his influence to bring about a resumption of rail communication between Torreon and C. P. Diaz, Mexico.

"I believe the railroads should be kept in operation," said Señor Gomez. "It is bad for traffic to be stopped and valuable property destroyed in the manner reports indicate. I expect to send a message to some of my friends, as a private citizen, of course, to use their best efforts in abating the molestation of the railroads."

Señor Gomez's decision to take action at once was largely brought about by a letter which he received yesterday from West Livaudais, a prominent exporter of New Orleans. In his letter Mr. Livaudais said:

"In view of the demoralization in Torreon and the Laguna district and the fact that the rebels there have formally declared themselves under your banner, I respectfully beg leave to call your attention to the distressing conditions now prevailing in that territory. Hundreds of women and children have flocked to Torreon from the surrounding country in the last few days only to find all outlet to the north cut off by the rebels, and I am just in receipt of a telegram from Torreon telling me that the conditions border on panic, and that the fear and apprehension among these neutrals is something terrible, and this condition is only intensified by the fact that the rebels refuse to permit the railroad company to repair a few bridges so as to resume communication with C. P. Diaz.

"I have been in Torreon several times during the past 18 months under just such conditions as prevail at present, and am quite convinced that my informant has not exaggerated the facts. With your permission, I would like to suggest that a word from your very good self to the gentlemen in command of these Laguna forces might have the immediate effect of permitting a resumption of rail communication between Torreon and C. P. Diaz, as the railroad officials inform me that they are prepared to repair their bridges just as soon as they are assured of the necessary protection. Such a move on your part will be of much benefit to noncombatants and can not possibly hurt the cause for which you and your friends are struggling.

"Please give this matter your serious consideration, and if it meets with your approval, please have the kindness to act quickly."

Railroad officials in the City of Mexico have informed Mr. Livaudais they are prepared to make repairs just as soon as they are given the necessary protection.

Mr. CULBERSON. In this connection I will ask the Secretary to read section 5286 of the Revised Statutes of the United States.

The VICE PRESIDENT. Without objection, the Secretary will read, as requested.

The Secretary read as follows:

Sec. 5286. Every person who, within the territory or jurisdiction of the United States, begins, or sets on foot or provides or prepares the means for any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding \$3,000 and imprisoned not more than three years.

Mr. CULBERSON. Mr. President, I ask that the portion of the letter submitted and the newspaper clipping from the San Antonio Express be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, that reference will be made.

REPORTS OF COMMITTEES.

Mr. BOURNE, from the Committee on Commerce, to which was referred the bill (S. 5272) appropriating \$75,000 for the protection of Valdez, Alaska, from glacial floods, reported it with an amendment and submitted a report (No. 420) thereon.

Mr. JONES, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 77) authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment to be held at Pullman, Wash., in June, 1912, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 5207) to provide an American register for the steamer *Oceana*, reported it with amendments and submitted a report (No. 421) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 4663) to authorize and empower the Secretary of War to locate a right of way for and to grant the same and the right to operate and maintain a

line of railroad, telephone, telegraph, and electric transmission lines through Vancouver Barracks and Military Reservation, in the State of Washington, to Washington-Oregon Corporation, its successors and assigns, reported it with an amendment and submitted a report (No. 422) thereon.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 3917) for the retirement of Henry R. Drake, captain, Philippine Scouts, reported it without amendment and submitted a report (No. 423) thereon.

Mr. BRYAN, from the Committee on Naval Affairs, to which were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

S. 4685. A bill to correct the naval record of Michael Philbin; and

S. 4227. A bill for the relief of Lieut. Richard Philip McCullough.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 1683) for the relief of Baer, Senior & Co.'s successors and C. Ingenohl, submitted an adverse report (No. 424) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 3625) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal., reported it with an amendment and submitted a report (No. 425) thereon.

HUDSON RIVER BRIDGE.

Mr. MARTIN of Virginia. I am directed by the Committee on Commerce, to which was referred the bill (S. 4978) to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890, to report it favorably with an amendment, and I submit a report (No. 419) thereon.

Mr. O'GORMAN. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Virginia.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

Mr. ROOT. Mr. President, may I inquire if the whole of the bill has been read?

The VICE PRESIDENT. It has been read save the amendment proposed by the committee, which the Secretary is about to read.

Mr. ROOT. I reserve the right to object until I hear the amendment.

The VICE PRESIDENT. The Senator from New York reserving the right to object, the Secretary will read the proposed amendment.

The SECRETARY. The committee propose to amend by adding at the end of the bill the following proviso:

Provided, That the location of said bridge and all plans for its construction shall hereafter be submitted to the Secretary of War for his consideration and approval before the construction of said bridge shall be entered upon.

So as to make the bill read:

*Be it enacted, etc., That section 2 of the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," be, and the same is hereby, so supplemented and amended as to extend the time for the completion of the construction of the bridge by the said act authorized until the 1st day of January, in the year of our Lord 1922: *Provided, That the location of said bridge and all plans for its construction shall hereafter be submitted to the Secretary of War for his consideration and approval before the construction of said bridge shall be entered upon.**

Mr. ROOT. Mr. President, I wish to ask the junior Senator from New York whether that is deemed to be all that is requisite to enable the authorities of the city of New York to exercise their judgment regarding the location of this bridge? There is a very important and extensive plan for the improvement of the water front, and it would be very unfortunate to have a bridge located in such a way as to interfere with that plan or with any plan that may take its place.

Mr. O'GORMAN. Mr. President, there were three corporations interested in the proposed project of bridging the Hudson River. This application for the extension of a franchise on behalf of one of the three was at first opposed by the interstate commission representing the States of New Jersey and New York. Before the committee to-day all of those companies, including the interstate commission, approved the proposed amendment. The amendment was suggested by the interstate

commission so that it might not be embarrassed in its future plans by a location of the terminal by one of these private enterprises. The bill as amended meets the approval of every person interested.

Mr. ROOT. I have no objection, Mr. President.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILADELPHIA & READING COAL & IRON CO., ETC.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 5459) for the relief of the Philadelphia & Reading Coal & Iron Co. and Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., reported the following resolution (S. Res. 239), which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 5459) entitled "A bill for the relief of the Philadelphia & Reading Coal & Iron Co. and Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

HEARINGS BEFORE THE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 234) submitted by Mr. SUTHERLAND, on the 26th instant, reported it favorably without amendment, and it was considered by unanimous consent, and agreed to as follows:

Resolved, That the Committee on Public Buildings and Grounds or any subcommittee thereof is hereby authorized during the Sixty-second Congress to send for persons and papers, to administer oaths, to employ stenographers from time to time to report such hearings as may be had in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittee thereof may sit during the sessions of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 5540) for the relief of the trustees of the Zion Methodist Church, of York County, Va. (with accompanying paper); to the Committee on Claims.

By Mr. BRIGGS:

A bill (S. 5541) for the relief of John W. Barriger and others; and

A bill (S. 5542) for the relief of Jane A. Oberly (with accompanying paper); to the Committee on Claims.

By Mr. HEYBURN:

A bill (S. 5543) for the relief of Fred Larsen; and
A bill (S. 5544) for the relief of Peter W. Anderson; to the Committee on Claims.

Mr. BORAH introduced a bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects, which was read twice by its title.

Mr. BORAH. The bill relates solely to homesteads upon irrigation projects under the Carey Act, and I think it should be referred to the Committee on Irrigation and Reclamation of Arid Lands.

The VICE PRESIDENT. Without objection, the bill will be so referred.

By Mr. BORAH:

A bill (S. 5546) to create a commission of industrial relations; to the Committee on Education and Labor.

Mr. TOWNSEND. By request, I introduce a bill for the relief of certain officers of the Regular Army who graduated from West Point. I do this, not because I am in sympathy with the general proposition but because it covers the case of men who, under the ruling of the Supreme Court, undoubtedly would be entitled to this longevity pay. For myself, it occurs to me it would be much better for the Congress to consider the rights and the claims of Volunteer officers of the Civil War rather than to pay for services rendered by officers while they were being supported and educated by the Government as students at West Point. I ask that the bill be referred to the Committee on Military Affairs.

The bill (S. 5547) for the relief of James Butler and others was read twice by its title and referred to the Committee on Military Affairs.

By Mr. CLAPP:

A bill (S. 5548) authorizing the Secretary of the Interior to convey a certain tract of land to the Minnesota & Manitoba Railway Co.; to the Committee on Public Lands.

By Mr. DU PONT:

A bill (S. 5549) granting an increase of pension to Isabella E. Bradford;

A bill (S. 5550) granting a pension to Emma P. Justison;

A bill (S. 5551) granting a pension to Edward Wilson (with accompanying papers); and

A bill (S. 5552) granting a pension to Martha McCutcheon (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5553) granting an increase of pension to Daniel Fordham (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 5554) granting a pension to Lucy W. Lockwood; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5555) granting an increase of pension to Jacob W. Kinsey (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5556) to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes; to the Committee on Interstate Commerce.

By Mr. PENROSE:

A bill (S. 5557) granting an increase of pension to William T. Saylor; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 5558) granting a pension to Frances A. Cox (with accompanying papers);

A bill (S. 5559) granting an increase of pension to Michael Geraghty (with accompanying papers);

A bill (S. 5560) granting an increase of pension to Henry H. Hastings (with accompanying paper);

A bill (S. 5561) granting an increase of pension to Alice L. Horne (with accompanying papers);

A bill (S. 5562) granting an increase of pension to Joby A. Howland (with accompanying papers);

A bill (S. 5563) granting an increase of pension to Emma C. Palmer (with accompanying papers);

A bill (S. 5564) granting an increase of pension to James W. Ruff (with accompanying papers); and

A bill (S. 5565) granting an increase of pension to John D. Thomas (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND (by request):

A bill (S. 5566) for the relief of the estate of William Hemp-hill Bell; to the Committee on Claims.

By Mr. WORKS:

A joint resolution (S. J. Res. 81) proposing an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex; to the Committee on the Judiciary.

By Mr. CURTIS:

A joint resolution (S. J. Res. 82) authorizing free or reduced transportation to regular immigration agents while actually engaged in the performance of their work, and for other purposes; to the Committee on Interstate Commerce.

INTRACOASTAL WATERWAYS SURVEY.

Mr. PENROSE. I submit a resolution for the printing of a document, the estimated cost of which will be under \$500. I ask unanimous consent for the present consideration of the resolution.

There being no objection, the resolution (S. Res. 240) was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed in paper covers, for the use of the Senate, 1,700 copies of House Document No. 391, Sixty-second Congress, second session.

DETAIL OF ARMY OFFICER TO CHILE (S. DOC. NO. 352).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of War, having relation to the request of the Republic of Chile that an officer of the Coast Artillery Corps, United States Army, be permitted to serve as an instructor in the army of that Republic.

I believe that should Congress grant authority for the detail

of the officer named by the Secretary of War it would inure greatly to the benefit of the relations existing between Chile and the United States, and I respectfully and strongly urge that Congress take favorable action in the case under the precedents which have been established and which are cited in the letter of the Secretary.

WM. H. TAFT.

THE WHITE HOUSE, February 29, 1912.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 9420. An act authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or field-pieces; and

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant.

SENATOR FROM WISCONSIN.

Mr. BRISTOW. Mr. President, I desire to announce that, with the permission of the Senate, on to-morrow, immediately after the routine morning business, I will submit remarks on the Stephenson case.

AMENDMENT OF PRINTING LAWS.

Mr. SMOOT. Mr. President, I desire to announce that on Monday, March 4, following the routine morning business, I shall desire to address the Senate on the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

Mr. HEYBURN. Mr. President, a word in connection with the announcement of the Senator from Utah and the Senator from Kansas. I have already a standing notice that I will call up the Stephenson matter and would probably antagonize any other business with that motion. So I would not want Senators to think that by giving notice that they would on a certain time take up matters within the time legitimately appropriated to the consideration of the Stephenson matter, I would waive it.

Mr. BRISTOW. I desire to state to the Senator from Idaho that I announced I would speak on the Stephenson case.

Mr. HEYBURN. I so understood it. I said nothing to the contrary.

Mr. SMOOT. I simply gave notice, and if the Senator from Idaho should then insist upon taking up the Stephenson case, of course I could name another day.

Mr. HEYBURN. I only desire to avoid any suggestion of discourtesy in case I may call it up at that time.

CORRESPONDENCE WITH COLOMBIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be stated.

The SECRETARY. Senate resolution 237, submitted yesterday by Mr. HITCHCOCK, requesting the President to transmit to the Senate copies of all correspondence and communications between this Government and the Government of Colombia since the last presentation to the Senate of such correspondence and communications to this date.

Mr. HITCHCOCK. Mr. President, in view of the fact that the Senator from Massachusetts [Mr. LODGE] gave notice some time ago that he would speak on the arbitration treaties today, I ask unanimous consent that my resolution may go over until to-morrow or until the next legislative day, without prejudice.

The VICE PRESIDENT. Without objection, an order to that effect is entered. Morning business is closed.

GENERAL ARBITRATION TREATIES (S. DOC. NO. 353).

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of the arbitration treaties with Great Britain and France as in open executive session.

The motion was agreed to.

Mr. LODGE. I offer the resolution of ratification which I send to the desk, the adoption of which at the proper time I shall move. It is the one that has been printed as part of the committee report, but I have made two slight modifications in it, one correcting a typographical omission and the other adding a single word to make it more explicit.

The VICE PRESIDENT. The Secretary will report the ratification resolution with the proposed modifications.

The Secretary read as follows:

Amendment intended to be proposed by Mr. LODGE in the nature of a substitute to the resolution of ratification submitted by the Committee on Foreign Relations August 12, 1911, with their report upon the treaty

signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty, and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy."

"Resolved further, That the Senate advise and consent to the ratification of the treaty with the understanding, to be made a part of such ratification, that in any joint high commission of inquiry to which shall be referred the question as to whether or not a difference is subject to arbitration under Article I of the treaty, as provided by Article III thereof, the American members of such commission shall be appointed by the President subject to the advice and consent of the Senate, and with the further understanding that the reservation in Article I of the treaty that the special agreement in each case shall be made by the President by and with the advice and consent of the Senate means the concurrence of the Senate in the full and unrestricted exercise of its constitutional powers in respect to every special agreement whether submitted to the Senate as the result of the report of a joint high commission of inquiry under Article III or otherwise."

Mr. LODGE. Mr. President, the greatest attribute of sovereignty is the war power, for on that power rests the peace of the country, and the issues of life and death are in its keeping. The maintenance of peace depends upon the ability of the sovereign nation to defend itself against aggression and upon the wise management of its foreign relations. Under our form of government everything relating to peace and war was given by the States to the Government of the United States. The duty of keeping the United States so well prepared that aggression from other nations will not be invited, and if attempted will be repelled, is imposed by the Constitution upon the Congress of the United States and is effected through legislation which must receive the assent of the President. This duty has not been adequately fulfilled at all times in our history, and there is always a tendency to overlook the unquenchable fact that nothing is so essential to a country's peace as a well-settled conviction on the part of the rest of the world that to make successful war upon that country would be a highly dangerous as well as a most unprofitable undertaking. Weakness and wealth combined constitute the greatest incentive to war, for the nation which is at once rich, high-spirited, and unarmed is a constant temptation to great military powers which have not yet ceased to stand armed and ready along the highways of civilization, prepared, if the opportunity seems favorable, to spring out upon and to despoil the unwary and unready traveler. We have a striking illustration of this important fact before our eyes at this very moment. If Turkey had possessed a strong and efficient navy the shores of the Mediterranean would be to-day untroubled by war. The naval weakness of Turkey alone made the Tripolitan War possible.

The second element in the maintenance of peace lies in the conduct of the country's foreign relations, and when the States stripped themselves of this great function of sovereignty they exercised the utmost care in transferring it to the Government of the United States. To the two Houses of Congress they gave the power of declaring war. Upon the President and the Senate they conferred the power to make peace. We can make war without the participation of the Executive; we can make peace without the participation of the House of Representatives; but we can make neither peace nor war without the participation of the Senate. The makers of the Constitution represented the States, and the States wished, so far as possible, to retain control not only of the issues of peace or war, but of the entire conduct of our foreign relations in the body which was to represent them under the new Constitution. The first plan was to give to the Senate the sole power to make treaties and to appoint ambassadors and judges of the Supreme Court, which is of interest as indicating the purpose of the States represented in the Constitutional Convention to keep, so far as possible, in their own hands the absolute control of our foreign relations. The impracticability of this scheme led to the adoption of the arrangement which exists to-day under the Constitution. Our foreign relations are to be conducted by the President and the Senate. The initiative rests with the President, but no action can be taken without the concurrence of the Senate.

I call attention to these familiar facts, because they are too often overlooked by those who seem to think that in dealing with treaties the Senate, if it happens to differ with the Executive, is engaged in a merely selfish struggle for its own prerogatives and is even usurping powers which do not properly belong to it. The most casual examination of our history shows what is too often forgotten, that it was the deliberate purpose of the States, when they made the Constitution and resigned some of their sovereign powers to the General Government, to retain in the body which represented the States an unquestioned authority in our foreign relations and in the last resort a com-

plete control over them. The treaty-making power was not thus arranged as a mere matter of governmental machinery or as a contrivance which would prove convenient in operation, but as embodying a fundamental principle which the States regarded as of the most vital importance. The framers of the Constitution were determined that the relations of the United States with foreign nations should not pass beyond the control of the representatives of the States which had resigned this great power to the care of the General Government. The history of our foreign relations, therefore, is the history of the joint action of the President and the Senate, and in every phase of those relations from the foundation of the Government the Senate has been deeply concerned.

We are now called upon to deal with two treaties designed to secure, under certain limitations, the general arbitration of all differences which may arise between the United States and the two nations with which the treaties are made. Before entering upon an analysis of those treaties it will not be amiss to review briefly the course pursued by the Senate in that portion of our foreign relations which has been concerned with the promotion of the cause of international peace. The necessity of doing so arises from the fact that these treaties have been made the subject of public agitation and organized clamor—methods of managing our foreign relations which I venture to think eminently unsuitable—and because the attitude of the Senate and the questions involved in the treaties have been grossly misrepresented and the real issues clouded and confused. For example, I have had letters from persons, presumably intelligent, asking how it was possible that I could oppose the treaties when I knew that the alternative was war. It was apparently vain to reply that I was not opposed to the treaties; that, on the contrary, I favored them, and that the alternative of the treaties was not war; that our friendship with England and with France rested, fortunately, on much deeper and firmer foundations than any paper promises to arbitrate could create; and that, whether those treaties existed or not, war between the United States and England or the United States and France was inconceivable, if not impossible. In many letters and resolutions it was obvious that the writers of the letters and the framers of the resolutions were entirely unaware that we already had twenty-five general arbitration treaties with as many different countries, and that the two treaties now pending are not new propositions, but are merely intended to be extensions of the terms of those which they will supplant. If we are to have intelligent discussion of the subject, this is a preliminary fact which it is well to keep in mind.

A distinguished member of the New York bar was kind enough to send me not long since a copy of an address which he had delivered upon the subject of these treaties. On the first page I find this sentence:

With France our relations have from the beginning ever been of the closest.

There is no more doubt of the great help given us by France in our Revolution than there is of our lasting gratitude for what she then did. But the statement I have quoted is historically entirely inaccurate. Our relations with France down to 1867 were at times the reverse of close or friendly. At the close of the eighteenth century France was seizing our merchant vessels, and the quarrel growing out of these seizures and out of our acceptance of the Jay treaty was bitter in the extreme. Actual, although not declared, war existed. We retaliated on French merchant ships and privateers. In 1798 we abrogated all the French treaties. There were two frigate actions in which we were victorious, in one instance capturing the French man-of-war, and we raised a provisional army with Washington in command in order to be ready for a French invasion. In Jackson's time our relations with France were strained almost to the breaking point owing to the ill feeling growing out of our unsatisfied claims against France for depredations upon our commerce. During the Civil War no foreign country was so hostile to the United States as France under the Government of the third Napoleon, and it was he who tried, when we were struggling for existence, to destroy the Monroe doctrine and set up an empire, with an Austrian archduke at its head, in Mexico. In the face of these facts to say that "our relations with France from the beginning have ever been of the closest" is of course utterly incorrect, and I instance this case merely in order to show how carelessly and with what imperfect information the discussion of these treaties has been approached during the public agitation of the subject, even by men of ability and legal training. The Senate, which they are so quick to criticize, can not afford to approach and does not deal with treaties in this uninformed way.

Let me take yet another example of the public discussion of these treaties. In a newspaper ordinarily sane and intelligent I have seen it gravely alleged that Senators opposed the treaties—by which it was meant that some Senators thought an amendment necessary—because they feared that the ratification of the treaties would deprive them of military patronage. What this may mean I do not know, for beyond occasionally nominating a cadet or a midshipman I am not aware that Senators have any military patronage, and I hardly think that when these treaties are ratified West Point and Annapolis will thereupon be closed, the buildings razed, and the land sold. If we did that we might end by leaving the dove of peace without a cannon's mouth in which to build its nest, a possibility not to be contemplated with calmness. The same newspaper further said that the resistance to the treaties came from the influence of corporations interested in the manufacture of military supplies. If such corporations—and it is the fashion just now to charge everything to corporations—have labored to oppose these treaties, they have done it with such profound secrecy that no Senator, at least, has been able to detect them at their nefarious work. The only relation sustained by any corporation, which I have been able to discover, to the question of these treaties is that agitation in their behalf has been supported in part, at least, by the profits derived from the manufacture and sale of armor plate.

The fact is that this attribution of improper motives to Senators who venture to think that these treaties might be improved by amendment is a rather sorry business. If Senators feel that these treaties, like all treaties, should be carefully scrutinized and that it would be wise to amend them, they do so from a high sense of the duty imposed upon them by the Constitution, and are well aware that in the performance of this duty they expose themselves to misrepresentation, misconstruction, and much ignorant abuse. The pleasant and easy thing to do would be to disregard their constitutional duty, shut their eyes, jump down into the arena, and shout with the crowd. The primrose path is that marked out by the wisdom of Mr. Pickwick:

"Slumkey forever!" roared the honest and independent.
 "Slumkey forever!" echoed Mr. Pickwick, taking off his hat.
 "Who is Slumkey?" whispered Mr. Tupman.
 "I don't know," whispered Mr. Pickwick in the same tone.
 "Hush, don't ask any questions. It's always best on these occasions to do what the mob do."
 "But suppose there are two mobs?" suggested Mr. Snodgrass.
 "Shout with the largest," replied Mr. Pickwick.
 Volumes could not have said more.

When Senators decline to take this excellent if worldly advice they may be mistaken, but they can by no chance be governed by any motive except the desire to do their duty to their country as they understand that duty. The assumption that excellent but wholly irresponsible persons are more concerned about the preservation of peace than Senators who are charged with the heavy responsibility of peace and war may, I think, be described as unfounded if not unwarranted.

It has also been declared in many letters and resolutions that any attempt to amend the treaties was an evidence of hostility to peace, and that the Senate, which had shown itself dissatisfied with some of the terms of the treaties, was therefore hostile to the promotion of peace on earth. I think, Mr. President, we have had a little too much of this very modern doctrine that a bill or a treaty must not be amended by the Houses of Congress, which possess the right of amendment, and that because Senators think that a treaty can be improved by amendment they should therefore be set down as hostile to its purpose. It is well to remember that perfecting amendments are not yet wholly unknown and that not infrequently amendments have proved in the end to be the best parts of both laws and treaties.

I trust I shall be pardoned for referring to a case in point as to this matter of amendment. When the reciprocity measure was before the Senate the senior Senator from New York and I, who both favored the bill and voted for it, pointed out that by the paper provisions we were laying ourselves open to a great deal of trouble with other nations, who would surely seek to apply the favored-nation clause to the concessions given to Canada on wood pulp and print paper. No heed was given to our warning; the doctrine that amendments were equivalent to enmity was rigidly applied and to-day, as a consequence, we find ourselves involved in a most unpleasant controversy with friendly nations who insist that under the favored-nation clause their wood pulp and print paper must come into the United States free of duty. We must either accept their interpretation and thus bring about in a furtive way a situation which Congress certainly did not intend or we must deny their contention and expose ourselves to the charge of bad faith in not carrying out our treaty agreements and very likely to retaliation because of our attitude in this respect. I mention this circumstance merely to show the great danger of

undertaking to uphold the doctrine that amendments to a bill or a treaty are necessarily hostile and that under the pressure of public clamor we must resign the important right of amendment and accept the exact terms of a bill or a treaty which we have had no part in framing or preparing.

Let us now determine by a brief review of the course of the Senate in regard to the policy of arbitration the justice or the injustice of the charge so loosely made of late that the Senate is not friendly to the cause of peace. The concerted and general effort to solve international differences without resort to war is very modern and is one of the developments of our own times in which we may take a just and a profound satisfaction. After the Pax Romana, the widespread peace of the Roman Empire, came to an end—after the great civilization of Rome went down in ruins and when men were left to struggle painfully back toward the light which had been extinguished by the fall of the civilization of Rome and Greece, it may be broadly said that for 1,500 years war never ceased in the western world. Even when truces and armistices had been agreed to, even when formal peace had been made and there was no declared war, private war and reprisals recognized or connived at by governments, went on unchecked; as was the case during centuries, for example, on the Scottish border or on the high seas in the days of Elizabeth. Gradually, as governments strengthened and as feudalism disappeared, private wars came to an end, although reprisals without declared war still lingered on. The suppression of private wars was the first great step of modern civilization toward the establishment of universal peace. The next advance was made by putting an end to systematic reprisals, such as happened between this country and France at the close of the eighteenth century when no war between the two countries was formally declared. The last stage is necessarily that in which we shall so far as possible put an end to declared war between nations, and the first step in this direction is to remove as many questions as possible, which can not be settled by diplomatic negotiations, from the arbitrament of war and submit them to the judgment of an arbitral tribunal.

Let us see what the share of the United States and of the Senate of the United States has been during the last century in the promotion of this great policy. By special clauses in the Jay treaty of 1794 with Great Britain and the Pinckney treaty of 1795 with Spain we recognized the principle of referring to a commission for decision certain questions involving claims then outstanding. The action of the Senate in favor of arbitration thus began with those treaties at the very outset of our history under the Constitution. Since that time we have made with different countries 84 treaties providing for the special or general arbitration of international differences. The Senate has ratified 83 and rejected 1, the treaty of arbitration with England in 1897. I venture to say that no other country has such a record in favor of the arbitration of international disputes as is displayed by this list, which I shall ask permission to print at the end of my speech and as a Senate document.

The VICE PRESIDENT. Without objection, permission is granted as requested.

Mr. LODGE. It seems to me that this record is good evidence of the practical services of the Senate of the United States to the cause of peace through arbitration. The list includes the 10 treaties negotiated by Mr. Hay and submitted by President Roosevelt in December, 1904, which the Senate amended by the substitution of the word "treaty" for the word "agreement," and which our own Government declined to submit to the Governments with which they were made on account of the Senate amendment. This long list includes such great arbitrations as the Alabama claims, the Mexican boundary, the Northwestern boundary, the fisheries, and the Alaskan boundary; but this is not all. In 1888 the Senate took up the question of general arbitration before The Hague convention had been thought of and before some of those who now reproach the Senate and describe it as hostile to peace had given any marked attention to the subject. In 1890 the Senate passed the following resolution:

Resolved by the Senate (the House of Representatives concurring), That the President be, and is hereby, requested to invite, from time to time as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means.

To the policy embodied in that resolution the Senate has adhered ever since.

I think, Mr. President, that these facts dispose of the somewhat silly assertion that the Senate is opposed to peace because it seeks to amend a given treaty. There is no branch of the Government, there is no branch of any government, which has done so much to promote the cause of peace by practical action

as the Senate of the United States. We have not altered our position. Every Member of the Senate to-day is in favor of promoting peace through arbitration. Every Member of the Senate is in favor of enlarging the scope of arbitration so far as it is practicable. There is not a Senator in this body who does not sympathize in the fullest degree with the purposes of these treaties, and I confess that it wearies me to hear this constant reiteration of the statement that the Senate is taking advantage of technicalities to oppose the policy of peace because, in pursuance of the duty imposed upon it by the Constitution, it is considering whether the terms in which the purposes of these treaties are expressed are wise and safe and judicious. The Senate from the foundation of the Government has almost invariably treated these questions involving our relations with other countries in the spirit in which they should be approached. Party politics, as a rule, have been conspicuously absent from the action of the Senate in regard to our foreign relations. They have been entirely absent since I have been in the Senate, and one reason for the pride and confidence which I feel in the Foreign Relations Committee of the Senate is that during my service there of more than 14 years I have never seen the introduction of party politics into a question involving our relations with a foreign nation. We have often been divided upon the questions submitted to us, but never upon party lines, nor, so far as I could judge, for political purposes. We have always adhered to the principle laid down by Webster when he said that his politics "ceased at the water's edge."

The Senate of the United States, therefore, in my opinion, approaches these treaties, as it has approached all others, in the manner and with the spirit hoped for and expected by the great men who framed the Constitution. Knowing as I do the history of the Senate in regard to the promotion of peace by arbitration, knowing as I do its attitude at the present moment, I confess that I resent the attack made upon the Senate by persons who have neither the knowledge nor the responsibility which the Senate possesses and who, although actuated no doubt by an admirable sentiment, do not pause to consider carefully and thoroughly the great issues involved in every treaty of a far-reaching and perpetual character made by the United States with a foreign government.

I desire now to take up the two treaties actually pending before the Senate. These treaties in nowise alter our relations with England and France. With both these great nations if a difference should arise on any subject where arbitration was possible it would be referred to arbitration as a matter of course. As I have already said, there is not the slightest peril of war with either of these nations, and our friendship with them rests on the firmest and strongest grounds. The purpose of these treaties is to serve as an example and in that way to promote the general cause of peace throughout the world by extending the scope of arbitration beyond the limitations agreed to in the treaties now existing. The fact that the great merit of these treaties lies in the hope that they will serve as an example to the rest of the world makes it peculiarly important that their terms should be considered with the utmost care. If we make these treaties with England and France, it must always be borne in mind that we could hardly refuse to make a precisely similar treaty with any other friendly nation with whom our relations and the possibility of the development of future differences might not at all correspond to those which exist with France and England.

The first article of these treaties is the one which enlarges the scope of arbitration as compared with that established by those now existing. It effects this purpose by substituting for the clearly defined limitations of the treaties which are at present the supreme law of the land the general limitation that all differences in which the parties are concerned by virtue of a claim of right made by one against the other and which are justiciable by reason of being susceptible of decision by application of the principles of law or equity shall be submitted to arbitration. In other words, the limitation in these treaties is that questions which are not claims of right and which are not justiciable in accordance with the principles of law and equity shall not be arbitrated. It is therefore of very great importance to make sure that we know, when we come to the adoption of these treaties now pending, exactly what a "claim of right, justiciable according to the principles of law or equity," means. In the determination of this question, however, we are met at once by the fact that no one knows what the vital phrases of the first article actually mean or may be held to mean in this connection, for they have never been the subject of interpretation or even of consideration in the domain of international law.

Let us begin with the words "claim of right." I have heard this phrase referred to in debate as if its meaning and intent were as fixed and well known as those of "tort" or "trespass"

or "life estate" or "contingent remainder," to which last Mr. Fearn devoted the celebrated volume reputed to be one of the most profound and most difficult books in the whole range of legal reading. Not being aware of the exact meaning of the words "claim of right," I tried at once to relieve myself of such unpardonable ignorance. I turned first to the most obvious source of knowledge, the dictionary, and I found no such phrase given in Bouvier. Under the word "claim" certain kinds of claims were defined, but there was nothing about a "claim of right." Unenlightened, I turned to the word "right," and there I learned from the first line that a "right" is "a well-founded claim," which seemed to indicate that a "claim of right" was a claim of a well-founded claim, or, more simply, a well-founded claim. The dictionary goes on to define "human rights," "inalienable rights," and "divine right," and then says:

The idea of claim and that the claim must be well founded always constitutes the idea of right.

Further on it is stated that—

As rights precede government, so we find that now rights are acknowledged above governments and their states in the case of international law. International law is founded on rights—that is, well-grounded claims which civilized states, as individuals, make upon one another. As governments come to be more and more clearly established, rights are more clearly acknowledged and protected by the laws, and right comes to mean a claim acknowledged and protected by the law.

From which I should deduce that a "claim of right" is simply a claim acknowledged and protected by law—that is, a legal claim. I searched in vain, however, through a number of textbooks of highest authority in international law for the words "claim of right." That phrase appeared to be unknown to the best writers on the law of nations. I turned back then to the law as it is generally known, and in our Supreme Court Reports I found a definition which seemed to throw some light upon the object of my search. In delivering the opinion of the court in *Prigg against Pennsylvania* (16 Pet., 539) Mr. Justice Story, eminent both as a judge and as a writer upon law, said (p. 615):

What is a claim? It is, in a just, juridical sense, a demand of some matter as of right made by one person upon another, to do or to forbear to do some act or thing as a matter of duty.

In other words, a claim, to be a claim at all in a "just, juridical sense," must be a claim of right, or, more simply, a legal claim which does not differ in essence or principle from the plain and easily understood words, "differences which may arise of a legal nature," as used in the 25 general arbitration treaties which we now have with 25 different countries. The advantage of the latter phrase is that everyone understands it, while the words "claim of right" are not apparently known as yet in the domain of international law and have still to be interpreted and accepted in that somewhat misty region where law exists without a sanction and is based on customs and traditions many of which are ethically wrong according to modern ideas. I think, therefore, that we may assume that these treaties cover any international difference of a legal nature which is "justiciable" according to the principles of "law or equity." We are, however, entirely in the dark as to the meaning which The Hague court or a special arbitral tribunal or a high commission of inquiry might give to the word "justiciable," and for anyone to declare with an air of finality that it means this or that is merely an expression of the individual opinion of the man who attempts to furnish the definition.

We are equally destitute of any authoritative definition or determination or interpretation as to the significance of the words "law or equity" in this international connection. The Senator from Maryland said that the committee had interpreted the word "equity" wrongly in arguing that the use of that word in these treaties would open the door to questions of every kind. The committee in its report and in what was there said about the words "law and equity" did not intend to suggest that these words of and by themselves opened the door to an unlimited range of questions. All the committee desired to suggest was that "law or equity," like the word "justiciable," in this connection entirely lacked any authoritative definition or interpretation. The report of the committee pointed out correctly, as it seems to me, that the word "equity" had in all English-speaking countries a technical and artificial sense for which other countries, where the English common law and equity do not prevail, afforded no exact parallel. This I believe to be an absolutely accurate statement, both historically and legally. That equitable principles were understood by Roman jurists and find recognition in the modern codes, which are based upon the Roman system, is undoubted, but that is a very different thing from the accepted interpretation of the words "law or equity" as used by English-speaking people. The analogy between our law and equity and the Roman *jus civile*, *jus naturale*, and *jus gentium* is as clear as it is obvious, but the origin and development of these ideas were not

at all the same in the Roman and English systems, and have resulted in practice in very different conceptions and definitions. Equity as a system, such as is known to us, is peculiar to those countries which have grown up under the English common law and has no parallel among those other nations which have grown up and developed their institutions under a system of jurisprudence derived from Rome. All this is the merest commonplace, and the sole purpose of the committee in referring to the words "law or equity" was to point out, what I believe to be true, that those words were differently understood in different countries and had never yet found a common interpretation in international law in the connection in which they are used in these treaties.

Therefore the limitation placed by Article I upon arbitrable questions is entirely undefined. No one knows and no one can know how tribunals of the future may construe those words. They may give them a very narrow or a very broad application, but the opinion of anyone beforehand, no matter how eminent he may be, as to what these tribunals in the future will decide must, in the nature of things, be mere speculation. Such being the case, it is obviously of the utmost importance that neither the United States nor Great Britain nor France should put itself in a position where it could not, while rigidly observing the terms of the treaty, decide in the last resort the extent of the limitation imposed upon the field of arbitration by the statement that questions not justiciable are not within that field.

If these treaties, following the example of those now upon the statute books, had stopped with Article I, which enlarges and defines with a new definition the scope of arbitration, there would have been, I think, no question as to their immediate ratification, because under the terms of that article every special agreement—and there can be no arbitration without a special agreement in each case—was to be submitted by the President to the Senate for its advice and consent. No question, therefore, could be arbitrated under that article, if it stood alone, which had not received the approval, first, of the President and, secondly, of the Senate; that is, of the entire treaty-making power of the United States. Under Article I alone, no matter how uncertain and undetermined the words of definition and limitation might be, there could be no danger of any question being forced to arbitration which in the opinion of the President and the Senate was not properly arbitrable. But these treaties did not stop at that point. Articles II and III provide for an international commission of inquiry. These articles are identical, in substance if not in language, with the provisions of The Hague conventions for the establishment of commissions of inquiry, whose duty it shall be, after a delay of a year, to inquire into all the facts relating to the question in difference between two nations and to report thereon to the parties to the difference. The Hague provisions declare specifically that the report of such commissions of inquiry shall in no sense be an award, but shall be merely a statement of facts upon which the parties to the controversy may take such action as they see fit. It is just at this point that Articles II and III of these treaties depart entirely from The Hague provisions. In clause 3 of Article III in these treaties it is provided that the high commission of inquiry shall be authorized to decide, if there is not more than one dissenting vote, whether the question before them is arbitrable; and if they decide this question in the affirmative, then clause 3 of Article III declares unconditionally that the question shall be arbitrated. It is this clause which has engendered all the discussion which has taken place in regard to these treaties and which has caused the Senate committee and, I believe, the Senate itself to feel that either some amendment or some clear explanation of the clause in the ratifying resolution is absolutely essential. Clause 3 of Article III has been differently interpreted by those who have discussed it. The Secretary of State, for whom I have not only the greatest regard as a friend but the highest respect as a lawyer, and whose legal opinion justly carries very great weight, has stated, in a speech which he made at Cincinnati, that clause 3 of Article III leaves the constitutional powers of the Senate, in dealing with a special agreement, wholly unimpaired. That is also the view of the Senator from North Dakota, of the Senator from Ohio, and, no doubt, of some others. I am unable personally to interpret that clause in that way. It seems to me to be final in its character, and that if it were adopted the Senate would be morally, if not legally, debarred from considering the arbitrability of any question involved in a special agreement which the high commission had previously declared to be arbitrable. I think this view is shared by a majority of those who have carefully considered these treaties. But whichever view is correct, there can be no doubt that the mere existence of divergent opinions as to the meaning of clause 3 makes it absolutely necessary either to omit that clause from the treaty or to interpret it in the ratifying

resolution in such a way that no doubt can ever arise as to the understanding upon which it was accepted by the Government of the United States. This is essential, because if the view which I and others hold should be correct and should be held to be correct by other nations and by the commissions of inquiry for which the treaties provide, a situation would then be created to which, in my judgment, this Government ought never to assent. The reasons for refusing to assent to clause 3 of Article III, if interpreted as I interpret it, are two. One is the constitutional objection that it involves a delegation of the treaty-making power; the other, which is the controlling reason and one that can not in my judgment be set aside, is that, if I correctly interpret that clause, it causes the United States to make a promise which everyone knows would not be kept under certain contingencies and if certain situations should arise. Let me take these reasons in their order and speak first of the constitutional objection.

Under this clause of Article III, as I read it, if the high commission of inquiry decides that a given question which has been submitted to them for investigation is, in their judgment, arbitrable, the President and the Senate are then bound morally and in honor not to object to the special agreement which follows on the ground that the subject of that agreement is not arbitrable. In other words, the President and the Senate would have divested themselves of the right to pass upon the arbitrability of the question involved in the special agreement. Whether the subject of a treaty or agreement is one upon which a treaty or agreement can properly be made is, of course, the most vital point involved, and it is precisely the decision of this vital point which is taken from the treaty-making power of the United States as established by the Constitution and given to the high commissions of inquiry which are to be established in the future in accordance with the terms of these treaties. Does this transfer of authority, so far as the right to consider the arbitrability of any given question is concerned, constitute a delegation of the treaty-making power?

In *Field against Clark* (U. S. Repts., 143, p. 692) the court says: That Congress can not delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution.

The court then quoted, with approval, from *Locke's appeal* (72 Pa. St., 491-498) the following words:

The legislature can not delegate its power to make a law.

And then said:

What has been said is equally applicable to the objection that the third section of the act invests the President with treaty-making power.

The Chief Justice and Mr. Justice Lamar dissented, but not upon these propositions. The question at issue in *Field against Clark* was whether a certain provision of the tariff act was a delegation of legislative and treaty-making power or not, but the whole court was agreed on the proposition that the legislative and treaty-making powers could not be delegated. I take it that this general principle is not open to dispute, and that the only point involved here is whether the third clause of Article III constitutes a delegation of the treaty-making power. It may also be properly said in this connection that when the general arbitration treaties submitted by President Roosevelt in December, 1904, were before the Senate the Senate took the ground that these treaties attempted to delegate the treaty-making power to the President, and by an overwhelming vote inserted the word "treaty" in the arbitration treaties then before them, thus securing the submission to the Senate of all special agreements which might be made under the terms of the proposed treaties. I recall this fact because it shows that the Senate then took the ground laid down by the court in *Field against Clark* that the treaty-making power could not be delegated, in whole or in part, to the President, and a fortiori could not be delegated to any outside body.

In the course of the public discussion, which this question has caused, Mr. Rogers, the dean of the Yale Law School, with the acumen and learning which one would expect from the occupant of that important position, referred to postal treaties as precedents which sustained the proposition that clause 3 of Article III did not involve a delegation of the treaty-making power so far as to be obnoxious to the general principle. The history and practice of the Government in regard to postal treaties or conventions are not unknown to the Senate, and if Mr. Rogers had extended his researches beyond the act of 1872, I think it possible that he might have seen reason to attach less value to postal treaties as precedents bearing upon the case now presented. From the beginning of the Government to the present day postal treaties, conventions, or agreements have never been submitted to the Senate for its advice and consent, as all other treaties and conventions have been submitted; that is, postal agreements in any form have never been regarded

¹ See note on p. 2605.

as falling within the jurisdiction of the treaty-making power. The determination of the rates of foreign postage has never been regarded from the adoption of the Constitution to the present time as a function of the treaty-making power imposed by the Constitution upon the President and Senate of the United States. It will not be out of place, I think, to trace briefly the course of governmental action in regard to settling the rates of foreign postage. In the act establishing the Post Office Department, approved February 20, 1792, it is provided in section 26 as follows:

The Postmaster General may make arrangements with the postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets through the post offices.

This clause was repeated in the same words in the act of 1794, the act of 1799, and the act of 1825, and upon this simple provision the entire system of treaties and conventions for determining the rates of foreign postage has been built up. All these acts, it may also be mentioned in passing, fixed the rates to be charged for foreign postage in the United States, and authorized the Postmaster General to make arrangements for the receipt and delivery of letters and packets with the captains of vessels which carried mails. Not many years after the passage of the act of 1825, the cheapening of postal rates on domestic letters and the development of steam transportation made it obvious that the simple arrangements authorized by the early acts were inadequate, especially when it became necessary to protect the United States against unfair discrimination in the postal rates of other countries. Accordingly in the act to reduce and modify the rates of postage in the United States, and for other purposes, approved March 3, 1851, the following provision was made:

The Postmaster General, by and with the advice and consent of the President of the United States, shall be, and he hereby is, authorized to reduce or enlarge, from time to time, the rates of postage upon all letters and other mailable matter conveyed between the United States and any foreign country, for the purpose of making better postal arrangements with other governments, or counteracting any adverse measures affecting our postal intercourse with foreign countries.

By this statute the rates on foreign postage were no longer fixed by law, but the power to determine what they should be was left to the Postmaster General so that he might be able to secure fair rates from other countries. By this statute, also, power was conferred upon the Postmaster General, by and with the advice and consent of the President, to make arrangements for postal rates with foreign governments instead of with the postmasters in foreign countries at the ports of delivery, as had been provided by the old laws. Under this new act successive Postmasters General made conventions with many countries in regard to reciprocal rates of postage, and these conventions were in the ordinary treaty form and were signed by the duly empowered officers of the governments concerned. In 1872 another act was passed, consolidating and codifying the postal rates, and this statute provided as follows:

For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage on mail matter conveyed between the United States and foreign countries.

This recognized by name the conventions which it had been customary to make in previous years and also added the word "treaties," which made it look superficially as if the treaty-making power had to that extent been delegated. Under this clause many conventions were made, and the United States became, in 1897, a member of the International Postal Union. The use of the word "treaties," however, has really no significance in regard to the treaty-making power in this connection, for, as I have shown, no postal conventions were ever submitted to the Senate. The whole matter of foreign postage was arranged by statute from the beginning of the Government, and the power to deal with foreign postage was committed to the Postmaster General in exactly the same way as the transmission of domestic letters and the making of contracts for carrying the mails within the United States. The words "treaties and conventions" were used in the statute of 1872 simply as a matter of convenience, and the conventions of the middle of the last century and the modern Postal Union are merely outgrowths of the system established in the act of 1792, by which the Postmaster General was authorized to make arrangements with postmasters in other countries for the receipt and delivery of foreign mails. In other words, the matter of foreign postage and the transmission of foreign mails was dealt with by Congress under the specific power which the Constitution gives it to establish post offices and post roads. Of course, carrying the mails and fixing rates of postage are necessary incidents of the power to establish post offices, for a post office without mails is inconceivable. Congress also had the undoubted right to deal with this matter under its general power

to regulate foreign commerce, to which, again, the transmission of letters is a necessary incident. In fact, all our treaties of amity, commerce, and navigation are based on the understanding that we maintain with other nations the comity which is universal among all civilized peoples, and of which the interchange of letters, newspapers, and periodicals is a necessary and inalienable part. It is thus apparent that the practice of making postal treaties and conventions has no relation whatever to the treaty-making power, and the authority given to the President to make such treaties and conventions is not and never has been a delegation of that power and has never been so considered. The authority conferred upon the President in this respect comes from the constitutional authority to regulate commerce with foreign nations and to establish post offices and post roads, which is much more specific than the treaty-making power and removes from that general authority the particular subject of postal communication. No precedent for the delegation of the treaty-making power is to be discovered in the postal conventions which we habitually make with other countries.

The case in regard to Indian treaties, which have also been mentioned in this connection, is even simpler. The Indian treaties have no application here, for there has been in that case no suggestion of any delegation of power. From 1789 to 1871 treaties with the Indians were made by the President, with the advice and consent of the Senate, in the same way as treaties with foreign nations. (See Butler, *Treaty-making Power*, Vol. II, pp. 197-199.) In 1867, by an amendment to the deficiency bill, the President and the Commissioner of Indian Affairs were prohibited from entering into treaties with the Indians unless appropriation was made for the expense of the negotiation. Four months later this law was repealed, and in 1871 the Indian appropriation bill provided that no Indian nation or tribe should be acknowledged or recognized as an independent nation with whom the United States could contract by treaty. This ended our treaty relations with the Indians, whose affairs have since that time been regulated by statute, and the last Indian treaty under the old system was ratified by the Senate on February 26, 1869. There is, of course, no delegation of treaty-making power to be found in these facts and no precedent can be drawn from them. Neither Indian treaties, which were always made with the ratification of the Senate until such treaties were prohibited by law, nor postal treaties or conventions, which were never submitted to the Senate, have any bearing on a case like that presented by the two treaties now pending.

The suggestion, therefore, that in these two directions precedents could be found for the delegation of the treaty-making power fails to the ground. There is no such precedent in either case, and we come back to the proposition already cited, which was so broadly laid down by the court in the case of *Field against Clark*, that neither the legislative nor the treaty-making power can be delegated, and, as I have said, the only question is whether the provision of clause 3 constitutes such delegation. On that point every man must decide for himself, for there are no precedents to guide us. It will not be contested that the making of an arbitration treaty, whether special or general, is an exercise of the treaty-making power and could not be delegated—that is, we could not establish a commission, whether composed of citizens of the United States or of foreigners or of both, to make special agreements for the arbitration of differences with other countries, as they might arise, which would bind the United States. No one for a moment would sustain such a proposition as that. We could no more delegate the power to make an arbitration treaty to any outside body than we could delegate the power to make a boundary treaty or a treaty of peace or an extradition treaty. The courts have held repeatedly that, when Congress confers upon the President the right to put a certain law into operation or to stop the operation of a given law on the occurrence of a certain contingency, this does not constitute a delegation of the legislative power. Of the soundness of this rule I think there can be no question, but in the delegation of the power to make an arbitration treaty there is no room for the application of this rule. It is not a case in which a law is to come into operation when a certain event occurs. It is the unlimited power to make a treaty, the terms of which are not known and which shall be the supreme law of the land on the occurrence of events which no one can define beforehand. If it be true, and I think it can not be questioned, that the President and the Senate can not delegate to an outside commission the power to make a treaty, it seems to me that it necessarily follows that they can not delegate the power to make a part of any treaty. To do so does not involve putting into force a defined law contingent upon the occurrence of a certain event, but is the exercise of a constitutional power in whole or in part. If we can not delegate the whole power I do not see how it can

be argued that we can delegate a part of it, and it certainly can not be urged that the arbitrability of any question is not a vital and essential part of the power to make an arbitration treaty.

For these reasons it seems to me, personally, perfectly clear that clause 3 of Article III, under the interpretation which I give it, involves a delegation of the treaty-making power. I am aware that eminent lawyers like Mr. Choate and Mr. Edmunds think that no delegation of power is here involved, while Mr. Olney, who is not only one of our most eminent lawyers, but who held with great distinction the high offices of Attorney General and Secretary of State of the United States, takes a different view and concurs in principle with that which I have tried to set forth. I can only say that for myself I am utterly unable to conceive that the provisions of clause 3 of Article III, as I interpret it, do not constitute a delegation of the treaty-making power. As the Secretary of State interprets that clause, it of course does not, because he does not give it the meaning which I attribute to it, but with the meaning generally given to the clause it seems to me that it is a delegation of the treaty-making power, which we know from the language of the court in *Field against Clark* can no more be delegated than the legislative power.

The constitutional question of the delegation of power is not, however, the controlling reason for the objection to clause 3 of Article III, if it is given the interpretation which I place upon it. I do not, in saying this, underrate the importance of any doubt concerning the constitutionality of this or any other clause, whether in a bill or treaty, but there is a division of opinion on the constitutional question here presented and opposing views in regard to it, as I have just said, are held by lawyers and jurists of the greatest eminence. The other objection, which is neither constitutional nor legal, is open, in my opinion, to no such uncertainty, if my interpretation of clause 3 of Article III be correct that we make in that clause a promise to arbitrate any question which the high commission of inquiry declares to be arbitrable. We should in this way divest the treaty-making power of the United States—not only the Senate but the President—of all opportunity to say whether under certain contingencies the question involved in a special agreement is arbitrable or not. It is needless for me to point out that in every agreement for the arbitration of a specific difference between two nations the most important, the most vital question to be decided is whether it is an arbitrable question; that is, whether it comes within the limitations prescribed by Article I of this treaty.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. WILLIAMS. I wish to ask the Senator from Massachusetts a question.

Mr. LODGE. I should be obliged if the Senator from Mississippi would let me complete my argument, and then I will answer any question, if I can.

Mr. WILLIAMS. It comes right here, at this very point. It would be useless later.

Mr. LODGE. Go on and state it.

Mr. WILLIAMS. I will not ask it if it interferes with the Senator.

Mr. LODGE. No; go on and ask it.

Mr. WILLIAMS. Suppose the President of the United States did not raise the question of the justiciableness of a question sought to be submitted to arbitration; suppose that, without invoking clause 3 of Article III at all, because it was unnecessary to invoke it, the Executive of the United States admitted the arbitrability or the justiciableness of the question. Then there would be a special agreement which would come to the Senate, upon which the Senate would pass in the usual constitutional way?

Now, then, I understand the Senator to say that, under clause 3 of Article III, a question having been raised as to the justiciableness, and that question of interpretation having been submitted to the high court of inquiry and it having been decided that the question is justiciable, that then, unless that decision that it was justiciable came back to the Senate, the Senate would be deprived of some of its constitutional power.

Now, the question I want to ask the Senator is this: Suppose the President had decided that the question was justiciable, without any reference to the high court and this special agreement was entered into, would not the President's action in deciding that it was justiciable be just as much—and no more and no less—an intrenchment upon the prerogatives of the Senate as the decision of the high court of inquiry?

Mr. LODGE. Not at all.

Mr. WILLIAMS. One more question, because the Senator can answer both at the same time. Does clause 3 of Article III do anything except this, when the question of justiciableness is decided, if it is decided that the question is justiciable, to put the whole matter back under clause 1, where it would have been if the President had decided it was justiciable in the beginning?

Mr. LODGE. As it appears to me, if the President sends in a treaty or a special agreement of arbitration, and he thinks, as of course he must think, if he sends it for our approval, that the question involved is justiciable, that is his view as a part of the treaty-making power, and in no way binds the Senate or impairs the powers of the Senate.

My sole point is that, as it is possible under this treaty to take any question before the high commission without the assent of the President and without the assent of the Senate, if the high commission then decides that it is arbitrable, the President is debarred from raising the question of the arbitrability of it under clause 3, and we should be debarred when the agreement comes to us.

Mr. WILLIAMS. But suppose the President should decide that a question was arbitrable and justiciable and the Senate did not agree with him?

Mr. LODGE. The Senate is not bound by anything the President does.

Mr. WILLIAMS. Neither do I so maintain. But suppose the President should decide that a question was justiciable. Would we be bound—

Mr. LODGE. Certainly not.

Mr. WILLIAMS. To accept his decision, by anything the President does? And if not bound by the whole treaty to accept his interpretation, why are we any more bound to accept that of the high court?

Mr. LODGE. We should be no more bound than he is to accept the decision of these people in a certain contingency. My whole point is that clause 3 of Article III does bind us. The commission of inquiry is not put in the place of the President. Their relation in this matter when they decide on the arbitrability of a question is an independent relation, and their action binds, according to my interpretation of the clause.

All other questions connected with a special agreement are insignificant compared to this one, and yet it is upon this vital question that we promise to set aside the treaty-making power of the United States and entrust it to an outside commission unknown to the Constitution.

In dealing with this promise made, as I conceive, in the last clause of the third article there are two important facts of a general character which should be carefully remembered at the outset. One, as I have already pointed out, is that if we make these treaties with France and England we can not, without creating a most undesirable situation, refuse to make treaties in precisely similar terms with other friendly nations who may ask us to do so, and our possible relations with all other nations are by no means the same as those which so fortunately exist between this country on the one side and Great Britain and France upon the other. These treaties, therefore, must be considered not simply with relation to England and France but as to their meaning and effect if adopted with all other nations.

The second fact to be remembered—and this is often and generally overlooked—is that all the differences with other nations in which we shall be involved will be American questions. We have no interests in Europe. It has been our settled policy from the foundation of the Government to hold ourselves entirely aloof from all European questions. This attitude was recommended by Washington in his farewell address, and we have never departed from it. On the other hand, the powers of Europe have now and always have had many important interests in the American Hemisphere. If you will glance over the list of arbitrations in which the United States has taken part, you will find, I think, that without exception they concerned American questions. Pecuniary claims may of course arise anywhere, but apart from these, which are not serious as a matter of international difference, all the great arbitral settlements in which the United States has taken part, with the exception of the Alabama claims, have concerned American boundaries or the rights of the United States on the American Continent, under treaties or otherwise. In assenting to general arbitration treaties, therefore, we must go much further and give much more than any other nation, for the questions which we promise to arbitrate are, in the necessity of things, American questions. Other nations promise to arbitrate American questions, but the whole great range of European and Eastern questions in which they are involved are not affected by any treaty which they make with us. There is therefore reason for much greater care upon our part in making general arbitration treaties than on the part of the European powers,

for with us these treaties embrace questions of primary interest to the United States, but only questions of secondary interest to the powers of Europe. Owing to this fact we have in the past been put, again and again, in a position, under an arbitration, where we might easily lose and could by no possibility gain, even if the case was decided wholly and absolutely in our favor. Unfortunately for the cause of arbitration, the decisions of arbitral tribunals have commonly resulted in a diplomatic compromise, and on account of the conditions which I have just set forth we have been at a disadvantage, because any compromise necessarily fell short of our position, whereas with the nations with whom we joined in arbitration the case was exactly reversed, for they, submitting only American questions, could not lose materially and were tolerably certain to gain something. These two general conditions, inherent in our geographical position and in our uniform and traditional policy, constitute, as I have said, a most important reason for peculiar care on our part in making either special arbitral agreements or general promises of arbitration in future cases. We do not and we can not enter upon these agreements on an equality of risk with the other nations with which we treat. This consideration also disposes of the argument, which I have seen advanced, that we could afford to agree to anything that was set down in a treaty of arbitration, because the nations with which we made it agreed to it and were as much affected by it as we. They are not as much affected by it as we, because the principal interests of the nations of Europe are not involved and never will be involved in any treaty of arbitration which they make with us, whereas with the United States the exact reverse is the case.

Now, assuming constantly that the interpretation of this clause is that which I have given to it, and which I say again most people give to it, let us see where such a promise would lead. There may be, I suppose, persons who are willing to submit the arbitrability of every international question that can possibly arise to the decision of an outside commission made up in whole or in part of the citizens or subjects of foreign nations. To such persons there is of course nothing perilous or objectionable in clause 3 of Article III, as I have interpreted it, but if those who hold this view are consistent they are, according to my thinking, neither patriotic nor prudent. In the present stage of human development they occupy a position which to my mind is extremely dangerous to the peace and welfare of their own country. But the great mass of the people of this country believe that there are certain questions that might arise which they would never consent to submit to the arbitration of any outside tribunal. The President of the United States, in a speech which he made at Rochester soon after the close of the last session, admitted this, saying that of course there were certain questions which were not arbitrable, and mentioning three at least as coming within this category. From the President down I believe this to be, as I have said, not only the view of the American people, but of every responsible and reflecting public man. Even if a President and Senate thought otherwise there are certain questions which the people of the United States would never permit any President or any Senate to submit to arbitration. Now, under the clause, as I am interpreting it, I know of no question which we should not be bound to arbitrate if the high commission of inquiry decided it to be arbitrable. It is no reply to say that we should have the right to appoint American members of these high commissions and that no American commissioners would ever agree to the arbitration of such questions as I have in mind. Such an assertion is equivalent to declaring that we are to avoid a promise which we are not willing to fulfill by packing the tribunal to which its arbitrability is submitted; in other words, that we are to defeat and absolutely disregard the entire purpose of these provisions for a high commission of inquiry, which are taken bodily from The Hague convention, and to which clause 3 of Article III is an appendage unknown to The Hague agreement. We can not afford to make a promise which we know in certain cases we should not keep and then deliberately propose to escape from our promise by packing the tribunal to which we have agreed to submit the question. Neither peace nor any other good cause can be advanced by such devious methods as that. If we are to make the promise, as I understand it in that clause, then I say we are morally bound, bound in honor, bound by every obligation of good faith to keep the promise exactly as it is intended. Let me now, as illustrating the dangers to which such a promise would expose us, state a few examples of the perils which I foresee.

Suppose, for example, some great Eastern power should directly or indirectly take possession of a harbor on the west coast of Mexico for the purpose of making it a naval station and a place of arms. I am using no imagination in suggesting

such a case. It is not very long since an indirect movement was begun, and it is apparently still on foot, to obtain possession for a foreign power of Magdalena Bay, so I may fairly suppose that such a case might arise. If it did, we should immediately intervene. We should declare that this was a violation of our constant policy known as the Monroe doctrine. The nation seeking the station on the coast of Mexico would then say, "Very well, let us take this to arbitration." We could not help ourselves, for under the terms of the treaty either party to a dispute can bring the other before the high commission of inquiry, and the Monroe doctrine would then be submitted to them by us as a bar to the arbitrability of the question.

The Monroe doctrine in general terms would not and could not, as an abstract proposition, come before the commission, but it would appear there inevitably as incidental to the taking of the harbor on the west coast of Mexico as proposed by the foreign power. A year may, and in practice would certainly, elapse before the matter would be taken up by the commission, and during that time the foreign power would go on strengthening its hold upon the position which it had taken. Then comes the investigation of the commission. Under the general principles of international law the foreign power would have a perfect right to secure that land by purchase or treaty. The only bar that we could plead to their doing so would be that the action of the foreign power threatened our safety and violated our settled policy; that is, the Monroe doctrine. What chance do you think the Monroe doctrine would have before a commission made up in part of persons not Americans? The Monroe doctrine is not international law. It is the policy of the United States, declared after ample consideration as essential to its safety, and the strength of the doctrine is exactly that of the power of the United States and of its Navy. Suppose the commission decided it was an arbitrable question. Do you think the American people would arbitrate it? I do not, and I do not think it ought to be arbitrated. We should decline to arbitrate it, and the treaty would be disregarded, with all the unpleasant consequences which a disregard of treaty obligations always involves.

Take another example. The Galapagos Islands lie not far from the western mouth of the canal. They belong to Ecuador. Let us suppose, what has happened in the past on more than one occasion, and even before the building of the canal was contemplated, that some western or eastern power was reported as intending to buy those islands. This again is not an imaginary case. Inquiries have been made of Ecuador, as I have said, on more than one occasion whether she contemplated the sale of those islands, and she has been told politely and diplomatically that if those islands were to be sold there was only one purchaser in the world. Suppose, I say, they should now be offered for sale and some western or eastern power should try to buy them. Again we should intervene and we should find ourselves discussing before an arbitral tribunal whether those islands, essential to the safety of the canal, could be sold to some foreign power in flagrant violation of the Monroe doctrine.

Pass to the other mouth of the canal. Look on the map. You will find a very important island there called Curacao. It belongs to Holland, which is entirely satisfactory to us. Suppose that in the chances and changes of European politics that island should pass into the control of a great military power. Do you think we should submit that question to arbitration, no matter what we promised? I do not think we should. I think the promise would be broken. I do not think the American people, who have paid for and built the canal, propose to have it endangered by the presence of any new neighbors at either end.

Take the question of immigration—Chinese or, if you prefer, Asiatic. We now have a treaty of general arbitration with China and could hardly refuse to make another along the new lines. The question of immigration in that case and in others might be a question arising under a treaty, and nothing is more arbitrable than the interpretation of treaties, or it might be merely a general question as to how far our general treaties permitted us to pass exclusion or restriction laws in regard to immigrants. I see no way to prevent such a question under this treaty being brought before an arbitral tribunal if the high commission of inquiry should decide it to be arbitrable. I do not believe the American people would ever permit such a question to be arbitrated. I do not think it ever would be arbitrated by the people of the United States, and any promise that we would arbitrate it would be broken in an instant.

Take the question of the southern bonds. I do not think that question ought to go to arbitration. My friend the Senator from Mississippi thinks it could not be taken to arbitration because the claim concerns the debts of States. It seems to me, if

he will permit me to say so, that that is a question of the merits and does not touch the question of jurisdiction. The question first to be decided is the question of jurisdiction, and what is to prevent any country from asking that these pecuniary claims should go before a high commission of inquiry to decide whether they are arbitrable? We could not prevent their going there by saying anything about the States. One party to the controversy can take the question before the high commission, and there the question of the arbitrability of those bonds would be decided. Then, if you please, the argument that they are State obligations could be advanced upon the merits of the case, but it seems to me to be forgotten by those who lightly dismiss this question that foreign nations do not recognize and can not recognize a State of the Union. The only authority that a foreign power can recognize in this instance is the United States. In our foreign policy the States under the Constitution have no existence. As a general proposition, what is there more proper for arbitration than a pecuniary claim? If we can not arbitrate pecuniary claims, what can we arbitrate? These particular claims are based on bonds signed and sealed with the seals of the several States. Owing to the circumstances under which those debts were contracted, we believe that they were in very large measure, if not entirely, fraudulent. We separate them and take them out from the ordinary class of pecuniary claims. Our reasons for doing so are well known to us and rest on the broad grounds of justice and right, but the world neither knows nor understands our reasons. Whatever the decision of the high commission might be on this question, I for one do not believe in ever permitting the question of these bonds to go before any outside tribunal. They are our own concern. I do not believe that they should be even discussed before a board composed in whole or in part of foreigners, and you can not prevent their being brought there if you assent to this treaty without any modification of clause 3.

Are you ready to submit to arbitration the question of the right of expatriation which we have supported, insisted upon, and enforced for more than fifty years? Will you arbitrate with Russia the question of her right to discriminate against certain classes of American citizens on the ground of race and religion, as we discriminate against certain immigrants on the grounds of crime and disease? I am not willing to submit those questions to arbitration, and I will not promise to do so. It is easy to show that there are other questions not properly arbitrable which might be brought before this commission. The tolls to be charged by us in the Panama Canal, which we have built at our own expense, might be brought before a tribunal, in whole or in part composed of foreigners, to be fixed and determined by them. Worse than this, our title to our own canal might be called in question. Three successive Secretaries of State have refused, and properly refused, to submit our title to the canal to arbitration, and now under clause 3 of Article III, as I interpret it, we might be forced to submit that title to The Hague court or some outside tribunal. The men who rejected the Hay-Herran treaty because they hoped to extort more than ten millions from us for their own use and behoof are even now struggling, through assistants in this country who mean to share the spoil, to secure by arbitration what they failed to obtain by blackmail and could not seize by violence. Our title to the canal or to our territory anywhere is not to be dragged before any arbitral tribunal for examination and determination, and nothing should be subscribed to by us which by any twisting could be construed into a promise that we would submit such a question to any judgment but our own. I might cite other instances of questions not arbitrable or to be arbitrated, but I have said enough to show what might happen under the last clause of Article III.

As it is to-day those questions to which I have alluded are peacefully at rest. There is not a nation on earth that would for one moment think of raising those questions with the United States; but if clause 3 is ratified and is given the interpretation which I put upon it—and the final decision as to the interpretation will rest with the high commission itself—we shall find all these questions starting into life. We are tempting, we are inviting, other nations to raise these perilous and vital questions, which now slumber peacefully in a sleep which should know no waking. If they were raised, they would come in such form, some of them, that this treaty would be blown to the winds and be as if it had never been. That is the danger which I apprehend, and I apprehend it not because I fear for the United States, not because I am alarmed lest the Monroe doctrine be overturned and our immigration laws interfered with, for neither this nor any other treaty will be permitted to destroy the safeguards which certain policies throw around the United States. I fear it because I am the friend of peace, and, in my opinion, no greater disaster could befall the cause

of peace than to make a promise in a treaty designed to promote peace which we know when we make it will not be kept in certain contingencies. Nothing could do more harm to the cause we all have at heart than such an outcome as this. When we make a general promise of arbitration we must make nothing more and nothing less than a promise which we intend to fulfill to the very letter of the agreement. There is no other way in which peace or any other great cause can be advanced. The cause of peace can not be promoted by eloquent allusions to plowshares, pruning hooks, and olive branches, still less by pretense or by cloudy or furtive devices. I will go just as far as I can in promoting peace, but I will not retard the cause of peace by promising on paper what I know can not be performed in action. No country has done more to further the cause of peace by arbitration than the United States, and nothing could be more harmful to the cause of peace than to have the United States, the leader in the good work, make a promise which in any and every contingency she could not and would not keep. Washington, I know, is not regarded in these days by advanced political thinkers as an authority of much weight in dealing with public questions, and yet I can not forbear citing the wise words which he uttered in his first message transmitting an Indian treaty. He said then:

It doubtless is important that all treaties and compacts formed by the United States with other nations, whether civilized or not, should be made with caution and executed with fidelity.

For these reasons, Mr. President, I feel very strongly that the paragraph which has been the cause of all this discussion should be placed beyond the possibility of doubt. I should prefer to leave it out of the treaty, where it is of no advantage and has simply aroused suspicion, misgivings, and opposition; but I have no desire in a matter like this to insist upon my own preference as to the method of amendment. If it is thought best not to take the clause from the treaty, then let it be interpreted in the resolution of ratification, which becomes part of the treaty, so that no man can ever misunderstand it. It is for this reason that I offer a resolution of ratification which gives to that clause the meaning which those who favor the unamended treaty say it now possesses and which all the rest of the world say it ought to possess. Such a proposition is entitled to command every vote.

We have, as a Nation, rendered real service to the cause of peace on earth. We hope that a still further service may be rendered by these treaties. But no good end is served—on the contrary, great harm may be caused—by employing doubtful language or by overrating what has already been accomplished or what we are now striving to do. These treaties do not mark the dawn of universal peace as proclaimed in the thoughtful statements of the newspaper headlines. They are but one step, in a long march. Other steps have preceded them. Many, many others it is to be hoped will follow, all advancing us toward the haven where we would be. Slowly, very slowly, we have drawn ourselves out from the ceaseless welter of private wars which afflicted western civilization for more than a thousand years. Three hundred years more passed before we could get free from the old system of reprisals without declared and public hostilities, which amounted to private war among the citizens of different nations. Now we are in the last stage seeking to put an end to public and declared wars among the nations of the earth. In the last century progress was made. In the last twenty-five years the advance has been remarkable. But it would be worse than folly to suppose that in a few short years we can cover the last stage of a journey which consumed fifteen centuries in traversing the first two. We have girdled the globe and annihilated time with the electric current. We have brought space on the earth into subjection by the power of steam and electricity. We have entered upon the conquest of the air. But when we seek the establishment of lasting and universal peace we meet an element more elusive, more impalpable, more difficult of conquest than time or space or air, a condition more unchanged, unchanging, and unchangeable than any other in recorded history—human nature. It is easier to dominate the forces of nature and lead them captive than to subdue ourselves and master our own passions. The road which lies before us if we would secure universal peace is both long and steep. We shall not pass over it in one lifetime, nor, it is to be feared, in the lifetime of many generations. We shall have done our duty and earned our reward if under our leadership the march has been forward and onward and if we hold all we gain. We shall deserve well of posterity if—

The victors when they come,
When the forts of folly fall
Find our bodies at the wall.

If, then, we would succeed in our work, let us look facts in the face and not wander darkling, the victims of words and illusions. Actual peace will be, as it always has been, best

preserved by enlightened men who are charged with the conduct of governments in crises which go beyond the strength of arbitral tribunals. In support of such men and for the diffusion of the spirit of peace and the habit of peaceful settlement of international disputes much can be done by promoting arbitration in every possible way. Herein lies the value of these treaties and all similar agreements. But this is the easiest part of the work. To attribute to these or any treaties of like character a force and effect which they do not possess does harm and not good. Instruments like these are important, but to treat them as if they were the be-all and the end-all here, and if when once attained wars would cease, is not only false but injurious.

I have a great respect for those who labor in the cause of peace, but I would have them look facts in the face. Even now while all the vast and well-endowed machinery of agitation has been put into operation to secure the ratification of these treaties, to which nobody is opposed, there is fighting in China and in Persia and declared war between Italy and Turkey. There are great fields for labor in the cause of peace. There it is possible to put peace in the place of actual and existent war, a more immediate service to humanity than reciprocal promises to arbitrate interchanged by nations between whom war is practically inconceivable. The treaties now pending with Nicaragua and Honduras will do more, if ratified, to stop the killing of men by their fellow men than any general arbitration treaties made by nations between which war is well-nigh impossible. I call these treaties to the attention of the friends of peace and ask them to consider the results of a similar treaty now existing with San Domingo.

Let me also remind them of certain facts in recent and present history. The total loss of life by wars during 1911 in actual battle amounted to 72,000, in round numbers, as compared with 13,000 in 1910, 68,000 in 1909, and 22,000 in 1908. In making this enumeration no account is taken of the large number who must have perished in massacres which have frequently characterized both the pending wars in China and Tripoli, but of which no estimate has been made. The losses as reported are as follows: China, 41,878; Tripoli, 13,309; Mexico, 7,624; Arabia, 2,790; Morocco, 1,913; Persia, 1,800; Central Africa, 1,249; Paraguay, 300; Haiti, 71; Honduras, 55; Portugal, 44; Spain, 41; Formosa, 30; Philippines, 62; Ecuador, 11. These are grievous statistics. We rejoice in our own peace, which basks beneath cloudless skies; but peace knows no boundaries, and here in these cold figures is told a tale of suffering and misery which cries aloud to all lovers of humanity for remedy, alleviation, and help. A few months ago three of the greatest nations of the world were on the verge of a war which would have been a disaster to mankind and a reproach to civilization. By the wisdom of those charged with the responsibilities of government and by the influence of the financial interests, which many eminent persons think unworthy and unfit to exist, war was happily avoided. There, indeed, was opportunity for the efforts of the organized friends of peace; and if such perils loom again upon the world, as they probably will, let those who have peace particularly in their keeping address themselves to what will be a really great task and seek to win what will be in truth a great and noble triumph.

Nothing probably has done more to retard real progress in these modern times than the widespread and apparently ineradicable belief that all human ills can be cured and cured at once by laws. There is much truth, too often forgotten, in the lines of Johnson:

How small of all that human hearts endure,
That part which laws or kings can cause or cure!

Wise principles of government and good laws can do and have done much for the benefit of humanity, but nothing is more fatal than to overestimate their power. To do so tends to breed in man the most deadly of all diseases which can afflict human society, the loss of self-dependence and the weak impulse to look for help to something or somebody outside one's self at every step upon the road of life. In the past three hundred years there have been enormous advances in political freedom, in the protection of human rights, and in guarding the weak from the oppression of the strong; but those advances, so great when we look back over the centuries, were slowly and painfully obtained. They did not come in a day or a year, or even in many years; they came little by little, but when they came in that way they were lasting. Mankind accepts all the benefits gained by those who have gone before, thinks exclusively of existing evils, and, as is right, looks forward only to future improvement. But that improvement can be obtained, as the improvements of the past have been obtained, only by slow degrees. American liberty and American institutions have thriven and been examples to the rest of the world because they were the work of a people who had been trained for many genera-

tions in civil liberty and intellectual freedom. In the French Revolution men tried to solve all these questions at a blow and one perfect constitution succeeded another, perishing like the lily of a day almost as soon as it was born. The French people had not passed through the long years of training, of slow advance, which had been the inheritance and the fortune of the people of the American Colonies and of the United States. We see with deep gratification the success and the permanency of the French Republic of to-day, but the principal cause of that success, in my opinion, is that the French people, one of the most brilliant and most enlightened people in the world, have now had a hundred years of training in the difficult art of self-government.

I know that men grow restless in the presence of the truth which lies in what I have just said. We all feel the natural human impatience to be rid at once of all the evils of our time, but we should take to heart the lesson that the great and lasting advances are those which have been slowly made, whereas those which were the offspring of a moment, which have tried to accomplish too much and sought a panacea where none was to be found, have not only perished, but have only too often left the cause of sane progress crippled and deformed and the condition of mankind worse even than it was before. We all rebel against the slowness of the movement toward the light and upward to the perfection which we must always seek, even though it may never be attained. Yet it is the true movement and the best one after all, and it is well perhaps to remember that—

While the tired waves, vainly breaking,
Seem here no painful inch to gain,
Far back, through creek and inlet making,
Comes silent, flooding in, the main,
And not by eastern windows only,
When daylight comes, comes in the light,
In front, the sun climbs slow, how slowly,
But westward, look, the land is bright.

NOTE.—In stating that no postal treaty had ever been submitted to the Senate I overlooked, despite a very careful search, certain postal treaties with Great Britain, New Granada, and Mexico, made respectively in 1844, 1848, and 1861, which were ratified by the Senate. A thorough examination which I have since been able to make shows that these treaties all contained a provision for the transit of mails across territory of the countries with which they were made—in the case of New Granada, across the Isthmus; in the case of Great Britain, through Canada; in the case of Mexico, over Mexican territory. This right to cross foreign territory could only be conferred by treaty and could only be arranged by treaty now. They are, therefore, not precedents for the ratification of postal conventions by the Senate, and confirm my original statement that purely postal arrangements were always treated as a matter of statute under the constitutional powers to establish post offices and post roads and regulate foreign commerce.

LIST OF ARBITRATION TREATIES AND CONVENTIONS SUBMITTED TO AND ACTED UPON BY THE SENATE (S. DOC. NO. 373).

1. With Chile:
For arbitration of the "Macedonian" claims.
Concluded November 10, 1858; ratified by Senate March 8, 1859; proclaimed December 22, 1859.
2. With Chile:
Submitting claims of United States citizens to a commission.
Concluded August 7, 1892; ratified by Senate December 8, 1892; proclaimed January 28, 1893.
3. With Chile:
Reviving convention of 1892.
Concluded May 24, 1897; ratified February 28, 1899; proclaimed March 12, 1900.
4. With China:
Referring claims of the United States to a commission.
Concluded November 8, 1858; ratified by Senate March 1, 1859; ratified by President March 3, 1859.
5. With Colombia:
Referring claims to a commission.
Concluded September 10, 1857; ratified by Senate with amendments March 8, 1859; proclaimed November 8, 1860.
6. With Colombia:
Extending foregoing treaty and providing for a new commission.
Concluded February 10, 1864; ratified by Senate June 10, 1864; proclaimed August 19, 1865.
7. With Costa Rica:
Referring United States claims to a commission.
Concluded July 2, 1860; ratified by Senate January 16, 1861; proclaimed November 11, 1861.
8. With Denmark:
Referring claim of Carlos Butterfield & Co. to arbitration.
Concluded December 6, 1888; ratified by Senate February 11, 1889; proclaimed May 24, 1889.
9. With Ecuador:
Referring United States claims to a commission of two members and an arbitrator.
Concluded November 25, 1862; ratified by Senate January 28, 1863; proclaimed September 8, 1864.
10. With Ecuador:
Submitting claim of Julio R. Santos to arbitration.
Concluded February 28, 1893; ratified by Senate September 11, 1893; proclaimed November 7, 1894.
11. With France:
Referring claims of United States citizens and French citizens to a commission of three.
Concluded January 15, 1880; ratified by Senate March 29, 1880; proclaimed June 25, 1880.
(The term of the Claims Commission constituted by the foregoing treaty was extended twice by special convention, first in 1882 and the second time in 1883, on the latter occasion with a Senate amendment.)

12. With Great Britain:
The "Jay treaty."
Concluded November 19, 1794; ratified with an amendment not affecting the arbitration clause June 24, 1795; proclaimed February 29, 1796. In Articles VI and VII certain claims were referred to a commission.
13. With Great Britain:
The commission constituted by Article VII of the Jay treaty was continued by special treaty ratified and proclaimed in 1802.
14. With Great Britain:
The treaty of Ghent.
Concluded December 24, 1814; ratified by Senate and ratifications exchanged at Washington February 17, 1815; proclaimed February 18, 1815. In Article IV of this treaty certain boundary questions are referred to a commission and for final settlement to a friendly sovereign or state acting as arbitrator.
15. With Great Britain:
Convention respecting fisheries, boundary, and restoration of slaves.
Concluded October 20, 1818; ratified by Senate January 25, 1819; proclaimed January 30, 1819. In Article V of this treaty certain claims are referred to arbitration.
16. With Great Britain:
Indemnity for slaves carried away.
Concluded November 13, 1826; ratified by Senate December 26, 1826; proclaimed March 19, 1827.
17. With Great Britain:
Referring claims of American and British citizens to a commission.
Concluded February 8, 1853; ratified by Senate March 15, 1853; proclaimed August 20, 1853.
(The commission constituted by the foregoing convention was extended by special treaty proclaimed in 1854.)
18. With Great Britain:
Convention relative to the northeastern boundary, referring the question to arbitration.
Concluded September 29, 1827; ratified by the Senate January 14, 1828. Proclaimed May 19, 1828.
19. With Great Britain:
Reciprocity treaty as to fisheries, duties, and navigation. Article I provided that certain fishery disputes should be referred to a commission.
Concluded June 5, 1854; ratified by the Senate August 2, 1854; proclaimed September 11, 1854.
20. With Great Britain:
Referring claims of the Hudsons Bay Co. and the Pugets Sound Agricultural Co. against the United States to a commission.
Concluded July 1, 1863; ratified by Senate January 18, 1864; proclaimed March 5, 1864.
21. With Great Britain:
Referring Alabama claims to a tribunal and referring Civil War claims to a commission.
Concluded May 8, 1871; ratified by Senate May 24, 1871; proclaimed July 4, 1871.
22. With Great Britain:
Referring questions of fur seals in Bering Sea to arbitration.
Concluded February 29, 1892; ratified by Senate March 29, 1892; proclaimed May 9, 1892.
23. With Great Britain:
Referring Bering Sea claims to a commission.
Concluded February 8, 1896; ratified with amendments by Senate April 15, 1896; proclaimed June 11, 1896.
24. With Great Britain:
General arbitration treaty.
Concluded January 11, 1897; amended and finally rejected by Senate May 5, 1897.
25. With Great Britain:
Referring Alaskan boundary disagreement to a tribunal.
Concluded January 24, 1903; ratified by Senate February 11, 1903; proclaimed March 3, 1903.
26. With Great Britain:
Newfoundland fisheries.
Concluded April 4, 1908; ratified February 18, 1909; proclaimed March 4, 1909.
27. With Kongo:
Article XIII of this treaty refers any disputes concerning the terms of the treaty to arbitration.
Concluded January 24, 1891; ratified by Senate January 11, 1892; proclaimed April 2, 1892.
28. With Mexico:
Referring claims of United States citizens to a commission of four members and an umpire.
Concluded April 11, 1839; ratified by Senate March 17, 1840; proclaimed April 8, 1840.
29. With Mexico:
Article XXI of this treaty provides for the reference of future disagreements to arbitration.
Concluded February 2, 1848; ratified by Senate with amendments not affecting arbitration article March 10, 1848; proclaimed July 4, 1848.
(The foregoing reaffirmed in Article VII of the Gadsden treaty ratified by the Senate with amendments not affecting article and proclaimed in 1854.)
30. With Mexico:
Referring claims of both countries to a commission of two members and an umpire.
Concluded July 4, 1868; ratified by Senate July 25, 1868; proclaimed February 1, 1869.
(The foregoing convention was extended four times by special treaty—in 1871, 1872, 1874, and 1876.)
31. With Mexico:
Referring boundary disputes to a commission.
Concluded July 29, 1882; ratified by Senate August 8, 1882; proclaimed March 5, 1883.
(The commission provided in the foregoing treaty was extended twice—in 1885 and 1889.)
32. With Mexico:
Referring all future boundary disputes to a commission.
Concluded March 1, 1889; ratified by Senate May 7, 1890; proclaimed December 26, 1890.
(This treaty was extended six times—in 1894, 1895, 1896, 1897, 1898, and 1900.)
33. With Paraguay:
Referring claim of the United States and Paraguay Navigation Co. against Paraguay to a commission.
Concluded February 4, 1859; ratified by Senate February 16, 1860; proclaimed March 12, 1860.
34. With Peru:
Referring claims of Peru against United States to an arbitrator.
Concluded December 20, 1862; ratified by Senate February 18, 1863; proclaimed May 19, 1863.
35. With Peru:
Referring claims of United States and Peru to a commission of five.
Concluded January 12, 1863; ratified by Senate, with amendment, February 18, 1863; proclaimed May 19, 1863.
36. With Peru:
Referring claims of United States and Peru to two commissioners and two umpires.
Concluded December 4, 1868; ratified by Senate April 15, 1869; proclaimed July 6, 1869.
37. With Portugal:
Referring General Armstrong claim to an arbitrator.
Concluded February 26, 1851; ratified by Senate March 7, 1851; proclaimed September 1, 1851.
38. (With Samoa):
Treaty with Germany and Great Britain referring Samoan disputes to arbitration.
Concluded November 7, 1899; ratified by Senate February 21, 1900; proclaimed March 8, 1900.
39. With Spain:
Treaty of friendship, limits, and navigation.
Concluded October 27, 1795; ratified by the Senate March 3, 1796; proclaimed August 2, 1796. Under Article XXI of this treaty claims were referred to a commission.
40. With Spain:
Referring claims for indemnity to a commission.
Concluded August 11, 1802; ratified by Senate January 9, 1804; proclaimed December 22, 1818.
41. With Texas:
Referring boundary question to a commission.
Concluded April 25, 1838; ratified by Senate May 10, 1838; proclaimed October 13, 1838.
42. With Venezuela:
Referring claims of United States citizens to a commission of two members and an umpire.
Concluded April 25, 1866; ratified by Senate July 5, 1866; proclaimed May 29, 1867.
43. With Venezuela:
Constituting a commission to reopen and decide awards under treaty of 1866.
Concluded December 5, 1885; ratified by Senate, with amendments, April 15, 1886; proclaimed June 4, 1889.
(The foregoing was supplemented by a treaty ratified June 18, 1888, explanatory of its terms, and by a treaty ratified December 5, 1888, extending the time for its ratification.)
44. With Venezuela:
Referring the claim of the Venezuelan Steam Transportation Co. against Venezuela to commission of two members and an umpire.
Concluded January 19, 1892; ratified by Senate March 17, 1892; proclaimed July 30, 1894.
45. General:
Hague convention for pacific settlement of international disputes.
Concluded July 29, 1899; ratified by Senate February 5, 1900; proclaimed November 1, 1901.
46. General:
Second Hague convention for pacific settlement of international disputes.
Concluded October 18, 1907; ratified by Senate April 2, 1908; proclaimed February 28, 1910.
47. General:
Pecuniary claims, various Central and South American States.
Concluded January 30, 1902; ratified by Senate January 11, 1905; proclaimed March 24, 1905.
48. With China:
General arbitration; ratified by Senate, 1908.
49. With Denmark:
General arbitration; ratified by Senate, 1908.
50. With France:
General arbitration; ratified by Senate, 1908.
51. With Great Britain:
General arbitration; ratified by Senate, 1908.
52. With Italy:
General arbitration; ratified by Senate, 1908.
53. With Japan:
General arbitration; ratified by Senate, 1908.
54. With Mexico:
General arbitration; ratified by Senate, 1908.
55. With the Netherlands:
General arbitration; ratified by Senate, 1908.
56. With Norway:
General arbitration; ratified by Senate, 1908.
57. With Peru:
General arbitration; ratified by Senate, 1908.
58. With Portugal:
General arbitration; ratified by Senate, 1908.
59. With Salvador:
General arbitration; ratified by Senate, 1908.
60. With Spain:
General arbitration; ratified by Senate, 1908.
61. With Sweden:
General arbitration; ratified by Senate, 1908.
62. With Switzerland:
General arbitration; ratified by Senate, 1908.
63. With Austria-Hungary:
General arbitration; ratified by Senate, 1909.
64. With Costa Rica:
General arbitration; ratified by Senate, 1909.
65. With Haiti:
General arbitration; ratified by Senate, 1909.
66. With Paraguay:
General arbitration; ratified by Senate, 1909.
67. With the Argentine Republic:
General arbitration; ratified by Senate, 1909.
68. With Bolivia:
General arbitration; ratified by Senate, 1909.
69. With Ecuador:
General arbitration; ratified by Senate, 1909.
70. With Uruguay:
General arbitration; ratified by Senate, 1909.
71. With Chile:
General arbitration; ratified by Senate, 1909.
72. With Brazil:
General arbitration; ratified by Senate, 1909.

73. With Great Britain: Boundary waters; ratified by Senate March 3, 1909.
 74. With Mexico: Arbitration of Chamizal case; ratified by Senate December 12, 1910.

In addition, arbitration conventions with the following countries were ratified by the Senate on February 11, 1905, with an amendment, but were never submitted to the countries with which they were made: Austria-Hungary, France, Germany, Great Britain, Italy, Mexico, Norway and Sweden, Portugal, Spain, Swiss Confederation.

LIST OF ARBITRATION AGREEMENTS NOT REFERRED TO THE SENATE.

- With Brazil: Referring "Canada" claim to an arbitrator. Signed March 14, 1870.
 With Colombia: Referring the "Montijo" claims to arbitrators. Signed August 17, 1874.
 With Dominican Republic: Referring claim of Improvement Co. to a tribunal. Signed January 31, 1903.
 With Guatemala: Private claims. Signed February 23, 1900.
 With Haiti: Referring two private claims to an arbitrator. Signed May 28, 1884. (The term of this protocol was extended by an additional protocol signed March 20, 1885.) Submitting a private claim to an arbitrator; signed May 24, 1888. Submitting a claim to arbitration; signed October 18, 1899.
 With Mexico: Private claims; signed March 2, 1897. Plus fund, referred to The Hague tribunal; signed May 22, 1902.
 With Nicaragua: Private claims. Signed March 22, 1900.
 With Peru: Private claims. Signed May 17, 1898.
 With Russia: Submitting claims for detention of American schooners to arbitration. Signed August 22 and September 8, 1900.
 With Salvador: Private claims. Signed December 19, 1901.
 With Spain: Agreement for the settlement of claims of Americans for injuries committed by Spanish authorities in Cuba. Concluded February 11-12, 1871.
 With Venezuela: Private claims. Signed February 17, 1903.
 With Portugal: Referring to arbitrators the Lourenço Marques Railroad claim. Signed June 13, 1891.

Mr. SMITH of Michigan. Mr. President, we have just listened to an able, exhaustive, and instructive address delivered by the senior Senator from Massachusetts [Mr. LODGE], which must have left a profound impression upon all Senators. I do not believe there is a Member of this body who does not appreciate the value of this intelligent and patriotic contribution to the discussion upon the arbitration treaties now before the Senate, and that it may be immediately available to us all I ask unanimous consent that the speech just delivered by the Senator from Massachusetts be printed forthwith as a public document (S. Doc. No. 353).

The VICE PRESIDENT. Without objection the order will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the address delivered in the Senate of the United States by Hon. HENRY CABOT LODGE, February 29, 1912, on the pending arbitration treaties between the United States, Great Britain, and France, be printed as a public document.

Mr. CULLOM. I move that the Senate resume the consideration of legislative business.

The motion was agreed to.

PUBLIC UTILITIES COMMISSION.

Mr. GALLINGER. Mr. President, I ask that the unfinished business may be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3512) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission.

Mr. GALLINGER. Mr. President, it has been so long since the bill was under consideration that I have somewhat forgotten the pending amendment.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from New Hampshire, on page 34 of the bill.

Mr. GALLINGER. Mr. President, as I recall, the motion was to strike out.

The VICE PRESIDENT. The Secretary will state the amendment, if the Senator prefers, but the Secretary advises the Chair that the motion to strike out has been agreed to.

Mr. GALLINGER. Very well. Then, Mr. President, I move that the language which I send to the desk be incorporated in the bill at the point where the other language was stricken out.

The VICE PRESIDENT. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. On page 34, line 9, after the word "forfeiture," it is proposed to insert the following words:

It shall be unlawful for any street railroad corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, or other public-utility corporation, directly or indirectly, to acquire the stock of any other corporation, and every contract, transfer, agreement for transfer, or assignment of any such stocks shall be void and of no effect.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. BAILEY. Mr. President, would the Senator from New Hampshire agree to an amendment to the amendment which, in addition to prohibiting the acquirement of stock by a corporation in another corporation, would also forbid the ownership of it?

Mr. GALLINGER. I would agree to that.

Mr. BAILEY. Then, I suggest that, in line 4 of the amendment, following the words "directly or indirectly, to," to insert the words "own or to"; which will make it read "to own or to acquire." I think that probably will cover the case.

The VICE PRESIDENT. The amendment proposed by the Senator from Texas to the amendment of the Senator from New Hampshire will be stated.

The SECRETARY. In line 4 of the amendment as printed, before the word "acquire," it is proposed to insert the words "own or to," so that it will read "to own or to acquire the stock of any other corporation," and so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. Mr. President, it will be recalled that when the bill was under consideration before the Senate the senior Senator from Iowa [Mr. CUMMINS] took exception to the language of section 15, which deals with the matter of depreciation. I have consulted with that Senator, and he has said to me that he thinks it is wise to strike out that section and to leave that matter entirely in the hands of the commission. I am inclined to agree with that Senator that that would be the wise thing to do. Therefore I move to strike out section 15 from the bill.

The VICE PRESIDENT. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. On page 17, beginning in line 1, it is proposed to strike out section 15 of the bill, as follows:

SEC. 15. That every public utility shall carry a proper and adequate depreciation account whenever the commission, after investigation, shall determine that such depreciation account can be reasonably required. The commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. These rates shall be such as will provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as it may find to be necessary. The commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect. The commission shall provide for such depreciation in fixing the rates, tolls, and charges to be paid by the public. All moneys in this fund may be expended in new constructions, extensions, or additions to the property of such public utility, or invested, and, if invested, the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other purpose than as provided in this section and for depreciation unless with the consent and by order of the commission.

The amendment was agreed to.

Mr. GALLINGER. I offer a substitute for section 93, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to strike out section 93, as follows:

SEC. 93. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of the revenues of the District of Columbia and not exceeding \$40,000.

And in lieu thereof to insert:

SEC. 93. That the sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act, one-half out of revenues of the District of Columbia and one-half out of any moneys in the Treasury not otherwise appropriated; and all moneys received from fines, forfeitures, and penalties shall be paid into the Treasury of the United States, one-half to the credit of the District of Columbia.

The amendment was agreed to.

Mr. WORKS. Mr. President, some days ago I proposed an amendment by way of substitute for the pending bill. I desire now to offer it as an amendment to the pending bill. I wish to say in connection with that matter—

Mr. GALLINGER. Just one word, if the Senator please.

Mr. WORKS. Certainly.

Mr. GALLINGER. I wish to state that so far as I know the amendments which I have offered are all the amendments the committee desire through me to offer. Now, the Senator can call up his amendment.

Mr. WORKS. Mr. President, I desire to say in connection with this subject that some of the amendments which have been made within the last few minutes meet some of the objections that I had to the bill, and which I desired to meet by the amendment which I have submitted. I considered, in the first instance, whether I should attempt to correct the bill by the various amendments that I thought to be necessary, or whether it were better to offer an entire substitute. I finally concluded

to adopt the latter course with respect to it, and I desire now to submit that amendment.

It will be necessary for me to take up some of the time of the Senate in undertaking to point out and explain the differences between the two bills, and I would have to do that with reference to the amendments that have now been offered. I should very much prefer not to take the matter up now, and I may be able to do it in a great deal less time if I take it up at some later date, if that will be agreeable to the Senator from New Hampshire.

Mr. GALLINGER. There is a great deal of pressure for the passage of this bill.

Mr. WORKS. Yes; I understand that.

Mr. GALLINGER. It is a matter to which I have given a great deal of time, more than I would want to do if the work was to be again gone over with, and I had hoped that we might dispose of it to-day.

Mr. WORKS. I have no disposition, I think the Senator will understand, to delay the disposition of the bill. It is an important matter, and one to which I have given considerable attention, because it is one that I am particularly interested in.

Mr. GALLINGER. Does the Senator desire to have his amendment read, it being, as I understand, a bill which has been introduced in the other House?

Mr. WORKS. I intended to ask unanimous consent that the reading should be dispensed with. Its reading would take up probably an hour of time, but I can in less time than that explain the changes that would result from the adoption of the amendment. I desire to save all the time I can.

Mr. GALLINGER. I ask the Senator from California, whose interest in this bill, I understand, is quite as intense as is my own, and he desires legislation as much as I do, if he will be prepared to-morrow to discuss the matter?

Mr. WORKS. Yes, sir; I shall.

Mr. GALLINGER. Very well, Mr. President. Then I ask unanimous consent that the unfinished business be now laid aside.

The VICE PRESIDENT. Without objection, that will be done.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. I desire to call up the report of the Committee on Privileges and Elections in the Stephenson case.

The VICE PRESIDENT. The Secretary will state the question of privilege called up by the Senator from Idaho.

The SECRETARY. Order of business 299, Senate resolution 136, directing the Committee on Privileges and Elections to investigate certain charges relative to the election of ISAAC STEPHENSON.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Idaho [Mr. HEYBURN] to agree to the report of the committee.

Mr. HEYBURN. Mr. President, I do not intend to protract my remarks in opening this debate. Inquiry was made yesterday at the close of the session as to the number of votes which had been received by each of the candidates for Senator, if we may term them candidates. At that time I did not have the figures before me. I will now give them, with the amounts expended by each, according to the official record.

Mr. STEPHENSON, at the primary, received 56,909 votes, and expended \$107,793.05.

Mr. Cook, another candidate of the same character, received 47,825 votes, and expended \$42,293.29.

Mr. Hatton, another such candidate for the Senate, received 35,552 votes and expended \$26,413.

Mr. McGovern, the present governor of the State, then such candidate for the Senate, received 42,631 votes and expended \$11,063.88.

The total amount expended by all those candidates was \$188,563.23. The total vote received by those candidates was 182,917.

Some inquiry was made as to whether or not I conceded a statement that seems to have been found somewhere in the record that seven or eight hundred thousand dollars had been expended at the primary election. At the time the question was propounded I did not have the figures in mind. That statement has been made since I had had occasion to go through the record, and it has been some months now since this record was fresh in my mind. I find no justification for such statement, unless you take into account the amounts expended by all of the candidates for State, county, and lesser offices. It may be that the aggregate would or would not amount to such sum; but I do not feel that it is at all pertinent to the issue to inquire as to what was expended by the candidates for other offices than that of United States Senator. Merely as a matter of reference, I stated that one of the candidates for the supreme bench had filed a certain

account and made certain expenditures. I merely did it to illustrate a point.

Mr. JONES. I merely want to suggest that possibly the Senator has in mind a statement made in the brief of Mr. Littlefield, wherein he estimates, I think, the total expenditures for all county and State officers at something over \$800,000.

Mr. HEYBURN. He made that statement. Mr. Littlefield made his argument before the committee and filed a brief, but I saw the statement exaggerated with growing rapidity in the newspapers, until, I think, it finally reached a million. When a story like this once starts it is like a snowball going downhill on a cold day.

Mr. President, I think I have fairly opened for discussion and consideration the points involved in this inquiry. I do not feel at all inclined to go into an analysis of the testimony of the witnesses. It is no part of the duty of the committee, or of my duty as representing the report of the majority in this case, to do so. Every presumption is in favor of the validity of this election, because it was certified to this body by a sovereign State in a constitutional manner, and the citizen whose right is contested is now enjoying the rights and privileges of a Member of this body. The burden is upon those who would oust him to show reasons sufficient to overcome the presumption in his favor, because it is not the rule that a man shall be unseated merely upon a preponderance of testimony. We will take into consideration properly the fact that it is a constitutional office, filled in a constitutional manner, and held under the guaranty of a constitutional right.

With that statement I will have nothing more to say, unless there should develop some opposition to the motion which is pending, that the report of the committee be adopted.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho to adopt the report of the committee.

Mr. JONES. Mr. President, I understand there are several Members of the Senate who desire to speak on this motion, but I do not think they are quite ready yet. The Senator from Kansas [Mr. Bristow] has given notice that he will address the Senate on this matter to-morrow, so I do not think we should press it to a vote at this time.

Mr. KERN. What is the motion?

The VICE PRESIDENT. The motion is to agree to the report of the committee.

Mr. KENYON. Mr. President, I had understood that the Senator from Kansas [Mr. Bristow] was to enter upon the discussion this afternoon or to-morrow, and I had intended myself to follow him; I think there are also other Senators who desire to speak on this question.

Mr. BRISTOW. Mr. President, I desire to say that it is getting quite late, and I prefer to begin my remarks in the morning immediately after the routine morning business, if that is agreeable to the Senator.

Mr. HEYBURN. Mr. President, we have now reached a point where I deem it proper to suggest that we agree upon a day upon which to take the vote. I was only waiting for this condition of affairs to arise. I now ask unanimous consent that on Tuesday, March 12, at 4 o'clock, a vote be taken upon the resolution and all amendments then pending.

Mr. CRAWFORD. Mr. President, I have no opinion about this case, and I want to have an opportunity to look through the extended record. I say that without intimating in the slightest degree that I have any opinion, favorable or unfavorable, about it, but it is no small task to go through the record in this case. Here is a volume, one of the two volumes presented to us, that contains nearly a thousand pages, and I do not think the Senator from Idaho should ask that we consent to a particular date for a vote when this record has been in the hands of Members of the Senate less than two weeks time, I believe, and when we have been engaged with numerous other duties.

Mr. BACON. I hope the Senator will speak louder so that those of us on this side will have the benefit of what he is saying.

Mr. CRAWFORD. I say, I am not willing to consent to have a time fixed to vote upon this matter so soon, inasmuch as one of the volumes, the first volume, of the testimony contains nearly a thousand pages, and there is still another volume which I have not yet seen. I think we ought to have an opportunity to at least casually go through this record before the Senator asks that we be required to vote upon it. I do not wish to be captious, but I am not willing to consent to-day to having a date fixed as early as that which the Senator indicates.

The VICE PRESIDENT. The Senator from South Dakota objects.

Mr. KERN. Mr. President, I inquire what the proposition is?

The VICE PRESIDENT. Objection is made to the request preferred by the Senator from Idaho [Mr. HEYBURN].

Mr. KENYON. I suggest to the Senator from Idaho to make the date a little further along, say, March 28, so as to give us a little more time.

Mr. HEYBURN. Mr. President, I am not inclined to be unreasonable about it. Six months will have elapsed from the time when the defendant, as I may term him, entered upon his defense, and six months is a long time in the life of a public man to be held up to ridicule and grilled before his constituency, the people of the United States, without having a vote as to whether or not he is guilty. If other Senators were in the same position as that occupied by Senator STEPHENSON in this case, and were to be confronted every morning and every night in the newspapers with the ridicule and the harsh treatment that confronts him in his old age, they would realize that there is a sense of humanity involved in this question which Senators should take into consideration.

Then, as to reading the record, we have gone to the trouble of having perhaps as complete a digest index made of this testimony as was ever made in the history of the United States Senate.

Mr. CRAWFORD. Can not the Senator agree to a date a little later on?

Mr. HEYBURN. Perhaps. We will see in a minute; but I want the RECORD to show that this was not a captious objection on my part.

Mr. CRAWFORD. No one has intimated that it was.

Mr. HEYBURN. The digest was made with a view to avoiding the necessity of reading every word in the record. Senators are not prosecutors here; they are merely to observe and consider the record of one of their associates in this body. It is not a man hunt to see if you can find some ground upon which to convict; it is rather an investigation to see if you can not find him to be clear of the charges against him; and there is no presumption against him.

With that expression, let us see how the calendar looks. I suggested Tuesday, March 12. The 14th is appropriated for ceremonies commemorative of our late associate, Senator Frye. The 15th of March is getting pretty far along. That will be more than three weeks hence. I would feel culpable in asking that a Member of this body situated as Senator STEPHENSON is should wait three weeks.

Mr. BRANDEGEE and Mr. TOWNSEND. It is only two weeks.

Mr. HEYBURN. Let us see. Well, it is between two and three weeks; but it is a long time to a man resting under these charges, and if Senators have given attention at all to the record in this case I am sure they must be convinced that it would be in the nature of a man hunt to go through it by sentence, word, and syllable to see if they can not find something in it upon which to transfix the life and destiny of their associate.

Mr. KERN. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. KERN. I am in hearty accord with the last suggestion of the Senator from Idaho, that the date be fixed three weeks from to-day.

Mr. HEYBURN. The 15th of March. To-morrow will be the 1st of March—15 days from to-morrow. I am very reluctant to suggest a date so far ahead when I consider all the circumstances of this case. I would not personally impose that burden of waiting upon any man living, and I appeal to the generous impulses of Senators not to do it. Let us take up the case and discuss it. The facts will come out fast enough from this record. If there are those opposed to the adoption of the resolution they doubtless have the germ of the opposition well forward in their heads, and it will be promptly pronounced. Let us vote upon it at a much earlier day than that.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. JONES. I desire to say that I want this matter to come to a vote just as soon as possible consistent with the proper consideration of it by Senators. The record in the case is voluminous, and I think all Senators desire to do just what the Senator suggested a moment ago, namely, to act as judges in this matter and not as prosecutors; but we can not act as judges unless we have an opportunity to examine the record. During my short service in this body my experience has been that when a matter of importance is set down for a day certain then but very little attention is paid to it except by those who desire to discuss it, and I am not willing at this time to agree to

any specific time to vote. I believe that if that is not done we will reach a vote even sooner than we could by an agreement.

Mr. HEYBURN. Then, of course, the discussion will have to go on now.

Mr. JONES. The discussion will go on if the Senator insists upon it, but the Senator can not drive this matter through at once, and the Senator will not gain time by simply insisting upon discussion at a late hour like this on a matter of such importance.

Mr. HEYBURN. We certainly will not gain time if the Senator says he will not agree to fix a time to vote.

Mr. JONES. I will not at this time.

Mr. HEYBURN. And it is not possible to lose any time under those circumstances, either.

Mr. JONES. I will not agree at this time to a definite day for a vote.

Mr. HEYBURN. Then the matter is before the Senate, and unless some Senator desires to proceed with the discussion, I call for a vote.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho.

Mr. BRISTOW. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Dillingham	Martin, Va.	Richardson
Bourne	Gallinger	Martine, N. J.	Root
Brandeggee	Gardner	Nelson	Simmons
Briggs	Gore	Oliver	Smith, Ga.
Bristow	Heyburn	Overman	Smoot
Bryan	Johnson, Me.	Page	Stephenson
Burnham	Jones	Penrose	Sutherland
Crane	Kenyon	Perkins	Swanson
Culberson	Kern	Polindexter	Townsend
Cullom	Lodge	Pomerene	Warren
Curtis	McLean	Rayner	Williams

The VICE PRESIDENT. Forty-four Senators have answered to the roll call; not a quorum.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 1, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 29, 1912.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our God and our Father, we bless Thee for the bright skies above us, for the firm earth beneath us, for the bright hopes that cheer us, for the pure homes that love us, for the sunny smiles that greet us, for the best Government on the round earth, for the flag that floats o'er us, for the strong arms and brave hearts that would defend it, for the miracle of faith, hope, and love, for the heaven that waits above us and the good that we can do. Make us, we beseech Thee, worthy of these and the innumerable blessings which are showered down upon our pathways day by day; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRESERVATION OF NIAGARA FALLS.

The SPEAKER laid before the House joint resolution 232, extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. SULZER. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. SULZER, Mr. FLOOD of Virginia, and Mr. FOSTER of Vermont.

DAM ACROSS SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker, I desire to call up the conference report on the bill S. 4551, and I ask that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report (No. 369) is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4551) to amend an act entitled "An act to authorize the building of a

dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., approved August 5, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from the following amendment to said bill:

"Provided, That such dam shall be constructed, maintained, and operated in accordance with an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, as amended by an act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 23, 1910."

That the Senate recede from its disagreement to the following amendment of the House and agree to same:

"Amend the title so as to read: 'An act to extend the time for completion of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., authorized by an act approved August 5, 1909.'"

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,

Managers on the part of the House.

KNUTE NELSON,
GEO. C. PERKINS,
THOMAS S. MARTIN,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

On August 5, 1909, an act was approved granting the consent of Congress for the construction of a dam across the Savannah River in accordance with the provisions of the general dam act approved June 21, 1906.

The company interested at once proceeded to work and expended about \$40,000 and contracted for the financing of the enterprise through the negotiation of bonds. They acquired a great deal of the riparian lands and flowage rights, but, although they commenced the work within one year and exercised due diligence in prosecuting the work, they were delayed by some litigation and securing some legislation bearing upon the securing of their necessary flowage rights which delayed them so as to render it impossible to complete the dam within three years. The Senate bill, the basis of this conference, was introduced for the purpose of extending the time allowed for the completion of the dam. Of course, the original act sought to be extended required the construction to proceed in accordance with the provisions of the general dam act of 1906. The House Committee on Interstate and Foreign Commerce amended the Senate act so as to require also that the construction should proceed in accordance with the amended act approved June 23, 1910. The House Committee on Interstate and Foreign Commerce also amended the title to conform to the provisions of the act. The House adopted the two amendments recommended by the committee and passed the Senate bill. The Senate disagreed to the amendments, asking a conference, to which the House agreed.

On further consideration of the two amendments in conference it appeared that the amendment of 1910 in express terms itself provided "that this limitation shall not apply to any corporation or individual heretofore authorized by the United States or by any State to construct a dam in or across a navigable waterway upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants." In addition to the facts stated by the Secretary of War as to the commencement of work and the acquirement of flowage rights within a year the conferees were given additional information as to the expenditures of money and the financing of the property in reliance upon the original grant. Therefore we believe that the first amendment was erroneous, but that the second amendment was right, therefore the managers on the part of the House recede from the first amendment and the managers on the part of the Senate recede from the second amendment.

W. C. ADAMSON,
WM. RICHARDSON,
F. C. STEVENS,

Managers on the part of the House.

Mr. ADAMSON. Mr. Speaker, I move that the House agree to the conference report.

Mr. MANN. Will the gentleman yield for a question?

Mr. ADAMSON. With pleasure.

Mr. MANN. If I recall, this dam was probably the only one authorized between the time that the committee determined not

to report any more bills under the original dam act and the time when the amended dam act went into effect.

Mr. ADAMSON. I think that is true.

Mr. MANN. The original dam act and the original act under which this dam was proposed to be constructed contained provisions authorizing Congress at any time to repeal, alter, or amend either of the acts, as I recollect.

Mr. ADAMSON. Yes, sir.

Mr. MANN. In this case it is said these people have commenced work, and that the 50-year limitation in the amended dam act, and possibly some other provisions in it, would come in conflict with the effort which they have already made to finance the proposition, and might, and probably would, as they claim, end their present arrangement.

Mr. BARTLETT. It would seriously embarrass it, anyhow, if the gentleman will permit me.

Mr. MANN. Does this act contain the provision for the right to alter, amend, or repeal?

Mr. ADAMSON. I think it does. I do not have it before me.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] moves to agree to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. ADAMSON, the motion to reconsider the vote by which the conference report was agreed to was laid on the table.

QUESTION OF PERSONAL PRIVILEGE.

Mr. MOORE of Pennsylvania. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. While in the city of Trenton, N. J., yesterday morning, I purchased and read a copy of the Public Ledger, of Philadelphia, a newspaper, in which was contained an article evidently suggested by a Member of this House, which reflects upon me so far as my conduct as a Member of the House is concerned. I send this article to the Clerk's desk and ask that it be read.

The SPEAKER. The Clerk will read the article.

The Clerk read as follows:

DONOHUE OBTAINED HARBOR INCREASE—PHILADELPHIA CONGRESSMAN SAYS MOORE HAD NOTHING TO DO WITH IT—SUBMITS LETTER AS PROOF—DECLARES HE PREFERS TO WORK QUIETLY, BUT CAN NOT SUBMIT TO APPARENT INJUSTICE.

To the editor of the Public Ledger:

Sir: Representative MOORE did not appear before the Rivers and Harbors Committee yesterday nor at any time to urge increase for Delaware River, and had absolutely nothing to do with increasing the amount.

MICHAEL DONOHUE.

WASHINGTON, D. C., February 27.

[From a staff correspondent.]

WASHINGTON, February 27.

Representative DONOHUE to-night issued a statement to show that, as a member of the Rivers and Harbors Committee, he was responsible for the increase in the appropriation for the 35-foot Delaware River channel from \$700,000, originally apportioned, to \$1,000,000. He was prompted to issue this statement because of reports that Representative J. HAMPTON MOORE had been partly responsible for inducing the members of this committee to take better care of the Delaware. Mr. DONOHUE's statement is:

"From a report in this morning's newspapers it would appear as if Representative J. HAMPTON MOORE did the real work in connection with the increase of appropriation for the Delaware River and that I merely seconded his efforts. The fact is Mr. MOORE had absolutely nothing to do with it. He did not appear before the Rivers and Harbors Committee, and hence made no argument in the matter.

"Representative H. O. YOUNG, a Republican member of the committee, sent me the following letter to-day:

"In response to your inquiry of to-day I have the pleasure to state that my recollection is very clear as to what occurred in the Committee on Rivers and Harbors yesterday relative to the increase of the appropriation for the Delaware River from \$700,000 to \$1,000,000. When I entered the committee room in the morning the committee had not yet convened. You approached me immediately and said that you were going to request the committee to increase the appropriation for the Delaware River and asked for my support. Immediately after convening you took the floor and advocated such increase most urgently, giving reasons therefor.

"After some general discussion a motion was made and carried unanimously to increase the amount to \$1,000,000. No other person than yourself appeared before the committee on that occasion in favor of this proposition before its adoption."

"I have a letter of almost similar purport from Chairman SPARKMAN, and a majority of the members of the committee have made the following statement:

"In view of the fact that certain Philadelphia newspapers of this date in reporting an increase of \$300,000 for the 35-foot channel project for the Delaware River do a great injustice to Representative DONOHUE, of Pennsylvania, we the undersigned members of the Rivers and Harbors Committee take pleasure in stating, in the interest of truth and justice, that the only argument made yesterday for an increase in the appropriation for the Delaware before our committee was made by Representative DONOHUE."

"In short, every member of the committee, irrespective of party affiliation, will freely admit the truth of the foregoing.

"I had rather continue to move along in my own quiet, unostentatious way and not be drawn into unseemly controversy, but in this

instance there has been such violence done to truth and decency that I am constrained to make this statement with the hope that justice may occasionally come to other Members of the Philadelphia delegation in Congress, whose voices are now lost in the incessant din of the tom-tom of a single Member."

Mr. BARTLETT. Mr. Speaker, I do not object to my friend the gentleman from Pennsylvania being heard, but I do not think this raises a question of personal privilege, and the precedent is one that ought not to be established. Therefore I will ask unanimous consent, if my friend desires it, that he may be heard on it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I appreciate the courtesy offered by the gentleman from Georgia [Mr. BARTLETT]. I have suggested to Members on the other side that the Member who indited the article, or who is responsible for it, be sent for, in order that I may explain my position regarding it in his presence.

The SPEAKER. The point of order that the gentleman from Georgia [Mr. BARTLETT] raises is that the article read from the Clerk's desk does not lay the foundation for a question of personal privilege, and the Chair is inclined to think that is correct.

Mr. MOORE of Pennsylvania. Will the Speaker hear me for a moment on that?

The SPEAKER. The gentleman from Georgia asked unanimous consent that the gentleman from Pennsylvania [Mr. MOORE] may be allowed to proceed.

Mr. MOORE of Pennsylvania. Very well. It makes no difference to me.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, to the charge that I am addicted to "the incessant din of the tom-tom," whatever that may mean, I have no serious defense. If I were to deny it and call upon my fellow Members of the House as witnesses it would probably result, on cross-examination, in needlessly incriminating a number of others who have, more or less, innocently yielded to the seductive influence of the newspaper habit—to acquaint the folks at home as to their doings in Washington. Nor do I think a charge of this kind involves a question of personal privilege. It affects principally the vanity of a Member, and I do not intend to enter upon a discussion of that phase of the question.

As a newspaper man, several times a candidate before the people, I have taken my medicine in times of stress, but in every instance I have done the best I could to fight back honorably and in the open. I value publicity as an instrumentality for public good, and am free to admit that I avail myself of it whenever I am fortunate enough to obtain it for the Delaware River, the city of Philadelphia, the intracoastal waterway, or any other cause or community that is deserving of public confidence and support. I do not seek it for personal glory and am growing less inclined to want it as the exactions of public life increase. I think this is true as to most Members of the House who are striving to achieve something for the people they represent, and who are not anxious to increase their personal obligations and responsibilities.

But I do believe the charge in the last paragraph of the statement attributed to the gentleman from Pennsylvania [Mr. DONOHUE] involves a question of personal privilege "affecting the conduct of a Member," in that, after referring to letters he claims to have obtained from the chairman and members of his committee, giving him a certificate of character, he refers to his "own quiet, unostentatious way," and with evident reference to my official conduct, protests against "such violence done to truth and decency."

The very fact that the gentleman deemed it necessary to fortify himself with letters from the chairman and some of the members of the Rivers and Harbors Committee—a rather unusual and, I would think, undignified proceeding, as it affects the ethics of this great body—to bolster up a claim that he had performed the simple duty of attending his committee meeting, would seem to indicate that if the gentleman did not have some doubt about his own performance of duty, he was, at least, with the unintentional assistance of those whose letters of indorsement he was able to obtain, preparing to raise the issue of "truth and decency" affecting "the conduct of a Member," and which he hastily and impulsively let loose to the newspapers.

Now, Mr. Chairman, with reference to the charge affecting "the truth and decency" of a Member, since it comes to me as the result of the excitement and heated reasoning of my colleague [Mr. DONOHUE], it is due to the House that I should be heard briefly. My first effort in this body after my election in the fall of 1906 was in behalf of the Delaware River, a great commercial river, the improvement of which, in Philadelphia,

we believed to have been stood aside for reasons which it is not now necessary to recall. Mr. BURTON, of Ohio, was then chairman of the Committee on Rivers and Harbors. I think it will be remembered that I pursued Mr. BURTON persuasively and by argument and dunning for many sessions, and that I was something of a thorn in the side of his immediate successor, Mr. Alexander, of New York, until finally we were given authorization and appropriations for a 35-foot channel for the Delaware, which, when completed, would put us upon an equality with our sister ports of Boston and New York.

Out of this Delaware River agitation, it will also be remembered, was born the Atlantic coastal project, contemplating a continuous inland waterway from New England to Florida, upon which, after long and persistent agitation, we have just obtained a report from the United States engineers. It will be conceded that I have devoted much time to the promotion of this project and have beaten a few "tom-toms," whatever they are, along the coast and in this House with regard to it. As to the "truth and decency" of this statement, I invite an inspection of the records of the House. At the same time I invite the closest scrutiny of the record of my colleague [Mr. DONOHUE] since he has been a Member of the House as to any aid or assistance he has given to either of these projects.

So much in a general way for my record on the Delaware River and other waterways, as it is affected by the gentleman's charge as to "truth and decency."

Now, as to the incident which induced him to seek the cover of his chairman and fellow committee members to attack me. I am not a member of the Rivers and Harbors Committee, but presume I am as familiar to the members of that committee as most of the Members of this House. I understand the pressure that is brought upon the chairman and members of the committee by those interested in local projects, and when it comes to the framing of a bill I do not wonder that the chairman and members of the committee get tired and restive and seek the seclusion of secret meetings. It is perhaps the only way in which they can get their bill in shape. The trouble which seems to have agitated my colleague [Mr. DONOHUE] arises from the fact that when these meetings began he was upon the inside and I was upon the outside.

My interest was in the Delaware River. I wanted that work protected in committee. I had spoken to the chairman and to other Members about it and understood my colleague was protecting our interests. It was because I thought so that I did not ask for a formal hearing.

Now, Mr. Speaker, the report of the Chief of Engineers approving the Delaware River 35-foot project, dated March 2, 1910, was based upon the report of the district engineer, who, after a survey—after carefully going over the whole project—suggested that the work should be completed within a period of six years. That portion of the report of the district engineer indorsed by the Board of Engineers, approved by the Chief of Engineers, reported to this House, and indorsed in the bill brought in by the Committee on Rivers and Harbors, was as follows:

Taking into consideration the results of the survey, the needs of the navy yard, the possible increase in the size of ships before the improvement can be completed, and the present and prospective importance of Philadelphia, I am of the opinion that the Federal Government is justified in undertaking the improvement of the Delaware River with a view to securing a channel 35 feet in depth, 800 feet wide in straight portions, 1,000 feet wide at the easier turns, and 1,200 feet wide at the worst turn at Bulkhead Bar. The estimated cost of this channel is \$10,920,000 for original work and \$300,000 per year for maintenance. With proper appropriations the work should require for completion about six years. The large amount of excavation required should be done by contract if reasonable prices can be obtained; otherwise it should be done by Government plant.

Approving the report of the district engineer, the Chief of Engineers said:

These reports have been considered by the Board of Engineers for Rivers and Harbors, which has held a public hearing in Philadelphia, and in its report dated March 1, 1910, the board states that the channel dimensions of the present project are insufficient to meet the demands of the growing commerce of Philadelphia and vicinity. Believing that the depth of 35 feet now proposed will be utilized by the time it can be made available, and that the commercial navigation interests involved are sufficient to justify improvement to that depth, the board recommends the improvement as proposed.

Conceding the urgency of the work, Mr. Speaker, it would take at least \$1,700,000 per annum to keep up with the recommendations of the report of the Army engineers. We have had to struggle to get recognition for the Delaware River, but that report was approved and Congress passed an act, approved June 25, 1910, which not only indorsed the report of the engineers and gave specific recognition to the improvement contemplated, but appropriated \$800,000—and this before my colleague arrived.

Now, Mr. Speaker, I would like to have those facts borne in mind. At the rate of \$800,000 per annum we could not comply with the recommendations of the United States Army engineers,

and the six years' handicap which other large communities along the Atlantic coast now have against the city of Philadelphia would be increased into a period of 15 or 18 or 20 years before we could expect to compete on equal terms with any one of these large cities.

Mr. BOOHER. Mr. Speaker, will the gentleman permit me a question?

Mr. MOORE of Pennsylvania. Certainly.

Mr. BOOHER. I would like to say to the gentleman that the fact that only \$800,000 was appropriated last year and \$1,000,000 this year does not mean that the project will not be completed in the time limit set in the law. Every dollar was appropriated last year and this year that the Chief of Engineers said he could expend on the project, and next year, if the estimates of the Chief of Engineers require it, you will be doubled or trebled. But the project, as we understand it in the committee, will be completed within the time fixed by law.

Mr. MOORE of Pennsylvania. But at the rate allowed in the bill as first proposed, to wit, \$700,000, we would be 20 years in the completion of that channel, and perhaps we would be thrown back another 10 years.

Mr. BOOHER. The idea was that it should be completed within the time limit set. Next year, perhaps, three times this appropriation will be given if it can be used.

Mr. MOORE of Pennsylvania. I am glad to hear the gentleman say that. The gentleman understands perfectly well, I hope, that I am not finding fault with the committee. The committee and I are on the best of terms. I am only leading up to the causes which induced my colleague [Mr. DONOHUE] to charge that I had made untrue statements or had been unfair toward him as a Member of the House.

Mr. BOOHER. I thought, perhaps, the gentleman was laboring under a misapprehension that because we had only appropriated \$1,000,000 for this year no more would be appropriated under the contract next year. The project will be completed in the time fixed in the law.

Mr. MOORE of Pennsylvania. I was referring to the fact that in 1910 it was estimated that \$1,700,000 per annum would be required to complete the work within the time allotted. The first year we got \$800,000. In February, 1911, another act was approved which appropriated to this project \$900,000 more, which was raised in amount, so far as continuing contracts were concerned, \$700,000, making a total of \$1,500,000 for that year.

Now, I want the gentlemen who are interested, and whose friendship I desire, to bear that in mind; that we had been raised from \$800,000 the first year, when my colleague [Mr. DONOHUE] was not in Congress, to \$1,500,000, including continuing contracts, for the second year, when my colleague was not in Congress, and that, therefore, as one who was following this matter closely, I was solicitous about what the committee would do this year.

Mr. BOOHER. The gentleman will bear in mind that I am not entering into the controversy between him and his colleague. I simply wanted the gentleman to understand the facts from the standpoint of the committee.

Mr. MOORE of Pennsylvania. I understand that thoroughly, and I thank the gentleman for referring to it. A Member of this House has some difficulty in getting access to all the members of the Committee on Rivers and Harbors, and when the bill is about to be made up the chairman of that committee has about as much pressure brought to bear upon him as any man in this House. He has my sympathy, and he has always had my support, so far as I have been able to give it to him, in the work he has undertaken to do.

My colleague [Mr. DONOHUE] had been placed upon this committee immediately upon his entry into this House last fall. He therefore was in a position to protect the city of Philadelphia, and I believed that he would do so. I had no desire to enter into a dispute or a quarrel with him, and I have no desire to enter into a dispute or a quarrel now. But the fact remains that while we got \$1,500,000 last year, we are now, even with Mr. DONOHUE on the committee, to get only \$1,000,000, and even this was at first cut to \$500,000, plus \$200,000 for contracts.

Now, Mr. Speaker, it was clever of our friends upon the other side to put a new man upon this committee to take care of interests that some of us have been watching for years, but that ought not to be a barrier to the right of the rest of us to continue our work; and I as a representative of a district which fronts upon the Delaware River certainly demand the right to continue my interest in that work and to go to the committee as often as I can, or ought to, in order to obtain what I believe to be justice and fair treatment for our great improvement.

Now why did any dispute arise between my colleague and myself? I had spoken to the chairman of the committee and believed our project would be provided for. I had spoken to

other members upon the committee and did not desire to bore them upon the subject. I did ask for a hearing upon the question of the interoceanic waterway and obtained a very fair and very courteous hearing, incidentally speaking for the Delaware, and my acknowledgments are due to the individual members of the committee and to the committee as a whole for the courtesy shown me. But my colleague from Philadelphia [Mr. DONOHUE] has been a little touchy, because, even though he is a brand-new man on this committee and has been placed by his party in a position of prominence, I have continued to exercise the same interest in the Delaware that I started with here over five years ago.

It was commonly reported in the newspapers of Philadelphia, and the information did not come from me originally, that we would receive \$1,400,000 in this bill for the coming year. My colleague objected to my name being associated with that announcement, and yet, Mr. Speaker, he received most of the headlines and has been continuing to get most of the headlines. I have not pressed the newspapers any harder than he has for publicity for this enterprise and have not been getting so much of it for myself.

When I was informed that we were to receive \$1,400,000 in this bill for the coming year I was pleased that we were going to get that much recognition, and so stated.

There seems to have been some dispute as to whether I was entitled to the credit for obtaining that \$1,400,000. I never claimed it. It was commonly accepted among the commercial interests and trade bodies of our city, who are concerned about the project, that we would get \$1,400,000, and that my colleague [Mr. DONOHUE] would be on the job and see that it was obtained. They were looking to the rest of us. Communications were coming to me, and I certainly was not asleep with regard to my duty in the matter. But on Monday morning last, following preliminary newspaper reports for which I certainly was not responsible with regard to what this committee was going to do—somebody had evidently leaked and given out the secrets of the committee—the Philadelphia Record, a newspaper which has been indorsing my colleague [Mr. DONOHUE] and which is perhaps the best spokesman of the Democratic Party in my State, published this editorial, which I desire to have read from the Clerk's desk.

The SPEAKER pro tempore (Mr. HENRY of Texas). The Clerk will read.

The Clerk read as follows:

MISSISSIPPI "PORK."

In the Record of Saturday there was reprinted from the New Orleans Picayune a portion of an article deploring the almost complete disappearance of the once great commerce of the Mississippi River within the past 30 or 40 years. "To-day," it said, "with the exception of fleets of coal barges from Pittsburgh, far up in Pennsylvania, and a few steamboats bringing sugar and cotton out of the bayou regions of Louisiana and Mississippi, the entire interior river commerce, once so vast in volume, has vanished, absolutely ceased to exist."

This is a particularly interesting statement when placed side by side with the river and harbor bill just completed by the House of Representatives' committee that has charge of that feature of the pork barrel. Of the \$25,965,011 which it carries the largest single amount, \$5,950,000, goes to the Mississippi River. This is closely followed by \$5,400,000 for the Ohio River, \$800,000 for the Missouri River, \$350,000 for the Tennessee River, and \$100,000 for the Ouachita and Black Rivers, in Arkansas and Louisiana. Of the total amount which it is proposed to appropriate for the rivers and harbors of the entire country it will be thus seen that the streams of the Mississippi Valley, from which, according to the New Orleans paper, water commerce has almost completely vanished, are to receive \$12,600,000, or about 48.5 per cent.

Compare this with the \$700,000 set aside for the Delaware River. The foreign commerce of Philadelphia amounted last year to about \$150,000,000 in the value of exports and imports, and the domestic and coastwise traffic, of which no statistical account is kept, was, it may safely be said, fully twice as much. Add the river business of Chester, Wilmington, Burlington, and the scores of other towns along the Delaware, and it will be seen that splendid stream carried not less than half a billion dollars' worth of foreign and domestic commerce in 1911. Yet it gets less than the Missouri River, which has absolutely no trade whatever, and all efforts to improve which, in the interest of Kansas City and other interior cities, have proved dismal failures.

It is well known that the very successful efforts to bag appropriations for the Mississippi and the Ohio Rivers are in no manner due to the needs of those streams, whose commerce seems to wane in proportion as Uncle Sam lavishes money upon them, but to a very compact combination of the Congressmen of the States lying in the Mississippi Valley. The expenditures of \$12,600,000 of Federal cash within their districts is no slight matter. Army engineers have reported more than once that the dream of a deepened and straightened Mississippi, up which large foreign steamships could make their way to Memphis, St. Louis, and ultimately to Chicago, is the wildest kind of a chimera, impossible of realization; but what is such an argument among those who have their hands in the pork barrel? In the meantime the merits of the Delaware and other streams which really have some commerce are neglected because of a failure among Eastern Congressmen to stand solidly together for the interests of their own territory.

Mr. MOORE of Pennsylvania. Mr. Speaker, my colleague is an eastern Congressman. He is on this committee and in a favorable position to do good work for the East, as well as for the whole country. After reading this editorial, it seemed to me to be the part of wisdom to inquire whether we were to be cut down, and whether the bulk of the appropriations were

again to go into the western territory for these three great rivers that have been mentioned. So on Monday morning last I called at the rooms of the Rivers and Harbors Committee with a view of seeing the chairman. The chairman was busy. I conferred with the clerk of the committee and ascertained that the appropriation for the Delaware River, which we had expected to be \$1,400,000, was not to be \$1,400,000, but was to be \$500,000, plus \$200,000, for which we might enter into contracts. Our expectation that we were going to get \$1,400,000 was blighted; we had been cut in half; that half to include maintenance also. This fact led me to say to the clerk of the committee, in order that he might say it to the chairman, that if we were to be cut to that extent, despite the fact that my colleague was upon the committee, those of us who were interested in the continuance of this work and in seeing that money spent upon it would not go to waste, and that we should get somewhere within the time fixed by the engineers, would protest, and I said it would lead to a protest on the floor, perhaps, when the bill came up in the House. The sum of \$2,000,000 having been recommended by the engineers for the ensuing year, and we having expected \$1,400,000, and it being proposed to appropriate only \$500,000, plus \$200,000, I said we could not submit without protest, for it would mean waste and delay on a great work begun and not completed. Subsequently, I was informed, the Rivers and Harbors Committee met in executive session.

Now, Mr. Speaker, I have no means of knowing what transpired in the committee meeting, but I do know that before the committee meeting was held on Monday I saw the advance sheets of the committee report in which it was provided that the Delaware River should receive \$500,000, plus \$200,000. That meant a loss of at least one-half of the sum that had been confidently expected. At the subsequent meeting of the committee I was not present. The statement of my colleague is perfectly true in that respect. It was a secret meeting of the committee in which I had no right, and it was for shaping up its report. I have been informed, and I give him full credit, that my colleague did urge at this meeting that the appropriation be raised from \$500,000, plus \$200,000, to a higher sum, and that the committee did finally fix \$1,000,000 as the amount of the appropriation for the Delaware River, or \$500,000 less than we got last year.

That afternoon, with my heels cooling outside the door of the committee room, I was admitted upon adjournment, and I went, as every Member of Congress has a right to do and ought to do under such circumstances, to the chairman of the committee and those still assembled in the room and was advised that the change had been made, and that instead of receiving \$700,000 we were to get \$1,000,000, but how we were to get it I was not informed.

Now, I make this statement merely as a matter of justice to myself, in view of the charge that my methods in the matter have been unfair to my colleague [Mr. DONOHUE]. I want to give him all the credit that can come to him for the work he can do or will do for the Delaware River, for the city of Philadelphia, or for the State of Pennsylvania. I think it is the duty of every man in the House to give full credit to every other Member for the work that he does. I have seen cases where credit has not been given to the man who originated and pushed the work; where jealousy and envy have robbed the rightful man of the credit that he ought to receive. I have no envy for any man who accomplishes something, but am ever ready to give him earnest praise for his work in the House; and if any Member of the Pennsylvania delegation, or any other delegation, makes himself conspicuous in his work for the benefit of his constituency and the country, I will applaud him, no matter whether he is on this side or the other side of the House. [Applause.] But I repeat that when we were given reason to believe that we would get \$1,400,000 to continue an absolutely necessary work and prevent waste on the Delaware project, and found by reason of conditions that gave a tremor even to the Record of Philadelphia, the greatest Democratic newspaper of our State, and found we were to be cut in two, I was doing no more than my duty in calling public attention to it, and since my colleague got busy, after I had sounded the alarm, and induced the committee to raise the appropriation to \$1,000,000, there is no reason why he should not be given the credit he covets. [Applause.]

Mr. PALMER. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. PALMER. Mr. Speaker, I have taken the floor at the conclusion of the statement of the gentleman from Pennsylvania [Mr. MOORE] because of the absence of my colleague, Mr.

DONOHUE. I am not very familiar with the proceedings before the Committee on Rivers and Harbors which have resulted in some appropriation for the improvement of the Delaware River, and I do not propose to discuss the merits of that proposition. I want simply to say that this whole matter arises out of the fact that there has been considerable friendly and political rivalry between the partisans of the gentleman from Philadelphia, Mr. MOORE, and the gentleman from Philadelphia, Mr. DONOHUE, in the Philadelphia newspapers as to which of these two gentlemen is entitled to the greater credit for the final recognition of the great Delaware River.

Up to the time that this Congress met, Mr. Speaker, the publicity agents of some Members of this House had been so actively at work that the public in Philadelphia, judging from the newspaper dispatches sent out from Washington, had been taught to believe that the Congress of the United States consisted exclusively of Mr. Speaker CANNON and Mr. J. HAMPTON MOORE. [Laughter and applause.]

In the Sixty-first Congress the gentleman from Philadelphia, Mr. MOORE, was a candidate for a position on the Rivers and Harbors Committee, where he believed he could be of service to his city. He had been a candidate for that place in the Congress before that and in the first Congress of which he became a Member. The Speaker of the House and the Republican majority of this House refused to recognize the interests of the great city of Philadelphia and its needs and refused to place him on that committee.

He takes umbrage now that a new Member is placed upon that committee in this Congress, yet in the Sixty-first Congress the Speaker put upon the Rivers and Harbors Committee as a Representative from the State of Pennsylvania a man who had never seen service in this House, who was a brand new Member, the gentleman from Washington County, Mr. Tener, and passed over the demands of the gentleman from Philadelphia that he and his great city should be recognized upon that committee. The Republican Party refused consistently to do anything for Philadelphia, or for Mr. MOORE if he were anxious and earnest in his desires to improve the waters in that section of the State, and the whole trouble comes about from this, that when the city of Philadelphia, in part, woke up and broke from the political shackles which had bound it for generations [applause on the Democratic side] and sent to this House a Democrat, the city of Philadelphia, with its legitimate desires and needs, was recognized by this House [applause on the Democratic side], and a Democrat was put in a place where he could be of service to his people and his State, a recognition which had been denied the city by a Republican majority in previous Congresses. [Applause on the Democratic side.] I mention these things to lead up to this proposition, Mr. Speaker—

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman yield?

Mr. PALMER. Yes; I yield.

Mr. MOORE of Pennsylvania. All that the gentleman has said does not deprive me as an humble Member of the minority and still a representative from Philadelphia from doing the best I can for the Delaware River, does it?

Mr. PALMER. No; the gentleman is doing the best he can, but I want to assure him that his best is not a farthing compared with the best of the gentleman from Philadelphia Mr. DONOHUE. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Does the gentleman think, when the appropriation was cut—

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. PALMER. I ask for two minutes.

SEVERAL MEMBERS. Take five minutes.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like the gentleman to answer one or two questions.

Mr. PALMER. I will answer the questions of the gentleman. I did not object when he took the floor to enter upon a long tirade against Mr. DONOHUE.

Mr. MOORE of Pennsylvania. I made no tirade against Mr. DONOHUE. I tried to give him all the credit I could for coming in after the appropriation had been cut and doing his best to restore it. Will not the gentleman admit, since he has brought politics into this discussion, that the gentleman himself is entitled to a bouquet which should be made even of lilies of the valley for having, immediately upon the introduction of Mr. DONOHUE into this House, placed him upon that committee, where he might bask in the sunshine of the records his predecessors made for the Delaware River?

Mr. PALMER. Well, Mr. Speaker, I did not place Mr. DONOHUE upon the Committee on Rivers and Harbors—

Mr. MOORE of Pennsylvania. Did not the gentleman see the advantage of his being there—

Mr. PALMER (continuing). He was placed there by the majority of this House, and was elected by this House to that place. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. But the gentleman could see—

Mr. PALMER. One moment—and neither is it true that he is basking in the sunshine of the efforts made by his predecessors in this House. He started work anew, and regardless of errors and mistakes made by his predecessors in this House and regardless of discriminations made by the Republican Party in this House against the Delaware River, he went about his work and has accomplished something worth while for Philadelphia and Pennsylvania [applause on the Democratic side], more than the gentleman from Philadelphia and his entire delegation have ever in the past been able to accomplish. Now, Mr. Speaker, the gentleman says—

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Pennsylvania further yield to the gentleman from Pennsylvania?

Mr. PALMER. Yes; I yield.

Mr. MOORE of Pennsylvania. I have always paid tribute to the gentleman for his ability, and I want him to answer this question.

Mr. PALMER. We are not talking about myself—

Mr. MOORE of Pennsylvania. I know, but there are some things I want to talk about.

Is it not true that the gentleman himself, coming on to be the leader of Democracy in his State, suggested the gentleman from Pennsylvania [Mr. DONOHUE] for appointment on this committee in view of the circumstances he has just described?

Mr. PALMER. Mr. Speaker, there is no politics, as far as we are concerned on this side of the House, in the Rivers and Harbors Committee.

Mr. MOORE of Pennsylvania. But the gentleman will not answer.

Mr. PALMER. And the attempt to inject politics into this proposition has been made by the gentleman who last spoke. In Philadelphia he has made this a burning political issue, and he has had his newspapers defending him—

Mr. MOORE of Pennsylvania. The gentleman is mistaken.

Mr. PALMER (continuing). When the gentleman from Pennsylvania [Mr. DONOHUE] has been given real credit by those newspapers for his honest work. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Will the gentleman answer this question? I put it to him fairly and frankly: Did not the gentleman from Pennsylvania who is now addressing the House, in view of the known conditions existing in Philadelphia and Pennsylvania, seeing the advantage that it would be to him from a party sense, suggest Mr. DONOHUE for appointment on this committee, and by reason of that fact have we not heard of Mr. DONOHUE's interest in the Delaware River, concerning which we had never heard before?

Mr. PALMER. Mr. Speaker, not for party advantage, not for the purpose of giving the Democratic Party credit, but for the purpose of giving Philadelphia and Pennsylvania the recognition which your party had denied them was the reason that I supported Mr. DONOHUE for a place on the Rivers and Harbors Committee. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Does the gentleman assert that there was any lack of interest on the part of the other Republican Members and this particular "gentleman from Pennsylvania" in advocating waterway projects in the East?

Mr. PALMER. There was apparent interest on the part of the gentleman from Pennsylvania [Mr. MOORE] and much advertisement in the Philadelphia newspapers concerning his efforts in the direction, but small real results. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. PALMER] has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask that the time of the gentleman be extended for five minutes.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that the time of his colleague be extended for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Will the gentleman answer this: Is it not a fact that when the 35-foot-channel appropriation question was approved that the gentleman from Pennsylvania [Mr. DONOHUE] was not a Member of the House? Will not the gentleman answer that?

Mr. PALMER. That may be true.

Mr. MOORE of Pennsylvania. It is true?

Mr. PALMER. Certainly we do not claim any credit for the gentleman [Mr. DONOHUE] for things which were done before he became a Member of the House.

Mr. MOORE of Pennsylvania. You are doing it now.

Mr. PALMER. But the gentleman from Pennsylvania [Mr. MOORE] in the Philadelphia newspapers—

Mr. MOORE of Pennsylvania. I will admit that I am working for the interests of my city. I admit it.

Mr. PALMER (continuing). Is taking credit to himself for what the other gentleman from Philadelphia has done. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. I do not deny getting all the help I can. I ask the gentleman to yield in order to answer a question.

Mr. PALMER. I yield to the gentleman for the purpose of asking the question.

Mr. MOORE of Pennsylvania. When the act of June 25, 1910, was passed, putting the 35-foot project into legislative form and appropriating \$800,000 for that purpose, when I was a Member of the House, was the gentleman from Pennsylvania [Mr. DONOHUE] a Member of the House?

Mr. PALMER. That is a question of history which the Congressional Directory will answer.

Mr. MOORE of Pennsylvania. One more question. The gentleman has answered my other question so cleverly, so directly, and so frankly that I would like to ask one more. When the act of February 27, 1911, was passed did Mr. DONOHUE get any of the appropriation for \$700,000 plus \$800,000, a total of \$1,500,000, the \$700,000 being put in on the Senate side, and for which certain newspapers of Philadelphia are giving Mr. DONOHUE credit? Was he here then?

Mr. PALMER. He was not a Member of the House until the 4th of March, 1911. His service has been short, and while I would not rob the gentleman from Philadelphia Mr. MOORE—

Mr. MOORE of Pennsylvania. I thank you for conceding that—

Mr. PALMER. Or the distinguished Senator from Pennsylvania [Mr. PENROSE], at the other end of the Capitol, who have done what they could or what they would for the River Delaware and the city of Philadelphia, I am objecting to the gentleman from Philadelphia Mr. MOORE attempting to rob his present colleague Mr. DONOHUE—

Mr. MOORE of Pennsylvania. I give him credit for all he has done—

Mr. PALMER. Of credit belonging to him for the great service he has rendered to his city and State since he has been a member of the Committee on Rivers and Harbors.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] must address the Chair if he desires to interrupt a gentleman speaking on the floor.

Mr. PALMER. I want to add only this, Mr. Speaker: That if the good people of Philadelphia elsewhere will follow the example of those who reside in the district of the gentleman from Philadelphia Mr. DONOHUE, and if the good people of Pennsylvania outside the city of Philadelphia shall also follow that example, they will place upon the floor of this House men who will be able by their service here to bring results to their city and to their State such as have not been secured while the gentleman from Philadelphia Mr. MOORE and his colleagues have sat on that side of the House. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Mr. Speaker—

Mr. CANNON rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. CANNON. I would like to have unanimous consent to speak for five minutes, inasmuch as my name has been dragged into this debate.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to be allowed to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois is recognized.

Mr. CANNON. Mr. Speaker, I desire to address the House briefly, because, though only incidentally, I am involved in this controversy on account of the organization of the Sixty-first Congress.

I recollect very well the designation of the membership upon committees, which under the rules of the House is always subject to approval and change by the House if they disagree. [Laughter on the Democratic side.] It always has been so, as a matter of high privilege, after the committees have been designated. I did designate the members for service on the Committee on Rivers and Harbors. The gentleman from Pennsylvania [Mr. MOORE] was anxious to be a member of that

committee. The senior Senator from Pennsylvania [Mr. PENROSE] was a member of the Committee on Commerce of the Senate, having jurisdiction over the subject of rivers and harbors in that body. Pennsylvania is a great State, abutting on the Atlantic coast, its confines reaching out to the Ohio River. This is a large country, and it seemed to me, in designating the membership of the Committee on Rivers and Harbors, that Philadelphia was represented in the Senate and that the Middle West and the Mississippi River and the Ohio and the tributaries of the Mississippi were entitled to representation. Therefore, notwithstanding my great respect for the gentleman representing the Philadelphia district [Mr. MOORE], I designated a man in the western end of the State for membership on that committee. I have no apologies to make therefor, and it is not to the discredit of my friend, politically and personally [Mr. MOORE], that he was not designated.

May I say a word further? The majority is always responsible, and while the Speaker organized the committees without objection in the Sixty-first Congress, yet in the Sixty-second Congress the Ways and Means majority, then not yet appointed, organized the House—the present House—and so organized it that its plan of organization had legs enough to receive the approval of the Democratic caucus. CZAR CANNON! Yet CZAR UNDERWOOD and my friend, in whose eye I look, CZAR PALMER, made the organization. [Applause and laughter.]

Gentlemen, that was your right. I am throwing no clubs at you for doing it.

By the by, I notice that the great Commonwealth of Pennsylvania has always been represented under all conditions, and well represented. [Applause.] The Delaware River, with a 30-foot channel, and then a 35-foot channel, has been treated with fair liberality, along with the balance of the country; and, so far as my friend and colleague Mr. MOORE is concerned, I want to say that in former Congresses and in this, in my judgment, he has been quite second to no other Member of this House touching appropriations by his industry and ability. [Applause on the Republican side.] I have not the pleasure of the acquaintance of the Democratic Member from Philadelphia [Mr. DONOHUE], but I will venture the prediction and express the hope, notwithstanding his admirable personality as it has been portrayed by my friend in church and state, who sits on the other side of the House [Mr. PALMER], that when the ides of November come the places that know them now will know them no more in this House. [Applause on the Republican side.]

Mr. PALMER. The gentleman should not be too sure about that. [Laughter and applause on the Democratic side.]

INJUNCTION LEGISLATION.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of injunction legislation.

The SPEAKER. The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent to extend his remarks in the RECORD on the subject of injunctions. Is there objection?

There was no objection.

Mr. HUGHES of New Jersey. Mr. Speaker, I desire to lay before the House for its information a statement of law on the subject of injunctions, given to me by Mr. Andrew Furuseth:

GOVERNMENT BY INJUNCTION—THE MISUSE OF THE EQUITY POWER.

The modern use of the writ of injunction, especially in labor disputes, is revolutionary and destructive of popular government.

Our Government was designed to be a government by law, said law to be enacted by the legislative branch, construed by the judiciary, and administered by the executive.

An injunction is "an extraordinary writ issued out of equity enjoining a threatened injury to property or property rights where there is not a plain, adequate, and complete remedy at law."

The definition of equity is "the application of right and justice to the legal adjustment of differences where the law by reason of its universality is deficient," or "that system of jurisprudence which comprehends every matter of law for which the common law provides no remedy . . . springing originally from the royal prerogative, moderating the harshness of the common law according to good conscience." In other words, it is the exercise of power according to the judgment and conscience of one man.

It was for this reason that in Great Britain, whence the United States derives its system of equity as well as of law, the equity power was limited to the protection of property or property rights, and in such cases only where there was no remedy at law; the words adequate and complete have been added here.

When the courts of equity take jurisdiction over and issue injunctions in labor disputes they do so to protect business, which, under late rulings by several courts, is held to be property. These rulings are disputed and condemned by other courts, which hold that relations between employers and employees—between buyer and seller—are personal relations, and as such, if regulated at all, are regulated by statute or common law only. If the latter contention be right, and of this we believe there can be no question, the ruling that makes business property, or the right to carry on or continue in business a property right, is revolutionary, and must lead to a complete change, not only in our industrial but in our political life. If the court of equity be permitted to regulate personal relations, it will gradually draw to itself all legislative power. If it be permitted to set aside or to enforce law, it will ultimately ar-

rogate to itself jurisdiction now held by the law courts and abolish trial by jury.

The Constitution confers equity power upon the courts by stating that they shall have jurisdiction in law and in equity in the same way that it makes it their duty to issue the writ of habeas corpus, and in substantially the same way as it provides for trial by jury. Equity power came to us as it existed in England at the time of the adoption of our Constitution, and it was so limited and defined by English authorities that our courts could not obtain jurisdiction in labor disputes except by the adoption of a rule that business is property. If business be property in the case of a strike or boycott, and can therefore be protected by the equity court against diminution of its usual income caused by a strike or boycott conducted by the working people, then it necessarily must be property at other times, and therefore entitled to be protected against loss of income caused by competition from other manufacturers or business men. Business and the income from business would become territorial and would be in the same position as land and the income from land. The result would be to make all competition in trade unlawful; it would prevent anyone from engaging in trade or manufacture unless he comply with the whims and fancies of those who have their trade or means of production already established.

No one could enter into business except through inheritance, bequest, or sale.

In order to show the fallacy of this new definition of property, we here state the accepted legal definitions of property, business, and labor.

Definition of property: "Property means the dominion of indefinite right of user and disposition which one lawfully exercises over particular things or subjects, and generally to the exclusion of all others. Property is ownership; the exclusive right of any person freely to use, enjoy and dispose of any determinate object, whether real or personal." (English and American Encyclopedia of Law.)

"Property is the exclusive right of possessing, enjoying, and disposing of a thing." (Century Dictionary.)

"A right imparting to the owner a power of indefinite user, capable of being transmitted to universal successors by way of descent, and imparting to the owner the power of disposition from himself and his successors." (Austin, Jurisprudence.)

"The sole and despotic dominion which one claims and exercises over the external things of the world in total exclusion of the right of any other individual in the world." (Blackstone.)

It will be seen that property is products of nature or of labor, and that the essential element is that it may be disposed of by sale, be given away, or in any other way transferred to another.

There is no distinction in law between property and property rights. From these definitions it is plain that labor power or patronage can not be property, but aside from this we have the thirteenth amendment to the Constitution prohibiting slavery and involuntary servitude.

Labor power can not be property, because it can not be separated from the laborer. It is personal. It grows with health, diminishes in sickness, and ceases at death. It is an attribute of life.

The ruling of the courts make of the laborer a serf, of patronage an evidence of servitude by assuming that one may have a property right in the labor or patronage of another.

Definition of business: That which occupies the time, attention, and labor of men for the purpose of livelihood or profit; that which occupies the time, attention, and labor of men for the purpose of profit and improvement. (American and English Encycl. of Law.)

That which busies, or that which occupies the time, attention, or labor of one, as his principal concern, whether for a longer or shorter time. (Webster's Dictionary.)

Definition of labor: Physical or mental effort, particularly for some useful or desired end. Exertion of the powers for some end other than recreation or sport. (Century Dictionary.)

It will be seen from the above definition that while there is a fundamental difference between property and business, there is none at all between business and labor, so that if business be property, so is labor, and if the earning power of business can be protected by equity power through injunction, so can the earning power of labor; in other words, the laborer may obtain an injunction against a reduction of his wages, or against a discharge, which would stop the wages entirely.

If this new definition of property, by including therein business and labor, be accepted, then the judge sitting in equity becomes the irresponsible master of all men who do business or who labor.

We contend that equity power and jurisdiction—discretionary government by the judiciary—for well-defined purposes and within specific limitations granted to the courts by the Constitution, has been so extended that it is invading the field of government by law and endangering constitutional liberty; that is, the personal liberty of the individual citizen.

As government by equity—personal government—advances, republican government—government by law—recedes.

We have escaped from despotic government by the King. We realized that, after all, he was but a man. Are we going to permit the growing up of a despotic government by the judges? Are not they also men?

The despotism of one can in this sense be no better than the despotism of another. If we are to preserve "government of the people, by the people, and for the people," any usurpation by the judiciary must be as sternly resisted as usurpation by the Executive.

What labor is seeking is the assistance of all liberty-loving men in restoring the common-law definition of property and in restricting the jurisdiction of the equity courts in that connection to what it was at the time of the adoption of the Constitution.

A bill has been, and now is, before Congress for his purpose. We ask your careful consideration of the reasons for this bill and of the bill itself, and your assistance in inducing Congress to make it law.

NAVIGATION LAWS OF THE UNITED STATES.

Mr. FINLEY. Mr. Speaker, I ask immediate consideration for the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 365.

Resolved, That there be printed and bound in cloth, for the use of the House of Representatives, 1,000 copies of the Navigation Laws of the United States, edition 1911, issued by the Bureau of Navigation of the Department of Commerce and Labor.

Mr. FINLEY. I ask that the Clerk read the report (H. Rept. 375).

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 365) providing for the printing of the Navigation

Laws of the United States, reports the same back to the House with the recommendation that the resolution be agreed to.
The estimated cost will be \$459.95.

Mr. MANN. Will the gentleman yield for a question?

Mr. FINLEY. Certainly.

Mr. MANN. Is this an annual resolution?

Mr. FINLEY. I can not say that it is. I can only say that the supply is exhausted, and that these copies are needed.

Mr. GARNER. May I ask the gentleman a question?

Mr. FINLEY. Yes.

Mr. GARNER. Will these copies, when they are bound, go to the document room or to the folding room to the credit of Members?

Mr. FINLEY. They will go to the folding room to the credit of Members.

Mr. MANN. And there most of them will be unused and useless.

Mr. GARNER. Yes.

Mr. MOORE of Pennsylvania. I think they will not be useless, and I think they will be used. There has been a very insistent demand for these publications, and there is a very good reason for the passage of the resolution at this time.

Mr. MANN. The gentleman did not understand the remark that I made.

Mr. GARNER. If the gentleman from South Carolina will permit me, I made this inquiry for the purpose of ascertaining where these documents would go and how many each Member of Congress would have. Under this resolution the gentleman from Pennsylvania [Mr. MOORE] would have about two copies to his credit; so if he had a great deal of call for them, I imagine he would have to go and beg his colleagues to let him have a few of them to send to his constituents. Why not let these go to the folding room, where the gentleman from Pennsylvania [Mr. MOORE], who has a great many calls for them, can get them and send them to his constituents? The gentleman from Texas and the gentleman from Illinois may never have any call for them.

Mr. MOORE of Pennsylvania. Will the gentleman from South Carolina yield to me?

Mr. FINLEY. I yield to the gentleman.

Mr. MOORE of Pennsylvania. I do not care very much how these are distributed, if we can get them. I want to say that there is a positive demand for these navigation laws. The Department of Commerce and Labor has a very heavy demand. The Bureau of Navigation can not comply with the requests which come for them, and during the coming year there will be an international congress of navigation held for the first time in the United States, with delegates coming from all over the world—probably 400 or 500 of them. The officers of that convention, who are Government officials, have asked that they be given some of these copies in order that they may present them to these foreigners.

Foreigners are anxious to know what the navigation laws of the United States are. All along the coast there is a demand for them, shipping is increasing along the Atlantic seaboard, and people want to know what the laws are.

Mr. MANN. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. MANN. This provides for printing 1,000 copies. That would be 2 to each Member, and the odd number of 200 or more would go to the document room of the Public Printer for sale. Is there a demand there for them, or are they out of them at that office?

Mr. FINLEY. I can not answer as to what the demand is there. I can only say that I do not think any copies will be wasted or not be called for. There is a demand for this publication. I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

EMPLOYERS' LIABILITY.

Mr. FINLEY. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

Senate concurrent resolution 11.

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 additional copies of the Message of the President of the United States transmitting the report of the Employers' Liability and Workmen's Compensation Commission, together with the hearings held before the commission, of which 2,500 copies shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 2,500 copies for the use of the Committee on the Judiciary of the Senate; and

That there be printed as a Senate document, in one pamphlet, 25,000 copies of the message and report only, of which 5,000 copies shall be for the use of the Senate, 12,500 copies for the use of the House of Representatives, and 7,500 copies for the use of the Committee on the Judiciary of the Senate.

The Clerk read the following report (No. 374) of the committee:

The Committee on Printing having had under consideration the Senate concurrent resolution (S. Con. Res. 11) providing for the printing of the hearings before, and the report of, the Employers' Liability and Workmen's Compensation Commission, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated (approximate) cost will be \$8,406.45.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FINLEY. I will.

Mr. MANN. I see that the resolution provides for the printing of an equal number of these reports for the use of the House and the use of the Senate, including the Senate committee that has jurisdiction. It is not exactly in that form, but that is the effect of it. Why should we provide for printing 7,500 documents for the use of the Judiciary Committee of the Senate and not any for the use of the Judiciary Committee of the House?

Mr. FINLEY. I will inform the gentleman. This work was done by a joint commission of the House and Senate. That commission is out of commission. They had many thousand requests for this publication. Now, it is intended by this provision in the resolution that the Senate Committee on the Judiciary shall fill the requests that have come to this joint commission.

Mr. MANN. The purpose is to turn over practically that number to Senator SUTHERLAND, chairman of that commission, to fill the requests that have been made of the commission?

Mr. FINLEY. Yes; and to other members.

Mr. MANN. Turn them over to them for the purpose of filling requests that have been made on the commission?

Mr. FINLEY. That is substantially true.

Mr. MANN. Is that satisfactory to the House members of the commission?

Mr. FINLEY. It is. I will yield to the gentleman from Pennsylvania [Mr. MOON], a member of the commission.

Mr. MOON of Pennsylvania. Mr. Speaker, I do not know that I have anything to say on the subject, except that I regard it as of the utmost importance that this publication should be made and made promptly. A great inquiry has arisen throughout the country and a great many requests have been presented to me as a member of the commission for the publication of this report. I would like to ask the chairman of the Printing Committee a question.

Mr. FINLEY. I will yield.

Mr. MOON of Pennsylvania. I have not seen the report or the resolution. May I ask whether it is intended to publish any of the hearings?

Mr. FINLEY. The report of the House Committee on Printing recommends that the Senate resolution pass without amendment.

Mr. MOON of Pennsylvania. Does it provide for the publication of the hearings?

Mr. FINLEY. Yes; 10,000 additional copies of the message, together with the hearings held before the commission.

Mr. MOON of Pennsylvania. It seems to me that it ought to be amended to include the report of the commission.

Mr. FINLEY. If the gentleman will read the resolution—I was under the impression that he was familiar with it.

Mr. MOON of Pennsylvania. No; I have not seen it; but it seems to me most important that the report of the commission should be published. The commission spent a great deal of time upon it, and we have summarized both the law and the facts. It seems to me that there would be few people who would be interested in the hearings alone.

Mr. FINLEY. There is ample provision for the printing of the report.

Mr. MOON of Pennsylvania. I see there is a provision to print 25,000 copies of the report. I trust the House will pass this, as there is a very great demand for it.

The question was taken, and the concurrent resolution was agreed to.

DECISION, SUPREME COURT, RAILROAD EMPLOYERS' LIABILITY ACT.

Mr. FINLEY. Mr. Speaker, I ask for the present consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 383.

Resolved, That there be printed for the use of the House of Representatives 15,000 copies of the opinion and order of the Supreme Court of the United States, delivered January 15, 1912, at Nos. 120, 170, 289, and 290, October term, 1911, known as the opinion of the Supreme Court on the "Act of Congress relating to the liability of common carriers by railroad to their employees in certain cases," to be distributed through the document room of the House of Representatives.

The report of the committee was read, as follows:

Report No. 372 to accompany House resolution 383.

The Committee on Printing having had under consideration the House resolution (H. Res. 383) providing for the printing of 15,000 copies of the opinion of the Supreme Court on railroad employers' liability act, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be \$120.26.

Mr. MANN. How many is it proposed by the resolution to print?

The SPEAKER. Does the gentleman from South Carolina yield to the gentleman from Illinois?

Mr. FINLEY. I do.

Mr. MANN. I did not hear the number.

Mr. FINLEY. Fifteen thousand, and I will state that this is a very important decision of the Supreme Court. It relates the law as to fellow servants.

Mr. MANN. It sustains the law we passed?

Mr. FINLEY. Yes.

Mr. MANN. After the Judiciary Committee had two whacks at it they succeeded finally in getting a law that was constitutional?

Mr. FINLEY. Yes.

The question was taken, and the resolution was agreed to.

PUBLIC HEALTH BULLETIN NO. 48.

Mr. FINLEY. Mr. Speaker, I ask for the immediate consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 393.

Resolved, That there be printed for the use of the House document room 16,000 copies of Public Health Bulletin No. 48, on pellagra, prepared by Passed Asst. Surg. C. H. Lavinder.

The report was read, as follows:

Report No. 373 to accompany House resolution 393.

The Committee on Printing having had under consideration the House resolution (H. Res. 393) providing for the printing of Public Health Bulletin No. 48, reports the same back to the House with the recommendation that the resolution be agreed to. The estimated cost will be \$469.28.

Mr. MANN. What is the number?

Mr. FINLEY. Sixteen thousand copies.

Mr. MANN. That is the bulletin of the Public Health Service?

Mr. FINLEY. It is, and a very valuable one.

Mr. MANN. They have published a bulletin recently in regard to typhoid; has the gentleman any request to have that printed?

Mr. FINLEY. I think there is one, but I have not it on my desk.

Mr. MANN. It ought to be printed in large numbers.

The question was taken, and the resolution was agreed to.

REPORT OF NATIONAL MONETARY COMMISSION.

Mr. FINLEY. Mr. Speaker, I ask the immediate consideration of the following privileged resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 28.

Resolved by the House of Representatives (the Senate concurring), That there be printed, for the use of the House of Representatives, 30,000 copies of the report, with accompanying bill, of the National Monetary Commission, to be delivered to the superintendent of the folding room of the House of Representatives for distribution.

The report was read, as follows:

Report No. 376 to accompany House concurrent resolution 28.

The Committee on Printing, having had under consideration the House concurrent resolution (H. Con. Res. 28) providing for the printing of 30,000 copies of the report of the National Monetary Commission, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be \$604.94.

Mr. FINLEY. Mr. Speaker, I yield to the gentleman from Tennessee—

Mr. BARTLETT. May I ask the gentleman a question?

Mr. FINLEY. Yes.

Mr. BARTLETT. This is simply to print the report?

Mr. FINLEY. Yes. I yield to the gentleman from Tennessee [Mr. PADGETT].

Mr. BARTLETT. Is it simply the report?

Mr. PADGETT. A part of the report and the suggested bill that accompanies it. It does not reprint all of it. That would cost many thousands of dollars. This is the report of the commission.

The SPEAKER. The question is on agreeing to the House concurrent resolution.

The question was taken, and the House concurrent resolution was agreed to.

FERTILIZER RESOURCES OF THE UNITED STATES.

Mr. FINLEY. Mr. Speaker, I ask for the immediate consideration of the House concurrent resolution No. 40, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 40.

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of Senate Document No. 190, "Fertilizer Resources of the United States," message from the President of the United States, December 18, 1911, for the use of the House.

The report (No. 377) was read, as follows:

Mr. FINLEY, from the Committee on Printing, makes the following report, to accompany House concurrent resolution 40:

The Committee on Printing, having had under consideration the House concurrent resolution (H. Con. Res. 40) providing for the printing of 10,000 copies of Senate Document No. 190, reports the same back to the House, with the recommendation that the resolution be agreed to. The estimated cost will be \$1,669.26.

Mr. FINLEY. In the last agricultural appropriation bill there was appropriated \$12,000, as I remember, to make an investigation for the purpose, if possible, of finding a potash supply somewhere in the United States, and this document gives that information. I ask for a vote.

The SPEAKER. The question is on agreeing to the House concurrent resolution.

The question was taken, and the resolution was agreed to.

MILEAGE AND COST OF PUBLIC ROADS.

Mr. FINLEY. Mr. Speaker, I ask for the immediate consideration of House resolution No. 400, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 400.

Resolved, That there be printed for the use of the House document room 11,750 copies of Public Roads Bulletin No. 41, Mileage and Cost of Public Roads in the United States in 1909.

The following report (No. 378) was read:

Mr. FINLEY, from the Committee on Printing, makes the following report to accompany House resolution 400:

The Committee on Printing, having had under consideration the House resolution (H. Res. 400) providing for the printing of 11,750 copies of Public Roads Bulletin No. 41, Mileage and Cost of Public Roads in the United States in 1909, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be \$488.98.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

EXCHANGE OF CONGRESSIONAL RECORD.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent for the consideration of Senate concurrent resolution No. 14, and I will state that this is a mere matter of comity—

Mr. MANN. Let us hear it read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 14.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of State is hereby authorized to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the Under Secretary of State for External Affairs of Canada, in exchange for a copy of the Parliamentary Hansard; and that the Public Printer is hereby directed to honor the requisition of the Secretary of State for such copy.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, is this a concurrent resolution?

Mr. FINLEY. It is.

Mr. MANN. It is designed to make permanent law?

Mr. FINLEY. To exchange similar publications between this country and Canada.

Mr. MANN. With all due respect to the distinguished body at the other end of the Capitol and to the Committee on Printing of the House, I think everyone who thinks of it is familiar with the fact that a concurrent resolution can not make permanent law, and has no effect after the life of the Congress that passes it.

It may be construed by the State Department as a direction, and I have no objection to it; but I would have supposed that whoever presented the resolution would have been familiar enough with the distinction between a joint resolution and a concurrent resolution to have prepared a proper resolution on the subject.

Mr. FINLEY. Mr. Speaker, I will only say that the House Committee on Printing took the resolution as it came from the Senate. They were very anxious to have it passed, and we have no objection to it.

The SPEAKER. Is there objection to the consideration of the concurrent resolution?

Mr. FITZGERALD. Mr. Speaker, I suggest to the gentleman from South Carolina that he can amend his concurrent resolution and make a joint resolution out of it, and let the Senate concur in his amendment.

Mr. FINLEY. Then, Mr. Speaker, I will ask leave to withdraw the resolution for the present, if the Speaker will indulge me.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] withdraws his resolution for the present.

THE LATE REPRESENTATIVES ALEXANDER C. MITCHELL AND EDMOND H. MADISON.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that Sunday, April 14, be set apart under special order for eulogies of the late ALEXANDER C. MITCHELL, of the second district of Kansas, and of the late EDMOND H. MADISON, of the seventh district of Kansas, late Members of this House. I move that that day be set aside for that purpose.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] asks unanimous consent that Sunday, April 14, be set aside for eulogies of the late Mr. MITCHELL and the late Mr. MADISON, both of Kansas. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PRINTING OF DOCUMENTS.

Mr. BARNHART rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARNHART. To ask unanimous consent, Mr. Speaker, to proceed for five minutes.

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Speaker, I want to say just a word concerning some of these printing bills upon which the committee has acted. As a member of that committee I have agreed with the majority in reporting certain bills or resolutions for the printing of documents which in their nature are extravagant and in some respects useless.

I want to call particular attention to the resolution introduced by the gentleman from Illinois [Mr. MANN], which has already been passed by the House, and I do so for the purpose of giving notice that hereafter, regardless of which side of the House these resolutions may come from, I shall protest against the passage of a resolution which on its face is an extravagance from any reasonable standpoint. The gentleman from Illinois introduced a resolution in which he asked for the publication of 20,000 copies of the President's message carrying the report of the Tariff Commission on Schedule K. The cost of that publication will aggregate something like \$13,000. I made a general canvass among Members on both sides of the House to ascertain, if possible, what the demands were for this document, and the largest demand I heard of was that of my friend from Ohio [Mr. WILLIS], who stated that he thought he could use 100 copies, inasmuch as he represented one of the principal woolgrowing districts of Ohio. Many other Members said they had no requests for this document. Some said they had one request, others more. Even the gentleman from Illinois [Mr. MANN] indicated that he had as yet had comparatively few requests for the publication.

Mr. MANN. Will the gentleman yield?

Mr. BARNHART. In just a moment. I am perfectly willing to concede the propriety of granting leave for the publication of any document in which the public is interested in such numbers as will probably be used, but I am opposed to the practice that prevails of directing the Public Printer to print an enormous amount of these publications, with the result that the storerooms are glutted with all sorts of documents that are seldom sent out. Now I will yield to the gentleman.

Mr. MANN. I thought the gentleman was referring to me a moment ago, and unintentionally, I think, he was misquoting me.

Mr. BARNHART. I did not quote the gentleman. I simply said it was my inference of the gentleman's observation.

Mr. HAUGEN. Mr. Speaker, I would state that I have received several requests for that report.

Mr. BARNHART. Relating to what?

Mr. HAUGEN. The Tariff Board report.

Mr. BARNHART. For how many?

Mr. HAUGEN. For at least a dozen.

Mr. BARNHART. The resolution as it passed provides, I think, an average of 40 copies for each Member of the House and more for Senators.

Mr. HAUGEN. I wish to state that few requests have been made at the document room, but I have personally received several requests.

Mr. WILLIS. Does not the gentleman think that that is a document which, if available, would be much more largely

called for? The idea has gone out in the country that it can not be obtained. Since I have talked with the gentleman from Indiana, I will say that I have received requests for 30 or 40 copies. I think if it were known that this report could be obtained the Members would have much larger calls for it. The idea now is that they can not get it.

Mr. BARNHART. I do not understand how that could be; but even if there is such demand, after they get this voluminous set of books they will not have time nor patience to read them, and half the number authorized would be more than will ever be sent out to people who want them and will read them.

The SPEAKER. The time of the gentleman has expired.

AGRICULTURAL APPROPRIATION BILL.

On motion of Mr. LAMB the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, with Mr. BORLAND in the chair.

Mr. CLARK of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. How much time is still left for general debate?

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] has 1 hour and 50 minutes remaining and the gentleman from Iowa [Mr. HAUGEN] has 1 hour and 49 minutes remaining.

Mr. LAMB. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. RUBEY]. [Applause.]

Mr. RUBEY. Mr. Chairman, in the time which I shall occupy this afternoon in the discussion of this bill I shall confine myself almost wholly to those things that I think pertain to the bill itself. It is not my intention at this time to discuss matters which are not before the House.

The importance of the work of the Committee on Agriculture can not be overestimated, and the benefits to be derived by the passage of the pending bill which it has prepared and submitted to this House can not be overstated. More than any other of the great appropriation bills, this one comes nearest to the great body of the American people.

On the 14th day of the present month the President of the United States issued his proclamation, and Arizona, the last of the organized Territories, became a part of this great Union.

Forty-eight imperial States, embracing that vast territory extending from Canada on the north to Mexico and the Gulf on the south and lying between the Atlantic and the Pacific, unite to form this great Nation, a Nation unexcelled, yea, unequaled in all the history of the world. [Applause.]

As we turn the pages of American history we are surprised and gratified at the great progress she has made. This great Republic, composed as it is of many States, each of which in its individual capacity is imperial, and yet all bound together by the stronger ties of the General Government, presents to the world the example of a Nation that meets with universal approval, one that has often been imitated but has never been equaled. Much of the advancement of the Nation is due to the progress and the development within the individual States. Each has its own laws, its own officers, and, with commendable zeal, each strives earnestly for those things which will be for the upbuilding, the advancement, and the betterment of its own citizens. Each becomes a generous rival of the other, each vies with the other in loyalty, and each is bound to the other and to the Nation by the Constitution of the United States—the supreme law of the land. The General Government reaches out its protecting hand to all parts of the country. The President is the President of all of the people, and his executive authority extends to all the States. The judiciary issues its decrees, and its decisions are supreme everywhere. The Congress is the Congress of every State. It is the Congress of all the people, and it should legislate for all the States and all the people with equal and exact justice.

Let us turn our attention for just a moment to some of the really great things which have made for advancement, and in connection with each and every one of them let us see what the Congress of the United States has done to assist in its development.

Our seacoast is indented with beautiful and extensive harbors—the open doors that invite the commerce of the world. Congress has with generous hand given much aid to the improvement of these harbors and has expended upon them millions of dollars. Through every part of the country flow great rivers and their tributaries, bearing our products from city to city and on to the sea. Realizing their importance as means of transportation, Congress has spent millions of dollars in deepening channels, revetting banks, and in every way improving these great waterways.

Our great railroads, extending from sea to sea, sending their subdivisions and branches in all directions, covering the land with a network of steel, reach almost to every hamlet and village. As I speak to you this afternoon thousands of freight trains are bearing the products of the factory, of the farm, and of the mine to their respective markets in all parts of the country. Modern passenger trains, laden with travelers, rush to their destinations, bearing their precious freight of human souls in comfort, ease and luxury. In the building of railroads Congress has taken an important part. Millions of acres of the best land of this country have been given to the railroads—aye, even more than have been given to homeseekers for homesteads.

We boast of our factories and our mills, giving employment to thousands and sending their products into all the world. For years and years this Government has, by its high protective-tariff system, compelled the people living in every nook and corner of this Republic to pay tribute to these great institutions. Under this policy of protection these institutions have grown so efficient and so powerful that they are now sending their products into foreign markets and with absolute lack of appreciation of a generous and long-suffering people, who have during all these years contributed to their upbuilding, they are selling abroad cheaper than they are selling at home.

Our mineral resources are important; the same policy of protection that extends to the factory extends to the products of the mines. The mineral products are protected, the mine owner is thereby benefited, and he owes much to the General Government for the advancement of his industry.

Time will not permit me to take up every great industry that has had to do with our development and upbuilding. I come now to one that stands in importance far above any of these, an industry that in the progress and development of the Republic has played a greater part than any of those I have mentioned, if not, indeed, a part greater than all of them combined. Agriculture is the greatest industry in America to-day. [Applause.] Without it we would have no use for our magnificent harbors. Take it away, and the boats that ply on our great rivers would rot and decay. Stop the plow, and the railroad trains would stand still, the tracks would grow up with weeds, the factories would close their doors, and the mines would cease to operate. [Applause.]

Six and one-half millions of farmers, who with their families constitute nearly one-third of the population of the United States, cultivating, as they do, more than 500,000,000 acres of land, raising annually more than \$8,000,000,000 of products—the foodstuff of 90,000,000 of people—present to us the picture of an industry so vast and so great that its importance can not be estimated. Upon the successful operation of the farms of this land must depend for their foodstuff the toiling millions who labor in the factories, in the mines, and upon the great railway systems. To the farmer must look for food all who live in the great cities of the country. Briefly stated, upon agriculture must depend every man, woman, and child throughout the land.

Congress has almost from the beginning recognized the importance of other great industries and has legislated for them generously, but it has been only in recent years that it has awakened to the importance of agriculture. Prior to 1900 the entire amount of money given to the Department of Agriculture by Congress was less than \$45,000,000. Since then the amount appropriated has been \$107,000,000 making an aggregate amount appropriated for the Department of Agriculture \$152,000,000 of which more than \$100,000,000 have been appropriated within the last 10 years. Even in recent years the amount of money appropriated for agriculture has been indeed meager, when compared with the vast sums appropriated for other things. Since 1900, \$1,512,161,984 have been appropriated for the maintenance of the Army of the United States, \$1,275,941,034 for the Navy, \$301,326,049 for rivers and harbors, and \$140,721,541 for public buildings. The appropriation bill a year ago, in a time of profound peace, carried for the Army and Navy \$219,613,885 a sum greater than has been appropriated for agriculture since the establishment of the Government, and a sum more than twice as great as has been appropriated since 1900.

Why all these preparations for war in a time of absolute peace? A hundred years have passed since the country was invaded by a foreign foe, and, in my opinion, the time will be far distant—centuries will come and go—before a foreign nation will ever again attempt to invade the United States of America. [Applause.] But should the invader come, let me say to you, history will repeat itself. Away back yonder in revolutionary days it was the embattled farmer that stood on the plains of New Hampshire and “fired the shot heard around the world.” It was the American farmer, poorly armed and equipped, who stood with Jackson at New Orleans and repelled the British invader an hundred years ago. From the fields

came the bulk of our Army that marched down into Mexico and carried our flag to victory and planted it triumphantly upon the battlements of the Montezumas. It was the boys from off the farms and from out the small villages that constituted the Army in the Spanish-American War; and it was a farmer boy—a Missouri boy, if you please—who in that struggle planted the first American flag on Cuban soil. [Applause.] In the years to come it will be the American farmer who will stand ever ready to defend his country, and upon him will we largely depend should a foreign foe darken our borders.

In view of these facts, why these great appropriations for the maintenance of a large standing Army and for the addition of numerous battleships to our Navy? Prior to the Spanish-American War, in the year 1898, Congress appropriated only twenty-three millions for the Army, less than one-fourth the amount appropriated annually since that time. In the same year it appropriated only thirty-three millions for the Navy, whereas last year the appropriation amounted to one hundred and twenty-six millions. It is time to call a halt. If one-half of the money that has been spent during the last 40 years for the maintenance of the Army and the Navy had been spent for internal improvement—upon the rivers, improving them and adapting them to commerce; upon the roads, aiding the various States in the construction of public highways—the conditions throughout the length and breadth of this land would, in my opinion, be advanced far more than they are today.

Let us see briefly what the Department of Agriculture has been doing in the recent years that it has taken up this work. Feeling that the work must be known to be appreciated, every effort has been made to bring it in close contact with the great body of the people throughout all parts of the country, until to-day the work of the Agricultural Department is felt throughout the Republic. Investigations are being made in every possible line of agriculture. Experiments are being tried in everything that can be thought of, the result of which will bring improvement and advancement. The results of these investigations and experiments are carried to the farmer in bulletins and by personal representatives of the department. Men are sent out to visit communities here and there. The department, cooperating with the agricultural agencies of the various States, is sending out upon great lines of railway its special cars laden with agricultural products and accompanied by the best specialists in the land. These cars are stopped at points all along the line, farmers are notified far in advance of their coming, lectures are delivered, demonstrations are made, questions are answered, information given, and great interest is developed wherever they go.

A few years ago the boll weevil made its appearance and threatened the entire destruction of the cotton of the South. The Agricultural Department, cooperating with States and private citizens, has taken hold of this work and has by means of its farm demonstrations throughout the South proved to the farmers in that section that the way to meet this evil and to counteract it is to diversify the crops they seek to raise upon their land. As a result, throughout all that great country farmers who only a few years ago depended entirely upon the cotton crop are to-day raising all kinds of agricultural products, and that great section of the country bids fair to become the agricultural garden spot of the world. [Applause.]

What has been done in the South in the way of teaching the people diversification of crops, improving the soil, and all that sort of thing, can be done and should be done throughout other agricultural districts. Our committee has before it now for its consideration a bill introduced by the gentleman from South Carolina [Mr. LEVER], which provides that the Department of Agriculture shall, cooperating with agricultural colleges of the various States, place men in the field in every State, whose duty it shall be to study soil conditions, cooperate with the farmers themselves, and carry on a complete system of farm demonstration. In my opinion, this is one of the most important measures before Congress to-day. It would stimulate agriculture everywhere, and should be passed without delay.

It is impossible for the Department of Agriculture through its personal representatives to reach every farmer. It is, however, making up for this by the issuing of the Farmers' Bulletins. The results of experiment and investigation are set forth in brief, concise form in bulletins, and these are sent out in great numbers to the men upon the farm. They have been written upon almost every conceivable subject, and the farmer, after his day's labor is over, may sit by the fireside in the evening and by the aid of this bulletin get a large amount of valuable information and receive much encouragement and instruction in the great work he is doing.

In recent years the teaching of agriculture in the country schools is required by many States. To aid the teacher in this

work the Department of Agriculture has prepared a special set of bulletins. I have mailed a complete set of these bulletins to every teacher in my own congressional district, and they have been used by them in the teaching of agriculture to the children of their respective schools. Many letters which I have received, from both teacher and pupil, attest the fact of the great interest that is now being taken in the study of agriculture by the school children.

Throughout the South and in some other parts of the country boys' corn-growing contests have been conducted. Clubs have been organized in the various schools and the number of boys actively engaged in the corn-growing contests in the South number 60,000. These clubs are organized through the public schools. They have for their object not only the teaching of the boys the preparation of the soil, the planting, cultivating, and harvesting of corn, but, through the boys, the encouragement in the growing of home supplies, by the fathers. In many instances a successful corn crop grown by a boy is an efficient means to get hold of the farmer himself and to get him interested in the proposition of increasing the yield per acre of his land. In this work the department cooperates most heartily. In December last there appeared before our committee about 25 boys. These boys were the winners from the South in the corn-growing contests. Later on in February there appeared before our committee prize winners of the boys' corn-growing contests from the State of Iowa.

I hope the time may not be far distant when the boys in every State will be reached and through means similar to these may become interested, deeply interested, in the development and the betterment of farm methods and farm life. [Applause.]

Up to the present time the great work of the Department of Agriculture has been confined almost wholly to experiments and investigations that will lead to greater production. "Making two blades of grass grow where one grew before" has, up to the present time, been the great aim in the development of agriculture. Methods of fertilization, study of soils, rotation of crops, and everything of that sort has been investigated to the end that the agricultural lands of our country may be made to produce better and more abundant harvests.

One very important factor in agriculture has been to a great extent neglected, if not entirely overlooked, and that is the question as to how the farmer may best market the crops he raises, with the least possible expenditure of money; and, further, that he may secure for the labor he performs the largest possible compensation in the price he receives for such crops.

Secretary of Agriculture Wilson, in his report says:

The consumer pays a dollar for food the farmer gets less than 50 cents for. Who gets the rest?

If it be true, and we can not question it, that the farmers of this country are getting as their compensation less than half of the value of their products, then something is radically wrong. It often happens that the more abundant the crop the less the farmer receives for it. In my own country—in the Ozarks of Missouri—I have seen the trees bent over with rich, red apples, and I have seen the fruit rot upon the ground, for the reason that the current price offered was not sufficiently high to pay the cost of gathering and hauling to market. I have been informed that similar conditions have existed in other localities in other fruits and in other crops.

Several bills are now pending before the Committee on Agriculture providing for the establishment of a bureau of markets. These bills provide that there shall be established either in the Department of Agriculture or in the Department of Commerce and Labor a bureau whose business it will be to study the various market conditions of the country and to develop ways and means whereby the farmer may be informed as to how he may best preserve, pack, transport, and dispose of his products. It seems to me that this is an important movement in the right direction, and one which, if ultimately carried out and put into effect, will result in the farmer getting a larger share of every dollar's worth of produce that he raises. The farmers are to-day, and have been for many years, the poorest paid laborers in the United States, and if this bill will improve this condition let us pass it as speedily as possible.

In connection with the question of markets, I desire to say that we want a stable market, one based upon the law of supply and demand. I am unalterably opposed to all unlawful combinations made for the purpose of controlling prices. All gambling in farm products by exchanges should be prohibited by law. These men do not deal in the actual products; they buy and sell futures which they never expect to be delivered, and are enabled by their manipulations to raise and lower prices at their own sweet will to the great detriment both of the producer and the consumer. I have introduced a bill which, if passed, will, I think, absolutely prevent gambling in farm

products. I do sincerely hope that this Congress will not adjourn without placing this or some similar measure upon the statute books.

There are other things that in my opinion Congress should do for the advancement of agriculture and for the upbuilding of the agricultural communities.

The Government of the United States should cooperate with the various States of the Union and assist financially in the building of public roads. And why should not the Government aid in the building of public highways? In the past it has helped to build railroads, why not help to build wagon roads? I repeat, it is an astounding fact that this Government has given to the railroads more acres of land than it has given to its citizens for homes—77,594,792 acres have been donated to railroads. This is equal to 327 acres for every mile of track laid in the United States. We have before the committee now some 25 or 30 bills upon the subject of Federal aid in the construction of public roads. I hope that the Committee on Agriculture will agree upon one of these measures, and that this Congress will put upon the statute books a law whereby in the coming years the National Government may cooperate with the various States and begin a real forward movement toward the improvement of the country roads.

For a number of years Congress has sought in every way to regulate freight rates and place them upon an equitable and just basis, to the end that the corporation may receive a just compensation for the money invested, and at the same time the shipper may not be compelled to pay exorbitant and unjust rates. This work must be continued, the Government must control the railroads, and compel them to give just rates not only to the farmer but to every shipper.

Another crying need is a means of transportation that will enable the farmer to get to market promptly those products which are perishable in their nature and which must be carried quickly and at a reasonable rate. At present there is no adequate method of transportation which meets these requirements. As now conducted, the railroads are not adequate, because freight is ordinarily held until carload or train-load lots are collected. This results in much loss in perishable commodities. The express companies transport products more promptly, but their rates are exorbitant and their service so unsatisfactory that the farmers can not profitably patronize them.

Able minds are engaged in trying to work out the farmer's transportation problem, but as yet nothing tangible has been accomplished.

It has been proposed that the parcel-post system be extended with a view to meeting the requirements. Many bills on this subject have been introduced. The Committee on the Post Office and Post Roads has reported a bill which increases the weight of parcels that may be carried in the mails from 4 to 11 pounds and decreases the rate from 16 cents to 12 cents a pound. But, it is urged, the farmer can not afford to pay even 12 cents a pound to get his products to market.

Another remedy proposed is to compel the railroads to haul fast freight cars in the trains that now carry express packages, and to allow them to charge a higher rate than is collected upon freight in ton or carload lots, and yet a rate low enough to enable the farmer to profitably ship his commodities. In my opinion this would be a wise law. It would benefit not only the farmer, who would use it to ship perishable products promptly, but it would also benefit the consumer, who would receive those products in a fresher and more wholesome condition.

Another plan, advocated in bills now pending in Congress, is for the Government to condemn and take over the business of the express companies and conduct the express business itself. Eminent lawyers who have studied this question agree that the Government has the right to do this. Those who advocate Government express contend that the system would not in any measure partake of the nature of Government ownership of transportation lines; that the Government would simply collect and deliver the packages, and pay the railroads for hauling them as it now pays them for hauling the mails.

It is urged in behalf of this measure that while it would greatly increase the facilities of the farmer in getting his perishable products to market at reasonable rates, it would still be fair to the local merchant, because it would not be creating any new facility of competition against him; that the express business is already here, and the taking of it over by the Government would simply be placing it under new and better management; that it would furnish not only increased and cheaper facilities to the farmer, but to the local merchant as well.

The friends of this measure claim that it would give the people a rate of not more than half that of a parcel post. In support of this contention they have compiled comparative

tables of rates, which seem to clearly make good their claims. These rates are for a distance of 196 miles, which is the average journey of express packages. I will now read these tables.

Table comparing parcel-post rates with express company rates and Government express rates.

	Parcel-post rate as proposed in bill now before the House. ¹	Express rates as now fixed by express companies.	Parcel-post rate as demanded by people who advocate it. ²	Express rate at which Government could operate express without loss.
1-pound rate.....	\$0.12	\$0.10	\$0.08	\$0.07
2-pound rate.....	.24	.16	.16	.07
3-pound rate.....	.36	.24	.24	.08
4-pound rate.....	.48	.32	.32	.09
5-pound rate.....	.60	.40	.40	.10
6-pound rate.....	.72	.45	.48	.12
7-pound rate.....	.84	.45	.56	.14
8-pound rate.....	.96	.45	.64	.16
9-pound rate.....	1.08	.45	.72	.18
10-pound rate.....	1.20	.45	.80	.19
11-pound rate.....	1.32	.50	.88	.20
Total.....	7.92	3.97	5.28	1.40

¹ 12 cents per pound.

² 8 cents per pound.

From this table it is seen that the 12-cent parcel-post rates are practically double the present express rates, and the 8-cent parcel-post rates are one-third greater. On small packages, of from 1 to 2 and 3 pounds, the parcel-post rate is, at best, only about equal to the express rate, while on packages of greater weight the parcel-post rate is much higher than the express rate.

To illustrate more plainly, if an individual during a given time, say one year or less, were to send 11 different articles representing the 11 different weights, the total cost to him would be \$1.40 by Government express, \$3.97 by private express, \$5.28 by 8-cent parcel post, and \$7.92 by 12-cent parcel post.

We are here to legislate for all the people and to do that which will be of the greatest good to the greatest number. Let us consider all these propositions and agree upon and enact into law one that will accomplish the best results and bring to the people the greatest relief. For my own part, I am frank to say that, with the information I have before me, the proposition providing for Government express has much to commend it.

Thousands come to our land from every clime, they fill our cities, they compete with our laborers in the factories and in the mines; only a small per cent of them ever become farmers. We welcome the desirable, but the undesirable should be excluded.

Stringent laws should be passed regulating immigration. Let us open wide our doors to worthy homeseekers, but close them securely to those who come merely to make money and who, caring nothing for our institutions, retain their allegiance to a foreign government, whither they return when their greed for gain has been satisfied.

Mr. Chairman, in the brief time allotted to me it is impossible to discuss, even briefly, many of the things important to agriculture and helpful and stimulating to farm life. To-day, as never before, the farmers of the country are awake to the things that make for their own advancement. The rural routes bring to them the daily papers, market reports, and journals of agriculture. They have their own organizations, and they are co-operating for the development of their own great industry. By proper legislation in both State and Nation it is possible to improve farm conditions and make more attractive farm life.

Thousands of young men and young women, attracted by the glamour and the glitter of city life, have been leaving the farms and casting their lot with those who throng our large cities. This movement is in the wrong direction. It should be reversed. The boys and girls who live upon the farm should be induced to stay there, while many who are now eking out a miserable existence in our overcrowded cities should be persuaded to leave them and make their homes upon the farms. The slogan should be not only "Back to the farm," but also "Stay on the farm."

This appropriation bill carries \$15,000,000. I have but one objection to it. There may be some criticisms, there may be Members who will seek to cut it down, there may be others who may seek to increase it, but the only objection I have to this

appropriation bill is that it is not large enough; it does not carry enough money for the American farmer. [Applause.]

Let us cease our great appropriations for war in this age of peace. Let us increase our appropriation for the Agricultural Department and for those things that will improve and build up the farm. Let us give greater attention to internal improvement, the dredging of rivers, the construction of public highways, and the passage of bills which will benefit the great masses of American people. Let us do this, and the Congress of the United States will bring about a great change for good in the condition of affairs throughout the land. Do this, and farm life in this country will be made the best and the most desirable that can be found anywhere.

Mr. Chairman, the farmer presents the highest type of American citizenship; strong, sturdy, robust, he has toiled on in this great work of development. By the sweat of his brow he has produced 87 per cent of the wealth of the Nation. He has asked but little of the Government; he knows no eight-hour law; he goes to work with the rising of the sun, toils on through its burning rays, and ceases only with the darkness of the closing day. In justice to him, let us pass this bill without the reduction of a single item. [Loud applause.]

Mr. LAMB. Mr. Chairman, I yield 25 minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, I have enjoyed, and I am sure that the Members of this House have enjoyed, the splendid speech of the gentleman from Missouri [Mr. RUBEY]. I was glad to hear him speak in the interest of the farmers of the country. Agriculture is the corner stone of all other industries. [Applause.]

Our people are waking up to the importance of encouraging the farmer, and this means much not only to the farmer but to the country. I desire to discuss briefly a question of vital interest to the farmers of the South. The people who produce two-thirds of the world's cotton crop are laboring under great disadvantages. They are greatly imposed upon by wild speculation permitted on the cotton exchanges to-day. I desire to answer some of the arguments that are being sent to Members of Congress by persons interested in these cotton exchanges. It is not my purpose to abolish any cotton exchange, but it is my fixed purpose to help regulate the exchanges. I want the exchange to be helpful, not hurtful, to the cotton producer, and unless the cotton exchange deals in real cotton and aids in distributing the crop it is not helpful, but harmful, to the farmer. I shall continue to fight for that regulation which will require the exchange to deliver the grade of cotton named in the contract. [Applause.]

Now, Mr. Chairman, the New York Cotton Exchange, under its rules, is permitted to tender me any grade of cotton that it chooses, although that exchange has with me a solemn contract to deliver to me strict middling cotton, we will say, worth 14 cents per pound. When the day comes to fulfill the contract they tender me cotton worth not more than 2 cents per pound. I say that that is not a compliance with the contract, and has in no way helped the cotton producer, but this practice injures him. I can not use the cotton tendered me by the exchange, and I decline to take it. Then the exchange man is not offended; he is happy, because he is conducting what he calls a cotton business without the use of real cotton, and he keeps the same unspinnable cotton that he offered me to offer to thousands of other men.

The size of the cotton crop has nothing to do with the amount handled on the exchange. They sell a hundred million bales and never call on the farmer for cotton with which to fill the contracts, and they do not fill the contracts. The cotton that they handle is what I have called here on another occasion "dummy cotton." Discussing this question with a northern gentleman once, he said:

This exchange cotton is like the saloon sandwiches once used in my town. It was against the law to sell whisky on Sunday unless something to eat was served with it. Fifteen cents a drink on Sunday, with a sandwich thrown in.

And he said:

Do you know what the bartender did? He had some sandwiches made of wood and painted so as to resemble brown bread, and in the middle something that resembled a slice of meat, and when a man came in and asked for a drink of whisky on Sunday they would put a wooden sandwich with the drink on the table. The man took his drink and they took his 15 cents, and then they put the dummy sandwich back and sold it over and over again to a thousand men; and they called that complying with the law, but they never called on the baker or butcher for bread or meat.

That is what is going on to-day in the New York Cotton Exchange and probably in some of the others. They do not deliver real cotton, but they keep a certain grade of dummy cotton to serve on contracts; but this cotton remains in New York, and,

like the saloon sandwich, is served over and over again to thousands and thousands of men, but they do not call on the producer for cotton.

I have a letter here from a gentleman in Texas in which he says:

Cotton exchanges, all of them, should be regulated as far as is possible to prevent their using their machinery to make inoperative the law of supply and demand.

I want everything removed that hinders the law of supply and demand. Why, if an exchange never has to call upon the man who produces cotton, for real cotton, is the exchange aiding the farmer or helping to carry out the law of supply and demand? Say, for instance, the farmer has a bale of cotton. Under a bear raid on the exchange in less than one week it will be reduced \$15 in value, as values are fixed on the exchange. It is good cotton, and the value of that cotton for the purposes of the spinner is unchanged from the beginning of the bear raid to that time. You can keep a bale of cotton a hundred years, or longer than that, and it will be spinnable and good cotton at the end of that time if kept in a dry place.

And yet by bear speculation they beat the price down. They create an unnatural condition and cause destructive fluctuations in the price. But some one says, "Can not the bulls put the price up?" And I answer: The bull is an uncertain quantity. He is in to-day and out to-morrow; he does not abide like the bear. The bear is backed by the spinning interest of the world. [Applause.] He must have cotton all the time, and this is why these bear agents are on the exchange all the time. The bull goes in only when he thinks that there is a chance of making money by speculating. The bear is in all the time because he represents an interest that must have cotton all the time, and he uses every means possible to reduce the price of cotton just as low as he possibly can. The New York Exchange limits its membership to 450 members, and you can safely count three-fourths of its members as bears. If they had no limit on their membership, the cotton producers of the country might buy seats on the exchange and the bear and bull forces might be more equally divided. But, oh, no, they have limited the number to 450, and whenever there is a vacancy they pass on the applicant and scrutinize carefully the credentials of the gentleman who buys that seat. A seat sold some time ago for \$17,000.

Men buy a license to speculate on the farmer's products, and the speculation injures the farmer.

I read further from the letter of a Texas gentleman:

They buy futures with no intention of receiving the actual cotton, because under the exchange rule the seller is privileged to deliver practically any grade, and they might be forced to receive such grades that were as unsuitable as baled hay to make cotton goods with.

Mr. FORNES. Mr. Chairman, will the gentleman yield for a question?

Mr. HEFLIN. Yes, sir.

Mr. FORNES. Does the law compel the cotton producer to sell direct to the New York Cotton Exchange? Could he not sell direct to the consumer?

Mr. HEFLIN. No; the law does not compel the producer to sell cotton direct to the New York Cotton Exchange. The New York Exchange does not handle real cotton, but by the operation of its rules injures the price of the farmer's cotton. I will read another line from the Texas letter which touches this situation:

The contract for future delivery should be revised to specify the grade to be tendered for delivery, as is done in selling and buying spot cotton. For instance, I agree to deliver middling, average; nothing below low middling or basis middling; nothing below strict ordinary—

And so forth.

Why not require the exchange to do what is required of the man selling spot cotton for future delivery? If he agrees to deliver on a certain day 100 bales of a certain grade he is compelled to comply with the contract.

Now, Mr. Chairman, with the New York Cotton Exchange holding this dummy cotton, grades unfit to spin, year in and year out, tendering it to this man and that man and the other man, and nobody taking it, and keeping it there for years and years, they are injuring the cotton farmer. What we want to do, I will say to my friend from New York, is to fix it so that whoever deals in cotton will have to call on the farmer some time for cotton with which to fill the contracts.

That is what I am contending for to-day, and that is what the farmer is contending for. A gentleman in Dallas, Tex., Mr. N. T. Blackwell, who is editor of the Cotton and Cotton Oil News, of Dallas, Tex., has written a letter to all the Members of this House and the Senate, urging them to oppose the Heflin bill, looking to the regulation of cotton exchanges; and he goes on to say that it would be detrimental to the farmer. The gentleman is making the same argument that the cotton exchanges make.

I have heard the same argument made by members of the New York Cotton Exchange.

They have issued a book, 124 pages, which also pleads the cause of the cotton exchange, and they have circulated it through the South. And they have sent out a speech purporting to have been made by this same gentleman, N. T. Blackwell, of Texas, and here it is. They have sent it to all the papers of the South, and what do you suppose they have printed at the top of this dangerous-looking document? "Notice to the publishers: Plates of this article will be shipped to you free of charge, express prepaid. We act as manufacturers. Return the metal to the Western Newspaper Union." The Western Newspaper Union's headquarters, I understand, are in Chicago.

Who is putting up the money to send all this plate matter to thousands and thousands of papers in the South, paying the express charges to and from the newspapers? Who is furnishing the money to publish all these little books now being circulated? Why, Mr. Chairman, it is costing somebody a large sum of money to send out the literature that they are now sending out to attack my bill, which simply demands that the exchange shall deal in real cotton. [Applause.]

The exchanges have grown wise in the last few years. They no longer issue their documents direct from the exchanges to Congress. They go out in the States and get some fellow there who pretends to be a friend of the farmer, and he fathers their arguments. N. T. Blackwell, of Texas, in the position that he has taken, places himself in the column of the real enemies of the cotton producers of the South. [Applause.] No man well informed on cotton can read his effusions in defense of gambling in cotton and class him as a friend of the farmer.

Why, this year, Mr. Chairman, the speculative exchanges, it is said, have sold to the foreign spinners, five years in advance, a portion of five crops to be made in the future. The farmer is having his product gambled in and bartered away one, two, three, four, and five years before he plants it or produces it. What kind of a combination must the farmer face two years from now, and four years from now, and five years from now? Millions of dollars' worth of cotton have been bartered by these men who own no cotton. What a powerful combination is at work to rob the cotton farmer!

The speculator will say at the end of that time, "We have got a contract with you for cotton. What are you going to do about it?" The answer will be, "I am going to force you to deliver it if I can." "I need your aid in putting the price down," the speculator says, and the spinner says, "That is not hard to get. You know that. I want to buy the raw material as cheaply as possible, and I'll back you in bearing the market." He has got his own interest at stake. If the speculator contracts to deliver 500,000 bales of cotton at 12 cents a pound, he will, if he can, buy it at 10 cents a pound and make something more for himself before it goes into the hands of the man to whom he has promised to deliver it at 12 cents a pound.

Mr. FORNES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. HEFLIN. Certainly.

Mr. FORNES. The gentleman agrees with me that there is no law of man that can change the price except the natural law of supply and demand?

Mr. HEFLIN. No, sir.

Mr. FORNES. There is no law?

Mr. HEFLIN. I disagree with the gentleman on that. We are striving to come to the time when the law of supply and demand will have full and free operation, but the exchanges, by supplying a fictitious product and misrepresenting the facts about crops and the movement of cotton through subsidized newspapers, create a false condition that robs the farmer of his product. [Applause.]

Mr. FORNES. Did I not understand the gentleman to answer a question in which I inquired whether the producer can not sell direct to the consumer? Did not the gentleman say, "Certainly, he can"?

Mr. HEFLIN. He can. But the exchange as conducted to-day is resorted to for the purpose of beating down the price that the farmer must take from the consumer.

Mr. FORNES. Now, if that is the fact, can not the producer do without the cotton exchange?

Mr. HEFLIN. He can; for as it is now conducted it is hurtful to the farmer. [Applause.] I want to regulate the exchanges.

Mr. POUL. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from North Carolina?

Mr. HEFLIN. With pleasure.

Mr. POUL. I want to ask the gentleman if several years ago the people of the States could not also have gotten along without the Louisiana State lottery?

Mr. HEFLIN. Certainly they could. It was not helpful, but hurtful to the State.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Colorado?

Mr. HEFLIN. Certainly.

Mr. RUCKER of Colorado. I am very much interested in the gentleman's argument upon cotton, but can he not tell us whether the same argument applies to gambling in grain, wheat, oats, and rye?

Mr. HEFLIN. It certainly does.

Mr. RUCKER of Colorado. The gentleman reminds me of this, because he says the cotton is sold before it is gathered. Now, wheat is sold, and it is not yet out of the ground in many sections of the country.

Mr. HEFLIN. The only difference, as I understand it, is that the New York Cotton Exchange uses 28 different grades of cotton, and, as I understand it, there are not over 4 grades of grain. Now, as I have said before on this floor, they sell you strict middling cotton, but when they come to deliver they can deliver you any one or some or all of the 28 different grades. On the grain exchange if you contract to deliver No. 2 wheat you can not deliver No. 3 wheat. Suppose you contract with a man to sell you a pair of white horses 16 hands high and on the day of the delivery he brings you two Texas ponies. Has he complied with your contract?

No fair-minded man would say that he has, and yet that is what the New York Exchange does. It sells you a strict middling cotton, and it will deliver to you dog-tail cotton that you can not use, that you did not buy, and that you do not want, and then settle the difference with you in money. What does that do? That puts actual cotton out of the transaction, and I may stand here with 10 bales of cotton to sell, but they speculate on the exchange and settle the difference in money. After a few days I find that my 10 bales of cotton are worth \$15 a bale less than when they started to speculating. They have been dealing in cotton, but nobody has called on me for cotton. Does the spinner buy? I answer my friend from New York, no. Why? He is waiting until the exchange beats the price down so that he can get it cheaper. [Applause.] That is why he does not buy my cotton. Now, suppose we require the exchange to deliver cotton as agreed in the contract. What will the spinner do? He will take the cotton then, because the contract stipulates that a certain grade of cotton shall be delivered at a certain time. Then what will the broker on the exchange do? He will turn his eyes to the South and will say, "I want a thousand bales of cotton. I have a contract with the spinner to deliver him a thousand bales of strict middling cotton. Can you sell it to me?" You sell it to him, and it takes cotton to fill the contract. The farmer makes a profit on his cotton, and the exchange is a helpful function to the farmer.

Now, Mr. Chairman, as a result of bear gambling on the New York Cotton Exchange our farmers have been robbed of millions of dollars during this selling season. As a further result of this gambling thousands of acres of cotton are rotting in the field now. Men are plowing in cotton, nearly a bale to the acre in some places, and they are sowing oats and making ready to plant corn. They are driven to this by bear speculation. Now, what do you find? The southern Members of Congress are receiving letters every day, saying, "Send me bulletins on corn culture. Send me bulletins on hog raising, on hay, on peas. We are going to quit planting so much cotton; we are going to reduce our acreage, and if we make a small crop we will get more for it than we do for a big crop, and good sense tells us to make a small crop." We are reducing cotton acreage. Here are responses which I have just received from five commissioners of agriculture in the cotton States. I wired only these commissioners of agriculture:

COLUMBIA, S. C., February 28, 1912.

Hon. J. THOS. HEFLIN,
United States House of Representatives, Washington, D. C.:

Canvass individual growers by townships; nearly complete actual signed pledges assure average reduction entire State of at least 15 per cent; may be 25 when all returns received.

E. J. WATSON,
President Southern Cotton Congress.

ATLANTA, GA., February 28, 1912.

J. THOS. HEFLIN,
Member of Congress, Washington, D. C.:

Cotton acreage in Georgia will be reduced 20 or 25 per cent.

T. G. HUDSON.

AUSTIN, TEX., February 28, 1912.

Hon. J. T. HEFLIN,
Washington, D. C.:

Your wire 28th. Reports all parts of State indicate material reduction common acreage. Many conservative farmers believe it approximate 20 per cent.

ED. R. KONE.

JACKSON, MISS., February 28, 1912.

J. THOMAS HEFLIN,
Washington, D. C.:

Yes; acreage will be reduced 15 per cent on account boll weevil.

W. E. BAKESLEE.

MONTGOMERY, ALA., February 28, 1912.

Hon. J. THOS. HEFLIN,
Member of Congress, Washington, D. C.:

Farmers signing pledges for cotton-acreage reduction all over State.

R. F. KOLB,
Commissioner of Agriculture and Industries.

Mr. Chairman, the amount of fertilizers purchased in the South is one-third less than last year.

Why this reduction in cotton acreage? Because our people have not been able to get a good price for cotton. We received 14½ and 15 cents for the last two crops, but this crop is selling below the cost of production. But some say the price of cotton is going up a little. Yes; that is always the case. After cotton leaves the farmer, after it has gone out of the hands that produce it from the ground and it gets into the hands of people who can hold it, they bull the market and it does go up, but the man who produces it has already been impoverished by bear gambling on the exchange. [Applause.]

But, Mr. Chairman, this gentleman from Texas, Mr. Blackwell, who poses as the farmer's friend, says that if you destroy the speculative exchange you put cotton on the same footing with sugar, coffee, and tobacco. Why did he not say that you will put it on the same footing with wool; why did he not say that you will put it on the same footing with hay? There is no wool exchange, and yet wool fares better in the market place than cotton. There is no hay exchange, and yet the hay crop of the United States is greater than the cotton crop of the United States. Why did he not put it on the same footing with cotton seed?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LAMB. Mr. Chairman, I will yield the gentleman 10 minutes more.

Mr. HOWARD. I yield him my time.

Mr. HEFLIN. Mr. Chairman, cotton seed has no exchange to exploit it. Cotton seed has no exchange to fix its price, and yet I have seen the price of cotton seed rise from \$5 to \$25 a ton. Wool has no exchange, as I said. Why is it that wool fares so well, and why do they not have an exchange on wool? It is a product that must be made into clothing. Hay is a tremendous industry in our country, and it has no exchange. Why is it that hay and wool can get along so well without an exchange?

But this Texas gentleman fears that the cotton farmer could not get along without the exchange, as the wool, hay, and cottonseed people do. The cotton farmer could count the cost of production and add a reasonable profit. That is what the wool men do; that is what the hay men do; that is what the cottonseed men do. Then, who would buy the cotton? Thousands of men. Who buys mules now? Thousands of men. They have no mule exchange, but they know how much a good mule is worth—some of them bring \$250, and so hundreds of men who buy the real mule must put that amount of money in him. He can not gamble on him, but he must put up \$250. We want to reach the time when a man who wants a \$65 bale of cotton will put \$65 into it instead of putting up just \$1 a bale to speculate on. [Applause.]

Mr. FORNES. Will the gentleman yield for another question?

Mr. HEFLIN. Yes.

Mr. FORNES. The gentleman said there was no wool exchange; that there was no horse exchange. Is not the gentleman aware that the London Wool Exchange fixes the price of wool for the entire world? Is not the gentleman aware that there are such institutions as horse exchanges in New York?

Mr. HEFLIN. No, sir.

Mr. FORNES. Is not the gentleman aware that for every commodity there is a market, whether it be for grain, apples, or any product that is raised by nature or produced by man?

Mr. HEFLIN. I am glad the gentleman from New York has interrupted me again. There are wool dealers in London, and those who are dealing in wool deliver wool according to the contract; and those who deal in mules deliver mules according to

the contract. That is what we want done in the case of cotton. [Applause.]

Mr. FORNES rose.

Mr. HEFLIN. I am sorry, but my time is limited and I can not yield to the gentleman now. Some of the exchanges now display much interest in the farmer. They are afraid that the farmer will be injuriously affected by legislation that looks to the regulation of the exchange. Suppose the exchanges refuse to do business unless we allow them to continue to plunder and rob the cotton producer. There would be spot-cotton exchanges all over the South. What would they do? They would deal in cotton just like a great mule dealer deals in mules. He buys mules, thousands of mules; he does not put a dollar a head on them like they do a dollar a bale on cotton and reduce the price of that mule \$15. When he buys him he has to feed him, he has to groom him, he has to look out for the welfare of the mule and ship him to a given point and there sell him and deliver him to the man who buys him.

But the exchanges sell cotton, and they never see any cotton, much less deliver cotton, and by the use of a dollar a bale the bear beats down the farmers' cotton \$20 a bale. Is that fair? It is unfair; it is wrong. [Applause.] Take the mule industry in Kansas City, Mo. There are 25 or 30 of them. They do not speculate; they buy mules and horses, and I dare say one of them has got \$25,000,000—yes, \$30,000,000—invested in live stock in the United States. They ship mules into my country, and I have seen them sell for \$500 a pair in my town, and then cotton brought \$75 a bale. I have seen the bear speculators reduce cotton to \$45 a bale, and yet the farmer had to pay the \$250 for the mule that he bargained for when he received \$75 a bale. You say, "Why did not the farmer hold his cotton?" Thousands were not able to hold it; they were forced to sell; debts were coming due in October, November, and December, and they had to sell—many of them. This Texas gentleman, Mr. Blackwell, says that if HEFLIN's bill should have a favorable report it would break the price of cotton \$5 a bale. Oh, how anxious he is about the farmer, this man Blackwell!

The Scott bill, looking to the regulation of exchanges, was favorably reported from the Committee on Agriculture in April, 1910, and cotton went up between 40 and 50 cents a bale the next day. That bill passed this House in June, 1910, and cotton went up again the next day, so, if history repeats itself, let us hurry and report my bill, or some other bill, out of the Committee on Agriculture. [Applause.] My friend from Mississippi [Mr. HUMPHREYS] informs me that when the Senate defeated the Scott bill cotton went down immediately, so we had better bring a bill in and put it through both the House and the Senate, and then the Lord only knows what will happen to it with the vetoing President. [Laughter and applause.]

Mr. RUCKER of Colorado. I hope the gentleman will promise me he will help to bring my bill along with his.

Mr. HEFLIN. I promise the gentleman that I will do all in my power to relieve the western farmer, the northern farmer, and the eastern farmer from the clutches of the grain-gambling exchanges. [Applause.] Yes; I want to regulate gambling in grain, I want to regulate the gambling in cotton so that when a man claims to deal in cotton he must handle cotton. What benefit is the exchange to the farmer if it does not help distribute the crop? What benefit is it to the spinner if it does not help distribute the crop?

I will tell you how it benefits the spinner by putting the price of cotton down so that the spinner can buy the raw material as cheaply as possible. The incentive is always there to bear the market. It is to the interest of the spinners of the world. But this gentleman from Texas, Mr. Blackwell, says the New York Exchange and the New Orleans Exchange are the producers' exchanges; that Liverpool is the spinners' exchange. The New York Commercial, a reliable cotton paper, said that in 1910 the bears were unable to pick up spot cotton in the South and had 50,000 bales shipped back from Liverpool. Does that look like these exchanges are pulling against each other? One representing the spinner and the other the producer? The producers' exchange wants 50,000 bales of contract cotton from the spinners' exchange at Liverpool, and it gets it from the spinners' exchange, which, while it is real mad with the producers' exchange [laughter and applause], lets it have the contract cotton to help it out of a tight place. [Laughter.] That is the ridiculous attitude that this Texas man's argument finds itself in. Members of the New York Exchange belong to the Liverpool Exchange, and members of the Liverpool Exchange belong to the New York Exchange. The South demands that all these exchanges shall be required to perform legitimate and helpful functions in the matter of distributing and helping to secure a reasonable price for cotton. We want competitive buying; we want trans-

actions in real cotton; we want everything removed that hinders the honest operation of the law of supply and demand. [Loud applause.]

Mr. LAMB. Mr. Chairman, I yield 15 minutes to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Chairman, after the strategic scoring of this morning for the political poll at the election polls in November next, looking at times as if it might end in tragedy, and then listening to these worthless arguments upon this dry subject of agriculture, I am moved to draw the attention of the House to something both serious and of transcendent importance.

Mr. Chairman, my attention has just been called to an article which appeared in the Binghamton Republican and was reproduced in the current number of the American Economist, and I ask the Clerk to read the marked paragraph which I send to the desk.

The Clerk read as follows:

Representative RUCKER of Missouri, after the Democratic House caucus on the metal schedule was over Tuesday night, declared that he would not abide by the Underwood plan to reduce the duties on metals, as he wanted an increased duty on zinc. Missouri produces much zinc.

I find in my morning's mail a clipping from the Baltimore Evening Star, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

[Special dispatch to the Star.]

ASSERTS WOMEN PURIFY POLITICS—REPRESENTATIVE RUCKER OF COLORADO GIVES HIS VIEWS.

WASHINGTON, February 21, 1912.

Women suffragists, through the efforts of Representative RUCKER of Colorado, will have an opportunity next month, March 13, to present their arguments before a congressional committee. Colorado is one of the pioneer States in women suffrage, and it was because he believed that his State should receive full credit, if national equal suffrage becomes a law, that Mr. RUCKER asked the women of Colorado to come to Washington and help him before the committee.

"Having lived in a State where women have had a right to vote for many years I know something about the benefits that come from equal suffrage," said Representative RUCKER at the Willard. "Woman purifies politics. Colorado has had woman suffrage for a greater number of years than any other State and, notwithstanding the slurs that have been occasionally directed toward the movement, I know, and the people of Colorado know, that the women have exercised a great influence in the elections. They have driven out of the State undesirable politicians. There is not a man in Colorado who would dare run for office if he had any taint on his character. This talk about Colorado women not exercising their right of franchise is misrepresentation. Eighty per cent of the good women of Colorado cast their ballots at the polls on election day. Suffrage has unquestionably improved the standard of intelligence and knowledge of the higher things of life among the women of Colorado. It has taught them to think for themselves, and has had a mighty good influence upon the male population. Colorado is much the better for woman suffrage. It stimulates the interest of women in local, State, and national affairs, and what is more important, makes the male voters weigh arguments before they cast their ballots."

Mr. RUCKER of Colorado. My attention has also just been directed to the fact that my able and distinguished kinsman and namesake from Missouri a few days ago obtained the floor for the purpose of entering a plea of not guilty to the indictment of the first indiscriminating reporter, and his solemn disclaimer of the position in which the article referred to placed him. Having the honor to be the only other RUCKER in this great body—and that there are so few is a real menace to intelligent legislation—it is not only my imperative duty, but as well a distinct pleasure to assume the responsibility for the statement and to here declare that it was the Member from Colorado to whom the reference was intended and not the Member from Missouri.

The latter publication, doubtless, has not reached the Representative from Missouri, else you would have heard his earnest protest before this against the liberty taken by the Evening Star of publishing his photograph in connection with the article. On the other hand, I am subject to the humiliation of being compelled to deny that so good-looking a photograph is my own. [Laughter.]

Mr. RUCKER of Missouri. Mr. Chairman, when the gentleman gets through with that photograph of mine I will be glad if he will return it. [Laughter.]

Mr. RUCKER of Colorado. I am too proud of it to do so. I am going to keep it. [Laughter.]

Mr. OLMSTED. Mr. Chairman—

The CHAIRMAN. Will the gentleman yield to the gentleman from Pennsylvania?

Mr. RUCKER of Colorado. Surely.

Mr. OLMSTED. I want to ask if there is a beauty contest going on between the two gentlemen of the same name? [Laughter.]

Mr. RUCKER of Colorado. I was afraid there would be another contest, and therefore I am on my feet. [Laughter.]

Mr. Chairman, I should not venture, if ever so briefly, to trespass upon the indulgence of the House and break my habit-

ual and sometimes commendable silence, were it not for the apprehension of the serious dire consequences that may befall me, both politically and personally, by reason of this misleading and insinuating publication. Were there no additional aggravation I might still be silent, but I have constantly recurring reminders of the fact that whenever my talented namesake evolves something that is unworthy of special remark—however seldom that may be—it is, to my natural exasperation, promptly attributed to me. I am likewise the victim of the converse of the proposition, for whenever I deliver myself of some sparkling gem or contribute from my abundance of legislative wisdom something that is of real merit—which, you all know, is coincident with my saying anything at all—it is similarly as promptly accorded to my brilliant kinsman.

You possessors of the less renowned and euphonic patronymics, such as ANDERSON, CLARK, MOON, MARTIN, TAYLOR, SMITH, JOHNSON, and others, are naturally less disturbed by the possibility of confusion, and in the maintenance and preservation of your individual identity, which we who are so prominently in the legislative "limelight," and whose expressions are so critically scrutinized, are so extremely jealous of. And it is not only the pride and glory of the present generation of this illustrious name and the individual responsibility for our acts and deeds that we must uphold and safeguard, but the deathless achievements of an equally illustrious ancestor. Those of you who will scan the pages of immortal history will be illumined by the knowledge that the greatest admiral of the North Sea, a patriotic and militant Hollander, bore, in honor and fame, that proud name. The critical historians, I may say in passing, and as a merely collateral fact, brutally declare that this same Admiral Rucker beguiled his moments of leisure by indulging in some incidental acts of piracy, which, however, detracted none the less from his fame, and he would have been known just as well as Capt. Kidd had he been hung, which is equivalent to saying if he had been caught. [Laughter.]

But I find I am digressing somewhat, Mr. Chairman. The unfortunate divergence of opinion between my universally esteemed and amiable kinsman and myself upon the metal schedule is far afield of what brings me to my feet at this time. If my fellow Members of this body had the faintest conception of the genuine grief which this very serious failure of proper identification has occasioned me, I would be assured of even a more patient and sympathetic hearing.

Though you, Mr. Chairman, are aware, and the more or less attentive reading public generally understand, that I am a Representative from the State of Colorado, it should be borne in mind that here we have on whitest paper and in blackest ink the exalting and seductive insinuation that I am a Representative from the State of Missouri, against which flattering indictment, in the interest of accuracy, and as well of domestic harmony, I rise to register my earnest and vigorous disclaimer. [Applause.]

Now, please, brother Missourians, keep your seats and bear with me for a moment, for I see some evidence of kindling resentment in your countenances, remembering that you claim allegiance to that great Commonwealth whose citizens, it has been sometimes jocularly said, require things revealed, and this shall now be my pleasure and privilege. [Laughter.]

Whilst I claim no such dignifying allegiance, yet it is but fair for me to say that on my way from my birthplace, that good old State of Kentucky, I did really linger long enough in the State of Missouri to have my wagon mended. I am also frank to confess that as soon as that was accomplished I hurriedly took my departure for the "land of promise," of which but for your inertia and the quarantine laws enacted after my arrival you might now be enrolled as respected citizens. [Laughter and applause.] It is true that some invidiously inclined persons in Colorado upon my arrival suggested that I ought not to have been in "such a darned big hurry to leave Missouri," because, after all, the jury might not have found me guilty. [Laughter.]

Mr. Chairman, when one contemplates the pyramids, intuitively he entertains the melancholy reflection that it will only be a few more thousand years ere the dews of heaven, the invincible warfare of the elements, the rays of the sun, and the impalpable sands sweeping the desert will conspire to crumble them back to common earth, and he recalls the prophetic lines of Kingsley:

So fleet the works of man back to the earth again,
Ancient and holy things fade like a dream.

Realizing that the latter designation in the couplet has peculiar application to myself I look with grave apprehension upon the future. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman.

Mr. RUCKER of Colorado. That is all I wanted. I thank the gentleman from Iowa very much for his courtesy.

And now I implore you, Mr. Chairman, to follow me for a moment, in imagination, to that inevitable period in the future and contemplate with me a shaft of granite or marble—I am not apprised of its possible construction—whose pinnacle for only a few centuries at most may be allowed to flirt with the dancing, laughing stars, and although chiseled upon its seemingly enduring face will be my name as sometime a Representative from Colorado, yet, alas—and here the pathos of the situation soars to its sublimest zenith, for I too well know, and, indeed, it would be an insult to the intelligence of this great body should I for a moment undertake to conceal my conviction—that as surely as the world revolves, the rains of spring, the withering summer's sun, the winds of autumn, and the sleet of winter will in ceaseless and pitiless battle efface that chiseled memorial, yea, prone the shaft, and thus will be wrought the utter destruction of my identity to an inquisitive posterity. [Applause.]

I realize that I am taking long chances in averting a calamity, but the desperateness of the situation justifies me in, at this time, buckling on my armor and crossing swords in mortal combat with those cruel, immutable, and inexorable laws of nature. For, perchance, when this edifice through an apartment of which my voice is now resounding, consequent to the corroding influences of time, will have gone with the pyramids, and when that memorial shaft has followed their footprints in "the paths of glory" back to earth, the RECORD of to-morrow morning containing these remarks may, by some straggling and discerning antiquarian, in the interest of accurate history, be snatched from this pile and perhaps be crypt within the corner stone of the counterpart of this great building in the capitol in Denver, the capital of the Nation. [Applause.]

Then, Mr. Chairman, in that remotest time, beyond the aeons which on account of the limited time at my disposal my imagination can not invade, some archeologist may discover the record resulting in the gratification of my cherished wish, the further preservation of that momentous fact that I was a Representative from the State of Colorado and not from the State of Missouri. [Applause.]

Mr. LAMB. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, it is my purpose to discuss, while the agricultural appropriation bill is under consideration by the House, a subject so closely associated with the interests of the farmers of this country and, in fact, the entire people who will be affected by the legislation I desire to discuss, that I believe it not inappropriate for me to devote the entire time allotted to me by the genial gentleman from Virginia [Mr. LAMB] to it.

Since the year 1900 the people of the entire United States have entered into a movement for the establishment throughout the country of good roads. Since this date the wealthy States of the Union have made great strides toward the improvement of their public highways.

The question of transportation has been paramount to all other questions since the dawn of civilization, and the evolution in the method and modes of transportation has been most wonderful.

Until the end of time there will be three methods of transportation, namely, railroads, water, and wagon. These methods are absolutely dependent upon one another. The railroad can not live without the wagon, and neither the railroad nor the wagon would perform its full function in the development of our Nation if it were not for the great trans-Atlantic steamships entering and leaving our ports. Each has a very important and independent function to perform in intrastate, interstate, and foreign commerce.

Two of our great systems of transportation, namely, railroads and steamship lines, have been taken over by private corporations and are operated for pecuniary gain; the third, transportation by wagon over public highways, has been taken over by the several States of the Union, and their common use is accorded to all of the people free of charge.

Those of us who have failed to give the question of transportation and its consequential tax upon the people some degree of study do not realize how great the burden carried by the people from this source is. For the convenience of this discussion we will call it a transportation tax, and we will divide the methods of transporting our commerce into three subdivisions, namely, rail, water, and wagon; and by comparison we will see whether or not the question of transportation is of more vital interest to the American people than all other questions, including the tariff and other burdens carried by direct taxation in the several States. For an understanding of the discussion of this

subject we should first look into the different systems by which the people are called upon to pay tribute by way of direct and indirect taxation for the maintenance of the General Government, Federal, State, county, and municipal.

The Federal Government imposes an import, internal-revenue, and corporation tax, which in all instances is added necessarily to the cost of the imported article and the article upon which the internal revenue is imposed, and in fixed charges for the operation of the corporation paying the tax.

The State, the county, and the municipal governments levy an ad valorem tax upon the citizen according to what he possesses.

Any certain and fixed charge against the people from which they can not escape, and which is necessarily essential to their livelihood and existence, may be justly termed a tax. It will be seen further on in this discussion that the import, internal-revenue, State, county, and municipal taxes sink into utter insignificance when compared with the per capita tax imposed by railroad, water, and wagon transportation. Transportation lays its heavy hand upon all we eat, upon all we wear, upon the fuel we burn, upon the oil in the poor man's lamp, upon the lumber in our humble homes, upon the implements of the farms, upon all that is animate and inanimate moving from one place to another.

The railroads in our country have grown in magnitude and efficiency until we have perfected in America the greatest railroad system upon the habitable globe. Our navigable streams and Great Lakes are teeming with vessels, great and small, engaged in interstate traffic. Rivers and harbors are being generously dealt with by our Government in lavish appropriations for their development.

We now come to a question with which this Government has miserly dealt, practically closing its purse strings to this great need of the Nation. There is no country in the world having as many miles of public highways as the United States; there is no country upon the habitable globe making any pretense at civilization, having any roads at all, which has not more improved roads than the United States. The great retarding influence in the healthy growth of our country is the great army of unemployed in the large cities and the movement from the rural districts to the cities, which is perfectly natural as a consequence of the prevailing conditions in the country districts of our Nation. I firmly believe that the time is upon us, if this Nation expects to retain the balance of trade in its favor with the other nations of the world, that she must lend her powerful aid in the construction of good roads throughout the land.

With the hope that this Democratic House and the present administration would see the crying need for such legislation, I introduced in this Congress H. R. 12379, which seeks from the Government its aid in the construction of highways along the rural routes throughout the Nation. Probably this bill lacks perfection in many of its provisions, but in drafting it I sought the least possible resistance to the measure by asking Congress to appropriate what may be termed "a crumb from the appropriation table," or "a small 'hunk' from the pork barrel." The provisions of this bill, briefly stated, are these: That the Government, through the Commissioner of Agriculture, will have the distribution of the fund, appropriated throughout the Union according to the population of the various States, excluding from the count all cities which have over 50,000 inhabitants; that the States receiving aid from the Government must first agree before receiving this aid that they will construct such roads as are agreed upon by the Office of Public Roads of the Department of Agriculture, and that the State receiving such aid shall defray one-half of the expense so incurred in the construction of said roads along the several rural delivery routes, and that this amount on the part of the State can be defrayed either by labor, material, or money; and that when the State makes known to the Office of Public Roads, by a proper verification of same, that they have in hand the amount of money to defray the necessary one-half expense to be incurred in said construction, the Government then and there makes surveys and plans and specifications, in cooperation with the person in charge of said highways in said State. The bill limits Federal aid to rural delivery routes only. This roughly states the contents of the bill.

At the outset I confidently expect that there will be some opposition on the part of some of my colleagues to the Government taking this step on the ground that it will be paternalism and probably an invasion of the rights of States.

As far as the invasion of State rights is concerned, I hope that none of my colleagues will be unduly alarmed about the provisions of this measure. So far as I am informed, in the past the Southern States especially have been strict in their views upon the question of State rights, but I do not think that when

the Government seeks to lend its beneficent aid for the upbuilding of the States they need have any fear that the States of the Union will interpose an objection to the Government appropriating money for the construction and maintenance of public highways. It is only when the Government seeks to take something away from, instead of donate something to, that the States interpose their objection to an invasion of State rights.

It will be stated that it will bankrupt the Nation to lend its aid in the construction of highways, but before this attack shall be made upon the measure let me call the attention of my colleagues to the fact that one of the most beneficent branches of our departmental service, namely, the Rural Delivery Service, is to-day traversing 42,000 different highways of the Nation and coming in daily contact with 20,000,000 of our people living in the rural districts of our country. Let me further admonish those who may have in mind an attack upon this measure on the ground that it is paternal legislation that this Government has been placed upon record completely when in the early struggles of our railroads it donated to their aid in the construction of these great arteries of transportation millions of acres of our public lands, valued at over \$1,000,000,000; that we have appropriated for rivers and harbors since 1875, \$592,395,000; we have appropriated for building levees upon the Mississippi River, to June 30, 1902, \$16,582,000; we have appropriated for public buildings, to June 30, 1911, \$213,376,000; estimated appropriations for the Panama Canal, \$400,000,000; appropriations for road building in Porto Rico, the Philippines, the Canal Zone, and Alaska, \$8,300,000—for public highways during the period of the making of these appropriations in the United States not one dollar.

We have in the United States 2,199,645 miles of public highways, of which only 190,679 miles, or 8.66 per cent of the total, are improved. When this statement is made as to the number of miles of public highways, Congress immediately associates with the statement the bankruptcy of the Nation if it undertakes to lend its aid to their improvement. It is estimated by the Office of Public Roads that 90 per cent of the travel over our public highways is confined to 30 per cent of our roads, and that the improvement of 440,000 miles of public roads would practically meet the present demands throughout the country. So after all it is nothing like as gigantic a proposition to construct good roads as Federal pensions, the maintenance of the Army and Navy, nor would the annual appropriation ever reach a sum as large as was added to the Federal pension roll a few days ago by this House without a tremor in the voice of a man who advocated it or who voted for it.

Mr. Chairman, to prove the absolute inability of the poorer and sparsely settled States of the Union to cope with the question of road improvement, the States of Indiana, Ohio, New York, Wisconsin, Kentucky, Illinois, California, and Massachusetts, out of a total of 190,679 miles of improved roads, have within their confines 108,093 miles of this total. Therefore, I mention these facts for the purpose of giving courage to this House that they may give this measure the consideration which it justly deserves at the hands of the Representatives of the American people.

Mr. Chairman, the sooner we, as Members of Congress, realize the fact that the money in the Treasury Building at the other end of the Avenue does not belong to us to dish out to the favored departments of this Government as we see the political exigencies demand, but that we are here only holding the commission of our people as their agents, to distribute their money for the maintenance and upbuilding of this Nation as they think best and wisest, the sooner we will conform to the true measure placed upon us by the people when they elected us and sent us here as their direct agents.

There is hardly a day passing over the head of a single Member of this House that we could not urge, and rightfully so, constitutional objections to appropriations that are made because it is expedient to the welfare of the Government that they be made. Now, Mr. Chairman, just because the farming element of the Nation does not happen to live upon a navigable stream, or does not happen to have a fort on their plantations, or happen to have a harbor in front of their homes, or a military post in their back yards is no reason why they should not have money appropriated which redounds to the benefit of every man, woman, and child living in the interior portions of our great country.

The report of the Secretary of the Treasury for 1910 shows that the tariff revenues aggregated \$333,683,445. There are 18,400,000 families in the United States, according to the last census, and the tariff tax apportioned among these families would amount to \$18.13 per family.

The Interstate Commerce Commission reports that the gross earnings of the railroads from transportation alone for the

same period, aggregated \$2,787,266,136. If this amount is divided by the number of families in the United States it will be found that the transportation tax from the railroads amounted to \$151.48 per family, and further pursuing the problem, if this amount is divided by the number of inhabitants in the United States, it will be found that this tax equals \$30 per capital per annum, or \$2.50 per month upon every man, woman, and child. In addition to the railroad transportation tax, it is estimated that water transportation for the fiscal year 1906-7 amounted to \$550,000,000, or \$5.98 per capita. For the same period it is estimated that wagon transportation taxed the people of the United States \$1,600,000,000, or \$17.39 per capita.

In all probability the question will be asked how the cost of wagon transportation can be estimated with any degree of accuracy. To be perfectly frank with you, it can not be estimated with mathematical certainty as to the annual cost, but it is estimated by the Office of Public Roads that the average distance to market in the United States is 9.4 miles, and that the average cost for wagon transportation in this country is 25 cents per ton per mile. The total amount of freight handled by rail and water for the fiscal year 1906-7 was, in round numbers, 1,100,000,000 tons.

It is estimated that more than half of this tonnage was hauled to and from the railway and waterway by wagon, and it would be fair to estimate that as much as one-third more was finally hauled to the consumer by wagon on what we may term a second handling, making a total of 800,000,000 tons hauled by wagon. In addition to this, a large bulk of the cotton crop, which amounts approximately to 3,000,000 tons annually, is hauled from the farm to the gin, thence back to the farm, and finally to the railroad or wharf. The cost of this extra haul is not included in the above estimate. It should also be stated that large quantities of agricultural, forest, and miscellaneous products are first hauled in their crude state over the common roads before they reach the railroads and waterways, thus necessitating a rehauling of these products. So it is perfectly fair to estimate that the per capita transportation tax on the people of this country amounts to \$53.37 as against a tariff tax of \$18.13.

It is estimated by the Director of the Office of Public Roads, Mr. Logan Waller Page, who, in my opinion, is the greatest expert on road building and wagon transportation in the world to-day, that after a very careful study of this question by him he has discovered that the cost of transportation over the magnificent roads of England, Germany, and France by wagon is only 10 cents per ton per mile. But, eliminating any doubt as to the cost in these countries of transporting a ton a mile by wagon, we will say that it amounts to 12½ cents per ton per mile. If by the construction of good roads in the United States we can reduce the cost of wagon transportation from 25 cents per ton per mile to 12½ cents per ton per mile, we will save the people of this country, on this item alone, at the very least calculation, \$500,000,000 per annum.

Much time, and very properly so, is devoted to the study of the tariff question in this country, especially that feature of the tariff which affords an unwarranted amount of protection to American industries, which gives them the right, by virtue of excessive protection, to add to the cost of the product to the consumer the tariff tax, which does not go to aid in the maintenance of the Government, but goes into the pocket of the manufacturer as a clear profit, for which the consumer receives nothing of intrinsic value. A proper solution of the tariff to a revenue basis would do no more for the people, in its final operation, than would a reduction of the cost of transportation upon the people. But it will be seen by a comparison of the tariff tax with the wagon, or mud tax, that the latter exceeds by several million dollars the tariff tax, to which we devote so much of our time and attention.

In 1817 the wagoners using the old Cumberland Road only charged 18 cents per ton per mile for hauling upon this highway, and it is said that this allowed a profit to the wagoner. To-day the average cost of wagon transportation per ton per mile is more than it was 90 years ago on this road, while on the other hand, in 1837 the railroads charged 7½ cents per ton per mile, and to-day the cost of hauling by rail is about three-fourths of a cent per ton per mile, or about one-tenth of the original rate. Previous to 1825, when the Erie Canal was completed, the cost of transporting a ton of merchandise between Buffalo and New York was \$100. The rate of transportation over the Erie Canal at its opening ranged from \$6 to \$15 per ton, but about 25 years later the average rate was \$3 to \$7 per ton. The average cost of transportation on the Great Lakes and inland waterways is estimated at from one-third to one-fourth of a cent per ton per mile. In other words, it is found that for \$1 it is possible to haul 1 ton 4 miles on the average country road, about 10

miles on a good highway, 140 miles by rail, 350 to 400 miles by lakes or inland waterways, and about 1,300 miles on the open sea. In short, before the farmer can avail himself of these cheaper means of transportation he must overcome the great barrier between his field and the nearest railroad station or wharf.

At the present time it costs the average American farmer about 1.6 per cent more to haul a bushel of wheat a distance of 9.4 miles from his farm to the neighboring railroad station than it does to ship it from New York to Liverpool, a distance of 3,100 miles.

If we had a system of good roads throughout the country, the farmers would save in the cost of wagon transportation of the cotton crop annually \$5,076,183; of the wheat crop, \$10,253,058; of the corn crop, \$12,709,278; whereas it now costs for wagon transportation to get these three great crops to market twice this sum.

THE EFFECTS OF GOOD ROADS UPON FARM VALUES.

It is estimated that good roads would add from \$2 to \$10 per acre to land values. The total area of farm lands in the United States in 1900 was 850,000,000 acres. It is estimated an increase of \$5 per acre, by the construction of good roads, would add to our taxable values \$4,250,000,000 per annum.

One of the greatest drawbacks to the farmer is the fact that under the present condition of the roads throughout the country he is practically isolated from market during the winter months. This is especially true in the South, where we do not have the continuous hard freezes incident to the climate of the States farther north. No matter what prices cotton, corn, wheat, or other farm products are quoted at on a given day, if the roads are impassable the farmer is helpless to take advantage of the high prices; then when the roads are in passable condition and the great bulk of the staple crops is still in the hands of the farmer, a general movement to market necessarily follows and depresses prices, and the farmer is the loser thereby.

Another great item of cost and loss to the country is in the fact that the very time the farmer should be doing his hauling is when the ground is too wet and the weather too bad to till the soil and work his crops, but at that time the roads are also impassable; therefore he will necessarily be compelled to take good weather to market his crops and do his hauling, when he could be devoting his time to his pursuits at home.

Mr. Chairman, for the last few years we have been continually hearing the cry from every source of "Back to the farm." The brainy boys and girls of our rural districts are continually seeking to escape the social conditions prevalent in the country during the long, dreary, winter months of the year, attributable almost entirely to bad roads. The drift of our population from the rural districts to the cities is really becoming alarming. Much of the social isolation has been ameliorated by the extension of telephone lines in the country and rural free delivery, but these great conveniences do not yet satisfy those who live upon the farm. Instead of the winter months in the rural districts being the most pleasant and profitable of the year, they mean absolute social isolation. Bad roads prevent attendance at school and church; they make literary societies, social gatherings, club and lodge meetings practically impossible during the bad weather of the winter.

Mr. Chairman, I believe that I know the people who live upon the farms of this country as well as anyone. They are the most sociable people on the face of the earth. They love to go to church; they are ambitious to send their children to school. They love to visit one another and exchange ideas; they love to visit the sick; and when the week end comes they want to go to the nearest village store. The Representatives in this House who live in the large cities, either in an apartment house or in a private dwelling, can not appreciate these people. If a newcomer goes into the community, all the neighbors go and visit him and welcome him in their midst, but we can live in the large cities in an apartment house or next door to a family for 10 years and never know their names. So the cry of back to the farm will not be met, in my opinion, until something is done to make country life more attractive and the development of the farm more rapid.

In 1850, 12.5 per cent of the population of the United States were living in cities of 2,500 or over; in 1890, 35 per cent; in 1900, 40 per cent; in 1910, 46 per cent.

Mr. Chairman, the United States is the only powerful nation on earth that does not lend its aid in the construction of highways, and to-day, by the failure of this Government to do its part in the upbuilding of the Nation, it is suffering, from a commercial standpoint, the loss of millions upon millions of dollars. Just to think, the exports and imports of Germany, Belgium, and Holland, three little countries of Europe no

larger than our own State of Texas, were three times as much as the exports and imports of the United States in the year 1910, and in these countries you find as fine systems of public highways as there are in the world penetrating every section of the country, placing the farmer and producer in easy access of the market by quick and cheap transportation.

It is to be hoped that this Democratic House will deal more liberally with the farmer than he has been dealt with in the past. It is to be hoped that this great Government will lend its ear to the demands of that class of our people who produced upon the farms in the year 1910, \$8,926,000,000 worth of farm products. We can not be too liberal in dealing with our farmers and rural population. We must extend the work of agricultural education. We must encourage the building up of our farms. We must not be unmindful of the fact that the farmer has always been found ready to do his part in the maintenance of this Government. In times of peace he has aided in our commercial strength more than any other citizen; in times of war he has willingly laid down his hoe to shoulder his musket in defense of his country. It is stated as a historical fact that at the Battle of Gettysburg the First Minnesota Regiment went into that battle and in 35 minutes lost 83 per cent of its men in killed and wounded; the Twenty-sixth North Carolina at the same time went in with 77 strong and at the end of three days' fighting only one man out of that company was left. Mr. Chairman, these two regiments were composed entirely of farmers, and the bravery displayed by these farmer-soldiers in this great, decisive, and bloody battle of the Civil War has never been excelled by any soldiers in the history of the world.

These facts are only mentioned to call the attention of this House to the fact that the farming element of this country are not mendicants and beggars. They do not make unreasonable demands upon their country. They do not complain and grumble when they do not get everything they want; but they are making a demand of their representatives for relief from

a condition in this country which amounts to a national shame. They do not ask it solely as a contribution; they see the great economic importance of direct and immediate legislation upon this subject.

The constitutional objections that were interposed in the early history of our country by President Monroe and other strict adherents to constitutional technicalities have all been overridden and cast to the four winds of the earth by subsequent acts of Congress. It is my humble opinion that in this modern day and time no Member would seriously argue that it was unconstitutional under Article I, section 8, of the Constitution, that Congress shall have the power to "establish post offices and post roads"; that this Congress could not appropriate money for the improvement and maintenance of roads over which this Government daily carries its mail. If the word "establish" means simply, as has been argued by great constitutional lawyers in the early history of this country, to "point out," then the Constitution, if that be the true meaning of this section, has been violated hundreds of times by the building of post offices. Surely it will not be argued that to establish post offices means to erect buildings and to establish post roads means only to point them out.

In conclusion, Mr. Chairman, it may be proper to say that at this moment 95 per cent of the people of this country will applaud every single Member of this House who casts his vote in favor of the improvement of our national highways, and that for one time you will not be met by your constituents with the frown with which you are usually greeted after a general appropriation bill has been passed appropriating millions of dollars for purposes in which the farmer can see no benefit. Let a Democratic House pass this or a similar bill for the appropriation of money by the Federal Government for the construction of good roads, and it will receive the plaudits of that great class of our citizens who reside in the rural districts of this great country, "Well done, good and faithful servants."

RECAPITULATION.

Mileage and expenditures under specified heads, by States and Territories.

[Source: Reports of the Department of Agriculture.]

States.	Total mileage of all public roads, 1909.	Miles of road per square mile of area.	Population per mile of road. ¹	Percentage of all roads improved, 1909.	Estimated expenditures, 1911.		
					Total.	Per mile of public road. ²	Per inhabitant. ¹
Alabama.....	49,639	0.96	43	6.58	\$3,484,000.00	\$70.19	\$1.63
Arizona.....	5,987	.053	34	4.56	325,000.00	54.28	1.98
Arkansas.....	36,445	.69	43	2.97	2,450,000.00	67.22	1.56
California.....	48,069	.31	49	17.87	7,067,500.00	147.03	2.97
Colorado.....	29,693	.29	27	1.08	1,162,000.00	39.13	1.45
Connecticut.....	12,583	2.50	88	24.08	4,275,000.00	339.74	3.83
Delaware.....	3,000	1.53	67	6.22	430,000.00	143.33	2.15
Florida.....	17,579	.32	43	9.97	1,505,000.00	85.61	2.00
Georgia.....	82,230	1.39	32	7.27	2,500,000.00	30.40	.96
Idaho.....	18,403	.22	18	2.77	553,000.00	30.05	1.70
Illinois.....	94,141	1.68	60	9.47	5,065,000.00	53.80	.90
Indiana.....	67,996	1.89	40	36.70	4,500,000.00	66.18	1.67
Iowa.....	102,427	1.85	22	2.45	3,500,000.00	34.17	1.57
Kansas.....	98,302	1.20	17	.38	1,599,856.00	16.27	.95
Kentucky.....	53,744	1.34	43	18.82	2,500,000.00	46.52	1.09
Louisiana.....	24,962	.54	67	1.32	1,985,419.50	80.40	1.20
Maine.....	25,528	.85	29	10.59	2,250,000.00	88.14	3.03
Maryland.....	16,773	1.70	77	12.77	2,250,000.00	134.14	1.74
Massachusetts.....	17,272	2.15	195	49.00	3,500,000.00	202.64	1.04
Michigan.....	68,906	1.20	41	10.01	5,966,000.00	86.58	2.12
Minnesota.....	79,323	1.00	26	6.83	2,079,300.00	26.21	1.00
Mississippi.....	39,619	.85	45	.86	3,130,000.00	79.00	1.74
Missouri.....	107,923	1.57	30	4.40	2,800,000.00	25.94	.85
Montana.....	23,319	.16	16	.41	500,000.00	21.44	1.33
Nebraska.....	80,338	1.04	15	.31	1,000,000.00	12.45	.84
Nevada.....	12,751	1.12	6	.36	50,000.00	3.92	.61
New Hampshire.....	15,116	1.68	28	9.58	1,375,000.00	90.91	3.19
New Jersey.....	14,842	1.97	171	22.76	5,000,000.00	336.88	1.97
New Mexico.....	16,920	.14	19	.61	300,000.00	17.73	.92
New York.....	79,279	1.66	115	16.13	12,000,000.00	151.36	1.32
North Carolina.....	48,285	.99	46	4.79	4,505,000.00	93.30	2.04
North Dakota.....	61,593	.87	9	.23	1,000,000.00	16.23	1.73
Ohio.....	88,861	2.18	54	27.13	6,600,365.00	74.27	1.38
Oklahoma.....	71,325	1.84	23	.50	1,505,000.00	21.10	.91
Oregon.....	29,475	.31	23	9.49	3,500,000.00	118.74	5.20
Pennsylvania.....	87,386.79	1.24	88	3.84	11,500,000.00	131.60	1.50
Rhode Island.....	2,120.75	2.01	266	49.14	597,000.00	281.50	1.10
South Carolina.....	32,075	1.06	47	11.02	1,100,000.00	34.29	.72
South Dakota.....	56,354	.73	10	.50	500,000.00	8.87	.86
Tennessee.....	45,913	1.10	47	11.66	3,900,000.00	84.94	1.78
Texas.....	128,971	.49	30	8.80	7,600,000.00	58.93	1.95
Utah.....	8,320	.10	45	12.23	855,750.00	102.85	2.29
Vermont.....	14,406	1.58	25	18.40	1,450,000.00	100.57	4.07
Virginia.....	43,399	1.08	47	4.38	4,004,000.00	92.26	1.94
Washington.....	34,283.60	.51	33	13.19	2,900,000.00	84.59	2.54
West Virginia.....	32,109	1.30	38	1.84	1,625,000.00	50.61	1.33
Wisconsin.....	61,090	1.12	38	16.64	3,390,000.00	55.49	1.45
Wyoming.....	10,569	.11	14	3.94	510,000.00	48.25	3.49
Total.....	2,199,645.14	.74	41	8.66	142,144,190.50	64.63	1.55

¹ Population of 1910 based on road mileage in 1909.

² Based on mileage in 1909.

Estimated value of the public roads of the United States.

	Mileage.	Average cost per mile.	Total estimated value in United States.
Stone roads.....	59,237	\$4,989	\$295,533,393
Gravel roads.....	102,870	2,047	210,574,890
Sand-clay roads.....	24,601	723	17,786,523
Miscellaneous (bituminous, macadam, brick, etc.).....	3,971	8,000	29,768,000
Total.....	190,679		553,662,806

VALUE OF RIGHTS OF WAY.

On a basis of 40-foot width there are 10,431,727 acres of rights of way included in the public roads of the United States.

Based on the average value of farm lands in the various States the total value of these rights of way would amount to \$341,899,306.

Adding this to the total value of the improved roads would make a grand total for rights of way and improvements of \$895,562,112.

DISTANCE, COST, AND MILEAGE OF 1 TON BY RAIL, WATER, AND WAGON.

For \$1: Four miles on average country road; 10 miles on good country road; 140 miles on railroad; 350 miles on inland waterways; 1,300 miles on the open sea.

Statistics of wagon transportation in different sections.

Sections.	Average wagon haul.	Average load of 2 horses.
	Miles.	Pounds.
Eastern States.....	5.9	2,216
Northern States.....	6.9	
Middle States.....	8.8	
Cotton States.....	12.6	1,397
Prairie States.....	8.6	2,409
Pacific States.....	23.3	2,197
Average of the United States.....	12.1	2,002

Tractive force required to draw a ton over different kinds of road:

	Pounds.
Street car track.....	20
Asphalt.....	25
Stone or wood-block pavement (good).....	30
Macadam or plank road:	
Good.....	35
Poor.....	50
Gravel, good hard road.....	75
Clay, good hard road.....	100
Earth, loose.....	300

RELATIVE POWER REQUIRED ON GRADES.

On a 5 per cent grade a horse can draw only about one-half as much as on a level.

On a 10 per cent grade a horse can draw only about one-fourth as much as on a level.

It is estimated, however, that a horse can double his usual exertion for a short time and can pull practically as much on a 4 or 5 per cent grade as on a level, provided the hill is not too long. The steepest hill on a road fixes the load which can be drawn to market, and it is quite as important, therefore, to locate the road properly as it is to improve it by surfacing with stone, gravel, or other materials.

COMPARATIVE VALUE OF FARM LANDS IN STATES OF IMPROVED AND UNIMPROVED ROADS, 1909.

Percentage of improved roads in—	
Alabama.....	6.38
Georgia.....	7.27
Mississippi.....	.86
Land values (per acre):	
Alabama.....	\$12.00
Georgia.....	\$13.56
Mississippi.....	\$15.95
Percentage of improved roads in—	
Ohio.....	27.13
Indiana.....	36.70
New Jersey.....	27.76
Land values (per acre):	
Ohio.....	\$58.00
Indiana.....	\$55.00
New Jersey.....	\$65.50

NOTE.—The land of the South will compare favorably in the fertility of its soil and in the mildness of its climate with any region of North America.

EFFECT OF GOOD ROADS UPON INCREASE AND DECREASE OF RURAL POPULATION.

In 25 counties having 40 out of each 100 miles of road improved, average increase in population per county, from 1890 to 1900, 30,000.

In 25 counties having 1½ miles of improved roads to each 100 miles, a decrease of 3,000 to the county for the same period.

NOTE.—Statement of J. E. Pennybacker, jr., Chief of Road Management, Department of Agriculture.

EFFECT OF GOOD ROADS UPON RURAL EDUCATION, 1909.

In five States having a large percentage of improved roads, attendance of enrolled pupils 77.13 per cent.

In five States having low percentage of improved roads, 59.16 per cent.

Out of 24,000,000 children of school age 6,500,000 were not enrolled in our public schools in 1909.

In France one good draft horse is expected to be able to draw 3,300 pounds a distance of 18 miles any day in the year, rain or shine.

Five hundred thousand farm wagons and vehicles are manufactured every year. Bad roads are sending them to the junk pile.

Mr. LAMB. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. AKIN].

Mr. AKIN of New York. Mr. Chairman, like the gentleman from Missouri [Mr. RUBEY], who was very frank and stated that he intended to talk on the agricultural bill, I am going to be just as frank and say I am not.

In the Washington Herald there was printed a statement, or a pretty little romantic story, entitled "Statesmen, real and near," on February 27, 1912. It is a very pretty little story, indeed, and I ask unanimous consent, Mr. Chairman, to be allowed to incorporate it in my remarks without reading it.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Following is the extract referred to:

STATESMEN, REAL AND NEAR.

By Fred C. Kelly.

We approach now the tale of the innocent personal that made the country editor a multimillionaire.

Congressman GEORGE WINTHROP FAIRCHILD, who represents the Catskill Mountain district of New York, says, chivalrously, that whatever success he has made in life has been inspired by his wife, which remark gives one sufficient excuse to tell the jolly little romance in the life of the Catskill Congressman.

FAIRCHILD left school when he was 14 to become a printer's devil on a weekly paper in Oneonta, N. Y. He was a painstaking devil, and grew up to be a good printer. Time went on, and after following his trade in various cities he drifted back to Oneonta and bought the little paper where he had first started to work. As a matter of fact, he didn't drift back to the old home, but simply went there; however, as the drifting idea has the call in romantic tales like this, let it stand. Anyhow, FAIRCHILD acquired the Oneonta weekly and was its editor. He toiled diligently, recording such things as interest the readers of country weeklies. If Aunt Annie Shields was "quite poorly," FAIRCHILD said so in his column of personals. If a man, acting on the every-one-his-own-press-agent theory, brought in the longest ear of corn and gave it to the editor, he was sure of publicity.

One day FAIRCHILD noticed in the New York paper that a beautiful and talented New York girl, then visiting relatives in Oneonta, had inherited a fortune of more than \$100,000. He wrote a nice little personal about it, saying, among other things:

"She has often visited in our midst and is favorably spoken of by our young people, who will be greatly pleased to learn of her good fortune in coming by so much money. We hope she is the kind that will not let wealth turn her head."

The day after the paper was issued a trig young woman, dressed in the latest New York style, came into FAIRCHILD's office and said she wished to buy six copies of the paper. She looked through a copy to make sure it was the issue containing the item she was after, and FAIRCHILD noticed that she was reading about the New York heiress.

"You're not the girl that inherited all that money, are you?" he made bold to inquire.

"Yes," said the beautiful customer, "I'm afraid I am."

"Well," observed FAIRCHILD, "I guess we all like to see our names in the paper."

The remark greatly incensed the young woman.

"I hope you don't think I'm pleased about having my name in a dinky, little crossroads paper like this!" she retorted. "I'm buying these copies because I thought my friends in New York would enjoy the joke on me—being written up in this absurd rural style."

"Oh, you needn't try to let on that you are not tickled over being written up," came back FAIRCHILD. "You're probably just as glad to see your name in print as anybody, and I don't care if you are from New York."

And the beautiful young woman walked out of FAIRCHILD's office in a huff. Later on he was formally introduced to her in a social gathering in Oneonta, and once more they argued whether she was pleased or merely amused over the item in the paper.

FAIRCHILD was the only young man in Oneonta who had the temerity to talk back to a young woman with so much money in her own right. Of course, they fell in love and were married.

With their combined capital FAIRCHILD built up a vast manufacturing business, and he is to-day worth probably a dozen millions.

But Mrs. Fairchild still insists that she was considerably annoyed over the "piece" in the paper, and her husband still asserts that she was pleased beyond measure.

Mr. AKIN of New York. Mr. Speaker, I am going to offer \$100 reward for the arrest and conviction of any postmaster interfering with or destroying any mail matter sent out by me to any constituents in my district while I am a Member of Congress.

Dr. Grandfield, First Assistant Postmaster General, evidently makes the attempt to leave the impression that the International Time Recording Co. has no relation to the company whose president in 1903 was indicted along with many others charged with conspiring to defraud the United States in relation to the supplying of the Post Office Department with time clocks or recorders for the use of clerks and carriers in keeping account of their time.

Dr. Grandfield says:

" * * * between 1898 and 1903 a large number of recorders, known as the Bundy time clock, were purchased. During the investigation of the postal service in 1903 the purchase of these time recorders was discontinued because of the disclosures resulting from the investigation, the president of the company and the superintendent of the Salary and Allowance Division being indicted for conspiracy to defraud the United States. Consequently no recorders of any kind were purchased between 1903 and 1909.

He says further:

" * * * it was necessary to have a committee of high officials outside of the bureaus of the department because of the scandal connected with the purchase of recorders under the former contract.

A committee of postmasters, consisting of David C. Owen, of Milwaukee, Wis.; Harry Bacharach, of Atlantic City, N. J.; and George W. Bean, of Tampa, Fla., were appointed. These men traveled about for some weeks, and their daily subsistence expenses were so high that that auditor balked at paying them, but finally, under direction of Postmaster General Hitchcock, they were paid. These expenses aggregated almost \$2,000, and they rarely had breakfast for less than \$2 up, and the standing rule of the department "that lodging and board at hotels shall be at a rate not greater than \$5 per day" was waived for their benefit. Grandfield says the committee reported in favor of the Hawley and International models, and that it was found that the International clock could be had at \$150 each, and they would allow a rebate of \$25 on old Bundy clocks turned in.

The Bundy clocks, which were the occasion of the indictments of officials and officers of the company, were undoubtedly as costly to make as the latter model bought from the International Co., and the highest price ever paid for the old style, with the large number of keys at 50 cents each, was \$122.

The Bundy Co. was, in 1903, and is yet owned by the International Co., so the significance of the naïve remark of Dr. Grandfield, that the International Co. allows \$25 credit on Bundy clocks turned in on the new purchases, becomes apparent.

G. W. FAIRCHILD, a Member of the Sixty-second Congress, is president of the International Time Recording Co., according to its latest reports available.

Up to the time of the Bristow report in 1903 there had been purchased 1,743 of the Bundy clocks. H. E. Bundy was, in 1903, and is yet the treasurer and general manager of the International Time Recording Co. George E. Green was then the president and is now the first vice president, the president now being GEORGE W. FAIRCHILD.

Green was indicted five times in connection with the recorders and other frauds, but he was not brought to trial until three years later, when on one case the charges were dismissed and he was acquitted on the others. About that time he was, and had been for many years, chairman of the Republican county committee. He has been president of the League of Republican Clubs of New York, and at the time of his indictment was a member of the State Senate of New York, and is now a member of the Reform Club of New York.

The Federal statute protects G. W. FAIRCHILD, as this is an incorporated company.

It is claimed that the W. H. Bundy Recording Co., of Syracuse, N. Y., makes a recorder at half the price or less of what the International is being paid by the Post Office Department, and that this clock, in competition with the International, was recently awarded a contract at a navy yard.

The old "Bundy" clock not made by the W. H. Bundy Co. sold at \$122, while the International is now getting \$150, and \$14 additional for card racks; so the investigation in 1903 does not seem to have counted for much.

A public document gives dates, names, and amounts of money payments to department officials at that time in connection with the business with the International Co., the company which is still doing business at the same stand.

The International Co. claims more than two millions of assets, of which more than one-half is plants, trade-marks, and "good will," and it owns or controls the following companies, once independent: Bundy Manufacturing Co., Willard & Frick Co., Standard Time Stamp Co., Chicago Time Register Co., Dey Time Register Co., Syracuse Time Recorder Co.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from New York [Mr. AKIN] is recognized for five minutes more.

Mr. AKIN of New York. Moody's Manual of 1903 shows GEORGE W. FAIRCHILD was a director of the International Time Recorder Co., of Binghamton, N. Y. It shows that he was a director in 1904, and the same authority in 1905 shows that he was first vice president and director of the International Time Recorder Co.

Page 1027 of Poor's Manual of Industrials:

International Time Recorder Co. of New York, incorporated in 1907 under the laws of New York, as successors to the New Jersey company, organized April 7, 1900; manufacturers of time recorders and time-stamping devices. They absorbed the Bundy Manufacturing Co., the Willard Frick Co., the Standard Time Stamp Co., Chicago Time Register Co., Dey Time Register Co., and the Syracuse Time Recorder Co., the plant being at Endicott, N. Y. Directors and officers: G. W. FAIRCHILD, president; C. E. Greene, first vice president; J. L. Willard, second vice president; A. W. Ford, secretary; H. E. Bundy, treasurer and general manager.

Now, Mr. Chairman, these are several instances of the abuses against the rules and regulations of the departments. The postmaster at Gloversville draws two salaries, and he does connive and scheme at all times and is the local head of the Republican organization of Fulton County.

In the early spring, Mr. Chairman, in conversation with Mr. Hitchcock, Postmaster General of the United States, he did inform me that by instructions from the President of the United States I should be made the referee in regard to all Federal appointments in my district; and to prove that fact I ask permission to insert in the RECORD the following letter from the First Assistant Postmaster General's office, asking me to make a suggestion as to the betterment of the service at North Creek, N. Y., for the reason that the postmaster was not attending to his business—in fact, paid no attention to his business—and I did suggest the name of a proper man to fill the said office.

I ask unanimous consent, Mr. Chairman, to insert this letter in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Following is the letter referred to:

Hon. THERON AKIN,
House of Representatives.

MY DEAR SIR: The post office at North Creek, N. Y., will be advanced from the fourth to the third class July 1, 1911, necessitating the appointment of a postmaster by the President. When last inspected this office appeared to be in a satisfactory condition, except that the postmaster, Lee Waddell, was not devoting sufficient personal attention to his duties as required by the postal regulations. The department will be pleased to receive as promptly as possible an expression of your views as to what action in this case will be for the best interests of the service.

Very truly, yours,

E. T. BUSHNELL,
Acting First Assistant Postmaster General.

Mr. AKIN of New York. Several days after this nomination was made by myself I was called to the White House by Mr. Taft in regard to it. As I entered into the presence of the said President of the United States, William H. Taft, he informed me that the senior Senator from New York—a particular friend of Bill Barnes, Lucius N. Littauer, Lou Emerson, Johnny Alds, and the \$4,500 lame-duck internal-revenue collector at Albany, the beach combers, thimble-riggers, and trimmers who constitute the Republican organization in my district—had told him that I was a Democrat. [Laughter.] My answer to him I would not care to have printed. I have paid no further attention to the matter, except to understand or find out that the same old postmaster had been reappointed and that he was farming the office out to a crooked Democrat; and it was a well-known fact that this crooked Democrat, this same man, has been credited with entering into a dead woman's premises and abstracting from her private desk evidences of debt to the amount of \$14,000 which he personally was under obligations to pay, and the whereabouts of said papers or evidence of debt no person has ever been able to discover.

Complaints have come to me, Mr. Chairman, of men unfit to hold office as postmasters, one of whom has been accused of kicking the money bag under the radiator during the investigation of an inspector shortly after a robbery of said post office, saying, "This is where we make good for a former robbery"; and that man is still in office.

Another postmaster at St. Johnsville, who was appointed during the term of Roosevelt, the Postmaster General was notified of by the authorities at St. Johnsville, N. Y., in their remonstrance against the appointment of said postmaster, that he was not a fit person to hold said office for the following reasons: The report in the department at Washington should say that, in regard to this postmaster, in July or August, 1908, Mr. Henry Carroll, of St. Johnsville, N. Y., forwarded to President Roosevelt a sworn affidavit made by W. Earl Yoker, which tended to show the dishonesty of a man, Timothy Dinneen, in fraudulently using money belonging to the county of Montgomery, State of New York. This letter was replied to by President

Roosevelt, stating that the matter had been referred to the Postmaster General, and a reply was received from the Third Assistant Postmaster General acknowledging receipt of the same.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAMB. Mr. Chairman, I yield back the balance of my time to the gentleman from Iowa [Mr. HAUGEN], and ask that he use the balance of his time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AKIN of New York. I ask unanimous consent to extend my remarks in the Record.

Mr. OLMSTED. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if the balance of the manuscript which the gentleman wishes to print contains any reflection on a Member of the House? I wish to call his attention to the fact that he has already—innocently, I imagine—transcended the rules of the House by mentioning the names of the Members of the House. I do not think in extending his remarks he wishes to violate the rules of the House.

Mr. AKIN of New York. If the gentleman wishes to object to my extending my remarks in the Record, I will use my rod in pickle. I do not think it says anything more about the names of any Members. I can not say unless I read it over.

Mr. OLMSTED. I have no objection, but I wished to call the gentleman's attention to the matter, so that he would not violate the rule.

Mr. AKIN of New York. No; I would not violate the rule.

The CHAIRMAN. The Chair understands the gentleman has already been granted leave to extend remarks in the Record, which, of course, must be done in accordance with the rule.

Mr. MANN. May I ask when that leave was granted?

The CHAIRMAN. The gentleman asked leave to extend his remarks by the insertion of certain papers, which leave was granted. The Chair understands that the matter inserted must conform to the rules of the House.

Mr. MANN. As I understood, the request was only for the insertion of papers. Now he makes the other request.

The CHAIRMAN. The Chair understands that the gentleman asked leave only for the insertion of certain papers.

Mr. AKIN of New York. I ask unanimous consent that I be allowed to correct, revise, and extend my remarks, and I am very certain that there are no more remarks in regard to any Member.

The CHAIRMAN. What is the gentleman's request at this time?

Mr. AKIN of New York. I ask unanimous consent to revise, correct, and extend my remarks. I have some letters and data which I wish to incorporate in my speech, which I have not had time to read, and would not have time to read.

The CHAIRMAN. The Chair understands the gentleman has been granted leave to insert certain letters which he mentions or referred to in general terms. Now, his request is for unanimous consent to revise and extend his remarks in the Record. Is that the request?

Mr. AKIN of New York. That is the request.

Mr. MANN. Reserving the right to object, Mr. Chairman—

Mr. GREENE of Massachusetts. Mr. Chairman, I should like to reserve the right to object.

Mr. MANN. The Chair has not recently put a request to "revise" remarks in the Record. The ordinary revision of course goes without saying, but under leave to revise, a man may take out entirely what he says on the floor.

Mr. AKIN of New York. You need not be alarmed. I will not take anything out.

Mr. MANN. I am not talking to the gentleman from New York; but I gave notice some time ago, where Members asked leave to extend remarks in the Record, that it was a different proposition from leave to revise. And I did not understand that the gentleman asked leave to revise his remarks. Now, may I ask the gentleman whether, in extending his remarks in the Record, it is his purpose to continue an assault, or whatever it may be termed, upon officeholders or other people in the United States who have no opportunity to be heard here?

Mr. AKIN of New York. If they were here attending to their business they would be all right.

Mr. MANN. I am asking about men who are not Members of the House. It seems to me, ordinarily, where opportunity is given for Members to make speeches, speeches that make assaults upon individuals, ought usually at least to be made in the House where people can hear them. I shall not object to the request of the gentleman, because it is the gentleman.

The CHAIRMAN. Is there objection?

Mr. GREENE of Massachusetts. Mr. Chairman, I should like to inquire if the gentleman intends to use the name of the Member of Congress that he mentioned in his remarks?

Mr. AKIN of New York. Not any further.

Mr. GREENE of Massachusetts. Not any further. Does the gentleman intend to put that in his remarks?

Mr. AKIN of New York. Why, I have simply stated matters of fact.

Mr. GREENE of Massachusetts. It does not make any difference. I ask if the gentleman intends to insert the name of the Member of Congress whom he mentioned in his remarks? If he does, I shall object.

Mr. AKIN of New York. Does the gentleman want to deprive all the rest of the Members of the House of the opportunity to extend remarks in the Record?

Mr. GREENE of Massachusetts. I do; when a man makes an attack upon a gentleman with whom I served on a committee for several years, a man whom I believe is of high standing and high character, or any other Member who is not present here, and asks to have his name mentioned in those remarks, I shall object. Unless the gentleman takes out the name of the gentleman to whom he has referred I shall object.

Mr. AKIN of New York. I think I will take a crack at it, all right.

Mr. GREENE of Massachusetts. All right; I shall object.

Mr. AKIN of New York. Well, then, object.

The CHAIRMAN. Objection is heard.

Mr. HAUGEN. Mr. Chairman, I yield 45 minutes to the gentleman from Connecticut [Mr. HIGGINS].

Mr. HIGGINS. Mr. Chairman, before continuing with my remarks I ask unanimous consent to insert, where they may occur in what I have to say, certain excerpts from the testimony taken and some other publications.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to insert certain extracts that he mentions. Is there objection?

There was no objection.

Mr. HIGGINS. I want to say, Mr. Chairman, having noted the absence of the gentleman from Indiana [Mr. Moss], that I yesterday told him that I proposed to submit to-day a few remarks in answer to the speech he delivered here Tuesday. I desire to make that statement now because I see that he is not present.

I had ventured the hope that the Committee on Expenditures in the Agricultural Department would be able through its deliberations to accomplish some good. But since the recent speech of the gentleman from Indiana, the chairman of the committee, I confess it was a vain delusion.

I had hoped that in the investigation of the expenditure of public money by the Department of Agriculture that politics would not enter, and that it was possible for four Democrats and three Republicans, all in themselves honorable men, to unite in a determination to get at the truth and reach a sound conclusion. But since the speech of the gentleman from Indiana I have been compelled to abandon that hope.

I never was rash enough to imagine that the chairman of a committee of this House would be months in the preparation of a report, sign and submit that report to this House, and then on the floor of the House attack his own child and attempt the destruction of his own creation. But after listening to the speech of the gentleman from Indiana I realize that I presumed altogether too much.

From the gentleman's speech, I conclude that he entered upon the investigation with certain fixed opinions on the subject, and that notwithstanding the evidence taken and his report thereon those opinions remained with him, which he embodies in his speech but not in his report. Such was not the state of mind of other members of your committee.

The time at my disposal will not permit a review of all the testimony, involving about 1,000 pages, taken before your committee last summer. I submit the record in the Wiley investigation as made up in those hearings and hope that I am not indulging in an altogether vain assumption when I ask the membership of this House before reaching a positive opinion to read those hearings and the conclusions signed by all the members of your committee as they are embodied in that report and submitted to this House.

The views of the committee are expressed in the report and not in the speech of the chairman of the committee.

The chairman of the Committee on Expenditures in the Department of Agriculture has given expression on this floor to views held by him and has made such an arraignment of the head of a great department of this Government that were the circumstances of their preparation and utterance different I would gladly ascribe them to the heat of debate and accept them as the flash of the moment rather than as the mature deliberations of the gentleman in a carefully worded speech, made with his full appreciation of its meaning and upon his responsibility as a Member of this House; but I am bound to accept the gentle-

man's statement as made, and submit some observations on the same subject, which I agree with the gentleman is of vital concern to the American people.

I call upon Representatives, some of whom, as did I, participated in the enactment of the pure-food law, to give the House the benefit of their knowledge and to recall some history in connection with its passage. I had believed that no one would contend that the purpose of the enactment of the pure-food law was of necessity to destroy. No one ought to contend for the autocratic exercise of the almost unlimited power of confiscation, subject to no revision, and make it possible for one man, however able, patriotic, and learned he may be, to set himself up as the final arbiter, subject to no control except the conclusions of his own research and the limitations of his own judgment.

The gentleman from Indiana suggests that if there are amendments to be made to the pure-food law they must be proposed by Congress and not by the Secretary of Agriculture. I challenge the correctness of the gentleman's reasoning. Rather should it be stated that the Executive proposes and Congress disposes. One of the functions of the Secretary is, through proper channels, to recommend to Congress such legislation and matters that he thinks it ought to consider, which body has the sole power of vitalizing those recommendations into law if, in its judgment, it sees fit.

The only meaning to be attached to the recommendations of the Committee on Expenditures in the Department of Agriculture, so far as the Referee Board is concerned, is that its authority be founded upon a statute which clearly defines its powers and limitations, and not upon the blanket provision of either Thirty-fourth Statutes at Large, section 1280, or in section 161 of the General Statutes, on which its authority now rests. I am free to say that I would have this recommendation applied to all the departments of the Government. I would not give the Executive of this Nation, whoever he might be, nor to the heads of the departments, the power to legislate, except in very extreme and unusual instances. This is not one of those extreme and unusual instances.

The departments now have such power in many cases. They have long had such power conferred upon them by Congress. This practice is founded on a wrong principle. It gives power to the executive branch of the Government which the Constitution never intended it to exercise. It is an improper delegation of power by Congress. These are the controlling reasons which prompted some members of your committee, and I have, until the gentleman's speech, supposed all members, to make a recommendation that the authority for the Referee Board be founded upon a statute defining its power and prescribing its duties. Your committee found, as a matter of law, that the Referee Board as at present constituted was legally created. The statement of the Secretary of Agriculture as to why it was created, which appears on page 5 of the report of your committee, is, to my mind, a sufficient reason for its continuance until the wisdom of Congress evolves a better organization founded, however, on the same principle. If the existence of the Referee Board, in the language of the gentleman from Indiana, is a "toning down" of the pure-food law, then it is toned down to that extent and it ought to be toned down, and ample reasons exist why it should be toned down.

But let us see what the functions of this board are and who constitute it, and I will leave to other gentlemen as familiar or more so than I to discuss the necessity for its creation and the continuance of this or some other scientific research board. The pure-food law was passed in the Fifty-ninth Congress, and that bill as it left the House provided for the appointment of a referee board, and I will insert here as a part of my remarks, without reading, the section of that bill which made such provisions, and with it the testimony of Dr. Wiley made to your committee on this subject:

Mr. HIGGINS. Before we get as far as that—of course we will have access to the CONGRESSIONAL RECORD anyway—you advised with the committee in the preparation of the bill, upon their request?

Dr. WILEY. Yes, sir.

Mr. HIGGINS. And appeared before them to explain your views with reference to the legislation?

Dr. WILEY. Yes, sir.

Mr. HIGGINS. And it is not too much to say that the bill was prepared by the committee and reported to the House very much in accord with your own views of such a statute?

Dr. WILEY. I must say that that bill met my approval in almost every particular.

Mr. HIGGINS. You were heartily in accord with the different provisions of the bill as reported?

Dr. WILEY. No; there were a few provisions of the bill as reported that I was not in accord with. One was the permission for the use of preservatives at all.

Mr. HIGGINS. You have spoken of that. Any others?

Dr. WILEY. I did not believe in the proviso which excepted from the action of the law an article with a distinctive name.

Mr. HIGGINS. Any other provisions?

Dr. WILEY. Those are the only two that I was really opposed to that finally got into the bill.

Mr. HIGGINS. That is, the bill as reported to the House from the committee, with the exceptions that you have noted, you were in favor of—it met your hearty approval?

Dr. WILEY. Yes, sir; it does to-day. I think it is a fine law, in spite of those little faults that I have mentioned.

Mr. DAVIS. My question was more particularly directed to your activities in getting the bill into the form of a law.

Mr. HIGGINS. Mr. Davis, do you object if I ask another question in that connection?

Mr. DAVIS. No, sir; not at all.

Mr. HIGGINS. Do you recall the provisions of section 9 of the House bill?

Dr. WILEY. I do not know it by sections. What is it about?

Mr. HIGGINS. Sec. 9 [reading]:

"That it shall be the duty of the Secretary of Agriculture to fix standards of food products when available for the guidance of the officials charged with the administration of food laws and for the information of the courts, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods; and to aid him in reaching just decisions in such matters he is authorized to call upon the committee on food standards of the Association of Official Agricultural Chemists and the committee of standards of the Association of State Dairy and Food Departments, and such other experts as he may deem necessary. And upon request made to the Secretary of Agriculture prior to reaching any decision as provided for in this section, by any manufacturer or other person interested, asking for the appointment of a board to determine the wholesomeness or unwholesomeness of any preservative or other substance which is or may be added to foods, and concerning the use of which the person making the request has an interest, it shall be the duty of the Secretary of Agriculture to appoint a board of disinterested experts, which board shall consist of five members, one of whom shall be an expert toxicologist, one an expert physiological chemist, one an expert bacteriologist, one an expert pathologist, and one an expert pharmacologist, which board shall meet at the city of Washington, D. C., or elsewhere, at the call of the Secretary of Agriculture, and pass upon such questions after proper notice and hearing granted to the person making such request. The compensation of the members of such board shall be fixed by the Secretary of Agriculture."

Dr. WILEY. Now, what is your question?

Mr. HIGGINS. I asked if you recalled that section?

Dr. WILEY. Yes; I recall that.

Mr. HIGGINS. That is not in the law now?

Dr. WILEY. No.

Mr. HIGGINS. But that was in the House bill?

Dr. WILEY. Yes, sir.

Mr. HIGGINS. And that contemplated—that is a fair construction of the language I have read—contemplated the appointment of the referee board?

Dr. WILEY. I think it would contemplate a board for that purpose; yes, sir. It specifically provides for it.

Mr. HIGGINS. And you were in favor of that section in the law?

Dr. WILEY. No, sir; I was not, not the last part of it. I was in favor of the first part.

Mr. HIGGINS. I asked you to state what you disapproved of.

Dr. WILEY. I thought you meant the act as it exists to-day.

Mr. HIGGINS. No; I said the bill as reported by the committee to the House.

Dr. WILEY. I misunderstood your question. I disapproved very decidedly of that last provision about a board. But I did approve of that first part of the provision—

Mr. HIGGINS. Did you oppose that provision before the committee?

Dr. WILEY. I do not think it was before the committee. I think it was adopted on the floor; I am not sure about that.

Mr. HEPBURN. It was discussed in the committee.

Dr. WILEY. I was not asked to discuss it before the committee.

Mr. HIGGINS. I asked you particularly with reference to the bill as it left the House committee and was reported to the House, because between the action of the House and Senate and conference the bill as it came from the House committee was changed as a result of the action of Congress.

Dr. WILEY. I would want to change my answer, then, because I referred to the law as it exists to-day. I was not in favor of that, but I do not think that I was ever asked to say anything about that before the committee.

Somewhere between the passage of the bill by the House and its signature by the President this provision was stricken out. Soon after the administration of the law was taken up it became apparent that in order to enforce its provisions in a way to appeal to the judgment of the country and to effect a greater efficiency of administration, that it was necessary to have a board whose character, investigations, and research would be such as to command universal respect. This board, created under the authority of the statutes I have already referred to, was appointed at the direction of President Roosevelt. I differ absolutely from the gentleman from Indiana when he stated that the Referee Board is not founded upon any provision of law. He suggests that this House withhold the appropriation for the board and thereby work its undoing. There are specific provisions of the statute which I have cited and which I have no doubt the gentleman knows that can be repealed and the objects sought by him can be obtained without resorting to the indirect method of refusing an appropriation of \$30,000 to accomplish his purpose. This board now consists of Dr. Ira Remsen, president of Johns Hopkins University; Dr. Russell H. Chittenden, of the Sheffield Scientific School of Yale University; Dr. Theobald Smith, of the Harvard Medical School; Dr. John H. Long, of the Northwestern University; and Dr. A. E. Taylor, of the University of California, and no statement from me ought to be necessary to convince any gentleman present either of the high character of these men or their scientific attainments, for nothing that I can say will add to the high place they have already taken and nothing that the gentleman from Indiana chooses to say will detract from their reputations as patriotic,

high-minded, and scholarly men, some of whom have world-wide reputations as scientists.

A great deal has been said about benzoate of soda, and if the chairman of the Expenditures Committee did not come from Indiana and was not a member of the legislature that passed the Indiana pure-food law, I doubt exceedingly if he would have felt compelled to take the position he took in his speech. It must be apparent to you gentlemen that with all this smoke about benzoate of soda there must be some fire. Time does not permit me to state some facts that have come to my knowledge about this question or about the reversals of scientific opinions that have been formed on it. One of the questions submitted to the Referee Board was as to whether the use of benzoate of soda as a food preservative was harmful or to what extent it could be used and be harmless. The Chief of the Bureau of Chemistry had reached one conclusion. Scientific men all over the world differed on the subject, and the Referee Board reached a different conclusion than the Chief of the Bureau of Chemistry, and their conclusions were accepted by the Secretary.

Those vested with the discretion in the enforcement of the Indiana pure-food law forbid the use of benzoate of soda. It is also contended that this law forbids the use of any preservative except table salt, saltpeter, cane sugar, and smoke, and that its effect is to keep beet sugar entirely out of that State. The question of the constitutionality of that Indiana law is now in the courts, and one of the issues, if not the principal one, is whether the use of benzoate of soda can be forbidden by the Indiana law and the effect of small doses of this preservative upon the human system. Members of the Referee Board did testify in that case. The Department of Agriculture did pay their ordinary witness fees. They did not receive any fees as experts, and simply told the court what they had found as scientific men, and expressed their opinions as to the effect of benzoate of soda as a food preservative. They stated to the court how they reached their conclusion.

The gentleman from Indiana in one breath makes an appeal for the courts to decide these controverted scientific questions, and then in another would deprive the courts of the benefit of expert opinion. His argument is not only an indictment of those who are admittedly the highest authority on this subject in the land, but an assumption that any court or jury could without expert scientific testimony determine, unaided by others, the effect upon the human system of any food preservative. If, in addition to his other conclusions, he asks this House to accept as a fact from the testimony taken before your committee, that the members of the Referee Board were improperly influenced, their testimony bargained for or controlled in any way, except by a regard for their oath and a high conception of their public duties as scientific men, then I have nothing but pity for the gentleman from Indiana.

My conclusions, Mr. Chairman, are not founded upon a magazine article, even though that magazine be of as high a character as the Outlook, nor upon any controversy that may exist between the preservers of food and the State officials of Indiana. I assume there is no Member of this House, either here or elsewhere, but would decry the food adulterator, condemn the selling of filthy food or food products and insist upon the most vigorous enforcement of all laws, whose purpose is to protect the public from the impositions of those who seek to profit by trafficking in either impure foods or in any sham or pretense of purity where none exists. Indeed, Mr. Chairman, it was in response to such a demand that the pure-food law was enacted by Congress, and in furtherance of that sentiment it has been ably and vigorously enforced by two administrations.

The questions raised by the gentleman's speech go to the enforcement of a law which went on the statute books after a long campaign of education and much agitation, and I freely acknowledge the indebtedness of the country to Dr. Wiley for the part he took in the long campaign which finally led to the enactment of this legislation. And what I may say is not to be regarded as detracting from the eminence which Dr. Wiley has attained as Chief of the Bureau of Chemistry, or from the great public services which he has rendered in exposing those who seek to corrupt our food supplies.

It has been said, Mr. Chairman, that we are a Government of law and not of men, and I take it that this Congress will not assume that the existence of a principle as vital as the purity of our food and food supplies is dependent upon the existence of any one man. To vote against this appropriation now will stop the wheels of progress. It is a step backward. The result will contribute to the gratification of those very food adulterators with whom I join with the gentleman from Indiana in condemning. It is a vote *against* something and not for something. It will operate to confuse the public mind on this most important question.

The gentleman asked this House to accept one conclusion in his speech, and in his report to accept another. The Secretary of Agriculture, as the head of that department, is primarily responsible for the acts of that department.

Time will not permit of the discussion of all the assertions that the gentleman from Indiana makes in his speech. I ask you to read the report of the committee, and then decide for yourself. In his speech the gentleman from Indiana exalts Dr. Wiley and holds up to ridicule and scorn the president of Johns Hopkins University. He glorifies the Chief Chemist and charges the Secretary of Agriculture with willful assumption of power in defiance of law. His report is silent as to the value of the services of Dr. Wiley and Dr. Remsen, but it does refer to the Secretary of Agriculture in the following terms, which I quote:

Your committee does not question the motives or the sincerity of the Secretary of Agriculture, whose long service as the head of the Department of Agriculture has been of signal service to the American people.

[Applause.]

In the face of his report the gentleman uses this language, which I quote from his speech, and let us see if he now questions the Secretary's "motives" or "sincerity":

And this was done whether in a spirit of irony or through sheer recklessness from the money appropriated by Congress to enforce the pure-food law of the Nation.

Gentlemen of the House, which opinion of the gentleman from Indiana are we to accept; his own report or his statement so recently uttered in his speech? They are absolutely irreconcilable. Either one or the other must fall. The statement that the Secretary of Agriculture has been improperly influenced by corporations or by anyone else is absolutely inconsistent with the statement which the gentleman, as chairman of this Committee on Expenditures, made to this House when he reported to it that he did not question "the motives or the sincerity of the Secretary of Agriculture." What has changed the gentleman's mind? How soon after he had made his report?

Mr. Chairman, I confess to an utter lack of comprehension of the purposes of the gentleman who in a formal report to this House makes one statement and then in his speech makes a contrary one of such a nature as his recent utterance, unless it be a desire to secure a partisan advantage by arraigning the integrity of the very man that he but a short time before gave his official approval of.

In order that this House may get a further insight into this matter I will print as a part of my remarks a statement made to the Secretary of Agriculture by the gentleman from Indiana as chairman of the committee before the examination of the Secretary was commenced, which will be found on page 841 of the hearings:

The CHAIRMAN. Secretary Wilson, before commencing the examination I have a brief statement that I wish to read to go into the record at this point relative to the course of the committee.

Mr. Secretary Wilson, our committee is now engaged in an examination of the expenditures of your department and more particularly of the Bureau of Chemistry. In the course of our work, we have had frequent occasion to apply to you for specific information and it gives me pleasure to say, for incorporation in the record, that every such request has met with a prompt response from you. For this spirit of courtesy and cooperation our committee are under obligations to you and to your assistants. We have requested you to be present in person to-day because we have understood your attitude to be that you desire the most complete examination of every detail of your great department of our Government, and we hold the belief that you will be glad to add anything which is pertinent to our inquiry which is within your personal knowledge. Likewise, it is the wish of our committee to afford every opportunity to develop all the facts which are within our jurisdiction relating to the subject under inquiry. We are inquiring particularly into the alleged illegal appointment of Dr. H. H. Rusby, pharmacognosist, in the Bureau of Chemistry, and the allegations that certain officials of your department conspired together to secure the execution of this alleged illegal appointment by withholding the real terms from you and thus secured your approval through false representations.

We have endeavored to give as free latitude as is possible to those who have appeared as witnesses and keep within our jurisdiction under the rules of the House. It is not intended to demand that you shall answer questions, which, in your judgment, should not be propounded to you or which you prefer, for any good reason, not to answer. We will be glad to have you make as full statements as you wish to make, and yet I think I voice correctly the will of the committee in saying that it will not be regarded as a discourtesy to the committee if you shall indicate that you prefer not to answer any particular question for good reasons.

We recall that in the control of a great department, which has been so rapidly expanding as has the Department of Agriculture, that you have many details which must be left to your subordinates. We wish this statement of yours to be as complete as possible, and if you wish to consult any assistant in your department to inform yourself as to precise data you may need to give the committee you will have the freest liberty to hold such consultations.

Do you care, Mr. Secretary, to make a preliminary statement before Mr. Flood begins the examination?

Secretary WILSON. I desire to state, Mr. Chairman, that I appreciate the kind remarks you have made. There are many things that I might say that might be for your information, but I think, after thanking you for the kind welcome you have given me here and the generous terms on which you propose I shall discuss matters with you, I think it is best just to go straight to business.

Do you want me to present matters, or do you desire to begin by asking me questions?

This House must adopt one view or the other, and the extraordinary statement of the gentleman from Indiana, made in his speech on this subject, must be considered with both his utterances in the committee and in the report which he signed. The solution of this question is not to be secured in this way. The moral character, the personal and official integrity of James Wilson and the members of the Referee Board ought not to be the price for the legislation which the gentleman urges and which I, to a qualified extent, approve of.

The remarks of the gentleman with reference to the workings of the board of food and drug inspection amount to the charge of conspiracy in that department to defeat the purpose of the law, with the Secretary at its head, though the gentleman's report is silent on that subject. If the gentleman now thinks such a conspiracy existed, his duty is plain under his oath, and a remedy awaits the gentleman.

It has long been apparent to those who have followed at all closely the enforcement of the pure-food law that there exists in the country two very widely divergent views. Some trade journals, notably the American Food Journal, takes one view, and the gentleman from Indiana sees fit to refer to the cartoon which appears in the issue of that paper of February 15, but he makes no mention of the part which his committee takes in that cartoon, for that cartoon attaches greater significance to his report than, apparently, the gentleman realizes, for, in point of fact, that journal is undertaking to pay a compliment to the gentleman's committee, even though it did portray them astride fiery steeds, discharging revolvers into the air, but having Dr. Wiley prostrate, roped and tied as a result of the findings of his committee, but not by the Secretary, as the gentleman asserts. The issue of the food journal referred to by the gentleman contains the following article, which I send to the Clerk's desk and ask that it be read.

The Clerk read as follows:

[From the American Food Journal, Feb. 15, 1912.]

A REAL INVESTIGATION OF WILEY.

As investigations seem the order of the day, Congress can perform no greater service for the American people than to investigate the methods and manner in which the pure-food law has been and is being enforced. This would be a public service second to none.

Among other things which Congress would discover would be that Wiley's methods of enforcing the law are, more than all other reasons combined, responsible for the increased cost of living, and this, too, without a corresponding benefit to consumers.

There is too much complaint and soreness on the part of the manufacturing interests of the country not to be some just ground of complaint. Wiley is feared by them in a way in which no honest or impartial official should or would be feared. An investigation would reveal conditions which should not be tolerated for an instant under a republican government.

The reputation of a food manufacturer should be like the reputation of Caesar's wife, and when the cry of "adulteration" is started against him, his business is heavily damaged if not ruined, even though he may be successful in refuting the charges in the courts. Wiley has charge and control of the inspectors; he can launch the charge, through his press bureau, of "dopester" and "adulterator" against any manufacturer, and a contested case means continued publicity with the finger of suspicion pointed at the manufacturer. This means a heavy loss to the manufacturer, no matter how groundless the charges may be. Few businesses can stand it, and that is why hundreds of merchants confess the charge, and get their goods back with the payment of court costs only, or plead guilty and pay a nominal fine rather than contest. Occasionally a judge with more than usual discernment refuses to fine, but suspends sentence, notwithstanding the plea of *nolle contendere* or the plea of guilty. The cost of defending a charge involving a physiological or therapeutic question runs up into the thousands. It is said that the defense in one important case cost a quarter of a million dollars and Wiley was practically nonsuited, but he had damaged the defendant even if he did not succeed in proving him guilty, and thus accomplished his purpose in part at least.

The pure-food law (section 4) contemplates that after Wiley has made his examination of samples and reached the conclusion that the law has been violated the party charged is entitled to hearing before the Secretary of Agriculture for the purpose of showing some fault or error in Wiley's finding. Thus the power to confirm or reverse the conclusions reached by Wiley is thrown upon the Secretary, and of course he is required to reach some conclusion of fact.

One would naturally suppose that if this hearing was not held by the Secretary himself it would be before some unprejudiced and impartial body; but before the Moss investigation it was before a body of three, two of whom were supposed to be unprejudiced and one prejudiced; because it was he (Wiley) who brought the case and acts as prosecutor. The accused at least had some chance, then, because the jury was only one-third stacked on him; but since the Moss investigation the jury is two-thirds stacked. What a farce the proceeding becomes; and so well recognized is the farce that hearings are now seldom had. Thus provisions in the law which were intended to safeguard the rights of the accused have been converted into a bludgeon against him. And Wiley is now made chief inspector, chief examiner, instigator of the charge, prosecutor, jury, and judge; and if any manufacturer dares cry out against such an unjust condition he is met with the cry from Wiley and the Wiley press: "He is an adulterator and a dopester who is being pinched by the law." And all this power in the hands of a man who says: "I am the spirit and essence of the pure-food law, and without me there would be no law," and who uses the law as his private property for the benefit of his friends and the confusion of his enemies; "for he that is not with me is against me." Isn't it time to investigate how this power is being used, in view of the ground rumbling and general spirit of discontent on the part of the manufacturers? Is it no concern of the Nation to know from whom or what interests Wiley has accepted fees or compensation while he was drawing a salary from the Government?

Is it no concern of the Nation to know how much time he has devoted to earning his salary and how much time he has devoted to private interests?

Is it no concern of the Nation to know whether Wiley is in fact a scientist or an expert, or only a charlatan or a humbug dealing out buncombe to the people?

And above all, is it no concern of the Nation to know whether he is enforcing the law impartially or partially?

Let the manufacturers know that they will not be in danger of reprisals by Wiley and see how the facts will come out. Wiley explained the "honey lie" as "a scientific pleasantry"; and a recent seizure of considerable magnitude which wrought considerable damage, as having been made on "academic grounds."

It is time to put a stop to "scientific pleasantries" and "academic" action, and research chemical work for private interests at Government expense, and the way to do this is to have an investigation which will bring out the facts.

The Moss investigation was not a real investigation of anything other than Wiley's connection with the Rusby contract, and while some other features were touched upon, it never did reach the real meat of the situation. It never even started in to do it.

By all means investigate Wiley.

Mr. HIGGINS. I do not accept or indorse the views expressed in that article just read nor the method employed by that journal to influence public sentiment. Many publications, on the other hand, typify the other extreme, and every utterance and act of our distinguished chemist is magnified to the extent that we have come to believe that there is but one man who stands between us and the food poisoner and adulterator, and in order that no injustice may be done and that the House may view both sides, I will send to the Clerk's desk an article appearing in the Chicago Tribune of December 9, 1911, and ask that it be read.

The Clerk read as follows:

[From the Chicago Tribune, Dec. 9, 1911.]

WILEY IN CHICAGO; TALKS PURE FOOD—SARCASM FOR SUPREME COURT AND CONDEMNATION FOR MAKERS OF QUACK MEDICINES—"PANPATH" HIS NEW TERM—HOPES FOR PENDING LEGISLATION; INDORSED BY PHYSICIANS FOR HIS WORK.

Dr. Harvey W. Wiley, chief of the United States Bureau of Chemistry, spoke before the Physicians' Club of Chicago last night on "Pure food and drugs," one of his favorite subjects. The talk followed a dinner in the Hotel Sherman.

Dr. Wiley started with some mild sarcasm for the Supreme Court of the United States and ended with a condemnation of the quack medicine maker. On the way he paid his respects to the expert witness, the too tractable legislator, and various others who happened to get in front of his train of thought, which ran on an 80-mile-an-hour schedule and a clear right of way.

"We had a chance," he said, "to pass a law which would have permanently put out of business the patent-medicine maker who says his remedy will cure everything from corns to consumption. That law barred him from making any claims he could not prove to the satisfaction of a court. When it got to the Supreme Court, they sat on it."

GENTLE IRONY FOR COURT.

"I am not making any criticism of the Supreme Court. But everyone has a right to disagree with its opinions. I, for one, prefer to stand with Justice Hughes, who held that the law should stand. He disagreed, probably, because he had not been on the bench long enough to know better."

"As for the opinion, only a son of Oliver Wendell Holmes could have written it. Maybe he understands it. I don't. All I can make out is that it gives anyone the right to lie about drugs whenever he feels like it."

The head of the Chemistry Bureau paused and allowed his habitual smile to grow wider.

"I was at my country club. That doesn't mean I'm rich. Some one introduced me to Justice Van Deventer."

"Ah," said the justice, "are you the doctor who sees that our foods and drugs are pure?"

"Yes," I answered; "just as far as the Supreme Court will let me." And I believe that if the law comes up again Justice Van Deventer will vote for it.

HAS HOPES FOR AMENDMENTS.

"In the meantime two amendments to the present law are pending in Congress. If they are passed, it will do much to undo the harm which has been done by the Supreme Court's decision. These amendments were introduced on the recommendation of President Taft by two legislators of another party. Everything indicates that they will pass."

"Of course there is always a chance of secret influences being brought to bear. Congressmen are influenced by their constituents much more than is thought—especially their wealthy constituents. And most patent-medicine makers are wealthy."

Mr. HIGGINS. Mr. Chairman, while articles similar to these are continually appearing in the publications of the country I can not believe that Congress will indorse either view or that it wants to put its stamp of approval upon such methods.

I will join with any gentleman in a properly conceived attempt to improve the administration of the pure-food law. The record of accomplishment by the Department of Agriculture is the best answer to the charge of inefficiency. The law became operative January 1, 1907, and up to July 15, 1911, the Secretary has had reported to the Department of Justice 2,765 cases for prosecution. One thousand nine hundred and ninety-two of these were criminal cases and 773 were seizure cases. Of these, 1,400 were decided in favor of the Government and only 33 were adverse to the Government. During the fiscal year 1911, 1,172 cases were sent by the Secretary to the Attorney General and 550 of these were successfully prosecuted during that year. The work of the enforcement of the pure-food law was critically examined by your committee. It showed a zeal both in the preparation and prosecution of cases rarely exceeded by admin-

istrative officers. A law of this nature vesting such unusual power to be maintained must be enforced with reason and justice. Any other course will rapidly work either its repeal or emasculation and make impossible of attainment the object sought.

The wisdom of the Fifty-ninth Congress in passing the law is justified by the results secured. It is plainly our duty to strengthen and improve this law and not to hamper and destroy its operation and effect. The country is under obligations to those charged with the duty of enforcing this statute and it has been and is a duty well performed.

Mr. Chairman, I hold no brief for the Secretary of Agriculture. There are those on this floor better acquainted with him personally and officially than I. There are those on both sides of the Chamber who are better qualified than I to testify whether James Wilson has been the tool of corporations, a corrupt administrator of law, has conspired against the public welfare, has knowingly and willfully violated the laws of the land, has perverted the mandates of Congress, and rendered ineffectual a great reform. Your committee, in a unanimous report, found that he had not. [Applause.]

I yield to the gentleman from Illinois [Mr. CANNON] the balance of the time that I have not used.

Mr. CANNON. How much time has the gentleman remaining?

The CHAIRMAN. The gentleman from Connecticut has 15 minutes remaining.

Mr. CANNON. I think, Mr. Chairman, I do not require more than five minutes. I had no thought of addressing the committee at this time, but the remarks of the gentleman from Connecticut [Mr. HIGGINS] prompt me to say a word. I did not listen to nor have I read the remarks of the gentleman from Indiana [Mr. MOSS]. I do not propose in the remarks I make now to attack Dr. Wiley or to defend him. I want to give just a word about what I know about the enactment of pure-food legislation.

I was Speaker of the House at the time. I believed then that legislation was apt, but I think gentlemen know that with the great multiplication of bills pending before the House the Speaker of the House, if he performs the functions of his office, can give but very little attention to the details of legislation. He is kept quite busy in performing his legitimate functions. But in company substantially with the membership of the House I cooperated with the efforts of the committees of the House, the party of which I was a member then being in the majority.

I do not know, but I apprehend that it is true, that this pure-food legislation was substantially nonpartisan. I recall that while that bill was pending before the committee and before, as I recollect, I was personally attacked in the press as an enemy of pure-food legislation, I had a talk with my colleague, now the minority leader of the House, Mr. MANN, a member of the Committee on Interstate and Foreign Commerce, and agreed with him that legislation ought to be enacted. We did not talk over matters in detail, but from the standpoint of the necessity for legislation. During that talk I recollect saying to him that bills and reports were multiplying, and I believed this to be of such importance that, if necessary, a time should be set aside for the consideration of a bill by the House. His reply, in substance, was that it might be necessary; that the committee was busy considering the details of the legislation to be recommended and busy about other matters; but that he hoped, while he was not chairman of the committee at that time, but had charge of the pure-food bill, to be able to pass that bill under the rules of the House.

Subsequently, it was passed under the rules of the House. It was prepared with care, no doubt, as the gentleman from Illinois informed me and as I have every reason to believe, after many hearings and much consideration.

Before that bill was passed the then Speaker of the House was vigorously attacked in the columns of the press, especially in the Middle West. I recollect two papers especially—the Indianapolis News and the Chicago Tribune—day by day were unsparing in their denunciations of the then Speaker because he was alleged to be opposed to the legislation, and that, “like a Colossus, he doth bestride,” not the world but the House. I received remonstrances from throughout the country, some of them very severe, no doubt arising from honest people—I assume they were honest—on account of the representations in the newspapers of my supposed position as a Member and as the presiding officer of the House. Threats of assassination were made, or amounting to that, and a great many letters contained all kinds of denunciations. Well, I had by that time become somewhat casehardened. I did not want to come down on the floor of the House and raise the question of personal privilege. I did not believe then and I do not believe now in paying attention to attacks, especially if they are founded in

misrepresentation and based upon untruth, because sometimes it happens that by paying no attention to attacks that are made upon you the man who only reads the headlines perhaps forgets it—some may not—by to-morrow or the next day, while if you reply, my observation has been that there are some people who say, “Well, I reckon there is something in that,” and so on and so on. Others will say, “The galled jade doth wince.” That has been my observation through my public life. But the legislation was enacted all the same, and I was curious to know how these attacks originated, and I made inquiry and I was satisfied that they were—I do not say at Dr. Wiley’s instigation, but I became satisfied that the genesis of these attacks was in the press bureau connected with that service in the department. Now, that is a long time ago, I believe in 1906—so the gentleman here says—but it was some time ago; I think, in the Fifty-ninth Congress.

Now, this whole subject of pure-food legislation is very important. It may be that additional legislation is demanded. I am going to listen and learn, because in my duty as a Member of the House and my committee duties, charged in part at least so far as a minority Member can be in helping to prepare important legislation for the consideration of the House, I am not claiming to be an expert upon this subject. I am not thoroughly familiar with the findings of the court. I note in the newspapers, largely in headlines, much of talk. My mind is open. Somebody is misrepresenting—I do not know who that somebody is—and whatever of misrepresentation may be made I do not charge it upon anybody; but I am going, so far as I can during the consideration of bills by the Committee on Agriculture, to try to find out the truth so far as reports and debate will give me the truth, and then I will follow the conclusion to which I come. I do not want to be understood as complaining or kicking of former criticism, nor do I desire in what I have said to try to prejudice, if I had the power, the mind of any Member.

I have approached the consideration of legislation and appropriation without fear, favor, or affection so far as criticism is concerned. I shall not, by speech or otherwise, condemn the Secretary of Agriculture, with whom I had service in the House of Representatives for several terms nearly 40 years ago, and in all those years, in my acquaintance with him, I have never seen anything that would make me doubt his ability upon the one hand or his integrity upon the other [applause], and, Mr. Chairman, adopting the motto of the Speaker of the House and of the State from which he hails, in this condition they have got to “show me.” [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield one minute to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I ask unanimous consent that I may print in the RECORD some remarks upon the policies of the present Chief Executive.

Mr. AKIN of New York. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from California asks unanimous consent to print in the RECORD certain remarks.

Mr. AKIN of New York. Mr. Chairman, I object.

Mr. HAUGEN. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I regret that our genial chairman of the Committee on Expenditures in the Department of Agriculture saw fit on the 27th of February, in the House, to make such an ill-tempered and intemperate speech. This is especially true when we consider that all the matters discussed by him were considered in our committee, and it does not appear from the unanimous report of the committee filed in the House that he was able to obtain the support of his own partisans in a majority report reflecting his picturesque and vaguely supported statements. Nor does it appear that he was able to obtain the aid of one of his colleagues. I do not care to advert to that lack of quality which prevented his filing a minority report, but prompted him to join in a majority report, and then, after weeks, in which the report rested unchallenged, make the appropriation for the Remsen Board the excuse for a general scold. This general scold is not entitled to the poor compliment of the friend who said “It was not even founded on facts.” His attack on the Remsen Board sounded like slamming the door upon leaving the room after a discussion.

THE REMSEN BOARD LEGALLY CONSTITUTED.

That the Remsen Board is legally constituted every lawyer on the committee agrees. That is the opinion of the Department of Justice. It has been organized and at work since February 20, 1908, and its legal existence and jurisdiction within the scope of its activities have never been successfully assailed.

That its extended existence should have the sanction of legislative enactment setting forth the scope of its jurisdiction is the opinion of all the committee, but its abolition is not made

the alternative to such enactment. In fact, the report does not in any way recommend its discontinuance.

The Remsen Board, as stated by the gentleman from Connecticut [Mr. Higgins], was organized during a former administration for the purpose of submitting to a board of scientists in whom both producer and consumer, as well as the citizens of the Nation and the world, had confidence. Its membership is made up of Dr. Ira Remsen, of Johns Hopkins University; Dr. Russell H. Chittenden, of Yale University; Dr. Theobald Smith, of Harvard University; Dr. John H. Long, of Northwestern University; and Dr. A. E. Taylor, formerly of the University of California, but now of the University of Pennsylvania. Each is master of his science. Each is a man who hastens to his laboratory but has to be dragged to the platform. They are all Baconians, who discover facts and phenomena and then slowly promulgate principles; men who never seek to announce a principle and then force facts to fit it.

To that board has been referred questions of five great substances, namely, saccharine, benzoate of soda, sulphur dioxide fumes, alum, and copper. The subject matter of debate is as to being deleterious or otherwise. They have made deliveries upon saccharine, benzoate of soda, sulphate of copper, and are considering sulphur dioxide and alum.

The world, with few exceptions, approve their findings. One of the notable exceptions is the distinguished gentleman from Indiana. It appears that he aided in passage of an Indiana statute which condemned benzoate of soda for use in Hoosier stomachs, but which took no exception to the manufacture of foods preserved by the use of benzoate of soda which might, under the law, be shipped into other States for other stomachs to receive. This has preyed upon the gentleman's mind until it "one melancholy burden bore," of benzoate of soda. For this he complains of the testimony given by the members of Remsen Board in support of their own deliberations in an Indiana court. Perhaps the venerable Secretary, so severely criticized by the gentleman, would have gained his favor by discouraging or preventing the giving of legitimate testimony, but even that great price was hardly sufficient to warrant the suppression of truth.

The gentleman's position will scarcely be helped by his indirect assault upon Dr. Wiley and his direct attack upon Secretary Wilson. True his treatment of Dr. Wiley is couched in honeyed phrase and fulsome praise, but well he knows that every statement which he makes of Wiley's alleged wrongs demands an explanation which the committee knows from the record does not favorably reflect upon the eminent bureau chief but which could be traced to his overwork and complex and arduous duties. These weigh upon the exactness of memory, and in isolated cases betray faulty judgment. It is the warranted guess of many that this untimely speech was made as a result of disappointment in the chairman that "these two braw and bonnie Scots," Wiley and Wilson, "Wha aft agreeing and disagreeing, still seek the same weal and would buffet sair the mon wha'd come atween." They are working now in conformity with the law as construed by the Supreme Court—unless the gentleman from Indiana has recently troubled the waters. [Applause.] As to the Secretary's enforcement of the law being wholly administrative, let me say that the Secretary's construction was that placed by the legal advisers of the Government and also by the chairman and members of the Committee on Expenditures in the Department of Agriculture all through the hearings had during the summer. The error was only discovered on the 11th of December, 1911, when the Supreme Court decided that point. So there is really no great excuse for the great spasm of virtue exhibited in berating the Secretary's construction of the law. This fact the committee especially found.

The gentleman from Indiana says that many are afraid of the decisions of the Bureau of Chemistry. Yes, every farmer throughout the Northwest who raises wheat for market and does not raise the extreme northern variety believes that the market value of his product was reduced by the adverse bleaching decree of the Bureau of Chemistry. The farmers of the Northwest do not appreciate being charged as dopesters, nor, having toiled in the fall to prepare the ground and sow the seed, risked the winter's freeze, the chinch bugs' attack, ruin by the Hessian fly, the drought and the flood, unfavorable harvest, and, having weathered all these, each taking its toll, to be required to pay tribute to a Bureau of Chemistry.

Nor yet do those who saw fit to leave their homes in the North and East and move to Missouri, Arkansas, the mountain and the coast States, investing their all, yes, mortgaging their future, to buy land, clear it, set out orchards, watch them for years grow until finally they come to bear. With their ripening fruit so much depended. First a living, next payment to the bankers who had advanced the means, next to pay the mortgage, and about the time of realization comes the Bureau of Chem-

istry and says: "The old-time method of preserving those fruits won't do. We will not allow you to fill your contracts with the eastern commercial firms. We are going to turn all your fruit into Dead Sea apples, crumbling at the touch." Do you not think that a sentence of bankruptcy about to be imposed on a thousand communities would prompt a careful inquiry and demand an able and impartial tribunal to determine the important fact? Yet an incident such as I depict prompted the organization of the Remsen Board. The scientific world largely believe the decision will be favorable to the use of sulphur dioxide, and yet the gentleman from Indiana takes the venerable Secretary to task for saying to the fruit growers of the West:

Before I blight your hopes and cause your bankruptcy, I will be convinced by a competent tribunal that bankruptcy is what you deserve.

The gentleman from Indiana says the only class which should fear the pure-food law is the crook. The millions of wheat and fruit growers in the North and West are not crooks. Yet they do fear the Bureau of Chemistry and its dominance by any one man, whether he bear the name of Wiley, Doolittle, McCabe, Dunlap, or any other name bandied in our recent examination. They resent the classification as crooks.

The investigations reveal that the large point of difference in the Bureau of Chemistry was that one element insisted that the bureau should be active in preventing deleterious substances from being in drugs, medicine, small food preparations, and the like. The other element insisted on its devoting its time and energy to the larger and more debatable questions of food purity involved in such questions as benzoate of soda, sulphur dioxide, flour bleaching, and so forth. The Secretary favored the former and submitted certain great questions to the referee board. I am inclined to think that the membership of this House, desiring to treat fairly the consumer and producer, will say that the Secretary was right. [Applause.]

Complaint is made that a large number of cases were abated over the protest of Dr. Wiley. If such there were, then no one brought such records before the committee. True, the bureau chief made a general statement that a great many were abated which were similar to other cases that had been successfully prosecuted. But a careful examination of each of the cases cited by the chief revealed the fact that the abatement was made either on account of respondent correcting his label or otherwise conforming to the law, or, mayhap, due to an acquittal on a stronger count or, in many cases, the lapse of three months, a period beyond which prosecutors considered samples to be stale and ineffective in grade.

The facts are that Dr. Wiley could give only two cases where, overruled by his colleagues of the Board of Food and Drugs, he had appealed to the Secretary. See page 762 of the hearings. The first of these was the branding of gluten flour, in which Dr. Wiley appealed and the Secretary, after a due and careful consideration, held with the majority of the board. But the controversy involved there was largely a question of mathematics and the construction of language.

Second. The use of sulphur dioxide fumes. In the latter case the records show that the chief of the bureau did appeal to the Secretary. The Secretary promptly in writing acknowledged the appeal and announced his readiness to hear it. Dr. Wiley never appeared further in the case, but a short time thereafter, to wit, on February 25, 1910, was present in the office of the Secretary of State where were also the French Ambassador and others. It was there agreed that sulphur dioxide fumes should be used in fruits and fruit juices imported until the Remsen Board should announce the result of its investigation. Certainly our pure-food authorities would not exact more from our own citizens than would be demanded of foreigners.

The facts are that the course followed by the Board of Food and Drug Inspection was one that appeals to the experience of any man who ever occupied the office of public prosecutor. The law was to be remedial and not especially punitive. More than that, the Committee on Expenditures in the Department of Agriculture in the Sixty-first Congress had this matter under consideration for more than a year. The record at the close of their deliberations on December 16, 1910, differed but slightly from what it was at the date investigations were begun by the present committee in 1911.

Speaking of abatement of cases, that committee said:

The matter of abatement of cases by the Board of Food and Drug Inspection under the so-called three months' rule was considered at length by your committee. This rule, as followed by the board, provides that cases which do not involve harmfulness of ingredients in food or do not involve a question of water or of feed, or drugs which take a long time for analysis, are abated if more than three months have elapsed between the time of collection of the samples and the time the case is submitted by the Bureau of Chemistry to the board. The fairness of this procedure arises from the fact that in many of these cases reforms have been instituted and the parties against whom action would be taken have come into conformity with the law in the meantime, and it is felt that an administration of the law which involves prosecution of such people would be more drastic than the simple conserving of the

ends of justice warrant. Moreover, in the administration and execution of a new law it is quite necessary that only those prosecutions be undertaken which promise a conviction, and the various United States attorneys complained before the adoption of the rule that they were sadly hampered in their work when the evidence submitted to them was, as they termed it, so stale. The prime object of the food and drug act is the securing of wholesome food and properly labeled drugs for the people at large. The prosecutions involved are merely an incident toward this end and should be directed principally against those offenders who persist in their violations of the law after being fully informed as to its provisions and requirements.

The Department of Agriculture and the Bureau of Chemistry were warranted in accepting, at par and in good faith, the findings and deliverance of this committee in the preceding Congress. The examination and investigation made by that committee must be presumed to have been thorough and exhaustive, especially as it was agreed upon by all the members. I know the character and ability of the membership on both the majority and minority side, and in approving the policy of the department unanimously it should be, so far as this committee is concerned, a fair warrant that neither the department nor bureau would be criticized by the successors of the membership of that committee, especially as the chairman now was one of the members then and the ranking minority member was a member of the majority then.

As the bureau chief's alleged fruitless appeals upon investigation, decreased from several thousand down to simply two, as the gentleman from Indiana's alleged extravagance and maladministration in 1911 is reduced to a basis of his own sanction and approval in 1910, it is a new evidence that sweeping charges of fraud and extravagance, as well as certain extensive claims of economy, are subject to drastic revision downward.

Mr. MOSS of Indiana. Will the gentleman yield for a moment?

Mr. SLOAN. Yes; if the question is relevant and material. My time is short.

Mr. MOSS of Indiana. The gentleman from Connecticut [Mr. HIGGINS] is on the floor, and I would like to state in his presence and ask him if it is not true that no member of the committee had anything to do with the making of that report so far as preparing it is concerned, except that the chairman came and laid it before the committee, and if it is not the fact that the gentleman speaking protested at that time—

Mr. SLOAN. I will answer that the report contains no minority views and no objections.

Mr. HIGGINS. The gentleman from Indiana [Mr. MOSS] asked me a question.

Mr. SLOAN. I yielded for a question to be asked me.

Mr. HIGGINS. Mr. Chairman, just a word in answer to the gentleman from Indiana. That report was submitted to the full committee; was considered by the full committee; they read it over, and it was accorded to different members of the committee to make objections as to what it should contain and what it should not contain, and there was not a dissenting voice to the adoption of the report.

Mr. MOSS of Indiana. Will the gentleman from Nebraska [Mr. SLOAN] permit me to make a statement in that connection?

Mr. SLOAN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] has one-half minute remaining.

Mr. SLOAN. Can not the gentleman from Iowa give me three minutes more?

Mr. HAUGEN. I will yield to the gentleman three minutes.

Mr. SLOAN. "Who steals my purse steals trash" was made to do a service for the gentleman from Indiana. Yet before and after that quotation in his speech he unwarrantedly attacked the venerable Secretary of Agriculture. The devil denouncing sin never spoke with more inconsistency than did the gentleman making the slander quotation from Avon's Deathless Bard. I was in the President's room the other day, where a genius had wrought his ideals with aid of color crystal and gold. The effect seemed to be a realization of the artist's dream; yet the custodian told me that a vandal had defaced one of its fairest parts. I saw, too, the matchless canvas upon which a painter had depicted, militant and glorious, an American fleet upon one of her inland seas.

A vandal there had drawn his ruthless knife and rent that picture, which five generations of his kind could not restore. Then I came to this House to see and hear this assault upon the oldest man in the Cabinet, the oldest Cabinet officer in point of service living, the oldest Cabinet officer in point of service living or dead—16 years of continuous service—the most generally loved and respected Cabinet officer from Washington to Taft; and this respect and love include Republican and Democrat, the East, the West, the North, and South. Yet the gentleman from Indiana proceeds to attack his fair name and fame, and this largely for following directions laid down in the Sixty-first Con-

gress by the Committee on Expenditures. That was a strong committee. It included, of Members still in this House, the distinguished gentleman from Virginia, Mr. Flood, the eminent jurist from Missouri, Mr. BOOHER. That report was backed by Hon. EDWIN W. HIGGINS, now the ranking member of the minority. It was, also, by the distinguished chairman, Mr. MOSS, so it might be called Moss-backed. [Applause and laughter.] I do not think any of these gentlemen should repudiate it or even find fault with the Secretary or the Bureau of Chemistry in accepting it as based upon knowledge and good faith.

But the Secretary, hailing, as he does, from Scotland, may readily see, whatever his course might have been in the pure-food law, it would have met the adverse criticism of the gentleman from Indiana. There would probably be an application of the familiar doctrine, "If you can, you can't; if you will, you won't; you will be damned if you do; you will be damned if you don't." The Secretary will be glad that the power of curse or benediction was not delegated to the chairman of expenditures. I dislike to see the chairman join certain others in their assault upon the venerable Secretary. Not that they can really injure him, but they can not fail to annoy. When a boy, I used to hear carrion crows caw, caw, cawing from a safe distance at an aged and burdened eagle, as he poised and soared to his rocky aerie. There he was safe. Men would not harm him, and crows could not annoy. [Applause.] In his elevated place in American regard the Secretary is safe and secure. And I want to say, gentlemen, when the great Secretary has gone and the honors justly due him from a grateful people are in part paid, if the neglected graves of his detractors now in office be covered with dense coating of grass it will be because Secretary Wilson has done much to make two blades grow where only one grew before. [Loud applause.]

Mr. RUBEY. Mr. Chairman, I ask unanimous consent that I may extend the remarks which I made to-day in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SLOAN. Mr. Chairman, I desire to submit a like request.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. AKIN of New York. Mr. Chairman, the gentleman from Nebraska [Mr. SLOAN] is a very dear friend of mine, and a very nice fellow, but I will have to object.

The CHAIRMAN. The Chair will put the question again. The gentleman from Nebraska [Mr. SLOAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. AKIN of New York. I object.

Mr. LAMB. Mr. Chairman, I hope the gentleman from New York [Mr. AKIN], to whom I was kind enough to yield time this evening, will withdraw that objection.

Mr. AKIN of New York. Take it up with the gentleman from Massachusetts [Mr. GREENE], on the other side.

Mr. LAMB. I will suggest to the gentleman from New York that he is not objecting to the remarks of the gentleman from Iowa.

Mr. AKIN of New York. But the gentleman from Massachusetts objected to mine.

Mr. LAMB. The gentleman does not visit the sins of others on the head of the gentleman from Nebraska, does he?

Mr. BARTLETT. I have been here a good many years, Mr. Chairman, and this is the first time I have ever seen anything of this kind.

Mr. MOSS of Indiana. I ask the gentleman from New York [Mr. AKIN] to withdraw his objection on his own personal account, if none other.

Mr. LAMB. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, when a man by his labors, study, or experiments has bestowed great benefits upon his fellow men, it is a duty, and ought always to be a pleasure, to acknowledge and publish to the world the blessings to mankind which his efforts have produced. A sense of justice requires this. But at this time I am moved to make some observations on the work of Luther Burbank, a citizen of Santa Rosa, Cal., because in certain quarters there has lately been manifested a desire to belittle this great man and his work.

I fully appreciate the value to the agricultural and horticultural interests of this country of the great work of the Department of Agriculture. I believe that its useful work for those interests has just begun. As a rule the men engaged in this work are broadgauged and incapable of cherishing those small sentiments—envy and jealousy. Generally the men of the department freely and gladly give praise for work done outside of the department where praise is deserved, but a man connected with the Department of Agriculture—I purposely for-

bear mentioning his name—has seen fit recently to assail Mr. Burbank and to minimize, even to ridicule, his genius and the great work he has done and is still doing to increase the prosperity and happiness of his fellow men.

Mr. Chairman, while the people of the whole country are indebted to Mr. Burbank more than most of them know, the people of California owe him a special debt of gratitude. His efforts have greatly increased their prosperity and wealth. Ninety-five per cent of the plums shipped out of California, for example, are of the varieties originated by Mr. Burbank. Practically all of the potatoes raised and marketed in our State are Burbank seedlings, unquestionably the best potatoes ever produced in the world.

Mr. Burbank's greatness, and the magnitude and the value of his achievements are recognized the world over by men best capable of understanding and appreciating both the man and his work. It is said of him by David Starr Jordan, president of Leland Stanford Junior University, California, that—

Luther Burbank is the greatest originator of new and valuable forms of plant life of this or any other age.

By Dr. L. H. Bailey, professor of botany in Cornell University, New York:

It is an honor to California that Luther Burbank is its citizen. He is all that he has ever been said to be, and more.

By W. Arlee Burpee, of Philadelphia, one of the leading seed men in the United States:

He stands easily at the head of the world's experimentalists in plant life.

By Theodore Roosevelt:

Mr. Burbank is a man who does things that are of much benefit to mankind, and we should do all in our power to help him.

By Hugo De Vries, of Amsterdam, Holland, probably the leading botanist of Europe:

In all Europe there is no one who can even compare with Luther Burbank. The time will come when he will be as well known and as highly cherished in California as he now is among the scientific men of Europe. He is a unique, great genius.

By Prof. E. J. Wickson, dean of the department of agriculture of the University of California:

No other man has given to horticulture so many valuable things as has Luther Burbank.

Although for many years Mr. Burbank was actively engaged in the nursery business, about 10 years ago he sold out his business to devote his entire energies to plant breeding. Mr. Burbank is not engaged in the nursery business now. His interest in his productions ceases when the fruit or flower or vegetable is perfected and its habits fixed, and instead of going on to propagate a large number of them, he prefers to sell the little stock that he may have and devote his time and energies entirely to carrying out his experiments. Consequently he does not realize large returns on any of his novelties. A thousand dollars would be a large price for him to receive for even the best of his work, so that while the work of Mr. Burbank has enriched others and blessed humanity, he himself has received but very scanty remuneration.

Mr. Burbank has put all the money that he receives from his novelties and from his lectures and from his books, as well as all the money he was able to save from his nursery business, amounting altogether to about a quarter of a million dollars, into his work, and has received but a simple livelihood. His habits are plain, and he does not wish for more. There are important experiments, however, the result of many years of labor, now in progress and waiting to be brought into perfection, which may never be completed owing to lack of funds.

The experiments of Mr. Burbank in plant life cover a very broad field, and are the result of nearly 40 years of experimentation. Let me briefly call attention to some of his best-known creations.

BERRIES.

The Primus berry, made from the native California dewberry and the Siberian raspberry. The two were crossed by pollination. Seedlings were raised from the cross, and then followed years of selection. When the work was complete the fruit was found to be unlike either parent in form, color, or taste. There were no abnormalities, flowering was free, fruiting large and natural, the foliage normal. It ripens its main crop at the same time with the strawberries, and long before most of the standard raspberries and blackberries have begun to bloom, and continues more or less all summer. In planting 5,000 seeds of this new berry, every one produced a primus berry with such slight variations as may be observed in any seedlings of any other fixed species. *This is absolutely a new species of fruit, the first directly created by man.*

The Phenomenal berry was introduced in 1903, and is now a favorite on the Pacific coast, the demand for plants far exceed-

ing the supply. This berry is a cross between the California dewberry and the Cuthbert raspberry.

The Himalaya berry originated 15 years ago at Santa Rosa, by selection from seeds brought from the Himalaya Mountains. This plant bears four times more fruit per plant by weight than any other berry. At the Government experiment station here in Washington a test was made with this berry and all the blackberries and raspberries grown at the station in order to discover which would keep the longest in good condition. This berry kept in good condition 14 days, or fully twice as long as any other berry, and upon the test being repeated the same results were obtained. The delicious flavor of this berry and its wonderful keeping qualities make it the most profitable for shipping.

The Patagonia strawberry: Twenty-five years ago the work of improving the strawberry was commenced on the grounds of Mr. Burbank, at Santa Rosa. All the standard varieties at that time and the wild strawberry of New England, Alaska, Norway, and the far better ones of California were used. Of the new varieties produced none were thought sufficiently improved to replace the best known, and the work was discontinued until five years ago, when one of Mr. Burbank's Chilean collectors sent the seeds of the wild strawberries gathered from both the lofty Cordilleran Mountains, between Chile and Argentina, and from the coast regions of southern South America. Among these wild strawberries were some with unusual qualities, which were crossed with some of our native California berries. No striking or unexpected results were observed until the second generation, when, among the numerous hybrid seedlings, was found this berry, with its distinct flavor, which connoisseurs have pronounced superb. Of the 81,000 plants sold by Mr. Burbank this last season, he has not yet heard from one purchaser who has not been satisfied.

The Thornless blackberry, an exceedingly sweet berry of medium quality, as productive as the average blackberry, and absolutely free from all thorns, so that one may pick up a branch and run it through his hands without the slightest inconvenience.

The White blackberry, a true blackberry, which is a waxen, almost creamy, white, nearly translucent, and with exceedingly small seeds; is a beautiful and delicious berry, very productive, but too soft for shipping purposes.

The Sun berry, commonly called the wonder berry. This berry is a blue berry, especially valuable for cooking purposes, and, according to my judgment, superior to wild blackberries, elderberries, or huckleberries as a pie berry. It grows from seed, on a creeping vine, and is especially adapted to sandy soil. It requires a considerable amount of sun for its proper ripening. It is also especially adapted for gardening and household purposes, and, though most severely attacked by critics, it has more than substantiated all claims that were made for it.

FRUITS.

The plumcot, an absolutely new fruit, unlike any other fruit ever grown on earth before. It has as its base a wild American plum, Japanese plum, and an apricot. This work was originally commenced by experimentation in the crossing of the plum and the almond, but the plum-apricot promising more satisfactory results, the first experiments were discontinued. There are a great number of varieties of this new fruit—sometimes the flesh is yellow, sometimes pink, and sometimes crimson. It has pits sometimes like the apricot and sometimes like the plum. The fruit is highly colored and the flavor is indescribable, being as unique as it is delicious.

The stoneless plum: For many years there was growing in France a tiny plum with only the suggestion of a pit. By breeding this plum with others in order to increase its size, beauty, and flavor, a satisfactory plum has been produced, through which one may cut in any direction with a knife. The pit has disappeared, although there still remains a soft inner core, which is found in the interior of every pit, and which resembles in this plum the seed of an apple, but softer. The work on this plum is not entirely finished, but the results obtained up to the present time are marvelous.

The Burbank plum, introduced 20 years ago and now more generally known and more widely known than any other plum of any name or kind. Although better plums have since been produced by Mr. Burbank, they have not yet supplanted this old well-known favorite.

The Wickson plum, introduced as lately as 1894 and now very widely known and acknowledged to be the best shipping plum known. In 1909, by the vote of the nurserymen and growers of California, it was placed at the head of the list as the most popular of all plums.

The Santa Rosa plum: It received the gold medal at the Lewis and Clark Exposition.

The sugar prune, Grant prune, and the American, Combination, Bartlett, Apple, Sultan, and other plums: In other words, out of 120 or so new varieties of plums introduced during the last 20 years in the United States by various growers, dealers, and nurserymen, 24 are the production of Mr. Luther Burbank; and the value of these 24 varieties may be seen when it is stated that of the plums listed to-day as standard by the leading nurserymen all over the world it will be found that nearly 95 per cent of those introduced since 1890 are the creation of Mr. Burbank.

A visit to the proving grounds of Mr. Burbank at Sebastopol, Cal., will disclose plums of all sizes, of all the colors of the rainbow, of the flavors of the pear, the apricot, and other indescribable but delicious flavors, and many of them with a fragrance more penetrating and delightful than that of most flowers.

The Burbank cherry: The earliest of all large cherries; were bought in 1898 at auction for \$15 per 10-pound box in the East, and later at \$7.50 per 10-pound box in carload lots. The next year (1909) they were sold in Philadelphia for \$31 per 10-pound box. This cherry is not only the best of all early cherries, but will hold its own among cherries of any season.

The Pineapple quince: Introduced in 1899 and acknowledged to be of unequal quality, having a distinct pineapple flavor.

The Opulent peach is widely recognized as the best in quality ever produced.

Besides these fruits, Mr. Burbank has greatly improved large numbers of pears, apples, grapes, and other fruits by selection and breeding.

NUTS.

Chestnuts: Mr. Burbank has produced a chestnut which will bear within 18 months from the time the parent tree is first planted by seed. Some of these rapid-growing chestnuts have been known to bear when they were only six or seven months old. When one considers that the average age of the chestnut tree from the time it is first planted a seed until it comes into bearing is from 10 to 15 years, it will readily be seen how great and valuable is this achievement of Mr. Burbank's. Mr. Burbank has bred a large proportion of burrs off of the chestnut, but he has not thought it advisable to try to entirely remove the burrs, as they are a protection to the nut.

Walnuts: Mr. Burbank produced a walnut with a shell like paper, which could be readily crushed in the hand; but it was found that the shell was so thin that the nuts were totally destroyed by the birds, and Mr. Burbank was obliged to retrace his steps and increase the shell of his walnut before he could place it on the market. Mr. Burbank has also taken the tannin out of the walnut meat, the tannin being a coloring matter in the walnut skin which has a disagreeable flavor. One of his Santa Rosa walnuts, growing on the place of George C. Payne, of Campbell, has for the last 14 years produced an average crop of over 400 pounds—never less than 200 pounds—which have always sold for from 2 to 5 cents per pound more than the so-called Number Ones from southern California. Among the most useful of Mr. Burbank's experiments in walnuts are the production of the Royal and Paradox varieties. These are rapid-growing walnuts and are very valuable commercially for timber purposes. They attain a great size, arriving at maturity in about 15 years; the wood is of good quality and can be used for the finest finishing purposes, and consequently commands a large price in the lumber market.

VEGETABLES.

The Burbank potato: The Burbank potato, the first and foremost of Mr. Burbank's productions, was produced in Massachusetts in 1873, and, though it received little attention at first, it is to-day grown each season by the millions of bushels and is more and more supplanting all the other varieties of potato. If he had never done anything but produce this potato, he would be entitled to the profound gratitude of his countrymen. Although Mr. Burbank has achieved so much with his potato, he has to-day new and superior varieties, some of which are ready to be placed on the market.

The Crimson Winter rhubarb: This rhubarb was rejected by all growers at first because of its new and unique qualities, and was wholly unappreciated, but to-day in warm climates it is generally recognized as the rhubarb par excellence, and it has rightly been named the "mortgage lifter." Fortunes have been made in growing it in California and Florida.

The Giant rhubarb: The last of all Mr. Burbank's rhubarbs just introduced, and which it is predicted will excel the original crimson winter rhubarb 400 per cent. It will outyield any other rhubarb known at least 3 to 1.

Muskmelon: He has a variety of muskmelon which ripens late in the season and is somewhat larger than the ordinary muskmelon, and if picked when ripe will keep like the Hubbard

squash—all winter. The flavor of this melon is not at all unlike that of the original muskmelon and is delicious.

Mr. Burbank has also improved corn, tomatoes, melons, and other vegetables almost too numerous to mention.

FLOWERS.

The Shasta daisy: This perhaps is the most widely known of Mr. Burbank's flower creations, and is a cross between the wild field daisy and the Japanese and English daisy. The flowers are from 5 to 7 inches in diameter. There are distinct varieties of these daisies, both fluted and double and single. Because of their great beauty, their hardihood, and their long flowering season, these flowers seem destined to take the place of the chrysanthemum in the public favor.

The Giant Amaryllis: Mr. Burbank took the original Amaryllis, with its flower about 4 inches in diameter, and after 30 years of selection and hybridization has produced a flower averaging from 7 to 8 inches in diameter, sometimes reaching the marvelous growth of 10 inches. In creating a flower as large as this it is necessary to create a plant stocky enough and with a stem sufficiently strong to hold as large a blossom. These flowers range from light scarlet and pale pink to glistening crimson and deep fiery scarlet.

Watsonia hybrids: By crossing and selection Mr. Burbank has produced a large number of these hybrids of new types, new colors, and enormous flowers, both double and single. I was privileged to visit the proving grounds at Sebastopol last year and see these flowers myself, and I doubt very much if any man has ever produced Watsonias so large or so exquisitely colored as these were.

Dahlias: Mr. Burbank has taken the dahlia with its disagreeable odor and replaced it by the odor of the magnolia blossom. It is said that one still evening as Mr. Burbank was walking among his dahlias he detected a faint odor, distinct and agreeable. A search that night failed to reveal the dahlia that was so different from its fellows, but on the succeeding night the keen senses of Mr. Burbank ferreted out this dahlia, and with it as a basis he has produced a dahlia with the sweetness of a magnolia. Mr. Burpee, the seedman of Philadelphia, says that Mr. Burbank's yellow dahlia is the finest in the world.

Burbank rose received a gold medal at the St. Louis Exposition as the best bedding rose.

The Tarrytown canna, which was awarded the gold medal at the Panama-American Exposition as the best and freest flowering canna then in existence. It is to-day a standard and generally acknowledged worthy of the award then made.

The Fragrant calla, the most abundant bloomer and the first and only fragrant calla.

The Crimson poppy: Mr. Burbank has taken the golden California poppy, and by selection has produced a crimson poppy of marvelous beauty, blooming throughout a long season. Perhaps no other single achievement of Mr. Burbank's illustrates his marvelous powers of perception more than the production of this flower. Taking a California poppy, which has the slightest suggestion of crimson, Mr. Burbank, by patient and long-continued selection, has produced and fixed this beautiful crimson poppy. Every season myriads of these may be seen growing around his home, each one differing from the other in the depth of the colors it displays.

The Shirley poppy: Mr. Burbank has done an immense amount of work with the Shirley poppy, looking particularly to producing delicate colors and shades and well-shaped, cuplike flowers, particularly those having crinkley edges. Anyone in cold words can not describe the gorgeousness or delicacy, as the case may be, of these beautiful poppies. I think the prettiest of all the Shirley poppies that I have seen is one with a white center; not a glistening white nor a dead white, but a white subdued with an undertone of some other almost concealed color, and fringing the crinkley edges of its cup-shaped flower an eighth of an inch of pink, which fades away into the white center. Some of these flowers have petals so delicate as to be almost transparent. The greatest novelty among these poppies is one of pure blue, secured by a long series of selections.

SPINELESS CACTUS.

No more important thing has recently occurred in agriculture than the successful production of the rapid-growing, edible, spineless cactus by Luther Burbank. After 16 years of expensive and costly experimentation he has produced a new and most valuable cattle food for the world. Mr. Burbank does not claim to have discovered the spineless cactus. Some varieties of this plant have been known for years, but without exception they have been nonedible by any animal. For many years it has been the custom in Africa, as well as in those parts of America where it abounds, to feed to cattle certain varieties of the prickly pear cactus after the spines have been burned off. This burning, of course, greatly increases the cost of the fodder. The food value

of this spiney cactus for stock has been known by cattlemen, who have grown and used it for some years.

Mr. William Sinclair, a successful cattle grower of Texas, writes:

We find it very poor policy to put the slightest limit on the amount of cactus our cows get. The more they can eat the better they thrive and the more milk they give. There is nothing that sets them back more than a shortage of cactus. If we happen to be short of milk the cause is almost invariably traced to the shortage of cactus.

L. Von Tempsky, manager of the Halaakala ranch, Makawao, Maui, Hawaii, says:

On this ranch we have one paddock of 1,200 acres covered very thickly with cactus or prickly pear; there is also a slight growth of Bermuda grass growing. In this paddock are pastured all the year around 400 head of cattle and about 700 hogs. The cattle only get water when it rains; that is, during the months of December and January, the other 10 months they subsist entirely and solely on the fruit and young leaves of the cactus which they help themselves to. It is a remarkable fact that during the dry months of the year we get more fat cattle per cent from that paddock than from any of the others. I consider cattle fed on cactus, like these are, to have as fine flavored beef as any I have tasted in San Francisco or New Zealand.

The following table shows the comparative value of the average cacti, alfalfa hay, and gamma, a typical range grass, according to analyses made by the University of Arizona agricultural experiment station:

In water-free substance.

Description.	Ash.	Protein.	Fiber.	Nitro free ex- tract.	Ether.
Cactus without fruit.....	19.91	6.48	10.22	61.48	1.83
Alfalfa hay.....	5.67	12.74	39.04	41.06	1.49
Gamma grass.....	15.11	6.99	30.31	45.63	1.96

The great desirability of the rapid growing and edible spineless cactus for cattle food has been recognized all over the world. Inspired by the work of Mr. Burbank and by the experiments made by the French Government in Algiers, the United States, through the Department of Agriculture, was several years ago moved to take up the matter of securing spineless cactus. Experts were sent to foreign countries, and the world was searched that a cactus might be found spineless, or nearly spineless, which would have sufficient nutriment to be valuable as a cattle fodder. From the plants so collected the Department of Agriculture has been able to produce a cactus sufficiently free from spines and nutritive enough to be of some value for the cattle business. But to-day, in spite of all its organization and its wealth, the Department of Agriculture has not obtained a cactus that is in any respect the equal of the cactus produced by Mr. Burbank single handed.

Of all stock food, the Burbank Improved Spineless cactus is by far the most prolific. Three to five times as much is produced to the acre as alfalfa; and it is very much the cheapest fodder to plant, harvest, and cultivate, requiring no irrigation, replanting, or storage in barns, as it can be cut any time as needed.

It is adapted to almost any soil where the temperature does not go below 18° above zero, and it will stand a great amount of heat.

By actual test at Los Banos, Cal., it has been found that the milk flow of the cattle fed on the Burbank Improved Spineless cactus very greatly increased—75 per cent—over the amount when fed on dry alfalfa hay. Cactus is the only fodder that furnishes green, succulent feed all the year.

Another source of great value in the Burbank Improved Spineless cactus is its fruit. It yields over 10,000 pounds of fruit per acre. It is a fall and winter fruit of attractive colors—crimson, scarlet, yellow, white, and variegated. It is a sure bearer; a good packer and shipper; very healthful, and of a flavor which many prefer to that of bananas or figs. It contains 8 per cent to 16 per cent of sugar; is a great fattener for hogs and cattle. Poultry also is extremely fond of it.

These make fine jellies, jams, and glacé fruits and can be used for coloring ices, jellies, confectionery, and so forth.

In an experimental way from the Burbank Improved Spineless Cactus paper pulp and wood alcohol have been produced. But the greatest value of Burbank Improved Spineless Cactus will be that it will make highly productive and valuable vast tracts of land now barren because of insufficient rainfall, not only in southern California and Arizona, the natural home of the cactus, but also in South America, Australia, India, Egypt, and elsewhere.

For example, at Los Banos, Cal., on the west side of the San Joaquin Valley, are large tracts of land practically bare and worth but \$10 or \$15 per acre. The annual rainfall is about 5 or 6 inches per annum, making the land semiarid. On this

soil, without irrigation, the Los Banos plantation is producing 120 to 140 tons of cactus per acre in three years, or enough, with a few pounds of chopped straw, bran, or other roughage, to keep four cows per acre all the year. This same land, when so situated that it can be irrigated and planted to alfalfa, keeps about one cow per acre annually and is now selling for \$200 per acre. In other words, Burbank Improved Spineless Cactus will give \$15-an-acre land a greater earning power than alfalfa on \$200-an-acre land.

A visit to the cactus ranch of Mr. Burbank at Los Banos, above referred to, will demonstrate to the most skeptical the great value of this production of Mr. Burbank.

Mr. Burbank himself says: "The Burbank Improved Spineless Cactus is worth more than the Burbank potatoes and all my other productions combined."

Mr. HAUGEN. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry. Would it be in order to ask that this very interesting speech of the gentleman from California [Mr. HAYES] be printed as a public document, so that it will be accessible to everybody?

The CHAIRMAN. The Committee of the Whole would have no such power.

Mr. MANN. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] has 25 minutes remaining, which he has yielded to the gentleman from Illinois.

Mr. MANN. I have no desire to consume that much time.

Mr. HAUGEN. Then I will yield back to the gentleman from Virginia [Mr. LAMB] whatever time is left after the gentleman from Illinois concludes.

Mr. MANN. Mr. Chairman, on February 22 the distinguished gentleman from Florida [Mr. CLARK], a very warm, personal friend of mine, made this statement:

Mr. Speaker, I have been a Member of this House for nearly seven years. Until the convening of this Congress this House was in the control of the Republican Party. Every year I have seen some Democratic rise on this floor and ask for the reading of George Washington's farewell address, which request was denied by the Republican majority. I now move, in a Democratic House, that the Clerk of the House read that address to the House.

The motion of the gentleman was submitted in the form of a request for unanimous consent, it not being a privileged motion, and was agreed to, and the farewell address of President Washington was read.

The gentleman from Florida [Mr. CLARK] is usually very accurate in his statements, but I think it proper to call the attention of the House to the fact that on this occasion the gentleman was mistaken, and that his innuendo or insinuation leveled at the Republicans was misplaced and not justified by the facts.

Last year I made a request for unanimous consent, which was granted, that the gentleman from Texas [Mr. SHEPPARD] might have an opportunity to deliver an address upon George Washington, and he did deliver an address which was replete with information, suggestion, and praise. Two years ago, on the 22d of February, the gentleman from Minnesota [Mr. NYE] delivered in the House a splendid eulogy on George Washington. Three years ago the gentleman from Illinois [Mr. BOUTWELL], my colleague, read in the House George Washington's Farewell Address; and not only that, but on the 12th of February he read Lincoln's Gettysburg address, which I hope some time will be read on the suggestion of some gentleman on the Democratic side of the House. [Applause.]

Mr. CLARK of Florida. Mr. Chairman—

Mr. MANN. For several years prior to that no request was made on either side of the House for the reading of George Washington's Farewell Address, either by a Democrat or by a Republican, and hence no Republican objected to it.

Mr. CLARK of Florida. Mr. Chairman—

Mr. MANN. Just a moment.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. MANN. I will in a moment. Will the gentleman possess his soul in patience?

Mr. CLARK of Florida. I just want to ask a question.

Mr. MANN. I prefer to make a consecutive statement. It sounds better and reads better. A few years ago the gentleman from Mississippi, Mr. WILLIAMS, then the minority leader, did make a motion in the House that the Farewell Address of George Washington be read, and that the House adjourn out of respect to the memory of George Washington.

That motion was defeated by the Republicans in the House, as the motion on last February 22, to adjourn out of respect to the memory of George Washington, was defeated on the Democratic side of the House, I might explain, because I voted against the motion to adjourn on both occasions, believing that

the highest respect that we can pay to any departed statesman is to attend to the business which the country has confided to us. [Applause on the Republican side.]

Now I will yield to the gentleman from Florida.

Mr. CLARK of Florida. Mr. Chairman, I wanted my friend to have the record absolutely correct.

Mr. MANN. Oh, the record as I have stated it is absolutely correct. I am not like my friend from Florida, making statements without a clear recollection of the facts.

Mr. CLARK of Florida. Will my friend from Illinois say that in 1899, when Mr. Boutell read the address, it was not on the motion of Mr. CLARK of Missouri, the present honored Speaker of the House?

Mr. MANN. I would make that statement if it was true.

Mr. CLARK of Florida. Was it not true?

Mr. MANN. Pardon me, the gentleman from Missouri [Mr. CLARK] asked unanimous consent at that time that Mr. Boutell should read the address. He did not make the motion because he knew, although his namesake from Florida does not know, apparently, that a motion was not in order.

Mr. CLARK of Florida. I want to say that last year the gentleman from Indiana [Mr. BOEHNE] did make the motion that the gentleman from Texas [Mr. SHEPPARD] should read the address of George Washington, and that was voted down; and in 1907 and 1908 absolutely no notice was taken of the occurrence at all.

Mr. MANN. The gentleman ought to have informed himself the other day before he made the statement in order to give the correct history of it. The gentleman now, after I called his attention to it, since his speech, has informed himself, and he is now endeavoring to give me the information. I had it before. [Laughter.] I do not rely on the gentleman to give me information. My memory gave me the information, and if I had heard the request of the gentleman the other day, made as it was in a low tone of voice in one remote corner of the Chamber, I would have corrected him at the time the Speaker put the request. I heard the Speaker put the request, but I did not hear the remarks of the gentleman. I know the gentleman well enough to know that he does not desire any statement to come from him and remain in the record without correction unless it is absolutely according to the facts. [Applause.]

Mr. Chairman, there has been some discussion here in reference to the pure-food law. I am going to take a moment or two, if I can, to speak on that subject. The pure-food bill, the one that became a law, was a Senate bill. The House had passed in prior Congresses pure-food bills at different times, and a great many bills had been introduced. In the Fifty-ninth Congress, at the beginning of the session, the Senate passed Senate bill 88, the pure-food bill. It came to the House and went before the Committee on Interstate and Foreign Commerce, of which I was a member. That committee selected me to take active charge of the bill, both in committee and on the floor, and I was afterwards one of the conferees.

I have read with considerable interest the unanimous report of the Committee on Expenditures in the Department of Agriculture concerning what they referred to as the "Wiley investigation." I have a very high regard for the members of that committee, although I have regretted that no member of that committee, either on the majority or the minority side, was familiar at all with the passage of that bill through Congress.

There are many suggestions in this report, agreed to by both the majority and the minority, which in my judgment are not entirely warranted by the facts in regard to the pure-food law. The matter becomes more or less acute in connection with the so-called Remsen Board. I was one of the Members of the House when the pure-food bill was under consideration—and I think that that was practically the unanimous opinion—who were unwilling to leave to any one official of the Government a determination either as to the standard of food or as to the prosecutions for the violations of the law, and it was never intended, and the law does not so provide, that Dr. Wiley or anyone else at the head of the Bureau of Chemistry shall have the final say as to prosecutions for violations of the law.

Dr. Wiley, Chief of the Bureau of Chemistry, is a particular friend of mine. He was of great service in the agitation which led to the passage of the pure-food law, and of great service in the preparation and consideration of the pure-food bill. Secretary Wilson, I am happy to say, is also a particular friend of mine, in whom I have absolute confidence as to his integrity and his capacity. [Applause.] I have regretted on many occasions that in the execution of the pure-food law there had arisen more or less controversy and conflict in the department, and yet it was perfectly apparent to anyone who had made a study of this subject in the manner in which I had endeavored to do that it was almost inevitable that in putting a law on the statute books affecting all of the food and drugs which are

manufactured and sold throughout the United States, necessarily general in language, it would lead to more or less controversy and division of opinion.

The gentleman from Connecticut [Mr. HIGGINS] a few moments ago said that the pure-food bill as it passed the House contained a provision authorizing the appointment of a board allied or akin to the Remsen Board, and that somewhere it was dropped out. The bill as it passed the Senate contained no provision of that kind. The bill as it passed the House did contain a provision authorizing the Secretary of Agriculture to have certain powers in reference to fixing standards of food, and the appointment of a board of experts, in addition to obtaining information from the Board of Agricultural Chemists. That was stricken out in conference, and, in my opinion, as I recollect it, went out, partly at least, because, as I stated on the floor of the House when the conference report was under consideration, under the very terms of the law as it would exist the Department of Agriculture would have the authority and would be expected to exercise that authority and employ experts to help in determining whether they would begin prosecutions for the violation of the law.

We can readily see that under the pure-food law neither the Remsen Board of the Agricultural Department nor the Agricultural Department would have the final determination as to whether there had been a violation of the law, as to whether there was deleterious substance contained in the food, which is the usual controversy now.

We did not leave that to the administrative or the executive branch of the Government. That is left for the court to determine. It can only be determined as time goes on, as we become more and more informed through the expert and learned men who study the subject, and through the decisions of the court which examines and hears these experts in their lines. We left to the determination of the Agricultural Department, the Bureau of Chemistry, controlled by the Secretary of Agriculture, the determination as to certain facts, whether there was a violation of the pure-food law, and then for them to determine as far as they were concerned whether to commence a prosecution in court.

No one would advocate, I think, that power be given to one person in the country to commence prosecutions ad libitum where there was a controversy as to whether the prosecution should be commenced at all. The Remsen Board and the Bureau of Chemistry in the Agricultural Department are only advisory as to whether the Government should attempt the prosecutions.

When the pure-food bill was passed I went to Dr. Wiley and the Secretary of Agriculture, and said to them that the pure-food law was passed for the purpose of curing the evils in regard to foods and drugs. It was not passed for the purpose of injuring people in the trade who were willing to conform to the law; that it was not passed for the purpose of prosecuting or penalizing people who may now be violating the provisions of the law if they were willing to correct their methods when it was called to their attention. I said to them that they had not determined as to the larger portion of the foods and drugs just what would be a violation of the law, and before they commenced prosecution it was their duty to notify people so that without prosecution they might correct the evil which they were committing and comply with the provisions of the law. I believe that should be, and I believe it has been, the policy of the Department of Agriculture both of Secretary Wilson and of Dr. Wiley.

Mr. Chairman, one more word, called out by the statement of my distinguished colleague the former Speaker of the House [Mr. CANNON]. When the pure-food bill was placed in my charge by Col. Hepburn, then chairman of the Committee on Interstate and Foreign Commerce, and by that committee, I talked with the Speaker in regard to it and the possibilities and probabilities of getting it up for consideration. I did not desire to have that bill considered under a rule which would cut off debate or which would limit amendment. As we all know, at this season of the year appropriation bills naturally have the right of way.

Certain gentlemen throughout the country, who have no conception of legislation in the House of Representatives, but only see the one thing that they are specially interested in, became impatient and assaulted the Speaker because the pure-food bill was not promptly passed, although during that time, and I made the statement upon the floor of the House before, the Speaker had said to me that so far as lay within his power he would exercise his influence to see that the pure-food bill could be called up and considered at any time when I said I thought it ought to be, he having confidence enough in my judgment to believe that I would not ask to have the bill called up at a time when under the legislative procedure of the House it ought not

to have been called up. Subsequently the bill was considered under a rule which only provided that it should be in order to consider it from time to time without any limitation of debate or amendment, and the assaults which were then made upon Mr. CANNON, my colleague, were absolutely unjustified, without any basis of fact behind them, though, so far as I am concerned, I have believed that usually, if not always, the criticisms of the former Speaker were without sufficient foundation to warrant criticism at all. I know that during the time between when that bill was reported and the time it was considered I had absolute confidence that that session of Congress would not end until the pure-food bill had been considered and passed by this House, and hoped that it would be agreed to in conference and become a law. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield back my time to the gentleman from Virginia [Mr. LAMB].

Mr. HAYES. Mr. Chairman, I desire to ask unanimous consent to revise and extend my remarks made this afternoon.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. AKIN of New York. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. LAMB. Mr. Chairman, we have finished with general debate.

The CHAIRMAN. The Chair will say that general debate on this bill is now closed, and the Clerk will read the bill under the five-minute rule.

The Clerk read the bill down to line 3, page 2.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against the language, "Solicitor, \$5,000," line 2, page 2. I do not want to lose any rights.

The CHAIRMAN. The Chair will state to the gentleman that his point of order will be in order at the close of the paragraph.

Mr. CLARK of Florida. I would like to make a parliamentary inquiry as to where the paragraph will end.

The CHAIRMAN. Line 9, page 4.

Mr. MANN. Mr. Chairman, is this a private conversation—

The CHAIRMAN. The gentleman from Florida submitted a parliamentary inquiry.

Mr. CLARK of Florida. I made a point of order, and the Chair ruled that I would have to wait until the end of the paragraph, and then I wanted to ascertain where was the end of the paragraph, and the Chairman was telling me. That is all.

Mr. MANN. All the gentleman had to do was to turn over the page and see it.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

Salaries, office of the Secretary of Agriculture: Secretary of Agriculture, \$12,000; Assistant Secretary of Agriculture, \$5,000; solicitor, \$5,000; chief clerk, \$2,500, and \$500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, \$2,500; stenographer and executive clerk to the Secretary of Agriculture, \$2,250; private secretary to the Assistant Secretary of Agriculture, \$1,600; stenographer to the Assistant Secretary of Agriculture, \$1,400; 1 appointment clerk, \$2,000; 1 chief of supply division, \$2,000; 1 inspector, \$2,750; 1 law clerk, \$2,500; 1 law clerk, \$2,200; 10 law clerks, at \$2,000 each; 7 law clerks, at \$1,800 each; 3 law clerks, at \$1,600 each; 1 telegraph and telephone operator, \$1,600; 2 clerks, class 4; 6 clerks, class 3; 10 clerks, class 2; 18 clerks, class 1; 8 clerks, at \$1,000 each; 6 clerks, at \$900 each; 1 clerk, \$840; 9 messengers or laborers, at \$840 each; 15 assistant messengers or laborers, \$720 each; 1 chief engineer, who shall be captain of the watch, \$1,800; 1 assistant chief engineer, \$1,400; 1 assistant engineer, \$1,200; 2 assistant engineers, at \$1,000 each; 7 firemen, at \$720 each; 8 elevator conductors, at \$720 each; 1 construction inspector, \$1,400; two cabinetmakers or carpenters, at \$1,100 each; 2 cabinetmakers or carpenters, at \$1,080 each; 3 cabinetmakers or carpenters, at \$1,020 each; 1 carpenter, \$1,000; 2 carpenters, at \$960 each; 7 carpenters, at \$900 each; 1 electrician, \$1,000; on electrical wireman, \$900; 2 electrician's helpers, at \$600 each; 2 painters, at \$900 each; 1 painter, \$840; 1 painter, \$720; 1 plumber, \$1,020; 4 plumbers or steam fitters, at \$900 each; 2 plumber's helpers, at \$600 each; 1 blacksmith, \$840; 1 lieutenant of the watch, \$1,000; 34 watchmen, at \$720 each; 3 mechanics, at \$1,200 each; 1 mechanic, \$1,100; 1 janitor, \$900; 18 assistant messengers or laborers, at \$600 each; 21 laborers, messenger boys, or charwomen, at \$480 each; 1 charwoman, \$540; 8 charwomen, at \$240 each; for extra labor and emergency employments, \$12,000.

Mr. CLARK of Florida. Mr. Chairman, I desire to make a point of order on the second page, line 2, against the words "Solicitor, \$5,000," and also, beginning in line 12, against the words "one inspector"—

Mr. LAMB. Will my friend just take these items by piecemeal and give them to us one at a time?

Mr. CLARK of Florida. If that is satisfactory, but I did not want to lose any rights and I thought I had better state them all, and then we can discuss them separately, if it is desirable. The next place is, beginning with the words "one inspector," in line 12, down to and including the word "each," in line 18. In line 22 the words "six clerks." Beginning with the

word "one," on page 3, in line 8, "one construction inspector, \$1,400; two cabinetmakers or carpenters, at \$1,100 each." Then, beginning again in line 12, with the language "three cabinetmakers or carpenters, at \$1,020 each"; in line 15, "seven carpenters, at \$900 each"; in lines 20 and 21, "one plumber, at \$1,020." On page 4, line 1, "three mechanics, at \$1,200 each; one mechanic, \$1,100." I make the point of order against those several phrases or sentences of words because they are not provided for by existing law.

Mr. MANN. Mr. Chairman, I wish to reserve a point of order upon the paragraph.

Mr. LAMB. Mr. Chairman, I challenge the point of order on the solicitor, and we will take the paragraph up in detail if my friend agrees to that. Some of these may be subject to a point of order, but we know the solicitor is not. Will the gentleman say what he believes in the case of the solicitor so that we can read the law and the authority?

Mr. CLARK of Florida. If the chairman of the committee will advise me as to the law authorizing the employment of a solicitor, and that there is such a law, it will simplify and, indeed, it will settle the whole matter. My information is that there is no such law. On the contrary, this matter has simply grown up by appropriation; that there is no statute, and never has been any statute, especially providing for the office of solicitor in the Department of Agriculture.

Mr. LAMB. We heard something about that, and we are prepared. We have the law here, and I will ask my colleague from South Carolina [Mr. LEVER] to please state it.

Mr. CLARK of Florida. Let us see it.

Mr. LEVER. Mr. Chairman, I do not think there is any doubt that the point of order made by the gentleman from Florida [Mr. CLARK] against the office of the solicitor is not well taken. On the contrary, I think there is ample authority in law to provide for this appropriation and for this place. It is true that the office of the solicitor has not been created by any specific act of Congress as other solicitors have been created in some other departments of the Government. But this is true; it provides that the Secretary of Agriculture, under section 523 of the Revised Statutes, after enumerating other things that the Secretary may do:

That the Secretary shall have authority to appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other departments of the Government.

In addition to that, Mr. Chairman, the appropriation act of May 26, 1910 (36 Stats., 416), provides:

And hereafter the legal work of the Department of Agriculture shall be performed under the supervision of the solicitor.

It seems that, under section 523 of the Revised Statutes, the Secretary of Agriculture was undoubtedly given the authority to appoint such an official as the solicitor. But even waiving the authority in that section, I am confident still that the Secretary has authority given him in the appropriation act of 1910, namely:

Hereafter the legal work of the Department of Agriculture shall be performed under the supervision of the solicitor.

This, I take it, is express authority under which the Secretary can appoint this solicitor.

Mr. CANNON. The gentleman claims that it is legislation, and not appropriation, that created the solicitor, and that directed how this work should be done.

Mr. LEVER. That is my opinion, I will say to the gentleman from Illinois—directing the Secretary of Agriculture how this work in the legal department in the future shall be performed.

Mr. CLARK of Florida. Mr. Chairman, the precedents have settled this question beyond any sort of doubt, and I want to call your attention to one or two declarations in the Precedents:

Proposition to increase salaries fixed by law or appropriate for offices not established by law are subject to a point of order.

That is volume 4 of Hinds' Precedents.

Mr. LAMB. There is no trouble about that.

Mr. CLARK of Florida. Let me get through.

The mere appropriation for the salary does not thereby create an office so as to justify appropriations in succeeding years.

I do not think there will be any objection to that. And that is found, Mr. Chairman, in volume 4, sections 3670 and 3697, of Hinds' Precedents.

I want to call the chairman's attention to this:

The reenactment from year to year of a law intended to apply during the year of its enactment only does not relieve the provision from the point of order.

That is from section 3832, volume 4, of Hinds' Precedents.

Now, I want to call the attention of the Chair to the statute cited, and I want to insist, Mr. Chairman, that it can not by any sort of reasoning be held to authorize the establishment of the office of solicitor. That statute reads as follows, and it was

simply the annual agricultural appropriation bill, making appropriations for the fiscal year, just as this bill undertakes to do, and it had this provision in it:

And hereafter the legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor.

The bill had, in a prior portion of it, appropriated for the solicitor for that year. It had a similar appropriation to this, and later in the appropriation bill Congress used this language:

Hereafter the legal work of the department shall be under the direction and supervision of the solicitor.

I want to call the chairman's attention to the fact that five departments of this Government have solicitors—the State, Treasury, Agriculture, Navy, and Commerce and Labor. And the solicitors of the Treasury Department, State Department, and the Department of Commerce and Labor are appointed by the President, by and with the advice and consent of the Senate. The positions are established by law, and the solicitors are appointed by the President, with the advice and consent of the Senate, just as other officers of equal dignity are. But the solicitors for these other departments have grown up in appropriation bills, and it is the practice that they are appointed by the Secretary of the department. That is done without the advice and consent of the Senate, without consulting with anybody, but simply as the personal appointment of the Secretary himself.

Now, it never was the intention of the law—it is not within the letter or the spirit of the law or rule—to permit appointments of this character to be made in this way. The section that the gentleman from South Carolina refers to is simply a general section giving the heads of departments the power to appoint such number of clerks of the different classes, messengers, and people of that kind, as may be necessary in the actual routine of the department's work. It can not be contended, with any sort of reasoning, that the section which the gentleman read was meant to apply to the appointment of a solicitor in the Department of Agriculture or any other department. It says:

The Commissioner of Agriculture shall appoint a chief clerk, * * * and he shall appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers.

Yes; but the question is, Will we provide the salary? The question is up to us here in this bill. If we do not provide the salary, the Secretary has no authority to appoint, because there is no law authorizing the appointment. And I say, Mr. Chairman—and I say it without fear of successful contradiction by anybody—that the rules and the precedents absolutely settle this question to this effect: First, that an office can not be established in an appropriation bill in this way by simply providing a salary for it; second, that any provision in this bill providing for the salary of an officer whose office is not authorized by previous law is subject to a point of order; and, third, there is no statute establishing it, and these gentlemen can not find any statute or anything that even tends in that direction. With all due respect for these gentlemen, I say that to insist that this provision in the appropriation bill of 1910 provides for the appointment of this officer is, in my judgment, absolutely absurd.

Mr. LEVER. Mr. Chairman, I do not desire to prolong this discussion at all, but I would like to read, for the information of the Chair, this entire section to which I have referred and to which the gentleman from Florida [Mr. CLARK] has referred. I read:

SEC. 523. The Commissioner of Agriculture shall appoint a chief clerk, * * * and he shall appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other departments of the Government; and he shall, as Congress may from time to time provide, employ other persons, for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

It is held, Mr. Chairman, by the Attorney General of the United States in his decision as to the legality of the Remsen Board, about which we have heard so much to-day, that the Secretary of Agriculture had the authority under this section to appoint such a board, and he justified his position under the language, "the Secretary of Agriculture shall have the power to employ such other persons," and so forth.

In addition to that, section 161 of the statute reads:

The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

Now, of course, the Chair will understand that necessarily the Department of Agriculture has a great deal of legal work to do, and that the Secretary of Agriculture, under this section, has the right to distribute this work; and, having that right, it

seems to me that we have provided all the authority necessary to justify the continuance of this appropriation for the chief of the legal work of the department. I call the attention of the Chair to the other fact, that even if it were carried in an appropriation bill, Congress has said specifically how in the future the legal work of the Department of Agriculture shall be conducted, by providing that hereafter the legal work of the Department of Agriculture shall be under the control and direction of the solicitor. It seems to me we have all the authority we want, and if the gentleman from Florida—

The CHAIRMAN. In what bill was that provided?

Mr. LEVER. It was provided in the appropriation bill of 1910; and if the gentleman from Florida [Mr. CLARK] desires to get rid of the solicitor, the more direct way for him is to move to strike out the appropriation. I commend that to him as the proper course, to let the House say whether or not the Department of Agriculture shall have its legal business conducted by an officer appointed by the Secretary of Agriculture.

Mr. MANN and Mr. CULLOP rose.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP].

Mr. MANN. I was going to suggest, Mr. Chairman, that it is pretty late.

The CHAIRMAN. The Chair assumed that the gentleman from Illinois [Mr. MANN] was going to discuss this point of order on the entire paragraph.

Mr. MANN. I was going to suggest the absence of a quorum.

Mr. LAMB. Before the gentleman suggests that, I will move that the committee do now rise.

Mr. MURRAY. I ask the gentleman to withhold his motion for a moment.

Mr. LAMB. I will withhold the motion.

Mr. MURRAY. I ask unanimous consent to extend my remarks in the RECORD, for the purpose of inserting in the RECORD a speech made by the Hon. OSCAR W. UNDERWOOD, of Alabama, in New York City on December 19, 1911, relative to the initiative and referendum.

Mr. MANN. Is the gentleman from New York [Mr. AKIN] present?

Mr. AKIN of New York. I am.

Mr. MANN. I carefully looked around to see. I did not know whether he was going to object to Democrats extending remarks.

Mr. AKIN of New York. The gentleman need not be alarmed; I can take care of myself all right.

Mr. MANN. Inasmuch as the request comes from that side of the House, I suppose the gentleman from New York does not object.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MURRAY] asks unanimous consent to extend his remarks in the RECORD for the purpose stated. Is there objection?

There was no objection.

The address of Mr. UNDERWOOD is as follows:

INITIATIVE AND REFERENDUM.

[Speech made by Hon. OSCAR W. UNDERWOOD, of Alabama, before the Catholic Club of New York on Dec. 19, 1911.]

The main purpose of government is the protection of life, liberty, and property. The safeguarding of property rights is essential to the advancement of our civilization.

Men do not always awake to the realization that the just enforcement of the law is more essential to good government than the enactment of new statutes.

Less than a century and a half ago the Federal Constitution was written; it became the pattern in its fundamental features for our State constitution. The world had experimented with almost every conceivable method of government for thousands of years before the birth of our Republic. The statesmen who created the form of the new government were essentially students of the theories of government and lovers of the liberties of the people. Most of them had offered their lives and their fortunes in the struggle for their country's independence. No man can justly charge them with either lack of information regarding the essential principles of government or want of honesty of purpose to create a government that would secure to themselves and their children "a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity."

WORLD'S FIRST WRITTEN CONSTITUTION.

They proclaimed to the world its first written Constitution, created a government of law in absolute contradistinction to a government of men. The framers of the Federal Constitution were familiar with the repeated failures of governments based on the principle of a direct democracy, where the people were the direct lawmaking power and in some instances the ultimate judicial power of the country.

DANGERS OF A DIRECT DEMOCRACY.

They knew from the history of the past that those governments had failed in their purpose; that the liberties of the people had been destroyed by the extremes and excesses which marked the administration of a government where the laws were made in the forum by the assembled multitude and were not the mature product of selected men especially trained for the work in hand.

They knew that the failure of every direct democracy was due not to the lack of honesty of purpose on the part of the aggregate citizenship assembled in the forum, but to the fact that they were often swayed by their desires, passions, and prejudices, and lacked intimate knowledge of the resultant effect of their actions.

No honest man in his individual entity will controvert the Golden Rule that all men should do unto others as they would be done by, but it is rarely the case that the assembled populace can divorce itself from its selfish desires and deal out abstract justice to those who may be temporarily in the minority.

Realizing the danger and excesses of a direct democracy, the framers of our Constitution endeavored to establish a government that would protect the rights and liberties of the individual and at the same time reflect ultimately the will of the majority in the enactment of the law of the land.

OURS A REPRESENTATIVE FORM OF GOVERNMENT.

To accomplish this end they established a representative form of government, designed to create a lawmaking power responsive to the will of the people and at the same time they wrote in the Constitution certain checks and balances intended to prevent the more brutal force of a majority from destroying the liberty and property rights of the individual.

It must always be borne in mind that the framers of our Constitution were not attempting to establish freedom of government, for they created a government with only certain delegated powers expressly given to the Nation by the States, reserving to the States the right to make most of the laws that affected the liberties of the citizen. The underlying principle of the Constitution was to guarantee the liberty of the citizen and the protection of his property rights against the power of the Government itself.

INDEPENDENT JUDICIARY ESTABLISHED.

To guard and protect these rights, an independent judiciary was established to see that neither the executive nor the legislative branches of the Government encroached upon the guaranteed rights of the individual.

It is evident that the framers of the Constitution were unwilling to trust a selected legislative body, held in check by the veto power of the Executive; fearing even then an unbridled abuse of the power, they established constitutional guaranties of liberty that a majority of the people could not trample upon or the Government itself destroy.

Some may say that a majority of the people will not endanger the liberties and rights of the individual. I wish that this were true, but the history of every government has shown that at times the people, when unchecked by constitutional guaranties, have destroyed individual rights and individual liberty.

UNWISE CHANGES NOW PROPOSED.

It is now proposed by some that we shall, in part, abandon the representative government enacted by our Revolutionary fathers and adopt a system that in the end would establish a direct democracy, when the ultimate power to make laws would be placed directly in the hands of all the people and the independent judiciary, intended to protect the constitutional guaranties of individual liberty, would become subservient to the will of the majority through political compulsion.

We may forget that Madison and Hamilton, soldiers in the War for American Independence, brought their great minds and mature judgments to the framing of the Constitution of the United States, but there is one whose sincere judgment will not be doubted as to the value of a representative government as compared with a direct one, even by those who doubt the sincerity of purpose and the honesty of opinion of other men.

JEFFERSON'S WISE VIEW.

In speaking of "the equal rights of man," Thomas Jefferson declared:

Modern times have the signal advantage, too, of having discovered the only device by which these rights can be secured, to wit, government by the people, acting not in person but by representatives chosen by themselves.

The author of the Declaration of Independence, knowing that all popular government before his time resting on the direct decisions of the people had failed and ultimately had re-

verted into uncontrolled despotism, rejoiced that the hour had come when a representative government could express the will of a free people.

It is now proposed to abandon the representative principles of government established by our fathers and revert to the direct action of the people, to the principles of an Athenian democracy adapted to modern conditions.

REPRESENTATIVE GOVERNMENT ONLY CHECK ON EXCESSES AND PASSION.

Our representative Government was established to guard against the excesses which had brought the ancient direct popular government to destruction, and because our Government does not at all times immediately respond to public sentiment there are some who insist that the principle of government is at fault and must be changed. They do not reflect that at times they may misjudge real public sentiment, that at other times the instrument of the Government (the representative whom the people can change at recurring periods) is at fault and not the basic principle of the government itself.

My experience as a legislator leads me to believe that the Congress of the United States will always ultimately respond to the enlightened and matured sentiment of the people.

With the changing tides of public sentiment we have repeatedly experienced changes in the exercise of the taxing powers.

We have seen the legislative branch of the Government in direct response to public sentiment in recent years enact railroad rate legislation, pure-food laws, provide for the publicity of campaign funds, national quarantine, irrigate the arid West, and build the Isthmian Canal. Can it be truthfully said that the Congress has failed ultimately to place on the statute books the laws that a majority of the American people were in favor of as a result of their permanent and deliberate judgment?

The response may not be as rapid, but it is probably more permanent, and there is certainly not as much danger of enacting hasty, ill-considered, or bad legislation.

Can not a committee of the Congress, composed of representative men, initiate legislation, within the limitations of the Constitution, guard against excesses and abuses, protect the rights of the minority, voice the wishes of the majority, as well or better than the partisan friends of a measure who, in order that they may accomplish one result, are tempted to reach so far that they leave a wake of destruction as to collateral matters the measure touches?

UNTRUSTWORTHINESS OF PETITIONS.

It is true that under the system proposed a petition by a percentage of voters would first have to be obtained. But let every man ask himself how often he has signed petitions to please or get rid of the person who presented the paper to determine what thought and deliberation will be exercised by the average man who signs a petition.

PEOPLE SUFFER MORE FROM FAILURE OF LAW ENFORCEMENT THAN FROM LACK OF PROPER LEGISLATION.

Should I stop to criticize our Government I would say that the people suffer far more from the failure to enforce the laws on the statute books than they do from the lack of proper legislation. How many remedial laws are to be found on the statute books that, if fairly enforced, would remedy the evils we complain against? But it is so much easier to cry out for new legislation than to insist that our neighbor shall go to jail for violating the law we already have.

If there are evils in our Government as it exists to-day it is not in its organic form. It is due to the failure of those in office to honestly, fairly, and justly perform the duties imposed upon them. The remedy is plain and the way is clear. The people should drive from the places of power and responsibility the unfaithful servant and elect those who will be faithful and true to the trust imposed upon them.

THE PEOPLE AND THE REPRESENTATIVES.

You tell me that the people can not elect honest and faithful servants. I tell you that the masses of the people are far better judges of men than they are of measures, and are far more likely to select an honest man than an honest measure.

When you say that the voter can not select a public official who will reflect the will of the people in his office and be faithful to the Constitution of his country, I say you reflect on the very first principle of free government and misjudge the honesty and the intelligence of the American people.

Our Constitution was born in the hour when the love of liberty and freedom was ripe in the hearts of men. For a century it has withstood the storms of war, greed, and intolerance; through the tempests of discontent, danger, and disaster it has protected the lives, liberty, and property of our people.

Let us elect honest men to public office, men who have the courage to stand for the true interest of the Constitution they represent regardless of what effect it may have on their personal fortunes. There then will be no demand for a change of the fundamental principles of our Government.

Mr. LAMB. I renew my motion.

The CHAIRMAN. The gentleman from Virginia moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

INSTRUCTOR IN THE ARMY OF CHILE (S. DOC. NO. 352).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying document, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of War having relation to the request of the Republic of Chile that an officer of the Coast Artillery Corps, United States Army, be permitted to serve as an instructor in the army of that Republic.

I believe that should Congress grant authority for the detail of the officer named by the Secretary of War it would inure greatly to the benefit of the relations existing between Chile and the United States, and I respectfully and strongly urge that Congress take favorable action in the case under the precedents which have been established and which are cited in the letter of the Secretary.

WM. H. TAFT.

THE WHITE HOUSE, February 29, 1912.

EXTENSION OF REMARKS.

Mr. HAYES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. HAYES]—

Mr. AKIN of New York. I object.

The SPEAKER. Wait until the Chair states the request. The gentleman from California [Mr. HAYES] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. AKIN of New York. I object.

REPUBLIC OF CHINA.

Mr. SULZER. Mr. Speaker, by direction of the Committee on Foreign Affairs I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk and ask to have read. This is a matter of some moment, and I hope there will be no objection to it. It is reported unanimously from the Committee on Foreign Affairs.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of House joint resolution 254, which the Clerk will report.

The Clerk read House joint resolution 254, congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government, as follows:

Whereas the Chinese nation has successfully asserted the fact that sovereignty is vested in the people, and has recognized the principle that government derives its authority from the consent of the governed, thereby terminating a condition of internal strife; and Whereas the American people are inherently and by tradition sympathetic with all efforts to adopt the ideals and institutions of representative government: Therefore be it

Resolved, etc., That the United States of America congratulates the people of China on their assumption of the powers, duties, and responsibilities of self-government, and expresses the confident hope that in the adoption and maintenance of a republican form of government the rights, liberties, and happiness of the Chinese people will be secure and the progress of the country insured.

Mr. SULZER. Mr. Speaker, the joint resolution just read by the Clerk congratulating the people of China on assuming the duties and the responsibilities of self-government speaks for itself and needs no apology and no explanation from any patriotic American. It should pass the Congress of the United States without a dissenting vote.

It is fitting and proper that the people of the United States of America should congratulate the people of China on their assumption of the powers, duties, and responsibilities of self-government, and to express the confident hope that in the adoption and maintenance of a republican form of government the rights, liberties, and happiness of the Chinese people will be secure and the progress of the country insured.

The resolution is in diplomatic form, according to custom, and in no way contravenes the status quo in the Orient or interferes with the protocol existing between the allied powers. Its adoption by Congress will be in line with our time-honored precedents.

The establishment of a republic in China is a great world event—momentous in the annals of human history. Its accomplishment speaks volumes for the moderation and the patriotism of the Chinese people, challenges the admiration of civilization, and gives renewed evidence of the growth and the progress of the cause of representative government.

I believe the people of China are capable of self-government. I reassert that governments derive their just powers from the consent of the governed. I feel confident that the adoption of this resolution will meet with the approval of the liberty-loving people of our country. I indulge the hope that it will be followed ere long by Executive action officially recognizing the Republic of China. Long live the Republic of China!

Mr. RAKER. Mr. Speaker, we would like to hear over here what is going on with reference to China.

The SPEAKER. The point of order is well taken.

Mr. SULZER. Mr. Speaker, I will say to the gentleman from California that it is unnecessary for me to dwell at length on the urgent reasons why this resolution should pass immediately.

Mr. RAKER. If there are any urgent reasons I think the House ought to know them.

Mr. SULZER. Mr. Speaker, has the gentleman from California any objection to congratulating the people of China on establishing a republic? This resolution simply congratulates the people of China on assuming the rights and duties of self-government.

Mr. RAKER. Mr. Speaker, I would congratulate any people who are in favor of a republican form of government.

Mr. SULZER. Good. That is all this resolution does.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SULZER, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5287. An act for the relief of Kate Ferrell.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5287. An act for the relief of Kate Ferrell; to the Committee on Claims.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4749. An act relative to the members of the female nurse corps serving in Alaska or at places within the limits of the United States.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Friday, March 1, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of State, submitting, with the approval of the Secretary of War, draft of joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador (H. Doc. No. 578); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Aquila Creek, Va. (H. Doc. No. 579); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Augustine Harbor, Fla. (H. Doc. No. 580); to the

Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Fremont Channel and McLeod Lake, Cal. (H. Doc. No. 581); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOWLAND, from the Committee on the Judiciary, to which was referred the bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, reported the same with amendment, accompanied by a report (No. 371), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20117) to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr., reported the same without amendment, accompanied by a report (No. 379), which said bill and report were referred to the House Calendar.

Mr. STEVENS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4151) to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 380), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 7142) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act, reported the same without amendment, accompanied by a report (No. 370), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUGHES of New Jersey: A bill (H. R. 21094) to create a commission on industrial relations; to the Committee on Rules.

By Mr. REES: A bill (H. R. 21095) to increase the Cavalry garrison at Fort Riley, Kans., to a brigade, etc.; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 21096) to provide for the condemnation, acquisition, and construction by the United States of America of telephone lines, properties, and holdings in the several States and Territories of the United States and the District of Columbia, and to provide for the operation of said telephone lines and properties by the United States; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 21097) for the extension of H Street east of Fifteenth Street to Twentieth Street NE.; to the Committee on the District of Columbia.

By Mr. HEALD: A bill (H. R. 21098) to provide for a site and public building at Newark, Del.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21099) to provide for a site and public building at Seaford, Del.; to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 21100) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 21101) to provide for a site and public building at Dunnellon, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. GRAY: Resolution (H. Res. 434) providing for the printing of certain public-health reports; to the Committee on Printing.

Also, resolution (H. Res. 435) providing for the printing of United States Bureau of Education Bulletin No. 14; to the Committee on Printing.

By Mr. HAWLEY: Joint resolution (H. J. Res. 257) providing for the publication of 25,000 copies of book containing illustrations of fruits; to the Committee on Printing.

By Mr. KENDALL: Concurrent resolution (H. Con. Res. 41) for the printing of additional copies of the report of the Bureau of Labor on the condition of women and child wage earners in the United States (S. Doc. No. 645, 61st Cong.); to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21102) granting a pension to Fountain D. Plummer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21103) granting a pension to Thomas J. McMullen; to the Committee on Invalid Pensions.

By Mr. AINEY: A bill (H. R. 21104) to remove the charge of desertion from the record of Hugh Ralston; to the Committee on Military Affairs.

By Mr. ANSBERRY: A bill (H. R. 21105) granting an increase of pension to Alexander Rachley; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 21106) for the relief of Sanger & Moody; to the Committee on Claims.

By Mr. BOWMAN: A bill (H. R. 21107) granting an increase of pension to Emily I. Boston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21108) granting a pension to Augusta M. Robins; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 21109) for the relief of the heirs of James W. McWhorter; to the Committee on War Claims.

By Mr. BUCHANAN: A bill (H. R. 21110) granting a pension to Harry J. Peck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21111) granting a pension to Oscar L. Paech; to the Committee on Pensions.

Also, a bill (H. R. 21112) granting a pension to Annie Swayze; to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 21113) for the relief of Revilow N. Spohn; to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 21114) to amend the military record of George W. Bryant; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 21115) granting a pension to Mark L. Kilbourne; to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 21116) granting an increase of pension to Daniel Hour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21117) granting an increase of pension to Martin A. Dideon; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 21118) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; to the Committee on Claims.

Also, a bill (H. R. 21119) authorizing the Secretary of War to award the congressional medal of honor to Second Lieut. Etienne de P. Bujac; to the Committee on Military Affairs.

Also, a bill (H. R. 21120) to remove the bar of the statute of limitations from the claims of Jose Miguel Lucero, Jose Torrez y Lucero, and Santiago Torrez y Lucero for property taken by the Navajo Indians in New Mexico in the year 1862; to the Committee on Claims.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21121) granting a pension to Andrew A. Miller; to the Committee on Pensions.

Also, a bill (H. R. 21122) granting a pension to Mary B. Guillow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21123) granting a pension to Emile Waldmann; to the Committee on Pensions.

Also, a bill (H. R. 21124) granting a pension to John Coursey; to the Committee on Pensions.

Also, a bill (H. R. 21125) granting an increase of pension to Charles G. Perrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21126) granting an increase of pension to Otis A. Janes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21127) granting a pension to Frederick C. Fetzer; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 21128) for the relief of the heirs of Joseph V. Connerat, deceased; to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 21129) granting an increase of pension to John Holverson; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 21130) for the relief of Peter W. Anderson; to the Committee on Claims.

Also, a bill (H. R. 21131) for the relief of Fred Larsen; to the Committee on Claims.

By Mr. GARNER: A bill (H. R. 21132) for the relief of the estate of Judge James N. Dixon, deceased. Sarah E. Dixon, administratrix; to the Committee on War Claims.

By Mr. GLASS: A bill (H. R. 21133) granting a pension to John L. Taylor; to the Committee on Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 21134) granting a pension to Hughie C. Thomas; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 21135) granting an increase of pension to George Howarth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21136) granting an increase of pension to James F. Pocklington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21137) granting an increase of pension to Henry M. Schell; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 21138) for the relief of Jeremiah Claunich; to the Committee on Military Affairs.

Also, a bill (H. R. 21139) for the relief of the legal representatives of John P. Reed, deceased; to the Committee on War Claims.

By Mr. KOPP: A bill (H. R. 21140) granting a pension to Elmen E. Palmer; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 21141) granting a pension to Sarah L. Craig; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 21142) granting a pension to Hannah Rogers; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21143) for the relief of B. L. Davis; to the Committee on War Claims.

By Mr. LINTHICUM: A bill (H. R. 21144) granting a pension to Lewis H. Shank; to the Committee on Pensions.

Also, a bill (H. R. 21145) granting a pension to Annie F. Sadler; to the Committee on Pensions.

Also, a bill (H. R. 21146) granting a pension to John A. Schreck; to the Committee on Pensions.

Also, a bill (H. R. 21147) granting a pension to Margaret Ann Ford; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 21148) granting an increase of pension to Henry Madill; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 21149) granting an increase of pension to William H. Smallwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21150) for the relief of Barbara Edelbrock; to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 21151) granting a pension to Hayes Brummitt; to the Committee on Pensions.

Also, a bill (H. R. 21152) to remove the charge of desertion from the name of John W. Bates; to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 21153) granting an increase of pension to Daniel Cook; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 21154) for the relief of John T. Jefferson, late equipment yeoman, United States Navy; to the Committee on Naval Affairs.

By Mr. RICHARDSON: A bill (H. R. 21155) granting a pension to Robert M. Buford; to the Committee on Pensions.

By Mr. RODENBERG: A bill (H. R. 21156) granting an increase of pension to Levi S. Walker; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 21157) granting an increase of pension to John A. Hodgkin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21158) granting an increase of pension to Thomas J. Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21159) granting an increase of pension to Noah Hockman; to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 21160) for the relief of the heirs of Robert W. McNeil, deceased; to the Committee on War Claims.

By Mr. TURNBULL: A bill (H. R. 21161) for the relief of the trustees of St. John's Protestant Episcopal Church, of City Point, Prince George County, Va.; to the Committee on War Claims.

By Mr. TUTTLE: A bill (H. R. 21162) granting an increase of pension to Philip Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21163) granting an increase of pension to Jeremiah Creamer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21164) to correct the military record of Jonas Beach; to the Committee on Military Affairs.

By Mr. UTTER: A bill (H. R. 21165) granting an increase of pension to Sarah E. Stoddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21166) for the relief of Assadoor M. Der Hohanessian; to the Committee on Claims.

By Mr. WILSON of Illinois: A bill (H. R. 21167) granting an increase of pension to William C. Hiller; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 21168) for the relief of Mrs. H. O'Neill; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the National Woman's Christian Temperance Union, for a statue of peace at entrance to the Panama Canal; to the Committee on the Library.

By Mr. AINEY: Petitions of the congregation of Methodist Episcopal Church of Hawley, Pa.; the First Presbyterian Church and the Methodist Episcopal Church of New Milford, Pa.; the Methodist Episcopal Church of Clifford, Pa.; and Thompson (Pa.) Grange, for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Patriotic Order Sons of America, No. 535, favoring parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Jackson Grange, No. 342, Patrons of Husbandry, of Susquehanna, Pa., for certain changes in oleomargarine law; to the Committee on Agriculture.

Also, petitions of Laurel Hill Grange, No. 1161, of Milan, Pa., and Highland Grange, No. 339, of Susquehanna, Pa., protesting against the passage of any bill providing for the removal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of the Ohio State Federation of Labor, favoring the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of the Traffic Bureau of Dayton, Ohio, favoring House bill 18981, for the erection of a building for the Interstate Commerce Commission; to the Committee on Public Buildings and Grounds.

Also, petition of the Ohio State Federation of Labor, favoring the passage of House resolution 396; to the Committee on Rules.

By Mr. BATES: Petition of Camp No. 4, Spanish War Veterans, of St. Louis, Mo., favoring passage of House bill 17040; to the Committee on Pensions.

Also, petition of citizens of Girard, Pa., for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. BRADLEY: Petitions of Tribes Nos. 103 and 322, Improved Order of Red Men, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. BURKE of South Dakota: Memorial of the Ardmore Commercial Club, in favor of a domestic immigration policy; to the Committee on Immigration and Naturalization.

By Mr. CARY: Resolutions of the Federated Trades Council of Milwaukee, Wis., indorsing the Lloyd-La Follette measures affecting the rights of civil-service employees; to the Committee on Reform in the Civil Service.

Also, resolution adopted by the Milwaukee (Wis.) Odontological Society, protesting against Senate bill 1342; to the Committee on Patents.

Also, petition of the Milwaukee (Wis.) Shoe Retailers' Association, opposing House bill 16884; to the Committee on Interstate and Foreign Commerce.

By Mr. COPLEY: Petitions of the Brethren Methodist Episcopal Church, the United Evangelical Church, and the Men's Bible Class of First Baptist Church, of Aurora, Ill., favoring passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. CRAGO: Petitions of churches, church organizations, and Woman's Christian Temperance Unions of the State of Pennsylvania, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CRAVENS: Petition of the Woman's Christian Temperance Union of Mena, Ark., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Amity, Ark., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Petition of citizens of Alamogordo, N. Mex., protesting against extension of parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union and citizens of Solano, N. Mex., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Papers to accompany bill granting an increase of pension to Otis A. Janes; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: Petition of citizens of the fourteenth and fifteenth congressional districts of Missouri, protesting against reduction of tax on oleomargarine; to the Committee on Agriculture.

By Mr. DODDS: Petitions of citizens of Ashley, Big Rapids, Bellaire, and Le Roy, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Central Lake, Elk Rapids, Gratiot County, and Mecosta County, Mich., against any legislation for the extension of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of William W. Ferguson and other citizens of Grand Traverse County, Mich., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of M. J. Robertson and other citizens of Grand Traverse, Mich., against Senate bill 237, for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DWIGHT: Petitions of a church of Dryden, and the Woman's Christian Temperance Union of Lansing, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the Milk Producers' Association of the States of Illinois, Wisconsin, and Indiana, protesting against any change in present Federal laws relating to oleomargarine; to the Committee on Agriculture.

Also, resolutions of the Federated Trades Council of Milwaukee, Wis., in favor of House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. FORNES: Petition of the American League of Associations, Washington, D. C., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Larkin Co., of Buffalo, N. Y., favoring the passage of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the American Baking Powder Association, of Chicago, Ill., favoring the retention of the Remsen Referee Board in the Department of Agriculture; to the Committee on Agriculture.

Also, petition of the Milk Producers' Association of Illinois, Wisconsin, and Indiana, against removal of present tax on colored oleomargarine; to the Committee on Ways and Means.

Also, petition of numerous citizens of La Salle, Ill., favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of the American Bottle Co., of Streator, Ill., opposing the passage of the Kenyon-Sheppard bills (S. 4043 and H. R. 17593) concerning interstate-commerce shipments of intoxicating liquors; to the Committee on the Judiciary.

By Mr. GARNER: Petition of St. Joseph's Society of Devine, Tex., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. GLASS: Petition of L. F. McCauley, of Cambria, Va., and J. P. Kanode and 23 other citizens, of Blacksburg, Va., in favor of House bill 14, for extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. GRAY: Papers to accompany bill for the relief of Susan Jenkins (H. R. 13332); to the Committee on Invalid Pensions.

By Mr. HAWLEY: Petitions of the congregations of Grace Presbyterian Church and the First Presbyterian Church, of Albany, Oreg., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAYES: Petition of Rev. H. L. Gregory and Mrs. R. M. Gregory, of Los Gatos, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the California Civic League, urging enforcement of the white-slave traffic act; to the Committee on the Judiciary.

By Mr. HEALD: Petitions of citizens of the State of Delaware, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of the Delaware Equal Suffrage Association, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. HELGESEN: Petitions of citizens of Cavalier and Ramsey Counties, N. Dak., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Resolutions of the Salt Lake (Utah) Federation of Labor, in favor of House bill 5970, for restoration of civil-service employees to their right to petition Congress, etc.; to the Committee on Reform in the Civil Service.

Also, petitions of the Woman's Christian Temperance Union and the town board of Elsinore, Utah, for passage of Kenyon-

Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petitions of citizens of the State of New Jersey, for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. JAMES: Petition of various citizens of Kentucky, asking for the passage of an old-age pension law; to the Committee on Pensions.

By Mr. KENDALL: Petition of citizens of Colfax, Iowa, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KOPP: Petitions of citizens of third congressional district of Wisconsin, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KORBLY: Petition of Post No. 106, Grand Army of the Republic, for passage of the Sherwood pension bill; to the Committee on Invalid Pensions.

Also, petitions of citizens of the State of Indiana, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of St. Joseph's Benevolent Society, of Indianapolis, Ind., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petitions of German-American citizens of Lafayette, Logansport, and Terre Haute, Ind., protesting against passage of interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of citizens of Indiana, against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, resolution of the Indiana Retail Merchants' Association, for the repeal of the oleomargarine law; to the Committee on Agriculture.

Also, petition of the Milk Producers' Association of Illinois, Wisconsin, and Indiana, protesting against any change in the Federal laws respecting oleomargarine and butterine; to the Committee on Agriculture.

By Mr. LOBECK: Petition of 40 citizens, taxpayers, and farmers of Shelton, Nebr., urging the immediate passage of House bill 16689, validating sales of a part of the right of way of the Union Pacific Railroad; also attached letter from Hugh F. McIntosh, farmer, of Alda, Nebr., recommending same; to the Committee on the Public Lands.

Also, resolutions of the International Dry-Farming Congress, relative to homesteaders; to the Committee on the Public Lands.

Also, petition of Judge Howard Kennedy, president Nebraska Child Labor League, Omaha, Nebr., in favor of a Federal children's bureau; to the Committee on Labor.

Also, resolutions of the Maryland Association of Certified Public Accountants, protesting against employment by the Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

By Mr. LA FOLLETTE: Petitions of the Woman's Christian Temperance Union and individuals of Spokane, Wash., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LAFEAN: Petitions of the Chanceford Presbyterian Church, of Woodbine, Pa., and of citizens of York Springs, Pa., urging passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, resolutions of the Pennsylvania State board of agriculture, indorsing Senate bill providing for an appropriation of \$80,000 for fighting the chestnut blight; to the Committee on Agriculture.

By Mr. LANGHAM: Petition of citizens of the State of Pennsylvania, for old-age pensions; to the Committee on Pensions.

Also, petition of citizens of the State of Pennsylvania, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of G. M. Slease, of Kittanning, Pa., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal Church of Summer-ville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LLOYD: Petitions of citizens of the State of Missouri, favoring the regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of the State of Missouri, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Papers to accompany bill for the relief of Henry Madill; to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of members of the Massachusetts Indian Association, in behalf of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. McHENRY: Petition of J. A. Wert, of Shamokin, Pa., asking for a reduction in the duty on sugars; to the Committee on Ways and Means.

Also, petition of W. A. Kump, pastor, Mount Carmel, Pa., asking for the speedy passage of the Kenyon-Sheppard interstate liquor bill (S. 4043, H. R. 16214) to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of residents of Sherrard, Ill., in favor of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of Turner Society, Low German Brotherhood, Maennerchor and Sick Relief Society, of Rock Island, Ill., against passage of interstate liquor legislation; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Resolution of the Central Labor Union of Lincoln, Nebr., favoring a law to prevent intimidation of employees by employers just preceding elections; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, resolution of the Central Labor Union of Lincoln, Nebr., favoring restoration of the civil-service employees to their right to petition Congress; to the Committee on Reform in the Civil Service.

By Mr. MANN: Petition of Wholesale Grocers' Exchange of Chicago, Ill., urging passage of House bill 4667, relative to branding net weight on all packages of food products; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. W. Glesner and others, of Chicago, Ill., protesting against extension of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Papers to accompany House bill 19697; to the Committee on Invalid Pensions.

Also, papers to accompany bill to remove the charge of desertion from the name of John W. Bates; to the Committee on Military Affairs.

Also, papers to accompany bill for the relief of Hayes Brummitt; to the Committee on Pensions.

By Mr. NELSON: Petition of 12 merchants of Brooklyn, Wis., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NORRIS: Petition of citizens of Wilsonville, Nebr., against House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of the Pawtucket (R. I.) Business Men's Association, urging that vessels engaged in domestic commerce between ports of the United States be granted free passage through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Rhode Island, for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. PARRAN: Papers to accompany bill for the relief of James C. Landstreet (H. R. 20671); to the Committee on Pensions.

Also, papers to accompany bill for the relief of William H. Cambrill (H. R. 20071); to the Committee on Military Affairs.

Also, papers to accompany bill (H. R. 20257) for the relief of Horace Freeman; to the Committee on Claims.

By Mr. PICKETT: Petitions of the Woman's Christian Temperance Union of Cedar Falls, Iowa, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Hampton, Iowa, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Iowa, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Union of Hazleton and citizens of Delaware County, Iowa, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Marine Engineers' Beneficial Association, San Francisco, Cal., indorsing bills amending sections 4402, 4404, and 4414, Revised Statutes; to the Committee on the Judiciary.

By Mr. REILLY: Petition of Caroline M. Galpin and Harriet N. Jencks, of New Haven, Conn., for certain legislation relative to Indians; to the Committee on Indian Affairs.

By Mr. SHACKLEFORD: Memorial of Madison A. Hart and 17 other citizens of Columbus, Mo., in behalf of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. SIMS: Petition of citizens of eighth congressional district of Tennessee, for passage of House bill 18160; to the Committee on Agriculture.

By Mr. SPARKMAN: Petition of Chamber of Commerce of Key West, Fla., protesting against abolishing the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Tampa, Fla., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SPEER: Petition of New Lebanon Grange, No. 1445, Patrons of Husbandry, of Sandy Lake, Pa., protesting against the passage of any bill providing for the removal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Petition of the Improved Order of Red Men of Stillwater, Minn., urging the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Mississippi: Petition of the Woman's Christian Temperance Unions of Saltillo and Sherman, Miss., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Memorial of the Turtle Mountain Indians, requesting Congress to pay them \$100,000 as a gratuity; to the Committee on Indian Affairs.

Also, petitions of citizens of Texas, favoring the passage of the Berger bill, to pension all persons over 60 years of age; to the Committee on Pensions.

By Mr. SULZER: Petition of the Russian Caviar Co., of New York, for a specific duty of 15 cents per pound on imported caviar; to the Committee on Ways and Means.

Also, petition of Eugene Noll, of New York City, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of the Beckwith-Chandler Co., of New York City, relative to certain paragraphs of the chemical bill; to the Committee on Ways and Means.

By Mr. TAGGART: Petition of citizens of Fort Scott, Kans., indorsing House bill 16450, giving Federal courts jurisdiction to try cases for the larceny of interstate shipments; to the Committee on the Judiciary.

By Mr. TILSON: Petition of the Woman's Club of Ansonia, Derby, and Shelton, Conn., indorsing the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Woman's Board of Missions of Boston, Mass., for reimbursement of Ellen M. Stone ransom; to the Committee on Claims.

By Mr. UNDERWOOD: Petition of citizens of the State of Alabama, for passage of House bill 16450; to the Committee on the Judiciary.

By Mr. WHITACRE: Petitions of the Rhodes Glass & Bottle Co., of Massillon, Ohio; the Personal Liberty League of Ohio; and the Nebraska Wholesale Liquor Dealers' Association, protesting against the passage of House bill 17593 and Senate bill 4043; to the Committee on the Judiciary.

Also, petition of Ohio State Federation of Labor, for passage of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of St. Joseph's Benevolent Society, of Massillon, Ohio, protesting against resolution of inquiry in relation to Catholic missions; to the Committee on Indian Affairs.

Also, petitions of Goodyear Tire & Rubber Co., of Akron; Canton Rubber Co., of Canton; and Republic Rubber Co., of Youngstown, Ohio, protesting against levying a tariff on crude rubber and against reduction in duties on manufactured rubber goods; to the Committee on Ways and Means.

By Mr. WILDER (by request): Petition of the Woman's Christian Temperance Union of Westford, Mass., and of citizens of Acton, Mass., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Berlin Grange, No. 629, of Delaware, Ohio, asking for the enactment of legislation for the extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of the Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of Rochester (N. Y.) Chamber of Commerce, indorsing House bill 17936; to the Committee on Ways and Means.

SENATE.

FRIDAY, March 1, 1912.

The Senate met at 2 o'clock p. m.
Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

CLAIMS FOR INJURIES IN FOREST FIRES (S. DOC. NO. 372).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 5th ultimo, a statement including all the facts regarding casualties, disabilities, and losses incurred by employees of the Department of Agriculture in fighting forest fires in 1910, etc., which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following cases:

James Deatherage, administrator of the estate of J. A. J. Rooker, deceased, *v. The United States* (S. Doc. No. 357);
St. Augustine's Roman Catholic Church, of Williamsport, Md., *v. The United States* (S. Doc. No. 356);
The trustees of the First Baptist Church of Lafayette, Ga., *v. The United States* (S. Doc. No. 355);
William S. Barnum *v. The United States* (S. Doc. No. 358);
Alice M. Borland, widow of James A. Borland, deceased, *v. The United States* (S. Doc. No. 359);
Anna E. Botticher, widow of Paul G. Botticher, deceased, *v. The United States* (S. Doc. No. 360);
John E. Callaghan *v. The United States* (S. Doc. No. 361);
Turhand R. Dice *v. The United States* (S. Doc. No. 362);
John B. Dowd *v. The United States* (S. Doc. No. 363);
John Haynes *v. The United States* (S. Doc. No. 364);
Jarvis P. Kelly *v. The United States* (S. Doc. No. 365);
Charles W. Lockman *v. The United States* (S. Doc. No. 370);
James H. S. Lowes *v. The United States* (S. Doc. No. 369);
William H. Miller *v. The United States* (S. Doc. No. 368);
William T. Morris *v. The United States* (S. Doc. No. 367);
Clara D. Miller, widow of John Miller, deceased, *v. The United States* (S. Doc. No. 366); and
The Baptist Church of Sutton, W. Va., *v. The United States* (S. Doc. No. 354).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

WATERS OF NIAGARA RIVER.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURTON. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. BURTON, Mr. ROOT, and Mr. BACON conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post; and

H. J. Res. 254. Joint resolution congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government.

The message also announced that the House had agreed to the concurrent resolution (No. 11) of the Senate providing for the printing of additional copies of the message of the President of the United States transmitting the report of the Employers' Liability and Workmen's Compensation Commission, etc.

The message further announced that the House had agreed to a concurrent resolution (No. 28) providing for the printing of 30,000 copies of the report, with accompanying bill, of the National Monetary Commission, etc., in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (No. 40) providing for the printing of 10,000 copies of Senate Document No. 190, Fertilizer Resources

of the United States, etc., in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 4749) relative to the members of the female nurse corps serving in Alaska or at places without the limits of the United States, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the American Association for the Advancement of Science, praying for the creation of a bureau of astronomy under the direction of the Naval Observatory, which was referred to the Committee on Naval Affairs.

Mr. WILLIAMS presented petitions of sundry citizens of Columbus, Miss., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented a petition of sundry citizens of Coopers Mills, Me., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of 230 members of the bench and bar of the State of Maine, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the Retail Grocers' Association of Springfield, Ill., and a memorial of the Retail Hardware Association of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Retail Grocers' Association of Springfield, Ill., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chicago Association of Collegiate Alumnae, of Illinois, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Dallas City, Effingham, Springfield, St. Peter, and Elgin, all in the State of Illinois, remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Illinois Farmers' Institute, in convention at Centralia, Ill., favoring the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Mechanicsville, N. Y., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, which were ordered to lie on the table.

Mr. NIXON presented a petition of sundry citizens of Beowawe, Nev., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a memorial of Lower Intervale Grange, Patrons of Husbandry, of Plymouth, N. H., remonstrating against the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented petitions of Hon. Eugene N. Foss, governor of the Commonwealth of Massachusetts; Hon. Robert Luce, lieutenant governor; Hon. Grafton D. Cushing, speaker of the house of representatives; ex-Govs. John D. Long, John L. Bates, and William L. Douglas; Hon. Joseph Walker, former speaker; Chief Justice John A. Aiken and Justices Charles F. Jenney and William Cushing Wait, of the superior court; Chief Justice Wilfred Bolster, of the municipal court; ex-Attorney General Albert E. Pillsbury; Dr. Melville M. Bigelow, former dean; George Fox Tucker; Prof. Samuel Williston; Maj. Henry L. Higginson; Gen. Hugh Bancroft; Gen. Charles Francis Adams; Gen. Charles J. Paine; Col. Charles R. Codman; Joseph B. Russell, president of the Boston Chamber of Commerce; Bernard Rothwell, former president of the Boston Chamber of Commerce; Elwyn G. Preston, treasurer of S. S. Pierce & Co.; President G. Stanley Hall, of Clark University; Hon. Samuel B. Capen, president of the Massachusetts Peace Society; Richard Henry Dana; John F. Tobin, president general of the Boot and Shoe Workers' Union; and James Duncan, international secre-

tary-treasurer of the Granite Cutters' International Association of America, all in the State of Massachusetts, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. ROOT presented a petition of sundry citizens of Covert, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented memorials of sundry citizens of Grand Rapids and Allegan, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Riverside and Saranac, in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Fremont, Marcellus, Central Lake, Saugatuck, Detroit, and Davison, all in the State of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Hope, Royal Oak, Hopkins, Walled Lake, South Lyons, Belding, Ferry, Iron River, New Haven, Fulton, Ashley, Fenton, Stockbridge, Gobleville, North Branch, Nashville, Sherman, Crystal Valley, Freeport, Kent City, South Haven, Sparta, Buchanan, Flint, Montague, Prairieville, Manistee, Elk Rapids, Owosso, Armada, Grand Ledge, Oceana Center, Holland, and Ithaca, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of Press Assistants' Union No. 63 and of Pressmen's Union No. 13, of Grand Rapids, Mich., praying for the enactment of legislation proposing to increase the compensation of pressmen employed in the Government Printing Office, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Berlamont and Bangor, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Soo Business Men's Association, of Sault Ste. Marie, Mich., remonstrating against the proposed abolishment of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented a petition of the Antituberculosis Association of Saginaw, Mich., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Common Council of Saginaw, Mich., praying for the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

Mr. CURTIS presented a memorial of sundry citizens of Chanute, Kans., remonstrating against the extension of a parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Harper, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented the petition of Local Post No. 424, Department of Kansas, Grand Army of the Republic, of Herington, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a memorial of McCook Post, No. 51, Department of Kansas, Grand Army of the Republic, of Iola, Kans., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Union No. 482, Farmers' Educational and Cooperative Union, of Jennings, Kans., and a petition of sundry citizens of Lincoln and Girard, Kans., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented petitions of sundry citizens of Meadville, Pa., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Spring City, Pa., praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Presbyterian, First Baptist, and Methodist Episcopal Churches of Oxford, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Congregational Church of Essex Junction, Vt., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of sundry citizens of South Bend, Ind., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Lincoln Council, No. 56, Junior Order United American Mechanics, of Terre Haute, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Gaskins Post, No. 564, Department of Indiana, Grand Army of the Republic, of Farmersburg, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Council of Vallejo, Cal., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. CRANE presented petitions of Right Rev. Monseigneur Ronan, pastor of St. Peter's Church, Dorchester; Rev. Dr. Samuel A. Eliot, president of the American Unitarian Association; Rev. Dr. George A. Gordon, pastor of the Old South Church; Rev. Dr. Elwood Worcester, rector of Emmanuel Church; Rev. O. P. Gifford, pastor of the Baptist Church, Brookline; Rev. Dr. Francis Rowley and other clergymen of various denominations; President Dr. Joseph Armand Bedard and Secretary J. A. Favreau, of the Franco-American Historical Association, besides several other citizens of French descent, including Hon. Hugo Dubuque, justice of the Superior Court of Massachusetts, German veterans of the Franco-Prussian War, and members of the German Catholic Foresters, all in the State of Massachusetts, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on the District of Columbia, to which was referred the bill (S. 1093) to provide for the extension of Buchanan Street NW. between Piney Branch Road and Sixteenth Street and the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., District of Columbia, reported it without amendment and submitted a report (No. 426) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred Senate resolution 162 directing the Secretary of the Treasury to furnish information relative to sales of cotton to the Confederate States government, reported it without amendment and submitted a report (No. 427) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5440. A bill to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes (Rept. No. 428); and

S. 5244. A bill to regulate the practice of dentistry in the District of Columbia (Rept. No. 429).

He also, from the same committee, to which was referred the bill (S. 5271) to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, reported it with an amendment and submitted a report (No. 430) thereon.

He also, from the same committee, to which was referred the bill (S. 3712) to regulate the practice of dentistry in the District of Columbia, submitted an adverse report (No. 431) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to which was referred the bill (S. 17) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous

circumstances," approved March 23, 1906, to submit an adverse report (No. 432) thereon. I move that the bill be postponed indefinitely, the subject matter of the bill having been incorporated in another bill, which has been acted upon.

The VICE PRESIDENT. The bill will be postponed indefinitely.

REPORT OF DAUGHTERS OF AMERICAN REVOLUTION (S. DOC. NO. 371).

Mr. SMOOT. I am directed by the Committee on Printing, to which was referred a communication from the Secretary of the Smithsonian Institution transmitting, pursuant to law, the annual report of the Society of the Daughters of the American Revolution for the year ended October 31, 1911, to report it back and ask that it be printed as a document, together with the illustrations.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, that order will be made.

The order as agreed to was reduced to writing, as follows:

Ordered, That the letter from the Secretary of the Smithsonian Institution transmitting, in accordance with act of incorporation, the annual report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1911, be printed, together with the accompanying illustrations, as a Senate document.

REPORT OF TARIFF BOARD ON SCHEDULE K.

Mr. SMOOT, from the Committee on Printing, to which was referred House concurrent resolution 32, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 20,000 additional copies of House Document No. 342, being the message of the President of the United States transmitting a report of the Tariff Board on Schedule K of the tariff law, 12,000 copies for the use of the House of Representatives and 8,000 copies for the use of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIVELY:

A bill (S. 5567) granting an increase of pension to Thomas S. Cogley; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5568) granting a pension to Delia Herbert;

A bill (S. 5569) granting an increase of pension to Gardner P. Waterhouse (with accompanying papers); and

A bill (S. 5570) granting an increase of pension to Edward F. Spear (with accompanying papers); to the Committee on Pensions.

By Mr. NIXON:

A bill (S. 5571) for the relief of the Hydro-Electric Co., of California; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 5572) validating and confirming conveyances of lands made by allottees on the Yakima Indian Reservation, in the State of Washington; to the Committee on Indian Affairs.

By Mr. CULLOM:

A bill (S. 5573) granting an increase of pension to Frank Bierman (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 5574) granting an increase of pension to Edward Ranbyauer;

A bill (S. 5575) granting an increase of pension to Henry Ford;

A bill (S. 5576) granting an increase of pension to August Runge;

A bill (S. 5577) granting a pension to Louisa Prior;

A bill (S. 5578) granting a pension to Chloe A. Truax;

A bill (S. 5579) granting an increase of pension to William Marquet;

A bill (S. 5580) granting an increase of pension to Charles Henry Palmer;

A bill (S. 5581) granting an increase of pension to William Stevens; and

A bill (S. 5582) granting an increase of pension to Kittle Torgerson (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5583) granting a pension to Charles H. Perkins; and

A bill (S. 5584) granting a pension to Henrietta P. Cowgill; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5585) granting an increase of pension to William D. Knapp (with accompanying papers);

A bill (S. 5586) granting an increase of pension to Charles P. Tull; and

A bill (S. 5587) granting an increase of pension to Condy Manelius; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5588) to correct the military record of Henry Woodard; and

A bill (S. 5589) to correct the military record of Stephen D. Borden (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5590) granting an increase of pension to Julius T. Morse (with accompanying papers);

A bill (S. 5591) granting an increase of pension to E. L. Carter (with accompanying papers);

A bill (S. 5592) granting an increase of pension to James G. Rouse (with accompanying paper);

A bill (S. 5593) granting a pension to Isaac Adams (with accompanying papers);

A bill (S. 5594) granting a pension to William H. Adams (with accompanying paper);

A bill (S. 5595) granting a pension to Elizabeth M. Lowe (with accompanying paper);

A bill (S. 5596) granting an increase of pension to Henry W. Botsford (with accompanying papers);

A bill (S. 5597) granting an increase of pension to John M. Singer (with accompanying papers);

A bill (S. 5598) granting an increase of pension to William Albert Carson;

A bill (S. 5599) granting an increase of pension to Joel Barks (with accompanying papers);

A bill (S. 5600) granting an increase of pension to John David Mohler;

A bill (S. 5601) granting an increase of pension to George W. Skinner;

A bill (S. 5602) granting an increase of pension to Daniel W. Stauffer;

A bill (S. 5603) granting a pension to Florence E. Wilbur; and

A bill (S. 5604) granting an increase of pension to Joseph W. Tucker; to the Committee on Pensions.

* By Mr. KERN:

A bill (S. 5605) granting a pension to Anna Hohndorff (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO MILITARY ACADEMY APPROPRIATION BILL.

Mr. BACON submitted an amendment providing that any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who, on July 1, 1914, should have served not less than 33 years in the Army, etc., shall on that date have the rank, pay, and allowance of a colonel in the Army, intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

CLAIMS OF SOPHIE M. GUARD AND OTHERS.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 241), which was read and referred to the Committee on Claims:

Resolved, That the claims of Sophie M. Guard (S. 4325), estate of Zealous Bates Tower (S. 5518), estate of Thomas Murray Tolman (S. 5472), estate of Philip Halsey Remington (S. 5456), executor of Loomis Lyman Langdon (S. 5526), estate of Joseph Hunter McArthur (S. 5525), of George Lemuel Turner (S. 5417), of Jennie R. W. Vollmer (S. 5473), of Susan Dye Baylies (S. 5443), of Jane A. Oberly (S. 5542), and estate of William Hemphill Bell (S. 5566), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the said court shall proceed with same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BANKING AND CURRENCY REFORM (S. DOC. NO. 295, PART 2).

Mr. SUTHERLAND. Mr. President, on February 6 an address by former Congressman McCleary on the subject of banking and currency reform was ordered printed by the Senate. I send to the desk a manuscript of that address with some corrections, being a revised and enlarged edition, which I desire to have printed as a Senate document.

The PRESIDING OFFICER. Without objection, the order to print will be entered.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. Mr. President, I desire to state that on the first legislative day succeeding the legislative day in which a vote is had upon the pending arbitration treaties, and immediately after the morning business on that day, I shall move that the Senate proceed to the consideration of the pension bills upon the calendar.

HOUSE BILLS REFERRED.

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 254. Joint resolution congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government was read twice by its title and referred to the Committee on Foreign Relations.

FERTILIZER RESOURCES OF THE UNITED STATES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 40) from the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of Senate Document No. 190, Fertilizer Resources of the United States, message from the President of the United States, December 18, 1911, for the use of the House.

REPORT OF NATIONAL MONETARY COMMISSION.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 28) from the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed, for the use of the House of Representatives, 30,000 copies of the report, with accompanying bill, of the National Monetary Commission, to be delivered to the superintendent of the folding room of the House of Representatives for distribution.

CORRESPONDENCE WITH COLOMBIA.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution, coming over from a former day, which will be read.

The Secretary read Senate resolution 237, submitted by Mr. HITCHCOCK February 28, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to transmit to the Senate copies of all correspondence and communications between this Government and the Government of Colombia since the last presentation to the Senate of such correspondence and communications to this date.

Mr. HITCHCOCK. Mr. President, my pending resolution is a very much simpler resolution than the one which I at first introduced. The other one was objected to for the reason that it seemed to threaten, as certain Senators thought, the reopening of the old Panama controversy and scandal. My present resolution merely calls for information as to diplomatic correspondence, to which the Senate is entitled. It proposes to bring down to date the correspondence between the United States and Colombia which has not been submitted to the Senate by the President since the year 1904. In that respect, it seems to me that the resolution is without any objection whatever and can be opposed for no legitimate reason.

I am frank to say, however, Mr. President, that the reopening of the old Panama controversy and scandal sooner or later is inevitable, and I am frank to say now that at the proper time I believe there will be a widespread demand and an intelligent effort to have the ban of secrecy removed from those documents which have been kept under secrecy so long in our official archives.

Mr. President, I do not believe that when the American people know the real facts of the case they will be content to have this great Republic continue in her indecent attitude toward Colombia by refusing absolutely and without qualification to submit to arbitration the claims of Colombia for indemnity, at the same time that this Nation is assuming toward all other nations of the world a position, or at least a pretense, of being willing to arbitrate every question proper to submit to arbitration.

Mr. President, it is too late to restore the Province of Panama to Colombia, and it is only a hollow pretense when gentlemen claim that they object to arbitration for the alleged reason that arbitration would open up the question of our title to the Panama Canal and the existence of the Panama Republic. The Panama Republic has been recognized, not only by the United States, but it has been recognized by every civilized nation of the world, and we are under a contract to maintain the independence of the Republic of Panama, and all other nations are under a pledge to recognize Panama as an independent Government. So, I say that it is folly for those who oppose arbitration to do so under the claim or the pretense that they do it because it will reopen all the questions relating to the title to the Panama strip or to the existence of the Republic of Panama.

But, Mr. President, it is not too late to do justice. If we wronged our sister Republic of Colombia, and if that wrong has become a permanent fact in history, it is nevertheless not too late for us to respond in legitimate damages for our act in that matter. I want to call the attention of the American people to the inconsistency and hypocrisy of gentlemen who prate so loudly of their desire to secure sweeping and complicated arbitration treaties with certain favored and powerful nations; they who put themselves on a lofty moral pedestal as the advocates of arbitration treaties and yet complacently and contemptuously unite to ignore the just demands for arbitration made by this poor little helpless Republic of Colombia. I believe it will only be necessary to submit the facts in the case to the American people to force by public opinion the arbitration of the claims which Colombia presents to us. Those claims are for damages which we inflicted on Colombia by hatching, harboring, and aiding a revolutionary conspiracy, which we sent our naval vessels to defend while it despoiled Colombia of her most valuable Province.

That was not done in order that we might have a canal, for we could have had a canal without that scandal. We could have had a canal there on the Isthmus of Panama under a treaty with Colombia by a little more patience and concession. Or if that was found impracticable, we could have built the canal across Nicaragua. Under the Spooner Act Congress had directed the President to build the canal across Nicaragua if he could not agree upon terms with Colombia. That should have been done and would have been done if the Panama Canal proprietors had not been determined to get their \$40,000,000 out of Uncle Sam and possessed enough influence to control the action of our Government.

Let me trace briefly the history of the Panama Canal so as to refresh our memories.

If it had not been for the desire of those who owned the old Panama Canal Co., there would to-day be no Republic of Panama. The franchise of that old company was to expire by limitation in October, 1904. The company claimed that it had an extension until 1910 issued by the secretary of finance for the Republic of Colombia, for which the company had paid a million dollars. There was, however, some cloud on this claim; it was disputed by the Colombian authorities and discussed before the Colombian Congress; but even if the company had a franchise to build the canal, which still was to continue until 1910, work had ceased, the company was practically dead, and it was in any event utterly out of the question to finish the canal within that time.

In December, 1901, the Nicaragua Canal bill had been favorably reported in the House of Representatives and passed after a comparatively short debate. In that same month, in December, 1901, a convention was agreed to between the Nicaraguan Government and the United States for the construction of the canal across the Isthmus at Nicaragua. In December of the same year, 1901, the Panama Canal Co., realizing that the American people were making up their minds to build the Nicaraguan Canal, abandoned previous exorbitant claims and offered to sell their canal to us for \$40,000,000.

The House rejected even this Panama proposition and passed the Nicaragua bill, as recommended by the Canal Commission. Within a few days afterwards President Roosevelt called the Isthmian Canal Commission together and insisted, and succeeded by his insistence, in inducing the commission to reverse its former decision and to make a new report in favor of the Panama Canal under the new offer from the Panama Canal Co. A month afterwards, in February, the Colombian Government notified the Panama Canal Co. in Paris that Colombia would stand on its rights and not permit a transfer of the canal without the consent of the Republic of Colombia. In doing so the Republic of Colombia was strictly within its rights. The franchise it had granted provided that the canal could not be transferred to another country without the consent of the Republic of Colombia. This right of Colombia was recognized—recognized by the canal company, recognized by the United States, recognized by France. It was undisputed.

On March 10, after a long struggle, the Senate Committee on Inter-oceanic Canals reported in favor of the Nicaragua bill as passed by the other House, and the bill came before the Senate for consideration. After some weeks of labor Mr. William Nelson Cromwell induced the minority members of that committee to make a minority report in favor of the Panama route, and that report, as has lately been developed, is largely in his own words. In June, 1902, the Senate, by a vote of 42 to 34, disagreed with the House and decided in favor of the Panama proposition. The bill went into conference. Finally, the other House receded and accepted the Senate bill, and on the 25th of June, 1902, President Roosevelt signed that measure. That act, however, provided that the United States should take the Panama route only upon several definite conditions. One was that there should be a good title. The title was examined and ultimately found to be good, except that Colombia had an interest in it and an absolute right to veto a transfer. The other condition was that the canal should not be built across Panama unless a treaty should be agreed to between the United States and the Republic of Colombia. That treaty, after a protracted period of negotiation, in which, first, Dr. Concha and later Dr. Herran represented the Colombian Government, was finally agreed to between the representatives of the two Governments. It provided for the payment of \$10,000,000 to Colombia and for payment of \$250,000 a year rental or royalty thereafter.

Dr. Herran did not sign that treaty on behalf of Colombia willingly nor until he received an ultimatum from the Government of the United States, under the orders of President Roosevelt, that the time had come to close the negotiations, and that the only terms the Government would offer were \$10,000,000 cash and \$250,000 a year. The record shows that the ultimatum was submitted to him; that he advised his Government that it

was an ultimatum, the last words that would be spoken, and he finally signed the treaty.

The ultimatum by our Government was as follows:

DEPARTMENT OF STATE,
Washington, January 22, 1903.

DEAR MR. HERRAN: I am commanded by the President to say to you that the reasonable time that the statute accords for the conclusion of negotiations with Colombia for the excavation of a canal on the Isthmus has expired, and he has authorized me to sign with you the treaty of which I had the honor to give you a draft, with the modification that the sum of \$100,000, fixed therein as the annual payment, be increased \$250,000. I am not authorized to consider or discuss any other change.

With sentiments of high consideration, etc., JOHN HAY.

I should say by way of explanation that there was no dispute over the cash payment, but that Colombia claimed a larger rental. That Dr. Herran regarded the above as an ultimatum is shown by his cablegram to his country, as follows:

WASHINGTON, January 22, 1903.

FOREIGN AFFAIRS, Bogota:

Treaty signed to-day accepting ultimatum \$10,000,000 and \$250,000 annuity.

HERRAN.

The treaty itself provided that it should be submitted to the Senate of the United States for ratification by the United States and to the Senate of Colombia for ratification by Colombia. It was submitted to the Senate of the United States, and the Senate of the United States ratified it. It was submitted to the Senate of Colombia, underwent a long, vigorous, and intelligent discussion by that body, and finally, on the 23d day of August, 1903, the Senate of Colombia unanimously rejected the treaty, not on the ground that the amount of money was inadequate, but on the constitutional ground that the Senate of the Republic of Colombia as it then existed had no constitutional power to surrender sovereignty over a part of the Republic of Colombia.

Mr. President, I think I have quoted the history of this case correctly up to this time. I believe that the Senate of the Republic of Colombia acted entirely within its constitutional powers; and when it had so acted it was the duty of the President of the United States to follow the instructions in the law and take up the Nicaragua Canal route. He had been authorized and directed to do so; he had signed the bill which had provided that such should be the ultimate course of the United States in this contingency. Instead of taking that course there at once began a conspiracy to disrupt Colombia and despoil her of her most valuable province; to create on the Isthmus of Panama a new Republic through a comic-opera revolution under the protection of the naval vessels of the United States.

What were the facts at this time, Mr. President? The United States was not simply in position of a friendly nation, not simply a sister republic of Colombia, but she was under a solemn pledge by reason of the treaty of 1846 to maintain and protect the sovereignty of the Republic of Colombia in the Isthmian strip, in return for which she had received and enjoyed valuable concessions. That protection was our bounden duty under the treaty made in 1846 and then in force; and yet, in spite of that treaty and in defiance of the law of Congress providing that the Nicaraguan Canal should be built if Colombia did not agree to the transfer of the Panama Canal to us, the Panama strip was seized by force while we held Colombia's hands. In spite of the fact that we were under every solemn pledge of the treaty of 1846 to protect Colombia in possession of her ancient and most valuable province, powerful officers of the United States Government, headed by President Roosevelt himself, became parties to a conspiracy hatched in the United States, nourished in the United States, and financed by the Panama Canal Co. and William Nelson Cromwell in New York City. Testimony in the New York World case shows that the Panama Canal Co., of Paris, sent by cable \$100,000 to Heidelberg, Ickelheimer & Co., the New York bankers, for the credit of Bunau-Varilla, Mr. Cromwell's co-conspirator, and that Mr. Cromwell raised another \$100,000 by borrowing it from the Bowling Green Trust Co., of New York City, on Panama stock. Both Cromwell and Bunau-Varilla at that time exercised great influence in administration circles in Washington.

Those are the facts which are being written and which will come out more plainly before the American people as time goes on; facts which have been developed in sworn testimony in the case of the United States against the New York World, an action which did not come to trial because it had no legal standing, but which the New York World was ready to meet with sworn testimony and complete proofs. It was prepared to prove that the President of the United States was cognizant of this conspiracy, that he was having interviews with the conspirators, that the so-called declaration of independence for the new Republic of Panama was written in the United States, that the flag of Panama was made in New York City, and that when the time came the conspirators by cablegram to America

ordered the vessels of the United States Navy to go to Panama and to Colon, very much as you would order by telephone a taxicab to come to do your bidding in these days.

Mr. President, we are laboring under a great many disadvantages in examining this case, because part of the correspondence is under a pledge of secrecy, and I am only touching upon those facts which have been brought out in a public way here and there and are not under that pledge.

I shall not tire the Senate by reading much, but I shall take the liberty to read at this time a letter—a very significant letter—written on the 18th day of October, 1903. Remember that Colombia rejected the treaty in August, 1903, and almost immediately thereafter the hatching of the conspiracy for the creation of this fake revolution was commenced. The conspirators had proceeded so far that upon the 18th day of October, 1903, in the city of New York, Dr. Amador, soon to become the first President of the new Republic, wrote the following letter to his son:

Dear little son:—

As a matter of fact, the little son was a mature man, but that was a term of affection, no doubt—

I received your telegram that you are not coming, as they have refused you permission; also received your letter of the 17th. If the wreath does not come, they will send it from the Endicott by the next steamer. The reason for your coming was for you to meet Bunau-Varilla—

I pause here to say that Bunau-Varilla, who, with William Nelson Cromwell, became one of the conspirators in the establishment of this Republic, who at that time had great influence with the administration and was able practically to dictate the dispatch of American naval vessels, had been, as I recall it, involved in frauds in connection with the Panama Canal, and by the French courts before he came to the United States had been found to be guilty of fraudulent transactions. But to resume—to whom I have spoken of you. He says that if all turns out well you shall have a good place on the medical commission, which is the first that will begin work; that my name is in Hay's office—

I presume that was the Secretary of State—and that certainly nothing will be refused you.

Now, mark these words:

The plan seems to me good. A portion of the Isthmus declares itself independent.

This was written two weeks before a single man had declared himself independent.

The plan seems to me good. A portion of the Isthmus declares itself independent, and that portion the United States will not allow any Colombian forces to attack.

The United States, which had guaranteed the sovereignty of the Isthmus to the Colombian Government in return for valuable concessions, was not to permit Colombia to suppress disorder or rebellion.

An assembly is called, and this gives authority to a minister to be appointed by the new Government in order to make a treaty without need of ratification by that assembly. The treaty being approved by both parties, the new Republic remains under the protection of the United States, and to it are added the other districts of the Isthmus which do not already form part of the new Republic, and these also remain under the protection of the United States.

Prophetic words—before anyone in the United States, save only a few conspirators and a few officials of great power here in Washington, knew that there was to be a new republic.

Mr. President, I shall not read the rest of the letter, but ask to incorporate it in the RECORD.

The VICE PRESIDENT. Without objection, permission is granted:

The remainder of the letter is as follows:

The movement will be delayed a few days; we want to have here the minister who is going to be named, so that once the movement is made he can be appointed by cable and take up the treaty. In 30 days everything will be concluded.

We have some resources on the movement being made, and already this has been arranged with a bank.

As soon as everything is arranged, I will tell B.-V. to look out for you. He says if you do not wish to go he will look out for a position for you in New York. He is a man of great influence.

A thousand embraces to Pepe, and my remembrances to Jennie and Mr. Smith.

Your affectionate father,

AMADOR.

Mr. HITCHCOCK. Immediately upon writing that letter Dr. Amador left for Colon, and on the 27th of the same month—the 27th of October—held at night the first meeting with the conspirators there on the Isthmus; six or seven of them, I think, together. He found to his surprise, as the testimony before the committee of the House of Representative shows, that his conspirators were disappointed that he had not brought a written assurance from the President of the United States that the conspirators would receive United States protection, and in order to give them something upon which they could lean and in order to guarantee that this protection should be vouchsafed, he sent a

cablegram a day later addressed to the agent of the conspirators in New York. The cablegram referred to is as follows:

From Amador, Panama, to Lindo, New York:

This cable is for Bunau-Varilla. We have news of the arrival of the Colombian forces on the Atlantic side within five days. They are more than 200 strong. Urge warships Colon.

He told them that the Republic of Colombia had dispatched a vessel with some 200 soldiers to the Isthmus of Panama because of the suspicion that there was to be an uprising, and he concluded his telegram by asking for naval vessels. That was on the 29th of October. On the 30th of October he received a cablegram in reply, stating that within 36 hours war vessels would be at Colon, and within 48 hours they would be at Panama, and they were.

The first result of Amador's appeal to Bunau-Varilla was the issuance of the following order, in Washington, to one of our naval vessels:

OCTOBER 30, 1903.

NASHVILLE, Kingston, Jamaica:

Hold vessel in readiness to return to Guantanamo.

That is in plain English, but the following is in cipher:

Secret and confidential. Proceed at once to Colon. Telegraph in cipher the situation after consulting with the United States consul. Your destination is a secret. Telegraph in cipher your departure from Kingston.

DARLING, Acting.

The record should show, and I ask here the privilege of incorporating in my speech, certain secret telegrams to indicate that the vessels of the United States had previously been placed at a convenient near-by place by order of the President of the United States, held there subject to cablegram orders, and that those cablegram orders were supplied upon the demand of the conspirators and the vessels arrived just as predicted at Colon, on the time, and a little late at Panama.

The VICE PRESIDENT. Without objection, permission is granted to insert the matter referred to.

The matter referred to is as follows:

On the day before Amador, the conspirator, left New York for Panama—that is to say, on October 19—President Roosevelt ordered the Navy Department to hold warships within striking distance of the Isthmus of Panama on both the Atlantic and Pacific sides. Pursuant to this order instructions were issued the same day as follows:

GLASS, Marblehead, San Francisco, Cal.:

Send *Boston* or other vessel ahead of squadron to Acapulco. [In cipher:] Send the *Boston* with all possible dispatch to San Juan del Sur, Nicaragua. She must arrive by November 1, with coal sufficient for returning to Acapulco. Secret and confidential. Her ostensible destination Acapulco only.

MOODY.

NAVY YARD, Brooklyn, N. Y.:

Desire *Dixie* sail for League Island in time embark battalion and be ready for sea 23d.

MOODY.

BARKEE, Kearsarge, Navy Yard, Brooklyn, N. Y.:

Dixie must be ready to sail from League Island with battalion about 23d.

MOODY.

Orders were given to place a contingent of 400 marines on board the *Dixie*, and the U. S. S. *Atlanta* was ordered to proceed to Guantanamo.

The following are samples of later instructions to the expectant naval commanders issued two days before the outbreak and just before the Colombian soldiers arrived:

NAVY DEPARTMENT,
Washington, D. C., November 2, 1903.

DIXIE, Kingston, Jamaica:

Secret and confidential. Proceed with all possible dispatch to Colon. Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either government or insurgent, either at Colon, Porto Bello, or other port. Send copy of instructions to the senior officer present at Panama upon arrival of *Boston*. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict. Acknowledgment is required.

DARLING, Acting.

NAVY DEPARTMENT,
Washington, D. C., November 2, 1903.

NASHVILLE, care American Consul, Colon:

Secret and confidential. Maintain free and interrupted transit. If interruption threatened by armed force with hostile intent, either government or insurgent, either at Colon, Porto Bello, or other point. Send copy of instructions to the senior officer present at Panama upon arrival of *Boston*. Have sent copy of instructions and have telegraphed *Dixie* to proceed with all possible dispatch from Kingston to Colon. Government force reported approaching Colon in vessels. Prevent their landing if in your judgment this would precipitate a conflict. Acknowledgment is required.

DARLING, Acting.

Mr. HITCHCOCK. Mr. President, look at the history as events followed then in rapid sequence. On November 2, the *Nashville*, which was one vessel that had been ordered, arrived at Colon at 5.30 in the afternoon and found everything on the

Isthmus quiet; no revolution there; found Colombia in complete possession of her ancient Province.

On November 3 the Colombian gunboat arrived with 500 troops for the Panama garrison, just across the Isthmus, and on that date a naval commander of the United States recorded the fact that "Colombia was in undisputed control of the Province."

Mr. President, the facts show that it had been expected by the conspirators to have the revolution on November 3, for the reason that that was election day in the United States, and revolution news would be lost sight of in the American papers in the midst of the great mass of political news which would appear the day after the election. But when Amador reached the Isthmus and found that the American vessels were not yet there for his protection, and that there was some doubt as to the exact hour when they would arrive, he persuaded the conspirators to delay until November 4, to be sure that Uncle Sam's vessels should be there to support the miserable little crowd of conspirators; and so the actual revolution occurred at 6 o'clock p. m. on November 4, 1903. It was not even known across the Isthmus in Colon that there had been a revolution until the next day, except by three or four conspirators in the town of Colon who controlled the railroad and telegraph lines.

This delay of one day was evidently not understood by our Government at Washington which had arranged for it on the 3d, and the following official cablegram inquiry as to what had become of the revolution, and the reply thereto, are amusing:

WASHINGTON, November 3, 1903.

EHRMAN, Panama:

Uprising on Isthmus reported. Keep department promptly and fully informed.

LOOMIS, Acting.

PANAMA, November 3, 1903.

SECRETARY OF STATE, Washington:

No uprising yet. Reported will be in the night. Situation is critical.

EHRMAN.

The rest of the history is brief, Mr. President. The 500 soldiers which Colombia had sent there to maintain the peace on the Isthmus, to retain the rights and protect the sovereignty of the Republic, were refused in the first place railroad transportation to the town of Panama. Their commanding officer went over to Panama to learn why it was that the cars could not be furnished. As soon as he arrived in Panama, at the very time the revolution was about to be started, he was seized and placed in jail, and the inferior officer he had left at Colon having these 500 men did not learn of his superior's imprisonment for some time because the means of communication were controlled by the company. When he did learn of it he naturally became furious and proposed to take by force the necessary cars to go to Panama. Then the United States marines were landed from the *Nashville* and other vessels of the United States, and they prevented by show of force the exercise of that sovereignty which Colombia had every right to exercise herself and which she had every treaty right to suppose we would exercise for her.

I have been told that I will probably endanger the passage of my resolution calling for this correspondence by making this speech upon it. Perhaps I will. But I believe the time has come when the American people are entitled to know the secret history of the creation by conspiracy in the United States of the Republic of Panama, and I believe that the Senate, at least, has a right to know what the demands of the Republic of Colombia since that time have been for the arbitration of her claim for damages.

I have been told, and it has been suggested to me, that if arbitrated probably the measure of Colombia's damages would be so great that it would appall the American people; that damages would not be confined simply to the payment of \$10,000,000, which we once offered, and the annuity of \$250,000 a year in perpetuity, because that provided only for the Panama strip for the canal, whereas, as a matter of fact, our act deprived Colombia not only of the canal strip, but deprived her of all the Province of Panama, her most valuable Province, possibly. Perhaps that is so; possibly the damages would not be limited to \$10,000,000 or \$15,000,000 or \$50,000,000; they might go to \$100,000,000 or more; but because the damage is great and because a court of arbitration might award the people of Colombia such enormous damages is no reason for us to shrink from paying the penalty for our act. I do not believe that the American people, who are a highly moral people and a highly just people, would shrink from paying to the last cent that penalty which a court of arbitration might award.

Mr. President, I have said some things here which reflect on the former President, Theodore Roosevelt. I have done so with mixed feelings. I recognize the great service he rendered to the American people in many particulars as President of

the United States. I realize fully the value of his administration to the American people in many practical ways, but there are two very black spots on his record, and we must recognize the bad at the same time that we acknowledge the good. The one black spot was when he became a party to the absorption by the Steel Trust of the Tennessee Coal & Iron Co. in violation of the law, a party to a crime against the American people; and the other was when he became a party to the conspiracy hatched in the United States to dismember a sister Republic, which we were under every moral obligation and every legal obligation as well to protect and defend.

I move the adoption of the resolution.

Mr. GALLINGER. Let the resolution be again reported.

The Secretary again read the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution. Without objection, the resolution is agreed to.

SENATOR FROM WISCONSIN.

The VICE PRESIDENT. Is there any other morning business? [A pause.] Morning business is closed.

Mr. HEYBURN. I ask the Senate to proceed to the consideration of Order of Business 299, being the report on the Stephenson case.

The VICE PRESIDENT. The Senator from Idaho calls up a privileged matter.

Mr. POINDEXTER. I desire to make a privileged motion.

The VICE PRESIDENT. One privileged matter is now before the Senate. Is it in reference to this matter that the Senator from Washington desires to make a motion?

Mr. POINDEXTER. It is not in reference to that, but it is in reference to a privileged motion—to take up a matter which is on the calendar, the morning hour not having expired.

The VICE PRESIDENT. The morning business is concluded.

Mr. POINDEXTER. I understand the morning hour for the consideration of business on the calendar expires at 4 o'clock.

The VICE PRESIDENT. The Chair just announced that morning business was concluded. The Chair asked if there was other morning business, and failing to receive any response, the Chair announced that morning business had been concluded. Morning business having been concluded, the Senator from Idaho called up a privileged matter. As that matter is up, it can be disposed of only by certain motions.

Mr. POINDEXTER. Mr. President, I rise to make a motion in a privileged matter which, I think, takes precedence over the matter presented by the Senator from Idaho during the morning hour—a motion to take up and consider a resolution on the calendar.

The VICE PRESIDENT. The Chair thinks it does not take precedence. The Chair thinks the only motions now in order are those enumerated under Rule XXII.

Mr. POINDEXTER. If the Chair will permit me, I should like to call attention to the rule to which I refer.

The VICE PRESIDENT. The Chair will be very glad to have his attention called to the rule.

Mr. REED. Mr. President—

The VICE PRESIDENT. The Senator from Washington has the floor.

Mr. REED. I rise to ask the Senator from Washington to speak loud enough so that we can hear him here.

Mr. POINDEXTER. I read from Rule IX:

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the calendar next after the last subject disposed of in proceeding with the calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the calendar, which motion shall not be open to amendment.

The VICE PRESIDENT. The Senate is now considering a question of privilege.

Mr. HEYBURN. Of the highest privilege.

Mr. POINDEXTER. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Washington will state it.

Mr. POINDEXTER. Do I understand that the disposition of business upon the calendar and a motion to consider matters upon the calendar can be interrupted at any time by the suggestion of a contested-election case?

The VICE PRESIDENT. That question is not now before the Senate. The Senator from Idaho did call up a privileged question, and when he called it up that question was before the Senate. That can be disposed of now only by one of the motions provided for in Rule XXII.

Mr. GALLINGER. Mr. President, it has been, I think, the universal custom of the Senate, when the calendar is reached under Rule VIII, that a motion may be made to proceed to the consideration of any other business, superseding the consideration of the calendar, if it is agreed to.

The VICE PRESIDENT. Oh, certainly.

Mr. POINDEXTER. Under Rule XXII, I move that the resolution which the Senator from Idaho has suggested, the Stephenson case—I do not remember the number—

The VICE PRESIDENT. Yes.

Mr. POINDEXTER. I move that the consideration of it be postponed until the hour of 4 o'clock.

The VICE PRESIDENT. The Senator from Washington moves to postpone the consideration of the pending matter until 4 o'clock.

Mr. HEYBURN. I do not think such a motion is in order.

The VICE PRESIDENT. The Chair thinks it is.

Mr. SUTHERLAND. Mr. President, the Senator from Kansas [Mr. BRISTOW] gave notice yesterday that immediately after the conclusion of the routine morning business to-day he would address the Senate on the Stephenson case. Since I have been in the Senate it has been the universal practice, as a matter of courtesy, to recognize a notice of that kind and permit the Senator to proceed. It seems to me that the attention of the Senator from Washington being called to that he will not insist upon his motion.

Mr. POINDEXTER. I will not insist on it if the Senator from Kansas would object to a postponement of the matter until the hour of 4 o'clock. I should like to state, however, that the matter which I am seeking to have an opportunity to present ought to be disposed of in a very few moments. It has already been debated a number of times. It is resolution No. 231, directing the Commissioner of the Bureau of Labor to make an investigation in regard to the strike at Lawrence, and if it can not be considered by the Senate until some indefinite time in the future, if it has to give way every day to the Stephenson case, the uses and purposes for which the resolution was introduced will have disappeared. Consequently it is important, if the resolution is to be considered at all, that it be considered now.

The VICE PRESIDENT. The motion of the Senator from Washington is to postpone until 4 o'clock the consideration of the pending question. [Putting the question.] The yeas appear to have it.

Mr. POINDEXTER. I ask for a division.

There were, on a division—yeas 15, noes 19.

The VICE PRESIDENT. The yeas have it, and the motion is lost.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HEYBURN. Mr. President, I yield to the Senator from Kansas [Mr. BRISTOW].

Mr. BRISTOW. Mr. President, on August 15, 1911, the Senate directed the Committee on Privileges and Elections to ascertain whether there were "used or employed corrupt methods or practices" in the election of Mr. ISAAC STEPHENSON, a Senator from Wisconsin. The committee has made its report, and the question for the Senate to determine is whether the evidence submitted by the committee shows that "corrupt methods or practices" were used in procuring Mr. STEPHENSON'S election.

I believe the evidence shows that corrupt methods and practices were used—that Mr. STEPHENSON and his managers not only corruptly used money to secure his election, but also flagrantly violated the laws of the State of Wisconsin against corrupt practices in elections, and that by mere technicalities they seek to avoid the responsibility for their conduct. Any man who will openly violate the statutes of his State that have been passed to protect the honesty of its elections is not worthy a seat in this body, yet the primary question for the Senate to decide is not, were the statutes of Wisconsin violated, but, did corruption in the election of Mr. STEPHENSON actually occur?

The chairman of the subcommittee, the Senator from Idaho [Mr. HEYBURN], in his opinion in the report, takes the amazing position that corruption in the primary election, which resulted in Mr. STEPHENSON securing the Republican nomination, can not be considered as having any bearing on the legislative election; that the primary practically has no more connection with the action of the legislature than a "straw vote" would have. Such a position, in my opinion, would wrongfully absolve Mr. STEPHENSON and his managers from the gross and indefensible corruption committed by them in the primary election, and would permit them to escape its penalties. The methods and practices which they used in the primary Mr. HEYBURN himself condemned in the following language:

The amount of money expended by Mr. STEPHENSON, Mr. Cook, Mr. Hatten, and Mr. McGovern in the primary campaign was so extrava-

gant, and the expenditures made by and on behalf of these gentlemen were made with such reckless disregard of the propriety, as to justify the sharpest criticism. Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate. * * * Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. STEPHENSON and of other men who sought election to the United States Senate were conducted, it would be very difficult to justify such conduct under the laws of the State.

Yet by an ingenious argument the Senator from Idaho [Mr. HEYBURN] attempts to exempt Mr. STEPHENSON from the results of these corrupt practices in the primary, which he condemns and which are shocking to the patriotic sense of every honest American citizen. I hold that an act of corruption that contributed to Mr. STEPHENSON's nomination in the primary is just as culpable as if it had occurred in the election by the legislature.

Mr. HEYBURN. I will ask the Senator from Kansas if he objects to being interrupted?

Mr. BRISTOW. I do not.

Mr. HEYBURN. If he does, I will not interrupt him.

Mr. BRISTOW. I do not object.

Mr. HEYBURN. I will then suggest that I at no time admitted that there was any corruption shown in the primaries. In fact, I stated emphatically that in the judgment of the subcommittee no such corruption was shown to have existed.

Mr. BRISTOW. The inference I drew from the Senator's language in his report was that the expenditure was in violation of the fundamental principle underlying our system of government, and that were a candidate for a State office in Wisconsin to conduct his campaign in the manner in which the campaign of Mr. STEPHENSON and other men who sought elections to the Senate was conducted, it would be very difficult to justify such conduct under the laws of the State.

Mr. HEYBURN. Those are separate propositions. The first proposition was directed at the morals of the primary system, which I think are bad, and I hope I made it plain that I was of that opinion. The second referred to the relation between a candidate under the statutes of a State as to the effect of the State statutes upon his candidacy, which has nothing to do with this case.

Mr. BRISTOW. I will proceed. I will not, of course, undertake to determine for the Senator what is corruption and what is not, but I will submit to the Senate the facts gleaned from these volumes and let Senators determine whether or not they think the acts of the parties who conducted this primary election were corrupt.

Mr. HEYBURN. That is a proper line of argument.

Mr. BRISTOW. If Mr. STEPHENSON had not received the nomination in the primary, he would not have been elected by the legislature. His name doubtless would never have been presented to that body for its consideration. A large number of the candidates for the legislature publicly declared that they would vote in the legislature for the man for United States Senator who secured the party nomination in the primary; so that it was necessary for Mr. STEPHENSON to have that nomination in order to secure the election, and the corrupt or unlawful expenditure of money in securing votes in the primary was just as reprehensible as would have been its expenditure to get votes in the legislative election.

In the consideration of the case I shall quote largely from the testimony of Mr. STEPHENSON's friends and supporters. His campaign is an interesting sidelight on the methods of a "business man in politics." In Mr. STEPHENSON's testimony, on page 23 of the first volume of the hearings, the following interrogatory appears:

The CHAIRMAN. Did you expend any money in connection with your nomination or election as a Senator—during the primary—between the time that you announced your candidacy and the date when the primary was held?

Senator STEPHENSON. Yes; I spent a hundred and seven thousand seven hundred and something.

The CHAIRMAN. Tell the subcommittee how you spent the amount that you have named.

Senator STEPHENSON. I appointed Mr. E. A. Edmonds an agent to spend the money.

The CHAIRMAN. How did you proceed to place money in Mr. Edmonds's hands? How did you do it—hand it to him yourself?

Senator STEPHENSON. I appointed Mr. J. H. Puelicher, cashier of the Marshall & Ilsley Bank, and Mr. J. A. Van Cleve as treasurers, and they were to pay Mr. Edmonds the money when he called for it.

The CHAIRMAN. Did you place a limit upon the amount of money which they were to furnish Mr. Edmonds?

Senator STEPHENSON. No. No; it came along from time to time, exceeding far beyond what I expected that it would.

Senator STEPHENSON then presented a detailed statement of the amount of money that he had deposited in banks to be paid out by his treasurers upon orders by Mr. Edmonds, aggregating, in all, \$111,385.49, of which amount \$107,793.05 was expended.

Five thousand dollars of this amount was placed in Mr. Edmonds's hands direct, which he was authorized to pay out himself. As I understand the testimony, the remainder was paid out upon Mr. Edmonds's authorization by the treasurers. A Mr. Rodney Sacket, a clerk in the office of the secretary of the senate, seemed to be a confidential agent of Senator STEPHENSON, who was an advisory or assistant manager, and who kept the accounts. Senator STEPHENSON seemed to pay little attention to the canvass and to have no great knowledge of the details for which the larger part of this enormous sum of money was expended. That is clearly shown by the testimony. On page 27 of the first volume the following appears.

I will state that I am going to read quite a good deal from the testimony, using the language of the witnesses themselves, because I think that it presents to the Senate a picture of what happened more accurately than for anyone to undertake to tell what happened:

The CHAIRMAN. Senator, what was the sum of \$2,000 expended for which you paid to J. A. Van Cleve on June 28 by a check on the Stephenson National Bank?

Senator STEPHENSON. He and Mr. Puelicher were my treasurers. I appointed them, and they wished to give to Mr. Edmonds, the manager, such sums as he required.

The CHAIRMAN. Do you know what that was expended for?

Senator STEPHENSON. No; I do not.

The CHAIRMAN. Do you know what the item of \$10,000 was expended for which you paid by check on July 6 to J. A. Van Cleve?

Senator STEPHENSON. No; I do not know about that.

The CHAIRMAN. Do you know what any of the items that you have returned here, amounting to \$111,385.49, were expended for?

Senator STEPHENSON. A few.

The CHAIRMAN. Then we will go through the statement and see which ones you know about personally. Do you know what the amount of \$5,000 was expended for which is represented by the check of July 18 to E. A. Edmonds?

Senator STEPHENSON. No; I do not. He might have stated to me what he expended it for.

The CHAIRMAN. Do you know and can you state to the committee what it was expended for?

Senator STEPHENSON. No.

The CHAIRMAN. Now, taking the check to Puelicher, given July 30, for \$10,000, have you any knowledge how that money was expended?

Senator STEPHENSON. He was to pay it over as Mr. Edmonds called for it. He was one of my treasurers, if you please, and Mr. Van Cleve was the other. I paid them the money, and Mr. Edmonds would call on them for the money.

The CHAIRMAN. As to the check for \$30,000, on August 7, to Puelicher?

Senator STEPHENSON. That was all the same.

The CHAIRMAN. Now, you say you do not know what disposition was made of the larger items paid to Van Cleve and Sacket. There is, on August 20, an item of \$15,000; on August 20, an item of \$10,000; on August 31, \$2,000; and on September 3, \$13,500, paid to Van Cleve. You do not know what he did with that money?

Senator STEPHENSON. All of that money that was given to Mr. Puelicher and Mr. Van Cleve was to be given to Mr. Edmonds, my manager, as he might need it. That is all they had to do with it.

Further on, when the chairman was interrogating him in regard to some other expenditures, Senator STEPHENSON said (p. 31):

I will say right there that I know nothing about it only as that return was made to me. I had practically nothing to do with the canvass and knew nothing about it only as he made that return to me.

The organizing of this campaign committee is a very interesting illustration of applying "business methods" to politics. First, Senator STEPHENSON selected his campaign manager. Then he selected two treasurers. He deposited large sums of money in the hands of these treasurers, and then directed his campaign manager to proceed and spend whatever money is necessary to win the election. He also put in a confidential clerk, Mr. Rodney Sacket, one of the clerks in the office of the secretary of the senate, to be advisory, apparently, to his treasurers and his manager. Edmonds had no authority to pay out money direct, except \$5,000, which was given him, apparently, as pocket change, though his personal expenses were paid by the treasurers.

The order of Edmonds for the expenditure of money seemed to be a check on the treasurers, because, apparently, they were not authorized to expend money except upon his order, and Sacket seems to have been a more personal representative of STEPHENSON's, who kept the accounts. So it will be observed that the Senator had his financial agents of this organization admirably provided with checks on each other; but it will be observed from the testimony that follows that he did not care to have any checks upon his field agents, or details as to their expenditures. Nor were the records in the bank kept so that they gave any special information that would be valuable to an investigating committee. There was no record kept in the bank of these disbursements. Puelicher paid the bills and received vouchers, but no account was carried in the bank and no checks, therefore, were issued against it. All of the financial transactions in regard to this Stephenson fund were kept in a memorandum by Puelicher, which was submitted to STEPHENSON.

son to convince him that the money had been expended, and then all records of it were turned over to Sacket after the campaign was over. Senator Husting, of the State investigating committee, in commenting upon this, said (p. 1914):

* * * Senator STEPHENSON was a party with Mr. Puelicher, Mr. Sacket, and Mr. Edmonds in providing a manner of disbursing money through the banks so that it might not be known whence it came and where it went, making it absolutely impossible, even at the present day, for any committee or anybody to go into that bank and discover what are a part of the campaign disbursements and what are not.

But it is not my purpose to extensively go into that phase of the campaign.

After the organization was completed, Senator STEPHENSON seems to have taken a fishing trip, having properly financed his scheme for election to the United States Senate. Now, let us examine the methods followed by this organization in spending over a hundred thousand dollars in the campaign.

There were a number of candidates for the legislature who were given money, some of them by STEPHENSON direct and others by his managers. To illustrate:

THOMAS REYNOLDS.

Thomas Reynolds was a candidate for the legislature from Door County. Mr. STEPHENSON admits, on page 25 of the testimony, that he paid Mr. Reynolds \$180. This was made in two payments, one of \$80, the other of \$100. Mr. STEPHENSON says that at the time he paid him \$80 he did not know that Reynolds was a candidate for the legislature, but that when he afterwards paid him \$100 additional he did then know that he was an active candidate. These amounts were paid prior to the primary. After Reynolds had been nominated for the legislature, Mr. STEPHENSON then directed his manager to send him another \$100, making \$280 in all. When asked as to what he did with this \$280, Reynolds stated, as shown on pages 1236 and 1237, that he had paid \$1.50 to a man to circulate STEPHENSON's petition, and had employed a man on his farm whom he paid \$1.50 a day for 26 days while he was in the canvass himself; and in accounting for the money, he put in the laborer's wages at \$2 per day, counting 50 cents a day for his board. All told, he accounted for an expenditure in the campaign of \$53.50. On page 1240 of the testimony, the following interrogatories occur:

The CHAIRMAN. Did you receive any more than \$180 from Senator STEPHENSON, or from anyone in his behalf?

Mr. REYNOLDS. I received \$100 from Senator STEPHENSON's manager.

The CHAIRMAN. Is that the \$100 that you have referred to? Did you receive \$280 altogether from Senator STEPHENSON or his manager?

Mr. REYNOLDS. I did not consider it from Senator STEPHENSON, although Senator STEPHENSON told me afterwards that he told them to send it to me—I supposed for my services; I do not know for what.

The CHAIRMAN. Did you receive \$280 altogether from Senator STEPHENSON?

Mr. REYNOLDS. Yes, sir.

Reynolds was nominated and elected to the legislature and voted for STEPHENSON. He states that when he received the first \$80 from STEPHENSON he did not know that he would run for the legislature, that depending upon whether he could secure a man to work on his farm while he made his canvass. Having been able to secure the man, he then became a candidate, STEPHENSON about that time having given him another \$100. After reading the testimony in this and other cases, no man with an open mind can doubt that Reynolds became a candidate for the legislature because of the contributions which STEPHENSON made, and without such contributions he would not have been a candidate. He was paid money by Mr. STEPHENSON himself; he became a candidate for the legislature and was paid more money; was nominated and received more money; was elected and voted for STEPHENSON. In my judgment, considering this from the standpoint of practical human affairs, Reynolds's vote in the legislature for STEPHENSON is as directly the result of the expenditure of this money as if it had been paid to him the day before he cast his vote.

L. H. BANCROFT.

L. H. Bancroft was a candidate for the legislature from Richland County. Senator STEPHENSON admits that he gave Bancroft \$250, but says that he did not know at the time he gave him this \$250 that he was a candidate for the legislature. While STEPHENSON states, on page 39 of the testimony, that he gave Bancroft \$250, the record shows that it was paid by Puelicher, doubtless upon the order of STEPHENSON. Bancroft in his testimony says that he received the \$250, and that it was after he had become a candidate for the legislature and his petition had been filed. He says that he expended this money in behalf of STEPHENSON's candidacy for the United States Senate and not for his own candidacy for the assembly; that he spent all of it for STEPHENSON in organizing the county. As

the story is told by him, he was telephoned by Edmonds, STEPHENSON's manager, to come to the Stephenson headquarters at Milwaukee, which he did, and as a result of that visit he received the \$250 contribution. On page 708 of the testimony Bancroft was asked:

The CHAIRMAN. Did you keep an account of the expenditures made on behalf of Senator STEPHENSON?

Mr. BANCROFT. I did not.

The CHAIRMAN. Did you make any memorandum at the time?

Mr. BANCROFT. No memorandum, no, sir; except to charge my memory with it as an incident.

The CHAIRMAN. How did you know when the Stephenson fund was exhausted?

Mr. BANCROFT. Because this money was laid in a separate compartment in my safe, and that specific money was paid out in paying these bills.

Bancroft testified that he paid this money out to different individuals to work for STEPHENSON in various ways. On page 711, he was asked in regard to the money that was given to these various "workers":

The CHAIRMAN. Did you tell them that Senator STEPHENSON was furnishing you with the money to have them do this work?

Mr. BANCROFT. No.

The CHAIRMAN. Did they think that you were furnishing this money yourself?

Mr. BANCROFT. I do not know what they thought, Senator.

The CHAIRMAN. Did they know that Senator STEPHENSON was employing you to do this?

Mr. BANCROFT. I never told them. I did not consider it any of their business.

Referring to one of the men employed by Bancroft, the chairman asked:

Did he seem rather glad to have this opportunity to earn some money?

Mr. BANCROFT. Yes, sir; he did.

The CHAIRMAN. Was he under the impression that you were giving him the opportunity?

Mr. BANCROFT. I do not know what impression he may have had about it. I asked him if he wanted a job, and told him what I wanted him to do. Then I paid him for his time and his livery bills.

The CHAIRMAN. When was this?

Mr. BANCROFT. That was some time in August.

The CHAIRMAN. It was after your nomination papers were filed?

Mr. BANCROFT. I think it was; yes.

I might quote largely from the remainder of Bancroft's testimony, but it is unnecessary. It is admitted by all that after he became a candidate for the legislature before the primary he was called to STEPHENSON's headquarters and paid \$250, which \$250 he used in the campaign. And it is ridiculous for anybody to assume that this money could be expended in the way it was, for the alleged benefit of STEPHENSON, and Bancroft himself to receive no benefit of it. It was simply a part of Bancroft's campaign expenditures. Bancroft was elected to the legislature, and voted for STEPHENSON.

CHRISTIAN C. WELLENSGARD.

Christian C. Wellensgard was a candidate for the legislature from Green Lake County. This is the county in which Mr. Sacket, STEPHENSON's assistant manager, lived, and the testimony shows that the arrangement with Wellensgard was made by Sacket. On page 441 of the testimony the following interrogatories occur:

The CHAIRMAN. * * * I will ask you again about Wellensgard. On September 5 you paid him \$250. What was that for?

Mr. SACKET. That was to reimburse him for money expended by him in Green Lake and Waushara Counties in the interest of Mr. STEPHENSON's campaign.

The CHAIRMAN. He was a member of the legislature that elected Senator STEPHENSON?

Mr. SACKET. He was.

The CHAIRMAN. And he was then a candidate?

Mr. SACKET. Yes, sir.

The CHAIRMAN. Did you pay him that money?

Mr. SACKET. I did.

The CHAIRMAN. What did you give him the money for?

Mr. SACKET. To reimburse him for money which he expended in the interest of Senator STEPHENSON.

The CHAIRMAN. What money had he expended?

Mr. SACKET. He had expended \$250.80.

The chairman of the subcommittee then referred to a report made by a committee of investigation of the Wisconsin Legislature, which contained a letter and statement from Wellensgard. This letter Wellensgard wrote to Sacket, submitting a statement of his expenses during the campaign. It was written after the primaries, and is as follows:

BERLIN, Wis., September 3, 1903.

Mr. RODNEY SACKET, Milwaukee, Wis.

DEAR FRIEND: Inclosed please find my bill against STEPHENSON. I wish you would please see that I get it. I haven't put in anything for cigars or what little I spent. Please let me hear from you. I beat Hitchcock by 347 majority.

Yours, truly,

C. C. WELLENSGARD.

Exhibit 62 received in evidence, and is in words and figures following, to wit:

STEPHENSON CAMPAIGN COMMITTEE,		BERLIN, Wis., September 3, 1908.
Milwaukee, Wis.		
1908.		
July	5. Livery to Princeton -----	\$3. 00
	6. Livery to Markesan -----	3. 00
Aug.	20. Livery at Markesan -----	2. 00
	21. Livery at Markesan -----	2. 50
	22. Livery at Markesan -----	2. 50
	23. Livery at Markesan -----	2. 50
	23. Livery at Berlin -----	2. 50
	24. Livery to different parts of the county -----	2. 50
	28. Paid out to help G. Burlingame and 4 men -----	30. 00
	28. Paid to C. Rosebrook, town of St. Marie, and 4 men -----	25. 00
	28. Paid Bill Anglem, town of Green Lake -----	5. 00
	28. Paid W. Burdick, town of Green Lake -----	5. 00
	28. Paid C. Schrader and men at Markesan -----	30. 00
	28. Paid W. Malena, town of Seneca -----	5. 00
Sept.	2. Telephone bill -----	2. 00
	2. Paid Mr. Rossa, city of Berlin -----	4. 00
	2. Paid C. Kinaska, city of Berlin -----	5. 00
	2. Paid Jack Grotta -----	5. 00
	2. Paid H. Wilde, town of Manchester -----	5. 00
	2. Paid E. A. Umbrecht, town of Manchester -----	5. 00
	2. Paid E. Vaughn, Kingston, and men -----	25. 00
	2. Paid William Crook, Ripon -----	5. 00
	2. Paid Nels Sorrenson, Mackford -----	5. 00
	2. Paid Herman Ebbentroff, Mackford -----	5. 00
	2. For automobile election day -----	15. 00
	2. Paid Wilson for help on machine -----	2. 50
	2. Paid postage -----	4. 00
	3. Paid Mr. Resop, city of Berlin -----	3. 00
	3. Paid Mr. Kresal, city of Berlin -----	1. 00
	3. Paid August Waslinski, city of Berlin -----	5. 00
	3. Paid Steve Greager, city of Berlin -----	5. 00
	3. Paid J. Neighbor, city of Berlin -----	5. 00
	3. Paid J. Weir, city of Berlin -----	5. 00
	3. Paid J. Briskie, city of Berlin -----	5. 00
	3. Paid F. Bartow, city of Berlin -----	5. 00
	3. Paid Joe Gosh, city of Berlin -----	5. 00
Total		250. 80

(Indorsed:) Paid, 9/5/08. C. C. Wellensgard.

The statement shows on its face that Wellensgard rendered to STEPHENSON a bill for his campaign expenses after the primaries were over. He claimed in his testimony that this money was expended wholly for STEPHENSON, and not for himself. How impracticable such a proposition is is shown by his testimony, on page 845, when interrogated as to the payment of \$30 to C. Burlingame and four men. Burlingame was a man alleged to have been hired to haul men to the polls on election day.

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Yes.

Mr. HEYBURN. If I do not interrupt the Senator, I will call attention to the fact that the Legislature of Wisconsin anticipated the expenditure of sums up to \$5 for this very class of services and exempted them from the accounts to be filed. So that, although he has done so, he was not required to account for sums of \$5 or less paid out on election day. The legislature evidently contemplated what it deemed to be the necessity of getting people to the polls, so that the failure to account for any of those items would not be a violation of the statute of Wisconsin.

Mr. BRISTOW. It might not be a violation of the statute of Wisconsin, but if \$2 or \$3 or \$4 or \$5 is expended for the purpose of inducing men to go to the polls and vote who otherwise would not have gone to the polls and voted, then, in my judgment, it was an improper and corrupt use of money in an election. It is not a question of what the statutes of the State of Wisconsin forbade; it is a question as to what men did.

Mr. HEYBURN. Mr. President, if the Senator will permit me, I am in accord to a certain extent with the sentiment which he expresses. I have never believed that it was within the proprieties to haul people to the polls, but the Legislature of Wisconsin evidently did consider it a legitimate expense.

Mr. BRISTOW. I think as we proceed the evidence will show that very large amounts of money were expended and given to men, not for the purpose of hauling them to the polls but to induce them to go to the polls and vote. That, at least, is the construction that I put on the testimony.

The chairman of the subcommittee asked Wellensgard—

Would you feel justified in permitting Senator STEPHENSON's money to be spent for hauling to the polls men who were not known to be favorable to him?

This testimony I am reading for the purpose of showing how impossible it was for this money to have been expended as it was expended by Wellensgard, a candidate for the legislature, in Mr. STEPHENSON's interest and not in his own.

Mr. WELLENSGARD. I had no ways or means to know. The men were hired for that purpose.

The CHAIRMAN. Was it not your duty to know, if you undertook to spend his money?

Mr. WELLENSGARD. It might have been my duty; but I had not seen these men or had any talk with them.

The CHAIRMAN. That is evident. You hired another man to gather them up and employ them on behalf of Senator STEPHENSON. Was it not your duty to know that none but Senator STEPHENSON's friends were employed?

Mr. WELLENSGARD. They might have voted for me and not have voted for Senator STEPHENSON.

The CHAIRMAN. That is the point I was after.

Mr. WELLENSGARD. I do not know how they voted.

The CHAIRMAN. It may be that the hauling of these men to the polls with Senator STEPHENSON's money inured to your benefit and not to his benefit. Is that true?

Mr. WELLENSGARD. That, of course, I could not say.

The CHAIRMAN. They did not vote against you, did they?

Mr. WELLENSGARD. I do not know.

The CHAIRMAN. You would have something to say to the man who hauled men to the polls to vote against you, would you not?

Mr. WELLENSGARD. I do not think that I saw this man Burlingame but once after the time that I was there to see him. I think I only saw him twice during the primary.

The entire testimony of Wellensgard is evasive and shows an utter lack of frankness. His statement rendered to STEPHENSON shows that he paid Burlingame, on August 28, \$30. In one part of his testimony he stated that he paid Burlingame in July. In regard to this statement the chairman asked (p. 848):

Had you not better abandon that proposition on the recollection of the facts—your claim that you paid this money in July? Look at that account and get your mind actively to work.

Mr. WELLENSGARD. I would not swear to the date that I paid it.

The CHAIRMAN. Why do you want to controvert the date set forth in your memorandum?

Mr. WELLENSGARD. I would not like to swear to it that it was in August, on the 28th of August, if it should have been some other date.

The CHAIRMAN. If you paid it for the purpose you stated you did, the 28th of August was an appropriate time to be paying it. Why do you want to transfer the date back to an inappropriate time?

Mr. WELLENSGARD. I do not seek to transfer it. I say I am not positive of the exact date that that money was paid to Mr. Burlingame.

In his testimony before the legislative committee in Wisconsin he declared that he paid Burlingame for posting bills and circulars for STEPHENSON in the village of Green Lake, where the enemies of Mr. STEPHENSON would tear them down as fast as they were put up, and that he kept Burlingame continually putting them up. In his testimony before the Senate committee he said he paid Burlingame for hauling men to the polls on election day, and went into details as to the distance the men had to be hauled. Apparently he had prepared to change his testimony and to find a basis upon which to reconcile the inconsistent statements on the 13th of October, 1911, more than three years after the payment had been made; and a few days before he appeared before the senatorial committee he went to Brookline, the home of Burlingame, and secured a receipt from him for \$30, which receipt Wellensgard wrote out himself and had Burlingame sign; and in this receipt he stated that it was for circulating petitions and for men working on election day. Interrogating him further, Senator POMERENE asked (p. 859):

And when you arranged to have these several men haul voters to the polls, you expected that the voters that would be hauled to the polls would vote for both you and Senator STEPHENSON?

Mr. WELLENSGARD. We did not draw any lines as to whom we drew to the polls. There were men in Berlin than ran automobiles—

S Senator POMERENE. You did not expect anyone who was hauled to the polls to vote against Senator STEPHENSON, did you?

Mr. WELLENSGARD. I have no way of knowing how they voted.

S Senator POMERENE. Nor did you expect any such person to vote against you?

Mr. WELLENSGARD. I never asked them how they voted.

S Senator POMERENE. Nor did you expect any such person to vote against you?

The Senator seems to have repeated the question.

Mr. WELLENSGARD. That I could not say—how they voted. We got them to the polls whether they voted for one man or the other.

S Senator POMERENE. As a matter of fact, the men whom you employed and to whom you paid money you expected to vote for and support both you and Senator STEPHENSON?

Mr. WELLENSGARD. I suppose they did. I do not know. * * *

Wellensgard's testimony in regard to all the items of the bill is just as indefinite and evasive as that which I have read and will convince any experienced and open-minded man that this money was used to hire the support of numerous individuals for himself and STEPHENSON.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. Do I understand the Senator to say that the whole effect of this witness's testimony is that he hauled voters to the polls and paid for their transportation to the polls and did not know or undertake to know how they voted, either as affecting himself or Senator STEPHENSON?

Mr. BRISTOW. He avoided a direct answer to the question.

Mr. HEYBURN. It is possible that the whole sum of \$107,000 was not expended at all; that a great deal of it was

never expended at all. It is natural that those who received the money and did not expend it should try to make up accounts. It is unfortunate that such a thing should be—

Mr. BRISTOW. I think the Senator's observation is to the point. As we proceed, Senators will observe that a number of men refused to account for money which they admit they received, and I conclude that they refused to account for it for one of two reasons—either they received it and were expected to disburse it and did not, or they received it to influence them and were not expected to disburse it; one of the two reasons. Now, from the evidence and the statements made by the witnesses, it is for each individual Senator to conclude which was the case.

Mr. REED. Mr. President—

Mr. BRISTOW. I yield to the Senator from Missouri.

Mr. REED. I desire to understand the remark of the Senator from Idaho. Did I understand the Senator from Idaho to say that probably \$70,000 of the amount paid these men simply pocketed and did not use?

Mr. HEYBURN. No, Mr. President, I do not think I said anything on that subject at all—about \$70,000.

Mr. REED. I could not hear distinctly.

Mr. HEYBURN. I will, with the permission of the Senator from Kansas—

Mr. BRISTOW. Certainly.

Mr. HEYBURN. As nearly as I can, repeat the substance of what I said; that it is possible, in accounting for these sums of money which were placed in the hands of persons, they did not expend it at all for any purpose.

They did what is sometimes denominated as "sunk" it. I say in the judgment of at least one member of the committee no such sum of money was expended as Senator STEPHENSON furnished to his agents. That is all that I intend to say, and I think that conclusion will find many seconds.

Mr. REED. Has the Senator an idea of the amount that was absorbed in that way?

Mr. HEYBURN. No; I have not, and I did not feel that it would add anything to the information of Senators to start out on a drag-net proposition to convict a lot of men of being unfaithful even to an irresponsible trust. I could not see that any good purpose would be served by it.

Mr. REED. Does the Senator mean to say, then, that this was an irresponsible trust?

Mr. HEYBURN. Yes; it was an irresponsible trust from the standpoint from which I use that term. I do not know how the Senator would intend to use it. But when one man gives another a sum of money and says "you use that in my interest, to forward my chances for election," there is a moral and personal responsibility running from the party who receives it to the party who gives it, but when I used the term "irresponsible trust" I meant to carry the idea that it was not a trust enforceable under the law.

Mr. BRISTOW. I have now referred to three candidates for the legislature who received money and who were elected.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. Do I understand that the evidence discloses that only three candidates for the legislature received money directly?

Mr. BRISTOW. Only three who were elected.

Mr. BORAH. One other question. Has the Senator been able to determine how much of this \$107,700 is unaccounted for upon the showing before the committee?

Mr. BRISTOW. I have not been able to figure out accurately how much was unaccounted for, but as I proceed it will be seen that there were large amounts that were unaccounted for, and the testimony will develop in what way they were unaccounted for, and I think the Senator will find some very interesting data on that subject as I proceed.

Mr. BORAH. Further, you say there were three members of the legislature who received money direct. How many votes did Mr. STEPHENSON receive before the legislature as a majority vote? That is, what was his vote?

Mr. BRISTOW. There were 123 votes cast, and the Senator received 63.

The purpose of Mr. STEPHENSON—

Mr. SUTHERLAND. The Senator from Kansas says three members of the legislature who were elected received money, leaving it to be inferred that there may have been an indefinite number who received money who were not elected.

Mr. BRISTOW. If the Senator will excuse me, I will proceed to give the names and the number that did.

Mr. SUTHERLAND. I thought the Senator was passing to something else.

Mr. BRISTOW. No; I will come to that in a few moments.

The purpose of Mr. STEPHENSON in giving these men money was to secure their friendship and support. To pay a candidate for the legislature money to secure his vote before he is nominated and elected is more of a gambler's chance than to wait until his election, because he may be defeated and not have an opportunity to carry out the obligations, but the moral turpitude is just as great.

These three candidates for the legislature—

Mr. HEYBURN. Will the Senator pardon me? I do not want to interrupt too frequently.

Mr. BRISTOW. Certainly.

Mr. HEYBURN. But it should be borne in mind in connection with this statement that these three members of the legislature were ardent supporters of Senator STEPHENSON. He did not draw them from the outside or from the uninterested public. He had been elected to the Senate once before, and I merely call attention to that fact. He was not buying antagonistic votes.

Mr. BRISTOW. I expect to discuss that feature of it further along.

Mr. BORAH. I have observed that that statement has been made before, but where is the evidence of the fact that they had been Stephenson supporters previous to the time they received the money other than their own statement of the fact?

Mr. BRISTOW. As I remember the evidence on that point, it is the statements of the candidates themselves, possibly supported by Edmonds or Sacket or the parties who paid them the money. I hold, of course, that the evidence shows that at least one of these men never would have been a candidate for the legislature if he had not received this money; and from my point of view, if you pay a candidate for the legislature money, he naturally would state that he did not receive that money for his vote. To do that would be to confess he was bribed. So unless he is ready to make confession, he would take the other point of view.

Mr. HEYBURN. I suggest to the Senator further that a very vigilant watch was on guard there to find any flaw in Senator STEPHENSON's title to the seat, and had that statement not been true, as made by each of those men, there were men there who would have liked to have an opportunity to show it to be untrue.

Mr. BRISTOW. I hold, of course, that no candidate for the United States Senate has a right to pay money to men who are to vote on the senatorship when there is a controversy going on. If we concede that, we concede that corruption is possible and probable. We throw the gate wide open to all kinds of corruption.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Yes.

Mr. BORAH. I think, however, notwithstanding the statement of the Senator from Kansas, that there is a vast difference in the strength of the proof as to corruption between paying money to a man known to be indifferent or unfriendly to you and who afterwards becomes friendly, as the proof is stronger that the money has its influence in controlling him, than to pay it to a man who is known all the time to be for you. But I have been unable to find in this record any evidence at all of the fact that these men were such men as would be said from their previous acts or previous relationship, political or otherwise, to have been for Senator STEPHENSON regardless of the fact whether they got money or not. I do not say it is not in the record, but I have not been able to discover it. It would be a very potent fact if we could discover it one way or the other. And the fact that they had at a previous time favored him, while a circumstance, would by no means be conclusive that they would have been for him at this time except for the money paid them. I have not examined this evidence closely, and it may be it quite sufficiently appears that they would have in all probability been for him in any event.

Mr. BRISTOW. My view is that the evidence, not with that definiteness which would be equivalent to a demonstration, but which would be satisfactory to a man familiar with the affairs of life, is that these men would not have been for STEPHENSON, with the possible exception of one, unless they had received this money.

Mr. SUTHERLAND. I could not put my finger on the testimony at this moment, but my recollection is that each one of these men—

Mr. CULBERSON. On this side of the Chamber we have not been able to hear the controversy going on for the last 10 or 15 minutes. I ask the Senator if he will not address himself to this side of the Chamber as well as to the other.

Mr. SUTHERLAND. My recollection is that the testimony shows that each one of these three men—Bancroft, Wellensgard, and Reynolds—was in the legislature of 1907, at the time Senator STEPHENSON was elected the first time, and that all three of them voted for him, which would be pretty strong evidence that they were friendly to him.

If the Senator will bear with me further, each one of them testified under oath that he was for STEPHENSON. Each one of them had been a friend of STEPHENSON of many years standing. I think Mr. STEPHENSON testified to the same thing. Now, will the Senator from Kansas undertake to say that with that sworn testimony before the committee, with the testimony that they had voted for STEPHENSON in a prior election, the committee ought to disregard the testimony and presume that each one of them had told an untruth about it, particularly in view of the fact that there was absolutely no testimony to the contrary?

Mr. BRISTOW. In regard to that, I desire to say that the testimony of Reynolds, in my judgment, shows that he would not have been a candidate for the legislature unless STEPHENSON had provided him with these funds, and he did not spend the funds. He admits that he kept the money; a part of it. What did he keep it for?

Mr. SUTHERLAND. Who is that?

Mr. BRISTOW. Reynolds. He accounts for but \$53.50 out of the \$280 given him.

Mr. SUTHERLAND. The Senator means he does not account in detail.

Mr. BRISTOW. The testimony does not show that he spent it all.

Mr. SUTHERLAND. Of course this is a long record, but my recollection is that each one of these men expressly said that they did expend it all.

Mr. BRISTOW. Reynolds did not.

Mr. SUTHERLAND. But they were not able to account for every dollar of it; they were not able to say that they gave a dollar to this man and \$5 to the other man, but they accounted for it in detail as far as they could. But each of them said he spent the money—

Mr. BRISTOW. No.

Mr. SUTHERLAND. And spent it in STEPHENSON'S interest.

Mr. BRISTOW. Reynolds does not claim that he spent all the money. Reynolds made a trip into another county, outside of his district, and he had some expenses on that trip, and his time was worth something, and he considered that part of the compensation for the work he was doing for STEPHENSON. Wellensgard claims that he spent the money and made a statement. Bancroft claims he spent the money—

Mr. CULBERSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. I do.

Mr. CULBERSON. I ask the Senator what he thinks of the testimony of these three candidates, that the money furnished them was used by them to nominate the Senator from Wisconsin here and not to nominate themselves in the primary?

Mr. BRISTOW. I do not think it is true. I do not think any man who is acquainted with human affairs, who has had ordinary experience with men who are active in political affairs, will believe that any candidate for the legislature who will accept money from a candidate for the United States Senate to be used in a campaign would use that money exclusively for the Senator and not for himself, or that he could do it if it was expended in the district where he himself was a candidate.

Mr. BORAH. There is another feature of the matter, which makes it more binding, it seems to me, and that is this: It would not make any difference how honestly a man intended to use the money in the campaign. He might think he was going to expend it in a legitimate way to secure his election, and he might spend it in a legitimate way, but after he had received it he would never thereafter be a free moral agent in casting his vote for the man for Senator. He would feel compelled to follow the line of action indicated by the payment. Naturally, if a candidate for the legislature received money from the candidate for Senator, and he spent the money in paying legitimate expenses, yet this candidate for the legislature would not feel free to refuse his vote to the man who had paid his campaign expenses. So there is a corrupting and wrongful influence working even if the money is used to pay legitimate campaign expenses.

Mr. BRISTOW. These three candidates for the legislature were all nominated and elected and voted for STEPHENSON. Without their votes he would not have been elected.

Mr. HEYBURN. Will the Senator permit me? I have found the reference.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. I have the reference now to Bancroft, at page 717.

Mr. BRISTOW. I said Bancroft claimed to have spent this money for STEPHENSON, and he said he was a friend of STEPHENSON.

Mr. HEYBURN. I will just call attention to his testimony at page 717:

As a member of legislature I voted for him on every ballot, both in 1907 and in 1909.

These men belonged to what they called the "old guard" out there. The other one, Wellensgard, says:

STEPHENSON, in legislature I voted for him on all the ballots; supported him during campaign; have always supported him; voted for him in 1907 when I was a member of legislature; had known of him for 20 years. * * * If I had not received anything it would have been the same; if he had not got the majority at the primaries, I should have voted for the other man who did.

The other one you will find up to the standard when I find his testimony.

Mr. SUTHERLAND. If the Senator from Kansas will permit me right there, Mr. Reynolds testified at page 1249, and I think he testified on another page as well, when the question was asked—

Were you, in the legislature of 1907, a supporter of, and did you vote for, Senator STEPHENSON at that time?

Mr. REYNOLDS. Yes.

All three of them voted for him.

Mr. BRISTOW. Nevertheless, the evidence will show, and any Senator can read the testimony of Reynolds and in my opinion he will be convinced, that the reason he became a candidate was because he received this contribution from Mr. STEPHENSON and his managers. I do not know how other Senators look at this, but when a candidate for the legislature receives money from a candidate for the United States Senate, if there can be any honor in a transaction of that kind he binds himself to the support of that candidate.

Mr. HEYBURN. But he did not receive it for himself. He only became one of the assistants in the campaign for the purpose of hiring other men to do proper things.

Mr. BRISTOW. He was a candidate for the legislature.

Mr. HEYBURN. He did not benefit by the money.

Mr. BRISTOW. These three men were candidates for the legislature, and the testimony shows beyond any question that it was used for them and for supporting Senator STEPHENSON in every instance. It was used for the benefit of both. It could not be otherwise. I invite any Senator to read the testimony of the three members of the legislature, a part of which I have quoted here this afternoon.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield further to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SUTHERLAND. The Senator says quite emphatically that this money was used by these men for their own benefit and for the benefit of Senator STEPHENSON. It is very easy to make assertions of that character, but where does the Senator find any evidence which warrants it in the volumes of testimony?

Mr. BRISTOW. I find it in the volumes of the testimony.

Mr. SUTHERLAND. Can the Senator show—

Mr. BRISTOW. I have read it in part.

Mr. SUTHERLAND. But the Senator cited us to the testimony of these men, in which they say they did not do that.

Mr. BRISTOW. I have cited the Senator to testimony in which they said they hired men to haul people to the polls who voted for both of them.

Mr. SUTHERLAND. No; I beg the Senator's pardon.

Mr. BRISTOW. The record will show, and I will let the record stand.

Mr. SUTHERLAND. I remember very clearly what the Senator read from the record. One of the men, I think Wellensgard, said these men were brought to the polls, and he did not know whom they voted for. That is a very different thing from saying for whom they did vote.

Mr. BRISTOW (reading):

Senator POMERENE. As a matter of fact, the men whom you employed and to whom you paid money you expected to vote for and support both you and Senator STEPHENSON?

Mr. WELLENSGARD. I suppose they did. I do not know.

Mr. HEYBURN. That is not a statement that they did.

Mr. BRISTOW. Does any Senator believe, in considering this in a frank and open-minded way, that any one of these candidates would hire men to haul voters to the polls to vote for Mr. STEPHENSON and to vote against them? Is that human

nature? The candidate for the legislature is involved, and he would be benefited by it. I say, does any Senator believe he would hire men to go out and canvass for STEPHENSON and get men to vote for the Senator who would vote against him as a candidate for the legislature?

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission.

Mr. GALLINGER. I will ask the Senator from Kansas about how much further time he will take.

Mr. BRISTOW. It depends altogether upon interruptions.

Mr. GALLINGER. Probably the remainder of the day?

Mr. BRISTOW. Possibly; I hope not.

Mr. GALLINGER. While I was hoping that I would get an opportunity to proceed with the consideration of the unfinished business, I think the Senator from Kansas ought to be permitted to continue, and I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Senator from Kansas will proceed.

Mr. CRAWFORD. Mr. President—

The VICE PRESIDENT. Will the Senator from Kansas yield to the Senator from South Dakota?

Mr. BRISTOW. Certainly.

Mr. CRAWFORD. I should like to inquire of the Senator from Kansas or some member of the committee (and my inquiry is based on some reference that I am not at all able to call attention to now) whether or not that was a specific statute in Wisconsin that undertook to prohibit a candidate for the United States Senate from contributing funds for the election of a candidate for the legislature?

Mr. BRISTOW. Not specifically a candidate for the legislature.

Mr. CRAWFORD. There was no such specific statute?

Mr. BRISTOW. Not that I know of. There was a general statute which covered the case, in my judgment, and which I shall read later on.

Mr. CRAWFORD. I wish to ask another question, because the discussion is helpful to us all. I should like to know if it is the position of the Senator that money paid by a candidate for the United States Senate may be expended by a candidate for the State legislature who was for this particular candidate for the Senate before he received the money from him. If we assume that, therefore the payment of that money made no difference with reference to the position of that candidate for the legislature. Suppose the candidate for the legislature expended that money for some purpose that could not be called corrupt—it might have been for advertising in newspapers—the fact being that the money was paid by the candidate for the United States Senate to a candidate for the State legislature who was already in favor of this particular candidate for the Senate, the money being paid for some purpose not in itself corrupt—would the Senator contend that such a transaction is a corrupt practice? It might not be ethically so, but is it really a corrupt practice?

Mr. BRISTOW. There is no occasion to answer that question, because that is not this case.

Mr. CRAWFORD. There are no instances that would come within it?

Mr. BRISTOW. I think none whatever. My view is that because a candidate for the legislature may have been in the legislature before and voted at that time for a candidate for the United States Senate is not conclusive evidence that he would vote for him again.

Mr. HEYBURN. It is not conclusive that he would not.

Mr. BRISTOW. And it is not conclusive that he would not. In my opinion, judging these men from their testimony, if they had not received Stephenson money and had received Cook money at least two of them would have been for Cook and not for STEPHENSON. I think there is not any doubt about that from the testimony.

Mr. SUTHERLAND. Mr. President, these three men did testify, each one of them, that they had voted for STEPHENSON in 1907. Each of them testified in the most emphatic manner that he was a friend of STEPHENSON's of many years' standing, and each of them testified that he was a supporter of STEPHENSON, and that the payment of this money made absolutely no difference to them. The question I present to the Senators is whether or not, in the face of all that testimony, and there being nothing to the contrary, it is quite fair to assume that every one of these men lied about it.

Mr. BRISTOW. The Senator is wrong when he says, in the face of all that testimony, there being nothing to the contrary. These men denied that they supported STEPHENSON because of the receipt of this money. If they had not denied it, they would have confessed guilt, and if they had confessed, judging from other cases we have had before the Senate, they would have been denounced as men trying to blackmail and destroy the character of a United States Senator.

Mr. SUTHERLAND. Their denial does not prove the contrary.

Mr. BRISTOW. But when they admit receiving the money and say that they were not influenced by it, we are left to judge whether or not they were by the facts relating to the entire transaction and the incidents of their candidacy. In my judgment, they were bound by the receipt of this money to Mr. STEPHENSON's candidacy, and no man can tell whom they would have been for if they had not received the money.

Mr. HEYBURN. Except that they had announced for whom they were.

Mr. BRISTOW. They had not announced for whom they were before receiving the money, unless it was Bancroft.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. I do.

Mr. WORKS. It seems to be assumed that the money must be traced to some person who has used it for corrupt purposes, or that it was placed in the hands of a certain individual who was a candidate, by which he himself would be corrupted. I want to know whether the Senator from Kansas has considered the broader view of the question as to whether the mere fact of placing in an election fund \$107,000, without direction as to where it should go or without any knowledge as to where it shall go, is not of itself a corrupting influence in the conduct of an election which would affect the title to the office?

Mr. BRISTOW. I undertake to cover that point later on. My judgment is that it does. That feature of the case I will discuss in connection with some other very heavy contributions.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield further to the Senator from California?

Mr. BRISTOW. I do.

Mr. WORKS. It has been suggested, I think, by the Senator from Utah [Mr. SUTHERLAND], that all these three members of the legislature, long-time friends of Mr. STEPHENSON, would have voted for him in any event. Is it not true that they said they voted for him because they were friends or that they voted because he had received the primary nomination?

Mr. BRISTOW. These men said, every one of them, as I remember the testimony, during their campaign that they would vote for the candidate who received the larger number of votes in the primary; that is, who should receive the Republican nomination.

Mr. KERN. That is Mr. Wellensgard's statement on page 861. He agreed to abide by the primaries.

Mr. BRISTOW. I think they all did.

Mr. KERN. And while I am on my feet—

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. As soon as the Senator from Indiana has concluded.

The VICE PRESIDENT. The Chair begs pardon.

Mr. KERN. How would it be possible for a candidate for the legislature, such as Mr. Wellensgard, who admits practically that he took the money, went out and bought votes, to do so for Mr. STEPHENSON without at the same time, being the man who furnished the money, putting the elector under obligations to himself?

Mr. BRISTOW. I think it is impossible.

Mr. KERN. Mr. Wellensgard, on page 855, where he is accounting for certain small sums of money, where they were getting down to business, testified as follows:

The CHAIRMAN. There are several items on September 3 of sums of \$5, \$2, \$4, \$1, and \$3. For what were those sums of money paid?

Mr. WELLENGARD. They were paid for ward workers.

The CHAIRMAN. What do you mean by ward work?

Mr. WELLENGARD. To get the votes out to the polls.

The CHAIRMAN. What kind of work?

Mr. WELLENGARD. I do not know.

The CHAIRMAN. What do you call "work at the polls"? What acts constitute "work at the polls"?

Mr. WELLENGARD. There are a good many of them out there that work in the quarry—quarrymen—and they come down there to work at the polls.

Mr. LITTLEFIELD. What sort of a quarry?

Mr. WELLENGARD. A granite quarry.

The CHAIRMAN. What constituted "work at the polls"?

Mr. WELLENSGARD. They always have ward heelers that work around at the polls.
The CHAIRMAN. Were all these men watchers?
Mr. WELLENSGARD. I presume they were.

And so on in that line, where he shows on that page and the following that he pursued that line of conduct which is pursued in those States where votes are bought. The vote buyer is not going to a vote seller and say, "I will give you so much for your vote." The vote seller is not going to a vote buyer and ask him how much he will give for his vote. The proposition is always to evade the law, and he will say, "I will give you so much for this work." Every man who knows anything about politics knows that is the method by which votes are bought when men are engaged in working among what Mr. Welensgard calls "ward heelers." I submit to the Senator from Kansas it would be impossible for any man to take this large corruption fund and go out and distribute money to ward heelers for such a purpose as is indicated here without at the same time putting the ward heelers under obligation to the man who furnished the money which they needed so badly.

Mr. BRISTOW. I entirely agree with the Senator from Indiana. There can not be any doubt about it. I yield to the Senator from Washington.

Mr. JONES. Has the Senator read from the testimony of Mr. Bancroft in reference to his payment of money to Mr. Mehaffy?

Mr. BRISTOW. I have not.

Mr. JONES. I did not need to read it if the Senator had read it.

Mr. BRISTOW. I did not incorporate it.

Mr. JONES. It is contended that these candidates for the legislature did not spend the money that was given them in their own interest, but in the interest of Senator STEPHENSON. I think the testimony in regard to \$100 of the \$250 paid to Bancroft, in regard to his payment of it to Mehaffy, is rather illuminating; at least it does not show very great interest in behalf of Senator STEPHENSON. At page 709 of the record the following appears:

The CHAIRMAN. Give us the names of the people and the amounts you gave them.

Mr. BANCROFT. George Mehaffy I paid \$100.

The CHAIRMAN. What was he to do for that \$100?

Mr. BANCROFT. I gave him no instructions whatever.

Senator POMERENE. What is his address?

Mr. BANCROFT. Richland Center.

The CHAIRMAN. What did he do with the money?

Mr. BANCROFT. I could not tell you.

The CHAIRMAN. Did you ask him to render you an account of the manner of its expenditure?

Mr. BANCROFT. I did not.

The CHAIRMAN. Did he ever tell you how he expended the money?

Mr. BANCROFT. He did not.

The CHAIRMAN. Then you never knew?

Mr. BANCROFT. I do not know.

The CHAIRMAN. Did you ever know?

Mr. BANCROFT. I never knew.

Mr. BRISTOW. The 2,200 pages of testimony are full of such instances, and I am going to cite a number of them as I proceed.

Mr. WILLIAMS. I should like to ask the Senator from Kansas a question. Does the Senator from Kansas think that any man with a nice sense of honor, with a decent sense of honor, in fact, being a candidate for the legislature, would permit a candidate for the Senate to be elected by that legislature to give him money?

Mr. BRISTOW. He would not. No man of honor who is a candidate for the legislature will accept money from a candidate for the United States Senate who will appear as a candidate before the legislature to which this man is to be elected, and the very fact that he accepts it is a presumption that it is given for a corrupt purpose. I think the time has come in the history of this country when the United States Senate should put the stamp of disapproval on all such transactions as that if it expects to maintain its integrity and retain the self-respect of the American people.

There were a number of other candidates for the legislature to whom money was given who failed of nomination. William L. Smith was given \$250 by one Merritt C. Ring, one of STEPHENSON's submanagers. Ring was given between eight and nine hundred dollars to be expended for STEPHENSON in various ways, and he testifies that he paid \$250 of it to Smith, who was a candidate for the assembly from Eau Claire County. Ring states that he gave this money to Smith to be used for STEPHENSON and not for himself. Of course, he used it to promote the campaign of both himself and STEPHENSON. It is unreasonable to believe anything else when they were both candidates for office before the same primary.

E. A. Everett was a candidate for the assembly from Vilas County, and was paid \$250 of STEPHENSON's money by D. E. Riordan, who was a STEPHENSON submanager or scout under Edmonds. This was paid a few days before the primary election. Everett, however, failed to secure the nomination.

Mr. Edmonds also paid to one Shauers, of Oconto County, who was a candidate for the legislature, money to work for STEPHENSON. Shauers was not elected. Edmonds could not remember how much he paid him, but estimated it at from \$100 to \$125.

Not only did the STEPHENSON managers furnish money to candidates for the legislature, to be used in their own behalf and for STEPHENSON, but they undertook to bribe men to become candidates for the legislature, as shown by the following letter, which appears on page 1093 of the testimony:

J. A. ALWARD, Madison, Wis.

DEAR FRIEND: As I talked to you this evening over the phone I do not like to get mixed in any public matter of this kind, but, as I said to you, I will write the facts. A party came to me and wanted me to try for the nomination in the primary for assembly. He further stated that if I would try with the understanding that I would support STEPHENSON and the liquor interests I could depend on several hundred dollars for campaign expenses. Hoping this will not be used further than is a necessity, I am,

Yours, respectfully,

LESTER TILTON.

This offer was made to Tilton, who lived at Neillsville, Wis., by the same M. C. Ring who paid the \$250 to Smith, candidate for the assembly in Eau Claire County.

One Norman L. James, who had a brother who was a candidate for the State senate from Richland Center, was paid \$500, but he says he used that money for STEPHENSON, and not for his brother. He claims to have spent more than that in the Stephenson campaign, but fails to give any itemized statement of the purposes for which he expended the money. He makes the general statement that it was for hiring teams and distributing buttons and so forth. James was a business man—a lumberman and farmer. If this money had been expended in a legitimate way, in my opinion, he would have kept an account of it. It is an easy way of avoiding an embarrassing statement of facts that would incriminate, to make vague and indefinite statements as to the amount of money expended in elections, and the purpose for which it is expended.

The question frequently arises in the testimony as to whether these men that were hired by the various distributors of STEPHENSON's money were influenced because of the payment of the money to support STEPHENSON when otherwise they might have been against him. The testimony of Edmonds, Sacket, Bancroft, Welensgard, and others shows, in my judgment, that money was paid to men—I will state this as a fact—shows that money was paid to men who had not announced for whom they were for Senator, and had taken no interest in the campaign until they were employed; that statement is made time and again in many instances, and the representatives of STEPHENSON in numerous instances do not claim to have known whom these men favored for Senator prior to their employment. In the testimony of William R. Knell, on page 1778, referring to men he had employed, Senator POMERENE asked:

Can you tell us what their sentiments were on the subject of the Senatorship prior to the time that you employed them?

Mr. KNELL. I employed no one who I did not feel satisfied was a STEPHENSON supporter.

Senator POMERENE. Were they STEPHENSON supporters because you employed them?

Mr. KNELL. No. About the first question I asked of them was, "How do you feel on the senatorial question?" There were a good many of them who said, "I am for McGovern," or "I am for Cook"; and I said, "That is all right; that is your privilege; I do not want you on my side." I do not think it is fair to have men taken away from me, and I would not take away men from others.

He was a fine representative to turn over \$11,000 to and to send out to canvass the city of Milwaukee for votes. He did not want anyone who was for anybody else.

Mr. HEYBURN. Do you think he ought to have taken the other position?

Mr. BRISTOW. If he had he would have confessed. I think it would have been the truth if he had taken the other position.

Senator POMERENE. Did you meet some men who were wholly indifferent about it?

Mr. KNELL. Oh, yes.

Senator POMERENE. And you employed some of them?

Mr. KNELL. I think I did.

Senator POMERENE. How many of them?

Mr. KNELL. Not many of them.

Knell was STEPHENSON's organizer in the city of Milwaukee, and expended \$11,886 of his money.

Mr. HEYBURN. For which I think he got no vote.

Mr. BRISTOW. It was his business to get as many votes in the city of Milwaukee for STEPHENSON as he could, and yet he says in his sworn testimony that he did not want to take any voters away from any other candidates.

I want the Senate to consider this from the standpoint of reason and common sense.

Edmonds, during the campaign, employed a number of workers known as organizers, or "scouts," and sent them through the State. Some of them disbursed money for him. I have referred to one Merritt C. Ring, who was employed to go through

Chippewa, Eau Claire, Clark, and Portage Counties and hire workers and organize the counties. Ring says, in his testimony, that he received eight or nine hundred dollars. Sacket's account shows that he was paid \$645. Ring says that, of the money that he received, he handled \$520 himself, and that the remainder was paid by checks from the headquarters. It was Ring who paid William L. Smith, a candidate for the legislature, \$250. He also paid Mr. George E. Dee, of Chippewa Falls, editor of the Chippewa Herald, \$150 for the support of his newspaper. Dee, in his testimony, on page 1223, in regard to his arrangement with Ring, said:

Mr. Ring came into the office, and at first I did not recognize him; I had not seen him for several years. He introduced himself, and we sat down and had a few minutes' conversation. He said: "How are you lining up on this senatorial question?" I said: "Well, I have been thinking it over for some time, and I have come to the conclusion that if I do any supporting in this campaign I am going to support Senator STEPHENSON. I think he is all right, and will do as well as anybody." We had a few more words about the Senator, and then he stated his proposition. He said: "I am glad to see that you are favorably inclined our way. I am representing the Stephenson campaign committee out in Milwaukee, and I should like to make a contract to advertise the Senator in your paper. I should like you to do it liberally, and to have you put in such articles as you think will advance his candidacy in this community." I told him that I was open to an advertising proposition at any time and with any candidate that was all right, and against whom I did not have any particular score. Then we talked a few minutes longer on what I would consider a fair price, and I named my price as \$150. He said: "Well, that looks reasonable enough"; and he said: "We will pay that." I think he paid me \$50 then and sent me \$100 later, but I am not sure about that. But I got the \$150 all right.

Senator POMERENE. Was anything said at that time as to the nature of the articles you were to publish?

Mr. DEE. He said to me: "You know your community here, and you know what would be effective advertising for the Senator." He said: "The committee at Milwaukee will send you such general articles as it is sending out. Then," he said, "we will probably send you some papers from other communities. Then," he said, "in addition to that, use your own judgment in printing what you think will help the Senator's cause."

Senator POMERENE. Was anything said as to how much space you were to give him?

Mr. DEE. He said that he wanted me to give as large a space as I possibly could for that amount.

Senator POMERENE. If I understand you, then, there was not anything said as to the amount of space he was to have?

Mr. DEE. I do not believe there was any definite arrangement made about the space.

Senator POMERENE. Then, if I understand you correctly, you simply agreed for a lump sum to support the Senator's candidacy through the columns of your paper?

Mr. DEE. Yes, sir.

Senator POMERENE. Had you had anything favorable to say of Senator STEPHENSON's candidacy prior to this arrangement with Mr. Ring?

Mr. DEE. I do not recall that I did. I had news items in the paper from time to time about the various candidates as they came up—regular press dispatches.

Dee also received \$200 more of STEPHENSON's money, which he expended, he says, in hiring men to work on election day. In regard to the disbursement of this money, the chairman asked (p. 1221):

Mr. HEYBURN. Mr. President, I should like to inquire, in order that I may have a comprehensive and correct idea of the position of the Senator from Kansas, whether or not, in his judgment, that arrangement with the newspapers was a violation of law or propriety, having in view the direct primary system?

Mr. BRISTOW. I think it was a bribe, a corrupt act, and just as heinous as if it had been the purchase of the vote of a member of the legislature.

Mr. HEYBURN. It would be a cold day for the newspapers when a direct primary is the question, because they have been supporting it under the impression that it would give them a great deal of that kind of business. I know of one paper which received about \$4,700 out of one direct primary through such means, and it has been the most ardent supporter of that system I know of.

Mr. BRISTOW. The Senator is entirely incorrect when he says that newspapers that support a direct primary are doing so because they expect financial gain from the system. No honorable newspaper man will support the proposition for that reason, and in my judgment very few of them do. Any newspaper that will sell its editorial support is guilty, in my opinion, of an act of corruption just the same as if a Member of the Senate should sell his vote.

Mr. KERN. Mr. President—

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BRISTOW. I do.

Mr. KERN. Does not the evidence of this man, Mr. Dee, show that his newspaper had not contained one single line

favorable to the candidacy of Mr. STEPHENSON previous to the time he received the \$150?

Mr. BRISTOW. It does.

Mr. KERN. On the contrary, does it not show that an article appeared in his paper discrediting the candidacy of Mr. STEPHENSON?

Mr. BRISTOW. I do not remember as to that article.

Mr. KERN. There appeared an article, in which it was stated:

"Cook shows gains in senatorial race," in which the Senatorship is discussed, and then there is this paragraph:

From a sure winner Senator STEPHENSON has dropped in the minds of the outsiders to third man in the race, surprising as this may seem.

That was explained by him by saying that it must have got in at some time when he was out of the office or when the city editor had charge. I think the fact was shown that this man Dee never published a line in his paper favorable to Senator STEPHENSON until he got \$150.

Mr. BRISTOW. The record will show that soon after he got the \$150 he published an editorial and not as advertising, that—

Mr. HEYBURN. May I ask this question: What, in the judgment of the Senator from Kansas, would be the offense if a man bought a newspaper and then it should come out regularly in his own interest? That has been known to be done.

Mr. BRISTOW. If a man is the editor of a newspaper, of course he has a perfect right, and it is his duty, to direct the policy of that paper along the lines that his conscience believes are the proper lines.

Mr. HEYBURN. I was speaking of owner and editor combined. Suppose a man buys the paper?

Mr. BRISTOW. I do not care to pass upon presumptive cases here all the afternoon.

Mr. HEYBURN. We are settling the moral question as to the status of the newspapers, and I wonder whether or not the Senator would put them in the same class. I have known of candidates buying 15 or 20 newspapers in a State in order to have a medium through which to reach the public.

Mr. KERN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BRISTOW. I do.

Mr. KERN. I submit that the difference between the two transactions is the difference between buying a man and buying property.

Mr. WILLIAMS. A man who bought a newspaper would have as much right to control it as a man who bought a horse would have a right to ride it, would he not?

Mr. BRISTOW. I think so.

Mr. HEYBURN. We shall get a good code of morals established here if we keep on.

Mr. KERN. Mr. President, with the permission of the Senator from Kansas, I will call his attention to the fact that this man Dee testifies with reference to the kind of advertising—

Mr. CRAWFORD. From what volume does the Senator from Indiana read?

Mr. KERN. From volume 2, page 1228.

The CHAIRMAN. Did you consider that advertising material to be charged against the \$150 which had been given you for that purpose?

Mr. DEE. It probably would not look exactly like an advertisement, yet it was done in the interest of Senator STEPHENSON.

The CHAIRMAN. It was political work?

Mr. DEE. Yes; it was political work.

The CHAIRMAN. It was political newspaper work?

Mr. DEE. Yes.

Mr. BRISTOW. I continue to read from Mr. Dee's testimony. He was asked:

Did you pay out the money on the basis of so much a day—

I am now reading his testimony in regard to the \$200 which he received after the \$150.

Did you pay out the money on the basis of so much a day to men for their time in working at the primaries?

Mr. DEE. Yes; that was the rate.

The CHAIRMAN. What was the basis of your payment?

Mr. DEE. It ranged from \$3.50 to \$5 per day.

The CHAIRMAN. You have stated here that you paid some of them \$3 and some \$3.50. You were asked whether there was any difference between the methods of these men that accounted for the difference in the scale of wages. Was there any difference?

Mr. DEE. Where we wanted a man to work at a certain poll, and we could not get him for \$3.50 or \$4, and he would say he would do it for \$5, we simply paid him \$5.

The CHAIRMAN. Do you remember the largest sum you paid any worker?

Mr. DEE. Individually, I think, \$5 was about the limit, because the amount was small in a large county like Chippewa; in fact, very small.

Dee was unable to mention the names of any of the men to whom he paid any part of this \$200, and never rendered any account to the campaign committee for its expenditure. From Dee's own testimony it clearly appears that he sold the in-

fluence of his paper, whatever it was, to Stephenson's agent for \$150. To buy the support of a newspaper in a primary election is a bribe and is just as iniquitous as to purchase the vote of a member of the legislature.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SUTHERLAND. Does the Senator from Kansas take the position that it would be corrupt for a candidate for an office to advertise himself in a newspaper? I am not speaking of the question of taste, but would it be corrupt?

Mr. BRISTOW. It depends altogether upon what you call advertising. If it were display advertising and known to be advertising, the same as a dry goods company or as a store advertises its wares, I would not say that that was corrupt; but if it is an editorial comment, giving the moral support of the editor of the publication, then it is corrupt.

Mr. SUTHERLAND. What appears here, so far as this man Dee is concerned, as I recall it, is that he was in a measure to use his own judgment about the sort of matter he put into his paper. They were to send him some material from Milwaukee and he was to insert that material. I do not know that it appears—and for the purposes of my question I do not care whether it does or not—that it was to go into the paper printed as an advertisement; but suppose that a candidate makes an arrangement with a newspaper that that newspaper will print such matter as he may send to it—editorials clipped from other papers, laudatory articles written by anybody, would the Senator say that that was corrupt? I should agree with the Senator if he would take the position that it was bad taste to do it; but is it corrupt?

Mr. BRISTOW. Instead of dealing with a hypothetical case, I will deal with this testimony and read one of the articles that appeared as advertising matter, and answer the Senator's question, if he will permit.

Mr. SUTHERLAND. I am anxious to get the Senator's point of view.

Mr. BRISTOW. I will give it to the Senator by discussing the evidence direct. If he will permit me, I will now read one of the articles.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I will, if the Senator will wait until I have answered the Senator from Utah. After the receipt of this \$150 the following editorial appeared in Dee's paper under this head:

MANY FAVORABLE TO STEPHENSON.

The candidacy of Senator ISAAC STEPHENSON, of Marinette, is commanding a great deal of attention among the people of this section of the State. No matter what may be said about our junior Senator by those seeking to defeat him at the primary September 1, there yet remains a strong sentiment in the hearts of many Republicans that Senator STEPHENSON has been of much worth to his State, and that with all his years he is to-day a remarkable man. For his numerous good deeds and his clear and forcible common sense, he should be given consideration. Senator STEPHENSON was accorded the short term in the United States Senate, and ethics in politics demand his reelection to a second term. Very few are criticizing Senator STEPHENSON in this county, while we find good Republicans in the ranks who are in hearty accord with him.

That article is an editorial commendatory of Senator STEPHENSON.

Mr. KERN. Will the Senator read the next question and answer as to what he considers an advertisement?

Mr. BRISTOW. At the suggestion of the Senator from Indiana I will continue the reading:

That is the article that appeared in your paper, according to this record, on August 18, 1908. Was that after Mr. Ring had made the arrangement with you, or before?

Mr. DEE. That was after.

The CHAIRMAN. Was that article pursuant to your arrangement with Mr. Ring?

Mr. DEE. I should consider that an advertisement of the Senator.

That is an editorial, and it does not require any keen legal mind to determine whether this man, who had not supported STEPHENSON up to that time, who had published articles against him, but after he had received this money began to print this kind of editorial comment, did it because of the money. It was not advertising, but it was the sale of his editorial influence just as much as the sale of any influence that any man might have in a community.

Mr. SUTHERLAND. Mr. President, does the Senator call that a bribe?

Mr. BRISTOW. I do.

Mr. SUTHERLAND. Of course there must be two parties to a bribe—the person who receives it and the person who gives it. If it is a bribe, both of them must be guilty of some criminal offense. Under what statute of his own State or of

Wisconsin does the Senator think the editor of this paper could be convicted of receiving a bribe?

Mr. BRISTOW. I do not know; I am not familiar with the statutes of Wisconsin, and not specially familiar with the statutes of Kansas on this subject; but it is not necessary to have a statute to know that this transaction was a corrupt and improper use of money in a political campaign.

Mr. SUTHERLAND. I think the Senator is confusing a matter of good taste with a matter of bribery or corruption. What I wanted the Senator to tell me was whether or not he thought, under any statute in any State of the Union, this editor could be convicted of receiving a bribe.

Mr. BRISTOW. I am not a lawyer, and I am not going to bandy words with the Senator about the matter. If it suits the Senator better to say it was corrupt, then I will use the word "corrupt," and say it was the corrupt use of money in an election.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. WILLIAMS. If the Senator from Kansas will yield to me, I should like to ask the Senator from Utah a question.

Mr. BRISTOW. I yield.

Mr. WILLIAMS. Are there not generally in the States statutes providing penalties for accepting money or anything of value for a vote or for the use of influence in the election of a candidate?

Mr. SUTHERLAND. I do not know how the statutes are worded. Of course, there are statutes that make it a criminal offense for any man to receive a bribe for the purpose of influencing his vote. That is true.

Mr. WILLIAMS. Influencing his vote, or for using his influence with others.

Mr. SUTHERLAND. But I do not know of any statute which makes it a criminal offense for one man to receive from another money to go out and make speeches for him, if he chooses to do so, and certainly that is quite as culpable as receiving money to print advertisements in a newspaper.

Mr. WILLIAMS. I agree with the Senator that there is nothing in any statute I ever saw which would prevent a man who was for a given cause or for a given candidate from going out and making speeches for him and being paid for his time and his services and his expenses, but take the case of a man who uses the influence of his newspaper for the purpose of electing some one to office.

Mr. SUTHERLAND. Well.

Mr. WILLIAMS. Does not the Senator think that a statute which penalizes anybody for accepting money or anything of value for his vote or his influence in an election would cover that kind of a case?

Mr. SUTHERLAND. It does not occur to me that it would, any more than—

Mr. WILLIAMS. The case of the Senator, I suppose, is a different thing. I can easily imagine, of course, that the Senator himself, in the next campaign, after the national convention of his party, might go upon the stump for the Republican national nominee and permit the Republican national committee to pay his expenses.

Mr. SUTHERLAND. The Senator can not imagine that of the Senator whom he is addressing, because he never did that and never expects to do so.

Mr. WILLIAMS. Nobody, I take it, would consider that the mere payment of the expenses of a man who needed his expenses to be paid would be corruption; but suppose that, in addition to his expenses, he was paid for making speeches, does the Senator think that that would be the right sort of thing?

Mr. SUTHERLAND. I had not quite finished my answer to the Senator. I can not myself see any distinction between the case of a man who is employed to go out and use his tongue for the benefit of another and is paid for his time, and the case of the editor or owner of a newspaper who is paid for space in his paper. This editor apparently fixed his own price, \$150, for the use of the space in his paper.

Mr. WILLIAMS. The Senator and I would be agreed about that if it were merely a question of the use of space, but this matter seems to have been used in the editorial columns. If it were space bought, that fact was concealed by printing the matter in the editorial columns. It seems to me that the distinction made by the Senator from Indiana [Mr. KERN] is a true one—that it is the difference between the sale of a commodity and the sale of a man. A newspaper deals in advertising space and it might allow anybody to put any advertisement in that it chooses to receive and accept pay for; but if the advertisement is in the shape of an editorial, is it not a purchase rather of the editor than of the space?

Mr. SUTHERLAND. No more than the payment to an individual who goes out and makes speeches is a purchase of the individual.

Mr. BRISTOW. Mr. President, if the Senator will permit me, I will later on refer to men who were hired to make speeches that otherwise would not have been made, and that is just as improper a use of money as to buy editorial space. Of course, it is.

Mr. SUTHERLAND. Then the Senator from Kansas and the Senator from Mississippi apparently disagree?

Mr. BRISTOW. We do not disagree at all.

Mr. WILLIAMS. I said that where a man was paid for making speeches it was improper, but I could conceive that a man could make speeches and have his expenses paid in a good cause.

Mr. SUTHERLAND. I concede it is improper; I concede it is bad taste; but the question that I am asking all the time is, Is it corruption? Is it bribery? Is it something for doing which a man could be convicted of violating a criminal statute?

Mr. WILLIAMS. The Senator's question, then, is, Is it indictable? That, I think, is a different question, and, upon second thought—I seemed a moment ago to differ with the Senator about that—I doubt if it is indictable. I was thinking about the case of receiving money to influence another man by using the money with the other man, and that is a different proposition.

Mr. CRAWFORD. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from South Dakota?

Mr. BRISTOW. Yes.

Mr. CRAWFORD. I was going to suggest there might be another and an additional distinction. I do not know that it would change the ethics, but it seems to me it would to some extent change the character of the case. Suppose what this editor wrote in the form of an editorial and for which he received pay was nevertheless an honest opinion and was true in fact, would that not be a different situation than if he had received money for stating something that was absolutely false? Is not a distinction to be made there?

Mr. BRISTOW. Whether a statement about a candidate is true or not may be a matter of opinion, but, eliminating these fine distinctions, the naked fact is that this man Dee sold the influence of the Herald to Mr. STEPHENSON for \$150, and he says he did. I say that that is an improper use of money in elections. If a public speaker for a consideration agrees to go out and support a man in whom he is not interested except on account of the money paid him, I say that that is a corrupt and improper use of money in an election, not only on the broad principle of public morals, but I think it is contrary to the laws of the State of Wisconsin.

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield further to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. I had not expected to hear that statement from the Senator from Kansas, because it is very astounding in the light of the history of the past and of the promise of the future that a man can not within moral rules be employed to go out and make political speeches.

Mr. BRISTOW. I never made any such statement, or a statement upon which such a construction could be placed.

Mr. HEYBURN. When the Senator sees his remarks in print he will probably find that that is just what he said. The Senator, then, does not contend that it is unlawful or improper for a man to hire his time for the purpose of supporting a candidate by going over the country and making speeches?

Mr. BRISTOW. As we go along, I will demonstrate my ideas of that in dealing with other cases, which will answer the Senator's questions fully and completely.

Mr. HEYBURN. The Senator will pardon me if I seem to be a little persistent, but I have heard some most surprising statements here in the last few minutes. I should like to know if there is anyone who contends that it is a violation of the law or of propriety for a man to hire himself out to a political party or to a candidate to go through the country advocating the candidacy of a certain man?

Mr. BRISTOW. I will answer that in this way: In my judgment, any man who will hire himself out and, because of the money received, will go into a primary campaign—

Mr. HEYBURN. I am speaking of campaigns.

Mr. BRISTOW. And speak in behalf of a candidate. I say that the money expended in that way is an improper use of money in politics, and that in cases referred to in this discussion there were a number of them in Wisconsin which, in my opinion, were in violation of the laws of Wisconsin and in violation of public morals.

Mr. HEYBURN. Then, would it not follow that we should probe the sincerity of men who make political speeches in behalf of candidates in order to see whether or not the officeholder's title to the office is uncorrupted?

Mr. BRISTOW. If it is conceded that the expenditure of \$107,000 in hiring men to support an individual for the United States Senate is a proper use of money in elections, then I say that you can concede anything so far as corruption goes in politics.

Mr. HEYBURN. Let us take the expenditure of \$10. Suppose a man says, "I will go and make a speech at a certain place in your behalf to-night if you will pay me \$10," and he goes there and makes the speech and gets the \$10. Would that affect the title of the man to the office in case he should be elected?

Mr. BRISTOW. I think it ought to if it was a widespread practice.

Mr. HEYBURN. The Senator thinks it ought to?

Mr. BRISTOW. I do; yes, sir.

Mr. HEYBURN. Is it possible that the statements are untrue that men go out in campaigns and support candidates with whom they are not in absolute sympathy and ask the people to vote for them?

Mr. BRISTOW. The Senator is begging the question there.

Mr. HEYBURN. I think not; I am putting one.

Mr. BRISTOW. The support of a political party before the people by a member of that party of course is taken for granted, unless there is some reason why he thinks he can not support its candidate, when he will bolt and support the candidate of the other party. I do not believe, personally, that it is proper to hire men, even by political committees, to go out in political campaigns.

Mr. HEYBURN. I agree with the Senator.

Mr. BRISTOW. But I think the question involved is very different in the case of a man supporting his own party candidates to whom he is pledged, because they represent his party principles, as compared to the case of the man who goes out for money and supports an individual with whom he is not in sympathy as the candidate of his party.

Mr. HEYBURN. Then, if it should transpire that a man should be paid within the next few weeks or months to speak in the interest of either of the candidates of either of the parties, he would be guilty of an act of corruption, would he?

Mr. BRISTOW. Does the Senator mean after the conventions?

Mr. HEYBURN. No; before.

Mr. BRISTOW. I think so. I think it is entirely improper to hire a man to go over the country to speak for candidates. I think it certainly is an improper use of money. Does not the Senator know that if you concede that such a use of money is proper, then you concede a possibility of unlimited corruption; and the man who has the "biggest barrel" is the man who will have an army supporting him? What are corrupt practices acts for if not to prevent just such things as that? Why did we pass a statute at the last session of Congress limiting to \$10,000 the expenditure a candidate for United States Senator may lawfully make in his campaign?

Mr. HEYBURN. Because we were not in our right senses when we passed that statute. That is the best reason for it.

Mr. BRISTOW. The Senator may have that conception of political morals, but it is entirely different from mine.

Mr. HEYBURN. If the Senator will pardon me—and I am entitled to say this—I do not believe in the expenditure of money in political campaigns at all. I do not believe in a campaign fund such as we are accustomed to talk about being placed in the hands of a committee for the purpose of indiscriminate expenditure throughout the country. I have just as strict views upon that subject as has the Senator, but my views do not make a law; my views do not constitute a rule that shall expel from this body a man who has been elected under the general conception of political management.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. It seems to me, if the Senator from Kansas will pardon me, we now have a pretty clear line of issue. Upon the one hand, it is maintained that no man's seat can be questioned in this body unless he has committed a crime under the statutes in order to get here, and, on the other hand, it is contended that if a man uses money so that the money is the determining factor, instead of the choice and purpose of the individual, that that is a matter that can be inquired into. I think the issue is pretty plainly drawn now that it is claimed on one side that, no matter how immoral an act may be, so long as it is not covered by a statute, we are without jurisdiction to inquire into it; and, on the other hand, it is contended there are acts of such moral

turpitude and so detrimental to the public morals that if they are proven they may be considered.

Mr. HEYBURN and Mr. WORKS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Kansas yield, and to whom?

Mr. BRISTOW. I yield to the Senator from Idaho for a moment.

Mr. HEYBURN. Just for a moment to make a suggestion. Then, if a controversy were to arise over a game of golf between a candidate and another person, each charging the other with being dishonorable in his methods in regard to playing golf, would the Senator think that a controversy of a kind that might be inquired into by the Senate?

Mr. REED. Oh, no. But if we were in a golf tournament and a man charged with being guilty of irregular practices on being called before a board of gentlemen to have his acts inquired into should insist that, although he had violated and broken the rules of the game and all the rules of decency, he could not be expelled because he had not broken a statute, I would say, not knowing much about golf, that the board would inquire into his acts.

Mr. HEYBURN. Would the Senate?

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. I do.

Mr. WORKS. I agree with the Senator from Idaho that no money should be expended in a political campaign by candidates, and I have felt for a long time that one of the greatest evils in our politics, and one of the most consummate frauds, is the payment of money to newspapers for favorable mention or commendation. I can hardly conceive of a candidate for United States Senator advertising himself in a newspaper, and whenever he pays money for editorial comment it is a deception and a fraud upon the voter, for he is buying favorable commendation that does not come from the newspaper man because he believes it to be true. The Senator from Kansas says he is not a lawyer. I should like to know what view he takes of it as a newspaper man.

Mr. BRISTOW. I have expressed my views. No honorable newspaper man will sell his editorial opinions. Such action is just as dishonorable in the newspaper profession as for a Senator to sell his vote on the floor of the United States Senate.

Mr. WORKS. But is it not something more than that? Is it not a fraud in itself upon the voters who are called upon to exercise their franchise?

Mr. BRISTOW. Certainly; and a fraud upon the readers of the paper. There can be nothing more dishonorable in the newspaper profession, in my judgment.

Mr. HEYBURN. That assumes, Mr. President, that the voter has no intelligent opinion and that he must get one from somewhere, either from the newspaper or from some indefinite source. The newspapers sometimes arrogate to themselves that degree of importance that all men form their opinions from the newspaper or from what it says. I think there is latitude there for some further consideration.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. This argument seems to be proceeding upon the theory that the editorials in a newspaper would have some influence, as I understand.

Mr. BRISTOW. No; not at all. I do not know whether they had influence or not. It does not make any difference what influence they had. It was the sale of something which Senator STEPHENSON's managers evidently thought had influence or they would not have paid for them. They paid \$150 for them, and they evidently thought they were worth that much.

Mr. HEYBURN. Suppose they bought him to keep him quiet, would that be an offense? [Laughter.]

Mr. BRISTOW. Yes.

Mr. BORAH. I have no doubt that that is more often done than the other.

Mr. BRISTOW. Ring says that he also offered the editors of the Greenwood Gleaner and the Loyal Tribune \$25 each if they would support STEPHENSON, but that they turned it down. In his testimony before the State investigating committee Ring stated that \$25 was the amount of his offer to the Greenwood Gleaner and \$15 the amount of his offer to the Loyal Tribune.

Mr. BRISTOW. Evidently he did not think that the editorial opinions of those papers were very valuable, for he offered them smaller amounts and apparently they did not come to an agreement.

Now, I proceed to another phase of the case that is very interesting, and that is a discussion of the testimony of these hired scouts.

Mr. HEYBURN. Before the Senator proceeds—

The VICE PRESIDENT. Does the Senator from Kansas yield?

Mr. BRISTOW. I do.

Mr. HEYBURN. To finish out the other subject, does the Senator think that it is the same offense in grade to hire a paper to be silent that it is to hire it to make a noise?

Mr. BRISTOW. I would not care to draw such fine distinctions. I think either would be a very improper use of money.

Mr. HEYBURN. Either would be equally improper?

Mr. BRISTOW. I would not say equally, but both would be improper.

C. C. Wayland was a business partner or associate of Edmonds. He received from the Stephenson campaign fund \$1,199.34, of which he expended \$887.65, retaining \$311.69 for his services. Wayland, in his testimony, goes into more systematic details as to his expenditures than do a majority of the Stephenson workers or organizers. Practically all of this money was expended in Outagamie County. When asked what he did with the money that he expended, Wayland, who was quite a voluble chap, evidently, from his testimony, said (p. 729):

I selected the best men I could get who were for Senator STEPHENSON. I selected men who were not political hacks—I mean, who had been famous for being on hand at every campaign. I selected, clean, sober, industrious men who held positions paying from \$2 to \$5 a day. I selected them with a view to their wards, their nationalities, also their religious associations. I subdivided the nationalities—the Belgians, the Germans, the Hollanders—the Methodists, the Catholics, and the Lutherans. I interviewed some of the ministers; I made short addresses myself, when I could get a congregation at a picnic—get them around me. I put forth the best points of Senator STEPHENSON that I could find. I endeavored to harmonize the Half-breeds and the Stalwarts. * * * Sometimes I would drive all day, and I would not strike the man; so I would have those in the city who were acquainted out in the country make the trips for themselves and make a report. I then went over and quizzed the manager for Mr. Cook, and hobnobbed with him to find out the method of his campaign, to see wherein he was getting the better of it and where I was lacking. I furnished the cigars for my men, the object being that when you can get a man to stop and smoke a cigar long enough you can hold him still and talk to him.

The CHAIRMAN. What did you talk to him about?

Mr. WAYLAND. Senator STEPHENSON. I talked about why he should be elected, why the laboring men should vote for him. I looked up the number of saloons, and I found that there were 68 in the city and about 10 in the outskirts. Most of those on the outskirts had grocery stores attached. I found that from the hours of 6 o'clock to 10 o'clock there would be about 5 to 30 men in each place. * * * I got a man to go with me. He was a candidate for sheriff. I told him that I did not drink or smoke, but I wanted to see these people, and I wanted to present Senator STEPHENSON's case to them. I did not know any other way to reach them. He said that he could drink all I could pay for; that he could bankrupt the brewery. That is the way he stated it—and for me to take a cigar.

The CHAIRMAN. Did he smoke, also?

Mr. WAYLAND. He smoked, also.

The CHAIRMAN. So you hired a drinker and a smoker combined?

Mr. WAYLAND. I did not hire him. He went with me of his own accord.

The CHAIRMAN. You did the entertaining and he furnished—well, he shared?

Mr. WAYLAND. Yes; he shared. I invited these people to partake of a treat. That is the custom. The fact is, the first thing, the bartender wanted to treat us. I took a cigar. That is the custom there. I talked to them about why the workingman and the farmer should vote for Senator STEPHENSON.

The CHAIRMAN. You say when these crowds would meet in these saloons you would invite them to drink?

Mr. WAYLAND. Yes.

The CHAIRMAN. And pay for it?

Mr. WAYLAND. Yes.

The CHAIRMAN. Did you pay for it out of the money furnished you for campaign purposes?

Mr. WAYLAND. Yes; and I reported afterwards to Mr. Edmonds what I was doing, and he requested me to discontinue that kind of a campaign immediately.

This, Wayland says, was about the 20th of August, when he received instructions to discontinue that type of campaigning. There was one item of \$315 in Wayland's expense account which, he says, was expended for workers before the primary and during the day of the same, and expenses incurred by several while advertising, polling lists, stenographers, and so forth. In regard to this item, he was asked (p. 731):

The CHAIRMAN. How much did you pay men for working on the day of election?

Mr. WAYLAND. I hired no one for the day of election, except the drivers. They were to get \$3, I think it was; but the men I got were obtained early in the campaign, and put in their evenings, and then they were to work also on the day of the election. I gave them sums ranging from \$5 to \$15.

Of course, it is easily seen by this man's testimony that he went around and picked up men who were susceptible of influence by giving them a few dollars, and he gave them five or ten or fifteen dollars, and they agreed to hang around the saloons and talk for STEPHENSON in consideration of this money. That is a corrupt use of money in elections, and the Senate is

to determine whether it indorses that style of campaigning. For one I do not.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SUTHERLAND. The Senator perhaps has overlooked the most iniquitous expenditure made by this man Wayland.

Mr. BRISTOW. I am not through with him.

Mr. SUTHERLAND. It appears in his account somewhere that he paid seven pretty girls a dollar apiece to pin STEPHENSON buttons on voters. I hope the Senator does not approve of an expenditure of that kind.

Mr. BRISTOW. He paid \$1.10 each.

Mr. SUTHERLAND. That makes it all the worse.

Mr. KERN. In that connection I desire to call the attention of the Senator from Kansas to the item "Headaches, \$17.15."

Mr. BRISTOW. Just wait. I had not overlooked that. Wait until I get to it.

Mr. WILLIAMS. There is a curious thing in this testimony. The witness says that the man told him he could drink all he paid for, until he bankrupted the brewery. The brewery was to be bankrupted by buying all that it had to sell.

Mr. BRISTOW. To resume:

The CHAIRMAN. How much did you pay to the stenographers?

Mr. WAYLAND. I do not know just the exact amount. One man I know I paid \$15 for copying the Appleton polling list. I also sent that down to the headquarters in Milwaukee.

Thirty dollars was paid to a Mr. Schrader and a Mr. Birdstrom. In referring to this payment, Wayland said (p. 732):

"I met them and talked over the campaign with them, got their ideas of canvassing—they had had experience—and arranged with them that they were to canvass the township. They were to devote time to it as they saw fit, and on primary day they were to take, with their sons, rigs and start from different parts of the township and bring to the polls people who were found to be favorable to Senator STEPHENSON. I gave them \$15 apiece for their work, and I bought a box of cigars for \$4, to be used in canvassing when they were talking among the farmers, the idea being that when you stop a farmer's team, if he would smoke, he would wait patiently until you got through talking with him."

Mr. HEYBURN. The cigars acted as a hitching post.

Mr. BRISTOW. Apparently.

On page 734 of the hearings appears the following:

The CHAIRMAN. The next item is—
Livery rigs, busses, etc., autos for day of primary, and trips before primary day, including rigs for the month of August, \$164.

Was that expended by you?

Mr. WAYLAND. Most of it was paid for by me. Different men who were employed by me made the trips. I paid the bills.

The CHAIRMAN. The next item is—
Cigars, \$38.25, \$14, \$14, \$7, 70 cents, 25 cents, 25 cents, \$20, 15 cents.

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. Is that item intended to be separate from the one following it?

Mr. WAYLAND. It is a part of the one following. I separated that because this last money was spent in these saloons that I have mentioned, in these grocery saloons. I was willing to account for what I did.

The CHAIRMAN. Then there is the item, "Headaches (treats), \$17.15."

Mr. WAYLAND. Yes.

The CHAIRMAN. Was that expended the same day that the money was expended for cigars and treats?

Mr. WAYLAND. No; they are different days.

The CHAIRMAN. The headache came along the next day, did it?

Mr. WAYLAND. In the morning after, I think.

The CHAIRMAN. I notice it is a subsequent item. Those all amount to \$95.95. You paid for those out of the money given you from the STEPHENSON campaign fund?

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. The total amount received by you, you state, at various times during the entire campaign was \$1,199.34?

Mr. WAYLAND. Yes, sir.

The CHAIRMAN. What did you do with the difference between the amount paid out, \$887.65 and \$1,199.34?

Mr. WAYLAND. That was retained by me for services.

The CHAIRMAN. Then, you did charge for your services?

Mr. WAYLAND. Yes. Mr. Edmonds was mistaken in his testimony about my being paid in the primary. He was correct as to my not being paid anything before the legislature, but in the primary I was to receive pay for my services.

Wayland seemed to be a very useful "worker." When the legislature met Edmonds took Wayland with him down to Madison and kept him there until the fight was over.

Now, in my opinion, to give a man such as Wayland practically \$1,200 and start him out to use it in the way in which it was used is a corrupt and improper use of money to influence men in an election. I can not look at it in any other way.

Now, we will take up another very interesting character in this testimony, Mr. Solon L. Perrin.

One of Edmonds's principal lieutenants was Solon L. Perrin, who lived in northern Wisconsin, and seemed to be in charge of the campaign in Douglas, Bayfield, Sawyer, and Washburn Counties. He received \$5,000 of STEPHENSON money, and accounts in a way for \$4,508.25 of it, retaining for his own serv-

ices for the two months a little less than \$500. Perrin was a lawyer, living at Superior. He was given this amount of money by the STEPHENSON managers, and never asked for any accounting of the way he spent it. When the investigation was made by the legislative committee, he submitted a statement to that committee, not as to what he paid the money out for, but as to when he paid it. In my opinion, there could not be practiced in any community a more demoralizing political corruption than that indulged in by Perrin. His testimony demonstrates him to be one of those political corruptionists who pollute the civic virtue of communities by disbursing large amounts of money during campaign periods. I will read the account which he rendered the legislative committee of the expenditure. He seems to have deposited this money in the bank, and this is the way he drew it out:

To whom.	Indorsed.	Number.	Date.	Amount.
Cash.....		260	July 17	\$100.00
W. W. Savage.....	W. W. Savage.....	265	July 25	25.00
Cash.....		270	July 30	25.00
C. R. Fridley.....	C. R. Fridley.....	276	Aug. 1	300.00
Cash.....		277	Aug. 1	125.00
Cash.....	Columbia Clothing Co., H. R. Grochau, agent.	278	Aug. 1	25.00
Cash.....		281	Aug. 4	15.00
Cash.....		283	Aug. 5	200.00
Cash.....		289	Aug. 6	25.00
Cash.....		290	Aug. 6	200.00
Cash.....		292	Aug. 7	100.00
Cash.....		293	Aug. 7	75.00
Cash.....		294	Aug. 7	50.00
Cash.....		297	Aug. 8	50.00
Cash.....		298	Aug. 8	50.00
Cash.....		299	Aug. 8	50.00
Cash.....	W. W. Savage.....	300	Aug. 8	50.00
Cash.....	James Glynn.....	301	Aug. 8	50.00
Cash.....		305	Aug. 14	250.00
Cash.....		306	Aug. 14	25.00
R. J. Shields.....	R. J. Shields.....	307	Aug. 14	5.00
Cash.....	C. R. Fridley.....	308	Aug. 14	50.00
Cash.....		309	Aug. 14	50.00
Cash.....	C. R. Fridley.....	310	Aug. 14	50.00
H. L. Dresser.....	H. L. Dresser.....	312	Aug. 18	10.00
Cash.....		313	Aug. 18	50.00
W. W. Savage.....	W. W. Savage.....	315	Aug. 19	25.00
Cash.....		317	Aug. 21	200.00
Cash.....		319	Aug. 21	100.00
Cash.....	L. D. Balmat & Co.....	320	Aug. 21	40.00
Cash.....		322	Aug. 22	100.00
Cash.....		323	Aug. 22	25.00
Lamere & Hamilton.....	Lamere & Hamilton.....	324	Aug. 22	6.25
J. W. Wilson.....	J. W. Wilson.....	325	Aug. 22	100.00
T. S. Whitten.....	T. S. Whitten.....	326	Aug. 24	250.00
R. J. Shields.....	R. J. Shields.....	328	Aug. 25	75.00
W. W. Savage.....	W. W. Savage.....	329	Aug. 26	25.00
Cash.....		331	Aug. 26	50.00
Cash.....	R. J. Agen, secretary.....	332	Aug. 26	50.00
Cash.....		330	Aug. 26	50.00
Cash.....	C. R. Fridley.....	333	Aug. 26	50.00
J. W. Wilson.....	J. W. Wilson.....	336	Aug. 27	10.00
L. H. Mead.....	L. H. Mead.....	337	Aug. 27	10.00
Robert Inglis.....	Robert Inglis.....	338	Aug. 27	10.00
Cash.....		339	Aug. 28	50.00
Cash.....		340	Aug. 28	50.00
D. M. Maxey.....	D. M. Maxey.....	341	Aug. 28	25.00
Cash.....		342	Aug. 29	150.00
T. W. McManus.....	T. W. McManus.....	344	Aug. 29	45.00
Cash.....	G. H. Kirk.....	345	Aug. 29	10.00
News-Tribune, Duluth.....	News-Tribune, Duluth.....	335A	Aug. 28	40.00
Cash.....		346	Aug. 31	300.00
Cash.....		347	Aug. 31	25.00
Cash.....	James Worrell.....	348	Aug. 31	15.00
Cash.....		352	Sept. 5	25.00
D. M. Maxey.....	D. M. Maxey.....	358	Sept. 9	25.00
Nels Nelson.....	Nels Nelson.....	359	Sept. 9	27.00
Cash.....		364	Sept. 10	150.00
Cash.....	G. H. Kirk.....	367	Sept. 12	25.00
Bayfield Press.....	Bayfield Press.....	369	Sept. 15	25.00
Cash.....		380	Sept. 28	25.00
		(1)		45.00
Total.....				4,258.25
R. J. Shields.....				250.00
Grand total.....				4,508.25

¹ Telegraph, telephone, and stamp bills, in all, about.

Mr. HEYBURN. I am not quite sure that it did corrupt the community, except, perhaps, one member of it.

Mr. BRISTOW. I will discuss that later.

I want to call attention to Perrin's testimony, which, I think, is very illuminating. Perrin was interrogated by the chairman of the Senate subcommittee in regard to a number of items contained in this statement. On page 656 of the testimony appears the following:

The CHAIRMAN. Check 276, on August 1: At that time you had received only \$1,000. There is an item of \$300 to C. R. Fridley, indorsed by him?

Mr. PERRIN. Yes, sir.

The CHAIRMAN. For what was that money paid?

Mr. PERRIN. That was paid to Mr. Fridley to aid in electioneering in Superior and in Douglas County.

The CHAIRMAN. You say "to aid." What was he to do?

Mr. PERRIN. He was to put out information and arrange to hire workers and in every way to further the interests of Senator STEPHENSON in that campaign.

The CHAIRMAN. "In every way" is a pretty general term. It might include legal and illegal ways. Being a lawyer, you can readily sift that out.

Mr. PERRIN. Every legal way.

The CHAIRMAN. Yes; but what were those ways?

Mr. PERRIN. In order to make an effective campaign in Superior and in Douglas County, it was necessary to have a good many workers. He had been in politics for a good many years. He knew a great many men. He knew to whom to go to get the necessary assistance to work up the sentiment necessary to get out the vote for the Senator.

The CHAIRMAN. How did he work up that sentiment?

Mr. PERRIN. Well, Senator, I do not know.

The CHAIRMAN. That is an answer, if you do not know. It is important, however, to inquire as to the acts that constituted "working up a sentiment," because it might be done in a legal or in an illegal way.

Do you know how he expended the money? Did he render a statement to you?

Mr. PERRIN. No; he did not.

The CHAIRMAN. Then do you know how he expended this money, all or part of it, in specific terms?

Mr. PERRIN. Not in specific terms.

The CHAIRMAN. Who is C. R. Fridley?

Mr. PERRIN. He is an attorney at Superior.

The CHAIRMAN. Is he an old resident?

Mr. PERRIN. Yes.

The CHAIRMAN. Is he an old man or a young man?

Mr. PERRIN. He is a man of 42 or 43 years of age.

The CHAIRMAN. Did he support Senator STEPHENSON for nomination at the primaries and before the primaries?

Mr. PERRIN. Yes.

The CHAIRMAN. Was he in public life in any capacity?

Mr. PERRIN. No.

The CHAIRMAN. He was what you call a political worker, was he?

Mr. PERRIN. No. He was a practicing lawyer.

The CHAIRMAN. He was actively engaged in the practice of law?

Mr. PERRIN. Yes, sir.

The CHAIRMAN. You never asked him for any accounting as to the expense he had incurred?

Mr. PERRIN. I did not.

I think that this fellow Fridley—and we will meet up with him again before the campaign is over—is one of those political "workers," as they are styled in this testimony, but in common parlance a local politician, who supports the man who pays him money. He does not account for this money in any way. He was not asked to account for it. There is no criticism of this man by the Stephenson campaign managers because he did not account for it. They did not expect him to account for it. In my opinion, he received that money for his influence in that community.

The CHAIRMAN. Pass that item, for the present, and take another one, on the same day, of \$125 cash. For what was that cash expended by you?

Mr. PERRIN. I have no recollection.

The CHAIRMAN. Have you any recollection as to where it was expended?

Mr. PERRIN. No, sir. I can not tell whether that was expended in Douglas County or one of the other counties.

The CHAIRMAN. Does that represent money paid out by you?

Mr. PERRIN. Yes, sir.

The CHAIRMAN. No part of it was compensation to you?

Mr. PERRIN. No.

The CHAIRMAN. Have you any recollection of the persons to whom you paid it?

Mr. PERRIN. No.

The CHAIRMAN. Can you name any one person to whom you paid it?

Mr. PERRIN. No.

The CHAIRMAN. On August 5, \$200 cash. For what was that cash expended, and by whom?

Mr. PERRIN. I have no recollection.

The CHAIRMAN. August 6, \$25 cash. What do you say as to that?

Mr. PERRIN. I have no recollection.

The CHAIRMAN. August 6, \$200. What have you to say as to that item?

Mr. PERRIN. I do not remember it.

The CHAIRMAN. When you say you do not remember, you mean—

Mr. PERRIN. I have no recollection.

The CHAIRMAN. That you have no information to give in regard to it, based upon your recollection?

Mr. PERRIN. None whatever.

The CHAIRMAN. On August 7, \$100 cash. Have you any recollection as to the purpose for which that was expended?

Mr. PERRIN. No, sir.

The CHAIRMAN. And on August 7, again, \$75; and on August 7, again, \$50; that is \$225 on August 7. Have you any knowledge as to what that was used for?

Mr. PERRIN. Those items are all "cash"?

The CHAIRMAN. Yes; they are all cash.

Mr. PERRIN. No; I have no recollection.

The CHAIRMAN. On the 8th we have cash items of \$50, \$50, \$50, \$50, and \$50—\$250; do you know the purpose for which that money or any part of it was expended?

Mr. PERRIN. Those are cash?

The CHAIRMAN. Yes; cash items.

Mr. PERRIN. No; I have no recollection.

The CHAIRMAN. One of those is indorsed by W. W. Savage.

Mr. PERRIN. That is the same W. W. Savage who was referred to a few moments ago.

The CHAIRMAN. And the other is James Glynn.

Mr. PERRIN. He did not get the money on that. That was cashed in his place of business.

The CHAIRMAN. What does he do?

Mr. PERRIN. He is a saloon keeper.

The CHAIRMAN. What does Savage do?

Mr. PERRIN. He is my clerk. He is a clerk in my office.

The CHAIRMAN. And James Glynn is a saloon keeper?

Mr. PERRIN. Yes, sir.

The CHAIRMAN. Was that money expended in the saloon?

Mr. PERRIN. No.

The CHAIRMAN. The check was cashed there?

Mr. PERRIN. Yes; we get checks cashed after hours wherever we can get the money.

The CHAIRMAN. On August 14, \$250 cash. Who got that money?

Mr. PERRIN. I have no recollection, Mr. Chairman.

The CHAIRMAN. Have you any recollection of the purpose for which it was paid out?

Mr. PERRIN. No.

The CHAIRMAN. This is all drawn against the \$5,000—the thousand dollars and the other items that were paid you by Mr. Edmonds?

Mr. PERRIN. Yes, sir.

The CHAIRMAN. We have now passed August 4, on which you received the second thousand dollars?

Mr. PERRIN. Yes, sir.

The CHAIRMAN. You have no recollection, you say, as to the \$250 item on August 14?

Mr. PERRIN. No, sir.

The CHAIRMAN. On that day you paid out six items of expenditure, being \$250, \$25, \$5, \$50, \$50, and \$50. Those items are all cash except one of \$5 to R. J. Shields. Who is R. J. Shields?

Mr. PERRIN. He is an insurance agent at Superior.

The CHAIRMAN. How long has he resided there?

Mr. PERRIN. More than 20 years.

The CHAIRMAN. What did you pay him the money for?

Mr. PERRIN. I have forgotten. I remember his coming in there and asking me for \$5. I have forgotten what that was for.

The CHAIRMAN. You say he is an insurance agent. Does he engage in any other business than that of an insurance agent?

Mr. PERRIN. Yes. He is engaged in real estate to a certain extent, and I think they have some collections in their office.

The CHAIRMAN. Is he a detective?

Mr. PERRIN. No.

The CHAIRMAN. Did he ever engage in the detective business?

Mr. PERRIN. Not to my knowledge; except, perhaps, that he may have been a deputy sheriff at one time, early in the history of the city.

The CHAIRMAN. Is he the same Shields who testified in the Lorimer case before the legislative examining committee two years ago?

Mr. PERRIN. He is the same Shields who has been referred to in the Lorimer case.

The CHAIRMAN. Were you cooperating with Mr. Shields in forwarding the Stephenson campaign?

Mr. PERRIN. He was supporting Senator STEPHENSON, and he had some of this money to be used for electioneering purposes.

The CHAIRMAN. Was this \$5 given him for that purpose?

Mr. PERRIN. Yes. It is a part of the Stephenson propaganda.

The CHAIRMAN. Can you account for any of the money, other than the \$5 given to Mr. Shields, that you paid out on August 14? The items are marked cash items, and I will enumerate them a little more particularly. The \$250 item on the 14th of August is cash. Can you account for any part of that?

Mr. PERRIN. I have no recollection.

The CHAIRMAN. Have you any memorandum from which you might refresh your memory?

Mr. PERRIN. I have not.

The CHAIRMAN. Is there any source to which you could appeal to refresh your memory in regard to that item?

Mr. PERRIN. None whatever.

The CHAIRMAN. As to the next item of \$25 cash, can you account for that or any part of it?

Mr. PERRIN. No.

The CHAIRMAN. * * * The next item on that day is \$50 cash, and it was indorsed by C. R. Fridley. What have you to say about that? Can you account for any part of that money?

Mr. PERRIN. That was turned over to him to be used for electioneering purposes, and I never asked him for any statement of account.

The CHAIRMAN. What is Mr. Fridley's business, you say?

Mr. PERRIN. He is an attorney.

The CHAIRMAN. On the 21st you paid out \$200 cash. Can you account for any part of that?

Mr. PERRIN. I have no recollection of it.

The CHAIRMAN. On the same day you paid out \$100 cash. Can you account for any part of that?

Mr. PERRIN. I have no distinct recollection.

The CHAIRMAN. Again, on the same day, \$40 cash. Can you account for that or any part of that?

Mr. PERRIN. I do not recollect that.

The CHAIRMAN. Was it money expended in the city of Superior?

Mr. PERRIN. The money was expended in four counties—Douglas, Bayfield, Sawyer, and Washburn.

(P. 662.)

The CHAIRMAN. On the same day, \$100 to J. W. Wilson.

Mr. PERRIN. Yes; I recollect that.

The CHAIRMAN. What was that for?

Mr. PERRIN. That was paid to Wilson to electioneer for Senator STEPHENSON in Washburn County.

The CHAIRMAN. What was his business?

Mr. PERRIN. A locomotive engineer.

The CHAIRMAN. We come now to an item on August 24, \$250 to T. S. Whitten. What was his business?

Mr. PERRIN. Mr. Whitten is manager of the North Wisconsin Lumber & Manufacturing Co., at Hayward, in Sawyer County.

The CHAIRMAN. What did he do with the money?

Mr. PERRIN. I am not sure that I ever asked him what he did with it.

Mr. CRAWFORD. The Senator from Kansas has been on his feet for a long time; his address will occupy a considerable period yet he tells me, and I suggest that we now adjourn.

Mr. PENROSE. As the Senate will probably adjourn over for the balance of the week, I suggest that we have an executive session at this time. There are a number of nominations to be acted upon.

Mr. HEYBURN. I do not understand that we will adjourn over for the rest of the week.

Mr. CULLOM. Let us go on with this case.

Mr. PENROSE. Then I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I was about to make that motion, with the consent of the Senator from Kansas.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive business the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 2, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1912.

CONSULS.

Julian H. Arnold, of California, now consul at Amoy, to be consul of the United States of America at Chefoo, China, vice John Fowler, nominated to be consul at Foochow.

John K. Baxter, of Tennessee, to be consul of the United States of America at St. Pierre, St. Pierre Island, vice Douglas Jenkins, nominated to be consul at Gottenborg.

Harold D. Clum, of New York, to be consul of the United States of America at Ceiba, Honduras, vice George F. Davis, deceased.

Henry C. A. Damm, of Tennessee, now consul at Cornwall, to be consul of the United States of America at Stettin, Germany, vice William C. Teichmann, nominated to be consul at Mannheim.

Leslie A. Davis, of New York, to be consul of the United States of America at Batum, Russia, vice Alexander Heingartner, appointed consul at Liege.

John Fowler, of Massachusetts, now consul at Chefoo, to be consul of the United States of America at Foochow, China, vice Samuel L. Gracey, deceased.

Stuart J. Fuller, of Wisconsin, now consul at Gottenborg, to be consul of the United States of America at Iquitos, Peru, to fill a vacancy.

Percival Gassett, of the District of Columbia, now consul at Jerez de la Frontera, to be consul of the United States of America at Iquique, Chile, vice Rea Hanna, appointed consul at Georgetown.

Wilbur T. Gracey, of Massachusetts, now consul at Nanking, to be consul of the United States of America at Progreso, Mexico, vice Marion Letcher, nominated to be consul at Chihuahua.

Claude E. Guyant, of Illinois, to be consul of the United States of America at Salina Cruz, Mexico, vice Lewis W. Haskell, nominated to be consul at Hull.

Wesley Frost, of Kentucky, to be consul of the United States of America at Charlottetown, Prince Edward Island, Canada, vice Frank Deedmeyer, appointed consul at Leghorn.

Douglas Jenkins, of South Carolina, now consul at St. Pierre, to be consul of the United States of America at Gottenborg, Sweden, vice Stuart J. Fuller, nominated to be consul at Iquitos.

Arthur A. McLean, of New York, to be consul of the United States of America at Tapachula, Mexico, vice Albert W. Brickwood, jr.

Alfred S. Northrup, of Illinois, to be consul of the United States of America at Trebizond, Turkey, vice Milo A. Jewett, appointed consul at Kehl.

Samuel H. Shank, of Indiana, now consul at Mannheim, to be consul of the United States of America at Sherbrooke, Quebec, Canada, vice Paul Lang, deceased.

Giles R. Taggart, of New Jersey, to be consul of the United States of America at Cornwall, Ontario, Canada, vice Henry C. A. Damm, nominated to be consul at Stettin.

William C. Teichmann, of Missouri, now consul at Stettin, to be consul of the United States of America at Mannheim, Germany, vice Samuel H. Shank, nominated to be consul at Sherbrooke.

SECRETARY OF LEGATION.

Charles D. Tenney, of Massachusetts, now Chinese secretary to the legation to China, to be consul of the United States of America at Nanking, China, vice Wilbur T. Gracey, nominated to be consul at Progreso.

UNITED STATES ATTORNEYS.

Joseph E. Morrison, of Arizona, to be United States attorney, district of Arizona, under the provisions of section 31 of the act of Congress approved June 20, 1910.

Alexander Akerman, of Georgia, to be United States attorney, southern district of Georgia, vice Marion Erwin, resigned.

William N. Landers, of Porto Rico, to be United States attorney, district of Porto Rico, vice Byron S. Ambler, resigned.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Eben Swift, Eighth Cavalry, to be colonel from February 29, 1912.

Maj. Frederick S. Foltz, Fifteenth Cavalry, to be lieutenant colonel from February 29, 1912.

Lieut. Col. George H. G. Gale, Tenth Cavalry, to be colonel from February 29, 1912, vice Col. Thaddeus W. Jones, Tenth Cavalry, retired from active service February 28, 1912.

Lieut. Col. Charles W. Taylor, Cavalry, unassigned, to be colonel from February 29, 1912, vice Col. Matthias W. Day, unassigned, retired from active service February 28, 1912.

Maj. Percy E. Trippe, Fourteenth Cavalry, to be lieutenant colonel from February 29, 1912, vice Lieut. Col. George H. G. Gale, Tenth Cavalry, promoted.

Maj. Joseph T. Dickman, Cavalry, unassigned, to be lieutenant colonel from February 29, 1912, vice Lieut. Col. Eben Swift, Eighth Cavalry, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Maj. John H. Gardner, First Cavalry, to be lieutenant colonel from February 29, 1912, vice Lieut. Col. Thomas J. Lewis, Thirteenth Cavalry, detailed as adjutant general on that date.

Capt. Guy H. Preston, Eighth Cavalry, to be major from February 29, 1912, vice Maj. Percy E. Trippe, Fourteenth Cavalry, promoted.

Capt. Edwin M. Suplee, Tenth Cavalry, to be major from February 29, 1912, vice Maj. Frederick S. Foltz, Fifteenth Cavalry, advanced to the grade of lieutenant colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. John P. Ryan, Sixth Cavalry, to be major from February 29, 1912, vice Maj. John H. Gardner, First Cavalry, promoted.

Capt. Edward Anderson, Cavalry, unassigned, to be major from February 29, 1912, vice Maj. Alonzo Gray, unassigned, detailed as inspector general on that date.

First Lieut. George W. Biegler, Eighth Cavalry, to be captain from February 29, 1912, vice Capt. Guy H. Preston, Eighth Cavalry, promoted.

First Lieut. Francis W. Glover, Thirteenth Cavalry, to be captain from February 29, 1912, vice Capt. Edwin M. Suplee, Tenth Cavalry, promoted.

First Lieut. Lawrence S. Carson, Eighth Cavalry, to be captain from February 29, 1912, vice Capt. John P. Ryan, Sixth Cavalry, promoted.

First Lieut. Alexander B. Coxe, Eighth Cavalry, to be captain from February 29, 1912, vice Capt. Roy B. Harper, Third Cavalry, detailed as commissary on that date.

Second Lieut. Arthur W. Holderness, Ninth Cavalry, to be first lieutenant from February 29, 1912, vice First Lieut. George W. Biegler, Eighth Cavalry, promoted.

Second Lieut. Louis A. O'Donnell, Tenth Cavalry, to be first lieutenant from February 29, 1912, vice First Lieut. Francis W. Glover, Thirteenth Cavalry, promoted.

Second Lieut. William W. West, jr., Thirteenth Cavalry, to be first lieutenant from February 29, 1912, vice First Lieut. Lawrence S. Carson, Eighth Cavalry, promoted.

CORPS OF ENGINEERS.

Lieut. Col. James G. Warren, Corps of Engineers, to be colonel from February 27, 1912, to fill an original vacancy.

Maj. Henry Jervey, Corps of Engineers, to be lieutenant colonel from February 27, 1912, to fill an original vacancy.

Maj. Charles H. McKinstry, Corps of Engineers, to be lieutenant colonel from February 27, 1912, vice Lieut. Col. James G. Warren, promoted.

Capt. Amos A. Fries, Corps of Engineers, to be major from February 27, 1912, to fill an original vacancy.

Capt. James A. Woodruff, Corps of Engineers, to be major from February 27, 1912, to fill an original vacancy.

Capt. William Kelly, Corps of Engineers, to be major from February 27, 1912, to fill an original vacancy.

Capt. Horton W. Stickle, Corps of Engineers, to be major from February 27, 1912, to fill an original vacancy.

Capt. Lewis H. Rand, Corps of Engineers, to be major from February 27, 1912, vice Maj. Henry Jervey, promoted.

Capt. Edward M. Markham, Corps of Engineers, to be major from February 27, 1912, vice Maj. Charles H. McKinstry, promoted.

First Lieut. William D. A. Anderson, Corps of Engineers, to be captain from February 27, 1912, to fill an original vacancy.

First Lieut. Ralph T. Ward, Corps of Engineers, to be captain from February 27, 1912, to fill an original vacancy.

First Lieut. John J. Kingman, Corps of Engineers, to be captain from February 27, 1912, to fill an original vacancy.

First Lieut. Robert P. Howell, jr., Corps of Engineers, to be captain from February 27, 1912, to fill an original vacancy.

First Lieut. Henry H. Roberts, Corps of Engineers, to be captain from February 27, 1912, vice Capt. Amos A. Fries, promoted.

Second Lieut. Stuart C. Godfrey, Corps of Engineers, to be first lieutenant from February 27, 1912, to fill an original vacancy.

Second Lieut. Francis C. Harrington, Corps of Engineers, to be first lieutenant from February 27, 1912, to fill an original vacancy.

Second Lieut. Cleveland C. Gee, Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. William D. A. Anderson, promoted.

Second Lieut. John M. Wright, Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. Ralph T. Ward, promoted.

Second Lieut. John R. D. Matheson, Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. John J. Kingman, promoted.

Second Lieut. William H. Sage, jr., Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. Robert P. Howell, jr., promoted.

Second Lieut. Charles J. Taylor, Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. Henry H. Robert, promoted.

PROMOTIONS IN THE NAVY.

Commander Chester M. Knepper to be a captain in the Navy from the 1st day of July, 1911, to fill a vacancy.

Commander Charles M. Fahs to be a captain in the Navy from the 14th day of December, 1911, to fill a vacancy.

Asst. Paymaster George P. Shamer to be a passed assistant paymaster in the Navy from the 8th day of December, 1911, to fill a vacancy.

Prof. of Mathematics Henry M. Paul, with the rank of commander, to be a professor of mathematics in the Navy, with the rank of captain, from the 24th day of February, 1912, to fill a vacancy.

Prof. of Mathematics Walter S. Harshman, with the rank of lieutenant commander, to be a professor of mathematics in the Navy, with the rank of commander, from the 24th day of February, 1912, to fill a vacancy.

I nominate the following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Carl T. Osburn,
William S. Farber,
Archibald D. Turnbull, and
William F. Cochrane, jr.

Passed Asst. Surg. John F. Murphy to be a surgeon in the Navy from the 20th day of July, 1911, to fill a vacancy.

UNITED STATES DISTRICT JUDGE.

Richard E. Sloan, of Arizona, to be United States district judge, district of Arizona, under the provisions of section 31 of the act of Congress approved June 20, 1910.

REGISTER OF LAND OFFICE.

Glenn N. Ranck, of Vancouver, Wash., to be register of the land office at Vancouver, vice Hugh C. Phillips, term expired.

POSTMASTERS.

ARIZONA.

Francis D. Crable to be postmaster at Tombstone, Ariz., in place of Francis D. Crable. Incumbent's commission expired February 3, 1912.

CALIFORNIA.

Warren A. Woods to be postmaster at Suisun City, Cal., in place of Warren A. Woods. Incumbent's commission expired December 10, 1911.

ILLINOIS.

Fred Frazier to be postmaster at Viola, Ill., in place of John B. Bradford, resigned.

Lizzie P. McKnight to be postmaster at Alexis, Ill., in place of Lizzie P. McKnight. Incumbent's commission expires March 10, 1912.

Samuel S. Yolton to be postmaster at Villa Grove, Ill., in place of Samuel S. Yolton. Incumbent's commission expires March 31, 1912.

INDIANA.

Thomas B. Woody to be postmaster at Bloomington, Ind. Office became presidential October 1, 1911.

Alburt F. Shaw to be postmaster at Osgood, Ind., in place of John C. Row. Incumbent's commission expired December 11, 1911.

IOWA.

Frank B. Tibbitts to be postmaster at Hopkinton, Iowa, in place of Frank B. Tibbitts. Incumbent's commission expired December 11, 1911.

KANSAS.

James H. Cleaver to be postmaster at Glasco, Kans., in place of William A. Hillhouse, resigned.

Sheridan Crumrine to be postmaster at Longton, Kans., in place of Sheridan Crumrine. Incumbent's commission expires March 2, 1912.

Everett G. Gillidett to be postmaster at Plains, Kans., in place of Louis F. Parsons. Incumbent's commission expired December 11, 1911.

Charles H. Kurtz to be postmaster at Mulberry, Kans., in place of Charles H. Kurtz. Incumbent's commission expired February 4, 1912.

Roberta H. McBlain to be postmaster at Fort Riley, Kans., in place of Roberta H. McBlain. Incumbent's commission expired February 19, 1912.

George G. Nutter to be postmaster at Cuba, Kans. Office became presidential January 1, 1912.

KENTUCKY.

Everett Hitchcock to be postmaster at Van Lear, Ky. Office became presidential January 1, 1912.

Eugene C. Vance to be postmaster at Hawesville, Ky., in place of Dood Adair. Incumbent's commission expired December 6, 1910.

MARYLAND.

Walter A. Aaronson to be postmaster at Aberdeen, Md., in place of Henry L. Arthur. Incumbent's commission expired February 21, 1912.

MICHIGAN.

Burton F. Browne to be postmaster at Harbor Beach, Mich., in place of Burton F. Browne. Incumbent's commission expired December 11, 1911.

Martin W. Coon to be postmaster at Ashley, Mich. Office became presidential January 1, 1912.

Fabius A. Fisk to be postmaster at Colon, Mich., in place of Fabius A. Fisk. Incumbent's commission expires March 11, 1912.

Frank McIntyre to be postmaster at Cheboygan, Mich., in place of Daniel P. McMullen, resigned.

MISSISSIPPI.

Nevan C. Hathorn to be postmaster at Columbia, Miss., in place of Nevan C. Hathorn. Incumbent's commission expired February 4, 1912.

MISSOURI.

Samuel B. Craver to be postmaster at Madison, Mo., in place of Samuel B. Craver. Incumbent's commission expires March 10, 1912.

Benjamin C. Klusmeier to be postmaster at La Grange, Mo., in place of Benjamin C. Klusmeier. Incumbent's commission expires March 10, 1912.

Andrew J. Ryker to be postmaster at East Prairie, Mo., in place of Andrew J. Ryker. Incumbent's commission expires March 10, 1912.

Charles L. Zenge to be postmaster at Canton, Mo., in place of Charles L. Zenge. Incumbent's commission expires March 10, 1912.

MONTANA.

Louis V. Bogy to be postmaster at Chinook, Mont., in place of Louis V. Bogy. Incumbent's commission expires March 10, 1912.

Bruce R. McNamer to be postmaster at Cut Bank, Mont., in place of Ingeborg Jacobson, resigned.

NEW HAMPSHIRE.

Jesse C. Parker to be postmaster at Hillsboro, N. H., in place of Jesse C. Parker. Incumbent's commission expired February 19, 1912.

NEW JERSEY.

Philip H. Focer to be postmaster at Pitman, N. J., in place of Philip H. Focer. Incumbent's commission expires March 6, 1912.

Daniel M. Merchant to be postmaster at Morris Plains, N. J., in place of Daniel M. Merchant. Incumbent's commission expired February 10, 1912.

Vancleve F. Mott to be postmaster at Rockaway, N. J., in place of Vancleve F. Mott. Incumbent's commission expired January 9, 1912.

Lawrence W. Sickler to be postmaster at Glassboro, N. J., in place of Lawrence W. Sickler. Incumbent's commission expired February 4, 1912.

Thomas E. Hunt to be postmaster at Penns Grove (late Penn-grove), N. J., in place of Thomas E. Hunt, to change name of office.

NEW YORK.

William L. Fuller to be postmaster at Ellenville, N. Y., in place of William L. Fuller. Incumbent's commission expires April 1, 1912.

Dudley S. Mersereau to be postmaster at Union, N. Y., in place of Dudley S. Mersereau. Incumbent's commission expired February 11, 1912.

William H. Secord to be postmaster at Hartsdale, N. Y., in place of William J. Ackerman, resigned.

NORTH DAKOTA.

John Berger to be postmaster at Richardton, N. Dak., in place of Charles C. Hill. Incumbent's commission expired February 19, 1912.

OHIO.

John F. White to be postmaster at Logan, Ohio, in place of John F. White. Incumbent's commission expires March 17, 1912.

OREGON.

Alfred F. Linegar to be postmaster at Coquille, Oreg., in place of Alfred F. Linegar. Incumbent's commission expires March 21, 1912.

Virgil B. Staples to be postmaster at Vale, Oreg., in place of John Boswell. Incumbent's commission expired February 4, 1912.

PENNSYLVANIA.

Gilbert B. Brindle to be postmaster at Belleville, Pa., in place of Gilbert B. Brindle. Incumbent's commission expires March 10, 1912.

Jesse N. Perrine to be postmaster at Oil City, Pa., in place of William H. Longwell. Incumbent's commission expires March 10, 1912.

SOUTH DAKOTA.

Frank Smith to be postmaster at Sturgis, S. Dak., in place of Frank Smith. Incumbent's commission expired December 11, 1911.

UTAH.

Lorenzo W. Anderson to be postmaster at Brigham, Utah, in place of Lorenzo W. Anderson. Incumbent's commission expires March 12, 1912.

WASHINGTON.

John F. Spangle to be postmaster at Cheney, Wash., in place of John F. Spangle. Incumbent's commission expired February 13, 1912.

WISCONSIN.

George Watson to be postmaster at Fond du Lac, Wis., in place of Frank M. Givens. Incumbent's commission expired February 19, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1, 1912.

PROMOTIONS IN THE NAVY.

The following-named lieutenants (junior grade) to be lieutenants:

Ray S. McDonald, and

Frank J. Fletcher.

Machinist Paul R. Fox to be a chief machinist.

POSTMASTERS.

CALIFORNIA.

Lucien C. Edwards, Fullerton.

Theodore W. Leydecker, Alameda.

COLORADO.

Edward H. Albertson, Littleton.

Joseph M. Cravens, Sugar City.

Frank M. Goodykoontz, Cortez.

IDAHO.

Watson N. Shilling, Rupert.

ILLINOIS.

John W. Foutch, New Berlin.

Frank Nickerl, Collinsville.

John R. Snook, Altamont.

INDIANA.

Edward L. Maudlin, New Carlisle.

KANSAS.

Robert T. Jellison, Belleville.

James H. Large, Belle Plaine.

MAINE.

Melville J. Allen, Cherryfield.

John Harkness, Rockport.

MASSACHUSETTS.

Willis A. Taft, Oxford.

MICHIGAN.

Leander D. Chapple, Wayland.

Lewis E. Churchill, Gobleville.

MINNESOTA.

William B. Strom, Hector.

MONTANA.

Lorn D. Bates, Columbia Falls.

NORTH DAKOTA.

James Power, Portland.

OREGON.

Jared W. Moore, Redmond.

PENNSYLVANIA.

Frank Barrett, Coaldale.

Joseph A. Fenner, Weissport.

Jesse N. Perrine, Oil City.

Malcolm H. Shick, Sheffield.

J. Victor Wambaugh, Glen Rock.

Hugh T. Williams, Union Dale.

VERMONT.

Henry G. Blanchard, Newport.

VIRGINIA.

J. Henry Wilson, Rural Retreat.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 1, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee for every movement which tends to solidify the human race into one great brotherhood, since whatever helps one people, helps all peoples, in the commercial, scientific, literary, art, political, or religious fields of endeavor, for Thou art a Spirit and they that worship Thee must worship Thee in spirit and in truth, and to be at one with Thee is the highest attainment for the individual, for the Nation, and for all the world. "Righteousness exalteth a nation while sin is a reproach to any people." Help us to live in Thee, through Thee, for Thee, that Thy kingdom may come and Thy will be done in earth as it is in heaven, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. BORLAND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The CHAIRMAN. At the time the committee rose a point of order was pending on paragraph 1.

Mr. CULLOP. Mr. Chairman, the point of order made by the gentleman from Florida [Mr. CLARK] was that the appropriation for the salary of the solicitor was without foundation in law. The reference made to the statute by the gentleman from South Carolina [Mr. LEVER], and an examination of the law, shows it does not establish the office of solicitor for the Agricultural Department; and I call his attention and the attention of the committee to the reading of that provision, if any of you care to examine it. Now, the law on the subject, it will be found by examination, does not go as far as it has been asserted. Section 161 of the Revised Statutes of the United States is as follows:

The head of each department is authorized to prescribe regulations not inconsistent with law for the government of his department, the conduct of its officers and clerks, the distribution and performance of

its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

But that does not give the Secretary the right to establish an office. That right can only be obtained by act of Congress. Again, in section 169, same volume, is the following:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

The classification of the clerks is set out in section 167 and none of these come under the title of solicitor; consequently the office of solicitor is not created by them and does not come under the classification of other employees, because the construction of that statute has shown that the word "employees" is construed otherwise. Now, the act establishing the Department of Agriculture in the first section provides as follows:

SEC. 520. There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information, etc.

SEC. 521. The Department of Agriculture shall be under the charge of the Commissioner of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate.

Now, section 523, which bears directly on this question, is as follows:

The Commissioner of Agriculture shall appoint a chief clerk with a salary of \$2,000 a year, who in all cases during the necessary absence of the commissioner, or when the office of the commissioner shall become vacant, shall perform the duties of commissioner, and he shall appoint such other employees as Congress may from time to time provide, with salaries corresponding with similar officers in other departments of the Government.

Now, Congress has never established the office of solicitor in the Agricultural Department, and the act to which the gentleman yesterday referred as an authority for the position which he took does not sustain his position. I desire to call the attention of the committee to a reading of that provision. This is in the appropriation bill of 1910:

Office of the Secretary: Secretary of Agriculture, \$12,000; Assistant Secretary of Agriculture, \$5,000; solicitor, \$4,500; and hereafter the legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor.

Mr. LAMB. I would like to ask my friend if that does not fix the status of the solicitor and make it law?

Mr. CULLOP. No; I will say to the gentleman from Virginia it does not. With that language incorporated in that appropriation bill the only effect of it was to extend throughout the year for which the appropriation was made, and no longer, and the use of the word "solicitor" there was unauthorized by law, as the office of solicitor up to that time had not been created, and could not be created by making an appropriation for an office which did not exist under the law.

Now, Mr. Chairman, simply to make an appropriation misnaming an office for the salary of the person who performs the duties of the office under that misnomer, does not create the office. Offices are not created by such methods, and should not be. It is powerless to do so, and the effect of it, if allowed to remain, could exist no longer than the year for which the appropriation was made, so that using that language in that appropriation bill did not constitute the office of solicitor, and could not be used for the purpose of establishing a precedent for the purpose of claiming that it had been established by it for the reason it did not carry with it the weight of an act creating the office which was necessary for it to do. For this purpose it was insufficient.

Mr. CANDLER. Mr. Chairman, is it not a fact that a great deal of legislation that goes into the laws enacted by Congress is enacted upon appropriation bills? This provision does fix absolutely the title of solicitor and enacts it into law, and says that the legal department of the Department of Agriculture shall thereafter be under the direction of a solicitor.

Mr. CULLOP. Oh, well; but the gentleman misconstrues the effect of legislation and the effect of the language used in that appropriation bill. The word "hereafter," as used there, has no such effect as gentlemen attribute to it.

Mr. CLARK of Florida. May I ask the gentleman a question?

Mr. CULLOP. In a moment, when I get through with this, I will yield to the gentleman. The word "hereafter," used in that act, could not be construed to extend beyond the end of that appropriation year—July 1, 1907. And there are no words in the act which could be construed to have the effect of creating an office by affirmative legislation of Congress.

Now I will yield to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Does not the gentleman, as a lawyer, think that if Congress had intended at that time to create the office of solicitor, there were enough lawyers in here who

knew how to use language to have said, "There is hereby created the office of solicitor," or words of similar import?

Mr. CULLOP. Certainly; you are quite right. It makes no difference what Congress intended. That has nothing to do with the matter, if the language is insufficient to carry out its purpose. The fact is that Congress, when it used that language, did not use language that created an office, and that is the way the language in the end must be construed. Now, then, if Congress intended to have created by that legislation the office of solicitor of the Agricultural Department, it would have said so. It did not say so, nor did it use words that could be construed to mean that it intended to do so.

Mr. CANDLER. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Indiana [Mr. CULLOP] yield to the gentleman from Mississippi [Mr. CANDLER]?

Mr. CULLOP. Certainly.

Mr. CANDLER. Is not one of the primary rules for the construction of law to determine the intent of the legislative body? In the construction of law, if you can determine the intent, even though it should differ from the letter of the law, the intent would govern in preference to the letter of the law.

Mr. CULLOP. No. You are now asking me two questions in one. Let me answer the first one by saying never since we have had courts construing statutes. The language must be sufficient to declare its purpose. If you can put such a construction upon it, the language must be used in the act which authorizes the construction, and when sufficient language is used for that purpose, then the courts will construe it to mean what it was intended to mean. But courts can not write legislative words into a statute, and whenever they do they transgress upon their rights and their functions and usurp the functions of departments of government.

Mr. CANDLER. The universal rule of law is that if you can determine the intention of the legislative body it governs in preference to the letter of the law, and in order to find out the intention of the legislative body—

Mr. CULLOP. That is only true when the language is ambiguous, then the gentleman's rule is correct. But this is not ambiguous language at all. It is free from ambiguity, and therefore the construction or the rule that he invokes does not apply to this proposition at all.

Mr. Chairman, there is no law, I assert, creating the office of solicitor, and anyone who will make a search of the legislation of Congress upon this question will search in vain to find a single line of legislation which affirmatively establishes the office of solicitor for this department. And it never was intended when the department was established, as shown by the reading of the original legislation, that Congress ever intended to have this office established.

Mr. Chairman, I insist that the point of order made by the gentleman from Florida [Mr. CLARK] has been well taken and ought to be sustained. I find by reading through the appropriation bills that the salary of this office has been growing admirably in the last four or five years. It seems to have been seed planted in fertile soil and it has outgrown its usefulness in that department. In other words, the salary is much more than commensurate to the work to be performed, and I therefore insist that the point of order ought to be sustained. [Applause.]

Mr. LAMB. Mr. Chairman, we rely for authority for establishing this office of solicitor upon section 523 of the Revised Statutes. It is true the gentleman read with a good deal of emphasis some other of the sections here, but passed smoothly over section 523. I call the Chairman's especial attention—

Mr. CULLOP. Mr. Chairman, I read section 523—every word of it.

Mr. LAMB. I did not think so.

Mr. CULLOP. I did. The second section which I read was section 523.

Mr. LAMB. Then I will read it again.

Mr. CULLOP. And I spoke on its provisions and the effect of it.

Mr. LAMB. It reads:

The Commissioner of Agriculture shall appoint a chief clerk, with a salary of \$2,000 a year, who in all cases during the necessary absence of the commissioner, or when the office of commissioner shall become vacant, shall perform the duties of commissioner, and he shall appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other departments of the Government.

I invite the attention of the Chair to that phraseology:

And he shall, as Congress may from time to time provide, employ other persons, for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

Then, Mr. Chairman, in addition to that, the agricultural appropriation bill carried year before last this provision, and I

invite the attention of the Chair particularly to the significance of the word "hereafter":

Hereafter the legal work of the department shall be under the direction and supervision of the solicitor—

And thereby this office of solicitor, according to all the intent and purposes of the law, was created.

We know that the Navy and Agriculture Departments have solicitors not appointed by the President and confirmed by the Senate, but we confidently rely upon this statute law and upon section 523 for our authority for a solicitor.

Now, one word, Mr. Chairman, in reply to the suggestion that this solicitor has not been active and that his duties, onerous and burdensome as they are, have not been faithfully and efficiently performed. I know whereof I speak when I say that this solicitor has upon him a burden of duties and responsibilities, and that he has executed them faithfully and conscientiously and with ability.

Now, Mr. Chairman, there are other gentlemen here who would like to be heard on this point of order, and when they shall have concluded I will ask for a ruling.

Mr. MANN. Mr. Chairman, I had the honor to report to this House the bill creating the Department of Commerce and Labor, and in the preparation of the form of that bill and the report there came up for consideration the question as to how you could provide a department which might be expanded from time to time by the addition of new officials without at the outset specifying the particular officials who should be appointed. For instance, when the so-called Department of Labor was created, the law creating it specifically provided the number of clerks and other minor employees in that department, which did not seem to me a very wise provision, because as the Government expands and grows and as bureaus and departments expand and grow it is necessary to add new employees, to add to the number of employees of a particular class.

We followed, in the creation of that department, the theory which had been formerly followed in the creation of some of the other departments, providing general language under which the Secretary of the department might appoint employees or officers in the department, subject to the appropriation by Congress for those offices. There is no department which has been created by a law specifying certain employees that are carried constantly on the rolls and provided for on the appropriation bill, nor is it feasible or possible by actual legislation to provide here the number of employees, or all the classes of employees, which may be needed five years from now. Neither is it practicable to provide each year by legislative action, apart from the appropriation bill, the number which may be carried in the appropriation bill. In my judgment, in the general provisions of the law in the creation of the Department of Agriculture you authorize the Secretary to employ various officials and employees in his department, including a Solicitor for that department.

Two years ago, following the time that the Secretary had created the office of Solicitor, for which we had appropriated for years, we inserted in the Agriculture appropriation bill a provision that the legal work of the Department of Agriculture and of the Forestry Service should be carried on by the Solicitor of the department.

The gentleman from Indiana [Mr. CULLOP] just stated that that provision was applicable to only that fiscal year. Mr. Chairman, for years it has been the rule of this body when it desired to make a distinction between a legislative provision in an appropriation bill which was applicable for only a year and one which should remain as permanent law to do it by the insertion of one word. That has been the construction of the House of Representatives and the construction of the Comptroller of the Treasury for years, that when you put in a provision leaving out the word "hereafter," that provision applies only to the appropriation for the particular fiscal year for which the appropriation is made; but when you insert the word "hereafter," it means that that becomes permanent law until changed by act of Congress. I have seen, time and time again, in the House when legislative provisions came in having the word "hereafter" in them that that was stricken out on a point of order because it made permanent law contrary to the rules.

And repeatedly on the floor of the House, when a provision was inserted without the word "hereafter" and designed only to continue for the fiscal year, when practically by unanimous consent it was determined in the House to make that a permanent act, so as not to include it every year in the appropriation bill, the word "hereafter" was inserted as an amendment and thereafter the provision was left out of appropriation bills. So that the insertion of the word "hereafter" in these provisions has been time and again construed to take the provision with which it is connected out of the rule that it should apply only to the fiscal year for which the appropriation was made and

to make it law applicable to all appropriation laws thereafter passed, unless repealed by act of Congress. Under that construction I do not see how it is possible to avoid the conclusion that the Solicitor of the Department of Agriculture is provided by law, is recognized by an act of Congress, is authorized by law, and remains until removed by an act of Congress.

Mr. CLARK of Florida. Mr. Chairman, the gentleman from Virginia [Mr. LAMB], chairman of the committee, plants his whole case upon section 523 of the Revised Statutes. That section reads as follows:

The Commissioner of Agriculture shall appoint a chief clerk, with a salary of \$2,000—

Mr. LAMB. The gentleman is mistaken about that. If he had listened to me, he would understand that I do not rest my whole case on section 523. I emphasized that fact.

Mr. CLARK of Florida. Mr. Chairman, in order that we may understand exactly the situation, did not the gentleman say that under that section and in that section was found the authority for this appointment?

Mr. LAMB. I said one of the authorities.

Mr. CLARK of Florida. Will the gentleman name another one?

Mr. LAMB. I quoted the language of the appropriation and dwelt on the word "hereafter," the effect of which has been so well elaborated by the gentleman from Illinois [Mr. MANN].

Mr. CLARK of Florida. Then the gentleman plants his whole case on section 523 and the act of 1910. Is that right?

Mr. LAMB. Yes. That is strong enough.

Mr. CLARK of Florida. Section 523 provides as follows:

The Commissioner of Agriculture shall appoint a chief clerk, with a salary of \$2,000 a year, who in all cases during the necessary absence of the commissioner, or when the office of commissioner shall become vacant, shall perform the duties of commissioner, and he shall appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar offices in other departments of the Government.

Mr. CULLOP. Mr. Chairman, will the gentleman from Florida permit a question now?

Mr. CLARK of Florida. Yes.

Mr. CULLOP. Is it not true that in every other executive department of the Government, wherever there is a solicitor, he is established by an act of Congress, as in the Treasury Department, the Department of Justice, and other departments? For every one of them Congress has passed an act creating the office of solicitor, but it never has done so in this department.

Mr. CLARK of Florida. I think there are two departments in which the office has not been created. It certainly has not been created in this.

Mr. Chairman, I want to call the special attention of the Chair and the committee to this language, because the Chairman of the Committee of the Whole to-day has to pass upon the question as to whether or not this covert legislation shall continue in Congress. This is an important question. It involves the procedure of this House, and it involves the question as to whether Congress intends to abdicate any further powers to the head of a department of this Government.

Mr. CULLOP. I should like to ask the gentleman from Florida one other question. The gentleman from Virginia [Mr. LAMB] said that a part of the authority for this appointment was based on the word "hereafter," used in the appropriation bill for this department in 1910.

Now, if the word "hereafter" was used referring to the work that should be performed by the solicitor and there was no such office established by law, would the words have any effect, and whenever the question was raised would it not be sufficient to prevent the appropriation for any such office?

Mr. CLARK of Florida. I think so, and I am going to discuss the word "hereafter" later.

Mr. LAMB rose.

Mr. CLARK of Florida. I prefer to go on with my argument, and then I will yield directly, but I must do it in my own way.

And he shall appoint such other employees.

I apprehend that no lawyer on this floor will contend for one moment that the solicitor of a great department is an employee. He is an officer under the law. He is not an employee, and any court in Christendom construing that statute would hold that that word applied to clerks, messengers, laborers, and people of that character, and not to a high official of the Government, such as a solicitor of a great department. It is folly to talk about that section applying in this case.

But, Mr. Chairman, another point. Even if the solicitor were included under the general term of an employee, then the argument of the gentleman falls to the ground, because the language is this:

He shall appoint such other employees as Congress from time to time may provide.

Not permanent, not fixed, not perpetual, as the gentleman from Illinois would have it, but such employee and such only for whom Congress may from time to time provide. That is the only kind of employee recognized in the statute which he may appoint. He can not appoint any of them until Congress shall provide for them. He can not appoint an officer, he can only appoint an employee, and he can only appoint him after Congress in its wisdom has seen fit to provide for that employee.

But the gentleman falls back on the appropriation bill of 1910 and says that that bill uses language like this:

That hereafter the legal work of the department shall be under the supervision of the solicitor.

Now, Mr. Chairman, what does the word "hereafter" mean in that connection? This was an annual appropriation bill. It was not a bill providing for officers or employees of the Government. It was not a bill creating offices; it was simply and solely a bill providing appropriations for one great department of this Government for one year. It had no force or effect after that year; and in that bill they said that "hereafter." Does that mean eternity? Does it mean 10 years, or 5 years, or 20 years, or 40 years? It means during the life of the bill that was being considered and passed. It meant during the time that the bill was in force, and that was 12 months.

Mr. LEVER. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. LEVER. If the gentleman's argument is correct, that "hereafter" was intended to confine the appropriation for one year, why was it necessary to use the word "hereafter" at all?

Mr. CLARK of Florida. I do not know what was in the mind of Congress—I am not a mind reader—but I apprehend that the Department of Justice had been interfering with the "persimmons" in the Department of Agriculture and that they wanted to hold the thing under their control. This was an appropriation made to pay this man for one year's service—not two, but one—and they provided that during the time of his employment—and they could not carry it any further—that during that period the jurisdiction and supervision of the legal business of the department should be under his control and direction.

Now, Mr. Chairman, I believe the gentleman from Virginia and the gentleman from South Carolina both planted themselves on the proposition that it has been provided for by law. The gentleman from Illinois, the astute, learned, skillful leader of the minority, the gentleman who knows the rules and who knows Hinds' Precedents from lid to lid, or, as old Jucklin said, "from kiver to kiver," told you that there were plenty of precedents where this word "hereafter" had been construed, but he does not produce a single one. I defy him, I challenge him, to present to this House a single decision in consonance with his contention on the construction of that word in a statute. They cite no precedent; they cite no law; but the gentleman from Illinois says it is a good thing, and the whole burden of his argument is that it is a good thing to legislate this great power into the hands of the head of a department. I do not agree with him.

I think we have got enough of departments legislating in this country now, and I think Congress ought to do the legislating and let those departments do the executing of the law. Now, I want to call your attention, Mr. Chairman, simply to show how this matter has grown and how covertly it has been brought in in these appropriation bills, to this state of facts. There was no specific authority for the employment of a solicitor. In 1905 the agricultural appropriation bill carried a provision for an appropriation of \$2,500 to pay a law clerk in the department—one law clerk. In 1906 that provision was the same, except the salary was increased to \$3,000. In 1907 the provision was there, but increased to \$3,500. In 1908 the same provision with the same law clerk, but it went to \$4,000. In 1909 it went to \$4,500, and in 1910 it went to \$5,000.

Mr. CANDLER. Will the gentleman permit a question right there?

Mr. CLARK of Florida. Yes.

Mr. CANDLER. Now that the history of the legislation in the House shows that it began with appropriation bills in 1905 and came along down under the various appropriation bills until 1910, when simply an appropriation was made for the salary of a solicitor, and that was the change then in the appropriation bill of 1910, which provided that hereafter the legal work of the department should be—

Mr. CLARK of Florida. I have been arguing that for some time.

Mr. CANDLER. But the question I wish to put is, Does not that establish beyond a question of doubt that that changed the status of this solicitor from what it was before and made him a permanent officer in the department by the putting of that word "hereafter"?

Mr. CLARK of Florida. Not at all. Mr. Chairman, I want to be frank about this matter. I think that in the year 1905 the bill carried an appropriation of \$2,500 for a law clerk. In 1906 the words "law clerk" were eliminated, and in their stead the word "solicitor" appeared with a salary only of \$2,500. For the fiscal year 1906 the salary remained the same, \$2,500, and that change in the term was made from law clerk to solicitor.

In 1907 the salary of solicitor was changed to \$3,000. In 1908 it went up to \$3,500, in 1909 to \$4,000, in 1910, \$4,500, and the bill contained a further provision for five law clerks—two at \$2,000 each and three at \$1,600. For the fiscal year 1911 the salary remained at \$4,500 for the solicitor and a provision was made for 21 law clerks—one at \$2,500, ten at \$2,000, seven at \$1,800, and three at \$1,600. For the fiscal year 1912 the solicitor's salary was raised to \$5,000, and in the pending bill another law clerk, for \$2,250 is added. Mr. Chairman, I ask where in the name of God is all this to stop; the Department of Agriculture, created for the benefit of the farmers of this country, with a great legal establishment large enough to run the Department of Justice instead of the Department of Agriculture, and if the Chair thinks that this is at all a close question, if the Chair is in doubt, then I submit that the Chair ought to resolve the doubt in favor of the taxpayers and farmers of this country who do not need this great legal establishment in this department established for their interest.

Mr. MANN rose.

Mr. CLARK of Florida. Does the gentleman desire to ask me a question?

Mr. MANN. I thought the gentleman was through. I was just about to reply to the suggestion he made in regard to a reference—

Mr. CLARK of Florida. Mr. Chairman, I raised this point of order and I think, in all fairness, I ought to have the conclusion, and if the gentleman has any precedent I think that he ought to show me the courtesy of at least letting me have an opportunity to say something about it.

Mr. MANN. The gentleman just challenged my producing them.

Mr. CLARK of Florida. Well, I think the gentleman, in all fairness, ought to produce them while I am on my feet.

Mr. MANN. If the gentleman will yield for that purpose.

Mr. CLARK of Florida. I yield for that purpose; yes.

Mr. MANN. There are many precedents, going back to the Fifty-second Congress, which was a Democratic Congress. The Committee on Military Affairs reported this item in the Army appropriation bill:

That hereafter no money appropriated for Army transportation shall be used in payment for the transportation of troops and supplies of the Army over certain lines of railroads.

Mr. CLARK of Florida. Will the gentleman give me the citation?

Mr. MANN. Page 406 of the Manual. Without the word "hereafter," it was clearly a limitation on the appropriation. A point of order was made to it; and, in a rather exhaustive discussion on the subject, at the end the Chair ruled in this way:

But, on examining the proviso in the bill, the Chair finds that it is something more than a limitation upon the appropriation made in this appropriation bill, for it proposes to make permanent law, the language of the proviso being:

"Provided, That hereafter no money appropriated for Army transportation shall be used in payment of transportation of troops and supplies."

And because it proposes a permanent provision of law and not a limitation upon the present appropriation the Chair feels constrained to sustain the point of order.

The only thing in controversy was the meaning of the word "hereafter." Now, if that precedent is not sufficient, I shall be glad to give the gentleman a hundred or so more of them.

Mr. CULLOP. I would like to ask the gentleman from Illinois a question. From what page in the Manual were you reading?

Mr. MANN. I read from pages 406, 407, and 408 of the last edition of the Manual.

Mr. LEVER. If the gentleman from Florida will permit, I would like also to cite to him a precedent on this very proposition and on all fours with it, in my judgment.

Mr. CLARK of Florida. I yield for that purpose. Go ahead.

Mr. LEVER. In the consideration of the agricultural bill on February 4, 1909, on page 1880 of the Record, I find this situation: That the gentleman from South Carolina, I, made a point of order against the appropriation carried for the purpose of paying the expenses of the so-called Remsen Board. The point of order was debated at considerable length, engaged in by the gentleman from Illinois [Mr. MANN], the gentleman from Texas [Mr. BURLISON], myself, and others; and Mr.

FOSTER of Vermont, who was then in the chair, made this ruling:

The Chair desires to call the attention of the committee to the following language in section 523 of the Revised Statutes, being a portion of the organic act establishing the Department of Agriculture:

"He—

Referring to the Secretary of Agriculture—

shall appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other departments of the Government; and he shall, as Congress may from time to time provide, employ other persons for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in natural sciences pertaining to agriculture."

That was a section of the organic act, which I quoted to the Chair yesterday evening and which has been quoted several times since.

Now—

Says the Chairman—

that is very broad authority. The Chair also desires to call attention to the language in another statute—section 169 of the Revised Statutes—which reads as follows:

"Each head of a department is authorized to employ in his department such number of clerks of these several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rate of compensation, respectively, as may be appropriated for by Congress from year to year."

The Chair then says:

This language has from time to time been held sufficient authority for an appropriation in a general appropriation bill, and it seems to the Chair that this language that has just been read is analogous to the language in the organic act of the Department of Agriculture.

That is the most recent decision of which I am aware upon that proposition. I will be very glad to furnish this to the Chair.

Mr. CLARK of Florida. I would like to see it first.

Mr. LEVER. It seems to me, if the gentleman will permit, that this proposition ought to settle this question in the mind of the Chair.

The CHAIRMAN. The Chair will hear the gentleman from Florida to conclude his discussion on the point of order.

Mr. CLARK of Florida. Mr. Chairman, I submit to the Chair that neither one of these precedents is at all in point. Of course, this is the first time I have seen them, but I will call them to the Chair's attention, and I think he will agree with me when he hears them, and, when the Chair examines them closely, I know he will. Now, the point suggested by the gentleman from Illinois:

But on examining the proviso in the bill the Chair finds it is something more than a limitation upon the appropriation made in this appropriation bill, for it proposes to make permanent law, the language of the proviso being—

I ask the Chair's particular and close attention to this proviso:

Provided, That hereafter no money appropriated for Army transportation shall be used in payment of transportation of troops and supplies.

That applies to any appropriation that might ever be made by Congress for Army transportation. It was not limited to the appropriation in that particular bill. It applies to any appropriation. It was a specific, unqualified, clear declaration of law by Congress that no money hereafter appropriated for Army transportation should ever be used for the purchase of supplies, and so forth.

Can the Chair see any analogy between that proposition and the one here? Here is a proposition on an appropriation bill, appropriating for salaries, where it is admitted that up to that time the office had not been established, admitted that no Congress had ever established it, but had simply appropriated for it from year to year for the last four or five years; and in this annual appropriation bill Congress undertook to define what should be the duties, in a particular regard, of the solicitor during the term of his employment, to wit, one year.

Mr. LEVER. Mr. Chairman, does the gentleman yield?

Mr. CLARK of Florida. For a question.

Mr. LEVER. I hardly think it fair, Mr. Chairman, for the gentleman to contend that we have admitted that there is no authority in the organic act creating the Department of Agriculture for the employment of this solicitor. I hope the Chair will bear that in mind.

Mr. CLARK of Florida. The Chair will settle all that question. I think you have admitted it. You base your contention on section 523. Now, here is a precedent cited by the gentleman from South Carolina—

Mr. LEVER. And we base our contention on section 523, too.

Mr. CLARK of Florida. Yes; on section 523, and it does not go within 40,000 miles of this case, and I will make it so plain that the proverbial man without intellect need not err therein.

Now, Mr. Chairman, the gentleman from South Carolina [Mr. LEVER] read from the CONGRESSIONAL RECORD a portion of a decision rendered by the distinguished gentleman from Vermont

[Mr. FOSTER] when presiding over the committee. Mr. FOSTER's decision is absolutely right. I agree with him from beginning to finish, and it absolutely lines up with the argument I have been making on this section. The gentleman, if I recollect correctly—of course, it may have been for lack of time—did not call the Chair's attention to the particular question involved. Now, the point of order was made by the gentleman from South Carolina himself upon which this particular decision was had, and here it is—that part of it that applies here. Here is the portion that I understand from the gentleman he made a point of order on, and it was in the agricultural appropriation bill. Here is the language:

For official traveling expenses, telegraph and telephone service, express and freight charges, \$85,000; for employing such assistants—

Mr. LEVER. That is the portion, I would say to the gentleman.

Mr. CLARK of Florida. Yes; it begins here:

For employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purpose named, in the city of Washington, \$200,000; out of the city of Washington, \$266,460.

After considerable discussion the Chair delivered his opinion. Here is what he says:

The Chair desires to call the attention of the committee to the following language in section 523 of the Revised Statutes, being a portion of the organic act establishing the Department of Agriculture:

"He—

Referring to the Secretary of Agriculture—
"shall appoint such other employees"—

The CHAIRMAN. It is not necessary to repeat the language of that section.

Mr. CLARK of Florida. All right. Now, the Chair says:

Now, that is very broad authority. The Chair also desires to call attention to the language in another statute, section 169 of the Revised Statutes, which reads as follows:

"Each head of a department is authorized to employ in his department such number of clerks of these several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rate of compensation respectively as may be appropriated for by Congress from year to year."

The approval of the world, for he finds a market for his product in This language has from time to time been held sufficient authority for an appropriation in a general appropriation bill, and it seems to the Chair that this language that has just been read is analogous to the language in the organic act of the Department of Agriculture.

I said that in my argument. At the place where the gentleman from South Carolina raised the point of order it was an appropriation for certain clerks and employees not officers. Now, I draw a distinction between the solicitor, an officer of the Government, and a mere clerk, who is nothing but an employee, and I want to warn the Chair of the danger of this kind of legislation without a solitary precedent to support it. It is covert legislation that ought to be frowned upon in Congress, and we ought to give no more power to these departments than we are forced of necessity to give.

I insist that the point of order is well taken and that the Chair ought to sustain it.

Mr. LAMB. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The Chair is prepared to rule. The point of order is made by the gentleman from Florida [Mr. CLARK] against the language in line 2 of page 2 of the bill—

Solicitor, \$5,000.

It is contended by the gentleman from Florida that the employment of the solicitor is not authorized by existing law. Reference has been made to sections 169 and 523 of the Revised Statutes, giving general authority to the heads of the departments, and to the Commissioner or Secretary of Agriculture, by name, to employ persons in his department.

It is contended that this general language, while sufficient to authorize the appropriation for clerks and other employees in general appropriation bills, is not sufficient to authorize the employment of an officer of the dignity of solicitor.

It has several times been held that these two sections are sufficient authority of law for the making of appropriations in general appropriation bills for the number and salary of clerks and other employees of the departments.

In the opinion of the Chair a sound construction of such language would necessarily limit it to employees ejusdem generis with those named or indicated, and that it might not be extended by construction to the employment of officers of a grade or character not falling fairly within the general designation. It would scarcely be a sound construction that would permit an executive officer to reorganize his department under such general rules. If the employment of the solicitor rested upon these two sections the matter might not be free from doubt. But the employment of the solicitor by name rests also upon the appropriation law of 1910, in which the existence of such an officer is specifically recognized and a portion of his duties defined. The Chair finds that it has been held repeatedly that it is possi-

ble in appropriation bills to make permanent provisions of law by appropriate words extending the operation of the provision beyond the time provided by the particular appropriation bill, and the appropriate word used is the word "hereafter."

In section 3930 of Hinds' Precedents the gentleman from Illinois, Mr. JAMES R. MANN, made a point of order against a provision in the agricultural appropriation bill, using the words:

That hereafter, for the purpose of preventing the use—

And so forth. And in the argument of the gentleman from Illinois, which was the basis of the decision of the Chair, he referred to a decision of the Comptroller of the Treasury, in which it was said:

Usually the word "hereafter," when used in a proviso in such act, indicates an intention to extend the application of the proviso to future appropriations.

The opinion further stated that the word "hereafter" was not the only word appropriate to that purpose, and if the word "hereafter" were not used, the purpose might be gathered otherwise, from the general language of the appropriation bill, but that the use of the word "hereafter" would prima facie have the effect of turning a provision of an appropriation bill into permanent legislation.

In the opinion of the Chair, therefore, the language employed in the agricultural bill of 1910, using the word "hereafter," is sufficient to warrant a permanent creation of the office of solicitor of the Agricultural Department until by appropriate act of general legislation Congress shall reverse that enactment. Therefore the point of order is overruled.

Mr. CLARK of Florida. There are other points of order, Mr. Chairman.

The CHAIRMAN. The Chair's attention is called to the fact that the gentleman from Florida reserved points of order to further portions of the same paragraph. The Chair will say to the gentleman from Florida that if it is desired to discuss them, and he has any further points, the Chair will be glad to hear gentlemen, but if the only point be the construction of the same sections of the Revised Statutes, then the ruling of the Chair will cover it.

Mr. CLARK of Florida. I want to make a statement of fact that refers to these points of order. Then the Chair can rule, for I do not care to argue the point. Lines 12 and 13, "one inspector, \$2,750." I make the point of order against that it is not authorized by law, and, in the second place, it is an increase of salary of \$250.

Mr. LAMB. Mr. Chairman, this official represents the Secretary personally in securing information desired from individuals and organizations outside of the department, a position requiring a broad knowledge of the department activities, as well as rare tact and executive ability of a high order. The present occupant of the position has filled it in a most acceptable manner and merits the proposed recognition. The Secretary strongly recommends this small increase and the committee granted it. I concede the point of order.

Mr. LEVER. I understand the gentleman from Florida makes the point of order on the increase and upon the place itself.

Mr. CLARK of Florida. Yes; I make a point of order against the place, and in case that is overruled by the Chair I make the point of order against the increase.

Mr. LEVER. As to the point of order on the place, Mr. Chairman, I would like to be heard.

Mr. CLARK of Florida. I am not going to argue it; I will submit it to the Chair.

Mr. CULLOP. The chairman of the committee has conceded the point, as I understand.

The CHAIRMAN. The chairman of the committee concedes the point of order as to the increase, as the Chair understands.

Mr. CLARK of Florida. What is the Chair's ruling?

The CHAIRMAN. As to the employment of the inspector, the Chair is of opinion that he comes within section 169.

Mr. CLARK of Florida. Then I make the point of order against the increase.

The CHAIRMAN. The Chair will sustain the point of order as to the increase in salary.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Under the ruling of the Chair is the language "one inspector, \$2,750," stricken out?

The CHAIRMAN. It is not within the province of the Chair to alter the wording of the bill, and if the point of order be made against the words "two thousand seven hundred and fifty dollars" the language goes out. The Chair is bound to so rule.

Mr. MANN. I understand that, but what I wanted to get at is just what goes out; whether the point of order strikes out "one inspector, \$2,750," or just the language "two thousand

seven hundred and fifty dollars." I ask so that an amendment may be offered later.

The CHAIRMAN. The ruling is confined to the words "two thousand seven hundred and fifty dollars."

Mr. CLARK of Florida. Now, Mr. Chairman, in lines 13 and 14, "one law clerk, \$2,500."

Mr. RODDENBERRY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. The Chair sustained the point of order of the gentleman from Florida to one inspector, \$2,750. In what status does that leave the provision?

The CHAIRMAN. The language of the bill will remain "one inspector," with no salary fixed.

Mr. RODDENBERRY. The point of order was against \$2,750, and the Chair sustains it, and the entire compensation goes out?

The CHAIRMAN. The ruling of the Chair was that the compensation was not authorized by law, and the point of order was sustained against it, and the language as to the compensation is stricken out. The House may or may not provide a compensation.

Mr. CLARK of Florida. Now, Mr. Chairman, in lines 13 and 14, "one law clerk, \$2,500."

The CHAIRMAN. The Chair will ask the chairman of the committee whether the compensation is authorized by existing law or is a repetition of the former appropriation?

Mr. LAMB. It is.

The CHAIRMAN. And there is no increase?

Mr. LAMB. No.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CLARK of Florida. Now, as to lines 14 and 15, "one law clerk, \$1,200," that is entirely new.

Mr. LAMB. Mr. Chairman, in reality that is not a new place, as there is a clerk filling the position with the same salary, who is carried in a lump-sum roll and detailed to the Secretary's office.

It is merely a transfer of this position from the Forestry Service to the Secretary's roll, that is all; but the lump sum for the Forestry Service has not been reduced in this case.

The CHAIRMAN. Does the position remain the same?

Mr. LAMB. Yes; under the act of May 26, 1906, making the appropriation for the Agricultural Department.

Mr. MANN. He is getting this compensation now?

Mr. LAMB. Yes.

Mr. LEVER. The Chair understands that the chairman of the committee stated that this clerk is receiving the compensation. He is paid out of this fund, but he is transferred to the Secretary's roll in keeping with the policy of concentrating the legal force under the Secretary.

The CHAIRMAN. The Chair is of the opinion the designation of a law clerk who was formerly something else will alter the statute.

Mr. LEVER. But the Chair will understand he was a law clerk carried in the law under the Bureau of Forestry. He is now transferred from the Bureau of Forestry under his present designation of law clerk to the Secretary's roll as law clerk.

The CHAIRMAN. The point of order is overruled.

Mr. CLARK of Florida. In lines 15 and 16, 10 law clerks at \$2,000 each. I make the point of order against those as not authorized by existing law.

The CHAIRMAN. No point of order as to salary?

Mr. CLARK of Florida. No; against the provision.

The CHAIRMAN. The point of order is overruled.

Mr. CLARK of Florida. Lines 16 and 17, 7 laws clerks at \$1,800 each. I make the point of order they are not authorized.

The CHAIRMAN. The point of order is overruled.

Mr. CLARK of Florida. Lines 17 and 18, 3 law clerks at \$1,600 each. I make the same point of order.

The CHAIRMAN. The point of order is overruled.

Mr. CLARK of Florida. In line 22, 6 clerks at \$900 each. I make the point of order there is a provision for 1 additional clerk, and it is not authorized by law.

The CHAIRMAN. The Chair will ask the gentleman from Florida, Does not section 169 authorize the employment of such clerks as Congress may see proper to provide?

Mr. CLARK of Florida. Yes; it does.

The CHAIRMAN. The point of order is overruled.

Mr. CLARK of Florida. Page 3, in lines 8 and 9, one construction inspector, \$1,400. I make the point of order against the salary as an increase.

The CHAIRMAN. The point of order is made on construction inspector, page 3, lines 8 and 9.

Mr. CLARK of Florida. It is an increase of \$200.

The CHAIRMAN. The point is that the salary has been increased.

Mr. LAMB. I concede the point of order.

The CHAIRMAN. The point of order as to the salary is sustained.

Mr. CLARK of Florida. In lines 9 and 10—

Mr. LEVER. Mr. Chairman, I can not hear the gentleman from Florida on account of the confusion in the Hall.

The CHAIRMAN. The Chair will endeavor to repeat the points of order as made.

Mr. CLARK of Florida. In lines 9 and 10, "two cabinet-makers or carpenters, at \$1,100 each." I make the point of order upon the position as not being authorized by existing law. They are entirely new.

The CHAIRMAN. On page 3, lines 9 and 10, the point of order is made by the gentleman from Florida against two cabinetmakers or carpenters, at \$1,100, the point being that their appointment is not authorized by existing law.

Mr. LAMB. This is merely for the purpose of consolidating two positions and simplifying the rolls; that is all there is in it. Under the new title it would be possible to employ either a cabinetmaker or a carpenter, as necessity arises. That is the explanation. They were carpenters before. They were carpenters in one place and cabinetmakers in another.

Mr. CANDLER. Mr. Chairman, that would certainly come under the general statutes authorizing the employment of employees.

The CHAIRMAN. The Chair holds that the construction placed upon that statute would authorize the employment of this class of mechanics and laborers. In section 3669, of Hinds' Precedents, a point of order was made against the employment of a telephone switchboard operator, and in the same section a point of order was made against the employment of a wireman, both of whom were evidently skilled mechanics. The point of order was overruled, and the point of order is overruled at this time.

Mr. CLARK of Florida. Against lines 12 and 13, on page 3, "3 cabinetmakers or carpenters, at \$1,020 each." I make the point of order that these positions are not authorized by existing law.

The CHAIRMAN. The point of order is also overruled.

Mr. CLARK of Florida. Line 15, "7 carpenters, at \$900 each." I make a point of order against that. That is an increase of two carpenters over the last bill.

The CHAIRMAN. The former provision was for five carpenters?

Mr. CLARK of Florida. Yes.

Mr. LAMB. The small increase was recommended to secure better workmen through civil-service certification. There are not many carpenters secured at \$840 each, and those who are secured are not always up to the standard of efficiency.

The CHAIRMAN. It is not in the province of the Chair to rule on the wisdom of the appropriation, but the authority for the provision seems to be clear.

Mr. CLARK of Florida. I make a point of order against the increase of salary.

Mr. LEVER. Will not the gentleman from Florida reserve the point of order, so that I may make an explanation?

Mr. CLARK of Florida. I prefer to make it.

The CHAIRMAN. The Chair will ask the chairman of the committee, the point of order having been made against an increase of salary—

Mr. CLARK of Florida. I will consent to let it pass and have that explanation made later.

Mr. MANN. Mr. Chairman, I would like to be heard on the point of order. The existing law provides for five carpenters at \$900 each. It is true it also provides for two carpenters at \$840 each. This provision is for seven carpenters at \$900 each. There is no increase in the salaries of the carpenters carried by the bill, but there is an increase of the number of the carpenters at \$900 each. There is the same authority to increase the number of carpenters as there is to appoint any carpenter. It always has been held that where there was a class of employees at a salary, while you could not increase the salary of the employees of that class on an appropriation bill, you could increase the number of the employees at that salary. For instance, take the Post Office appropriation bill. It is absolutely essential that we increase the number of post-office clerks and carriers throughout the country. You can not increase the salary over a point of order on the Post Office bill, but you can increase the number, and we do that every year, and it has been repeatedly held that it could be done. And it was held in the old days, before the recent law on the subject, that where the Post Office appropriation bill carried so many clerks at \$600 and so many clerks at \$700, you could increase the number at \$700 and decrease the number at \$600, the salary of the class not being changed. Here there is no change in the salary of this class of carpenters at \$900. All the bill does is to increase

the number of that class, which, under the precedent, we have the right to do.

The CHAIRMAN. The Chair is prepared to rule. The point of order is overruled.

Mr. CLARK of Florida. In lines 20 and 21, "one plumber, \$1,200 each." I make a point of order against the establishment of that place as not authorized by law.

The CHAIRMAN. The point of order is overruled.

Mr. CLARK of Florida. Page 4, line 1, "three mechanics, at \$1,200 each." I make the point that that is an increase of one mechanic.

The CHAIRMAN. The point of order is overruled.

Mr. CLARK of Florida. Lines 10 and 11, "total for the office of the Secretary, \$279,380." I make the point against the increase of \$2,930. The last bill carried \$276,450.

Mr. LAMB. Mr. Chairman, that is a very small increase.

The CHAIRMAN. The point of order is made against lines 10 and 11, on page 4, that the aggregate amount is an increase.

Mr. MANN. Mr. Chairman, that is a mere matter of convenience. If it is stricken out in the bill, it would not make any difference. It is a matter of convenience, as I have said, and is not subject to a point of order, because it is just the total of the sums stated before.

Mr. RODDENBERRY. Will the gentleman yield for a question? I quite agree if it was entirely left out it would be immaterial, but in view of the Chair's ruling on a previous paragraph, that \$2,750 was subject to a point of order and went out, ought not the total amount be reduced that amount?

Mr. MANN. The total amount should be corrected in the end, and I say to the gentleman that it is usual and customary for the chairman of the committee having in charge an appropriation bill to ask unanimous consent that the totals be corrected according to the provisions of the bill, but it is not subject to a point of order.

Mr. LAMB. Now, Mr. Chairman, I ask unanimous consent that the totals be changed and that the clerk be permitted to change the totals.

The CHAIRMAN. The question first to be decided is the matter of the point of order. The Chair is unable to see how a point of order could lie against a mere computation. Under the existing law the amount appropriated, if unexpended, is covered back into the Treasury. Nobody could receive any salary under it except those specified in the appropriation bill. The point of order is overruled.

Mr. MANN. Mr. Chairman, I reserved a point of order on the entire paragraph, and I desire to withdraw it.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserved a point of order on the paragraph and desires to withdraw it.

Mr. LEVER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVER. The Chair a moment ago sustained the point of order on page 2, line 13, as to the increase of the salary of the inspector. Is it necessary now—I am asking the Chair—to move to amend by inserting the old salary?

Mr. MANN. It is not necessary; but you have got to do it.

The CHAIRMAN. The Chair will state that such an amendment to the paragraph is in order at the present time.

Mr. LEVER. Then, Mr. Chairman, I move to amend the bill on page 2, lines 12 and 13, by making it read "one inspector, \$2,500," which is the present law.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman from South Carolina a question. What does that apply to now?

Mr. LEVER. That applies to the inspector whose salary is \$2,500, where an increase of \$500 over his present salary was proposed. The Chair sustained a point of order as to the increase proposed, and I now move to restore his present salary.

Mr. CULLOP. What is the present salary?

Mr. LEVER. His present salary is \$2,500.

Mr. MANN. Let the amendment be reported, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina, which the Clerk will report.

The Clerk read as follows:

On page 2, line 13, strike out the word "seven" and insert in lieu thereof the word "five."

Mr. LEVER. No; strike out the words "seven hundred and fifty."

The Clerk read as follows:

On page 2, lines 12 and 13, strike out "two thousand seven hundred and fifty" and insert in lieu thereof "two thousand five hundred."

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, on page 3 there is another amendment. I think the gentleman did not offer an amendment for the salary of one construction inspector. I understood the salary increase of \$400 was stricken out.

Mr. LEVER. I move to insert the words "twelve hundred," there, Mr. Chairman.

Mr. CANDLER. That is the old salary.

Mr. MANN. Insert after the word "inspector," in line 8, the words "twelve hundred."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The Clerk read as follows:

One page 3, lines 8 and 9, insert after the word "inspector," in line 8, the words "twelve hundred."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. LAMB. Now, Mr. Chairman, I ask to have the total changed on that paragraph.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. I understood the gentleman from Virginia [Mr. LAMB] to ask unanimous consent that on all these paragraphs the Clerk be authorized to correct the totals.

Mr. LAMB. That is what I moved.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] asks unanimous consent that at the conclusion of each paragraph the Clerk be authorized to correct the totals. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

WEATHER BUREAU.

Salaries. Weather Bureau: One chief of bureau, \$6,000; 1 assistant chief of bureau, \$3,250; 1 chief clerk and executive assistant, \$3,000; 3 chiefs of division, at \$2,000 each; 8 clerks, class 4; 9 clerks, class 3; 20 clerks, class 2; 29 clerks, class 1; 20 clerks, at \$1,000 each; 9 clerks, at \$900 each; 4 copyists or typewriters, at \$900 each; 1 copyist or typewriter, \$840; 1 telegraph operator, \$1,200; 2 assistant foremen of division, at \$1,600 each; 1 lithographer, \$1,500; 3 lithographers, at \$1,200 each; 5 compositors, at \$1,250 each; 14 printers, at \$1,200 each; 11 printers, at \$1,000 each; 4 folders and feeders, at \$720 each; 1 chief mechanic, \$1,400; 5 skilled mechanics, at \$1,200 each; 7 skilled mechanics, at \$1,000 each; 1 skilled mechanic, \$840; 6 skilled artisans, at \$840 each; 1 engineer, \$1,300; 1 fireman and steam fitter, \$840; 6 firemen, at \$720 each; 1 captain of the watch, \$1,000; 1 electrician, \$1,000; 1 gardener, \$840; 2 repairmen, at \$840 each; 8 repairmen, at \$720 each; 4 watchmen, at \$720 each; 17 messengers, messenger boys, or laborers, at \$660 each; 27 messengers, messenger boys, or laborers, at \$600 each; 87 messengers, messenger boys, or laborers, at \$480 each; 5 messengers, messenger boys, or laborers, at \$450 each; 27 messenger boys, at \$360 each; 1 charwoman, \$360 dollars; 3 charwomen, at \$240 each; in all, \$315,930.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order against the paragraph and to make the point of order against certain items in it, which I will name.

First, in lines 14 and 15, page 4:

One assistant chief of bureau, \$3,250.

That is an increase of salary of \$250, and I make the point of order against it.

Mr. LAMB. Will the gentleman reserve the point?

Mr. CULLOP. Yes.

Mr. LAMB. The official holding this position has been connected with this service for 35 years. He has been employed at his present salary for the past 10 years. He is a man of scientific training and attainments, and during the absence of the chief he is in charge of the bureau. The salary he now receives is believed to be inadequate to the duties and responsibilities of this position. Some years ago the salary attached to this position was \$3,500. Afterwards it was omitted from the bill until the chief of bureau could become more familiar with the administrative work of the office and find a suitable man for the position, and as a result this place remained vacant for several years. In the reorganization of the Weather Bureau it was restored at the salary of \$3,000. Without going into further discussion, I admit the point of order.

The CHAIRMAN. Does the gentleman from Indiana make a point of order as to the creation of the position?

Mr. CULLOP. As to the increase of the salary—\$250.

The CHAIRMAN. The point of order as to the increase of salary is sustained.

Mr. CULLOP. The next is in line 19:

Twenty clerks, at \$1,000 each.

That is an increase of one clerk.

Mr. HAUGEN. The Chair has ruled that we may increase the number of clerks, but that the salaries can not be increased.

The CHAIRMAN. The Chair has so ruled. The point of order is overruled.

Mr. CULLOP. The next is in line 21:

At \$900 each.

That is an increase from \$840 to \$900. I make the point of order against it.

Mr. LEVER. Will the gentleman from Indiana reserve the point of order?

Mr. CULLOP. I will.

Mr. LEVER. Mr. Chairman, I concede the point of order, but I believe when I make the statement the gentleman from Indiana will not insist upon it.

The Committee on Agriculture agreed that we would adopt a method of dealing with the low-grade clerks in the Department of Agriculture. The present law carries 159 low-grade clerks, whose salaries range from \$600 to \$840 a year. A number of these get \$600, a number \$720, a number \$840.

The Committee on Agriculture concluded that it was not fair for this great, rich Government of ours to expect a competent clerk to serve at the miserable salary of \$50 a month in the expensive city in which this Capitol is located. We concluded that it was not just for this great Government to ask a person to live in the city of Washington and support a family and to be competent to do clerical work in one of our great departments at a salary of \$720 a year. We believe the same thing with reference to clerks receiving salaries of \$840. While we could not promote all of these at one time to \$900 a year, we did believe that by adopting this method of raising the \$600 clerks to \$720, and the \$720 clerks to \$840, and the \$840 clerks to \$900, we were conferring a blessing upon these poor people who are laboring in these various departments.

I do not believe that the Government has the right to put itself on record in legislation favoring low wages. I believe that this Government ought to show itself to be a model employer. I believe that every manufacturing and industrial establishment of this country ought to look to this great Government in the fixing of their salaries. Now, this bill, I will say to my friend from Indiana, carries increases of the character described affecting 159 clerks. I would like to have my friend's attention, because I know him to be a great, big-hearted man, and I know that the mere statement will so appeal to him that he will withdraw his point of order.

This section involves the salaries of 159 of these clerks and increases the total appropriation in the very small sum of \$13,000. The question was raised in committee, Will anybody make a point of order on this proposition? My own judgment was appealed to and I did not hesitate to say that there was not a man in the American Congress who, after knowing the purpose of these increases, after the plan had been explained to him, would think for one moment of making a point of order on the increase in the salaries of \$120 for a \$600-a-year clerk in one of these departments here. I did not believe that there was a man who would make a point of order against a \$60 increase for a clerk who was getting \$840 a year. It is the attempt of the Committee on Agriculture to do what has never been done in this House before, and that is, to go down among the low-grade clerks, the people who are getting small salaries, and expecting to support families upon them, to help them up and to give them a lift. The policy heretofore has been to increase the salary of the chiefs of the bureau, the high-paid men, and absolutely neglect to take care of men at the foot of the ladder working and struggling for a mere existence. I sincerely hope my friend from Indiana, in the generosity of his big heart, will withdraw the point of order and let this thing go through.

Mr. CULLOP. Mr. Chairman, I can not yield at this time to the very kind solicitation of the gentleman from South Carolina. The policy has been all along to increase the salaries of the high officials of these departments, and not only to increase the salaries of the high officials, but to increase the number of them beyond what, in my judgment, is actually required for the good administration of the department. There has been no attempt in this bill, notwithstanding the admission of the gentleman who has charge of it about increasing the salaries of the high officials, to reduce the salaries of a single one of them or to reduce the number.

You are transferring by legislation functions into this department that belong to the Department of Justice. You are establishing a policy by the attempted creation of a legal department here that sooner or later will come in conflict in the administration of the law with that of the Department of Justice and bring about a complication of affairs. This legal department, in my judgment, for the better administration of justice ought to be eliminated from this department and restored where the law originally intended it to be, in the Department of Justice and not in the Agricultural Department.

Mr. LEVER. Will the gentleman yield?

Mr. CULLOP. I will.

Mr. LEVER. I concede that there is a great deal in the statement of the gentleman from Indiana, and perhaps the Committee on Agriculture has erred in reference to the legal machinery of the Department of Agriculture, although the committee has followed former bills in this respect as far back as I can remember, and I have been a member of the committee eight years; but is the gentleman from Indiana willing to take the position that because the committee has erred in this one particular he must make a point of order against these poor devils at the foot of the ladder?

Mr. CULLOP. I want to say to the gentleman from South Carolina that he has taken a very bad example for the construction of this bill. By the overwhelming majority of the people of this country in 1910 they uttered a protest against the example which he has taken for the formation of this bill, and that is what I am trying to avoid—that you may drop into the same position to our great injury. Until the committee shows some liberal disposition toward the reduction of these high officers and their salaries, I expect to stand here exercising my right upon this proposition. I want to say further to the gentleman that there is no man on this floor that would go further to assist the poor clerks in increasing their salaries than would I. It is for the increase of the inadequate salary I stand, and I favor the reduction in all cases where salaries are too high. My position is well understood. But I do not want to do it at the expense of the people of this country without receiving some consideration in the reduction of the salaries of the high officials wherever they are excessive, and whatever he is willing to take from that class I am willing to add to the low-salaried man. I will be as liberal as he is upon that proposition. I will, I assure him, assist him all I can.

Mr. LEVER. I desire to ask the gentleman from Indiana if the verdict in favor of the Democratic Party was based, as I assume he assumes it was based, upon any feeling in the minds of the American people that the Democratic Congress proposed to refuse to do justice to the poor people of this country. Then if he assumes that, I confess I have not read my party's history right, nor do I have a clear conception of what its purposes are.

Mr. CULLOP. In answer to the gentleman I would say this: His assumption is fallacious because he assumes these employees to be all the people when they are only a small part of the people. It was the excessive appropriations, the extravagance of the Republican Party, that led the people of this country into changing the political complexion of this House and placing a Democratic majority in place of a Republican majority, and it will not suffice, Mr. Chairman, to say that it was put upon the basis that we would increase the salaries of the clerks in some of the departments at Washington. Many of them are useless, many of them could be discharged, and the business of the department properly and well administered and just as efficiently. Now, Mr. Chairman, I insist upon my point of order—

Mr. LAMB. Mr. Chairman—

Mr. CULLOP. Or if the gentleman desires to speak, I will reserve it.

Mr. LAMB. I trust the committee will bear with me while I make a statement of facts which I think it is due to the Committee on Agriculture I should make. It is true, as has been so well stated by the gentleman from South Carolina [Mr. LEVER], that these increases in the small salaries for 159 employees only amounts to \$13,000. Enough has been said of that. In the report of the committee attention is called to that fact and reasons for it given. Now, Mr. Chairman, on the other point made—and I am not going to discuss politics, but just business ties—on the point made that larger salaries have been increased, let me say to you that this carries only \$3,400 in this appropriation, and I want you to consider the fact that 2,500 of these, the employees of the department, on the lump-sum appropriation have been transferred to the statutory rolls, and there is no opportunity for those people to get any increase of salary except through the action of Congress. Now, admitting that fact and then taking the further statement that this increase only amounts to \$3,400 through this appropriation, you will see that the charge that we have been extravagant in making up this appropriation falls to the ground. I made the statement here when the last appropriation bill was up that in five years these increases for these high officials over \$1,200 on the statutory roll had only amounted to \$10,000 in the five years. In answer to the gentleman's suggestion that we have been extravagant in this appropriation, let me call attention to the fact that we have reduced this bill this year by \$1,400,000, and so careful have we been about it that I do not think that the activities of the bureau have been disturbed at all.

Mr. CULLOP. Mr. Chairman—

Mr. LAMB. And I appeal to the good sense and judgment of this Committee of the Whole that we can justify ourselves in this action.

Mr. CULLOP. Will the gentleman yield?

Mr. LAMB. I do.

Mr. CULLOP. The gentleman misunderstands me. I did not say you have been extravagant. I said that the gentleman took the party on the other side for an example or criterion to make this bill up, and it was using the example of a party which had been extravagant. That was my remark. I have made no charge except by inference.

Mr. LAMB. We have reduced this bill over a million dollars, and I desire to say here that the Agricultural Committee has no politics, and that the members of the minority were just as active, careful, and suggestive as were the majority members of the committee.

Mr. FOSTER of Illinois. I desire to ask the gentleman whether he considers it very much of an extravagance to raise a man's salary \$60 or \$75 a month when he is getting \$600 or \$720 a year?

Mr. LAMB. No.

Mr. FOSTER of Illinois. No; I do not either.

Mr. LAMB. Mr. Chairman, I ask for a ruling.

Mr. BERGER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. BERGER. I would like to get the floor for two or three minutes on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin.

Mr. LAMB. Mr. Chairman, I hope opportunity will be given to the gentleman. The point of order is reserved, and I will be glad to hear the gentleman.

Mr. BERGER. Mr. Chairman, I believe it is in bad taste for a gentleman who draws the comfortable sum of \$7,500 from the poor working people of Indiana, Illinois, California, and the rest of the States, to object to a raise of salary for a man who gets \$50 a month to \$60 per month. If we are to cut down salaries, let us cut down the salaries of the \$7,500 men. I am one of them, but I would rather see my own salary cut down than vote for starvation wages. I believe, based upon my investigations, that in this city it is simply impossible for a man with a family to live halfway decently on less than \$1,200 a year. [Applause.]

And I want to call the attention of the gentleman from Indiana [Mr. CULLOP]—and I wish he would listen to me, because he may be compelled to listen to another voice next November—I want to call the attention of the gentleman from Indiana to the fact that the Democratic Party was not put into control of this House because the Republican Party paid the clerks too much wages. The Democratic Party was put in control here because of the high cost of living and because the times got harder, and because the people, not knowing political economy, held the ruling party responsible for the change in business conditions. [Applause on the Republican side.] We are nearing an industrial crisis again, and the voters instinctively vote for a change of administration. But if the Democratic Party will keep up a policy of economy against the poor devil who works for small wages, paying \$240 a year as you do to the poor charwomen and poor laborers—if the Democratic Party shall refuse to raise the salaries of clerks earning \$50 a month—I promise the gentleman that the Democratic Party will be wiped out with an iron broom, and wiped out pretty soon. [Applause.] Another party, a new proletarian party, will come in and control this House—a party which is not going to save on small potatoes. So much I can promise.

Mr. FOSTER of Illinois. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. FOSTER of Illinois. I wanted to say just a few words. I want to remind my friend from Wisconsin that this raising of the salaries of these men from \$600 to \$720 has occurred under this administration of the House.

Mr. BERGER. That is poorly enough. You do not need to be proud of it.

Mr. FOSTER of Illinois. I simply wanted to remind him of the fact of these increases. I do not believe in raising the salaries of men who are drawing a large amount, but I do believe that men who work for the Government, or work for an individual, firm, or corporation, should be paid a fair salary, and I believe in it just as much as does my friend from Wisconsin.

Mr. BERGER. I am glad of it.

Mr. FOSTER of Illinois. And I believe that this House and the people of the country will sustain them in paying reason-

ably good wages to men who do the work. But I do not believe in paying high salaries—

Mr. BERGER. I do.

Mr. FOSTER of Illinois (continuing): To men who do nothing.

Mr. BERGER. Discharge them entirely.

Mr. FOSTER of Illinois. You do not believe in that. You ought to wait until I get through with my statement. [Laughter.]

Now, Mr. Chairman, this increase that is given men here who work for \$50 and \$60 a month I believe is all right. But I am opposed to raising at this time the salaries of men who are drawing three or four or five thousand dollars a year, unless it is an extraordinary case.

Mr. CULLOP. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CULLOP. I want to be heard a moment in reply to some of the remarks that have been made. I have never understood it to be a valid argument that an increase of salary ought to be made because some other person draws too high a salary. "Two wrongs never made a right." I do not think that is good ground for the raising of salaries of other officials. If that doctrine was to be adopted, there would never be decreases of salaries, but a constant increase all the time and all along the line. Simply because somebody gets too much is no reason why somebody else's salary should be increased. Now, this is true that there is not a man in public office to-day, either as a clerk, as an appointee, or holding office by election, that has to continue to hold it. He can retire to private life and follow the pursuits of a private citizen.

This argument that because somebody is in office and can not live on the salary that is provided, therefore the salary ought to be increased, is not a good argument and does not appeal to me. Perhaps if the incumbent will resign his office you might find some other good patriot who would be willing to lend himself as a sacrifice for his country's good and take the office for a little while.

Mr. LEVER. I will ask the gentleman if the same argument would not apply to Members of Congress? You could get lots of men to serve for less money than is now paid.

Mr. CULLOP. Why, certainly; and I observe that gentlemen who hold seats now are willing to sacrifice themselves, as a universal rule, a little bit longer for their country's good.

Mr. LEVER. At \$7,500 per. [Laughter.]

Mr. CULLOP. I did not vote for the increase of salary. I was not here then, and I understand now that when men who did vote for it go back to their constituents you can not find a man who was in that Congress who will say that he did vote for it.

Mr. MANN. Oh, Mr. Chairman, the gentleman can not state that as a fact.

Mr. LAMB. Let me make a statement to the gentleman on that. I voted on the roll call, and I am glad to tell my constituents when I go among them that I voted for it. [Applause.]

Mr. CULLOP. I am glad the gentleman did. But there was no roll call on that question, and there is where the difficulty exists.

Mr. MANN. And I may say that the Members who voted for that proposition have done that generally in their districts.

Mr. CULLOP. I understand that some did not, and hence were defeated, and I understand further that a large number of Members claim they attempted to get a roll call on that proposition, but could not. That is my information about it, and I do not vouch for its correctness.

Mr. MANN. The gentleman is slandering his own body when he says that. He was not here then, and he knows nothing about it.

Mr. CULLOP. I will say to the gentleman from Illinois that it is now claimed if a poll had been taken a great many assert their vote would have been recorded against that proposition, more than enough to have defeated it, but that they were unable to get a roll call. I do not vouch for its correctness. I was not a Member then and know nothing about the facts in the case.

Mr. MANN. The gentleman is entirely mistaken in making that statement.

Mr. RUBEN. Mr. Chairman, I desire to interrogate the gentleman.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Missouri?

Mr. CULLOP. I do.

Mr. RUBEN. It is only a little while since we had an appropriation bill under consideration here carrying \$80,000,000—the Army appropriation bill. I will ask the gentleman if he

came in here then and made a fight for a reduction of the Army bill?

Mr. CULLOP. I will say to the gentleman that I did so whenever there was an opportunity offered for it, except upon one proposition, and as to that I then said that the Government had entered into a contract, as binding as any civil contract that could be made, that it would not reduce the pay of the enlisted men during their term of service; and I said more, that the Government had no more right to break that contract than any individual had a right to break his contract, and that it was setting a bad precedent to the country for the Congress of the United States to do it. [Applause.] I believe contracts are sacred, and should be kept both in spirit and letter. I was performing my duty as I understood it then, under my obligation as a Member of this body, and shall continue to so act as long as I occupy a seat here.

Mr. LAMB. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The point of order is made against an increase of salary to persons receiving \$900 each. The Chair understands from the chairman of the committee that that is an actual increase beyond the amount authorized by law?

Mr. LAMB. Yes, sir.

The CHAIRMAN. Then the point of order must be sustained.

Mr. MANN. Is that the only point of order pending?

The CHAIRMAN. There are no other points of order pending to that paragraph.

Mr. CULLOP. Mr. Chairman, the next is an increase, but I will not make a point of order as to that. Now, then, in line 25, I see "one lithographer, \$1,500." That is an increase of \$200. I make the point of order against that. That is not a low-salaried man.

Mr. LEVER. The point of order is conceded.

The CHAIRMAN. The point of order is sustained.

Mr. CULLOP. In line 2, page 5, I see "five compositors, at \$1,250 each." That is an increase of one.

Mr. MANN. That is not subject to a point of order.

Mr. CULLOP. I suppose, under the previous ruling of the Chair, that will be overruled.

The CHAIRMAN. The point of order is overruled.

Mr. CULLOP. Now, then, in line 11, I see "one engineer, \$1,300." That is an increase of \$100. I make the point of order against that.

Mr. LAMB. The point of order is conceded.

The CHAIRMAN. The point of order is sustained.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from Indiana one question.

The CHAIRMAN. There is nothing pending before the House.

Mr. ESCH. It can be done by unanimous consent.

Mr. OLMSTED. I notice he omitted to make a point of order against one increase. Why was that omitted?

Mr. CULLOP. That was an increase from \$720 to \$840. I did not think a point of order ought to be made against it, as the salary is already low. [Applause.]

Mr. LAMB. Mr. Chairman, I ask unanimous consent to return to line 21, page 4, and insert "\$840 each," instead of \$900.

Mr. RODDENBERRY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. I desire to make points of order against certain items in the paragraph, and I wish to know whether I will have that right if the gentleman is now recognized for the purpose indicated by him.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] rose and asked unanimous consent to offer an amendment to the language of the bill, but the Chair has not yet submitted the request for unanimous consent. If there are other points of order, the Chair will hear them at this time.

Mr. LAMB. I am simply offering an amendment.

The CHAIRMAN. The Chair will hear the points of order on the paragraph before amendments are suggested.

Mr. RODDENBERRY. In lines 23, 24, and 25, on page 4, occurs the item:

Two assistant foremen of division, at \$1,600 each.

I make the point of order that under the existing law there is one assistant foreman of division at \$1,400, and that the present provision is for two assistant foremen of division at \$1,600. The point I make is that there is an increase of the salary of the existing assistant foreman and an increase in the salary of a newly denominated assistant foreman of \$200 each.

Mr. LEVER. Does the gentleman make the point of order or does he reserve it?

Mr. RODDENBERRY. I reserve the point of order.

Mr. LEVER. I will say to the gentleman from Georgia that the increase of \$200 in the item which he has mentioned was made for the purpose of equalizing the compensation of

two men who are doing practically, if not exactly, the same work in the same room, to put these two men upon an equal salary. We thought it was just that this should be done.

Mr. RODDENBERRY. In the existing appropriation there appears to be one assistant foreman whose salary is named at \$1,400. This bill carries two assistant foremen to receive \$1,600 each, an increase of \$200.

Mr. LEVER. My recollection is that this is a change of title with an increase of salary of \$200 for one of the men working in the printing office in the Weather Bureau. Both of them are doing the work of assistants, one in one direction and one in another. The purpose of the change of title is to put them on the same footing, and this increase would put them on the same salary.

Mr. RODDENBERRY. Can the gentleman inform us where in the act of 1911 the designation and salary of the person now denominated as an assistant foreman of division is to be found?

Mr. LEVER. The gentleman will find, on page 2 of the current law, about the tenth line:

One assistant foreman of division, \$1,600.
One assistant foreman of division, \$1,400.

We are equalizing the salaries of these two men.

Mr. RODDENBERRY. Mr. Chairman, I am indisposed to object, but I observe that all the equalizing that is done in these bills is by raising some fellow up and nobody's salary is reduced to do any equalizing. I must insist on the point of order.

Mr. LAMB. I concede the point of order.

The CHAIRMAN. The point of order is made that one assistant foreman is now authorized by law at \$1,600 and one is authorized by law at \$1,400. The point of order is sustained as to the increase of \$200 as to one of these assistant foremen.

Mr. LEVER. This is really the creation of a new place. We have dropped one assistant foreman at \$1,400 and have increased the number of assistant foremen at \$1,600 to two instead of one. I take it that under the ruling made a moment ago we have a right to create one more place.

The CHAIRMAN. The Chair understands that under existing law there is one assistant foreman at \$1,600 and one at \$1,400. The provision of the bill increases the \$1,400 foreman to \$1,600. The point of order is made against the increase of \$200. The chairman of the committee concedes the increase and the Chair sustains the point of order.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order on page 5, line 11, "one engineer, \$1,300." Under the existing statute, the current law, it is "one engineer, \$1,200." I make the point of order against the increase.

The CHAIRMAN. The Chair is of the impression that that point of order was made by the gentleman from Indiana and sustained.

Mr. CULLOP. Now, Mr. Chairman, I reserved a point of order against the entire paragraph. I now withdraw that.

Mr. LAMB. Mr. Chairman, I move to amend, on page 4, line 23, after the word "dollars," by inserting "one" instead of "two," and in line 25, after the word "dollars" insert the words "fourteen hundred," and in the same line insert the words "thirteen hundred."

The CHAIRMAN. Will the gentleman from Virginia send his amendments to the Clerk's desk to be reported?

Mr. MANN. Will the gentleman yield?

Mr. LAMB. Certainly.

Mr. MANN. I think the gentleman did not offer an amendment at the time to insert, in line 21, page 4, after the word "typewriters" the words "eight hundred and forty dollars."

Mr. LAMB. I have done that previously.

Mr. MANN. The gentleman asked unanimous consent when points of order were being made, but it was not agreed to.

Mr. LAMB. Mr. Chairman, I offer an amendment to page 4, line 21, to make it "\$840."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, line 21, after the word "at" insert the words "eight hundred and forty."

Mr. MANN. So that it will read "\$840 each."

The CLERK. So that it will read "\$840 each."

The amendment was considered and agreed to.

Mr. LAMB. On the same page, line 23, after the word "dollars," I move to amend by inserting the word "one" in place of "two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 23, after the word "dollars," insert the word "one," so that it will read "one assistant foreman of division."

The amendment was agreed to.

Mr. LAMB. In line 25 I move to strike out the word "each" and insert "one assistant foreman of division, \$1,400."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 25, strike out the word "each" and insert "one assistant foreman of division at \$1,400."

The CHAIRMAN. In line 23, should not there be a change of the word "two" to "one"?

Mr. MANN. That has already been made.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was considered and agreed to.

Mr. LEVER. In line 24, I move to amend by striking out the word "foremen" and inserting the word "foreman."

The Clerk read as follows:

Page 4, line 24, strike out the "e" in the word "foremen" and insert an "a," making it read "foreman."

The amendment was agreed to.

Mr. LAMB. Now, Mr. Chairman, in the same line 25, page 4, I move to amend by striking out the word "five" and inserting the word "three," so that it will read "one thousand three hundred" instead of "one thousand five hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 25, after the word "lithographer," insert the words "one thousand three hundred."

The question was taken, and the amendment was agreed to.

Mr. LAMB. On page 5, line 11, I move to change the word "three" to the word "two," so that it will read "\$1,200" instead of "\$1,300."

The Clerk read as follows:

Page 5, line 11, after the word "engineer," insert the words "one thousand two hundred."

The amendment was considered and agreed to.

The Clerk read as follows:

Contingent expenses, Weather Bureau: For fuel, lights, repairs, and other expenses for the care, preservation, and improvement of the public buildings and grounds of the Weather Bureau in the city of Washington; for stationery and blank books, furniture and repairs to same, and freight and express charges; for subsistence, care, and purchase of horses and vehicles, and repairs of harness, for official purposes only; for advertising, dry goods, twine, mats, oils, paints, glass, lumber, hardware, ice, washing towels, and other miscellaneous supplies and expenses not otherwise provided for in the city of Washington, \$25,000.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order against that paragraph and to make the point of order against the words, in line 8, "and improvement." I reserve the point as to those words in order that the chairman or any other gentleman who may desire may be heard on the point of order.

Mr. MANN. What is the point of order?

Mr. CULLOP. My point of order is that the words "and improvement" should go out, because they are new and have not been used and is without authority of law.

Mr. MANN. But that is not stating the point of order, with all due respect to the gentleman. What is the point of order?

Mr. CULLOP. That there is no law authorizing them to go ahead and make improvements ad libitum.

Mr. MANN. I know; but that is not a point of order. Does the gentleman base his claim that it should go out on the fact it is new? That is not a point of order.

Mr. CULLOP. It is new legislation I have been undertaking to prevent, I wish to say to the gentleman.

Mr. MANN. But the fact it is new legislation is not a point of order. Under what provision of the rules does the gentleman make the point of order on this proposition? I am asking the gentleman in good faith.

Mr. LAMB. I admit this is new language.

Mr. MANN. But it is not subject to the point of order.

Mr. LAMB. I do not think so either. The words "and improvement" appearing in this line is in fact new language. This change is essential in view of the decision of the comptroller's office that no change can be made in Government buildings that is not strictly in line of repairs unless the same be specifically provided for by Congress.

It frequently becomes necessary to cut doorways, build partitions, and so forth, and this is not possible at the present time, as it would come under the head of improvements instead of repairs, and therefore specific language for the purpose is sought. There is no change in the amount of this appropriation. Here is what Mr. Moore, the Chief of the Weather Bureau, says about it:

Mr. MOORE. There you see is a slight change in phraseology by the insertion of the words "and improvement." Well, now, this change is asked in view of a decision that under the present act the Weather Bureau is without authority to make any changes in its buildings that are not strictly in line with repairs.

Then he goes on to give an illustration to show the necessity for these words being inserted.

The CHAIRMAN. Let the Chair ask the gentleman from Virginia whether this is claimed to be a continuation of work already begun?

Mr. LAMB. Yes; surely.

Mr. CULLOP. I want to be heard on the point of order before the Chair rules.

Mr. LAMB. That is all I have to say, Mr. Chairman.

Mr. CULLOP. Now, Mr. Chairman, the objection I have to this language, sustaining the point I have made, is this: I want to read two or three lines in order that the committee may catch the force of this proposition:

For fuel, light, repairs, and other expenses for the care, preservation, and improvement of the public buildings and grounds of the Weather Bureau.

What limit is there to the improvement? You have simply turned the matter over to the head of that department to make just such improvements as his fastidious taste may suggest to him. I want the money that is appropriated by this bill to go to benefit the farmers of this country and not for some officeholder to build him magnificent quarters in which he is to be located.

Mr. LAMB. Will my friend allow an interruption there? This is not for building purposes; this is for changing a building, cutting a doorway here and a window there, which they can not do under the language as at present employed.

Mr. CULLOP. I beg the gentleman's pardon. They had the authority under the old appropriation bill, and, with this language out, they have the authority under this bill to make such repairs, but this leaves the extent of the improvements open to these officials—

Mr. FOSTER of Illinois. Will the gentleman permit? I want to suggest to the gentleman if he does not think that with this language in they can go to work and build an addition to the building?

Mr. CULLOP. Certainly, they could.

Mr. FOSTER of Illinois. In the way of improvement.

Mr. CULLOP. Yes; whatever their fastidious taste, as I said, may suggest in the way of improvement. You have given them that authority. I want the money to go to the benefit of the farmers of the country, to the agriculturists and not to the officeholder in a department where this gives them ample authority to expend it without any limitation whatever. That is my objection to the insertion of this language.

Mr. LAMB. Mr. Chairman, I think I can satisfy my friend on that point. This applies to Washington. To show you that there can be no such abuse as you imagine in this case, when I asked Mr. Moore the question he said:

You will see there could not be any abuse, because our total appropriation is \$25,000, and it is nearly all taken up for other purposes, and that the only thing we would be enabled to do would be to make needed changes.

And the appropriation from which such improvements will be made outside of Washington is \$97,500, and the greater part of this sum is necessary to pay rents.

Mr. CULLOP. Oh, I hope that such an argument as that would not be an inducement to the chairman of the committee to insert that language. That might mean a million-dollar improvement under this \$25,000 appropriation. Such an improvement might be started and then come back here to the next Congress and say that the work had been begun and that we must not wait, and consequently we would have to appropriate the money to carry it out. It is against that kind of a practice that I am taking this precaution here to-day.

Mr. LAMB. The gentleman imagines an impossibility. He can not state anywhere where that has been done or ever will be done.

Mr. CULLOP. There is nothing here to prevent it. I know the policy has been to get something started by a small appropriation, and nobody but the taxpayer knows just where it ends. And when you give that kind of license, as you are giving in this, you are opening the door to the perpetration of very great extravagance, and for that reason I am opposed to it. Instead of improving the buildings in Washington, I want to improve the business back in the country, where the men have to make the money to pay the taxes to run the Government. It is for that reason I make the point of order.

Mr. LEVER. Mr. Chairman, I desire to be heard on the point of order, if the Chair desires any further statement.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LEVER. Mr. Chairman, the language of the present law reads:

For fuel, lights, repairs, and other expenses for the care and preservation of the public buildings and grounds of the Weather Bureau in the city of Washington.

The committee amendment strikes out:

For repair.

And inserts the words:

An improvement.

And I make the point now, Mr. Chairman, that the point of order is not well taken, for the reason that the language inserted by the committee is to permit the continuance of work now under way. And I think the Chair is familiar with the long line of rulings and precedents.

The CHAIRMAN. What work now under way?

Mr. LEVER. Work on the matter of public buildings in the city of Washington; the existence of the weather building itself, to take care of it, to preserve it from rotting down, to cut a window through it, or to fix a lock—all that, I take it, is in line with the decisions.

Mr. RODDENBERRY and Mr. MANN rose.

The CHAIRMAN. The Chair is ready to rule.

Mr. RODDENBERRY. Mr. Chairman, I desire to lodge a point of order against the word "improvement."

The CHAIRMAN. The Chair is now considering a point of order.

Mr. RODDENBERRY. I desire to lodge a point of order against this on a ground that has not been stated, and if the present ruling the Chair will make will have the effect of producing a waiver in that connection—

The CHAIRMAN. The Chair is ready to rule. In the opinion of the Chair the words "an improvement" are entirely too broad. They do not appear to refer to existing work and they are not appropriate for that purpose. And the statement of the gentleman from South Carolina on the provisions of the previous appropriation bill seems to bear out that idea. While the amount carried is small and might not justify all the gentleman from Indiana [Mr. CULLOP] has said, it is unquestionably true the words are entirely too broad, and the point of order is sustained.

Mr. MANN. All that the Chair has said may be true, but will the Chair hear me a moment on that?

The CHAIRMAN. Yes.

Mr. MANN. Supposing the item should read:

For the improvement of the public buildings and grounds of the Weather Bureau in the city of Washington.

Would that be subject to a point of order? That is a question. Now, it is quite competent, where the Government owns a public building, to provide for an addition to that public building. It is not subject to a point of order. You can provide for a new building there. You could provide over here a new building to go in between the two wings of the agricultural building. It would not be subject to a point of order.

Mr. CULLOP. Will the gentleman from Illinois [Mr. MANN] allow an interruption?

Mr. MANN. I will yield for a question.

Mr. CULLOP. I understand that the Chair has ruled on the point of order. Now, is the gentleman offering an amendment?

Mr. MANN. I am addressing the Chair, with the Chairman's permission.

Mr. CULLOP. I want to get the drift of the gentleman's position.

The CHAIRMAN. The gentleman is occupying the position of asking for a hearing.

Mr. CULLOP. He is asking for a new trial—or a recall. Very good.

Mr. MANN. Now, it is quite certain as to the public grounds of Washington. It is not subject to a point of order to make an appropriation for the planting of trees on the public grounds, or for putting any necessary hedges on the public grounds, or for putting any necessary paths on the public grounds. Those are improvements of the public grounds. Those items are not subject to a point of order. I do not see how it can be construed that a provision for the improvement of the public buildings is subject to a point of order. Ordinarily it is subject to being refused, in the discretion of the legislative body, without being more definite.

The gentleman from Indiana in arguing his point of order was arguing in the main as to the discretion of Congress that something might be done that ought not to be done. That is not a question constituting a point of order. I do not see how you can say that where you provide a new building to be attached to a building, no limit of cost to be placed on the building, on the new building on these grounds, we have not the right under the rules to provide for a new building here, or any other improvement that we please, there being no limitation upon the cost of the buildings and grounds.

The CHAIRMAN. The Chair will say in reply to the argument of the gentleman from Illinois that under section 3752 of Hinds' Precedents there appears a ruling on April 10, 1900, to the effect that an appropriation for a new building on the Agricultural Department grounds was subject to a point of order, appearing in an appropriation bill.

Mr. MANN. Yes; but, Mr. Chairman, an addition to an existing building is not subject to a point of order.

The CHAIRMAN. That is very true.

Mr. MANN. This is an improvement to the building. This would not authorize a new building on the grounds.

The CHAIRMAN. The language used in this appropriation bill, the simple words "an improvement," in the opinion of the Chair, would justify anything that was classed as an improvement of real estate, and certainly it would be a very broad use of language.

Mr. FOSTER of Illinois. I would like to inquire if the Chair has ruled on this question?

The CHAIRMAN. That being true, if the language is limited to a specific building or specific repairs, the point of order would not lie.

Mr. LEVER. Mr. Chairman, I move to amend—

Mr. CULLOP. We are not through with the point of order. I have reserved a point of order on the section.

The CHAIRMAN. The ruling of the Chair is that the point of order is sustained. Are there further points of order?

Mr. CULLOP. Mr. Chairman, I was going to say that I had reserved a point of order against the whole section, and I now withdraw that point of order.

Now, Mr. Chairman, I move to strike out the last word. I want to ask the gentlemen in charge of this bill a question. I see a provision in this bill "for the subsistence, care, and purchase of horses and vehicles, and the repair of harness, for official purposes only." I would like to ask the gentleman in charge of the bill how many horses are used for official purposes?

Mr. LAMB. I reckon they are all used for purposes connected with the bureau.

Mr. CULLOP. How many are there?

Mr. LAMB. I do not know.

Mr. CULLOP. How many vehicles are there?

Mr. LAMB. I think the Chief of the Weather Bureau has one carriage and one horse, and he takes care of it himself. Then they have got some horses and wagons over there for other purposes, I do not know what. But we are bound to trust somebody and put confidence in somebody. We can not go to these officers and see how many horses they have there, and how much feed the horses get every night.

Mr. CULLOP. I understand that; but the gentleman should make inquiry as to the number, and so on. What I would like to know is, How many horses are constantly kept by this department, and how many vehicles? I would like to know that. I think the public has the right to know how many horses are kept for strictly official business, and how many officials, if any, are riding around using these in connection with their social matters and social duties; and for that reason I am unwilling to appropriate money for that purpose if that is the case, and that is why I asked the question. I am willing to appropriate money for the purpose of maintaining vehicles, horses, and carriages to be used in the discharge of public duties, but not for social affairs, and that is why I asked this question.

Mr. CANDLER. Under this provision there is no appropriation of a single, solitary cent except for horses and vehicles and necessary harness for official purposes, and official purposes only. Now, the gentleman says he is willing to make an appropriation for that purpose. That is the only purpose that is contemplated or named in this provision.

Mr. CULLOP. How many are required?

Mr. CANDLER. Those that are necessary for the discharge of the duties of the department, no more and no less. Just how many there are I do not know. I do not suppose there is a man in the House who does know. The gentleman himself might go down there and count them if he is so inclined.

Mr. CULLOP. Mr. Chairman, we are legislating here for a large number of people, and we have the right to know, and the people have the right to know, just about what this money is appropriated for and what is being maintained with the appropriation that is made. It is for that reason that I ask this question, and I would like very much to have that information. I have understood through the press, and through some matters that developed a short time ago in the Senate, that a large number of vehicles with liveried drivers and fine harnesses and horses drawing beautiful equipages were used largely for social duties by public officials, and not for the transaction of public business. If any of this is for that purpose, I am voting against every dollar proposed for such a purpose, and want it to be understood that I am contesting the passage of any appropriation bill giving a dollar for any such purpose.

Mr. CANDLER. I do not think there would be a member of this committee who would be in favor of appropriating a dol-

lar of the people's money for carriages, or for vehicles, or for horses, or any purpose of that kind, in order to supply the officials of the Government simply for their pleasure.

A number of years ago this question came up in the House, and there was a very thorough investigation made, and it was discovered that there was some abuse along these lines. At that time this very provision that is now in this bill was adopted, and it has been enacted into law every year from then until now, limiting this to official business.

As was said by the chairman of the committee a moment ago, you have got to trust somebody. If you can not trust some of the officials of the Government; if you have to send some man around to count horses and see how many sets of harness there are and how many vehicles there are; if the Members of Congress are required to do that, then I am very sorry to know it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. I ask unanimous consent for five minutes more in which to conclude this matter.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CULLOP. I yield to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. As I was saying, you have certainly got to trust some of the officials of the Government. If we have an official at the head of a great bureau of this Government who can not be trusted in the small and insignificant matter of simply buying enough horses and enough vehicles and enough harness to transact the official business and obey the law as it is written, if that is the standard of official integrity, I am disappointed, and knowing the distinguished gentleman who is the chief of this bureau, I do not believe that is his standard. I believe that he obeys the law and sticks to the letter of the law as it is written; that he is an honest and most excellent public official. [Applause.]

Mr. CULLOP. In reply to the gentleman from Mississippi, I want to say that I desire to congratulate him on succeeding in eliminating the abuses that have heretofore existed in that line.

Mr. LAMB. Right on that point I wish to say that I am informed that the Chief of the Weather Bureau owns his own carriage and horse, and furnishes them himself.

Mr. CULLOP. I do not doubt all that the gentleman assumes; that we ought to trust somebody. We are trusting somebody, but the trouble is that you have made no inquiry to get this information. Would it not have been well to have asked and obtained this information, and to have found what the one in charge of it had to say, and then rely upon that being true? What I am trying to find out is the number of these horses and carriages.

Mr. LEVER. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. LEVER. Of course, the gentleman from Indiana knows that we have in this House a committee charged with the duty of making the very investigation which he speaks of, and that it is now making that investigation into the Department of Agriculture. That committee is headed by the gentleman's colleague, Mr. Moss.

Mr. CULLOP. I am very glad to know that from the gentleman. I knew it already, but what I am trying to get at here is whether this committee, in making up this bill, made any inquiry about the use of the money appropriated for this particular purpose. That is the complaint. It seems no one did. Now, you are appropriating a large sum. Is it not a very dangerous plan of procedure to fail to know just what the money appropriated is to be used for?

If there are 20 horses maintained in that department, we ought to know it. If there are only 2, we ought to know it, so that when you go to the country you can tell the people that you made an inquiry and found out whether it was necessary or not. This is making a very dangerous precedent. With all deference to the gentlemen on the committee, for whom I have the very highest regard, I do not want, if I can prevent it, to have any abuse creep into this bill. For that reason I have made this inquiry, thinking perhaps I could get the information from some gentleman on the committee. Now, we are trusting some one when we take the testimony of a man that is at the head of that department. It is not necessary to send men down to look at these things, as gentlemen have said, but get the testimony here, so that when the country asks you for it you are there with the proof.

Mr. KONIG. Does the gentleman yield?

Mr. CULLOP. Yes.

Mr. KONIG. I would like to ask the gentleman if he has taken into consideration how many more teams and horses and

vehicles would be necessary for the Weather Bureau to give us the weather we have had this last winter over that we had last? [Laughter.]

Mr. CULLOP. I am not an expert in that matter and therefore I can not hold myself out as one. But, Mr. Chairman, I am opposed to making appropriation for the payment for things that we do not know how much there is of it, or very much about it, and for that reason I made the inquiry. I withdraw the pro forma amendment.

Mr. MANN. Mr. Chairman, I object to the withdrawal of the pro forma amendment. I would like to inquire of the gentleman in charge of the bill if he knows how many towels were washed last year under the appropriation in this paragraph of the bill. [Laughter.]

Mr. LEVER. And I insist that the chairman give a definite reply.

Mr. MANN. I do not see how it is possible for Members of the House to vote intelligently under the appropriation, which might carry with it the right to wash innumerable towels, unless we know how many towels were washed. [Laughter.]

Mr. CULLOP. Mr. Chairman, I will say to the gentleman from Illinois that, from the experience of the last election, he ought to understand that it would have been better for him to have known, and his party to have known, more about that subject than he did know. [Applause.]

Mr. MANN. I gave the Democracy more credit than to think that they changed the election on the question of towels and horses. [Laughter.]

Mr. CULLOP. The gentleman can not waive it aside on that proposition; that was one of the many things that led up to it. What was the condition in the Secretary of State's office, where the annual bill for shoeing four horses was \$260? It was such abuses that led to the defeat of the Republican Party, and he can not waive it aside. [Applause on the Democratic side.]

The CHAIRMAN. Debate on the amendment is exhausted. The question is on the amendment offered by the gentleman from Indiana.

The amendment was disagreed to.

Mr. LEVER. Mr. Chairman, I desire to offer an amendment to that paragraph. On page 6, line 7, after the word "care," insert the word "and." On line 8, after the word "grounds," insert the words "and the improvement of the existing public building," so that it will then read "for fuel, lights, repairs, and other expenses for the care and preservation of the public buildings and grounds and of the improvement of the existing public buildings of the Weather Bureau in the city of Washington."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

Mr. CULLOP. What buildings are being improved there?

Mr. LEVER. I will say to the gentleman that I do not know, but the question of improvements came about through a statement from the Weather Bureau itself. The same thing applies to a number of other bureaus. They desired that in the Weather Bureau there should be cut a little passageway from one room into another, and the comptroller, passing upon this, said that he had no authority to do it. Of course, the Weather Bureau maintains a building in the city of Washington. I do not know how many they have. I do not know how many doors or windows are in it, but it was thought that this language was necessary to give authority to make minor improvements, which are necessary to any public building for that matter.

Mr. CULLOP. Will the gentleman be willing to specify what improvements he wants in his amendment? If you leave it open generally, you are conferring too much authority and making great abuses possible.

Mr. LEVER. I concede that there is some force in the gentleman's statement, but will the gentleman accept this: "The necessary improvements of public buildings"?

Mr. CULLOP. That would leave it to the superintendent to determine what was necessary; one man might think it necessary and another might not.

Mr. LEVER. But do you not have to, as a matter of fact, leave the discretion in somebody, somewhere?

Mr. CULLOP. It is easy to specify what the improvement is. Mr. LEVER. Here is a question of boring a hole into a wall; are you going to specify that? Here is a question of stopping up a crack; are you going to specify that?

Mr. CULLOP. You have in this bill, and there is a provision in every one of them, the right to make necessary repairs. If that was a necessary repair, the authority is there given to do it; but if he is going to make some new and extensive im-

provement under your amendment he can do it, and that is why I am objecting to it.

Mr. LEVER. Let me repeat what the comptroller has held what you can not do under the present language.

This following is a statement by Prof. Moore, of the bureau:

The observer lived on the premises, as observers do in nearly all the buildings. I directed our accounting officer to cut down one of the windows and put in a door. He immediately came back and said he could not do it—that the comptroller's decision will not allow you to alter that building.

Now there is the situation. I have no fear of any abuse of this power. If I had, I would be as much opposed as the gentleman, perhaps.

Mr. CULLOP. Well, a good way to prevent the abuse of power is to put safeguards around the matter, so that it can not be abused. Now, it is very easy to specify the changes which are designed to be made there, and then you would not leave it open. The gentleman confesses that there is merit in the objection I have made.

Mr. LEVER. I confess there is merit in the proposition from the gentleman's viewpoint, but I do not confess there is merit in it. I ask for a vote.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, line 7, after the word "care," insert the word "and," and in line 8, after the word "grounds," insert the words "and improvement of existing public buildings," so that it will read "of the public buildings and grounds and improvement of existing public buildings of the Weather Bureau in the city of Washington."

The question was taken, and the amendment was agreed to.

Mr. LAMB. Mr. Chairman, I ask unanimous consent to return to page 4, and in lines 14 and 15 change from \$3,250 to \$3,000, leaving out the \$250.

Mr. MANN. That has already been done.

Mr. LAMB. No.

Mr. MANN. The Chair sustained the point of order to the words "two hundred and fifty dollars" I understood at the time. That was the statement made.

Mr. LAMB. Well, I want to change in conformity to it.

Mr. MANN. With the words "two hundred and fifty dollars" it would read "three thousand dollars."

Mr. LAMB. That is what it ought to read.

The CHAIRMAN. This is a matter for construction—

Mr. MANN. It depends upon what the Chair struck out.

The CHAIRMAN. The Chair sustained the point of order to the amount stated, but in case of any doubt about the matter, the amendment of the gentleman from Virginia will certainly be in order.

Mr. MANN. I have no objection whatever to the amendment, but I noted at the time what the Chair stated, that he sustained the point of order to the words "two hundred and fifty dollars."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to return to page 4 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, lines 14 and 15, after the word "Bureau," insert the words "three thousand dollars."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For fuel, gas, electricity, freight and express charges, furniture, stationery, and all other necessary supplies and miscellaneous expenses, \$104,500.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order on the words "five hundred," in line 14, page 7, the amount being an increase not authorized by existing law.

The CHAIRMAN. The gentleman's point of order is against the words "five hundred"?

Mr. RODDENBERRY. Yes, sir; against the words "five hundred."

Mr. MANN. Mr. Chairman, I would like to inquire what the point of order is.

Mr. RODDENBERRY. That it is an increase of appropriations not authorized by law. I will reserve the point of order.

Mr. LEVER. Mr. Chairman, if the Chair desires any argument on the point of order—

The CHAIRMAN. No; the Chair is prepared to rule.

Mr. LEVER. I do not think it is necessary to argue it at all.

The CHAIRMAN. The Chair is unable to see that an increase in a lump appropriation for these necessary expenses would be subject to the point of order.

Mr. RODDENBERRY. The item is for fuel, gas, electricity, freight and express charges, and so forth. The current appropriation is \$104,000, the identical items carried in the paragraph, and this increase is not authorized by law.

The CHAIRMAN. In the opinion of the Chair an appropriation bill can increase or diminish that amount from year to year. The point of order is overruled.

The Clerk read as follows:

For instruments, shelters, apparatus, storm-warning towers, and repairs thereto, \$36,500.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the words "six thousand five hundred dollars" and insert in lieu thereof the words "five thousand dollars." Mr. Chairman, the object of the motion is to confine the present appropriation to an amount not in excess of the previous appropriation. The appropriation for the current year is \$35,000 and for the same items, and it may be that there are some contingencies and some reasons why this item should be increased in that amount.

Mr. LAMB. Mr. Chairman, this is simply an increase of \$1,500. I asked a question about it, and the answer was that it is for the purchase of instruments required in equipment of additional stations.

He said it was necessary in order to buy a few more implements to equip some of these stations, and he asked \$1,500 more, and we gave it to him.

Mr. RODDENBERRY. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For rent of offices and repairs and improvements to buildings now completed and located outside of the District of Columbia, and care and preservation of grounds, including construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds, \$98,000.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order against the paragraph and make the point of order against the words "and improvements" in line 18. However, I reserve the point of order so that gentlemen may be heard. It now reads:

For rent of offices and repairs and improvements to buildings now completed and located outside of the District of Columbia.

I make the point of order against the words "and improvements."

Mr. LAMB. The same reasons apply that we gave before.

Mr. CULLOP. The language is too broad and is not authorized by law.

The CHAIRMAN. The point of order is overruled. The Clerk will read.

The Clerk read as follows:

For investigations in climatology and evaporation, including the erection of temporary buildings for living quarters for observers, for river, rain, snow, ice, crop, evaporation, aerial, storm, hurricane, and other observations, warnings, and reports, and for pay of special observers and display men, \$115,000.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 8, end of line 13, by adding the following:

"Four thousand dollars of said amount shall be used in improving and extending the Weather Bureau Service located at Amarillo, Tex."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that.

Mr. STEPHENS of Texas. In reference to this matter I will explain my amendment by first reading the following letter, dated February 9, 1912, from the Chief of the Weather Bureau of the United States, relating to the extension of the Weather Bureau service at Amarillo, Tex. I have been urging this department for some time to extend this service to this large town in my district, as is shown by the following letter, referred to above, viz:

UNITED STATES DEPARTMENT OF AGRICULTURE,
WEATHER BUREAU, OFFICE OF THE CHIEF,
Washington, D. C., February 9, 1912.

Hon. JOHN H. STEPHENS, M. C.,

House of Representatives, Washington, D. C.

DEAR SIR: With further reference to your letter of February 2, 1912, concerning an extension of the Weather Bureau service at Amarillo, Tex., and my reply of February 7, 1912, I have the honor to inform you that it will require at least \$4,000 per annum to extend the service at Amarillo so as to provide for the issuing of a daily weather map and a wider distribution of forecasts and warnings throughout the Panhandle district. This sum should be added to the appropriation for general expenses, Weather Bureau, and as this appropriation is divided into suballotments the \$4,000 should be apportioned as follows:

For the employment of professors of meteorology, inspectors, district forecasters, local forecasters, etc.	\$2,000
For fuel, gas, electricity, freight, express charges, furniture, stationery, etc.	500
For instruments, shelters, apparatus, etc.	250
For telephone rentals and for telegraphing, telephoning, etc.	1,250

The agricultural bill containing appropriations for the Weather Bureau has already been reported to the House, and in order to accom-

plish what you desire at Amarillo additional funds must be provided. I inclose a copy of this bill in which I have indicated the necessary changes.

Very respectfully,

WILLIS L. MOORE,
Chief United States Weather Bureau.

Mr. Chairman, the small amount being now expended for the service at this point was because of an insufficient appropriation, and I desire to secure this special amount of \$4,000 by this amendment. It would certainly be germane. Amarillo is situated between 300 and 400 miles from any other weather station, the nearest stations being at Santa Fe, N. Mex., on the west, Pueblo, Colo., and Fort Dodge, Kans., on the north, and Abilene and Fort Worth and Oklahoma City on the south and east. This vast territory is now covered by this small station. We have about 10 railroads running into Amarillo, and it is the commercial center of that territory. If this bureau service were extended so as to cover this large territory it would be of great advantage to its citizens, and it would take \$4,000 from this lump-sum appropriation and specifically direct the Weather Bureau to expend that amount at this one point, the city of Amarillo.

Mr. LAMB. I think if the gentleman from Texas will see the Chief of the Weather Bureau he could get this service there, for the reason that we gave some \$15,000 or \$20,000 increase in this bill, the very object of which was to extend this service at three or four places, and, in my judgment, this is one of those places. I believe he can get this work done with a part of the amount of money that is here appropriated.

Mr. STEPHENS of Texas. This letter comes directly from the Chief of the Weather Bureau on the subject, and he said he would be glad to extend the service if necessary, but he suggested that it should be added to the appropriation. If the increased appropriation for this purpose carried in this bill is sufficient to cover this Amarillo appropriation, then I will withdraw the amendment, and I fully rely on the statement of the chairman of the committee that it does cover this matter.

Mr. FOSTER of Illinois. I will ask the gentleman if they have now a building at Amarillo, Tex.?

Mr. STEPHENS of Texas. We have a building, but it is small and insufficient.

Mr. FOSTER of Illinois. Do you not think that the authority in the preceding paragraph, on page 7, where there is an appropriation for repairs and improvements to buildings now completed and located outside of the District of Columbia, would permit the Chief of the Weather Bureau to make that improvement?

Mr. STEPHENS of Texas. I think it would, but if there is an additional amount added to the bill for that purpose I would be assured more fully that my appropriation would be granted; they have the right now, under the law, to make these improvements, but have denied my requests for want of funds.

Mr. FOSTER of Illinois. "Improvements to buildings now completed and located outside of the District of Columbia" might take that in.

Mr. STEPHENS of Texas. Then, Mr. Chairman, on the assurance of the chairman and the gentleman from Illinois that our bureau will be extended, I withdraw the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the maintenance of a printing office in the city of Washington, including the purchase of necessary supplies and materials for printing weather maps, bulletins, circulars, forms, and other publications, and for pay of additional assistant foremen, proof readers, compositors, pressmen, lithographers, and folders and feeders, when necessary, \$16,750.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee why it is necessary to maintain a printing office in the Weather Bureau, in the Agricultural Department, for this purpose, and why the work is not done in the Government Printing Office?

Mr. LAMB. A great deal of the department's work is done in the Government Printing Office, but it is necessary to have this office at the Weather Bureau for the printing of weather maps and the like.

Mr. FOSTER of Illinois. Do they have to have it there for the purpose for which this appropriation is made?

Mr. LAMB. Yes, sir. Necessarily they have to have the printing office there, because they have to do the work so rapidly.

Mr. FOSTER of Illinois. Can they do the work more rapidly down there than in the Government Printing Office?

Mr. LAMB. Yes, sir. We asked that question and inquired about that, and we were informed that it was necessary. This branch printing office was established for the printing of maps and bulletins and circulars and other publications, and the answer to the inquiries we made respecting this item was that it was necessary to do the work there. The bulk of the work of

the department, however, is done at the Government Printing Office.

Mr. FOSTER of Illinois. This part of the work is not done at the Government Printing Office?

Mr. LAMB. No, sir. There is no duplication of the work.

Mr. FOSTER of Illinois. Why is it not done at the Government Printing Office instead of at the Weather Bureau?

Mr. LEVER. I will say to the gentleman that it is not done at the Government Printing Office for the reason that the experts, in making up the reports from all over the country and getting them out quickly, find it necessary to have all their machinery at hand in order to scatter them throughout the country rapidly, and they also lithograph their maps there. To have that work done at the Government Printing Office would require entirely too much time.

Mr. FOSTER of Illinois. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

BUREAU OF ANIMAL INDUSTRY.

Salaries, Bureau of Animal Industry: One chief of bureau, \$5,000; 1 chief clerk, \$2,500; 1 editor and compiler, \$2,250; 6 clerks, class 4; 1 clerk, \$1,680; 12 clerks, class 3; 2 clerks, at \$1,500 each; 22 clerks, class 2; 2 clerks, at \$1,380 each; 3 clerks, at \$1,320 each; 1 clerk, \$1,300; 1 clerk, \$1,260; 39 clerks, class 1; 1 clerk, \$1,100; 1 clerk, \$1,080; 45 clerks, at \$1,000 each; 2 clerks, at \$960 each; 62 clerks, at \$900 each; one architect, \$2,000; 1 architect, \$900; 1 illustrator, \$1,400; 4 inspector's assistants, at \$1,000 each; 12 inspector's assistants, \$840 each; one laboratory assistant, \$1,200; 2 laboratory assistants, at \$900 each; 1 laboratory helper, \$1,020; 2 laboratory helpers, at \$840 each; 1 laboratory helper, \$720; 1 laboratory helper, \$600; 1 laboratory helper, \$480; 1 instrument maker, \$1,200; 1 carpenter, \$1,100; 2 carpenters, at \$1,000 each; 1 messenger and custodian, \$1,200; 1 messenger and custodian, \$1,000; 9 messengers, skilled laborers, or laborers, at \$840 each; 10 messengers, skilled laborers, or laborers, at \$720 each; 23 messengers, messenger boys, or laborers, at \$480 each; 6 messengers or messenger boys, at \$360 each; 1 skilled laborer, \$1,000; 33 skilled laborers, at \$900 each; 2 skilled laborers, at \$840 each; 7 skilled laborers, at \$720 each; 1 skilled laborer or laborer, \$780; 2 laborers or messengers, at \$660 each; 9 laborers, messengers, or messenger boys, at \$600 each; 3 laborers, messengers, or messenger boys, at \$540 each; 1 watchman, \$720; 1 charwoman, \$600; 1 charwoman, \$540; 11 charwomen, at \$480 each; 4 charwomen, at \$360 each; 1 charwoman, \$300; 2 charwomen, at \$240 each; in all, \$352,450.

Mr. GARNER. Mr. Chairman, I move to strike out the last word. I would like to inquire of the gentleman in charge of the bill, What is the object of architects in this Bureau of Animal Industry? I see two architects are provided for in that bureau.

Mr. LAMB. The chief of the bureau stated to us that he had a quantity of work to do there. What page is that on?

Mr. GARNER. On page 9.

Mr. LAMB. They draw their plans for public buildings, and so forth.

Mr. GARNER. I did not know but that these architects were used to draw plans of stools to be used by farmers while milking cows, or to make frames for horses, or something of that kind.

Mr. FOSTER of Illinois. I think the bureau does make plans and specifications for dairy farms. I am not sure that that is true, but I think that is where these architects are required. The plans are furnished free of charge to any farmer who desires to build a dairy barn.

Mr. LEVER. That is true.

Mr. FOSTER of Illinois. If a man will write to the department, giving the number of cows he proposes to house in his barn, the architect will furnish him free of charge with plans and specifications for building that barn. I understand also it is the same way with a silo. I take it that is the work on which these architects are used.

Mr. LAMB. I will answer the gentleman's inquiry in the language of Dr. Melvin, when we asked him about this:

Dr. MELVIN. We have used them in our own work in planning and constructing buildings; and we have one architect, this one at \$2,000, who passes on the plans for the building and remodeling of packing houses. For instance, if a new packing house is to be built, we request that the plans be first submitted so as to ascertain whether we could approve the establishment as to its sanitary arrangements; and in the remodeling of them we ask for plans for the same reason.

You see the extent of the work, it covers the whole country.

Mr. GARNER. I understand that, but I was trying to get at what an architect's duties are. I understand the \$2,000 man is to suggest, in case they can persuade the packers to submit their plans and specifications to them, improvements with reference to sanitary conditions. I presume the \$900 man is for the purpose of drawing plans and specifications for a farmer's dairy, or something of that kind, free of charge.

Mr. LAMB. I will say to my friend—

Mr. GARNER. These architects evidently are very efficient men. They must be at these munificent salaries.

Mr. LAMB. They are doing some of this work out here at Arlington, Beltsville, and Bethesda, or wherever ordered by the chief of this bureau in the Department of Agriculture.

Mr. FOSTER of Illinois. Possibly the high-priced man is the one who has gone to the packing houses and suggested that they put a window in the refrigerating room.

Mr. GARNER. I wish to call attention to the fact that for work of this character this is evidently a very small salary. I do not imagine you will get architects at \$2,000 and \$900 a year who are capable of giving anybody plans and specifications that will not have to be referred to some other architect having more capacity.

Mr. MANN. Oh, these are very competent men.

Mr. GARNER. I withdraw the point, Mr. Chairman.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PEPPER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4978. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4551) to amend an act entitled "An act to authorize the building of a dam across the Savannah River at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga.," approved August 5, 1909.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

General expenses, Bureau of Animal Industry: For carrying out the provisions of the act approved May 29, 1884, establishing a Bureau of Animal Industry, and the provisions of the act approved March 3, 1891, providing for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes; the act approved August 30, 1890, providing for the importation of animals into the United States, and for other purposes; and the provisions of the act of May 9, 1902, extending the inspection of meats to process butter, and providing for the inspection of factories, marking of packages, etc.; and the provisions of the act approved February 2, 1903, to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes; and also the provisions of the act approved March 3, 1905, to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes; and for carrying out the provisions of the act of June 29, 1906, entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation," and to enable the Secretary of Agriculture to collect and disseminate information concerning live stock, dairy, and other animal products; to prepare and disseminate reports on animal industry; to employ and pay from the appropriation herein made as many persons in the city of Washington or elsewhere as he may deem necessary; to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same, and to disseminate the results of said tests in such manner as he may deem best; to purchase and destroy diseased or exposed animals or quarantine the same whenever in his judgment essential to prevent the spread of pleuropneumonia, tuberculosis, or other diseases of animals from one State to another, as follows.

Mr. LEWIS. Mr. Chairman, I desire to offer an amendment to the paragraph.

The CHAIRMAN. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "another," at the end of line 21, page 12, the following:

"And indemnify the owners of milk cows condemned under section 2 of the act of Congress approved March 2, 1895, and the regulations of the District of Columbia in relation thereto."

Mr. LAMB. I reserve a point of order on that.

Mr. LEWIS. I hope the gentleman will withhold it until I explain the amendment.

Mr. LAMB. I will withhold it.

Mr. LEWIS. Mr. Chairman, the amendment is addressed to a situation that I think ought to interest the Members of this House. In the operations of the Agricultural Department it has eventuated that Washington and its suburbs have been particularly made an experiment station. There are applied to the dairy supplies of this city tests and regulations which are altogether unusual in this country. One of the tests developed

under the care of the department has been the so-called tuberculin test, which is now applied to the dairy supply of the city of Washington in a discriminating way. It is this discrimination that the amendment is intended to correct.

Dairy cows within the District of Columbia that are found objectionable under this tuberculin test are made the subject of compensation to their owners. The owners of dairy cows that happen to be beyond the line of the District, but are still District dairy cows in the most exclusive sense are denied compensation when their cows are condemned under the tuberculin test. The object of this amendment is to correct an absolutely unjustifiable discrimination of the character I have named.

Now, a word or two about the merits of the proposition itself.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. LEWIS. I do.

Mr. MADDEN. Is not the condemnation of tuberculous cattle strictly a State matter, and does not the State in all cases pay for all cattle condemned under such conditions?

Mr. LEWIS. It does not.

Mr. MADDEN. Ought it to be assumed by the Government of the United States?

Mr. LEWIS. It is assumed by the Government of the United States with regard to dairy cows in the District of Columbia. There is no reason why the Government should discriminate between the dairy cow within the District and the dairy cow just over the line, when that dairy cow is devoted exclusively to supplying the needs of the District of Columbia.

Mr. MADDEN. Will the gentleman allow a further question?

Mr. LEWIS. Surely.

Mr. MADDEN. Would not the argument of the gentleman apply to every State in the Union if any dairy products were sent into the District of Columbia and the District officials were to condemn the cattle from which these dairy products came—from the State of Pennsylvania, Illinois, Missouri, or any other State? The amendment of the gentleman would make the Government of the United States responsible in every case, would it not?

Mr. LEWIS. Exactly; but the facts do not happen to correspond with the gentleman's assumed state of affairs. Milk is to-day supplied to the city of Washington from points as remote as Pennsylvania, and I think points as remote as 200 or 300 miles distant. In this instance of the remote dairy the regulations of the District of Columbia in reference to tuberculin tests are not employed. But, in the distance embraced within 20 miles of the District line, the District inspectors go over the line and employ this very insufficient and indeterminate test to the dairy cows; and if they happen to be over the line deny compensation. If they happen to be in the District within the line they give compensation out of the funds of the Federal Treasury under regulation approved and carried out by the Agricultural Department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Tennessee asks that the time of the gentleman from Maryland be extended five minutes. Is there objection?

There was no objection.

Mr. LEWIS. Mr. Chairman, now you have three methods in reference to this matter. The dairy cow that is remote to which this test does not apply; second, the dairy within 20 or 30 miles of the Capitol, to which it does apply and to which it denies compensation; and third, those within the line to which it applies the test, and if the tests are destructive renders compensation.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LEWIS. Certainly.

Mr. GREEN of Iowa. I would like to inquire by what authority the animals outside of the District are slaughtered?

Mr. LEWIS. By a method of inferential Federal authority.

Mr. GREEN of Iowa. Federal authority?

Mr. LEWIS. Yes; the act of 1895 governing the admission of milk into this city. The gentleman smiles, but I think an explanation will remove the smile. It so happens that within 20 miles the dairy supplies have existed for a generation before that act was passed, dairies employed exclusively in supplying this city with milk; being denied markets elsewhere on account of the natural location. The effect of the act of Congress, if the tuberculin test is applied, is to deny admission for their milk to this city and at the same time deny the compensation which is given by the Government to cows within the District line.

Mr. GREEN of Iowa. As I understand it, the Federal authorities have nothing to do with cows outside the District.

Mr. LEWIS. The Federal authority has approved of the regulation by which cows are disqualified and have provided

funds by which the cows in the District of Columbia are compensated for. They are not paid for out of the District fund but out of Federal funds, out of the Treasury of the United States.

This amendment is intended to correct a pure discrimination as to cows condemned that are absolutely necessary to the dairy supply of this city.

Mr. MANN. Will the gentleman yield for a question?

Mr. LEWIS. Certainly.

Mr. MANN. Can the gentleman inform the committee what is the practice in other parts of the country where cattle are condemned as being afflicted with pleuropneumonia or any other infectious disease? Who pays the expense of that?

Mr. LEWIS. I am not sufficiently informed to authoritatively advise the gentleman, but I do not think any such situation has developed as is developed in the city of Washington.

Mr. MANN. If the gentleman will pardon me, I think the Department of Agriculture frequently condemns or requires the State authorities to condemn cattle where there is an outbreak of disease that might spread.

Mr. LEWIS. In such instances as that, where they threaten the whole country, I believe the Agricultural Department has agreed with the States to pay one-half. I am not sufficiently informed about the facts to enlighten my friend or consume my own time upon them.

Another circumstance in this connection, Mr. Chairman, is that the tuberculin test itself is very indeterminate. It supplies only a partial and only an occasional test of the fitness of the animal to supply desirable milk. I wish to have printed in connection with my remarks a lucid explanation of the tuberculin test. Now, I ask that the gentleman withdraw his point of order in the interest not only of the Maryland owner but the Virginia owner and prevent discrimination against suburbs of this city which are in everything except in a technical sense a part of the city itself.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks by the insertion of the document he speaks of. Is there objection?

There was no objection.

The extracts referred to are as follows:

IS THE TUBERCULIN TEST SAFE—DR. SMEAD IN REPLY TO DIRECT QUESTIONS FROM A PHYSICIAN TELLS WHAT HE BELIEVES.

C. D. SMEAD, *Hector*, N. Y.

SIR: I am an interested reader of the *Tribune Farmer*, and especially of what you write in relation to the feeding and care of animals. Now, I hope you will take no offense when I ask you why it is that you sometimes advise the farmer to have a cow tested with tuberculin and at other times you will answer by saying keep tuberculin out of them. In other words, if you consider tuberculin an infallible test in one case, why is it not in each and every case, and why should it not be used on all cows furnishing milk for the city market? (2) Why should not city health boards have the perfect right to demand that all cows furnishing milk for their city be tuberculin tested? Now, Doctor, I am writing this for information purely and not putting them to you as catch questions. As a practicing physician I am interested in the maintenance of the health of the human race.

B. ALLEN TRACY, M. D.

MANCHESTER, MICH., November 22, 1911.

No offense whatever, Doctor; I am always ready and willing to make explanations for the benefit of those who read my writings. I will say, first: No, sir; I do not consider tuberculin an infallible test for tuberculosis in cattle, and I think there are very few having large experience in its use who do. It is true some veterinarians have loudly advocated its general use, and Federal, State and local boards of health have advised its general use, both as an economic matter for cattle owners and a safeguard for city consumers of milk and other dairy products. Now, to you, doctor, and others who read this, I desire to say a few things regarding tuberculin. When that renowned bacteriologist, Dr. Robert Koch, of Germany, discovered the true cause of tuberculosis in 1883 and in 1886 succeeded in making a culture that he named tuberculin, he believed that he had succeeded in finding a culture that would cure all incipient cases of human tuberculosis. He had no thought of using the culture he named tuberculin as a diagnostic agent; but when tuberculin was injected into the system of people whom it was thought might possibly have incipient tuberculosis, it was soon found that instead of a cure in about 7 out of 8 cases it caused latent germs of tuberculosis to develop rapidly, while in the eighth case it seemed to arrest further progress of the disease. It was also found that people who possibly would have lived many years, or even the three score years and ten, went to early graves.

It was also learned that in the cases of supposed tuberculous people there was a rise in temperature of from 1 to 4 or more degrees. It was owing to this last fact veterinarians in some parts of the world went fairly wild over tuberculin and advised its use in testing all bovines furnishing milk, regardless of what the effect might be on the dairy interest. Scares were created, and in some sections of this country panics prevailed and thousands of valuable cattle were needlessly destroyed. But all this is passed. I only mention it that you and others may the better understand what I shall say in answer to your direct question.

Now, tuberculin testing in a general way was always fraught with serious loss to the owners of cattle. Conditions were generally ignored regarding its use. No attention was paid to normal or abnormal conditions of the animals when the tuberculin was injected. Hence it condemned many healthy animals, while it failed to cause a reaction in cases that were really dangerous in the herd. I advise its use in a case where there are symptoms of tuberculous disease as an assistant

to the veterinarian in diagnosing the case. Thus it is that when a farmer writes me giving the symptoms as manifested by his cow I advise him to have the cow or cows tested with tuberculin by a competent veterinarian who knows cows and cow nature. If the cow is in her normal condition and is not suffering from any excitement, if she has not been shipped on the cars or driven miles on the road and is not near the period of heat or within six weeks of calving, either before or after, then tuberculin is a wonderful aid to such a veterinarian in correctly determining whether the cow is tuberculous or not.

I advise keeping tuberculin out of all cows that are apparently healthy, for the reason that tuberculin acts on the latent germs of tuberculosis in cows precisely as it does on those in the human. It does in some cases so excite latent germs into activity that in a few weeks the animal has active tuberculous disease, just as it proved to do when Dr. Koch used it as a cure for incipient tuberculous disease in the human. This fact explains why it is that sometimes when a buyer purchases cows from a herd in which no animal had died with tuberculosis and buys them under the tuberculin test, there is no reaction to the test, yet in a few weeks some of the tested animals become actively tuberculous. This is not, as has been thought, due to infection afterwards; it is due to the effect of the tuberculin on the latent germs already present that in all probability never would have caused any harm to the animal. Thus I say it is putting the owners of cows in jeopardy to demand that every cow in the herd furnishing milk for city consumption be tested with tuberculin.

This enforced test does not insure any purer or better milk for the consumer. In fact, in many cases I personally know of it furnishes the consumer milk from cows that are really tuberculous. This is due to the fact that tuberculin many times fails to cause a reaction when cows are well advanced with tuberculous disease. Every veterinarian of large experience recognizes this fact, and Dr. James Lean and other renowned authorities have so repeatedly declared. I refer you to Volume IV, page 465, of Lean's Veterinary Medicine. Again, it is a known fact that cows frequently tested with tuberculin become immune to the effects of it. Thus it is where city health boards demand frequent tests a really tuberculous cow will fail to react. As you, Doctor, and others are seeking information regarding this matter, I will give you an everyday illustration of what the veterinary inspector finds who goes forth honestly to inspect a farmer's herd. He finds animals in all stages of pregnancy and of various ages. Some cows may be near calving; others only recently pregnant; some, perhaps, that have aborted; some nervous and some of a mild temperament; some confined in a warm barn; some out in the pasture. He orders up the pastured cows and begins business. His orders are to test the whole herd that are furnishing milk for —. He takes, if honest, not less than three temperatures, morning, noon, and night, at about six hours apart. This is his base to work from. He then injects the tuberculin, waits 8 or 12 hours, and begins to take temperatures every two hours for a period of 12 or 16 hours. In case some one or more of them show a rise of temperature of 2½ degrees, and it remains there for 4, 6, or 8 hours, under all rules of testing this cow will be condemned. But he finds some cows that show a rise of temperature of 1 degree, or 1½ degrees, or possibly 2 degrees, above his initial temperature. He can't condemn these cows; he passes them as sound. Six weeks or three months later he retests them, when, perhaps, they don't react at all. They may have been sound when the first test was made and reacted under conditions unknown to the inspector, or these same cows may be so advanced in tuberculous disease as not to react to tuberculin; yet the inspector, under the edict of the health board, can not do otherwise than pass them as sound; or if the cows are retested at the request of the owner a few times they may become immune to the tuberculin.

Now, in conclusion, I desire to say I have great faith in the use of tuberculin as an aid in diagnosing a suspicious case, and so advise its use; but, used indiscriminately, irrespective of conditions, I consider it as much of a menace to the cattle owners and consumers of milk as is bovine tuberculosis itself, and I believe city health boards should modify their rules so as to demand that tuberculin be used only as an accessory in diagnosing cases suspicious to the eyes of the inspector. While I personally have faith in tuberculin and advise it, after years of experience with it, I buy no cattle that have been tested with tuberculin for at least six months after the test was made.

G. B., of Waterville, Me., and G. T., of Rutland, Vt., please accept the answer to Dr. Tracy as an answer to your questions.—C. D. Smead, V. S.

UNITED STATES DEPARTMENT OF AGRICULTURE,

BUREAU OF ANIMAL INDUSTRY.

Order of the Commissioners of the District of Columbia for the suppression and prevention of tuberculosis in cattle.

EXECUTIVE OFFICE,

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

Washington, November 26, 1909.

Ordered: The Commissioners of the District of Columbia having learned that tuberculosis, a communicable disease, prevails among the cattle in the District of Columbia and adjacent States, do hereby, pursuant to law, authorize and direct the following measures for the prompt suppression and to prevent the spread of bovine tuberculosis within the District of Columbia and to adjoining States:

SECTION 1. It is hereby ordered that no cattle shall, in any manner, be removed from the District of Columbia except upon written permission from the Chief of the Bureau of Animal Industry or the health officer of the District of Columbia, which removal shall only be granted for cattle which have successfully passed an official tuberculin test, or are for immediate slaughter at an establishment at which United States meat inspection is maintained.

SEC. 2. Any person, firm, or corporation desiring to bring any cattle into the District of Columbia, except as provided in section 3, paragraph (c), shall first make application and obtain a permit from the Chief of the Bureau of Animal Industry or from the health officer of the District of Columbia. The said application shall be in writing, stating the number, sex, and the age of the cattle, whether over or under 6 months old, the exact place, date, and time at which it is desired to enter said cattle, and their destination within the District of Columbia, together with a declaration showing clearly the purpose for which the cattle are desired to be entered, whether for immediate slaughter, feeding or breeding purposes, or for milk production.

SEC. 3. (a) Cattle offered for entry into the District of Columbia must be accompanied by a permit, as provided in section 2, and must be identified by an official veterinarian of the Bureau of Animal Industry or of the health department of the District of Columbia, and must be appropriately tagged before entrance is permitted, except as provided in paragraph (c) of this section.

(b) Cattle over 6 months old, for purposes other than immediate slaughter, unless accompanied by a satisfactory certificate of tuberculin test by a veterinary inspector of the Bureau of Animal Industry or an official veterinarian of the health department of the District of Columbia or of the State from which brought, must be immediately taken, after identification, as provided in paragraph (a) of this section, to a place designated by the Chief of the Bureau of Animal Industry or health officer of the District of Columbia, and there quarantined apart from all other cattle until officially tuberculin tested and disposed of in accordance with these regulations: *Provided*, That no indemnity shall be allowed for such cattle as shall be slaughtered on account of their being deemed to be tuberculous. When accompanied by certificate of tuberculin test, as herein provided, the said certificate must show the place and the date, within 30 days, of being offered for entry, of inspection and tuberculin testing, also temperature chart, description of the animal or animals, age, markings, and tag numbers, if tagged.

(c) Cattle for immediate slaughter may enter the District of Columbia if tagged in accordance with paragraph (a) and without the tuberculin test, on condition that the tag therein provided for shall remain attached to the hide until removed in the presence of an employee of the Bureau of Animal Industry or of the health department of the District of Columbia, to either of whom it shall be delivered. The owner of the animal at the time of slaughter is hereby required to notify the Chief of the Bureau of Animal Industry or the health officer of the District of Columbia, stating the place where the hides will be found. If shipped in cars and consigned direct to an establishment having United States meat inspection, cattle for immediate slaughter may enter the District of Columbia without complying with section 2 and section 3, paragraph (a): *Provided, however*, That the consignee shall keep a complete record of each animal received, date of receipt, its place of origin, railroads traversed, name of shipper, and butcher class to which each animal belongs, and shall report the same before the slaughter of any such animals to the Chief of the Bureau of Animal Industry through the veterinary inspector stationed at that establishment.

(d) Cattle under 6 months old for purposes other than immediate slaughter, when not accompanied by certificates as indicated in paragraph (b), may be brought into the District of Columbia as provided in paragraph (a), but said cattle must be accompanied by affidavits by the breeder or feeder and by the owner or shipper, said affidavits to state that tuberculosis has not been known to exist on the premises, during the six months immediately preceding the offer for entry, upon which said animals have been kept.

SEC. 4. Cattle over 6 months old already within the District of Columbia shall be inspected and tuberculin tested by a veterinary inspector of the Bureau of Animal Industry or of the health department of the District of Columbia. Cattle under 6 months old shall, in the same manner, be inspected, and when deemed necessary shall be tuberculin tested, said inspection and tuberculin testing to be repeated annually or at such times as the Chief of the Bureau of Animal Industry or the health officer of the District of Columbia may direct. All such cattle shall be officially tagged "U. S. B. A. I.," with a serial number, or "U. S. B. A. I. Reacted," with a serial number.

SEC. 5. All cattle already within the District of Columbia which are deemed to be tuberculous, either as a result of physical examination or the tuberculin test, shall be slaughtered within a time and at a place designated by the Chief of the Bureau of Animal Industry or the health officer of the District of Columbia, and shall be subject to official post-mortem inspection, and the carcass of any such animal shall be disposed of according to the meat-inspection regulations of the Bureau of Animal Industry. All such cattle shall be appraised before being slaughtered, the owners to be indemnified as hereinafter provided from any available appropriation made by Congress for the Bureau of Animal Industry of the United States Department of Agriculture for carrying out the provisions of the act of May 29, 1884, except as specified in section 8 of these regulations: *Provided*, That no liability shall be incurred under these regulations by the United States Department of Agriculture in excess of the funds available from the aforesaid appropriation of Congress, and whenever the Chief of the Bureau of Animal Industry shall deem it necessary or advisable, because of the lack of funds for the aforesaid purpose, he shall notify the health officer of the District of Columbia to that effect, and thereafter no liabilities shall accrue against the United States on account of any act done or permitted under these regulations.

SEC. 6. (a) The health officer of the District of Columbia shall designate or request the Chief of the Bureau of Animal Industry to designate an appraiser, who shall appraise each animal within five days prior to the date of slaughter, basing the amount upon the class and market value of the animal at the time of the appraisal, whether for breeding purposes or for meat or milk production. Animals reacting to the tuberculin test but not exhibiting any physical evidence of tuberculosis shall be appraised without considering the presence of a diseased condition, but animals exhibiting any physical evidence of tuberculosis shall be appraised as diseased animals. The amount of appraisal shall not in any case exceed the sum of \$75 for a pure-bred and registered animal, or the sum of \$50 for a grade or nonregistered animal. If the amount of appraisal of any animal, as determined by the appraiser designated, is not satisfactory to the owner or owners of such animal, a written notice of such fact, setting forth the reasons for complaint, shall be forwarded upon the day of appraisal to the health officer of the District of Columbia. The amount of the appraisal shall then be determined by arbitrators, one to be appointed by the health officer of the District of Columbia or the Chief of the Bureau of Animal Industry and one by the owner or owners of the animal or animals. If the said arbitrators are not able to agree as to the amount of appraisal, a third arbitrator shall be appointed by them, whose decision shall be final. Arbitrators shall be paid at a rate of compensation not to exceed \$5 per diem and necessary expenses. Compensation for the arbitrator appointed by the owner, and the third arbitrator, if appointed, shall be paid from the fund of the United States Department of Agriculture if the decision made is against the arbitrator appointed by the health officer or the Chief of the Bureau of Animal Industry, but if the decision is in favor of such arbitrator the owner shall pay the compensation of the arbitrator appointed by him, and the third arbitrator, if appointed.

(b) Following the appraisal of animals, in accordance with paragraph (a) of this section, the amount of reimbursement shall be determined by the results of post-mortem inspection according to the following rules:

Rule 1. If any animal is found, upon post-mortem inspection, not to be affected with tuberculosis, the carcass and other edible portions

shall be passed for food, and the owner shall sell the same, including all accompanying parts, for a reasonable price, which price shall be deducted from the amount of appraisal, and the balance, if any, thus remaining, shall be paid from any fund available for that purpose.

Rule 2. If any animal is found, upon post-mortem inspection, to be affected with tuberculosis, and the lesions are such that the carcass and parts of the carcass are passed for food, the owner shall sell the same, including all accompanying parts, for a reasonable price, which price shall be deducted from 80 per cent of the amount of the appraisal, and the balance, if any, thus remaining shall be paid from any fund available for that purpose.

Rule 3. If any animal, upon post-mortem inspection, is condemned for offal, the owner shall sell the hide for a reasonable price, which price shall be deducted from 40 per cent of the amount of the appraisal, and the balance, if any, thus remaining shall be paid from any fund available for that purpose.

Sec. 7. Any premises upon which there have been kept animals affected with tuberculosis shall be disinfected promptly after the removal of such animals, and in a manner satisfactory to the Chief of the Bureau of Animal Industry or the health officer of the District of Columbia, said disinfection to be at the expense of the owner or owners of the premises or of the owner of the animals.

Sec. 8. Any owner, shipper, or common carrier bringing any cattle into the District of Columbia in violation of these regulations will be liable to prosecution, and the cattle shall be immediately removed, at the owner's expense, from the District of Columbia. Such cattle, however, may remain in the District of Columbia if inspected and tuberculin tested under the following conditions: The owner or owners shall first sign an agreement providing for the inspection and tuberculin test by a veterinary inspector of the Bureau of Animal Industry or of the Health Department of the District of Columbia, and if any one or more of the said animals should then be deemed tuberculous, that he or they will cause such animals to be slaughtered in accordance with the specifications of section 5 of these regulations; and, further, that no claim for reimbursement for any loss which might be thus sustained will ever be made against the United States Department of Agriculture, or any other branch of the United States Government, or the District of Columbia, or any officer or department thereof.

Sec. 9. Any person violating any of these regulations, or entering cattle by fraudulent means, or using false or fraudulent tags, or interfering in any way with the work of any official, or using any false or fraudulent means to enable any cattle to pass the tuberculin test, shall be punished by a fine of not more than \$40 nor less than \$5.

The foregoing regulations shall go into effect upon their approval by the Secretary of Agriculture.

HENRY B. F. MACFARLAND,
HENRY L. WEST,
WILLIAM V. JUDSON,

Commissioners of the District of Columbia.

Approved, November 27, 1909.

JAMES WILSON,
Secretary of Agriculture.

NOTE.—The States of Maryland and Virginia require tuberculin test for dairy and neat cattle entering from other States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

Mr. TURNBULL. I would like to have the amendment again reported.

The Clerk again reported the amendment.

Mr. LAMB. Mr. Chairman, if this matter is of such vital moment and so far-reaching, as I infer from the statement of the gentleman from Maryland [Mr. LEWIS], it is singular to me that he did not come before the committee, where we could have carefully considered this in all its bearings, and in view of that fact I think I will have to insist on the point of order.

Mr. LEWIS. Will the gentleman yield before he does that? I want to say we did present this to the chairman of the committee, and this thing is pertinent at this point because it is this very fund out of which the District dairy cow is now made the subject of compensation—

Mr. LAMB. Did I understand the gentleman appeared before the committee?

Mr. LEWIS. Not technically before the committee, but the chairman is not uninformed of the situation as far as I am concerned.

Mr. LAMB. I will say right there, Mr. Chairman, when my colleague mentioned the fact to me a few days ago, I suggested that he confer with Dr. Melvin and get his views on this question, and of course he had the right to offer an amendment here; and in view of the far-reaching results and importance of this thing, and the fact that we have not had an opportunity to discuss it, I will have to insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEWIS. The point of order has not been discussed.

The CHAIRMAN. It appears rather plain to the Chair that this is new legislation.

Mr. LEWIS. It simply defines this clause, and the whole subject matter deals with the identical topic, and it simply defines and improves the definition.

Mr. LEVER. Mr. Chairman, if it is necessary for me to say anything, I will suggest that this is brand new legislation, and, of course, it is subject to the point of order.

The CHAIRMAN. It so appears to the Chair, and the point of order is sustained, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PEPPER having taken the chair as Speaker pro tempore, a message from the Senate,

by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. ROOT, and Mr. BACON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following concurrent resolution (No. 32):

Resolved by the House of Representatives (the Senate concurring), That there be printed 20,000 additional copies of House Document No. 342, being the message of the President of the United States transmitting a report of the Tariff Board on Schedule K of the tariff law—12,000 copies for the use of the House of Representatives and 8,000 copies for the use of the Senate.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated butter, factories, and markets, \$177,900: *Provided*, That the sanitary provisions for slaughtering, meat canning, or similar establishments, as set forth in the act of June 30, 1906 (34 Stat., p. 676), are hereby extended to cover renovated butter factories as defined in the act of May 9, 1902 (32 Stat., p. 196), under such regulations as the Secretary of Agriculture may prescribe.

Mr. MANN and Mr. CLARK of Florida rose.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. CLARK of Florida. That is what I wanted to do.

Mr. LAMB. Mr. Chairman, this matter was carefully gone over by the committee, and I submit the following: There are some 50 renovated-butter factories in the United States, and while the department is authorized to inspect their products it has no authority to destroy the butter that is made up into the finished product, nor has the department the authority to compel sanitary conditions in such factories. Such opportunity is sought by the amendment of the law requested. We asked Dr. Melvin particularly on that point, and here is what he said:

The CHAIRMAN. The next paragraph asks for an increase of \$27,900, "For all necessary expenses for investigations and experiments in dairy industry," etc.; and there is a provision there that contains some new language, Doctor, that would evidently go out on a point of order.

Dr. MELVIN. Under this clause of the appropriation act we have been conducting an inspection of these renovated-butter factories, which has been provided for specifically, and we find that we are somewhat lacking in authority to enforce that as completely as we would like. We think we ought to have additional legislation so as to give us authority to require these men to conduct these places in a clean and sanitary way, or withdraw the inspection, the same as we would in the case of a meat-packing house.

We interrogated other men who were before us on this point and came to the conclusion that notwithstanding the fact that this new language was subject to the point of order, that it was so necessary we would submit it to the House in confidence that it was good legislation and ought to be adopted.

Mr. MANN. Mr. Chairman, it may be that these butter-renovating establishments ought to be inspected as the slaughter and meat-canning establishments are now. I do not know. The Committee on Agriculture has a right to bring a bill in on that subject where it can receive proper consideration. I can easily imagine that you can go from one step to another, and if you can give this department or bureau this authority over butter-renovating establishments, why not over creamery establishments, why not over dairies? What is the distinction that is to be drawn? It is only one step each time. Now, the question of the desirability of having inspectors look after the dairies of the country with the similar powers you have in reference to slaughtering establishments certainly ought not to be done without full consideration of the fact, and I feel that I ought to make the point of order on the proviso.

Mr. LEVER. If the gentleman will yield, permit me to say that under the law, as he very well knows, we are now inspecting renovated-butter factories, but the point was made to the committee, by the gentleman representing the Bureau of Animal Industry, that the authority given under the present law, permitting inspection of these factories, was not sufficient to allow them to condemn this bad butter. There might be a case where a portion of the product was bad. They have no power under the law, as I understand it, to condemn that portion and withdraw it from interstate shipment at all.

Mr. MANN. They have the power under the pure-food law to prevent its going into interstate shipment at all.

Mr. LEVER. Let me read the statement of Mr. Rawl, who is division chief of the Dairy Division of the Bureau of Animal Industry and in charge of this work.

Mr. MANN. He probably is not informed as to the law.

Mr. LEVER. He is making the statement of the solicitor of the department, and that is why I want to read it. It is as follows:

Mr. RAWL. The solicitor has ruled that we did not have the authority to condemn the raw material; that we could simply follow it up and see it go into interstate commerce, and when it was offered for sale we could confiscate it. But if 500 pounds of rotten packing stock is in a factory, maybe there is 10,000 pounds of other packing stock there; and you can understand how impossible it is for us to follow through that packing stock so as to be able to identify it when it comes out of the factory and is offered for sale.

It seemed to the committee that to make the provision of the meat-inspection law apply to this matter would give to the Department of Agriculture considerable more authority and bring about a much less cumbersome system of dealing with this proposition.

Mr. MANN. Now, as to putrid butter, it is covered by the pure-food law, as far as interstate commerce is concerned. The gentleman would have it apply to the manufacture of renovated butter. How about canned goods? There is any quantity of rotten canned goods on the shelves of merchants in this country. Some of them are rotten when they are put up. They come under the provisions of the pure-food law when they go into interstate commerce. Some think that we ought to put an inspector at each one of the canning establishments in the country, the same as we do at the slaughter houses. Some think that we ought to put an inspector in every kind of business. A few years ago the people who manufactured explosives, of their own volition, insisted on the passing of a law which would require an inspector to inspect the explosives at the time they were manufactured—of course, at Government expense. Where are you going to stop when you enter on a plan providing inspectors for every class of goods, which, when going into interstate commerce, may be condemned or which may be bad?

Mr. LEVER. Does not the gentleman think the judgment of Congress in such cases would be fairly good to follow?

Mr. MANN. I think the judgment of Congress usually is that it can not make a distinction, and hold to it, between two things that are almost exactly alike, and when you provide that one shall be subject to onerous burdens or receive benefits, you must provide that the other does. And it is only a step longer until you have the whole business of the country, or might have, controlled by inspectors appointed by the National Government. I am not in favor of that. I do not know whether I would be in favor of the proposition to have the renovated butter controlled in the same way that meat slaughtering is or not. We have no information before us sufficient to enable us to pass upon that question. I dare say there is no one here who can tell what the sanitary provisions for slaughtering of meat, canning, or similar industries are under the existing law, without referring to a printed book. And I dare say that when gentlemen refer to the printed book, that no two gentlemen in the House will agree upon just what the sanitary provisions are.

Mr. LAMB. I ask for a ruling, Mr. Chairman.

Mr. MANN. I make the point of order against the proviso, Mr. Chairman, in the paragraph ending with line 23, page 13, on the ground that it is a change of law.

The CHAIRMAN. The question for the Chair is not the desirability for the legislation, but whether it is proper in this bill. The point of order is sustained.

The Clerk read as follows:

For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and the necessary alterations of buildings thereon, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, \$76,680.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I want to get some information, Mr. Chairman. I would like to ask the chairman of the committee why it is that in this case of the maintenance and improvement of the bureau experiment station at Bethesda, Md., the matter was not submitted to the Committee on Public Buildings and Grounds? And what estimate has this committee had as to these buildings and these improvements upon buildings?

Mr. LAMB. This appropriation has been carried for years, Mr. Chairman, and time and again the members of the Committee on Agriculture have been out there and inspected that place. The bureau carries on scientific investigations there.

Mr. CLARK of Florida. I am not speaking of the investigations. I am speaking of the alterations and additions to the buildings.

Mr. LAMB. Those are absolutely necessary in order to carry on the work properly.

Mr. MANN. It has been included for years in the bill.

Mr. LAMB. Yes. I would like the gentleman from Florida to go out with me some day and look at that station himself. We have inspected it from top to bottom.

Mr. CLARK of Florida. Can the chairman of the committee give me any information as to what portion of the \$80,000 is to be used for the alteration of buildings?

Mr. LAMB. Last year it was \$5,038.74.

Mr. CLARK of Florida. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For construction of buildings at bureau experiment station at Bethesda, Md., and bureau experiment farm at Beltsville, Md., \$16,500.

Mr. CULLOP. Mr. Chairman, I desire to make a point of order against that paragraph. I want to ask the chairman of the committee a question. Was this matter referred to the Committee on Public Buildings and Grounds?

Mr. LAMB. No; I think not.

Mr. CULLOP. I have noticed that there has been a great deal of particularity in the House about one committee infringing upon the prerogatives and rights of some other committee. Does not this item belong to the Committee on Public Buildings and Grounds?

Mr. LAMB. I think not. This farm out here in Maryland is used for an experiment station and for dairy experiment work. There is a large establishment out there.

Mr. CULLOP. Yes. I noticed, though, last year that when we came to build a new building for the Bureau of Engraving and Printing, instead of it going to the Committee on Printing it went to the Committee on Public Buildings and Grounds. Why should this not go there, too?

Mr. LAMB. Because this work keeps on continuously. This is a very large farm.

Mr. CULLOP. Oh, all the work keeps on; it is not going to stop. Did the committee have any estimates as to the cost of these buildings?

Mr. LAMB. No; because this work is done under the direction of the Secretary of Agriculture. He has his men out there who carry on this work. We bought this farm for experimental purposes, to teach these people and give them object lessons in farming, and we are carrying out just what the gentleman from Indiana has been preaching about so eloquently here this morning.

Mr. CULLOP. Yes. I thank the gentleman for the compliment; but that does not in any way obviate the difficulty that I speak of. Before appropriations are made for buildings, does not the gentleman think it would be wise if some estimates were furnished and some knowledge obtained as to the kind of buildings to be constructed, and the cost of the same?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from South Carolina?

Mr. CULLOP. Certainly.

Mr. LEVER. Let me say to the gentleman from Indiana that the very thing he speaks of is, in my judgment, answered by the amount of the appropriation contained in the bill itself. The limit of the cost of these buildings at Bethesda and at Beltsville, Md., is \$16,500. That is the estimate which the Department of Agriculture puts upon them. They thought these improvements to the buildings should cost only \$16,500, exactly as the Supervising Architect of the Treasury Department reports to the Committee on Public Buildings and Grounds that he believes it will cost so much to build a courthouse or post office in the district of the gentleman from Indiana. This is the estimate that the gentleman from Indiana is asking about.

Mr. CULLOP. Then, using the very illustration that the gentleman has made, why would it not be the duty of the Committee on the Post Office and Post Roads to make appropriations for the buildings, instead of the Committee on Public Buildings and Grounds?

Mr. LEVER. I shall be very glad to answer the gentleman as far as I am able to do it. The work at Beltsville and Bethesda is in a measure scientific and in a measure demonstration work. These buildings are necessary as a part of the experiments going on—experiments in tuberculous cattle, experiments in hog cholera, experiments in the testing of various serums, and things of that kind. These buildings are a part of the work of the Department of Agriculture, and they have been carried in this bill from year to year ever since I have been on the committee.

Mr. CULLOP. That is exactly the evil we are trying to cure. We all contend that the practice was a bad one, and for that reason we are undertaking to remedy the evil that has hereto-

fore existed. When this policy is pursued it almosts puts the head of the department in the attitude of owner, and we are merely the instruments to appropriate the money and carry out his ideas of extending buildings, making improvements, and things of that kind. Now, the gentleman from South Carolina [Mr. LEVER] was unhappy in his illustration, because if that was carried out in theory and practice in this House—

Mr. LEVER. "The gentleman from South Carolina" will say that he is unhappy right now.

Mr. CULLOP. I imagine so, as he considers this matter. If that was carried out, then the Committee on the Post Office and Post Roads would build all the extensions of post-office buildings in the country instead of that matter being considered and reported upon by the Committee on Public Buildings and Grounds.

Mr. LAMB. Mr. Chairman, I know that my friend would like to have a more direct answer to his question, and we are prepared to give it. In the hearings before the committee I asked this question.

Then follows this detailed information. We put it in the printed hearings so that the gentleman from Indiana and others could see it. It is too long to read here, but here is a statement of the entire expenses of these farms. Here is the bill of particulars, as you lawyers would say, and here is a triumphant vindication of our careful preparation of this bill and a complete answer to the gentleman's question.

I will insert in the Record the reply of Dr. Melvin to my inquiries:

The CHAIRMAN. I will ask you, Doctor, under that head to give, first, the date of acquisition of the experimental farms at Bethesda, Md.; Arlington, Va.; and Beltsville, Md.; the original acreage of each; the acreage of subsequent additions, if any; the dates of acquisition of

said additions; the initial cost of original acreage of each; the cost of subsequent additions; and detailed accounts of the annual expenditures at each of these farms. That is what we want to get at and that is the reason I made that inquiry. I will furnish you with a copy of the letter I wrote to the Secretary.

Dr. MELVIN. I should like to have it. Then we can get it at once. The work at the Beltsville farm consists of investigations and experiments in the breeding and feeding of live stock and poultry and in dairying. The work at Bethesda consists of the investigation of contagious diseases of animals. The Arlington farm comes under the Bureau of Plant Industry—not Animal Industry. The information which was prepared and furnished in response to the chairman's letter is here inserted, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., December 29, 1911.

The experiment farm of this bureau at Bethesda, Md., was acquired July 5, 1899. The farm at Beltsville, Md., was acquired June 30, 1910. The original acreage of the farm at Bethesda, Md., was 20 acres. The original acreage of the farm at Beltsville, Md., was 475 acres.

The only subsequent addition to the Bethesda (Md.) farm consists of a tract of 30 acres, purchased August 11, 1902. No addition has been made to the Beltsville (Md.) farm.

The initial cost of the 20 acres at Bethesda, Md., was \$20,000. The initial cost of the Beltsville (Md.) farm was \$25,000.

The cost of the subsequent addition of 30 acres to the Bethesda (Md.) farm was \$10,000.

Appended herewith are two statements showing detailed annual expenditures at the two farms. These detailed expenditures have been arranged under two headings, namely, (1) construction, equipment, and improvements, and (2) operating expenses. Operating expenses have been subdivided under the headings of (1) maintenance and (2) operation.

In explanation of the expenses at the Bethesda (Md.) farm for 1898 and 1899, it should be stated that the experiment station was moved to this point in 1897 and land leased, with the option of purchase, necessitating certain expenditures for equipment and for operating expenses.

Very respectfully,

A. D. MELVIN, Chief of Bureau.

P. S.—Appended also is copy of a statement from the Bureau of Plant Industry with reference to the farm at Arlington.

Experimental farm, Bethesda, Md.

	1898	1899	1900	1901	1902	1903	1904	1905
CONSTRUCTION, EQUIPMENT, AND IMPROVEMENTS.								
Land, including building valued at \$4,000.....			\$20,000.00			\$10,000.00		
Buildings, fences, and inclosures, including lumber, brick, cement, millwork, lighting, equipment, heating apparatus, paving, etc.....			2,085.31	\$2,618.32		1,120.00		\$7,831.16
Equipment, including horses, harness, agricultural implements, vehicles, laboratory fixtures, etc.....	\$325.94	\$139.85	818.00	2,735.20	\$305.00	572.50	\$12.65	918.44
Miscellaneous equipment, including wheelbarrows, hose, shovels, buckets, pitchforks, telephones, electric bells, etc.....	42.00	21.67	60.00	100.85		10.00		118.26
Tools: Hammers, hatchets, chisels, planes, etc.....	12.47	17.46	1.07	12.00	5.00	20.00		17.16
OPERATING EXPENSES.								
Maintenance:								
Land, grading, etc.....	348.00		300.00					
Buildings, repairs and renewals, including temporary structures....	250.00	300.00	353.75	1,376.51	809.35	1,222.82	946.76	302.06
Equipment, repairs and renewals.....	20.82	27.39	275.25	335.27	90.28	1,069.28	465.64	233.39
Miscellaneous equipment, repairs and renewals.....	3.00	4.95	90.45	23.40	30.81	67.19		
Operation:								
Salaries.....	2,800.00	2,800.00	2,870.80	3,010.60	4,400.00	4,416.50	5,320.00	5,320.00
Wages.....	1,799.16	7,065.80	9,771.57	10,593.71	10,796.98	12,611.33	13,557.57	15,765.32
Forage.....	2,898.84	3,250.23	2,995.50	8,213.04	11,079.09	10,028.94	7,057.23	10,679.51
Laboratory supplies.....	87.46	47.79	262.89	423.75	291.26	209.17	307.25	186.55
Experimental animals.....	66.00	185.00	275.00	5,455.40	1,548.50	3,104.50	1,492.50	1,834.00
Shoeing and blacksmithing.....	27.81	45.57	83.82	114.44	131.59	150.08	189.62	174.80
Rent.....	550.00	600.00						
Fuel.....	125.25	268.50	389.18	383.45	483.31	500.64	596.91	585.10
Telephone, gas, and electricity.....	135.02	300.00	300.00	320.00	348.45	338.06	513.68	514.17
Miscellaneous expenses, towels, washing, flags, grease, kerosene, gasoline, dynamite, freight, express, drayage, etc.....	251.90	198.15	141.42	89.44	52.52	205.55	113.99	247.14

	1906	1907	1908	1909	1910	1911	1912 ¹
CONSTRUCTION, EQUIPMENT, AND IMPROVEMENTS.							
Buildings, fences, and inclosures, including lumber, brick, cement, millwork, lighting equipment, heating apparatus, paving, etc.....	\$988.55	\$5,038.74	\$4,103.42	\$10,889.72	\$2,891.28	\$1,178.98	\$625.00
Equipment, including horses, harness, agricultural implements, vehicles, laboratory fixtures, etc.....	60.00	3,997.93	1,814.51	2,745.97	992.36	1,895.76	995.00
Miscellaneous equipment, including wheelbarrows, hose, shovels, buckets, pitchforks, telephones, electric bells, etc.....		207.00	178.27	525.82	287.79	287.23	78.00
Tools: Hammers, hatchets, chisels, planes, etc.....		45.70	26.93	38.09	69.21	41.17	26.00
OPERATING EXPENSES.							
Maintenance:							
Buildings, repairs and renewals, including temporary structures.....	534.43	1,087.86	1,100.23	2,612.36	2,009.08	906.27	556.00
Equipment, repairs and renewals.....	271.50	324.02	335.45	626.42	1,010.87	412.34	382.00
Miscellaneous equipment, repairs and renewals.....	11.00	195.08	240.16	212.95	210.80	200.82	100.00
Tools, repairs and renewals.....	12.00	45.68	37.61	46.28	45.67	28.67	20.00
Operation:							
Salaries.....	5,270.00	5,579.33	7,240.00	7,240.00	7,240.00	6,600.00	3,300.00
Wages.....	13,756.67	14,863.01	19,826.44	25,204.51	20,671.34	18,942.00	8,112.54
Forage.....	6,150.08	10,298.64	19,284.50	21,072.00	17,378.76	14,716.09	6,150.00
Laboratory supplies.....	156.34	486.00	532.28	657.82	500.00	410.19	258.00
Experimental animals.....	1,061.50	2,999.00	4,984.36	1,200.00	1,792.28	941.00	400.00
Shoeing and blacksmithing.....	168.62	158.50	198.53	180.14	262.30	243.41	125.00
Rent.....		120.00	360.00	360.00	360.00	330.00	180.00
Fuel.....		598.95	772.65	964.52	657.90	670.00	650.00
Telephone, gas, and electricity.....		512.92	550.00	562.00	470.00	425.00	210.00
Miscellaneous expenses, towels, washing, flags, grease, kerosene, gasoline, dynamite, freight, express, drayage, etc.....	123.72	63.29	37.62	89.62	52.95	39.45	30.00

¹ Up to Dec. 31, 1911.

Experimental farm, Beltsville, Md.

	1910	1911	1912 ¹
CONSTRUCTION AND EQUIPMENT.			
Land includes two buildings, valued at \$5,000.	\$25,000.00	-----	-----
Buildings, including lumber, millwork, fencing, etc.	2,096.43	\$10,319.79	\$4,580.00
Equipment, including agricultural implements, water supply, sawmill, etc.	17,128.22	1,497.83	545.00
Miscellaneous equipment, including shovels, picks, lanterns, etc.	-----	125.20	-----
Tools, including chisels, planes, vise, hammers, etc.	-----	57.18	25.00
OPERATING EXPENSES.			
Maintenance:			
Land and fertilizers	-----	2,793.00	35.00
Buildings, repairs and renewals	131.40	1,400.10	2,050.00
Equipment, repairs and renewals	59.00	351.64	925.00
Miscellaneous equipment, repairs and renewals	-----	36.91	75.00
Tools, repairs and renewals	-----	12.00	50.00
Operation:			
Salaries	-----	1,471.66	2,100.00
Wages	-----	4,647.71	12,903.80
Forage	1,113.01	3,503.91	2,500.00
Shoeing and blacksmithing	8.80	214.35	100.00
Telephone	-----	40.00	20.00
Seed	782.89	1,033.20	-----
Teams hired	-----	201.00	150.00
Eggs	-----	400.00	-----
Stallion services	-----	120.00	-----
Travel	66.43	171.50	50.00
Miscellaneous expense, including freight, haulage, kerosene, axle grease, etc.	279.11	213.37	400.00

¹ To Dec. 31, 1911.

Mr. CULLOP. I am very glad that it is satisfactory to the chairman of the committee; but I still have been unable so far to get the information I asked for. Now I yield to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. I want to call the attention of the gentleman from Indiana to the fact that last year's appropriation bill carried this provision:

For all necessary expenses for continuing the equipment of the experimental farm at Beltsville, Md., including the necessary alterations of buildings thereon, the construction and repair of fences, roadways, drains, and other incidental work, and for the maintenance of the farm, including salaries of assistants and labor, feed for animals, light, and power, \$10,000.

This item shows that last year they had this \$10,000 for the purpose of building. I want to ask the gentleman if he does not think that with \$16,000 a year, the amount appropriated in this bill, they must be getting some immense buildings out there on that farm, and plenty of them?

Mr. CULLOP. For a farm, I should say they were. I have not understood farmers go into the building business quite as extensively as here proposed, as a rule, on a farm of that size. They usually have a larger acreage.

Mr. LAMB. There are 400 or 500 acres on one of these farms.

Mr. FOSTER of Illinois. Is there any room left for farming after they have the buildings on it?

Mr. LAMB. It is an elegant place. There are 30 or 40 acres in splendid oak timber that in a few years I believe will be worth as much as the whole farm cost the Government.

Mr. CULLOP. I am happy to learn that there is some hope of profit in that direction.

Mr. LAMB. I have been a farmer myself, and I know what a farm will do. I said to the manager of that farm, "I can go on this farm and make \$4,000 or \$5,000 a year profit, and I hope you gentlemen are going to make something out of this farm in addition to your experimental work and your object lessons in teaching the people how to farm."

Mr. FOSTER of Illinois. Let me ask the gentleman this question for information: Does the gentleman think a farmer on a stock farm or other well-managed farm is spending \$16,000 a year for buildings? Is not that an unusual thing?

Mr. LAMB. They do not cost that much.

Mr. FOSTER of Illinois. You propose to appropriate \$16,500 this year for buildings.

Mr. LAMB. That runs the farm, and covers all the other work.

Mr. CULLOP. There is \$16,000 for construction.

Mr. LAMB. That covers Beltsville and Bethesda, both.

Mr. CULLOP. That is simply for building, not for maintenance. It says "for the construction of buildings at Bureau Experiment Station at Bethesda, Md., and Bureau Experiment Farm at Beltsville, Md., \$16,500."

Mr. LEVER. Will the gentleman let me call his attention to this fact, that wherever you have an epidemic of foot-and-mouth disease, for instance, and you have a cow on the Bethesda farm afflicted with that disease, it is necessary for the purpose

of handling her to prepare and erect a brand new building. Not only that, but as soon as the cow is taken from the house it is necessary to burn or fumigate the house or tear it down so that the disease shall not be communicated to the community. That is true of hog cholera, tuberculosis, and other diseases, and it is necessary for buildings to be altered almost every day in order that the public may be protected against these diseases.

Mr. FOSTER of Illinois rose.

The CHAIRMAN. The Chair will say to the gentleman from Indiana that he is supposed to have reserved a point of order on this paragraph. To whom does the gentleman from Indiana yield?

Mr. CULLOP. I will yield to the gentleman from Illinois.

Mr. FOSTER of Illinois. I want to ask the gentleman from South Carolina if it is a fact that in hospitals where contagious diseases are treated it is necessary—for instance, in a smallpox hospital—when you get through and there are no more patients, to burn down the hospital?

Mr. LEVER. I do not think it is quite fair to compare the human race and their treatment with that of animals.

Mr. FOSTER of Illinois. No; but that is not the practice with human beings. If you have to have a new building for the treatment of hog cholera, do you mean to say that you must treat the hogs better than you do individuals?

Mr. LEVER. The gentleman can make the distinction between the treatment of a human patient and a hog patient; there are a hundred reasons for the difference in the treatment, which I do not propose to detail here, but they will occur to the gentleman from Illinois, who is a practical man.

Mr. FOSTER of Illinois. Yes; but where the Government is treating these diseases, it seems to me it is unnecessary to burn the building down and put up a new one each time the animal comes in with one of these diseases.

Mr. LEVER. The gentleman overlooks the fact that a hospital for human beings is well constructed out of good lumber, good brick, or stone, while these buildings are ordinary shacks, a different kind of structure entirely; they are temporary and must be moved about from place to place, as necessity and caution dictate.

Mr. CULLOP. Does the gentleman from South Carolina mean to be understood as saying that this department, with all the support it has had from the Government, has not been able yet to discover some method by which it can fumigate a building and eradicate it from disease?

Mr. LEVER. Oh, I do not think that that heroic method of destroying the building would be necessary for every animal that suffered there. I presume the Government does not destroy the building unless it is wise to do so as a matter of extreme caution. I did not make any such statement. In every bad disease, perhaps in the foot-and-mouth disease, which is very dangerous and very destructive, the property very likely might be burned down, and they would be justified as a matter of protection and caution. But in the case of hog cholera or tuberculosis they would not do it in all probability. You must depend upon the discretion of the experts in such matters.

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. MANN. The gentleman made a natural inquiry as to the jurisdiction of the committee.

Mr. CULLOP. Yes; that is my point of order.

Mr. MANN. Will the gentleman allow me to suggest that the Public Buildings and Grounds Committee has never exercised jurisdiction over the construction of any building except those which are constructed under the Treasury Department under the supervision of the Supervising Architect; as, for instance, the Agricultural Department constructs the Weather Bureau building and the Agricultural Committee has jurisdiction. The Committee on Interstate and Foreign Commerce has jurisdiction over the lighthouse buildings, life-saving buildings, and all such buildings constructed by the Government not constructed under the Supervising Architect, although they used to be constructed by the Treasury Department. The Committee on Military Affairs has jurisdiction over the construction of barracks and quarters for the Army, including the residences of officers which are constructed under the War Department and not under the Supervising Architect. That rule runs all through the Government service and applies, under the rules of the House, in the reference of bills relating to this subject.

Mr. CULLOP. Does not the gentleman think it would be a better policy to be pursued by Congress in the erection of all public buildings that they should be erected under the supervision of the Supervising Architect of the Treasury, so that there would be a unified policy instead of the distributive policy that we are now pursuing? Do not the rules of the House in

prescribing the duties of the Committee on Public Buildings and Grounds send a matter of this kind to its jurisdiction?

Mr. MANN. If the gentleman will pardon me, in the question of jurisdiction I think the gentleman is wrong both as to the rule and certainly as to the practice.

The rules often conflict. All matters relating to agriculture go to the Committee on Agriculture; all matters relating to buildings and grounds go to the Committee on Buildings and Grounds. Here is a building that pertains to agriculture. To which committee does it go. The rules do not determine that because it might be referred to either committee, but the practice of the House in construing those rules has always been to send these bills or matters relating to the construction of small buildings—incidental buildings—in different departments to committees having jurisdiction of those departments. The agricultural building, which is in Washington, would not come through the Committee on Agriculture. It is not an incident to agriculture. It is the construction of a building for office purposes. But a life-saving station that costs a few hundred dollars or an oil storage house for the Lighthouse Service which costs four or five hundred dollars, why it would seem that it ought to be constructed by the Lighthouse Service or constructed by the Life-Saving Service, and propositions to construct them have always been referred to the committee that has jurisdiction over such service.

Mr. CANNON. Mr. Chairman, I have no desire, unless the Chair desires to hear a word from me, if the gentleman will yield to me, to speak on the point of order. I understand it is a point of order to lines 8 to 11, on page 14.

Mr. CULLOP. Yes, sir; lines 8 to 11, I will inform the gentleman from Illinois.

Mr. CANNON. And the gentleman from Indiana claims, what?

Mr. CULLOP. That it is not authorized by law, that under the rules of the House the jurisdiction for the construction of public buildings is vested in the Committee on Public Buildings and Grounds.

Mr. CANNON. But the gentleman must recollect that this is an appropriation bill, and there is no rule of the House that authorizes or that would make in order an appropriation upon a public-buildings bill reported by the Committee on Public Buildings and Grounds. Their duties are legislative, not appropriation duties. And I will say further to the gentleman, that the sundry civil bill always carries an appropriation for public buildings, but the legislation must be enacted before the appropriation would be in order.

Mr. CULLOP. Let me ask the gentleman from Illinois this question.

Mr. CANNON. Yes.

Mr. CULLOP. An appropriation would not be in order for a public building until the Public Buildings Committee had reported and provided for it in a bill and directed the authorization?

Mr. CANNON. But I assume the fact that this is for the construction of a building at the experiment station at Bethesda, Md. Now, the gentleman from Indiana makes the point of order that we have not jurisdiction. I take it for granted we have the site, that there is an experiment station. Does the gentleman say you could not build a hencoop—

Mr. CULLOP. Oh, no. I entertain no such ideas about this matter.

Mr. CANNON. Does the gentleman say you could not build an outhouse by appropriation because it was not authorized by law? Why, repairs and construction of buildings incident to an experiment station are, as I understand it, in order. The gentleman may say this is a \$16,000 building and, according to the argument made, you could not build a \$16 building. It seems to me the position is perfectly untenable and the point of order is not well taken.

Mr. CULLOP. But, Mr. Chairman, the gentleman from Illinois uses extreme illustrations, all of which are not probable. There is nothing appearing here which meets the case which the gentleman from Illinois has presented to the committee. So far as this is concerned it is the construction of a new building independent of any other building. It is the beginning of a new enterprise, and I insist that under the rules of the House before we have the right to make the appropriation there must come from the Committee on Public Buildings and Grounds the establishment of such a building and an authorization of the same, and I think that the precedents will show that that has been the practice when the question was raised. I am desirous of safeguarding all expenditures as much as possible.

Mr. LAMB. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. If the Chair sustains the point of order it is that this particular provision belongs within the jurisdiction of the Committee on Public Buildings and Grounds. It

appears by the rules of the House that the Committee on Public Buildings and Grounds have no jurisdiction of appropriations for public buildings, and therefore that point of order is overruled.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Florida moves to strike out the paragraph.

Mr. CLARK of Florida. Now, Mr. Chairman, I am not opposed to the construction of this building; or, rather, I do not know whether I am or not; I do not know anything about it; but I do insist that this is a provision for the construction of a building. It is not simply an appropriation of money for the use of the Department of Agriculture. It is a direct provision for the construction of a building, and I submit that this committee has no jurisdiction whatever in reference to it.

Now, it reads:

For construction of buildings at Bureau Experiment Station at Bethesda, Md., and the Bureau Experiment Farm at Beltsville, Md., \$16,500.

The Committee on Agriculture, the committee which brings in this bill, has not any jurisdiction, Mr. Chairman, for the consideration of a matter of this kind. Under the rule anything relating to agriculture and forestry goes to the Committee on Agriculture, which shall receive the estimates and report the appropriations for the Agricultural Department. And in the citations under that rule I insist that no precedent can be found for the construction outright of a new building. There is no pretense here that this building has been provided for. There is no pretense here that any committee having jurisdiction has made an authorization for such a building, but it is a new item entirely wherein this committee undertakes to have jurisdiction of a matter which properly belongs to the Committee on Public Buildings and Grounds.

I think, Mr. Chairman, that is about all I desire to say in support of the motion to strike out. If this building is needed they could go before the proper committee and get the necessary authority.

The CHAIRMAN. The question is on the amendment of the gentleman from Florida to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

And hereafter the Secretary of Agriculture is authorized to sell in the open market or to exchange for other breeding animals or animal products to the best advantage, without the usual condemnation proceedings and public auction, such animals or animal products produced or purchased under the appropriations made by Congress for the use of the Bureau of Animal Industry as may not be needed in the work of that bureau: *Provided*, That all moneys received from the sale of such animals or animal products, or as a bonus in the exchange of the same, shall be deposited in the Treasury as miscellaneous receipts.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against the paragraph last read. Now, that is entirely new legislation. And, Mr. Chairman, I want to say that I am making the point of order because it is new legislation and it uses the words "and hereafter" the Secretary shall do so and so. I am determined when some man in the future raises the question of this jurisdiction being conferred he shall not make the same argument as that made to-day.

The CHAIRMAN. Does the gentleman make the point of order on the word "hereafter"?

Mr. CLARK of Florida. I make the point of order—

Mr. CANDLER. This provision is in the interest of economy, and in order to save expense by getting the very best price for animals that will be sold or exchanged.

Mr. CLARK of Florida. I will say to the gentleman that I am opposed to giving the Secretary, or anybody else, power to sell Government property at private sale.

Mr. LAMB. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY.

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, \$5,000; 1 chief clerk, \$2,250; 1 executive assistant in seed distribution, \$2,250; 1 officer in charge of publications, \$2,000; 1 landscape gardener, \$1,800; 1 officer in charge of records, \$2,000; 1 superintendent of seed weighing and mailing, \$2,000; 1 executive clerk, \$2,250; 2 executive clerks, at \$1,980 each; 3 executive assistants, at \$1,800 each; 1 assistant superintendent of seed warehouse, \$1,400; 1 seed inspector, \$1,000; 6 clerks, class 4; 11 clerks, class 3; 2 clerks or botanical translators, at \$1,500 each; 15 clerks, class 2; 38 clerks, class 1; 1 clerk, \$1,140; 1 clerk, \$1,080; 3 clerks, at \$1,020 each; 26 clerks, at \$1,000 each; 56 clerks, at \$900 each; 23 clerks, at \$840 each; 13 clerks, at \$720 each; 33 messengers, gardeners, or laborers, at \$720 each; 11 messengers, messenger boys, or laborers, at \$660 each; 15 messengers, messenger boys, or laborers, at \$600 each; 1 artist, \$1,620; 1 photographer, \$1,140; 1 photographer, \$1,080; 1 laboratory aid, \$1,440; 1 laboratory aid, \$1,380; 3 laboratory aids, at \$1,200 each; 1 laboratory aid, \$1,080; 2 laboratory aids, at \$1,020 each; 5 laboratory aids, at \$840 each; 6 laboratory aids, at \$720 each; 6 laboratory aids, at \$600 each; 1 laboratory apprentice, \$720; 1 map tracer, \$720; 1 map tracer, \$600; 1 gardener, \$1,440; 2

gardeners, at \$1,200 each; 1 gardener, \$1,100; 2 gardeners or assistants, at \$1,000 each; 7 gardeners, at \$900 each; 4 gardeners, at \$840 each; 4 gardeners, at \$780 each; 8 gardeners, at \$720 each; 5 gardeners, at \$660 each; 2 gardeners, at \$600 each; 1 skilled laborer, \$900; 4 skilled laborers, at \$840 each; 1 mechanic, \$1,380; 1 mechanic, \$1,260; 1 mechanical assistant, \$1,200; 1 mechanic, \$960; 1 mechanic, \$900; 1 carpenter, \$900; 1 painter, \$720; 1 teamster, \$600; 15 laborers, at \$540 each; 24 laborers, messengers, or messenger boys, at \$480 each; 5 laborers or charwomen, at \$480 each; 2 laborers or charwomen, at \$360 each; 2 laborers, at \$420 each; 7 charwomen, at \$240 each; 7 messenger boys, at \$360 each; 4 messenger boys, at \$300 each; in all, \$378,370.

Mr. CLARK of Florida. Mr. Chairman, I want to reserve a point of order on that and get some information.

Mr. LAMB. You can get that to-morrow. I now move that the committee rise.

Mr. CLARK of Florida. Let me state what it is. In line 22, page 17, beginning with the words "one mechanic," down to the word "dollars," in line 2, on page 18, I see they provide for four mechanics, and I wanted some information as to what were their duties.

Mr. LAMB. We can start to-morrow morning on that.

Mr. CLARK of Florida. All right. I just wanted to submit the interrogation.

The CHAIRMAN. The gentleman from Florida [Mr. CLARK] reserves the point of order on the paragraph.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

EMPLOYERS' LIABILITY.

Mr. FOSTER of Illinois. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 13570, "An act to amend an act entitled 'An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment,' approved May 30, 1908," with Senate amendments, and I ask that the Senate amendments be read.

The Senate amendments were read, as follows:

Line 3, strike out "on and after the passage of this act."
Line 10, after "mines," insert "for the Forestry Service of the United States."
Line 12, after "to," strike out "its passage" and insert "the 1st day of January, 1912."

Mr. FOSTER of Illinois. Mr. Speaker, I ask unanimous consent that the House disagree to the last amendment and agree to the first two amendments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the first two amendments and disagreeing to the last amendment.

The question was taken, and the motion was agreed to.

BENJAMIN F. MARTZ.

Mr. MARTIN of South Dakota. Mr. Speaker, I would like to be permitted to call up at this time bill S. 2453, the first bill on the Private Calendar, which is a bill to confirm title in a couple of homestead entries which has been sent here by the Department of the Interior. This is Private Calendar day, and I think it would take but a few minutes to dispose of the bill.

Mr. MANN. Let the gentleman ask unanimous consent.

Mr. MARTIN of South Dakota. Mr. Speaker, I would like to ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the bill which the Clerk will report shall be considered in the House as in the Committee of the Whole. Is there objection?

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I would like to have the bill read, so that I can see what it is.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2453) for the relief of Benjamin F. Martz, and for other purposes.

Be it enacted, etc., That the homestead entry of Benjamin F. Martz on farm unit "N," Huntley reclamation project, Montana, under the act of June 17, 1902, on sections 17 and 20, township 2 north, range 28 east, Montana meridian, is hereby validated, subject to future compliance with the law.

Sec. 2. That the homestead entry of Gjerluf Hanson on farm unit "A," on the Bellefourche reclamation project, South Dakota, under the act of June 17, 1902, for the southeast quarter of the northeast quarter of the southeast quarter of section 21, township 8 north, range 6 east, Black Hills meridian, is hereby validated, subject to future compliance with the law.

The SPEAKER. Is there objection to the consideration of the bill in the House as in Committee of the Whole?

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. And that is, by what parliamentary right this bill is now considered?

The SPEAKER. This is Private Calendar day.

Mr. HARDWICK. Is the calendar called in order? Is this the first bill on the calendar?

The SPEAKER. This is the first bill on the calendar, and the Committee on Agriculture, with its appropriation bill, crowded the private-bill day out pro tanto. But it is in order to move to go into Committee of the Whole to consider this bill, and the gentleman from South Dakota [Mr. MARTIN] simply asked that it be considered in the House as in Committee of the Whole.

Mr. HARDWICK. One further question, Mr. Speaker. Is this bill unanimously reported by the committee? Is there no objection to it in committee?

Mr. MARTIN of South Dakota. It has been unanimously reported.

Mr. RAKER. Mr. Speaker, I would like to state for the information of the gentleman from Georgia that the Committee on the Public Lands has gone into the matter fully and made two investigations of the matter and received two reports from the department on both occasions and has unanimously reported the bill.

Mr. HARDWICK. That is entirely satisfactory to me.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. Mr. Speaker, inadvertently there is a mistake in the description as read, one line being left out. To correct that mistake, I offer an amendment and ask to have it considered.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from South Dakota [Mr. MARTIN].

The Clerk read as follows:

Amend, line 13, page 1, by inserting after the word "quarter," where it first appears in said line, the words "and the northeast quarter."

Mr. MARTIN of South Dakota. Mr. Speaker, I will explain that amendment. The report of the department gives the description correctly, but the print leaves out that line, which would make it a 10-acre piece instead of an 80-acre piece, which is a homestead entry.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4551. An act to extend the time for completion of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., authorized by an act approved August 5, 1909.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4978. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890; to the Committee on Interstate and Foreign Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. YOUNG of Texas, indefinitely, on account of illness in family.

To Mr. McHENRY, for two weeks, on account of illness.

To Mr. DAVENPORT, for 10 days, on account of important business.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Saturday, March 2, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior submitting an estimate of an appropriation for purchasing a motor boat for use of special agents of the General Land Office operating in District of Alaska (H. Doc. No. 584); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of Commerce and Labor, transmitting and requesting favorable consideration by Congress draft of a bill authorizing the use of the unexpended balance of the appropriation for storehouse and dock at San Juan, P. R., for the alteration, repair, and construction of necessary buildings and dock and improvements of the grounds of the reservation of San Juan, P. R. (H. Doc. No. 585); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. O'SHAUNESSY, from the Committee on the District of Columbia, to which was referred the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District, reported the same without amendment, accompanied by a report (No. 381), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 239) authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America, reported the same without amendment, accompanied by a report (No. 383), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Nebraska, from the Committee on Indian Affairs, to which was referred the bill (H. R. 18849) for the relief of the Winnebago Indians of Nebraska and Wisconsin, reported the same without amendment, accompanied by a report (No. 384), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. O'SHAUNESSY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12371) for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia, reported the same with amendment, accompanied by a report (No. 382), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

Mr. STEVENS of Minnesota: A bill (H. R. 21169) to amend section 10 of the act entitled "An act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 21170) granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation in the State of Arizona and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes; to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 21171) authorizing the use of the reclamation fund in construction of a bridge across Snake River in Wyoming; to the Committee on Irrigation of Arid Lands.

By Mr. LOUD: A bill (H. R. 21172) to abolish the Bureau of Equipment in the Navy Department; to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 21173) to amend an act entitled "An act making appropriations for the current

and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908," approved March 11, 1907; to the Committee on Indian Affairs.

By Mr. SIMMONS: A bill (H. R. 21174) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; to the Committee on Agriculture.

By Mr. BURNETT: A bill (H. R. 21175) to further regulate the exclusion of undesirable aliens from admission into the United States; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Resolution (H. Res. 436) directing the Secretary of the Navy to ascertain cost of purchasing certain property in the Borough of Brooklyn, city of New York, N. Y., for purpose of enlarging the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. VOLSTEAD: Resolution (H. Res. 437) to establish a library in the House Office Building; to the Committee on Accounts.

By Mr. ESTOPINAL: Joint resolution (H. J. Res. 258) granting school lands to the State of Louisiana; to the Committee on the Public Lands.

By Mr. HARRISON of Mississippi: Joint resolution (H. J. Res. 259) to provide for additional skilled laborers to assist in the distribution of congressional quotas of farmers' bulletins; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Memorial from the General Assembly of Rhode Island, urging the present Congress to secure the establishment of a lightship near Block Island; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 21176) granting an increase of pension to Simon Schweigert; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 21177) granting a pension to Josephine P. Whitney; to the Committee on Invalid Pensions. Also, a bill (H. R. 21178) to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy; to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 21179) granting a pension to Elizabeth A. Sheridan; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 21180) granting an increase of pension to Alonzo Ackerman; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 21181) granting a pension to Ignacy Goscinski; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 21182) granting a pension to Alfred Skibbe; to the Committee on Pensions.

Also, a bill (H. R. 21183) granting a pension to Eliza M. Tripp; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 21184) for the relief of John H. Howlett; to the Committee on Military Affairs.

Also, a bill (H. R. 21185) granting a pension to Henry Boesen; to the Committee on Pensions.

Also, a bill (H. R. 21186) granting a pension to Alexander Smith; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 21187) to correct the military record of William Cameron, alias Samuel C. Cole; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 21188) granting an increase of pension to John Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21189) granting an increase of pension to John J. Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21190) granting an increase of pension to Brice Vance; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 21191) granting an increase of pension to Columbus Evans; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 21192) granting an increase of pension to William Bodine; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 21193) granting a pension to Rebecca Crofts; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 21194) for the relief of Jasper J. Henry; to the Committee on Military Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 21195) for the relief of Sam Mana, owner of the schooner *Moi Wahine*, sunk in collision with a Government vessel; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 21196) granting a pension to Mrs. A. R. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21197) granting an increase of pension to James Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21198) granting an increase of pension to John F. Sebastian; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 21199) granting an increase of pension to Frank E. Mekallek; to the Committee on Pensions.

By Mr. LEVY: A bill (H. R. 21200) for the relief of the estate of the late James Clarence Post; to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 21201) granting an increase of pension to Edward Crandall; to the Committee on Invalid Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 21202) granting an increase of pension to Charles S. Robbins; to the Committee on Pensions.

Also, a bill (H. R. 21203) granting an increase of pension to Edwin J. A. Ross; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 21204) granting an increase of pension to David Cates; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 21205) granting a pension to William Williams; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 21206) granting a pension to Naoma D. Chaney; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 21207) granting an increase of pension to Andrew J. Jacobs; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 21208) for the relief of J. M. Gurley; to the Committee on Claims.

By Mr. SULZER: A bill (H. R. 21209) granting an increase of pension to J. Howard Livingston; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 21210) granting an increase of pension to Calvin W. Edgar; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 21211) for the relief of heirs of Achilles Prudhomme; to the Committee on War Claims.

By Mr. WHITE: A bill (H. R. 21212) for the relief of Alice M. Burrows; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Short Line Railroad Association, relative to transportation of the mails; to the Committee on the Post Office and Post Roads.

Also, memorial of the board of supervisors of the county of Hawaii, for certain amendment to the Connell-Johnson bill; to the Committee on the Territories.

By Mr. ANDERSON of Minnesota: Petition of Gust. Gartner and 13 others, of Preston, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Petition of Encampment No. 1, Union Veteran Legion, of Pittsburgh, Pa., against the passage of any act abolishing the pension agency in Pittsburgh, Pa.; to the Committee on Invalid Pensions.

Also, petition of the Lawrence County Branch of the German-American Alliance, of New Castle, Pa., against the passage of any prohibition or interstate-commerce liquor measure now pending in Congress; to the Committee on the Judiciary.

By Mr. BARNHART: Petition of 200 citizens of South Bend, Ind., for reduction of colored oleomargarine tax; to the Committee on Agriculture.

By Mr. BROWNING: Petition of the Methodist Episcopal Church of Almonesson, N. J., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Jacobs & Thatcher Co., of Brooklyn, N. Y., against the passage of House bills 11380 and 11381; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petition of citizens of Kansas, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of Kansas, against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Oswego, Kans., protesting against enactment of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Memorial of the Wisconsin Retail Hardware Association, opposing the parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of the First Unitarian Society of Milwaukee, Wis., favoring a Federal commission of industrial relations; to the Committee on Labor.

Also, petition of the Wisconsin State Federation of Labor, indorsing the Buchanan resolution for an investigation of unemployment; to the Committee on Rules.

Also, petition of the Wisconsin State Federation of Labor, indorsing the Lloyd-La Follette measures restoring the right of petition to Government employees; to the Committee on Reform in the Civil Service.

Also, petition of the Wisconsin State Federation of Labor, favoring the construction of battleships by the Government, and protesting against the abolition of Government navy yards; to the Committee on Naval Affairs.

By Mr. CRAVENS: Petition of citizens of Arkansas, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Rockett Point Local, No. 2948, Farmers' Educational and Cooperative Union of America, Midland, Ark., in favor of House bill 14, extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CURRIER: Petitions of the Christian Church; the Christian Endeavor Society; Rockland Grange, No. 284, Patrons of Husbandry; and of W. W. Chase and other citizens, all of Georges Mills, N. H., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the National Progresista Party in the Philippine Islands, for self-government in the islands; to the Committee on Insular Affairs.

Also, petition of Rochester (N. Y.) Chamber of Commerce, for passage of House bill 17936; to the Committee on Ways and Means.

Also, petition of the Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of the Russian Caviar Co., of New York, for a specific duty of 15 cents per pound on caviar; to the Committee on Ways and Means.

Also, petition of citizens of the State of New York, for Berger old-age pension bill; to the Committee on Pensions.

Also, memorial of the Central Labor Council of Seattle, for a Government railroad in Alaska; to the Committee on the Territories.

Also, petition of the Central Federated Union of New York City, protesting against substituting enlisted men for civilian employees on work in navy yards; to the Committee on Naval Affairs.

By Mr. DYER: Papers to accompany House bill 4828; to the Committee on Military Affairs.

Also, papers to accompany House bill 3571; to the Committee on Invalid Pensions.

Also, memorial of the National Progresista Party in the Philippine Islands, for self-government in the islands; to the Committee on Insular Affairs.

Also, petition of Local Union No. 281, C. I. U. of A., for passage of House bill 17253; to the Committee on Ways and Means.

Also, petition of the Russian Caviar Co., of New York, for a specific duty of 15 cents per pound on caviar; to the Committee on Ways and Means.

Also, petition of St. Louis (Mo.) Master B. Pr. & B. Association, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of the Provident Chemical Works, of St. Louis, Mo., against reduction of duties on sugar; to the Committee on Ways and Means.

Also, petition of John T. Milliken & Co., of St. Louis, Mo., in favor of enactment of chemical bill; to the Committee on Ways and Means.

Also, petitions of E. H. Dyer, of St. Louis, Mo.; and Parke, Davis & Co., of Detroit, Mich., protesting against chemical bill; to the Committee on Ways and Means.

Also, petition of members of Improved Order of Red Men of twelfth congressional district of Missouri, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of Larkin Co., of Buffalo, N. Y., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of residents of St. Louis, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of George G. Brown, of Louisville, Ky.; Daniger Bros., of Kansas City; a German-American society of Lafayette County, Mo.; the German-American Alliance of Ne-

braska; and Nebraska Wholesale Liquor Dealers' Association, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petitions of the American Baking Powder Association, of Chicago, Ill.; and Edward M. Flesh, of St. Louis, Mo., protesting against abolishment of the Remsen Board; to the Committee on Agriculture.

Also, petition of the Missouri Live Stock Association, for Federal aid to agricultural science; to the Committee on Agriculture.

Also, petition of the Business Men's League of St. Louis, Mo., for passage of House bill 19795; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Day Rubber Co., of St. Louis, Mo., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the International Dry-Farming Congress, relative to public-land laws; to the Committee on the Public Lands.

Also, petition of J. B. White, of Kansas City, Mo., for appropriation for fighting forest fires as recommended by Forester Graves; to the Committee on the Public Lands.

By Mr. FITZGERALD: Petition of the Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, memorial of Admiral Schley Naval Squadron, No. 16, United Spanish War Veterans, of Brooklyn, N. Y., favoring Senate bill 291 and House bill 1235; to the Committee on Naval Affairs.

Also, memorial of the Rochester (N. Y.) Chamber of Commerce, in approval of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, petition of Valdez, Alaska, for building a trunk-line railway from tidewater on the North Pacific Ocean to the Yukon watershed and the opening of the Matanuska coal fields by the Federal Government; to the Committee on the Territories.

Also, memorial of the Maritime Association of the port of New York, protesting against abolishment of the United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: Petition of the Woman's Christian Temperance Union of Three Springs, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Antrim Grange, No. 1333, Patrons of Husbandry, of Greencastle, Pa., and of Caledonia Grange, No. 1349, Patrons of Husbandry, of Chambersburg, Pa., offering amendments to the oleomargarine laws; to the Committee on Agriculture.

By Mr. FORNES: Petitions of Camps Nos. 1 and 59, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

By Mr. FOSS: Petition of the Chicago (Ill.) Jaeger Court, No. 165, Catholic Order of Foresters, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. FULLER: Petition of Rochester Printing Co., of Rochester, N. Y., against proposed increase in the postage rate on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of the American League of Associations for Town and Village Improvement, etc., against legislation for the extension of the parcel-post service until a commission shall investigate and report its findings on same, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Fred Mowbray and other citizens, of Streator, Ill., favoring the building of a battleship in the Government navy yard, and in opposition to the substitution of enlisted men for civilian employees, etc.; to the Committee on Naval Affairs.

Also, petition of Floyd Smith, of Rockford, Ill., favoring certain proposed amendments to the Smoot pension bill; to the Committee on Invalid Pensions.

Also, petition of Charles Pope, of Chicago, Ill., against any reduction in the duty on raw sugar; to the Committee on Ways and Means.

Also, petition of Tacoma Commercial Club and Chamber of Commerce, of Tacoma, Wash., favoring a free-toll policy for the Panama Canal, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rockford Merchants and Business Men's Association, of Rockford, Ill., favoring a reduction in the duty on oleomargarine; to the Committee on Agriculture.

Also, petition of Brown-Forman Co., of Louisville, Ky., protesting against the passage of House bill 17593, concerning interstate shipments of intoxicating liquors, etc.; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of churches of Millersburg, Pa., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Central Bureau of Philadelphia (Pa.) Yearly Meeting, urging the adoption of House joint resolution 163, providing for the amendment of the Constitution in favor of prohibition; to the Committee on the Judiciary.

Also, petition of the president of the National Conservation Congress, urging against the reduction of the appropriation recommended by Forester Graves for fighting fires and taking measures for protection from forest fires; to the Committee on the Public Lands.

Also, petitions of residents of Lancaster, Pa., urging the enactment into law of the so-called old-age pension bill (H. R. 13114); to the Committee on Pensions.

By Mr. HAYDEN: Petitions of citizens of the State of Arizona, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of Mrs. M. E. McLeland and 80 other citizens of Bisbee, Ariz., urging the passage of House bill 14, the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of John C. Gung'l and 41 other citizens of Willcox, Ariz., asking that the Fort Grant Military Reserve be set aside as a game refuge; to the Committee on Military Affairs.

Also, petition of Norton-Morgan Commercial Co. and 14 other business firms of Willcox, Ariz., protesting against the extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petition of Hon. Frank Baxter and 225 other citizens of Yuma County, Ariz., asking for an appropriation for a highway bridge across the Colorado River between Yuma, Ariz., and Fort Yuma, Cal.; to the Committee on Indian Affairs.

Also, petition of the Woman's Christian Temperance Union of Phoenix, Ariz., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAYES: Petition of Alice M. Gillitt, of Los Gatos, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Los Gatos (Cal.) Chamber of Commerce, for improvement of Yosemite National Park; to the Committee on Appropriations.

By Mr. HAMMOND: Petition of H. L. Strom and 18 others, of Jackson, Minn., against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of several citizens of Danbury, Conn., in favor of the Kenyon-Sheppard liquor bill; to the Committee on the Judiciary.

Also, petition of the Improved Order of Red Men and citizens generally of Danbury, Conn., urging the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: Petitions of the Utah Federation of Women's Clubs of Ogden and Salt Lake City, Utah, and of Ralph Smith and other citizens, of North Logan, Utah, in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Lake Council, No. 81, United Commercial Travelers, Salt Lake City, Utah, against the passage of the parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of Reformed Church of Highwood, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KINKAID of Nebraska: Petition of citizens of Mayflower, Nebr., in favor of House bill 14, known as the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Brady, Gothenburg, Willow Island, and Lexington, sixth congressional district of Nebraska, urging the passage of House bill 16689, validating sales of part of right of way of Union Pacific Railroad; to the Committee on the Public Lands.

By Mr. LAFEAN: Petition of the Christian Endeavor Society of the First Presbyterian Church of York, Pa., protesting against the sinking of the remains of the battleship *Maine*; to the Committee on Naval Affairs.

Also, papers to accompany House bill 15526, granting a pension to Ellen Harget; to the Committee on Invalid Pensions.

Also, petition of Valley Grange, No. 1360, Patrons of Husbandry, Lewisberry, Pa., urging certain changes in the oleomargarine law; to the Committee on Agriculture.

By Mr. LAFFERTY: Resolution of Western Star Grange, No. 309, of Albany, Oreg., urging an appropriation for the completion of the improvement of Yaquina Bay Harbor; to the Committee on Rivers and Harbors.

Also, petition of Peter Adams and others of Portland, Oreg., and of D. B. Waffle and others of Pendleton, Oreg., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGLEY: Petition of the Improved Order of Red Men and citizens generally, residing in the tenth congressional district of Kentucky, urging the erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. LEVY: Papers to accompany bill for the relief of the estate of the late James Clarence Post; to the Committee on War Claims.

Also, petition of the American Chamber of Commerce of Turkey, indorsing bill for the permanent improvement of the Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. LOUD: Papers to accompany bill for the relief of Edward Crandall; to the Committee on Invalid Pensions.

By Mr. MCGILLICUDDY: Petition of P. A. Betchen and others, of Livermore Falls, Me., and of the Christian Civic League of Waterville, Me., favoring the passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petitions of churches, church organizations, etc., of the State of Maine, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of David Cates; to the Committee on Invalid Pensions.

Also, petition of citizens of the State of Tennessee, for passage of House bill 16450; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Tennessee, for Berger old-age pension bill; to the Committee on Pensions.

By Mr. MOTT: Petition of Camp No. 26, United Spanish War Veterans, in favor of House bill 17470; to the Committee on Pensions.

Also, memorial of the National Progresista Party in the Philippine Islands, for self-government in the islands; to the Committee on Insular Affairs.

By Mr. NEEDHAM: Petition of citizens of California, in favor of House bill 14, for extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Knowles, Cal., in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, resolutions of the Oroville (Cal.) Chamber of Commerce, protesting against any reduction of the present duty on olive oil; to the Committee on Ways and Means.

By Mr. PARRAN: Papers to accompany bill for the relief of Patrick Lannon (H. R. 20670); to the Committee on Military Affairs.

Mr. PLUMLEY: Papers to accompany bill granting a pension to William Williams; to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Jamaica, Vt., and of the Congregational Church of Cabot, Vt., praying for the enactment into law of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of James Lawson and 80 others of Vermont, in favor of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. RAKER: Petitions of the Birdsall Olive Co., of East Auburn, and the Chamber of Commerce of Marysville, Cal., protesting against reduction of the duty on olive oil; to the Committee on Ways and Means.

Also, petition of citizens of California, favoring the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of Virginia Mitchell, member of the Sierra Club, of Weimar, Cal., in favor of House bill 16841; to the Committee on Appropriations.

By Mr. RANDELL of Texas: Petition of citizens of Hunt County, Tex., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petition of Rose M. Munger, of New Haven, Conn., indorsing House bill 16802; to the Committee on Indian Affairs.

By Mr. RUCKER of Colorado: Petition of the Young Men's Christian Association of Colorado Springs, Colo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SABATH: Petition of Camp No. 100, Sons of Veterans, United States of America, for enactment of Sherwood pension bill; to the Committee on Invalid Pensions.

Also, petition of the Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of St. Ferdinand Unterstuetzungs Verein, of Chicago, Ill., relative to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petitions of the German-American Alliances of Rockford and East St. Louis, Ill., protesting against prohibition and interstate liquor legislation; to the Committee on the Judiciary.

By Mr. SPARKMAN: Resolution of the City Council of Jacksonville, Fla., in favor of coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

By Mr. SPEER: Papers to accompany bill (H. R. 19204) for the relief of James S. Henderson; to the Committee on Invalid Pensions.

Also, petition of citizens of Johnsonburg, Pa., for legislation granting free delivery of mail to towns of 1,000 and over; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Nebraska: Petitions of citizens of Nebraska, against passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of R. H. Scott and others, of Plainview, Nebr., in favor of parcel-post bill and antigambling bill; to the Committee on the Post Office and Post Roads.

Also, petition of Iver S. Johnson and others, of Stanton, Nebr., in favor of Federal pay bill; to the Committee on Military Affairs.

By Mr. SULZER: Petition of the Cigarmakers' Joint Unions of Greater New York, indorsing House bill 17253; to the Committee on Ways and Means.

Also, petition of F. H. Bidwell & Co., of New York City, in favor of reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Lillian D. Wald, of New York City, indorsing House bill 17681; to the Committee on the District of Columbia.

Also, petition of R. D. Harvey, United States manager for the Royal Exchange Assurance, New York City, indorsing Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Slegman & Weil, of New York City, favoring changes in paragraph 179 of the metal schedule; to the Committee on Ways and Means.

Also, resolutions of the peace meeting held at Jeannette, Pa., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France; to the Committee on Foreign Affairs.

By Mr. THISTLEWOOD: Petition of members of Improved Order of Red Men of Clifford, Ill., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of citizens of the State of Illinois, for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Illinois, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Petition of the Central Labor Union of Rhode Island and others, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Sorosis Club, of Providence, R. I., favoring a reduction of the duty on sugar; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Westerly, R. I., and the Central Congregational Church, of Providence, R. I., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions of the Rhode Island Business Men's Association, favoring legislation to protect dealers in butter and substitutes therefor against fraud; to the Committee on Agriculture.

By Mr. WATKINS: Petition of citizens of Logansport, La., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Minden, La., in favor of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of John McMullen and 10 other citizens of Rushsylvania, C. F. Wooley and 15 other citizens of West Mansfield, S. S. Clayton and 15 other citizens of Ada, F. P. Kerr and 4 other citizens of Lake View, James W. Bowen and 2 other citizens of McGuffey, T. C. Myers and 10 other citi-

zens of De Graff, J. H. Basden and 5 other citizens of Alger, R. H. Valentine and 10 other citizens of Belle Center, J. S. Sherrick and 3 other citizens of Harrod, all in the State of Ohio, asking for the enactment of legislation to give the Interstate Commerce Commission further power in the regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Don C. Bailey and 10 other citizens of West Liberty, E. L. Van Horn and 5 other citizens of Lake View, O. L. Rexer and 10 other citizens of De Graff, R. A. Graham and 12 other citizens of Belle Center, W. E. Heath and 3 other citizens of Harrod, C. E. Kennard and 5 other citizens of Alger, James W. Bowen and 2 other citizens of McGuffey, J. E. Hesser and 15 other citizens of Ada, B. C. Ballinger and 15 other citizens of West Mansfield, and J. D. Stevenson and 10 other citizens of Rushsylvania, all in the State of Ohio, against the enactment of any law for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the Men's Sunday Evening League and the Sunday School of the Methodist Episcopal Church of Ashley, Ohio, in favor of the passage of the Kenyon-Sheppard bill, for the further regulation of interstate commerce in intoxicating liquors; to the Committee on the Judiciary.

By Mr. WILSON of New York: Memorial of the Manhattan (N. Y.) Camp, No. 1, Department of New York, United Spanish War Veterans, indorsing House bill 17470, providing a pension for widows and minor children of deceased Spanish War veterans; to the Committee on Pensions.

By Mr. YOUNG of Kansas: Petition of citizens of Mitchell, Smith, and Phillips Counties, sixth district of Kansas, asking for the enactment of a law giving the Interstate Commerce Commission further power to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Norton, Kans., and of citizens of Mitchell, Smith, and Phillips Counties, sixth district of Kansas, protesting against the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, March 2, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2453) for the relief of Benjamin F. Martz, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate Nos. 1 and 2 to the bill (H. R. 13570) to amend an act entitled "An act granting employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908; and had disagreed to the amendment of the Senate No. 3 to the bill.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 4551) to extend the time for completion of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., authorized by an act approved August 5, 1909.

PETITIONS AND MEMORIALS.

Mr. RICHARDSON presented a memorial of sundry citizens of Milford, Del., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Wilmington, Del., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Milford, Felton, and Smyrna, all in the State of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE. I present a resolution adopted by the General Assembly of the State of Rhode Island, which I ask may be read and referred to the Committee on Commerce.

The resolution was read and referred to the Committee on Commerce, as follows:

STATE OF RHODE ISLAND, IN GENERAL ASSEMBLY,
January Session, A. D. 1912.

Resolution requesting the Senators and Representatives in Congress from Rhode Island to urge the present Congress to secure the establishment of a lightship near Block Island:

Whereas a reef which extends about 1 mile in a northerly direction from the north end of Block Island is so far offshore that the strong tidal currents running across it make a very dangerous obstruction for any vessels entering Block Island; and

Whereas it is of the greatest importance to the people and the maritime interests of New England that a lightship be stationed off the north end of Block Island; and

Whereas a petition has been circulated and signed by the most important marine, shipping, and steamship men of New England requesting that such a lightship be established: Therefore be it

Resolved by the General Assembly of the State of Rhode Island, That the Senators and Representatives of the State in the Congress of the United States be, and are hereby, requested to urge the present Congress to secure the establishment of a lightship with a first-class fog siren and lights, about 1 mile northerly from the north end of Block Island.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, February 29, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 28th day of February, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.]

J. FRED PARKER,
Secretary of State.

Mr. BRISTOW presented a petition of the Woman's Christian Temperance Union of Fort Scott, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Lincoln, Marion, Gretna, and Fairport, all in the State of Kansas, and a petition of sundry citizens of Hardy, Nebr., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Oswego, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Local Post No. 71, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Burlington and Chanute, in the State of Kansas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented resolutions adopted by the Irish Nationalists of Ohio, in convention at Columbus, Ohio, remonstrating against the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Springfield, Olney, Sparta, Stewardson, and Browns, all in the State of Illinois, remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Blue Island, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Retail Merchants' Association of Illinois, in convention at Belleville, Ill., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURTON. I present a large number of petitions from colleges of the country, favoring the ratification of the pending treaties with England and France without amendment. I ask that the petitions lie on the table and that the names of the colleges be printed in the RECORD.

There being no objection, the petitions were ordered to lie on the table, and the names of the colleges were ordered to be printed in the RECORD, as follows:

Heidelberg University, Tiffin, Ohio; James Millikin University, Decatur, Ill.; Mills College, Mills College, Cal.; Talladega College, Talladega, Ala.; Union College, Schenectady, N. Y.; Williams College, Williamstown, Mass.; William Jewell College, Liberty, Mo.; University of Missouri, Columbia, Mo.; University of Porto Rico, Rio Piedras, P. I.; Johns Hopkins University, Baltimore, Md.; Augsburg Seminary, Minneapolis, Minn.;

Franklin College, Franklin, Ind.; Middlebury College, Middlebury, Vt.; University of Pittsburgh, Pittsburgh, Pa.; University of Illinois, Urbana, Ill.; University of Utah, Salt Lake City, Utah; Wabash College, Crawfordsville, Ind.; Wesleyan University, Middletown, Conn.; Park College, Parkville, Mo.; Occidental College, Los Angeles, Cal.; Stevens Institution of Technology, Hoboken, N. J.; Midland College, Atchison, Kans.; Purdue University, La Fayette, Ind.; and Teachers' College, Manhattan Borough, New York, N. Y.

Mr. BURTON presented a petition of sundry citizens of New Straitsville, Ohio, praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented petitions of sundry granges, Patrons of Husbandry, of Greencastle, Fayetteville, New Hope, and Lewisberry, all in the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Meadville, New Brighton, and Bedford, all in the State of Pennsylvania, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Tunnelton and New Paris, in the State of Pennsylvania, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Grand Army Association of Allegheny County, Pa., remonstrating against the proposed abolishment of the United States pension agencies and their concentration in Washington, D. C., which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Uniontown, Pittsburgh, East Greene, Mount Pleasant, Millersville, and Big Run, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Valencia and Wilkesburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented the petition of Leon E. Hixson, of Portland, Mich., praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Clio Club, of Detroit, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Benton Harbor, Lawrence, and Adrian, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Paw Paw and Belding, in the State of Michigan, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Local Machine Co., of Ann Arbor, Mich., remonstrating against the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a memorial of H. W. Rickel & Co., of Detroit, Mich., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bellaire, Quincy, Jackson, Le Roy, Monroe, and Lincoln Township, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULBERSON presented a memorial of sundry citizens of Brackettsville, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. OVERMAN presented a petition of Local Union No. 2009, Farmers' Educational and Cooperative Union of America, of Liberty, N. C., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented petitions of the Woman's Christian Temperance Unions of Groton and Poughkeepsie, in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. TILLMAN presented petitions of the congregations of the Beulah Baptist Church, of Congaree, and the Baptist Church of Pelion, and of the Woman's Christian Temperance Union of Utopia, all in the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. FLETCHER presented a memorial of sundry citizens of McIntosh, Fla., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a memorial of the Business Men's Association of Jeffersonville, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented a petition of the congregation of the Methodist Episcopal Church of Farmington, Del., and a petition of sundry citizens of Houston, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of C. P. Kirkland Camp, No. 18, Department of Connecticut, United Spanish War Veterans, of Winsted, Conn., and a petition of A. W. Merriam Camp, No. 16, Department of Connecticut, United Spanish War Veterans, of Putnam, Conn., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine Insurrection, which were referred to the Committee on Pensions.

He also presented a petition of Local Grange No. 151, Patrons of Husbandry, of Enfield, Conn., praying for the enactment of legislation authorizing the Director of the Census to collect and publish additional statistics regarding tobacco, which was referred to the Committee on the Census.

He also presented a memorial of sundry citizens of Putnam, Conn., remonstrating against the repeal of the anticaneen law, which was referred to the Committee on Military Affairs.

Mr. PAGE presented a petition of the Woman's Christian Temperance Union of Jamaica, Vt., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. GALLINGER. I am directed by the Committee on Appropriations to report back with amendments the bill (H. R. 17681) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, and I submit a report (No. 434) thereon. I give notice that at the earliest opportunity I will ask that the bill be taken up for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 1086) to amend sections 680 and 686 of the Code of Law for the District of Columbia, reported it with amendments and submitted a report (No. 433) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140), reported it with an amendment and submitted a report (No. 435) thereon.

Mr. DIXON, from the Committee on Public Lands, to which was referred the bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests, reported it with an amendment and submitted a report (No. 437) thereon.

Mr. STEPHENSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5355) to acquire a site and for the erection thereon of a public building at Beaver Dam, Wis., reported it without amendment.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with amendments, and submitted reports thereon:

S. 5077. A bill providing for the erection of a Federal building at Pocatello, Idaho (Rept. No. 438); and

S. 248. A bill providing for the erection of a Federal building at Cœur d'Alene, Idaho (Rept. No. 439).

NEW LAND DISTRICT IN MONTANA.

Mr. DIXON. From the Committee on Public Lands I report back favorably with an amendment in the nature of a substitute the bill (S. 5075) for the establishment of a new land district in the State of Montana, and I submit a report (No. 436) thereon. I should like to ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill. The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to strike out all after the enacting clause and insert:

Beginning in the mid-channel of the Missouri River at a point where the eastern boundary of the State of Montana intersects the same; thence south along said State boundary to its intersection with the township line between townships 9 and 10 north; thence west to the southwest corner of township 10 north, range 58 east; thence north to the northwest corner of said township; thence west to the southwest corner of township 11 north, range 56 east; thence north to the northwest corner of said township; thence west to the southwest corner of township 12 north, range 55 east; thence north to the northwest corner of said township; thence west along the third standard parallel north to its intersection with the eleventh guide meridian; thence north along said guide meridian between ranges 44 and 45 east, allowing for proper offsets, to its intersection with the mid-channel of the Missouri River; thence easterly, following the mid-channel of said river, to its intersection with the eastern boundary of Montana, the place of beginning.

Sec. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for such land district, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices of said State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 5006) to provide for repairs and improvements at the lighthouse depot and headquarters, San Juan, P. R.; to the Committee on Commerce.

A bill (S. 5007) for the relief of Michael R. Morgan and others; to the Committee on Claims.

By Mr. JONES:

A bill (S. 5008) providing for the abandonment of the Vashon Island Military Reservation in the State of Washington, and for other purposes; to the Committee on Military Affairs.

By Mr. CULBERSON (for Mr. TAYLOR):

A bill (S. 5009) for the relief of the estate of John T. McClanahan; and

A bill (S. 5010) to pay the Southern Express Co. charges for carrying tents to Pulaski, Tenn.; to the Committee on Claims.

A bill (S. 5011) granting an increase of pension to David P. Wilcox (with accompanying papers); and

A bill (S. 5012) granting a pension to Robert Donson (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5013) granting a pension to Raymond R. Hammond (with accompanying papers); and

A bill (S. 5014) granting a pension to Mary J. Chick (with accompanying papers); to the Committee on Pensions.

A bill (S. 5015) to correct the naval record of Thomas Taylor; to the Committee on Naval Affairs.

By Mr. REED:

A bill (S. 5016) for the relief of the heirs of John A. Winn, deceased; and

A bill (S. 5017) for the relief of Frank Schilling (with accompanying papers); to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 5018) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910; to the Committee on Mines and Mining.

By Mr. FLETCHER:

A bill (S. 5019) granting an increase of pension to Michael Hilli; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 5020) to construct and place a lightship near the north end of Block Island, R. I. (with accompanying paper); to the Committee on Commerce.

By Mr. GORE:

A bill (S. 5021) to extend time of payment of balance due for lands sold under act of Congress approved June 17, 1910 (with accompanying paper); and

A bill (S. 5022) authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma (with accompanying paper); to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEYBURN submitted an amendment proposing to appropriate \$3,000 for conducting experiments in the breeding and raising of fur-bearing animals, the mink and marten, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate \$500 to reimburse Peter Mactelmy for damages sustained by him because of the sale by the United States to the State of Idaho of land for State park on a portion of which Peter Mactelmy made his home, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$500 to reimburse the State board of regents of the University of Idaho for the premium paid on an indemnity bond on account of the loss of a United States draft for \$25,000 in transit between the United States Treasury and the State treasury of Idaho, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SURVEY BETWEEN PUGET SOUND AND COLUMBIA RIVER.

Mr. JONES submitted the following concurrent resolution (S. Con. Res. 16), which was read and referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examination and survey to be made, and a report to be made thereon to Congress, of the intervening territory between Puget Sound and the Columbia River, with a view to determining the advisability of constructing a canal connecting Puget Sound with Grays Harbor, Willapa Harbor, and the Columbia River.

IMPROVEMENT OF COLUMBIA RIVER.

Mr. JONES submitted the following concurrent resolution (S. Con. Res. 17), which was read and referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, directed to submit, as early as practicable, an estimate of the cost of the improvement of the Columbia River from and including Grand Rapids to the international boundary line.

PACIFIC STATES TELEPHONE & TELEGRAPH CO. V. STATE OF OREGON.

Mr. CHAMBERLAIN. I ask to have printed as a public document the record in the Oregon case where the Supreme Court held constitutional the initiative and referendum amendment to the Oregon constitution. I ask to have the request referred to the Committee on Printing before action is taken by the Senate.

The VICE PRESIDENT. The request will be referred to the Committee on Printing.

PRINTING OF NORTH AMERICAN REVIEW ARTICLE.

Mr. HITCHCOCK. I ask to have printed as a public document an article which appeared in the February number of the North American Review, by Leander T. Chamberlain, entitled "A chapter of national dishonor," the same being a historical and critical review of the proceedings which led up to and culminated in the creation of the Panama Republic.

The VICE PRESIDENT. Without objection, the order will be entered.

Mr. HEYBURN. I should like to inquire whether the article is copyrighted or not.

Mr. HITCHCOCK. It is copyrighted; but I have secured the permission of the North American Review to have it printed as a public document with the approval of the Senate, providing that proper credit is given.

Mr. HEYBURN. The North American Review may not be able to stop the train after they have started it.

Mr. SMOOT. Mr. President, I object to the request until I know something more than the statement made as to what the article is.

Mr. HITCHCOCK. It is an article which has been widely read. I am rather surprised that the Senator from Utah has not read it or heard of it. It is one of the leading articles of the month, and appearing as the leading article in the North American Review, it has secured a prominence and attracted an amount of attention which has commanded a great deal of comment.

Mr. HEYBURN. What is it about?

Mr. HITCHCOCK. As I have stated, it is a historical and analytical article of the facts of which I spoke yesterday here in the Senate.

Mr. SMOOT. I should like to ask the Senator what is the reason for requesting that it be printed as a public document?

Mr. HITCHCOCK. Because I think it tends very much to illuminate the history of that more or less obscure proceeding, and because I believe that it is a subject on which there is a great deal of public interest and on which the Senate may act. I believe it is written in a temperate vein by a man who is an experienced and recognized publicist, and it is a considerable addition to the literature of the day.

Mr. SMOOT. There are so many articles published in magazines that if we should undertake to publish them all as public documents we would have our mails full all the time.

Mr. HITCHCOCK. That is quite true; I concede that; but I wish to say to the Senator from Utah that I am not a great offender. I think I am one of few Senators in the Chamber who never before asked for the publication of anything as a public document.

Mr. SMOOT. I think that is true.

Mr. HITCHCOCK. I make this request only because I believe the article is worthy of publication as a document, and I think the Senator from Utah will concede it if he examines the article.

Mr. SMOOT. If the Senator will allow it to be referred to the Committee on Printing, I will assure him that the committee will meet within the next few days and report it back.

Mr. HITCHCOCK. If the Senator desires to examine it first, and will give us an assurance of an early report, that will be perfectly satisfactory.

Mr. SMOOT. I would rather have it go to the committee.

The VICE PRESIDENT. Without objection, the matter, with the request of the Senator from Nebraska, will be referred to the Committee on Printing.

THE LAWRENCE (MASS.) STRIKE.

Mr. POINDEXTER. Mr. President, I desire to ask unanimous consent for the consideration of Senate resolution 231, calling on the Secretary of Commerce and Labor to report to the Senate certain information in regard to the condition of the mill workers in Lawrence, Mass., through the Bureau of Labor.

The resolution has been objected to here principally on account of the last clause in the resolution, directing him to report as to "what action has been taken by the local authorities at Lawrence to forcibly interfere with the free passage of said aliens or others from the city of Lawrence and State of Massachusetts to other States." I believe the objections were based on that provision. I ask unanimous consent that the resolution be amended by striking out the words which I have just read, and that as amended it be adopted.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of Senate resolution 231, that the concluding paragraph thereof be eliminated, and that the resolution as thus amended be passed.

Mr. GALLINGER. Mr. President, there can be no objection to the Senator amending the resolution by unanimous consent, but I shall object to its present consideration. The Senator can—

The VICE PRESIDENT. It can not very well be amended without being considered.

Mr. GALLINGER. The Senator can give notice that he will offer that amendment when the resolution is up again. I object to its present consideration.

The VICE PRESIDENT. Objection is made to the present consideration of the resolution.

Mr. POINDEXTER. Mr. President, I do not want to be misunderstood in reference to the purpose of my suggested amendment. I thought possibly it would secure the adoption of the resolution as amended. I do not care to offer the amendment unless—

The VICE PRESIDENT. The Chair so understood.

Mr. POINDEXTER. I do not care to offer the amendment if the consideration of the resolution is objected to. I desire to give notice that, in view of the fact that the Senator from Kansas [Mr. Bristow] is engaged in an address on the Stephenson case, I will not attempt to bring this matter up again to-day, but I will move the adoption of the resolution on Monday.

SENATOR FROM WISCONSIN.

The VICE PRESIDENT. The morning business is closed.

Mr. HEYBURN. I ask the Senate to proceed to the consideration of Order of Business 299.

The VICE PRESIDENT. The Senator from Idaho requests that the following business be laid before the Senate.

The SECRETARY. Order of Business 299: Senate resolution 136, directing the Committee on Privileges and Elections to investigate certain charges relative to the election of ISAAC STEPHENSON and the motion made by the Senator from Idaho [Mr. HEYBURN] that the report of the committee thereon be adopted.

The VICE PRESIDENT. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, when the Senate adjourned last evening I was reading from the testimony of Mr. Perrin, of Superior, Wis., who had received \$5,000 from the Stephenson fund, and who had disbursed a part of it. Perrin had disbursed, so he said, some \$350 of this fund to a Mr. Fridley, and also a part of it to Mr. Shields. Perrin received this \$5,000 in three installments. On the 30th of July he received \$1,000 from Mr. Edmonds, on the 4th of August another \$1,000, and on the 14th of August \$3,000 more.

The question was asked a number of times yesterday as to whether any of these men that received money were opposed to Mr. STEPHENSON before they received the money and afterwards supported him, so I desire to call to the attention of Senators the testimony of Perrin, which has a bearing upon this point. He was asked by the chairman of the subcommittee:

Do you know of any act or thing which he did because of the receipt of that money?

That question was asked of Perrin in interrogating him as to what Shields did with the money which Perrin had given Shields. His answer was:

Mr. PERRIN. I know that some people were active for the Senator after I gave him the money that were not before—that is, a certain class.

The CHAIRMAN. What is that class?

Mr. PERRIN. It would be mostly members of the Catholic Church.

The CHAIRMAN. Then that influence, you think, went in that direction?

Mr. PERRIN. I think so.

The CHAIRMAN. On the same day, the 26th, we have items of cash, \$50, \$50, \$50, \$50. They are all on August 26. Who got that money? Mr. PERRIN. They are all cash items?

The CHAIRMAN. They are cash items; but one of them is indorsed by "R. J. Agen, Sec'y."

Mr. PERRIN. He did not have the money. I think that was cash.

The CHAIRMAN. And C. R. Fridley. Did Mr. Fridley have the money?

Mr. PERRIN. He had the money where his name appears.

The CHAIRMAN. Who is Mr. Fridley?

Mr. PERRIN. He is the attorney to whom I referred a few moments ago.

The CHAIRMAN. * * * We will proceed to the 27th. We have three items on the 27th of \$10 each—one to J. W. Wilson, one to L. H. Mead, and one to Robert Inglis. Were those sums paid to those men for their use?

Mr. PERRIN. To be used by them in this campaign.

The CHAIRMAN. Did they use those sums of money?

Mr. PERRIN. So far as I am advised.

The CHAIRMAN. Do you know for what?

Mr. PERRIN. No, sir.

The CHAIRMAN. Were they compensation to those men personally or to be expended by them?

Mr. PERRIN. To be expended.

The CHAIRMAN. All of them?

Mr. PERRIN. So far as I can recollect now.

The CHAIRMAN. On the 28th we have three items—two of cash, \$50 and \$50, and one of \$25 to D. M. Maxey, and indorsed by him. Can you account for the cash items?

Mr. PERRIN. No, sir.

The CHAIRMAN. Can you account for the Maxey item?

Mr. PERRIN. Yes. That is, it was sent to him to be paid to men to attend the polling places on primary day in the interest of Senator STEPHENSON.

The CHAIRMAN. To attend the polling places for what?

Mr. PERRIN. For the purpose of disseminating information in regard to Senator STEPHENSON's qualifications.

The CHAIRMAN. Were you ever present when any of these men were disseminating information?

Mr. PERRIN. No, sir.

The CHAIRMAN. You have no idea as to the manner in which they disseminated it, or of the substance of the information?

Mr. PERRIN. Certainly not; no, sir.

The CHAIRMAN. We come now to the 29th. There are three items on the 29th: \$150 cash—can you account for that or any part of it?

Mr. PERRIN. I do not remember.

The CHAIRMAN. Forty-five dollars to T. W. McManus. What was that for?

Mr. PERRIN. May I look at that item?

The CHAIRMAN. Certainly.

Mr. PERRIN. That was for advertisement of Senator STEPHENSON's candidacy in some publication that he was in charge of, gotten out, I think, for use on Labor Day.

The CHAIRMAN. Is that a labor paper?

Mr. PERRIN. It was not a paper in that sense. It was, I think, simply a program with advertisements.

The CHAIRMAN. On the 31st there is an item of \$300 cash. Can you account for that or any part of it?

Mr. PERRIN. I do not remember.

The CHAIRMAN. That was received by you? All of these cash items were received by you, were they?

Mr. PERRIN. Yes. I do not know that I went to the bank and got them myself.

The CHAIRMAN. Is it the fact that the checks were drawn payable to "cash"?

Mr. PERRIN. Yes.

The CHAIRMAN. R. J. Shields, \$250; That is without any date.

Mr. PERRIN. That \$250 to R. J. Shields was paid to him out of the first check that I received from Mr. Edmonds.

The CHAIRMAN. You say in regard to that item, on page 1922, that you have the checks for all except that item, and it does not show on its face. Is that the item that you refer to now?

Mr. PERRIN. Yes. When I got that check I indorsed it over to him; and he gave me back his check, as I remember it now, for \$750.

The CHAIRMAN. Mr. Shields did?

Mr. PERRIN. Yes. So that that payment to him was not covered by a check.

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The CHAIRMAN. For what did you pay that money to Mr. Shields?

Mr. PERRIN. For use in Mr. STEPHENSON's campaign.

The CHAIRMAN. Did you have him account to you for it?

Mr. PERRIN. I do not think he ever did.

The CHAIRMAN. Did you ever ask him to account?

Mr. PERRIN. I did. He said he had expended it for Mr. STEPHENSON.

The CHAIRMAN. Did you ask for an itemized statement?

Mr. PERRIN. No, sir.

The CHAIRMAN. And he never rendered any?

Mr. PERRIN. No, sir.

The CHAIRMAN. You do not know what he expended it for?

Mr. PERRIN. No, sir.

The CHAIRMAN. I want to know a little more about Shields. You must have been very well acquainted with him.

Mr. PERRIN. Certainly.

The CHAIRMAN. In that you handed him over that check and gave him \$250 out of it.

Mr. PERRIN. I am very well acquainted with him.

The CHAIRMAN. Did you have a conversation with him at the time you handed it over to him?

Mr. PERRIN. Yes.

The CHAIRMAN. Tell us the conversation—what he said to you and what you said to him that resulted in the handing over of that check.

Mr. PERRIN. I can not remember the details.

The CHAIRMAN. Give us the substance.

Mr. PERRIN. The substance of it was that I went to him and asked him if he would put in some time in the Stephenson campaign. He said he would do what he could. I asked him how much money he thought he would need at that time, and he said that he ought to have \$250.

The CHAIRMAN. Did you tell him that you were disbursing Stephenson money at that time? You told him you had received this thousand dollars, did you?

Mr. PERRIN. Yes.

The CHAIRMAN. And he told you he could be of some use to Senator STEPHENSON, did he?

Mr. PERRIN. Yes.

The CHAIRMAN. How did he tell you he could be of use to Senator STEPHENSON?

Mr. PERRIN. I guess I know as much about that as he did. I do not know that he expressed himself in specific terms as to what he could do or would do.

The CHAIRMAN. What did he do for STEPHENSON's campaign?

Mr. PERRIN. I do not know.

The CHAIRMAN. You say you knew what he could do?

Mr. PERRIN. I knew what he could do; certainly.

The CHAIRMAN. Was that to be taken as a criterion of what he did do?

Mr. PERRIN. It was by me.

The CHAIRMAN. What did he do?

Mr. PERRIN. Taking that as a criterion, he could, and I believe he did, get men interested for Senator STEPHENSON that neither Senator STEPHENSON, Mr. Edmonds, nor I could otherwise get.

The CHAIRMAN. Get men that you could not get?

Mr. PERRIN. Yes.

The CHAIRMAN. How would he get them interested? What would he do?

Mr. PERRIN. I think he would mostly talk.

The CHAIRMAN. What would he say to them?

Mr. PERRIN. I am sure I do not know.

The CHAIRMAN. What would be the nature of the conversation?

Mr. PERRIN. I would not undertake to say.

The CHAIRMAN. How do you know it is not just exactly the conversation you or Mr. Edmonds would have had with these people?

Mr. PERRIN. Because I know that I could not talk to some of those people the way Mr. Shields could.

The CHAIRMAN. If you do not know what he said to them, how do you know that?

Mr. PERRIN. There are things, you know, that we know without being able to explain or express after long years of acquaintance with a man; that no man living can sit on the witness stand and detail.

The CHAIRMAN. Mr. Shields had something over \$300 as compensation—either he for talking or those to whom he talked for listening. How was it expended?

Mr. PERRIN. Or for those to whom he talked, to talk also.

The CHAIRMAN. Then do you think they shared in the \$300—the listener and the speaker?

Mr. PERRIN. And the other listeners. I carry that further than the one step. I think these men to whom he talked talked to a great many other people.

The CHAIRMAN. It was a sort of endless chain—talking to one man, and he to somebody else, and that man in turn to somebody else?

Mr. PERRIN. I hoped it would be so.

The CHAIRMAN. "Sending it down the line?"

Mr. PERRIN. That expresses it thoroughly.

The CHAIRMAN. Where did the money stop? How far did the money follow that conversation down the line?

Mr. PERRIN. Oh, I do not know.

The CHAIRMAN. You have not any idea?

Mr. PERRIN. It is impossible to trace that money to the ultimate consumer.

The CHAIRMAN. How much of this money indicated by the cash items or the checks remained in your hands?

Mr. PERRIN. Not a cent.

The CHAIRMAN. And yet you can not account for a cent of it that you paid out?

Mr. PERRIN. I can not in detail; no, sir.

The CHAIRMAN. Not a single item?

Mr. PERRIN. Not one.

The CHAIRMAN. That was rather a spectacular campaign in some respects, was it not, with money flowing out freely in those amounts?

Mr. PERRIN. To speak in the vernacular, I guess we got them "going some."

The CHAIRMAN. You can not remember a single instance that happened in that exciting time?

Mr. PERRIN. I do not remember the people to whom I paid the money.

The CHAIRMAN. Not one?

Mr. PERRIN. Not one.

Perrin was interrogated by Senator SUTHERLAND, as follows (p. 681):

Senator SUTHERLAND. Can you approximate in any way the number of people to whom you paid money, irrespective of the amount?

Mr. PERRIN. No, sir; no, sir.

Senator SUTHERLAND. Would it go up into the hundreds of people—less than 100 or more than 100?

Mr. PERRIN. I should think less than 100.

Senator SUTHERLAND. Less than 100?

Mr. PERRIN. I rather think so. I do not want to be understood as swearing positively to that.

Senator SUTHERLAND. You paid them amounts ranging from what to what?

Mr. PERRIN. Oh, from \$5 to sometimes as high as \$150, depending upon what I expected the man to do, where he could work, and what he could accomplish.

Thirty-one hundred and fifty-five dollars of this money was drawn by him out of the bank account in cash. Over \$2,500 of this cash was expended in the month of August, and yet the man who expended it states under oath that he can not remember a single individual to whom he paid a dollar of that cash.

Mr. HEYBURN. Mr. President, it might be more accurate to say that this money was drawn in August.

Mr. BRISTOW. Well, of course, I am taking the witness's statement, and he says he drew it in August and expended every cent of it. This witness has not told what he knows about this campaign. There is no complaint anywhere on the part of STEPHENSON's friends that he did not account for this money to their satisfaction. It is intimated that he appropriated it to his own use. It was given, as I have said, in three items, running from the 30th of July to the 14th of August. To my mind, that money was used or was given for one of two purposes—to buy Perrin and secure his support for STEPHENSON, depending upon him to disburse it as he saw fit in securing the support that he could for this \$5,000, or it was given to him to be disbursed to different individuals, leaving it to his judgment as to whom it should be paid. It evidently was for one of those two reasons. Either one, in my judgment, is an improper use of money in a campaign.

I might continue to read pages of testimony similar to that which I have been reading, but it is unnecessary. The testimony of this confidential agent of STEPHENSON demonstrates the corrupt use of money, if such a thing is possible in an election.

I am not a lawyer, and therefore not skilled in construing and misconstruing the words and phrases of the English language, but the statutes of Wisconsin make bribery a penal offense, and, among other things, they declare:

Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person in order to induce such person to procure or endeavor to procure the election of any person to a public office or the vote of any voter at any election—

to be guilty of bribery. The statutes also apply the laws relating to a general election to the primary election. If the employment of Wayland, Perrin, and others as indicated by the testimony that I have read is not in violation of this statute, then I must admit that I can not properly understand what this statute means.

The statutes of the State of Wisconsin also provide that—

Every person * * * who shall give or offer to give any valuable thing or bribe to any officer, inspector, or delegate * * * or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention * * * shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in the manner hereinafter provided.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. Will the Senator kindly read again the section of the statute that refers to the improper use of money?

Mr. BRISTOW. The one I have just read?

Mr. REED. The one the Senator has just read.

Mr. BRISTOW. It is as follows:

Every person * * * who shall give or offer to give any valuable thing or bribe to any officer, inspector, or delegate * * * or who shall give or offer to give any valuable thing or bribe to any elector

as a consideration for some act to be done in relation to such caucus or convention * * * shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner hereinafter provided.

Now, the law makes this applicable to a primary election as well as to a caucus or an election.

Mr. OVERMAN. May I make an inquiry of the Senator from Kansas?

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. BRISTOW. Certainly.

Mr. OVERMAN. It is whether STEPHENSON has been indicted or presented to the grand jury for anything in connection with this election or a violation of any statute.

Mr. BRISTOW. Not to my knowledge.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Certainly.

Mr. HEYBURN. I will give the Senator the benefit of my knowledge.

Mr. OVERMAN. I can not hear the Senator from Idaho.

Mr. HEYBURN. I have knowledge, obtained from inquiry of officials, that no prosecution has been instigated or proposed during all these years against any of the parties charged with violating this imaginary law.

Mr. BRISTOW. That these agents or scouts of STEPHENSON violated this statute I can not see how any reasonable man can doubt. But regardless of whether they violated the statute—indeed, if no such a statute had been in existence—it seems to me that the conduct of these men is indefensible and can not be excused or tolerated.

WILLIAM R. KNEEL.

I now come to a very interesting agent of the Stephenson organization in the campaign, Mr. William R. Knell, who was the Stephenson manager for Milwaukee.

He testified that in organizing and conducting the campaign he expended \$11,886.61. He submitted to the legislative committee a statement of the purposes for which he expended this money; \$5,748 of this money was paid to ward organizers. There also appears to have been \$875.65 expended under the head of "expenses on account of organization." Of this amount there appears to be no statement either by Mr. Knell or anyone else as to what these expenditures were for.

The statutes of Wisconsin make it unlawful for anyone "to give or offer to give any valuable thing or bribe to any officer, inspector, or delegate," yet Knell seems to have paid money to three different election inspectors in Milwaukee.

One Arthur Wilcox was paid \$100, he being an election inspector. This was in violation of the statutes of the State.

Leo F. Kelpinski, an inspector of the fifth precinct of the fourteenth ward, was paid \$55. And Archie Hamilton, one of the inspectors in the second precinct of the seventeenth ward, was paid \$25.

Knell says he did not know at the time he paid these men that they were election inspectors. He was at that time the sheriff of Milwaukee County, and, of course, he can not plead ignorance as a justification of his unlawful acts. He was disbursing this money in such quantities to organizers in the various wards and precincts of the county in which he was serving as sheriff that, even if he was not sensitive as to its moral turpitude, he should at least not have openly violated the plain statutes of his State. Arthur Wilcox, one of the inspectors, had held that office for 10 years, yet the sheriff claims not to have known that he was an inspector. Hamilton claims to have done the work he did for STEPHENSON in a ward other than the one of which he was an inspector. Such a claim is in harmony with the whole spirit of the Stephenson organization—as though a judge of an election who was forbidden to accept any contribution of any kind from any candidate could violate that statute, provided he did his work in some other precinct than the one of which he was an inspector. Hamilton also had been an inspector for about 10 years.

The payment of \$55 to Kelpinski, of the fourteenth ward, brought out some interesting incidents. Knell, in commenting upon this payment, relates the following (p. 1773). I should like Senators to listen to this:

Mr. BROWN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. BRISTOW. I do.

Mr. BROWN. Was the payment of this money to the inspectors by Knell questioned at all by anybody?

Mr. BRISTOW. I think not.

Mr. BROWN. Is it admitted by the sheriff?

Mr. BRISTOW. It is admitted by Knell himself.

Mr. OVERMAN. Knell, you say, was the agent of the organization?

Mr. BRISTOW. Yes; he was the organizer for Milwaukee County.

Mr. OVERMAN. Now, has the Senator in mind at this time the testimony—my recollection is that there is testimony in the record to show—that the Senator from Wisconsin knew of the agency of this man Knell?

Mr. BRISTOW. Oh, yes; there is no doubt about that.

Mr. OVERMAN. Does the Senator from Kansas contend—I want to know his position; I am very much interested in his speech—that the payment by the Senator, or through his agent, to Knell of \$11,000, without the knowledge of the Senator himself of the employment of these inspectors in violation of the law, makes the Senator guilty of an offense—violating the law?

Mr. BRISTOW. I do not think the Senator could be indicted for it, but my contention is that the accredited agents of Mr. STEPHENSON, in securing this nomination, violated the laws of Wisconsin in so doing and also expended money corruptly.

Mr. OVERMAN. There is no question about that; but to what extent is the Senator from Wisconsin to be held? I want the opinion of the Senator from Kansas.

Mr. BRISTOW. I do not think the Senator from Wisconsin could be indicted for a crime committed by somebody else, but I think his seat here can be questioned if it was obtained through corrupt means.

Mr. SUTHERLAND. Does the Senator from Kansas recollect that this man Kelpinski was not in the employment—

Mr. BRISTOW. If the Senator from Utah will pardon me, I will in one minute give the story of Kelpinski in full, and I will give just what he wants to know. But I prefer to do it in this way, because I have it fully covered here.

Mr. SUTHERLAND. The only purpose of my inquiry was that Kelpinski was in the employ of Knell—

Mr. BRISTOW. I will tell the story the Senator has in his mind. I am not going to conceal anything. This is an absolutely frank presentation, so far as I have been able to place it before the Senate from the testimony.

Mr. SUTHERLAND. Very well.

Mr. BRISTOW. I was just going to call the attention of the Senate to Knell's story of his connection with Kelpinski, and I am giving it to you in his own words—Knell's words:

Leo F. Kelpinski was to receive \$110, one-half cash, the balance when the primary was over. He was to look after, I believe, two precincts in the fourteenth ward, two in the eighteenth ward, and one each in the thirteenth and twenty-first wards. A few days after paying him \$55 one of my deputies rang me up on an evening, and the following conversation ensued: "Is this the sheriff?" "Yes." "This is Matuszewski." "Well, what is it, Matt?" "I thought you said Leo Kelpinski was working for you." "So he agreed to." "Is he got the money?" "Part of it." "Well, you're done." "Why do you say so?" "I just saw a check for \$100 which he cashed in a saloon down here. It was Cook money." "You saw the check? Are you sure of that?" "I saw the check with my own eyes; I can swear to it." I then said, "Well, you know, Matt, that one is got to expect a certain amount of 'double crossing' in politics."

That ended the conversation, and naturally I refused to pay the balance claimed to be due.

Kelpinski says that Richard White, one of Knell's lieutenants, told him that if he would carry the precinct for STEPHENSON he would pay him \$100. Kelpinski told him that that would be easy, and that he was going to a picnic the next day, and that it might be well for him to have some of the money, so White paid him \$50. But I will give it to you in Kelpinski's own language. He says (p. 1901):

I told him that was easy; if the precinct didn't go for STEPHENSON I didn't want the \$100. I says, "But I am going to a picnic to-morrow," as I said before, "and I can spend the money there, and so." I says, "\$50 would do." After he gave me the \$50 and I started to go out he called me back and he says, "I may be up there myself, but," he says, "if I ain't I will give you \$5 more, so you will have enough." And I spent about \$75 or \$80 that day.

So far the testimony of Kelpinski corroborates that of Knell. He says he received \$55 of STEPHENSON's money; Knell says that he paid him \$55 and was to pay him some more, but he found out that he was being "double crossed." Kelpinski says that on the day of the picnic he spent \$75 or \$80. When asked how he spent it, he said:

I went from bar to bar and from ice-cream stand to ice-cream stand, and I told everybody to come on and have a drink on Senator STEPHENSON, and I distributed lots of cards and buttons at that picnic.

Now, there were about 36 of these organizers employed for Milwaukee County.

Apparently Knell did not care how Kelpinski used the money, but he did not want to be "double crossed." He was perfectly willing to pay the price, but he wanted to be certain to receive the goods he was paying for.

Knell's record also shows that he gave William O'Connor, of the fourth ward, \$500. Apparently the committee could not

find O'Connor; at least it did not take his testimony to find out what he did with the \$500 in the fourth ward. O'Connor seems to have had an assistant who received \$50. Knell, in testifying as to this expenditure, said (p. 1963):

I gave William O'Connor \$500.
The CHAIRMAN. For what purpose?
Mr. KNELL. * * * to look after the fourth ward, in particular the colored vote and the railroad vote adjoining on the south of the fourth ward—that is, in the eighth ward.
Senator POMERENE. \$500, you say.
Mr. KNELL. \$500; yes.
The CHAIRMAN. Do you know what they did with the money?
Mr. KNELL. I think the greater part of it was spent for that purpose.
The CHAIRMAN. For the same purpose you have indicated?
Mr. KNELL. Yes. I suppose they had themselves paid out of it.
The CHAIRMAN. Those men will not be called, they not being within the reach of the summons. I have no further questions of Mr. Knell.

O'Connor was the superintendent of the garbage hoist of the city of Milwaukee, and probably in his official capacity gave employment to a large number of negroes. He therefore was thought to be a very useful man to the Stephenson organization. So he was given \$500 as his part of the boodle.

Mr. SUTHERLAND. The Senator, I suppose, has concluded what he has to say about Kelpinski?

Mr. BRISTOW. I have.

Mr. SUTHERLAND. The Senator has not discussed the point I had in mind. I understand the Senator to say that Kelpinski was an election inspector, and that Knell must have known of it. I call the Senator's attention to the fact that Knell severed all relations with Kelpinski at least four or five weeks before the primaries were held at all, and Knell says he knew nothing about Kelpinski being an inspector.

Mr. BRISTOW. He says he did not know that any of these men were inspectors.

Mr. SUTHERLAND. I am speaking of Kelpinski. He did not know Kelpinski was an inspector. Does the Senator know whether Kelpinski was appointed more than four weeks prior to the primary election? I do not know about that myself.

Mr. BRISTOW. It is an office that lasts for two years. They are appointed every two years.

Mr. SUTHERLAND. They are appointed two years before?

Mr. BRISTOW. Yes.

Mr. SUTHERLAND. I call the attention of the Senator to page 1786 of the record, where Knell expressly says his relationship had been severed.

Mr. BRISTOW. After Knell found he was being "double-crossed" he had nothing more to do with Kelpinski. He thought Kelpinski had sold out to the other fellows, and he did not want to buy a man who would not "stick."

Mr. SUTHERLAND. He had nothing to do with him at the time of the primary election. That is the point of my suggestion.

Mr. BRISTOW. I think not. I think they had fallen out over some matters.

Morris Cleary and Alf. J. Klumb, a railroad conductor and locomotive engineer, were paid \$450 to look after the sixteenth ward. They were also furnished nine assistants, consisting of a yard man, a railroad man, a foreman, a locomotive engineer, a railroad man, a saloon and restaurant keeper, and three other railroad men, all being paid \$25 each, except the saloon and restaurant keeper, who received \$10, and one of the railroad men, who received \$15, making, all told, \$650 that was expended in that ward. Knell, in his testimony, page 1962, was asked:

The CHAIRMAN. For what purpose did you give them this money?
Mr. KNELL. For the purpose of organizing the ward by hiring precinct men and primary day workers, distributing literature and cards, and in a general way enhancing the interests of Mr. STEPHENSON.
The CHAIRMAN. Did you have any accounting from these men?
Mr. KNELL. No. They estimated what it would take before I gave them the money.

One A. Rosenheim was the manager in the fourteenth ward. He was a saloon keeper, and he received \$325. In his testimony, when asked as to what he did with the money, he said (p. 1886):

I paid out \$105 to the workers, and the rest I spent in the saloons wherever I went.

There were about 35 of these ward managers, and the price paid them ranged from \$80 to \$500. Lee G. Merville, of West Allis, a precinct, was paid \$200, and given an assistant, one Pavelick, to whom was paid \$30. Mr. H. B. Daggett, of West Milwaukee, was paid \$175. He had no assistant. W. R. Jones, of the twenty-second ward, was paid \$100, and given two assistants, one of whom was paid \$50 and the other \$30.

Knell seemed to be a great organizer. He not only had these various ward managers but he had racial managers as well. His account shows that he paid his Greek manager \$110 for the campaign, while he paid his Hebrew manager only \$45—which seems to me an unwarranted discrimination against the Jew.

Knell's statement of expenditures is as follows.

I will not burden the Senate by reading it; but he goes through and gives quite an elaborate, detailed statement here as to the purposes for which he expended the money and comments on it very frankly. Something over \$500 of it was for these ward managers, and between eight and nine hundred dollars was for organization purposes, but what those organization purposes were is not disclosed at all.

Exhibit Knell 1, Oct. 25, 1911.

BILLS PAID BY CHECK.

Check No.	Name, and for what expended.	Amount.
5	L. Breithaupt Printing Co., printing	\$36.25
8	John Calahan, rent	25.00
9	L. Breithaupt Printing Co.	159.29
10	Knell, Prengal & Steltz Co., cigars	29.50
11	Saxe Sign Co., signs	24.35
12	H. H. West Co., stationery	11.20
13	Streissguth-Petran Co., halftones and cuts	25.65
14	Laudon Electrotyping Co., electros	14.70
15	Remington Typewriter Co., rent	15.00
16	Siekert & Baum Stationery Co., stationery	37.50
17	Standard Paper Co., case of envelopes	26.24
18	Wm. C. Kreul Co., rent	46.00
21	Standard Paper Co., case of envelopes	26.24
22	David C. Owen, 25 M 2-cent stamps	500.00
26	F. L. Schneider, distributing	60.00
27	Keystone Printing Co., advertising	15.00
29	Edw. Pepper, distributing	60.00
30	Keystone Printing Co., 100 M sample ballots	125.00
32	H. Sperber, advertising	25.00
33	Cream City Bill Posting Co., fifty 20-sheet posters	130.00
35	Siekert & Baum Stationery Co., stationery	5.35
36	Standard Paper Co., case of envelopes	26.24
37	Knell, Prengal & Steltz Co., cigars	29.50
38	Rosberg Adv. Co., printing letters	25.00
39	S. E. Tate Printing Co., cards	15.00
40	Streissguth-Petran Co., cuts	7.75
41	Waukesha-Roxo Co., water	3.68
42	Schwaab Stamp & Seal Co., rubber stamps	2.25
43	P. J. Sullivan, account distributing	50.00
44	L. Breithaupt Printing Co., printing	199.50
45	Juneau Press, Jewish cards	15.00
47	D. C. Owen, 50 M 1-cent stamps	500.00
48	D. C. Owen, 40 M 1-cent stamps	400.00
50	John Calahan, rent	10.00
51	Rosberg Advertising Co., printing letters	7.50
52	S. E. Tate Printing Co., Slavonic cards	6.50
53	Benoy Printing Co., advertising	12.00
54	Remington Typewriter Co., rent	12.00
55	Waukesha-Roxo Co., water and ice	7.10

PERSONAL CHECK.

		Amount.
612	Lee Merville, expenses West Allis meeting	\$27.50
615	Jones Island workers on primary day (2)	20.00
619	Rambler Garage Co., auto hire	43.50
620	S. E. Tate Printing Co., Slavonic cards (second lot)	6.50
629	Wm. C. Kreul Co., 1 chair claimed lost	2.25
633	Knell-Prengal & Steltz Co., cigars	13.00
638	Wisconsin Telephone Co., rental, etc.	32.10
Total		2,864.05

CASH DISBURSEMENTS.

Date.	For what expended.	Amount.
1908		
July 1	Expenses to Wausau and return, two persons	\$21.60
2	Expenses account of organization	7.65
3	Rent for headquarters, 2 months	150.00
4	Expenses on account of organization	9.15
9	do	3.75
10	do	15.20
11	do	9.65
12	do	14.90
13	Broom, etc.	1.00
	Expenses on account of organization	5.60
14	Window screens	1.75
	Expenses on account of organization	10.40
	Wages to help, week ending July 11	20.00
	Expenses on account of organization	5.80
15	Expenses, 1 man to attend colored picnic	5.00
	Expenses on account of organization	18.70
16	Hammer, screw driver, etc.	1.36
	Guse, services	2.00
	Expenses on account of organization	7.55
	1,080 postage stamps	20.00
17	Expenses on account of organization	9.25
	do	17.85
18	do	12.05
19	do	18.35
20	do	6.55
21	do	4.60
	do	16.40
	Fowler Towel Supply Co.	1.00
22	Livery hire	2.00
	Expenses on account of organization	12.35
	Wages, week ending July 18	65.55
23	Livery hire	2.50
	Tacks, etc.	1.10
	Expenses on account of organization	13.55
24	do	11.70

Exhibit Knell 1, Oct. 25, 1911—Continued.
CASH DISBURSEMENTS—continued.

Date.	For what expended.	Amount.
1908.		
July 24	Boy, omitted from last pay roll.....	\$5.00
	Tickets for Catholic Forester picnic.....	1.00
	Tickets for West Allis firemen's tournament.....	1.00
25	1 man to Allis-Chalmers picnic at Waukesha.....	10.00
	Livery hire.....	5.00
	1 man to picnic of colored church.....	5.00
	Expenses on account of organization.....	21.65
	Expenses on account of organization in towns.....	34.10
27	Roberts, expenses looking up Welsh voters.....	.75
	Car tickets.....	1.00
	Pay roll, week ending July 25.....	124.00
	Expenses on account of organization.....	15.70
28	J. F. Haunty, distributing.....	6.00
	Expenses on account of organization.....	15.10
29	do.....	8.65
	Expenses obtaining signatures to nomination papers.....	184.20
	5,000 2-cent stamps.....	100.00
	Expenses on account of organization.....	14.50
	Wauwatosa poll lists (typewritten).....	10.00
30	Livery hire (4 days).....	10.00
	Expenses checking poll lists of city of Milwaukee.....	130.00
	Expenses on account of organization.....	13.75
31	1 man at Welsh picnic.....	5.00
	Street-car tickets.....	1.00
	Expenses on account of organization.....	7.00
Aug. 1	do.....	13.85
2	do.....	7.10
3	Pay roll, week ending Aug. 1.....	143.50
	Expenses on account of organization.....	6.50
4	Expenses to McMahon.....	1.50
	Hammer, etc.....	3.00
	Expenses to Cohen.....	1.50
	Expenses on account of organization.....	9.40
5	Expenses billing and organizing town of Greenfield.....	43.95
	Expenses to Cohen and others.....	6.50
	Expenses on account of organization.....	11.40
6	do.....	7.55
	Expenses to 1 "toucher".....	.50
7	Expenses on account of organization.....	11.45
8	do.....	17.45
9	do.....	32.10
	Expenses to McMahon.....	1.35
10	Pay roll, week ending Aug. 8.....	153.50
	Services by National Quartette.....	10.00
	Expenses on account of organization.....	7.00
11	Copying eighteenth ward poll list.....	10.00
	Expenses to H. P. K., work in twenty-third ward.....	4.00
	Expenses on account of organization.....	11.65
12	City Directory.....	5.00
	Expenses on account of organization.....	17.30
13	Expenses to F. S., fifth ward.....	2.00
	Expenses to old soldier for frame.....	5.00
	Livery hire.....	7.50
	Expenses colored voters' meeting.....	4.00
	Expenses on account of organization.....	11.30
14	Expenses to Roberts, looking up Welsh voters.....	2.00
	Expenses on account of organization.....	16.20
	Touches by various lesser lights.....	3.50
15	Expressman taking mail to post office.....	.75
	Expenses on account of organization.....	17.40
16	do.....	23.15
17	Telephone tolls.....	1.50
	Expenses on account of organization.....	19.10
	Pay roll, week ending Aug. 15.....	142.50
18	Auto hire.....	5.50
	Tickets to picnic of Railway Trainmen.....	2.00
	Expenses on account of organization.....	14.65
19	do.....	21.35
20	Tickets to picnic of Electrical Workers' Union.....	5.00
	Numerous and various touches.....	17.00
	Expenses on account of organization.....	8.45
21	Hall rent, West Allis meeting.....	15.00
	Expenses with delegation of railway employees.....	5.40
	Expenses on account of organization.....	22.10
22	Livery hire.....	5.00
	Expenses 2 men at Jewish picnic.....	6.00
	Expenses on account of organization.....	14.70
23	Expenses trip through Ghetto (3 men).....	25.00
	Livery hire.....	2.00
	Tickets from Benevolent Society.....	2.00
	Expressman, hauling mail.....	2.50
	Expenses to McMahon.....	2.05
	Expenses on account of organization.....	9.30
24	Pay roll, week ending Aug. 22.....	174.85
	Expenses picnic at Waukesha, street railway employees.....	20.00
	Tickets, Company D, Wisconsin National Guard.....	10.00
	Additional pay roll, week ending Aug. 22.....	3.40
	Advertising, colored men's paper.....	5.00
	Services, National Quartette (various occasions).....	16.00
	Expenses on account of organization.....	32.75
25	Touch by 2 old soldiers.....	2.00
	Touch by 2 heelers.....	2.00
	Expenses on account of organization.....	17.40
26	Advertising, bartenders' program.....	4.00
	Expenses on account of organization.....	22.30
27	do.....	18.70
29	do.....	17.65
30	do.....	31.15
	Tickets, game of Milwaukee baseball league.....	2.00
	Expenses with Phoenix and Liberty Clubs.....	10.00
	Three citizenship papers.....	3.00
	Expenses to McMahon.....	4.00
	Two teams, primary day, town of Greenfield.....	12.00
	One team, primary day, town of Wauwatosa.....	7.00
	Expenses to ward and town managers, including conveyances, primary-day workers, etc.....	5,833.00

Exhibit Knell 1, Oct. 25, 1911—Continued.
CASH DISBURSEMENTS—continued.

Date.	For what expended.	Amount.	
1908.			
Aug. 30	Expenses to Greek manager and primary-day workers.....	\$110.00	
	Expenses to Hebrew manager and primary-day workers.....	45.00	
	P. J. Sullivan, balance, distributing.....	70.00	
	Final pay roll.....	155.50	
	Advertising, Italian paper.....	10.00	
	Towell Bros., advertising.....	34.85	
	Patterson Typewriting Co., letters, etc.....	118.45	
	Advertising in colored men's paper.....	5.00	
	E. H. Daniels & Co., tacks, etc.....	1.20	
	Siekert & Baum Stationery Co.....	6.20	
	Fowler Towel Supply Co.....	1.00	
	Advertising, aldermanic ball-game program.....	15.00	
	Humphrey (Welsh), primary-day worker (not in total).....	20.00	
	Auto to West Allis meeting (Spehn).....	8.00	
	Wilson Detective Agency, watching mail.....	12.00	
	Chas. S. McGinn, distributing.....	75.00	
	Keystone Printing Co., printing, etc.....	60.75	
		9,239.16	
RECAPITULATION.			
Amount disbursed in cash.....		\$9,239.16	
Amount disbursed by check.....		2,864.05	
Total disbursements.....		12,103.21	
Credits:			
Stamps returned to postmaster.....		\$100.00	
Stamps on hand.....		17.80	
Envelopes on hand 20-1/2M.....		12.30	
Cigars on hand.....		6.50	
L. Brethaupt Printing Co.....		60.00	
Other supplies and material on hand and usable (estimated).....		20.00	
Total credits.....		216.60	
Actual or net amount disbursed.....		11,886.61	
Amount received.....		11,600.00	
Disbursements in excess of receipts.....		286.61	
Names, addresses, and occupations of the persons and the amount of money paid to each of the persons participating in the distribution of the \$5,833.			
Name.	Address.	Occupation.	Amount.
FIRST WARD.			
Chester Roberts.....	711 Racine Street....	Real estate and loans....	\$100.00
R. Humphry.....	184 Knapp Street....	Contractor.....	20.00
SECOND WARD.			
O. Janssen.....			80.00
(?).....	(?).....	(?).....	20.00
THIRD WARD.			
Arthur Wilcox.....	342 Jackson Street....	Gas fitter.....	100.00
Domonic Baroni.....	177 Michigan Street....	Notary public.....	25.00
FOURTH WARD.			
Wm. O'Connor.....	822 Sycamore Street....	Superintendent garbage hoist.	500.00
(?).....	(?).....	(?) (about).....	50.00
FIFTH WARD.			
Fred Stark, jr.....	214 Greenbush Street....	No regular occupation....	100.00
SIXTH WARD.			
Emil C. Hammer.....	141 North Avenue....	Barber.....	160.00
H. E. Ruggaber.....	640 Third Street.....	Clerk.....	15.00
SEVENTH WARD.			
Geo. B. McKinley.....	405 Van Buren Street....	Salesman.....	150.00
EIGHTH WARD.			
Tom Novotny.....	Tenth Avenue and Scott Street.	Saloon.....	150.00
NINTH WARD.			
			100.00
TENTH WARD.			
			100.00
ELEVENTH WARD.			
Martin E. Wilde.....	557 Seventh Avenue....	Real estate and loans....	100.00
TWELFTH WARD.			
Wm. Bark.....	411 Greenfield Ave..	Barber.....	125.00
Archie Hamilton.....	224 Lenox Street.....	Clerk.....	25.00
THIRTEENTH WARD.			
John Sonnenburg.....	980 Richards Street .	Union Monument Co.....	170.00

Names, addresses, and occupations of the persons, etc.—Continued.

Name.	Address.	Occupation.	Amount.
FOURTEENTH WARD.			
Leo F. Kelpinski.....	929 Tenth Avenue...	Assistant superintendent.	\$100.00 55.00
FIFTEENTH WARD.			
A. Rosenheim.....	1405 Vliet Street....	Saloon.....	325.00
Do.....	do.....	do.....	20.00
SIXTEENTH WARD.			
T. L. Clary.....	656½ 35th Street....	Railroad conductor.....	450.00
Alf. J. Klumb.....	3226 Park Hill Ave..	Locomotive engineer.....	
W. G. Breckenridge....	317 23d Avenue.....	Yardman.....	25.00
(?) Mahoney.....	(?).....	Railroad man.....	25.00
A. N. Lucas.....	3115 Sycamore Street	Foreman.....	25.00
E. Edwards.....	3034 33d Street.....	Locomotive engineer.....	25.00
(?) Fischer.....	do.....	Railroad man.....	15.00
James O'Connor.....	3500 Canal Street....	Saloon and restaurant..	10.00
(?) You-z.....	(?).....	Railroad man.....	25.00
(?) Brady.....	(?).....	do.....	25.00
(?) Fair.....	(?).....	do.....	25.00
Total.....			3,240.00
SEVENTEENTH WARD.			
J. Redfern.....	387 Beulah Avenue..	Iron worker.....	145.00
W. Lawrie.....	392 Beulah Avenue..	Molder.....	
G. Edmonds.....	349 Beulah Avenue..	Iron worker.....	50.00
C. E. Hickman.....	212 Woodward Ave..	Bookkeeper.....	25.00
J. M. Douglas.....	400 Superior Street..	Pattern maker.....	20.00
EIGHTEENTH WARD.			
Phil S. Farley.....	392 Oakland Ave....	Foreman.....	180.00
H. P. Lochemes.....	630 Bartlett Street..	Plumber.....	
J. Haunty.....	(?).....	Electrician.....	10.00
Nacek.....	(?).....	(?).....	25.00
Nolan.....	(?).....	(?).....	10.00
NINETEENTH WARD.			
			100.00
TWENTIETH WARD.			
O. F. Krueger.....	1044 Teutonia Ave..	Physician.....	145.00
TWENTY-FIRST WARD.			
H. S. Young.....	1318 Richards Street.		125.00
TWENTY-SECOND WARD.			
W. R. Jones.....	850 27th Street.....	Salesman.....	100.00
H. J. Hanson.....	685 34th Street.....	Assistant paymaster.....	50.00
Geo. Luther.....	763 28th Street.....	Salesman.....	30.00
TWENTY-THIRD WARD.			
H. C. Kapanka.....	862 National Avenue	Barber.....	80.00
(?).....	(?).....	(?).....	20.00
WEST ALLIS.			
Lee G. Merville.....	West Allis, Wis....	Machinist.....	200.00
(?) Pavelick.....	do.....	(?).....	30.00
SOLDIERS' HOME.			
(?) Hart.....	National Home, Wis	Sergeant.....	50.00
(?).....	(?).....	(?).....	20.00
SOUTH MILWAUKEE.			
Geo. Anderson.....	South Milwaukee, Wis.	Molder (?).....	60.00
WEST MILWAUKEE.			
H. B. Daggett.....	449 43d Avenue.....	Real estate and loans....	175.00
CITY OF WAUWATOSA.			
Geo. Lund.....	Wauwatosa, Wis....	Saloon.....	40.00
(?).....	(?).....	(?).....	10.00
TOWN OF WAUWATOSA.			
Christ Sommers.....	Wauwatosa, Wis....	Farmer.....	15.00
John Barnekow.....	do.....	do.....	10.00
Gillett.....	do.....	do.....	10.00
(?).....	do.....	do.....	10.00
TOWNS OF GREENFIELD AND FRANKLIN.			
Schneider (?).....	(?).....	(?).....	50.00
VILLAGE OF NORTH MILWAUKEE.			
H. Brielmere.....	North Milwaukee, Wis.	Saloon.....	20.00
CITY OF CUDAHY.			
(?).....	(?).....	(?).....	40.00

Names, addresses, and occupations of the persons, etc.—Continued.

Name.	Address.	Occupation.	Amount.
VILLAGE OF WHITEFISH BAY.			
John Singles.....	Whitefish Bay, Wis.	General store.....	\$20.00
TOWN OF MILWAUKEE.			
John Kuettemeyer.....	Green Tree, Milwau- kee County.	Saloon.....	10.00
(?).....	(?).....	Truck gardener.....	5.00
Four primary day workers.	(?).....	(?).....	20.00
TOWN OF GRANVILLE.			
Louis Tennesen.....	West Granville, Wis.	Saloon.....	10.00
Theo. Schweitzer.....	Brown Deer, Wis....	do.....	10.00
TOWN OF OAK CREEK.			
Primary day workers and teams.	(?).....	(?).....	20.00
Total.....			5,190.00
TOWN OF LAKE.			
M. Hurley.....	358 Scott Street....	Teamster.....	40.00
(?).....	(?).....	(?).....	30.00
VILLAGE OF EAST MILWAUKEE.			
Primary day worker and team.			10.00
McMitten, lives near Hales Corners, furnished two teams on primary day.....			
			\$15.00
Two horses and buggy, town of Wauwatosa, on primary day.....			
			10.00
One man, name and location unknown, primary day.....			
			3.00
One assistant manager, having general supervision of the organization work, office help, and field work, for ex- penses during about eight weeks.....			
			350.00
Primary night, bringing in returns from outlying districts..			
			80.00-100.00
Total.....			5,748.00
Amount shown in report to Stephenson managers.....			
			5,833.00
Amount received from Mr. Edmonds, by him reported....			
			300.00
Total disbursed.....			
			6,133.00
Amount enumerated in foregoing statement.....			
			5,748.00
Disbursed to men whose names are not remembered.....			
			385.00
By way of explanation I wish to state, with reference to the wards in which the largest amounts have been placed, as follows:			
Fourth ward. This ward manager was to look after part of the so- called railroad vote and the colored vote. The colored population of Milwaukee is split into almost as many factions as is the Republican Party and Democratic Party combined. And then some.			
Fifteenth ward. This ward manager was to look after the vote of a thickly populated district immediately west of the ward and commonly called Center City. It is in the town of Wauwatosa and not incor- porated.			
Sixteenth ward. These ward managers, and the others enumerated, were to look after the so-called railroad vote, the railroad shops, rail- road yards, switch yards, and that part of the town of Wauwatosa ad- joining these different yards and shops, as well as the railroad vote in general in the county.			
West Allis. This manager was to look after part of the so-called soldiers' home vote and part of the town of Greenfield.			
West Milwaukee. This manager was to look after part of the so- called soldiers' home vote and the northeast part (most thickly popu- lated) of the town of Greenfield.			
Fourteenth ward. Leo F. Kelpinski was to receive \$110, one-half cash, the balance when the primary was over. He was to look after, I believe, two precincts in the fourteenth ward, two in the eighteenth ward, and one each in the thirteenth and twenty-first wards. A few days after paying him \$55 one of my deputies rang me up on an evening and the following conversation ensued: "Is this the sheriff?" "Yes." "This is Matuszewski." "Well, what is it, Matt?" "I thought you said Leo Kelpinski was working for you?" "So he agreed to." "Is he got the money?" "Part of it." "Well, you're done." "Why do say so?" "I just saw a check for \$100 which he cashed in a saloon down here. It was Cook money." "You saw the check? Are you sure of that?" "I saw the check with my own eyes, I can swear to it." I then said, "Well, you know, Matt, that one is got to expect a certain amount of 'double-crossing' in politics."			
That ended the conversation, and naturally I refused to pay the balance claimed to be due.			
Greek manager, Mr. Sarrass, given name and address unknown at this time. He lives in the northwestern part of the city and I meet him occasionally. Mr. Sarrass was to secure the services of, I believe, nine primary-day workers, aggregating \$45, and the balance was to be for his services and expenses. About two weeks' work.			
Hebrew workers. Mr. Abe Cohen received \$45 for which he was to secure eight primary-day workers, aggregating \$40, and for the other \$5 he was to busy himself on primary day looking after his men.			
First ward, 1; fifth ward, 1; sixth ward, 3; ninth ward, 2; tenth ward, 1.			
It is unfortunate that the committee has not furnished the Senate with more testimony from these ward managers. From the meager information which the volumes furnished us contain,			

it seems that the money was largely spent in the Milwaukee saloons by a lot of political scavengers who always had their hands out for boodle. Of course such men as these will always be found in the camp of the candidate who is most willing to put up the money, and in this case Senator STEPHENSON was that candidate.

The four Republican candidates for Senator, according to their statements, expended in this primary the following amounts: STEPHENSON, \$107,793.05; Cook, \$42,293.29; Hatton, \$26,413; and McGovern, \$11,063.88. And be it said to the honor of the city of Milwaukee, the candidate who expended the least money and who probably hired none of these political cormorants received more than twice as many votes as did Senator STEPHENSON, who spent \$27,000 more than all of the others combined. The vote in Milwaukee was: McGovern, 12,053; Cook, 5,420; STEPHENSON, 5,385; and Hatton, 2,764. Knell says he had employed about 400 workers, hired by him to "make sentiment" for STEPHENSON. Yet Knell, the sheriff of the county, with his 400 mercenaries, was able to secure for his chief only a little over 5,000 votes out of a total of 25,622. STEPHENSON expended more money in Milwaukee County than McGovern expended in the entire State.

LESTER S. DRESSER.

Lester S. Dresser was another one of Edmonds's upstate organizers. He was paid in all \$2,350—\$2,100 before the primary and \$250 immediately after. During the investigation he was asked by the chairman of the Senate subcommittee (p. 998):

What did you do with that money?

Mr. DRESSER. I drew the money and turned it over to different individuals.

The CHAIRMAN. To whom did you turn it over?

Mr. DRESSER. I turned over money to Mr. Nesbit, in Barron County.

The CHAIRMAN. How much did you give Mr. Nesbit?

Mr. DRESSER. \$50.

The CHAIRMAN. For what purpose did you give him \$50?

Mr. DRESSER. To go out and look over Barron County and see how the people felt on the senatorial situation.

The CHAIRMAN. In whose interest did you give him that money?

Mr. DRESSER. Senator STEPHENSON's.

The CHAIRMAN. For what purpose did you give him the money?

Mr. DRESSER. To pay his expenses in traveling over the county talking for Senator STEPHENSON.

The CHAIRMAN. Did he render you an account of the money, as to the expenditure that he had made?

Mr. DRESSER. He did not.

The CHAIRMAN. Did you request him to do so?

Mr. DRESSER. No, sir.

The CHAIRMAN. Do you know for what purpose he spent the money?

Mr. DRESSER. I do not. * * * I gave money to a man in Pierce County.

The CHAIRMAN. What is his name?

Mr. DRESSER. Olof Hall.

The CHAIRMAN. What is his address?

Mr. DRESSER. Ellsworth, Wis.

The CHAIRMAN. How much did you give him?

Mr. DRESSER. \$50.

The CHAIRMAN. Did you give him instructions when you gave him the money?

Mr. DRESSER. I told him to look over the county and see what the senatorial situation was and report to me.

The CHAIRMAN. Name the next person to whom you paid any of that money.

Mr. DRESSER. A man by the name of Stevenson, of Menominee, I do not know his first name.

The CHAIRMAN. How much did you pay him?

Mr. DRESSER. \$75.

The CHAIRMAN. For the same purpose?

Mr. DRESSER. Yes, sir.

The CHAIRMAN. What was that purpose?

Mr. DRESSER. To travel over Dunn County and see what the conditions were, and talk for Senator STEPHENSON.

The CHAIRMAN. Name the next man to whom you paid any money out of this fund; and just continue to name them until you have exhausted your memory, or the fund.

Mr. DRESSER. I paid Mr. Albert Anderson.

The CHAIRMAN. How much?

Mr. DRESSER. When I testified before the other committee my recollection was that it was \$150. Afterwards I was talking with Mr. Anderson and he told me that I had made a mistake; that it was \$350.

The CHAIRMAN. How did you come to give him the \$350?

Mr. DRESSER. He was a bright young man, active in politics.

The CHAIRMAN. For whom was he active?

Mr. DRESSER. For Senator STEPHENSON.

There is always an expression in testimony like this that conveys the real purpose and motive of the man who is handling the fund. He gave this man \$350 because he was a bright fellow, an active fellow in politics. To other men he had given \$50 and \$75. He thought this man was worth more as a Stephenson promoter than the other, and so he paid him more money. The influence of this individual in that political campaign in the mind of Dresser, the agent of Edmonds, was worth more cash than that of these other fellows, and so he made the

figure higher. Now, if that is not the corrupt use of money in politics, what is? I should like to have somebody tell me.

The CHAIRMAN. Before you gave him the money?

Mr. DRESSER. He was supporting Senator STEPHENSON, but I do not know that he was active out through the district.

He needed a little more "pepper," as the baseball boys say.

The CHAIRMAN. Did you give him this money to be paid out or to be retained by him?

Mr. DRESSER. It was given him to use as he thought best.

The CHAIRMAN. To pay out as he saw fit or to retain so much?

Mr. DRESSER. Yes.

The CHAIRMAN. Do you know how much he retained for his own services?

Mr. DRESSER. No, sir; I do not.

The CHAIRMAN. Now, Mr. Dresser, will you proceed to give the name of another person or persons to whom you paid money?

Mr. DRESSER. Mr. Henry Hetting.

The CHAIRMAN. How much did you pay him?

Mr. DRESSER. He worked throughout the campaign—two months—practically throughout the campaign.

Mr. LITTLEFIELD. How much money did he have?

Mr. DRESSER. He had, altogether, in the neighborhood of—well, he spent the rest of the money—seventeen or eighteen or nineteen hundred dollars.

The CHAIRMAN. When you paid Mr. Hetting this money you did not pay it to him all at one time, did you?

Mr. DRESSER. No, sir.

The CHAIRMAN. I notice you enumerate several payments here, running from \$150 up to \$300 or \$350.

Mr. DRESSER. Something like that.

The CHAIRMAN. That is true?

Mr. DRESSER. Yes.

The CHAIRMAN. You paid it to him as he called for it, did you?

Mr. DRESSER. Yes.

The CHAIRMAN. Did you instruct him as to the manner in which that money was to be expended?

Mr. DRESSER. Why, we talked it over in a general way.

The CHAIRMAN. Was he to distribute any money? You have already stated that he was to travel over the district and distribute literature. Was he to distribute any money?

Mr. DRESSER. He was to get some workers.

The CHAIRMAN. He was to get workers to do the same class of work that he was doing?

Mr. DRESSER. Not the same class of work that he was doing, because he covered the entire district. He was to get some workers for local towns.

The CHAIRMAN. Did Mr. Hetting spend portions of this money for liquor or cigars?

Mr. DRESSER. I presume he did do some treating.

The CHAIRMAN. Have you any idea as to the extent of such expenditures?

Mr. DRESSER. No; I have not.

The CHAIRMAN. Did you ever talk to him about it?

Mr. DRESSER. Yes. He said he usually treated where he went.

The CHAIRMAN. Did he give you any information as to how much money was expended for such purposes?

Mr. DRESSER. If he did, I have forgotten it.

Dresser was a member of the board of control of the State of Wisconsin, a board which has supervision of the asylums and penal institutions of the State, and as such member he travels over the State inspecting such institutions at the public expense. He says he did not charge Mr. STEPHENSON for any expenses in traveling about and supervising the expenditure of his money in the various counties that were assigned to him. He seemed to work directly under the supervision of Senator STEPHENSON, as is shown (p. 1009).

Questions have been asked as to what knowledge Senator STEPHENSON had in regard to a number of these expenditures. A large amount of this money was expended by his agents, and of course he did not know the details. Some of the details he did know. He was familiar with this money which Hetting disbursed, as shown by the following letter:

SENATE OF THE UNITED STATES,
Marinette, Wis., July 14, 1908.

Hon. L. B. DRESSER, St. Croix Falls.

DEAR SIR: Your letter received and contents fully noted. In regard to the work of Mr. Hetting, I have no one in the counties named by you unless it is Mr. T. S. Whitten, of Hayward, of Sawyer County. Whether the management in Milwaukee has anyone I do not know. It may be well to write Mr. Puelicher, of the Marshall & Isley Bank, if he has and who they may be.

If you think it necessary to have anyone to help Mr. Hetting in the counties named, you may employ such help as may be necessary and some one that can be relied upon; will take care of the expense, and have them do the work promptly.

I hope some one will be looking after Douglas. Let me hear from (sic.) when you think best and with all the possible information.

Very truly, yours,

ISAAC STEPHENSON.

Send nomination papers direct to J. H. Puelicher, care of Marshall & Isley Bank, Milwaukee. Send by registered mail.

L. S.

It appears from this testimony that not only were the saloons of Milwaukee subsidized in Mr. STEPHENSON's behalf, but also a part of the State government.

D. E. RIORDAN.

Mr. D. E. Riordan was another one of the Stephenson scouts. He received \$3,200 of the Stephenson money, and expended all but about \$500, which he retained for his own compensation. He accounted for about \$1,200, paid to other individuals, leaving a balance of about \$1,500 that he did not account for. In regard to this sum he was asked by Senator POMERENE (p. 787):

Of this \$1,500, did you give part to other men to be expended in behalf of Senator STEPHENSON?

Mr. RIORDAN. Not very much of it. If I did it was in small amounts. Senator POMERENE. Then, if I understand you correctly, the most of this \$1,500 would go to the "ultimate consumer," as he has been termed here?

Mr. RIORDAN. A great deal of it went for what I regarded as legitimate traveling and incidental expenses, incident to organizing and going through that vast territory.

Senator POMERENE. That is, your own traveling expenses?

Mr. RIORDAN. And those that I asked to accompany me and to come to meet me.

Senator POMERENE. How much of it went to pay your own traveling expenses?

Mr. RIORDAN. I did not keep any itemized account.

Senator POMERENE. Approximately?

Mr. RIORDAN. I am not able to say.

Senator POMERENE. A couple of hundred dollars?

Mr. RIORDAN. Oh, yes; more than that.

Of the \$1,200 that he accounted for, Riordan said that he gave \$75 to a man named Frank Marteau, who ran an Italian newspaper. He also gave the same man \$25 for printing sample ballots. He paid a man named Matt Connor \$40 for blank ballots, and a man named Lowell, at Rhinelander, \$25 for printing sample ballots. Barney Moran, of the town of Pelican, was paid \$50 for attending the polling place and securing workers to instruct the voters how to vote for STEPHENSON. Riordan paid a man named Frank Trimble, of Rhinelander, \$60 or \$75 for the same purpose. He paid a Mr. Stewart, of Langlade County, \$185 to go through the county, handle sample ballots, and create sentiment for STEPHENSON. He also paid Mr. E. A. Everett, of Eagle River, who was then a candidate for the legislature, \$250. In regard to this expenditure, the chairman asked him (p. 781):

When you paid it to him did you know that he was a candidate for the assembly?

Mr. RIORDAN. I think I did; certainly. I surely talked with him about it.

(Page 780.)

The CHAIRMAN. For what did you pay him that sum?

Mr. RIORDAN. For traveling through the counties of Vilas, Iron, and Oneida and ascertaining as far as he was able the sentiment of the people as he went along; that is, those who were for and against each of the several candidates.

Mr. RIORDAN. * * * And if the chairman will permit, I would like to say that this trip, that was made in the first instance by Mr. Everett, in pursuance with this agreement I made with him, was made early. That was the first thing I did after I agreed with Mr. Edmonds to support Senator STEPHENSON and to do some work for him there—to make this arrangement with Mr. Everett and start him out.

That was one of the first services he was employed for. He was hired to go out and work for STEPHENSON.

The CHAIRMAN. You paid him that out of the first \$1,000?

Mr. RIORDAN. No; I did not.

The CHAIRMAN. When did you pay it to him?

Mr. RIORDAN. I paid that by check, and I gave it to him along late in August.

The CHAIRMAN. Proceed. To whom other than Mr. Everett did you give money?

Mr. RIORDAN. To Mr. George E. O'Connor.

The CHAIRMAN. How much did you give him?

Mr. RIORDAN. \$75.

The CHAIRMAN. For what purpose did you give him that money?

Mr. RIORDAN. For the same purpose and with the same understanding I had with Mr. Everett, excepting that he was to take a different course in the more rural parts of the district—what we call the mill towns.

That is, Everett was paid \$250 to do the same work, practically, covering the same period that O'Connor was paid \$75 to do, but in a different part of the country. Now, why Everett \$250 and O'Connor \$75? That Everett was a candidate for the legislature and his influence was more desirable than O'Connor's is the only conclusion I can draw.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. Do I understand the Senator to say that Everett was a candidate for the legislature?

Mr. BRISTOW. He was.

Mr. BORAH. I presume he was one who was not elected.

Mr. BRISTOW. He was one who was not elected.

The CHAIRMAN. Did you pay anybody any money, directly or indirectly, for the purpose of inducing them to support Senator STEPHENSON?

Mr. RIORDAN. I did directly, and in a manner that I thought was proper and which was customary.

That is his answer. You will note the qualification that follows:

The CHAIRMAN. Just describe how you did it.

Mr. RIORDAN. The manner in which I provided for the employment of men to handle those sample ballots that I caused to be printed, and to use them on election day.

The CHAIRMAN. Is that the only way? I asked you if you paid any money to any person to secure their influence for Senator STEPHENSON.

Mr. RIORDAN. I misunderstood the question. I thought you said support.

The CHAIRMAN. Then you did not pay any person any money, directly or indirectly, to secure the support of such person for Senator STEPHENSON?

Mr. RIORDAN. No; I did not.

I wondered when I read that what he paid it to him for.

The CHAIRMAN. You may now proceed with any other person to whom you remember having paid portions of this money that you received.

Mr. RIORDAN. B. F. Jillson.

The CHAIRMAN. Who is he?

Mr. RIORDAN. He keeps a hotel at Monico Junction.

The CHAIRMAN. How much did you give him?

Mr. RIORDAN. \$50.

The CHAIRMAN. For what purpose?

Mr. RIORDAN. For use in getting out the vote to the polls and to influence them with the use of the ballots, as I have suggested.

The CHAIRMAN. Make that plain, because that might mean many things. You say "to influence" them with the use of the ballot. Do you mean this sample ballot?

Mr. RIORDAN. Yes; I mean this sample ballot.

The CHAIRMAN. Is there anything else? Just recall the question: Did you pay them, or was any money paid them, for anything else than merely to handle sample ballots in the manner that you have described?

Mr. RIORDAN. And to talk to the elector within a proper distance of the polls.

The CHAIRMAN. You may proceed with the next one to whom you paid money.

Mr. RIORDAN. I paid \$50 at the same time to parties who were at his hotel who came there to me from Forest County; but I am unable to give their names or the amounts.

The CHAIRMAN. How much money did you pay them?

Mr. RIORDAN. \$50. I paid that to parties at the same time and at the same place that I paid Mr. Jillson the \$50.

The CHAIRMAN. To be used for what purpose?

Mr. RIORDAN. To be used for the purpose of employing men at the polling places across the line in Forest County on election day.

The CHAIRMAN. To do what on election day?

Mr. RIORDAN. To attend the polls and electioneer for Senator STEPHENSON.

The CHAIRMAN. Electioneer in what manner?

Mr. RIORDAN. In any lawful and proper manner. There are many ways, I presume.

The CHAIRMAN. Did you admonish them as to the manner in which they were to electioneer and instruct them as to the law?

Mr. RIORDAN. In regard to electioneering?

The CHAIRMAN. Yes.

Mr. RIORDAN. I think I did in nearly every instance—especially in one particular, and that was not to attempt to talk to any elector within 100 feet of the polls.

Riordan gave as his opinion that \$200,000 could easily have been spent legitimately in the Stephenson campaign. He fails to account for about \$1,500 of the money which Edmonds gave him. Presumably he kept it—to use a common phrase, "knocked it down," or expended it for a purpose which he did not care to divulge. In my opinion, the evidence clearly demonstrates that he did not spend anything like that amount for legitimate traveling expenses during the short time that he was at work. The primaries were held September 1, and Riordan says that his agreement with Edmonds was made the latter part of July, so that if he had traveled continuously he would not have been out to exceed five or six weeks. In dealing with such characters it is impossible to tell how much money "sticks to their fingers." Being engaged in an unlawful business, the party providing them with money can not consistently require them to set down in detail the purposes for which the money is expended. From an affidavit submitted by one C. E. Brady, page 1281 of the hearings, it appears that STEPHENSON's managers did not want these agents of his to make detailed statements to them of the purposes for which the money was expended. Brady's affidavit states that within 30 days after the close of the campaign he called on Edmonds and offered to give him an itemized account of his expenditures, and says further in his affidavit that—

Mr. Edmonds then stated that he had not asked for accounts from those intrusted with the disbursements of money in said campaign, and that he had absolute confidence in the judgment of affiant in the use of said money, and was thoroughly satisfied with the manner in which affiant stated that the same had been used, and that he would much prefer to not take affiant's statement of account so long as he had not received such statements from all other persons similarly situated.

Brady worked in Manitowoc County and received \$500 of Stephenson money. It seems, also, that Senator STEPHENSON himself was not at all particular about these scouts of his fur-

nishing itemized statements of their expenditures. One Walter Alexander was an organizer or submanager for the counties of Marathon and Lincoln. In a letter to Alexander, of October 29, 1908, Senator STEPHENSON, among other things, says (page 2038):

Inclosed please find my check for \$588.30 in payment of the account which you sent me; it is not necessary for you to itemize the account. I feel very grateful to you, Walter, for the interest you have taken in my canvass and for the effective work which you have done in my behalf.

Mr. REED. Who wrote that letter?

Mr. BRISTOW. Senator STEPHENSON.

I have commented on the subsidizing of Dresser, a member of the board of control of the State of Wisconsin, who received \$2,350 of the Stephenson money, which he distributed to men throughout the State for the purpose of inducing them to "create sentiment for STEPHENSON." I now call the attention of the Senate to another very interesting emissary of Mr. STEPHENSON.

J. W. STONE.

J. W. Stone was the State game warden of the State of Wisconsin, and had under him a large number of deputies. I think it better, however, to quote from Mr. Stone himself as to the beginning of his campaign services for Mr. STEPHENSON. On page 1313 of the testimony I find the following:

The CHAIRMAN. Did you receive money from Senator STEPHENSON, or from those representing him, to be used in his behalf during his senatorial campaign before the primaries in 1908?

Mr. STONE. I did.

The CHAIRMAN. How much?

Mr. STONE. Two thousand five hundred dollars.

The CHAIRMAN. Was that all you received?

Mr. STONE. No.

The CHAIRMAN. Did you not receive \$2,849.50?

Mr. STONE. Yes; that is right.

The CHAIRMAN. That is the amount you received?

Mr. STONE. Yes.

The CHAIRMAN. When you received the \$2,500, in what shape did you receive it?

Mr. STONE. In currency.

The CHAIRMAN. Where?

Mr. STONE. In the Wells Building, I think it was; at the headquarters in the city of Milwaukee.

The CHAIRMAN. From whom?

Mr. STONE. From Mr. Sacket.

The CHAIRMAN. No check or draft was drawn in your favor that you signed?

Mr. STONE. No, sir; not for the \$2,500.

The CHAIRMAN. Did Mr. Sacket have the money in his possession when you went to him on that day?

Mr. STONE. I went to Mr. Edmonds first.

The CHAIRMAN. I was referring, though, to Mr. Sacket. When you went into Mr. Sacket's presence, did he have that money with him, or did he go and get it after you went in there?

Mr. STONE. I do not remember seeing Mr. Sacket until he came in with the money.

The CHAIRMAN. For what purpose was that money given you?

Mr. STONE. It was to be expended in the interest of Mr. STEPHENSON's primary campaign.

The CHAIRMAN. Was it to be expended by you, or were you authorized to pay it out to others, to be expended by them?

Mr. STONE. I was to use it at my own discretion.

The CHAIRMAN. Were you at liberty, then, as you understood the transaction, to handle all that money yourself?

Mr. STONE. Yes, sir.

The CHAIRMAN. According to your discretion?

Mr. STONE. Yes.

The CHAIRMAN. No limitations were placed upon you whatever as to the manner of expenditure, were there?

Mr. STONE. No; I think not.

The CHAIRMAN. Did you pay any part of that money out to others, to be by them distributed or disbursed?

Mr. STONE. I did.

The CHAIRMAN. To whom did you pay it?

Mr. STONE. I paid H. A. Bowman.

The CHAIRMAN. How much?

Mr. STONE. \$1,250.

The CHAIRMAN. When did you give him the \$1,250?

Mr. STONE. I gave him \$500 the day that I received the money.

The CHAIRMAN. When did you next give him money?

Mr. STONE. I gave him \$500 in the city of Madison; but I can not tell you the date.

The CHAIRMAN. Was it before or after the primary?

Mr. STONE. Some time in August, I think.

The CHAIRMAN. When did you next give him money?

Mr. STONE. I gave him a check for two hundred and eighty some odd dollars.

Senator POMERENE. What was the amount?

Mr. STONE. I think it was two hundred and eighty some odd dollars.

The CHAIRMAN. That would make \$1,280?

Mr. STONE. Yes.

The CHAIRMAN. For what purpose did you give that to Mr. Bowman?

Mr. STONE. For him to use in the interest of Mr. STEPHENSON's campaign.

The CHAIRMAN. Did you tell him the use he was to make of it?

Mr. STONE. I did not.

The CHAIRMAN. Did you discuss with him the manner in which it was to be used?

Mr. STONE. I presume he naturally did—

The CHAIRMAN. What was said as to the manner in which that money was to be used?

Mr. STONE. It was to be expended for workers.

The CHAIRMAN. For workers where?

Mr. STONE. In the different parts of the State where he was located.

The CHAIRMAN. Workers to do what kind of work?

Mr. STONE. Ordinary election work.

The CHAIRMAN. You have now disposed of \$1,250 of the \$2,500.

Mr. LITTLEFIELD. \$1,280. Mr. Chairman.

The CHAIRMAN. Yes. He received, altogether, \$2,849.50. We will assume that you had \$1,250 remaining in your hands out of that \$2,500, or thereabouts—a difference of a dollar does not matter. What did you do with that?

Mr. STONE. I gave John Craig, of Superior, \$75; G. C. Kolb, \$50; F. B. Brown, \$50; G. W. Dart, \$50; A. E. Stores, \$20; W. P. Porter, \$25; F. A. Tate, \$20; a man by the name of Gordon, \$25 (I do not know his initials); A. I. Hulbert, \$10; E. W. Pierce, \$10; E. W. Tuttle, \$75; J. Sather, \$10; Fred Gerhart, \$200. That is all the memorandum I have.

The CHAIRMAN. That accounts for \$620. What did you do with the balance of that money?

Mr. STONE. I do not know.

The CHAIRMAN. Did you spend it?

Mr. STONE. I do not know whether I spent it or not.

The CHAIRMAN. When you say you do not know what you did with it, do you mean to say you do not know whether you lost it or spent it?

Mr. STONE. No, sir. It was deposited with what little money I had in the bank; and these separate sums that I have named are the only record I have of money actually paid to individuals. How much of that money I spent myself in the campaign I do not know.

The CHAIRMAN. What did you do during the campaign?

Mr. STONE. Wherever I was I interested myself in Mr. STEPHENSON's campaign.

The CHAIRMAN. Did you pay out money in connection with Senator STEPHENSON's campaign in addition to the sums that you have given us?

Mr. STONE. I undoubtedly did, in the way of entertainment, more or less.

The CHAIRMAN. How much would you say that you paid out?

Mr. STONE. I have not any idea. I could not make an estimate.

The CHAIRMAN. Did you pay out \$500?

Mr. STONE. I do not think so.

The CHAIRMAN. \$100?

Mr. STONE. I could not say just how much I did pay out.

The CHAIRMAN. You are engaged in the regular business of your office—game warden—were you?

Mr. STONE. At that time; yes, sir.

The CHAIRMAN. During all of that time?

Mr. STONE. Yes, sir.

The CHAIRMAN. You were under pay in the way of salary, or a per diem, or how?

Mr. STONE. Salary.

The CHAIRMAN. How much salary did you receive?

Mr. STONE. \$1,800 a year.

The CHAIRMAN. Do you know what the men whose names you have given did with the sums of money that you have given us?

Mr. STONE. No, sir; I have no personal knowledge of that.

The CHAIRMAN. Did they render you any account?

Mr. STONE. They did not.

The CHAIRMAN. You have no way of knowing what Mr. Gerhart did with the \$200?

Mr. STONE. No, sir.

The CHAIRMAN. Did you pay any of your game wardens, other than Mr. Bowman, any of this money?

Mr. STONE. Yes, sir.

The CHAIRMAN. Which one of the game wardens? Just give us the names of the game wardens. Are they included in the list you gave us?

Mr. STONE. Yes, sir.

The CHAIRMAN. Just indicate, then, so that we may mark them off.

Mr. STONE. Craig.

The CHAIRMAN. Craig is a game warden, is he?

Mr. STONE. Yes, sir. He was at that time.

The CHAIRMAN. Yes.

Mr. STONE. Kolb, Brown, Dart, Stores, Gerhart.

The CHAIRMAN. Porter and Tate were not game wardens, were they?

Mr. STONE. No, sir.

The CHAIRMAN. Or Gordon?

Mr. STONE. No, sir.

The CHAIRMAN. Or Hulbert?

Mr. STONE. Yes, sir; Mr. Hulbert was a game warden.

The CHAIRMAN. Pierce?

Mr. STONE. No, sir.

The CHAIRMAN. Tuttle?

Mr. STONE. Yes, sir.

The CHAIRMAN. What is that name—Sager?

Mr. STONE. Sather. He was not a game warden.

The CHAIRMAN. Gerhart was?

Mr. STONE. Yes, sir.

The CHAIRMAN. That makes eight game wardens. Those are all the moneys you paid those game wardens?

Mr. STONE. Yes, sir.

The CHAIRMAN. You rendered no account of this money to anyone, did you?

Mr. STONE. I did not.

Senator POMERENE. Have you not any recollection as to what became of the balance of this money?

Mr. STONE. No, sir; I have not.

Mr. LITTLEFIELD. What does the Senator make the balance, please?

Senator POMERENE. He first told us he had paid \$1,250 to Bowman. Then, in analyzing that, he gave us two payments of \$500 each and one of \$280. The other items he gave us total \$620. That would make \$1,870 or \$1,900, if you use \$280 as being the amount paid to Bowman.

Mr. LITTLEFIELD. That leaves a difference of how much?

Senator POMERENE. That would leave \$600 out of the \$2,500.

Mr. LITTLEFIELD. Yes; but there was \$349.50 in addition to that. The whole was \$2,849.

Senator POMERENE. Can you give us any account of this \$349.50?

Mr. STONE. Yes, sir.

Senator POMERENE. What did you do with it?

Mr. STONE. That was sent to me in full in a draft from Mr. Edmonds.

Senator POMERENE. You say that \$349.50 was sent to you in full?
Mr. STONE. I mean a check or draft was sent by Mr. Edmonds.

This seems to have been an afterpayment by Edmonds to make up some deficiencies of some kind which Stone claims to have had.

Senator POMERENE. Now go on and tell us what that was to pay for.
Mr. STONE. That was to pay a man by the name of Fridley, at Superior—

Fridley apparently is the attorney that our friend Perrin had employed, and to whom he paid about a thousand dollars. He seems also to have had financial relations with the game warden.

Senator POMERENE. What is his first name?

Mr. STONE. I do not remember now.

Senator POMERENE. How much?

Mr. STONE. I think it was \$140. That is my recollection; but I have not any memorandum of that.

Senator POMERENE. Who else?

Mr. STONE. John Craig.

Senator POMERENE. How much?

Mr. STONE. \$82, I think it was. It might have been a few cents more.

Senator POMERENE. Is that in addition to the \$75 you gave us awhile ago?

Mr. STONE. Yes, sir.

Senator POMERENE. Who else?

Mr. STONE. W. T. Porter.

Senator POMERENE. How much?

Mr. STONE. \$80.

Senator POMERENE. Was that in addition to the \$25 you gave him?

Mr. STONE. Yes, sir.

Senator POMERENE. Anyone else?

Mr. STONE. That is all.

Stone, in a way, accounts for all but about \$600 of the money which Edmonds gave him, and a part of this he says he expended in entertaining, but how much he says he does not remember. He was not asked to account for this money by Edmonds or STEPHENSON. I can not see how any intelligent man can come to any other conclusion from this testimony than that this \$2,849.50 was given to Stone as a bribe to secure the influence of himself and his game wardens in the election, and that after he had distributed approximately \$2,000 to his assistants, he retained the remainder as his part of this corruption fund which Senator STEPHENSON was distributing so lavishly throughout the State.

But it is interesting to trace this \$2,500, which Sacket handed in currency to Mr. Stone, to the "ultimate consumer." Stone testified that he paid John Craig \$75 upon one occasion and \$80 upon another. I have been unable to find any testimony of Mr. Craig in these volumes, so I presume that the committee did not call him before it, and therefore we can not trace the money which he received to the "ultimate consumer."

Mr. HEYBURN. The Senator says Mr. Craig was not called, but every possible effort was made to secure every witness whose name was mentioned by any other witness.

Mr. BRISTOW. I do not doubt that, but some of these men seem to have hid themselves because they did not want the embarrassing experience of testifying.

G. C. KOLB.

But Mr. G. C. Kolb, to whom \$50 was paid by Stone, did testify before the committee, and I will give you the cream of his testimony (p. 970):

The CHAIRMAN. Did you receive any money during that campaign from anyone to be spent by you?

Mr. KOLB. Yes.

The CHAIRMAN. How much?

Mr. KOLB. \$50.

The CHAIRMAN. From whom?

Mr. KOLB. From Mr. Stone.

Mr. LITTLEFIELD. Give us his full name, please.

Mr. KOLB. J. W. Stone.

The CHAIRMAN. When did Mr. Stone pay you this money?

Mr. KOLB. Oh, I think it was about three or four weeks before the primaries.

The CHAIRMAN. You were a deputy game warden at that time, were you?

Mr. KOLB. Yes, sir.

The CHAIRMAN. Where did you receive the money?

Mr. KOLB. I think in Madison.

The CHAIRMAN. What did Mr. Stone say when he gave you that money as to the purpose for which he was giving it to you?

Mr. KOLB. To spend it for the interests of Senator STEPHENSON in his campaign.

The CHAIRMAN. He just gave you general instructions?

Mr. KOLB. Yes, sir.

The CHAIRMAN. How did you spend it?

Mr. KOLB. I spent it for cigars and treats.

The CHAIRMAN. All of it?

Mr. KOLB. Yes, sir; and in drug stores. Whenever I would drop into the saloons I would spend it.

The CHAIRMAN. You say in drug stores?

Mr. KOLB. In drug stores; yes. Whenever I would go into a drug store I would buy cigars, and whenever I would drop into a saloon I would buy beer, for instance.

Upon being interrogated by the chairman as to the nature of the saloon campaign, Kolb said:

Whenever I went to the saloons I bought drinks and cigars for the boys.

The CHAIRMAN. Where did you spend it; in what place?

Mr. LITTLEFIELD. In what locality? That is what you mean, is it not, Mr. Chairman?

Mr. KOLB. In towns where I would drop in.

The CHAIRMAN. What towns were they?

Mr. KOLB. Oh, they were towns—Elroy, Union, Camp Douglas—through that territory.

The CHAIRMAN. What was your business then?

Mr. KOLB. The saloon business.

The CHAIRMAN. Where?

Mr. KOLB. Hillsboro.

The CHAIRMAN. How did you come to be traveling around?

Mr. KOLB. I would be traveling around as a game warden.

The CHAIRMAN. You were traveling around as a game warden and you were in the saloon business?

Mr. KOLB. Yes.

The CHAIRMAN. Did you spend any of this money in your own saloon?

Mr. KOLB. No, sir.

The CHAIRMAN. Were you alone in the saloon business?

Mr. KOLB. I have bartenders, sir.

The CHAIRMAN. You are the proprietor?

Mr. KOLB. Yes, sir.

The CHAIRMAN. When you were spending this money with the boys, as you have stated, did you tell them that you were favoring the election of Senator STEPHENSON?

Mr. KOLB. Oh, I just simply said, "Have a drink on Mr. STEPHENSON."

The CHAIRMAN. That is what you would say—"Have a drink on Mr. STEPHENSON"?

Mr. KOLB. Yes.

The CHAIRMAN. Then you would pay it out of this \$50?

Mr. KOLB. Yes, sir.

So much for Deputy Game Warden Kolb.

I have been unable to find any testimony from Mr. F. B. Brown, to whom Stone says he paid \$50. But Mr. George W. Dart, another one of Stone's lieutenants, is a very interesting witness. Stone says he paid Dart \$50. Now we will have Mr. Dart's story of the transaction (p. 974):

GEORGE W. DART.

The CHAIRMAN. Did you take any part in Senator STEPHENSON's campaign in 1908, when he was a candidate for the United States Senate?

Mr. DART. Well, slightly.

The CHAIRMAN. Did you receive money from anyone to be used during that campaign in his behalf?

Mr. DART. Yes.

The CHAIRMAN. How much did you receive?

Mr. DART. \$450.

The CHAIRMAN. From whom did you receive it?

Mr. DART. I received the first \$50 from J. W. Stone.

The CHAIRMAN. Who was Mr. Stone?

Mr. DART. Mr. Stone was the State game warden.

The CHAIRMAN. You were a deputy game warden, were you?

Mr. DART. I was a deputy game warden; yes, sir.

The CHAIRMAN. How did Mr. Stone come to give you that money?

Mr. DART. He gave it to me to help Mr. STEPHENSON's interest.

The CHAIRMAN. What did he tell you when he gave you the money?

Mr. DART. I have forgotten the exact words.

The CHAIRMAN. What did you do?

Mr. DART. That \$50 I took and used to put a man out to put up lithographs.

The CHAIRMAN. Did you pay him \$50 for it?

Mr. LITTLEFIELD. Give us the name of the man to whom you paid this money, if you have it.

Mr. DART. It was my son.

The CHAIRMAN. What is his name?

Mr. DART. George H. Dart.

The CHAIRMAN. So that you gave him the entire \$50?

Mr. DART. Yes. He hired a rig and went around putting up lithographs and campaign literature.

The CHAIRMAN. When did you receive any further sum of money for supporting Senator STEPHENSON?

Mr. DART. I do not know just the date of it.

The CHAIRMAN. Did you get \$400 in a check from Mr. Edmonds?

Mr. DART. Yes; I did.

The CHAIRMAN. What did you do with the money?

That was the testimony given before the legislative committee in Wisconsin.

Mr. DART. I spent that. I put it out in different ways.

The CHAIRMAN. Tell us how.

Mr. DART. Paying men to take their teams and turn out to fetch the voters on the primary day.

The CHAIRMAN. Did you spend the entire \$400 in that way?

Mr. DART. No.

The CHAIRMAN. How much of that \$400 did you pay out to other people?

Mr. DART. How much did I pay out for labor?

The CHAIRMAN. How much did you pay out for any purpose?

Mr. DART. I spent the \$400.

The CHAIRMAN. You paid it all out?

Mr. DART. Sure.

The CHAIRMAN. You did not keep any of that for yourself?

Mr. DART. Oh, no, sir.

The CHAIRMAN. To whom did you pay it?

Mr. DART. I could not tell you all the names. The biggest payment—

The CHAIRMAN. It will be necessary for you to account for that \$400—

Mr. LITTLEFIELD. He was going on to say "the biggest payment," and something else, Mr. Chairman.

The CHAIRMAN. Yes; I heard him say it. I am instructing him as to what I want him to answer.

Mr. DART. I did not keep a memorandum of it at all. I know the biggest payment I made was a payment of \$50 to a man.

The CHAIRMAN. To whom was that paid?

Mr. DART. His name is Frank Field.

The CHAIRMAN. For what purpose did you give him that \$50?

Mr. DART. To go up through the edge of Adams County and through the town of Douglas.

The CHAIRMAN. Did you spend portions of this money in saloons?

Mr. DART. Very little of it.

The CHAIRMAN. I read from your testimony, page 4489:

"Q. What did you do with it?—A. Spent it."

"Q. How?—A. Every old way."

"Q. What is that?—A. Every way."

"Q. Tell us some way that you spent it?—A. Oh, I spent quite a lot of it in saloons."

Mr. HEYBURN. I hope the Senator has made it quite plain that that has reference, up to where he has just read, to the testimony before the State committee. There was nothing to indicate where that quit and where our testimony commenced.

Mr. BRISTOW. That is true. I will hereafter make that distinction.

Is that true?

Is the question asked by the chairman about the testimony before the legislative committee?

Mr. HEYBURN. The chairman of the subcommittee of the United States Senate.

Mr. BRISTOW. The chairman of the subcommittee.

Is that true?

Mr. DART. Well, I should not go past any of them, if there was anybody there I wanted to see.

The CHAIRMAN. Is that statement true?

Mr. DART. I could not say just how much—

The CHAIRMAN. I am not asking you how much. I am asking you if the statement which I have read to you from your former testimony is true. Do you say, now, that that statement is true?

Mr. DART. Yes; that is true. I spent some in saloons.

The CHAIRMAN. That is the answer, then. I proceed to read further from your testimony:

"Q. Do you know how much?—A. Spent quite a lot of it for putting up literature and all that. Every place I went to I spent money, extra."

You put up some literature, did you?

Mr. DART. No; I did not put up any literature myself.

The CHAIRMAN. Did you pay others for putting up literature?

Mr. DART. Yes.

The CHAIRMAN. That is what you meant in the answer, is it?

Mr. DART. I suppose so.

The CHAIRMAN (reading):

"Q. Did you make any payments to individuals?—A. Oh, yes; I gave them quite a little bunch of money."

Who were the persons to whom you gave "quite a little bunch of money"?

Mr. DART. Oh, I do not know; I could not mention half or a quarter of them.

The CHAIRMAN. You have told us about Field.

Mr. DART. A man by the name of Williamson.

The CHAIRMAN. How much did you give Williamson?

Mr. DART. I think I gave him \$10.

The CHAIRMAN. For what purpose?

Mr. DART. To go to see people around where he lived, in the town of Buffalo and Pewaukee.

The CHAIRMAN. Name some other person.

Mr. DART. And Carter.

The CHAIRMAN. Who was Carter?

Mr. DART. Carter is a farmer; Johnny Carter. He lives in the town of Buffalo.

The CHAIRMAN. How much did you give him?

Mr. DART. Either \$5 or \$10.

The CHAIRMAN. For what purpose did you give him this money?

Mr. DART. To go to see quite a bunch of the fellows over there, and to take his team and fetch them in on the primary day.

The CHAIRMAN. Name another man.

Mr. DART. Quite a few around Westfield, around in there. Taggets was one.

I think it was \$5.

When he was testifying to paying some money to men whose names he could not remember, Dart was questioned by Senator POMERENE as follows (p. 980):

Senator POMERENE. Give the names of any of them.

Mr. DART. Albert Frank.

Senator POMERENE. How much did you pay him?

Mr. DART. I think I paid for a box of cigars and gave him either \$3 or \$5.

Senator POMERENE. Anyone else?

Mr. DART. There was a miller there.

Senator POMERENE. Before going to that, tell me for what you employed Frank.

Mr. DART. Frank was going to send out word to his brothers to come, be sure to have them come in to the primary.

Senator POMERENE. You paid him \$3 or \$5 for that?

Mr. DART. I paid him about \$2, I think.

Senator POMERENE. You paid him \$2 for that?

Mr. DART. Yes; and I bought a box of cigars to leave there so that he could give the boys a cigar when they came in.

Senator POMERENE. In addition to that, if I understand you correctly, you paid him \$3 or \$5, and now you say \$2.

Senator POMERENE. Whom else did you employ?

Mr. DART. A man that runs a sawmill there. His name is Lee, I think—oh, no; Smith.

Senator POMERENE. What is his first name?

Mr. DART. Theodore Smith.

Senator POMERENE. How much did you pay him?

Mr. DART. I think \$5.

Senator POMERENE. For what was that?

Mr. DART. That was to do what he could on primary day.

Senator POMERENE. That is, to get in voters and talk up Stephenson sentiment?

Mr. DART. Talk it over; yes.

Senator POMERENE. Anybody else?

Mr. DART. There is one saloon keeper there. His name is Otto Giesco. I think I paid for a box of cigars there.

Senator POMERENE. Anybody else?

Mr. DART. Over in Crystal Lake; I can not remember their names, but I paid two or three different men there.

Senator POMERENE. How much?

Mr. DART. \$3 and \$5, each one of them.

Senator POMERENE. The rate was from \$3 to \$5?

Mr. DART. Using their teams, you know, and bringing voters in. That is what I paid the most of them.

Senator POMERENE. Anyone else?

Mr. DART. Over to Neshkoro.

Senator POMERENE. Whom did you employ there?

Mr. DART. A liveryman.

Senator POMERENE. What was his name?

Mr. DART. His name was Scovey. There are two brothers of them in the livery business.

Senator POMERENE. How much did you give them?

Mr. DART. I think I gave these fellows \$10.

Senator POMERENE. Did you employ anyone else?

Mr. DART. I went from there over to Red Granite and saw a lot of them up in Waushara County—quite a bunch. There are a lot of quarries up in there, and I stopped at all the quarries and—

Senator POMERENE. Whom did you employ?

Mr. DART. I do not know their names, all of them.

Senator POMERENE. How many?

Mr. DART. Probably three or four at each quarry.

Senator POMERENE. What did you pay them?

Mr. DART. \$3 to \$5—\$3 or \$5; I do not know which.

Now, I want to call the attention of the Senate to the fact that this man Dart is spending the money which Edmonds sent him by check. He made no accounting to Edmonds, and from testimony that I have read preceding this it clearly appears that Mr. Edmonds did not want any accounts rendered; and from this testimony you can readily see why he did not want these accounts. This testimony of Dart's is very illuminating, as it traces this money from Senator STEPHENSON, through Edmonds, his campaign manager, by the way of Dart, to the "ultimate consumer" in the rock quarries.

At about this time Mr. Littlefield began to take part in the interrogatories. On page 982 he said:

Go right ahead and give us the names of all that you can now remember.

Mr. DART. There were a few down in the town of Megan. There was John Wagner, I gave him \$5; and a fellow by the name of Bill Ming, and Louis Zellmer.

Mr. LITTLEFIELD. How much, if you remember?

Mr. DART. Those fellows—either from \$2 to \$5.

Mr. LITTLEFIELD. Go right along.

Mr. DART. There were certainly more than that, but I can not think of them. There is one man out in the township of Montello whose name is Callahan; I gave him \$5.

Mr. LITTLEFIELD. Do you remember Scovey brothers?

Mr. DART. I gave that—Andrew Scovey.

Mr. LITTLEFIELD. Do you remember any others now?

Mr. DART. No; not now.

Mr. LITTLEFIELD. State whether the men that you employed in that way were or were not friends of Senator STEPHENSON.

Mr. DART. You bet they were, or else they would not have got anything.

Mr. LITTLEFIELD. When you were on this trip, were you using a carriage or an automobile?

Mr. DART. No; I had a team.

Mr. LITTLEFIELD. Did you have a team of your own?

Mr. DART. Yes; I had my own team; that I charged up to the State; and when I drove any nights, I paid that out of Stephenson money.

Mr. LITTLEFIELD. During any part of this time were you discharging any of your duties as game warden also?

Mr. DART. All the time; every day.

Mr. LITTLEFIELD. What were you doing as game warden during this time?

Mr. DART. I forget just what the complaints were, but I was out on some complaints, protecting the game.

I think that the conclusion is entirely justifiable that instead of being out protecting the game, Dart was out hunting the game—searching the rock quarries in the region and paying from \$2 to \$5 for votes for STEPHENSON. Yet we are told by a majority of the investigating committee that there was no corruption used in the election of Mr. STEPHENSON to the United States Senate.

I have quoted largely from the testimony of these men because I want to present to the Senate the story as it comes from the supporters of Senator STEPHENSON.

H. A. BOWMAN.

We will now take up the testimony of Mr. H. A. Bowman, to whom Stone says he paid \$1,250 or \$1,280. On page 984 will be found the following interrogatories:

The CHAIRMAN. Did you receive any money from Senator STEPHENSON's campaign managers during the time that you were supporting him?

Mr. BOWMAN. I received \$150 from the headquarters in Milwaukee and \$1,250 from J. W. Stone.

It seems there were a number of these deputy game wardens who were not satisfied with the amount Stone gave them out of his \$2,849, and evidently in order to encourage them to greater activity or to satisfy their greed and avarice the headquarters gave them a supplementary amount.

The CHAIRMAN. You received \$150 about the middle of August?

Mr. BOWMAN. I think it was all received about that time; yes, sir.

The CHAIRMAN. What did you do with the \$150 that you received from Mr. Edmonds out of the Stephenson campaign fund?

Mr. BOWMAN. I think that was given to Robert Clark.

The CHAIRMAN. All of it?

Mr. BOWMAN. I think so; yes, sir.

The CHAIRMAN. Who was Robert Clark?

Mr. BOWMAN. I am not sure whether he was a game warden at that time or whether he quit shortly before that.

There were a number of these men employed who were not then game wardens who had previously been game wardens.

Mr. LITTLEFIELD. Please give us the address of Robert Clark.

Mr. BOWMAN. Palmyra at that time, but I think he is now in Fort Atkinson.

Mr. LITTLEFIELD. Is that in Wisconsin?

Mr. BOWMAN. Yes, sir.

The CHAIRMAN. For what purpose did you give it to Clark?

Mr. BOWMAN. To use in the interest of Senator STEPHENSON's primary campaign.

The CHAIRMAN. Were you instructed by Edmonds or anyone to give it to Clark?

Mr. BOWMAN. No; I do not think I was really instructed by Edmonds.

The CHAIRMAN. Why did you turn it over to Clark?

Mr. BOWMAN. I had a talk with Mr. Edmonds about Jefferson County. He asked me if I knew any good worker in Jefferson County, and I think I remember mentioning the name of Mr. Clark.

The CHAIRMAN. Then he really gave you the money to be paid to Mr. Clark, did he?

Mr. BOWMAN. That is the way I took it; yes, sir.

The CHAIRMAN. You received from Mr. Stone \$1,250. That was about the same time, was it not?

Mr. BOWMAN. Yes, sir.

Mr. HEYBURN. The Senator from Kansas inadvertently omitted the question and answer at the top of page 985.

Mr. BRISTOW. I have put some stars here because I did not want to quote all the details, but everything that I do quote is complete within itself. I am not reading the entire testimony, but I show by stars where it is not complete.

Mr. HEYBURN. The question was by the chairman—So that you had nothing to do with the expending of that money? To which Mr. Bowman replied—Nothing at all.

Mr. BRISTOW. Yes. I think that will appear as I go on. It is covered.

The CHAIRMAN. What did you do with the \$1,250 received from Mr. Stone, or any part of it? Account for it.

Mr. BOWMAN. \$125 was paid to E. W. Tuttle.

The CHAIRMAN. For what purpose?

Mr. BOWMAN. In the interest of Mr. STEPHENSON's primary campaign.

The CHAIRMAN. Where?

Mr. BOWMAN. Mr. Tuttle resides at Oconomowoc.

The CHAIRMAN. Did you give him any instructions as to how the money was to be used?

Mr. BOWMAN. No; I gave him no instructions. I had a general talk with him, in which I suggested—as a suggestion on my part—that it be used in keeping up the Stephenson literature, making lists of the voters that were Stephenson supporters, and seeing that the people were at the polls on primary day—that the voters on these lists got out.

Then I omit some of the testimony and proceed.

The CHAIRMAN. What is his business?

Mr. BOWMAN. He was a game warden.

The CHAIRMAN. He was a deputy game warden also?

Mr. BOWMAN. Yes, sir.

The CHAIRMAN. What further sums did you pay out of that \$1,250?

Mr. BOWMAN. \$300 to Edwin Bissonette.

The CHAIRMAN. Where does he live?

Mr. BOWMAN. Milwaukee.

The CHAIRMAN. What is his business?

Mr. BOWMAN. He is with the General Fire Extinguisher Co.

The CHAIRMAN. For what purpose did you pay him that money?

Mr. BOWMAN. The same as Mr. Tuttle; to use in the interest of Mr. STEPHENSON's primary campaign.

The CHAIRMAN. In what way?

Mr. BOWMAN. I had the same talk with him that I had with Mr. Tuttle.

The CHAIRMAN. * * * Was he to pay out any part of the money that you gave him?

Mr. BOWMAN. Not that I know of; no, sir.

The CHAIRMAN. That was for his own services?

Mr. BOWMAN. Yes, sir. He was to use it as he saw fit.

The CHAIRMAN. He might keep it all for his own use?

Mr. BOWMAN. There was nothing said by me as to how he should spend it in paying it out to others.

The CHAIRMAN. Did you ever have any talk with him as to what he had done with that money?

Mr. BOWMAN. No, sir. I do not know what he did with it.

The CHAIRMAN. He never rendered an account?

Mr. BOWMAN. No, sir.

The CHAIRMAN. Proceed and give the name of any other person to whom you paid any part of it.

Mr. BOWMAN. C. W. Johnson.

The CHAIRMAN. How much did you pay him?

Mr. BOWMAN. Fifty dollars.

Mr. LITTLEFIELD. Give his address, Mr. Bowman.

Mr. BOWMAN. Oshkosh.

The CHAIRMAN. For what purpose?

Mr. BOWMAN. To use it in the interest of Senator STEPHENSON's primary campaign.

Mr. HEYBURN. Mr. President, I think, inasmuch as the Senator is omitting considerable parts of his testimony, in fairness it should be indicated.

Mr. BRISTOW. It is indicated in the manuscript and will appear in the RECORD.

Mr. HEYBURN. It requires a comparison. I have been following the Senator.

Mr. BRISTOW. If the Senator desires, I will indicate where I am omitting as I proceed.

Mr. HEYBURN. That will enable those who take up the Senator's remarks for consideration to see what was omitted.

Mr. BRISTOW. Yes. It will appear in the RECORD. The manuscript shows just where there is an omission, and I will state it orally if the Senator desires it. I will say that it would have become entirely too voluminous to have covered the entire testimony, but every part to which I refer is a complete story. It is here exactly as it will appear in the RECORD.

The PRESIDING OFFICER. The Senator will suspend for a moment. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it will be so ordered. The Senator from Kansas will proceed.

Mr. HEYBURN. I had reference to such testimony as refers to the expenditure of money in saloons. One of the omissions, one part of the testimony passed over, was where this witness testified that the money was not expended in saloons, and the man was not a saloon campaigner. I merely make that suggestion so as to let it appear that it does not follow, because the Senator does not read the testimony, that there is not testimony here that would be favorable to the other side of the question.

Mr. BRISTOW. In quoting this testimony I have stated what he did spend it for, according to the testimony, and of course the fact that he says he did not spend it in saloons follows. Of course, if he had spent it in saloons, that would have appeared. It does appear in the part I quoted what he says the money was spent for, so there could be no misconception.

Mr. HEYBURN. He says it was not spent in saloons.

Mr. BRISTOW. It was not. It was spent for these other purposes which are narrated.

The CHAIRMAN. Was he to pay it out or to keep it for his own services?

Mr. BOWMAN. I do not think I had any talk with Mr. Johnson as to whether he should keep it or—

The CHAIRMAN. Do you know what he did with it?

Mr. BOWMAN. I do not.

The CHAIRMAN. Did he ever render any account of it?

Mr. BOWMAN. He did not.

The CHAIRMAN. Can you name some one else to whom you paid a part of that \$1,250?

Mr. BOWMAN. C. E. Hitchon.

The CHAIRMAN. How much did you pay him?

Mr. BOWMAN. \$450.

The CHAIRMAN. Where does he live?

Mr. BOWMAN. At Marinette.

The CHAIRMAN. What does he do?

Mr. BOWMAN. He keeps a hotel.

The CHAIRMAN. What hotel?

Mr. BOWMAN. I do not know what the name of the hotel is.

The CHAIRMAN. Marinette is the home of Senator STEPHENSON?

Mr. BOWMAN. Yes, sir.

The CHAIRMAN. Did you ever have an account from him as to the manner in which he expended that money?

Mr. BOWMAN. I did not.

The CHAIRMAN. You do not know how he expended it?

Mr. BOWMAN. I do not.

The CHAIRMAN. What instructions did you give him when you gave him the money?

Mr. BOWMAN. I did not give him any instructions. I had the same talk with him that I did with the rest of the fellows.

Bowman then proceeded to submit names of others to whom he paid smaller amounts, leaving a surplus of between \$200 and \$300 in his hands for which he never accounted and, of course, for which he never was expected to account. This money was paid to the game wardens by Edmonds, some of it through Stone and some of it direct, to purchase their influence in behalf of Senator STEPHENSON in the primary campaign; and it was left to their honor—that is, the traditional honor that is said to exist among thieves—to use this money as effectively as they could to accomplish the desired result—to secure votes in the primary for Senator STEPHENSON.

The item of \$450 paid to Hitchon, a hotel keeper in Senator STEPHENSON'S home town—

Mr. REED. Has the Senator disposed of the game wardens?

Mr. BRISTOW. Not quite.

Mr. REED. I wanted to inquire at the appropriate time how many game wardens there were and how many Senator STEPHENSON secured.

Mr. BRISTOW. I do not know. There are 12 or 15 who seem from the testimony to have been employed, but I think there were probably a good many more than that. How many of them received money I do not know. One, Stone claimed, he paid some money to, but he denied he received the money from Stone. I do not remember just what his name was. I will speak of that later on.

Mr. HEYBURN. Mr. President, it would seem fair to state that Stone confessed that he had committed perjury in regard to the payment.

Mr. BRISTOW. Yes; I think Stone was a great liar. Why he lied, whether to save himself from criminal prosecution for improperly using this money, or whether he lied in order to deceive Senator STEPHENSON is a matter of conjecture.

Mr. HEYBURN. It was clearly shown that he made the statement to defend himself against accounting for the money. He made statements that he had paid it to men who came forward and swore he had not paid them any money. Mr. Stone found himself in that position, and the committee left him there.

Mr. BRISTOW. As I understand it, he had a meeting of a number of game wardens, and he said, "I have got to account for this money some way, and I want you fellows to admit that you got so much." Some of them did, and one fellow refused and told the story about how it was and showed how it was. To my mind the whole business is saturated with rottenness.

Mr. HEYBURN. It was what was termed "a frame up," where some of these game wardens were called to Mr. Stone's house in the nighttime and asked to concede it to be a fact that he had paid the money, because he had sworn that he had paid them the money.

Mr. BRISTOW. Before the committee of the legislature.

Mr. HEYBURN. He sought to fortify that sworn statement by procuring these men to admit they had received the money. More than one of them notified him that they would not be used in that way, and Stone stood properly charged with perjury and was not inclined after that to be so aggressive.

Mr. BRISTOW. I think there is no doubt that Stone and Perrin and Riordan and a lot of these men perjured themselves as to what they did with the money that was given them. As I have said, whether they perjured themselves in order to avoid disclosures that would have been more embarrassing than to lie about it and tried to frame up an excuse, or whether they did it in order to deceive STEPHENSON, who expected them to use it, or whether it was given to them to subsidize them and purchase their influence and induce them to work and exert what influence they had through the State in STEPHENSON'S behalf, and they felt they had to account for it or admit they had sold out in this political campaign, and rather than admit that they had sold out they thought they would frame up some kind of a lie to tell to the committee—all these reasons for accounting for the expenditure of this enormous amount of money among the people of Wisconsin in that election of course are mere matters of conjecture, but to my mind it makes no difference as far as the merits of its bearing on this case go. In my judgment the enormous expenditure of money given to men as it was to these men is the corrupt use of money in an election, and I do not see how the Senate is going to escape that conclusion.

I am simply going over the details here to show what these men say they did with the money. The patent, indisputable fact is that they got the money to work for STEPHENSON. That is admitted by STEPHENSON and his managers, and the men themselves admit that they got it. If they violated in the disbursement of this fund throughout the State the laws of Wisconsin, and might be indicted for it, or if they were expected by STEPHENSON'S managers to spend it and did not, but kept it instead, or whether they received it simply as a bribe or a corruption fund to induce them to talk for STEPHENSON, and to cre-

ate Stephenson sentiment, an expression that is used so much, is only an incident.

The item of \$450 paid to Hitchon, a hotel keeper in Senator STEPHENSON'S home town, attracted the attention of Senator POMERENE, who asked (p. 939):

Mr. Bowman, why was it that you gave this sum of \$450 to Mr. Hitchon?

Mr. BOWMAN. I had a talk with Mr. Hitchon, and I thought he was in a position to do some good work.

Senator POMERENE. He was a brother of one of the game wardens?

Mr. BOWMAN. Yes, sir.

Senator POMERENE. And Mr. Hitchon lived in Senator STEPHENSON'S own home?

Mr. BOWMAN. Yes, sir.

Senator POMERENE. You went into Senator STEPHENSON'S own home county and placed \$450 there?

Mr. BOWMAN. I did.

Senator POMERENE. What was that for?

Mr. BOWMAN. I had a talk with Mr. Hitchon; I thought he was in a position to do Mr. STEPHENSON some good in the northern part of Marinette County and De Forest and Florence.

Senator POMERENE. What was his business?

Mr. BOWMAN. Mr. Hitchon's?

Senator POMERENE. Yes.

Mr. BOWMAN. The hotel business.

Senator POMERENE. And the saloon business?

Mr. BOWMAN. Yes.

Senator POMERENE. How was he to use this \$400?

Mr. BOWMAN. To see that the Stephenson literature was kept up and to get people to make lists of Stephenson supporters and for men at the polls on primary day.

Senator POMERENE. Did it not occur to you that Mr. STEPHENSON and his home friends could look after their own county?

Mr. BOWMAN. No; I did not think anything about it.

Senator POMERENE. You paid \$450 to one man, \$125 to another, \$300 to another, \$100 to another, \$50 to another, and \$20 to another, and you received no accounts for any of these sums?

Mr. BOWMAN. I did not.

Senator POMERENE. And you never asked for them?

Mr. BOWMAN. No, sir.

Senator POMERENE. During the time that you were campaigning you were on duty as game warden and receiving a compensation?

Mr. BOWMAN. I was; yes, sir.

Senator POMERENE. A compensation of \$2.50 a day and your expenses?

Mr. BOWMAN. \$3.50.

Senator POMERENE. And expenses. During that campaign what did your expenses amount to?

Mr. BOWMAN. I do not remember.

Senator POMERENE. What expenses did you charge up to the State?

Mr. BOWMAN. My actual expenses that I thought should be charged up to the State.

Senator POMERENE. What were they?

Mr. BOWMAN. Mileage and hotel bills.

Senator POMERENE. You did not charge any mileage to the Stephenson account?

Mr. BOWMAN. No; I did not.

Senator POMERENE. Nor any of the meals?

Mr. BOWMAN. I did not.

Senator POMERENE. Did you have any livery hire at any time?

Mr. BOWMAN. I did.

Senator POMERENE. Did you charge that up to the Stephenson account?

Mr. BOWMAN. I did not.

From the testimony, it clearly appears that this man Bowman was an official crook and a political blackleg—a fit man to be associated with the Stephenson campaign, under the generalship of Edmonds, Sacket & Co. But I call the attention of the Senate now to a deputy game warden of a somewhat different type.

A. I. HULBERT.

A. I. Hulbert was a resident of Barron, Wis., and was a deputy game warden. On page 953 of the testimony, he was asked by the chairman:

Did you receive any money from Mr. Edmonds during that campaign?

Mr. HULBERT. Yes.

The CHAIRMAN. For what purpose?

Mr. HULBERT. I do not know.

The CHAIRMAN. How did it come to you?

Mr. HULBERT. I can explain it to you, maybe.

The CHAIRMAN. Suppose you do.

Mr. HULBERT. When the campaign first started out I got a letter from Mr. Edmonds, I think, asking me to take charge of Barron County. I told him I could not do it; that I had all the work I could do, and was under civil service and could not do it. It went on from that time down until, I think it was, the 29th of August. Mr. Porter later on took charge of Barron County.

Mr. LITTLEFIELD. What name is that?

Mr. HULBERT. Mr. Warren Porter. I met him at Cameron. He is an old soldier and was going to the soldiers' reunion. He said he had Barron County fixed up all right, with the exception of the city of Barron. He wanted to know of me if I would not pay certain parties that he had spoken to some money to look after the polls in the city of Barron. He wanted to know if I would not do that for Uncle Ike. That is the way he mentioned it. I told him I had kept out of it so far, and I did not want to be mixed in it. He said, "Will you do it for me?" and I said I would. So I paid different parties there a small sum of money out of my own pocket, which I was to receive from Mr. Porter when he got back. I did not expect any money. He went to Milwaukee.

Senator POMERENE. Whom do you mean by "he"?

Mr. HULBERT. Warren Porter. He went to Milwaukee; and the next day or so, or maybe two days afterwards, the check came from Mr. Edmonds. Whether he sent that or not I could not state.

Mr. LITTLEFIELD. Whether who sent it?
 Mr. HULBERT. Mr. Porter.
 Mr. LITTLEFIELD. Oh! Whether Mr. Porter had the \$100 sent to you, you can not tell?
 Mr. HULBERT. No. I got that check, and that is the way I got it. I can not explain it any other way than that.
 Mr. LITTLEFIELD. Go right on and state the parties to whom you paid the sums and the amounts. There is no objection to that I suppose.
 Mr. HULBERT. (referring to memorandum book). It is rather dim. I wrote it with a pencil. I took it down at the time I paid each one. You see I expected to get my money from Warren Porter. I paid E. W. Pierce \$5 and \$2.50. The \$5 was for working at the polls, as I understood it, and the \$2.50 was for posting bills. He is a billposter and did some posting of bills. I do not know just what it was. I paid John Webster \$3.
 Mr. LITTLEFIELD. For what? Give the names and the amounts. State for what the money was paid.
 Mr. HULBERT. I could not tell you what it was for. Warren Porter told me who to pay.
 Mr. LITTLEFIELD. Oh! You were paying out these sums at the request of Mr. Porter?
 Mr. HULBERT. Yes.
 Mr. LITTLEFIELD. By virtue of an arrangement that had previously been made by him?
 Mr. HULBERT. I met him at Cameron. He was going away and said he had not done it.
 Mr. LITTLEFIELD. He gave you these names and requested you to hand the men these different sums?
 Mr. HULBERT. He did not tell me how much. He said to give them what they asked, but not to give over \$5 to any one of them.
 Mr. LITTLEFIELD. Go right along.
 Mr. HULBERT. Tom Case, \$2; Charles Wyckoff, \$1; John Timblin, \$2.
 Mr. LITTLEFIELD. Give their residences.
 Mr. HULBERT. All in the city of Barron. I paid "Chuck" Post \$3. He lives a mile and a half from Barron, in the town of Barron. He was to look after the polls, as I understood it. They held their caucus in the city in a hall, and he was to look after the polls there. That is what I understood from Porter. I paid Charles Miller \$3. He lives about 9 miles from Barron in a town there. I did not pay that until three or four weeks, probably a month, or maybe two months afterwards. I do not remember. I paid it later on. I phoned him. He told me to phone him, and I phoned him with regard to it. Charles Williams I gave 50 cents. Williams was a man that drove a team; that is, he drove a team to haul voters to the polls. I paid all but the men that drove the teams before I received any money at all, before I knew I was going to get any money or had any idea of it.
 Mr. LITTLEFIELD. Have you finished the list?
 Mr. HULBERT. Yes, sir.
 Mr. LITTLEFIELD. What does it aggregate?
 Mr. HULBERT. \$24.50.
 Senator POMERENE. What is that amount?
 Mr. HULBERT. \$24.50.

The CHAIRMAN. Did you receive a check in an envelope from Mr. Edmonds?
 Mr. HULBERT. Yes, sir.
 The CHAIRMAN. Without any letter accompanying it at all?
 Mr. HULBERT. There was a letter in with it.
 The CHAIRMAN. What did you do with the letter?
 Mr. HULBERT. I think I burned it up later on.
 The CHAIRMAN. Do you remember the contents of the letter?
 Mr. HULBERT. As near as I can remember, I think the letter said: "I am this day mailing you a present which should have been mailed before, but was overlooked."
 The CHAIRMAN. Was that before or after the primary election?
 Mr. HULBERT. I think I got that either on the 31st or on the 1st. That is as near as I can remember.
 The CHAIRMAN. You got it either the day before the primary election or on that day?
 Mr. HULBERT. Yes, sir; I do not know which. I would not want to swear to that.
 The CHAIRMAN. Did you expend that in the interest of Senator STEPHENSON?
 Mr. HULBERT. No, sir; I did not.
 The CHAIRMAN. In whose interest did you spend it?
 Mr. HULBERT. I used that for myself; I kept it.
 The CHAIRMAN. You kept the \$100?
 Mr. HULBERT. Yes, sir.
 The CHAIRMAN. You did not pay out any of it at all?
 Mr. HULBERT. I paid out my own money, and that is the way I was reimbursed.
 The CHAIRMAN. Disregard the identity of the money. Did you pay out any money of your own in the interest of Senator STEPHENSON?
 Mr. HULBERT. Yes, sir.
 The CHAIRMAN. When did you pay it out?
 Mr. HULBERT. I paid it out, as I say, all but for the boys that drove the teams, before I got this money from Mr. Edmonds.
 The CHAIRMAN. How much, altogether, did you pay out before you got this \$100 from Edmonds?
 Mr. HULBERT. I would not state certainly whether I saw Mr. Post before that or not. He lives up in the country.
 The CHAIRMAN. Assume that you did. How much did you pay out?
 Mr. HULBERT. About \$3.50, as near as I can remember.
 The CHAIRMAN. Altogether?
 Mr. HULBERT. Yes, sir.
 The CHAIRMAN. \$3.50?
 Mr. HULBERT. Yes, sir; that is, if I paid Mr. Post before.
 The CHAIRMAN. What was the amount paid Mr. Post?
 Mr. HULBERT. \$3. That would make \$6.50, if I paid him after I got the money.
 The CHAIRMAN. So that this \$100 more than reimbursed you for the money that you had paid out?
 Mr. HULBERT. Yes, sir.
 The CHAIRMAN. You had paid that money out in the interest of Senator STEPHENSON's campaign, had you not?
 Mr. HULBERT. I understood I was to pay that out for Mr. Porter, and that Mr. Porter was to pay me. I took it down here—
 The CHAIRMAN. I mean, were you working for Senator STEPHENSON's nomination?
 Mr. HULBERT. No, sir.
 The CHAIRMAN. Were you friendly to Senator STEPHENSON?
 Mr. HULBERT. Yes, sir; I was.
 The CHAIRMAN. You were not working against him, were you?
 Mr. HULBERT. No, sir; I was not.

The CHAIRMAN. Whatever you did was friendly to him?
 Mr. HULBERT. Yes, sir.
 The CHAIRMAN. When you received the \$100 you kept it and counted it a present, did you?
 Mr. HULBERT. I kept it; I did not know what else to do with it.
 The CHAIRMAN. The reason you have been questioned about this is because the Senate committee, in its report, on page 2247, comments upon you having been paid \$100. You are called for the purpose of explaining whether or not you received that to work for Senator STEPHENSON. Were you already working for Senator STEPHENSON?
 Mr. HULBERT. No, sir.
 The CHAIRMAN. Did you commence working for Senator STEPHENSON after you received the \$100?
 Mr. HULBERT. Maybe I do not exactly understand; but my understanding of this is that I had not been counted on to work in the campaign for anybody. I did not ask anybody—
 The CHAIRMAN. Whom were you supporting? For whom did you vote?
 Mr. HULBERT. I voted for Senator STEPHENSON.
 The CHAIRMAN. When did you first make up your mind to vote for Senator STEPHENSON?
 Mr. HULBERT. When he first came out.
 The CHAIRMAN. Then you were a friend of Senator STEPHENSON's?
 Mr. HULBERT. Yes, sir.
 The CHAIRMAN. You were not doing any friendly act in the interest of any other man's nomination, were you?
 Mr. HULBERT. No, sir; I was not.
 Senator POMERENE. You spent \$24.50 at the request of Porter?
 Mr. HULBERT. Yes, sir; at the request of Warren Porter.
 Senator POMERENE. And then you spent \$3 in addition to that?
 Mr. HULBERT. No.
 Mr. LITTLEFIELD. That is part of it.
 Senator POMERENE. That is part of it?
 Mr. HULBERT. Yes, sir.
 Senator POMERENE. Were you reimbursed by Porter?
 Mr. HULBERT. No, sir. He did not pay me back at all.
 Senator POMERENE. So, with the \$100, you had a balance, then, of \$75.50?
 Mr. HULBERT. Yes, sir.
 Senator POMERENE. Which was a present to you?
 Mr. HULBERT. Yes, sir.
 Senator POMERENE. From the time Senator STEPHENSON announced his candidacy you had been working in his behalf?
 Mr. HULBERT. I did not understand it that way.
 Senator POMERENE. Were you? Were you talking in his behalf?
 Mr. HULBERT. I did not talk politics with anybody.
 Senator POMERENE. What did you get this \$100 for?
 Mr. HULBERT. That is what I say—I do not know.
 Senator POMERENE. You do not know?
 Mr. HULBERT. No, sir.
 Senator POMERENE. Do you often get presents of that kind?
 Mr. HULBERT. No, sir. It is the first one I ever got, and I am sorry I got that.
 Senator POMERENE. You did go around and employ a number of these men, though?
 Mr. HULBERT. Yes, sir; at the request of Mr. Porter I did that.
 Senator POMERENE. What did you say to them when you employed them?
 Mr. HULBERT. I told them just what Mr. Porter told me. He said that he had gone off in a hurry; he wanted to go to meet some of his company in Milwaukee, and he forgot to pay those bills and wanted me to pay them for him. I told every one of them I was paying those bills for Mr. Porter.
 Senator POMERENE. Was that before or after the primary?
 Mr. HULBERT. That was before the primary.
 Senator POMERENE. How long before?
 Mr. HULBERT. I think it was—well, I met Mr. Porter in Hamburg, 6 miles from home, and he was then on his way to Milwaukee. I think that was on the 29th. I could not swear positively.
 Senator POMERENE. It was near the date of the primary?
 Mr. HULBERT. Yes, sir.
 Senator POMERENE. You never asked Porter for the money afterwards, did you?
 Mr. HULBERT. I spoke to him about it; yes, sir.
 Senator POMERENE. What was said between you?
 Mr. HULBERT. I do not know just exactly what there was said, but I spoke to him about the fact that he never had paid me that money yet, and he asked me if I did not get my pay. I said I got some money, but where it came from I did not know, or what it was for. He said, "If you are paid well enough, if you are satisfied, all right; keep still."
 Senator POMERENE. "If you are satisfied, all right?"
 Mr. HULBERT. "Keep still"; yes.
 Senator POMERENE. "Keep still"?
 Mr. HULBERT. Yes, sir.
 Senator POMERENE. Why did he say that?
 Mr. HULBERT. I do not know, sir.
 Senator POMERENE. When was that said?
 Mr. HULBERT. That might have been a month and it might have been six weeks.
 Senator POMERENE. After the primary?
 Mr. HULBERT. After the primary. As I understood it, as I remember now, he went away on a visit somewhere. He went to the soldiers' reunion.
 Senator POMERENE. This was Edmonds who sent you this check for \$100?
 Mr. HULBERT. Yes, sir; as I remember it.
 Senator POMERENE. You had had some talk with him before, had you not?
 Mr. HULBERT. I never had any talk with Mr. Edmonds, any more than he wrote me a letter and asked me to take charge of Barron County.
 Senator POMERENE. And you declined?
 Mr. HULBERT. Yes, sir; I declined. I told him I could not do it.
 Senator POMERENE. And notwithstanding that fact he sent you \$100?
 Mr. HULBERT. Yes, sir.
 Senator POMERENE. I wish you would explain to us why he should send you \$100.
 Mr. HULBERT. I can not do it, Senator.
 Hulbert's inclination was to be an honest and upright citizen. The laws of his State provide that—
 No officer, agent, clerk, or employee under the government of the State shall, directly or indirectly, solicit or receive or be concerned in any manner in soliciting or receiving any assessment, subscription,

or contribution for political service, whether voluntary or involuntary, for any political purpose whatever, from any officer, agent, clerk, or employee of the State.

Mr. Hulbert naturally felt that such statute forbade his accepting any money to work in political campaigns, and so when Edmonds first asked him to take charge of the Stephenson campaign up there he declined. But when his friend, Porter, asked him to pay certain parties some money which Porter had agreed to pay them, but which he could not because it was necessary for him to take a train to fulfill an engagement, Hulbert felt that it was nothing improper for him to accommodate Mr. Porter. And so he paid the money to the parties, as requested, and thereby became involved, somewhat to his chagrin, in the Stephenson campaign financial "propaganda." His weakness, of course, was in retaining the \$75.50, to which he thought he had no right and which he believed he should not have taken. But that simply illustrates the demoralizing influence on a community of having political corruptionists searching the country throughout for men who will accept bribes and be influenced and induced to take part in political campaigns for money. The kind of political corruption practiced in this Stephenson campaign is most insidious and dangerous to the welfare of the country. Indeed, I think it is more demoralizing on public morals than open and flagrant bribery in the legislature, such as was practiced in the Lorimer case.

Now I come to the last witness I am going to quote from, and it presents another interesting phase of this Stephenson campaign.

F. J. EPPLING.

So persistent and determined was Edmonds to bring within his net every element of Wisconsin's population that even the ministry did not escape his vigilance, as is shown by the testimony of F. J. Eppling, on page 903:

The CHAIRMAN. * * * Mr. Eppling, where do you reside?
Mr. EPPLING. Sheboygan, Wis.
The CHAIRMAN. What is your occupation?
Mr. EPPLING. I am at the present time in the insurance business, temporarily.
The CHAIRMAN. What is your profession?
Mr. EPPLING. I was a clergyman.
The CHAIRMAN. Were you a clergyman during the summer of 1908?
Mr. EPPLING. Yes, sir.
The CHAIRMAN. Of what denomination?
Mr. EPPLING. The Lutheran.
The CHAIRMAN. Where were you located at that time?
Mr. EPPLING. Algoma, Wis.
The CHAIRMAN. Did you participate in the campaign of Senator STEPHENSON for the United States Senate in the year 1908?
Mr. EPPLING. I did.

I omit some of the testimony and proceed.

The CHAIRMAN. Did you at that time receive any money from him?
Mr. EPPLING. At the first interview? I did.
The CHAIRMAN. Yes.
Mr. EPPLING. I did.
The CHAIRMAN. How much?
Mr. EPPLING. \$75.
The CHAIRMAN. You can not give the date, you say?
Mr. EPPLING. I could not.
The CHAIRMAN. How much altogether did you receive from him?
Mr. EPPLING. \$400.
The CHAIRMAN. For what purpose did you receive that money?
Mr. EPPLING. It was for the purpose of covering my expenses in helping to organize the various counties.
The CHAIRMAN. What do you mean by the term "organize"?
Mr. EPPLING. To find somebody who is familiar with political work to help to bring out the voters, to properly present the candidate to the people.
The CHAIRMAN. Did you enter upon that work?
Mr. EPPLING. To some extent.
The CHAIRMAN. How long did you engage in it?
Mr. EPPLING. About six weeks.
The CHAIRMAN. During that time you received these sums of money?
Mr. EPPLING. Yes, sir.
The CHAIRMAN. Did you pay any of that money to other people for working?
Mr. EPPLING. Not at all; not one penny.
The CHAIRMAN. It was all for your services?
Mr. EPPLING. Personal expenses and compensation.
The CHAIRMAN. What class of work did you do?
Mr. EPPLING. I did none at first—it was not my intention to do any work at all.

The CHAIRMAN. Then for what were you to receive the money?
Mr. EPPLING. That is, you must take into view—which will be properly explained later—how I was drawn into this campaign.
The CHAIRMAN. Please answer my question. How were you to expend the money?

Mr. EPPLING. For my personal expenses.
The CHAIRMAN. What were you to do for the money?
Mr. EPPLING. I was to look up certain parties in various counties who could do political work for Mr. STEPHENSON.

The CHAIRMAN. Who were those parties?
Mr. EPPLING. Mr. Werner Pflughoeft, in Taylor County; Dr. Frank, in Clark County; Mr. Bratz, an insurance solicitor, in Washington County; and another son of Mr. Pflughoeft, in Outagamie County.
The CHAIRMAN. Those were the persons that you were to look up. Was any part of this money in the nature of a subscription to the church?

Mr. EPPLING. Not at all.

The CHAIRMAN. It was all for your personal compensation?

Mr. EPPLING. Positively.

The CHAIRMAN. And for work to be done by you?

Mr. EPPLING. By myself personally.

The CHAIRMAN. Who gave you the money?

Mr. EPPLING. Mr. Edmonds.

It appears also from the testimony, on page 905, that, in addition to this \$500 paid this man by Edmonds, STEPHENSON made a contribution of \$200 to his church, for which he was given due credit. This contribution was made on the 22d day of August, a little over a week before the primary was held.

But be it said to the credit of the ministry that this man is not now disgracing that high and holy calling. He has found it necessary to engage in the insurance business, doubtless since he has become known to be a boodling politician whose services are for sale in political campaigns.

I might continue for hours to read testimony from other witnesses and participants in this campaign of corruption, but it is unnecessary. It would simply weary the Senate and only fill the Record with additional disgusting details. The evidence which I have presented shows conclusively that Mr. STEPHENSON and his representatives have violated the laws of Wisconsin by paying money to inspectors or judges of election, by hiring officers of the State administration to work in this political campaign, and have employed men to perform political services contrary to the statutes of the State. But, as I said in the beginning, the important features of this case for the Senate to consider is not the violation of the laws of Wisconsin, but the moral turpitude involved in the election itself. The evidence of Dee, Perrin, Riordan, Dresser, Knell, Stone, Ring, Wayland, Dart, Kolb, Bowman, Hulbert, Eppling, and many others shows conclusively that men, in consideration of money received from STEPHENSON and his managers, supported STEPHENSON in the campaign and induced other men, through the use of money, to vote for Mr. STEPHENSON in the primary election. No other conclusion can be drawn from the testimony submitted. And the action of Sacket, the bookkeeper of the campaign, in destroying his records, as shown in his testimony; the efforts of STEPHENSON to evade the investigation by the State authorities; and the sending of the correspondence to Michigan, as shown in the testimony of some of the witnesses, so that it would be out of the reach of the legislative committee when it undertook the investigation, are strongly corroborative evidence showing that Mr. STEPHENSON and his managers knew that they had violated the State law.

It is a disagreeable duty to pass upon the action of the venerable Senator from Wisconsin, for whom no one in this body personally has anything but the most kindly feelings. We are called upon, however, to pass upon the integrity of the Senate and to protect its seats from being made the subject of barter and sale as pieces of political merchandise. If such campaigns as the one conducted in Wisconsin which resulted in the election of Mr. STEPHENSON are to meet the approval of this body, then it will lose the respect of the American people. The Senate can not have the confidence of the people if men immensely rich, with little qualification for the great office of Senator of the United States, but who desire the position as a child wants a toy, are to be permitted to employ political highwaymen as managers and organizers, such as the agents of STEPHENSON were, and then turn over to them vast sums of money to be used in purchasing the support of men, wherever they can be found, who will yield to such inducement.

If this Government is to live, corruption in high places must be made as heinous as treason, for it is in the end more dangerous to the Nation's welfare. For the reasons given I can not support the motion of the Senator from Idaho.

Mr. KENYON. Mr. President, it is rather a late hour to commence the discussion of this case, and I ask the Senator from Idaho if he will not consent to the laying aside of the matter at this time?

Mr. HEYBURN. Mr. President, I do not think there is any sufficient reason for now laying aside the order of business. It is a question of the highest privilege, and there is considerable time left in which to discuss it this afternoon.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Gardner	Martine, N. J.	Smith, Ga.
Bourne	Gronna	Nelson	Smoot
Bristow	Heyburn	Overman	Stephenson
Bryan	Johnson, Me.	Page	Swanson
Burnham	Kenyon	Perkins	Warren
Culberson	Kern	Poin Dexter	Wetmore
Curtis	Lodge	Pomerene	

Mr. KENYON. Mr. President, before the announcement is made, apprehending that there will be no quorum, I should like to give notice—

The PRESIDING OFFICER. The Chair will state that nothing is in order except to secure a quorum or to adjourn.

Mr. OVERMAN. Then, I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair will suspend putting the motion made by the Senator from North Carolina until the result of the roll call has been announced.

Mr. WARREN. Mr. President, I wish to say for my colleague [Mr. CLARK of Wyoming] that he was obliged to return to his home to-day on account of illness.

The PRESIDING OFFICER. The call of the roll discloses the presence of 27 Senators—less than a quorum.

Mr. HEYBURN. Mr. President, I ask that the names of absentees be called.

The PRESIDING OFFICER. The Senator from Idaho asks that the names of the absentees be called. Without objection, the Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators.

Mr. OVERMAN and Mr. HEYBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. OVERMAN], who first addressed the Chair, is recognized.

Mr. OVERMAN. I move that the Senate adjourn.

Mr. HEYBURN. I rose to make that motion; I was on my feet for that purpose.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. OVERMAN] had first addressed the Chair on the same subject.

Mr. HEYBURN. He could not have the floor until the result of the roll call had been announced.

The PRESIDING OFFICER. The Chair will put the motion. It is a matter of small importance who makes it when two Senators make the same motion. The question is on agreeing to the motion that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, March 4, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 2, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we would draw near to Thee in faith, hope, and love. Realizing our dependence upon Thee for all things temporal and spiritual, we most fervently pray for wisdom to guide and strength to sustain us in all our undertakings which may be in accordance with the laws Thou hast ordained. Help us, we beseech Thee, to pray as we work and work as we pray, lest we discredit our Maker and bring down the temple upon our own heads and thus ignominiously perish in the conflict 'twixt right and wrong. Hear us and make us Thine now and always. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

GEN. SAM HOUSTON.

Mr. BEALL of Texas. Mr. Speaker, March 2 is eventful in the history of Texas. To-day is the seventy-sixth anniversary of the Texas declaration of independence and the one hundred and nineteenth anniversary of the birth of Gen. Sam Houston. [Applause.] I ask unanimous consent to print in the RECORD an address to be delivered to-night before the Legislature of the State of Virginia in presenting to that State, on behalf of Texas, a portrait of Gen. Houston.

The SPEAKER. The gentleman from Texas asks unanimous consent to print in the RECORD a speech to be made by him to-night before the Legislature of Virginia in presenting a portrait of Gen. Sam Houston. Is there objection?

There was no objection.

The following is the address above referred to:

"MR. PRESIDENT, MR. SPEAKER, GENTLEMEN OF THE VIRGINIA LEGISLATURE, LADIES, AND GENTLEMEN: I am commissioned by the governor of Texas, in behalf of the people of that State, through you to present to the State of Virginia a portrait of Gen. Sam Houston. A native of Virginia, he became the liberator of Texas and the most illustrious character that has ever adorned the eventful history of that great Commonwealth.

"In doing so to-night I want to present Houston as he was, obscuring neither his virtues nor his vices, to feature as best I can before you the real man of flesh and blood, with his frailties and faults as well as his fortitude and constancy, with his

bitter passions and narrow prejudices as well as his fervent patriotism and dauntless spirit. It is no easy task to do this.

"Much has been said of him, much has been written of him; much that was false, much that was true. Even at this day, when many men still live who knew him, it is difficult to separate the true from the false. It is true of all people and all ages that really great men undergo a process of idealization in which the furrows are all smoothed away and the angles all rounded out. It is difficult for us to think of Washington as suffering from hunger or thirst, from cold or heat, as ever stumbling into error or perplexed by doubt. We have stripped him of all these human attributes and think of him deciding between right and wrong by intuition and achieving great results and solving great problems by inspiration. For nearly 50 years this process of idealization with respect to Houston has been going on. In addition to that, from the time Houston reached Texas, in the glory of his prime until bent and withered and weary his great spirit answered the call of its Maker, he lived in the very midst of storm and tumult. So intense was his personality that when he engaged in a political contest the people forgot former lines of political division and divided into Houston and anti-Houston factions.

"Men thought of Houston and talked of Houston in terms of the superlative. On the one hand he was an orator of brilliant equipment and unexcelled power and on the other he was an unlettered and untutored clown; on the one side he was a statesman with a keen insight and profound grasp of governmental problems and on the other he was a stupid mountebank and a dangerous demagogue; on one side he was a soldier combining the wisdom of Washington with the daring of Napoleon while on the other his military capacity was denied and his courage questioned. It is with this curious compound of all alleged to be good and all alleged to be bad that we have to deal to-night.

"Samuel Houston was born March 2, 1793, in Rockridge County, Va., a county that was the cradle of many distinguished Virginians and that holds the sacred dust of many of your illustrious dead. He came from strong and sturdy Scotch-Irish stock. His father served with credit as a rifleman in the Revolutionary Army. His mother was of magnificent physique and great force of character, giving confirmation of the truth that behind every great man stands a great woman as his mother. When Sam was 13 years of age his father died, and his mother with her six sons and three daughters moved across the mountains and settled on the Tennessee River in what was then a wilderness and on the very border line of civilization. To the west of them the Indian tribes were their only neighbors. Here a rude cabin was built and the family experienced all the trials and encountered all the privations incident to a life on the frontier.

"When he was about 14 years of age he ran away from home to the Cherokee Indians, with whom he lived for several years as the adopted son of the Cherokee chief. When the War of 1812 came on he enlisted as a private, was desperately wounded at the battle of the Horseshoe Bend, where he first saw Andrew Jackson. After many months of suffering he rejoined the Army and received rapid promotion. He resigned from the Army and studied law; in six months was admitted to the bar; was district attorney. In 1823 he was elected to Congress, and reelected in 1825. During this time he renewed acquaintanceship with Jackson, and from that time until Jackson's death was his friend and devoted follower. In 1827 he was elected governor of Tennessee. In January, 1829, he married, and in a few weeks' time he and his wife separated. Upon Houston were turned all the batteries of scandal and slander, but he made no answer save to testify to the virtuous character of his wife, and never to mortal man did he ever breathe one word as to the cause of the estrangement. He resigned the governorship of Tennessee, and, wounded almost unto death, he left the walks of civilized man and once more took refuge among the Cherokee Indians. In resigning from the governorship he wrote a letter, one paragraph I quote as indicating the character of the man:

"That veneration for public opinion, by which I have measured every act of my official life, has taught me to hold no delegated power which would not daily be renewed by my constituents, could the choice be daily submitted to a sensible expression of their will. And although shielded by a perfect consciousness of undiminished claim to the confidence and support of my fellow citizens, and delicately circumstanced as I am and by my own misfortunes more than the fault or contrivance of anyone, overwhelmed by sudden calamities, it is certainly due to myself and more respectful to the world that I retire from a position which in the public judgment I might seem to occupy by questionable authority.

"He was adopted as a member of the tribe and resumed the dress and habits of a savage. In 1832 he reappeared in Washington, and because of some aspersions cast upon him by a Member of Congress from Ohio named Stanberry, Houston assaulted Stanberry. He was arraigned before the House for a

breach of its privileges, and after a trial lasting a month was found guilty and reprimanded. In court he was fined for the assault, but Jackson remitted the fine, remarking that if a few more Members of Congress should be treated the same way they would learn to keep a civil tongue. Houston returned to his Indian home. The troubles between Texas and Mexico were brewing. In 1833 he appeared in Texas to negotiate some treaties with the Indians for Jackson. He was persuaded to remain, was a delegate to the first convention called in that year by the Texas settlers to devise means for the redress of their grievances, was a member of the convention of 1835 that established a provisional government for Texas, and on March 2, 1836, his forty-third birthday, he signed the declaration of Texas independence. He had already been made the commander in chief of the Texas army. On April 21, 1836, he fought the battle of San Jacinto, where Texas independence was gained, and was again badly wounded. In October, 1836, he was inaugurated President of the Republic of Texas. He retired in 1838, and was a member of the Texas congress. In 1840 he married again, and this time most happily. To his wife the imperious will of "Old Sam" bowed, and he became as docile as a child. Under her gentle influence he was rescued from the evils of intemperance, to which he had fallen a victim, and her prayers and Christian example turned his thoughts toward a better life, and he became a member of the church and an humble and devout Christian.

"In 1841 he was again inaugurated as President. When Texas became a part of the United States Houston was elected one of her Senators and continued as such until 1859. In 1857 he was a candidate for governor, suffering the only defeat of his lifetime. In 1859 he was again a candidate with the same opponent and was triumphantly elected; was inaugurated in January, 1860. Houston opposed the secession of Texas, declined to recognize the secession convention, and refusing to appear before it to take the oath of allegiance to the Confederacy, he was deposed from the governorship. He returned to his home in Huntsville, where he died on July 26, 1863, aged 70 years, 4 months, and 24 days.

"Houston's education was limited. He acquired the simplest rudiments of an education during a few months spent in the 'old Field School' in Tennessee, and this, together with a session or two at an academy, constituted the whole of his school experience. He had access to but few books, but these he read and absorbed until they became a part of him. Among these was Pope's translation of the *Iliad*, which he almost memorized, and to this boy in homespun the forest trees became the heroes of this immortal drama, and the hills about him became the beleaguered walls of Troy. After he became a soldier he read and studied the translation of *Cæsar's Commentaries*. He derived great pleasure and profit from reading Shakespeare's immortal tragedies and comedies, and during the last 25 years of his life he was a constant student of the Bible, and in many a battle upon the hustings he brought confusion to his opponent by the use of some simple illustration or the quotation of some stately sentence from that Great Book.

"In the usual sense Houston was not educated, but yet in another sense he was. He was a child of nature.

"The color of the ground was in him, the red earth,
The tang and odor of the primal things.

"The rivers and mountains, the forests and prairies, were his teachers, and they confided to him their secrets and revealed to him their mysteries. And then he was tutored in the trying school of human experience. He knew men, knew the savages, knew the daring men of the frontier, knew men who lived amidst all the refinements of civilization, knew all classes, all kinds of men, knew the impulses that guided, knew the motives that controlled, knew what they thought, how they felt, and why they acted; and this knowledge, this wisdom, not gained in colleges or universities or from books, gave him his power, his mastery, and made him a leader among men.

"Houston was a remarkable man not only in his mental and moral attributes but in his physical appearance and characteristics. He stood largely over 6 feet in height, with massive, well-formed head, with piercing gray eyes, and with mouth and nose indicating character. Straight and majestic as an Indian, he was in truth a most perfect specimen of physical manhood. Upon public occasions he was the embodiment of grace and courtliness. Among his intimate friends he was social and agreeable, and in the presence of ladies most deferential and respectful.

"He possessed many eccentricities of manner and dress. Some of these indicated the originality of the man, but there is reason to suspect that many of them were largely assumed, because he had much of the histrionic about him, and in the

setting of the stage was always careful to so adjust the scenery as to make himself the observed of all observers. He described himself at the age of 18 as being a 'tall, strapping fellow, dressed in a hunting shirt of flowered calico, with a long queue down my back.'

"Soon after he reached Texas he was a delegate to the first consultation or convention, held in April, 1833, at San Felipe de Austin, to protest to the Mexican Government against the wrongs being inflicted upon the people of Texas, and at this convention he appeared dressed as an Indian. When this fact was reported to old Andrew Jackson, he said that he thanked God that there was one man in Texas who was made by the Almighty and not by the tailor. When Houston lived among the Indians he frequently appeared in all the habiliments of an Indian brave, with a white hunting shirt brilliantly embroidered, yellow leggings, and moccasins elaborately worked with beads, a huge red blanket, and a circlet of turkey feathers around his head.

"Judge Reagan, of blessed memory in Texas, describes Houston as he appeared at a treaty-making council with the Indians as wearing a suit of purple velvet, embossed with figures representing the fox's head and having in his belt a bowie knife of great size. In explanation of why he wore the figured suit, he said that it awed the Indians as a sort of mystery and that the big bowie knife impressed them with the idea that he was a great warrior.

"Here let me say that during all Houston's career as an official, both in Texas and in Washington, he was a consistent friend and defender of the Indian. His great heart went out in sympathy to his brethren of the forest. Hear his lamentation in the Senate:

"As a race they have withered from the land. Their arrows are broken and their springs are dried up; their cabins are in the dust. Their council fire has long since gone out on the shore, and their war cry is fast dying out in the West. Slowly and sadly they climb the mountain and read their doom in the setting sun.

"When Houston was President-elect of the Texas Republic he was the guest of honor at a ball, wearing a ruffled shirt, scarlet cassimere waist, and suit of black silk velvet corded with gold, boots with red tops, and with silver spurs on his heels. When Houston was in the Senate he appeared on the streets of Washington wearing a vast and picturesque sombrero, and in the Senate sometimes in a tiger-skin vest, which is still treasured by his descendants, or in a huge Mexican blanket with a scarlet lining.

"He took but little part in the proceedings of the Senate, speaking but rarely. When he did speak, it was with force and oftentimes with great eloquence and power. He spent a large part of his time in the Senate Chamber whittling with a long, sharp knife, on white pine or cedar sticks, a plentiful supply of which he always carried in his pockets, and grumbling in an audible tone about the speeches there being so long and dry. The same kind of speeches are still delivered there, but nobody whittles. Probably the supply of white pine has been exhausted.

"Houston's attitude toward dueling also excited great interest. While living in Tennessee he fought one duel with Gen. White, severely wounding him. Later, in Arkansas, he was involved in trouble with one of his employees and while both were drunk a duel was fought, but their seconds considerably failed to place any bullets in their weapons, and consequently no damage was done. After Houston went to Texas, although it was out on the frontier where physical courage was greatly esteemed and where men's passions ran riot, and where Houston by his merciless tongue and lofty airs was constantly involving himself in quarrels, he always declined to engage in combats of this kind. It is strangely true, though, that in spite of the fact that many men vented their hatred of Houston by denouncing him as a coward the great mass of the people spurned the insinuation and had faith in his personal courage. Houston was challenged by Lamar, who succeeded him to the Presidency of the Texas Republic; by Commodore Moore, of the Texas Navy; by Albert Sidney Johnston, and by numerous others. There is reason to suspect that in some instances enemies, knowing what his answer would be, availed themselves of an opportunity for self-advertisement by challenging Houston. He was always resourceful enough to waive aside the challenge, often to the discomfort of his would-be antagonist. Once when challenged he replied that he never fought downhill. Again, when challenged because of abusive language toward one who had been his friend, he said: "If a man can not abuse his friends, who in the hell can he abuse?" When he was President he was handed a challenge which he directed his secretary to file and list as No. 14, and sent back word that there were 13 others that must be disposed of first.

"I never stand upon the soil of Virginia that I do not feel that I am treading upon holy ground, because I look upon Virginia as being the very birthplace and cradle of human liberty on this continent. It can not often be said that any one portion of a much larger mass of people was an absolutely essential element in any of the world's great movements, but I think that this can be truthfully said of Virginia in the great movement for American independence. One can well ask where would have been found the tongue to kindle the fires of revolution had it not been for Patrick Henry the Virginian, or where could have been found the pen to frame the immortal Declaration of Independence had it not been for Jefferson the Virginian. It is even more rare to find an instance where any one man was essential in both peace and war in establishing and maintaining the independence of a republic. We can well believe that this was true of Washington, the greatest of all Virginians and all Americans, for without Washington the soldier independence could not have been won, and without Washington the patriot and statesman independence could not have been preserved.

"What was true with reference to Washington and the American Republic was equally true of Houston and the Texas Republic. I believe that I am well within the limits of conservative statement when I say that had there been no Houston there would have been no Texas Republic. He became the commander in chief of the Texas army when the darkest hour of the revolution against Mexico was near at hand. The news had reached Texas that Santa Anna, who had established himself as dictator of Mexico, was approaching with a great army—the flower of the Mexican soldiery. The settlements of Texas were exposed and the Texas forces scattered. Houston's idea was to concentrate the Texas forces and to give early battle to the invader. The Alamo at San Antonio was held by Travis with a few men. Fannin, with 500 men, was at Goliad. Houston ordered both to blow up the forts and to join their forces with his. This order was countermanded by the council and was not obeyed. Had it been the cruel butchery of the 500 brave spirits under Fannin would have been avoided and the story of the Alamo would never have been written.

"In all the history of the world I do not believe there has ever been a more inspiring illustration of human courage and human sacrifice than that displayed at the Texas Alamo. Within its walls were gathered 135 of the choice spirits of the Texas frontier. On February 22—Washington's Birthday—1836, the Mexican forces surrounded the Alamo. Two days later Fannin sent a scout through the Mexican lines bearing an appeal for help. Let me read it so that your hearts may thrill with pride at living in a land capable of producing such a man.

"To the people of Texas and all Americans in the world. Fellow citizens and compatriots:—

"I am besieged by a thousand or more Mexicans under Santa Anna. I have sustained the bombardment and cannonading for 24 hours and have not lost a man. The enemy have demanded a 'surrender at discretion, otherwise the garrison is to be put to the sword if the fort is taken.' I have answered the summons with a cannon shot and our flag still waves proudly from the walls. I shall never surrender or retreat.

"Then I call upon you in the name of liberty, patriotism, and everything dear to the American character to come to our aid with dispatch. The enemy are receiving reinforcements and will, doubtless, in a few days, increase to three or four thousand. Though this call may be neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death.

"W. BARRETT TRAVIS,

"Lieutenant Colonel, Commanding.

"This thrilling appeal for help came too late. Houston started to the Alamo, but the end had come. For 14 days the siege continued. Santa Anna displayed the blood-red flag that indicated no quarter. His cannon made breaches in the walls of the Alamo. Early on the morning of the 6th of March the final charge was made—the charge of nearly 3,000 against less than 200. The Texans drove them back once, twice, but they came again. The Texans made their last stand in the church of the Alamo. There was no time to reload, but with clubbed musket they fought until the end. No Texas soldier asked for quarter, and none lived to tell the story of that day's valor. In my judgment the most eloquent tribute ever paid in a single sentence to human heroism is in the line: "Thermopylae had its messenger of defeat, but the Alamo had none."

"When the news of the fall of the Alamo and the massacre of Fannin and his men at Goliad reached Houston's little army a panic ensued. Santa Anna was advancing from San Antonio, burning, killing, sparing none. Houston's men thought of their loved ones, defenseless in the cabins on the prairies and in the forests, and one by one they slipped away to carry their families to places of safety until Houston had but 400 left. Back from the Guadalupe Houston retreated until he reached the Colorado. It was expected that he would resist the triumphant advance of Santa Anna there. Back from the

Colorado Houston retreated until he reached the Brazos. On toward the Brazos came Santa Anna. Murmurs of dissatisfaction and discontent began to be heard in Houston's army. Surely, it was thought, Houston would give battle at the Brazos. Back from the Brazos Houston retreated until the San Jacinto was crossed. The murmurings became a storm, his army was almost in revolt against him. On April 19, 1836, he camped on Buffalo Bayou with 780 men. As Houston had expected, Santa Anna had divided his forces, and when the two armies faced each other on the 20th Santa Anna had 1,800 men.

"In reaching what was to be the battlefield, both armies had crossed Vince's bridge, 8 miles away. Back of Houston was Buffalo Bayou, broad and deep. Back of Santa Anna was San Jacinto River and its marshes. The only avenue of escape for either army was Vince's bridge. About noon on the 21st Houston called Deaf Smith, a famous scout, to him and ordered him, with a companion, to get axes, ride to Vince's bridge and to destroy it. He told Deaf Smith that if he desired to be back in time for the battle he would have to come like the wind. At 4 o'clock the single fife in the Texas army began playing a love song, and the order to charge was given. Out across the prairie the little band of 700 swept against the Mexican army of 1,800 behind their barricade.

"Before they reached the Mexican line Deaf Smith rode up and down the line shouting, 'Vince's bridge is destroyed! Vince's bridge is destroyed! Fight for your lives.' At close range the Texans delivered their fire, and with the vengeful, thrilling cry of 'Remember the Alamo! Remember Goliad!' upon their lips, they struck the Mexican line. In 20 minutes the Mexican army, hitherto triumphant, was routed. They found no avenue of retreat. For every Texan who died at the Alamo or at Goliad a Mexican died at San Jacinto. Eight hundred others were taken captive, among them Santa Anna. The battle of San Jacinto ended, and Texas was free.

"But with this victory Houston's work for Texas was not yet done. He was elected the first President of the Republic, and upon him devolved the responsibility of bringing order out of chaos and establishing a government. He undertook and carried on the work with untiring energy and characteristic courage. He organized a government in all its parts. He established a currency system and provided for protecting the obligations of the Republic. He made treaties of friendship with the Indians, established domestic peace and tranquillity, and when he retired from the Presidency in 1839, Texas had been recognized as a Republic and its status established as one of the nations of the world.

"During the next two years all that Houston had done was undone. To the west and north Texas was circled round with the blazing camp fires of hostile Indians, while Mexico was preparing for a new invasion from the south. Not a dollar was in the treasury, the public debt was appalling, and the credit of Texas was gone. As in every other emergency the people turned toward Houston, and he became President again in 1841, and again he responded. In 1845 the annexation of Texas to the United States was finally consummated, and Houston became a Senator from Texas.

"The saddest part of Houston's life was yet to come. Next to Texas, Houston loved the Union most. He had been born amongst the mountains; he had grown to manhood and to old age out upon the frontier line; he had spent many anxious years trying to secure the annexation of Texas to the Federal Union, and he was the protégé and follower of Jackson, who had been the very incarnation of devotion to the Union, and all these influences combined to make Houston resist every movement that in his opinion tended toward disunion. During the service in the Senate he antagonized the people of his State and section by his votes upon questions that affected the relations of the South with other sections of the Union. He retired from the Senate in 1859 and in January, 1860, was inaugurated governor of Texas. In 1860 he came within a few votes of being nominated for the Presidency by the convention that nominated Bell and Everett. As the campaign of 1860 progressed and it became more and more evident that Mr. Lincoln would be elected, the people of the South became agitated as to what their action should be in that contingency, and the movement began that finally resulted in secession. With a moral as well as physical courage that was sublime Houston set himself against this movement in Texas and sought to beat back the rushing tide of sentiment in favor of the dissolution of the Union. With all the fervor of youth this old man campaigned the State, pleading with all the power of his eloquence with the people not to take this step and warning them of the ruin that would follow. In the light of what did follow his utterances now seem to have been those of a prophet. Once when speaking against secession some young ladies in the

audience showed signs of disapproval. He paused, looked at them intently, and said:

"It is impossible not to note the marked sign of disapproval on the part of young ladies here. Manifestly they do not appreciate the serious import of the present crisis, but I tell them that before their sweethearts return from the impending war the valleys of the South will run with blood.

"In another speech he said:

"Some of you laugh to scorn the idea of bloodshed as a result of secession and jocularly propose to drink all the blood that will flow in consequence of it, but let me tell you what is coming on the heels of secession. The time will come when your fathers and husbands, your sons and brothers, will be herded together like sheep and cattle at the point of the bayonet and your mothers and wives and sisters and daughters will ask: 'Where are they?'

"Again he is reported as having said that—

"When Texas and the Sunny Southland should be overrun with Federal soldiers, and the best blood of the South spilled upon the battle field, the negro slaves set free, martial law proclaimed in every Southern State and all southern men disfranchised and the negroes given the ballot, then, and only then, would his fellow citizens see that Sam Houston was right in opposing secession and the war.

"Houston did not oppose secession as a principle, because he admitted that for just cause every people had the inherent right of revolution. In a speech made by him before he retired from the Senate, in answer to Senator Seward, he said:

"Whenever one section of this country presumes on its strength for the oppression of the other, then will our Constitution be a mockery, and it would matter not how soon it was severed into a thousand atoms and scattered to the four winds. If the principles are disregarded upon which the annexation of Texas was consummated, there will be for her neither honor nor interest in the Union; if the mighty, in the face of written law, can place with impunity an iron yoke upon the neck of the weak, Texas will be at no loss how to act, or where to go, before the blow aimed at her vitals is inflicted. In a spirit of good faith she entered the Federal fold. By that spirit she will continue to be influenced until it is attempted to make her the victim of Federal wrong. As she will violate no Federal rights, so will she submit to no violation of her rights by Federal authority. The covenant which she entered into must be observed or it will be annulled.

"On March 2, 1861, the twenty-fifth anniversary of Texas independence and the sixty-eighth anniversary of Houston's birth, the secession convention reconvened in the Texas capitol to declare the result of the election, held shortly before, and to take the final step in associating Texas with the Confederacy. When Houston heard the booming of the cannon that announced that this had been done it is said that he bowed his head and wept. It was prescribed that all the officials of the State should appear on a certain day and take the oath of allegiance to the Confederacy. When the day came the name of Sam Houston was called three times, but he did not respond. Below in his office, alone, he sat and whittled.

"Because of his refusal to take the oath he was deposed from the governorship. In a published address he protested against it, but declared that he would make no attempt to retain his office by force. Listen to what he said:

"I love Texas too well to bring civil strife and bloodshed upon her. To avert this calamity I shall make no endeavor to maintain my authority as chief executive of the State, except by the peaceful exercise of my functions. When I can no longer do this I shall calmly withdraw from the scene, leaving the government in the hands of those who have usurped its authority, but still claiming that I am its chief executive. I protest in the name of the people of Texas against all the acts and doings of this convention, and declare them null and void.

"Fellow citizens, think not that I complain at the lot which Providence has now assigned me. It is, perhaps, but meet that my career should close thus. I have seen the patriots and statesmen of my youth, one by one, gathered to their fathers and the government which they had reared rent in twain, and none like them are left to unite it once again. I stand the last, almost, of the race who learned from their lips the lessons of human freedom.

"Although Houston opposed the policy of secession he bowed to the decision of the State and remained loyal to her. He said:

"After following her banner before, when an exile from the land of my fathers, I went back into the Union with the people of Texas. I go out from the Union with them and, though I can see but gloom before me, I shall follow the 'Lone Star' with devotion as of yore.

"He sorrowed that he was too old and feeble to go forth again to battle for Texas, but he gave his son to the armies of the South.

"I can not conceive of a more pathetic scene than that of Houston, bowed with age and broken hearted, driven from the Capitol of Texas. He went to his home at Huntsville and lived in quiet and simple retirement. On March 18, 1862, he made his last public appearance, and the old hero of San Jacinto delivered his last speech. In it he said:

"Ladies and fellow citizens, with feelings of pleasure and friendly greeting I once again stand before this an assemblage of my countrymen. As I behold this large assemblage, who from their homes and daily toil come to greet once again the man who has so often known their kindness and affection, I can feel that even yet I hold a place in their high regard. This manifestation is the highest compliment that can be paid the citizen and patriot. As you have gathered here to listen to the sentiments of my heart, knowing that the days draw nigh unto me when all thoughts of ambition and worldly pride give place to the

earnestness of age, I know you will bear with me while with calmness, and without the fervor and eloquence of youth, I express those sentiments which seem natural to my mind in the view of the condition of the country. I have been buffeted by the waves as I have been borne along time's ocean until, shattered and worn, I approach the narrow isthmus which divides it from the sea of eternity beyond. Ere I step forward to journey through the pilgrimage of death I would say that all my thoughts and hopes are with my country. If one impulse rises above another it is for the happiness of these people; the welfare and glory of Texas will be the uppermost thought while the spark of life lingers in this breast.

"In the early days of July, 1863, the Confederacy was rent in twain by the capture of Vicksburg, and many thousand of the very flower of Lee's army went down to death and to glorious immortality on the field of Gettysburg. When the tidings of these great disasters reached Texas, Sam Houston was on his deathbed. Even then his thoughts were still of Texas and the South, and his prayers were for their success. For hours he had been unconscious, but before the end the light of consciousness beamed upon his face. His loved ones bent close above him and caught the words, 'Texas! Texas!' He whispered one more name, that of 'Margaret,' his wife, and then the old soldier was dead.

"Nearly 50 years have passed since Houston died. The great war then raging has long been over and its scars have almost healed. Your State and my State both walked through the valley and shadow of death, but they have felt the quickening touch of a mighty resurrection. From the ashes of their desolation they have risen with their strength renewed and their courage unshaken.

"The dream of Houston has almost been realized. The same flag floats over all and all do honor to it. Texas has ceased to be merely an empire in area. She has become one in fact. Four million happy, contented, and prosperous people live within her borders. Her vast prairies have been converted into fields and her mighty forests have yielded to the dominion of industry. The faces of her people are radiant with hope and their hearts are thrilled at the prospect of victories yet to be. While hoping for a triumphant future, her people glory in a heroic past. The Alamo still stands a cherished shrine; the dead at Goliad still tell the story of how men can die in the holy cause of liberty; the field at San Jacinto is still hallowed as the birthplace of a new republic. The mighty and chivalric dead still live in Texan hearts, and Houston first of all. In loving memory of what he was and what he did we have built above his dust a monument of enduring stone and in the Hall of Fame of our National Capitol we have placed his image in polished marble. Around the firesides in cottage and mansion for all the ages yet to be the story of his deathless deeds will thrill alike the hearts of sire and son, and the mountains which looked down upon his birth will not be more everlasting than his fame.

"We tender you to-night a portrait of this simple but majestic man, this soldier who bled for two Republics, this orator, statesman, and patriot, and we declare to you that the deeds he wrought entitle him to live in our hearts as a great Texan, in yours as a great Virginian, and in the hearts of all mankind as a great American."

AGRICULTURE APPROPRIATION BILL.

On motion of Mr. LAMB, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, with Mr. BORLAND in the chair.

The CHAIRMAN. On yesterday consideration of the bill had proceeded to line 15, on page 18.

Mr. CLARK of Florida. Mr. Chairman, yesterday afternoon I raised a point of order on a certain part of the bill at line 22, page 17, beginning with the words "one mechanician," down to the word "dollars," in line 2, on page 18.

I want to state, Mr. Chairman, that incorporated in that language is a provision for four mechanicians in the Department of Agriculture. I wanted to ask the gentleman from Virginia to give us some information as to the duties of those mechanicians, and why it was necessary to have so large a number of mechanicians in this department?

Mr. LAMB. Mr. Chairman, this appropriation for these mechanicians has been carried in this bill for several years. Their duties are varied. The committee did not deem it either necessary to ask the chief of the division upon this particular point because they took it for granted that these people were necessary in this large bureau of the Department of Agriculture, and we felt and believed that they had been appointed and were doing good service. That is about all the specific reply that I can make in view of the fact that our attention was not called directly to it, and it has been uniformly provided for in previous bills.

Mr. CLARK of Florida. Can the gentleman tell me what a mechanic is; what he is supposed to do?

Mr. LAMB. Among other things, he is engaged in making rubber stamps and doing all the mechanical work that is connected with the department, in every shape and form, in which human ingenuity in that line can be employed.

Mr. MANN. Are not some of them employed in connection with the experimental greenhouses?

Mr. LAMB. Yes; that is another thing they do.

Mr. MANN. They have a lot of mechanical work there. I do not know whether they are called mechanics or not.

Mr. CLARK of Florida. I understand that, but is it not a fact that people put down here as mechanics are men to look after the automobiles in that department and see that they are kept in order?

Mr. LAMB. No; they were carried on the bill before human ingenuity had devised the automobile.

Mr. CLARK of Florida. Granted, but what did they do?

Mr. LAMB. I have endeavored to explain as far as I can. I want to say that we necessarily must trust these men to a degree who are at the head of these bureaus and divisions. We must have faith, my friend, in somebody. Faith is man's best hope here and his only hope beyond. You must have faith to please God; you must have faith to serve men! [Applause.]

Mr. CLARK of Florida. I agree with the gentleman's scriptural ideas, but I would like to know if the gentleman means to tell the House that as chairman of this great committee, neither he nor any member of it has thought it of sufficient importance to interrogate any of the department officials as to the duties or necessity for the employment of these four mechanics. In other words, does the chairman mean to say that although he is chairman of a great committee in this House, composed of a number of Members of this House, that he and the entire committee are willing to accept and do accept in the preparation of a bill carrying over \$16,000,000 the simple statement of officials in the department that they are necessary, without going into detail and making any investigation at all?

Mr. LAMB. I have already replied to the gentleman that we trust these people to a degree in planning for employees in the conduct of their business.

Mr. CLARK of Florida. In this case the gentleman did not ask them anything about it?

Mr. LAMB. In this case we failed to ask what the particular work these mechanics did, taking it for granted that unless they had duties to perform they would not be in the department.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the following language—

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. CLARK of Florida. Yes. On page 17, line 22, "one mechanic, \$1,380; one mechanic, \$1,260"; and in line 25, "one mechanic, \$960"; and on top of page 18, line 1, "one mechanic, \$900."

I want to say to the chairman that if Members of the House are willing to vote to appropriate this money for the salaries of these people upon the statement of the chairman, that he has no knowledge at all of the necessity for them, I am content. I want to say further it is my understanding—I may be misinformed—that this little army of mechanics are maintained in that department for the purpose of looking after the automobiles kept for the use of the officials of that department. I may be in error about that, but we can not get any information from the committee, and therefore I move to strike out that language.

Mr. LEVER. Mr. Chairman, it is true that the committee did not interrogate Dr. Galloway on this proposition. It is true that the committee did not interrogate Dr. Galloway on a great many clerical positions. It is true that the committee has not sought by personal investigation to find out exactly what every clerk in the Department of Agriculture does. I think there are some 12,000 of these men scattered throughout the United States, and it would be an absolute physical impossibility for any committee of this Congress in the course of a busy session to find out exactly, precisely, according to the Florida rule, what each of these employees does. As the chairman of the committee so well expressed it, we must trust somebody. I am not afraid to trust my fellow man, because I am not afraid for my fellow man to trust me. [Applause.] We can not be expected, as a busy committee, dealing not only with this appropriation bill, which is a small part of the work of the Committee on Agriculture, but dealing with great problems affecting the future of this country, to spend our time in inquiring what each one of these several mechanics is doing. That suggestion is absurd. We take it that the Secretary of Agriculture, operating through his

subordinates, is not going to do anything contrary to the wish of Congress. We take it that the Secretary of Agriculture, in this instance working through Dr. Galloway, is not going to permit these fellows to run automobiles at public expense unless it is necessary in the conduct of public business and in connection with the business of the Department of Agriculture, and then he would have the right to do it. It is absolutely impossible for any committee of Congress, to explain all of these little things that occur in a great appropriation bill, and it is strange to me that the activity of the gentleman from Florida has become so acute upon this appropriation bill. The Army appropriation bill went through a few days ago, and I do not recollect that the gentleman from Florida posted himself upon the watch tower to see that none of these things got into the Army appropriation bill. I can not understand why the gentleman from Florida has picked out the agricultural appropriation bill for special attack, when I know that the great State of Florida and its future history are wrapped up in the development of the agriculture of that State, and this department of the Government is doing a great work in the State of Florida and throughout the country in the uplift of the great profession of farming. I therefore trust the amendment of the gentleman will be voted down, voted down promptly and unanimously. [Applause.]

Mr. CLARK of Florida. Mr. Chairman—

Mr. LEVER. Mr. Chairman, I ask for a vote.

Mr. CLARK of Florida. Well, I want to say a word or two. The CHAIRMAN. The gentleman can ask unanimous consent.

Mr. CLARK of Florida. Go ahead; I will get a chance later. The question was taken, and the amendment was rejected.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word in the paragraph.

Mr. LEVER. Mr. Chairman, that amendment is not in order at this time.

The CHAIRMAN. Any amendment to this paragraph is in order.

Mr. CLARK of Florida. Now, Mr. Chairman, I simply want to say, in reply to the gentleman from South Carolina, that no man is more in favor of this Government making appropriations for the agricultural interests than I am, and liberal appropriations—in fact, more than liberal appropriations—but I am opposed to a bill that comes into this House carrying nearly \$17,000,000 for the supposed interest of the agriculture of this country, when probably only two or three million dollars of it goes to the benefit of the farmer. Seventeen million dollars are appropriated here and the great bulk of it is taken up in salaries, in automobiles, in carriages and horses for department officials to use, in these outside trimmings and trappings that never get to the farmer, and in which he is not interested a particle. The gentleman can not put me in the attitude of opposing appropriations for the agricultural interests of this country. I will go as far as he will go, or any other man upon this floor, in appropriating for those things which foster, care for, and build up the agricultural interests of this country. The agricultural interests of the country are the basis upon which all our prosperity is built. [Applause.] The manufacturers, the mercantile establishments, all the rest might go down to disaster and ruin, but if the farmer is prosperous the country will prosper. So I am in favor of liberal appropriations, but I am not willing to take the great bulk of this money to pay law clerks and solicitors and hire automobiles and carriages and mechanics and chauffeurs, and things like that that the farmer would not know when he saw and which he cares absolutely nothing about. That man is the true friend of the farmer who stands upon this floor and insists that the money appropriated for his good shall go to this purpose, shall benefit agriculture and see that it does not keep in the city of Washington a lot of pampered, yellow-shoed, red-necked hair-parted-in-the-middle dudes to ride in automobiles. [Applause.] The fellow wearing brogan shoes and pulling a bell cord over a flop-eared mule is the man I am standing for. [Applause.] Ah, Mr. Chairman, yet the committee comes in here and says on important items that they have made absolutely no investigation at all, and know nothing about it.

I ask these gentlemen now to take out the trimmings, to take out the froth, to take out this honey they are delivering to these dude people, and to give it to the farmer in order to build up the agricultural interests and put a stop to the great crop of dudes who infest and inhabit these departments. [Applause.]

Mr. MANN. Mr. Chairman, the items which the gentleman from Florida [Mr. CLARK] objected to and moved to strike out a few moments ago were for mechanics under the Bureau of Plant Industry, in the item relating to salaries under that bureau.

That bureau represents the most important portion of the Department of Agriculture. It is engaged in obtaining informa-

tion for the direct benefit not only of the man who drives the flop-eared mule, but for the benefit of the flop-eared mule. And I have no doubt that if the Department of Agriculture can proceed and obtain the necessary information, the use of the single mule in drawing the very small and inadequate plow in the gentleman's district can be dispensed with and modern farming introduced into Florida. [Applause.]

This bureau is engaged, among other of its works, in maintaining an experimental plant-industry greenhouse service. It has various experimental farms. It is studying the subject of many things enumerated in the bill, covering many pages of it, and yet the gentleman from Florida [Mr. CLARK] objects to an item which provides men who will keep the mechanical work of this bureau up to date. No wonder the gentleman from Florida objects. He does not believe in keeping the mechanical work either of the bureau or of the farmer up to date. I hope that the time may come when we may introduce modern mechanical appliances into the district of the gentleman from Florida, and if we could provide mechanics to go into his district to teach them how to use modern agricultural mechanical implements it would do a great service to Florida. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

General expenses, Bureau of Plant Industry: For all necessary expenses in the investigation of fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, in cooperation with other branches of the department, the State experiment stations, and practical farmers, and for the erection of necessary farm buildings: *Provided*, That the cost of any building erected shall not exceed \$1,500; for field and station expenses, including fences, drains, and other farm improvements; for repairs in the District of Columbia and elsewhere; for rent outside of the District of Columbia; and for the employment of all investigators, local and special agents, agricultural explorers, experts, clerks, illustrators, assistants, and all labor and other necessary expenses in the city of Washington and elsewhere required for the investigations, experiments, and demonstrations herein authorized, as follows:

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against the language on page 18, beginning with line 21—

For the erection of necessary farm buildings: *Provided*, That the cost of any building erected shall not exceed \$1,500; for field and station expenses, including fences, drains, and other farm improvements—

As being new legislation.

The CHAIRMAN. The gentleman from Florida makes the point of order against the portion of the paragraph providing for the erection of necessary farm buildings, provided that the cost of any building erected shall not exceed \$1,500.

Mr. MANN. Does the gentleman from Florida make the point of order, or does he reserve it?

Mr. CLARK of Florida. I will reserve it.

Mr. LAMB. Then, Mr. Chairman, let me make the following statement: This provision was put in in order to assist this bureau in the following way. The bureau has no definite authority at the present time to make such improvements in connection with its field stations and experimental farms. It is seriously interfering with the carrying out of the investigations being conducted at such places. Now, on this point I have some letters here, which, perhaps, I will read, if necessary, but I will say that we were a little more careful as to this matter than we were in inquiring about these mechanics. We asked Dr. Galloway, and he said:

Dr. GALLOWAY. That question is an important one to us. We now have established in different parts of the country a number of stations, at which we are doing important work, notably on reservations set aside by the Reclamation Service, and also in connection with our dry-land experimental work in the West. Where these stations have been established it is necessary and essential that we should have authority to erect buildings for the housing of our men and the caring for the machinery and other things used in connection with the work. Heretofore we have been taking care of this matter out of our general expense appropriation, but under a recent ruling of the Treasury Department it is found necessary to get legislation if we expect to take care of it in future.

Now, Mr. Chairman, that makes it very plain that this new language is proper and that it ought to be enacted into law.

Mr. CLARK of Florida. Mr. Chairman, I withdraw the point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "improvements," line 24, page 18, insert the following:

"And provided further, That the money already appropriated for 'general expenses Bureau of Plant Industry, fiscal year 1912,' is hereby made available for the erection of the necessary farm buildings: *Provided*, The cost of any building erected shall not exceed \$1,500, and for field-station expenses, including fences, drains, and other farm improvements."

Mr. LAMB. Mr. Chairman, I reserve a point of order only in order that my friend from South Dakota may be heard on the subject.

Mr. MARTIN of South Dakota. This amendment applies to the current appropriation the same authorization for buildings as the bill now provides for the coming fiscal year. The department has always construed the general authority authorizing this experiment work to include the putting up of temporary buildings and sheds for horses, and fences, and things of that kind, which are necessary for carrying on the experimental work. A few months ago the Comptroller of the Treasury rendered a decision in which he held that specific authority would have to be given. Specific authority is now given in the item just passed, which has been before the committee, for the coming fiscal year. This simply gives the same authority for the present fiscal year over the fund already available.

I may say that there are three or four experiment stations, one or two in the South and one or two in the Northern States, in which the work is now stopped for the purpose of obtaining this authority for the current fiscal year which is now in the bill for the coming fiscal year.

Mr. BUTLER. How much money is to be expended on this particular feature?

Mr. MARTIN of South Dakota. I think it does not exceed \$4,500, but the current appropriation amounts to about \$75,000 in all, most of which goes to the cultivation of the fields.

Mr. BUTLER. If the gentleman's amendment is adopted, how much money will be applied to this work?

Mr. MARTIN of South Dakota. About \$4,500, as I understand.

Mr. LAMB. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota [Mr. MARTIN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the control of diseases of orchard and other fruits, \$40,675.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment to that paragraph. I move to strike out "\$40,675" and insert in lieu thereof "\$42,075."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida [Mr. CLARK].

The Clerk read as follows:

On page 19, line 11, strike out the words "forty thousand six hundred and seventy-five" and insert in lieu thereof the words "forty-two thousand and seventy-five."

Mr. CLARK of Florida. Now, Mr. Chairman, \$42,075 was the amount carried in the last bill. If there is an important matter under the control of the Bureau of Plant Industry, it is the matter of the control of the diseases of orchard and other fruits, and I do not understand that there is any reason for the diminution of this appropriation.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from South Carolina?

Mr. CLARK of Florida. Yes.

Mr. LEVER. If the gentleman will yield, I will say to the gentleman that there is only an apparent decrease in the appropriation for that item. As a matter of fact, there is no actual decrease. The statement furnished to me by Dr. Galloway himself, who is in charge of the work, is to this effect: The present appropriation is \$42,075; the estimate for 1913 is \$40,675; the amount allowed by the committee, \$40,675. The apparent decrease in that item is due to the transfer of some clerk from one roll to another. I think, with that explanation, the gentleman will withdraw his amendment.

Mr. CLARK of Florida. It is a matter of clerk hire?

Mr. LEVER. Yes.

Mr. LAMB. Five hundred dollars is for rent.

Mr. CLARK of Florida. Mr. Chairman, I would like to have a vote on my amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida [Mr. CLARK].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the control of diseases of forest and ornamental trees and shrubs, \$29,510.

Mr. CLARK of Florida. Mr. Chairman, I make a point of order against the increase in that appropriation. There is an increase of \$4,840. I make a point of order against the language, "\$29,510."

Mr. LAMB. That is not subject to a point of order.

Mr. CLARK of Florida. It is an increase.

Mr. MANN. That does not make any difference. It is not subject to a point of order.

Mr. CLARK of Florida. The appropriation in the last bill was \$24,670. The appropriation in this bill is \$29,510. That is an increase of \$4,840. I make the point of order against the appropriation.

Mr. LEVER. On the point of order, Mr. Chairman, I do not suppose it is necessary to argue to the Chair. The point of order does not lie. The Chairman held that yesterday, and it has been so held by every Chairman of committees from time immemorial—that a point of order does not lie against an increase of an appropriation on an appropriation bill. I hope the Chair will rule.

Mr. CLARK of Florida. I would like to have a ruling.

The CHAIRMAN. If the provision is authorized by law, the appropriation may be increased or diminished, in the judgment of the committee or of the House. The Chair overrules the point of order.

Mr. CLARK of Florida. Then, Mr. Chairman, I offer to amend by striking out the words "twenty-nine thousand five hundred and ten" and inserting in lieu thereof the words "twenty-four thousand six hundred and seventy dollars."

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Florida [Mr. CLARK].

The Clerk read as follows:

Amend on page 19, lines 13 and 14, by striking out the words "twenty-nine thousand five hundred and ten" and inserting in lieu thereof the words "twenty-four thousand six hundred and seventy."

Mr. CLARK of Florida. Now, Mr. Chairman, I think we have here a beautiful illustration of how the farmer is being taken care of. Here is one item for the control of diseases of orchard and other fruits, which is of the utmost importance to the rural people of this country. They are engaged in the cultivation of orchard and other fruits from Maine to California and from the Great Lakes to the Gulf. Yet here is a proposition to decrease the amount, following it immediately with an increase, when it comes to the appropriation for the control of diseases of forest and ornamental trees and shrubs, that are of no particular benefit to the farmer. They may charm the eye, they may delight the æsthetic tastes of some of these dudes employed in this great Department of Agriculture, but they are of no material benefit to the horny-handed son of toil who is laboring to make a living for himself and support this great Republic.

Mr. HAWLEY. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. HAWLEY. The purpose of this appropriation to control the diseases of forest and ornamental trees is, first, to protect the national forests, and, second, to protect the ornamental trees and shrubs from diseases that will be communicated to orchards and useful fruit-bearing trees. Without this authority we can not protect the orchards from the diseases that accumulate among the ornamental trees and are transmitted to the fruit trees.

Mr. CLARK of Florida. Will the gentleman explain the necessity for this increase of nearly \$5,000 over the appropriation of last year?

Mr. LAMB. I will explain that.

Mr. CLARK of Florida. Just briefly, because I want to say something else on this thing.

Mr. LAMB. Will I be brief if I follow the gentleman's example?

Mr. CLARK of Florida. I think we would make time if the gentleman would do that.

Mr. LAMB. In the appropriation under miscellaneous items, further along in this bill, the item for chestnut-tree bark disease, \$5,000, has been transferred to this subappropriation. That accounts for that much of it.

The sum of \$840 has been transferred to it from the subappropriation for national plant investigation, making \$5,840.

This amount has been decreased by \$1,000 to cover the transfer of one employee to the statutory roll, making a net increase of \$4,840.

Mr. CLARK of Florida. Whenever we get down to the facts—

Mr. LAMB. My friend can not take me off my feet.

Mr. CLARK of Florida. I have no time to yield for a speech.

The CHAIRMAN. The gentleman from Florida has the floor.

Mr. CLARK of Florida. I have the floor, and I can not yield further.

Mr. LAMB. I beg the gentleman's pardon. I thought the gentleman yielded to me for a brief explanation.

Mr. CLARK of Florida. I yielded for a simple statement.

Mr. LAMB. I thought you wanted me to make an explanation.

Mr. CLARK of Florida. Whenever we get down to the facts as to these increases and decreases, every single time the "nigger in the woodpile" is some dude clerk whom they are transferring from one place to another and managing to increase his salary all the time. Now, there is not any reason why the appropriation for the protection of fruit trees and orchards should be decreased and the appropriation for the protection of ornamental trees should be increased.

Mr. Chairman, in this country we can not live on beauty. The farmer may feast his eyes upon the beauty of an ornamental tree, but he can not feast his stomach on it. He must have something more substantial than the mere beauty of ornamental trees, and I am here pleading for the man who is dependent on what comes out of the ground for the support of himself and his family. I say he is not being treated fairly in this bill when the appropriations for the admirers of the beautiful are increased and the appropriations for the horny-handed one-gallus fellow who sweats and toils from daylight to dark are being decreased. [Applause.]

Mr. LAMB. Mr. Chairman, I simply want to finish my explanation and then, without attempting to answer my friend's apostrophy to the beautiful, I will ask for a vote. The chestnut-tree-bark disease investigation of the department is identical to that in similar projects under the forest pathologists. Furthermore, the chestnut-tree-bark investigations are strictly under the forest pathologists, and therefore it is believed that the two appropriations should be consolidated.

Now, on that point we asked Dr. Galloway, and here is his answer:

HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE.

The CHAIRMAN. The next item is for control of diseases of forest and ornamental trees and shrubs, \$34,670. Last year it was \$29,510. This is an increase.

Dr. GALLOWAY. Last year there was a separate item added to the appropriation act, and it was put over in the back of the bill as a special item, as I explained awhile ago. This year we have taken that and put it in the proper place, and it does not, in fact, represent any increase.

Mr. HAWLEY. The two items of last year equal the one of this year?

Dr. GALLOWAY. Yes.

Mr. LEVER. What was that item?

Dr. GALLOWAY. The item was the investigation of the chestnut-bark disease.

Therefore, this shows that the gentleman from Florida has spent this much of his time unnecessarily, for it is in fact no increase at all.

Mr. HAWLEY. Will the gentleman from Virginia yield?

Mr. LAMB. Certainly.

Mr. HAWLEY. Is it not a fact that in every transfer from the lump sum to the statutory roll the clerk was transferred at the same salary?

Mr. LAMB. Yes. I am glad the gentleman suggested that. The House directed this thing to be done:

The Secretary of Agriculture for the fiscal year 1912, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture.

That is the law, and these transfers do not represent any increase of salary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton by cultural methods, breeding, and selection, \$31,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of inquiring the reason for the reduction in the amount carried by this paragraph.

Mr. LAMB. It has been reduced from \$34,670 to \$31,000. Two thousand two hundred and ninety dollars was cut by the committee in the interest of economy, and \$1,380 covered the transfer of one employee to the statutory roll.

Mr. MANN. What interest of economy is there in reducing the appropriation for the acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions? I know of nothing more important in the Agricultural Department of the country than that very paragraph.

Mr. LAMB. We were reducing where we could do it without hurting the activities, and we asked Dr. Galloway along this line if they could not stand a reduction of a few thousand dollars on this particular item, and he said if in our wisdom we did it he thought he could get along.

Mr. MANN. Of course; what else could he say?

Mr. LAMB. We were counseling with him and getting his views as an expert and the chief of the bureau having this matter in charge.

Mr. MANN. Here we are making studies as to the adaptation to our climate of various agricultural products, and we have introduced into the country new crops of various kinds, new cereals and new species of cotton plants of great value to the country. I know of nothing that is more important. Of course, if they cut off \$2,000 or \$30,000, how will that loss be met in the department?

Mr. LEVER. Let me say to the gentleman from Illinois that the subcommittee making up this appropriation bill asked Dr. Galloway to meet with us when we were considering his bureau. We told him the pressure to reduce expenditures was exceedingly strong.

Mr. MANN. I think that is what is the trouble.

Mr. LEVER. And wherever we made a cut we wanted to make it in such a manner and in such a way as to do the least harm. He said, "You can take this appropriation and several more appropriations and reduce them 5 or 6 per cent and in no wise interfere with my work, because we give ourselves a leeway of 5 to 10 per cent in our estimates."

Mr. MANN. Does not the gentleman think that at the present time it is extremely important to continue to the full limit the investigations for the improvement of cotton by cultural methods, breeding, and selection, especially in view of the danger from the boll weevil? Yet the gentleman proposes to cut off \$2,000 of that amount—cuts off that much—for an investigation of the breeding, selection, and cultural methods of cotton. I am opposed to it. I think it is to our interest to have cotton raised as cheaply as possible to meet the objection caused by the introduction of the boll weevil. I do not believe that gentlemen on that side of the aisle ought to desire to attempt to break down the inquiry into the improvement of cotton by cultural methods.

Mr. LEVER. Mr. Chairman, in the first place, I desire to say to the gentleman from Illinois that the cultural work of the Department of Agriculture touching cotton in its larger and bigger operations is carried in another item of this bill, in the boll-weevil item, where we are appropriating something like \$332,000.

Mr. TRIBBLE. Will the gentleman yield for a question? Is it not true, in the item of which the gentleman speaks, that you have cut down that item that heretofore carried \$350,000 and inserted \$332,000?

Mr. LEVER. The gentleman is talking about something else.

Mr. TRIBBLE. I am talking about the boll-weevil item on page 22.

Mr. LEVER. That is in another section. Let me say to my friend that there are several items in this bill touching the boll weevil.

Mr. TRIBBLE. What two items, except the one the gentleman was just inquiring about and the one I am inquiring about?

Mr. LEVER. If the gentleman will turn over a little further, he will find "for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, \$332,960."

Mr. WICKLIFFE. On page 22, lines 1 to 3, inclusive.

Mr. MANN. You have cut that down.

Mr. TRIBBLE. The appropriation last year was \$350,000, and now you have cut it down to \$332,000.

Mr. LEVER. I will say we gave in this bill exactly what the department asked for, and the department always asks for enough, as the gentleman is probably aware.

Mr. TRIBBLE. We may ask for more, as far as I am concerned.

Mr. MANN. The department has never asked for enough for this; we have always increased it in the House.

Mr. TRIBBLE. I agree with the gentleman in that thoroughly—I mean with the gentleman from Illinois.

Mr. LEVER. Let me say further to the gentleman from Illinois that we have the absolute assurance from Dr. Galloway that the simple decrease of 5 or 6 per cent in this appropriation here is not going to interfere with his work and will not interfere in the least with the authority which he has under this item to conduct the experiments which he is doing. If I thought so, I would be in line with the gentleman, but we have the assurance of Dr. Galloway it will not interfere at all.

Mr. MANN. The gentleman will agree with me that Dr. Galloway is one of the most expert and competent men in the Government or any other service. [Applause.] And he appreciates the position which he occupies. He will take whatever Congress gives to him in the way of money and make the best use of it. He will undoubtedly agree with the committee if you cut off \$2,000 or \$20,000, and he will do the best he can with what is

appropriated; but I do not believe that the cultural methods and breeding and selection of cotton have reached that degree of perfection that we ought to reduce the appropriation for that purpose, and, Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MANN. Mr. Chairman, I offer the amendment to strike out, on page 19, line 25, the words "thirty-one thousand dollars" and insert in lieu thereof the words "thirty-three thousand six hundred and seventy dollars," so that it will read:

And for the improvement of cotton by cultural methods, breeding, and selection, \$33,670.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 25, strike out the words "thirty-one thousand dollars" and insert in lieu thereof the words "thirty-three thousand six hundred and seventy dollars."

Mr. TRIBBLE. Mr. Chairman, I thoroughly agree with the gentleman from Illinois in his amendment. I can not see why this committee has not increased the appropriation for the destruction of the boll weevil anywhere from \$300,000 to \$500,000 instead of cutting it down.

Mr. Chairman, the gentleman can not come on the floor of this House and show this committee such progress made in the last two years in the destruction of the boll weevil as will authorize a decrease in appropriation. Then, should we not have an increase instead of diminishing the previous appropriation? Why, sir, there is not a pest in the history of this country so destructive to the interests of the South and to the farmers of the South as the boll weevil. There has never been a pest in the history of this country so destructive as the boll weevil. It is a pest that moves upon a country like the pestilence of war. It comes and causes more destruction often than a moving army, because it comes at night, it comes unseen, and in a few days the poor man is left without a crop. He plants for 50 bales of cotton, say, and he does not get a single bale. Men plant and expect to reap and live upon their work at the end of the year. They start at the beginning of the year with little. They buy during the year the supplies necessary to make a crop. The boll weevil comes and leaves them without a dollar, with not a cent to pay for the supplies previously purchased, and no money to live on during the following year.

Where can you conceive of a more destructive thing than the boll weevil? It is advancing upon the borders of Georgia, and I for one will not stand here upon the floor of this House, representing a constituency of farmers, and submit to a reduction in the appropriation for the destruction of the boll weevil. Let us appropriate more; let us build some experimental stations; let us get busy and destroy or kill the effect of the boll weevil to as great an extent as possible.

Mr. McLAUGHLIN. Mr. Chairman, I agree heartily with what the gentleman from Georgia has said in regard to the nature and extent of the ravages of the boll weevil. No pest has visited any section of the country which has been more destructive. But it is further disclosed that the scientific men, and the practical men also, who have gone into the South and studied this question, have determined to a finality that there is nothing they can do further than they have done to investigate the habits of the boll weevil. They have discovered nothing that they can do to overcome the effects of its visitation, except to teach the people of the section of the country visited by it diversified agriculture. Money has been spent to pay the services and expenses of men to go into the South to teach diversified agriculture. In farm demonstration and in farm management Government work is being done there, and wonderful progress being made. And I venture the assertion that the boll weevil has been really a blessing to the States of the South, and that the gentlemen who have thoroughly studied the question will admit the truth of the statement I make to that effect.

Now, if the gentleman from Georgia [Mr. TRIBBLE] will offer an amendment to the provisions of this bill which will carry money for further work along demonstration lines or farm management lines, to pay for the services and the expenses of men to go into the South to teach better methods of agriculture and to teach different agriculture from what has been carried on there, I will not raise my voice against it. But to increase the appropriation for further investigation of the boll weevil, its habits, and for the discovery of something to overcome it, I do not believe is called for, and I submit that sufficient appropriation is carried in this amendment.

Mr. MANN. Will the gentleman yield for a question?

Mr. McLAUGHLIN. Yes, sir.

Mr. MANN. Is not the purpose of the amendment which I have offered the very thing the gentleman suggests, namely, to

increase the appropriation for the adaptation of crops introduced from tropical regions into the very country where the boll weevil is prevalent? That is the item which is under consideration.

Mr. McLAUGHLIN. I will say, Mr. Chairman, that I think the gentleman from Illinois is right. I was somewhat under misapprehension as to the item under discussion, but the main appropriation for farm demonstration and farm management, by which the people of the South are getting such great benefit, is carried in still another part of the bill, namely, at the foot of page 21, where the bill carries \$186,020, and at the top of page 22, where the bill carries \$332,960. It may be that proper use can be made of the \$31,000. Possibly it is to be used along the same line. If it is, the amount should not be reduced, and I would be the last to stand in the way of an increase of it if the department is in shape to use the increased amount of money.

Mr. HUMPHREYS of Mississippi. Mr. Chairman—

The CHAIRMAN. Debate on this amendment has been exhausted, but the Chair will recognize the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in view of the fact that the gentleman from Georgia called upon me to verify a statement, I would like to make a few remarks. I can not agree with the opinion of the gentleman from Georgia, that the department has made no progress in discovering cultural methods by which the boll weevil can be destroyed, or rather by which his ravages can be greatly minimized. If I did agree with that opinion I would not favor an increase in the appropriation which provides for the war that the department is making.

Mr. TRIBBLE. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Georgia?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. TRIBBLE. Is it not true that the boll weevil makes his progress and is going on right straight to the State of Georgia with his ravages just as he has always been doing, and with as much destruction?

Mr. HUMPHREYS of Mississippi. That is probably true. But nevertheless, where the boll weevil has been and where he has wrought great damage many planters, by adopting the cultural methods advised by the Department of Agriculture, have been able to make as good and as profitable crops as they were able to make before.

Mr. Chairman, I wish to file here with my remarks letters from farmers who live right in the midst of the boll-weevil country, who have gone out and have successfully combated the scourge and made just as much cotton as they did before. I have a list here, and the names upon it are not confined to those who have made little demonstration crops of one or two acres. I have the name of one man, for instance, who had 200 acres in cotton right in the midst of the boll-weevil invasion.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Georgia?

Mr. HUMPHREYS of Mississippi. In a minute. That farmer produced last year on his 200 acres an average of 1,800 pounds. I think it is very rare that the gentleman can find 200 acres that will produce more than that without the boll weevil. On another plantation there were 2,000 acres in cotton, where they averaged 900 pounds in one of the worst crop years we ever had; and yet it produced an average of 900 pounds to the acre, because the planter followed the methods prescribed by the Department of Agriculture.

For that reason I would favor a liberal appropriation to enable this Government to continue the work in which it is engaged. If I believed they had made no progress, then I would think there was no further occasion to spend money.

Mr. LEVER. This is not the item, anyhow.

Mr. HUMPHREYS of Mississippi. No; I understand this is not the item. I believe that the reduction in the production of cotton is due more to panic than it is to the ravages of the boll weevil. Men abandon the crop. They are afraid to supply their hands. The fields lie barren and uncultivated. As a matter of course, they do not produce cotton on them. But where they do plant and where they do observe the cultural methods prescribed by the department, the fact is that they make the cotton.

I think the worst possible doctrine that the gentleman can preach to those communities before the boll weevil gets in is that the department has so far been unable to ascertain successful methods by which the boll weevil can be combated and cotton grown successfully under boll-weevil conditions. [Applause.]

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield now?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Georgia?

Mr. HUMPHREYS of Mississippi. In just a second. In my county this year, on a plantation where the boll weevil has been for three years, one gentleman made 448 pounds of lint to the acre in the poorest crop year we have had in that country since I have lived in it.

Mr. TRIBBLE. Will the gentleman describe the first year when the boll weevil struck him?

Mr. HUMPHREYS of Mississippi. Its ravages are dreadful.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Illinois and Mr. MANN asked unanimous consent that the time of the gentleman from Mississippi [Mr. HUMPHREYS] be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Mississippi [Mr. HUMPHREYS] be allowed to continue for five minutes more. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. The first year is more disastrous—is more calamitous—and, as I believe, the principal reason for it is that farmers, like all other people in this world, have to profit by their own experience. Members here talk about the "dude employees" of this department, to use the expression which I have heard here on the floor to-day, and refer to "these paper farmers." They do not believe that the Department of Agriculture has men of practical experience who will teach them anything, so they continue to cultivate their cotton in the same old way. They pursue the same old methods, believing that they know more about it than the experts from the department. The result is that when December comes around they have not got a crop. The next year, however, and the following year, the boll weevil is still there, but they begin to see the light. Then they plant their cotton in wider rows and pursue the other methods prescribed by the department, and the result is that they make cotton. I will present and have printed in the RECORD letters from farmer after farmer who in the midst of the most destructive period of the boll weevil have made good crops. For that reason I am in favor of liberal appropriations by the Federal Government, because I believe we are doing good. If I believed to the contrary, if I believed that we had not discovered any method and were not making any progress, I would not have the courage to stand here and ask for further appropriations.

Mr. TRIBBLE. Can the gentleman tell me how much land depreciated in value the first year that the boll weevil struck his locality?

Mr. HUMPHREYS of Mississippi. My opinion is that land values are not very readily affected. I can not answer specifically. If they are depreciated, it is only temporarily. After they have followed the advice of the department and taken advantage of the experience of those who have successfully fought the weevil, in every case whatever depreciation there may have been is counterbalanced and the land advances in price. The time when the land depreciates in value is just about the year before the boll weevil comes. He comes about September and the next year he does the greatest damage. When he appears the people become panic-stricken. The bankers are afraid to let the merchants have money, and the merchants therefore can not let the farmers have supplies, so that the farmers can not plant cotton and the fields lie idle. But five years afterward the land is just as valuable as it was before, if not more so.

Mr. TRIBBLE. Does the gentleman think that my State and the State of Alabama should go through the experience of absolute destruction simply because the gentleman's section has had to go through it?

Mr. HUMPHREYS of Mississippi. Certainly not. I said I was in favor of this appropriation, because I knew it was doing good. If you preach the doctrine to your people that the greatest calamity that has ever befallen them is now impending, you will discourage the farmers. But preach to them the doctrine of hope, point them back to the regions where the boll weevil has been and where they have successfully combated it, and point them to the methods prescribed by the department and say, "Therein lies your salvation," and assure them that if they will follow that method they will succeed.

Mr. TRIBBLE. Does the gentleman think it will discourage the people to tell them that the Agricultural Department is helping them?

Mr. HUMPHREYS of Mississippi. I want to help them.

Mr. TRIBBLE. Then why do you agree with these gentlemen who want to cut down the appropriation?

Mr. HUMPHREYS of Mississippi. I do not agree with them. My whole argument was in favor of an appropriation. If it was not doing any good, however, I would propose to cut it

down; but I believe it is doing good, and therefore I want to maintain it.

The following are the letters referred to:

COL. MAXWELL TELLS HOW TO FIGHT WEEVIL—BIG LOUISIANA COTTON GROWER ADDRESSES GREENWOOD RALLY.

A big agriculture rally was held in Greenwood last Saturday at the courthouse. There was present a good audience to listen to the suggestions of the speakers present, among whom were officers of the Mississippi State Farm Institute and Col. F. M. Maxwell, of Louisiana, who is reckoned as the most successful and one of the biggest planters of that State.

Col. Maxwell accepted an invitation to be here on this date and address them as to how he managed to whip the boll weevil and raise the cotton he did under the prevalent circumstances.

The following is Col. Maxwell's speech verbatim:

HOW TO FIGHT WEEVIL.

"Ladies and Gentlemen: I am here to talk to you about the boll weevil and raising cotton under boll-weevil conditions. I perhaps have had more experience, spent more time and money, than most men of this country investigating the boll weevil. Several years ago, when they had the boll weevil in Texas, I went there on a committee from Shreveport to investigate the boll-weevil infested sections. The thing was being agitated. People were holding conventions to talk the matter over. At this convention in Texas we had a Capt. Marshall, a man who advocated that he could kill the boll weevil with Paris green, and pointed out places where he had succeeded, and declared that he would not take \$1,000 for the discovery. We also had with us then a Dr. Hunter and a Dr. Knapp, and they both discussed that matter of Paris green with detail after detail, and they both declared that we would not be benefited by Paris green. The committee was appointed at Shreveport to go to Texas and investigate conditions. When we got ready the railroad company furnished a man to go with us, free of charge, and take us from place to place over the State. We traveled around considerably over the State of Texas and investigated matters very closely. We had Dr. Hunter with us. We saw his experiments, saw his ants—which, by the way, were a failure—and we went and investigated Capt. Marshall's patches under the Paris green treatment. We interviewed bankers, merchants, planters, farmers, and everybody, and we found a big territory in Texas in poor, sandy, post-oak country, in which they had given up the raising of cotton—couldn't do it—which was almost abandoned, looked dilapidated. But when we struck the black belt we struck lands, and we found no depreciation in value whatever. Lands were being held at \$60 per acre, although they had the boll weevil several years. Their lands were very much like ours here—black lands, perhaps, doesn't grow grass as well. They were making a half bale of cotton and over per acre, about what they made before the boll weevil came, but they were good farmers.

"KEEP WEEVIL DOWN.

"They plowed their land well, pulverized it thoroughly and cultivated it well, got the cotton up early, plowed it early, cleaned up and burned up every ditch bank where the boll weevil could hide, and in that way kept them down until they could make a crop of cotton. We visited Capt. Marshall. We found that he had a pasture of about 20 acres, 4 or 5 acres on the east side of the field next to the railroad, where there were a gin and oil mill. It was thought that the boll weevil came from these. There was some cotton of the same kind on the west side of the track, and here Capt. Marshall had used his poison.

"We decided to make a thorough investigation of the use of Paris green. We counted the stalks and the bolls where he had used the poison and where he had not. We found that he had one boll more where he had used the poison than where he had not.

"We came back home, and there was another convention called at Shreveport, and we again had with us Capt. Marshall, who made us a talk, and he talked and read his address for two hours, and pointed out that he had solved the problem and that he could kill the boll weevil with Paris green. I wanted to reply to him, but they would not let me—said he was sick; that he would have a row if I did. When we got through that night we adjourned until the next morning. I said to the chairman that we wanted to discuss that matter again that we had discussed last night. Capt. Marshall said that he can kill and poison boll weevils by the use of Paris green, and we have people here from all over the State, and they'll go home and spend their money for Paris green and will be no better thereby. When he called the meeting to order, I stated that we had Government officials present who had studied this business for years; that we had Dr. Hunter with us, who was at the head of the movement, and we would like to hear from Dr. Hunter. Dr. Hunter gave us details extending over years, and showed thoroughly that Paris green had done no good whatever, except when put in one spot when the cotton was young; when it was put on the young square, and the weevil got into the bud and ate the bud, and that was the only time. When he got through, I called on Dr. Knapp, who was there, and he stated that Paris green has been tested by 1,000 persons; that he had received from them 999 letters; and that he had only received one letter in which it was stated that Paris green had been of benefit at all, and he was uncertain that he was benefited at all.

"PARIS GREEN FAILS.

"This convinced me that it was of no use whatever to use Paris green. I make this statement, gentlemen, so if there is anybody here who thinks he can kill the boll weevil by poisoning him, he had better write Dr. Hunter and find out about it. I don't think he will advise any of you to use Paris green. I investigated this matter further in Louisiana one spring. The boll weevil had struck Red River and hit it a mighty hard lick over there. About one-half of the planters gave it up altogether. However, there were a lot of good farmers that stuck to the business. They went right ahead and made good cotton, and they're making good cotton to-day, and they have been making money, and making money with the boll weevil. I found, on talking to them and going around with them, that they had cut out all the land that would not mature cotton quickly. You all know, every planter here knows, that we can not get land with water standing on it to warm up in time to make cotton under boll-weevil conditions; therefore, I say, cut out all of that; put it into corn and oats, or something else; it will make better corn if you had the water off, but you can make corn, oats, lespedeza on pretty wet land. Don't plant that wet land in cotton, because you can't get ahead of the boll weevil; it is a race from start to finish; if you don't beat the boll weevil it beats you.

"The first thing to do is to clean up all your land where you have grassy patches or places where the boll weevils can hide, ditch banks, etc., destroy all the boll weevils you possibly can, for every one you de-

stroy now you are done with him. If he comes out and gets into the cotton and you don't destroy him he will give you plenty of weevils; they come thick and fast and in a hurry.

"PLOW LAND EARLY.

"Next, plow your land as early as possible; the weather has been such that there has been very little plowing done yet. Most of the land should have been plowed by this time, but it has been impossible to do so. The earlier and deeper and the better you pulverize and prepare your lands, the better your crops will be. Everybody knows that it is impossible to get a good stand and an early crop on land that has just been plowed up; the ground will harden and pack down and form a crust. If you plant it and there comes a beating rain and the cotton comes up and stands there in that growing condition, it takes all the vitality. You must get the cotton in; plant as early as possible; plant it shallow in a seed bed so that it will grow right off.

"Next, work it as early as possible; don't let the grass and the weeds get the start. I frequently use a section harrow right across the ridges, and sometimes harrow two or three times in that manner. If you will start as soon as it rains and put your harrows on, you will destroy all the weeds and grass just started. It is much easier to destroy it then. Avoid the low places.

"All that have black land—I suspect you have been told that you could not raise cotton on black land—but I want to say to you that you can raise cotton on black land and mature it more quickly than on sandy lands. If your land is drained well, so that you have a good loose seed bed, and plant it early, it will make better than sandy land. You can plant it earlier than in sandy land, because there you have lice, which in black land does not trouble you. I plant my black land—plow it—first; most farmers commence on to front and plow back; I commence on the back and work forward the sandy land, toward the front. The black land must have rain; therefore I plow and plant it first, and I mature cotton there first. Last year I picked cotton two weeks earlier on the back of my place than on the front. Some of you perhaps have not looked into the matter very closely. Be certain to drain out all low places, so as to not leave any water standing; you can not raise cotton with water standing.

"PLANT EARLY VARIETY.

"Plant as early a variety as possible and a cotton that does not make large limbs and large leaves. With the boll weevils you want all the sun and air on the cotton you can get. And we have found by experiment that the big boll cotton that makes big leaves and large limbs, covering the ground, make the best possible place for the weevils to hide and breed. The other lets the sun and air in. You can plant it thicker, put the rows closer together, and you can plant it thicker in the drill, and we have been getting more cotton. I am going to give you before I get through a test I made with 21 different varieties of cotton.

"Begin to cultivate as soon as the cotton comes up. Cultivate until you commence to pick. Cultivate shallow as to not destroy the root. Cut as few surface roots as possible. Whenever you cut roots of cotton—it is like corn—you destroy the vitality and stop it from making cotton.

"I have found the Simpkins cotton best. There may be better cotton, but the Simpkins has proven best to me, and I have tried a good many.

"Through this country I do not think there are many fertilizers being used. I have found that an old land—on our bayous, where they have been cultivated for years, as it is called worn-out lands—I have found nitrate of soda the best. It will start the cotton off two weeks earlier; therefore, if you have any of that kind of land, I would suggest that you try nitrate of soda; put from 30 to 50 pounds to the acre. I take a little bucket and weigh it out and decide how much I want to put to the acre, and the hands spread it along. Then run your cultivator and mix it with the soil. It dissolves right away. By the time the cotton begins to make fruit well put on another application; put it in by hand; it is damp, draws dampness, and it is hard to get a machine that will put it in unless you mix it with something dry.

"PLANT TRAP COTTON.

"The boll weevil goes into the woods and hides, and very soon they will come out. As soon as the weather is warm enough they will go into the first crop. I would suggest that you plant two or three rows of cotton all around where there are woods; that cotton will come up, and the boll weevils will come out of the woods and go into that cotton first. When they go in there, you may go out early in the morning and find them; it is much easier to go over two or three acres than a whole field.

"I had only a little patch last year, about an acre, planted next to the woods, then I had a strip of corn, and then the cotton began. Off of that little patch there next to the woods we picked off over 1,000 grown boll weevils. They came in as early as April. This patch was cultivated by an Italian and his children. He got over 1,200 boll weevils, but still he made two-thirds of a bale of cotton to the acre in that patch.

"REDUCE ACREAGE.

"Reduce your acreage. I cut mine down to 50 per cent. Planted rice, corn, oats, grass, clover, etc.; cut down the cotton half, and then gradually increase as your hands learn the nature of the weevil. I had one Italian that made 18 bales of cotton on 21 acres; one made 15 to 19 bales on 20 acres; these are exceptions. Some made as little as 5 bales on the same amount of land, but some had better land and better chances. I plant my best land in cotton; we had lots of land that made over a bale to the acre. The average was 1,125 pounds of seed cotton to the acre on one place on which we kept a strict account. I think the other lands will average as good. I will give the test of 21 different varieties of cotton I planted. The cotton was planted April 25, 1911. In this experiment there were two rows in each variety, all in the same kind of ground, and the same length of rows:

1. Truitt, 35 pounds.
2. Caldwell's Big Boll, 50 pounds.
3. Dillon's Wilt Proof, 16 pounds.
4. Triumph, 50 pounds.
5. Hastings's Big Boll, 50 pounds.
6. Broadwell's Double-Jointed, 65 pounds.
7. Alexander's, 65 pounds.
8. Hawkins's Improved, 65 pounds.
9. Mortgage Litter, 65 pounds.
10. Russell's Big Boll, 55 pounds.
11. Tool's Improved, 65 pounds.
12. Money Maker, 55 pounds.
13. Simpkins's Home-Grown Seed, 75 pounds.
14. King's Home-Grown Seed, 70 pounds.
15. Missouri Green, 60 pounds.
16. Unknown Staple, 25 pounds.

- "17. Sent for Upland Staple, turned out to be Egyptian, 0 pounds.
- "18. Sunflower Staple, 50 pounds.
- "19. Columbia Staple, 50 pounds.
- "20. Unknown, 35 pounds.
- "21. Allen's Staple, 15 pounds.
- "22. Simpkins's Direct from Simpkins, N. C., 70 pounds.

"RESULTS OF TESTS."

"I have another test made under the suggestion of the Government, made with staple cotton for the year of 1911, under the direction of Prof. Bennett, of Paris, Tex.

"Plot 1: Three acres; planted April 28, 1911, with Columbia; was well worked every eight days; picked out in December; weighed 3,700 pounds of seed cotton; yield 1,233½ seed to acre.

"Plot 2: Seven acres; planted April 28, 1911, and given same cultivation and land; picked out December to January 5; weighed 1,095½ seed cotton to the acre.

"Plot 3: Planted April 28, 1911; same cultivation; same land; planted with Sunflower seed; four-fifths of an acre; picked in January; 1,195 pounds of seed cotton, or at the rate of 1,434 to the acre.

"The seed of both Columbia and Allen was low in vitality and I did not get a good stand. I would not advise you to plant very much staple cotton until you get your labor broken in, so that you can make cotton with the boll weevil. I made these experiments at the suggestion of the Government. You should plant the kind that matures early."

At this juncture several questions were asked by local planters, to which he gave cheerful answers, throwing much light upon the local situation.

COTTON IN SPITE OF BOLL WEEVIL.

GILBERT, LA., November 10, 1910.

Mr. W. L. CHASE, Chase, La.

DEAR SIR: In answer to your inquiry as to our results as to the raising of cotton under weevil conditions, I beg to submit the following report for the year 1910:

L. M. Calhoun, Jr., has ginned 79 bales off of 80 acres, weighing 500 pounds each, with 10 pounds lint over. He has ginned 91 bales off of what he estimated to be 90 acres when he planted, weighing 500 pounds each, with 139 pounds lint over. I inclose you a picture of his cotton, taken October 1, 1910. One picking had been taken off his cotton previous to the taking of the photograph. The man on the horse does not show the full height of cotton, as he is standing on a mound. The man on the mule shows the proper height. You will note the mule's head above the cotton.

W. H. Whittington, of Gilbert, La., has ginned 10 bales from 11 acres, weighing 510 pounds each, with 500 pounds seed cotton over.

T. B. Gilbert, Jr., of Wisner, La., has averaged three-fourths of a bale per acre on 1,000 acres. Much of this cotton has made a heavy bale per acre. I can not give you the weights, as he has not completed ginning.

W. F. Butler, of Chase, La., has ginned and sold five bales of staple cotton from 7 acres, with the following weights—515, 555, 600, 585—which sold at 24 cents per pound f. o. b., netting him \$684 for the lint and \$752.19 for seed and lint, besides saving one bale of seed for planting.

A. W. McDuff, of Chase, La., made one bale per acre. I have not gotten weights yet.

A. W. Sanders, of Chase, La., reported to me 20 bales from 21 acres. I will report the weights to you later.

This is a fair sample of the results we are getting here under boll-weevil conditions by cooperating fully with the representatives of the cooperative demonstrative work in charge of Dr. S. A. Knapp, of Washington, D. C.

Yours, very truly,

L. M. CALHOUN, District Agent.

BOLL-WEEVIL SITUATION—MR. W. W. MANGUM, OF NEW ORLEANS, WRITES COMPREHENSIVELY.

The following letter on the boll-weevil situation should be carefully perused by every planter in the infected district. It is written by a man who has studied the condition and knows what advice to give:

YAZOO CITY, MISS., December 31, 1910.

Mr. W. W. MANGUM,
1907 Napoleon Avenue, New Orleans, La.:

DEAR SIR: I understand that you had a good deal of experience in raising cotton in boll-weevil conditions. I would appreciate it if you would write me a letter giving me the value of your experience, especially along the line as to the character of cotton to plant; whether you can successfully raise long-staple cotton under boll-weevil conditions; the time the cotton should be planted; how wide apart the rows should be planted to the mule; and whether or not there is any special benefit derived from picking up the punctured squares; and any other information you can give me as to how to raise cotton under boll-weevil conditions.

A reply to this will be appreciated.

Your friend,

T. H. CAMPBELL, Sr.

P. S.—I would like to publish your letter, as I think your information would be valuable to every farmer in this county, as the boll weevil is undoubtedly here, and this is the second, and in some places the third year of his appearance.

C.

MR. MANGUM'S REPLY.

NEW ORLEANS, LA., January 3, 1911.

T. C. CAMPBELL, Sr.,
Yazoo City, Miss.

DEAR MR. CAMPBELL: Yours of 31st to hand. The questions you ask in regard to boll weevils require a letter at length in order to cover the subject.

From personal observation, investigation, and experience I unhesitatingly state that under following conditions paying crops of cotton can be grown:

First. A selection of good, pliable soil, easily drained. No stiff or cold lands.

Second. Cleared of all grasses and weeds, cornstalks and cotton stalks included, before the planting is done, in order to make it become homogeneous, which enables it to become warm sooner, thus germinating seed much quicker.

Third. A selection of some one of the early prolific varieties of seed and plant as early as season will permit—not later than April 10.

Fourth. After chopping to a stand, the most vigorous, active, continuous cultivation should be, must be, kept up in order to force growth and maturity and to cover up all of the fallen squares that may be caused

by weevils that the squads can not pick up and destroy. (If good results are expected.) If this is done the farmer will get good results.

Fifth. The squads should be taught to watch and pick up fallen squares as soon after cotton begins to form, and keep it up as long as practical. After July 1 it is useless; the cultivators and sweeps should cover those that fall later, and run until picking begins. (It is well to remark that it is a scientific fact that the weevils do not mate or copulate until squares are formed.)

From closest observation and my results obtained on large plantations in Louisiana the past year of 1910, I know that those who acted upon the foregoing brought good results out of disastrous years preceding and hope out of despair. Many had and have practically abandoned large, valuable plantations, and tried rice. A ride through them looks like desolation, and for many of them it is so, for at least the present. I cite one instance. A large cotton-planting company of Tensas Parish planted only a small acreage in cotton in 1909. Realizing later that it was folly to give up such land, they determined upon the new method, as outlined in the foregoing of this article, and made 1,160 tied bales of cotton in 1910, 300 pounds to the acre; besides plenty of corn, thousands of bushels to sell; and have sold a lot of hogs, etc., and all seed and cotton turned into money, with a net result of over \$40,000 clear profit over and above all disbursements. There are others who have done proportionately as well, but they are very few. Many others have continued on large scale, but, due to improper efforts and selection, have made heavy losses.

I see clearly that there is no advantage to be gained by planting in wider rows in this valley. I would not make any change in them, and am inclined to leave the stand closer because, with better preparation and more vigorous tilling, the cotton will fruit more rapidly and the percentage that will mature will increase yields. Except experimentally and with scientific application of commercial fertilizers, I would not waste any time or money on long-staple cotton. On a large scale it may cause too great a loss.

For years I have in a most practicable manner tried the different varieties. I give you the name of varieties that I tested:

First. Kings is the earliest and shortest staple.

Second. Tooles Prolific 1½ staple, about one week later.

Third. Triumph, a big boll, rather prolific, and about 7 to 10 days later than Kings; but it is 1½ staple.

Fourth. Simpkins, quite early, but an unsatisfactory variety, as compared to others. (Anything from Carolinas is called Simpkins.)

It takes of Kings, Tooles Prolific, and Simpkins about 80 bolls to make a pound, while it takes only 55 bolls of the Triumph. The advantage of the large boll is this: First, it has a thicker hull and no doubt is harder to penetrate as it matures than the smaller varieties; again, if one lock in the larger boll is destroyed the remaining locks will give as much lint as there will be in the smaller boll not affected by a weevil. The foregoing points in regard to size of bolls and length of staple should meet with careful consideration and be tested fully by the individual planter. It is the only way that I obtained this knowledge. The Government recommends highly, too, the Cleveland Big Boll, not the Russell Big Boll.

I found that Tooles Prolific, on average 1,000-acre crop, gave a yield of 36½ per cent of lint. It is the highest on a large scale I ever got. The Triumph, on 300 acres, gave 34½ per cent. The King never gave me over 32½ per cent of lint.

I suggest that you ask the Alexander Seed Co., of Augusta, Ga., to secure you a few bushels each of selected Kings and Tooles. It was six years ago that in reply to an inquiry they advised me to test Tooles. I have not regretted it. I had for years before planted the Kings. Then I would write W. F. Brown & Co., produce men, Memphis, and ask them to secure you some of the same kind of Triumph that they sold me two years ago. Both firms are good, reliable people.

If you are going to plant largely this year, and you can secure enough of these three varieties to make a full planting, I certainly would do so, though the prices will make a good big hole in your bank account; but it will be small compared to the hole that will be there at the end of the year unless you get such varieties and see that they are properly planted and worked.

The good results of anticipating the approach of the weevil will be that the farmer will have started raising root and grain crops and stock in connection with the certainty of a money crop.

If your farmers will only realize that Louisiana made over 1,000,000 bales of cotton six years ago and rapidly decreased to 275,000 in 1909 and will not get over 250,000 in 1910, they can feel confident that in a few years—unless they begin preparations immediately along the lines suggested in this article and follow it up—there is no reason to hope or expect Mississippi to make over 700,000 bales in 1913; and those (I fear only a small proportion) who do try will get the benefit of the certainty of continued good prices—for the yield of Texas, pounds per acre, can never grow any larger. This error in thinking that Texas makes as much cotton as it did before the weevil existed consists in the fact that the acreage has increased enormously year after year, and since 1892, when the weevil appeared, there are over 40 counties planting now that were unoccupied then. It, too, is practically a prairie without weeds, woodlands, and it is hot and dry, while we have hibernating places everywhere. Again, the population since then has increased over one and one-fourth millions. The spread of the weevil is so certain, so steady, that until natural laws introduce parasites that will occasionally lessen them you and I will not see another bumper crop—i. e., per acre—nor will we see any more very cheap cotton. Surely the warnings that the States and that the Government and the sad result of a State like Louisiana—crop being reduced from \$80,000,000 six years ago to only \$20,000,000 the past year—should be incentive to every cotton grower to be up and doing. It is folly to cowardly lie down and give up.

I forgot to mention that it is very important where two mules or horses can be used, riding or walking, double or wheel cultivators should be used. From 5 to 7 acres a day can be made with one hand and far more satisfactory work is done; and after each row is driven down it is ready for a rain. It is one of the economies greatly needed.

Wishing you a prosperous New Year, I am, your friend,

W. W. MANGUM.

YAZOO COUNTY NEWS.

SUCCESSFUL PLANTERS IN BOLL-WEEVIL TERRITORY.

Mr. G. H. ALFORD, West Jackson, Miss.

DEAR MR. ALFORD: I planted 160 acres in cotton this year. I have tied 73 bales. I planted on land that was in corn and peas last year and turned under deep with disk plows in the fall.

I planted Allen's Hybrid, Simpkins, Triumph, and Cleveland's Big Boll. I can't say positively which of the short staples I like best, but I lean to the Triumph and Cleveland. It may be that the Simpkins was more prolific, but the fiber is not as good and does not command the price.

I used no fertilizer this year, but expect to experiment with acid phosphate a little next year.

I cultivated the cotton once a week until the last of August. I also picked the weevils and squares until the middle of July. I do not think that it pays to pick the squares after the second crop; then cultivate instead.

I feel confident that we can raise profitable crops of cotton on rich, well-drained land. I think that the season cut my yield off half. I had to plant my crop over from April 28 to May 10.

In the 100 acres of cotton is included 8 acres of long staple, planted May 15. The weevil played havoc, as it only made 800 pounds of seed cotton. This cotton pulled the average down, and the price will have to be high to make it profitable over the short early cottons.

B. G. HUMPHREYS.

PORT GIBSON, MISS.

DR. H. GUY HATHORN, Columbia, Miss.

DEAR DOCTOR: I will endeavor to answer your questions in regular sequence.

First. Character of land? Both upland and alluvial.

Second. We planted from 1,000 to 1,200 acres of cotton. While a great deal of it this year makes 500 pounds of lint per acre, we suppose that the average is about 375 pounds.

Third. We pay no attention to the acreage per mule, but see to it that we have plenty of teams to thoroughly work the crop.

Fourth. We destroyed all stalks by cutting and burning last fall, and did considerable winter plowing, but not all.

Fifth. We think the early destruction of stalks the keynote to the situation in a normal year, but in the present instance I believe that the freeze here has accomplished the same result.

Sixth. We picked up and destroyed squares till about the middle of July, and consider it as important as stalk destruction.

Seventh. Rows about 4½ feet; in drills, 2 to 3 feet.

Eighth. Money-maker, Tooles and Simpkins; in fact, any early variety.

Ninth. Did not use any fertilizer—unnecessary here.

Tenth. Plant as early as possible, say, April 1 to 15.

This, we believe, answers your questions in full. We have had the weevil for four years; during the first two years demoralization reigned supreme; now I can say that during an experience of 25 years there is more money and prosperity here than I ever saw.

T. B. GILBERT, Wisner, La.

FRIEND ALFORD: I planted 35 acres in cotton and made 18 bales. I made 9 bales on one 12-acre cut. I did not use any fertilizer.

I broke the land good and deep with two-mule plows and cultivated the beds down and made a good seed bed. As soon as the cotton began to come up I harrowed on top of the beds. The cold killed the cotton, and I had to plant over.

It began to rain soon after the cotton came up the second time. I barred it off and plowed out with turning plows as often as possible and as often as I could catch it dry enough. I cultivated the beds down. The wet weather continued, and I continued to plow the cotton in order to keep down the grass and weeds. I continued to tear down the beds between plowings. Early in July the rains held up, and I used the cultivators once each week, and sometimes oftener. By this means I got an early growth of the cotton; and, as numerous as the weevils were this year, the cotton put on squares faster than the weevils could puncture them.

I checked the weevils early in June by picking them off the little cotton and later by gathering the punctured squares. I do not think that it pays to pick the squares until late in July.

We can make cotton, notwithstanding the weevil, on a small scale—say 4 to 6 acres to the mule; make up the acreage in other crops that we can use at home and feed to stock. By pursuing this course we will soon be independent.

C. C. GOZA, Port Gibson, Miss.

[Clipped from the Vicksburg Herald.]

RAISING OF COTTON DESPITE THE WEEVIL—HOW IT MUST BE DONE ON DELTA SOIL.

The following interesting correspondence concerning proper cotton-producing methods, which should be applied in Delta soil infested by the boll weevil, will prove of great importance and value to the reading public, and especially to planters:

GILBERT, LA., December 31, 1910.

MR. J. A. EVANS,
State Agent, Shreveport, La.

DEAR SIR: I beg to submit the following letter on "The raising of cotton under boll-weevil conditions on the Delta soil," and ask that it be published and distributed in the Mississippi Delta. Planters, merchants, and boards of trade have repeatedly written me for this information.

1. The labor problem.

To raise cotton profitably under weevil conditions requires better farming. To do better farming requires good labor, perfectly controlled. Therefore the labor problem should be the first consideration.

Do not become demoralized and let your labor leave. Your lands are worth but little without labor with which to cultivate it. Keep your labor and see that every man who is willing to work and make an honest living is given an opportunity. Help a man if he is willing to help himself.

2. The boll weevil.

It is necessary for every farmer to understand the habits and characteristics of the weevil in order that he may intelligently combat him. We are indebted to the Bureau of Entomology for this information. The average period of life of the hibernated weevil is about seven months. A weevil developed November 1, 1910, would have lived his average period of life by the 1st of June, 1911, at which time cotton has not begun forming in the Delta country. We can, therefore, reasonably expect but a very small per cent of weevil developed not later than November 1 any year would be alive to do much damage to the crop the ensuing year. It would be only necessary to destroy all punctured forms and prevent the raising of new generations until this small per cent of wintered weevils died. Then the fields would be clear of weevils as far as material damage to the yield until the migrating period, about August 10. The wintered weevil continues to come to the cotton from early spring until July 1. At this period he confines himself to a small area, not even passing across a turn row to another cut. It is therefore profitable to you to fight him even if your neighbor does not. His traveling is principally done in the early fall. After passing through the winter without food he is so weakened that he is unable to travel a great distance in search of cotton. It is the weevil that winters in or

very near your farm that infests your cotton. By cleaning and burning hedgerows, trees, and stumps you destroy many of them.

3. Good drainage.

Good drainage is very essential in the making of cotton profitably on the Delta soils. There are three basic benefits from good drainage I wish to emphasize, viz: 1. It permits the air to penetrate deeply into the soil and fill the air chambers that were previously filled with water. This, aided by heat and moisture, is constantly converting the insoluble matter into available plant food for the next crop. 2. It enables you to cultivate rapidly and intensively without much loss of time from rainfall. 3. The soil warms and grows the plant to maturity much earlier, which is very important in the raising of cotton under weevil conditions.

4. Soils best adapted.

The soils that raise the best crops of cotton without the weevil are best suited to raise the best crops with the weevil. All of our demonstrations for three years have given the best yields from very fertile soils. Buckshot soil, where properly drained, has given magnificent yields.

In the Delta we have three soil formations—bluff, alluvial loam, and buckshot. On the bluff soil the water line is near the surface, and it should not be broken deeper unless you have a sufficient drainage to lower it. About 5 inches is at present the proper depth for breaking. The buckshot soil should be broken very deep. The deeper the better. Where it is practical, all land should be broken in beds, as it drains better and runs together less than when flat broken. Nothing should be burned from the land that can be plowed under and add organic matter to the soil. All seed beds should be made in time to settle before planting.

5. Seed varieties.

There are many standard improved varieties of cotton that are good. Our experience in a successful fight of three years has resulted in the adoption of King's Improved, Simpkins, Broadwell's Double-Jointed, and Money-maker. The three former varieties are similar, small stalk, light foliage, small boll, prolific, earliest to make and open, and must be picked early or it will waste. Staple very short.

The Money-maker is a stalk of greater vitality, good size, and medium foliage, bolls medium size, nine days later to bloom than above-mentioned varieties, but after this period fast and prolific, a great favorite on the bluff soils. All farmers should, where it is practical, save their own planting seed. (See Dr. S. A. Knapp's pamphlet on seed selection.) Home-grown seed possesses advantages over seed grown from other soils and in other climates. Where properly culled and saved they maintained their earliness in making and produce a stalk of greater vitality, capable of withstanding adverse weather conditions and minor insect pests. They will also produce a stronger and better staple, frequently commanding a premium. It is a good business proposition from an economic standpoint. You also avoid the danger of inoculating your soil with the germ of dreaded cotton wilt from infected territories. Plant as soon as danger of frost is over on a well-settled seed bed with surface well pulverized with harrow.

6. Distances.

Cotton should be given no greater distance in width of rows or drills with the weevil than was necessary on the same land without the weevil to get a maximum yield. Width of rows 4 to 5 feet, distance in drill 16 to 24 inches. The more fertile the land the greater the distance. You can not depend on sunshine, as there is seldom time in June or July when there is not a sufficiency of moisture to hatch the weevil if the form is left on the ground. A good stand of cotton is more necessary with the weevil than without.

7. Cultivation.

In the early stages of cultivation the farmer should hold the purpose rather than the method of execution in view, as adverse weather conditions might interfere with his method, but nothing should interfere with the purpose of getting the plant thinned out, clear of vegetation, and in good growing condition as early as possible, using the implement that will do the greatest amount of and best work at the least cost. On the fertile soils of the Delta with an excess of moisture, aggravated by the weevils, puncturing the early forms, the plant is likely to grow too fast at the expense of fruit. It is safe to cultivate at this stage by plowing close and deep around the plant, cutting its lateral roots, reducing its feeding surface until the weevils give way and the plant begins loading with forms. As dry weather approaches reverse to a flat shallow cultivation and continue weekly until August 15 or later. With the excessive rainfall and insufficient drainage it is impractical to entirely dispense with the turnplow in the cultivation of a cotton crop on the Delta soils. We believe the time is not far distant when we will have a drainage system of canals and tiling, and will then be able to cultivate exclusively with improved implements. But until that time comes we must educate the farmer to use the turnplow intelligently and to know when not to use it. In the cultivation of cotton with the turnplow care should be taken to use a stick break on the wing to prevent its throwing too much earth to the cotton, thereby breaking the lower limbs.

The cultivation of our cotton through the rainy period of 1909 and 1910 was done with the turnplow and Dixie cultivator, changing as the plant became well fruited and dry weather approached to 6-inch corn shovels with 24-inch heel sweeps run flat and shallow on an iron-foot Georgia stock; on the coco lands using Planet, jr., cultivators and solid sweeps.

8. Fertilizers.

It is not profitable to buy commercial fertilizers for cotton on the Delta soils, as they contain an abundance of nitrogen, phosphorus, and potash, being only deficient in organic matter, which should be supplied by crop rotation and legumes. A heavy crop of pea vines is of more value than \$10 worth of commercial fertilizers per acre. Our best yields of cotton are made on pea-vine land.

9. Destruction of punctured forms.

All punctured forms should be picked up and burned, beginning with the first sign of puncture and kept up weekly until the natural shedding of the cotton becomes great. In 1909 and 1910 we destroyed forms until August 11. By this method you would lose but little from punctured bolls by the migrating weevil. Do not stop to figure on cost. Our farmers are doing it and make more clear money raising cotton with the weevil than before his appearance.

10. Destruction of stalks.

All cotton stalks should be destroyed not later than November 1, either by cutting and plowing under completely, eaten by cattle, or cut and burned. This is necessary to prevent the raising of late generations of weevils. As it is, they that live do the greatest damage to the following crop. This year the freeze, October 28, killed the weevil in the egg, larva, and pupa stage, and did for us what the destruction of the stalk would have done. In 1908 with these methods we made three-fourths of a bale per acre by August 10, the weevils getting all the cotton after this date.

EXHAUSTIVE EXPERIMENTS—JAMES B. ALLEN TESTS THE RELATIVE PRODUCTIVENESS AND VALUE OF VARIOUS KINDS OF COTTON.

Having made a test of 13 different varieties of cotton during the season of 1910, under boll-weevil conditions, and knowing that many will be interested in the result, I now make it public.

This test was made on level uplands that have been in cultivation for 75 years, and that were planted in corn and peas the previous season. All cotton stalks on the plantation had been cut and burned before November 15, the previous fall, the boll weevil having been in this section for three years.

The land was broken up in the fall into rows 4 feet 3 inches wide, and was gone over once with a disk harrow in January. Three hundred pounds of fertilizers per acre was applied, composed of equal parts of acid phosphate and cottonseed meal, when land was rebedded, a few weeks before planting.

When the cotton was up to a stand it was cultivated with Planet Junior cultivators, with 8-inch sweeps on right and rear arms and ordinary teeth on other arms, running as close to the cotton as possible without injuring it. This mode of cultivation was continued throughout the season as often as necessary, occasionally running down the water furrow with a middle buster. The cotton was chopped out when it had its third and fourth leaf on it, leaving one and two stalks every 18 to 20 inches, and was hoed later whenever necessary.

The boll weevil made their appearance after the cotton was cut to a stand, and as soon as found commenced picking them out of the terminal buds, where 95 per cent of them were found. This was mostly done by children.

As soon as the little squares commenced to form, 2 pounds of powdered arsenate of lead per acre was applied with a Champion dust gun. This gun blows the poison down into the buds and squares of the cotton where the boll weevil feeds. This poison was applied every eight days until four applications had been made. A man can cover from 4 to 6 acres per day with one of these guns.

The weevil were caught and punctured squares picked until August 1. The extra expense incurred above the ordinary cultivating expense was as follows:

300 pounds fertilizers	\$3.00
8 pounds arsenate used	2.00
Labor of applying poison	.50
Picking weevils and squares	1.00

Total per acre 6.50

There were almost continuous rains during the time that the poison was being applied, which prevented getting the fullest benefit from the use of the poison.

Table giving complete data of experiments.

Variety.	First picking.	Second picking.	Last picking.	Seed cotton per acre.	Per cent of lint.	Length of staple.	Lint per acre.	Seed per acre.	Price of lint per pound.	Value of lint per acre.	Value of seed per acre.	Total value lint and seed per acre.
							Pounds.	Pounds.	Cents.			
Allen's Early	450	500	437	1,387	29	1 1/2	402	985	30	\$120.60	\$12.80	\$133.40
Unknown	700	350	200	1,250	32	1 1/2	400	850	27	108.00	11.05	119.05
Allen Culled	375	500	237	1,112	28	1 1/2	311	801	30	93.30	10.41	103.71
Allen No. 1	370	400	370	1,140	27	1 1/2	307	833	30	92.10	10.83	102.92
Keno	550	475	187	1,212	31	1 1/2	375	837	24	90.00	10.88	100.88
Peach Bloom	550	400	187	1,137	32	1 1/2	363	774	24	87.12	10.06	97.18
Hubbard	450	425	212	1,087	29	1 1/2	315	772	24	75.60	10.03	85.63
Cleveland Big Boll	700	550	213	1,463	34	1	498	965	14 1/2	71.00	12.54	83.54
Mexican Big Boll	525	500	237	1,262	33	1 1/2	416	846	16	66.56	10.99	77.55
Poor Man's Friend	650	375	175	1,200	35	1	420	780	14 1/2	59.85	10.14	69.99
King	700	350	150	1,200	33	1 1/2	402	798	14 1/2	57.28	10.57	67.85
Ounce Boll	750	325	125	1,200	32	1 1/2	378	822	14 1/2	54.81	10.69	65.49
Simpkins	500	375	87	962	35	1 1/2	336	626	14 1/2	47.88	8.13	56.10

STATE OF MISSISSIPPI, Claiborne County:

This day personally appeared before me, the undersigned authority, James B. Allen, who, being by me first duly sworn, states on oath that the above and foregoing statement is full, true, and correct.

JAS. B. ALLEN.

Sworn to and subscribed before me this 4th day of January, 1911.

A. K. BRASHEAR, Chancery Clerk.

All these varieties of cotton were planted on the 19th day of April with a cotton planter, the Simpkins being planted over on the 7th day of May on account of very poor stand. The other varieties all had good stands.

The yield of the Simpkins was about 17 per cent less than other varieties of the same type. This loss was caused by the later planting of the Simpkins.

This test certainly proves that cotton can be grown at a good profit under boll-weevil conditions; and, furthermore, that the long-staple varieties yield a much greater profit, not only this season, but the same was the case in 1909 and also in 1908, as shown by experiments conducted in the Red River Valley by the Louisiana State Crop Pest Commission and published as their circular No. 26.

The use of powdered arsenate of lead has helped make these large yields possible under boll-weevil conditions.

JAS. B. ALLEN, Port Gibson, Miss.

The following list, showing areas cultivated and the yield per acre in Franklin County, La., where the boll weevil is doing his worst, was furnished me by Dr. S. A. Knapp, of the Department of Agriculture:

Yields of cotton in Franklin County, La., in 1910.

[L. M. Calhoun, agent.]

Name.	Acres.	Yield per acre.
		Pounds.
J. M. King	5	1,300
T. B. Gilbert, Jr.	200	1,800
W. M. Guice	3	1,000
T. M. Guffing	2	1,200
A. A. Bush	5	963
J. H. Baker	20	1,000
J. W. Phillips	5	1,452
I. N. Williams	4	1,200
D. Ignan	10	1,450
J. W. Liles	9	1,550
A. M. Scott	14	1,004
G. L. Ross	8	1,800
E. Mason	3	1,560
Prince Swazy	12	1,395
W. B. Grayson	2	1,485
William Mathis	12	1,130
W. B. Jones	28	1,500
W. P. Dalley	10	1,450
T. J. Matthews	10	1,611
A. S. Brooks	6	1,200
G. S. Robinson	3	1,700
J. M. Prince	3	1,805
R. M. Ward	8	1,152
D. W. Green	4	1,644
Geo. Thombuay	8	1,233
T. M. Calhoun, Jr.	50	1,500
A. W. McDuff	3	1,505

Yields of cotton in Franklin County, La., in 1910—Continued.

Name.	Acres.	Yield per acre.
		Pounds.
W. P. Butter	7	1,225
E. M. Hicks	100	1,200
P. W. Forman	6	1,200
J. W. Guffing	10	1,800
J. T. Collins	125	1,500
Cain White	10	1,400
W. T. Packs	5	1,000
Hosgood Bros.	10	1,800
W. H. Whittington	6	1,500
M. E. Gilbert	6	1,500
Zet York	28	1,375
T. H. Lusk	6	1,554
B. T. Johnson	6	1,000
W. G. Scott	6	800
F. L. Maxwell	2,000	900
T. H. Heard	7	1,577

The list above includes all demonstrators working under Mr. Calhoun reported to this office. All are working under boll-weevil infestation.

Mr. STEPHENS of Mississippi. Mr. Chairman, I should like to say one word in reply to the gentleman from Georgia [Mr. TRIBBLE].

The CHAIRMAN. The Chair will state that the time of the gentleman from Mississippi [Mr. HUMPHREYS] has expired.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER of Illinois. I ask unanimous consent that the gentleman from Mississippi [Mr. STEPHENS] have five minutes.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Illinois that the gentleman from Mississippi [Mr. STEPHENS] have five minutes. Is there objection?

There was no objection.

[Mr. STEPHENS of Mississippi addressed the committee. See Appendix.]

Mr. TRIBBLE. Mr. Chairman, I move to amend the amendment by striking out the last word.

Mr. WICKLIFFE. Will the gentleman yield to me for a short statement?

Mr. TRIBBLE. I will yield to the gentleman after I make a few remarks.

Mr. CULLOP. Will the gentleman yield for the purpose of having the amendment again reported?

Mr. TRIBBLE. I do not want the time taken out of my time. I decline to yield for that purpose. Mr. Chairman, I

have no criticism to make of the Department of Agriculture for the work it has been doing. The department has been doing a magnificent work. I am standing on the floor of this House and contending that we should increase the appropriations for the Department of Agriculture instead of cutting them off. The arguments of gentlemen who have appeared on the floor of the House to-day opposing this increase and proposing to cut down this appropriation appear to me to be inconsistent. Instead of criticizing the department, I have the highest praise for the Agricultural Department. The people of Georgia are pleased with what the Agricultural Department has done for my State. They are pleased with the work of Secretary Wilson. He has been in our State, and the work of the Agricultural Department has been there, and we can boast that 100 boys on 100 acres of land have produced an average of 100 bushels of corn per acre. No other State in the Union can beat it. We give Secretary Wilson credit, certainly, for a part of this progress. The advancement of the price of land in Georgia is largely due to the fact that it has been only within the last few years that our State has been regarded one of the first States in the Union in the production of corn. It is well established that Georgia is one of the first in the Union in the production of all agricultural products, and that cotton is not the only product we can raise with profit.

Now, Mr. Chairman, I can not agree with the gentleman that simply because the boll weevil comes and destroys the crop for a year, and then in the second year conditions improve, then after a season he comes again, and subsequently prices go upward, I can not agree that we should go through this experience of a destructive period of two or three years, when, as I have said, this experience described by the gentleman from Mississippi is almost equal to war pestilence for a season. Why should you inflict that on us simply because other States have gone through this trial and rallied from it?

Mr. STEPHENS of Mississippi. Will the gentleman yield?

Mr. TRIBBLE. In the gentleman's reference to present price of land in Mississippi he does not tell us about the price when the boll weevil struck his section. The gentleman is a fair man, and I believe he will admit on the floor of the House all I have said. It is a well-known fact. Possibly these appropriations that have been made for boll weevil have had something to do with the driving out of this pest and the renewed interest in farming. Let the good work go on. Do not cut it down. The boll weevil is making progress toward my State and other States. Do not stop the appropriations. Let us stop the boll weevil if we can before it reaches any other section or State. In answer to a gentleman on the other side who made an illustration about scientific discoveries and claiming we should stop because scientists say no progress has been made, let me say medical experts have said that you could not stop yellow fever, and yet these experts were in error.

Mr. STEPHENS of Mississippi. Will the gentleman yield?

Mr. TRIBBLE. I promised to yield to the gentleman from Louisiana [Mr. WICKLIFFE]. In order to hear from other gentlemen from a boll-weevil section, I yield him time.

Mr. WICKLIFFE. Mr. Chairman, I merely wanted a few minutes in order to explain these different paragraphs. I would like to say this, that I am thoroughly familiar with this question because I live, you might say, in the worst boll-weevil-infested section in the United States at this time. To give you some exact figures, the parish in which I live produced in the year 1904, which was the banner crop year of all in that parish, 22,000 bales of cotton. In 1909, when the boll weevil had reached there and commenced to do its work in earnest, our crop went down to only 1,300 bales of cotton. In 1910 it was only 410 bales of cotton. I will say, gentlemen, that I have learned by experience that what the gentleman says is absolutely correct in so far as he predicts the terrible condition of affairs.

Mr. TRIBBLE. I thank you.

Mr. WICKLIFFE. And I want to supplement it this way, that if he will labor with the rest of us and in line with the suggestion of the gentleman from Mississippi [Mr. HUMPHREYS], who has just taken his seat, he can avert, to a great extent, the dire happenings in his State which came to us, and that is—

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. WICKLIFFE. I ask unanimous consent to proceed for five minutes.

Mr. MANN. Let the gentleman from Georgia have that five minutes.

Mr. BUTLER. I ask that the gentleman from Georgia be given five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WICKLIFFE. Now, let me explain to my friend from Georgia the way to get at this matter, and the way to meet it is not to discredit the work of the Bureau of Plant Industry.

Mr. TRIBBLE. I did not do that.

Mr. WICKLIFFE. Then I misunderstood the gentleman. You should do all you can to get your people to believe what the demonstrator tells them is correct, get them converted to the idea that they must not look skeptically upon book farming, or that they should think, if you please, that it is book farming, because it is not book farming in the usual sense. This matter of really meeting the ravages of the boll weevil does not come under the paragraph which the gentleman now seeks to amend, but under the paragraph on page 22, "for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil." Here is what is done under the latter paragraph, and it is the only sensible and practical way of meeting boll-weevil conditions. It is for the demonstrator to go among the people and make the demonstration in each and every county as the late lamented Dr. Knapp caused same to be made, and which work his able successor, Mr. Bradford Knapp, is continuing. Everybody in this House knows that the farmer is skeptical in that he does not take to book farming, so called. Now, how was this condition met? The late Dr. Knapp evolved the idea of going, or sending demonstrators, among them and making a demonstration in each county or parish, as the case might be. He let that man stay there; he let the farmers in that section see the demonstration and follow the directions of that demonstrator. The information was given to the farmers direct. They saw the practical illustration that the man who followed the instructions raised cotton, and the man who did not failed to raise cotton successfully. There were the two farmers side by side. There was one farmer who agreed to do what the demonstrator said, and he raised cotton successfully, and also other diversified crops. There was another farmer, and he would not do what the demonstrator said, and he did not raise the cotton successfully, nor other crops. What is the result? The result is that after a while, a year or two, the farmers who did not follow the instructions at first commence to follow them, and the result is in that way they are recovering to a great extent from the greatest calamity that has ever befallen the cotton farmers of the South.

Mr. TRIBBLE. And why did you cut down the appropriation?

Mr. WICKLIFFE. I was not a member of the subcommittee on that appropriation, but in regard to the item the gentleman is inquiring about I will say to him he is on the wrong page.

Mr. TRIBBLE. That is what I want to know.

Mr. WICKLIFFE. This subappropriation has been reduced from \$350,000 to \$332,950, a decrease of \$17,000. Of this amount \$9,560 covers the transfer of nine employees to the statutory roll; \$480 has been transferred from the subappropriation for western agricultural extension, and \$7,000, covering an item for rent, has been transferred to the special appropriation for that purpose. So that you will see, so far as that is concerned, there is practically no cut there. As far as I am concerned, I would like to make it \$500,000.

Mr. TRIBBLE. I am with you on that.

Mr. WICKLIFFE. It is simply because the subcommittee on Appropriations did not make the increase. I am not criticizing them. I was not a member of the subcommittee. Therefore I am not responsible for it not being increased, and I want to make it plain to the gentleman that I wish to add my approval of the good common-sense talk that was made here a moment ago by the gentleman from Mississippi [Mr. HUMPHREYS]. What I want to do is to get the farmers educated up to the idea that this weevil is coming, but that when it does come, if they follow in the wake of the Agricultural Department, follow in the light of what Dr. Knapp has taught, they can meet it, and will not be hurt as we were, who were skeptical and would not see it in time.

Mr. LAMB. Mr. Chairman, I call for the regular order.

Mr. TRIBBLE. Has my time expired, Mr. Chairman?

The CHAIRMAN. The gentleman's time has expired.

Mr. HARDY. Mr. Chairman—

Mr. LAMB. This is not the paragraph that the gentleman from Texas wishes to talk upon. I ask for the regular order.

The CHAIRMAN. Is the pro forma amendment of the gentleman from Georgia [Mr. TRIBBLE] withdrawn?

Mr. TRIBBLE. I withdraw that.

The CHAIRMAN. The question is, first, on the amendment of the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I ask that it be read, so that the committee can understand it.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 19, line 25, strike out the words "thirty-one thousand" and insert "thirty-three thousand six hundred and seventy."

Mr. MANN. Just a moment, Mr. Chairman. The amendment which I offered was to insert "thirty-three thousand six hundred and seventy," and I did not wish to increase the amount to cover the transfer. What was the actual reduction in this appropriation, regardless of the transfer?

Mr. LAMB. The actual reduction was \$1,380.

Mr. MANN. Then the amount which was stated by me should have been \$33,300.

Mr. LAMB. One thousand three hundred and eighty dollars covers the transfer.

Mr. MANN. I ask to modify the amendment so that it will read "\$33,300."

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that the gentleman from Texas address the House for five minutes on the paragraph.

Mr. MANN. He has the right to move to strike out the last word.

The CHAIRMAN. That motion has been made and withdrawn. The motion to strike out the last two words would be in order.

Mr. HARDY. Mr. Chairman, I move to strike out the last two words.

What I want to say will not create any friction or discussion, but I want particularly the attention of my friend from Mississippi [Mr. HUMPHREYS], because I think I know something about this boll-weevil condition, that ought to be known by cotton farmers, that will induce in one particular a practice just the reverse of what the gentleman from Mississippi states. If your people have been advised to widen your rows and increase the distance between cotton stalks in the drill, you have been, I feel sure, advised absolutely wrong. My county and my district and my own farm land was hard hit by the boll weevil.

Our people in meeting the boll-weevil conditions first secured as small growing stalk as possible and as early a fruiting variety as possible, then narrowed their rows, and as a result the cotton did not grow so tall. They made a very early planting and increased the number of stalks in the drill, with the idea that they would make the crop before the time that the boll weevil came. Their idea was that if they had more stalks in the ground and got a few bolls on each stalk before the weevil came in force they would make at least some crop. That is the sum and substance of the lesson learned by experience in those sections where the boll weevil prevails. I may add one thing more, they have learned that the more often and the later they stir their ground and their cotton stalks the better their crops.

Mr. HUMPHREYS of Mississippi. It is not the judgment of the experts of the Agricultural Department, and it is not the testimony of the farmers who have written to me and whose letters I will put into the RECORD—and their name is legion.

Mr. HARDY. For that reason I want to put in the RECORD, for the benefit of the farmers who may be interested, my own experience, knowledge, and observation.

Mr. COLLIER. Will the gentleman yield for one moment?

Mr. HARDY. Certainly.

Mr. COLLIER. It is a matter on which we are all united as to the general purpose of the proposition. Does the gentleman mean to say that he believes that cotton planted close together, where it is difficult for the sun to strike it on all sides like it does when cotton is planted far apart, will mature earlier?

Mr. HARDY. I am discussing this question for the benefit of men just like my friends from Mississippi, Mr. HUMPHREYS and Mr. COLLIER, and these gentlemen from Georgia and Louisiana and South Carolina, for the reason that in my country we had that very question up for discussion. And I will give you a little experience.

Following that suggestion of having wide rows, far apart, I planted 10 acres of cotton, and I did not get a good stand with what I did plant. The cotton did not average more than a stalk to 10 feet in the drill and the rows were 10 feet wide. It was average bottom land. Each stalk practically stood to itself. There were not five bolls to the stalk made on that cotton where the sun got all around it; in fact, we never went in to pick it; it was not worth it.

Now, it should be remembered that the boll weevil is a sun insect, and I want the gentlemen around me to pay some particular attention to the facts I am going to relate. Before the boll weevil struck our country, if you wanted a prize stalk of cotton

you went to the end of the row or some outside row, or selected some isolated stalk of cotton. It was fruited down to the ground and up to the top. But after the boll weevil came in full force in my country these isolated stalks or stalks at the end of the row had nothing on them. It is the same thing to-day wherever the boll weevil has made his appearance in full vigor.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Georgia?

Mr. HARDY. With pleasure.

Mr. TRIBBLE. I would like to say this, that where you gentlemen live in different parts of the country, and are so much at variance with each other as to the different circumstances of your trouble about the boll weevil, is it not all the more important that we should have these appropriations increased for other sections?

Mr. HARDY. I am not discussing the appropriation. I want the appropriation. I think every recommendation of the department except the one for wider rows and fewer stalks in the drill has been of great benefit. With the hope of practical benefit, I am giving my views as to how best to meet the ravages of the boll weevil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. Mr. Chairman, I ask for a slight extension of time in order that I may proceed along these lines, because I am trying to discuss something that may be of value to the farmers.

Mr. LAMB. Mr. Chairman, I yield five minutes more to the gentleman from Texas, and I move that at the end of that five minutes all debate on this paragraph and all amendments thereto shall be closed.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] is recognized for five minutes more. The gentleman from Virginia [Mr. LAMB] moves that all debate on this paragraph and all amendments thereto be closed in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. HARDY. Mr. Chairman, I want to say—

Mr. CULLOP. Mr. Chairman—

Mr. HARDY. Will the gentleman from Indiana just permit me to conclude what little I have to say? I have made very full investigation of this subject on a plantation that I have myself, and I made some important discoveries. First I found that at the end of the row, where the sun played all the time, the stalk had little or no cotton on it at all. Another discovery I made was that the isolated stalks had no cotton on them, and another thing I found was that where the cotton grew high and rank and made it very shady between the rows, the late cotton was all made down low in that shade. Sometimes it happened that the stand in different rows was some bad and some good or perfect.

Now, I found that where two rows in rich land ran along together with perfect stand, say a stalk to every 18 inches, and the rows just outside these had skips, long skips, on the outside of these two good rows there would be no cotton, but on the inside, the shady side—that is, between the two rows—there would be cotton. I investigated that matter myself, and then in company with a number of farmers I went over this same bottom tract of land for the purpose of showing the facts I have related, and I want to tell you gentlemen that if you want to make cotton in a boll-weevil district, where the boll weevil first strikes you, and I think they are worse the second or third year after they strike a district, do not lessen the number of stalks and do not widen your rows, but get as many stalks as you can on the ground, and select as early a maturing variety of cotton as you can find, and make your crop before the boll weevil strikes you.

Mr. CANDLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Mississippi?

Mr. HARDY. Yes.

Mr. CANDLER. That may be very good in regard to the boll weevil striking you the first time, but is it not a fact that in the greatest amount of dampness the boll weevil prospers the most, and is it not a fact also—

Mr. HARDY. Let me answer that question first. I will not have much time to answer anything else. When the boll weevil is first laid in the square he is a tender larva or worm, and if the square is taken from the stalk and covered up with hot earth, you kill him; if he is not killed he hatches into a weevil. The first issue of boll weevil is not numerous. He punctures the small squares—one weevil punctures many squares—and lays the egg that, if allowed, makes a multiplied crop of weevils. In the early season you want to shake off as many of these young squares containing the worm as you can

and bury them in the sand or hot earth, which, I think, kills them. Just for those who do not understand I will state that what we call a square is the first beginning of a cotton bloom, which develops into the cotton boll. Now, when a weevil punctures a square, that square dies instantly, and the next day it flares open and turns yellow and is easily shaken from the stalk, so that every time the plowman drives his team and plow through this pest-stricken young cotton he knocks off and covers many of these weevil-bearing squares. Now, when the weevil hatches out he is a sun-loving insect, and he hunts the top and sunny places on the cotton plant to engage in his work of destruction, and after he is come in full force you will see no more blooms on the top of the cotton. I have seen a whole hundred acres on which not one bloom could be seen on top of a stalk, but at the bottom the blooms were numerous. You could not see anything at all on the top, but if you looked down near the ground you would find the blooms there were untouched. That is because the weevil, as soon as he comes to life, gets into the sun. He strikes the bolls on the top first, and then, maybe, finally goes down to the lower branches and shaded blooms, but I believe he very rarely goes down into the shade to puncture squares or bolls as long as there is a square or boll he can puncture that is in the sunlight.

Mr. CANDLER. Cotton is a hot-weather plant, and necessarily it takes hot weather to make the cotton grow. In order to make the plant progress satisfactorily is it not necessary to turn on a little sunshine?

Mr. HARDY. Yes. But if you would kill the weevil when it gets into the worm form you must take him and bury him in the hot ground, and this is done by frequent plowing and stirring when the cotton is comparatively small.

Mr. MANN. Mr. Chairman, the discussion of this subject among the Members from the cotton-growing States in itself exhibits the urgent necessity of continuing in the Department of Agriculture the demonstration of the cultural methods of growing cotton. [Laughter.]

Mr. HARDY. I am in favor of this appropriation. I simply wanted to warn my colleagues not to act in accordance with the ideas of the gentleman from Mississippi [Mr. HUMPHREYS] and diminish the number of their cotton stalks on the ground.

Mr. LEVER. Of course the gentleman from Texas understands that this is not the item that covers the great work of the department with reference to the boll weevil?

Mr. HARDY. Yes; I understand. But I wanted to put in the Record this statement which I have given, which I think is good advice and may be of value to our farmers who grow cotton.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. TRIBBLE and Mr. MANN) there were—ayes 27, noes 14.

So the amendment was agreed to.

Mr. CULLOP. I offer the following amendment as a new paragraph.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, at the end of line 25, page 19, the following as a new paragraph:

"For the investigation and control of diseases, insects, and worms affecting corn culture, the sum of \$50,000."

Mr. LAMB. I reserve a point of order on that.

Mr. CULLOP. Mr. Chairman, by far the most important agricultural industry in this country is the raising of corn. In 1909 the corn crop of this country was worth \$1,500,000,000. In 1910 the corn crop of this country was worth \$1,720,000,000. Your cotton crop in 1909 was worth \$825,000,000, and in 1910 it was worth \$920,000,000. The corn crop of this country is worth nearly double the value of any other crop produced in the country. Yet there is less attention paid to the investigation of the diseases, the insects, and the worms that injuriously affect the cultivation of the corn crop than any other crop of this country. The gentleman from Georgia [Mr. TRIBBLE] said that in the State of Georgia last year they produced 100 bushels of corn to the acre, which realized \$65 an acre to the farmer who raised that crop. Yet no appropriation has been made to investigate and to eliminate the diseases that affect the production and culture of this valuable crop, the most valuable product of our farms. I hope that this amendment will be adopted, so that the attention of the department will be especially directed to the investigation of insects and other causes injurious to corn culture.

In many of the States of the Union the ravages of insects year after year have practically destroyed in some localities the crops. Yet in spite of these ravages more of the country is adapted to and engaged in the production of corn than any

other product, and it is producing more wealth to the country than any other crop. Of all the crops raised on the farms of this country corn is king. Yet less attention has been given by the department to this subject than to the culture of any other crop. I hope the gentleman from Illinois [Mr. MANN] will assist me in this movement, because his State is one of the greatest corn-producing States in the Union.

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. Gladly.

Mr. MANN. I understood from the reading of the amendment—and I ask for information—that it is for the purpose of studying insects.

Mr. CULLOP. Diseases, insects, and worms. Last year the wireworm was one of the most injurious enemies of the corn crop.

Mr. MANN. I fully appreciate the need of the study, but I suggest to the gentleman that the study of corn worms and other worms injurious to corn does not belong to the Bureau of Plant Industry, but to the Bureau of Entomology, and that we already have an appropriation in another item of the bill, which might be increased, for the investigation of insects affecting various crops. That item is found on page 56 of the bill, and is as follows:

For investigations of insects affecting cereal and forage plants, \$50,000, of which sum \$10,000 shall be immediately available.

The Bureau of Entomology is the place where that study belongs.

Mr. CULLOP. Yes; but this amendment is pertinent here, because it applies to the investigation of the diseases of corn. That is the reason why it becomes pertinent at the place where it is offered. That is the reason why I made the investigation of diseases affecting corn culture the leading feature of the amendment.

Mr. MANN. If it is for the study of diseases under the Bureau of Plant Industry, that is one thing, but I think it is quite certain that one of the studies that the department is now carrying on in the Bureau of Entomology is the study of insects that are injurious to corn.

There are various insects that eat off the roots of the corn so that it blows over and destroys the corn when it is young. That study has been carried on by the Bureau of Entomology, and I think the appropriation ought to be increased. This bill proposes to make \$10,000 immediately available so as to carry out the work further for this year. It is not desirable to cross lines in these things.

Mr. LAMB. No; because you will duplicate the work.

Mr. CULLOP. I will say to the gentleman from Illinois that the insect affecting the culture of corn is so involved or connected with the subject of the disease of the corn that it is pertinent and proper to introduce this amendment here, because the study of one necessarily involves the study of the other. The two are so interwoven and connected that it would be almost impossible to investigate one without the investigation of the other at the same time.

Mr. LEVER. Let me say to the gentleman that we are dealing as the gentleman from Illinois has said—

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I ask an extension of five minutes.

The CHAIRMAN. The gentleman from Indiana asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LEVER. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. LEVER. I want to call the gentleman's attention to lines 7, 8, and 9 on page 19:

For investigations of plant diseases and pathological collections, \$22,930.

I desire to say that under that authority the Bureau of Plant Industry can do and is doing in a way the work which the gentleman has in mind. As far as the investigation of insects affecting corn is concerned, that is being carried as the gentleman from Illinois points out, on page 56, lines 12 to 14, an appropriation of \$50,000 being made for the purpose. While I understand the importance of the gentleman's amendment, I do not believe it is necessary at all, because I am satisfied the department is doing the work now and doing it well.

Mr. CULLOP. Mr. Chairman, I beg to disagree with the proposition of the gentleman from South Carolina. This is too important a matter to the entire country and to nearly every State in it that it should be treated with such an appropriation for investigation of a subject of this magnitude as the one of \$10,000 proposed. It is entirely inadequate for the magnitude and importance of the work.

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. With pleasure.

Mr. MANN. I do not think it desirable to appropriate and mix up the Bureau of Plant Industry with the Bureau of Entomology. The gentleman might change his amendment. Under the boll-weevil item the reading is "for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil." That is for demonstration work. That appropriation comes under the Bureau of Plant Industry.

Mr. CULLOP. Mr. Chairman, I will ask to modify my amendment by striking out "insects and worms." I am willing to concede that much in order to get this most important work inaugurated.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. HAUGEN. Will the gentleman yield?

Mr. CULLOP. I shall be glad to yield to the gentleman, for I know the gentleman from Iowa must be with me on this proposition, because his is the banner State in the Union on corn.

Mr. HAUGEN. I want to call the gentleman's attention to the fact that this bill carries an appropriation of \$188,000 to investigate the adoption and improvement of methods for farm management, and a large amount is devoted to corn growing. It also carries a large appropriation for the cotton-boll weevil, and the biggest part of that is used to encourage corn growing throughout the great South. As the gentleman is well aware, this item is not carried in an appropriation bill for the purpose of combating the boll weevil, but more for the purpose of demonstration and teaching the farmers of the South how to grow corn, and the most important part is the rotation of crops and intensified farming.

I wish to point out that the corn growers of this country have not been overlooked by the committee; they have been taken into consideration in considering other items where it does not specify that a certain amount should be used for the one purpose it is provided for in the bill, but left to the discretion of the Secretary of Agriculture and the various bureaus how the money should be appropriated and for what purposes.

Mr. CULLOP. The objection to the plan of the gentleman from Iowa, as proposed, is that if they are using the money appropriated for the elimination of the boll weevil it is being misapplied, because Congress has specifically provided the purpose for which it should be used.

I mean too much of it. In other words, not enough of it is applied to that purpose. The growth of corn is the most important industry of the United States. The State of Iowa is the banner State of the Union. Many of these States in the South are well adapted to the growth of this valuable crop, and you will never have an overproduction of this product, because the uses and purposes of this product are being multiplied year after year, so that the demand increases rather than diminishes, and will continue to do so. I hope, therefore, that this amount will be appropriated, to be used solely and distinctly for this one purpose. I think it the most important matter to be considered in this bill. Its great importance should not be overlooked or its value underestimated, and attention should be directed to its protection and encouragement.

Mr. LAMB. Mr. Chairman, I want to state in a few words that there is ample provision in this bill for the investigation of all of these insect pests, the enemies of cotton, corn, oats, and whatnot; and the Committee on Agriculture has carefully considered all of these measures, and we will show in the proper place that there is ample provision for what the gentleman suggests. I hope the amendment will be voted down. I ask for a vote.

Mr. BUTLER. Did the committee appropriate all of the funds requested by the department for that purpose?

Mr. LAMB. Yes, sir.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LAMB. Certainly.

Mr. MANN. Corn being the largest single agricultural product in the United States, and there being a great many new enemies of corn coming up all of the time, is it not desirable to carry in the bill a specific provision and appropriation for the study of corn diseases?

Mr. LAMB. I think there is ample provision for the whole thing already carried in this bill. I do not think the corn farmer in this country is going to suffer. We are increasing the corn crop in the United States year by year.

Mr. MANN. Oh, the gentleman ought not to say that no farmer will suffer, because farmers suffer all of the time from these things. I know in my own State many places where farmers have seriously suffered from the attack of enemies to corn. Of course, I appreciate the fact that the Department of Agriculture and the local State experiment station are endeavoring to meet these enemies, and yet with a crop of 3,000,000,000

bushels of corn I think we could well afford to be, not liberal—we do not ask liberality—but fairly conservative about expending money to protect it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CULLOP) there were—ayes 18, noes 23.

So the amendment was rejected.

The Clerk read as follows:

For crop technological and fiber plant investigations, \$10,010.

Mr. RODDENBERRY. Mr. Chairman, I offer an amendment to strike out the word "ten," in line 5, page 20, and insert in lieu thereof the word "sixteen."

The CHAIRMAN. There are two "tens" in that line.

Mr. RODDENBERRY. The second time.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 5, strike out the word "ten" where it occurs the second time in the line and insert in lieu thereof the word "sixteen."

Mr. RODDENBERRY. Mr. Chairman, not having the information as to the necessity or reason for a decrease in the item for crop technological and fiber plant investigations, I would inquire why the reduction is made?

Mr. LAMB. Mr. Chairman, there has been no decrease at all. This appropriation was last year for \$10,610. It is reduced to \$10,010, a decrease of \$600, due to the transfer of one employee to the statutory roll.

Mr. RODDENBERRY. Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

For investigating the ginning, handling, grading, baling, and wrapping of cotton, and the establishment of standards for the different grades thereof, and for carrying into effect the provisions of law relating thereto, \$26,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry as to why this appropriation is decreased. Is this a transfer?

Mr. LAMB. This subappropriation has been reduced from \$32,350 to \$26,000, a decrease of \$6,350. Of this sum the committee cut out \$2,180 in the interest of economy and \$3,420 is due to the transfer of five employees to the statutory rolls and \$750 covers the transfer of an item for rent to a special appropriation for that purpose. That is all there is in it.

Mr. MANN. Mr. Chairman, I move to strike out, in line 9, the word "twenty-six" and insert in lieu thereof the word "twenty-eight," so as to leave the appropriation what it was before.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 9, strike out the word "twenty-six" at the end of the line and insert in lieu thereof the word "twenty-eight," so that it will read "and for carrying into effect the provisions of law relating thereto, \$28,000."

Mr. MANN. Mr. Chairman, that would leave the amount carried practically the same that is now authorized by law, taking into consideration the transfer of employees from one roll to another. This item is for investigation of the ginning, handling, grading, baling, and wrapping of cotton, and the establishment of standards for the different grades thereof. The question of the grades of cotton is a very important matter, and I do not think we can afford to cut off \$2,000 from the appropriation for that purpose. I do not believe there is any demand for it. I am perfectly willing that the gentlemen in control of the House shall cut down various appropriations—Army and Navy and departmental appropriations in various items—but I have always advocated on the floor of this House liberal appropriations for the Agricultural Department. Undoubtedly much money is expended by the department where no return of value comes, but taking it as a whole I do not believe there is an appropriation made by any government where as much value comes from it as the appropriations made for our own Agricultural Department. This work is of benefit not only to the people who produce, but to the people who consume. My personal interest and official interest is not in the protection of those who raise cotton or handle cotton, but in those who consume cotton in the final goods that are made from cotton. We have had a great many complaints, very properly probably, in relation to the handling of cotton in the market, and the establishment of grades for cotton by the Department of Agriculture, as I am led to believe, has been of inestimable benefit to those who handle cotton, both as buyers, producers, purchasers, and consumers. I do not see any occasion for cutting off this amount here. It will not add an appreciable extent to a record of economy. No one in the country will know that this amount has been saved, that the total appropriations have been reduced

by the reduction of this amount. We ought not to skin too closely these appropriations for the Department of Agriculture. They make good use of the money. Here is a bill that carries less than the cost of two battleships. I have frequently stated on the floor of this House I preferred to put money out of the Treasury into those lines that would produce benefits for the producers of the country rather than into battleships, and I still am of that opinion. [Applause.]

Mr. LAMB. Mr. Chairman, let me say for the information of this House that these estimates are first made by the chiefs of the bureaus and divisions and submitted to the Secretary of Agriculture. He takes their estimates and either alters them or lowers them according to his judgment and presents them to the Committee on Agriculture. We not only go through them carefully, but we summon these gentlemen at the heads of the different bureaus and ask them questions touching these appropriations. We did it in this case, and this record, too large for me to read here, will show that we interrogated Dr. Galloway along those lines, and we came carefully, cautiously, and deliberately, to the conclusions we made in the premises. In addition to that, after Dr. Galloway had appeared before us I asked him one day to come over to my office, that I wanted to talk with him over these estimates. I asked him about this one and another one, and I asked him, "Do you think you could perform this work satisfactorily if we reduce \$2,000 here and \$3,000 at another place? And I want you to be careful, now, and tell me if you think the activities of your bureau will be injured or hurt at all if we make these reductions, for the reason that it is necessary in this country under the conditions of our finances to reduce where we can, and we ask you to bear your quota of those reductions." And cautious, prudent, careful, sagacious, as he is, he agreed to these reductions. In reply to the gentleman who says that it is only \$2,000 I will state that it is true; but \$2,000 in one of these estimates and \$2,000 in another, plus \$5,000 or \$6,000, makes \$10,000 or \$12,000, and it was the aggregate which we had in mind. We came to our conclusions deliberately and calmly, and we confidently hope and believe that this committee will stand by our report. [Applause.] Mr. Chairman, I ask for a vote.

Mr. MANN. Mr. Chairman, just a word.

Mr. RODDENBERRY. Mr. Chairman, I would like to speak to this amendment.

The CHAIRMAN. The debate on the amendment is exhausted.

Mr. RODDENBERRY. I move to amend the amendment by striking out the word "twenty-eight" and substituting therefor the word "thirty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the word "twenty-eight" and inserting in lieu thereof the word "thirty," so that the line will read: "Effect the provisions of law relating thereto, \$30,000."

Mr. RODDENBERRY. Mr. Chairman, I thoroughly agree with the statement and views expressed by the gentleman from Illinois [Mr. MANN] relative to the increase of this appropriation. His amendment only provides to restore it to the amount that it has heretofore been.

It deals with the ginning, handling, grading, baling, and wrapping of cotton, and the establishment of uniform standards for the different grades thereof. All of these questions not only go to cheapening the production of cotton and the cheapening of the marketing of cotton, but it resultantly follows that if this can be accomplished you will cheapen the price of goods to the man who finally consumes the product. It is one peculiar provision wherein the Congress may bestow on the country great benefit by effecting economical and expeditious handling of the cotton crop. It inures at the same time to the benefit of the producer and to the benefit of the consumer.

I might state—and I will ask the privilege of revising my figures—that my best recollection is that the tare on the baling and handling of cotton costs approximately \$30,000,000 a year, which, of course, is paid by the farmer.

The Department of Agriculture under this bureau has devoted much time to the matter of standardizing cotton. It goes to the handling and classification of the entire crop. In view of the criticisms we have heard in the preceding debates, I want to say with respect to this bureau, and especially in so far as the Secretary of Agriculture is concerned, that no Cabinet officer has occupied a position in the Cabinet for 20 years who enjoys more universally the confidence of the people of this country than the present Secretary of Agriculture. I take no part in the controversy between him and his subordinates. In those with whom he has had a controversy I have confidence, especially in Dr. Wiley. The people of the country have confidence in Dr. Galloway and his administration of this department; and I see from the report of the committee that the appropriations

for the Bureau of Plant Industry for this year under this bill are \$9,000 less than the estimates from that department. And the proposition I make is only to increase the appropriation for the farmers' protection by \$4,000. The proposition of the gentleman from Illinois [Mr. MANN] makes it only \$2,000.

I am not in antagonism to the bill reported by this committee. It manifests caution and patience and looks to the good of the country, and I gladly support them. Where they think it is proper to economize I am usually in accord with them, but I would like the committee to take such a position on these questions as to let Dr. Galloway and the head of the other bureaus know when they go to make up the estimates for these investigations for the benefit of agriculture, which is the basis of the wealth of the country, that it is not necessary for them to trim, to shift, and to fear that the Congress, or this House at least, will not support them in liberal estimates and in all these regards.

I hope the committee will adopt my amendment; but if not, that it will support the amendment of the gentleman from Illinois [Mr. MANN].

Mr. LEVER. Mr. Chairman, I rise to oppose both amendments. The reduction made by the committee in this item amounts to \$2,180. I am as much interested in this item, carrying as it does the authority for investigations of ginning, handling, grading, baling, and a wrapping of cotton, and the establishment of standards for the different grades thereof, as either the gentleman from Illinois or the gentleman from Georgia. I had some part a few years ago in putting this item in the bill. But the chairman of the committee has set out the situation ably and earnestly. We have come to Congress, many of us, on a platform calling for reductions in governmental expenditures—

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. LEVER. Let me make my statement, and I will yield at the close. It is not expected of us that we should come here and emasculate the work of the Department of Agriculture, a department dealing with the greatest fundamental industry in the world. But it is expected of us that the committee charged with the duty of recommending appropriations for this department should make careful inquiry into the necessity of them for these various items.

The Committee on Agriculture, while not paying a great deal of attention to the little matters, such as minor clerical places, have been very diligent in endeavoring to find out, in the best way we could, how much we could reduce these appropriations without hurting anything seriously. As the chairman has suggested, Dr. Galloway himself, a cautious and conservative man, and in my judgment one of the ablest men in the Department of Agriculture, whose bureau is doing one of the greatest works of any bureau in the department, sat down with the subcommittee which made up this bill, and we interrogated him upon every item. And while perhaps he did not desire any decrease in his appropriations at all, he was fair and candid enough with the committee, as he always is, to say that, "On this proposition here, gentlemen, I think I might stand a 6 per cent reduction," or, "On this proposition I think I might stand a 5 per cent reduction," or, "On this other proposition I think I might stand a 10 per cent reduction." And in each and every case we took the final judgment of Dr. Galloway on these various propositions.

This is an item of some concern to us in the South, but I want to call the attention of my friend from Georgia [Mr. RODDENBERRY] to the fact that the work that has been carried on under this item with reference to the establishment of standards of different grades of cotton, and the like of that, has been worked out practically; the standards have already been established. The only expense at all now is in getting these grades adopted by the various commercial organizations of the country. This is an item carrying technical investigations—

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Texas?

Mr. LEVER. Yes.

Mr. SLAYDEN. I am a little interested in the gentleman's statement about the grades. I would like to ask the gentleman from South Carolina, Has that effort on the part of the Department of Agriculture had any effect whatever upon the trade, or has it in any way varied the various grades of cotton that were intimately known to the trade before that committee on grading was ever appointed?

Mr. LEVER. I am very glad the gentleman from Texas has asked that question.

Mr. SLAYDEN. I want to say to the gentleman, Mr. Chairman, that I asked one gentleman among those who came up here at the expense of the Government to make up these types,

what they had done. I had known him intimately in the cotton trade for a good many years. He said they went down and made types just as any competent man in his office would do, and just exactly what the trade had been practicing and recognizing for years.

Mr. LEVER. In that respect, Mr. Chairman, permit me to say that I have seen a number of attempts to get out in a commercial way a standard for grading cotton, and—

Mr. SLAYDEN. The trade has had that always.

Mr. LEVER. And I remember in my own State some firm or concern was selling a number of these grades, and—

Mr. SLAYDEN. A number of what?

Mr. LEVER. A number of these grades.

Mr. SLAYDEN. Type samples?

Mr. LEVER. Yes; type samples; but they were covered by glass. I examined them, and, as a cotton grower, I would pronounce them absolutely worthless. But any farmer, except as to uniformity, length, and strength of staple, might take one of the grades made up by the Department of Agriculture and compare it with his own bale of cotton and ascertain whether he is selling his cotton for middling cotton or for something else.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman a question, and I will yield to him time to answer it.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. RODDENBERRY. I ask, Mr. Chairman, that the gentleman from South Carolina may have five minutes in which to finish his statement.

Mr. MANN. The gentleman did not yield him the time.

The CHAIRMAN. The Chair understood the gentleman from Texas was granted five minutes, and that he yielded to the gentleman from South Carolina to answer a question.

Mr. LEVER. The gentleman from Texas got five minutes for himself, and yielded to me to answer a question that he wished to propound.

The CHAIRMAN. The Chair was in error as to that.

Mr. SLAYDEN. Now, Mr. Chairman, I yield to the gentleman.

Mr. LEVER. Mr. Chairman, in addition to what I have said on this proposition, I desire to say that the standards adopted by the Government by authority of law, if adopted by the trade throughout the country, would be found of great advantage to the trade, and especially the farmer.

Mr. SLAYDEN. In that connection—

Mr. LEVER. Yes; and I want to go further and say that every cotton exchange in this country except the New York Exchange has adopted the standards.

The New York Exchange would adopt them if we would add two more grades to the nine now provided. We are so advised by the president of that exchange this morning.

Mr. SLAYDEN. Mr. Chairman, I want to say that I have had some intimacy with the trade, having gotten my living out of it for about 20 years. What the Government calls middling cotton, the basis of all calculations in the cotton trade, was middling cotton long before the Government ever spent a cent to bring gentlemen up here to make type samples; and what those gentlemen did when they came up here was to make precisely the types that were universally recognized by the trade. Now, whether the Government adopted them and published them broadcast as their types, and then the trade subsequently came in and said, "We accept those types," is of no importance. As a matter of fact, they made precisely the same types and precisely the same grading that were in existence before. They could not do anything else. It was impossible for them to revolutionize the trade.

Mr. HEFLIN. If the gentleman will yield to me, I will say it is true that this committee made nine grades of cotton which are now used in the Agricultural Department.

Mr. SLAYDEN. Used for what in the Agricultural Department?

Mr. HEFLIN. As samples that you can sell to anywhere in the South or in the United States, to be used to compare with the farmers' samples, as the gentleman from South Carolina [Mr. LEVER] has said. The difference is that the Agricultural Department has 9 grades and the New York Exchange has 28 grades.

Mr. SLAYDEN. Mr. Chairman, I do not regard that as of any importance whatever, and this is no reflection on what the gentleman has said. Smith and Jones and Brown can trade in that commodity just as they please. They can call it anything they want to. I once knew an old gentleman, a commission merchant in the city of New Orleans, who handled a great deal of cotton. He classed it to suit himself and put it on his table. A broker would come in and say, "Mr. Jones"—we will call

him that—"I want to buy some middling cotton." "Very well, sir; I have it in here." "But that is not middling cotton." "Oh, yes; that is my middling. You can take it or let it alone, as you please, and my price is so-and-so."

Now, the trade comes together on those things, and the making and adoption of these type samples by the Government does not affect or influence the trade at all.

Mr. LEVER. Could not the illustration which the gentleman has given be easily reversed, and the farmer say to the merchant, "This is not good middling cotton that I am selling you for which you are offering the price of 10½ cents. I have a different grade, and unless you will pay me for the grade I offer you I will take my cotton back home."

Mr. SLAYDEN. He can do it, and he always has done it.

Mr. LEVER. The trouble is that the farmer has never known what grade he had.

Mr. SLAYDEN. He has always done it. He has always insisted on his own classification. No one should take that right away from him, and no one can take it away from him.

Mr. LEVER. The gentleman and myself differ very materially in our conclusions.

Mr. SLAYDEN. The gentleman can conclude what he pleases.

Mr. LEVER. I think the gentleman will agree that the average farmer does not know the small differences in grade. It takes an expert to know them.

Mr. SLAYDEN. I have had a great deal of experience, and I have never known one of them to make a mistake that was in favor of the other fellow.

Mr. LEVER. I have been one of them myself.

Mr. SLAYDEN. So have I. I have been a cotton raiser, too.

Mr. LAMB. I want to make this suggestion to my friend. I have made a mental calculation here that if we proceed at our present rate it will take 60 hours more to complete this bill. That will be about 12 days, and we will tire out the committee, and the country, and everybody else.

Mr. SLAYDEN. Being admonished by the chairman of the committee, I will yield back the balance of my time.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

On page 20, in line 9, strike out the word "twenty-eight" and insert in lieu thereof the word "thirty."

The CHAIRMAN. This is an amendment to the amendment. The gentleman from Illinois [Mr. MANN] moved to strike out "twenty-six" and insert "twenty-eight." Then the gentleman from Georgia [Mr. TRIBBLE] moved to strike out "twenty-eight" and insert "thirty." The vote will now be taken on the amendment to the amendment, offered by the gentleman from Georgia, to strike out "twenty-eight" and insert "thirty."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question recurs now on the amendment proposed by the gentleman from Illinois [Mr. MANN].

The question was taken; and on a division (demanded by Mr. MANN) there were 19 ayes and 31 noes.

Mr. MANN. I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. MANN and Mr. LEVER.

The committee again divided; and the tellers reported that there were 34 ayes and 47 noes.

So the amendment was rejected.

The Clerk read as follows:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, \$55,640.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee some questions in regard to this. I want to know what has been done in the way of establishing the standardization of grain by which the farmer may be able to know the real grade of his products.

Mr. LAMB. I do not think anything of any amount has been done.

Mr. CULLOP. Is there sufficient money in this appropriation to enable that work to be done?

Mr. LAMB. In answer to your question, I will quote from the hearing what Dr. Galloway said on this subject:

The CHAIRMAN. I see that this carries \$55,640. Is it necessary to have that amount?

Dr. GALLOWAY. The grain business is one of the most important industries we have anything to do with.

The CHAIRMAN. I understand that; but do you really require this sum?

Dr. GALLOWAY. That is our idea. It is of vast importance. You recall that several years ago there was a very determined effort made to put through a Federal grain-inspection bill, which would have cost probably several million dollars annually, but that was finally side-tracked with the understanding that the question of grading grain should be thoroughly investigated and that the fundamental principles involved in that work should be set forth by the department to the end

of guiding the private interests to make these grades. That is our present line of investigation.

The CHAIRMAN. What is the latest bureau knowledge on that? I will be asked this question and want to be prepared to answer it.

Dr. GALLOWAY. We have established a number of laboratories. One is at New Orleans, which may be taken as the type, and another at Baltimore, and so on. These laboratories work in closest cooperation with the boards of trade and other bodies interested in grain. It is customary for our men, in addition to investigational work—that is, to find out the varying quantities of moisture the grain should carry—to settle disputed points that may come up between members of the trade in matters of this kind. Our laboratory simply works out the problem and reports the results to the board of trade, and, as a rule, the board of trade abides by that conclusion.

Mr. CULLOP. Mr. Chairman, one of the greatest abuses that occur in the entire business operations of this country is in the grading of grain. It applies to the cotton producer as well as to the wheat and the corn and the hay and the oats producer. By the system now enforced the farmer suffers woefully. If the market goes down, the grade of the grain becomes poor. If the market goes up, the grade of the grain remains normal. That practice, participated in by the boards of trade at commercial centers where the product of the farm is bought and collected for distribution, is costing more money to the farmer to-day than anything which he has to bear, or any other class of citizens in this Government. It practically denies to him the larger markets of the country and imposes on him an expensive hardship. He is being swindled, and there ought to be established some uniform system of grading, not only of grain but all other farm products in order to protect the producer and smaller dealers. It is a matter of simple justice, nothing more.

How many cotton farmers in the South have raised as fine a product as ever grew out of the ground, and when they have undertaken to sell it directly themselves the market fell while it was in transit, and of course the cotton would not grade when it reached its destination, and the producer did not receive for it the price that it had been sold for.

Mr. LAMB. On that point will the gentleman permit an interruption?

Mr. CULLOP. Certainly.

Mr. LAMB. To show you that we are thinking along the same line, I want to read a little further from the hearings as to what Dr. Galloway said:

The CHAIRMAN. This is very interesting; the standards are watched with a great deal of interest, but have they been accepted?

Dr. GALLOWAY. Yes. Another important feature has to do with our export grain trade—with the methods of shipping corn. Foreign buyers are complaining that our corn is being poorly handled. It is frequently moist, and when it reaches the other side it is hot. One or more of the Atlantic ports has had a very serious trouble with foreign shipments; and we have made a good many investigations of such shipments, all to the end that people handling corn at such points may introduce such measures as will enable them to protect themselves, and also protect the foreign buyers who are to receive the corn.

Mr. CULLOP. I would rather the gentleman would not read any farther in my time, but he can read the balance in his own time. I want to use mine on this subject. This injurious practice has been worked upon the farmer a little bit too long in this country. Always something occurs to his product when he gets it to the market to affect the quality, and he must suffer because he has no other alternative. The trouble about that is that while they have been making that investigation they have not been establishing proper safeguards and rules to protect the farmer upon that subject. It is action that is needed in this matter, speedy and prompt action.

The condition is such to-day that the farmer can not sell his grain abroad or in large market centers, but he must sell them through the middleman, because if he sells them directly, ships them to the market, he is graded out of the market and largely out of the price of his product. What is true of wheat and corn and oats and barley is likewise true of your cotton in the South. I insist that proper steps now should be taken to standardize the grades of farm products so that the grade may be fixed at the point where he delivers his products for shipment and not at the point of destination, as the custom now does, and that the grade so fixed at the receiving point shall control throughout until its character is changed. Then fluctuating markets could not be the cause leading to the change of the grade. This would do justice to the producer and the small dealer. It would create faith in the honesty of traders and tend to maintain stable markets. There is a widespread demand, a necessity existing, for the establishment of such a system as that for which I contend, and I sincerely hope I can prevail on the department to adopt it or some system that will produce such a wholesome result.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, there ought to be established in this department a grading system so that the producer himself would know the standard by which his products are to be graded, and therefore could determine when he shipped his products, if he shipped them to a market distant from his home, whether or not they came within the rule laid down or the grade fixed when he parted with the possession of the same. As the system now exists, he is left in the dark and has no way of determining for himself what the grading system is four or five hundred miles away from his farm, and is often made a victim to the whims of the market juggler, so that the original producer is unable safely to market his products except through a middleman, who must have the profit that the farmer ought to have as the result of his toil and labor. Therefore, if this appropriation is not large enough for the purpose of determining what should be established in that direction as a protection to the original producer, I would like to see it increased, and it matters not how large it may be if it would answer the purpose and produce the desired result. This class has been neglected too long in this matter and are being injured every day in the year because of the system that now exists, and some improvement ought to be made in this matter for the protection of this the greatest class of producers in this country, in order that they may enjoy the fruits of their labor and because fair dealing demands such a safeguard as I here propose.

Mr. MOSS of Indiana. Mr. Chairman, I move to strike out the last two words. I understand from the statement of the chairman of the committee, the gentleman from Virginia [Mr. LAMB], that the Department of Agriculture is doing nothing toward establishing the grades of grain. I hold in my hand some food and drug decisions that have been published by the Department of Agriculture, and I would wish to call the attention of the committee to the fact that fines have been imposed for shipping grades of grain in interstate commerce which have not been approved by the Bureau of Chemistry and which have been held to be a violation of the pure-food law by the Federal courts.

The first is food and drug decision No. 107. Here we have a carload of wheat that was shipped and a sample seized by the inspector of the Bureau of Chemistry:

Adulteration was alleged because another substance, to wit, hard wheat, had been mixed with and substituted in part for No. 2 red wheat. Misbranding was alleged because said wheat was sold under the distinctive name of another article, to wit, No. 2 red wheat, when in fact it was not No. 2 red wheat, but a mixture thereof with 40 per cent hard wheat, whereby the purchaser was deceived and misled.

A mixture of hard wheat with No. 2 red was declared to be a violation of law because the grade was declared by the State local inspector to be No. 2 red wheat.

Here we have another one, food and drug decision No. 1167, adulteration of white oats:

In due course a libel was filed against the said carload of white oats, charging adulteration of the product within the meaning of the act, because it consisted of 13 per cent barley, 3 per cent weed seed, and the balance white oats.

In this instance, because 13 per cent of the grain was barley and 3 per cent was weed seed, the law was declared to be violated, as the grade was said to be white oats.

Here is another instance, food and drug decision No. 1352, issued January 25, 1912. Again it is the adulteration and misbranding of white oats:

Adulteration was alleged against said product for the reason that there had been mixed and packed with said oats a quantity of wheat, barley, and other seed, stems, hulls, chaff, and inert matter so as to reduce, lower, and injuriously affect its quality and strength, which substances had been substituted in part for said oats. Misbranding was alleged because said product was sold under the distinctive name of another article, to wit, No. 3 white oats, when the product was not such, but was a mixture of white oats, wheat, barley, and other seed, stems, hulls, chaff, and inert matter.

Mr. Chairman, I am not saying that those decisions go beyond the present law upon the statute books, but I am saying that if that is the correct interpretation of the law as it is, it means that no man can sell a carload of wheat, no man can sell a carload of oats, no man can sell a carload of grain if there is a single substance in it except pure grain of the kind which he alleges to be sold.

If a man were to sell a carload of wheat and there should happen to be a few grains of rye in it, under that decision he could be punished. If he should sell a load of oats and there should be 10 grains of barley in it, under that decision he could be prosecuted.

Mr. MANN. Does the gentleman mean if that amount were found, or if it were mixed with it deliberately?

Mr. MOSS of Indiana. I am speaking under this decision here.

Mr. MANN. And I am speaking under this decision also.

Mr. MOSS of Indiana. Yes; if the inspector claims to find it mixed at the time of inspection.

Mr. MANN. That is neither the decision nor the law.

Mr. MOSS of Indiana. That is the decision here given.

Mr. MANN. No; the decision here is that it was mixed with it. That is the charge, that it was mixed with it. If a man has a carload of wheat and deliberately mixes with it something else and sells it as a carload of wheat he ought to be punished for it, and that is all the law does and that is all the decisions hold.

Mr. MOSS of Indiana. I know my friend from Illinois [Mr. MANN] is a very good authority, and I would not want to place my judgment against his. Yet, Mr. Chairman, the allegation here is that any article that is sold as No. 3 white oats and is found upon inspection to contain other articles except white oats is misbranded because of the fact that the other substances are mixed with it. Those cases have not come to trial; the parties in defense have preferred to enter pleas of guilty and pay nominal fines; but the allegation is that the grain is misbranded because the inspector declares it to be one grade and the bureau declares that the result of their examination shows it to be another. There is no allegation of an intent to deceive by mixing the grain, but that a misbranding occurs because it is mixed. The definite result, misbranding, will follow if the local inspector fails to grade the grain properly, regardless of how the mixture or the mistake shall have been caused.

That is what this decision means. Now, I have no objection to the question of carrying out the law, but I do submit that until the United States Government takes up the question of establishing a uniform grade of grain and does establish such a grade it is beyond the province or ought to be beyond the province of any law upon the statute books whereby the farmer or any man can be prosecuted for selling grain which has been graded by local authority, but which the Federal authority condemns as being incorrect. Under that decision, if it were the fact that oats or wheat were graded correctly at Indianapolis under their rules and standard and shipped in interstate commerce, even my friend from Illinois will not assert the fact that, if in transit, if an inspector from the Bureau of Chemistry shall examine such grain and allege differently an indictment may be filed and thus bring the case into the Federal courts for adjudication.

Mr. LEVER. Mr. Chairman, I ask for a vote.

Mr. RODDENBERRY. Mr. Chairman, I desire to offer an amendment. I move, in line 13, page 20, to strike out the word "five" where it occurs and substitute therefor the word "seven."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 13, strike out the word "five" where it occurs and insert in lieu thereof the word "seven."

Mr. RODDENBERRY. Mr. Chairman, the effect of my amendment is to increase by \$2,000 the appropriation for investigating the handling, grading, and transportation of grain.

Mr. LAMB. There is no increase there.

Mr. RODDENBERRY. No; I am moving to increase it.

Mr. LAMB. It is the same as it was before. The decrease of \$1,440 is due to the transfer of two employees to the statutory rolls. That is all there is in it.

Mr. RODDENBERRY. Now, having displaced about \$2,000 of it in salaries, I desire to increase it by \$2,000, so that the department may use it for actual work for the farmer. I hope neither the chairman of the committee nor Members will grow impatient as we discuss items of this Agricultural appropriation bill. When the Army bill came up there was ample time—days—to consider it, but if you neglect the farmers' interest in this country you can support no Army and you will need no soldiers. In the Navy bill, which we will have in a few days, there will be days and days in the discussion of warships, battleships, and such matters, when if proper encouragement is not given to the agricultural interests of this country for its prosperity we can maintain no Navy and we will need no warships.

Mr. LAMB. The gentleman is mistaken.

Mr. RODDENBERRY. I will not retort discourteously to the gentleman. I am not criticizing the chairman of the committee, because his action is only responsive to what seems to be the impatience of some Members for hasty disposition of the bill. The gentleman from Texas spoke somewhat disparagingly of the efforts of Dr. Galloway and his bureau toward standardizing cotton grading.

I desire to say that the department claims that it is primarily for uniformity in grades. There is no uniformity of grade in this country in practice for the man who grows and sells his own

cotton. There is uniformity of grade on the exchange in New York and New Orleans, but out in the country towns of 20,000, 10,000, 5,000, and 1,000 inhabitants, where the farmer sells his cotton there is no uniformity of grade. I challenge the statement of the gentleman from Texas that the farmer fixes his grade. The grades as provided for here by the department are standardized and uniform. The standards are now placed in many agricultural schools for the farmers who are trained there, but they ought to be in every farmer's warehouse in this country, and so should the standards of every grain, so that the farmer when he sells can see a facsimile of the standard by which Savannah, New Orleans, New York, and Liverpool are grading. As it is now, the country merchant takes a sample, and there is not a standard of grades in the town, and when the buyer says it is middling, just as the cotton buyer says, the farmer must take it. I have known instances where the cotton buyer classed the cotton as middling when he bought from the farmer and sold the same cotton to a cotton factory in the same town as good middling. They rob the farmer when the bears in New York put the price down, and they often get him on undergrading again when they buy the raw staple from him.

I assert, gentlemen, that the Department of Agriculture, both in grain and cotton, is rendering a service to the man who produces the staples by his own labor and that of his children. At one time a buyer of cotton and as a producer of cotton, and familiar for 30 years with the industry in its raw state, I speak not from information derived from others, but from actual personal knowledge. "This agricultural bill, carrying these provisions, is extremely economical. The farmers have no lobby here to ask for increased appropriations. The farmers maintain no employed officers in Washington to see how much appropriation they shall have. They leave it to us; and when it comes to standing by the committee or standing by the farming industry of the country, with all respect for and every confidence in the committee, I shall stand by my judgment as to what appropriation is necessary for the encouragement and highest interests of agriculture, without regard to the product raised or the section of the country in which it is produced." [Applause.]

Mr. LAMB. The gentleman from Georgia [Mr. RODDENBERRY] has performed faithfully and eloquently, and to-morrow the farmers of Georgia will applaud him.

Mr. RODDENBERRY. They do it already.

Mr. LAMB. Perhaps. But let me say that this is a mere practical question. We reduce this appropriation only \$1,400, which was by a transfer from a lump sum, and the gentleman's eloquence is "wasted on the desert air." I ask for a vote.

Mr. HEFLIN. Mr. Chairman, I understood the chairman of the committee in reading the testimony of Dr. Galloway before the committee as to these cotton grades, to say that he asked Dr. Galloway if these grades had been accepted, and he said yes.

Mr. LAMB. I do not recall that exactly.

Mr. HEFLIN. Now, the fact is, Mr. Chairman, as I understand it, these grades have not been accepted by the New York Cotton Exchange. But the New Orleans Cotton Exchange has accepted these grades, I understand.

Mr. LEVER. That is what I said, if the gentleman from Alabama [Mr. HEFLIN] will permit.

Mr. LAMB. And if he will further permit, these grades have been officially adopted as a basis of their operations by nine cotton exchanges and the New England Buyers' Association, and the Arkwright Club have agreed to make them the basis of all their purchases.

Mr. HEFLIN. Nine cotton exchanges have adopted these 9 grades established by the act of Congress, the samples of which are now on exhibition in the Department of Agriculture, to be sold and distributed throughout the South for the purpose of educating the local buyers and the farmers themselves what grade his cotton is without having to wait until he ships a thousand bales of cotton to be graded at Montgomery, Ala., or some other city. There is no doubt in my mind but that these grades are accomplishing a great deal of good, but the New York Cotton Exchange has 28 different grades, and there are not 28 different grades of cotton. These 9 grades in the Agricultural Department now cover all grades of cotton, and they ought not to be permitted to use 28 different grades and beat the farmer out of millions of money, as the gentleman from Georgia [Mr. RODDENBERRY] has said they now do. And I am glad that these exchanges have adopted these 9 grades, and I hope that the New York Exchange will adopt them. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. RODDENBERRY].

Mr. MANN. Let the amendment be read again.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 20, line 13, strike out the word "five" where it occurs and insert in lieu thereof the word "seven."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. LAMB. A division, Mr. Chairman.

The committee divided; and there were—ayes 22, noes 25.

So the amendment was rejected.

The Clerk read as follows:

For the investigation and improvement of grains and methods of grain production, \$75,765.

Mr. CULLOP. Mr. Chairman, I offer the following amendment.

The CHAIRMAN (Mr. JACOWAY). The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out the word "sixty" in line 5 and insert the word "seventy," and add the following after the word "dollars": "Provided, That \$10,000 of said sum shall be used exclusively for improving corn-culture methods."

Mr. CULLOP. Now, Mr. Chairman—

Mr. LAMB. Mr. Chairman, I reserve a point of order, of course, on that. Before proceeding let me say to the gentleman that this appropriation has been reduced from \$77,925 to \$75,765, a decrease of \$2,160, which is due entirely to the transfer of three employees to the statutory roll. So we stood pat on that proposition.

Mr. CULLOP. I should have moved to strike out the word "seventy" and have made it "eighty." I wish to modify the amendment by striking out the word "seventy" and making it "eighty," so that it will read "eighty-five thousand."

Mr. LEVER. So that the amendment will read, how?

Mr. CULLOP. In line 4, page 21, strike out the word "seventy" and insert the word "eighty," and then in line 5, add, after the word "dollars," "Provided, That \$10,000 of this sum shall be used exclusively to improve the methods of corn culture."

On that I want to be heard. I ask \$10,000 now for that specific purpose. I understand you must get a start in this matter in order to accomplish anything, and I am directing my efforts to that end.

As I said before on this proposition, this is in aid of the production of the most important product to the people of this country. Now, with all due deference to the distinguished chairman of the Committee on Agriculture, I do not believe that this committee, when it understands the methods of making up this bill, will quite agree with the methods of the procedure used. And I know there is always a disposition to stand by the committee. But, gentlemen, let me say this to you, when you are doing that you are in danger of making this a one-man Congress if the rule is followed out fully in all things. [Applause.] I am opposed to the one-man business, and hope the system will not find a footing in this body.

Mr. LAMB. There are 20 men on the committee. [Applause.]

Mr. CULLOP. Oh, yes; but let me get through, with all due deference to the gentleman. He says they took a member of the department, found out what was wanted, and as a rule accepted his recommendations.

Mr. LAMB. The gentleman is mistaken.

Mr. CULLOP. I hope I am; but, if I correctly understood him a moment ago, that seemed to be the plan pursued; and if it was then it is not Congress that is making this bill, but it is the department that is making it, and I do not know whether we agree in all things with the methods of the department or as to the course of procedure. Some of us may differ with it, and properly so.

Now, this is the most important industry in the United States, realizing more money to the people than any other industry in the United States, and it is suffering as much or more to-day from the ravages of the enemies to the growth of corn than any other product in the United States, the cotton crop not excepted, because the production of corn is more extensive. The extent of the territory employed in it is larger. It reaches out for the benefit of more people in the country than any other industry in the country, and more people are engaged in it. I do believe that it would be justice to the men who are engaged in this industry that something be started in order to relieve them from the pests which prey upon the fruits of their labor and in many instances make it a complete loss, and thereby affecting the welfare of the whole country.

I hope that this amendment, which is reasonable, will be adopted and that the additional sum proposed be appropriated for that purpose and applied solely to that purpose. I hope

the chairman of the committee will accept this amendment, as I believe he ought to. I believe the country would approve it if he did.

Mr. CANDLER. Would the gentleman be satisfied with \$10,000 of an appropriation to carry on the work?

Mr. CULLOP. I would like to have it five times as much.

Mr. CANDLER. Then if the department is spending more than that the gentleman is gratified, I presume?

Mr. CULLOP. No. If they are using it, they are not using it now perhaps as profitably as they could.

Mr. CANDLER. When you are limiting it to \$10,000, you can depend upon it that they will not expend more than \$10,000. They are expending more than that now, and the gentleman does not know what he is talking about.

Mr. CULLOP. Mr. Chairman, it is all right to be economical, and I approve all efforts in that direction. I notice there was an attempt to raise the salaries of clerks. Here is the place to raise the appropriation, so that the real producers can get the benefit of it. [Applause.]

Mr. HAUGEN. Mr. Chairman, I fully agree with the gentleman from Indiana—

Mr. HARDY. Mr. Chairman, will the gentleman permit me just a moment? I would like to ask leave to extend my remarks on the subject I spoke of before.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] asks unanimous consent to extend his remarks.

Mr. MANN. Mr. Chairman, reserving the right to object, I couple with that request a request that I shall have leave to extend my remarks also. My request is that both the gentleman from Texas and myself may have leave to extend our remarks.

The CHAIRMAN. The gentleman from Illinois has asked unanimous consent that he be allowed to extend his remarks in the Record.

Mr. MANN. No, Mr. Chairman; I asked that the gentleman from Texas [Mr. HARDY] and myself both be allowed to extend our remarks.

The CHAIRMAN. The request of the gentleman from Illinois is that the gentleman from Texas [Mr. HARDY] and himself be allowed to extend their remarks in the Record. Is there objection?

Mr. HEEFLIN. On this subject?

The CHAIRMAN. On the subject discussed to-day.

Mr. AKIN of New York. Mr. Chairman, as to the gentleman from Illinois [Mr. MANN], I object. As to the gentleman from Texas, on the other side [Mr. HARDY], I do not object. [Laughter.]

Mr. MANN. Mr. Chairman, I preferred my request for that very purpose. [Laughter on the Republican side.]

Mr. AKIN of New York. I know it. [Laughter.]

Mr. MANN. Mr. Chairman, I shall not permit such a distinction to be made.

The CHAIRMAN. Objection is heard to the request of the gentleman from Illinois [Mr. MANN]. The gentleman from Texas [Mr. HARDY] asks leave to extend his remarks.

Mr. MANN. For the present, Mr. Chairman, I shall not permit that the gentleman shall take the position that on this side of the House no Member shall have leave to extend remarks, and that Members on that side, with whom he is friendly, shall be allowed that privilege. I can not permit that distinction, and for the present I shall have to object.

Mr. CULLOP. Mr. Chairman, I move that the gentleman from Illinois be permitted to extend his remarks in the Record.

Mr. AKIN of New York. Mr. Chairman, when gentlemen on that side of the House make a distinction in regard to unanimous consents, I am entitled to do it too.

The CHAIRMAN. The motion before the House is the motion of the gentleman from Indiana [Mr. CULLOP]—

Mr. CULLOP. No, Mr. Chairman; I asked unanimous consent that the gentleman from Illinois [Mr. MANN] be permitted to extend his remarks in the Record.

The CHAIRMAN. The Chair will advise the gentleman from Indiana that that has been objected to.

Mr. CANDLER. The gentleman from Iowa was addressing the House, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] is recognized to proceed.

Mr. HAUGEN. I fully agree with the gentleman from Indiana [Mr. CULLOP] that the subject to which he has addressed himself is of great importance. We know, of course, that the corn product of the United States is in dollars and cents of greater value than the cotton crop, and that the product of wheat is equal to that of cotton; and when we speak of the importance of fixing standards one should be provided for as much as the other. But I wish to call the attention of the gentleman to the fact that the Committee on Agriculture has recommended \$2 for this purpose where they have recommended \$1

for fixing standards of cotton. However, I did not rise to discuss that subject, but to say that the Committee on Agriculture have absolute confidence in the Secretary and in everyone connected with the department, and we have preferred to make lump appropriations, leaving it to the discretion of the Secretary and the chiefs of the various bureaus, in order that they may determine how and where this money shall be expended. We believe that they, taking into consideration the importance of all problems confronting them, will use the money where they believe it can be used to the best advantage. We have provided not only \$10,000 for the investigation and encouragement of corn growing, but this bill carries an item of \$186,000 and another item of \$330,000, or more than \$500,000 all told, which can be used to encourage corn growing in this country and to carry on the investigations and work that have been suggested by the gentleman from Indiana. [Applause.]

Mr. LEVER. I ask for a vote, Mr. Chairman, on the amendment of the gentleman from Indiana.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The question being taken on the amendment, on a division (demanded by Mr. CULLOP) there were—ayes 25, noes 28.

Accordingly the amendment was rejected.

The Clerk read as follows:

For the investigation and improvement of tobacco and the methods of tobacco production and handling, \$24,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Virginia [Mr. LAMB] a question. I would like to know why this appropriation was reduced.

Mr. LAMB. It has been reduced from \$26,630 to \$24,000, a decrease of \$2,630. This decrease was made by the committee in the interest of economy.

Mr. BYRNS of Tennessee. This is an actual reduction of the former appropriation?

Mr. LAMB. This is one of the various items that I referred to this morning. We asked Dr. Galloway to come before us, and we asked him if he could not reduce this 4 or 5 per cent, and in some cases 6 per cent. He thought no serious injury would result to this investigation, and that no inconvenience at all would be caused by such a reduction, and that is the reason we reduced it.

Mr. TURNBULL. Was there any unexpended balance of this amount left over?

Mr. LAMB. I think not.

Mr. BYRNS of Tennessee. I desire to withdraw my pro forma amendment and to offer an amendment striking out "twenty-four thousand" and inserting "twenty-six thousand six hundred and thirty."

Mr. LAMB. Unless the gentleman wishes to make some remarks, I will ask for a vote.

Mr. BYRNS of Tennessee. I want to submit some remarks on the amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee.

The Clerk read as follows:

On page 21, in lines 7 and 8, strike out "twenty-four thousand" and insert in lieu thereof "twenty-six thousand six hundred and thirty."

Mr. BYRNS of Tennessee. Mr. Chairman, I am in sympathy with every movement in the interest of economy, but I am not in sympathy with a movement which has for its effect the reduction of an appropriation formerly made and carried in this bill for the purpose of relieving and benefiting the farmers of this country. These appropriations have been made in the past and the farmers have derived great benefit from them. They have the right to expect that this Congress will continue these appropriations in their interest, and for my part I would rather see a less number of salaries raised, I would rather see the force, if necessary, reduced in the department, than to see the money taken from the farmers for whose benefit this bill is supposed to be framed. I want to appeal to the committee in the interest of fairness to adopt this amendment.

This bill carries two appropriations for the investigation of the production and best methods of handling grain, amounting in the aggregate to over \$135,000. You heard the chairman of this committee say a moment ago that neither of these appropriations had been reduced. There was an apparent slight reduction in both figures, but he explained to the committee that it was not a real reduction, but that the apparent reduction results from the fact that some of the clerical force charged with the handling of that fund have been transferred to the statutory roll.

I want to call attention to another fact, that in addition to the appropriation of \$330,000 for the destruction or prevention of the boll weevil there are two appropriations for the investigation of the production and best methods of handling cotton, aggregating over \$54,000.

And yet the bill of last year only carried \$26,630 for the investigation and improvement of tobacco and its production. For two years I have been endeavoring to get the Department of Agriculture to send to the district I have the honor to represent a man for the purpose of making these investigations in the interest of the tobacco producers of that section of the country.

We have in Tennessee and Kentucky probably 100,000 acres of land upon which dark tobacco is grown. There is no man, so the department informs me, who can be spared to go into that particular section to give attention to this great industry. As a matter of fact, they have been compelled, so the gentleman in charge of this matter says, to draw upon a man who is located in the Burley district and send him down there occasionally to look into the industry and confer with the farmers who raise the dark tobacco.

[The time of Mr. BYRNS of Tennessee having expired, by unanimous consent his time was extended two minutes.]

Now, Mr. Chairman, I was told by a gentleman in the Department of Agriculture that he realized that it would be beneficial to the tobacco farmers of that section to have a man there, but he said that the appropriation was not sufficient, and he expressed his regret that it was not sufficient so that he could comply with the wishes of the farmers of that section. I never dreamed that the Committee on Agriculture would in this bill undertake to reduce an appropriation which he said was not sufficient.

Mr. TRIBBLE. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. TRIBBLE. Does the gentleman think that the farmers of the South would appreciate this kind of economy coming from a Democratic Agricultural Committee?

Mr. BYRNS of Tennessee. Undoubtedly they will not. As I said a while ago, while I favor economy along all lines, I do not favor that supposed form of economy which will result in taking from the farmers of the South or from the farmers of any other section of this country an appropriation which they have been receiving in the past and which has proven so beneficial to them.

I want in conclusion, Mr. Chairman, to appeal to this committee in behalf of this amendment. Here is an appropriation for the tobacco farmer that has been reduced, and the chairman of the Committee on Agriculture can give no sufficient reason or explanation for it. There has been no reduction in the appropriation for the production and handling of grain. There has been no reduction in the appropriation with reference to cotton; yet here is a great industry, the growing of tobacco, grown as it is in 20 great States of this Union, as to which, in the interest of economy, the committee say, and for no other reason, there has been a reduction of \$2,630 from the current appropriation. The gentleman from Virginia [Mr. LAMB], the chairman of the committee, says that Dr. Galloway has said that this appropriation can be reduced without injury. I want to say that that is not the information that I have received—not from Dr. Galloway, but from the man who is charged with the investigation and the handling of this appropriation. I hope the committee will adopt the amendment.

Mr. LEVER. Mr. Chairman, I desire to be heard in opposition to the amendment offered by the gentleman from Tennessee [Mr. BYRNS]. I would call the gentleman's attention to the fact that in view of the statement made by him that for two years he has been trying to get a man to go into his district and make an investigation with reference to tobacco and the methods of tobacco production, culture, and handling, and has been unable to do it on account of lack of appropriation provided by Congress, the gentleman by his amendment has not relieved the situation at all, because he seeks to put the appropriation in exactly the same form that it has been for the last two years.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. BYRNS of Tennessee. My purpose in offering to restore the appropriation to what it formerly was is because of the fact that I realize the committee is not in a temper to increase these appropriations; but I hope that if this appropriation is put back where it was last year and where it ought to be next year, possibly the farmers that I have the honor to represent and those in the adjoining districts may get some benefit from it.

Mr. LEVER. Mr. Chairman, the gentleman refers to the fact, also, that nowhere in the bill is there carried any further item for the investigation of tobacco diseases and pests. I desire to call his attention to the item to be found on page 56, under the Bureau of Entomology, which reads as follows:

For investigations of insects affecting southern field crops, including the cotton-boll weevil and other insects injurious to cotton, insects affecting tobacco, rice, and sugar cane, the Argentine ant, and life history studies of ticks, \$35,000.

Mr. BYRNS of Tennessee. And the gentleman has cut that appropriation 25 per cent.

Mr. LEVER. It is true that we have cut that appropriation, but it was cut with a distinct understanding that the statement would be made upon the floor that some of the work of the department in reference to the study of the life history of the cattle tick and cotton-boll weevil should be somewhat curtailed and reduced. I have here in my hand, Mr. Chairman, furnished me by the very capable assistant clerk of the Committee on Agriculture, a reference to the project of the Department of Agriculture touching tobacco, and find one of its new projects to be:

Tennessee: Tobacco investigation, new project, appropriation, \$2,000.

That amount was to be set aside from this fund for the very purpose covered by the proposed amendment.

Mr. BYRNS of Tennessee. I do not quite understand the gentleman.

Mr. LEVER. I was making a statement, and I will repeat it for the benefit of the gentleman from Tennessee, that in the project book of the Bureau of Plant Industry there is included this item:

Tennessee: Tobacco investigation, new project, appropriation, \$2,000.

Mr. MANN. Is that not a part of the original estimate?

Mr. LEVER. I am not advised as to that.

Mr. BYRNS of Tennessee. And the committee has cut out that very \$2,000 which the department wanted to expend in Tennessee. Mr. Chairman, I would much prefer to have that item in the bill than to have it in an estimate submitted by the department.

Mr. LEVER. Has the gentleman any information from any source whatever that the department, even under the reduced appropriation, is not going to work out this project?

Mr. BYRNS of Tennessee. I know they have stated to me since January 1 that they did not have money enough to go into the dark tobacco districts of Tennessee and Kentucky for the purpose of making these investigation, but were compelled to confine them to the Burley and other districts.

Mr. LEVER. That complaint came before this bill was reported from the committee, so that the department is wrong in its own information.

Mr. BYRNS of Tennessee. That statement was made under an appropriation of \$26,630 for the current year. Now, if the gentleman in the next fiscal year cuts that appropriation down to \$24,000, I feel quite sure I will receive the same sort of an answer when I go to them again.

Mr. LEVER. And yet in the face of that complaint the department was expecting to have this appropriation remain at the figure provided in the current law and under that figure they had provided for the appropriation for the gentleman.

Mr. BYRNS of Tennessee. If the gentleman will leave it at \$26,630, that is all I ask; and that will give the department the funds with which to go into Tennessee as proposed in their estimates.

Mr. LEVER. I feel confident that the gentleman will get a man if he presses for him vigorously, as I am confident the gentleman will do.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. HELM. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina may have two minutes additional. I want to get some information.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from South Carolina may be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HELM. Will the gentleman kindly inform me for what purpose is this appropriation used and where it is used?

Mr. LEVER. I will read to the gentleman a statement furnished me by the chief of the bureau touching this very item:

The tobacco investigations are carried on at local stations maintained in the more important tobacco districts of the States of Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Kentucky, Maryland, Virginia, North Carolina, South Carolina, and Texas. In every State except one (in which the work is in cooperation with local agencies) the investigations are conducted in cooperation with State agencies. Laboratory problems are also taken up at headquarters in Washington.

The three general features of the work are (1) the development of improved varieties or types by breeding and selection; (2) determination by practical tests of the best methods of fertilizing the tobacco crop; (3) study of the best systems of crop rotation specially adapted to tobacco culture. Valuable new varieties have been obtained by breeding in the Connecticut Valley, in Maryland, and in Ohio.

Some of the special problems receiving attention are improvements in methods of curing cigar, burley, and flue-cured types, the control of the Granville wilt in North Carolina, and a study of the effects of soil and climatic conditions on the yield and quality of tobacco. The field investigations on these problems are supplemented by laboratory studies.

I think that gives the gentleman the information he desires.

Mr. HELM. Can the gentleman inform me what station is located in Kentucky?

Mr. LEVER. No; I can not, I am sorry to say.

Mr. HELM. What do these stations consist of?

Mr. LEVER. I presume, according to the statement made by the chief of the bureau here on this proposition, that they consist in the main of stations in the locality in which this work is being carried on, probably some laboratories, but I am not sure.

Mr. HELM. Does this man go out in the field or simply manage these stations?

Mr. LEVER. Oh, no; he goes out in the field, as I understand it, and does investigational and experimental work.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HELM. I ask that the gentleman may be given two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HELM. How has this sum of money been spent with reference to the different stations that the gentleman has enumerated?

Mr. LEVER. You mean in the amount spent?

Mr. HELM. Yes.

Mr. LEVER. It has not been furnished to me and I can not tell the gentleman.

Mr. HELM. I think it is well—

Mr. LEVER. I have the information here now. The expenditures for 1910 and 1911: Connecticut Valley tobacco investigations—I will read the round numbers—\$2,638; Maryland tobacco investigations, \$1,054; Kentucky tobacco investigations, \$1,977; Ohio tobacco investigations, \$1,630; New York tobacco investigations, \$1,713; Virginia tobacco investigations, \$4,854; Texas tobacco investigations, \$1,688; North Carolina tobacco investigations, \$2,679; Pennsylvania tobacco investigations, \$1,180; South Carolina—just think of this miserable little sum of \$725—

Mr. HELM. How much tobacco did you raise?

Mr. LEVER. Cooperative breeding demonstrations in Georgia, \$2,596.

Mr. BYRNS of Tennessee. Did I understand the gentleman to say Tennessee was included in that list?

Mr. LEVER. No; it is not included, but the project book anticipates an appropriation of \$2,000 for Tennessee.

Mr. BYRNS of Tennessee. But the gentleman in his bill has cut out that \$2,000 which the department expected to expend in Tennessee. That is exactly the point I am making.

Mr. LEVER. I do know that the complaint which came from the department to the gentleman came to him long before the committee made up this bill and before the department could have had any information at all as to whether or not the committee was going to allow the sum estimated for.

Mr. BYRNS of Tennessee. And the gentleman proposes to strike out of this bill the \$2,000 which was estimated for Tennessee.

Mr. HELM. Are there any other practical results obtainable from the expenditure of this money than those you have stated?

Mr. LEVER. What I have stated is all the information I have about the subject, and of course the gentleman himself is very much more familiar with the result of this work, being in a tobacco State, than I am.

Mr. YOUNG of Kansas. I understood you to say that the department had an apparent plan or proposition as to the distribution of this fund for the coming year. Are you able to state how much is to go to any particular State?

Mr. LEVER. I will say to the gentleman from Kansas that the Bureau of Plant Industry always has a project book, looking to the future, so that they may know how to make up their estimates to present to Congress.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. YOUNG of Kansas. One further question.

Mr. LEVER. My time has expired or I would be very glad to answer.

Mr. YOUNG of Kansas. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for one minute.

Mr. CHAIRMAN. Is there objection?

There was no objection.

Mr. YOUNG of Kansas. Is the gentleman able to tell how much of this fund was expended in any particular State last year?

Mr. LEVER. I think I gave that to the gentleman from Kentucky [Mr. HELM] just now.

Mr. YOUNG of Kansas. How much in the State of Kansas? How many stations are there?

Mr. MANN. They do not raise it; they use tobacco in Kansas.

Mr. LEVEE. I will say that I do not see in this project book any reference to the State of Kansas, and as my friend from Illinois suggests, you do not raise tobacco out there, but just use it.

Mr. YOUNG of Kansas. My friend from Illinois [Mr. MANN] does not live out there and, therefore, does not know.

Mr. MANN. I do not want to know the tobacco you raise.

Mr. HELM. Mr. Chairman, I move to strike out the last word.

There are few products in the several States of the Union which produce tobacco that bring more revenue to the farmer than the tobacco crop. Either one of two things is true. There should be a larger appropriation for this work, and I must confess that, from the statement made by the gentleman from South Carolina [Mr. LEVEE], so far as practical results are concerned, they are rather insignificant, considering the amount and the extent of the product. If it is going to be of any service or value to the farmer, it ought to be larger than it is, or else there ought to be no appropriation at all. I am unable to see any practical results which redound to the interest of the farmer from the statement made by the gentleman from South Carolina. I do, though, insist that perhaps next to corn and wheat and the hay crop the tobacco crop brings more revenue to the farmers than any of the other ones that they produce and that I have not enumerated. Large and substantial benefits can be accomplished for the farmers, not only in the tobacco business, but in every crop that they produce—experimental station work. And I am in sympathy with any movement that encourages or advances the interests of the farmer, for, as it has been frequently said on this floor, but not taken with the amount of seriousness that it deserved, the farmer is the mainstay of this country. He is the man who preserves the balance of trade for our Treasury. He is the man who in 1907 stopped the threatened panic. When the cloud of disaster loomed on the financial sky the press was full of printed matter to the effect that the farmers were able to maintain the balance of trade, restore confidence, and the country looked to the farmers for relief. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired. Without objection, the pro forma amendment will be withdrawn. The question recurs on the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

Mr. MANN. Mr. Chairman, I desire to be heard for a moment.

The CHAIRMAN. The debate on the original amendment has been exhausted.

Mr. MANN. Well, that is not a usual announcement for the Chairman to make. I move to strike out the last word, the last two words, or the paragraph, or whatever is necessary.

The CHAIRMAN. The gentleman will proceed.

Mr. MANN. The gentleman from Tennessee [Mr. BYRNS] now proposes an amendment to restore in this bill what has heretofore been the appropriation for an investigation and improvement of tobacco and methods of tobacco production and handling, and makes what seems to be a very reasonable appeal for the restoration of the amount.

A few moments ago I offered an amendment to restore an item with reference to cotton, for the improvement of cultural methods. I did not notice the gentleman from Tennessee [Mr. BYRNS] voting in favor of that amendment.

Mr. BYRNS of Tennessee. I want to say to the gentleman that I did vote for it, and I think some gentlemen here can testify to that effect.

Mr. MANN. I am very glad the gentleman did. Did the gentleman vote for the other amendment, to increase the amount for the ginning, handling, and grading of cotton?

Mr. BYRNS of Tennessee. Is that the amendment offered by the gentleman from Georgia?

Mr. MANN. That was the amendment which I offered.

Mr. BYRNS of Tennessee. Was that the amendment on which tellers were demanded?

Mr. MANN. Yes.

Mr. BYRNS of Tennessee. Yes; I voted for it.

Mr. MANN. The gentleman's record is good, so far. I am ready to support the amendment of the gentleman, although I was under the impression that on the other votes his vote was the other way.

Ever since I have been a Member of this House I have heard gentlemen declaiming on the floor of the House how they were the farmer's friends and how the farmers should be represented in the House. I represent a city district, not dependent directly upon farming, and yet I have never opposed in the House a proposition for the benefit of the agricultural industries of the country.

It has remained for this Congress, at this later day, to endeavor to economize at the expense of the farmers and the agricultural industries. Every year since I have been a Member of this House until this year the agricultural appropriation bill has been increased from what it was in the preceding year. This year they cut off what they call "measly sums," \$2,000 here and \$3,000 there, which they say will make no difference in the work. And, having decided to do that, they get Dr. Galloway with them and browbeat him into saying that he can get along with what they will give him.

Mr. LAMB. Mr. Chairman, the gentleman will pardon me, but the Committee on Agriculture never did browbeat any man, and would not do it under any circumstances. [Applause.]

Mr. MANN. Mr. Chairman, when I say the gentleman from Virginia browbeats anyone, everyone will understand that I am using the word facetiously. My amiable friend could not browbeat. [Applause.] I understand how the committees deal with the officials of the Government. I have helped to do it myself, examining men as to whether they could not get along without this or that, whether they could not reduce the amount, whether they could not get along with less, and so on. No official can stand up under that kind of an examination.

I am in favor of carrying on the work of the Department of Agriculture, and if the gentlemen on the other side of the aisle choose to make a record for cheap economy by cutting off appropriations for that department which ought to be made, I can not stand with them, as I did not stand with my own side of the House in former years when gentlemen on that side offered amendments to increase the appropriations for the cotton boll weevil investigation and for other investigations. I am perfectly willing to stand for economy in most branches of the Government and have endeavored to do so.

But when the gentlemen say that in this particular item Dr. Galloway and his assistants can do as much good work with \$24,000 as they can with \$26,000, they know that that can not be true. If Dr. Galloway or his assistants are wasting the money, they ought not to have it. If they are not wasting the money, they ought to have what is necessary to do this work. We can afford it. The condition of the Treasury is not such that we ought to cut off the needed appropriations for the development of the country. The Department of Agriculture by its work, in my judgment, has added hundreds of millions of dollars in value to our products from the farms every year, and I want to hold up their hands in the future. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has referred to the fact that Members on this floor are constantly posing as the friends of the farmer. He is right in that. I have noticed it myself. [Laughter.] I have seen some gentlemen posing on this floor as the friends of the American farmer, and they are touchy about it. But the trouble with gentlemen is that whenever a proposition is submitted here for the real benefit of the American farmer, and the votes are taken, these gentlemen are absent.

Now, Mr. Chairman, the gentleman referred to the fact that we are seeking to cut down some few appropriations. We are seeking to cure some of the things that have been carried on and permitted under the administration of the gentleman's party. I want to call the attention of this committee to this state of affairs, which I say is appalling. Listen to the figures. It cost the Treasury Department \$15,390 to disburse \$17,000,000. It cost the Department of Agriculture \$114,620 to disburse \$21,391,876, the cost being nearly eight times as much, and it has so continued for years and years. And no wonder, when you look a little further in this bill and find that in the Forestry Division, in one paragraph, 419 clerks are provided for. I suppose they are the gentlemen who look after the disbursement of this fund.

The Auditor for the State Department audits all the appropriations of all the departments, and for the auditing of all, amounting to \$162,000,000, the disbursement cost was only \$118,000, or about \$4,000 more than it cost to disburse \$21,000,000 in the Department of Agriculture.

I say, Mr. Chairman, that an investigation of this bill shows, and it simply follows the bills that have preceded it, and in my opinion somebody in the Department of Agriculture made this bill from the preceding one, that they have simply cut down at haphazard, without regard to any rule or anything else. An inspection of this bill will show that the Department of Agriculture is honeycombed with graft in the shape of the employment of useless employees, and particularly clerks.

Mr. LAMB. I challenge that statement.

Mr. MANN. Will the gentleman yield for a question?

Mr. CLARK of Florida. Yes.

Mr. MANN. The gentleman made a comparison between the cost of disbursements in the Department of Agriculture and the cost of the Auditor for the State Department.

Mr. CLARK of Florida. Yes.

Mr. MANN. Does the gentleman understand that the Auditor for the State Department is a disbursing officer?

Mr. CLARK of Florida. No; I do not; but he audits all the accounts of all the departments.

Mr. MANN. How does the gentleman make a comparison between one office doing one work and another office doing an entirely different work?

Mr. CLARK of Florida. If it suits the gentleman any better, the Treasury Department disbursed \$117,600,000, and the cost of disbursement was \$15,390. The appropriations for the Department of Agriculture amount not to \$15,000,000 or \$16,000,000, but to \$21,391,930, and the cost for disbursing that is \$114,620. I say this bill, with the permanent appropriations for the department provided in other bills added to the amount carried by this bill, amounts to over \$21,000,000 to run the Department of Agriculture, and out of that there does not go to the benefit of the American farmer more than \$5,000,000. The gentleman can not show that a dollar more than that goes to the benefit of the American farmer. You provide in this bill for wood rangers and clerks galore—law clerks and every kind of clerk on the face of the earth. As I said this morning, or meant to say, if one real genuine double-jointed American farmer should go into one of the rooms in that department and spit on them, he would drown a dozen of your spider-legged, dude clerks.

Mr. LAMB. I ask for a vote.

Mr. BYRNS of Tennessee. I ask that my amendment be reported.

The Clerk read as follows:

Page 21, line 7, strike out "twenty-four thousand" and insert in lieu thereof "twenty-six thousand six hundred and thirty."

The question being taken, on a division (demanded by Mr. LAMB) there were—ayes 34, noes 20.

Mr. LAMB. I ask for tellers.

Tellers were refused, 18 Members, not a sufficient number, seconding the demand.

Accordingly the amendment was agreed to.

Mr. MORSE of Wisconsin. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 8, page 21, insert as a new paragraph:

"For the investigation and improvement of ginseng and the control of diseases and insects detrimental to the growth of this plant, \$5,000."

Mr. LEVER. To that, Mr. Chairman, I reserve a point of order.

Mr. MORSE of Wisconsin. Mr. Chairman, I hardly think it is subject to a point of order, but I do not care to argue that matter. The ginseng industry in this country is getting to be very important. The last figures I have are for 1909, but the exports have been rapidly increasing since that time. In 1909 we exported \$1,276,179 worth of this root. You see that is quite an important industry, bringing to the people of this country each year considerably over \$1,000,000. This is exported almost exclusively, very little being used in this country. The exports measure quite accurately the amount of the production of the plant.

Formerly it was not cultivated but grew wild, but as the woods were cut off and the land was devoted to agricultural purposes this plant commenced to disappear, and it is now being raised in gardens and cultivated. The price that is received for it is about \$6.50 a pound. That will give you some idea of the value of this plant. We received last year for good root \$6.50 a pound.

Now, the plant is subject to many diseases. As it grew wild in the woods years ago, the various diseases and insect enemies that it now has were not known, but since the commencement of the cultivation of the plant it is found that it is subject to mold and leaf wilt and various insect enemies.

The Department of Agriculture has been doing something to help the raisers of this plant. I know that an expert was sent to northern Wisconsin last year, where a great deal is raised, and the following of his advice resulted in the saving of probably \$100,000 worth of the root. We appreciate the value of scientific research along this line. We feel that the industry is of such a magnitude now, considerably over a million dollars a year, that the Government can well afford to spend this small amount of money in assisting the people who raise the plant. It is raised in Kentucky, Ohio, New York, Pennsylvania, Wisconsin, and Minnesota. Not much is raised east of the Alleghenies, and very little south of Kentucky, and very little west of Min-

nesota, although they are experimenting with it on the Pacific coast.

I would like, Mr. Chairman, and I ask unanimous consent, to extend my remarks in the Record on this subject.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, I would like to ask my colleague why it was he did not present this matter to the committee if it is of such magnitude as he says it is. I want to say to him that we did inquire about it and we have some answers from the department about it.

Mr. MORSE of Wisconsin. The department is doing something. I did not realize the limitations of the expenditures of the department, but I felt that if it was specifically appropriated we would be more apt to get better results.

Mr. LEVER. Mr. Chairman, in the first place, the department has authority now, as we understand it, to make the investigation which the gentleman has in mind. As a matter of fact, it is doing some work on ginseng. Mr. Taylor, representing the Bureau of Plant Industry, when before the committee, made this statement:

Mr. TAYLOR. Ginseng is not being actively worked upon by the bureau. It is in pretty good commercial shape without departmental assistance, though we are keeping in touch with it. In the matter of ginseng diseases we are working in connection with the Cornell Experiment Station in New York.

Mr. MANN. Will the gentleman yield for a question?

Mr. LEVER. With pleasure.

Mr. MANN. Does the gentleman from South Carolina understand that the gentleman from Wisconsin [Mr. MORSE] who has just addressed the committee is the leading expert of the country on the raising of ginseng and probably knows more about it than almost anybody in the Department of Agriculture?

Mr. LEVER. I did not have that information, but I am glad to have it.

Mr. MANN. I am a little interested in the subject myself. The gentleman from Wisconsin [Mr. MORSE] has a standing in reference to the raising of ginseng which is probably not excelled by anybody else in the country, and he speaks by the card when he refers to the difficulties of raising the plant.

Mr. LEVER. Mr. Chairman, I will say to my friend from Illinois that the statement that he has given us, while interesting, does not controvert the position I took a moment ago, that the department now has the authority to do the very thing asked for by the gentleman from Wisconsin, and if the department considers it a vital proposition, the department itself would estimate for it in a separate item for this business.

Mr. MANN. That is what I was trying to direct the attention of the gentleman to. The department does not have that knowledge with reference to the matter which gives it the authority to say whether the investigation should be made or not. The department has said that the trade was in such a condition that it did not require departmental study of the subject. The gentleman from Wisconsin [Mr. MORSE], who knows more about the raising of ginseng than anyone in the Agricultural Department, tells us he, at least, is of the opinion that we ought to be studying and investigating the diseases and the insects which infest this plant.

Mr. LEVER. I would like to know in that connection how the gentleman from Wisconsin, being the highest authority in the country on the growing, manufacturing, and the like, of ginseng is to be helped by the department?

Mr. MANN. The gentleman from Wisconsin is not asking help for himself. He is asking an appropriation to help an industry which adds to our exports to the extent of about a million and a half dollars a year.

Mr. LEVER. I realize, of course, the commercial importance of this project.

Mr. BUTLER. Mr. Chairman, has the gentleman from South Carolina read the beautiful novel called *The Harvester*?

Mr. LEVER. I am sorry to say that I have not.

Mr. BUTLER. If the gentleman would read that novel, I am quite sure he would be willing to vote for a liberal appropriation for ginseng.

Mr. LEVER. It is unfortunate for me that I have not read the novel.

Mr. MANN. The closest connection we have with the Orient is ginseng. [Laughter.]

Mr. LEVER. I presume that is close enough.

Mr. MANN. That is very close when it comes to the use of ginseng.

Mr. LEVER. I will say, Mr. Chairman, speaking more seriously, that this is a matter that has not come before the committee except in a very casual way, as shown from the

examination of the witnesses before the committee, and we do not feel, without some statement from the department that this money is necessary and needed for this purpose, that the Committee of the Whole would be justified, upon the statement even of the gentleman from Wisconsin [Mr. MORSE], who is an expert on the proposition, in allowing this appropriation to go through. I trust, therefore, that the amendment will be voted down.

The CHAIRMAN. Does the gentleman from South Carolina insist upon his point of order?

Mr. LEVER. No. I do not think it is subject to the point of order.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. MANN] be permitted to extend in the RECORD his remarks on the subject of the gentleman from Wisconsin [Mr. MORSE], just for the purpose of seeing what the gentleman from New York [Mr. AKIN] will do.

Mr. AKIN of New York. Mr. Chairman, the gentleman will find out, if the Chairman puts the request.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the gentleman from Illinois be permitted to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. [Laughter.]

Mr. LEVER. Mr. Chairman, I ask for a vote on this proposition.

The CHAIRMAN. The question recurs on the amendment to the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. LEVER) there were—ayes 29, noes 37.

So the amendment was rejected.

The Clerk read as follows:

For the investigation and improvement of forage crops and methods of forage-crop production, \$20,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee if there was any discussion in the committee on the advisability of increasing this item? I see that the amount carried in the bill is the same as that carried in the bill of the current year, and is the amount asked for by the department.

Mr. LAMB. It is the same thing. We gave them what they asked for.

Mr. MONDELL. Mr. Chairman, while I shall not offer an amendment to increase the amount, it seems to me a rather small amount to appropriate for this purpose. The improvement of forage crops—the discovery of new forage crops—is one of the most important matters for consideration in the entire field of agriculture. The department has been doing very excellent work in past years in the improvement of certain clovers, alfalfa, and other forage crops that have heretofore been cultivated almost exclusively in the West. It has been found that the various classes of alfalfa have done very well indeed in the East, and particularly on sandy lands that have not been producing very good crops.

Mr. LAMB. I think the bulk of this money is spent for that purpose.

Mr. MONDELL. These crops largely increase the value of such lands. They are valuable for restoring the fertility of run-down lands. Furthermore, in the West the department has been carrying on the work of finding improved forage crops for alkaline conditions. Investigations of that kind, of course, can be carried on under the item which succeeds this one, but the investigation of forage crops for dry-farm conditions can be made under this item, as I understand it; and it is a very large field and a very important field, and the department has been making some valuable investigations in that field and has introduced some valuable new plants and shown a large amount—

Mr. LAMB. But for dry farming there is another provision for that; the gentleman is mistaken.

Mr. MONDELL. There is another general provision.

Mr. LAMB. Certainly.

Mr. MONDELL. Well, under this item the investigation and improvement of forage crops for dry-farm conditions as well as humid conditions could be carried on; and while I imagine that the department felt constrained to keep the amount as low as possible in view of what they understood to be the view of gentlemen of the majority as to appropriations generally, I believe they could use to a very great advantage a considerably larger appropriation; but as the gentleman from Virginia would probably resist any increase, I shall not offer an amendment, but I express the hope that in the future the item may be increased. [Applause.]

The Clerk read as follows:

For testing and breeding fibrous plants, which may be used for paper making, \$7,580.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. HANNA. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 21, line 12, after the word "plants," add the following: "Including the test of flax straw in cooperation with the North Dakota Agricultural College"; also, on line 13, strike out the words "seven thousand five hundred and eighty dollars" and insert "\$15,000."

Mr. HANNA. Mr. Chairman, the item would read like this if the amendment should be adopted:

For testing and breeding fibrous plants, including the testing of flax straw in cooperation with the North Dakota Agricultural College, which may be used for paper making, \$15,000.

In connection with this proposed amendment I would like to present a letter from Dr. Galloway, Chief of the Bureau of Plant Industry, and have it read at the Clerk's desk.

The Clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C. January 25, 1912.

Hon. L. B. HANNA,
House of Representatives.

DEAR MR. HANNA: Replying to your recent communication, in which you state that you intend to propose an amendment to the agricultural bill when same shall come up on the floor of the House providing for the utilization of flax straw, I note your inquiry as to whether the department has done any work in this connection.

The department has in the past given some attention to flax straw and has reached the conclusion that it is one of the promising crop materials now going to waste. Nevertheless, we feel that caution should be used in its exploitation and that whatever is attempted in the way of its use should be based on careful experimental work.

Our experts estimate that there are produced annually in the United States between three and four million tons of flax straw, of which about one-half is grown in North Dakota. At present not more than 250,000 to 300,000 tons of this material finds profitable utilization. The greatest use at present is for furniture upholstery tow; a much less quantity is used in the production of flax twine, and a still smaller amount in the manufacture of insulating materials, flax felt, liner felt, and other similar products.

Under the appropriation which Congress makes at the present time "for testing and breeding fibrous plants which may be used for paper making," laboratory experiments have been conducted with a view to determining the best and most practicable methods of making book, writing, and other kinds of paper from straw. Most of this work, however, has been confined to the utilization of cornstalks, which at present represent the greatest waste material and is therefore receiving more attention than other by-products.

In the flax work that has been done excellent qualities of pulp, with fair yields of fiber—up to nearly 40 per cent on bone-dry raw material—have been secured. Some difficulties have been encountered in bleaching, but it is not believed that these are insurmountable. As indicated above, we consider the material promising, but the chief question involved would probably be the cost at which the raw material could be laid down at a mill at some central point in the flax-growing areas.

A good many extravagant claims have been made and considerable promoting has been done on the basis of the supposed value of the straw of seed flax for textile purposes. Considering its matted and broken condition as it comes from the thrashing machine and the probable cost of hacking or carding it into suitable shape for spinning, it is rather doubtful whether it has any practical value for this purpose.

Should there be any further information which we can furnish you, we shall, of course, be glad to do so.

Very truly, yours,

B. T. GALLOWAY,
Chief of Bureau.

Mr. HANNA. Mr. Chairman, Dr. Galloway states in his letter that there are some three or four million tons of flax straw produced in the United States every year, and that about 50 per cent of it is produced in North Dakota, the State which I have the honor to represent here in Congress.

At the present time there is practically none of the 2,000,000 tons of flax straw which is produced in North Dakota each year that is being utilized for any purpose whatever, except a very small amount which is fed to stock, and the balance, practically all of it, is burned in the fields. In this day and age, when we are looking forward to finding some method or means whereby we can conserve and preserve the forests of the continent for future generations, and when we are at the present time using thousands upon thousands of acres of spruce timber every year for the making of paper, it would seem to be a wise policy for us to determine and to find some method or way by which the great amount of fibrous plants which are not now being utilized might be made some use of.

I believe in conservation, and believe that were the flax straw of the country utilized for the purpose of making paper that it would be the means of saving an immense amount of timber, as stated heretofore, and would use up a raw flax-straw product which to-day is practically not utilized at all and is simply wasted.

In North Dakota we grow flax for the seed alone, and the straw and fiber, with the exception of a very little of it, is burned in the fields, and so is an absolute waste.

The North Dakota Agricultural College is making some experiments in the use of flax straw. It has also perhaps taken a more advanced position than any other agricultural college in the country upon the methods for the production of flax and also for the prevention of the diseases to which flax is peculiarly heir to. Prof. H. L. Bolley, of the North Dakota Agri-

cultural College, is a flax expert, and is not only the greatest in his line as a flax expert in this country, but in fact in the whole world, and a few years since was sent abroad by the United States Government for the purpose of investigating the use of flax, the production of flax, and its diseases in Russia and other European countries.

At the present time the Department of Agriculture here in Washington is making experiments in the testing and breeding of fibrous plants for paper making, but almost entirely, as stated in Dr. Galloway's letter, in the way of making paper from cornstalks.

If this amendment which I have offered prevails, then they will take up in cooperation with the North Dakota Agricultural College the proposition of making experiments with flax straw for paper making in my State and in other States, with a view of stopping this great waste of a splendid raw material which is not utilized now as it should and ought to be.

We are trying in every way to make the farmers, who are the foundation of this Government, more prosperous, and if some method can be found to utilize the vast amount of material which they now produce and which is wasted, as in the instance of flax straw, then we are doing them and the country a great service. If the farmer of North Dakota and elsewhere shall not only have a market for the flaxseed which he produces, but shall also have a market for the flax straw itself, then it would mean that he would receive just that much more compensation for the labor, toil, and expense which he gives for the production of his flax crop, and thereby make him just that much more prosperous.

Mr. Chairman, this amendment is a just one and one that is in the interests of the farmers and all the people of this country, and I hope that it may prevail.

Mr. HAUGEN. Just a brief statement, Mr. Chairman. While the bill under consideration does not carry the item suggested by the gentleman from North Dakota [Mr. HANNA], the matter was discussed in the committee, and I believe it was agreed that a point of order would not be raised against this amendment if offered on the floor. But my impression is that the amount was fixed at \$5,000, and I believe the gentleman now proposes to amend it by providing for \$10,000.

Mr. GARNER. Make it \$12,000.

Mr. HANNA. It would increase it \$7,420. I will, however, change the amendment so as to increase the amount \$5,000 and make it in all \$12,580.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Strike out the word "fifteen" and insert in lieu thereof the words "twelve thousand five hundred and eighty."

Mr. MANN. Mr. Chairman, I judge by the signs around me that this amendment, being offered by a member of the combination known as the Committee on Agriculture, will be agreed to by the rest of the combination.

Mr. LAMB. Not at all, my friend.

Mr. MANN. Is the gentleman going to oppose it? I have not heard his voice against it.

Mr. LAMB. Yes. I will consent to \$5,000 increase because I think Mr. HANNA would most likely have secured this from the committee had he presented the case during the session of the committee.

Mr. MANN. Between the gentleman from North Dakota [Mr. HANNA] and the gentleman from Virginia [Mr. LAMB] that it should go in. That is just what I stated.

Mr. HAUGEN. Mr. Chairman—

Mr. MANN. This is merely preliminary. I want to discuss the proposition.

Mr. Chairman, this item went into the agricultural bill in the first place on my motion, but not at this place in the bill. It was first inserted in the miscellaneous items. It was afterwards divided up and transferred—one item to the Bureau of Plant Industry and another item to the Bureau of Forestry. I offered the proposition in the House because of the interest I acquired growing out of the special investigation of pulp and paper, which was some time ago, and of which the new Members of the House, of course, have very little knowledge. The purpose of the item, as I have always regarded it, was the breeding of some kind of a fibrous plant. I do not intend to object to this amendment. I fear the purpose of the original item will be lost sight of. Everybody knows you can make paper out of flax straw. It does not require any investigation to ascertain that. Nobody yet has been able to utilize the flax straw in North Dakota to any extent, profitably, in making paper. The original item in the bill was for the purpose of acquiring some kind of a plant from which they could make cheap paper.

Our spruce forests were disappearing, and it was desired, if possible, to provide in some way some plant from which you could make the ordinary cheap paper that is used in newspapers, schoolbooks, some of the magazines, and so forth. You

never can make that kind of paper out of flax straw in competition with wood paper, because it is too expensive. They have endeavored over here to make paper out of cornstalks, and I suppose they will keep it up for some time. It is a perfectly simple operation to make paper out of cornstalks, but the time never will come when they can make paper out of cornstalks which will compete with paper made by grinding spruce wood against a grindstone.

Mr. HANNA. Dr. Galloway in his letter said that under this item at the present time their experiments were almost entirely with the use of cornstalks.

Mr. MANN. The doctor was slightly mistaken. They have experimented with a large number of different plants. They do me the courtesy every once in a while, because of the interest I used to have and the interest I now have in the subject, to send me samples of paper which they make and reports which they receive in reference to the work they are doing. If they could find some plant by development, with a large amount of fiber in it, which could grow very thickly on the ground, so that it could be used primarily for the making of paper, they might succeed, but they never will find any kind of a by-product from agricultural production which can be used for the making of cheap print paper in competition with ground wood paper, because the cost of bringing together is greater than the cost of making the ground wood paper, and it always will be. I do not doubt that it may be practicable to find or develop some paper mills in North Dakota. What you want most is capital.

The paper mills of the East have experimented with flax straw and with these other straws for years. They can tell you more than the Department of Agriculture will ever be able to learn from this small appropriation. But doubtless the experiment station of North Dakota can use the money profitably, either by learning things that are positive or by learning things that are negative. I do not desire, if possible, to have the Department of Agriculture divert what was intended to be an appropriation for experiments in the breeding of plants, in the hope that we might produce a plant which would save us from being dependent upon Canada for cheap print paper, into an effort to make a higher grade of flax-straw paper. Flax-straw paper is a high grade of paper if it is made in some ways, and it is a much higher grade of paper in any event than the ordinary newspaper made from ground wood.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Dakota [Mr. HANNA].

The question was taken, and the amendment was agreed to.

Mr. RODDENBERRY. Mr. Chairman, I offer an amendment to the section, and move, in line 12, page 21, to insert, between the word "fibrous" and the word "plants," the words "trees and," so that it will read, "For testing and breeding fibrous trees and plants which may be used for paper making," and so forth.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. RODDENBERRY. Yes.

Mr. MANN. That provision is carried in another part of the bill.

Mr. LEVER. Yes; that provision is carried elsewhere in the bill.

Mr. RODDENBERRY. Then I withdraw the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the breeding and physiological study of alkali-resistant and drought-resistant crops, \$18,140.

Mr. MONDELL. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 21, lines 16 and 17, strike out the words "eighteen thousand one hundred and forty" and insert the words "twenty-five thousand."

Mr. MONDELL. Mr. Chairman, not being a member of the Committee on Agriculture, I fear that this very modest amendment will not be accepted by the committee. But I do feel that it is very important that this appropriation should be increased. It provides for the breeding and study of two very important classes of plants—first, the alkali-resistant plants, and, second, the drought-resistant plants.

Just now we are extending our agricultural area, except as we are extending it by increasing the farm area in the older portions of the country, in regions where we are overcoming or attempting to overcome two great difficulties; the one in the irrigated region, the alkali; the other in the dry-farming region, the drought.

In regions where the rainfall is light, the alkali, which is deposited in the disintegration of the rocks, accumulates. In regions of very heavy rainfall the disintegrated alkali content of the rocks is carried off by the rainfall. As the rock disintegrates and the rains fall, the alkali is carried off in the streams. But in an arid region, where there is but little rain and slight run-off, there is very little opportunity for carrying off the alkaline content of the disintegrated rocks, and it remains in the soil, so that when we begin to irrigate we find that the alkali, which is distributed through the soil to a considerable depth, has a tendency to rise to the surface, and it does so to such an extent that in some localities seed will not germinate, or if the seed germinates the plant withers and dies.

Mr. LAMB. Mr. Chairman, this project is all itemized here and given in almost as good figures as my friend uses when he commences one of his sermons [laughter], and it might aid him and shorten the discussion if I should turn this tabulation over to the gentleman.

Mr. MONDELL. Well, Mr. Chairman, the Secretary of Agriculture and his assistants, realizing the frame of mind of the gentlemen on the other side, except when it came to a matter of an amendment offered by the members of the committee, understood it was necessary to keep these items down as low as possible.

Mr. LEVER. The gentleman should discriminate between an amendment offered by a member of the committee, which has been discussed in committee and agreed to, and an amendment not offered by a member of the committee, but by another Member on the floor of the House, concerning which nobody has had any opportunity of discussion or acquiring information.

Mr. MONDELL. I have no desire to cut off debate on these very important subjects. I am willing and anxious that the gentleman shall secure all the information he requires.

Mr. LEVER. The gentleman may be an expert on this proposition, but I would like to have some testimony as to how the increased appropriation would be used. We would like to have some light upon that proposition.

Mr. MONDELL. I think the department could utilize an additional \$7,000 very easily. This is a wide field. The department has not been increasing its work in the field simply because it has not been given larger appropriations.

The country where the alkali-resistant and drought-resistant plants are needed has not a very large representation on the floor of this House. In addition to not having a representation large in numbers, the Representatives of that country are very modest, I think sometimes too modest, in their demands and their requests.

There are great problems in that western country. We are gradually washing the alkali out of the soil on the irrigation projects, but in the meantime we need plants that will withstand the alkali, as far as it is possible to find such plants, of which there are many in the world.

Mr. LAMB. I renew my request that my good friend take his project, with all its subdivisions, and put it into his speech and print it, so that we can get along with the bill.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent that I may have three minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. MONDELL. I want to assure my friend that I have no desire to put a speech in the Record. That is not my object at all. What I want is an increased appropriation. I am in earnest in this matter. I feel that this appropriation is ridiculously inadequate for the tremendously important work that is being carried on. I have referred to the alkali-resistant plants. Then there is the wide field of drought-resistant plants. The American pioneer is making a heroic effort just now, and has been during the last few years, under exceedingly trying conditions, to conquer the semiarid plains and mountain valleys, and he needs all the encouragement he can possibly have from the Department of Agriculture in every way, and particularly in the introduction and improvement of drought-resistant plants. The department has done some very good work along this line, and has found in the arid regions of Asia and Africa some plants that have been introduced in the semiarid regions of this country to good advantage. But there is still a great work to be done. If we are to increase largely the agricultural acreage of the country it must be in the semiarid regions, where plants must be grown with the very minimum of moisture. We have at least 300,000,000 or 350,000,000 acres of land in this country that some day ought to produce food for man and beast, but

which are now producing only a small amount of scattered and stunted grasses.

These lands are gradually being conquered. We are gradually adopting methods under which plants can be successfully grown. We are gradually finding varieties of plants which meet the conditions. In my opinion this is to-day the most important pioneer work being done in this country, and it is ridiculous that this appropriation is so small. I say that without any reflection on the committee, because I know they intend to do what is right in all these matters. But I say it is ridiculous to attempt to do that great work and to occupy this highly important field with an appropriation of \$18,000. I have in mind some very important work that the department can do in the plains country with this additional appropriation of about \$7,000. Following as I have the liberal action of the committee in the matter of flax, I am very much in hopes that the committee will see its way clear to accept my amendment.

Mr. LEVER. Mr. Chairman, just a few words in reply to the gentleman from Wyoming. The work of the Department of Agriculture, to which he has made reference, is a very important work, and the department is doing a great deal in that country along the line suggested by the gentleman; but I desire to call the attention of the committee to the fact that this appropriation, identical in amount, has run along for several years. This is rather a scientific work, which requires experts.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question?

Mr. LEVER. Certainly.

Mr. TAYLOR of Colorado. Is it not true that the problem of taking care of the alkali in the soil in the West is becoming more important all the time and that the appropriation heretofore made for that purpose is insufficient to cover it? And is it not also true that one of the bulletins for which we have the greatest call from the entire West is for some means of handling alkali and introducing alkali-resistant plants?

Mr. LEVER. Yes; all that the gentleman says is true. The Committee on Agriculture recognizes that fact, but the gentleman must remember that the Department of Agriculture has asked for every dollar it feels it can spend wisely and economically, and the committee has given to the department exactly what it asked for and which is carried in the current appropriation bill.

Mr. TAYLOR of Colorado. Of course, the department would extend it a good deal more if they had the funds for that purpose. Is it not looked upon as very important to develop the arid regions of the West?

Mr. LEVER. That is true; but the committee would hardly be justified in a matter of this kind in coming into the House with an appropriation beyond the amount asked for by the department, unless there had been given to the committee some very good reasons, either from the officials in the department or from outside parties, and that has not been done in this case. Mr. Chairman, I hope the amendment will be voted down, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. RODDENBERRY. Mr. Chairman, I move to amend the paragraph by inserting on page 21, line 19, between the word "culture"—

Mr. GARNER. We have not reached that paragraph.

The Clerk read as follows:

For the investigation and improvement of sugar-producing plants, including their utilization and culture, \$30,795.

Mr. GARNER. Mr. Chairman, I want to offer an amendment to this paragraph. In line 19, page 21, I move to strike out the word "thirty" and insert the word "thirty-five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 19, strike out the word "thirty" and insert in lieu thereof the word "thirty-five."

Mr. MANN. Why not strike out the paragraph? What good is it now?

Mr. GARNER. I suppose the gentleman from Illinois refers to some action taken last night by the Democratic caucus. I do not care to go into that matter. I prefer that this amendment should be considered on its merits rather than the side issue of what may be done with reference to the tariff on sugar.

Mr. Chairman, the situation is this: The work being done under this paragraph is in Wisconsin, Colorado, Kansas, and Georgia. The district I have the honor to represent is undertaking to and has put in a great deal of sugar the past year, producing some 15,000 or 20,000 tons of sugar.

Mr. MANN. What kind, cane or beet?

Mr. GARNER. Cane and beet, both. The beet-sugar industry in that section has not developed to the point where it can be produced profitably; but cane sugar has been and I believe can be produced more profitably than at any point in the United States.

We are going to try and get from the agricultural department of Texas \$5,000, and they asked me, through their association, to secure an amendment to the bill for \$15,000 to be added to it. I consulted Dr. Galloway, and he told me that he thought \$5,000 in connection with the amount that would be furnished by the agricultural department of Texas would be sufficient.

Mr. LAMB. I would like to ask the gentleman why he did not go before the committee and present this matter?

Mr. GARNER. The reason why I did not present this to the committee was because at that time it had not been drawn to my attention. Since the bill has been reported I have received a letter, dated February 23, from the Rio Grande Cane Growers' Association, in which they set out the reasons for asking this appropriation. There has been invested by citizens there from various portions of the United States in that valley in the last four years, according to statements made and filed before the Rivers and Harbors Committee, between \$30,000,000 and \$40,000,000.

Mr. MANN. Does not the gentleman seriously think that it would be playing upon the confidence of those people to encourage them in planting cane sugar when the intention is to ruin the entire industry?

Mr. GARNER. As I remarked to the gentleman from Illinois when I introduced this amendment, I do not care to go into the question of the tariff on sugar. I will say to the gentleman, however, that I hope by this appropriation and the experiments being made down there by small farmers with 10, 20, or 30 acres in cane sugar and some in beet sugar—I hope and have reason to believe that it will demonstrate the fact that in that immediate section of the United States you can produce sugar as cheaply as you can in any place in the world.

Mr. MANN. We might as well make an appropriation to provide for an experiment with a river in Hades. [Laughter.]

Mr. GARNER. Well, that is the conclusion of the gentleman from Illinois. I feel sure, however, that the gentleman will not oppose this amendment, because I think he will agree himself that it is advisable for the department to experiment with the raising of sugar in this section.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARNER. Mr. Chairman, I think the gentleman from Illinois [Mr. MANN], or any other gentleman who considers this matter, will realize its importance when I tell him that this money that is now being expended—the \$30,000—is being entirely expended in Kansas, Wisconsin, Colorado, and at a small station in Georgia. As I have stated, citizens from the North, from every State in the Union, and especially from the Middle West, from Iowa, Kansas, Illinois, Missouri, and the Middle Western States, have gone down into that valley and have purchased land, and they have now come to the conclusion that truck farming is a minor consideration, one might say, so far as the principal industry of the valley is concerned; that it must develop into cane and cotton.

The result is that it is necessary to experiment there with reference to the growing of cane or beet sugar. These are small farmers, and they are unable to make the experiments themselves. They have gone, however, to the extent of raising sufficient sugar to make a limited experiment, and I am happy to say it has proven quite successful. I hope we will be able to persuade the Agricultural and Mechanical College to supplement the appropriation which I hope to add to this item.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. MANN. How much sugar did the gentleman say was produced in his district or neighborhood?

Mr. GARNER. In that district from fifteen to twenty thousand tons in 1911. That is the best information I have. In 1910 there were 9,000 tons.

Mr. MANN. How much more land is there there, which is available, that can be used for the same purpose?

Mr. GARNER. The statement made before the Committee on Rivers and Harbors was that there was about 180,000 acres that could be utilized for sugar.

Mr. MANN. How much sugar would that produce?

Mr. GARNER. This is a new country, and they are just now putting it in sugar; therefore I am unable to give the gentleman that information. A great deal of cane is shipped in from Louisiana to be planted in that section. I could not tell the gentleman the exact number of acres that are in cane at this time.

Mr. MANN. How much sugar would the hundred and eighty thousand acres be capable of producing, probably?

Mr. GARNER. I am not a sugar expert, and I could not give the gentleman that information. I know it is estimated that when there is a full production in the valley there will be produced from 150,000 to 200,000 tons of sugar a year.

Mr. MANN. Does the gentleman believe that neighborhood will ever be able to raise as much cane with the sugar question as will the gentleman's party? [Laughter.]

Mr. GARNER. I doubt that myself. [Renewed laughter.]

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. HAUGEN. Mr. Chairman, I observe that the gentleman is an expert on sugar growing in the United States, and I would like to ask the question whether he believes that sugar can be produced anywhere in the United States as cheaply as it can in other countries, especially in Cuba?

Mr. GARNER. Mr. Chairman, I am not a sugar expert, as my friend from Iowa would indicate by his question, but I do know this, that the people from Louisiana, some of the largest sugar-growing interests in Louisiana, have purchased large tracts of land in that valley, and they claim that they can raise a third more sugar in the Rio Grande Valley than they can in the State of Louisiana.

Mr. DUPRE. I deny that they can.

Mr. GARNER. I say they claim that. I am not a sugar expert and could not testify with reference to the correctness of that claim.

Mr. HAUGEN. That purchase was made, however, before the Democratic caucus of yesterday.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. TAYLOR of Colorado. Does the gentleman's amendment contemplate the experimentation in diseases and insects that affect sugar beets, such as the curly leaf, the spot leaf, and the curly top?

Mr. GARNER. It certainly does, and I will say to the gentleman from Colorado that if he will consult the Agricultural Department he will find some work that they have been doing in his State.

Mr. TAYLOR of Colorado. I know about that. I was wondering whether this is the item that would cover it.

Mr. GARNER. This is the item that would cover it, as I understand.

Mr. TAYLOR of Colorado. It does not exactly say so.

Mr. GARNER. It gives the department, one might say, unlimited authority with reference to the manner in which it shall investigate or experiment with reference to producing the sugar plant.

And in the gentleman's State there are two stations, one at Rocky Ford, Colo., one at Garden City, Colo., and there is one at Madison, Wis., and then an experiment station in the State of Georgia. Those are the only States that are having any of this work done at this time, and, as I say, the tremendous investments which have been made in the district which I have the honor to represent I think will thoroughly justify the Government in appropriating \$5,000 additional for the purpose of making these experiments in that section of the country.

Mr. TAYLOR of Colorado. It seems to me we ought to appropriate a good deal more than that.

Mr. LAMB. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in two minutes.

Mr. MONDELL. Mr. Chairman, I trust the gentleman will not insist on that, as I have an amendment which I desire to offer.

Mr. LAMB. We want to rise.

Mr. MANN. Does the gentleman expect to dispose of the paragraph?

Mr. LAMB. I would like to get through with this amendment and not leave the paragraph—well, I will move that all debate close in 10 minutes.

Mr. MANN. A gentleman here has an amendment to increase the amount, and some gentlemen here have propositions to strike the paragraph out, in view of the action of the Democratic caucus.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

Mr. GARNER. Mr. Chairman, may I ask unanimous consent to insert in the RECORD a letter I have received from the Rio Grande Cane Growers' Association for the information of the House?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letter above referred to is as follows:

BROWNSVILLE, February 23, 1912.

DEAR SIR: At a meeting of the Rio Grande Cane Growers' Association held on the 20th instant, in the rooms of the Brownsville Chamber of Commerce, the following resolution was adopted:

Resolved, That the necessities of the sugar-cane industry in the Rio Grande Valley require the establishment of a sugar-cane experiment station; and that the association lay the facts before our Senators and Representatives at Washington and request their cooperation in an endeavor to secure from Congress an increase in the annual appropriation for the South Texas Garden from the present appropriation of \$10,000 to one of \$25,000, the increase of \$15,000 to be devoted to the establishment and operation of a sugar experiment station at said garden.

"Also to call the attention of our Senators and Representatives at Washington to the fact that the South Texas Garden was established in 1907, and its appropriation granted for the purpose of assisting our farmers by experimenting with the staple and other crops that are grown in the valley. That, for reasons unknown, such policy appears to have been changed by the Department of Agriculture and experiments with staple crops have apparently been discontinued in favor of experiments with tropical and semitropical plants that are of little value to the farmers of the district at present; and to ask our Representatives to lend their influence in an effort to have the South Texas Garden again take up its original work, which has proved so valuable to the farmers of this section of the country."

The necessity for the establishment of a sugar experiment station in the Rio Grande Valley is very great. The valley is fast becoming a factor in the cane-sugar production of the country, and from the peculiar conditions existing particularly needs the aid of the Government to assist in the solution of the complex problem.

Generally speaking, the Department of Agriculture has done but little experimentation with sugar cane, the theory being that the production of sugar cane was largely in the hands of corporations or large planters, who could afford to do their own experimenting. In most sections of the United States and its possessions this is true, but in the Rio Grande Valley the contrary is the case, and the cane producers are small farmers growing cane as a money crop, and are not in a position to carry out requisite experiments on their own account.

The Rio Grande Valley, agriculturally speaking, is a new country, with peculiar climatic conditions.

The seed cane is imported mostly from Louisiana, where conditions are altogether different, and canes that are well adapted for the Louisiana climate may prove very inferior for this part of Texas.

Cane growing in the Rio Grande Valley is grown under irrigation, and from the likelihood of killing frost around the first of the year, it is necessary to commence the grinding season not later than November 1. We usually have fall rain in September and October, and consequently it is very difficult to get the proper ripeness in the canes at grinding time.

There are very important subjects for experimentation—there are also other important experiments that should be made in planting, cultivation, local diseases of cane, soils and their adaptability for the growth of cane, results to be gained from fertilizers, irrigation methods, the need and effect of drainage, the best method of laying out cane fields under irrigation, and last, but not least, a study of the insect pests affecting cane and the most effective method for checking their ravages.

The cane growers of the valley have had several disastrous seasons, and their experience has convinced them that a thorough course of experiments is imperative before they can hope to overcome their difficulties. They are not discouraged, but, on the other hand, are persevering and feel sure that this will ultimately become one of the best sugar-producing sections of the world; but at the present time they need Government assistance in experimentation.

Our cane growers, although nearly all small farmers, would be willing, if necessary, to contribute toward the expense of such sugar-experiment station, but they are too few in number at present to carry the whole burden themselves. They realize that a sugar-experiment station to be of real use requires a considerable appropriation, and the \$15,000 asked for is the minimum annual amount that would support it.

The benefits to the industry of the valley and the country at large that will accrue from the establishment of such an institution would be enormous.

The association therefore respectfully asks that you take such steps as you deem advisable to further the object set forth in their resolution. Thanking you for any effort you may be able to put forth in our behalf, we remain,

Yours, very truly,

RIO GRANDE CANE GROWERS' ASSOCIATION,
By R. C. WHARTON, Secretary.

Mr. HANNA. Mr. Chairman, I ask unanimous consent that I may extend the remarks I made a few moments ago in offering an amendment.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. AKIN of New York. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The question is on the motion of the gentleman from Virginia that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R.

18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had directed him to report that it had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. KENT was granted leave to withdraw from the files of the House without leaving copies the papers in the case of Napoleon S. Dixon, Sixty-second Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to make a change of reference of this document (H. Doc. No. 551) from the Committee on Military Affairs to the Committee on Appropriations.

The Clerk read as follows:

Letter from the Acting Secretary of War, transmitting the report of the results of an investigation made by the Adjutant General of the Army as to the sums of money actually expended in the State of Texas in 1855 and 1860 in payment of State volunteers, etc.

Mr. MANN. What is this?

The SPEAKER. A change of reference of a document from the Committee on Military Affairs to the Committee on Appropriations.

Mr. MANN. This belongs to the Committee on Claims.

The SPEAKER. The Chair understood the history of the transaction to be that the Committee on Appropriations has had it for several years, and the chairman of the Committee on Military Affairs has no objection to its going to the Committee on Appropriations. It first was referred to the Committee on Military Affairs.

Mr. MANN. That item was brought up on the floor of the House. I think it has never been reported from the Committee on Appropriations. I do not know that I have any objection to the reference, although I am inclined to think it belongs to the Committee on Claims. However, I do not object.

Mr. STEPHENS of Texas. As I remember, it is only asking for information relative to the amount of money expended by the State of Texas in defending her boundary during the years mentioned in the resolution.

The SPEAKER. Well, if it is a claim—

Mr. STEPHENS of Texas. I will state it might result in a claim, but at present it really asks for information.

Mr. MANN. It does not ask for information.

The SPEAKER. The Clerk will read the title again; of course, the Chair never read it.

The Clerk read as follows:

Letter from the Acting Secretary of War transmitting a report of the results of an investigation made by The Adjutant General of the Army as to the sums of money actually expended in the State of Texas between 1855 and 1860 in payment of State volunteers, etc.

Mr. GARNER. Mr. Speaker, that ought to go to the Appropriations Committee, if it is to be considered as a former appropriation in reference to the same matter was considered. A former appropriation covering the same thing was brought from the Committee on Appropriations, and it seems to me that this ought to go to that committee. I do not object to the reference.

The SPEAKER. Then the Chair will refer it to the Committee on Appropriations. If there is any question about it, the Chair will examine the matter closely and change the reference, if he thinks it should be changed. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until Monday, March 4, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for cost of locating and repairing leak in cast-iron water main from Galveston Harbor, Tex., for use of United States immigration station on Pelican Spit, Galveston Harbor, Tex. (H. Doc. No. 587); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ouachita River, Ark. (H. Doc. No. 588); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HEFLIN, from the Committee on Industrial Arts and Expositions, to which was referred the concurrent resolution (H. Con. Res. 36) authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exposition at Columbia, S. C., reported the same with amendment, accompanied by a report (No. 385), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (S. 2434) providing for an increase of salary to the United States marshal for the district of Connecticut, reported the same with amendment, accompanied by a report (No. 386), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FIELDS, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 387), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18317) granting an increase of pension to Francis J. Dunnion, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

Also, a bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships; to the Committee on Ways and Means.

By Mr. ROTHERMEL: A bill (H. R. 21215) to amend section 4404 of the Revised Statutes, relative to the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. HUMPHREY of Washington: A bill (H. R. 21216) to amend an act to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907; to the Committee on Ways and Means.

By Mr. JONES: A bill (H. R. 21217) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"; to the Committee on Insular Affairs.

By Mr. DE FOREST: A bill (H. R. 21218) to loan to the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 21219) to compel railroad companies and court officers owning or operating any line or lines of railroad engaged in the business of transportation of freight in interstate commerce to equip all of its freight trains with a crew consisting of engineer, fireman, conductor, and three brakemen; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 21220) to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor; to the Committee on Immigration and Naturalization.

By Mr. MONDELL: A bill (H. R. 21221) making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshoni reclamation project, Wyoming; to the Committee on the Public Lands.

By Mr. FOSS: A bill (H. R. 21222) to establish a life-saving station at Waukegan, Ill., on the coast of Lake Michigan; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: A bill (H. R. 21223) to supplement and amend the act entitled "An act to authorize the New York & New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMLIN: A bill (H. R. 21224) to amend section 291 of the Revised Statutes of the United States; to the Committee on Expenditures in the State Department.

By Mr. HAUGEN: A bill (H. R. 21225) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to protect producers and consumers of and dealers in dairy products and substitutes therefor, including margarin, against fraud; to make margarin and other substitutes for dairy products subject to the laws of any State or Territory into which they may be transported; to afford the Internal Revenue Bureau means for the more efficient detection of fraud and for the collection of revenues; to repeal parts of an act defining butter and imposing a tax upon and regulating the manufacture, sale, importation and exportation of oleomargarine, approved August 2, 1886, with amendments thereto; to the Committee on Agriculture.

By Mr. CLAYTON: A bill (H. R. 21226) relating to compensation of clerks of United States district courts; to the Committee on the Judiciary.

By Mr. UTTER: A bill (H. R. 21227) to construct and place a lightship near the north end of Block Island, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 21228) to provide for the establishment of an immigration station at Providence, in the State of Rhode Island, and for the selection of a site and the erection thereon of a public building for the use and accommodation of said station; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Texas: A bill (H. R. 21229) to repeal the provision of the Indian appropriation act of June 21, 1906, removing the restrictions as to sale, encumbrance, or taxation of allotments within the White Earth Indian Reservation in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. CARTER: Resolution from the General Assembly of the State of Oklahoma ratifying the sixteenth amendment to the Constitution of the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FIELDS: A bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ANDERSON of Ohio: A bill (H. R. 21231) granting an increase of pension to Anderson H. Ash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21232) granting an increase of pension to Landon G. Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21233) granting an increase of pension to Robert Martin; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 21234) for the relief of George T. Larkin; to the Committee on Claims.

By Mr. BATES: A bill (H. R. 21235) granting an increase of pension to Amelia W. Brooks; to the Committee on Pensions.

By Mr. BARTHOLDT: A bill (H. R. 21236) granting a pension to Charles F. Friedeck; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 21237) for the relief of the estate of Turner G. Hill; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 21238) granting an increase of pension to S. F. South; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 21239) for the relief of F. N. Ellison; to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 21240) granting an increase of pension to George Cummings; to the Committee on Invalid Pensions.

By Mr. DE FOREST: A bill (H. R. 21241) granting an increase of pension to Joseph Strevell; to the Committee on Invalid Pensions.

By Mr. DONOHUE: A bill (H. R. 21242) granting an increase of pension to Charles E. Tipton; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21243) granting a pension to Max E. Englehardt; to the Committee on Pensions.

Also, a bill (H. R. 21244) granting a pension to Henry F. Paplick; to the Committee on Pensions.

Also, a bill (H. R. 21245) granting a pension to Christopher Hartl; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 21246) granting an increase of pension to Andrew Brink; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 21247) granting a pension to Laura V. Alexander; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 21248) for the relief of the heirs of Solomon Hart; to the Committee on War Claims.

Also, a bill (H. R. 21249) granting an increase of pension to John A. Hardy; to the Committee on Pensions.

By Mr. HENRY of Texas: A bill (H. R. 21250) granting a pension to Louisa J. Lehr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21251) for the relief of heirs of Thomas Birdwell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21252) for the relief of heirs of Marion C. Reid; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 21253) granting an increase of pension to John R. Vickers; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 21254) granting an increase of pension to O. C. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21255) for the relief of E. J. Older; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 21256) granting an increase of pension to Jacob Sellers; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 21257) for the relief of James H. Kelly; to the Committee on Military Affairs.

By Mr. McHENRY: A bill (H. R. 21258) granting a pension to Oscar Jones; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 21259) to allow an exchange of certain lands in the Harney National Forest; to the Committee on the Public Lands.

By Mr. MURRAY: A bill (H. R. 21260) granting a pension to Charles D. Davis; to the Committee on Pensions.

Also, a bill (H. R. 21261) granting a pension to Maria Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21262) granting a pension to Simon Shea; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: A bill (H. R. 21263) granting an increase of pension to John P. Sweeney; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 21264) granting an increase of pension to William Lucas; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 21265) granting an increase of pension to Washington W. Edgington; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 21266) granting an increase of pension to Erastus Morgan; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 21267) granting a pension to Florence G. Miller; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 21268) granting an increase of pension to Alfred Parvis; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 21269) granting a pension to Albert Hahn; to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 21270) for the relief of John A. Howland; to the Committee on War Claims.

Also, a bill (H. R. 21271) for the relief of the widow and heirs of Stuard Wilson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21272) for the relief of the heirs of Joseph H. King, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21273) for the relief of the heirs of J. J. Montgomery, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21274) for the relief of the heirs of William and Elizabeth Crawford, deceased; to the Committee on War Claims.

By Mr. TAGGART: A bill (H. R. 21275) granting a pension to Matthew J. Burke; to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 21276) granting a pension to Margaret F. Stagg; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 21277) granting an increase of pension to Henryetta Dorow; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 21278) granting a pension to Della May Prempert; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Resolutions of the Cincinnati Commercial Association, favoring free passage of American ships through Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Minnesota: Petition of G. A. Haven and 3 others of Chatfield, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of the Newark Creamery Co., of Newark, Ohio, protesting against a reduction of the duty on oleomargarine; to the Committee on Agriculture.

Also, resolutions of the Coshocton (Ohio) Council, No. 65, Junior Order of American Mechanics, favoring more stringent immigration laws and illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petitions of the Knoxville Presbyterian Church; the Knoxville United Presbyterian Church; the First Methodist Protestant Church of Pittsburgh, Pa.; and Hill Top Woman's Christian Temperance Union, of Knoxville, favoring the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany House bill 4068, a bill to increase pension of George W. Land; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petitions of St. Francis de Sales Benevolent Society; Holy Cross Benevolent Society; St. Paul's Benevolent Society, of St. Louis, Mo.; and of St. Joseph's Benevolent Society, of Manchester, Mo., protesting against the resolution of inquiry in relation to Catholic Indian missions; to the Committee on Indian Affairs.

Also, petitions of Brown-Forman Co., of Louisville, Ky.; Reefers' Green Mountain Distillery Co., of Kansas City, Mo.; and the German-American Alliance of Nebraska, protesting against interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, petition of American Association of Labor Legislation of New York, N. Y., in favor of the Esch bill to prevent "phossy jaw"; to the Committee on Ways and Means.

Also, petitions of the John Deere Plow Co., of St. Louis, Mo., and the Implement Trade Journal, of Kansas City, Mo., protesting against a parcel-post and favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Hamilton Brown Shoe Co., the Superior Shoe Manufacturing Co., the George F. Dittman Boot & Shoe Co., the Wethermer-Swartz Shoe Co., and the American Shoe Stock Co., of St. Louis, Mo., protesting against the so-called Thayer-Lenroot bill in relation to the United Shoe Machinery Co.; to the Committee on the Judiciary.

Also, petition of St. Gertrude Parish, of Krakow, Mo.; Workingmen's Welfare Society; Section I, St. Agatha and St. George's Branch, No. 70, N. C. U., of St. Louis, Mo., protesting against the resolution of inquiry in relation to Catholic Indian missions; to the Committee on Indian Affairs.

By Mr. BATES: Petitions of James E. Gaston, Cochranon, Pa., and Exhibition Show Case Co., Erie, Pa., protesting against House bill 20182, with regard to increased tax placed on varnish, gums, and Chinese nut oil; to the Committee on Ways and Means.

Also, petition of Eureka Grange, Greenfield, Pa., praying for tax on oleomargarine and to strike out the word "knowingly" in the law; to the Committee on Agriculture.

Also, petition of members of the Presbyterian Church and the Woman's Christian Temperance Union of Girard, Pa., favoring the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. BLACKMON: Petitions of citizens of the State of Alabama, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Alabama, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petition of the Methodist Episcopal Church of Wilkes-Barre, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of G. G. O'Brien, of Pittsburgh, Pa., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wilkes-Barre, Pa., against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Active Workers' Association of Luzerne County, Pa., for illiteracy amendment to immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Petition of 16 citizens of Cleveland, Ohio, urging the passage of the Esch bill, to provide for a tax on white phosphorus matches; to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petition of numerous citizens of Luffman, Eden, and Britton, S. Dak., favoring the Postal Progress League parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. BUTLER: Petitions of the Woman's Christian Temperance Union and churches of Oxford, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Spring City, Pa., for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

Also, petition of members of Chester Valley Farm Cooperative Association, for enactment of House bill 18160; to the Committee on Agriculture.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of estate of Turner G. Hill; to the Committee on War Claims.

By Mr. CALDER: Petition of the Fourth Unitarian Church of Brooklyn, N. Y., for legislation prohibiting use of white phosphorus in the manufacture of matches; to the Committee on Ways and Means.

Also, petition of the Fourth Unitarian Church of Brooklyn, N. Y., for a Federal commission on industrial relations; to the Committee on Labor.

Also, petition of John V. Farwell Co., of Chicago, Ill., against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Camp No. 62, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petition of A. G. Spalding & Bros., of New York, against passage of House bills 11380 and 11381; to the Committee on the Judiciary.

By Mr. CARTER: Petitions of citizens of the State of Oklahoma, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Petition of the Illinois Branch of the German-American Alliance, protesting against the passage of the immigration bill, known as the Dillingham measure, and bills with similar provisions; to the Committee on Immigration and Naturalization.

By Mr. COX of Ohio: Petition of citizens of the State of Ohio, for construction of a battleship in one of the Government navy yards; to the Committee on Naval Affairs.

Also, petitions of German societies of Dayton, Ohio, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. CRAVENS: Petition of the Woman's Christian Temperance Union of Mansfield, Ark., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DOREMUS: Petition of James G. House and others, of Detroit, Mich., in favor of Berger old-age pension bill; to the Committee on Pensions.

By Mr. DYER: Letter of T. M. Gilmore, president of National Model License League, protesting against interstate commerce liquor legislation; to the Committee on the Judiciary.

Also, petition of St. Louis Central Trades and Labor Union, of St. Louis, Mo., representing 50,000 men and women, asking Congress to investigate the horrible state of affairs in Lawrence, Mass., and to take such steps as will without delay call a halt to the corporation anarchy of the mill owners under the protection of the municipal administration and the State militia; to the Committee on Rules.

By Mr. ELLERBE: Petition of citizens of Hartsville, S. C., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of several churches in the State of South Carolina, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FOCHT: Petition of Pomona Grange, No. 6, Patrons of Husbandry, offering amendments to the oleomargarine laws; to the Committee on Agriculture.

By Mr. FOSS: Petition of Sts. Peter and Paul Court, No. 61, Catholic Order of Foresters, of Illinois, in regard to measures relating to Catholic Indian-mission interests; to the Committee on Indian Affairs.

By Mr. FULLER: Petition of George M. Reynolds, of Utica, Ill., in favor of the passage of the McKinley bill, relating to rural-route carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Clarence R. Curren, of Millington, Ill., in favor of the passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Central Home and School Association of Rockford, Ill., favoring the establishment of a Federal children's bureau; to the Committee on Labor.

Also, petition of Illinois Farmers' Institute, in favor of the retention of the 10 cents tax on oleomargarine, etc.; to the Committee on Agriculture.

By Mr. GRAHAM: Petition of Springfield (Ohio) Retail Grocers' Association, for enactment of legislation providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of citizens of the State of Pennsylvania, for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of German-American societies of Altoona and New Castle, Pa., protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of the Pennsylvania State Board of Agriculture, for eradication of chestnut-tree blight; to the Committee on Agriculture.

By Mr. HILL: Petition of members of Tribe No. 32, Improved Order of Red Men, of Norwalk, Conn., favoring the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of the congregation of Congregational Church of Goshen, Conn., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of the Westchester District Association of Letter Carriers, with regard to the schedule of duty of letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of New Canaan, Conn., asking for the removal of duty on sugar; to the Committee on Ways and Means.

Also, petition of the Westchester District Association of Letter Carriers, indorsing the Hamill retirement bill; to the Committee on Reform in the Civil Service.

By Mr. HINDS: Petition of Col. L. H. Kendall Camp of United Spanish War Veterans, for legislation granting pensions to the widows and orphans of United Spanish War Veterans; to the Committee on Pensions.

Also, petition of Herman Wheeler and 14 other citizens of Portland, Me., for the construction of one battleship this year in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HUMPHREY of Washington: Petitions of citizens of the State of Washington, for enactment of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of the State of Washington, for passage of old-age pension bill; to the Committee on Pensions.

By Mr. HUGHES of New Jersey: Petition of St. Paul's Club of St. Paul's Church, Englewood, N. J., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. McCALL: Petitions of Park Avenue Methodist Episcopal, Third Universalist, and Congregational churches, of Somerville, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MCGILLICUDDY: Petitions of the Baptist Church of Waldoboro, and the Methodist Episcopal Church of Dresden Mills, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Danville Noyes, jr., and other citizens of Maine, for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, memorial of Camp No. 1, United Spanish War Veterans, of Biddeford, Me., for enactment of House bill 17470; to the Committee on Pensions.

By Mr. MANN: Petition of the Illinois Farmers' Institute, favoring retention of 10-cent tax on oleomargarine when colored to resemble butter, etc.; to the Committee on Ways and Means.

By Mr. MONDELL: Petition of members of the First Presbyterian Church of Sheridan, Wyo., in support of House bill 16214, to prohibit interstate shipment of liquors into prohibition States; to the Committee on the Judiciary.

Also, petition of members of the United Christian Brotherhoods of Sheridan, Wyo., urging the enactment of House bill 16214, to prohibit the interstate shipment of liquors into States known as "dry"; to the Committee on the Judiciary.

By Mr. NYE: Memorial of Local No. 520, Brotherhood of Railway Carmen of America, of Minneapolis, Minn., for enactment of House bill 11032, relating to injunctions; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Petition of citizens of New York City, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Manhattan Camp, No. 1, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. PICKETT: Papers to accompany bill for the relief of Washington W. Edgington; to the Committee on Invalid Pensions.

By Mr. RAKER: Petition of Wholesale Dealers' Association, against passage of interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of citizens of Johnsonville, Cal., for old-age pension bill; to the Committee on Pensions.

Also, petition of the Chamber of Commerce of Oroville, Cal., against reduction of the duty on olive oil; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Ferndale, Cal., for enactment of House bill 16841; to the Committee on Appropriations.

By Mr. REILLY: Petition of the Connecticut Dairywomen's Association, against repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the Connecticut Dairywomen's Association, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, resolution of the Illinois Retail Hardware Association, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: Memorial of the National Committee for Mental Hygiene, for examination of arriving immigrants for mental defects; to the Committee on Immigration and Naturalization.

By Mr. SHARP: Petitions of citizens of the fourteenth congressional district of Ohio, for old-age pension legislation; to the Committee on Pensions.

Also, Memorial of Seventh-day Adventist Church of Mansfield, Ohio, protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ashland, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of churches and church organizations in the State of Ohio, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Memorial of the Ministerial Union of Los Angeles, Cal., relating to the Mormon Church or Church of Latter-day Saints; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of Los Angeles, Cal., protesting against passage of the Sherwood bill relating to motor boats on navigable waters; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Los Angeles Clearing House Association, favoring the continuance of the mint at San Francisco, Cal.; to the Committee on Coinage, Weights, and Measures.

By Mr. STEPHENS of Nebraska: Petition of Chris H. Johnson and others, of Schuyler, Nebr., in favor of Federal-pay bill for the National Guard; to the Committee on Military Affairs.

By Mr. TAGGART: Petition of citizens of the State of Kansas, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: Petition of the First United Presbyterian Church and of the Calvary Church of the Evangelical Association, of Colorado Springs, Colo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of citizens of Glen Ridge, N. J., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Unions and churches in the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UTTER: Papers to accompany House bill 21165, granting an increase of pension to Sarah E. Stoddard; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 21166, for the relief of Assadoor M. Der Hohanessian; to the Committee on Claims.

Also, petition of Gaspee Chapter, Daughters of the American Revolution, of Rhode Island, favoring the bill for the Publication of certain Revolutionary records; to the Committee on Appropriations.

Resolution of Pomona Grange, Patrons of Husbandry, of Washington County, R. I., favoring the Lever bill for the en-

dowment of an extension department in the land-grant colleges; to the Committee on Agriculture.

Also, petition of the Young People's Social Christian Endeavor of First Presbyterian Church of Woonsocket, R. I., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WEBB: Petitions of Mr. J. N. Sloan and 12 other citizens of Charlotte, N. C., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WEDEMAYER: Petition of citizens of Lenawee and Monroe Counties, Mich., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Monroe, Mich., for passage of House bill 16214; to the Committee on the Judiciary.

By Mr. WHITACRE: Petition of Grange No. 1669, Pike Township, Stark County, Ohio, against repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Stark County (Ohio) Sunday School Association, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany House bill 13914, a bill authorizing the erection of a post-office building at Urbana, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. YOUNG of Kansas: Petitions of Long Island and of Decatur County, Kans., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, March 4, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Saturday last was read and approved.

SURVEY OF PUBLIC LANDS (S. DOC. NO. 375).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, submitting, by direction of the President, a proposed amendment to the estimate for an appropriation for surveying the public lands contained in the Book of Estimates for the fiscal year ending June 30, 1913, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ROADS IN ALASKA (S. DOC. NO. 376).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, of the 28th ultimo, submitting a supplemental estimate of appropriation in the sum of \$125,000 required by the Board of Road Commissioners for Alaska for the construction, maintenance, and repair of military and post roads, bridges, and trails in Alaska for the fiscal year ending June 30, 1912, etc., which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (S. 4551) to extend the time for the completion of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., authorized by an act approved August 5, 1909, which has previously been signed by the Speaker of the House of Representatives.

BENJAMIN F. MARTZ.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2453) for the relief of Benjamin F. Martz, and for other purposes, which was, on page 1, line 13, after the word "quarter," where it first appears in that line, to insert "and the northeast quarter."

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CLAIMS FOR INJURIES TO GOVERNMENT EMPLOYEES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate numbered 3 to the bill (H. R. 13570) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

Mr. TOWNSEND. I move that the Senate recede from its amendment numbered 3.

The motion was agreed to.

The VICE PRESIDENT. That disposes of the whole matter? Mr. TOWNSEND. It disposes of the whole matter.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Young Woman's Christian Temperance Union of Mount Vernon, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, importation, or sale of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting of sundry citizens of St. Petersburg, Fla., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Association of Tug Firemen and Linemen of the Great Lakes, favoring appropriations for the deepening and widening of the channels of the Great Lakes, which were referred to the Committee on Commerce.

He also presented a memorial of the Central Federated Union of Greater New York, remonstrating against any appropriation being made for the celebration of the ratification of the proposed treaty of arbitration between the United States, Great Britain, and France, which was referred to the Committee on Foreign Relations.

He also presented petitions of Woman's Protective Union No. 11752, of San Juan; the Hod Carriers and Building Laborers' Local Union of San Juan; the Journeymen Barbers' Local Union of San Juan; the Free Federation of Workingmen of Porto Rico; of the Bricklayers' Local Union of San Juan; of the Typographical Local Union of San Juan; and of the Painters, Decorators, and Paperhangers' Local Union of San Juan, all in the Territory of Porto Rico, praying for the creation of a department of labor and agriculture in that Territory, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Woman's Protective Union, No. 11752, of San Juan; the Hod Carriers and Building Laborers' Local Union, of San Juan; the Journeymen Barbers' Local Union of San Juan; the Free Federation of Workingmen of Porto Rico; of the Bricklayers' Local Union of San Juan; of the Typographical Local Union, of San Juan; and of the Painters, Decorators, and Paper Hangers' Local Union of San Juan, all in the Territory of Porto Rico, praying for the enactment of legislation giving citizens of Porto Rico the right to be citizens of the United States, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of McMinnville and Jackson County, in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of R. C. Emery, of Hampton, N. H., praying for the enactment of legislation to regulate immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Federation of Women's Clubs of New Hampshire, praying for the enactment of legislation to provide uniform child-labor laws, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Laconia, Greenville, and North Charlestown, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. CULLOM presented memorials of members of the Wolfe-Tone Club, of Youngstown, Ohio, and of the Irish-American Progressive Society, of Denver, Colo., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of North Attleboro and Fall River, in the State of Massachusetts, and of the Central Council of Irish-American Societies of Kansas City, Mo., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, and also for the ratification of a similar treaty with Germany, which were ordered to lie on the table.

He also presented a petition of the congregation of the Friends Church of Alamitos, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of Local Union No. 52, International Brick, Tile, and Terra Cotta Workers' Alliance, of

Streator, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Commercial Club of East Moline, Ill., praying for the establishment of a free-mail-delivery system in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Manufacturers and Shippers' Association of Rockford, Ill., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Retail Merchants' Association of Illinois, in convention at Belleville, Ill., favoring the establishment of an international commission to inquire into the cause or causes of the high cost of living, which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Peoria, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 243, United Garment Workers of America, of Galesburg, Ill., praying for the enactment of legislation to authorize the construction of one of the proposed new battleships at the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Morgan County, Ill., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE. I present a telegram, in the nature of a memorial, from citizens of Fall River, Mass., remonstrating against the ratification of the proposed arbitration treaties in their original form. The telegram is very brief. I ask that it lie on the table and be printed in the Record.

There being no objection, the telegram was ordered to lie on the table and to be printed in the Record, as follows:

[Telegram.]

FALL RIVER, MASS., March 3, 1912.

Hon. HENRY CABOT LODGE, Senator, Washington, D. C.:

Fall River citizens, in meeting assembled, protest proposed arbitration treaties in original form. Favor Lodge amendment, which leaves control of American affairs in control of United States Senate.

MICHAEL MOONEY.

Mr. BRIGGS presented petitions of the Woman's Christian Temperance Unions of Woodbury, Riverton, and Daretown; the Presbyterian Church of Pennington; the First Baptist Church of Cape May City; the Pittsgrove Baptist Church, of Daretown; the Macedonia Church, of Camden; the Methodist Episcopal Church of Moorstown; the Pittsgrove Presbyterian Church, of Daretown; and the Society of Friends of Mount Holly; the Civic Club of Arlington; the German-Irish Alliance of Newark; the Epworth League of Rutherford; the German-American Central Association of Elizabeth; the Federated Churches of Essex County, of Newark; the German-American Central Alliance of Newark; the Rutherford Baptist Church; the Woman's Christian Temperance Unions of Belvidere and Pennington; the Methodist Brotherhood and St. Paul's Methodist Episcopal Church of Paulsboro; the Methodist Episcopal Church of Belvidere; and sundry citizens of Irvington and Manalapan, all in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bloomfield, Jersey City, Elizabeth, and Newark, all in the State of New Jersey, praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a national memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Tenafly and Bridgeton, in the State of New Jersey, praying for the enactment of legislation to permit any corporation, joint-stock company or association, or insurance company to change the date of filing its annual income from the close of the calendar year to the close of its own fiscal year, which were referred to the Committee on Finance.

He also presented petitions of the Moorestown Equal Suffrage Association; the First Church of Christ, Scientist, of Rutherford; the Woman's Christian Temperance Union of Haddonfield; the Half Hour Reading Club of Merchantville; and sundry citizens of Ampere, Upper Montclair, Hawthorn, Haddonfield, Morristown, and Greenville, all in the State of New Jersey; and of A. D. Juillard & Co., of New York, praying for

the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of John Hill Post, No. 86, Grand Army of the Republic, Department of New Jersey, of Boonton, N. J., and a petition of A. T. A. Torbet Post, No. 24, Grand Army of the Republic, Department of New Jersey, of Morristown, N. J., for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented a petition of members of the Board of Education of Kearney, N. J., praying that an appropriation be made for the preservation of captured flags and banners in the possession of the United States Naval Academy, Annapolis, Md., which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Salem and Bridgeton, in the State of New Jersey, praying for the enactment of legislation to permit American ships sailing between two ports in this country to pass free through the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

He also presented a petition of members of the Civic Club of the Oranges, of Orange, N. J., praying for the enactment of legislation to provide for the preservation of the machinery and material used in the construction of the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

He also presented a memorial of sundry citizens of Belmar, N. J., remonstrating against the imposition of a tax on proprietary medicines, which was referred to the Committee on Manufactures.

He also presented a petition of sundry citizens of Camden, N. J., praying for the enactment of legislation to extend the right of execution throughout the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Branch No. 370, National Association of Letter Carriers, of Atlantic City, N. J., praying for the enactment of legislation providing for the retirement of employees in the civil service, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of Local Lodge No. 167, International Association of Machinists, of Plainfield, N. J., remonstrating against any reduction of the duty on steel, which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of members of the Promotion Association of Sisson, Cal., praying for the enactment of legislation providing for the establishment of a national park at Mount Shasta, in that State, which was referred to the Committee on Public Lands.

He also presented petitions of the congregations of the Methodist Episcopal Church, the Congregational Church, and the First Presbyterian Church, all of Hayward; of the Methodist Episcopal Church, the Congregational Church, the Epworth Methodist Church, the First Baptist Church, the Wesley Methodist Episcopal Church, the Trinity Methodist Episcopal Church, and the Calvary Presbyterian Church, all of Berkeley; of the United Brethren Church of Stockton; of the Presbyterian Church of Melrose; and of the Woman's Christian Temperance Union of Berkeley, all in the State of California, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Ferndale, Cal., and a petition of the Chamber of Commerce of Los Gatos, Cal., praying that an appropriation of \$1,000,000 be made for the improvement of the Yosemite National Park, which were referred to the Committee on Appropriations.

He also presented a petition of General Otis Camp, No. 1, United Spanish War Veterans, Department of California, of Los Angeles, Cal., and a petition of the Auxiliary to Spanish War Veterans, of Berkeley, Cal., praying for the enactment of legislation to pension widows and minor children of any officer or enlisted man who served in the War with Spain or the Philippine Insurrection, which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Auburn, Cal., praying for the enactment of legislation providing for the establishment of a mining experiment station at Auburn, Cal., which was referred to the Committee on Mines and Mining.

He also presented a petition of members of the California Club of San Francisco, Cal., praying for the enactment of legislation giving the right of franchise to every native-born American woman of the United States, irrespective of the nationality of her husband, which was referred to the Committee on Woman Suffrage.

He also presented a memorial of the Business Men's Association, of Oroville, Cal., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented petitions of sundry citizens of Milford, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. THORNTON presented petitions of sundry citizens of Minden, Arcadia, Monroe, and Rayville, all in the State of Louisiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GARDNER presented a petition of the Woman's Christian Temperance Union, of Old Orchard, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Harraseeket Grange, Patrons of Husbandry, of Freeport, Me., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the Central Council of the Thirty-second Irish County Associations, of Boston, Mass., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. HITCHCOCK presented petitions of sundry citizens of Wausa, Miller, Valentine, and Arabia, all in the State of Nebraska, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Farmers' Institute of Broken Bow, Nebr., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry members of the Nebraska National Guard, residents of Kearney, Nebr., praying for the enactment of legislation to regulate the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Irish Nationalists of Ohio, in convention at Columbus, Ohio, and a resolution adopted by the St. Patrick's Alliance of New Jersey, in convention at Newark, N. J., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CULBERSON presented memorials of sundry citizens of Cuero and Wortham, in the State of Texas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of Newport Lodge, No. 119, International Association of Machinists, of Newport, R. I., and a petition of Local Union No. 19, International Union of Steam Engineers, of Fort Wayne, Ind., praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of South Bend, Ind., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of St. Joseph Valley Grange, No. 584, Patrons of Husbandry, of South Bend, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 481, International Brotherhood of Electrical Workers, of Indianapolis, Ind., praying that an investigation be made into the condition of the textile workers' strike at Lawrence, Mass., which was ordered to lie on the table.

Mr. JOHNSTON of Alabama presented memorials of sundry citizens of Wetumpka and Opelika, in the State of Alabama, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. WILLIAMS presented a petition of the Woman's Christian Temperance Union of Tupelo, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a memorial of sundry citizens of South Dakota, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Luffman, S. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Onida and Blunt, in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. NELSON presented a petition by Camp John C. McEwen, No. 6, United Spanish War Veterans, of Duluth, Minn., praying for the enactment of legislation to provide pensions for the widows and orphans of Spanish-American War veterans, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Faribault and Freeport, in the State of Minnesota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Albert Lea, Le Sueur, and Cleveland, all in the State of Minnesota, praying for the enactment of legislation to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of members of the St. Anthony's Society of Minnesota, remonstrating against the enactment of legislation to prohibit American citizens employed in Catholic Indian missions from wearing the garb of religious orders, which was referred to the Committee on Indian Affairs.

Mr. KERN presented a petition of sundry citizens of Hammond, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Kokomo and Loogootee, in the State of Indiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 481, International Brotherhood of Electrical Workers, of Indianapolis, Ind., praying that an investigation be made into the labor-strike conditions at Lawrence, Mass., which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of A. Wilder Merriam Camp, No. 16, Department of Connecticut, United Spanish War Veterans, of Putnam, Conn., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine Insurrection, which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Congregational Church of West Stafford, Conn., and a petition of sundry citizens of Stafford and South Norwalk, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Connecticut Dairymen's Association, in convention at Hartford, Conn., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Connecticut Dairymen's Association, in convention at Hartford, Conn., favoring the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of South Manchester, Conn., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. PAGE presented petitions of the congregations of the Methodist Episcopal Church and the First Congregational Church of Morrisville, in the State of Vermont, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a memorial of sundry citizens of Blackstone Valley, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, members of the bar, praying for the ratification of the proposed treaties of arbitration between the United

States, Great Britain, and France, which were ordered to lie on the table.

Mr. CRANE presented a petition of sundry citizens of Massachusetts, praying for the ratification of the pending treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2558) making an appropriation of public money to install an elevator in the United States public building at Martinsburg, W. Va., reported it with amendments and submitted a report (No. 442) thereon.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4655) to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire, reported it with amendments and submitted a report (No. 444) thereon.

Mr. SUTHERLAND. I am directed by the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2221) to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire, to report it adversely. The bill is identical with the bill just reported by me from the committee. I move its indefinite postponement.

The motion was agreed to.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2270) to provide for the erection of a public building at Richfield, Utah, reported it with an amendment and submitted a report (No. 443) thereon.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 3974. A bill to increase the limit of cost of the United States public building at Denver, Colo. (Rept. No. 445); and

S. 4144. A bill to increase the limit of cost of the United States post-office building at Greeley, Colo. (Rept. No. 446).

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 440), accompanied by a bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills, heretofore referred to that committee:

S. 345. Alfred Faucher.

S. 892. George W. Simmons.

S. 1368. John W. Barnes.

S. 2157. Thomas Gorman.

S. 2711. Alan P. Wilson.

S. 3137. John H. Mumaw.

S. 3270. Richard Burnside.

S. 3683. James Petree.

S. 3755. Bertha B. Byrne.

S. 4018. George Berry.

S. 4132. Roberson Ford.

S. 4503. Allen Tyler.

S. 4538. Willoughby Churchill.

S. 4612. John McCombs.

S. 4765. Anne Jones Banks.

S. 4814. Emily Whitman.

S. 4875. Frank H. Lasher.

S. 4914. George A. Wageck.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 441) accompanied by a bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 52. John Brown.

S. 189. Elizabeth S. Phillips.

S. 369. Urban Coon.

S. 383. George Kent.

S. 510. William J. Lambdin.

S. 512. Samuel D. Fulmer.

S. 515. Josephine P. Whitney.

S. 692. Henry Andrews (alias William J. Bowers).

S. 694. William J. Benton.

S. 696. Frank L. Fisher.

S. 698. William P. Thompson.
 S. 788. Benjamin F. Reed.
 S. 924. Virginia H. Morgan.
 S. 1049. James A. Hunt.
 S. 1133. Calvin Smith.
 S. 1482. Mary S. Tucker.
 S. 1546. John C. Carpenter.
 S. 1547. William Turner.
 S. 1548. Francis Marion Keith.
 S. 1945. Karl Somerlatt.
 S. 1976. Ira N. Levalley.
 S. 1977. William Akin.
 S. 1992. John L. Reese.
 S. 2010. Ransom W. Bailey.
 S. 2108. Horace R. Weston.
 S. 2178. William Barker.
 S. 2348. John West.
 S. 2369. William H. Tinkham.
 S. 2519. Frederick J. Thilke.
 S. 2526. Christopher G. Burdick.
 S. 2582. Ambrose Roan.
 S. 2595. Henry G. Trimble.
 S. 2714. Charles C. Warner.
 S. 2716. John Hollabaugh.
 S. 2725. Maggie L. Zachary.
 S. 2755. John Rosswork.
 S. 2770. Eugene O. Pratt.
 S. 2830. Robie M. Towle.
 S. 2929. John J. Evans.
 S. 3043. Henry M. Endsley.
 S. 3057. John X. Eichel.
 S. 3084. Andrew J. Board.
 S. 3140. George McCrea.
 S. 3142. Joseph B. Hill.
 S. 3153. Samuel A. Pearce.
 S. 3205. Henry Dye.
 S. 3251. Andrew Randall.
 S. 3314. William H. Donaldson.
 S. 3320. Samuel T. Hawkins.
 S. 3321. Jacob C. Mitts.
 S. 3343. Martin L. Galyean.
 S. 3456. William M. Blose.
 S. 3594. Patrick Sullivan.
 S. 3606. John Clopine.
 S. 3627. William C. Williams.
 S. 3628. Henry Bargerstock.
 S. 3794. Willard M. Walker.
 S. 3795. John Ghastin.
 S. 3890. John S. Sullivan.
 S. 3891. Charles W. Holmes.
 S. 3904. Johnston R. Lambright.
 S. 3907. Aaron H. Thatcher.
 S. 4035. Milton Green.
 S. 4155. Alfred Kent.
 S. 4182. Benjamin Miller.
 S. 4253. Ezra J. Crocker.
 S. 4323. George F. Davlin.
 S. 4497. Benjamin E. Westfall.
 S. 4666. George H. Pierce.
 S. 4720. Alexander A. Richardson.
 S. 4722. John M. Mower.
 S. 4830. William M. Bradley.
 S. 4876. Catherine Downs.
 S. 4880. Olive C. Morrill.
 S. 4917. Gerret G. Seger.
 S. 4918. Benjamin F. Whitehouse.
 S. 4950. John Jones.
 S. 5161. Andrew Geist.
 S. 5197. Eri Guthrie.
 S. 5223. Catharine Ann Leonard.
 S. 5225. Clarence L. Miles.
 S. 5249. Mary Ryder.
 S. 5259. John H. Klingler.
 S. 5261. Henry Marble.
 S. 5368. John C. Bryant.
 S. 5392. Charles D. Wilson.

Mr. CHILTON, from the Committee on the Judiciary, to which was referred the bill (S. 3846) to authorize a waiver of trial by jury in the district courts of the United States, reported it without amendment.

PAYMENT OF MONEY IN POLITICAL CAMPAIGNS.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably with an amendment Senate resolution 79, offered by the Senator from Texas [Mr. CULBERSON] June 22, 1911, and I submit a report (No. 447) thereon.

The resolution was read, as follows:

Resolved, First. That the Committee on Privileges and Elections of the Senate be, and it is hereby, directed to inquire and report to the Senate as early as practicable the amount of money subscribed and paid to every committee of any political party or to any member of such committee, or to any person acting under the authority of or on behalf of such committee as treasurer or otherwise, by any person, firm, association, corporation, or committee to influence the result, or attempt to influence the result, of the election November 8, 1904, and November 3, 1908, at which Representatives in the Congress of the United States were elected, giving the names of such persons, firms, associations, corporations, or committees and the respective amounts subscribed and paid by each of them as aforesaid.

Second. That said committee is authorized to sit during the sessions of the Senate and during any recess of the Senate or of the Congress; to hold sessions at such place or places as it may deem most convenient for the purposes of this inquiry; to employ stenographers and such other clerical force as may be deemed necessary; to send for persons, books, records, and papers; to administer oaths; and that the expenses of the inquiry be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Third. That said committee shall also report to the Senate what measures, if any, are necessary to further prohibit or curtail such subscriptions and payments so as to lessen and confine them to proper and legitimate objects in relation to such elections and prevent the undue or corrupt use of money in such elections.

The VICE PRESIDENT. The amendment of the committee will be stated.

Mr. LODGE. Has present consideration been asked?

The VICE PRESIDENT. It has been asked, the Chair understands; but the committee report an amendment and the question will not be put until the amendment has been read.

Mr. LODGE. I will let the amendment be read.

Mr. BRIGGS. I did not ask for the present consideration of the resolution.

The VICE PRESIDENT. The Chair apologizes.

Mr. CULBERSON. I ask that the amendment be read and that the report of the committee, if it is in writing, be read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 1, lines 4 and 5, strike out the words "every committee of any political party" and insert in lieu thereof "the national committees of all political parties and the national congressional campaign committees of all political parties."

The VICE PRESIDENT. The resolution will go to the calendar.

Mr. BRIGGS. I call attention to the report.

Mr. CULBERSON. I ask that the report, if there is a written report, be read. This was a preliminary reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection the report will be read.

The Secretary read the report this day submitted by Mr. BRIGGS, as follows:

This resolution as amended is reported to the Senate by the Committee to Audit and Control the Contingent Expenses of the Senate with a favorable recommendation. In making this recommendation the committee disclaims any purpose to indicate whether the inquiry should be made or not; those matters being left, as they must be left, to the future action of the Senate, but intends by its action to provide the money necessary for this inquiry if an inquiry be made.

Mr. CULBERSON. Now, Mr. President, a parliamentary inquiry. The resolution having been referred primarily to the Committee to Audit and Control the Contingent Expenses of the Senate as a preliminary question, is it necessary for the Senate to adopt the report before it commits itself to the payment of this money, if the inquiry is ordered, out of the contingent fund of the Senate? In other words, I have no disposition to press the Senate for the consideration of the resolution without a reference to the Committee on Privileges and Elections, but I want to have the preliminary question settled.

The VICE PRESIDENT. Naturally, objection being made to the present consideration of the resolution, it goes to the calendar; but on motion, the report of the Committee to Audit and Control the Contingent Expenses of the Senate can be approved, and then the resolution and report referred to the Committee on Privileges and Elections.

Mr. CULBERSON. I ask the Senator from Massachusetts if he has any objection to the adoption of the report of the Committee to Audit and Control the Contingent Expenses of the Senate, and then let the reference of the resolution be made to the Committee on Privileges and Elections?

Mr. LODGE. Not the slightest, if it is to be referred to the Committee on Privileges and Elections.

Mr. CULBERSON. That was my intention all the while.

The VICE PRESIDENT. Without objection, the report of the Committee to Audit and Control the Contingent Expenses of the Senate is approved, and the resolution, with the report, is referred to the Committee on Privileges and Elections. The Chair hears no objection.

COURTS IN MISSISSIPPI AND MICHIGAN.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably, without amendment, the bill (H. R. 19238) to amend section 90 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. I call the attention of the Senator from Mississippi [Mr. WILLIAMS] to the bill.

Mr. WILLIAMS. I ask for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SMITH of Michigan. If I understood the bill correctly, it relates to terms of court in the State of Mississippi.

Mr. WILLIAMS. I will explain to the Senator from Michigan just what the bill does. Last year an act was passed declaring that a term of the court should be held at Clarksdale, Miss., but the act did not designate the counties from which litigants should go to Clarksdale. This bill merely designates the counties from which litigants shall go to the different subdivisions of the northern judicial district.

Mr. SMITH of Michigan. I should like to amend the bill by inserting, on page 4, after line 2, the following:

Provided, That an additional term of the United States District Court for the Western District of Michigan, northern division, shall be held at the city of Sault Ste. Marie, Mich., on the first Tuesdays in January and July of each year.

Mr. OVERMAN. I suggest to the Senator that he had better have another bill for that purpose, because this bill amends a section of the new code.

Mr. WILLIAMS. This bill is amendatory to an act which would have nothing to do with the courts in Michigan.

Mr. SMITH of Michigan. I understand; but it is amendatory to the act providing for the terms of the Federal courts.

Mr. WILLIAMS. But it is amendatory to a special act which was passed February 24, 1911, establishing the holding of a Federal court at Clarksdale, Miss. I have no objection to the amendment, but I think—

Mr. SMITH of Michigan. I do not understand why my amendment would not be germane.

Mr. OVERMAN. Let me suggest to the Senator from Michigan that in the judiciary code the court in Michigan is one section by itself, and to amend it in this way would disarrange the judiciary code very much. I should think that it could be done very well by a special bill.

Mr. SMITH of Michigan. I hope the Senator from North Carolina will not object.

Mr. OVERMAN. I am not objecting; I am merely making a suggestion to the Senator.

Mr. SMITH of Michigan. It is the desire of the district judge of the western district of Michigan to hold additional terms of court in the northern division of that district, and I have been hopeful I could get this amendment on a bill of this character where it would be germane and appropriate for that purpose.

Mr. WILLIAMS. I have no objection to the amendment offered by the Senator from Michigan. I merely said what I did in a suggestive way to him, thinking that perhaps upon investigation he would find that his amendment is not germane to this bill. But whether it is or not, I have no objection to it.

Mr. SMITH of Michigan. I am greatly obliged to the Senator from Mississippi and the Senator from North Carolina, and I move the amendment which I have just indicated.

The VICE PRESIDENT. Will the Senator please give the dates to the Secretary?

Mr. SMITH of Michigan. On the first Tuesdays in January and July in each year.

The VICE PRESIDENT. The Secretary will read the amendment.

Mr. OVERMAN. I should like to inquire of the Senator if court is already held at that place.

Mr. SMITH of Michigan. It is already held at Marquette, in the northern division of that district, but not at the city of Sault Ste. Marie, where much litigation arises growing out of the customs and immigration laws, and where it is regarded as important that two sessions should be held each year, without interfering, however, with the Marquette terms and solely for the convenience of attorneys and litigants.

Mr. OVERMAN. I do not think we ought to establish a court at a new place without consideration by the Committee on the Judiciary.

Mr. SMITH of Michigan. I assure the Senator from North Carolina that this only concerns the northern division of the western district of Michigan, where the territory is so large that

it is impossible to economically administer the law as the courts are now conducted.

Mr. OVERMAN. There has never been a court at this point.

Mr. SMITH of Michigan. The court does not sit regularly at Sault Ste. Marie, but it does at Marquette and will continue to do so. It has been thought best to sit regularly at Sault Ste. Marie also.

Mr. OVERMAN. Is there a public building in the city where it is proposed the court shall sit?

Mr. SMITH of Michigan. Oh, yes; there is every facility there, and no additional expense will be incurred.

The VICE PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. On page 4, after line 2, it is proposed to insert:

Provided, That an additional term of the United States District Court for the Western District of Michigan, northern division, shall be held at Sault Ste. Marie, Mich., on the first Tuesdays in January and July in each year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend section 90 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and for other purposes."

ESTATE OF JOHN POOL.

Mr. OVERMAN. With the consent of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, I ask that that committee be discharged from the further consideration of Senate resolution 69 authorizing the Secretary of the Senate to make payment to the estate of John Pool, a Senator from North Carolina, for services in the Fortieth Congress, and that it be referred to the Committee on Privileges and Elections.

The VICE PRESIDENT. The Senator from North Carolina asks that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of Senate resolution 69, and that it be referred to the Committee on Privileges and Elections. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 5625) granting an increase of pension to Charles R. Spicer (with accompanying paper); and

A bill (S. 5626) granting a pension to Samuel M. Terry (with accompanying paper); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 5627) to appropriate \$6,000 to defray the expenses of the United States rifle team to the Pan American tournament at Buenos Aires, May 16 to 30, 1912; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 5628) granting an increase of pension to George F. Greene (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5629) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905; to the Committee on the Territories.

By Mr. SMITH of Michigan:

A bill (S. 5630) to regulate radio-communication (with accompanying papers); to the Committee on Commerce.

A bill (S. 5631) granting a pension to Emma L. Parker; and

A bill (S. 5632) granting a pension to David Carr (with accompanying paper); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5633) granting a pension to Robert T. Burton (with accompanying papers);

A bill (S. 5634) granting an increase of pension to George W. Sills (with accompanying paper); and

A bill (S. 5635) granting a pension to Benaldine Smith Noble (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5636) granting an increase of pension to Henry M. Adams; and

A bill (S. 5637) granting an increase of pension to Luke Flynn; to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 5638) for the relief of the heirs of N. M. Robinson, deceased (with accompanying paper); to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 5639) for the relief of the heirs at law of the late Capt. Charles H. Peirce; to the Committee on Claims.

A bill (S. 5640) granting an increase of pension to Winfield S. Gibbs (with accompanying papers); to the Committee on Pensions.

By Mr. GARDNER:

A bill (S. 5641) granting an increase of pension to Allen B. Rackliff (with accompanying paper);

A bill (S. 5642) granting an increase of pension to Albert F. Whitney (with accompanying paper);

A bill (S. 5643) granting a pension to Sibae S. Andrews (with accompanying paper);

A bill (S. 5644) granting an increase of pension to Isaac W. Hodsdon (with accompanying paper);

A bill (S. 5645) granting an increase of pension to Mary J. Foster (with accompanying paper); and

A bill (S. 5646) granting an increase of pension to James M. Lowell (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5647) granting a pension to Henrietta V. Hawley (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5648) granting a pension to William N. Russell (with accompanying paper); and

A bill (S. 5649) granting an increase of pension to Ira Grant (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5650) granting an increase of pension to Charles Bennett (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 5651) to remove the charge of desertion from the military record of Charles Haskin; to the Committee on Military Affairs.

By Mr. HITCHCOCK:

A bill (S. 5652) granting an increase of pension to Lurena J. Terrell; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROOT submitted an amendment authorizing the Secretary of the Treasury to reopen, adjust, and audit the claim of the State of New York for interest on advances and expenditures made by that State in the War of 1812-15 with Great Britain, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment proposing to appropriate \$2,573.25 to reimburse Omer D. Lewis, lease clerk at the Flathead Indian Agency, Mont., for expenses incurred for hospital and doctors' fees, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$75,000 for continuing construction of irrigation systems to irrigate the allotted lands of the Indians on the Fort Peck Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$40,000 for the construction of buildings for agency purposes on the Flathead Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for continuing the construction of irrigation systems to irrigate the allotted lands of the Indians on the Blackfeet Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CHAMBERLAIN submitted an amendment proposing to strike out, in the clause in the proposed Army appropriation bill for additional pay to officers of the Army for length of service, the provision "that no money appropriated by this act shall be

paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned," etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. BORAH submitted an amendment proposing to appropriate \$10,000 for the establishment and maintenance of an agricultural experiment station near Jerome, Lincoln County, Idaho, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REPORT ON VOCATIONAL EDUCATION.

Mr. BURNHAM submitted the following resolution (S. Res. 243), which was read and referred to the Committee on Printing:

Resolved, That there be printed for the use of the Committee on Agriculture and Forestry 3,000 additional copies, with covers, of Senate Report No. 405, Sixty-second Congress, second session, on the subject of vocational education.

GEORGE JONAS GLASS CO. V. GLASS BOTTLE BLOWERS' ASSOCIATION (S. DOC. NO. 374).

Mr. CULBERSON. I ask unanimous consent to have printed in the RECORD, and also as a Senate document, the opinion of the Court of Errors and Appeals of the State of New Jersey in the case of George Jonas Glass Co. v. The Glass Bottle Blowers' Association of the United States and Canada et al., it being the opinion of Chancellor Pitney and the dissenting opinions of other judges in that court.

The VICE PRESIDENT. Is there objection to the request? The Chair hears none, and the order is entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the opinion of the Court of Errors and Appeals of the State of New Jersey, at the March term, 1910, in the case of George Jonas Glass Co. complainant and respondent, v. The Glass Bottle Blowers' Association of the United States and Canada et al., defendants and appellants, including all dissenting opinions, be printed as a Senate document.

GEORGE JONAS GLASS CO., COMPLAINANT AND RESPONDENT, V. THE GLASS BOTTLE BLOWERS' ASSOCIATION OF THE UNITED STATES AND CANADA ET AL., DEFENDANTS AND APPELLANTS. (PRINTED OUT OF PLACE.—REP.) [Argued June 19, 1908; decided Nov. 16, 1908.]

1. An injunction sustained, restraining defendants from using either coercion or persuasion in order to bring about breaches of the contracts of personal service existing between complainant and its employees.
2. An injunction sustained against like conduct having for its object and purpose the termination of the relation of master and servant existing between complainant and its employees in cases where there was no binding contract of service, but a mere service at will.
3. An injunction sustained, restraining defendants from interfering, by coercion or personal molestation and annoyance, to prevent persons, not as yet employed but willing to take employment under the complainant, from entering such employment.
4. An injunction sustained against "picketing" designed to molest and annoy persons employed or willing to be employed by complainant.
5. An injunction against a "boycott" sustained.
6. The "act relative to persons combining and encouraging other persons to combine" (P. L., 1883, p. 36; Gen. Stat., p. 2344, pl. 23), does not legitimize an invasion of private rights, nor prevent the party injured from having full redress.

On appeal from a decree of the former chancellor advised by Vice Chancellor Bergen, whose opinion is reported in 72 N. J. Eq. (2 Buch.) 653.

Mr. John W. Wescott, Mr. Matthew Jefferson, and Mr. Louis H. Miller, for the appellants.

Mr. John W. Harding, for the respondent.

The opinion of the court was delivered by Pitney, chancellor.

The facts of the case are sufficiently outlined in the opinion of the learned vice chancellor. His findings are, in our judgment, fully sustained by the evidence.

The defendants comprise three classes of persons—first, the Glass Bottle Blowers' Association of the United States and Canada, a voluntary association, including in its membership nearly all the journeymen green glass bottle blowers of the United States and Canada; secondly, the officers of this association, who, as individuals, are made parties defendant; and thirdly, 90 or more individuals who were formerly in the employ of the complainant corporation at its glassworks in Minotola, in this State, and who on April 9, 1902, went upon strike.

It is undisputed that in the year 1901 the Glass Bottle Blowers' Association instituted a boycott of the complainant's wares in the effort to coerce complainant to conform its business to regulations prescribed by the association. The evidence renders it clear that this boycott was still in force and was being actively prosecuted by the association down to the time of the strike of 1902 and thereafter, and, indeed, after the filing of the bill of complaint herein.

Whether the defendant association or its officers directly instigated this strike possibly admits of doubt; but it is entirely clear that immediately after the strike began the association, through its executive committee and officers, took charge of it, organized and directed the strikers, and guided them in the subsequent proceedings.

There is abundant evidence that at the time the bill of complaint was filed and thereafter the association, its officers, and the strikers, who are joined as defendants, made common cause in a war of subjugation against the complainant corporation. While there are individual defendants who are not shown by the evidence to have been personally implicated in certain of the specific acts of violence and coercion that ensued, they were all acting in concert in the general plan of campaign, and are equally subject to injunction with respect to the unlawful acts that were done and threatened.

The final decree that is now under review awards an injunction restraining the defendants as follows:

First. From knowingly and intentionally causing or attempting to cause, by threats, offers of money, payments of money, offering to pay

expenses, or by inducement or persuasion, any employee of the complainant under contract to render service to it to break such contract by quitting such service.

Second. From personal molestation of persons willing to be employed by complainant with intent to coerce such persons to refrain from entering such employment.

Third. From addressing persons willing to be employed by complainant, against their will, and thereby causing them personal annoyance, with a view to persuade them to refrain from such employment.

Fourth. From loitering or picketing in the streets or on the highways or public places near the premises of complainant with intent to procure the personal molestation and annoyance of persons employed or willing to be employed by complainant, and with a view to cause persons so employed to refrain from such employment.

Fifth. From entering the premises of the complainant against its will with intent to interfere with its business.

Sixth. From violence, threats of violence, insults, indecent talk, abusive epithets, annoying language, acts or conduct, practiced upon any persons without their consent, with intent to coerce them to refrain from entering the employment of complainant or to leave its employment.

Seventh. From attempting to cause any persons employed by complainant to leave such employment by intimidating or annoying such employees by annoying language, acts, or conduct.

Eighth. From causing persons willing to be employed by complainant to refrain from so doing by annoying language, acts, or conduct.

Ninth. From inducing, persuading, or causing or attempting to induce, persuade, or cause the employees of complainant to break their contracts of service with complainant or quit their employment.

Tenth. From threatening to injure the business of any corporation, customer, or person dealing or transacting business and willing to deal and transact business with the complainant, by making threats in writing or by words for the purpose of coercing such corporation, customer, or person against his or its will so as not to deal with or transact business with the complainant.

Each portion of the injunctive relief thus granted is directed to some manifestation of the strife that was carried on by the combined defendants against the complainant. And in each respect the injunction is justified by the evidence in the case.

The employees of complainant referred to in the decree are those who either refused to join the strike or who entered complainant's employ after the strike. With respect to these, it will be observed that the defendants are restrained from using coercion, inducements, or persuasion to bring about a termination of the employment, whether the employee be under contract of service or not.

With respect to other persons not as yet employed but willing to take employment under the complainant, the defendants are restrained from interfering to prevent this by coercion or personal molestation and annoyance, but are not restrained from using mere persuasion in such a case.

There is a restraint against picketing designed to molest and annoy persons employed or willing to be employed.

And there is a restraint against the continuance of the boycott.

It is clear beyond dispute that the complainant has suffered grievously in its property and business through the acts of the defendants, whose continuance is thus prohibited. That the injury to the complainant is irreparable by action at law is likewise clear.

If, therefore, the acts themselves are unlawful and violative of the property rights of the complainant, the injunction is proper.

The conduct of defendants in using coercion in some cases and persuasion in others in order to bring about breaches of the contracts of personal service existing between complainant and some of its employees—defendants having, of course, full notice of the existing employment—was unlawful and actionable upon well-settled principles. (3 Bl. Com., 142; *Lumley v. Gye*, 2 El. & Bl., 216, 224; *Bowen v. Hall*, 6 Q. B. Div., 333; *Angle v. Chicago, &c., Railway Co.*, 151 U. S., 1, 13.)

And the same is true of conduct whose object and purpose were to bring about a termination of the relation of master and servant between the complainant and its employees in cases where there was no binding contract of service, but a mere service at will. (*Noice, Administratrix, v. Brown*, 39 N. J. Law (10 Vr.), 569, 572; *Brennan v. United Hatters*, 73 N. J. Law (44 Vr.), 729, 743.)

In *Frank & Dugan v. Herold* (63 N. J. Eq. (18 Dick.), 443, 450), Vice Chancellor Pitney said that to create the relation of master and servant it is not necessary that there should be a contract in writing, or even verbal, between them to work for any particular length of time; that the relation exists when the one person is willing from day to day to work for another, and that other person desires the labor and makes his business arrangements accordingly.

Whether an action will lie for interference in the relations existing between employer and employee where there is a mere service at will, and where the interference is the result of fair competition in the labor market, is a question mooted but not necessary to be decided in the present case. The defendants were not competitors in the labor market. Their interference had for its immediate object the crippling of the complainant's business. The only semblance of excuse alleged is that defendants desired to bring about "improved labor conditions" in complainant's works; but this object did not warrant the resort to unlawful measures.

Reliance is placed by the defendants upon the "act relative to persons combining and encouraging other persons to combine." (P. L., 1883, p. 36; Gen. Stat., p. 2344, pl. 23.) The enactment is:

"That it shall not be unlawful for any two or more persons to unite, combine, or bind themselves by oath, covenant, agreement, alliance, or otherwise, to persuade, advise, or encourage, by peaceable means, any person or persons to enter into any combination for or against leaving or entering into the employment of any person, persons, or corporation."

In *Mayer v. Journeymen Stonecutters' Association* (47 N. J. Eq. (2 Dick.), 519, 531), Vice Chancellor Green apparently treated this act as legalizing private injuries. And in *Cumberland Glass Manufacturing Co. v. Glass Bottle Blowers' Association* (59 N. J. Eq. (14 Dick.), 49, 53), Vice Chancellor Reed construed it as permitting the adoption of peaceable measures for inducing workmen to quit or to refuse to enter an employment. Whatever may have been the purpose of its framer, there are, as we think, constitutional obstacles in the way of giving the act so extensive a force. The rights of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness, are declared by our constitution to be unalienable. (N. J. Const., art. I, pl. 1.) No act of the legislature is to be construed as infringing upon these rights unless its language plainly and clearly requires such a construction. If its language so reads, it is to the extent indicated unconstitutional and void. The act of 1883 is, as we think, properly to be treated as merely rendering the combination no longer indictable; in effect, as

repealing the rule laid down by the supreme court of this State in *State v. Donaldson* (32 N. J. Law (3 Vr.), 151). It does not legitimize an invasion of private rights nor prevent the party injured from having full redress. Its proper scope is indicated in the opinion of Vice Chancellor Pitney in *Frank & Dugan v. Herold*. (63 N. J. Eq. (18 Dick.), 443, 447, 448.)

So much of the decree as awards an injunction to restrain the defendants from using coercive measures to prevent the flow of labor to complainant's works is likewise proper. In *Jersey City Printing Co. v. Cassidy* (63 N. J. Eq. (18 Dick.), 759, 765), Vice Chancellor Stevenson recognized and enforced the right of an employer to an injunction to prevent undue interference with those who wish to come to him for employment. It is principally upon this ground that injunctions against what is known as picketing have been sustained in this and other jurisdictions.

So much of the decree as is directed against the continuance of the boycott is plainly justified by the evidence and accords with the law. (*Barr v. Essex Trades Council*, 53 N. J. Eq. (8 Dick.), 101; *Martin v. McFall*, 65 N. J. Eq. (20 Dick.), 91; *Temperton v. Russell* (1893), 1 Q. B. Div., 715; *Quinn v. Leathem* (1901), A. C. 495.)

The decree under review should be affirmed, with costs.

Minturn, J. (dissenting):

I find myself unable to agree with the majority of my brethren with respect to that portion of the decree of the court of chancery which authorizes the issuing of an injunction against these defendants upon the ground stated in the opinion of the learned chancellor speaking for the majority of this court, viz: "Inducing, persuading, or causing or attempting to induce, persuade, or cause the employees of complainant to break their contracts of service with complainant or quit their employment."

It may be conceded since the decision of this court in *Brennan v. United Hatters* (73 N. J. Law (44 Vr.), 729) that an ordinary wage employee bears toward his employer in this State a relation in modern legal nomenclature denominated as a "service at will"; and for the breach of which an action at law can be maintained.

Still with this concession it is difficult to discern in jurisprudence, outside of the sphere of those English cases which bear the distinct impress of feudal law and custom, any consensus of legal authority which can support the principle upon which this injunction rests; and of those cases Chief Justice Parker, speaking for the New York Court of Appeals, said "they are hostile not only to the statute law of this country, but to the spirit of our institutions." (*National Protective Association v. Cuming*, 170 N. Y., 332.)

Their origin is traceable distinctly to that class legislation which followed the emancipation of the villeins under the feudal tenure; and to the scourge of the "black death" which followed such emancipation in the reign of Edward III, decimating Europe and culminating in what is known as "the statute of laborers" (22-23 Edw. III), by virtue of which every vestige of individual freedom to contract and to combine was shorn from the wage worker and his social status was reduced by legislative act to that of a bondman. (1 *Green's History of the English People*, sec. 4; 2 *Bouv.*, p. 100.)

Our inheritance of English common law carried with it only such of the English decisions as are consonant with our institutions and our public policy. (1 *Kent Com.*, p. 343.)

Concededly, therefore, the invocation of a line of adjudications emanating from a social order and a political environment radically different from our own, founded upon the feudal concept of "a service at will" in an age of enlightened citizenship, is so utterly repugnant to and incompatible with our basic governmental theory, *res populi vox Dei*, as to be unsupportable in reason, and opposed to any system of enlightened jurisprudence, which invokes as a justification for its existence either the dictates of reason or the wisdom, the experience, or the service of humanity. "Precedents against law or reason," says Lieber, "must be set aside." (*Legal and Political Hermeneutics*, 219); and so, *Coke*, "*Qua Contra rationem juris introductor sunt, non debent trahi in consequentiam.*" (The case of the Proclamations, 12 *Coke's Rep.*, 74.)

The constitutional guarantees, State and Federal as well as the bill of rights, reach their protecting arm not only to property rights, but also to the rights of citizenship and free speech. And while in the march of human progress and national development, the protection of property representing as it does the thrift, economy, and energy of a people, is not to be underestimated; still the right to life and liberty has, from the dawn of history, been the potent and dominant factor in the forward march of progress and civilization. (*Spence Social Stat.* ch. 5; *Guizot Hist. of Civ. in Europe*, ch. 2.)

Force or intimidation can never be recognized as a lawful *modus operandi* in the propagation of any doctrine or cult, or for the assertion or prosecution of any right; and to the vindication of this principle the unanimous decisions, both State and Federal, bear testimony.

But in the effort to sustain the property guaranties of the fundamental law against infraction, we are apt to lose sight of those guaranties of liberty and happiness which are equally fundamental; and if a concrete case were needed to illustrate this tendency, we find it in the case at bar.

A statute enacted by the legislature of this State and quoted verbatim by the learned chancellor (P. L., 1883, p. 36) made it lawful for "any two or more persons to unite, combine, or bind themselves to persuade, advise, or encourage, by peaceable means, any person or persons to enter into any combination for or against leaving or entering into the employment of any person or persons or corporation." Assuming that this relationship of a service at will is to be dignified with the status of a formal contract *inter partes*, then concededly the terms of this statute must be read into it. (2 *Kent Com.*, 571.)

Upon two occasions, at least, this statute has been construed by the court of chancery, not only as relieving such combination of the criminal aspect theretofore ascribed to it, but also as a legislative declaration of public policy, and presumably *sub silentio*, the learned vice chancellors who passed upon the legal effect of the enactment found nothing unconstitutional in its provisions.

Thus, Vice Chancellor Green in *Mayer v. Journeymen Stone Cutters' Association* (47 N. J. Eq. (2 Dick.), 519) refused to order the issue of an injunction upon the ground that "the acts threatened are declared by statute as not unlawful." He characterized the act of 1883 as declaring "a policy of the law" which, in his judgment, has "revolutionized" the common-law doctrine of unlawful combination, and concluded his judgment with the statement that the peaceable intervention contemplated by this act was "unoffensive to any provision of our law."

Vice Chancellor Reed reviewed the same legislation in *Cumberland Glass Manufacturing Co. v. Glass Bottle Blowers' Association* (59 N. J. Eq. (14 Dick.), 49) and stated, "The words are perhaps broad enough to legalize a combination to persuade individual workmen to

quit, or refuse to enter the service of any person," and refused the injunction on that ground, but granted it on another.

Vice Chancellor Pitney's opinion in *Frank & Dugan v. Herold* (63 N. J. Eq. (18 Dick.), 443) marks the turning point in the construction of this statute, for he there held that it only relieved an act formerly criminal, of its unlawful character, and then dealt with the subject sub judice from a constitutional point of view and declared, "It is argued that one person has a right to persuade another to work or not to work. That may be if the other is willing to listen and be persuaded" (at p. 449), and again (at p. 452), "The operatives have the right which their employers can not complain of to consider the question whether they desire to work for them any longer and for that purpose they have the right to listen to arguments on that subject."

Vice Chancellor Stevenson in *Jersey City Printing Co. v. Cassidy* (63 N. J. Eq. (18 Dick.), 765), following the consideration given by Vice Chancellor Pitney to the statute, termed this service at will "a newly recognized right" and defined it to be "that peculiar element that is an interest which one man has in the freedom of another;" which he further defined as "freedom in the market; freedom in the purchase and sale of all things, including both goods and labor;" a right, says the learned vice chancellor, "that our modern law is endeavoring to insure to every dealer" (at p. 766).

Still later in *Fletcher Co. v. International Association of Machinists* (55 Atl. Rep., 1077), the same learned vice chancellor conceded the right to workmen to organize and use peaceable persuasion, substantially as Vice Chancellor Pitney had conceded it in the *Herold* case. But in both determinations the learned vice chancellor makes the right to "the free flow of labor," as he termed it, the *ratio decidendi*, thus instituting an analogy as an economic proposition between goods and merchandise and labor; a fallacy all the more confounding to any attempt at harmonious decision when the statutory enactment in question is disregarded.

The analogy ignores the constitutional guaranty of freedom of speech and freedom of the press representing labor's demands, because labor, unlike goods, can not be severed from the human entity and be considered apart from the man, for as Locke says, "Every man has a property in his own person; this nobody has a right to but himself." (Essay on the Human Understanding, ch. 6.) It ignores factory and inspection laws, child-labor laws, and those legislative protective enactments for workshop and factory intended to mitigate the hardship incident to the application of the legal rule of assumption of risk, all of which are proper subjects for discussion between fellow workmen, with a view to enforcing compliance by the employer with the law as the alternative to a strike. It ignores the fact that in every line of trade and business combination is the tendency of the age, and that in this State our corporation act is designed to accomplish that very purpose, and has accomplished it to a great extent throughout the land. The maxim that "competition is the life of trade" is not contained in the lexicon of the political economy of this day, and eminent jurists have noted the fact of its elimination as an axiom in commercial life—except, it would seem, in its application to the wages of labor, in which event the law of supply and demand and the creation of a free labor market, as indicated by the learned vice chancellor, practically relegates the wage earner to the status of a chattel, and corresponds to the judicial conception entertained of black labor in the *Dred Scott* case. (*Dred Scott v. Sandford*, 19 How., 393.) In the case at bar the learned chancellor goes further and declares the act of 1883 to be unconstitutional in its application to private rights as in contravention of article 1, page 1, of the State constitution. It certainly would be indefensible, tested by this constitutional guaranty, if it empowered these defendants to combine to destroy property or to combine for any other unlawful purpose. But such is not its intent, since it simply empowers a number to do what it would be perfectly lawful for one to do, and such a power has been repeatedly held to be constitutional. (*National Protective Association v. Cummings*, 170 N. Y., 315; *Wabash Railroad v. Hannahan*, 121 Fed. Rep., 563; *Martell v. White*, 185 Mass., 255.)

The right conferred is in essence only the fundamental right of free speech, and the sole limitation upon that natural right is that those exercising it "are answerable only for their acts in the interests of good citizenship, morality, and decency." (*United States v. Williams*, 194 U. S., 279; *Roberts v. Baldwin*, 166 U. S., 261; *Wise v. C. I.*, 189.)

It is to be noted that this constitutional provision is but a paraphrase of the provision upon the same subject contained in the bill of rights; and it is to be observed that when that great charter was promulgated a crisis was impending, in which the great desideratum was not the right to enjoy property, but the right to enjoy personal liberty, and to pursue individual happiness without regal interference. That document provided "that all men are by nature equally free, independent, and have certain inherent rights of which, when they enter into a state of society, they can not by any compact deprive or divest their posterity, namely, the enjoyment of life and liberty with the means of acquiring and possessing property and pursuing happiness and safety." (Revised Code of Virginia (1819), vol. 1, p. 31.)

This conception of life and liberty has dominated all other considerations in the development of constitutional law; and has led the United States Supreme Court in furtherance of its application under the police power to ignore the fact that judicial recognition of it was tantamount to the destruction of the private property involved. (*Slaughter House cases*, 83 U. S., 36; *Stone v. Mississippi*, 101 U. S., 814; *Mugler v. Kansas*, 123 U. S., 623.)

But the denial of this right to combine in furtherance of free speech implies such a discrimination against these defendants that it may, with perfect propriety, be argued that their rights as citizens are denied to them in contravention of the fourteenth amendment of the Federal Constitution, which guarantees that their privileges and immunities as citizens shall not be abridged. (*Senator v. West Virginia*, 100 U. S., 303; 1 Kent Com., 621.)

In other jurisdictions, the correct rule is declared to be in consonance with the spirit and language of the statute of 1883. Thus the Virginia supreme court of appeal has declared that it is "not unlawful for strikers to persuade employees to leave the service of their employer or to dissuade other workmen from seeking employment with him" when unaccompanied by force or intimidation. (*Everett Waddy Co. v. Richmond Typographical Union et al.*, 105 Va., 188; *National Protective Association v. Cummings*, 170 N. Y., 315; *Jones v. Van Winkle Machine Works* (Georgia Supreme Court), 628 E. R., 236; 8 Anno. Cases, 796, and cases cited; 24 Cyc., 831, and cases cited.)

It may be appropriate to conclude this reference by quoting an extract from the opinion of Judge Taft, sitting in the United States circuit court in *Phelan's case* (62 Fed. Rep., 803): "The employees of the receiver have the right to organize into or join a labor union which would take action as to the terms of their employment. The officers they appoint or any other person they choose to listen to may advise them as to the proper course to be taken in regard to their common employment, or if they choose to appoint anyone he may order

them on pain of expulsion from the union peaceably to leave the employment of their employer, because any of the terms of the employment are unsatisfactory."

The act of 1883 confers no greater privileges upon these defendants than does the language of this eminent jurist, and if that act be condemned by the constitutional guaranties referred to by the learned chancellor, this pronouncement must suffer the same animadversion.

It is conceivable that substantial justice could have been effectuated in this case without entrenching upon the constitutional privileges of these defendants, for in the final analysis, says Montesquieu, "Justice is but a relation of congruity which really subsists between two things. This relation is always the same, whatever being considers it; whether it be God, an angel, or, lastly, a man." (Spirit of the Law, ch. 6.)

Entertaining these views, I shall vote to reverse and modify the decree accordingly.

Garrison, J. (dissenting).

In so far as the decree appealed from directs that the defendants be enjoined from the peaceable persuasion of persons who are not under any contract to serve the complainant, I think the court below was in error, and that to that extent its decree should be reversed.

I am requested by Justice Swayze and by Judge Bogert to say that they concur in the foregoing view.

For affirmance—The Chancellor, Chief Justice, Reed, Trenchard, Parker, Voorhees, Vredenburg, Vroom, Green, Gray—10.

For reversal—Garrison, Swayze, Minturn, Bogert—4.

HOOR OF MEETING TO-MORROW.

Mr. LODGE. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 12 o'clock noon.

The motion was agreed to.

GENERAL ARBITRATION TREATIES.

Mr. SMITH of Michigan. Mr. President, apropos of the motion just agreed to, I should like to make a parliamentary inquiry. I notice that unanimous consent was given some days ago to vote on the British and French arbitration treaties on Tuesday, the 5th instant. I should like to inquire whether, under this unanimous-consent agreement, that will be the first business taken up in the morning?

The VICE PRESIDENT. After the morning business.

Mr. SMITH of Michigan. That is, it will be taken up after the routine morning business?

The VICE PRESIDENT. After the routine morning business.

Mr. SMITH of Michigan. I should like also to inquire whether there is any limitation as to debate included in the unanimous-consent agreement?

The VICE PRESIDENT. There is no limitation as to debate.

Mr. SMITH of Michigan. The Senate will sit as usual, with these treaties before it, and a vote must be taken before adjournment on that legislative day?

The VICE PRESIDENT. The Senator is correct.

Mr. SMITH of Michigan. Mr. President, I desire now to give notice that I shall offer as a substitute for the amendments pending a motion to strike out of the treaties the third paragraph of article 3.

Mr. LODGE. That amendment is now pending. It is the pending amendment reported by the committee.

Mr. SMITH of Michigan. The committee's amendment?

Mr. LODGE. Yes.

Mr. SMITH of Michigan. Then the amendment proposed by the Senator from Massachusetts does not take the place of that amendment?

Mr. LODGE. What I propose is the resolution of ratification. That has nothing to do with the amendment of the treaty.

Mr. SMITH of Michigan. Who is sponsor for the committee's motion?

Mr. LODGE. The committee. I reported it on behalf of the committee.

Mr. CULLOM. The majority of the committee.

Mr. LODGE. On behalf of the majority of the committee.

Mr. SMITH of Michigan. I presume, if that motion is pending, it will be called up by some member of the committee?

Mr. LODGE. It is the pending question. It is the committee amendment to the treaty, and is the first question.

Mr. SMITH of Michigan. So that we shall vote on that first?

Mr. LODGE. Certainly.

THE LAWRENCE (MASS.) STRIKE.

Mr. POINDEXTER. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] informs me that he is willing to withdraw the objection which he made to my request for unanimous consent for the consideration of Senate resolution 231, with the amendment which I proposed on Saturday. In view of that, I now ask unanimous consent for the present consideration of the resolution.

Mr. BRISTOW. I inquire if morning business is closed?

The VICE PRESIDENT. It is not. The Senator from Washington asks unanimous consent for the present consideration of a resolution, which the Secretary will state.

The SECRETARY. Senate resolution 231, providing for an investigation and report by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence, Mass.

Mr. HEYBURN. Mr. President, I object.

The VICE PRESIDENT. Objection is made to the present consideration of the resolution.

Mr. HEYBURN. Do I understand that morning business has been concluded?

The VICE PRESIDENT. Morning business is not concluded.

Mr. HEYBURN. I desire to call up another matter.

Mr. POINDEXTER. I move the adoption of the resolution with the amendment which I have proposed, notwithstanding the objection.

The VICE PRESIDENT. That motion is not in order until morning business is concluded. The Chair will recognize the Senator later.

PRESIDENTIAL TERM.

Mr. WORKS. I desire to give notice that on next Monday, immediately after the conclusion of the morning business, I will, with the permission of the Senate, submit some remarks on Senate joint resolution 78, proposing an amendment to the Constitution fixing the term of office of the President of the United States at six years.

POLITICAL ACTIVITY OF FEDERAL EMPLOYEES.

Mr. BRISTOW. I desire to offer a resolution, but before doing so I ask to have read the letter which I send to the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the letter, and read as follows:

BESSEMER, ALA., February 24, 1912.

Mr. W. J. MARLES,

Post-Office Inspector, Washington, D. C.

SIR: I am in receipt of your letter dated February 17, purporting to have been mailed me from Washington, D. C., when in fact the envelope in which the letter was contained shows the post-office stamp of Birmingham, Ala., and the fact that I saw you in person on the day this letter was written shows that it was not written in Washington but written since you came to Alabama. You state in your letter that "charges of pernicious political activity have been preferred against you" (me), and you graciously give me an opportunity to make any statement that I may desire for consideration of the department.

The "pernicious political activity," as you term it, is stated in your letter to have been committed by me in May, 1911, and in December, 1910. It is a fact pregnant with meaning that you should appear in Birmingham two days after I, as a member of the Republican congressional executive committee of this district, saw proper to exercise my right as a free American citizen and to vote for resolutions indorsing Theodore Roosevelt for President. It is also strange, if not a matter pregnant with meaning, that you should appear personally in this district to investigate a postmaster about matters occurring more than 12 months before, not only on the day but at the very hour when a political meeting was being held in this city, when it is a matter of public notoriety that the Federal officeholders in the Southern States, and especially the State of Alabama, are a mass of seething political activity.

It is a matter further pregnant with meaning that while you are here in this community in person that you should shut your eyes to the most flagrant examples of "pernicious political activity" in behalf of President Taft.

Mr. GALLINGER. Mr. President, I should like to know what the document is that is being read.

The VICE PRESIDENT. It is a letter presented by the Senator from Kansas, who asked unanimous consent that it be read prior to his introducing a resolution.

Mr. BRISTOW. It is a letter from a postmaster in Alabama, I will advise the Senator, written to a post-office inspector.

Mr. GALLINGER. It is rather an extraordinary thing to have a letter of that kind read in the Senate, and I feel constrained to object. The Senator from Kansas can read it himself, if he pleases, but I think it is a very bad practice to have letters from individuals, whether they are postmasters or not, arraigning the President of the United States and the administration, read in the open Senate without objection.

The VICE PRESIDENT. Objection is made to the further reading of the document.

Mr. BRISTOW. As preliminary to the offering of the resolution I will read the letter myself.

It is a matter further—

Mr. CULBERSON. Mr. President I suggest that the Senator read the whole letter. It is very interesting.

Mr. TILLMAN. The Senator had better begin at the beginning, so that we can get the connection.

Mr. BRISTOW. Very well. The letter is as follows:

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Post-Office Inspector, Washington, D. C.

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1910. It is a fact pregnant with meaning that you should appear in Birmingham two days after I, as a member of the Republican congressional executive committee of this district, saw proper to exercise my right as a free American citizen and to vote for resolutions indorsing Theodore Roosevelt for President. It is also strange, if not a matter pregnant with meaning, that you should appear personally in this district to investigate a postmaster about matters occurring more than 12 months before, not only on the day but at the very hour when a political meeting was being held in this city, when it is a matter of public notoriety that the Federal officeholders in the Southern States, and especially the State of Alabama, are a mass of seething political activity.

It is a matter further pregnant with meaning that while you are here in this community in person that you should shut your eyes to the most flagrant examples of "pernicious political activity" in behalf of President Taft, while you direct the searchlight of your investigations along these lines only against a few postmasters who have expressed a preference for Roosevelt. If you cared to extend your investigations along lines of "political activity," you could, and can now, easily ascertain that on the night before the meeting of the Republican congressional executive committee of this district Truman H. Aldrich, postmaster in Birmingham, Ala., although not a member of the committee, held a caucus in his office in the post-office building in this city, which lasted far into the night on the night before the committee meeting, at which were present other postmasters, members of the committee, and other officials. It is a matter of common knowledge that passersby near the hour of midnight could hear discussions and speeches being made in his office by partisans of President Taft. It is also a matter of common knowledge, well known to the public, that said Postmaster Truman H. Aldrich attended in person in Magnolia Hall, in Birmingham, Ala., the meeting of the Republican district executive committee and was seated on the floor of the committee, and when it was developed on the roll call that 16 members of the committee stood in favor of indorsing Roosevelt for President and 11 members were opposed, that in conjunction with those 11 members said Aldrich got up in the meeting and withdrew with them from the floor of the committee, and at the time of his withdrawal became so excited that he shook his fist at a member of the committee and stated to him that he "would settle with him outside." In addition to this, said Aldrich has been writing letters to postmasters and others over this district, endeavoring to line them up in opposition to Col. Roosevelt and in favor of President Taft. Right here I will give you a sample by a quotation from one of Aldrich's letters: "We are counting on you to be with us and for the Taft administration. There is a scheme on foot which I will explain to you when I see you. Do not commit yourself to Brother Lewis until I have a personal talk with you."

If you are desirous of pursuing this investigation as "pernicious political activity" in an unbiased way along proper and legitimate lines, you can easily ascertain, and I shall furnish you witnesses from whom you can ascertain the facts, that on the morning before the meeting of said committee in Birmingham two postmasters—N. L. Wilson, of Blocton, Ala., and N. C. Fuller, of Centerville, Ala.—members of the committee, came to the law office of Judge Oscar R. Hundley, in the city of Birmingham, Ala., where one A. L. Elam, a member of the committee from Bibb County, was in consultation with said Hundley and other friends of Col. Roosevelt, when they requested a private interview with said Elam, and Judge Hundley very graciously tendered a room in his office where they could have their private interview; and thereupon these two postmasters, by persuasion and promises of official favor, endeavored to get said Elam to change his allegiance to Col. Roosevelt and side with them, the said postmasters, in their effort to have this committee indorse the candidacy of President Taft.

If, under your oath of office, you desire to pursue this laudable purpose of yours to prevent "political activity" to its legitimate and proper conclusion, you will extend your investigation to one P. D. Barker, postmaster at Mobile, Ala., whose frequent absences from his official duties at Mobile have occasioned comment and criticism throughout the State of Alabama, and who now is engaged in writing letters to various postmasters over the State asking them to line up in their indorsement of President Taft for reelection; and in one of these letters he states, in substance, that "Roosevelt has no idea of being a candidate for President, but is simply pretending to run in order to get Taft committed to his candidacy in 1916, and that this will be arranged in a few days, when Roosevelt will come out and indorse Taft." Since you take exception to an interview of mine made more than 12 months ago, and while we are on this subject of interviews, I direct your attention to the fact that this same postmaster, P. D. Barker, who claims to be the mouthpiece of President Taft, has been for some time past keeping the press of this State warm with his partisan and political views in favor of President Taft and against Col. Roosevelt, even going so far as to use sarcastic and ungentle references to the latter. Let me quote for your information a small portion of an interview from this postmaster sage, P. D. Barker, which was published broadcast throughout the Democratic press during the New York State election, when Secretary Stimson was the Republican candidate:

"It seems to be in the air all over New York that the Democratic ticket will make a clean sweep," said Mr. Barker. "Mind you," he continued, "such a victory will not be a Democratic triumph so much as an anti-Roosevelt victory. Things are in a terrible mess among the Republicans in New York. There undoubtedly is a great revulsion of sentiment among the big business men of both parties against the agitation Col. Roosevelt has been conducting recently, and they seem to have decided that now is the time to give the rebuke and not wait until 1912."

But again, Mr. Inspector, permit me to return to Postmaster Truman H. Aldrich, of Birmingham. You had scarcely shaken the dust of Birmingham off your feet, if you were in reality not indeed in Birmingham at the time, when there was a Republican precinct election in this city, at which said Aldrich was either present or within close and advisory touch. Four of the members taking part in this meeting were letter carriers serving under said Aldrich and participated in the adoption of the following resolution:

"We, etc., indorse the administration of Maj. Truman H. Aldrich, postmaster of Birmingham, because of the fair deal he has given us, and the actions of the referees, Mr. Pope M. Long and Maj. P. D. Barker. We also express our confidence in William Howard Taft and declare ourselves in favor of his re-nomination."

This action has received editorial condemnation by the local press and has, indeed, tended to "cause public scandal" as to said Aldrich. I have written the above, Mr. Inspector, for your information as a public official, in order that you may have proper and official notice of such flagrant exercise of "pernicious political activity" by Federal officeholders who are supporting President Taft, since you told me, when

I asked you why you did not extend your investigations further, "that no charges had been made against any others."

Now, to answer specifically the charges in your letter: In reply to your first charge that I, on May 20, 1911, wrote a letter to a rural letter carrier, who is in the classified service, in an effort to secure his cooperation in controlling the political situation at that time, and that I wrote another letter on May 26, 1911, to a civil-service employee of the same purport, I beg to say I did not write to a rural carrier on May 20, 1911, unless he was a member of a political committee, a place he had no right to fill under the rules of the Civil Service Commission. I do not remember writing a letter to a civil-service employee of the Birmingham office in which anything was said about politics. At any rate, the issue in that matter was not a strictly political one. It was simply a personal contest between two Republican officials, and was more a personal preference than a political contest, as simply the personal ambitions and interests of one was pitted against the other.

The second charge, that my time, which should be devoted to the post office, has to a large extent been utilized in preparing and circulating political literature, is not true. I have never asked my assistant to neglect his work for me, and the services of other employees have never been utilized by me for any purpose other than that of the discharge of their official duties. My assistant did some typewriting for the secretary of the district committee at a time when it did not in any way interfere with his official duties in the post office. I have devoted my time assiduously and conscientiously to the discharge of my official duties. I may have written some letter to some friend discussing my views upon the questions of the day, which, with all due respect, I think I have a right to do.

As to your third charge, in reference to my interview published in Washington Herald December 24, 1910, more than 12 months ago, I will state in passing that it is marvelously strange that this charge, based upon my conduct published in a public newspaper issued from the National Capital and under the eye of the President, should have laid dormant all this time and not have been investigated until two days after I cast a vote to indorse Theodore Roosevelt for President. As to that interview, I was incorrectly quoted in this interview, and I mailed to the secretary of the President a true version of same. I said that I considered Harmon a strong man, and, if nominated, I was apprehensive as to the result. The other interviews were in self-defense and in answer to attacks made on me in my absence. I know of nothing in that interview which would show I was trying to "control political movements, to neglect public duties, or to cause public scandal," as can be easily established as to the numerous interviews of said Postmaster P. D. Barker.

This letter is written you in no spirit of factious criticism, but simply as a plain statement of an American citizen and taxpayer who feels that he has a right to have all of the laws equally administered to all people alike. This letter is not written to be kept by you as a confidential official document, but you are at liberty to give it to the public if you so desire, a right which I shall claim to exercise if, in my judgment, I deem it proper to do so. I am also sending a copy of this letter to President Taft and also to the Civil Service Commission.

With very great respect, I have the honor to remain,

Respectfully,

GEORGE R. LEWIS,
Postmaster, Bessemer, Ala.

P. S.—Since writing the above, Mr. Inspector, to show you the "pernicious political activity" of certain class of Republicans in this community, I have just ascertained and make the charge to be that Frank McAlpine and Robert Sims, letter carriers in the Birmingham post office, together with Postmaster Truman H. Aldrich, were elected February 17 in Birmingham, Ala., as delegates from beat 37, Mr. Aldrich's beat, to a county convention which met in Birmingham to-day, and all three attended said convention to-day.

Respectfully,

GEORGE R. LEWIS,
Postmaster, Bessemer, Ala.

Now, Mr. President, from this letter it would be inferred that post-office inspectors were being sent as political agents in violation of the law, and I therefore submit the following resolution.

The VICE PRESIDENT. The Senator from Kansas presents a Senate resolution, which will be read.

The Secretary read the resolution (S. Res. 242), as follows:

Resolved, That the Committee on Post Offices and Post Roads is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable whether post-office inspectors are being sent through the country as political emissaries to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency; also to inquire into and report to the Senate whether postmasters with good official records are being threatened, directly or indirectly, with removal or discipline if they give or fail to give their support to certain candidates for delegates to national conventions or for the Presidency; also to inquire into and report to the Senate the truth or falsity of the reports that certain nominations for postmaster that were made to the Senate on various dates and withdrawn on February 19, 1912, were withdrawn for the purpose of influencing the action of certain politicians in the State of North Carolina in regard to holding conventions and electing delegates to the Republican national convention of 1912; and for this purpose they are authorized to sit during the session of Congress, at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings, and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary; and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. BRISTOW. Since the Senate is a part of the appointing power and it is necessary for it to ratify any nominations that are made, it seems to me the Senate ought to have the information the resolution calls for. I ask that the resolution be referred to the Committee on Contingent Expenses, as is necessary under the law.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLARK of Wyoming. I was very much interested in the letter which has just been read by the Senator from Kansas [Mr. BRISTOW]. All of it appeared to be in typewriting, with a typewritten signature, and so forth. I ask the Senator if he has in his possession the original from which this purports to be taken?

Mr. BRISTOW. I will state to the Senator from Wyoming that I have not. The original—

Mr. CLARK of Wyoming. Then I will ask the Senator if he has seen the original?

Mr. BRISTOW. I have not. I understand the original is in the possession of the post-office inspectors.

Mr. CLARK of Wyoming. I ask the Senator, he having read the letter into the Record, whether he knows that the letter was written by the man by whom it is purported to have been written and whether it was written to the man to whom it is supposed to be addressed?

Mr. BRISTOW. I have no doubt at all about it.

Mr. CLARK of Wyoming. The Senator has his copy from somebody who has authentic information?

Mr. BRISTOW. I have no doubt at all about it.

Mr. CLARK of Wyoming. The letter has been read into the Record with great seriousness, and we should have some information as to who wrote it and to whom it was addressed.

Mr. BRISTOW. If the resolution proposed by me is passed, we will find out exactly how much truth there is in the accusations made against the postmaster at Bessemer.

LAWRENCE (MASS.) LABOR STRIKE.

Mr. POINDEXTER. I renew the motion I made for the adoption of Senate resolution 231, with all after the semicolon stricken out.

Mr. HEYBURN. If the Senator says it will result in no debate, that it is merely a matter of putting the resolution before the Senate, I will consent not to urge an objection. But I reserve the right to object if debate should occur.

Mr. GALLINGER. It will lead to some debate, I will assure the Senator from Idaho.

Mr. HEYBURN. Then I shall have to make objection.

The VICE PRESIDENT. Objection is made to the present consideration of the resolution.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. I ask the Senate to proceed to the consideration of Order of Business 299.

The VICE PRESIDENT. The Senator from Idaho calls up the following as a privileged matter.

Mr. HEYBURN. As a privileged matter.

The SECRETARY. Resolution 299, directing the Committee on Privileges and Elections to investigate certain charges relative to the election of ISAAC STEPHENSON.

The VICE PRESIDENT. The pending motion is that of the Senator from Idaho that the report of the committee be adopted.

Mr. KENYON. Mr. President, after the exhaustive review of the evidence in this matter by the Senator from Kansas [Mr. BRISTOW], I do not propose to go further into detail as to the evidence. There are some observations in relation to this matter and especially with relation to the legal aspect thereof that I do desire to discuss.

It may have seemed that the distinguished Senator from Idaho [Mr. HEYBURN] was perhaps pushing the matter a little faster than some of us thought it should be pushed, but I believe he is right in asking as speedy a consideration of this matter as circumstances will justify, in fairness to those who may want to discuss the case. If the charges of corrupt practice are untrue, then Senator STEPHENSON should be quickly vindicated; if true, he should quickly be expelled or the election be declared illegal and void.

I am not unmindful of the unpleasantness of the task or duty of urging that the methods by which a man was elected to this body constitute corrupt practices. It is no pleasant duty to so claim, especially where the occupant is of the advanced years of the junior Senator from Wisconsin. I believe those of the minority of the Committee on Privileges and Elections, much as they disliked to file the report which they did file, were amply justified by the record in this case.

Nor is it a pleasant duty on this side of the Chamber to urge that a member of your own political party has been elected to the Senate by corrupt methods and practices. Some of the minority of that political faith, joining with some of the minority of the Democratic faith, believed from a study of this record that the methods employed in the Wisconsin election should not be countenanced by this body.

It is not an unkind thing, as has been suggested, to raise this question. It may be considered by some unkind to have had any investigation. If this matter is to be determined on the

question of whether we shall be kind or unkind, then nothing, perhaps, need be said. It was not exactly kind possibly to suggest, as is suggested in the opinion of the majority, as appears on page 19 of the report:

Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. STEPHENSON, and of other men who sought election to the United States Senate, were conducted, it would be very difficult to justify such conduct under the laws of the State.

It was, perhaps, not kind—

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. Certainly.

Mr. SUTHERLAND. Where, in the opinion of the majority, does the Senator find that language?

Mr. KENYON. I find it on page 19 in the opinion of the Senator from Idaho [Mr. HEYBURN].

Mr. SUTHERLAND. The Senator said "in the opinion of the majority."

Mr. KENYON. Possibly I was in error. In the opinion of the Senator from Utah [Mr. SUTHERLAND] and the Senator from Ohio [Mr. POMERENE]—

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Will the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. Certainly.

Mr. HEYBURN. Will the Senator permit me to trespass only to point out that the statement distinguishing between the effect of an act by one candidate under the State laws and by one candidate under the national law justifies the expression referred to by the Senator from Iowa. It is obvious that the State of Wisconsin having a law relating to offices under the jurisdiction of the State making penal or a subject of forfeiture of office the doing of certain things, they would not have the jurisdiction or the power to make it penal or the subject of forfeiture of office as applied to a candidate elected under laws over which the State had no jurisdiction. That statement in the report which I had the honor to make is intended to go no further than to distinguish between prohibitions affecting State elections and prohibitions affecting election of a United States Senator, which have nothing to do with the State law.

Mr. KENYON. May I inquire, does the Senator mean that if Senator STEPHENSON had been a candidate for a State office and the same practices had been carried on in that candidacy for the State office—for instance, a governor—that they would be sufficient to nullify the election?

Mr. HEYBURN. I am not referring to practices. I am referring to acts.

Mr. KENYON. Acts, then.

Mr. HEYBURN. An act might be prohibited by the State law—

Mr. KENYON. Let me finish this.

Mr. HEYBURN. Certainly.

Mr. KENYON. Does the Senator claim that acts which may not have been justified under State law can be justified as to an election to the Senate?

Mr. HEYBURN. Because the Wisconsin law says a candidate for office in that State may not do certain things, it does not follow the doing of those things are per se criminal or in violation of any law except the law that declares specifically that they shall not do them.

Mr. KENYON. Does the Senator claim that the Senate of the United States could not investigate unless the matter had been a violation of the Wisconsin law?

Mr. HEYBURN. My reply is rather an inquiry. Why should the Senate of the United States investigate a question in which it is not interested in determining the issue?

Mr. KENYON. If a general scheme of fraud and corruption—I am not referring to this case, but a suppositive case—existed in the election of a Senator, and forsooth there was not a single statute of a State where he was elected that was violated, would the Senate be limited to inquiring whether the statutes of the State had been violated; in other words, whether a man was guilty of a criminal offense, before he could be excluded from the Senate? Is the only disqualification for the Senate that the man is detained in the jail or penitentiary?

Mr. HEYBURN. The Senate is not limited at all except by the question of propriety. There is no limit upon the Senate's power.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SUTHERLAND. The Senator from Iowa read the quotation from the opinion of the Senator from Idaho [Mr. HEYBURN], and referred to it as the opinion of the majority.

Mr. KENYON. I corrected that.

Mr. SUTHERLAND. That is merely preliminary. The minority view does the same thing. So far as I have listened thus far neither the Senator from Iowa nor the majority in their views have attempted to point out any violation of the statute of Wisconsin, except, as they claim, that the expenditure of money was corrupt.

Of course the Senator and I differ upon the facts. I think there is no evidence in this record which shows, or reasonably tends to show, that any of this money was expended for the purpose of corrupting or bribing either voters or members of the legislature. The Senator differs with me about that. Now, waiving that question, can the Senator tell us of any statute that was violated by the Senator from Wisconsin or by any of his agents prior to his election to the Senate of the United States?

Mr. KENYON. I will say in answer to the Senator's question that, giving only my judgment on the matter, I expect to point out in what respect I believe the statutes of Wisconsin have been violated, not conceding that that is at all necessary to sustain the views of the minority; in other words, I contend that corrupt practices may exist that would vitiate an election even if they did not violate the statutes of Wisconsin.

Mr. SUTHERLAND. I was passing the question of the expenditure of money being corruptly used to bribe voters. I asked the Senator whether or not there is anything in the record to indicate any violation of any other statute.

Mr. KENYON. I think it a debatable question, and I propose to point out later where, in my judgment, there has been a violation of the Wisconsin statute.

Mr. SUTHERLAND. I will listen to the Senator with interest.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the junior Senator from Idaho?

Mr. KENYON. Certainly.

Mr. BORAH. Those who have not had an opportunity to study this case as thoroughly as Senators on the committee feel an interest in knowing whether or not the committee, either the majority or the minority, is of the opinion that it is necessary to show a violation of any law of the State of Wisconsin in order to lodge a case against the validity of a seat when corruption is charged. We have been discussing in this case the question of a technical violation of some law.

I would be interested to know whether or not it is necessary, except in the way of accentuating the proof, to consider that question at all. In other words, if there were no statute in the State of Wisconsin prohibiting any of these things which are claimed by one side to have been done and by the other not to have been done, if there was no law either with reference to bribery or the use of money, would it in anywise embarrass or control this case in the judgment of the committee?

Mr. SUTHERLAND rose.

Mr. KENYON. Is the Senator from Idaho directing his inquiry to me?

Mr. BORAH. I directed it to the Senator from Iowa, if he desires to answer that question, and I would like to hear from the other side, too.

Mr. KENYON. Then the Senator can take his choice. I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I do not think it is necessary to show that the Senator from Wisconsin has violated any—

Mr. BACON. Mr. President, I want to suggest that this is a matter of some importance and we should be informed about it. If the Senator from Iowa occupies his present place in the Senate whenever he is interrupted, those who are interrupting him necessarily turn their backs to this part of the Chamber, and we can hear nothing whatever of the discussion. I think if the Senator from Iowa would take a more central position during the delivery of his speech it would be very much to the advantage of all.

Mr. KENYON. I am perfectly content that Senators shall turn their backs on me and turn to the other side of the Chamber.

Mr. BACON. The Senator can be heard very well from where he stands while he is speaking, but when he is interrupted Senators interrupting him necessarily turn to him and we can not hear the discussion between the Senator and those who interrupt him.

Mr. SUTHERLAND. Mr. President, I do not contend that it would be necessary to show that the Senator from Wisconsin had violated any statute of the State of Wisconsin. If it were shown that he had by the use of money corrupted voters, bribed voters, I would not care whether there was a statute of the State of Wisconsin against it or not. I should vote in a

case of that kind that the Senator forfeited his right to his seat. But my inquiry of the Senator from Iowa was directed to his statement that the Senator from Wisconsin had violated some statute, and I carefully limited my inquiry, when I made it, by excluding from it any evidence tending to show corruption or bribery, and asked him whether or not there was a violation of the statute of Wisconsin in any other respect, because it seems to have been taken for granted that the Senator from Wisconsin had violated some specific statute of Wisconsin in addition to having corrupted and bribed voters.

Mr. KENYON. The Senator from Utah will remember that I suggested it was a debatable proposition, not conceding at all that it is necessary for the purpose of this inquiry that a statute of Wisconsin be violated. Indeed, it would seem to me that it was an error, if I may be pardoned for saying so, of the distinguished Senator from Utah and the distinguished Senator from Ohio in their report, in assuming and arguing that there was no violation of the Wisconsin statute and giving that a prominence and importance which it did not deserve. If there had been a question of debauchery of the electorate of Wisconsin, if every man in Wisconsin had been placed on the pay roll of Senator STEPHENSON, that would have been no violation of the laws of Wisconsin, but certainly the Senate would inquire into that kind of practice as a corrupt practice. So I think the statute only, as the Senator from Idaho [Mr. BORAH] suggests, accentuates the situation.

Mr. HEYBURN and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the senior Senator from Idaho?

Mr. KENYON. I do.

Mr. HEYBURN. Mr. President, I hope my colleague will pardon me if I seem to interrupt him. I think Senators fail to distinguish between a proposition to expel a Senator and the investigation of the validity of an election of a Senator. In the question of his election his personal character cuts no figure whatever. The doing of immoral things or the commission of immoral acts cuts no figure whatever. It is a clear-cut question. Was he elected? And the only inquiry adverse to it is, Did he do things forbidden by law? You must get that question clear in your mind or you will be confused throughout all this question. If a Senator is elected without violating the laws governing the election his election must be conceded. Then the question as to whether or not he is entitled to retain his seat in this body may be raised by proceedings to expel him, and in such proceedings you may go into his individual character; you may inquire as to whether he is a gambler or drinks to excess or does anything that would render him an unfit companion to sit in this body with reputable Senators. I think it is that failure to draw the distinction out of which some of the controversy arises.

Mr. KENYON. Then you can not investigate the election of a Senator unless he has done things that make him a candidate for the jail or the penitentiary. Is that the position of the Senator from Idaho?

Mr. HEYBURN. No; he may violate the laws of the United States whether he was subject to such punishment or not. The law of the United States may say that he shall forfeit his office; it may provide any one of several conceivable penalties. I am discussing this from the standpoint of the law as it exists now, not from the standpoint of the law as it would exist if the Constitution of the United States was amended, because, thank God, it is not amended.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the junior Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Putting aside the question of expulsion, requiring, of course, two-thirds of the Senate, and viewing this matter solely as to the validity of the seat of the Senator from Wisconsin, I understand now the Senator from Utah and my colleague differ as to the proposition of the necessity of proving the violation of some law.

Mr. HEYBURN. I do not think we differ.

Mr. BORAH. My inability to distinguish between the two propositions may be the real trouble, but certainly it would not make any difference whether Mr. STEPHENSON had violated any law or not so far as our right to inquire into the validity of his election is concerned. When it is charged that he has used money in a corrupt manner for the purpose of obtaining his seat, it would not make any difference if there was no law upon the statute books of Wisconsin in reference to that subject; and it would not be sufficient, either, if it was contended that he had been legally and formally elected by the legislature, to cut off any investigation of the legislature to find out what fraudulent or corrupt influence worked upon the legislature to bring around that legal formality. The very object

and purpose of inquiring into corrupt methods is to pass from under the formality of law and to see whether what was done according to the law and in conformity with it was in reality accomplished by corruption.

Mr. HEYBURN. I will ask the permission of the Senator from Iowa while I make this suggestion.

Mr. KENYON. Certainly.

Mr. HEYBURN. Under no law, written or unwritten, was Mr. STEPHENSON a candidate, with responsibilities as a candidate, prior to the meeting of the legislature and its proceedings for the election of a Senator. The term "candidate" has been used as a fiction. It has been used as a substitute for a legitimate word. It has no application.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. With pleasure.

Mr. WORKS. Mr. President, this phase of the question is to me a very important one. I think I have not overlooked the distinction between the grounds that would justify the Senate in expelling one of its Members and all matters that go to the question of title to the office, which, I think, are two distinct and separate things. But in this case the whole question, it seems to me, turns upon one thing, namely, whether the corrupt expenditure of money, for I assume it to be corrupt, in securing votes at a primary election does in fact taint his seat in this body, if by that means he procured votes in the legislature. It is said, of course, that in an election for United States Senator the primary election has no place.

Mr. KENYON. I would like to inquire about how much of my time the Senator proposes to take.

Mr. WORKS. If the Senator objects, I will take none.

Mr. KENYON. I do not like to object, but I propose to discuss that very question. I only want to have a little of my time for my own use.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. KENYON. Mr. President, I have started to make some suggestions arising out of this report, but in answer to the suggestion of the senior Senator from Idaho [Mr. HEYBURN] I will say there is no misconception in my mind, although I may state it rather crudely, as to the difference in the proposition of the expulsion of a Senator, and the fact that he is not legally elected. A man might be here who was an unfit man to associate with, as the Senator has suggested, and he could be expelled. I imagine if a man had leprosy or something of that character, or on, perhaps, general moral grounds, he could be expelled, although his election had been absolutely legal. He could be here as one of the best men in the world, with nothing against him at all, although his election had been invalid. He could be here under circumstances where he had been instrumental in corrupt practices that would warrant his expulsion, and at the same time those corrupt practices could have entered into the election and vitiated the election.

Some of the minority have been perplexed as to whether or not the fact that Senator STEPHENSON had turned loose this enormous sum of money that shocks public conscience, and I think shocks the conscience of most men, in itself was not sufficient to justify a resolution of expulsion. I have thought in studying this record that the testimony goes further than that—and I know on that I differ from the distinguished Senators of the majority, and I dislike to differ from them—went to the extent of corrupting in a polite, perhaps, and modern style the election itself. Of course, to say that, I must add that under my contention the primary is an instrumentality of the election.

In the report as submitted by the distinguished Senator from Utah [Mr. SUTHERLAND] and the Senator from Ohio [Mr. POMERENE], this language is used, which might be considered likewise unkind:

The account which was filed of the expenses incurred in connection with the primary did not comply with the law in that it lumped the expenses; gave the names of but very few of the persons to whom money was paid; did not give the dates when expended, nor as fully as contemplated by the statutes the purposes for which expended. The account as filed was approved by the general counsel of Mr. STEPHENSON without any examination of the statute, and simply because it conformed with certain accounts, which had been filed by prominent candidates for other offices. A careful examination of this account justifies the belief that it was purposely drawn so as to give to the public as little information as possible.

Mr. SUTHERLAND. Will the Senator read what follows, because it qualifies it?

Mr. KENYON. Certainly.

The penalty for failing to comply with this statute is a fine only, and it does not provide for the forfeiture of the office. If it did, the statute to that extent would be unconstitutional, but Mr. STEPHENSON, because of his failure to file a proper account, has violated the statute and is subject to a fine. However, he must be absolved from any moral

delinquency, because in the preparation and filing of his account he consulted with counsel, and followed their advice, and if it was not properly done they were to blame rather than he.

Is that as far as the Senator desires me to read?

Mr. SUTHERLAND. That is all.

Mr. KENYON. The language of the distinguished Senator from Idaho I do not thoroughly understand, but it seems to me that the language in his clear-cut way of putting things is an indictment of this entire election and might be considered likewise unkind.

The amount of money expended by Mr. STEPHENSON, Mr. Cook, Mr. Hatton, and Mr. McGovern in the primary campaign was so extravagant and the expenditures made by and on behalf of these gentlemen were made with such reckless disregard of propriety as to justify the sharpest criticism. Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate.

I have not been able, as one of the minority, to understand how the Senate could be asked to place its mark of approval upon practices and methods involving expenditures which were in violation of "the fundamental principles underlying our system of government."

Mr. HEYBURN. But, Mr. President, I state what fundamental principle it is. I do not believe it is a general statement. It is that one fundamental principle to which I refer.

Mr. KENYON. That is, the expenditure in "the selection of electors." I suppose there is an explanation for it.

Mr. HEYBURN. I notice other Senators seem to have overlooked it.

Mr. KENYON. I am perhaps more dense.

Mr. HEYBURN. No; it is not an occasion on which the Senator can charge himself with being dense. I should like to just straighten that out now. It will take but a moment to do it.

Mr. CLARK of Wyoming. To what page of the report does the Senator from Iowa refer?

Mr. KENYON. To page 30 of the report.

Mr. SUTHERLAND. While the Senator from Idaho [Mr. HEYBURN] is looking for a reference, will the Senator from Iowa permit me to make a suggestion?

Mr. KENYON. Gladly.

Mr. SUTHERLAND. The statement here is:

Such expenditures were in violation of the fundamental principles underlying our system of government—

And so on. The Senator, I take it, would be willing to concede that certain things might be in violation of the fundamental principles of our system of government, and yet not such as to involve a moral offense or the doing of a wicked thing. For example—though the Senator and I differ about it—I think the initiative, the referendum, and the recall are in absolute violation of the fundamental principles of this Government, and yet it is not a wicked thing to put them into operation.

Mr. KENYON. The Senator from Utah undoubtedly thinks it is a wicked thing.

Mr. HEYBURN. I now have the reference for which I was looking:

Such expenditures—

This is a final and complete statement, new and different from anything that has preceded it—

Mr. KENYON. From what pages does the Senator read?

Mr. HEYBURN. I am reading from the second paragraph on page 24 of the large volume:

Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate.

It was intended in a form to restate the old principle of objection against the man seeking the office rather than the office—which is the people themselves—seeking the man. That is all there is of that. It is not a statement that goes beyond that.

Mr. KENYON. It is rather a startling method of stating the objection which the Senator had in mind.

Mr. HEYBURN. I beg the Senator's pardon.

Mr. KENYON. I say it is rather a startling way of stating the objection and the proposition that the Senator had in mind, but possibly a forcible way of stating it.

Mr. HEYBURN. I think the language fits the sentiment.

Mr. KENYON. I think it expresses the Senator's view. I want, however, to pass to the legal question that has been suggested by the Senator from California.

Mr. KERN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. KENYON. I do.

Mr. KERN. I observe that in that denunciation the conduct of Mr. McGovern is condemned with equal severity as that of Senator STEPHENSON. I should like to inquire what amount of money Mr. McGovern is said to have expended in that election.

Mr. KENYON. That appears in the report.

Mr. KERN. As I remember, it was something like \$12,000.

Mr. BRISTOW. Mr. President, it was eleven thousand and eighty-odd dollars, as I remember.

Mr. KENYON. Does that answer the question of the Senator from Indiana?

Mr. KERN. It does.

Mr. KENYON. Mr. President, the legal questions which have been suggested by the distinguished Senators from Idaho and California are interesting to any lawyer, are very serious, and very important in this case. The Senator from Idaho raises a question as to our power to inquire into a primary and to declare void an election by a legislature where the real offense is in the primary. If we confine this discussion to actions within the legislature itself, under the clause of the Constitution that Senators shall be chosen by the legislatures of the several States, I can not, in a fair judgment on this record, make up my mind beyond any question that there was any such corruption in the legislature itself, dissociated from any primary, as would warrant the unseating of Mr. STEPHENSON or the nullification of his election. There are suspicious circumstances. At that election the three Democrats remaining away is a very suspicious circumstance, although there is no testimony in the record to show that they were in any way corrupted. Then there is the evidence as to Mr. Wellensgard, Mr. Bancroft, and Mr. Reynolds, who had received money either when they intended to be candidates or after they were candidates for the legislature, and in the case of Wellensgard, I think, he received money after the time he was elected. I am in this discussion inclined to agree with the distinguished Senator from Idaho that the election occurred in January. I do not believe that any presiding officer, where both houses had voted, could set aside that election and thus delay an election; but I have not thought that consideration important on the theory of the case which presents itself to my mind and which I am trying to present to the Senate.

Messrs. Wellensgard, Reynolds, and Bancroft had in their pockets the money of the candidate for Senator. I realize that the term "candidate for Senator" may not be constitutionally correct, but I use it with reference to the circumstances in this case.

If it is not a corrupt practice for the members of the legislature and for men who are candidates for the legislature who are to vote for a Senator to accept the candidate's money, even though they say they use it for him and not for themselves, then there is not anything so far as the proceedings before the legislature itself are concerned to show corruption. I myself think it is a contemptible practice and that it ought to be considered a corrupt practice, sufficient to nullify an election. That view, it seems to me, applies as to these three gentlemen, I do not care if one of them was afterwards elected speaker of the Assembly of Wisconsin. You might just as well, in trying a lawsuit, employ members of the jury to go out and do some work for you. It might be said that that does not affect the jurymen, he is not to work on anything connected with the case on trial; he, however, has the litigant's money in his pocket, but is doing something else. How long would a verdict returned under those circumstances stand? Here were three members of this jury, the jury that passed on Senator STEPHENSON's election, who had been at work, as they said, for him, but, as the evidence clearly shows, both for him and for themselves with his money in their pockets. How long should a verdict of that kind stand when it comes to the court of final review—the Senate of the United States? I do not, however, base my argument on that, but on the corruption in the primary.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. If the Senator will pardon me for another interruption, it is just on that point that I hope he will make himself clear. The question in my mind is whether it is sufficient to prove corruption at the primary election or whether you must go further and prove that corruption extended to the election in the legislature, which was the legal election?

Mr. KENYON. That is just what I am coming to. Some questions suggest themselves. Is the power of the Federal Government over primary elections coequal with the power of the Federal Government over general elections? Clearly not. Each House of Congress can determine whether one of its Members has been legally elected, but where is the power to determine whether a Member of Congress or even a member of the legislature has been fairly nominated?

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. HEYBURN. I should like to call the attention of the Senator to the figures. He concedes that Senator STEPHENSON was really elected on January 27?

Mr. POMERENE. January 26.

Mr. HEYBURN. Well, January 26 and 27.

Mr. KENYON. I gave that as my judgment as to the time when he was elected.

Mr. HEYBURN. Well, Senator STEPHENSON had 5 majority in the senate and 24 in the house, so that 3 votes would not affect the result.

Mr. KENYON. That raises another question—whether there must be a sufficient number of votes affected to overcome the majority or whether it is sufficient to show such a general scheme of fraud and corruption as to vitiate the election; but I appreciate there is force in the Senator's suggestion from his viewpoint. The question is, Were there corrupt practices in the election? That is the constitutional question—not corrupt practices in the primary. I like to state a case as strongly against myself as I can and see if I can answer it. May there not be corruption at the primary and no corruption at the election? Is it possible for an innocent person to cast a corrupted vote? Does the primary relate only to the question of a party nomination, and what power is there under the Constitution to regulate in any way the times, places, or manner of party nominations? What member of the legislature was induced by corruption to vote for STEPHENSON? Of what binding force is the primary? What did STEPHENSON gain by the primary? He could not insist that the primary had settled the election; he could not go to the legislature and say, "I have carried the primary; you must elect me Senator." What did it amount to as to STEPHENSON?

Can a corrupt influence acting on voters, expressing preference at a primary, in any way be connected with votes cast in the legislature? The Constitution knows nothing about a primary. It does not recognize a primary. It has nothing to do with a primary. Then how can the Senate take into consideration what occurs in a primary in unseating a Senator or in declaring an election invalid? I think these observations state the difficulties from a legal standpoint of the primary question.

I realize that these are difficult propositions. My answer is this: We are not attempting to regulate a primary. We are doing nothing with the primary as a primary. The primary is one of the methods employed in the election, just as a caucus is one of the methods employed in an election. It is as closely connected as cause and effect. The primary may be said to be the real election, and I think that language was used, or practically that, by a distinguished Senator in the debate on the publicity bill. We simply inquire not into the primary as anything that is recognized by the Constitution but merely as an instrumentality of the election, and we simply inquire into the methods that have been employed in the primary, the primary in itself being one of the methods employed in the election.

We have no right to say what shall be done at the primary. Nothing in reference to registration, nothing as to the length of hours the polls shall be open, nothing in relation to the ballot—some such rights we might have at an election. While we can not regulate what is done at the primaries, we have a right to say that if certain things are done at the primaries, they are corrupt practices, and void the election if they enter into and influence and control it.

We merely inquire, Has the primary been one of the corrupt means to bring about an election? Senator STEPHENSON accepted the primary as one of the means and methods entering into his election. He spent the great amount of his money not in the legislature but in the primary. If he did not recognize that as one of the methods entering into his election, why did he spend all that money at the primaries? It was virtually the election under the practices of the State of Wisconsin. It was accepted by all these candidates as binding in honor upon them. It was accepted by members of the legislature as binding upon them, and having accepted it as he did, Senator STEPHENSON can not now be heard to say that the primary had nothing whatever to do with the election.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. HEYBURN. The Senator would not contend that the candidates could meet and agree upon a fictitious code by which they would be governed, and then hold that was a substitute for the law? The act of Congress does not refer to an election by the electorate, but only to an election by the legislature. So it seems to me that meets the suggestion of the Senator that this was an election and should be given the status of an election. If Senator STEPHENSON was ignorant of the law, or if any other

candidate was, and proceeded on the assumption that the law was as it was not, it could not affect the result.

Mr. KENYON. I agree with you in that; but if five men were candidates in a senatorial contest, they being the only men who had become candidates, and if one of those men paid the others a sum of money to withdraw and leave the field entirely to him, would it not be a corrupt practice and still have nothing to do with the election? It would be a corrupt method which would enter into and influence the election.

Mr. HEYBURN. There is a question which does not arise in this case. I do not think the Senator from Iowa claims it does.

Mr. KENYON. It is analogous.

Mr. HEYBURN. It confuses the argument to bring in an extraneous legal proposition and by arriving at a conclusion upon it make that conclusion the basis of another one. I do not care to indulge in that.

Mr. KENYON. The primary merely takes the place of the people who would be corrupted; the people there were corrupted, the primary here corrupted.

Mr. HEYBURN. But the primary and the people are entirely outside of the pale of the Constitution.

Mr. KENYON. But it is as stated by Senator Hoar in the Payne case. If B, C, and D have promised to vote as A shall vote, if A be corrupted, 4 votes are gained by the process, though B, C, and D are innocent.

Mr. HEYBURN. The Senator would not carry it so far as it was attempted in this case. It was undertaken to show that a certain member of the legislature was paid to retain his seat; that is, to be in at the session; and that that was a corrupt act. It was the hiring of a man to do something that affected the result, but it was only hiring him to do his duty. It was his duty to be in his seat.

Mr. KENYON. I suppose it is a man's duty to vote.

Mr. HEYBURN. Yes.

Mr. KENYON. But if he is employed to vote for a certain man would it not be corrupt?

Mr. HEYBURN. That would not be corrupt, because it is his duty to vote.

Mr. KENYON. I can not agree with the Senator from Idaho.

Mr. HEYBURN. Oh, I do not mean to vote for a certain man, but I mean to perform the function of his office—to vote. That would not be corrupt.

Mr. KENYON. Take the case of a caucus. A caucus is not recognized in any way under the Constitution. Suppose a caucus is corrupted. It is just a shade nearer the election than the primary. I do not think anyone would seriously contend that if a man secured the nomination of his party in caucus by corrupt methods the Senate could not investigate it; there are precedents to substantiate that. I have thought that even a State convention, where a State adopted the practice of nominating or designating, if you please, a Senator at a State convention, and that was accepted by the candidates, and that was the custom of the party and understood by the people and these men were in honor bound to abide by the action of the convention, and a man was designated as Senator at that convention, and the members of the legislature, in honor bound to abide by the decision of the convention, voted for this man, and then it developed that the convention had been corrupted, we could reach over and investigate that convention, not because it is a part of the election of a Senator, but simply because it is one of the methods employed. I do not go to the extent of a "straw vote," as the Senator from Idaho suggested.

Now, we have other authority in the report of the distinguished Senators from Utah and Ohio, who evidently differ with the distinguished Senator from Idaho.

They say, on page 28:

We have no hesitancy in saying that if the evidence disclosed the use of corrupt methods at the primaries, it would affect the result of the election by the general assembly, and the Senate would be justified in taking cognizance of that fact and unseating any Senator who was thus delinquent.

I realize that lawyers differ on this proposition, but it is a very dangerous precedent to say that a primary established by law within a State, recognized by candidates, can be debauched and corrupted, and yet the Senate can not investigate it or can not unseat a Senator because of corruption in the primary. If there is no precedent on that proposition, because primaries are new institutions, it is time to make a precedent. But I contend that there are.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. HEYBURN. If there was corruption, it commenced in the legislature which enacted a statute in violation of the Cor-

stitution of the United States. That is where it commenced. The legislature that undertook to say that a Senator of the United States should be elected in some other way than that provided for by the Constitution of the United States performed an act either of ignorance or of corruption—one or the other.

Mr. KENYON. I suppose the Senator could go still further—

Mr. HEYBURN. And carry that right down the line.

Mr. KENYON. I suppose, then, on the Senator's theory the people who voted for that kind of a legislature were corrupt.

Mr. HEYBURN. I am not on the side that is seeking to regulate the Legislature of Wisconsin. I was merely giving a reason. In other words, I was carrying out the analogy. The Senator said that to violate the law was a corrupt act—a law that had been passed without authority; that to violate it was a corrupt act. The way to treat a law enacted without authority is to disregard it. The man makes a mistake when he undertakes to comply with it. Senator STEPHENSON made a mistake. I hold no brief for Senator STEPHENSON, although I saw a newspaper statement last night that I was representing him on the floor. I am not. I am not representing him or anyone else. But of course he made a mistake when he undertook to comply with a void law—absolutely void; not only void, but a vicious law. He undertook to comply with it because he did not know or realize that it was a void or vicious law, I assume. Whether he succeeded in complying with it or failed is a matter of no consequence whatever.

Mr. NELSON. I ask the Senator from Idaho if the people violate the Constitution in establishing the primary system, can such a violation be reached by this new doctrine of the judicial recall?

Mr. HEYBURN. If the Senator from Iowa will pardon me, it might be reached by submitting the decision of the Supreme Court to the fourth ward for rejection or approval, or it might be reached by suspending the statutes of Congress by a proclamation, or by several vicious examples that we have known in recent years.

Mr. KENYON. What ward is it that the Senator referred to?

Mr. HEYBURN. The fourth. The fourth is just as good to illustrate the point as any other. It would be submitted to the wards.

Mr. KENYON. A national convention is unknown to the Constitution. If a national convention was a corrupted institution, I suppose that question could never be raised in any way?

Mr. HEYBURN. I think no one will contend that the proceedings of a national convention could be made the subject or the ground for impeaching a President or Vice President who was elected pursuant to its action. I think no one will contend for that. That would result in anarchy.

Mr. KENYON. I do not desire to claim that it could.

Mr. WILLIAMS. I understand the Senator from Idaho to say that the law providing for a primary in a State is an act of corruption and a violation of the Constitution of the United States.

Mr. HEYBURN. The Senator from Mississippi did not hear me correctly. I said a law providing a primary election to dispense with the provisions of section 4 Article I.

Mr. WILLIAMS. I understand. In other words, a law providing a primary election in a State as a means of determining the candidate of a party for the office of senator in a State—

Mr. HEYBURN. No; not a senator in a State—a Senator of the United States.

Mr. WILLIAMS. Either one. Call it whatever you please—a Senator from the State to the Congress of the United States or in the Congress is a violation of the Constitution of the United States and an act of corruption.

Now, then, the Constitution of the United States says as distinctly in connection with a President that he shall be elected by the electoral college as it says in connection with a Senator that he shall be elected by the State legislature. Therefore, if the logic of the Senator be good, then a national convention to nominate a President of the United States is a violation of the Constitution of the United States and is an act of corruption. Why? Because the one is an instrumentality resorted to for the purpose of ascertaining the will of the people in order that the instrumentality designated by law as the elective machinery may be guided, and so is the other.

Mr. HEYBURN. The Senator would not contend that the convention controlled the action of the electoral college. The electoral college is free to elect a President of the United States, and all that the national convention does is to express a preference and adopt a platform and leave it to the honor and the free will of the electoral college.

Mr. WILLIAMS. Yes. All that a national convention does is to put an elector belonging to the party which that national

convention represents in a position where he is bound in honor to carry out the instructions of the convention; and all that a primary to designate a candidate of the party for Senator does is to put the members of the legislature belonging to that party in a position where as a matter of honor they are compelled to carry out those instructions. An elector may violate his instructions. A legislator may violate his instructions. One is as free as the other. But the question of honor is there.

Mr. HEYBURN. Would it affect the validity of the title to the office?

Mr. KENYON. I should like to have a little part of my own time.

The PRESIDING OFFICER. The Senator from Iowa is entitled to the floor.

Mr. WILLIAMS. If it be proven that a vote of a legislator in a legislature was due to the fact that he was instructed in the primary, and then it was proven that the primary was corrupt, why does it not affect the election itself?

Mr. KENYON. I agree with the Senator from Mississippi.

I want to read as bearing on this very question a short portion from one of the minority reports in the Payne case, signed by Senators Teller, Everts, and Logan. I read from page 711 of Senate Election Cases, volume 3:

We have in our conclusions made no distinction between the use of fraud, corruption, or bribery in a caucus vote or in the legislative vote for a Senator. Although a caucus or what proceeds in it has no constitutional or legal relation to the election of a Senator, yet by the habit of political parties, the stage of determination as to who is to be elected Senator, and the influences, proper or improper, that produce that determination is that which precedes and is concluded in the caucus. So far as the question of personal delinquency or turpitude is concerned, no moral distinction should be taken between corrupt proceedings in caucus and those in the legislature. How far any such distinction would need to be insisted upon in any case on the question of unseating a Senator where he himself was not affected with any personal misconduct or complicity with the misconduct of others, we have no occasion in the immediate case or attitude of the subject to consider or suggest.

I now read from page 715 of Senate Election Cases, volume 3, from the report in the Payne case, signed by Senators George F. Hoar and William P. Frye:

What is the effect upon an election of Senator of bribery of voters in a caucus of the legislators who are to make the choice is a question upon which we prefer not to form an opinion until the evidence is before us. The members of a caucus ordinarily deem themselves bound in honor to vote in the election for the person whom it nominates by the vote of a majority on condition that such person belonged to their party and is fit for the office in point of character and ability. Bribery, therefore, which changes the result in the caucus, would ordinarily determine the election.

If B, C, and D have promised to vote as A shall vote, if A be corrupted 4 votes are gained by the process, although B, C, and D be innocent. In looking, therefore, to see whether an election by the legislature was procured or effected by bribery, it may be very important to discover whether that bribery procured the nomination of a caucus whose action a majority of the legislature were bound in honor to support.

I read further the words of Senator Hoar and Senator Frye in their minority report, page 717:

It will hardly be doubted that cases of purchase of seats in the Senate will multiply rapidly under the decision proposed by the majority of the committee. The first great precedent to constitute the rule under this branch of law is to be this:

"Held, by the Senate of the United States, that a charge made by the legislature of a State, and by the committee of the political party to which the larger number of its citizens belong, and by 10 of its Representatives in Congress, that an election of Senator was procured by bribery, accompanied by the offer to prove the fact, does not deserve the attention of the Senate."

In the Caldwell case, which seems to me to be directly in point, Mr. Caldwell had agreed to pay to Mr. Carney \$15,000, Carney to withdraw as a candidate and throw his influence to Mr. Caldwell. Carney was in the place of the primary as to the influence exerted. There was the corrupting influence. In the report of the majority in that case, which is found beginning on page 429 of Senate Election Cases, 1789-1903, after setting forth this infamous bargain, it is said at page 430:

The first question to be considered is: Was this arrangement corrupt? Was it the use of corrupt means on the part of Mr. Caldwell to procure his election? The committee are of opinion that it was corrupt; was against public policy; was demoralizing in its character; directly contributed to destroy the purity and freedom of election, and not to be tolerated by the Senate of the United States as a means of procuring a seat in that body.

Looking at the transaction in its real character, it was a sale upon the part of Mr. Carney of the votes of his personal and political friends in the legislature, to be delivered by him to Mr. Caldwell as far as possible. If it were legitimate for Mr. Caldwell to buy off Mr. Carney as a candidate, it was equally legitimate to buy off all the other candidates and have the field to himself, by which he would exert a quasi-coercion upon the members of the legislature to vote for him, having no other candidate to vote for. It was an attempt to buy the votes of members of the legislature, not by bribing them directly, but through the manipulations of another.

And if corrupt practices existed in a primary it would be securing the votes of the legislature by the manipulation of the primary.

The purchase money was not to go to them, but to Mr. Carney, who was to sell and deliver them without their knowledge.

Mr. HEYBURN. The Senator I think there—

Mr. KENYON. In just a moment. Please let me finish the reading—

Buying off opposing candidates, and in that way securing the votes of all or the most of their friends is, in effect, buying the office. It recognizes candidacy for office as a merchantable commodity, a thing having a money value, and is as destructive to the purity and freedom of elections as the direct bribery of members of the legislature.

A candidate for the Senate without strength or merit may, by purchasing the influence and support of all or a part of his competitors and withdrawing them from the canvass, succeed in an election, thus not only committing a fraud upon the friends of the candidates who were purchased off, but a greater fraud upon the people of the State, who may be thus saddled with a representative in the Senate of the United States about whom they know little, for whom they care nothing, and who possesses little ability to represent their interests.

That was the language in the Caldwell case.

Mr. HEYBURN. I only want—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I yield for a question, but not for an argument.

Mr. HEYBURN. I only want to call attention to a danger in the record. The Senator interpolated his comments on a primary.

Mr. KENYON. I will arrange that.

Mr. HEYBURN. That will need some correction.

Mr. KENYON. I think that is true.

In the debate on the Caldwell case, the Senator from Vermont, Mr. Morrill, expressed his surprise at the enormous sum of money, \$15,000, as he said the largest amount of alleged corruption of that kind in the history of senatorial elections, while we are here presented with seven times that amount. The great Senator from Indiana, Mr. Morton, said:

It is in the broadest sense "undue influence" over suffrage, exerted for a "lucrative consideration," and none the less so because the persons upon whom exerted were ignorant of the character of the transaction. It is bribery in the wholesale rather than retail.

And again he said:

For example, suppose a man secretly procured an opposing candidate to be poisoned and thus secure his election, and afterwards the crime becomes known; or suppose he secretly procure his opponent to be kidnapped, and the sudden disappearance being unaccounted for he thus obtains the election; or suppose he procure his opponent to be arrested upon false charges of crime, and thus obtain his election; or suppose he procure his election by the most monstrous frauds, by intimidation, by gross bribery, by buying off the opposing candidates, or by other dishonorable and illegal means, and slip into the Senate before his offense is discovered, shall it be said that the success of his crimes and their successful concealment for the time shall become their constitutional protection, and that he may hold onto the seat which he has thus illegally and fraudulently obtained?

I want to pass from that proposition, because anxious to finish what I have to say to-night, and I will hurry along. I think these precedents establish sufficiently the proposition that corruption at a primary, if it enters into and affects the election by exerting an undue influence on the members of the legislature who are in honor bound, is a subject for investigation, and that corruption at the primary can vitiate an election.

The second proposition I want to lay down is that if the corruption or corrupt practice existed in the primary to such an extent as to taint and vitiate it, and members of the legislature held themselves in honor bound by the primary, not knowing of corruption, was the primary not then a corrupt influence in itself, and did not this corrupt or, rather, corrupted influence sway the judgment of members of the legislature and bring about the election thereby?

The third proposition is one also of difficulty, and that is the one that has been suggested here many times to-day. I maintain it to be the law, as far as this investigation is concerned, or, at least, as far as this case is concerned, that acts at the primary may not constitute a technical violation of the Wisconsin statute, yet that may be sufficient to constitute corrupt practices. I do not in this concede for one moment that they are not in violation of the Wisconsin statute. I wish I had more time to go into the suggestion of the distinguished Senator from Utah [Mr. SUTHERLAND]. I want to refer to simply one section. It is section 4478, paragraph 3. I will not read it, but will be glad to insert it in my remarks, if there is no objection:

3. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the election of any person to a public office or the vote of any voter at any election.

The giving of something of value to a newspaper or the giving of something of value to voters, bringing them in, as they were brought in from the quarry, to influence and secure votes, is very close to a violation of the Wisconsin bribery statute. I am not going to enlarge upon that now, because I have not time.

It is a debatable question. I believe when the editor of a newspaper who is opposed to a man, writing articles about him depreciating his ability and his character, receives a large sum for advertising, and immediately sways the influence of his paper and endeavors to influence voters in favor of the man he has been opposing before he receives this thing of value, that we have a question for a jury under proper instruction of the court. I do not believe he could be convicted, but do believe the technical offense would be there.

But the term "corrupt practice" is one of large import. It is not limited to technical violations of a statute. We draw a good deal of illumination from the decisions under the English corrupt-practices act and decisions under the Canadian acts and in the Provinces of Canada. I have not time to go into those fully. Of course most of them are under statutes and acts of Parliament or the legislative assemblies of Canadian Provinces, but there is language in them as to the effect of corrupt practices carried to such an extent as to constitute bribery practically under the common law that illuminates the general subject.

For instance, in the case of *Sisson's petition v. Ardagh* respondent (Dominion of Canada), found in *Hodgins' Election Cases*, page 50, it was held: That the hiring by an agent of the respondent of a railway train to convey voters to and from places along the line of railway where they could vote was a payment of the traveling expenses of voters in going to and from an election within the meaning of section 71 of 32 Victoria, chapter 21, and was a corrupt practice and avoided the election.

This is based on the theory of corrupt practices under the statute.

There was a case of employing a railroad train to bring voters to the polls. It was held to be a corrupt practice and to vitiate the election.

Again in the election for North Middlesex, in the case of *Cameron v. McDougall*, found in *Hodgins' Election Cases*, 376, it was held—

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do.

Mr. POMERENE. Will the Senator from Iowa please inform us whether in the instance referred to, where it was held that the employment of a train to haul voters to the polls was a violation of some section of the British statute—

Mr. KENYON. Yes; of the Canadian statutes, or rather of the Legislative Assembly of Ontario.

Mr. POMERENE. In other words, there was a specific statute making that an offense.

Mr. KENYON. I intended to say that. I did so state, I think.

Mr. POMERENE. I did not so understand the Senator.

Mr. KENYON. I am only gathering light from the language of the court in a number of these cases.

Mr. SUTHERLAND. Mr. President, will the Senator permit me an inquiry?

Mr. KENYON. Certainly. I am very anxious to get through, that is all.

Mr. SUTHERLAND. Does the Senator think that would be a corrupt practice such as would invalidate a seat in this body if done by a candidate for the United States Senate?

Mr. KENYON. I make this distinction: There are certain customs, of course, that have grown up and are regarded as proper. I do not think myself that bringing voters to the polls is a proper proceeding, but I do think that if you would pursue that to excess, so that you are paying for bringing a substantial number of voters to the polls, it is a corrupt practice the same as excessive treating might be.

Mr. SUTHERLAND. The Senator knows it is the practice in practically every State of the Union for each party on the day of election to hire carriages and automobiles to bring voters to the polls by wholesale.

Mr. KENYON. I think it is wrong.

Mr. SUTHERLAND. I agree with the Senator; I think it is thoroughly improper; but is it a corrupt thing to do?

Mr. KENYON. I do not think it is corrupt unless it is carried to an extraordinary degree. Take a county election. If at such an election you haul men in by the hundreds who did not intend to vote, I would think it might be a corrupt practice, but I recognize—

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from Ohio?

Mr. KENYON. I do.

Mr. POMERENE. Will the Senator inform us where he would draw the dividing line between what would be a corrupt practice and what would not be in that transaction?

Mr. KENYON. Oh, just as you would draw a dividing line between what is reasonable care and what is not reasonable care. It depends upon the particular circumstances and conditions surrounding the transaction. It must go to such extent as to amount to undue influence.

Mr. POMERENE. Can the Senator refer us to any precedent?

Mr. KENYON. If the Senator will just give me time I will try to reach some.

Mr. POMERENE. I would be very glad to hear them.

Mr. KENYON. I did not mean to be discourteous at all.

Mr. POMERENE. Oh, I did not so understand it.

Mr. KENYON. In a case arising out of the election for North Middlesex, Cameron, petitioner, v. MacDougall, respondent (Hodgins Cases, 376), it was held that treating was not per se a corrupt act except when made so by statute, but the intent of the party treating may make it so, and the intent must be judged by all the circumstances by which it is attended. When it is done by a candidate in order to make for himself a reputation for good fellowship and hospitality, and thereby to influence electors to vote for him, it is a species of bribery which would void his election at the common law, and the court says (p. 386):

It seems to all come to this: Treating is not per se a corrupt act. The intent of the act must be judged by all of the circumstances by which it is attended. If in this case the evidence led me to the conclusion that the respondent did what he did in order to make for himself a reputation for good fellowship and hospitality, and thereby to influence electors to vote for him, I should incline to think it a species of bribery which would void the election at common law. But upon a careful consideration of the evidence it does not lead me to that conclusion.

In the North Victoria case, before election court, Cameron, petitioner, v. McLennan, Hodgkin's Election Cases, 584, this significant language is used by the court (pp. 599-600P):

As to the objection to the charge of treating and undue influence alleged in the third paragraph of the petition in connection with bribery, if the treating were to such an extent as to amount to bribery and the undue influence was of a character to affect the whole election, without referring to any statutory provisions, it would, by the law of Parliament, I apprehend, influence the result. The first principle of parliamentary law as applicable to elections is that they must be free, and if treating and undue influence were carried to an extent to render the election not free, then the election would be void.

The following observations apply generally to votes that may be influenced by treating:

To vote influenced by treating is bad before the statute, and it is bad now.

It would seem necessary to say not only that the entertainment was corruptly received by the voter, but that it was corruptly given by the candidate; but as proof of the former would invalidate the vote at common law, it is unnecessary to add proof of the latter.

In the somewhat famous Long case, which is cited by Lord Coke in his Institutes, one Thomas Long gave the mayor of Westbury £4 to be elected Burgess. He was elected. The case was examined by the House of Commons; the mayor was fined, Long removed, and Lord Coke (and this is the significant language upon which I predicate my judgment in this case), referring to it, said: "For this corrupt dealing was to poison the very fountain itself." That was 100 years before the statutes of Parliament fixed the very heavy penalties for bribery. The fountain itself when poisoned ends the election. The fountain may be poisoned even if no statutes are violated.

Under the light of these authorities, regardless of statutory enactment, the following would, in my judgment, constitute corrupt practices. I do not claim that the authorities cited are binding as precedents, because they are under acts of the British Parliament or of the Canadian Legislative Assembly; the reasoning therein is helpful in arriving at what is corruption in elections:

Excessive payment for work done at the polls.

Excessive payment for bringing men to polls.

Excessive number of men at the polls, as this quarry situation, when they were brought to the polls from the quarries in large number to work. That is the most common way of buying votes.

Excessive treating to influence voters. If a man debauched an entire county or treated an entire State and put the men in a county on a prolonged drunk to influence them while they were in that condition, there would be no statute of Wisconsin or any other State against this; but it would prevent the free and untrammelled exercise of the right of suffrage, and if it was carried to that extent it would be a corrupt practice, statute or no statute.

Excessive payment for advertising to get the support of newspapers.

Payment to State officers to secure their influence.

Payment to candidates for the legislature.

In this primary, assuming that the primary is part of an election, an instrumentality of the election, those things were the corrupt practices, regardless of the statute, and were enough under this evidence to vitiate the election.

Freedom of election is, at common law, essential to the validity of an election.

If this freedom be by any means prevented generally, the election is void at common law. An election is therefore avoided by general bribery, although not brought home to the candidate or his agents. (Rogers on Elections, Vol. II, p. 293.)

But an election will not be avoided upon this ground unless the bribery is shown to have been so extensive that there could not have been a free election.

General corruption at common law avoids an election, regardless of question of agency.

The giving of entertainment to voters without corrupt motive was probably not an offense at common law.

However, when it reaches the point of debauching an entire electorate it certainly becomes a corrupt practice.

But if entertainment for purpose of influencing the election, it comes within the scope of the common law as a species of bribery.

Unduly influencing a voter by improper means is a corrupt practice. There is abundant authority, in my judgment, to sustain these propositions.

There are a number of authorities on this question of bribery and corruption amounting to bribery that might be read with interest.

I refer to the following extracts. Cushing, in his work on the Law of Legislative Assemblies, says:

The great principle which lies at the foundation of all elective governments and an essential, indeed, to the very idea of election is that the electors shall be free in the giving of their suffrages. The principle was declared by the English Parliament in the Declaration of Rights. The same principle is asserted or implied in the constitutions of all the States of the Union.

Freedom of election is violated by external violence, by which the electors are constrained, or by bribery, by which their will is corrupted; and in all cases where the electors are prevented in either of these ways from the free exercise of their rights the election will be void, without reference to the number of votes thereby affected.

Shepard on Elections (p. 97):

Besides the practice of purchasing individual votes, there sprang up a corruption far more extensive, in which the commanding influence in a borough was transferred, either by a sum of money paid down at once, or, with a more accurate calculation of traffic, for an annual payment during the continuance of Parliament; the sitting member thus purchasing the return of him who had previously purchased the power of returning. To repress this practice the 49 George III, chapter 118, was passed, by which it was made highly penal to enter into any pecuniary engagement for procuring the return of a member of Parliament.

Shepard, in his treatise, says:

The bribery act makes no mention of any parliamentary disqualification affecting a member's seat; the effect, therefore, of an act of bribery not within the words of the treating act of 7 William III, chapter 4, is in that respect determined by the law of Parliament as follows: Bribery by a candidate, though in one instance only, and though a majority of the unbribed votes remain in his favor, will avoid the particular election.

Said the Court of King's Bench in *Rex v. Pitt, Burroughs*, 1338:

Bribery at elections of members of Parliament must always have been a crime at common law and punishable by indictment and information.

Rogers, in the treatise referred to, says:

Bribery, as we have seen, had always been a misdemeanor at common law and a violation of the privilege of Parliament; but the above statute (the bribery act) armed courts of law with new and extraordinary powers to attack the growing evil by attaching a penalty of £500 on every conviction of an offense against its provisions, and by disqualifying the offender from ever again voting at any election for members of Parliament.

Shepard, in his treatise on elections, speaking of bribery, says:

Though it was always an offense at common law, it is thought that no prosecution for this species of bribery took place until the bribery act, for which the jealousy of the Commons in regard to their privileges sufficiently accounts. As soon, however, as the Commons began to rise in importance and a seat was considered of sufficient political value to be purchased, they were not slow to discover and attempt themselves to repress the pernicious consequences of such corruption.

In the same discussion of the Caldwell case heretofore referred to, Senator Morton said:

The principles of the common law are applicable in all civil matters touching the validity of elections or the tenure of office, and it is a well-established principle of the common law that whatever impairs the "freedom of elections" is illegal and against public policy and will make the election void.

Further on the same Senator said:

But the absence of a statute punishing these several practices impairing the freedom of elections in no wise affects the operation of the general principle touching the validity of elections.

Now, Mr. President, we are confronted with the evidence in the first place—I am not going to spend much time on this evidence—of the expenditure of \$107,000. Of course the presumption of innocence, the presumption of honesty, follows in this election. The presumption of innocence is evidence; it is put in the scale of evidence. It is not a conclusive presumption.

Reasonable doubt is the result of proof or of failure of proof, but a presumption is evidence, and there is a presumption of innocence. What is put against that presumption? The unexplained, assuming it to be unexplained, expenditure of this great sum of money that shocks public conscience. When that evidence is introduced as against this presumption, it makes a prima facie case. I do not think the burden of proof, probably, ever shifts, but we use the term as shifting. The burden then comes of explaining this enormous expenditure. I want to just call attention briefly to a few words in the case of Sisson's petition against Ardagh, named in Hodgkin's Election Cases, page 58, heretofore referred to as bearing on this question:

Next it is said that Mr. Lauder entrusted large sums to Perry, that he should have supervised the expenditure, and that his failure to do so makes him personally a party, within section 46 of the act of 1871 (34 Vic., ch. 3), to every illegal application of money by Perry or by those who received money from Perry. The sum which Mr. Lauder gave was under \$700; there is no evidence before me that that sum was an excessive one for legitimate expenses, and a certain amount of discretion must be placed in a candidate's agents. If he had put \$7,000 into Perry's hands the argument of a corrupt purpose might have been reasonable. The facts do not suggest to my mind any idea that Mr. Lauder intended his money to be employed illegally.

The distinguished Senator from Utah [Mr. SUTHERLAND], with that clearness of legal expression which is my constant envy, said in the record on page 283:

As I understand the rule of law, it is that a presumption arises in all cases, in criminal law or civil law, in favor of the regularity and honesty of the doings, either of individuals or of officials. That is a general presumption of law. When anybody challenges that presumption, it devolves upon that person to overcome that presumption by proof. In this particular case, the expenditure of money in the election may or may not have been honest. The presumption is that it was honest; but in putting in the proof it may appear that the amount of the expenditure was so extravagant as itself to overcome the presumption in favor of the honesty of the transaction, and shift the burden of proof to show that it was an honest expenditure; or it may be accompanied by other badges of suspicion that will overcome the general presumption and shift the burden of proof.

To the same extent he announced that rule, I think, on pages 280 and 281 of the record. A presumption is a mere probable inference which common sense draws from circumstances, usually occurring in the case or in particular surroundings.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. I do.

Mr. CULBERSON. As the Senate will probably recall, I have been interested in this law question as to where the burden of proof lies in this case, it being admitted that one hundred and seven thousand and some odd dollars were expended in the primary election. I called the attention of the Senator from Idaho [Mr. HEYBURN], the chairman of the subcommittee, to the matter last Wednesday.

Now, with the permission of the Senator from Iowa, I will read something else I found in going over this testimony as a proposition of law by the Senator from Idaho [Mr. HEYBURN], who had charge of the examination as chairman of the subcommittee. I am trying to get at what is the rule, and I only throw out the suggestion and invite the attention of the Senator from Iowa to the matter.

The CHAIRMAN—

That is, the Senator from Idaho—

Mr. HEYBURN. From what page does the Senator from Texas read?

Mr. CULBERSON. From the bottom of page 280.

The CHAIRMAN. Did you realize that if the expenditure of money in a campaign is questioned, the burden is upon the party spending it to show that the expenditure was legitimate?

Mr. EDMONDS. I do not think I realized that. I do not know it now.

Mr. LITTLEFIELD. Do I understand the chairman to state that as a rule of law?

Now, particularly, I call the attention of the Senator from Iowa to this language of the chairman of the subcommittee [Mr. HEYBURN]—

Mr. KENYON. What is the page?

Mr. CULBERSON. I now read from page 281:

The CHAIRMAN. Not that it affects the inquiry now proceeding, but in the judgment of the final tribunal which will be called upon to pass on this testimony—that is, the Senate of the United States—I state it as my opinion of the law that expenditures made by a candidate being challenged as to their legality, the burden is upon the party making the expenditure to show that they were lawful.

Mr. KENYON. I think the Senator later stated that where it was officially challenged.

Mr. HEYBURN. Yes. I should like to have the Senator read the succeeding paragraph.

Mr. CULBERSON. That is all that I desire to read from the record, and invite the attention of the Senator from Iowa to it, with reference to this question as to where the burden is, in view of the admitted fact that this extraordinary sum was expended in the primary election.

Mr. KENYON. I had understood the record. The statement of the Senator from Idaho first applied when the expenditure was challenged, and later he qualified it by stating when the expenditure was officially challenged, as it was here by the State of Wisconsin, and that then the burden was on the party. Am I correct in that?

Mr. HEYBURN. I think, Mr. President, it would only be fair that the succeeding paragraph should go into the Record in connection with what has been read. The Senator from Texas [Mr. CULBERSON] read the first long paragraph on page 281.

Mr. KENYON. I will read the next paragraph, if the Senator requests me to do so, or he may read it himself.

Mr. HEYBURN. I will call attention to it, because I think it is a material part of the statement which I distinctly remember making. Mr. Littlefield asked:

Then the presumption of innocent expenditure does not follow the item.

The CHAIRMAN. The presumption of innocence does not enter into the question at all. The expenditure being challenged as to its legality, there is no presumption that money expended in connection with an individual campaign by a candidate for office is rightfully expended after it is challenged—

It is the challenge that puts in operation the rule—

After it is challenged in an official way.

It must be an official challenge as contained in these proceedings, for instance.

Prior to the challenge there is a presumption that the expenditure was proper. It being challenged officially, that presumption awaits the determination upon the facts.

I so stated that rule, and I believe my colleagues concurred in it; but it was brought out by an inquiry from Mr. Littlefield as to whether the presumption arose from the mere expenditure. I think, upon reviewing it, that I would not change or add to that statement.

Mr. KENYON. As I remember the record, although I can not place my hand on it at this time, the Senator from Utah [Mr. SUTHERLAND], in addition to what I have read as to his opinion of the law—I was referring to what I had understood him to state in the record, and if I am incorrect I shall be glad to be corrected—stated, in addition to his opinion, that this expenditure was so large and extravagant as to require explanation—I can not find it just now.

Mr. SUTHERLAND. I do not recall, if the Senator will permit me—

Mr. ROOT. I believe it is on page 281.

Mr. HEYBURN. It is found on page 281.

Mr. SUTHERLAND. The statement is here in the record. My statement reads:

Senator SUTHERLAND. Pardon me just a moment, but I should hardly want to be concluded by the statement which the chairman makes. I think the presumption which he says would arise would only arise in case the expenditures were so large, or other circumstances were sufficient, to indicate that the expenditure itself was unlawful.

I do not think that the mere fact that a man had expended money would necessarily give rise to the presumption that it had been unlawfully expended. Is that what the Senator refers to?

Mr. KENYON. No; it is not. I can not refer to it now; but my recollection is, and I am quite certain about it, that the Senator from Utah did say at some point that he considered the expenditure was so large as to require explanation.

Mr. SUTHERLAND. If the Senator will pardon me, my position about it all the way through was that this was a very large expenditure of money; that it was so large as to require to be probed, to be investigated, not that it necessarily followed that the burden was upon the man who had expended the money to account for it, but that it was so large as to require investigation and probing into the matter; and that investigation the committee faithfully carried out.

Mr. KENYON. No one questions that. The proposition that I am trying to make is that this large expenditure of money made a prima facie case. It was so unusual, so extravagant, and so shocking to the public conscience that it went in the scale with the presumption of innocence, and whether or not it overcame it must be judged, after all explanation had been made, by the body that has to pass on it, namely, the Senate. In my judgment no sufficient explanation has been made.

Mr. CRAWFORD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. CRAWFORD. I have not yet been able to read more than one of these two large volumes. Is it true—at least I got such an impression from that part of the testimony I have read—that every original entry in the form of memoranda and cards that showed the items for which money was expended was destroyed by those who kept them; and, in addition to the

presumption we might indulge from the fact that the expenditure of the money is unduly large, is it fair also to give some weight to the fact that no account was required from those who expended this money, apparently no desire was expressed to have any record kept, or, where a record was kept, all of the original memoranda and all of the original entries were in some manner destroyed? Is that true?

Mr. KENYON. I understand it to be true that the memoranda were destroyed.

Mr. CRAWFORD. Would not the fact that the records showing for what purpose the money was expended were destroyed be entitled to some weight in connection with the large amount of the expenditure?

Mr. SUTHERLAND. What Mr. Sacket said about that was this: He had a large number of card indexes that as he would spend money—25 cents, a dollar, or whatever it might be—he would put the items down upon these card indexes; that they accumulated to a very large extent; that the writing upon them gradually became obliterated; that he transferred the items to an account, and then destroyed the original items, because they were cumbersome and because to a large extent the writing upon them had been obliterated. In other words—

Mr. WILLIAMS. Not the original items, but the original cards.

Mr. SUTHERLAND. The original cards, because they had become cumbersome and because the writing had been obliterated. In other words, his position was that they were destroyed as so much useless rubbish after he had transferred the items to his account.

Mr. CRAWFORD. May I ask the Senator from Iowa if it is not a fact that in transcribing them, or transferring them, he took the entries that were on a number of cards, cut out the details by which one could tell what the expenditures were for and who received the money, and simply put an aggregate on a piece of paper, which represented in a very brief form the itemized expenditures that were stated on a large number of cards?

Mr. SUTHERLAND. He did that to some extent. I do not now recall exactly to what extent.

Mr. KENYON. I should like to call the Senator's attention to some evidence set forth in the minority report:

Manager Sacket, in testifying as to the payment of an item of \$400, stated that he was unable to remember anything about it. He then testified as follows (p. 164):

The CHAIRMAN. That emphasizes the misfortune of the destruction of your memoranda, does it not? Now, you say, in the absence of that memorandum, you can not remember anything about the \$400. It may have been used to purchase votes in violation of law, may it not?

Mr. SUTHERLAND. From what page does the Senator read?

Mr. KENYON. I read from page 164. So that clearly when Mr. Sacket was before the committee the misfortune of having destroyed his memoranda was called to his attention by the committee.

Mr. SUTHERLAND. Let me—

Mr. KENYON. Just a moment. On page 479 of the record the Senator will find:

Senator SUTHERLAND. You simply kept a memorandum of these expenditures upon slips of paper, which you afterwards transferred to your cards? That was the way it was done?

Mr. SACKET. I kept them on cards and slips of paper in the card-index box. I afterwards transferred it to typewriting on a sheet of paper.

Senator SUTHERLAND. And then destroyed it and the sheet of paper?

Mr. SACKET. Yes.

Senator SUTHERLAND. And destroyed your cards?

Mr. SACKET. Yes.

Senator SUTHERLAND. And the original memorandum and the slips as well, if you had any slips?

Mr. SACKET. Yes.

Senator SUTHERLAND. When you made these entries upon the slips of paper and upon the cards, did you know the facts?

Mr. SACKET. I might have known the facts, but do not know that I knew all in every case.

I wanted to call attention to a statement of the law as bearing on such a situation as that.

Mr. SUTHERLAND. If the Senator will permit me—

Mr. KENYON. Gladly.

Mr. SUTHERLAND. I was going to say that while it is true, as the Senator from South Dakota [Mr. CRAWFORD] and the Senator from Iowa [Mr. KENYON] have suggested, that the destruction of these memoranda and the failure to carry all of the items into the transfer account might prevent the witness from stating what the items were for which the money was expended, but it would not prevent his stating with accuracy what they were not spent for, and he stated that no money was expended for the bribery of voters or for any corrupt purposes.

Mr. CRAWFORD. Mr. President, I will ask the Senator from Utah if it would not have this effect, that as original testimony, to which third parties could go to ascertain the real truth, it is destroyed, and we are left simply, then, to take the statement of Mr. Sacket, who might not be a fair witness, as to

what was expended, as to what it was expended for, or for what it was not expended.

Mr. SUTHERLAND. That is quite true.

Mr. CRAWFORD. If we could go to those original sources that showed the items, we would have original evidence as to what the money was expended for, but, unfortunately, so far as I have discovered, those original traces, kept at the time by those who made the report, were all destroyed immediately after the campaign closed.

Mr. SUTHERLAND. May I interrupt the Senator still further for a moment?

Mr. KENYON. Yes.

Mr. SUTHERLAND. I quite agree with what the Senator from South Dakota says about that. What Mr. Sacket did is unfortunate, and I am not undertaking to excuse it. He ought not to have done it. But let me suggest this thought for the consideration of the Senator from South Dakota: Mr. STEPHENSON was a wealthy man, was known to be wealthy, a man worth, perhaps, a good many million dollars; he was surrounded by a good many people who knew precisely what they wanted anyhow—

Mr. CRAWFORD. There is no doubt about that.

Mr. SUTHERLAND. And there was paid to them from time to time large sums of money. It is true that in many instances the witness did not account to my satisfaction for the use of the money; but I was entirely convinced—the Senator from Idaho said the other day that at least one member of the committee was convinced of that fact, and I was that member—I was entirely convinced that a very large portion of the money that went into the hands of these people never went out of their hands at all to serve the purposes of Mr. STEPHENSON; it simply clung to their pockets. I was satisfied that that was the explanation, rather than that they had expended it corruptly for Mr. STEPHENSON's benefit.

Mr. KENYON. Was the Senator convinced of that from the appearance, conduct, or the apparent want of candor of the witnesses upon the stand? That is an advantage which we did not have.

Mr. SUTHERLAND. No; most of the witnesses who came before the committee impressed me as being pretty decent people. They had that appearance; they were apparently responsible men in the community; and yet I have in my pilgrimage through life once in a while discovered men in politics who, taking money to spend for other people, are not governed by quite the same principles as control them in purely business transactions. Some of the witnesses—I will not particularize, for that might not be fair—were not candid. Some of them gave the appearance of a lack of candor, but, as I have said, on the whole I was quite convinced from the testimony that much of the \$107,000 clung to the pockets of those to whom it was paid. I have in mind one man now, without mentioning his name, who received a sum of money—three or four or five thousand dollars. He could give no account of what he did with it, save that he drew out amounts in cash. I do not think that the amounts of money which he drew out in those cash items were expended by him in the election at all. I think they went into his pockets and were used for his own purposes.

Mr. KENYON. Does the Senator judge that by the number of votes Mr. STEPHENSON received in the election?

Mr. SUTHERLAND. No; I judge it from all the circumstances, from the testimony, and everything connected with the case.

Mr. KENYON. Referring to the Sacket matter and the destruction of the memoranda, I think the strongest possible inferences and conclusions as a matter of law can be drawn against a situation of that character. It was said in the case of Hunter against Lauder, which was a contested-election case in the Province of Ontario, Canada (Hodgins Election Cases, p. 61):

With regard to the destruction of the accounts and papers, I consider the matter a very grave one. If the case were stripped of all other circumstances but the destruction of the records of the committee and the accounts by a person holding the position of Mr. Perry in the election, I incline at present to think that it would be my duty to draw the strongest possible conclusions against the respondent, and that I should make every presumption against the legality of the acts which were concealed by such conduct. The only safe course for an honest candidate to pursue is to have all papers preserved and to be able to show how all the money was expended. For such a candidate, or any agent of his, to be content with saying he does not know how the money is spent is very unwise.

I should like to inquire of the Senator from Idaho how long he desires to keep us here. I do not want to weary the Senate, although I am perfectly willing to conclude to-night.

Mr. HEYBURN. I inquire how much more time the Senator would like to occupy? I do not want to make it unduly burdensome at all.

Mr. KENYON. Was it the Senator's purpose to move an adjournment? Does he intend to ask to lay this matter aside after I conclude?

Mr. HEYBURN. Yes; unless the Senator is through at this time.

Mr. KENYON. I am not ready to conclude at this time.

Mr. HEYBURN. No; I did not suppose the Senator was. I do not desire to fix the time—

Mr. CRAWFORD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. CRAWFORD. I will simply say to the Senator from Iowa that those of us who have not had time to examine this testimony want to get all the information we can from those who have patiently gone through it, and I should like to inquire to what extent the Senator finds this situation to prevail in the record: I find in the first volume one instance that I now call to mind particularly, that of the State game warden named Stone, who received \$2,500 from Mr. STEPHENSON, and then apparently put that cash in his pocket for the purpose of keeping it. He called a meeting of some of his deputies at the State capitol. I remember particularly one deputy from La Crosse, a Mr. Kingsley, who said that they had a meeting up at the game warden's house and there was what they called a "frame-up"; that is, he had each deputy "plugged" to say, if anybody inquired of him, that he received \$500 or \$600, or whatever it might be, out of the \$2,500, although, as a matter of fact, not one of them had received any of the money, and the game warden was keeping it all. To what extent did that kind of thing appear in the testimony? In other words, to what extent was this \$107,000 stolen by middlemen like this game warden rather than being expended to corrupt the voters?

Mr. KENYON. That is the only clear instance I recall, although I do not mean to say other instances might not have occurred.

Mr. CRAWFORD. That is the only clear instance the Senator recalls. I have not read any of the second volume, but that instance is certainly quite plain.

Mr. HEYBURN. Mr. President—

Mr. KENYON. I will ask not to be interrupted. I will conclude in a few moments, if not interrupted, and I will be as brief as I can.

Mr. HEYBURN. Very well.

Mr. KENYON. Mr. President, I have discussed the legal phases of this case not as fully as I desire, but as fully as time will permit. I will refer to the evidence briefly and rapidly, for I do not want to weary the Senate and I must close to-night.

My position is that undue influence exerted and brought about in improper ways prevented this from being a free and untrammelled election; that the primary was one of the instrumentalities of the election; and that the practices were such as to destroy the freedom of the election.

The question of agency can not be in doubt. Senator STEPHENSON paid the money into the hands of his managers, his agents, and exercised no supervision over the manner in which the agents were spending the money. Notwithstanding he gave instructions to keep within the law, he did not watch the accounting, but trusted his agents and left them the power of spending the money as they pleased. Such agency is established, therefore, as makes him responsible to the fullest extent for what the agent might do and for what all those employed by the agent might do, not criminally, of course, but for the purpose of this case entirely responsible.

In his testimony Senator STEPHENSON relates how the money was given to Mr. Edmonds, and says:

I know nothing about it only as that return was made to me. I had practically nothing to do with the canvass, and knew nothing about it only where he made that return to me.

His evidence also shows that he himself gave some money to Mr. Reynolds. I think it is a fair dispute as to his giving all the money to Mr. Reynolds, Reynolds then being either a candidate or a prospective candidate for the legislature, but the agency is clearly established and he can reap no benefit from the wrongful act of his agent.

I quote from the testimony of Mr. Edmonds on the general subject of the excessive payments for work done and permitting the money to be expended without any way of keeping track of it:

The CHAIRMAN. I find in the account here attributed to you that the newspaper advertising cost \$12,696.76. What other items or class of items would bring that sum up to about \$40,000?

Mr. EDMONDS. I do not recall what items are included in that, or what the other large items of expenditure in making up that total are.

The CHAIRMAN. What do you mean by "organizing," as it is used in this statement?

Mr. EDMONDS. My recollection is that he was a railroad man, though I am not certain, and that he was sent out and given \$50 to see if he could not line up the railroad men for Senator STEPHENSON.

The CHAIRMAN. What do you mean by lining them up for Senator STEPHENSON?

Mr. EDMONDS. Getting them interested in his election.

The CHAIRMAN. Discussing his election with them?

Mr. EDMONDS. Yes, sir.

The CHAIRMAN. Paying any money to them for any purpose?

Mr. EDMONDS. That was up to the man's judgment as to whether that was necessary or advisable in the conduct of the campaign for Senator STEPHENSON's election.

The CHAIRMAN. Was that money given to him to expend among the railroad men for cigars or treats of any kind if he saw fit to so expend it?

Mr. EDMONDS. So far as I know he might have expended it in that way.

Mr. LITTLEFIELD. Yes. We have no objection to that, not the slightest.

The CHAIRMAN. Upon what date did you have the conversation with Mr. Puellcher in regard to the propriety of paying this \$250 to Mr. Bancroft?

Mr. EDMONDS. I do not recall just when. I should say some time during the next week after I got back—as soon as we could get together. I presume it came up the first conversation.

The CHAIRMAN. Was any effort made to recall the money that had been paid to this candidate?

Mr. EDMONDS. Not by me.

The CHAIRMAN. Was there by anybody?

Mr. EDMONDS. Not that I know of.

The CHAIRMAN. Living at Vilas?

Mr. EDMONDS. I think he is living still in Vilas County; yes, sir.

The CHAIRMAN. For what did you pay Mr. Riordan \$1,300? Was it for personal services or as a fund to be expended in behalf of Senator STEPHENSON?

Mr. EDMONDS. As a fund to be used by him in his judgment in the interest of Senator STEPHENSON.

The CHAIRMAN. Did he use it?

Mr. EDMONDS. I fully believe he did.

The CHAIRMAN. Did he render you any account?

Mr. EDMONDS. No, sir.

Mr. EDMONDS. Yes, sir; I have no definite knowledge of the use that was made of the money.

The CHAIRMAN. If it should transpire that a wrongful use was made of the money, then I understand that that knowledge has never come to you?

Mr. EDMONDS. It never has come to me; no, sir; not in any instance. The CHAIRMAN. And that you have made no effort to ascertain whether or not the expenditures of this money were wrongful?

Mr. EDMONDS. No, sir.

The CHAIRMAN. In any case?

Mr. EDMONDS. I have not.

Senator SUTHERLAND. And the law requires that in that case Mr. STEPHENSON shall state in his report upon information and belief. How can he state upon information and belief unless the information be preserved for him?

Mr. EDMONDS. Only in this way, Senator: By getting from me the information that I had; but there was no possibility of my getting information from Mr. Riordan or others; he could get that from them as well as I could. I did not have to make the report.

Senator SUTHERLAND. Now, Mr. Edmonds, do you not see that under that construction or view of the matter you might have turned over the whole \$107,000 to Mr. Riordan and said, "Go out and spend this in Mr. STEPHENSON's interest in the State," and there would have been no way in the world for Mr. STEPHENSON to have known, unless accounts were preserved, how that \$107,000 was expended?

Mr. EDMONDS. It never occurred to me that that would be possible or probable.

Senator SUTHERLAND. Do you not see that that could have been done in your view of it?

Mr. EDMONDS. I can understand that; yes, sir.

Senator SUTHERLAND. And it did happen with reference to amounts as large, I think, as \$3,500 in one instance?

Mr. EDMONDS. I believe so—\$3,200.

Senator SUTHERLAND. You gave to an agent—and I take Mr. Riordan as an example again—the sum of \$2,300?

Mr. EDMONDS. Yes, sir.

Senator SUTHERLAND. Which greatly exceeds \$5?

Mr. EDMONDS. Yes, sir.

Senator SUTHERLAND. And you put that \$2,300 in his hands, simply telling him to spend it, to use it, in the interest of Mr. STEPHENSON's candidacy?

Mr. EDMONDS. Yes, sir.

Senator SUTHERLAND. Without any sort of requirement that he should keep an account of how he spent it, to whom he paid it, or to preserve a record of any of the circumstances which the statute requires; that is true, is it not?

Mr. EDMONDS. I believe I assumed that these men understood the law as well as I, and that in the records in the office, as they were kept by the office manager, the items that we expended from the office, could be explained in detail.

Mr. KENYON. The testimony shows that Mr. Shauers, a candidate for the legislature, was paid money by Edmonds. Mr. Brady was paid \$500, but he kept no list and no account of the men employed by him or the money spent or the money paid for speeches which were never made—which would not be a corrupt act, of course, and which, perhaps, was commendable. The following is interesting:

The CHAIRMAN. He was further asked:

"Q. What was that paid for?—A. That was for work in Platteville.

"Q. Anyone else?—A. These, I think, are the large amounts; the others ranged from \$2 to \$5 and were distributed over the county. Left a trail wherever I went."

Did he ever report to you that he was spending money in that way?

Mr. SACKET. Never.

Mr. LITTLEFIELD. Leaving a trail.

The CHAIRMAN. You have said you thought that this man rendered an account with you and you left it with the committee?

Mr. SACKET. He rendered an account of the \$28.92.

There was plenty of advertising in newspapers, for instance:

The CHAIRMAN. You did not finish as to the "Minneapolis Tidende, \$563.79." Where is that paper published?

Mr. SACKET. In Minneapolis, Minn.

The CHAIRMAN. You paid \$563.79 for advertising in that paper?

Mr. SACKET. Yes, sir.

The CHAIRMAN. What was your purpose in advertising in a Minneapolis paper?

Mr. SACKET. I was informed that that paper had a very large circulation through the northern and western part of Wisconsin; and we supposed that we should reach the voters through that paper better than through a small local paper in Wisconsin.

Mr. SACKET. The letter "R" simply indicates that there was a receipt, an itemized and receipted bill, filed for that item. The two other items on August 1 indicate that there was a cashier's check, with Mr. Usher's indorsement upon it, produced before the committee, but whether there was an itemized bill or not I could not say positively. My recollection is that there was.

The CHAIRMAN. I want you to be a little more specific in regard to the item on August 1—"H. Rasmussen, cash, \$333.33." What was that for?

Mr. SACKET. Advertising.

The CHAIRMAN. That is not for preparing an article, but for the publishing of it, is it?

Mr. SACKET. I do not think we paid anyone except Mr. Usher for preparing articles, and he was paid a regular salary.

The CHAIRMAN. On August 8 you paid the same Mr. Rasmussen, or the Rasmussen Publishing Co., \$333.33, and on August 18 you again paid \$333.34, making \$1,000?

Mr. SACKET. Yes, sir.

The CHAIRMAN. You paid \$1,000 to the Rasmussen Publishing Co. in cash?

Mr. SACKET. Yes, sir.

Money was paid for advertisements; money was given to a Hebrew manager, to a Greek manager, and for advertisements in an Italian newspaper. This, mark you, was not an election for county sheriff, but an election of a man to the Senate of the United States, the most dignified body on earth.

This from Edmonds is likewise interesting:

Senator SUTHERLAND. Then you would, in the beginning of the employment, simply make an estimate of what the work would cost in that particular county?

Mr. EDMONDS. Yes.

Senator SUTHERLAND. And that amount of money was paid to the organizer in the first instance?

Mr. EDMONDS. Yes.

Senator SUTHERLAND. And he was not required thereafter to make any accounting as to the way in which he had expended the money or to furnish you with an itemized statement?

Mr. EDMONDS. No, sir.

The testimony shows that money was paid to Mr. Gust for the purpose of enthusing the voters—and this in an election for United States Senator!

The CHAIRMAN—

This language is significant—

The CHAIRMAN. There seems to have been a general apathy. These men whom you employed to get out the vote for Senator STEPHENSON seem to have managed to get out 56,839 votes out of 470,480 votes in the State. Had you not employed these men, would Senator STEPHENSON have gotten any votes at all?

Mr. EDMONDS. Not very many.

The following from Perrin's testimony is interesting:

Mr. PERRIN. This statute has never received in practical operation, by anybody that I know of in the State of Wisconsin, the construction which has been suggested here. It is the common, ordinary thing throughout northern Wisconsin to take a man to the theater or take him to lunch, not necessarily to corrupt his mind, but to enlighten him. You do these things to get a man's mind in a receptive mood. You can not go after him, Senator, you know, with an ax and beat an idea into him. It has got to be worked out along practical lines. It seems foolish for me to sit here and talk to you gentlemen about this thing, because you know so much more about it than I do.

Practical lines in this matter were money lines:

Senator POMERENE. Not one of them?

Mr. PERRIN. Not one of them.

Senator POMERENE. I think I gave Senator HEYBURN a wrong sum total of certain expenditures here. In going over in detail this account, which you filed with the committee, you gave the following sums as having been paid to Fridley: \$300, \$50, \$50, and \$50; to R. J. Shields, \$5, \$75, and \$250; to Savage, \$25, \$50, \$25, and \$25; to Lamere and Hamilton, \$6.25; to J. W. Wilson, \$100 and \$10; to D. M. Maxcy, \$25 and \$25; to T. W. McManus, \$45; to the Duluth News-Tribune, \$40; to Nelson, \$27; to the Bayfield Press, \$25; and for telegraph, telephone, etc., \$45, making a total, if my footings are correct, of \$1,503.25. Do you mean to tell us that out of the sum of \$5,000 furnished you, that is all that you can account for so far as the names of the payees are concerned?

Mr. PERRIN. Yes, except this: I stated on my examination that I had given Mr. Fridley more money, as I remembered, than appears there; and I think I gave Mr. Wilson more money, but I am not sure about that.

The CHAIRMAN. Then do you know how he expended this money, all or part of it, in specific terms?

Mr. PERRIN. Not in specific terms.

The CHAIRMAN. Who is C. R. Fridley?

Mr. PERRIN. He is an attorney at Superior.

The CHAIRMAN. Is he an old resident?

Mr. PERRIN. Yes.

The CHAIRMAN. Is he an old man or a young man?

Mr. PERRIN. He is a man of 42 or 43 years of age.

The CHAIRMAN. Did he support Senator STEPHENSON for nomination at the primaries and before the primaries?

Mr. PERRIN. Yes.

The CHAIRMAN. Was he in public life in any capacity?

Mr. PERRIN. No.

The CHAIRMAN. He was what you call a political worker, was he?

Mr. PERRIN. No. He was a practicing lawyer.

The CHAIRMAN. He was actively engaged in the practice of law?

Mr. PERRIN. Yes, sir.

The CHAIRMAN. You never asked him for any accounting as to the expense he had incurred?

Mr. PERRIN. I did not.

Mr. NELSON. May I ask the Senator a brief question?

Mr. KENYON. Make it brief, if you please.

Mr. NELSON. Very brief. Would it be corruption for an orator of a socialistic temper to enthrone voters by his speeches?

Mr. KENYON. The Senator is assuming, of course, that they would be enthused. [Laughter.]

There is testimony in regard to "organization." All through this record is evidence that money was paid for this intangible thing that is called "organization." It is elusive; no one understands what it means. Men rush into STEPHENSON's office and tell him they are for him, then they go out and organize, and money is furnished to help; the evidence shows that many of them were organized pretty thoroughly before they got through.

Then there is the testimony of Mr. Riordan, who got \$2,300. The evidence fails to show how large a part of it was expended.

Mr. Sacket's testimony has been discussed pretty thoroughly by the Senator from Kansas [Mr. BRISTOW], and I am not going to spend any time as to him. Mr. PERRIN has been also discussed, but there is one phase of his testimony to which attention has not been called that I am inclined to think the Senate ought to consider. The Senator from Ohio [Mr. POMERENE] asked him this question:

Do you think this law was intended to be evaded?

Mr. PERRIN. Certainly not.

Senator POMERENE. You have said in answer to Senator SUTHERLAND—I want to quote you correctly, and if I do not you will correct me—that you probably paid money to 100 different persons, though you were not definite as to your statement.

Mr. PERRIN. No; I can not be.

Senator POMERENE. I understand that. You also said to him again in your examination that you knew personally very many of the men that you employed.

Mr. PERRIN. Yes.

Senator POMERENE. Do you mean to tell the committee that you do not now remember any of the men to whom you paid this money, outside of the few names that you gave to Senator HEYBURN?

Mr. PERRIN. That is just exactly what I mean to say.

This man did not account for \$2,000 of the money given him. He gave money to a hundred different persons, and could not tell over five of them, the amounts, or their names.

Mr. Bancroft gives some very illuminating testimony, to which reference has been made. I refer to only this part of it.

I ought to say that what I am reading now is in the report which I understood the subcommittee had before it of the legislative investigation—

The CHAIRMAN (reading)—

It does not say what the chairman was reading, but I assume he was reading from that report—

"The result of our conference was that I, being pretty well acquainted with the county and knowing who the political workers were in the county, consented to disburse this amount of money for Mr. STEPHENSON."

Is that correct?

Mr. BANCROFT. That is correct.

Gordon was an evasive witness. Under the sharp cross-examination of the Senator from Utah he could not remember whether he had paid a dollar or a thousand dollars until he was pinned down to where he could evade no longer the skilled examiner. His language does not exhibit the candor one would expect from a man in his position.

Mehaffy was given a hundred dollars, and never asked what he expended it for. Then there is Mr. Wayland. The Senator from Kansas has referred to this lively gentleman who employed the seven pretty girls and exercised a wise political discrimination. It is amazing no more votes were secured in that particular precinct. He also pinned the buttons on the babies and put an extra piece of pie and a cigar at the table. There was not very much harm in that. He is the same gentleman who took with him a man who bankrupted breweries by increasing their production. But there is not anything very bad about Wayland. He put in his account \$17.15 for headaches, and certainly that was as specific as anybody ought to want. And this, mark you, was an election for United States Senator; from reading the evidence no one would imagine it, hence it is essential to keep that fact before us.

Riordan failed to account for the money he received. O'Connor was the gentleman who spent \$307 in one afternoon for drinks and \$1.86 for something to eat. He left a trail behind him, too. Wellensgard I have referred to. Mr. French kept no account. Mr. French received about \$1,800 in money and left it with people whom he did not know. For instance, at the ice

houses, to bring men to the polls. Any corrupt influence in that? Any undue influence exerted upon a voter? Anything to show a well-conceived plan to carry this election by the use of money? Here is Thayer with \$600 unaccounted for. Another one spending money in saloons. Pollock, a newspaper man, who understood the proposition brought to him was a proposition of bribery. That was his opinion. He gives the facts and circumstances as to how they tried to get him. Dee, the editor of the Chippewa Herald, has been discussed fully, the money given to him was a bribe—nothing else.

The testimony of Mr. Stone has been referred to by the Senator from South Dakota. There is nothing in the record to show how much of the money Stone had went for corrupt purposes. Stone, as a State official, gathered into his room the game wardens, and he had \$2,500 of the dirty money in his pocket and he asked the game wardens to assume that they had had some of this money in the investigation then pending in the Wisconsin Legislature. They agreed to do it if they did not have to go on the stand and perjure themselves. Stone accounts for some of this money. A fine State officer was Stone. It is not true that in the record there is absolutely no accounting for it, because he attempted to make an accounting, but it is a very lame one.

Rosenheim handing out—

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do for a question.

Mr. POMERENE. The Senator from Iowa has just referred to the Stone episode and to the conference which took place between him and his deputies. This was at a time when the legislative investigation was going on. It was after the primary election and after the election by the general assembly. How does the Senator hold Senator STEPHENSON responsible for the shortcomings of Mr. Stone and his deputies when they were attempting to frame up some explanation of their acts in disposing of this money? Is there anything in the record which tends to connect Senator STEPHENSON with their acts?

Mr. KENYON. Are you through with the question?

Mr. POMERENE. Yes.

Mr. KENYON. I do not hold him responsible for it. I am merely referring to it as showing the plan and scheme of the men who were carrying this matter on and the iniquity of the whole miserable business. He was an agent of STEPHENSON. He received the money directly from STEPHENSON, as the record shows. What he did with it never will be known.

Mr. POMERENE. So far as concerns the Senator's comments upon the conduct of those men, I am in entire accord with him.

Mr. KENYON. I am glad to hear it.

The testimony and transaction surrounding witness Pestalozzi has been gone over by the Senator from Kansas. I will not take further time thereon. There was apparently an attempt to buy his influence.

Mr. KERN. I will ask if the testimony just referred to does not throw some light upon the character of the men to whom these large sums of money were intrusted by Senator STEPHENSON?

Mr. KENYON. There is no question about it—a flood of light. I am not going to spend any more time on this evidence. I could talk a good while about it, but the hour is late, and I must stop. This evidence shows, in my judgment, upon careful analysis, a general scheme and plan of corruption, a securing of a primary election by money, and nothing else. There was no great issue that tried men's souls or that aroused any patriotic enthusiasm. It was just a question of the longest purse. It shows one man giving money to a hundred different persons and no accounting except by five of them. It shows this man accounting for only \$1,500 out of \$5,000. It shows another failing to account for \$1,500 out of \$3,200. It shows money given to candidates either for the legislature or prospective candidates, three of whom were elected and three of whom were defeated. It shows money left with men whom the agent did not know. It shows over \$300 spent in one afternoon for drinks. It shows excessive treating, excessive employment of men, excessive number of men at the polls. It shows a payment of \$2,500 to the game warden of the State, a State officer. It shows money paid to newspapers, fairly presumed to be for their influence. It shows at least one attempt to bribe a newspaper. It shows an election that can not under the law be considered a free and untrammelled election. It was carried by the reckless and wrongful use of money.

Mr. President, I want to refer in closing to the report and to quote a few words from the great debate in the Senate in the Payne case. It was charged there that the views of the minority contained a startling proposition, never before an-

nounced in the Senate, and one which had never received a moment's consideration, where the minority said:

As the Senate is the only court that can properly try this question, so the charge is made, if not in the only way it can be made yet certainly in the way beyond all others in which it can be made with most authority. * * * For the Senate to refuse to listen to this complaint so made would, it seems to us, be, and be everywhere taken to be, a declaration that it is indifferent to the question whether its seats are to be in the future the subject of bargain and sale, or may be presented by a few millionaires as a compliment to a friend.

Senator Frye, that great Senator from Maine who presided over this body so many years and whose life and services we are to commemorate in a few days, said in debate:

I know, and so do they (referring to the people), that a man of great wealth who loves money easily grows into the idea that money is God—omnipotent, omniscient—can do whatever it pleases, and go whithersoever it may. I know that he preceeds upon the hypothesis that it can purchase anything he seeks or anything his heart may want. I know that he names his price for every man and declares that he can find a price that will fit.

And further:

Sir, if popular government is still an experiment and shall become a failure, the failure will be the legitimate result of unfaithful citizenship. If this Republic shall be wrecked upon the shoals, the rock upon which it breaks shall be named corruption of the ballot. The ballot box is the fountain head of government of the people. Whosoever defiles that destroys the whole.

The Senate can engage in no holier or more responsible duty than to devote itself to a work, however painful and disagreeable, that may result in a warning—a terrible warning—which shall sound from the East to the West, from the North to the South, declaring, with no uncertain voice, that corruption by money power of the citizen at the polls or of a legislature shall cease now.

That was a great conservative Republican Senator. I have no malice in this matter, nothing but sorrow for this situation. I wish this record did not make it incumbent on me as a member of the minority, following my conscience and duty as I see it, as the gentlemen of the majority have followed their consciences and duty as they see it, to vote differently on this proposition.

I believe this election is, as Lord Coke said in the Long case, "tainted at its fountain." The methods employed would not have dignified a candidacy for county sheriff. The election was the result of an organized riot of corruption, a debauchery of the electorate by treating, employment, purchases of newspaper influence, and other despicable methods, creating by money political enthusiasm and securing political support. Such practices should cease and cease now. Otherwise the canker of corruption will eat close to the heart of the Republic. The only real danger that can ever threaten this Nation in the future is corruption in the body politic. It is the child of avarice and special privilege. It can exist only when the electorate is indifferent. They may be slow to be aroused, but when once aroused the American people will drive the money changers from the temple and smite the arrogant demon of corruption wherever its vile head may appear.

The seats in this body do not belong to the highest bidder; the property, the lives, the sacred honor of 90,000,000 people rest in the keeping of this body. If its seats are to be bought and sold as merchandise, then, indeed, the decadence of the Republic is nigh.

Why mince words? Every man in this body knows that the election of Senator STEPHENSON was brought about by the reckless, extravagant, and wrongful use of money. You may gloss it over, smile about it, condone it, but the fact still exists—the seat was purchased.

If men can be sent here by money, others can be defeated by money, and there are men in this Chamber who know what it means to have the purses of great interests opened to defeat them. We are marching on; no one need be discouraged; the people, not money, are going to rule in this country. We are advancing.

In the Payne case Senator Frye, the conservative, brainy, and honest Senator from Maine, pleaded with the Senate to investigate the charges that the Standard Oil Co. had, through its agents and officers, put its hands upon a legislative body and undertaken to control and elect a Member of the United States Senate. He could not even secure a hearing. He there said:

It is the solemn duty of the United States Senate to see to it that Oliver H. Payne and Messrs. McLean and Thompson and Huntington and Page and every other agent, if there are others, of the Standard Oil Co., shall come before a committee of the United States Senate and, under oath, state whether or not they purchased a seat of a United States Senator.

Judge Thurman, with relation to the Payne case, said at that time in an interview:

The Democratic clock is put back four years, and corruption is given a new leasehold in our land; syndicates purchase the people's votes, and honest men stand agast.

We at least have had an investigation, a thorough one, and as the lid has been lifted men have been sickened by the foul odors that came from the cauldron of corruption. There is no

divinity that surrounds a seat in this body acquired by such methods, no reason to talk in whispers concerning it, but boldly to brand it, as it is, a purchased seat.

Above any other question is the great one of public policy. A man who turns loose this enormous sum of money to secure a seat here is not, as a matter of public policy, entitled to remain a Member of this body; even were the election legal he should be expelled.

The minority offer no apology for their action. It has been an unpleasant duty, but we have the consciousness at least of not voting to approve methods and practices in an election condemned by the majority as expenditures "in violation of the fundamental principles underlying our system of Government."

During the delivery of Mr. KENYON's speech,

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Will the Senator from Iowa suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. GALLINGER. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. SMITH of Georgia. Can the Senator from New Hampshire indicate how long he will be disposed to continue to lay it aside, because I am quite interested in the amendment we agreed to the other day consenting to what is called the half-and-half business for the District of Columbia. I want to be sure to be here when it comes up.

Mr. GALLINGER. I will assure the Senator from Georgia that the bill will not be finally acted upon in his absence. I could not give any further assurance. After the Senator from Georgia has been here awhile longer he will find that not only must the unfinished business give way to a privileged question, but it must give way to any Senator who desires to make a speech on any subject.

Mr. SMITH of Georgia. I realize that there is a great deal for me to learn after I have been here awhile longer. It was just that I might keep up with the practice that I asked the question.

The PRESIDING OFFICER. Is there objection to laying aside the unfinished business temporarily? The Chair hears none. The Senator from Iowa will proceed.

At the conclusion of Mr. KENYON's speech,

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 5, 1912, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 4, 1912.

COLLECTOR OF CUSTOMS.

Fred W. Wight to be collector of customs for the district of Waldoborough, Me.

REGISTER OF THE LAND OFFICE.

Cornelius N. Van Hosen to be register of the land office at Springfield, Mo.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Hugh H. Broadhurst to be first lieutenant.

INFANTRY ARM.

First Lieut. Harry D. Mitchell to be captain.

First Lieut. Ode C. Nichols to be captain.

Second Lieut. Irving J. Palmer to be first lieutenant.

Second Lieut. Melvin G. Faris to be first lieutenant.

Second Lieut. Alexander W. Maish to be first lieutenant.

Second Lieut. William J. McCaughey to be first lieutenant.

Second Lieut. Eugene R. Householder to be first lieutenant.

COAST ARTILLERY CORPS.

Second Lieut. Francis P. Hardaway to be first lieutenant.

CHAPLAIN.

Chaplain Ernest P. Newsom to be chaplain with the rank of major.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Arturo Carbonell.

William Henry Clewell.

George Patrick Gill.

Paul Gronnerud.

Joseph Arda Hall.

Samuel Archer Rulon, jr.

James Edwin Thompson.

Raymond Cooley Bull.

Gordon Fay Willey.

FIELD ARTILLERY ARM.

Jonathan Waverly Anderson, midshipman, United States Navy, to be second lieutenant.

POSTMASTERS.

PENNSYLVANIA.

John W. Beers, Marysville.

Everett C. Davis, Nanty Glo.

TENNESSEE.

Bird P. Allison, Monterey.

James S. Byrd, Jonesboro.

Clarence V. Gwin, Hartsville.

Edgar E. Hathaway, Elizabethton.

Rufus T. Hickman, Lynnville.

Lorenzo H. Lasater, Athens.

Atlas M. Lee, Huntingdon.

Christopher C. Stribling, Clifton.

William T. H. Thorn, Rutherford.

James P. Whited, Eastlake.

WASHINGTON.

James Lane, Roslyn.

Frank L. Turner, Raymond.

HOUSE OF REPRESENTATIVES.

Monday, March 4, 1912.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, imbue us plenteously with heavenly gifts that our minds may be clarified and our hearts made pure that these Thy servants may see clearly, act wisely, and, with statesmanlike fervor, solve the problems which confront them with an eye single to Thy glory and uplift of our people that good government may more and more obtain. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, March 2, 1912, was read and approved.

INVITATION OF THE CITY OF NEW ORLEANS.

Mr. DUPRE. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. DUPRE. Mr. Speaker, the National Drainage Congress will meet in the city of New Orleans on the 10th day of April, and will cover in its discussions matters of drainage, transportation, reclamation, and similar matters, in which all of us are interested. The local authorities have asked me to extend in this informal manner an invitation to the Speaker of the House and to the Members of this body, or as many of them as possibly can attend, to be present on that occasion. In behalf of the people of New Orleans, I hope the Speaker and the Members of the House will be able to take advantage of this opportunity to come to the Crescent City. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5075. An act for the establishment of a new land district in the State of Montana.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2453) for the relief of Benjamin F. Martz, and for other purposes.

The message also announced that the Senate had receded from its amendment No. 3 to the bill (H. R. 13570) to amend

an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5075. An act for the establishment of a new land district in the State of Montana; to the Committee on the Public Lands.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee, by the direction of the Committee on the Post Office and Post Roads, reported the bill (H. R. 21279) making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes (H. Rept. 388), which was read a first and second time and referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. MANN and Mr. FINLEY reserved all points of order on the bill.

AMERICAN NATIONAL RED CROSS.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The Clerk read the bill, as follows:

Whereas the American National Red Cross was incorporated by act of Congress approved January 5, 1905, "To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of * * * the treaty of Geneva of August 22, 1864": Therefore

Be it enacted, etc., That whenever in time of war, or when war is imminent, the President may deem the cooperation and use of the American National Red Cross with the sanitary services of the land and naval forces to be necessary, he is authorized to accept the assistance tendered by the said Red Cross and to employ the same under the sanitary services of the Army and Navy in conformity with such rules and regulations as he may prescribe.

SEC. 2. That when the Red Cross cooperation and assistance with the land and naval forces in time of war or threatened hostilities shall have been accepted by the President, the personnel entering upon the duty specified in section 1 of this act shall, while proceeding to their place of duty, while serving thereat, and while returning therefrom, be transported and subsisted at the cost and charge of the United States as civilian employees employed with the said forces, and the Red Cross supplies that may be tendered as a gift and accepted for use in the sanitary service shall be transported at the cost and charge of the United States.

The SPEAKER. Is there objection?

Mr. HAY. Mr. Speaker, reserving the right to object, I would like to ask an explanation of this bill.

[At this point Mr. McDERMOTT assumed the chair as Speaker pro tempore.]

Mr. STEDMAN. Mr. Speaker, I hope there will be no objection to the consideration of this bill. The object of it is to authorize the President of the United States to accept the services of the American Red Cross Society in time of war or when war is imminent. The bill further provides that all the expense of the personnel of the Red Cross Society, their transportation to the field of service, their service thereat, and their return therefrom shall be borne by the Government of the United States, and that the transportation of any supplies furnished by the society without expense to the Government shall also be carried free of charge. It might not be amiss, Mr. Speaker, in just a very few words, to state the origin of the American Red Cross Society.

These Red Cross Societies owed their origin first to the convention in Geneva, Switzerland, in 1863, which recommended that a committee in every country should be appointed to aid the hospital service of its armies in times of war. The conventions in 1864 and 1906 in Geneva gave a more definite status to these societies and enlarged their operations, extending them to all great calamities wherever they might occur throughout the world.

Carrying out the idea originating at Geneva, the Congress of the United States on the 15th of January, 1905, incorporated the American National Red Cross Society. It did not confine its operations to times of war, but extended them to all great calamities, such as pestilence and famines, wherever they might occur throughout the world. Since 1905 this society has expended \$6,000,000 in aiding and assisting those suffering from great calamities, as, for example, at San Francisco in the year 1906, during the great disaster caused by the earthquake and fire; at Cherry, Ill., in 1909; in Palos, Ala., in 1910; during the prevalence of the forest fires in the State of Minnesota in 1910;

and during the volcanic eruptions of Mount Taal in the Philippine Islands.

Mr. CONNELL. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONNELL. The House is not in order.

The SPEAKER pro tempore. The point is well taken. The House will be in order.

Mr. STEDMAN. The agents of this society have been found aiding and succoring the afflicted and distressed everywhere throughout this country in time of calamity. Nor, Mr. Speaker, has its operations been confined to this continent. Wherever throughout the world calamities have befallen any people, you will find the agents of this society. During the plague in Manchuria in 1911, and during the famine in the valley of Yellow River in China in 1911, a famine which attracted the attention and the sympathy of the whole world, the agents of this society could be found.

I said that primarily the object of this society was to help, aid, and assist the hospital service in time of war, and so it is, Mr. Chairman, upon every field of battle where the armies of this Republic have stood. It matters not from what section they have come—from the North, the East, the South, or the West—they have illustrated the highest type of manhood. I trust it may not be so, but war may come to us again, and then we shall have to send the young men of this country to the battle field. Is it too much for them to expect or too much for humanity to demand that we shall do all that is within our power to alleviate the sufferings incident to the battle field?

This is an age conspicuous for selfishness and greed of gain. Notwithstanding the characteristics of the age, the American National Red Cross Society can be seen everywhere with its banner of humanity, charity, and kindness—wherever can be found distress and suffering. I think, Mr. Chairman, that every Member of this House ought to be glad to vote for this bill, and I trust they so will do. [Applause.]

The SPEAKER. Is there objection?

Mr. HAY. Mr. Speaker, I have no doubt at all about the efficacy of the Red Cross in a great many cases, but the Army of the United States is very well equipped with a very large and extravagant Medical Corps and Hospital Corps, and I do not see the need, nor from what I have been able to catch from the statement of the gentleman from North Carolina, have I been able to discover any reason why we should at this time pass a law which provides for the immediate incorporation into the Army of the United States of the National Red Cross, at a very great expense, when the Army already has its own Medical Corps and its own Hospital Corps, fit to contend with any conditions that may arise. If any emergency should arise in time of war we could very well, if it were necessary, ask the aid of this Red Cross Society.

Mr. STEDMAN. Mr. Speaker, will my friend allow me to interrupt him?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from North Carolina?

Mr. HAY. Certainly.

Mr. STEDMAN. The bill provides only what the gentleman suggests. It provides that only in case of emergencies shall the society extend its aid; only in cases of emergency when it is necessary; and until that emergency arises there is no expense whatsoever.

Mr. HAY. Yes; but my idea is that these emergencies are always thought to be present when parties desire to be in the service of the United States.

Mr. KENDALL. Mr. Speaker, will the gentleman allow me this suggestion?

Mr. STEDMAN. Certainly.

Mr. KENDALL. The fact whether or not there is an emergency is always a matter to be determined in the discretion of the President?

Mr. STEDMAN. Yes; whenever he deems it necessary.

Mr. KENDALL. Whenever he deems it necessary for the Government to avail itself of this corps.

Mr. STEDMAN. And nothing is done until he does.

Mr. KENDALL. There is no expense at all unless the President deems it necessary.

Mr. HAY. But it may be possible that the Congress might want to decide whether it was necessary to take into the service of the United States a very large and expensive corps of this kind when there is already, as I have said before, a Medical Corps and a Hospital Corps which can be increased and made more efficient in time of war.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr. MANN. Is it not true that in time of war the Hospital Corps must in some way be rapidly increased?

Mr. HAY. Yes.

Mr. MANN. And that if the Army were able to make use at once of an organized Hospital Corps through the Red Cross, it will be that much better off than it would to wait and recruit it from civil life.

Mr. HAY. But in this bill you are not placing this Red Cross Society under the control of the Army, and that is very important.

Mr. STEDMAN. If I may interrupt the gentleman, I wish to say he is mistaken.

Mr. MANN. It says the President shall determine.

Mr. STEDMAN. The gentleman is mistaken about that. It is in conjunction with the sanitary service of the Army and Navy and in conformity with the rules laid down.

Mr. MANN. In conformity with such rules and regulations as the President may prescribe.

Mr. SLAYDEN. Will the gentleman from Virginia yield for an interruption?

Mr. HAY. Certainly.

Mr. SLAYDEN. How did this bill get to the Foreign Affairs Committee?

Mr. HAY. I do not know how it got there. It does not belong there, and I will state that the Senate bill was passed and referred to the Military Affairs Committee.

Mr. SLAYDEN. The same bill?

Mr. HAY. The same bill.

Mr. KENDALL. If the gentleman will allow me this suggestion I hope there will not be any objection made to this bill simply on a controversy as to jurisdiction. I assume the gentleman is correct in the suggestion that the bill ought to have gone to the Committee on Military Affairs; but an identical bill, I think, has passed the Senate, as I understand it, unanimously, and is now in possession of the Committee on Military Affairs.

Mr. HAY. That is true.

Mr. KENDALL. The Committee on Foreign Affairs had no knowledge whatever of that reference. It reported this bill, which is now here for unanimous consent.

Mr. SLAYDEN. Did not the Committee on Foreign Affairs know that the bill did not really belong to it?

Mr. KENDALL. The Committee on Foreign Affairs know a great many things.

Mr. SLAYDEN. The gentleman does not answer my question. [Laughter.]

Mr. SULZER. Mr. Speaker—

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from New York?

Mr. HAY. I do.

Mr. SULZER. Mr. Speaker, just a few words. This bill relating to the Red Cross was introduced by the gentleman from Kansas [Mr. ANTHONY] and referred to the Committee on Foreign Affairs.

Mr. KENDALL. He is a member of the Committee on Military Affairs.

Mr. SULZER. Yes; the gentleman from Kansas [Mr. ANTHONY] is a member of the Committee on Military Affairs, and he and the gentleman from Virginia [Mr. FLOOD], who is a member of the Committee on Foreign Affairs, took the matter up and agreed that the Committee on Foreign Affairs should have jurisdiction of this bill. The Committee on Foreign Affairs granted a hearing, and afterwards unanimously reported the bill. It is a good bill and in the interest of the Government. All that it does is to give the Government of the United States the right to utilize the services of the nurses of the Red Cross in time of exigency as well as in war. It has the right to do so now in war. This gives the Government the right to do so in time of peace if the case be urgent. If the Government does call on the Red Cross for nurses in cases of exigency, then the Government will, of course, pay the transportation of the nurses and for their subsistence while in the service. That is substantially all this bill does. I have here a letter about the bill from the Red Cross, which I desire to read:

AMERICAN RED CROSS, NATIONAL HEADQUARTERS,
ROOM 341, STATE, WAR, AND NAVY BUILDING,
Washington, D. C., February 23, 1912.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR MR. SULZER: The bill "To provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war" was thought advisable by the war relief board of the Red Cross, of which Surg. Gen. Torney is chairman and Surg. Gen. Stokes vice chairman, because of the fact that in time of war or if war were threatened the assistance of the Red Cross might be immediately desired. If at such time any of its personnel was simply taken into the actual service this personnel would become part of the regular Medical Corps and the Government would naturally meet all expenses. On the other hand, it is highly probable that the Government would desire at base hospitals, on hospital ships, on ambulance trains, etc., to avail itself of the extra trained personnel which the Red Cross could provide.

In such cases the society would meet the salaries of this personnel, but as it would be placed under the control of the Surgeon Generals'

offices of the War and Navy Departments, these departments and not the Red Cross would transfer and assign to duty this personnel while utilizing its services. At such times the arrangements for transportation and for subsistence are entirely in the hands of the Government. For this reason it was considered advisable and desirable for the Government to assume the cost and charge of the transportation and subsistence of this personnel while utilizing its services as well as the cost and charge of the transportation of such Red Cross supplies as may be accepted for use in the sanitary service.

The bill does not provide for any expenditure by the Government for Red Cross assistance save in time of actual or threatened war, and only then when the services of the Red Cross are accepted by the President for active duty.

Gen. George W. Davis, chairman of the Red Cross central committee, has provided further information in regard to this matter to Hon. CHARLES M. STEDMAN, chairman of the subcommittee which had the bill under consideration.

Yours, sincerely,

MABEL T. BOARDMAN.

Mr. HAY. I know all about that. It is not necessary to discuss that.

Mr. SULZER. That is all this bill does. It is a meritorious measure and should be passed.

Mr. SLAYDEN. Will the gentleman from New York permit a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Texas [Mr. SLAYDEN]?

Mr. SULZER. Yes.

Mr. SLAYDEN. I want to ask the gentleman from New York, who has been here almost from the time the Constitution was adopted, or since the memory of man runneth not to the contrary, and is perfectly familiar with the rules of the House—

Mr. SULZER. Mr. Speaker, I hope the gentleman will be here as long as I am.

Mr. SLAYDEN (continuing). If he did not know that his committee was taking jurisdiction of a bill not properly belonging to it?

Mr. SULZER. Mr. Speaker, I left that to the gentleman's colleague on the Military Affairs Committee, Mr. ANTHONY.

Mr. SLAYDEN. He is not a member of the Committee on Foreign Affairs.

Mr. HAY. Mr. Speaker, out of deference to my friend from North Carolina [Mr. STEDMAN], and what he has said, I will not object.

Mr. SULZER. And out of deference to your friend from New York. [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEDMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14083) to create a new division of the southern district of Texas, and to provide terms of court at Corpus Christi, Tex., and for a clerk to said court, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the counties of Bee, Live Oak, Aransas, San Patricio, Nueces, Jim Wells, Duval, Brooks, and Willacy shall constitute a division of the southern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said southern district of Texas shall be held twice in each year at the city of Corpus Christi, in Nueces County, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said courts shall be held at Corpus Christi, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the said counties of Bee, Live Oak, Aransas, San Patricio, Nueces, Jim Wells, Duval, Brooks, and Willacy, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Corpus Christi, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Corpus Christi: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts of said division shall maintain an office, in charge of themselves or a deputy, at the said city of Corpus Christi, which shall be kept open at all times for the transaction of the business of said division.

The committee amendments were read as follows:

In line 6, page 1, strike out the words "circuit and" and in line 12, page 2, strike out the words "circuit and."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like first to ask the gentleman from Texas [Mr. GARNER] whether he would be willing to correct the phraseology of the bill so as to make it conform with these amendments that have already been recommended by the committee. It will require nine amendments.

Mr. GARNER. I will say to the gentleman from Illinois that I am always willing to correct the phraseology of any bill to conform with grammatical language, especially if suggested by the gentleman from Illinois, because he is usually correct in phraseology.

Mr. MANN. It would be very difficult to object after that statement, but I would like to know what is the necessity of the bill?

Mr. GARNER. The gentleman from Illinois doubtless has the report of the Committee on the Judiciary before him.

Mr. MANN. That is true, but it has no report from the Department of Justice in it.

Mr. GARNER. I believe, Mr. Speaker, that it is customary for the Committee on the Judiciary to consider these matters without reference to the views of the Department of Justice. I remember very distinctly five years ago when the President vetoed three bills that were passed by this House, recommended by the Judiciary Committee, and finally these bills were reconsidered by the House and passed as one bill, and the President signed it after they had been refused and thoroughly repudiated by the Department of Justice.

Mr. MANN. That is no reason why we should not have the opinion of the Department of Justice. The report states that this bill meets with the approval of the district judge and the district attorney of this district.

Mr. GARNER. I will say to the gentleman from Illinois [Mr. MANN] that I have seen a letter addressed by Judge Burns to a member of the commercial club at Corpus Christi, in which he says unofficially, without the matter being referred to him for official action, he had no objection to the establishment of this court.

Mr. MANN. Does the gentleman know whether the Department of Justice has any objection?

Mr. GARNER. I do not know; I have not talked with the Attorney General about it. I do know of the necessity of the court, and it is the unanimous opinion of the bar and of the people in that section of the country that there ought to be a court established at this point. The Government has expended three and a half million dollars in establishing deep water at Aransas Pass Harbor. It is in Nueces County, and Corpus Christi is the county seat of that county. Ships from different portions of the world will be landing commerce there, and I think the gentleman from Illinois would agree that there ought to be a court established there to take care of that particular commerce.

Mr. MANN. No; admiralty cases have gone out of date; there are very few of them now, but if the gentleman himself will say that he believes that this division of the district ought to be created, I shall take his judgment.

Mr. GARNER. I can say to the gentleman that I never have introduced a bill in Congress that I thought had more merit than this.

Mr. MANN. That is a little ambiguous.

Mr. GARNER. That might be an evasive answer, but I will say candidly that I believe the court ought to be established, and it is in the interest of economy.

Mr. CLAYTON. Mr. Speaker, in that connection I think the facts that are recited in the report show that this court ought to be established.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 6, strike out the words "circuit and," and page 2, line 14, strike out the words "circuit and."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to amend by changing the word "courts," in line 6, page 1, to "court," and in line 10, page 1, by striking out the words "judges" and inserting in lieu thereof the word "judge," and in the same line, striking out the word "courts" and inserting in lieu thereof the word "court"; and on page 2, line 1, by striking out the word "courts" and inserting in lieu thereof the word "court."

Also, page 2, line 7, strike out the word "courts" and insert in lieu thereof the word "court," and in lines 9 and 10 strike out the words "appropriate United States" and insert in lieu thereof the word "district."

Also, page 2, line 4, strike out the word "clerks" and insert in lieu thereof the word "clerk," and in the same line strike out the word "courts" and insert in lieu thereof the word "court."

Also, page 2, lines 15 and 16, strike out the word "themselves" and insert in lieu thereof the word "himself."

Mr. CLAYTON. Mr. Speaker, this bill was reported by the gentleman from Minnesota [Mr. NYE], and I would like to have his judgment as to these amendments.

Mr. NYE. Mr. Speaker, I had not seen the bill. I supposed it was to be redrafted.

Mr. GARNER. Mr. Speaker, I will say for the information of the House that I am entirely responsible for the errors. In drawing the amendments suggested by the committee I did not take into consideration the question of changing the plural to the singular after having stricken out the words "circuit and" in line 6, on page 1, and in line 14, on page 2.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NYE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER AT MEMPHIS, TENN.

The next business was the bill (H. R. 17239) to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a railroad and highway bridge across the Mississippi River.

The Clerk read the bill, as follows:

Be it enacted, etc., That Arkansas & Memphis Railway Bridge & Terminal Co., a corporation organized under the laws of the State of Tennessee, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a railroad bridge, and all approaches thereto, across the Mississippi River at Memphis, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That said Arkansas & Memphis Railway Bridge & Terminal Co., its successors and assigns, now or at any time hereafter, may, and is hereby, further authorized and empowered to make separate provision by addition to the railroad bridge structure for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers.

SEC. 3. That said Arkansas & Memphis Railway Bridge & Terminal Co., its successors and assigns, may charge and receive such reasonable rates of toll for the passage of railway trains of all kinds, for the passage of passengers travelling upon said railway trains, for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers crossing such bridge as may be approved from time to time by the Secretary of War: *Provided, however*, That such reasonable rates of tolls so approved by the Secretary of War shall not exceed the sum of 25 cents for each passage over said bridge by passengers upon railway trains crossing same.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Line 6, page 1, strike out the word "railroad."

Line 8, page 1, after the word "Tennessee," insert the words "at a point suitable to the interests of navigation."

Page 1, line 11, after the word "six," add the words:

"*Provided*, That said bridge shall be so constructed, maintained, and operated that in addition to its use for railroad trains and trolley cars it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge to be used by vehicles, pedestrians, horsemen, animals, and all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents."

Strike out sections 2 and 3.

Renumber section 4 so as to read "Sec. 2."

Amend the title so as to read: "To authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to know something of the effect of the passage of this bill upon the navigation of the Mississippi River.

Mr. ADAMSON. I do not see how it would affect it any, as it is to be constructed at a point suitable to the interests of navigation.

Mr. MOORE of Pennsylvania. Is it proposed to build the bridge across the Mississippi River itself?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. You know that we are expending a great deal of money in improving the navigation of the Mississippi River.

Mr. ADAMSON. The provisions of the bill and the report of the War Department amply take care of navigation. We are providing to have one bridge for all purposes.

Mr. MOORE of Pennsylvania. And this bridge, so far as the judgment of the committee is concerned, will not affect the navigation of the Mississippi River?

Mr. ADAMSON. Not at all, and the War Department so states.

Mr. MOORE of Pennsylvania. The Government will not be put to any expense for the construction of this bridge?

Mr. ADAMSON. Not a cent.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "railroad" at the end of line 6 and beginning of line 7. Page 1, line 8, insert after the word "Tennessee" the words "at a point suitable to the interests of navigation."

The question was taken, and the amendments were agreed to. The Clerk read as follows:

Page 2, line 2, insert after the word "six" the following: *Provided*, That said bridge shall be so constructed, maintained, and operated that in addition to its use for railroad trains and trolley cars it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge to be used by vehicles, pedestrians, horsemen, animals, and all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents.

Mr. MANN. Will the gentleman yield?

Mr. ADAMSON. With pleasure.

Mr. MANN. This amendment provides that tolls may be charged which shall be reasonable rates of toll. Of course, that is a legislative enactment. It might require the construction of a court to determine what are reasonable rates of toll. As I recall the general bridge act, it authorizes the Secretary of War to determine what are reasonable rates of toll. I do not call this to the attention of the gentleman for the purpose of opposing the amendment, but for the purpose of suggesting to whoever is interested in this bill the desirability of not having a conflict between two authorities as to who shall determine what is a reasonable rate of toll. The general bridge act confides it to the Secretary of War.

Mr. ADAMSON. This is governed by that in all respects.

Mr. MANN. Oh, it is except as it is modified, and where we say it shall be a reasonable rate of toll it may be that will require a construction of the act to determine what is a reasonable rate of toll, because we insert in here a specific provision which may be in conflict with the provision in the general bridge act. If it is not in conflict, there is no occasion for having it in here at all. If it is in conflict, it may raise a doubt as to who has the authority to fix what a reasonable rate of toll shall be.

Mr. ADAMSON. I think, on the contrary, the specification that no passenger shall pay over 25 cents is simply directory to the Secretary of War and does not divest him of his jurisdiction at all.

The SPEAKER pro tempore (Mr. CLARK of Florida). The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 2, strike out all of sections 2 and 3.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "To authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

On motion of Mr. ADAMSON, his motion to reconsider the vote by which the bill was passed was laid on the table.

STEAMER "WILLIAM A. HAWGOOD."

The next business on the Calendar for Unanimous Consent was the bill (S. 4521) to authorize the change of the name of the steamer *William A. Hawgood*.

The Clerk read as follows:

An act (S. 4521) to authorize the change of the name of the steamer *William A. Hawgood*.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Calumet Transportation Co., of Mentor, Ohio, to change the name of the steamer *William A. Hawgood*, official No. 204701, to that of R. L. Agassiz.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, his motion to reconsider the vote by which the bill was passed was laid on the table.

INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA.

The next business on the Calendar for Unanimous Consent was H. J. Res. 223, providing for the participation by the United States in the International Council for the Exploration of the Sea.

The Clerk read as follows:

Joint resolution (H. J. Res. 223) providing for the participation by the United States in the International Council for the Exploration of the Sea.

Resolved, etc., That the United States shall hereafter participate in the administrative expenses of the permanent International Council for the Exploration of the Sea in the interest of the commercial fisheries.

Resolved further, That the Secretary of the Treasury shall be authorized annually to pay the pro rata share of the United States in the administrative expenses of the permanent International Council for the Exploration of the Sea and for the necessary expenses of an expert official representative in attendance at the annual meeting of the council

and clerical and other expenses connected with the investigations out of any money which shall be appropriated for these purposes from time to time by Congress.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have somebody explain this bill.

The SPEAKER. Who has charge of this bill?

Mr. SLAYDEN. What is the number?

Mr. MANN. House joint resolution 223. It is reported from the Committee on Foreign Affairs and was introduced by the gentleman from Massachusetts [Mr. GARDNER].

Mr. SULZER. Mr. Speaker, this joint resolution No. 223, providing for the participation by the United States in the International Council for the Exploration of the Sea, was introduced by the gentleman from Massachusetts [Mr. GARDNER]. I regret that illness prevents him from attendance to-day to explain the matter. All that it does is to authorize the Secretary of the Treasury to pay the pro rata share of the United States as a member of the permanent council for the exploration of the sea. It is an important and a meritorious matter. The diplomatic and consular appropriation bill should carry the appropriation for our share every year. However, as there is no law authorizing the appropriation, it is subject to a point of order in the House. It has been recommended over and over again by the State Department. The Secretary of the Treasury sends annually the estimate. The Committee on Foreign Affairs thought it advisable to obviate this anomaly, took up this resolution, gave a hearing, reported it favorably and unanimously, and I indulge the hope that it will pass without objection.

Mr. Speaker, the object of this council to explore the sea is to acquire a thorough knowledge of the commercial fishes of the Atlantic Ocean, to apply that knowledge in the interest of fishing and fishermen, to advise the cooperating Governments in all matters pertaining to the preservation of the fish supply, the development of the fisheries, and fishery legislation. For this purpose the State Department, with the approval of Secretary Nagel, has asked Congress to make a small and fixed annual appropriation.

In this connection Dr. Hugh M. Smith, Deputy Commissioner of the Bureau of Fisheries, states that the important fishery problems that are demanding attention in Europe are almost identical with those which have arisen or are destined to arise on the western shores of the Atlantic; and it will be of great advantage to the United States to be able to participate in and profit directly by the studies conducted by the leading fishery authorities and experts of western Europe. With larger fishery interests at stake than any other country possesses, it would be illogical, Dr. Smith holds, for this country to neglect any opportunity to place those interests on the finest possible basis. The combined knowledge and experience of the world's greatest fishery experts is offered at a nominal cost.

The preservation of the American salmon, the solution of the mystery enveloping the disappearance of the mackerel, and the question of trawl fishing are considered by experts ripe subjects for international cooperation.

There are now 10 countries represented in the council by official delegates with full powers—Great Britain, Germany, Russia, the Netherlands, France, Belgium, Denmark, Norway, Sweden, and Finland. It owes its origin to an invitation extended some years ago by the Swedish Government to the other States interested in the fisheries of the northern European seas to a conference in Stockholm, at which plans should be drawn for the exploration and investigation of the sea in behalf of the fishing industry. Later a conference was held in Christiania, on the invitation of the Norwegian Government, and finally the States represented at these two conferences decided, by the formal votes of their respective parliaments, to enter into the proposed work, and upon the solicitation of the Danish Government the delegates assembled in Copenhagen in 1902, with full power to constitute themselves an international council.

For the elucidation of vital fishery problems that are common to the two sides of the Atlantic the Governments of the United States and Canada have now joined the council.

Each nation participating in this work contributes a certain fixed sum for the administrative and other expenses of the council. The amount which the United States will be required to expend as its share is \$7,156, which equals the contributions of Great Britain, Russia, Germany, France, and Holland. The minor powers, Belgium, Sweden, Denmark, and so forth, are assessed for smaller sums.

Dr. Smith states that the council has never indulged in abstruse scientific investigations with no practical object in view, but has always addressed its inquiries to definite economic questions of vital importance to the fishing industry. He detailed some very interesting examples of the work that has

already been done in connection with the development of fisheries on the western European coast.

The fishery problems of western Europe are the fishery problems of eastern America. All of the great commercial fishes are identical on the two sides of the ocean—the cod, the haddock, the salmon, and the herring. All the economic questions affecting fishery resources that have arisen in Europe during the past 1,000 years of active fishing will sooner or later arise in America, and some of them are already demanding attention. By careful consideration of the experience of European countries in the handling of troublesome questions involving the preservation of the fishery resources untold trouble and expense can be saved if the American Government only follows the proper methods of investigation, legislation, and administration. By taking advantage of the opportunity afforded by the council representing the European nations this country can be assured of the cooperation of the leading fishery authorities and experts of the day, and can clear up in short order matters that might for a generation hang over and threaten American fishery interests.

Mr. MANN. Mr. Speaker, I understood the gentleman to say that this item was carried in the annual diplomatic appropriation bill. How long has it been carried in that bill?

Mr. SULZER. My impression is once or twice. This is a recent council, and all the European nations and Canada and the United States are members of the council. It does good work in exploring the Atlantic Ocean to find out about the habits of the food fishes. It is a commercial matter of great interest to all the people of the United States, and for the little that we pay every year as a member of this council we get back in material things thousands of dollars for every one expended.

Mr. MANN. Is it not a fact that all of the work that has been done by this council so far in the way of exploration has been done in the North Sea, with which we have no immediate connection?

Mr. FITZGERALD rose.

The SPEAKER. Does the gentleman from New York [Mr. SULZER] yield to his colleague from New York [Mr. FITZGERALD]?

Mr. SULZER. Yes; in a moment. Let me say that the knowledge gained from the council by the bureaus of fisheries, with special regard to the fisheries of the North Atlantic coast, will be very useful in consideration of the welfare of the fisheries of the entire country, and will be especially valuable in the administration of the fisheries of Alaska. The physical and tidal condition of the waters of the northwest coast of the United States are so similar to those of the northwest coast of Europe that the experience of the European nations in administering the fisheries to the best advantage can not fail to be most helpful to the American industry.

The estimates for this appropriation were sent to Congress by the Secretary of the Treasury, and the money to pay our share should be carried in the diplomatic and consular appropriation bill. We should pay our share as a member of this international council, and it is a good deal better, in the opinion of the Committee on Foreign Affairs, to have a law that will authorize the appropriation than to make the appropriation without authority of law.

Mr. MANN. Does the gentleman say that we are a member of this international council?

Mr. SULZER. Yes.

Mr. MANN. On what authority is that statement made?

Mr. SULZER. If the gentleman will read the testimony of Dr. Smith before the committee he will find that the Government has been represented in this council.

Mr. FITZGERALD. The gentleman from New York [Mr. SULZER] is mistaken. The invitation has been extended, but never accepted.

Mr. MANN. What does this mean?

The United States Government has been recently invited, through official channels, to become a party to this international council, and at the annual meeting held in 1910 in Copenhagen the Department of Commerce and Labor was represented.

Mr. SULZER. We were invited to join this international council. We joined. We participated. We get the results. The Government has sent a representative to it. We have appropriated money for its expense—our share up to the present time—and we have taken advantage of all the council has done. The State Department, as the gentleman will see by the letter of Mr. Huntington Wilson, approves this legislation. It says:

The object of the resolution is to give effect to what I have twice recommended in the estimates for foreign intercourse, namely, those for the fiscal year ending June 30, 1912, and for the fiscal year ending June 30, 1913, and, if I may be permitted to do so, I beg to give renewed expression to the favor with which I regard this matter.

Mr. MANN. Is the gentleman able to state how many of these international bodies we contribute to the support of, all of

which are located in foreign lands and none of which is located on American soil?

Mr. SULZER. Very few, I believe. I want to say I do not believe there is one of them that is of such importance to the people generally of the United States as this International Council for the Exploration of the Sea.

Mr. MOORE of Pennsylvania. Mr. Speaker—

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. Moore].

Mr. MOORE of Pennsylvania. Is not this the same item that was in the diplomatic and consular bill last year?

Mr. SULZER. It is.

Mr. MOORE of Pennsylvania. And was thrown out on a point of order?

Mr. SULZER. It went out on a point of order in the House. That is what I am trying to obviate by passing this resolution.

Mr. MOORE of Pennsylvania. It was thrown out on the objection, I think, of the gentleman from New York [Mr. Harrison].

Mr. SULZER. That I do not know. The record will show.

Mr. MOORE of Pennsylvania. It is one of the kind that were objected to in the same way?

Mr. SULZER. Quite true. We should appropriate money to pay our share. It is only a few thousand dollars every year, and it is worth it, according to the testimony of those most competent to judge.

Mr. MOORE of Pennsylvania. Is it a fact that prior to the objection made last year to this item in the diplomatic and consular bill the Government had been participating in these conferences and that appropriations had been made for that purpose?

Mr. SULZER. That is quite true.

Mr. MOORE of Pennsylvania. What is the appropriation asked for this year?

Mr. SULZER. The appropriation asked for this year is a little over \$7,000.

Mr. MANN. We sent representation to the congress once, but we never have become members of the International Council. We have been invited to do so, and so has Canada, but I do not think Canada has accepted the invitation. I shall not object to the resolution, although it is perfectly patent to anyone who gives consideration to these international bodies that they are designed to obtain information for the benefit of foreign countries exclusively. We carry on our own work in these directions, and we give the benefits and results of that work to the world; and having done that we are asked, in addition to that, to contribute to the expense of investigations somewhere else, with which we are not concerned except in a mere scientific way.

Mr. SLAYDEN. Mr. Speaker, will the gentleman allow me an interruption before he takes his seat?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. Certainly.

Mr. SLAYDEN. I understand that we do for ourselves all work of a similar nature, and we are invited to participate in a commission or a convention or an association located in a foreign country from which we derive no benefit?

Mr. MANN. From which we derive no benefit except, possibly, in a scientific way.

Mr. SULZER. We derive much benefit and valuable information from these scientific explorations.

Mr. MANN. They do not make explorations where we are interested. We make our own explorations at our own expense.

Mr. SLAYDEN. Then, why should we engage in it?

Mr. MANN. Out of good nature only, I guess.

Mr. SULZER. Let me say to the gentleman that off the coast of North Carolina, off the coast of Virginia, and off the coast of Massachusetts, where great schools of food fish were formerly found, they have disappeared. They do not come there now. Our fishermen do not catch them now. They have gone, for reasons we are trying to find out, to some other part of the Atlantic Ocean.

Mr. SLAYDEN. It may be they have disappeared altogether.

Mr. SULZER. No; they have gone to other places where the food supply for these fish is better, and where, perhaps, the ocean currents are better adapted to their development. The scientists representing all the countries of Europe and North America are trying to find out about the habits of fish. They publish the information they obtain, and the reports are sent to our Government.

Mr. SLAYDEN. It seems to me the important thing is whether that commission is going to propose a plan by which we could persuade those fish to return to the shores of America. [Laughter.]

Mr. FLOOD of Virginia. There is no doubt about that.

Mr. SLAYDEN. How is that proposed to be done?

Mr. FLOOD of Virginia. We are going to devise a plan by which that can be done. [Laughter.]

Mr. SLAYDEN. If they do not come back; if we do not provide more schools for their instruction and persuade them to return—

Mr. RUCKER of Colorado. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Colorado?

Mr. SULZER. I do.

Mr. RUCKER of Colorado. Is it not a fact that the principality of Monte Carlo is one of the nations participating in this congress?

Mr. SULZER. No.

Mr. RUCKER of Colorado. The gentleman knows that the Prince of Monte Carlo has been for years engaged in the very laudable project and endeavor of discovering the secrets of the deep?

Mr. MANN. Catching suckers, as I understand it. [Laughter.]

Mr. SLAYDEN. I was just going to suggest that.

Mr. SULZER. This is a serious matter.

Mr. RUCKER of Colorado. If the gentleman from Texas and the gentleman from Illinois will only quit laughing long enough for me to ask a question, I will be obliged to them. I wanted to know whether the chairman of the Committee on Foreign Affairs is aware of the fact that this Congress has the benefit of the researches made by the Prince of Monte Carlo?

Mr. SULZER. It has.

Mr. RUCKER of Colorado. And that is obtained freely, without the principality being one of the nations participating along with the other nations?

Mr. SULZER. I would say to the gentleman from Colorado that is quite true, and that it is most commendable. I will say further to the gentleman from Colorado that the countries that are now parties to this council are Belgium, Denmark, England, the Netherlands, Norway, Sweden, Scotland, Canada, and the United States.

Mr. RUCKER of Colorado. Now, I will say to the gentleman, in conclusion, that that answers my question, and I now yield back my time to the gentleman from Texas and the gentleman from Illinois.

Mr. SULZER. The gentleman is always very courteous.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to his colleague?

Mr. SULZER. Yes.

Mr. FITZGERALD. I wish to inquire of the chairman of the Committee on Foreign Affairs by whom are the investigations conducted that are determined by this council to be made within the regions designated?

Mr. SULZER. I did not hear the gentleman's question.

Mr. FITZGERALD. By whom are the investigations conducted that are determined by this council should be made?

Mr. SULZER. On the part of the United States.

Mr. FITZGERALD. No; not on the part of the United States. The United States has not made any yet.

Mr. SULZER. The United States is a party to the council.

Mr. FITZGERALD. The United States has not been a party to the council.

Mr. SULZER. Oh, yes; it was represented in the council.

Mr. FITZGERALD. The gentleman is mistaken. The report of the committee shows that an invitation has been extended to the United States, but it has never been a member of the council.

Mr. FLOOD of Virginia. It had representatives there in 1910.

Mr. SULZER. Yes.

Mr. FITZGERALD. Where does the gentleman find that statement?

Mr. FLOOD of Virginia. That is in the report.

Mr. SULZER. The gentleman from New York will find it in the testimony, before the committee, of Dr. Smith, of the Bureau of Fisheries. We are a party to the council, not by virtue of an authorization by Congress, but by participation and assent, and we appropriate the money for our share. All the Committee on Foreign Affairs wants to do is to put behind the appropriation an authorization, so that it will not be subjected to criticism.

Mr. SLAYDEN. How much of an appropriation is asked for in this bill?

Mr. SULZER. None.

Mr. SLAYDEN. How much will it cost?

Mr. SULZER. It will cost in the neighborhood of six or seven thousand dollars a year.

Mr. SLAYDEN. Why should it be indefinite?

Mr. SULZER. Our share depends on the total expenses. The expenses of the council every year are apportioned among the nations which are parties to the council.

Mr. SLAYDEN. I do not approve of the idea of making an indefinite appropriation of an undetermined amount.

Mr. SULZER. This resolution merely authorizes the Secretary of the Treasury to pay our share.

Mr. SLAYDEN. Does not this do it?

Mr. SULZER. No; it simply authorizes the Secretary of the Treasury to pay our share.

Mr. SLAYDEN. That is virtually an appropriation.

Mr. SULZER. Some years it may be more and some years it may be less. This year it is about \$7,000—

Mr. SLAYDEN. Does it, like all other commissions, show a tendency to grow in cost?

Mr. SULZER. The council does a purely scientific work.

Mr. SLAYDEN. Has it ever been higher in any previous years than it is this?

Mr. SULZER. No.

Mr. SLAYDEN. Then it is higher this year than ever before?

Mr. SULZER. About the same. I think the amount asked for this year is the same as last year.

Mr. FLOOD of Virginia. There was none last year.

Mr. SLAYDEN. It looks to me like bad legislation to appropriate indefinitely.

Mr. FITZGERALD. I should like to get some information.

Mr. SULZER. I shall be pleased to give the gentleman the information.

Mr. FITZGERALD. I am endeavoring to find out how these investigations are made. Suppose this council should determine that investigations should be made in waters under the control of the United States. How and by whom would such investigations be made?

Mr. SULZER. These investigations are made by scientific men of the countries which are parties to the council.

Mr. HUGHES of New Jersey. I should think that ought to satisfy the gentleman from New York [Mr. FITZGERALD].

Mr. SULZER. The exploration of the sea to find out about fish is a large undertaking, and these men do it along scientific lines in an international way, just as the United States is making investigations about fish for itself in a national way.

Mr. FITZGERALD. These investigations are confined to quite a restricted area.

Mr. SULZER. They take in the northwest Atlantic Ocean.

Mr. FITZGERALD. No; the gentleman is mistaken. The investigations extend from the Barents Sea in the north to Morocco in the south, and include the fisheries of the Baltic, off Iceland and Faroe, and on the Rockhall Bank. The United States itself has made appropriations for many years for investigations by the Fish Commission.

Mr. SULZER. I will say to the gentleman—

Mr. FITZGERALD. It has made appropriations for inquiries respecting food fishes, the cause of decrease of food fishes in waters of the United States, investigations and experiments in respect to aquatic animals and plants, and in the interest of fish culture and the fishery industry.

Reading the hearings before the Committee on Foreign Affairs, it appears that the council is a deliberative council, and it determines the scope of the investigations at the annual meeting for the year that is to follow. Suppose it is determined that certain investigations should be made in the waters under the control of the United States, of the Atlantic coast, by whom, by what party or nation would such investigation be made?

Mr. SULZER. It appears in the hearings before the committee, and will appear clear to every Member of the House who looks into the subject matter, that this council is doing a most important scientific work.

Mr. FITZGERALD. Will the gentleman answer my question, because upon that answer depends my attitude toward this measure?

Mr. SULZER. If the gentleman from New York will permit me to conclude, I will answer him. These investigations are made in the most scientific way that is known to-day to man.

Mr. FITZGERALD. Who makes them?

Mr. SULZER. The nations making them that I have mentioned.

Mr. FITZGERALD. Who would make such investigations in the waters of the United States that I have indicated?

Mr. SULZER. I will read for the gentleman's information—

Mr. FITZGERALD. I have read that. The gentleman does not know or will not give the information I ask.

Mr. SULZER. I will read what the Department of Commerce and Labor says.

Mr. FITZGERALD. I have read that four times.

Mr. SULZER. If the gentleman has, he does not understand it. I will try to make him understand it. [Laughter.]

Mr. FITZGERALD. Now, will my colleague answer the question? I will repeat it: In the event that this council should determine that certain investigations should be made in waters under the control of the United States on our Atlantic coast, by whom would such investigation be made?

Mr. SULZER. They might be made by the United States.

Mr. FITZGERALD. That is what I wanted to get at.

Mr. SULZER. If they were within the 3-mile limit of course they would have to be made by the United States, but they might be made by Norway or the Netherlands, or by any other country beyond our jurisdiction.

Mr. FITZGERALD. Has Norway or the Netherlands or any other country any parties at work making investigations of the waters under the control of the United States?

Mr. SULZER. The testimony shows that codfish on the Newfoundland banks are becoming fewer every year. They are the greatest food fish in the world. Great nations have gone to war about the right to take these fish on the Newfoundland banks. This council is investigating the habits of the codfish. We are getting valuable information, and if we are getting it we ought to pay our share. We do pay it, but the Committee on Foreign Affairs want to have this resolution passed so we shall not have to make an appropriation and have it subject to a point of order.

Mr. CURLEY. Will the gentleman yield?

Mr. SULZER. Certainly.

Mr. CURLEY. Is it customary for the food fish to school in any particular place annually? As a matter of fact, is it not the purpose of this commission to so study and become informed as to the habits of the fish as to be able to locate their place of schooling?

Mr. SULZER. That is quite true. The great food fish are migratory. Some seasons they go to one place and some seasons to another place. Some attribute it to one cause and some to another cause. We know very little about the customs of the inhabitants of the ocean, but we are making investigations to find out all we can. It is an economical subject as well as a commercial matter. Fish is becoming more and more a necessary of life. All great nations are making scientific investigations. We have a great seacoast on the Pacific and on the Atlantic. Our people make a great deal of money every year out of fish, not only on the Atlantic but on the Pacific coast and in Alaska, and any information that we can get regarding the habits, the migrations, the supply, and the value as food of these commercial fish is very valuable. It should require no argument to demonstrate the proposition. We are getting information, to a large extent, through the agency of this international council, and we ought to be glad, as a great Nation of 90,000,000 people, to pay our share when it amounts to only about \$7,000. I do not believe in being penny-wise and pound-foolish. I know something of the value of food fish to the people.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. SULZER. I will.

Mr. SHARP. Mr. Speaker, I subscribe most heartily to all the gentleman's views, agreeing with all that he has said about the propriety of making this appropriation. I wish to ask, in part answer to the gentleman from New York [Mr. FITZGERALD], who has asked the question, if it is not in contemplation that if our Government participates in this council, which we have not done in the past and have refused to do, even to the extent of a few thousand dollars a year, that some of our scientists, some of our men who are up in that knowledge, would be a part of that council naturally, and would participate in that investigation.

Mr. SULZER. What the gentleman says about our scientists is true. However, we do participate in the council.

Mr. SHARP. And in further answer to the gentleman from Texas [Mr. SLAYDEN], who objected to this appropriation because of its lack of definiteness, I wish to ask if it has not been the history of all these expenditures on the part of other Governments that the sum required has averaged less than a thousand dollars for 8 or 10 years past, and that in all probability our share would not exceed \$5,000 per year.

Mr. SULZER. About that.

Mr. SHARP. And if in view of the fact that our Government has adjacent to its shores many, many times as many miles of seacoast as any of the other participants, there is any good and just reason why we should not participate in that small share of \$5,000 to get this further knowledge.

Mr. SULZER. The gentleman has well stated it, I trust, Mr. Speaker, that my friend from New York will not object to this resolution.

Mr. FITZGERALD. Mr. Speaker, this report says that this council owes its origin to an invitation extended by the Swedish Government to the other Governments interested in the fisheries of the northern European seas to a conference at Stockholm, at which plans should be drawn for the exploration and investigation of such seas in behalf of the fishing industry; and the investigations so far conducted have been solely designed to benefit those interested in the fishing industries of the northern European seas. The United States under its own Fish Commission conducts all of the investigation necessary and essential in waters under the control of the United States, not only on the Atlantic and on the Pacific but in the waters of Porto Rico, the Hawaiian and the Philippine Islands. It does it at an expense of about \$35,000 a year. It is now proposed that we authorize an expenditure of over \$7,000 a year to facilitate investigations conducted under the protection of a council which is primarily convened to advance the fishing industry of those engaged in fishing in the northern European seas.

Mr. SULZER. Mr. Speaker, I want to say to the gentleman from New York that I trust he will not object to pass this resolution by unanimous consent.

Mr. FITZGERALD. Mr. Speaker, I do not care to have my colleague say that to me. I shall exercise my own judgment.

Mr. SULZER. I say so, because I believe it is a matter of the utmost importance to the poor people—to the consumers—of the United States. Every year we will doubtless appropriate the money for our share, whether it is authorized by an act or not, because if it is not put on the appropriation bill in the House it will be put on the bill in the Senate, and the conferees on the part of the House will ultimately yield and support it. The truth about the matter is that if we participate in this council we ought to pay our share. The council is doing a world work in the interest of the consumers. I want to say, and I know whereof I speak, that there is nothing to-day in which the people of the world take a greater interest than in the high cost of the necessities of life. One way to lessen the cost of living is by increasing the supply of food fishes. The price of meat is going up. Meat is becoming scarcer and harder to get for the poor man in this country. Our great cattle ranges in the West are a thing of the past. Our supply of live stock must grow less. We can not raise the beef for export we formerly did. In a few years it will be all we can do to raise enough meat to supply the wants of our own people. Our poor people, like the poor people in other countries, must ere long live more and more on fish. It is the natural law. We can not evade it if we would. Fish are healthful to eat. All scientists say so. The more fish we have the better for our people. We should do all we can to preserve and protect the great food supply for man afforded by the sea. It is one of the necessities of life.

Mr. FITZGERALD. Mr. Speaker, I wish to say to my colleague the statement that Congress is going to appropriate this money whether it is legal or otherwise is a statement the gentleman will find he will not be able to substantiate.

Mr. SULZER. Well, it has done it, and that is just what I am opposed to and want to avoid by this meritorious legislation.

Mr. FITZGERALD. It has not done it in recent years.

Mr. SULZER. It has been done since this council was created.

Mr. FITZGERALD. I desire to say to my colleague, if he imagines that in defiance to the sentiment of this House in the consular and diplomatic bill he can successfully agree to items inserted in the Senate to which the House is opposed he will have a sad awakening before the expiration of this session of Congress. I object to this bill.

The SPEAKER. The gentleman objects, and the bill is stricken from the calendar.

Mr. SULZER. Mr. Speaker, I move to suspend the rules—

Mr. FITZGERALD. Mr. Speaker, I demand the regular order.

The SPEAKER. That can not be done until we get through with call for unanimous consent. The Clerk will report the next bill on the calendar.

PROOF OF DESERT-LAND ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17032) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal.

The Clerk read as follows:

A bill (H. R. 17032) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal.

Be it enacted, etc., That the Secretary of the Interior may, in his discretion, grant to any entryman who has heretofore made entry under the desert-land laws in the counties of Modoc and Lassen, in the State of California, a further extension of the time within which he is required

to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, I would like to have an explanation of the bill.

Mr. RAKER. Mr. Speaker, this is a counterpart of an act of February 28, 1911 (36 Stat., 960), relating to Washington, and a like act passed this year applying to the counties of Weld and Larimer, in the State of Colorado. This bill was taken up before the Public Lands Committee, and after going into the matter they have unanimously reported it after receiving a report from the Acting Secretary of the Interior. The report shows that there are three principal projects in these counties at present, one covering an extent of some 2,000 acres, and another one of about 40,000 acres, and another one for something over 200,000 acres, and they are all private concerns. The last one, known as the Lassen-Willow Creek Water Co., according to a report made July 5, 1911, proposes to irrigate about 200,000 acres, and apparently has sufficient water rights for that purpose. Only about 10 per cent of the project had been completed at that time, and the company was embarrassed for a lack of available funds to prosecute its work. And there is a question of litigation, and the purpose is to give the entryman under these projects, present enterprises, and other entries three years more time in which to complete their reclamation, cultivation, and proof, and the Secretary recognizes it as to these bills.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield.

Mr. MONDELL. Mr. Speaker, I think there should be no objection to the passage of this bill, but I think that Congress should go further and pass a general bill on the subject. The necessity for this legislation is apparent. It is also apparent that as time passes and irrigation projects involve greater and greater difficulties it becomes necessary to give the entryman an extension of time within which, in some instances, to apply water to his land. The desert-land law requires proof in 4 years from the date of entry. We passed a law some 2 years ago authorizing the Commissioner of the General Land Office, on a proper showing, to grant an extension of 3 years. The bill before the House provides that a further extension of 3 years can be granted by the Secretary of the Interior, so that the extension herein granted will give these entrymen 10 years from date of original entry within which to make proof, providing they can make a proper showing that through no fault of their own, no lack of effort on their own part, they are unable to irrigate their land. Of course these men must eventually pay the amount due on their lands—that is, the amount due the Government, \$1.25 or \$2.50 an acre—but they are relieved from the necessity of proving that which under the circumstances they are unable to prove—that they have reclaimed their lands.

Mr. MANN. Does a desert-land entryman have to pay \$2.50 an acre for desert land?

Mr. MONDELL. A dollar and a quarter an acre for land not within a railroad-land grant.

Mr. MANN. Where are these lands?

Mr. MONDELL. My understanding was that these were probably within land-grant limits.

I am not certain, however, as to that. I was assuming that they were. The ordinary desert-land entryman pays \$1.25 an acre for his land. If he has anything within land-grant limits he pays double the price.

Mr. RAKER. I do not think these come within land-grant limits, I will say to the gentleman. In addition to the \$1.25 he has to pay \$1 an acre each year for the improvement of that land in the way of getting water, and so forth, for the first three years, and these projects have obtained water rights, and are obtaining them, at the cost of \$25 to \$50 an acre—that is, when they get it finally paid for after 10 or 20 years' payment they will get a perpetual water right. This is all private enterprise by corporations, associations, and individuals, bringing under reclamation and cultivation land that even the Government believed, under their investigation, could not be so brought. Whenever you can give these private individuals and give private capital an opportunity to go into these barren hills and put in dams and build ditches by which to assist in reclaiming these vast tracts of arid lands they ought to be given sufficient time in which to do it. If any more time should be

needed, they ought to have it. The entryman is not really responsible for the misfortunes that may occur. A dam may break, a flume goes out, and in one district they had a tunnel a mile and a half long, and the tunnel caved, and it took a year to build it up, and in that year they were unable to get the water. In another instance the head gate went out. Private individuals are doing all they can, but when they get through and when they make proof to the Government they must show that they have expended this amount of money—that is, \$3 per acre for the first three years for the water-right improvements, and so forth—but, as a matter of fact, when they come to prove up and get their water right from the company, an organization or a corporation, they pay from \$25 to \$50 an inch per acre.

Mr. MANN. Where is the requirement that they have to pay \$3 an acre on account of water right?

Mr. RAKER. That is on improvement—cultivation, and so forth. That is in the law to-day. The general land law requires them to expend \$1 an acre on the entire tract for the first year, and \$1 an acre for the second year, and \$1 an acre the third year, and in the fourth year they may prove up.

Mr. MANN. That does not apply in this case, however.

Mr. RAKER. No; not here.

Mr. MANN. It has nothing to do with the case at all. It simply applies to this extent: Having expended that money, having entered into a contract and made preparations for the water, if by any reason they fail, they should not be cut out by a contest, but should be given a sufficient length of time in which to complete the irrigation, reclamation, or cultivation.

Mr. MONDELL. Mr. Speaker, I think I can explain the situation to the gentleman. These entrymen have all made their affidavits of the expenditure of \$1 an acre per annum for three years for the irrigation of their land.

Mr. RAKER. That is right. They are required to do that the first three years of their entry, and of course they have done it.

Mr. MANN. What have they expended it on?

Mr. MONDELL. They must show that they have either expended that money for the actual construction of irrigation work, in the cultivation of land, or in the purchase of water rights.

Mr. MANN. These people are not constructing irrigation works.

Mr. MONDELL. In this case it is possible they have made that expenditure in the purchase of water rights; that is, they have paid that much to the people who are building irrigation works. The expenditure of \$1 an acre per annum must be for purposes tending to the development, cultivation, and the reclamation of the land. That proof has all been presented.

Mr. MANN. What does it mean in the bill, then, that all they need to show is they are unable to make proof of the reclamation and cultivation of said land, as required by law, within the time limited therefor. Is not that for the very purpose of eliminating the requirements that they shall have expended at least \$1 an acre on the land?

Mr. MONDELL. If the gentleman will allow me just a moment—

Mr. RAKER. The man may have expended his money, \$1 an acre, and still he would have nothing upon which to make final proof. Why? Because he must have actually improved and diverted the water upon the particular tract of land that he desires to prove upon.

Mr. MANN. May I ask the gentleman a question? All this, to me, is not especially interesting or informing. I would like to know what the process is in reference to these projects. Here is one company that proposes to irrigate 200,000 acres of land. Evidently no one made any desert-land entries upon that land to any considerable extent before the irrigation project was inaugurated.

Mr. RAKER. I will answer the gentleman upon that. In regard to this first one in particular, the Madeline Meadows Land & Irrigation Co.'s holding is a place that I have been over for the last 26 years.

Mr. MANN. The gentleman is personally familiar with it?

Mr. RAKER. Yes. It lay idle until within the last seven or nine years. The company has gone in and bought out some water rights and has built a dam and made canals and ditches to bring the water upon what is known as the Madeline Plain, a tract of land about 60 miles long and averaging from 10 to 20 miles broad. It is desert land, without any water on it, covered with sagebrush from a foot and half high to 10 feet high, and some of the sagebrush is at least 6 inches in diameter down at the base. These men entered into a contract with the desert-land entrymen and—

Mr. MANN. Where do the desert-land entrymen come from? They did not go on there in the first place for the purpose of

cultivating the soil without any possibility of irrigation, did they?

Mr. RAKER. The gentleman is mistaken about that. As quick as the project is in shape—

Mr. MANN. But the gentleman says that the people in charge of the project sold to the entrymen first.

Mr. RAKER. I do not understand the gentleman.

Mr. MANN. People do not make desert-land entries upon ground of this kind unless they know there is an irrigation project in sight.

Mr. RAKER. A great many of the entrymen are local people and some came from various States. Some of them came from the Eastern States. They came and filed upon that land, but they were unable in the first four years to get the water on the land, owing to the fact that the first year the tunnel gave in, and the next year the head gate could not be used. That is why they got the first extension. Others require more time on their projects. They pay at least \$35 an acre for an inch of water. When it is completed that becomes a part of the water right upon their land.

Mr. MANN. Until the tunnels burst again, and the head gate will not work the next time.

Mr. RAKER. It will work if it is only attended to properly.

Mr. TAYLOR of Colorado. Mr. Speaker, if the gentleman will allow me, I wish to say that it is not the fault of the entryman that the engineers make a mistake.

Mr. MANN. No; it is not the fault of the entryman if the engineers make a mistake, and therefore I do not object to these extensions; but it is the fault of the Government that permits a lot of entrymen to go on the land where a lot of them may be swindled in the end, in connection with irrigation projects that are not properly conceived and are not properly carried out. I do not know whether or not that is the case in this instance.

Mr. RAKER. It is not in these projects; and good results have been obtained by private individuals in many instances.

Mr. TAYLOR of Colorado. The gentleman may be correct. It has cost as much as \$85 an acre to get the water on the land, but after these men have spent their money on the ground it is only equitable that the Government should give an extension.

I would say to the gentleman from Wyoming [Mr. MONDELL] that after passing an act like this, which the President signed on the 26th day of January, I received another application similar to this, and I now have a general bill pending, favorably reported by the committee, to allow all entrymen who have made a general entry throughout the United States to have an extension.

Mr. MONDELL. I wonder why the gentleman did not put that on the Unanimous Consent Calendar, so that we could dispose of all these cases at one time and not make a number of bites of the cherry.

Mr. TAYLOR of Colorado. I doubted the wisdom of putting it on the Unanimous Consent Calendar, and thus complicate it with the bills on the other calendar. But I hope the relief asked for may be had in this case. I hope the House will act favorably upon this bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. RAKER, a motion to reconsider the last vote was laid on the table.

LOT IN THE CITY OF ALVA, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to convey to Company I, Oklahoma National Guard, the following tract of land, in the city of Alva, Woods County, State of Oklahoma, to wit: Lot No. 19, in block No. 41, according to the original plat thereof.

With the following committee amendment:

In line 4 insert, after the word "I," the words "First Regiment"; and in line 8 strike out the period after the word "thereof" and insert a comma, and add the following words, to wit: "which patent shall be issued upon the express condition that Company I, First Regiment Oklahoma National Guard, must erect an armory building upon said lot within two years after the approval of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I should like to have the gentleman explain the bill.

Mr. MORGAN. Mr. Speaker, this bill refers to a lot in the town of Alva. Alva is a part of a certain tract of land that was opened to settlement in September, 1893. Under the act the

Secretary of the Interior or the President was authorized to reserve 320 acres in each county for a county-seat town. Those lots were not sold to settlers, but the entire town site was given away free to settlers. That is, a man who went in there on that day or any subsequent day and took a lot got it free.

It so happened that there was a certain lot which was not taken by any person, and it has remained there from September, 1893, down to the present time—19 years—unoccupied, unused, and unowned except as the title remained in the Government.

In 1896, at the request of the adjutant general of the Territory of Oklahoma, this lot was reserved or set aside for the use of the local militia company for an armory; but we were expecting statehood every year, and it went on from time to time, and the militia company has never gotten title.

The lot is 25 by 140 feet. Under the State law of Oklahoma the local militia company is authorized to acquire title to real property for the purpose of constructing an armory.

This bill has been recommended by the Secretary of the Interior. He raises no objection to the passage of it. The lot is a small one. The bill provides that a suitable armory shall be constructed, which will probably cost two or three thousand dollars. I think there ought to be no objection to the bill.

Mr. MANN. I see the committee have recommended an amendment to the bill providing that the patent shall be issued upon the express condition that an armory building shall be erected upon the lot within two years after the approval of the act. Supposing an armory building be not erected, then who has the title?

Mr. MORGAN. It remains with the Government, of course.

Mr. MANN. Not at all. That is just where it does not remain. The Government passes the title by patent. The title goes to the patentee upon a condition subsequent, and if the armory should not be erected within two years it would take legal action to determine where the title rested and who had the title. It would tie up the title to the property so that nobody could do anything with it.

Mr. NORRIS. It is tied up now.

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RAKER. I should like to state that the words "upon the express condition" appear to me, under the holding of our Supreme Court, to mean that if the condition is not complied with within that time the title reverts to the original owner.

Mr. MANN. Oh, no. The title never reverts on a condition subsequent in a deed, except upon some action taken.

Mr. RAKER. There is a difference of opinion on that.

Mr. MANN. Here is a proposition to make a patent of the land on a condition subsequent. The Government might have the right to commence legal proceedings to obtain title. If the purpose of the amendment is to have the title revert to the Government, it is a very simple proposition to fix it so that it shall. I do not desire to insist upon a proposition of that sort, although I have prepared an amendment which would settle that thing.

Mr. FERRIS. Will the gentleman offer his amendment?

Mr. MANN. My amendment reads as follows:

Provided, however, That if said armory building shall not be erected on said lot at the time specified, or if at any time thereafter said lot shall cease to be used as a site for the armory building, the title to said lot shall, without further action, revert to and be in the United States.

Now, I understand from the gentleman from Oklahoma that he has some objection to that part of the amendment which provides that if at any time thereafter the lot shall cease to be used for an armory building the title shall revert, that it might prevent the borrowing of any money for the erection of the building.

Mr. FOSTER of Illinois. May I inquire of my colleague, or the gentleman from Oklahoma, if the armory building is to be built by the State or by private parties?

Mr. MANN. It is not to be built by the State.

Mr. MORGAN. It is to be built by a local organization.

Mr. MANN. By a local company of militia.

Mr. MORGAN. The militia company is incorporated under a State law, and is authorized to acquire title to land upon which to build an armory.

Mr. MANN. Of course, the company might disband at any time. That was what I had in mind, but I do not care so much about that. I would like to inquire, however, of the gentleman from Oklahoma how much this property is worth.

Mr. MORGAN. I think it would be worth \$300 or \$400.

Mr. MANN. Is it not worth more than that?

Mr. MORGAN. I have given the gentleman my best judgment.

Mr. FOSTER of Illinois. How large a town is this?

Mr. MORGAN. A town of about 4,000 people. It is the county seat, but this is not a first-class lot.

Mr. FOSTER of Illinois. Is it in the center of the town?

Mr. MORGAN. It is on one side of the business part of the town, not in the business center, but near the edge of the business part, if I am correctly informed.

Mr. MANN. How much did people there pay for their lots?

Mr. MORGAN. Every single lot was given away by the Government of the United States to individuals. Individuals went in there and some of them got a lot worth \$2,000 or more the moment they put their foot on it.

Mr. MANN. Does not the gentleman think it is about time that some of these people contributed to buy something from the Government?

Mr. MORGAN. I think if the Government could give lots to individuals, for a much greater reason it should be liberal in donating to a local company of militia. I do not see how there can be any objection to it.

Mr. MANN. This is a bona fide company of militia, is it not?

Mr. MORGAN. Yes.

Mr. MANN. The gentleman knows that?

Mr. MORGAN. I am well acquainted with a good many of the men active in it, and they have been after this for a good many years.

Mr. MANN. Mr. Speaker, I will modify my amendment and have the title revert if the building is not erected.

Mr. MORGAN. That will be perfectly satisfactory.

Mr. FOSTER of Illinois. Would it not be proper to provide that they should pay back the value of the lot if they fail to use it?

Mr. MANN. I think the gentleman from Oklahoma may be correct in assuming that these people who are to construct the armory will have to borrow money. Of course, they could not borrow money where the mortgagee, if he foreclosed, would lose the title to the land. A man would not be apt to lend money on security which, if he enforced his claim on the security, he would lose it.

Mr. FOSTER of Illinois. This would only require the payment back of the appraised value of the lot.

Mr. MANN. I am frank to say that I feel a little bit different in regard to the National Guard as far as the Government is concerned. Now, I will withdraw my right to object and offer the amendment.

The SPEAKER pro tempore (Mr. Wilson of Pennsylvania). The first question is on the first committee amendment, which the Clerk will report.

The Clerk read as follows:

In line 4 insert after the word "I" the words "first regiment."

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the amendment of the gentleman from Illinois to the second committee amendment, which the Clerk will report.

The Clerk read as follows:

The committee amendment is as follows:

"Page 1, line 8, strike out the period after the word 'thereof' and insert a comma and add the following words, to wit: 'which patent shall be issued upon the express condition that Company L, First Regiment Oklahoma National Guard, must erect an armory building upon said lot within two years after the approval of this act.'"

And the amendment to this amendment offered by Mr. MANN is as follows:

Amend the amendment by inserting after the word "act," line 11, the following: "Provided, That if said armory building shall not be erected on said lot within the time specified the title to said lot shall thereupon without further action revert to and be in the United States."

Mr. MORGAN. Mr. Chairman, I desire to offer an amendment in line 9. Would it be proper to offer that now?

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois to the committee amendment.

The question was taken, and the amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

Mr. FERRIS. Mr. Speaker, it is necessary, and I think the gentleman from Oklahoma [Mr. MORGAN] desires to ask unanimous consent to change the name of the company. In the main text of the bill in line 4 it is Company I and in the committee amendment in line 9 it is designated Company L. That undoubtedly ought to be changed.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to amend, in line 9, by striking out "L" and inserting "I."

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to amend the amendment by striking out "L" and inserting "I." Is there objection?

Mr. AKIN of New York. Mr. Speaker, will the gentleman from Oklahoma yield?

Mr. MORGAN. Yes.

Mr. AKIN of New York. I hope the gentleman will notice the fact that I have not held him up.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to ask the gentleman a question. Do I understand that this proposes to convey to a company of the National Guard certain real estate?

Mr. MORGAN. Yes.

Mr. BURKE of South Dakota. Do I understand the gentleman to say that this company is incorporated?

Mr. MORGAN. Under the laws of Oklahoma the local military companies are specifically authorized to acquire title to real estate and construct an armory.

Mr. BURKE of South Dakota. Does the law provide how they shall convey real estate?

Mr. MORGAN. Yes.

Mr. BURKE of South Dakota. What would happen in this instance if this company mustered out and disbanded and subsequently another company were formed as a part of this regiment and designated Company I?

Mr. MORGAN. I think the State law provides for the taking over by the State of the property held by the local company.

Mr. BURKE of South Dakota. Does the gentleman know whether it does or not?

Mr. MORGAN. That is my understanding. That is what I have been informed.

Mr. BURKE of South Dakota. It is an unusual situation, it seems to me. I am not aware of any laws generally that would authorize militia companies to own and convey real estate as a company.

Mr. MORGAN. Well, it is the law there.

The SPEAKER pro tempore. The question is on the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MORGAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONVICT-MADE GOODS IN INTERSTATE COMMERCE.

The next business was the bill (H. R. 5601) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor, or in any prison or reformatory.

The Clerk read the bill, as follows:

Be it enacted, etc., That all goods, wares, and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill whether the committee in reporting this bill has taken into consideration the constitutional question involved as to how far Congress has the power, when goods pass from one State to another, remaining in original packages, to make those goods subject to the police laws of the State into which they go—a question that has been in controversy here for a great many years, and upon which very learned opinions have been given by many distinguished men, and upon which hearings have been held that would fill volumes?

Mr. HENSLEY. Mr. Speaker, I will say in answer to that question that the committee did not take up that question and consider it carefully and seriously, but as a member of the committee whose duty it was to prepare the report, I took the necessary time and pains to look over the law, and I will state to the gentleman from Illinois that I think there is no question along that line. I have one decision here that I read very carefully—the case of *Gibbons v. Ogden* (9 Wheat., 23).

Mr. MANN. That is a long time ago, and a great many of us have read that case. I doubt if there is a man in the House who has not.

Mr. HENSLEY. Yes; it is a long time ago, but if it was good, sound ruling at that time by Chief Justice Marshall it should be good now.

Mr. MANN. Yes, but it did not decide this question, or have anything to do with it, in my judgment. Is the gentleman familiar with the very elaborate opinion of the Senate Judiciary Committee on this subject, and the very elaborate hearings held by the House Committee on the Judiciary upon this subject, not as related to convict goods, but as related to the power of Con-

gress to establish the status of goods passing from one State to another remaining in the original packages, so as to make the police laws of the second State apply the moment the goods came across the boundary line?

Mr. HENSLEY. I will say in answer to the gentleman from Illinois, in my candid judgment, when the Federal authorities undertake to invade the province of a State it is very hard to prevent it, and on that proposition I have concluded that this law, if it passes Congress, will tend to strengthen the arm of the State, and it is beyond question a meritorious bill, and the State should have that authority—

Mr. MANN. Is the gentleman familiar with the decision of the Supreme Court of the United States on the law we passed with reference to the transportation of liquor from one State to another?

Mr. HENSLEY. I will confess I have not made an exhaustive research on all points that bear upon this question; I will confess that.

Mr. MANN. Of course the gentleman wants to pass a constitutional law on this subject. Some years ago Congress passed a law which was designed to do precisely what he is now seeking to do in reference to interstate shipments of liquor, and when that law came before the Supreme Court it was held unconstitutional, and that law was passed 20 years ago or more, and ever since that time, ever since I have been a Member of the House, I have watched the controversy raging around this proposition as how far Congress has the power to do this, and any bill that is passed ought to be passed in such a way it will have a valid effect.

Mr. HENSLEY. That is very true. Let me inquire of the gentleman from Illinois his opinion with reference to that proposition.

Mr. MANN. Well, I have given a good deal of study—

Mr. HENSLEY. I am satisfied of that.

Mr. MANN. To matters of interstate commerce, and I have never arrived at an opinion on that proposition.

Mr. HENSLEY. I will submit, then, it could hardly be expected in my short experience as a Member of this House that I should be able to give to the gentleman such information as will clarify this question and demonstrate the proposition in that regard.

Mr. MANN. I have no doubt there are ways of passing laws that will be effective, but it is desirable in preparing a bill to take those questions into consideration so that the bill that is passed and becomes a law will be of some effect.

Mr. HENSLEY. I will say to the gentleman we took that into consideration, and now when the gentleman from Illinois, after having made a careful study of this question for a period covering several years, is undecided with reference to whether the courts will sustain this law, then why not pass the matter up to the courts and let them pass upon its constitutionality?

Mr. MANN. That is always an easy thing to do. I have been a member of a committee for several years that has never reported a bill that passed the Congress and became a law that has not been sustained by the courts, and they have passed more bills than any other committee of this House here or the other House. They have always considered the constitutional question and never gone on the basis we do not know whether this bill is constitutional or not, but let us pass it and let the courts determine it. We endeavored to determine it for ourselves and tried to arrive at a constitutional bill and have always been successful so far.

Mr. WILSON of Pennsylvania. Mr. Chairman, I desire to say for the information of the gentleman that the committee from which this bill comes took into consideration the question of whether it was constitutional, and the members of the committee satisfied themselves that it was constitutional. We believe that all power of government is lodged somewhere, either in the Federal Government or in the State governments, as the case may be, and that if the power proposed to be exercised has not been conveyed to the Federal Government it would then be in the respective States. The fact that this power can not be exercised by the respective States, and they have been unable to exercise it, we considered to be conclusive evidence that it must be lodged in the Federal Government and so we have sought to exercise that power through this bill.

Mr. MANN. I think it is very evident that my distinguished friend from Pennsylvania has not given this subject consideration from a constitutional viewpoint in view of the decisions of the court on the subject.

Mr. RAKER. Will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. RAKER. Is it not a fact this bill was before some committee at the last session of Congress and taken up and acted upon?

Mr. MANN. This bill has been before various committees. A bill like this has been before the Labor Committee, before

the Committee on Interstate and Foreign Commerce, and, I think, has been before the Committee on the Judiciary and several other committees of the House, which for years, in connection with this proposition and in connection with the shipment-of-liquor proposition, have been endeavoring to find a constitutional bill which, when enacted, would be held valid.

Mr. RAKER. The question I am trying to present is this, that the same bill, identical in form to this one, is one that was before the former Congresses. I want to say to the gentleman from Illinois and to the gentleman representing the bill, that the best constitutional lawyers we have in my State have informed me that this bill in their view is constitutional. Not only that, but the people seem to be in favor of it. It is a bill that ought to pass.

The question ought to be determined, and if there is any doubt, instead of letting it be buffeted around from committee to committee year in and year out, let the Congress pass it, and let the constitutionality of it be determined by the courts if there is so much difference between the lawyers. I hope there will be no objection to the present consideration of this bill and that it will pass. It ought to become a law.

Mr. MANN. Suppose that I should propose a bill here to prohibit the transportation of red oranges from California into Nevada, if Nevada did not want them? Does the gentleman think that would be a constitutional question?

Mr. RAKER. That is not parallel.

Mr. MANN. That is exactly parallel. There is no distinction whatever.

Mr. MURRAY. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. RAKER. I want to answer the question as to the red oranges. Nobody would ever object to a California orange at any place.

Mr. MANN. That would depend on whether they have ever eaten Florida oranges or not. [Laughter.] If not, possibly they would take California oranges.

Mr. RAKER. Not on your life. [Laughter.]

Mr. MURRAY. Mr. Speaker—

The SPEAKER. Will the gentleman from Illinois [Mr. MANN] yield to the gentleman from Massachusetts [Mr. MURRAY]?

Mr. MANN. I yield to the gentleman from Massachusetts.

Mr. MURRAY. I notice the gentleman from Illinois [Mr. MANN] has not said he believes this bill to be unconstitutional. May I ask him whether or not he believes it is unconstitutional?

Mr. MANN. I answered that question a moment ago.

Mr. MURRAY. You did not answer it any more than you are answering it now.

Mr. MANN. I answered the question a moment ago. The trouble with the gentleman is that he was not paying attention, as he should have done.

Mr. MURRAY. I think the RECORD will show that he said that in the Committee on Interstate and Foreign Commerce, when he was there, they never put things out and had their constitutionality determined afterwards. And in answer to the gentleman from Missouri he said he had given a great deal of study—

Mr. MANN. The gentleman need not, parrotlike, quote me—

Mr. MURRAY. Did you give an opinion as to the constitutionality of the bill?

Mr. MANN. I stated to the gentleman a while ago, and if the gentleman had been listening he would have heard me—although I am willing to repeat it again—I have never formed an opinion as to whether this provision was constitutional or not. The matter has not been a ripe, active question before the committee. It has been before the Judiciary Committee of both the House and the Senate. I know it is very easy for a lawyer of California to give a street opinion or for a lawyer of some other State to give a street opinion, that an act is constitutional or not constitutional. And yet the trouble is those gentlemen do not manage to get into the House or into the Senate, and then get on the Judiciary Committee, in order to determine the question, or do not usually manage to get on the bench, where they have a chance to determine those questions.

Mr. MURRAY. I find that we are in entire accord as to the value of the wisdom of some lawyer, but I would like to find out for my own information, and in all sincerity, because I respect the opinion of the gentleman from Illinois [Mr. MANN] on such propositions, whether his objections to this measure are because of unconstitutionality or because he is hiding behind the question of unconstitutionality.

Mr. MANN. Mr. Speaker, I am not like the gentleman from Massachusetts. I do not hide behind anything. I would not even hide behind the gentleman from Massachusetts.

Mr. MURRAY. You would not if the gentleman from Massachusetts could keep out of the way.

Mr. MANN. It would be impossible either physically or mentally to hide behind him.

Mr. MURRAY. I agree as to both propositions, Mr. Speaker, and I simply want to say that I never knew the gentleman to hide before, and I never knew him on any previous occasion during the limited time that I have been in the House to use the tactics that he seems to be trying to use on this particular bill.

Mr. MANN. I am calling the attention of the House to a serious proposition. Possibly it does not seem so to my friend from Massachusetts [Mr. MURRAY]. He disposes of constitutional questions like a boy does with dust. It is easy for him to settle a constitutional question, picking it up in one hand and tossing it into the air and catching it again in the other hand without the least trouble—

Mr. MURRAY. May I suggest, Mr. Speaker—

Mr. MANN. But it is not easy for Members of Congress to decide these questions in that way. The Committee on the Judiciary has this question pending before it now, and other committees have had it pending before them.

Mr. HENSLEY. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Missouri [Mr. HENSLEY] has the floor.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Missouri yield to the gentleman from Mississippi?

Mr. HENSLEY. Just in one moment; then I will yield to the gentleman. I want to say to the gentleman from Illinois [Mr. MANN] that I am aware that his question was not propounded with any degree of frivolity, or anything of that sort. It is important that this matter should be discussed. I was interested in finding out whether or not he had come to a conclusion as to the constitutionality of this proposed law. The reason I asked that question was because I believed that if the gentleman had given such study to this question as I have observed he usually does, he could give us an opinion.

Mr. MANN. If the gentleman will pardon me, I would say that I have read the reports of the Senate Committee on the Judiciary—

Mr. HENSLEY. I say this not in a spirit of criticism at all—

Mr. MANN. And the statements of different members of the committee, both their expressions when the bill was reported in the Senate and their expressions in speeches in reference to this matter in the Senate, where it has received more consideration than it has received in the House. I have also read the hearings in the House, and have read therein the statements of eminent gentlemen appearing before the House Committee on the Judiciary and the opinions interlarded through the hearings of members of the House Committee on the Judiciary. It may be easy for some gentlemen to determine constitutional questions like this, but—

Mr. HENSLEY. I am not complaining as to the attitude of the gentleman—

Mr. MANN. But I have never had occasion to attempt to determine it, either in committee or otherwise.

Mr. HENSLEY. That is satisfactory.

Mr. MANN. If the gentleman's committee took this into consideration, that is all right. That is the question I asked—whether they had reported this bill after studying the constitutional questions.

If I had my way about it I would not let convict-made goods be sold anywhere in competition with free-made goods, but this question goes far beyond the mere transportation of convict-made goods, because if you have the power under the Constitution to declare that one kind of goods shall be subject to one set of laws in one State and subject to another set of laws in another State, and subject to still another set of laws in another State, the moment you cross the boundary line, you have the power under the Constitution also to say that about any kind of commerce that is in existence or can be produced in the United States and the transportation of any goods. Supposing the gentleman's State of Missouri should pass a law declaring that red apples should not be used in commerce in his State. Would Congress have the power then to subject red apples to the application of that law?

Mr. HENSLEY. When it reached the State of Missouri?

Mr. MANN. The moment it passed the boundary line.

Mr. HENSLEY. The moment it reached the State of Missouri—

Mr. MANN. The moment it got beyond the boundary line in the original package, in the car.

Mr. HENSLEY. I have not a doubt as to that.

Mr. MANN. If the gentleman will examine the opinions on the subject he will have some doubt on the subject, I would say, at least.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HENSLEY. I yield to the gentleman.

Mr. HUMPHREYS of Mississippi. I ask—

Mr. ANDERSON of Minnesota. Mr. Speaker, who has the floor?

Mr. HENSLEY. I yielded to the gentleman from Mississippi [Mr. HUMPHREYS], who wanted to ask a question, as I understand it. [Cries of "Regular order!"]

Mr. ANDERSON of Minnesota. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Missouri [Mr. HENSLEY] has the floor.

Mr. ANDERSON of Minnesota. Mr. Speaker, I object to the consideration of the bill. I think this debate has gone on far enough to show that the bill is too important to be considered under this calendar.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. ANDERSON] objects.

STEAMER "SALT LAKE CITY."

The next business on the Calendar for Unanimous Consent was the bill (S. 4728) to authorize the change of name of the steamer *Salt Lake City*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Continental Steamship Co., of Duluth, Minn., to change the name of the steamer *Salt Lake City*, official No. 204526.

The SPEAKER pro tempore (Mr. JONES). Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the last vote was laid on the table.

LANDS OF CREEK INDIANS IN ALABAMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

The bill was read, as follows:

Be it enacted, etc., That the United States of America hereby forever relinquish, release, remise, and quitclaim all right, title, and interest in and to all the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, or any member or members thereof, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians at Washington on the 24th day of March, 1832, by which all the lands of the said Creek Tribe or Nation of Indians lying east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit of or on behalf of any Creek Indian or Indians, whether the conditions of such reservation or sales were complied with or not and whether or not patents were issued therefor by the United States of America.

The purpose and intent of this act is to estop the United States of America from now or hereafter asserting any claim whatever to the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved or set apart under the said treaty to or for the Creek Tribe or Nation of Indians, or any member or members thereof, in any manner or upon any condition whatever, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit of or on behalf of any Creek Indian or Indians, whether patents were issued therefor or not.

With the following committee amendment:

Insert at the end of the bill the following:

"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

"That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases."

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to hear a statement from the gentleman in charge of the bill.

Mr. CLAYTON. Mr. Speaker—

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Alabama?

Mr. MONDELL. Certainly.

Mr. CLAYTON. Mr. Speaker, what statement is it that the gentleman would like to have made?

Mr. MONDELL. This is a highly important piece of legislation. It refers to the title to many tracts of land, and I think the House is entitled to an explanation.

Mr. CLAYTON. Then, Mr. Speaker, I think I apprehend what the gentleman desires, but I pay the gentleman the compliment—and I do it sincerely—of saying I believe that the gentleman who has propounded the question to me understands this matter perhaps better than I do, for he is a distinguished member of the Committee on the Public Lands; he has had long service here, and he has recently given patient and extensive hearings to different people who have spoken on this subject before his committee.

I want to say, Mr. Speaker, that my colleagues from Alabama and myself are indebted to the gentleman from Wyoming [Mr. MONDELL] for some valuable suggestions made by him during the course of the hearings before the committee on this particular bill.

By the first section of the treaty of 1832 concluded between the United States and those Indians described as the Creek Nation or tribe of Indians all lands belonging to the Creek Indians east of the Mississippi River were ceded by them to the United States. Under further provisions of that act the chiefs of that tribe were permitted to select a section of land each for reservation. The heads of families were permitted to select each a half section of land, and then certain sections were reserved for the benefit of the orphans.

This treaty was concluded in 1832. The fact that the Indians had ceded the title to the land was recognized by the act of Congress of March 3, 1837. Then, in 1856, by treaty, it was agreed that the reservations made for the benefit of the Indians should, on certain conditions, be sold, and it was further provided that all of these reservations remaining unsold should be sold by the United States for the benefit of the Indians.

So by treaty and by legislation the Creek Indians have been divested of all title to these lands, which have long since passed into the possession of bona fide and innocent holders.

They embrace something over 990 tracts of land, containing between 2,000,000 and 3,000,000 acres. For 990 of these tracts of land the Secretary of the Interior has said there is no doubt that patents ought to issue. These people and their predecessors in chain of title have been for 70 years, and in some cases longer, in undisturbed possession, without any patents, and have never dreamed that there was any defect in their title until recently, and many of them do not now know of this defect in their title. They have held these lands with the knowledge of the Interior Department, with the knowledge of the Department of Justice, with the knowledge of the Indians, with the knowledge of the whole world all these years.

Mr. COOPER. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. CLAYTON. Certainly.

Mr. COOPER. I observe that the Government has brought suit.

Mr. CLAYTON. I was coming to that.

Mr. COOPER. How came the Government to bring that suit?

Mr. CLAYTON. Mr. Speaker, I say that these people have been in the undisturbed, notorious, bona fide, adverse possession of these lands under color of title for 70 years. Several years ago a former district attorney down in Alabama discovered that patents in these cases had never been issued by the United States to the original purchasers, although the sales were made and possession was taken under these sales, and occupancy has continued ever since.

But he discovered that the title not having been issued in the form of a patent from the United States, there was that technical inherent defect in the original title. He also knew, as we all know, that the statute of limitations in Alabama that runs against everybody could not run against the Government of the United States. The technical title was and is vested in the United States. It may be that the United States had title without the treaty of 1832, but with the treaty of 1832 the United States certainly had it. In these cases these people who own and occupy the lands and their predecessors in such ownership and occupancy have never asked for the patents.

Mr. MANN. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MANN. Is it not a fact that these people, or the ones through whom they derived title, did pay for these lands either the Government or the Indians?

Mr. CLAYTON. Undoubtedly, and here is the report from the department transmitted to me showing that these lands have been paid for, as the gentleman has said, and that there is no objection now to the issuing of these patents. When that question was suggested that a patent had not been issued in this

case the Secretary of the Interior, in 1907, Mr. Garfield, called the attention of Congress to the matter. These lands had not been listed on the books of the Interior Department or left open to public entry or for sale by the Government of the United States. The Government has not asserted any claim to them, but the Secretary of the Interior suggested that some legislation ought to be had to clear this matter up.

Still nothing was done until a few months ago the present district attorney in the middle district of Alabama instituted an action of ejectment for the recovery of one of these tracts of land. Then it was made manifest that if it became the policy of the Department of Justice, in cooperation with the Department of the Interior, to institute actions for the recovery of these lands it would be necessary for Congress to afford this relief.

Now, in these cases which are in the list, 990 cases, patents can issue now, but you will have to make certain proofs, and in many of the counties the records of the purchasers showing that they bought these lands have been destroyed, and they can not trace the chain of title back to the original vendor, whether Indian or the United States, at public sale as provided for in the act of Congress.

Mr. MANN. Will the gentleman yield?

Mr. CLAYTON. With pleasure.

Mr. MANN. Is it not a fact that in 1838, shortly following the transfer of these lands by the Indians to the purchasers, Congress passed an act authorizing patents to issue to bona fide transferees of the reservation, provided they would adduce satisfactory proof to the commissioner of the foreclosure or of the transfer, which, of course, could not be complied with now?

Mr. CLAYTON. Yes; but it is not possible now in many cases for these bona fide transferees to furnish the proof required by the act of Congress three-quarters of a century ago.

Mr. MANN. And at that time it was not complied with, because people thought that a patent was not necessary and there was no use in going to the expense of it.

Mr. CLAYTON. Yes; and these good people have been living there and cultivating these lands and exercising all the rights of ownership over them for 70 years or more. In the hearings before the committee in 990 cases the representative of the Indians, the Commissioner of Indian Affairs, and the representative of the Interior Department said there could be no objection to this legislation.

My attention has been called to the fact that several years ago Congress passed a bill similar to this. This part of the amendment suggested by the committee is taken from that bill. The lands in that case were not Creek Indian lands. The following is the language and the part of the amendment which I have just referred to:

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

This bill is in the nature of a bill to quiet title. We can not interpose a bill of equity against the United States to quiet title. The only remedy we have is to appeal to Congress for this act.

Mr. LITTLEPAGE. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. LITTLEPAGE. I would like to inquire if these various persons who are in possession of these lands are there under a deed or color of title, and whether or not they have kept the taxes paid up?

Mr. CLAYTON. Undoubtedly. They have been in possession of these lands for all these years, paying taxes—State, county, and every other sort of tax that could be demanded upon land. This land has never been treated in all these years as a part of the public domain. I can say, furthermore, that in Alabama the title of the owners would be perfect but for this technical title on the part of the United States, because our statute of limitations is to the effect that if a man has been in adverse possession of land for 10 years under color of title he thereby acquires a good title.

Mr. LITTLEPAGE. Are the lands held by individuals or corporations?

Mr. CLAYTON. By individuals; and in some cases, I am told, some of our municipalities have been built upon them, and churches and schools have been built upon them.

Mr. CANNON. Who would be the grantees in these patents?

Mr. CLAYTON. There is no specific grantee named.

Mr. MANN. There is no patent in this bill.

Mr. CLAYTON. There is no patent in this bill. It is simply to relinquish all claim of the Government of the United States.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MONDELL. If he has concluded his statement, I should like to make one myself.

Mr. CLAYTON. I have not concluded any statement. I was simply endeavoring to answer what the gentleman himself had said.

Mr. MONDELL. I should like to make a brief statement myself.

Mr. CLAYTON. Surely. I yield the gentleman all the time he desires.

Mr. MONDELL. Mr. Speaker, whatever I had in mind when I reserved the right to object, I could not have it in my heart now to offer any serious objection to this legislation after the compliment paid me by the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. A deserved one, however. [Applause.]

Mr. MONDELL. That makes it still more binding. I want to say, Mr. Speaker, however, that while this bill was unanimously reported from the committee of which I am a member, I did reserve the right to object, not to what it is proposed to accomplish, but to the form in which the bill accomplishes the relinquishment of Federal title. I am rather surprised and somewhat gratified that the gentleman from Illinois [Mr. MANN] for the first time, so far as I can recollect, in all of his very valuable service here has not called attention or objected to the fact that the reports and recommendations of the department of the Government called upon to report are not contained in the report of the committee.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I fear this was an oversight on his part. I shall be very glad to yield to the gentleman from Illinois.

Mr. MANN. Finding there was no such report from the department in the committee of the House, I went and got a copy of the report of the department made to a committee of the Senate upon a similar bill.

Mr. MONDELL. I felt confident that the gentleman would insist on having a report from the department on the matter before it was considered, and what surprises me is that he does not now insist that Congress shall follow the recommendation of the department.

Mr. MANN. I will say that I do not insist that Congress shall follow the recommendation of the department.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COOPER. I would like to have the gentleman from Illinois tell wherein this bill now before the House does not agree with the recommendations of the Department of the Interior.

Mr. MANN. Oh, it agrees, so far as the substance is concerned.

Mr. MONDELL. Mr. Speaker, this might have been a very simple matter, and I will not detain the House long. There are nearly a thousand tracts of land affected by this legislation. As to all of those tracts, with the exception of about 20, I think the department has all of the evidence required by the original law and it would not require any legislation at all; it has not required any legislation to have patent issued to these tracts. The department, in my opinion, has always had full authority to issue these patents, with the exception of, perhaps, 20 cases, where they are not fully convinced as to the evidence of the payment of a valuable consideration. If legislation were necessary, all that would have been required would be to introduce a bill of three or four lines instructing the Secretary of the Interior to proceed forthwith to issue patents in conformity with the original legislation.

That would have given the claimants a clear record title. Now, of course, I do not know how they view these things in Alabama. They are not as familiar with Government patents there perhaps as we are in the West, but if these tracts were in my State or anywhere in the western country the people would insist on having a patent issued.

Mr. COOPER. Will the gentleman permit a question right there?

Mr. MONDELL. I will be glad to do so.

Mr. COOPER. I observe in the bill suggested by the Interior Department there is this proviso. I have just read it; never saw it before until the gentleman from Illinois presented it to me:

Provided, That nothing herein contained shall be held to affect the title of the original Indian owners or their heirs.

Mr. CLAYTON. They ceded what title they had in these lands.

Mr. COOPER. Then, why did the Interior Department insert that proviso in their bill?

Mr. CLAYTON. I have no objection to that, but it is wholly unnecessary. The land was ceded away by the Indians.

Mr. COOPER. It evidently meant something.

Mr. CLAYTON. I think some law clerk somewhere suggested that.

Mr. MANN. Will the gentleman allow me, in reply to the suggestion made by the gentleman from Wisconsin?

Mr. CLAYTON. Certainly.

Mr. MANN. This bill does not purport to convey title; it only purports to release title of the United States to the grant.

Mr. CLAYTON. That is all.

Mr. MANN. The other form of the bill was providing for a conveyance of patent. If that were done, it proposed to reserve the rights of the Indians; but this does not affect any of the rights of the Indians—

Mr. MONDELL. Let me say further—

Mr. COOPER. One moment, if the gentleman will permit. I notice that the last clause of the amendment suggested by the committee, page 3, is as follows:

That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases.

Mr. CLAYTON. I will explain that to the gentleman, if I may.

Mr. COOPER. Does not that relate to issuing a patent?

Mr. CLAYTON. No; it is to take them off the books, and is what is called closing the case. That is the language of the General Land Office. And I will say, if I may be permitted to do so, that the suggestion was made by an official in the Land Office, in his statement before the Public Lands Committee of the House, that the language quoted by the gentleman from Wisconsin be made a part of the bill.

Mr. MONDELL. Now, Mr. Speaker, if the Secretary of the Interior had it in mind that the suggestion referred to by the gentleman from Wisconsin was at all important it could only be true in regard to about 20 cases out of a thousand.

Mr. CLAYTON. Fourteen, to be accurate.

Mr. MONDELL. Fourteen out of nearly a thousand. All the other cases are made up and are in proper form for patent now.

Mr. COOPER. Let me ask the gentleman—

Mr. MONDELL. And what I can not understand is why they have not heretofore patented those tracts.

Mr. COOPER. They can not.

Mr. MONDELL. They can patent them; there has never been a moment of time since the passage of that act after the cases were made up that they could not have been patented.

Mr. MANN. It would require an affidavit or other evidence showing that the transfer was made in good faith upon a fair consideration in the first place.

Mr. MONDELL. They have affidavits for all but 14 cases now.

Mr. COOPER. Is there any danger by this legislation that an injustice will be done to anybody in those 14 cases?

Mr. MONDELL. I do not think there is the slightest possibility of anything of the kind occurring, and the only objection to the legislation is that it does not give the people in Alabama the kind of title I think they ought to have, although it gives them a title the gentleman from Alabama thinks is all sufficient, but I am perfectly willing—

Mr. CLAYTON. Will the gentleman, right in that connection, let me say why we think it is sufficient?

Mr. MONDELL. The gentleman did explain. I simply want to make my statement, and I will be through in a moment.

Mr. CLAYTON. I beg the gentleman's pardon.

Mr. MONDELL. I defer to the opinion of the chairman of the Judiciary Committee, and, while as a layman, I claim no such knowledge of the law as he has, in my humble opinion the people in Alabama will not, in all cases, find the kind of title which this bill gives them entirely satisfactory. I fear it will lead to litigation. The gentleman from Alabama [Mr. CLAYTON] thinks it will not. But I object to it because it departs from the uniform practice under our land laws of the issuance of a patent to the original purchaser from the Government, in order that there may be a clear title of record. The last provision, which was referred to by the gentleman from Wisconsin [Mr. COOPER], is simply a provision for clearing these cases from the record, and, of course, it is necessary because without that sort of a provision the cases might remain on the records of the department indefinitely as though they had not been closed. So there is no objection to the intent of the legislation, but I think there is reasonable ground for objection to the form of the legislation. But, as it applies to the State of Alabama, if the gentleman is satisfied with it I am satisfied with it, and, Mr. Speaker, I have no objection to the passage of the bill. I do desire to make it clear, however, that as a member of the committee which reported the bill I think the form is faulty, that it should provide for the issuance of patents and not for a quitclaim on the part of the Government.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment. The Clerk read as follows:

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases.

Mr. DENT. Mr. Speaker, this bill comes from the Committee on the Public Lands, I may say, with a unanimous report. It relates solely to lands situated within the State of Alabama, and the purpose of the bill is simply to quiet the title to these lands in so far as the United States is concerned. It does not attempt to convey any title to anyone, but simply releases whatever title the United States may have. Undoubtedly, under the treaty of March 24, 1832, together with the act of March 3, 1837, and the treaty of 1856, these lands were ceded and relinquished by the Creek Nation, or tribe, of Indians to the United States. But, whether this be true or not, this act of relinquishment by the Government of the United States could not in anywise affect any title, if there be such, remaining in the Indians. There are, as I am informed, about 300,000 acres of land involved. The Government of the United States has only a bare legal title to the land by reason of the failure of the original bona fide purchasers of it to apply for and obtain patents. The land has been occupied for many years in good faith, and the purchase price is shown to have been paid by the original purchasers. These purchases occurred somewhere in the neighborhood of 70 years ago, and during all these years the land has been, for the most part, in the open and notorious possession of different citizens of Alabama, who never dreamed that there remained any technical legal title in the United States. During these years taxes have been paid upon the same and they have not been treated as subject to homestead entry nor at any time as part of the public domain.

Of the 990 cases for which no patents have been issued, representatives of the Indian Office inform the Public Lands Committee that in all cases, except perhaps 14, patents could now issue but for the act of March 3, 1837, requiring proof of the bona fides of the different transfers and assignments, which would be an impossibility, at least in many cases, after the lapse of so long a period of time.

It has been suggested that instead of the bill recommended by the committee Congress should adopt an act requiring the Commissioner of the Land Office to issue patents to the original purchasers in all cases where the records show the bona fides of the purchase and payment of the purchase money. My colleagues from Alabama, Mr. CLAYTON, Mr. HEFLIN, Mr. BLACKMON, and I, after thoroughly going over the matter, have decided that there are several objections to this form of legislation.

In the first place, it would not take care of the 14 cases mentioned by the Indian Office the records of which do not seem clear, and even if there were fraud in those 14 cases, it is respectfully submitted that after so long a period it is now too late to question it. In most of the States it is the declared statutory policy to limit actions to a reasonable period even after the discovery of fraud.

Another objection to this suggestion is that in a number of cases in this territory the courthouses have been burned and the records destroyed. It would be impossible, in these cases at least, for the present claimants to trace the title back to the original purchasers. This legislation, then, might bring on litigation between individuals of an annoying and long-drawn-out nature.

It will be observed that the committee proposes an amendment whereby it is declared that the Government's title is abandoned in favor of those persons, estates, firms, or corporations who would be the lawful owners of said lands under the laws of Alabama, including the laws of prescription. This amendment, it is thought, meets any possible objection, if there be such, that the bill as originally framed specified no grantee or beneficiary.

Upon the lands involved there are farms and farmhouses, doubtless churches and schools; and in some instances towns have been built upon the same many years ago. The Government would not in the end gain anything by a proceeding to recover this property, and, on the contrary, many honest and innocent occupiers of the land after many years of cultivation and the expenditure of much labor and means in placing valuable improvements thereon would suffer many hardships and great loss.

I therefore respectfully urge that this bill receive favorable consideration, and trust that the same will pass as reported from the Committee on the Public Lands.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CLAYTON. Mr. Speaker, I move to amend the bill, on page 3, line 4, by striking out the word "Cheek" and inserting in lieu thereof the word "Creek." It is evidently a misprint.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 4, strike out the word "Cheek" and insert in lieu thereof the word "Creek."

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama [Mr. CLAYTON].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and the third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, so that I may have printed hereafter parts of the hearings before the Public Lands Committee. I also ask that the acting chairman of the Public Lands Committee [Mr. FERRIS] be given the privilege of extending his remarks in connection with this bill.

Mr. MANN. Mr. Speaker, I would like the same request made for me.

Mr. CLAYTON. And I prefer the same request as to the gentleman from Illinois. And I will also include in the request my colleagues, Mr. DENT, Mr. HEFLIN, and Mr. BLACKMON, and also the gentleman from Massachusetts [Mr. ROBERTS].

The SPEAKER. Is there objection?

Mr. AKIN of New York. Mr. Speaker, I wish to inquire if the remarks of the gentleman from Illinois [Mr. MANN] will be strictly in regard to this matter?

The SPEAKER. The Chair did not understand the gentleman.

Mr. AKIN of New York. I wish to inquire if the speech of the gentleman from Illinois [Mr. MANN], which he will put in the RECORD, will be absolutely on this particular question that they have been talking about here?

The SPEAKER. The remarks must be confined to this question.

Mr. MANN. This is a very broad question, of course, referring to a public policy of the United States.

Mr. AKIN of New York. Of course it is broad if the gentleman from Illinois has anything to do with it.

The SPEAKER. Is there objection?

Mr. AKIN of New York. No; there is no objection. [Laughter.]

The SPEAKER. The Chair hears no objection.

The Chair will ask the House for its attention for just a moment. The bill just passed was the last bill on the Unanimous Consent Calendar which, in the judgment of the Chair, was put on that calendar in time. We might as well have a ruling about it, and if the House does not like the ruling, they can appeal from it. The rule provides that the notification shall be three days in advance of these bills going on the calendar. The other bills were put on on March 1, but Sunday intervened; and when the Chair takes into consideration the intention of this three days' notice, it seems to the Chair that Sunday ought to be counted dies non, and that, therefore, these other bills have not had sufficient time. The Chair will state that that is going to be the ruling of the Chair all the time until it is overruled, and if any gentleman does not like the ruling he can appeal from it.

INAUGURATION DAY.

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. I arose to speak on the proposition before the House a while ago, and I addressed the Chair before he passed on to other business, but the Chair did not hear me.

The SPEAKER. Which proposition is it?

Mr. MOORE of Pennsylvania. A proposition, Mr. Speaker, that is vital not only to this House and to the present occupant of the chair, but also to the country. It may be that the present Speaker will not always occupy the place which he holds now. It may be, too, that our friends from the great Commonwealth of Missouri, who have been complaining recently about "their dog having been kicked around when he comes to town," may find that upon the 4th of March next there will be weather conditions as inclement as they are to-day and as they were

three years ago in the city of Washington. I rise, therefore, Mr. Speaker, for the purpose of calling attention to this particular 4th of March, which is about as disagreeable as the other was, and to read an announcement that was made this morning in the Washington Herald, calling the attention of Congress and of the country to the facts. We had "a flare-back" in this city three years ago, and at every inauguration held on the 4th of March—

Mr. FITZGERALD rose.

The SPEAKER. The gentleman from Pennsylvania—
Mr. MOORE of Pennsylvania. Pardon me one moment, Mr. Speaker; every inauguration has been one that affected not only the health but the lives of the people who have come here from all parts of the country. I desire, Mr. Speaker, without trespassing upon the privileges of the House, or in any way trenching upon the special privilege of my friend from New York [Mr. FITZGERALD], to read this 4th of March reminder and to emphasize the public service rendered by the announcement of the Washington Herald:

A 4TH OF MARCH REMINDER.

With yesterday bleak and cold, and with snow falling early this morning, the Washington Herald begs to remind Congress that one year from to-day a President of the United States will be inaugurated, and that the date of inauguration day has not yet been changed.

The SPEAKER. Of course the gentleman is proceeding under unanimous consent.

Mr. RAKER. Mr. Speaker, what is the matter to-day with the gentleman? [Laughter.]

The SPEAKER. The Chair can not answer that.

Mr. MOORE of Pennsylvania. I think we are in the condition to-day that we may be one year hence. That is why I think the country ought to have its attention drawn to the conditions which prevail at the Capital to-day. We shall inaugurate a President of the United States one year hence.

Mr. FITZGERALD. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. MOORE of Pennsylvania. My friend from Texas [Mr. HENRY] has introduced a joint resolution (No. 204) which proposes to change the date of the inauguration, and I think he is vindicated by the day.

Mr. FITZGERALD. Does not the gentleman from Pennsylvania think that as a Republican he is unduly concerned about the character of the weather one year hence in the city of Washington? [Laughter.]

Mr. MOORE of Pennsylvania. No, sir; I do not think so. It is important to this country that if the Speaker is to be promoted from his present position to the Presidency his health and life shall be preserved a year hence. It may be that the present Speaker will not be called upon to perform that service, and it may be that the present incumbent in the White House will be retained in his present position. But my contention is that the weather to-day is about as bad as it was three years ago, and that the date of the inauguration ought to be changed.

Let me emphasize the inclement conditions now prevailing, so that the country may understand the necessity for changing the date, which means so much to the health of the people who come here from all the States to witness the inauguration of a President. [Applause.]

Mr. FLOYD of Arkansas. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas [Mr. FLOYD] demands the regular order.

Mr. TALBOTT of Maryland. Mr. Speaker—

The SPEAKER. The gentleman from Maryland is recognized.

COMMISSION OF ENSIGN TO MIDSHIPMEN UPON GRADUATION.

Mr. TALBOTT of Maryland. Mr. Speaker, I move to discharge the Committee on Naval Affairs from the present consideration of Senate bill 3211, authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy, and to suspend the rules and pass the bill.

Mr. MANN. What is the number of the bill?

Mr. TALBOTT of Maryland. Senate bill 3211.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy.

Be it enacted, etc., That the course at the Naval Academy shall be four years, and midshipmen on graduation shall be commissioned ensigns: *Provided*, That midshipmen now performing two years' service at sea in accordance with existing law shall be commissioned forthwith as ensigns from the date of the passage of this act: *And provided*, That those midshipmen of the class which was graduated in 1909, who have completed two years' service afloat, and who are due for promotion, shall be commissioned ensigns to take rank with the other members of their class, according to their standing as determined by their final multiples, respectively, for the six years' course, from the 5th day of

June, 1911, the date of rank to which they were entitled prior to the passage of this act: *And provided further*, That no back pay or allowances shall result by reason of the passage of this act.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. TALBOTT of Maryland. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. TALBOTT of Maryland. I yield five minutes to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Speaker, I desire to make a brief statement in connection with this bill that is now before the House.

The provisions of the bill are, in short, that the graduates of the Naval Academy may be given their commissions on graduation, instead of being compelled to wait two years for them, as is now the law. The making of this change will bring the practice to conform with the practice at West Point, where the graduates of the military school are commissioned as second lieutenants upon completing the four years' course.

This legislation has been recommended by four successive Boards of Visitors to the Naval Academy, by the Superintendent of the Naval Academy, by the Secretary of the Navy, and the Assistant Secretaries of the Navy, and by the unanimous report of your Naval Committee.

The average age of the youth who graduates at the Naval Academy is 22 years, many of them being older.

The course of study and development prescribed at the Naval Academy is not an easy one. Those young men who have passed successfully there year after year and are finally recommended for graduation have come up to that point by a process of elimination and selection. Mental, physical, and moral delinquencies cause many to be dropped from year to year, and those who finally graduate are only those who have overcome all the difficulties and tests of the prescribed four years' course. They are, therefore, of an age and have acquired a sense of responsibility which entitles them at once to be made ensigns, the lowest commissioned rank. Their present status for two years after graduation is not an enviable one. They are in a very doubtful position. They are called upon to perform the duties of ensigns, and yet do not have the privileges of retirement if disabled in the line of duty which are accorded to commissioned officers.

Again, it is recognized that the scholastic course at Annapolis, as well as the entrance examination at that school, are fully as difficult, if not more so, than those at West Point. The Navy Department informs us that many young men fail mentally at Annapolis and are obliged to leave the academy who are often appointed to West Point and enter the class there of the same grade. It often happens—I use the word "often" advisedly—in many cases that young men who are not able to keep up with their classes at Annapolis are afterwards appointed to West Point and are able to finish the prescribed course and graduate at the same date that they would have graduated had they been permitted to remain at Annapolis.

The SPEAKER. The time of the gentleman has expired.

Mr. BATES. I ask three minutes more.

Mr. TALBOTT of Maryland. I yield the gentleman three minutes more.

Mr. BATES. Those young men who are transferred to West Point are enabled to graduate there and receive commissions two years in advance of the class which they left at Annapolis, and with which class they were unable to keep up. It seems to me, Mr. Chairman, that these cases here each present an argument in favor of equality being established and maintained between the two schools; that the finishing of a four years' course entitles them not only to graduation but to a commission.

The second proviso is intended merely to cover a temporary condition at present existing by reason of the fact that some of the members of the class of 1909 at the Naval Academy which finished their six years' course on June 4, 1911, have already been regularly commissioned ensigns to rank from June 5, 1911, while the commissioning of the remaining members of that class has been delayed pending the determination of their qualification for commission.

I introduced a similar bill which passed this House two years ago. This bill has passed the Senate and has been substituted for the House bill and recommended unanimously by the Naval Committee.

I believe it is an act of justice and highly desirable from every point of view that this bill be enacted into law. It will be

an encouragement and an additional recognition. The young men who graduate at Annapolis feel that the country recognizes their services as being at once as valuable as the graduates at West Point, and that they are entitled at once to have the benefits and privileges as well as the duties of the junior commissioned officers in the Navy of the United States. [Applause.]

Mr. MANN. Mr. Speaker, the Army and the Navy are special favorites of the Government and, like a good many other special favorites, are spoiled children. There is nothing that they can think of that they want that they do not ask for, and they cry like spoiled children if they do not get all of their requests granted.

We now take a young boy and put him at Annapolis, attempting to give him a training, a classical, mathematical, linguistic, scientific education, as well as an education relating to the investigation and control of vessels, firing of guns, and everything else that pertains to the Navy, in four years. We consider ourselves very fortunate in private life if we can take four years at college, study some of the rudiments for a professional career, and then spend two or four years in another college studying professional requirements. But we do all this now, according to the gentleman, in four years at Annapolis, and do not require the two extra years now required for technical professional training.

Now, the course is four years in the academic college at Annapolis, two years in professional training on board vessels before they are entitled to a commission. A boy goes to Annapolis at the age of 16, comes out now under this bill at the age of 20 commissioned as an officer, supposed to have a training and education that will carry him over the world in languages, carry him from the bottom of the sea to the height of the heavens in science, and provide him with the proper knowledge for navigation and battle, if battle occurs. I would extend this scholastic year instead of shortening it at Annapolis or West Point. Four years' training is not enough; six years' training is not enough.

Mr. BATES. Will the gentleman yield?

Mr. MANN. I will.

Mr. BATES. Is the gentleman not aware that while a boy may be admitted at the age of 16 there are very few indeed who enter at that age; that the average age, as stated by the Secretary of the Navy, is 18 years, and the average age at graduation is 22 years, and that possible one-third of the class are over 22 years of age? More than that, there has never been a petition or suggestion made to the department from an undergraduate or the boys who are affected; it has come from the authorities of the school and the Navy Department.

Mr. MANN. What does the gentleman mean by "petition" in reference to this matter?

Mr. BATES. The gentleman began his remarks by stating that these young men were spoiled children, asking for more. As far as I am concerned, and this bill was introduced by me in the House two years ago, passed unanimously, introduced again this year, and has passed the Senate in a similar form, and now the Senate bill is substituted for the House bill—I say as far as I am concerned there has never been a suggestion come from the young men on this subject.

Mr. MANN. I did not make the statement about the young men that the gentleman states. I said the Army and Navy were the special favorites. Nor is the other part of the gentleman's statement any more correct. This bill would not have the slightest show of consideration, much less passage, if Members of Congress did not appoint the midshipmen at Annapolis.

I am like the rest of you. What is the use of telling me that these boys have never made a request or paid any attention to this. I know better. I have had lots of Members tell me that their midshipman ought to receive a commission. They do not have the education. Instead of shortening the term of six years to four years, it would be better to lengthen it from six years to eight years. I am proud of the Navy, and it is not to be criticized for our lack of judgment in educating officers, but today it does not begin to have as good navigators as can be found in the private merchant marine or the other vessels of the Government, and why? Because these boys do not have a chance. They are required, theoretically, to know everything, including the management of ships, the firing of guns, knowledge of the engine room, of all the electrical machinery, and everything else of which you can conceive they are, theoretically, supposed to know; and we expect them to find it out there during their course of training or at our expense or their expense later on. The gentleman endeavors to reflect purposely, I think, upon West Point. I do not hold any brief for West Point, but I venture to say that the gentleman can not produce an instance where a boy has been dismissed from Annapolis because he did not come up to the scholastic requirements and then went to

West Point and graduated within the same time that he would have graduated at Annapolis.

Mr. BATES. Mr. Speaker, will the gentleman yield?

Mr. MANN. Oh, I yield for a question or for a very short statement.

Mr. BATES. I desired in my remarks to make no invidious comparisons or distinctions between West Point and Annapolis.

Mr. MANN. But the gentleman did.

Mr. BATES. I beg to state for the benefit of the gentleman that Members of Congress appoint boys to West Point just as much as they do to Annapolis.

Mr. MANN. Oh, I did not need that information. I knew that before the gentleman came to the House.

Mr. BATES. And I beg also to inform the gentleman that the Assistant Secretary of the Navy personally informed me that, in his personal knowledge, many young men who failed at Annapolis were graduated at West Point and obtained their commissions two years in advance of their fellows with whom they were unable to keep up at Annapolis.

Mr. MANN. And I venture to say that whoever so informed the gentleman gave him misinformation, and that not a single instance of that can be produced, much less many instances in which boys left Annapolis because they could not meet the scholastic requirements and then went to West Point and graduated at the same time they would have graduated had they met the requirements and remained at Annapolis.

Mr. SLAYDEN. And I want to suggest that it is impossible for that to happen, unless they have extended the period at the Naval Academy.

Mr. MANN. That is the reason I make the statement. I know it is impossible.

Mr. BATES. How is it impossible?

Mr. MANN. Oh, I am not going to argue that question. I will guarantee the gentleman can not find a case.

I am tired of hearing the Navy Department or some official of the Navy Department endeavoring to pass a bill by berating and criticizing and unjustly condemning the sister department in the military defense of the Government. We have all the time some proposition coming up to help these gentlemen in some way. I do not blame them. As I say, they are spoiled children in reference to it; but why should we not require the boy that gets through Annapolis taking a scholastic training of four years—on the average entering Annapolis younger than they do at West Point—why should we not require that they take a technical training for two years?

If we wanted to make lawyers of these boys we would make them take three years. If we wanted to make doctors of them in my State we would require them to take a technical professional course of four years after going through college. Yet you assume when you graduate these boys from Annapolis that the moment they come out they are prepared to take command of war vessels. I think they ought to take a training on those vessels for two years. They are not without money during that time. It is true that if accident or disease happens to them during that period they are not entitled to be placed upon the retired list; but that is true of millions of their fellow countrymen. Few in the country are able to go on a retired list for life if some accident or some disease overtakes them just as they come out of college. I can see no reason for changing what has been the policy of the country for many years, if not ever since Annapolis was established, of requiring these midshipmen to take their training of two years at sea before they obtain their commissions.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. FITZGERALD. If this bill should become a law, would it lessen by two years the time in which one of these officers would be entitled to be retired?

Mr. MANN. It would, I believe.

Mr. FITZGERALD. Then what effect would that have upon those who have passed through the Naval Academy before and were not commissioned until the end of two years of sea service? Does it give these young men now an advantage in many respects consequent upon longevity pay over those already in the service?

Mr. MANN. Well, I do not think it would make any difference about that. Of course it would retire them or permit them to be retired that much earlier.

Mr. SLAYDEN. The longevity pay begins two years earlier.

Mr. MANN. Longevity pay now practically begins when they enter Annapolis.

Mr. SLAYDEN. The gentleman is right about that.

Mr. MANN. Although we inserted an amendment in the Army bill the other day to end that as far as the academies at Annapolis and West Point were concerned.

Mr. SLAYDEN. No, Mr. Chairman, the gentleman is mistaken. It was amended so as not to operate against young men who had been at the Naval Academy and graduated there and then went in the Army.

Mr. MANN. Yes; I think the gentleman is right, it only applies to the Military Academy.

Mr. SLAYDEN. It ought to be made to apply to both.

Mr. MANN. Undoubtedly if it is made to apply to one it will be made to apply to the other. I do not know whether it will be in either case. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has six minutes remaining.

Mr. TALBOTT of Maryland. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, the only question involved in this bill as I understand it is whether a midshipman who, after attending the Naval Academy for four years, shall be graduated with a commission as ensign or whether he shall be compelled to serve an additional two years before he receives that commission. There is no necessity for instituting any invidious comparisons between the Naval or the Military Academies. That is aside from the question, which is, Does this bill provide a proper course to take? Every Board of Visitors appointed to the Naval Academy for many, many years has recommended that action be taken as provided in the pending bill. They have made their recommendation after full consultation with the superintendent and the corps of professors at the Naval Academy, all of whom are naval officers. They make their recommendation with a full knowledge of the equipment of these young men for a proper discharge of the important duties to be imposed upon them. The passage of this bill does not mean that the technical training of these young men is to be brought to an end.

On the contrary, the training of a naval officer in our Navy is not brought to an end until he attains the rank of rear admiral. He must stand examination for every promotion that he secures from the time he enters the academy as a midshipman to that period in his career when he is made a rear admiral. Now, the gentleman from Illinois [Mr. MANN] is mistaken when he lays down the proposition that if this bill passes the naval officer will be compelled to serve two years less before he reaches retirement. That is not true. He must serve exactly the same number of years before retirement if this bill should become law that he serves now.

Mr. MANN. But he can retire two years younger.

Mr. BURLESON. No; he will not be permitted to retire two years younger, he must serve the same length of time. Now, the question is this—

Mr. ROBERTS of Massachusetts. Right in that connection, if this act passes that gives him two years more of service as an officer than he gets under existing law.

Mr. BURLESON. He will not have one month or one day less time as such, and of that I am absolutely certain. Now, back to the issue. This proposition has been heretofore submitted to the House on several occasions, and it has each time received the unanimous approval of the House. It has often been submitted to the Committee on Naval Affairs, and has just as often been unanimously favorably reported from that committee—

Mr. RAKER. Will the gentleman from Texas yield?

Mr. BURLESON. In a moment. I do not want to reflect upon the store of information possessed by the gentleman from Illinois, we all know he is a wise man, but I must say that when the Board of Visitors to the Naval Academy and the professors and officers, who are naval officers, at the Naval Academy and the Members who constitute the Committee on Naval Affairs all have uniformly unanimously indorsed this proposition, surely they have some little information with reference to naval matters upon which we may safely rely. I do not think they have all been in error all these years. They know a little about this matter.

Mr. MANN. Why do they not give it in this bill?

Mr. BURLESON. They have given us the benefit of their information, and you will have more of it in a few minutes from the gentleman from Maryland. Now, I want to say in all fairness that these young men are entitled to receive their commissions as ensigns when they graduate from the Naval Academy. It would be unjust and unfair, or rather, I will say, it would be quite as fair, to require cadets who graduate at the Military Academy to continue to serve as cadets in the Army for two years after their graduation before commissioning them as lieutenants as to force these young naval officers to serve two years as midshipmen before they receive their commissions as ensigns.

It will not diminish in the slightest the technical training they receive. It will not diminish in the slightest or increase in the slightest the responsibilities that will be imposed upon them

whether this bill becomes a law or not. It should pass as an act of justice to them.

Mr. RAKER. I would like to ask the gentleman what is the extra expense or cost occasioned by this bill?

The SPEAKER. The time of the gentleman has expired.

Mr. TALBOTT of Maryland. Does the gentleman from Illinois [Mr. MANN] desire to consume the balance of his time?

Mr. MANN. How much time remains on the two sides?

The SPEAKER. The gentleman from Illinois [Mr. MANN] has six minutes and the gentleman from Maryland [Mr. TALBOTT] eight minutes.

Mr. MANN. I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Speaker, I am obliged to the gentleman, because I am in favor of this measure. I told the gentleman I was opposed to his contention, and he has given me a minute, but I can hardly express my views in that time and give my reasons why I am in favor of the passage of the bill.

Mr. MANN. Then I will give you two minutes.

Mr. BUTLER. Thank you. That is better. The reason for requiring the two years extra upon these young men has entirely disappeared. It has disappeared along with the ancient ship. Years ago, when we had few ships, they were sailing ships. We had then a good many officers. We had plenty of officers and not enough ships. It became necessary for the young men to go to sea to accustom themselves to the use of the sail as well as the use of the mast. That practice is demanded no longer. Therefore the occasion for the extra two years does not exist. In the judgment of the visitors at the academy, and in the judgment of the members of the Naval Affairs Committee, who have considered the question many years, the reason for a continuance of the rule has entirely disappeared. We think it is better to conclude the education of the young men in four years and commission them ensigns at the end of that time, because when they are at sea during the two years they perform all the duties of ensign and are entitled to the commission. If anything happens to them or if they are hurt during that period, they can not be retired as the law now is, because they do not have the legal status. I have heard of several young men who contracted disease in the line of duty during the period we seek to abolish and have never received the advantages of retirement, because Congress has not seen fit to extend it; others have been retired by special law.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Speaker, I think, perhaps, I was mistaken in saying that the passage of this bill might give retirement at an earlier age than under the existing law, because I am informed that some bright genius somewhere got a construction of the law that was never contemplated by Congress, when it passed the retirement law, that the service commenced when the man entered the academy, so that the 6 years now counts as service for the purpose of retirement after 30 years' service, so that a man can be retired under certain conditions at the age of 46, a very sensible age at which to retire a man, of course.

Of course, the Naval Affairs Committee are for the bill; of course, the naval officers are for the bill; of course, the visitors to the Naval Academy are for the bill; of course, the gentleman from Texas [Mr. BURLESON] is for the bill, as all are under the influence of the desire of these men to receive the commissions, including the gentleman from Texas. They are subject to the influences that ought not to control this House—the personal touch, like the kissing of a bill through the committee and through the House, the influence of one person on another as a matter of kindness. But the real kindness to these men is to make them serve.

The gentleman from Pennsylvania [Mr. BUTLER] says that the occasion of the two years has passed away because the sailing vessel is no longer used. Do I understand my friend from Pennsylvania to say that it does not require more skill now to understand the management of a modern warship, controlled by steam and electricity, than it did in the old days, when any boy on the coast knew how to handle the sails and navigate sailing vessels? Do I understand now that it takes less knowledge to understand these great fighting machines, some of which have in them from 500 to 1,000 different machines, than it did in the old days, when it required very little skill to understand the furling and unfurling of sails?

Mr. BATES. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Pennsylvania [Mr. BATES]?

Mr. MANN. Mr. Speaker, I never in my life in this House asked to interrupt a man in the last minute he had.

Mr. BATES. I will not interrupt the gentleman, then.

Mr. MANN. I know you will not.

Mr. BATES. Not without your consent, at least.

Mr. MANN. Well, I will consent.

Mr. BATES. I thank the gentleman. The gentleman from Illinois has intimated that Members of Congress are under some spell or influence.

Mr. MANN. Oh, no. I did not say Members of Congress were. I said the Committee on Naval Affairs was. The gentleman from Pennsylvania is under this spell. He is always advocating something that the Navy wants that it ought not to have. [Laughter.]

Mr. BATES. I wish to ask why three successive Secretaries of the Navy have strongly advocated the passage of this bill? Are they under any spell?

Mr. MANN. Why, certainly; they are under the same influence. Everybody understands that, just as the Army constantly does it and the Navy constantly does it. It is always the same influence, coming from the bottom up to the top. And it is not confined to the Army and Navy, although it is worse there than anywhere else.

Now, I am opposed to permitting this personal solicitation of men who simply wish to advance themselves a little more rapidly in pay and rank following into committees and into Congress and controlling.

The SPEAKER. The time of the gentleman has expired.

Mr. TALBOTT of Maryland. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. PADGETT].

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] is recognized for four minutes.

Mr. PADGETT. Mr. Speaker, the proposition involved in this bill is a very good one. A young man goes to West Point and completes his course of four years and is graduated and receives his diploma and his commission as a second lieutenant. A young man goes to Annapolis and studies four years in a course just as severe and at the end of four years graduates and receives his diploma, but does not receive his commission. He has to wait two years in order to receive his commission and then he receives the commission of ensign, which corresponds with that of second lieutenant which the young man at West Point receives.

This bill is simply to place the two upon an equality and to provide that the date at which the young man at Annapolis receives his commission shall be at time of graduation and not two years later, just as the young man at West Point receives his.

The gentleman from Illinois speaks of "kissing" bills through the committee. I think that the gentleman will agree that there are quite a number of propositions that come to the Committee on Naval Affairs that are not kissed through the committee. There are a good many bills he will find, if he will come and examine our records, that are turned down.

But I want to say that not only has this committee unanimously reported this bill, but the committee in the last Congress, which was largely of a different personnel, approved the bill unanimously, and it was passed by the House, I believe, without any opposition, but failed to get through the Senate on account of the lateness of the session. It passed, I believe, unanimously the previous Committee on Naval Affairs. It has been recommended by the last four or five Boards of Visitors to the Academy. It has received the approval of the Secretary of the Navy, and, I believe, also of the President in his recommendations. It has now passed the Senate without opposition and comes over here and receives the indorsement of the committee and the committee's unanimous recommendation, and I ask that the bill be passed.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. With pleasure.

Mr. SLAYDEN. The gentleman quotes the Boards of Visitors as the authority which recommended this legislation. Has the gentleman ever heard of a Board of Visitors that did not recommend what the superintendent of the academy requested them to?

Mr. PADGETT. I know of four boards during my service on the committee that have recommended this legislation.

Mr. SLAYDEN. Have they recommended anything that the superintendents were opposed to?

Mr. PADGETT. I do not know as to that, but I know they have refused to recommend things that have been advocated by the superintendent.

Mr. TALBOTT of Maryland. Now, Mr. Speaker, I will take up the debate where Mr. PADGETT left off. A second lieutenant in the Army, if he is injured in the service or contracts a disease in line of duty and comes up for promotion and is found deficient, either physically or mentally, by reason of something that has happened to him in the service, is retired or pen-

sioned. No matter what may happen to these young midshipmen in these two years, they are not entitled to relief. They may meet with accidents in the service. They may contract disease in the service, and when they are examined for promotion and found to be unfit or deficient, they are turned loose—discharged from the Navy. They can not be retired, they can not get a pension, without a special act of Congress. The gentleman from Illinois knows that in the very last Congress we had a fight on the floor of this House to place upon the retired list Midshipman Blankenship, who entered the Academy from Virginia. We have had private bills in every Congress to relieve midshipmen who are unfortunate in the two years intervening between graduation from Annapolis and their being commissioned as ensigns.

So far as the Navy is concerned, there is no comparison between the education they give these boys and that received in private colleges, because the boy who graduates at college, who is sent there by financially able parents, after he receives his education can go where he pleases and do as he pleases. But these boys who are educated at the Government expense belong to the Government. They can be made to pace the deck from morning until night and from night until morning. They are owned by the Government. In case of war they are shot at and receive injuries. Those who survive do become great men. They become admirals in the Navy. They have been the pride of the country, and these young men who will get the benefit of this law will live to be the pride of the country.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on suspending the rules and passing the bill.

Mr. PADGETT. With the committee amendments.

The SPEAKER. The motion includes the amendments.

The question was taken, and the Speaker announced that in his opinion two-thirds had voted in the affirmative.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 79, noes 5.

Accordingly, two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

BRIDGE ACROSS MISSISSIPPI RIVER, BEMIDJI, MINN.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4151) to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota, with committee amendments.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Minnesota & International Railway Co., a corporation organized under the laws of Minnesota, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in the northwest quarter of section 16, township 146, range 33 west, at or near Bemidji, in Beltrami County, State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded? The Chair hears no demand. The question is on suspending the rules and passing the bill.

Mr. ADAMSON. I did not hear the motion. It includes the amendments, does it not?

The SPEAKER. Under suspension of the rules the House passes the bill as read, and the amendments are read into the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended, and the bill passed.

PORTO RICO.

Mr. JONES. Mr. Speaker, I move to discharge the Committee on Insular Affairs from the further consideration of the bill (H. R. 20048) declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States, and to suspend the rules and pass the bill.

The SPEAKER. The gentleman moves to discharge the Committee on Insular Affairs from further consideration of the bill, which will be reported by the Clerk, and that the same be passed.

The bill was read as follows:

Be it enacted, etc., That all citizens of Porto Rico, as defined by section 7 of the act of April 12, 1900, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April 11, 1899, and have since returned and are permanently residing in that island and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided,* That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this act.

before the district court in the district in which he resides, the declaration to be in form as follows:

"I, _____, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months, the terms of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this act, to the secretary of Porto Rico.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. JONES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. JONES. Mr. Speaker, the object of this bill is twofold. One of its purposes is to settle and definitely fix the political and civil status of the people of the island of Porto Rico. The other is to make those persons who are now defined to be citizens of Porto Rico citizens of the United States.

During the second session of the Sixty-first Congress a bill providing for American citizenship for the people of Porto Rico was passed by this House. This bill is recommended by the Secretary of War and each of the great political parties of this country in its last national platform declared unequivocally in favor of conferring American citizenship upon the people of Porto Rico. So this bill involves no political question. It has the indorsement of both the Republican and the Democratic Party.

The organic act of Porto Rico, approved April 12, 1900, known as the Foraker Act, provided that all inhabitants continuing to reside in Porto Rico who were Spanish subjects on the 11th day of April, 1899, and then residing therein, and their children born subsequent thereto, should be deemed and held to be citizens of Porto Rico.

This bill proposes not only to make the citizens of Porto Rico, as defined in the Foraker Act, citizens of the United States, but also those natives of Porto Rico who were temporarily absent from the island on the 11th of April, 1899, and who have returned thereto and are now permanently residing therein, and who are not citizens of any foreign country.

In order that nobody in Porto Rico affected by this proposed legislation may hereafter be able to say that the people of Porto Rico were not consulted as to whether or not they should be made citizens of the United States, it is provided in this bill that within six months after its passage any citizen of Porto Rico may go into the district court of the district in which he resides and declare his purpose not to become a citizen of the United States.

Now, Mr. Speaker, there are a great many eminent lawyers who hold—and I may say that such is the opinion of the attorney general of Porto Rico—that citizens of Porto Rico are already citizens of the United States. I, Mr. Speaker, believe that this is true, but they have not been held to be such by those who administer the laws of Porto Rico, either in this country or that island.

Section 1891 of the Revised Statutes of the United States of 1878 declares that the Constitution and the laws of the United States not locally inapplicable shall have the same force and effect in the organized Territories of the United States and those to be hereafter organized as elsewhere in the United States.

I think, Mr. Speaker, it can not be successfully contended that Porto Rico is not an organized Territory of the United States; and if that be true, then the Constitution of the United States must be in effect there as elsewhere in the United States.

When the organic act providing for a civil government in the Philippines was passed it was expressly provided in that act that section 1891 of the Revised Statutes of 1878 should not apply to those islands, but no such exception was made in the organic act of Porto Rico. The reason for this omission was that it was generally understood in this country that Porto Rico was to become a permanent part of the Territory of the United States, whilst Congress purposely and designedly refrained from defining the political and civil status of the people of the Philippine Islands.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. JONES. Yes; for a question.

Mr. MARTIN of South Dakota. I notice the form in which the bill is prepared; in one blanket provision it would make all the people of Porto Rico citizens, except those that might declare their intention of not wishing to become citizens of the

United States. Does not the gentleman think that citizenship of the United States is of dignity and importance enough to reverse that? And does not the gentleman think the preferable way would be to give the citizens of Porto Rico an opportunity to declare that it was their intention to become citizens of the United States?

Mr. JONES. I will say in reply to the gentleman from South Dakota that such a proposition was presented to this House in the Sixty-first Congress, but the House amended the bill so as to provide for collective citizenship. At that time, if my memory is not at fault, the administration favored such a measure as the gentleman suggests, but now the Secretary of War, in the strongest possible terms, recommends the passage of a collective citizenship measure such as this, with the proviso that any citizen of Porto Rico who does not desire American citizenship may go into a court and so declare.

Mr. MARTIN of South Dakota. Mr. Speaker, I should like to ask the gentleman another question. Will the gentleman yield?

Mr. JONES. Certainly, for a question.

Mr. MARTIN of South Dakota. I was going to ask the gentleman what reason can be given to the House why this latter method is preferable to the former?

Mr. JONES. If we are going to bestow American citizenship upon the people of Porto Rico at all, we ought, I think, to do it collectively and not compel each one of the male adults in a population of eleven hundred thousand people to go into a court and go through a process of naturalization, which I understand to be the proposition of the gentleman. If we are going to give them American citizenship it should be done freely and not grudgingly.

I reserve the remainder of my time.

The SPEAKER. The gentleman has 11 minutes left.

Mr. MANN. Mr. Speaker, I take it the gentleman referred a moment ago to the Olmsted bill, wherein we adopted this provision in the Sixty-first Congress?

Mr. JONES. Yes.

Mr. MANN. Why has not the gentleman to-day brought in the rest of the Olmsted bill or something related to it?

Mr. JONES. I will say frankly to the gentleman that the reason this citizenship measure was not embraced in a general measure, as was the case with the Olmsted bill, was that American citizenship is a subject of very great interest to the Porto Ricans, and one of sufficient importance to be dealt with in a separate measure. Moreover, the author of the Olmsted bill suggested the course which has been followed. This is a unanimous report, and it was not believed there would be any opposition to this bill in the House. It may not be so easy to obtain unanimous committee action in support of a general measure intended as a substitute for the Foraker Act, and therefore it was thought that such a bill might be contested, whilst this would not.

Mr. MANN. Mr. Speaker, my friend from Virginia [Mr. Jones] has just stated that, in his judgment, the Porto Ricans were already citizens of the United States, and that Porto Rico was already a Territory of the United States. I have great regard for the opinion of my friend from Virginia, and yet his opinion on that subject reminds me somewhat of an opinion enunciated at one time by the chairman of the Committee on the Judiciary of this House a few years ago, a very distinguished Republican, who made an elaborate argument to prove that Cuba was a part of the United States, and that there was no way under the Constitution by which we could get rid of it.

It may be there is some doubt about what is a Territory of the United States, because I notice by the caucus print of the Democratic excise bill, about to be brought before the House, that they do not assume just what is the territory of the United States or just what is the United States. That bill says "residing in the United States, any Territory thereof, or Alaska, or the District of Columbia"—that something shall be done, which would seem to eliminate the Territory and Alaska and the District of Columbia out of the United States. Perhaps they intended to include Porto Rico, however, under the term "Territory."

Mr. JONES. Organized Territories.

Mr. MANN. Mr. Speaker, our language in reference to territories is not very accurate, but I do not think anybody will very seriously contend that Porto Rico is an organized Territory. I believe the time has passed when it would do any good to oppose this bill. I do not think we ought to pass a bill of this sort without some knowledge of its natural consequence. It is as inevitable, in my judgment, as that the sun will rise to-morrow, that when Porto Rico is an organized Territory of the United States and her citizens are made citizens of the United States, they will at once commence to demand admission into the Union with greater force and with better logic than they ask to be

made citizens. If they are citizens of the United States with a population such as they have, it is not practicable for any long time to deny their request or demand that they shall remain a State of the Union. Perhaps that is the proper thing to do. Perhaps there is good reason for doing it, and yet I have some doubt about it. It is quite likely that we would in some way have amalgamated Cuba before this time if it were not for the danger which might come to our country by admitting as States into the Union with possibly deciding power in the Senate, if not the House, peoples who are somewhat, at least, strange to our internal problems and to our form of civilization.

I yield five minutes to the gentleman from Illinois. [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I question the wisdom of the enactment of this bill into law. We have the Monroe doctrine. We have had the War with Spain. We are responsible for Cuba. We are responsible for Porto Rico. The gentleman says it is a Territory. I do not so understand it. We are responsible for the Philippines. We control the customhouses in Santo Domingo, and practically in Honduras. If the Monroe doctrine is to continue as it will continue no one knows what is to happen during the swing of the twentieth century. The people of Porto Rico—and I weigh my words when I speak of Porto Rico, because I have been there—do not understand, as we understand it, government of the people, by the people. They have a different language.

Mr. SLAYDEN. Is it possible for them to become competent?

Mr. CANNON. Mr. Speaker, I do not believe, considering they are 20 degrees north of the Equator, considering all of the conditions, with Haiti, San Domingo, Central America, and elsewhere, that they are competent for self-government. That is as much as we can do at all times without conflict [laughter], let alone people down there, north of the Equator, mixed blood. Oh, there are men in Porto Rico who are fully as strong as I am, but one swallow does not make a summer—

Mr. SLAYDEN. Will the gentleman permit an interruption?

Mr. CANNON. I have only five minutes.

Mr. SLAYDEN. I just wanted to protest against that last statement of the gentleman. I am in sympathy with a great deal of what the gentleman states, but I can not agree to that.

Mr. CANNON. I met some very bright men in Porto Rico, and very patriotic men.

Mr. SLAYDEN. No doubt.

Mr. CANNON. Now, Christ died to save all; yes, but all that he died for are not now competent of self-government on this earth. We require education touching our outlying possessions and what may be our outlying possessions. Here we are very apt to measure everybody's corn in our half bushel. I undertake to say that if you pick up a million people, your kind of people and my kind of people—the Caucasian race—and put them for 100 years or 200 years or 300 years, without any unmixed blood, 20 degrees south of the Equator, I undertake to say, in my judgment, the civilization would decrease in force, in capacity for self-government. The gentleman from Illinois [Mr. MANN] has well said this is but the entering wedge for a demand for statehood. They are protected. I do not know, but as I am informed by people who are familiar, 75 or 80 per cent of those people are mixed blood in part and are not equal to the full-blood Spaniard and not equal, in my judgment, to the unmixed African, and yet they are to be made citizens of the United States.

They are entitled to protection at the hands of the people of a great Republic and will receive it, but I think we could be a little slow about this wholesale legislation. Therefore, holding the views that I do about it, seeing what there is in the future, I shall be glad to know that if there is an addition to statehood—

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. One word further.

Mr. MANN. I yield two minutes more to the gentleman.

Mr. CANNON. I think one is sufficient. I should be glad to know that there is capacity on the average for self-government. Does anybody dispute that proposition? I pause for somebody to combat it. Why, you may say, you may go out in the mountain States, with a small population; but if you will take the zone in which the people in the United States proper reside and then consider the race, they grow and grow, they pass through a period of childhood, have an experience that a growing Commonwealth has, and the history of the States proper shows that we can successfully—

The SPEAKER. The time of the gentleman has again expired.

Mr. MANN. I yield one minute more to the gentleman.

Mr. CANNON. That we can successfully build a Commonwealth, or that they can build Commonwealths, in the present

area of the continental United States. [Applause.] For one, I am not ready to vote for this bill at this time.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Virginia has 11 minutes remaining, and the gentleman from Illinois 6.

Mr. MANN. I yield three minutes to the gentleman from Wisconsin [Mr. MORSE].

Mr. MORSE of Wisconsin. Mr. Speaker, in the three minutes which have been granted me it will not be possible to make any argument affecting the merits of the bill. I will content myself, however, with calling the attention of the House to the fact that this is one of the first bills to come from the Committee on Insular Affairs. There are a large number of very important bills there, one or two of which have been reported out and are now on the calendar of the House. I think the attention of the membership of the House ought to be called to these matters on account of the great importance which attaches to them. I believe with the gentleman from Illinois that we are very shortly to be brought face to face with the problem of the disposition not only of Porto Rico, not only of the Philippine Islands, but with other territory as well, and I realize that we might just as well commence to prepare ourselves to face those problems at this time. I certainly believe that we should grant to these people at this time American citizenship. They are citizens only of Porto Rico, a most anomalous position.

They were formerly citizens of Spain. They are not recognized as citizens of any country, and it seems to me that their political status ought to be fixed. We have taken this territory. They have consented to become a part of this country, and it seems to me that they are entitled not only to the protection, but to all the rights of American citizens. They are a loyal people. They are a people that have given us no trouble and no expense. The community under our laws is extremely prosperous. We have there instituted our system of public schools. The proportion of negro blood is not much larger, if it is any larger, in Porto Rico than it is in the great State of South Carolina. And I believe that while the quality of citizenship is not as high as it ought to be, yet they should be given the privilege of American citizenship at this time.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SLAYDEN. Mr. Speaker, I regard it a privilege to have served in this House for a number of years with the distinguished gentleman from Illinois [Mr. CANNON].

In that time I have heard many words of wisdom fall from his lips, but never any nonsense. I have heard him make many bitter, partisan statements that I thought unfair and inexact when they undertook to state the position of his political enemies, and I have known him to take many positions on public questions that I thought were wrong. But with it all he has always been strong and usually wise and patriotic. Never, however, have I in all my experience with him in this House known him to say truer or more important things than he did to-day in the brief debate on the bill from the Committee on Insular Affairs that proposes to confer collective citizenship on the people of Porto Rico.

I occupy a peculiar position, and not a very promising one from the point of view of results, with reference to this bill. I am against both sides to the controversy. I sympathize with the Porto Ricans, but not with this measure.

The very fact that we are undertaking legislation for an alien people who do not even live on this continent shows how far wrong we have gone since we went to war with Spain 14 years ago about a lot of other aliens living on another island and between whom and ourselves there is no real social or political sympathy.

It is an embarrassing incident in the logic of events, just one of many that will vex us before we shall be done with them.

In 1898, under pressure from "yellow" journals, and on the hysterical demands of the people whom they had excited, we embarked in a series of military enterprises that have emptied the Treasury and bankrupted us in our political morals. The history of the Spanish-American War is the Iliad of our woes. If Spain bears us ill will she must be happy in the contemplation of our failure in colonial government in the Philippines and in Porto Rico, and in the embarrassment and expense that these unsuccessful efforts to do an un-American thing have caused us.

To assert sovereignty over an unwilling people we have abandoned American principles; have thrown to the winds the wise policies bequeathed us by the fathers. We went away from our own shores in search of adventure and by force of arms annexed an incongruous, inharmonious, and entirely unassimilable

people, both in the East and in the South, in the Philippines and in the West Indies. In both instances we got a people who can make no contribution to our political institutions, no contribution to our civilization in any way, that we would regard as valuable.

I do not mean to reflect on either the West Indians or the Filipinos. They view everything from a different angle. In Porto Rico the people are Spanish, or African negro, or the mulatto produce of the union of the two. In the Philippines they are Christian and Moslem, Spanish, Malay, and Negro, or the hybrid produce of all. I can not speak with accuracy or any great degree of confidence of the ethnologic history of the Filipinos as a people. But certainly they are not Saxon or English, and they also view matters political from a different angle. The Lord, in His wisdom, made them different, and that is all I have to say about them ethnologically.

In saying that they look at things from a different viewpoint I do not mean to say that they are mentally deficient or incapable of self-government. Certainly they can govern themselves better and more to their own satisfaction than we can govern them. Alien rule is never satisfactory, and when people protest against it it is a sign that they are worth while. Our own continent and its history is a splendid illustration of the truth of that statement. One by one every Spanish colony threw off the yoke of Spain, as did those that one time confessed allegiance to Brazil. Our own Federal Republic is the result of a protest against government imposed from an European throne. The point of the Boer sword has written bloody chapters in the history of Great Britain, and all because the English, who will cheerfully die to maintain their own liberties, have been unwilling to concede to others a privilege that they cherish for themselves. India is kept quiet only by the weight of guns. And so it goes throughout the world. Here and there, in Asia and in Africa, minor peoples, and usually colored peoples, are now and then in open revolt against alien control.

It is precisely the political scheme that was condemned by our patriot fathers when they declared that governments derive all their just powers from the consent of the governed. What the Americans rejected in 1776 they embraced in 1899 when their baser nature was aroused.

Mr. Speaker, plus the differing views as to forms of government, there is another and an ineradicable difference between these people of Asia and Africa with whom European Governments and our own, I may add, have been at war so often. It is the difference in color. For some reason that I do not perfectly understand, and perhaps should not try to explain, there is such a thing as race hostility. Philanthropists may shut their eyes to it, may deny its existence, may say it is un-Christian, but the fact that they deny it or condemn it does not remove it.

It does exist and it can not be abolished.

In the economy of nature it serves a useful purpose. Nature, the Lord, if I may be permitted to say so, loves a thoroughbred. Nature abhors the hybrid and shows it by the denial, partial in some cases, complete in others, of the fecundity that has been given the thoroughbred.

I am moved to these observations by the remark of the gentleman from Illinois [Mr. CANNON], who says that he believes that the hybrid, the cross between the blacks and whites, or between the browns and whites, is less well fitted for self-government than the full-blooded African Negro.

I can not say that I differ from the gentleman in his rule, yet I fail to recall at the moment any conspicuous, indeed, any moderate, success in government by the Negro race, hybrid or thoroughbred.

Take Haiti, for example. The people of that island are nearly or quite black. They are almost an unmixed race. But no one will cite Haiti, I fancy, as an illustration of the ability of the negro to conduct government.

If one may credit the statements of writers and travelers, the so-called Republic of Haiti is a turbulent travesty of government frequently "tempered by assassination." The Haitians do not appear to have advanced in civilization or in the arts of government since they ceased to be a colony of France a hundred years ago. So much for the pure black Negro.

In Santo Domingo and in Cuba, where the blacks are important, if not the dominant figures of political life, there is almost unceasing turmoil. The Cuban Government started a few years ago without debt, without the necessity of maintaining an army and navy, and with sovereignty over a compact, seagirt island of phenomenal richness. What has happened?

One intervention by the Government of the United States at the expense of the taxpayers of this country and another impending, deficits where there was a surplus revenue, and great debts where there was high credit.

Then there is Liberia, the pet project of that large class that appears to believe that because men have permitted themselves to be enslaved they possess some wonderful virtue and capacity. Liberia is no exception to the rule of incapacity shown by the most deeply colored of all the "colored" races. As a government it was started for, and partly by, former American slaves, and it has been nursed through several political distempers by this Government and by the people who have devoted themselves to the uplift of the Negro race. Like all the other governments of the African race and the African hybrid, it has broken down in its finances. Whether that is due to inherent dishonesty or a lack of understanding of figures I can not undertake to say, but it is true that Haiti, Santo Domingo, and Liberia have all stranded now and then on financial rocks, and Cuba faces a similar disaster.

Let us consider for a moment conditions in Latin America, a part of this continent with which we now have much to do, and, in the opinion of the gentleman from Illinois, will have more to do in the future.

Mr. Speaker, the turbulence of the Spanish-American Governments can not, I believe, be fairly charged against the Spaniards. The Kingdom of Spain has not been free from wars and revolutions, but it is highly improbable that it has had more than has fallen to the lot of France, England, Italy, or many of the German States.

In all these Central and South American States there is a large population of mixed bloods. The progeny of the union of the Spaniard and native Indian is not without ability. Many of them have been men of high order of ability. They have produced great statesmen like Juarez and Diaz in Mexico, great orators, painters, and writers, but it can not be denied that they seem to lack the calm judgment so essential in the conduct of the affairs of state.

They seem to be in a sort of plastic condition. It may be that they have not yet developed the particular form of government that is best suited to their natures and genius. They have flattered the Anglo-Teutonic-American by imitating his governmental plan, but it does not appear to be entirely satisfactory. Why it has failed offers an interesting field for study and discussion.

In a recent issue of the Daily Mexican, published in the City of Mexico, there appeared an editorial that was originally printed in La Prensa and which was written by a member of the Mexican Congress, Mr. Francisco Bulnes.

I will read a part of what Mr. Bulnes has to say:

In treating the revolutionary question we must therefore abandon all sentimental methods; all appeals, tears, and supplications are ineffective, and have never been of the slightest use. The only feasible way out of the difficulty for the Government is by means of the bayonet, and without a goodly number of sabers, accompanied by rapid-fire guns, cannons, and dynamite bombs (the last-named most effective weapon having been enthusiastically adopted during the recent struggle), nothing can be accomplished.

The provisional government of Mr. de la Barra and the Government of Mr. Madero alike have failed to grasp the fact that the basis of every Latin government must repose on a supply of bayonets in proportion to the amount of invincible and inevitable odium which is always felt by all Latin peoples for their governments.

In all Latin-American countries the necessity for the bayonet is great, and the very first question to settle, after the triumph of the revolutionary arms, should have been to attend to the organization of these bayonets as the only possible means of establishing the Mexican Government on a firm foundation.

We do not by this mean to imply that the revolution should have thrown itself into militarism; not at all; but it is an established fact that Latin democracies have never yet been able to exist without the bayonet.

If Mr. Bulnes is right in his description of the Latin-American countries and people, he clearly establishes one thing, and that is that intimate political association with them would be a source of unceasing embarrassment for us. Their ideas of government, according to Mr. Bulnes, and ours are not the same. With them, if he is right, the military must be the most conspicuous feature of government. Under our plan it is the least conspicuous.

But I am wandering from my text, the remarkable speech of the gentleman from Illinois [Mr. CANNON]. He said:

The people of Porto Rico do not understand, as we understand it, government of the people by the people. They have a different language.

Mr. CANNON might have said—and would certainly have been more accurate if he had said—that as a whole they have a different color. That would better have explained what he conceives to be their incapacity for "government of the people by the people." Color in this matter is more important than language.

Let us follow him for a little in some of his other statements. He says:

Mr. Speaker, I do not believe—they are 20 degrees north of the Equator—considering all of the conditions with Haiti, Santo Domingo, Central America, and elsewhere, that they are capable of self-govern-

ment. That is as much as we can do at all times without conflict [laughter], let alone people down there, north of the Equator, mixed blood.

In that statement the distinguished gentleman hit upon a great truth. Froude went to the West Indies predisposed to think well, the best, of the colored races and hybrids who inhabit those islands, and came away vastly discouraged and confessing their incapacity.

It is clearly due to the two causes suggested by Mr. CANNON, to wit, the character of the people and the climate. The Tropics seem to heat the blood while enervating the people who inhabit them. There may have been strong, orderly governments in the Tropics, but I do not recall them. There may be some in the future, but I doubt it.

Let me quote again from the remarks of the gentleman from Illinois. He said:

Now, Christ died to save all; yes; but all He died for are not now competent for self-government on this earth. We require education touching our outlying possessions and what may be our outlying possessions. Here we are very apt to measure everybody's corn in our half bushel. I undertake to say that if you pick up a million of people, your kind of people and my kind of people—the Caucasian race—and put them for 100 years or 200 years or 300 years, without any unmixed blood, 20 degrees south of the Equator, I undertake to say, in my judgment, the civilization would decrease in force, in capacity for self-government.

Again he hit upon a great truth. It is a truth that was recognized several years ago by another eminent son of Illinois, the late Col. Robert Ingersoll, at the time the annexation of Santo Domingo was under consideration. Ingersoll stated the same thing in a different way. He said that the Tropics were not suited to the white race, and declared that if we had the island of Santo Domingo without a single native or black inhabitant and settled it with New England deacons and their families the climatic influence would soon reduce them to the level of the hybrid people whom they displaced.

If—

Said Col. Ingersoll—

a traveler went to the island after a lapse of 50 years he would find the descendants of these New England deacons hatless and shoeless, going about on any Sunday morning with a cock under each arm looking for a fight.

In substance, Mr. Speaker, the two distinguished men from Illinois have agreed as to the influence of climate on character.

I quite agree with the suggestion that we have no right to hold any people in subjection to our laws forever unless they are citizens. It is contrary to the spirit of our institutions. That is one of the reasons why I want to give the Filipinos absolute independence. I would also give the people of Porto Rico independence. We can retain our coaling and naval station there. We can create a condition from the military point of view that will give us every advantage, so far as the defense of the Panama Canal is concerned, and retain only a small part of the island. We could give the Porto Ricans complete independence in the matter of local government. We could give them an opportunity to show their capacity for the conduct of government.

By so doing we could gratify the very natural ambition of the Porto Ricans to govern their own island, and without risk permit an interesting experiment of a social and political nature while we avoided their demand for statehood.

We are in an awkward situation with reference to these islands in Porto Rico and the Philippines, and every Member of this House knows it. They have read the Declaration of Independence and appeal to it. They have studied our Constitution and are familiar with that document. They charge us with inconsistency, and, what is worse, Mr. Speaker, they prove it. They know that we tax them without permitting representation in our Congress, something that was a crime when done by the British Parliament, but which does not appear so wicked when we play the rôle of King George and his parliamentarians.

Many people in this country who want to sever the tie that binds us to tropical and alien people take that position, because they see in it danger for us. They agree with the view of the gentleman from Illinois that people who "live within 20 degrees of the equator" can neither comprehend nor support representative government constructed on the Anglo-Saxon plan.

They also see the physical degeneracy that will come from personal contact. Intimate personal association will result, as it nearly always has resulted, in a race of hybrids, who will, if experience may guide us to a conclusion, inherit the vices of both parents and the virtues of neither.

That danger has been recognized by England and Germany, and steps have been taken to avoid it. Of the two, England has made the greater effort to preserve the purity of the blood of her people, but Germany is not far behind in the struggle to keep an undefiled racial standard.

Right here, Mr. Speaker, I ask the privilege of inserting an editorial taken from the Washington Post of this morning that

tells how Germany is endeavoring to keep the blood of her people pure.

THE WHITE MAN'S BURDEN.

It has taken Germany until now to learn in her colonial possessions the lesson which the Anglo-Saxon has taught since the time men first began going down to the sea in ships and ruling over inferior races in distant lands. It is a lesson as simple as that water and oil will not mix. The German secretary of state for the colonies has issued an order forbidding marriages between Germans and natives in Samoa, where, no doubt, it will create considerable consternation owing to the freedom with which the Europeans in the island have taken native girls as wives in the past. Marriages already contracted are to be legal, and offspring from these unions are to be regarded as Germans, but hereafter the children born of such are to be treated as natives.

In Borneo the children of Dutch fathers and native mothers derive their nationality from their male parents. Germany in the East now embarks upon a policy which England has always followed. Great Britain has ever maintained her supremacy by demanding recognition as a superior. In India, in South Africa, in Australia, wherever the Anglo-Saxon has gone in search of adventure and treasure, he has drawn the color line and has stood ready at all times to maintain it at the point of the sword. In America the early French explorer and settler won his foothold by intermarriage with the Indians; the Englishman treated the Indian as an inferior, and shouldered the white man's burden instead of trying to avoid it by a short cut across the matrimonial lots. It is interesting to note that the German colonial office has shown itself alive to the dangers to both races under the old system of mixed marriages in Samoa. Germany has at last realized that if there is to be a civilization in her colonial possessions it must be white.

How Americans, who should more keenly appreciate the danger of hybridization, can ever get their consent to policies that coquet with this horror I can not understand.

I suppose it must be because they are pushed on by greed. It is the love of money that is the root of all evil. Anxiety for trade impels them to take all risks and to do those things that can neither be justified in reason nor morals.

Black, brown, and yellow races have the same natural rights the white man has. The Lord who created them gave them a section of the earth for their own use and enjoyment, and they far outnumber the white races. For centuries they have not invaded the territory of the white man. The Turks are not now fighting a war of conquest on Italian soil, the East Indians have not invaded England, nor have the Filipinos threatened us.

They have a right to exist—at least we have no right to say they shall not—and certainly Americans can not with propriety suggest that they shall not have such political institutions, such forms of government, as they prefer. White men invade their countries in the name of the Christ who preached peace and charity, oppress them in the name of the Lord, and despoil them in the name of civilization. Cant and humbuggery have characterized our dealings with people of other races. Is it any wonder that they remain pagan?

Political mixing with alien people is as dangerous and unprofitable to the State as physical mixing is sinful and hurtful to us as a people.

It gratifies lust for power, it creates vassals, it enables us to employ the word "possessions" when speaking of Porto Rico and the Philippines, but it also increases the cost of government to the American taxpayers, and it has not increased their prosperity, individually or collectively. We imperil our own free institutions by imitating Imperial Rome when she dealt with colonies. With a fatuity that is really incomprehensible we, a free people, have been tempted to employ the tools of tyranny, and that can never be done without danger. Nations that live by the sword must perish by the sword.

"The Conflict of Color" is the title given to an epochal book by B. L. Putnam Weale. In that book he clearly shows the importance in numbers and power—the latter somewhat latent as yet—of the people who inhabit the vast continents of Asia and Africa. He also shows how there is a growing sentiment of hostility among Africans and Asiatics toward the white race. They have a dawning consciousness of injustice from Europe and America, and a community of interests is bringing them together.

The population of the earth, according to race, is given by statisticians as 1,510,150,000, of which there are, in round numbers, 690,000,000 whites and 820,150,000 black, brown, and yellow people. Who can believe that with this vast preponderance in favor of the colored races they will forever tamely submit to the rule of the alien white?

From the Cape of Good Hope to Gibraltar and throughout all of Asia they are suspicious and increasingly hostile. The actual shock of conflict may yet be remote, but it is inevitable. Now, what part shall we of the United States play in that great struggle? Is it necessary that we should have any part in it? Can we not, if we devote our energies to the development of continental America avoid it altogether?

If we apply the rules of conduct in governmental affairs laid down by the founders of this Republic, I think we can. In America we have plenty of land for homes, plenty of opportunities for the exercise of all our energy and talent. We need not take the political and personal risk of contact with the people of

Asia and Africa. In homely phrase, we should stay at home and "mind" our own business and let the Filipinos and other Asiatics devise and operate their own schemes of government.

As to Africa, which is now being divided among the British, German, and French, we should certainly have nothing to do unless, perhaps, to negotiate for the purchase of territory to which the 10,000,000 or 12,000,000 Africans who are American born might be induced to emigrate. Then, indeed, could the ability of the black race be tested on a splendid scale.

The greatest, most menacing, and most insoluble problem that any people on earth ever faced is made by the presence in this country of 10,000,000 negroes. The Southern States, sometimes without the supporting sympathy of their brethren in the North, are doing their best to handle this great question with justice to the negro and safety to the whites.

The position of the white people of the South is taken for reasons that are deeper than politics or forms of government. Possibly the mass of the whites in the South could not analyze their position on this question, could not tell why they feel and think certain things. But they are just as certainly right as if they could frame their reasons in a perfect syllogism. It is from a higher cause than logic or economics; it is a manifestation of the natural struggle to keep the race pure. Let us hope that it can be done in peace and amity; let us hope that it can be done without injustice to anyone; but let no mistake be made about one thing—it is going to be done.

Mr. JONES. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the Republican platform of 1908 declared for citizenship for Porto Rico. [Applause.] Why do gentlemen on this floor who claim to be Republicans repudiate that plank of the national platform? The gentleman from Texas [Mr. SLAYDEN], who has just addressed the House, says that the Porto Ricans can give the world no contribution to civilization. They were so civilized, I inform the gentleman, that more than a half century ago they voluntarily enfranchised all of the slaves in the island and paid their owners \$30,000,000, raised by taxing themselves. [Applause.] What people has ever done anything nobler than that?

There is another and a controlling reason why the Porto Ricans should be made citizens of the United States. Under the Constitution we have no right to hold any people in subjection to our laws forever unless they are citizens. And we are going to hold Porto Rico forever. Why? Because we are never going to give up the Panama Canal, and therefore the geography of the situation makes it absolutely essential that we insist upon the permanent retention by the United States of the island of Porto Rico. We shall not let it go to any foreign power.

The SPEAKER. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Speaker, I yield one minute to the gentleman.

The SPEAKER. The gentleman from Wisconsin is recognized for one minute more.

Mr. COOPER. It is a compact island, about 90 miles by 40, whose inhabitants are so intelligent and so civilized that the monarchy of Spain permitted them to send representatives to each of the two branches of the Spanish Cortes.

Mr. SLAYDEN. May I ask the gentleman whether all the people of the island were entitled to the franchise?

Mr. COOPER. No; not all; but franchise and citizenship are entirely separate things.

The question we are now considering relates to Porto Rico. As to the retention of the Philippine Islands, that is another question not now before us.

The SPEAKER. The time of the gentleman has again expired.

Mr. COOPER. I wish I might have two minutes more. [Applause.]

Mr. JONES. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Speaker, I believe that a party, like an individual, must keep its promises. The individual who makes promises and breaks them is a man who can not be depended upon. A party that goes before the people and makes certain pledges and promises to the effect that if it is intrusted with power it will do certain things and then fails to carry those pledges and promises into execution can not long remain in power. [Applause on the Democratic side.]

The Democratic Party has pledged citizenship to the Porto Ricans, and it behooves the Democrats to make that promise good. To my mind this is an important act. Instead of standing here in this House and reprobating our neighbors to the south of us, we should make friends of them. We should cultivate the kindest relationship with them.

This little island of Porto Rico has sent here as its representatives men who will compare quite favorably with any man in

this House. If they are treated fairly, and if we as Americans extend to them the blessings of citizenship, you will with this little island create an object lesson in the south sea islands that will win for this Government the everlasting gratitude, respect, and love of not only the people of Porto Rico, but also of the other islanders who should be our natural allies. [Applause.] It is in that zone that our trade can be developed and expanded. We should cultivate good relations with them instead of fomenting discord, as I am a little slow to charge it to be true in the case of Mexico. But the disturbances that are going on in Mexico, I am afraid, find their origin back in the United States, and I am sorry if that is true. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. JONES. Mr. Speaker, how much time have I remaining?

The SPEAKER. Six minutes.

Mr. JONES. Mr. Speaker, I am very much surprised that opposition to this measure should have come from two such distinguished gentlemen as the ex-Speaker of this House [Mr. CANNON] and the leader of the Republican side of the House [Mr. MANN].

Mr. MANN. Why does the gentleman say that? I did not say anything that was opposed to the measure. I pointed out some sections of the measure that apparently have never received the careful consideration of the gentleman, but I said I was not opposed to the measure.

Mr. JONES. I beg the gentleman's pardon. I drew the conclusion—and I think naturally—from the criticisms indulged in by the gentleman that he was opposed to it. I am glad to know that he is not opposed to it.

Mr. MANN. I beg the gentleman's pardon. I did not make any criticisms of the bill at all.

Mr. JONES. Well, I did not mean to be understood as saying, Mr. Speaker, that the gentleman criticized the form of the bill. The gentleman criticized the principle embodied in the bill.

Mr. MANN. I beg the gentleman's pardon. I did nothing of the sort.

Mr. JONES. I mean to say—

Mr. MANN. I decline to have that statement go unchallenged.

Mr. JONES. The gentleman contended that the people of Porto Rico would have more reason to ask for statehood if this bill were passed than they now have to ask for citizenship.

Mr. MANN. It is that a criticism of the bill?

Mr. JONES. That is a criticism, or, at least, I so understood it. I understood that the gentleman was opposed to the bill for the reason that if American citizenship was conferred upon the people of Porto Rico they would then ask for statehood, to which he was opposed. I am very glad to know that the gentleman does not oppose the bill.

I am very much surprised that the distinguished ex-Speaker of this House should oppose this bill.

If I remember aright the gentleman was a member of the last National Republican Convention; that he was a most influential member of a national convention of his party which unanimously declared it to be the purpose of the Republican Party to give collective citizenship to the people of Porto Rico. [Applause.] This bill is an honest expression of the purpose of the majority in this House to carry out the pledge contained in the Democratic platform to give the people of Porto Rico American citizenship. Both of the great political parties have declared themselves in favor of granting American citizenship to the people of Porto Rico, and, as I have said, the present Secretary of War in his last annual report strongly urged that this be done. I read from his report:

I think the time is arriving—

Said Mr. Secretary Stimson—

if it has not already arrived, when it is the part of honest and far-sighted statesmanship frankly to declare our position as to the ultimate interrelationship between the United States and Porto Rico, so far as it is possible to do so without unduly hampering the future in wisely dealing with this problem.

Then the Secretary proceeds to say in regard to the desire of the Porto Ricans for citizenship:

I believe the demand is just; that it is amply earned by sustained loyalty; and that it should be granted.

Mr. Speaker, the gentleman from Illinois [Mr. MANN] did say, and I think he will not question this statement, that he seriously doubted the correctness of the legal proposition which I laid down—that the people of Porto Rico were already citizens of the United States.

Mr. MANN. I have no doubt of it at all.

Mr. JONES. Although he questioned the correctness of that proposition, he did not discuss it. He did not undertake to point out why section 1891 of the Revised Statutes did not make the Porto Ricans citizens of the United States. The present

attorney general of Porto Rico, who has given great thought and study to this subject, appeared before the Insular Affairs Committee and declared it to be his opinion that the people of Porto Rico were now citizens of the United States.

Mr. CANNON. Will the gentleman yield for a question?

Mr. JONES. Certainly.

Mr. CANNON. If that be true, what is the necessity for this legislation?

Mr. JONES. The necessity for this legislation arises from the fact, as this report states, and as I have already stated, that the authorities in this country and in Porto Rico have not placed the interpretation upon section 1891 which has been placed upon it by the attorney general of Porto Rico and many other learned and eminent lawyers. Porto Rico, for some reason inexplicable to me, is not held to be an organized Territory within the meaning of section 1891 of the Revised Statutes of the United States.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

COMMISSION ON INDUSTRIAL RELATIONS.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on Rules be discharged from the further consideration of the bill (H. R. 21094) to create a Commission on Industrial Relations, and that the same be referred to the Committee on Labor.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the Committee on Rules be discharged from the further consideration of House bill 21094, and that the same be referred to the Committee on Labor. Is there objection?

There was no objection.

BRIDGE ACROSS THE MORRIS AND CUMMINGS CHANNEL, TEX.

Mr. SLAYDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19638) to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the San Antonio, Rockport & Mexican Railway Co., a corporation incorporated under the laws of the State of Texas, and its assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Morris and Cummings Channel or Cut, at a point suitable to the interests of navigation, at or near Shell Bank Island, where said channel passes between Shell Bank Island and Harbor Island, in the county of Nueces, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

BRIDGE ACROSS THE MISSOURI RIVER, NEBR.

Mr. LOBECK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20117) to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Nebraska-Iowa Interstate Bridge Co., a corporation organized and doing business under and by virtue of the laws of the State of Nebraska, and its assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Bellevue, Nebr., and near a point between the south line of section 31 and the north line of section 30, all in township 14 north, range 14 east of the sixth principal meridian, in the county of Sarpy, in the State of Nebraska, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

DEFERRED PAYMENTS OF SETTLERS IN KIOWA AND COMANCHE CEDED LANDS IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19863) authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma, with committee amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to subdivide into two parts each of the deferred annual payments on lands heretofore sold and entered under the act entitled "An act to open to settlement 505,000 acres of land in the Kiowa-Comanche and Apache Indian Reservations in the State of Oklahoma," approved June 6, 1906, and the act entitled "An act giving preference rights to settlers on the Pasture Reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.," approved June 28, 1906, and extend the time of payment one year from the date on which each payment so divided becomes due under existing law: *Provided*, That one of the parts into which each deferred annual payment is subdivided shall be paid annually thereafter until the entire amount due is paid, and that not more than one of such parts shall be required to be paid annually: *Provided*, That all interest due on such deferred payments on the date of the passage and approval of this act shall be added to the principal, become a part thereof, and, together with all deferred payments, bear interest at the rate of 4 per cent per annum until paid: *Provided further*, That no patent or specie of title shall pass until all payments and interest are paid in full: *And provided further*, That full discretion is vested in the Secretary of the Interior to refuse an extension for fraud of the purchasers under the above-named acts.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. STEPHENS of Texas. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, in 1906 the Comanche, Kiowa, and Apache Reservations of 505,000 acres of land known as pasture reserve land in Oklahoma were opened for settlement. This land was sold to the highest bidder at public auction. At that time we had been favored with several years of excellent crops in that country. Railroads had recently been built through the reservations. At this time these lands were offered for sale at public auction to actual settlers only, requiring them to live on them and comply with the homestead laws; the price of the land was very high just at this time, and the lands sold for more than they should. Since the settlers bought the lands and went onto them and improved them and made one or more annual payments of the five payments the country had two or three years of drought; last year's drought was the worst in the history of that country. These settlers have made one or more payments on their lands and they can not make the payment this year, and would be forced to leave the country and give up their homes unless this relief is granted.

We provide in this bill that the deferred payments shall bear 4 per cent interest, that they may be subdivided into two payments, so that these men can this next year meet the payment out of the crops raised on their farms and thus save their homes and land.

Many of them paid out all of the money they had when they made the first payment and their settlement, and if they are now required to make further payment it will be impossible for them to do so, and it will be impossible to borrow the money from the banks or the trust companies, because they have no title to their lands, and the further fact that we have had several crop failures and money could not be borrowed by these settlers in the money market in that country.

Mr. BUTLER. Will the gentleman yield?

Mr. STEPHENS of Texas. I will.

Mr. BUTLER. Can it be possible that the land has depreciated so in value down to a level where they can not borrow enough to make these payments?

Mr. STEPHENS of Texas. They are not seeking to sell the land, but to save it from forfeiture. They have as yet no title to the land, hence they can not raise money by mortgaging it.

Mr. BUTLER. I understood the gentleman to say that by reason of the failure of the crops the land had depreciated to such a level that it would be impossible to borrow the money.

Mr. STEPHENS of Texas. This land is not worth as much as it was when it was purchased. It would not bring as high a price now as it sold for in 1896.

Mr. BUTLER. So the Indian would be better off if he could get the balance of his money?

Mr. STEPHENS of Texas. Yes; but the settlers would lose several years' work on their farms and the payments already made for the land, and that would be a great hardship on these pioneer settlers.

Mr. BUTLER. If the land has depreciated in value, if the Indian took it back he would lose?

Mr. STEPHENS of Texas. No; the Indians would get the land back and the improvements that the white men have put upon it.

Mr. BUTLER. I understood the gentleman to say it would be impossible for these people to borrow enough money to make the payments.

Mr. STEPHENS of Texas. I will yield five minutes to the gentleman from Oklahoma [Mr. FERRIS], who is perfectly familiar with this subject, as he is the author of the bill and these lands are in his district.

Mr. FERRIS. Mr. Speaker, the gentleman from Pennsylvania asks a pertinent question. This land if reoffered to-day probably would not bring as much as it did when it was sold. Those who purchased the land as a homestead settled there; they purchased at the highest bid, and in addition they homesteaded it and paid one-fifth down. Some have paid two and some three and some four payments. Some have two or three and some have four payments remaining. This merely subdivides the payments, each time making them pay interest and each time withholding the title until every payment is made, in order to let the homesteader stay on a little longer. I want to say one word further. The Congress of the United States has been very generous to these people. It has given them extensions before; but I will say, however, that it has never been at the sacrifice of the Indian. The settler has been paying interest. Every bill that has extended the time has required the payment of interest, and every bill has provided for withholding title until all payments were made. It is simply tiding these settlers over the severe drought and hard times we have had for the last three or four years.

Mr. MANN. Mr. Speaker, I desire to ask the gentleman from Oklahoma a question. I am in sympathy with the purpose of the bill. Let me ask the gentleman a few questions. It looks as if there ought to be an amendment to the bill.

Mr. FERRIS. Perhaps so.

Mr. MANN. It is first proposed to subdivide each of the existing payments into two parts, the purpose being to have those payments, as divided into two parts, made one each year. In other words, if there were three payments now due, it is proposed to make six payments, due one each year.

Mr. FERRIS. That is correct.

Mr. MANN. But the bill provides, on page 2, line 4, after providing for dividing the payments—

And extend the time of payment one year from the date on which each payment so divided becomes due under existing law.

But the gentleman desires to extend the time more than one year.

Mr. FERRIS. I will say to the gentleman from Illinois that I was not on the subcommittee that had to do with the consideration of this bill.

Mr. MANN. I think the words "one year" ought to be stricken out.

Mr. FERRIS. What effect will it have to strike out those words?

Mr. MANN. And leave it read:

And extend the time of payment from the date on which each payment so divided becomes due under existing law—without specifying how long a time you extend it, because it is provided by law that one of these divided payments shall be made each year.

Mr. FERRIS. I think the gentleman is entirely right about that. The only thing I sought to do and the only thing the committee sought to do was to divide those payments into two parts so that the settler could pay them.

Mr. MANN. But you extend it more than one year.

Mr. FERRIS. We have not intended to do it.

Mr. MANN. Here are three payments now due—one this year, one next year, and one in 1914—but the committee wishes to make that one this year, one in 1913, one in 1914, one in 1915, one in 1916, and one in 1917.

Mr. FERRIS. Precisely.

Mr. MANN. That is extending them more than one year.

Mr. FERRIS. It is first dividing the payments into two parts.

Mr. MANN. But the bill provides for extending them one year under existing law, and these payments are due at this time, whether divided or undivided.

Mr. FERRIS. There is only one of the payments that is due at this time.

Mr. MANN. I understand; but that is under existing law.

Mr. FERRIS. Yes.

Mr. MANN. And you want to extend the time more than one year.

Mr. FERRIS. We want to extend the time of the first payment, and each succeeding payment one year.

Mr. MANN. More than one year.

Mr. FERRIS. Each succeeding payment.

Mr. MANN. Only one year from the time it becomes due.

Mr. FERRIS. Certainly.

Mr. MANN. But here is a payment due in 1912. You desire to divide that into two payments and pay half of it this year

and half the next year; but the payment that under existing law will be due next year you desire to divide into two parts and make one part payable in 1914 and one in 1915.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MANN. Mr. Speaker, I yield the gentleman five minutes more. That can be corrected by simply striking out those words "one year," in line 4, page 2, I think.

Mr. FERRIS. And what effect will that have? That will still let one be paid each year.

Mr. MANN. Oh, yes; and will extend the time of the latter payment more than a year, as is necessary in order to make the new payments payable one each year.

Mr. FERRIS. I have no objection to that, and if the verbiage should be changed I hope the gentleman will offer an amendment so to do.

Mr. MANN. But it is not subject to an amendment.

Mr. FERRIS. We can do that by unanimous consent.

Mr. MANN. Yes.

Mr. FERRIS. I ask unanimous consent, Mr. Speaker, that the gentleman from Illinois be permitted at this time to offer an amendment.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the gentleman from Illinois [Mr. MANN] be permitted to offer an amendment. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I should like to interrogate the gentleman from Oklahoma a moment. Is the gentleman quite sure that that amendment will accomplish what was desired by the bill?

Mr. FERRIS. I was trusting implicitly in the unusually good judgment and vigilance of the gentleman from Illinois [Mr. MANN], whom I have always found to be correct on those matters.

Mr. MANN. It is perfectly patent that it will, I think.

Mr. BURKE of South Dakota. The department in making report upon the bill called attention to the fact that the bill in its present form would probably not accomplish what was desired and suggested the proviso that appears in lines 6 to 10.

Mr. MANN. That will be left in the bill.

Mr. BURKE of South Dakota. You leave that in the bill?

Mr. MANN. Surely.

Mr. BURKE of South Dakota. Is the amendment to strike out "one year"?

Mr. MANN. Yes; in line 4, page 2.

Mr. BURKE of South Dakota. And then it will read "extend the time of payment one year from the date on which each payment so divided becomes due under existing law"?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. Extended how long?

Mr. MANN. The proviso fixes how long. First you extend the proviso, and then the proviso is "that one of the parts into which each deferred annual payment is subdivided shall be paid annually thereafter until the entire amount due is paid."

Mr. BURKE of South Dakota. Well, Mr. Speaker, I have no objection to the amendment, but I want to be sure that the bill would accomplish what was desired, because it is a measure that ought to be enacted.

Mr. BUTLER. May I ask the gentleman from Oklahoma a question?

Mr. FERRIS. Let us dispose of this amendment first. I yield to the gentleman.

Mr. BUTLER. I understand that one of these payments now due could not be made—

Mr. FERRIS. That is true.

Mr. BUTLER (continuing). By these settlers. It is proposed to extend the first payment and the next payment which becomes due next year?

Mr. FERRIS. The idea was to extend each one one year ahead, first dividing them into two parts, which is really more than that, and let one-half the payment come due next year and one-half each succeeding year.

Mr. BUTLER. Then you do not propose to make the balance in two payments?

Mr. FERRIS. No; that would be impossible for the settler to make, but we are trying to fix it in a way so that it would be possible for the settler.

Mr. BURKE of South Dakota. So as to avoid having to legislate next year and the year after that.

Mr. BUTLER. Let me ask the gentleman another question? What is the rate of interest in Oklahoma?

Mr. FERRIS. The legal rate of interest is 10 per cent.

Mr. BUTLER. What are you going to pay the Indians?

Mr. FERRIS. The same as are paid on funds in the Treasury, 4 per cent. If funds were paid in and deposited in the Treasury

of the United States the Government of the United States would pay the Indians 4 per cent.

Mr. BUTLER. Then in Oklahoma you have two rules for the payment of interest, one to the white man and the other for the Indians.

Mr. FERRIS. These moneys if paid in would not be available for the Indians, but would be deposited in the Treasury and become public funds, and we pay the same rate of interest the Government would pay the Indians if they were deposited in the Treasury. It merely substitutes the payment by the settlers for the payment by the Government.

The SPEAKER. Is there objection to the gentleman from Illinois offering an amendment?

Mr. MANN. Mr. Speaker, I do not desire to offer an amendment. I ask unanimous consent that the motion of the gentleman to suspend the rules and pass the bill be so modified as to strike out, on page 2, line 4, the words "one year."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the words "one year."

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

On motion of Mr. STEPHENS of Texas, his motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN LANDS, PORT ANGELES, WASH.

The SPEAKER. The Chair recognizes the gentleman from Washington [Mr. WARBURTON].

Mr. WARBURTON. I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I move to suspend the rules and pass the bill, S. 339.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 339) providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the reappraisal at their actual cash value of blocks Nos. 32 and 53, and the west 450 feet of suburban lot No. 26, in the Government town site of Port Angeles, or any subdivisions thereof, in the State of Washington, and all of said lands, not required for the use of the Government, so reappraised to be subject to sale at not less than the reappraised price, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided, however,* That any settler who, prior to January 1, 1910, was in actual occupation of any portion or subdivision of such lands in good faith for town-site purposes shall be entitled to a patent for the lands so occupied and to own the buildings and improvements thereon upon payment to the Government of the appraised value of the land, not taking into consideration the value of any buildings and improvements thereon: *And provided further,* That the right of any such actual settler must be exercised within 90 days after the reappraisal herein provided for shall have been approved by the Secretary of the Interior: *And provided further,* That any such settler not exercising the right herein granted shall have the right for a period of 30 days after the expiration of said 90 days to remove his buildings from said premises occupied by him.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Oklahoma has 20 minutes, and the gentleman from Illinois has 20 minutes.

Mr. FERRIS. Mr. Speaker, during Abraham Lincoln's administration a certain portion of land was withdrawn in the town of Port Angeles, Wash. Some two years ago Congress passed an act providing for the sale of part of that land. There is yet remaining two blocks and a fractional part of a block, for which this bill provides a sale. The bill as introduced provided for the sale at the actual appraised price. The subcommittee which had it in charge—and later it was adopted by the full committee—provided that it should be appraised at actual cash value and it should be sold at not less than the appraised price.

Mr. BUTLER. Why did you not sell it at public sale?

Mr. FERRIS. Well, that was talked of; and the reason we did not provide for that was this: The land is practically all occupied by settlers. The land has been vacant there and unused ever since President Lincoln's administration, and equities and rights have attached by reason of their improvements and their occupancy, until we felt that we would have accomplished everything that was necessary to accomplish if we provided for the appraisement at the actual cash value. And the committee, feeling as they did about it, with the amendment suggested, we recommended that it be passed to the full committee, and it was adopted unanimously.

Mr. BUTLER. Mr. Speaker, I understand the purpose of this bill is to take care of both the Government and the settler.

Mr. FERRIS. I do not know what construction the gentleman may put upon it, but the bill provides for the sale at the actual cash value, pursuant to an appraisement had by the Federal Government, under which the Secretary of the Interior has full supervision, and it was our idea that the Secretary would see to it that this land brought all that it was worth and all it was entitled to, and we could not imagine any objectionable features to allowing the Secretary to appraise it, sell it, and dispose of it in this way.

Mr. BUTLER. But the gentleman would not be in favor of selling land that belonged to the Government at an appraised value, unless it was that somebody had an interest in it somewhere and the purpose of which was to protect the interests of the squatter or individual upon it.

Mr. FERRIS. Well, there are two ways of selling property—one by appraisement and one by public auction. There are instances where one works out more advantageously than the other, and vice versa.

Mr. BUTLER. Is not the common, ordinary way to sell it at public sale?

Mr. FERRIS. I think that the contrary is true where the settlers' rights have attached. It is almost universally true that they sell them pursuant to an appraisement fixed by the Federal Government, and there are no strings to the appraisement. The Secretary can go out there to determine its value and has full latitude to place any restrictions around the sale which he desires.

Mr. BUTLER. When the settler moved onto this property he knew that it belonged to the Government and that he had no right to it.

Mr. FERRIS. Undoubtedly that is true. But on that particular question I wish to yield to the gentleman from Washington [Mr. WARBURTON], who lives in that State and knows more of the details than I do.

Mr. WARBURTON. Mr. Speaker, as it has been stated by the gentleman from Oklahoma [Mr. FERRIS], this was, I think, the only town site created by the Government in the State of Washington. The land was surveyed into lots and blocks. It was put on the market a part at a time. It was not all put on the market for sale. When the town site was platted, a number of settlers went onto the particular blocks mentioned in the bill, supposing that they would be sold. However, the Government reserved the lots from sale, and the settlers went on the lots supposing the same would be sold, but they were withdrawn from sale. It is not the settlers on this public land who are seeking the passage of this bill. It is the city of Port Angeles. The blocks reserved in the town site of Port Angeles are right in the center of the city. The city is situated like this: There is a little space of land down beneath a very high bluff, about large enough for the business portion of the town. The residence portion, including this land, stands 150 feet above the Strait of Juan de Fuca. These blocks are in the center of the residence portion of the city. The little town has about 2,500 people. All of the improvements of their streets and alleys are made by local assessments, and these 10 acres are grown up with brush, with no streets through them, have remained there for 40 years, and will remain there for 40 years longer unless some such law as this is passed.

In order to build the necessary streets and alleys of the city and make the necessary city improvements the people of Port Angeles have sought the sale of this land. The land as proposed to be sold now will be sold exactly as the original town site was sold. There is no question about the Government getting the full value of the land. We have provided for that. The settler will pay the full value. I imagine, or at least they inform me, that it will bring the Government about \$25,000 to \$30,000. That is all that the land is worth.

What we are most anxious about, while we do not want to do any injustice to the settlers, is permission to open up the streets. You can imagine the condition of a city of this size with 10 acres right in the heart of the city and the people not able to construct a street or alley through it.

Mr. BUTLER. Is that the reason why the land is to be sold at the appraised value—to protect the settlers?

Mr. WARBURTON. That is the provision. For instance, there are some homes there, as I am informed, worth about \$1,000. It is to prevent somebody from coming in there from the outside and bidding on that land and running it up way above the value of the lot and make the settler, in order to save his house, pay more for the lot than it is worth.

Mr. BUTLER. I am a conservationist, and I would like to know whether or not this property would not bring more to the Government if it were put up at public sale. From the statement of the gentleman from Washington I would infer that it would.

Mr. FERRIS. I do not think it would be the desire on the part of the gentleman from Washington. It is his object to prevent an outsider from bidding for a lot and improvements more than the lot is worth. It is to prevent speculators from speculating on improvements on it that are not movable, and which improvements belong to the settler.

Mr. BUTLER. I am not proposing to run up the price on the little homes. I am looking after the interests of the Government. There has been a good deal of complaint that the public lands have been wasted and the property sold without receiving full value therefor. I am convinced that if the property here were put up at public sale it would bring more money than it would by selling it at the appraised value.

Mr. FERRIS. The bill provides that the Interior Department shall have full latitude to place an actual cash value on these two and one-half blocks. If that is true, why is it necessary to assume that the Secretary of the Interior will not do his full duty and get from it all that the land is worth?

Mr. BUTLER. I assume that he will do his full duty under the law. But as I understand the gentleman from Washington, some of these little houses are worth \$1,000 apiece. He says further that if this land is sold at the appraised value intruders may be prevented from coming in and bidding up the property at the sale.

Mr. WARBURTON. I said that this bill provides, say, where a man has built a house worth \$500 on a little bit of land worth, say, \$300, it would not be advisable to allow an outsider to come in and bid \$800 on it and thus deprive the settler of the value of his improvements.

Mr. BUTLER. I know that. But let the public understand that all of us who are protecting the Government are about to permit the sale of land under certain restrictions that would bring more to the Government if it were put up at public sale.

Mr. WARBURTON. I want to say to the gentleman from Pennsylvania that I do not believe this land will bring one dollar more than the appraised value if offered at public auction.

Mr. BUTLER. Then why not put these lots up at public sale?

Mr. WARBURTON. Because it will not work out that way. The SPEAKER. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

ELECTION OF COMMITTEE MEMBERS.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask unanimous consent to place in nomination a gentleman on that side of the House for election to a place on a committee of the House and a gentleman on this side to two places.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to place in nomination certain gentlemen for places on committees. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I desire to move the election of Mr. CARL HAYDEN to a vacancy on the Committee on Indian Affairs and to a vacancy on the Committee on Irrigation of Arid Lands, and by another motion I desire to move the election of Mr. GEORGE CURRY to a place on the Committee on Arid Lands.

The SPEAKER. Are there any other nominations? The gentleman from Alabama [Mr. UNDERWOOD] moves to elect the gentleman from Arizona [Mr. HAYDEN] to the Committee on Indian Affairs and the Committee on Arid Lands and the gentleman from New Mexico [Mr. CURRY] to the Committee on Arid Lands. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

LEAVE TO WITHDRAW PAPERS—JAMES MARSH.

By unanimous consent, at the request of Mr. SWITZER, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of James Marsh (H. R. 3873), first session Sixty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. RICHARDSON, indefinitely, from March 6.

To Mr. CLINE, for three days, on account of important business.

INTERSTATE COMMERCE IN CONVICT-MADE GOODS.

Mr. HENSLEY. Mr. Speaker, I move to discharge the Committee on Labor from the further consideration of the bill (H. R. 5601) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any

prison or reformatory, and to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Missouri [Mr. HENSLEY] moves that the Committee on Labor be discharged from the further consideration of House bill 5601, and that the rules be suspended and the bill passed. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That all goods, wares, and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

The SPEAKER. Is a second demanded?

Mr. MANN. Unless some one opposing the bill demands a second, I will ask for a second.

Mr. HENSLEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. COVINGTON. I object.

Mr. MANN. This request is only that a second be considered as ordered.

Mr. COVINGTON. I withdraw my objection to that request.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Missouri [Mr. HENSLEY] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. HENSLEY. Mr. Speaker, this bill seeks to regulate interstate commerce between the States. When convict-made goods go from the State where they are made into another State this bill provides that they shall become subject to the law of the State which they enter. It seems to me there is no question about the merits of the bill, and that it ought to be passed.

We have something like 160,000 to 200,000 convicts engaged in making different articles of consumption in the prisons throughout our country, and when those prison-made goods go from the State where they are made into another State this bill requires that they become subject to the law of that State. I was selected by the Labor Committee to submit a report on this bill, which is in part as follows:

There are a number of States in the Union which forbid by statute the placing on sale of articles of commerce made by the inmates of the penal institution of the State. It is probable that other States would enact similar laws were it not for the knowledge that such legislation would be nullified by the sale of prison-made goods brought in from neighboring States having no restriction as to the ultimate destination of their output. The manufacturers look upon the competition of prison-made goods from other States as a special grievance. In some of the States the manufacturing and labor interests have secured the enactment of laws prohibiting the manufacture, within the prisons of the State, of goods to be sold in competition with the product of free labor, and requiring that the goods made be for public use only. In such cases it is regarded as a peculiar hardship that convict-made goods from other States may be brought into the State and sold without restriction, thereby displacing free labor.

The purpose of this bill is to give needed protection to those States that have declared themselves as opposed to the traffic in convict-made goods as well as those which have prescribed the kind of goods of that category that can be sold within the State or the conditions under which the sales can be made.

This bill does not attempt to place any limitation upon the rights of the several States to employ their convicts in productive effort. The convict product as a whole is very small when compared with the entire product of free labor in the United States, but the employers of free labor and their workmen unite in affirming that when any convict-made product is placed in competition with the product of free labor the market becomes demoralized, even a small sale affecting prices far out of proportion to the amount of the sale. Every State objects to being made the market for convict-made goods produced in other States. And reviewing the general question of convict labor as a competitive factor, it may be said that manufacturers consider such competition unfair and ruinous, demoralizing to markets and business stability, compelling the reduction of prices below a fair margin of profit and often even below the cost of production. Wages are forced to the lowest limit in a vain effort to lower the cost of production to that of the prison contractor, until in some cases it has resulted in a deterioration of quality of material used and in others an entire abandonment to the prisons of the manufacture of certain grades of goods.

Those States which have no restrictive laws in regard to the sale of prison-made goods will be in no wise affected by the legislation here proposed, while all that seek to interdict such sale within its own boundaries or which insist upon distinguishing labels or standards of quality will be furnished the protection of which they stand in dire need.

The effect of prison-made goods on business can not be arrived at by any calculation of percentages, but it is safe to say that this competition is most severely felt by a class least able to bear it.

Mr. CANNON. Will the gentleman allow me?

Mr. HENSLEY. Yes.

Mr. CANNON. I see this bill provides—

that all goods, wares, and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or

storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent—

as the State law applies to convict-made goods manufactured within that State.

As I understand the bill, the interstate commerce is complete by delivery of the goods. That is, the commerce among the States is complete before the convict-made goods which come into the State become subject to the law of that State.

Mr. HENSLEY. The interstate commerce becomes complete by delivery to the consignee.

Mr. CANNON. By delivery to the consignee, and then the State law attaches.

Mr. HENSLEY. Yes.

Mr. CANNON. It seems to me that the State law would attach without this legislation.

Mr. HENSLEY. I will say to the gentleman from Illinois that some do make the argument that the State laws will attach, but the study I have made of the subject convinces me that perhaps the State law does not attach in all instances.

Mr. CANNON. I doubt very much whether it is in the power of Congress to make police regulations for a State. The only power we have is to regulate commerce among the States. I see no objection to the enactment of the bill, but I did want to make this remark in connection with the consideration, namely, that the commerce begins in one State and ceases in the other by delivery to the consignee. It is plain to me that under the police powers of the State they could make any regulation they choose touching the product found there, the interstate commerce having been accomplished. With that explanation I have no objection to the bill as far as I am concerned.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, replying to the gentleman from Illinois, if the gentleman from Missouri will permit, I think the gentleman from Illinois is mistaken. I think the power of Congress attaches to the article that is a part of interstate commerce as long as it is in the original package to the extent that the consignee may dispose of it even after arrival in the State. It has been quite a long time since I have had occasion to investigate the matter, but my recollection is that it was in the case of Brown against Maryland, quite a number of years ago, the court held that the article might not only be shipped into the State and delivered to the consignee, but as long as it was in the original package it would not be subject to the laws of the State.

So in the Wilson bill it was attempted, as the gentleman remembers, to withdraw the power of Congress from interstate commerce in intoxicating liquors and to provide that upon arrival in the State the liquor would be subject to the police power of the State.

Mr. CANNON. And delivered.

Mr. HUMPHREYS of Mississippi. No; the court read that into it, as I remember it. The court, as I recollect, held that that "arrival" in the statute meant upon arrival and delivery. Now, this bill proposes, following the exact language of the court, that after it arrives and is delivered, although it be in the original package, Congress will permit the States to step in with their police powers, notwithstanding the original package, and say that they will forbid the sale after the delivery.

Mr. CANNON. If the gentleman from Missouri will allow me, we are taking a good deal of his time—

Mr. HENSLEY. That is all right.

Mr. CANNON. I recollect the decision of the court which the gentleman refers to, and also the enactment of the Wilson law. The decision of the court was that the original package was not subject to State regulation until it was sold, but the court held, as I recollect, that when the act of commerce from one State to another was completed by delivery to the consignee in the State to which the shipment was made, that then under that legislation the State had the right under the police powers of the State to seize it, whether it was in the original package or not.

Mr. HUMPHREYS of Mississippi. No; if it was in the original package they could sell it. Now, this bill withdraws that limitation and permits the police powers of the State to apply before the sale, and to begin to apply upon the delivery of the goods to the consignee, notwithstanding they are in the original package. Of course, if the original package is destroyed then the State law would attach at once, but this will permit it to attach even if it is in the original package.

Mr. CANNON. I understand it is so in the Wilson law, but so that I may not be misunderstood I want to say that convict-made goods made in Illinois, for instance, and shipped into Iowa could not be seized the moment that they crossed the dividing line between Iowa and Illinois, but they must proceed to the consignee and be delivered to the consignee, and then they are subject to the police laws of the State itself, and subject to

seizure, or any other disposition that the State may desire to provide.

Mr. HUMPHREYS of Mississippi. Not until an act of Congress says that. As long as it is in the original package it can not be seized. The purpose of this bill is to enable the power of the State to attach, although it may be in the original package.

Mr. KENDALL. It is to enable the State of Iowa to legislate on the subject respecting the shipment from Illinois into that State whenever it reaches Iowa in the original package.

Mr. HUMPHREYS of Mississippi. Without this legislation I think the power of the State would not apply.

Mr. KENDALL. Without this legislation the State of Iowa would not have any authority to enact the legislation.

Mr. AUSTIN. If the gentleman will allow me, I would like to inquire if this bill would cover convict-mined coal? Our State is very much interested in that subject, because they are using the State convicts to mine coal and selling it in competition with coal mined by miners.

Mr. HENSLEY. I do not think the language of this bill would permit it to be applied to coal at all.

Mr. WILLIS. Will the gentleman state why? The bill says "all goods, wares, and merchandise manufactured wholly or in part." Does not the gentleman think the application of labor to the raw material of coal is in a sense manufactured goods?

Mr. KENDALL. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. HENSLEY. I would like very much to have it so apply.

Mr. KENDALL. I am very much in sympathy with this legislation, but I should like to see it perfected to make it apply to the situation suggested by the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Will the gentleman modify his original request so as to insert the words "or produced"?

Mr. HENSLEY. On that proposition I would have to confer with the author of the bill.

Mr. AUSTIN. If the gentleman would accept the word "coal," I think it would be satisfactory. If not, I should have to object to the consideration of this bill.

Mr. KENDALL. The purpose of this committee is to formulate legislation which will give the respective States the right to control where convict goods are sought to be brought into competition with goods produced by free labor, and it is a very laudable purpose, as I view it. What we on this side are seeking to do by suggestions that have been advanced is this: The gentleman has provided here that all goods, wares, merchandise, manufactured wholly or in part by convict labor, shall, upon the entrance into a given State, be subject to the legislation of that State, and what we want to do is to extend this provision to include coal that may be mined by convict miners.

Mr. BOOHER. Why include coal? That is not a manufactured article.

Mr. KENDALL. It is produced, and it is the result of labor that has been applied to it. There is no more reason why a garden tool made by a convict laborer in Illinois should become subject to legislation in Iowa than there is why coal mined by convict labor in Tennessee should become so subject to legislation in Iowa.

Mr. BOOHER. I think there is all the difference in the world. Nobody ought to prevent people from getting coal. It is a necessary thing, and all people need it in the winter time. We all have to burn it in cold weather.

Mr. KENDALL. Coal is no more of a commodity than clothes.

Mr. BOOHER. That is true, but it is of a different character, and the labor upon it is of a different kind. It is used in different ways.

Mr. KENDALL. The gentleman does not mean to say there is any difference in the quality of labor applied to the making of garden tools than there is in the mining of coal?

Mr. BOOHER. Yes; there is. This bill is to apply to manufactured goods, such as clothing, overalls, and boots and shoes. The garment industry gives employment to women and girls of the working class and gives fair remuneration for their labor. They do not mine coal. It is to prevent that class of people being placed in competition with convict labor. I am for the protection of free labor.

Mr. KENDALL. I am not quarreling with the gentleman from Missouri on that proposition, but I see no reason why, if we are to extend the provisions of this bill to include the people engaged in the manufacture of overalls—and I am in favor of that—why we should not also extend it to include the men who are engaged in mining coal.

Mr. AUSTIN. Or cutting lumber.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

Mr. HENSLEY. Yes.

Mr. BOWMAN. I would like to ask the gentleman in charge of the bill whether there would be any more reason for permitting coal produced by free labor to compete with coal produced by convict labor or the reverse?

Mr. HENSLEY. I am forced to say to the gentleman that so far as I am concerned I would like very much to accept the amendments, but I must defer to the gentleman who introduced the bill upon that proposition.

Mr. COOPER. Would the gentleman agree to this amendment:

That all goods, wares, merchandise, manufactured, produced, or mined, wholly or in part—

And so forth?

Mr. CLARK of Florida. He said he would not.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, let me make this suggestion to the gentleman, that there would be no objection to the sale of coal mined by convicts unless the legislature of the State into which it is shipped should choose to impose some burden upon it; so that we leave it at last to the States, and if the States are in favor of cheap coal, they do not have to pass any legislation, although we give them the power to do it, and therefore I can see no special objection to it. In my State they work the convicts very largely on cotton plantations, and this would affect that, because any State that wanted to could impose a burden on the cotton that is so produced. This legislation does not impose the burden. It is left at last to the State. Personally I believe the convicts could be much better employed in building good roads than in producing cotton or working in the coal mines.

Mr. BOOHER. This bill refers only to manufactured goods. It does not pretend to touch coal, lumber, or anything else, and, so far as I am concerned, I shall not oppose putting any amendment to the bill that will protect free labor from competition of cheap convict labor. The place to work convicts is on our roads and highways.

Mr. WILLIS. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. WILLIS. The object of this bill, I understand, is to protect free labor against convict labor. Now, why is it not just as desirable to protect the free labor that is at work in the mine as it is to protect the free labor that is at work in a factory? The principle of the thing is the same.

Mr. BOOHER. I agree with the gentleman. There is no difference in principle.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. MANN. Mr. Speaker, the first bill that is on the Calendar of Motions to Discharge Committees is a bill introduced by the gentleman from New Jersey [Mr. GARDNER], placed upon the Calendar of Motions to Discharge Committees by the gentleman from South Dakota [Mr. BURKE], which is identical to the bill now under consideration, so that if the Discharge Calendar has done nothing else it has forced that side of the House to report a bill for passage on this convict-labor-goods proposition, and my only regret is that the gentlemen are not willing to agree to a proposition to include mines—

Mr. BUCHANAN. Will the gentleman yield?

Mr. MANN. When I finish this statement I will. I do not propose to carry on the same sort of burlesque that has been carried on here. I will withdraw the word "burlesque"; I do not mean it that way, and will say opera bouffe. Mr. Speaker, so far as we have the power to control the shipment of convict-made goods from one State to another to prevent competition of convict-made goods with goods made by free labor, I am in favor of exercising the power. I shall vote for this bill, but with some regrets that it has not been examined more carefully as to its constitutionality. It follows the law with reference to the shipment of liquors into the States, and because the law that it follows concerning liquors was held to be constitutional, therefore they assume that this bill is constitutional. Liquor is an article that has to be judged by itself. How can you judge coal as to whether it is made by convict labor or by free labor by viewing the coal? How can you judge of boots and shoes, unless they are labeled as to how they are made, when you come to apply the law of a State? It is a question, in my judgment, as to whether this is a proper way or the only way in which you can get at the evil. But it is true that certain penitentiaries of the country are now engaged in the making of certain classes of products for the purpose, in the main, of shipping them out of the State. That is especially true of binding twine and especially true of boots and shoes and especially true of a number of other classes of goods where they are shipping them into other States for the purpose of coming into competition with free labor. We all know it is quite desirable that convicts in penitentiaries shall have something

provided for them to do. They can not remain in idleness under any humanitarian form of government; but when they go into the manufacture of goods that come in competition with free labor it means the depreciation of price, it means in that case precisely the same thing that the importations under a cheap tariff means, that goods are brought in from a foreign country to compete with the goods made by free labor here, and there is no distinction in principle between making the transportation of convict-made goods free in this country and making the bringing in of foreign-made goods free to enter in competition with our own goods. [Applause on the Republican side.] I am opposed to both propositions and in favor, as far as possible, of upholding—

Mr. BATES. The dignity of labor.

Mr. MANN. As my friend from Pennsylvania suggests, the dignity of labor, but the dignity of labor is very little satisfaction to the man who labors unless he sees a reward for his labor which permits to live in happiness and comfort. [Applause on the Republican side.]

Mr. HUMPHREYS of Mississippi. Will the gentleman permit me a question?

Mr. MANN. Certainly.

Mr. HUMPHREYS of Mississippi. I ask this for information. Is not it the law now that convict-made goods have to be labeled as such before they enter into interstate commerce?

Mr. BOOHER. I will say that some of the States have that kind of a law, but very few.

Mr. HUMPHREYS of Mississippi. I want to know if we have not such a law of the United States in regard to that?

Mr. MANN. I do not recall it.

Mr. WILLIS. There is a law of some States which requires the goods to be branded before they can be carried from one State to another.

Mr. HENSLEY. I will say to the gentleman, if he will permit, there are four or five States that have regulations of that character that require convict-made goods to be branded as such before they enter into interstate commerce.

Mr. MANN. I will say this, Mr. Speaker: Take a railroad company that is engaged in the transportation business; we have had numerous attempts to penalize a railroad company if they accepted certain classes of goods.

It is perfectly patent to the simplest mind that the railroad official who accepts the goods—the railroad agent—can not be expected to trace the goods back to their origin and can not know, unless the goods show on their face, what these goods are or where they come from. And all attempts to make penalties of that sort have failed to be enacted into law up to date, I think, simply because of the manifest impossibility.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 13 minutes remaining.

Mr. MANN. I yield four minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I have a peculiar and rather personal interest in this bill. When I came to Congress in the spring of 1897, I was very much impressed with the importance of doing something to prevent the transportation of convict-made goods from one State to another to compete with goods made by free labor. After struggling with prentice hands, I wrote a bill, which is this bill, with the exception of two words. I forgot that reformatories were penal institutions. In either the last session of the Fifty-fifth Congress or the first, perhaps, of the Fifty-sixth Congress, a bill was reported from the Committee on Labor by the gentleman from New Jersey [Mr. GARDNER], which was precisely like the bill that I had offered in the same Congress, except it had the words "or reformatories" added. The bill of the gentleman from New Jersey was passed by the House, but did not become a law. In the next Congress I reintroduced the bill, and on that occasion I "took," as territory has been taken in time, Mr. GARDNER's words "or reformatories." And in four or five subsequent Congresses I introduced precisely this same bill. I did so because, as I say, I had a keen interest in free labor and wanted to prevent the competition of convicts. I may say also that I was not beyond the temptation of trying to do something that would make the labor vote friendly.

But it was a just and proper measure. And, looking still further afield, I wanted to compel States that used penal slaves for the manufacture of goods to consume their own products. I wanted all States forced finally to the putting of their convicts upon the highways, where they would compete less with honest workmen and do more good to the community at large. [Applause.]

Among the convict-made goods that were coming into the State of Texas, when I was first elected to Congress, and doing great harm to the free labor of that State were boots and shoes made in prisons in the State of Missouri, and that was the par-

ticular and glaring instance that I had in mind when I drafted my first bill.

I am heartily in favor of the idea. I hope that the bill will pass. I sincerely hope that it will be found constitutional; I hope it will accomplish the purpose which the gentleman from Missouri [Mr. BOOHER] has in mind; and that it will relieve honest free labor from the competition of penal slaves. I hope, and I believe, that, without any amendment, this bill, with the language that it now carries, will protect honest miners against the competition of penal slaves in coal or other productions. [Applause.]

Mr. MANN. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON of Minnesota. Mr. Speaker, I think perhaps some explanation of my objection to this bill when it was on the Unanimous Consent Calendar is due the House. I do not know whether this bill is a good one or not. I have very serious doubts as to whether many Members in the House know that. But I was very positive of one thing—that a bill involving a constitutional question, a bill involving investments of a great many of the States in twine plants and in various other manufacturing establishments, in which convicts are employed, ought not to be brought up here on the Unanimous Consent Calendar. My purpose in objecting to its consideration on that calendar was that I desired to give notice that that calendar must be preserved for the motions and bills which ought properly to come up under it. This bill ought to be considered upon a calendar where we could have ample opportunity for debate. It ought not to be brought up here by unanimous consent. It ought not to be brought up here on a motion to suspend the rules and pass it, as it is now. I have no objection to the bill, so far as I know, but I would like to see a reasonable opportunity for debate in an orderly manner.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, we have had in my State—Tennessee—and especially in the eastern end of it, convict labor in the mines for about 30 or 40 years. We have about 1,500 convicts mining coal and about a thousand within the walls of the penitentiary in the various manufacturing plants. Every dollar's worth of convict coal and every article manufactured in the prison shops come in direct competition with the same articles produced by free or honest labor. This bill seeks to give relief to those men who are engaged in the manufacturing lines, and if there is a class of people that need and deserve relief along these lines it is the men who work in the coal mines and who are engaged in a hazardous employment.

Now, when the last panic was on, known generally as the "Roosevelt panic" [laughter], we had 5,000 free miners, honest miners, walking the camps daily without employment for months. In that campaign I went into a mining camp where they had three days' labor in three months, but right over at Brushy Mountain, where the State of Tennessee, to its disgrace and shame, was employing 1,500 convict miners, these convicts were working every day except Sundays. And when the railroads in Georgia invited bids for their annual supply of fuel in competition with the bids of men who represented companies that were giving employment to honest, law-abiding miners, who had families to support and who bore the burdens and responsibilities of citizenship, the State of Tennessee's bid was far below the bid of any private corporation, and as a result during those trying times the convict miners of Tennessee were always busy, while the honest, law-abiding miners were walking the streets of the mining villages hungry, and their families were in need and their children were barefooted, and many even unable to attend the public schools.

Mr. BOOHER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. AUSTIN. I do.

Mr. BOOHER. Whose panic did I understand the gentleman to say was the panic of 1907? [Laughter on the Democratic side.]

Mr. AUSTIN. I said the so-called Roosevelt panic, named after a candidate that the Democrats seem very anxious that our party shall select at Chicago, but whom we do not propose to nominate. [Laughter on the Republican side.]

Mr. AKIN of New York. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. AUSTIN. Yes; I will, if there is not any dinner pail in it. [Laughter.]

Mr. AKIN of New York. I desire to ask the gentleman if the dinner pail during the Roosevelt administration was not a little larger than it is now under the present administration?

Mr. AUSTIN. I only know that the dinner pail was not reduced in size until the Republican Party lost control of this House and the tariff campaign of the gentlemen on the other side began. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Speaker, it gives me a great deal of pleasure to see the time arrive when the House of Representatives gets an opportunity to pass upon this particular piece of legislation. Since I first came here I have been engaged in an effort to get this bill before the House for consideration. Up to this time, by one means or another, it has been possible to prevent it.

I do not suppose that there are many Members of the House who know how generally the convict-made goods enter into the affairs of the people of this Nation. I know I was almost horror-stricken to find at one time that the United States Government itself was trafficking in convict-made goods, and was buying mail bags from the penitentiary of the State of New Jersey, and had been doing it so long that the people who were engaged in that business in private enterprise had been driven out of it by the convicts of the State penitentiary doing work for the Government of the United States. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, have I two minutes remaining?

The SPEAKER. The gentleman has three minutes.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Kansas [Mr. JACKSON] one minute.

The SPEAKER. The gentleman from Kansas [Mr. JACKSON] is recognized for one minute.

Mr. JACKSON. Mr. Speaker, I am in hearty accord with all that has been said about this bill by the gentleman from Illinois [Mr. MANN]. I am heartily in favor of the bill and the object that is sought to be obtained by it, and I shall vote for it. But I have very grave doubts as to its constitutionality.

I have always believed that the power of Congress over interstate commerce was supreme, and if it is, this bill is constitutional. If I had been going to draft the bill, I should have said that these commodities should have the protection of interstate shipments removed from them. I would have sought to remove the interstate character of the shipments. I believe that kind of a law would be constitutional, provided Congress has the power to do that upon all commodities. The courts have sustained laws removing the interstate character of intoxicating liquors, powder, dynamite, wild game, and other commodities which are peculiarly subject to the local police laws, but they have never gone so far as this law, including commodities of common use.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Speaker, I am in favor of this legislation for the additional reason that it will encourage the authorities of our municipalities, our counties, and our States to put the men to work who are now in our penal institutions. There has been a prejudice against such labor on account of the fact that the product of it comes into competition with paid labor. I believe every man who goes into a penal institution and idles away his time comes forth a worse man than he went in, and I believe every man who goes into a penal institution and goes to work comes out a better man. We are all sentenced to work. I believe that work is a corrective and that all men who are sent to jails and penal institutions ought to be kept at work. The passage of this bill will make uniform and systematize the disposal of the products of convict labor, so that men under sentence can be put to work and at the same time the interests of men who work for wages will not be hurt or jeopardized.

Mr. MANN. I yield the balance of my time to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, the gentleman from Kansas [Mr. JACKSON] seems to be in doubt about the constitutionality of this measure. I rise simply to call his attention to a case that he may not have examined, in re Rahrer, reported on page 545 of 140 United States, which seems to be on all fours with this matter here, and I believe there is no doubt about the constitutionality of this measure.

In the second place, I am in favor of this bill because I believe it is based upon a right principle. I believe that a question of this kind ought to be settled by the local authorities. This simply says that where a State has made regulations concerning the sale of convict-made goods those regulations shall apply. It seems to me that is a reasonable and proper principle.

In the third place, I am in favor of this bill because it affords a measure of protection for free labor against cheap convict labor.

I am in favor of the bill and hope it will pass.

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. HENSLEY. I ask unanimous consent to amend the bill in line 3, page 1, following the word "manufactured," by inserting a comma and the words "produced or mined"; also, on page 2, in line 2, following the word "manufactured," to insert a comma and the words "produced or mined."

The SPEAKER. The gentleman from Missouri asks unanimous consent to modify his motion in a manner which the Clerk will report.

The Clerk read as follows:

Page 1, line 3, after the word "manufactured," insert a comma and the words "produced or mined."

On page 2, in line 2, after the word "manufactured," insert a comma and the words "produced or mined."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The original proposition is modified in the respect named. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and two-thirds voting in the affirmative, the rules were suspended, and the bill was passed.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2453. An act for the relief of Benjamin F. Martz, and for other purposes.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 5, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting estimate of an appropriation for Navy wireless telegraph stations for the fiscal year ending June 30, 1913 (H. Doc. No. 590); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, pursuant to river and harbor act of June 25, 1910, copy of contract with Chesapeake & Albemarle Canal Co. for purchase of canal owned by said company (H. Doc. No. 589); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20347) to construct a dam across White River at or near Cotter, Ark., reported the same with amendment, accompanied by a report (No. 389), which said bill and report were referred to the House Calendar.

Mr. JONES, from the Committee on Insular Affairs, to which was referred the bill (H. R. 20049) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," reported the same with amendment, accompanied by a report (No. 390), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 21023) for the relief of Charles J. Allen, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOON of Tennessee: A bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. BRADLEY: A bill (H. R. 21280) for the relief of the heirs of those civilian employees of the Government who were killed by the explosion of gunpowder and 13-inch shell at the United States naval magazine, Iona Island, N. Y.; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 21281) authorizing the Secretary of War to enlarge Fort Bliss, the Army post at El Paso, Tex., into a regimental post; to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 21282) to further regulate the exclusion of undesirable aliens from admission into the United States; to the Committee on Immigration and Naturalization.

By Mr. LEWIS: A bill (H. R. 21283) to extend the Conduit Road; to the Committee on Appropriations.

By Mr. CARY: A bill (H. R. 21284) permitting persons whose employment or business necessitates their absence from their respective States at presidential elections to vote for presidential electors in such other State as they may be on election day; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. PRAY: A bill (H. R. 21285) providing for appropriation for survey of public lands in the counties of Chouteau, Hill, Blaine, Valley, Dawson, Fergus, Rosebud, and Custer, in Montana; to the Committee on Appropriations.

By Mr. MARTIN of South Dakota: A bill (H. R. 21286) to amend the act to regulate commerce, approved February 4, 1887; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: A bill (H. R. 21287) to construct and place a lightship near Block Island, in the State of Rhode Island; to the Committee on Interstate and Foreign Commerce.

By Mr. CARLIN: A bill (H. R. 21288) for the relief of the police and firemen's pension funds, District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 21289) to provide for the retirement of members of the police and fire departments; to the Committee on the District of Columbia.

By Mr. GREEN of Iowa: A bill (H. R. 21290) to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: A bill (H. R. 21291) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; to the Committee on Agriculture.

By Mr. BARCHFELD: A bill (H. R. 21292) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 21293) with relation to inherited estates in the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

Also, a bill (H. R. 21294) to equitably adjudicate the land-suit controversy in the eastern judicial district, Oklahoma; to the Committee on Indian Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 21295) to amend sections 5 and 11 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 438) to name the House Office Building Jefferson Hall; to the Committee on Rules.

By Mr. BORLAND: Resolution (H. Res. 439) requesting the Attorney General to transmit certain papers with reference to Leslie J. Lyons; to the Committee on the Judiciary.

By Mr. UTTER: Memorial from the General Assembly of Rhode Island, in favor of the establishment of a lightship near Block Island; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Memorial from the State Legislature of New York, favoring militia-pay bill presented by Mr. SMITH of New York; to the Committee on Military Affairs.

By Mr. TALCOTT of New York: Memorial from the Legislature of New York, favoring the militia-pay bill; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 21296) granting an increase of pension to Wilson S. Fouts; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 21297) granting an increase of pension to John B. Thompson; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 21298) for the relief of the dependent mother of Henry Sloat, civilian employee of the Government, who died from injuries received while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 21299) for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.; to the Committee on Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 21300) granting an increase of pension to Lloyd Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21301) granting an increase of pension to Frederick Hansen; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 21302) for the relief of Mrs. I. C. Parker; to the Committee on Military Affairs.

By Mr. DOREMUS: A bill (H. R. 21303) granting a pension to Mary A. Seele; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21304) granting a pension to Fred J. Bruce; to the Committee on Pensions.

Also, a bill (H. R. 21305) granting an increase of pension to Mary Corcoran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21306) granting an increase of pension to John C. Hagen; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 21307) granting a pension to John Marshall; to the Committee on Pensions.

Also, a bill (H. R. 21308) granting an honorable discharge to Phillip St. Seve, alias Phillip Sanzaebel; to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 21309) granting an increase of pension to Melvina W. Smith; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 21310) for the relief of Solomon Lunsford; to the Committee on Military Affairs.

Also, a bill (H. R. 21311) for the relief of Isaac Musser; to the Committee on Military Affairs.

Also, a bill (H. R. 21312) for the relief of W. J. Flannery, jr.; to the Committee on Military Affairs.

Also, a bill (H. R. 21313) for the relief of Allen Conley; to the Committee on Military Affairs.

Also, a bill (H. R. 21314) for the relief of James Black; to the Committee on Military Affairs.

Also, a bill (H. R. 21315) for the relief of Robert Ross; to the Committee on Military Affairs.

Also, a bill (H. R. 21316) granting an increase of pension to Joseph H. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21317) granting an increase of pension to Thomas M. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21318) granting an increase of pension to George M. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21319) granting an increase of pension to Noah L. Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21320) granting an increase of pension to A. J. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21321) granting an increase of pension to Joseph Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21322) granting an increase of pension to John R. Evans; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 21323) granting a pension to William R. Trull; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 21324) providing for the refund of certain duties incorrectly collected on a certain horse; to the Committee on Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 21325) granting an increase of pension to Samuel Baughman; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 21326) granting a pension to Chattie Houston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21327) granting an increase of pension to Matilda Vreeland; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 21328) granting an increase of pension to James H. D. Goodwin; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 21329) granting an increase of pension to Charles T. Crawford; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21330) granting an increase of pension to Colly T. Parido; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 21331) granting a pension to Henry Ruby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21332) for the relief of the estate of Susanna Fleming; to the Committee on War Claims.

By Mr. MCGILLICUDDY: A bill (H. R. 21333) to remove the charge of desertion from the naval record of John C. Warren, alias John Stevens; to the Committee on Naval Affairs.

By Mr. MARTIN of South Dakota: A bill (H. R. 21334) granting an increase of pension to Benjamin Fowler; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 21335) granting an increase of pension to Eli Hovis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21336) granting an increase of pension to William G. Birch; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 21337) granting an increase of pension to William H. Terry; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 21338) granting a pension to Mary Sheeche; to the Committee on Pensions.

By Mr. NYE: A bill (H. R. 21339) granting an increase of pension to Oscar V. Coffey; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 21340) granting an increase of pension to Christian H. Buckwalter; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 21341) granting an increase of pension to Jerome French; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21342) granting an increase of pension to Sylvester B. Van Duser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21343) granting an increase of pension to Farington Ferguson; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21344) granting a pension to Daniel H. Robey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21345) to remove the charge of desertion from the record of Hiram Taylor; to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 21346) for the relief of the legal representatives of James Callham; to the Committee on War Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 21347) for the relief of Cyrus Carpenter; to the Committee on Military Affairs.

Also, a bill (H. R. 21348) granting a pension to Josephine Hall; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas (by request): A bill (H. R. 21349) for the relief of the heirs of James S. Bain, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21350) for the relief of widow and heirs of J. H. Weatherall, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 21351) for the relief of the widow and heirs of J. A. Ramsey, deceased; to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 21352) granting a pension to John C. Stratton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21353) to correct the military record of Herman Neff and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. STERLING: A bill (H. R. 21354) granting a pension to Francis M. Phares; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 21355) to carry out the findings of the Court of Claims in the case of Herbert O. Dunn; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of residents of St. Petersburg, Fla., for legislation prohibiting interstate traffic in liquors; to the Committee on the Judiciary.

Also, memorial of the German-American Alliance of Missouri, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petitions of labor organizations in the island of Porto Rico, for legislation declaring that all citizens of Porto Rico shall be citizens of the United States, etc.; to the Committee on Insular Affairs.

By Mr. ANDERSON of Minnesota: Petition of C. P. Russell & Son and 7 others, of Eyota, Minn., against extension of

the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of citizens of Isleta, Ohio, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of E. G. Vanatta, of Newark, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of citizens of the Bronx, New York City, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, memorial of the Fancy Leather Goods Manufacturers' Association of New York City, in favor of Booher bill; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the North Side Board of Trade, of the city of New York, favoring the proposition to improve the East River from Battery to Throggs Neck; to the Committee on Rivers and Harbors.

Also, memorial of Franklin Union, No. 23, International Printing Pressmen's and Assistants' Union of North America, asking a change in the Smoot printing bill so as to provide for an increase of 10 cents per hour for pressmen in the Government Printing Office; to the Committee on Printing.

By Mr. BARCHFELD: Petition of the South Hungarian Beneficial Association of Ambridge, Pa., against any prohibition or interstate commerce liquor measure now pending; to the Committee on the Judiciary.

By Mr. BATES: Petition of Albert H. Snow, of Centerville, Pa., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Erie Lodge, No. 620, Improved Order B'nai B'rith, of Erie, Pa., protesting against Dillingham Immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Paul Dean, of Boston, Mass., against proposed tariff on shellac in the Underwood bill; to the Committee on Ways and Means.

Also, petition of Men's Work League of Erie, Pa., urging passage of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petition of citizens of the State of South Dakota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petition of 25 citizens of the town of Richfield, Wis., praying for the passage of a parcel-post measure, and protesting against the removal or a reduction in the present tax on oleomargarine; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sheboygan Falls, Wis., in favor of House bill 14, providing for a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, resolution of George Leland Edgerton Camp, No. 32, United Spanish War Veterans, of Beaver Dam, Wis., praying for the passage of House bill 17470, granting a pension to widows of Spanish War veterans; to the Committee on Pensions.

Also, resolutions of the General Fishermen's Association at their convention in Cleveland, Ohio, praying for the passage of House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Gesangverein Harmonie of Plymouth, Wis.; of the Deutscher Amerikaner Verein of Oconto, Wis.; and of the Stadt Verband of Racine, Wis., protesting against the interstate commerce liquor measure now pending; to the Committee on the Judiciary.

Also, resolutions of the Wisconsin Buttermakers' Association, protesting against a reduction in the present tax on oleomargarine; to the Committee on Agriculture.

By Mr. BYRNS of Tennessee: Petitions of citizens of Davidson County, Tenn., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Local Union No. 68, A. F. G. W. U., for an investigation of conditions in Lawrence, Mass.; to the Committee on Rules.

Also, petition of Union No. 23, International Printing Pressmen's and Assistants' Union of North America, for increased compensation to pressmen in the Government Printing Office; to the Committee on Printing.

Also, petition of Fancy Leather Goods Manufacturers' Association, of New York, for passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Julius Grossman and Thomas Fitzgerald, of Brooklyn, N. Y., protesting against passage of House bills 11380 and 11381; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: Resolutions of citizens of Leflore County, Okla., protesting against the damming of Poteau River at or

near its mouth; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of C. R. Van Hise, president of the Wisconsin University, indorsing the Lever bill providing for Federal aid to State agricultural schools; to the Committee on Agriculture.

Also, memorial of Cigar Makers' Union No. 25, Milwaukee, Wis., indorsing House bill 17253, exempting from revenue tax cigars used by employees of manufacturers; to the Committee on Ways and Means.

Also, petition of the South Milwaukee General Merchants' Association, South Milwaukee, Wis., protesting against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: Petitions of citizens of the State of Florida, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: Petition of sundry citizens of Pittsburgh, Pa., and vicinity for the building of ships in United States navy yards; to the Committee on Naval Affairs.

Also, petitions of Young Men's Christian Association and the First Methodist Episcopal Church of McKeesport, the United Evangelical Church of Valencia, the First Christian Church of Wilkinsburg, and the Douglas Woman's Christian Temperance Union, of North Side, Pittsburgh, all in the State of Pennsylvania, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of sundry citizens of McKeesport, Pa., for interstate legislation; to the Committee on the Judiciary.

By Mr. DOREMUS: Petition of citizens of the State of Michigan, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. DRAPER: Memorial of Union No. 23, International Printing Pressmen and Assistants' Union of North America, for increased compensation for pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, petition of Brotherhood of First Presbyterian Church of Brunswick, N. Y., for retaining tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Fancy Leather Goods Manufacturers' Association, of New York, for enactment of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolutions of the Wisconsin Retail Hardware Association, against extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FAIRCHILD: Petition of H. W. Clark and others, of Sidney, N. Y., relative to Senate bill 3953 and House bill 16313, for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. FOSS: Memorial of the Willard Christian Temperance Union, of Evanston, Ill., remonstrating against the repeal of the anticontent law; to the Committee on Military Affairs.

By Mr. FULLER: Petition of A. M. Barnhart, of Chicago, Ill., for an annual appropriation for the construction of two battleships; to the Committee on Naval Affairs.

Also, petition of D. W. Grove and other citizens of Marseilles, Ill., opposing any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Joe O. Stewart, of Streator, Ill., for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, papers to accompany House bill 19438, for the relief of George H. Merrill; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Petition of Colchester Council, No. 5, Junior Order United American Mechanics, of Salisbury, Mass., and of Indian Hill Council, No. 11, Junior Order United American Mechanics, of West Newbury, Mass., favoring the adoption of the illiteracy test for immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of Post 50, Grand Army of the Republic, of Peabody, Mass., protesting against the incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. GARNER: Petition of J. M. Hoopes and other citizens of Rockport, Tex., for the improvement of the harbor at Aransas Pass, Tex.; to the Committee on Rivers and Harbors.

By Mr. GOOD: Petitions of the congregations of the Friends Church, the First United Evangelical Church, the United Brethren Church, the Methodist Church, the Congregational Church, and the Central Church of Christ, all of Marshalltown, Iowa, urging the speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMILTON of West Virginia: Petition of Liberty Street Methodist Episcopal Church South, of Parkersburg, W. Va., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petitions of churches and residents of the State of Connecticut, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petitions of St. Johns Chapel, of Nordhoff, and of consistory of Christian Reformed Church, of Englewood, N. J., and of Baptist Church of Demarest, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KENNEDY: Petitions of the First Congregational Church of Salem, Iowa, and of the First Methodist Episcopal Church of Washington, Iowa, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the German Roman Catholic Benevolent Association, of Fort Madison, Iowa, protesting against the attitude of the House Committee on Indian Affairs in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. KINKAID of Nebraska: Petition of Patrons of Husbandry of Sargent, Nebr., urging the passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Kearney, Nebr., urging the passage of House bill 8141, Federal militia pay bill; to the Committee on Military Affairs.

Also, petition of J. N. Boyd, of Jess, Nebr., in favor of House bill 14, known as the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Buda, Gibbons, and Kearney, Nebr., and of Gothenburg (sixth congressional district), Nebr., urging the passage of House bill 16680, validating sales of part of right of way of Union Pacific Railroad; to the Committee on the Public Lands.

By Mr. LAWRENCE: Petition of the Congregational Church of Williamsburg, Mass., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. LEVY: Petition of Manhattan Camp, No. 1, Department of New York, United States War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petitions of P. Reilly & Son and Board of Trade of Newark, N. J.; the Cincinnati (Ohio) Commercial Association and the Commercial Club of Indianapolis, Ind., relative to proposed International Congress of Chambers of Commerce to be held in Boston, Mass.; to the Committee on Foreign Affairs.

By Mr. LEWIS: Petition of the congregation of Grace Reformed Church of Pleasant Hill, Md.; and of the consistory of Grace Reformed Church of Frederick, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of citizens of St. Joseph, Minn., protesting against the Stephens resolution providing for an investigation of certain matters in the Indian Department; to the Committee on Indian Affairs.

Also, petition of citizens of Brainerd, Minn., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of A. J. Zuercher, of Melrose, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petitions of City Council of Omaha and Century Literary Club of South Omaha, Nebr., for enactment of House bill 9242; to the Committee on Reform in the Civil Service.

Also, petition of Mrs. Ida Goucher and others, of Merriman, Nebr., for enactment of Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Omaha (Nebr.) Post Travelers' Protective Association, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of South Omaha (Nebr.) Central Labor Union, protesting against practice of working enlisted men in the navy yards; to the Committee on Naval Affairs.

Also, Petition of A. W. Clark, of Omaha, Nebr., for a domestic immigration policy; to the Committee on Immigration and Naturalization.

Also, petition of the German-American Alliance of Nebraska, remonstrating against enactment of prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. McHENRY: Petitions of Woman's Christian Temperance Union, of Millville, Pa., and First Methodist Episcopal Church of Mount Carmel, Pa., asking for the speedy passage of

the Kenyon-Sheppard interstate liquor bills (S. 4043, H. R. 16214) to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of the Commercial Club of East Moline, Ill., for extension of free-delivery service to the smaller cities; to the Committee on the Post Office and Post Roads.

By Mr. MALBY: Petition of Mountain View Grange, No. 992, protesting against repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. MARTIN of South Dakota: Petition of German Catholic State Organization, of South Dakota, protesting against attitude of Committee on Indian Affairs in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. MATTHEWS: Petitions of the Grace Methodist Episcopal, Free Methodist, and First United Presbyterian Churches and Church of God, New Brighton, Pa.; also, First United Presbyterian Church of Beaver, Pa.; First United Presbyterian Church of Rochester, Pa.; Fallston Union Mission and Woman's Christian Temperance Union, of Fallston, Pa.; and from the Reformed Presbyterian and Presbyterian Churches of Beaver Falls, Pa., all favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Lawrence County Branch of the German-American Alliance, of New Castle, Pa., and from the South Hungarian Association, of Ambridge, Pa., protesting against the passage of any of the pending interstate liquor measures; to the Committee on the Judiciary.

By Mr. MORSE of Wisconsin: Petition of farmers in the vicinity of Colby, Wis., in favor of retaining the present tax on oleomargarine; to the Committee on Agriculture.

By Mr. MOTT: Petition of Fancy Leather Goods Manufacturers' Association of New York, for passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of Willet H. Vary, master of New York State Grange, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of New York State Grange, against any change in laws governing sale of oleomargarine; to the Committee on Agriculture.

Also, petition of Local No. 125, Metal Polishers and Brass Plate Workers' Union, for a commission on industrial relations; to the Committee on Labor.

By Mr. NYE: Resolutions of the Minneapolis Produce Exchange, favoring enactment of House bill 17936 to establish standard packages and grades for apples; to the Committee on Coinage, Weights, and Measures.

Also, petition of German Roman Catholics of Loretto, Minn., protesting against attitude of House Indian Committee in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of Local No. 24, International Brotherhood of Electrical Workers, of Minneapolis, Minn., favoring construction of one battleship in Government navy yard; to the Committee on Naval Affairs.

By Mr. OLDFIELD: Petitions of citizens and churches of Arkansas, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PARRAN: Papers to accompany bill for the relief of Myers T. Boucher (H. R. 20457); to the Committee on Claims.

By Mr. PATTEN of New York: Resolutions of Franklin Union, No. 23, International Printing Pressmen's and Assistants' Union of North America, urging an amendment to the Smoot printing bill so as to provide for an increase of 10 cents per hour for pressmen in the Government Printing Office; to the Committee on Printing.

By Mr. PRAY: Petition of residents of Havre, Mont., favoring amendment to homestead law allowing three years' residence and extending time for cultivation according to financial condition of homesteaders; to the Committee on the Public Lands.

Also, petition of citizens of the State of Montana, for amendment to the corporation-tax law; to the Committee on Ways and Means.

By Mr. PUJO: Memorial of Seventh-day Adventist Church of Jennings, La., remonstrating against enactment of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of Dwight (Ill.) Motor Club, favoring a Lincoln highway; to the Committee on Appropriations.

Also, petition of J. L. Tober and other citizens of Medora, Ill., against oleomargarine bill; to the Committee on Agriculture.

By Mr. RAKER: Petition of citizens of the State of California, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Petition of citizens of Connecticut, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of the Drake Hardware Co., of Burlington, Iowa; of the Sickels, Preston & Nutting Co., of Davenport, Iowa; of the Luthe Hardware Co., of Des Moines, Iowa; of the E. L. Wilson Hardware Co., of Beaumont, Tex.; and of the Emery-Waterhouse Co., of Portland, Me., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Michigan Retail Hardware Association, against extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Anna P. Bradley, treasurer of the New Haven Branch of the Connecticut Indian Association, indorsing House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of Charles W. Bevin, of East Hampton, Conn., remonstrating against the repeal of the anticaniteen law; to the Committee on Military Affairs.

By Mr. SCULLY: Petitions of the Woman's Christian Temperance Unions and churches of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of New Market, N. J., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petition of John A. Ingham, of New Brunswick, N. J., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petitions of residents of Quincy, Brighton, and Fulton, Mich., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of Waldron, the Methodist Episcopal Church of Lickley Corners, the Methodist Episcopal Church of South Pittsford, the Masonic Lodge of Waldron, the Woman's Christian Temperance Union and Pythian Sisters of Waldron, the Woman's Literary Society of Waldron, and the Waldron and East Wright Wesley Methodist Churches, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Albion and Kalamazoo, Mich., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of the Edwards & Chamberlain Hardware Co., of Kalamazoo, Mich.; of S. F. R. Kedzie and B. A. Bowditch, of Pittsford, Mich.; of Larkin Co., Buffalo, N. Y.; and of American League of Associations protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Petition of citizens of New York, against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petitions of citizens of Miles, Tex., for constitutional amendment prohibiting manufacture and sale of intoxicants as a beverage, etc.; to the Committee on the Judiciary.

By Mr. SULZER: Petition of Cigar Makers' Joint Unions of Greater New York, for exemption from taxation of cigars supplied employees by the manufacturers thereof; to the Committee on Ways and Means.

Also, petition of Manhattan Camp, No. 1, Department of New York, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petitions of D. W. Tallman, of Buffalo, N. Y., and Bottlers and Manufacturers' Association of New York, for reduction in duties on sugar; to the Committee on Ways and Means.

Also, resolution of the Fancy Leather Goods Manufacturers' Association of New York, indorsing House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of "Cammeyer," of New York, N. Y., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Union No. 23, International Printing Pressmen's and Assistants' Union of North America, for increased compensation to pressmen and assistants employed in the Government Printing Office; to the Committee on Printing.

Also, petitions of Detroit (Mich.) Board of Commerce and the Business Men's Club of Cincinnati, Ohio, relative to proposed international congress of chambers of commerce to be held in Boston, Mass.; to the Committee on Foreign Affairs.

By Mr. TALCOTT of New York: Petition of the First Methodist Episcopal Church of Ilion, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TILSON: Petition of the Central Labor Union of Meriden, Conn., favoring the passage of House bill 5970, restoring to civil-service employees the right to petition Congress; to the Committee on Reform in the Civil Service.

By Mr. TOWNER: Petition of Miner Chase and other citizens of Allerton, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of C. S. Stryker and other citizens of Creston, Iowa, favoring the passage of House bill 16214; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of the Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of citizens of Pennsylvania and New York, protesting against passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Unions of Horseheads and Waterloo, N. Y., in favor of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Switchmen's Union, No. 144, for passage of House bill 13911; to the Committee on Interstate and Foreign Commerce.

By Mr. UTTER: Petition of certain masters, pilots, and owners of vessels for the establishment of a lightship near Block Island, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. L. Weiser and 12 other citizens of Providence, R. I., favoring the construction of one battleship in a Government Navy Yard; to the Committee on Naval Affairs.

Also, petition of Rhode Island Independence Chapter, Daughters of the American Revolution, favoring House bill 19641, to provide for the publication of certain Revolutionary records; to the Committee on Appropriations.

SENATE.

TUESDAY, March 5, 1912.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF DISTRICT EXCISE BOARD (H. DOC. NO. 594).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, the report of the operations of the excise board of the District of Columbia for the license year ended October 31, 1911, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 4521. An act to authorize the change of the name of the steamer *William A. Hawgood*; and

S. 4728. An act to authorize the change of name of the steamer *Salt Lake City*.

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 339. An act providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes;

S. 3211. An act authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy; and

S. 4151. An act to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5601. An act to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory;

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 16306. An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war;

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.;

H. R. 16661. An act to relinquish, release, remise, and quit-claim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under and by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832;

H. R. 17032. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal.;

H. R. 17239. An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 19638. An act to authorize San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris & Cummings Channel;

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma;

H. R. 20048. An act declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States; and

H. R. 20117. An act to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2453. An act for the relief of Benjamin F. Martz, and for other purposes; and

H. R. 13570. An act to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

COMMISSION OF ENSIGN.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy, which was, on page 2, line 4, after the word "Act," to strike out all down to and including line 10.

Mr. LODGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry citizens of Laclede, Mo., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of Cigar Makers' Local Union No. 460, of San Juan; the joint advisory board of the Cigar Makers' Local Unions of Porto Rico; Journeymen Tailors' Local Union No. 189, of Arecibo; Carpenters and Joiners' Local Union No. 1304, of San Juan; and of Carpenters and Joiners' Local Union No. 1450, of San Juan, all in the Territory of Porto Rico, praying for the creation of a department of labor and agriculture in that Territory, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Carpenters and Joiners' Local Union No. 145, of San Juan; Cigar Makers' Local Union No. 460, of San Juan; the joint advisory board of Cigar Makers' Local Unions of Porto Rico; Carpenters and Joiners' Local Union No. 1389, of Santurce; and of Carpenters and Joiners' Local Union No. 13, of Puerta de Tierra, San Juan, all in the Territory of Porto Rico, praying for the enactment of legislation giving citizens of Porto Rico the right to be citizens of the United States, which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. CULLOM presented memorials of sundry citizens of New Jersey, Connecticut, New York, Minnesota, and Massachusetts, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Kansas City, Mo., praying that an appropriation of \$50,000 be made to defray the expense of entertaining foreign delegates to the Fifth International Congress of Chambers of Commerce, which was referred to the Committee on Appropriations.

He also presented memorials of sundry citizens of Freeport and Quincy, in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Belleville, Ill., praying for the enactment of legislation to provide for the construction of one of the proposed new battleships at a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. GALLINGER presented petitions of the congregation of the Free Baptist Church of Ashland and of sundry citizens of Ashland, in the State of New Hampshire, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the National Capital Dental Society, of the District of Columbia, praying for the enactment of legislation to regulate the practice of pharmacy and sale of poisons in the District of Columbia, which was ordered to lie on the table.

Mr. WETMORE presented a memorial of members of the Irish-American Club, of Pawtucket, R. I., and a memorial of sundry citizens of Blackstone Valley, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of citizens of River Point, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, and also against the ratification of any future treaties involving the Monroe doctrine, etc., which were ordered to lie on the table.

Mr. SMITH of Michigan presented a memorial of members of the Commercial Association of Pontiac, Mich., remonstrating against any political interference in the impending coal strike, which was referred to the Committee on Education and Labor.

Mr. OVERMAN presented a petition of the congregation of the Methodist Episcopal Church of Newton Grove, N. C., and a petition of the congregation of the Methodist Episcopal Church of Wesley Chapel, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of the congregations of the Methodist Episcopal Church and the Bates Memorial Methodist Protestant Church and of the Woman's Christian Temperance Union, of Snow Hill, and a petition of sundry citizens of Sherwood and Baltimore County, all in the State of Maryland, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, and remonstrating against the repeal of the antienten law, which were referred to the Committee on the Judiciary.

Mr. WATSON presented petitions of sundry citizens of Clarksburg, Salem, Wilsonburg, Everson, Weston, Moundsville, New Cumberland, Bristol, Lowman, Parkersburg, Cameron, Hundred, Littleton, Wellsburg, and Fairmont, all in the State of West Virginia, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULBERSON presented a memorial of sundry citizens of Waxahachie, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a memorial of sundry citizens of Casper, Wyo., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Little Rock, Prosperity, Denmark, Springfield, Conway, St. George, Edgefield, Florence, Newberry, Pelion, Congaree, Manning, Summerville, Branchville, Pinewood, New Brookland, Lancaster, and Horrell, all in the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Edisto Island and Beaufort, in the State of South Carolina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the National German-American Alliance, of Charleston, S. C., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Columbia, Florence, Sumter, and Dillon, all in the State of South Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. GARDNER presented petitions of North Scarboro Grange, Patrons of Husbandry; of the Woman's Christian Temperance Union of Greenville; of members of the Thursday Club, of Biddeford; and of sundry citizens of Corinth, all in the State of Maine, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the congregations of the Methodist Episcopal Churches of Woolwich and Dresden Mills; the Methodist Churches of Old Orchard and New Harbor; of members of the Sunday school of the Methodist Church of Old Orchard; of the Woman's Christian Temperance Union of Camden; and of Local Grange, Patrons of Husbandry, of Turner, all in the State of Maine, praying for the enactment of legislation to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of the North Dakota Retail Hardware Association, in convention at Fargo, N. Dak., and a memorial of sundry northwestern merchants, in convention at Duluth, Minn., remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of New Salem, Dickinson, Medina, Fargo, La Moure, Bismark, Driscoll, Upham, and Jamestown, all in the State of North Dakota, remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented a petition of Washington Camp, No. 9, Patriotic Order Sons of America, of New Britain, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Bridgeport and Naugatuck, in the State of Connecticut, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of the Woman's Christian Temperance Union of Thomaston, Conn., remonstrating against the repeal of the anticaneen law, which were referred to the Committee on Military Affairs.

He also presented petitions of Local Division No. 45, Sons of Temperance, of South Manchester; of the Young People's Christian Endeavor Society of the South Congregational Church, of New Britain; and of William I. Hambridge, of Danbury, all in the State of Connecticut, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented petitions of the congregations of the Methodist Episcopal Church of Wye Mills, and of the Seventh-day Adventist Church of Takoma Park, of the Permanent Board of Baltimore Yearly Meeting of Friends, and of the Woman's Christian Temperance Union of Cumberland, all in the State of Maryland, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Organization of Associated Blind Women of Maryland, of Baltimore, Md., and the petition of Edwin B. Niver, rector of Christ Church, Baltimore, Md., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Gardner, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. PAGE presented petitions of sundry citizens of Johnson and Roxbury, in the State of Vermont, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. BRIGGS presented memorials of sundry citizens of Passaic, Dover, and Newark, all in the State of New Jersey, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Printing Pressmen's Union No. 31, of Newark, N. J., praying for the enactment of legis-

lation to increase the rate of compensation for pressmen employed at the Government Printing Office, which was ordered to lie on the table.

Mr. CLAPP presented a petition of the Trades and Labor Assembly of St. Paul, Minn., praying for the enactment of legislation restoring to certain Government employees their inherent rights as American citizens, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Town Council of Lindstrom, Minn., praying for the enactment of legislation providing for the reconstruction of the old Nevers Dam in the counties of Chisago and Polk, in that State, which was referred to the Committee on Commerce.

Mr. ROOT presented petitions of sundry citizens of Worcester, Glen Falls, and Ludlowville, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Gouverneur and Rock Valley, in the State of New York, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Rajah Auto-Supply Co., of Bloomfield; the Diamond Expansion Bolt Co., of Garwood; and of sundry citizens of Jersey City, Newark, Paterson, Trenton, and Plainfield, all in the State of New Jersey, and of sundry citizens of Easton, Pa., and Frederick, Md., praying for the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented memorials of sundry citizens of Wilkes-Barre, Philadelphia, and Pittsburgh, all in the State of Pennsylvania, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the congregation of the Methodist Episcopal Church of Alverton and of the Woman's Christian Temperance Unions of Sheridan and Ambridge, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 91, Patrons of Husbandry, of Russellville, Pa., and a petition of Local Grange No. 6, Patrons of Husbandry, of Huntingdon, Pa., praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Colonel John W. Patterson Post, No. 151, Department of Pennsylvania, Grand Army of the Republic, of Pittsburgh, Pa., and a memorial of Brandywine Post, No. 54, Department of Pennsylvania, Grand Army of the Republic, of Coatesville, Pa., remonstrating against the proposed abolishment of United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

Mr. PENROSE presented a memorial of Brandywine Post, No. 54, Department of Pennsylvania, Grand Army of the Republic, of Coatesville, Pa., and a memorial of the Allegheny County Grand Army Association, of Pennsylvania, remonstrating against the abolishment of the United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 5653) to amend section 2301 of the Revised Statutes of the United States relating to homesteads; to the Committee on Public Lands.

A bill (S. 5654) to provide for referring, for adjudication, to the Court of Claims certain claims of the Assinaboine Tribe of Indians, in the State of Montana, against the United States, for the recovery of certain moneys for the value of certain lands and certain annuities, provisions, and supplies, and to clothe the Court of Claims with jurisdiction to hear and determine a suit or suits by said tribe of Indians therefor; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 5655) granting a pension to Mary Meade Sands; to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 5656) granting an increase of pension to Marcellus Moore (with accompanying paper); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5657) granting an increase of pension to Andrew King; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5658) granting to the El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes; to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 5659) to supplement and amend an act entitled "An act to authorize the New York & New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894; to the Committee on Commerce.

By Mr. GUGGENHEIM:

A bill (S. 5660) granting to the city of Colorado Springs and to the town of Manitou, Colo., the right to purchase certain lands for the protection of water supply; to the Committee on Public Lands.

By Mr. PENROSE:

A bill (S. 5661) granting an increase of pension to Jefferson Wyckoff;

A bill (S. 5662) granting an increase of pension to Thomas T. Paxton; and

A bill (S. 5663) granting an increase of pension to Henry M. Means (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DU PONT submitted an amendment relative to reenlistments in the Army or in the Signal Corps after the President shall by proclamation have called upon honorably discharged soldiers of the Regular Army to present themselves within a specified period, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment relative to the detachments of certain officers in the Army, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate \$1,500 for the extension of a ditch at the Pipestone Indian School, Minnesota, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims (with accompanying paper) and ordered to be printed.

THE POSTAL SERVICE (S. DOC. NO. 379).

Mr. GARDNER. On the 26th of February I introduced a bill (S. 5474) to provide for the general welfare and to regulate commerce with foreign countries and between the several States and to increase and enlarge the facilities and efficiency of the Post Office Department. Since that time I have compiled some statistics on the subject. I ask unanimous consent to have 5,000 additional copies printed as a Senate document for the use of the Senate.

The VICE PRESIDENT. Without objection, the order asked for by the Senator from Maine is entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 5,000 additional copies of the document "The Parcel Post and High Cost of Living, a Problem in Express Service; Relief to Consumers and Express Shippers Through Postal Express," be printed for the use of the Senate.

THE LAWRENCE (MASS.) STRIKE.

The VICE PRESIDENT. Is there other morning business?

Mr. POINDEXTER. I move to take from the calendar for present consideration Senate resolution 231.

Mr. LODGE. Has the morning business been concluded?

The VICE PRESIDENT. The Chair has not announced the conclusion of morning business. The Senator from Washington asks unanimous consent for the present consideration of the following resolution:

The SECRETARY. Order of Business 357, Senate resolution 231, a resolution by Mr. POINDEXTER for the investigation and report

by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence, Mass.

Mr. SMITH of Michigan. I should like to ask the Senator from Washington a question. He has made a number of ineffectual attempts to get the resolution before the Senate, which, I regret, were not successful. The other day when it was under discussion the last clause seemed the cause of debate. I should like to ask the Senator from Washington whether that clause has been eliminated?

Mr. POINDEXTER. Yes.

Mr. SMITH of Michigan. And practically the suggestion of the Senator from Texas [Mr. CULBERSON] has prevailed.

Mr. POINDEXTER. Yes; my suggestion has the effect of accepting the amendment proposed by the Senator from Texas.

Mr. SMITH of Michigan. The conduct of the local authorities is obviated in its present form. I can see no objection to the resolution, and hope it may be considered this morning.

Mr. POINDEXTER. Any objection made on that account is obviated.

Mr. SMITH of Michigan. I am in favor of the resolution of the Senator from Washington.

Mr. CULBERSON. I will state to the Senator that my understanding is that the amendment is still pending.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. The amendment offered by the Senator from Texas is still pending.

Mr. SMITH of Michigan. It has been accepted, I understand.

Mr. CULLOM. Mr. President, I think we ought to have the regular order.

Mr. CULBERSON. If the Senator in charge of the resolution accepts the amendment—

The VICE PRESIDENT. The Senator from Illinois demands the regular order. That is an objection to the present consideration of the resolution.

Mr. POINDEXTER. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lodge	Root
Bourne	Curtis	Lorimer	Smith, Ga.
Brandegee	Dillingham	McLean	Smith, Md.
Briggs	Dixon	Martin, Va.	Smith, Mich.
Bristow	du Pont	Martine, N. J.	Smith, S. C.
Brown	Foster	Myers	Stephenson
Burnham	Gallinger	Nixon	Sutherland
Burton	Gardner	O'Gorman	Swanson
Chamberlain	Gronna	Overman	Thornton
Clapp	Guggenheim	Page	Tillman
Clark, Wyo.	Heyburn	Perkins	Townsend
Clarke, Ark.	Johnson, Me.	POINDEXTER	Warren
Crane	Johnston, Ala.	Pomerene	Watson
Crawford	Kenyon	Rayner	Wetmore
Culbertson	Lea	Richardson	Williams

Mr. CRAWFORD. I am sorry to state that my colleague [Mr. GAMBLE] is necessarily absent on business. I will state for the day that he has a general pair with the junior Senator from Arkansas [Mr. DAVIS].

The VICE PRESIDENT. Sixty Senators have answered to the roll call. A quorum of the Senate is present. Is there other morning business?

DUTY ON LEAD AND ZINC ORE.

Mr. CLAPP. I ask to have a letter I have received from A. L. Warner, of Duluth, Minn., inserted in the RECORD. It relates to the tariff on lead and zinc ore, or concentrates, and seems to be a very fair discussion of that question. I desire to have it for use in the consideration of that subject.

The VICE PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the order is entered.

The letter is as follows:

DULUTH, MINN., February 24, 1912.

HON. MOSES E. CLAPP,

Washington, D. C.

DEAR SENATOR: I have been watching with a great deal of interest the developments of the bill which is now before the Senate applying to duty on lead and zinc ore, or concentrates. I have also taken considerable trouble to ascertain the facts in connection with the mining and smelting of zinc in the United States, Canada, and old Mexico.

I received a copy of the Wallace Miner, which is published in Wallace, Idaho, dated February 15, 1912. I inclose a clipping from this paper entitled "Opposes tariff reduction."

Wallace is located in a little valley in the Coeur d'Alene district. I am quite familiar with the mining conditions in this district, and also with conditions in lead camps in Canada adjoining the Coeur d'Alene. The same wages are paid to miners in both districts, and the cost of operating and mining is practically the same, as the mines are on the same range separated only by the international border. Therefore there is no legitimate reason why the duty should be imposed on lead and zinc ore, or concentrates coming from the Coeur d'Alene district in Canada into the United States.

The basis of tariff in my opinion is based upon labor. Labor and natural conditions being the same in two countries, there is no reason why the tariff should be imposed against products of either country, where the cost of production is the same.

I am connected with a property in the Coeur d'Alene district, which has been operated for about two years. We are paying at the present time for crosscutting and drifting in our mine \$9 per foot for a cross-cut 6½ by 7. The average price of work of this kind in the district is \$10 per foot. These figures are based on actual contracts for development work, therefore they are correct.

I note by the Inspector's report, which I am inclosing to you, that they refer to labor of Mexico and Spain, which is paid an average wage of about 50 cents per day. This statement is absolutely false. I am connected with, and, in fact, managing a company operating in Mexico, near Cananea, Sonora. We are mining lead, zinc, and copper. The average cost for mining and milling the past year was \$3.75 per ton. We are paying Mexican labor \$1.60 per day gold. It is inefficient labor, and it will take at least two Mexican miners to do as much work in 10 hours as it will one American miner to do the same amount of work in the same time—wholly on account of the Mexican miner being inefficient and inexperienced and not able to do the amount of work that the American miner can do.

The contract price for crosscutting and drifting in the Cananea district is \$10 per foot gold. We have recently let a contract for crosscutting 150 feet for which we paid \$10 per foot for the work. This work was let by contract to competitive bidders. Therefore the labor cost per ton for mining ore in Mexico is equal to the cost per ton for the same work in the Coeur d'Alene district in Idaho or Canada. The expense of operating in Mexico is about 15 per cent higher than in the United States. Lumber is higher, groceries are higher, steel is higher, and clothing is higher. Therefore, the operating of a mining industry in Mexico is more expensive and costs more per ton to mine and produce ore than it does in the Coeur d'Alene district in Idaho or the Joplin district of Missouri.

In a conversation last week with Mr. Fred Hugo, of Duluth, who is managing a zinc property in the Joplin district, Missouri, he told me that their cost of mining and milling was less than \$3 per ton in that district. Mr. Hugo is also interested with me in the property near Cananea, Sonora. He said our cost was too high, and if our mine was located in the United States, where it could be more cheaply operated, it would be worth double what it is to-day.

When you get the honest opinion of operators in the zinc districts of the United States, they will tell you, if they are familiar with the facts, that the cost of production is less in the United States per ton than in Mexico. It is true that some of the leading furnace men of the United States are bitterly opposed to the tariff reduction on lead and zinc ore or concentrates. This applies only to lead and zinc furnace companies that have a supply for their furnaces. The furnace companies who depend on buying their ore in the open market are in favor of free lead and zinc coming into the United States from Mexico, for the reason that there is a broader market which can not be as easily controlled and will be a great benefit in supplying their smelters.

I met the Congressman representing Oklahoma on the train. He was going to Bartlesville to look the situation over. He told me that the smelters in the Bartlesville district were very anxious for free zinc from Mexico, for they depended on the small mines to keep their smelters running, for they buy their zinc ore or concentrates in the open market.

The large lead and zinc smelting companies, such as the Guggenheims, the New Jersey Lead & Zinc Co., the American Lead & Zinc Co., and other smelting companies in the States who own and control lead and zinc properties are bitterly opposed to admitting lead and zinc from any country into the States free. By keeping out lead and zinc ores or concentrates, owning and operating mines to supply their smelters, they can practically control the lead and zinc business in the States, therefore they would be opposed to admitting lead and zinc ores or concentrates free, for by doing so it would broaden the market so it would not be as easy to control, and the broad market would assist the smaller smelters to build up larger smelting industries in the States, which would stimulate competition.

I am also advised the Guggenheims are making quite extensive plans for increasing their smelter capacity in Mexico. In my opinion this question solves itself down to a few concerns controlling the lead and zinc business of the world. If these enterprises or smelting concerns are able to keep lead and zinc ore or concentrates from coming into the United States free of duty and control the lead and zinc industry of the United States and build smelters in Mexico to control the lead and zinc business in Mexico, they are building up a monopoly that will be far harder to cope with than the Steel Trust or the Standard Oil Co. It also builds up industries in a foreign country which would come to the United States if the duty was taken off of lead and zinc ore or concentrates, so that the product could be shipped to the States and manufactured here. Instead of its being a detriment to the laboring class in the United States it would be a benefit to them, as it will not reduce the wages, but will increase the smelting business in the States, which will make more work for the laboring man and will build up industries in our own country and not in a foreign country.

Notwithstanding the fact that it costs more to mine and concentrate ore in Mexico than it does in the United States, we have a freight charge of \$5.50 per ton from our mines to the nearest smelter. In the Joplin district the smelters are practically at the door of the mines. The freight rate from the mines in Idaho to smelters is less than in Mexico. I am told the rate is \$4.50 per ton. The exact amount can be easily ascertained.

I trust that you will consider this matter carefully and thoroughly investigate the facts in connection with the bill now pending in the United States Senate, which places zinc ore from Mexico on the free list. I feel positive that the placing of zinc and lead ores from Mexico on the free list is in the interests of the majority of our people and that it will build up and foster the zinc-smelting industry in our country.

Yours, very truly,

A. L. WARNER.

SUGAR-TARIFF REDUCTION (S. DOC. NO. 378).

Mr. CURTIS. I have a copy of a brief digest of the testimony embodied in the hearings held before the Hardwick special committee on the investigation of the American Sugar Refining Co and others, compiled by Truman G. Palmer, on the subject of sugar-tariff reduction. I move that the digest be printed as a Senate document.

The motion was agreed to.

DUTY ON RAW SUGAR (S. DOC. NO. 377).

Mr. CURTIS. I have a paper containing 24 arguments advanced by the New York refiners of raw sugar favoring the reduction or removal of the duty on foreign raw sugar, the

wrecking of the people's home beet-sugar industry, and re-establishing in the refiners an absolute monopoly of the sugar business and consequent control of prices to the consumer, together with a reply to each argument, which has been prepared by Truman G. Palmer. I move that the matter be printed as a Senate document.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 29, 1912:

S. 4475. An act to amend an act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States."

On March 1, 1912:

S. 238. An act to authorize the extension of Lamont Street NW., in the District of Columbia.

On March 4, 1912:

S. 3776. An act granting the consent of Congress to the Board of County Commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River, in the State of Montana; and

S. 4749. An act relative to members of the female nurse corps serving in Alaska or at places without the limits of the United States.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.; and

H. R. 17032. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 16661. An act to relinquish, release, remise, and quit-claim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under and by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832; and

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 17239. An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 19638. An act to authorize San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel; and

H. R. 20117. An act to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 5601. An act to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory; and

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

H. R. 16306. An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war was read twice by its title and referred to the Committee on Military Affairs.

H. R. 20048. An act declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

GENERAL ARBITRATION TREATIES.

The VICE PRESIDENT. Is there further morning business? Mr. POINDEXTER. Mr. President, I move, notwithstanding the objection—

The VICE PRESIDENT. Morning business is closed. The Senator from Washington.

Mr. LODGE. Mr. President—

Mr. POINDEXTER. Notwithstanding the objection, I move to proceed to the present consideration of Senate resolution 231, and I move the adoption of the resolution.

The VICE PRESIDENT. The Senator from Washington moves that the Senate proceed to the consideration of the resolution named by him.

Mr. POINDEXTER. I move to proceed to the consideration of the resolution as amended.

Mr. LODGE. I make the point of order that, under the unanimous-consent agreement, nothing is in order to-day except that special order of the Senate.

Mr. CULLOM. It is absolutely specific.

The VICE PRESIDENT. The unanimous-consent agreement, the Chair notices, does not say at what time the Senate will proceed to the consideration of the treaty matter, and the Senate can do so at any time it sees fit, but it must do it at some time during the day.

Mr. POINDEXTER. I think the resolution for which I ask consideration will only take a few moments.

Mr. LODGE. I think it has been the universal practice—

The VICE PRESIDENT. The Chair thinks that is a matter which the Chair can not pass upon, but which the Senate must pass upon.

Mr. CULBERSON. Before the Chair makes a formal announcement I invite the attention of the Chair to the ruling of the Chair on yesterday to the effect that this special order would take effect immediately after the routine morning business.

The VICE PRESIDENT. The Chair thinks he made no such ruling.

Mr. CULBERSON. In answer to the Senator from Michigan [Mr. SMITH]—

Mr. CULLOM. That certainly has been the rule.

The VICE PRESIDENT. The Chair notices by the Record that the Senator from Michigan [Mr. SMITH] made the inquiry:

That is, it will be taken up after the routine morning business?

And the Chair answered:

After the routine morning business.

The Chair must say in that connection that at the time he made the response to the Senator from Michigan the Chair had in mind the usual form of unanimous-consent agreement and supposed that the matter would come up immediately after the morning business was concluded, but the resolution does not so state. It is therefore a matter for the Senate to determine.

Mr. LODGE. Then, Mr. President, I move that the Senate proceed to the consideration of the general arbitration treaties as in open executive session.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. The Senator from Washington has made a motion to proceed to the consideration of another matter.

Mr. LODGE. A motion to proceed to the consideration of executive business is a privileged motion.

The VICE PRESIDENT. The Senator is correct in that statement.

Mr. POINDEXTER. Mr. President, is not the motion which I made also a privileged motion under Rule IX?

The VICE PRESIDENT. It is; but the motion which the Senator from Massachusetts makes takes precedence.

Mr. CULBERSON. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CULBERSON. Under the head of "General arbitration treaties," in the Record of yesterday's proceedings, occurs the following:

Mr. SMITH of Michigan. Mr. President, apropos of the motion just agreed to, I should like to make a parliamentary inquiry. I notice that unanimous consent was given some days ago to vote on the British and French arbitration treaties on Tuesday, the 5th instant. I should like to inquire whether, under this unanimous-consent agreement, that will be the first business taken up in the morning?

The VICE PRESIDENT. After the morning business.

Mr. SMITH of Michigan. That is, it will be taken up after the routine morning business?

The VICE PRESIDENT. After the routine morning business.

I suggest that the Chair has ruled on this proposition, and ruled correctly, and the Senate so understands it from the colloquy between the Chair and the Senator from Michigan on yesterday.

The VICE PRESIDENT. The Chair will state, in answer to the suggestion of the Senator from Texas [Mr. CULBERSON], that, of course, he has read the Record correctly, but the Chair at the time he made the response to the inquiry of the Senator from Michigan did not have the unanimous-consent agreement before him and was speaking from memory. Now the matter, it seems to the Chair, is disposed of by the Senator from Mas-

sachusetts [Mr. LODGE] making his motion, which puts the whole proposition up to the Senate, Will the Senate now proceed to the consideration of this matter in open executive session? It is a motion which is now in order.

Mr. GALLINGER. Regular order, Mr. President.

Mr. POINDEXTER. I make a parliamentary inquiry as to the meaning of "morning business." Does not "morning business" include up until the hour of 4 o'clock, or 2 o'clock at least, the calling of the calendar, and an opportunity to move to take up matters on the calendar?

The VICE PRESIDENT. No; "morning business" is certain routine business, as laid down in the rule, that may proceed for two hours, but can be closed before, and is closed before, when the Chair so announces. After the conclusion of that business and the announcement by the Chair to that effect, then the Chair thinks the motion which the Senator made was in order, but after he had made that motion the Senator from Massachusetts made a motion, action upon which is preferential under Rule XXII, and that is the matter which must first be disposed of.

Mr. GALLINGER. Regular order!

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE].

The motion was agreed to; and the Senate, as in open executive session, resumed the consideration of the treaties of arbitration between Great Britain and France and the United States.

Mr. LODGE. Mr. President, I desire to take a few moments to correct a statement that I made when addressing the Senate on Thursday last in regard to the pending treaties.

In stating that no postal treaty had ever been submitted to the Senate I overlooked, despite a very careful search, one postal treaty which was made in December, 1848, with Great Britain. At that time, prior to the statute of 1851, the rates on foreign postage were fixed by statute, and there was no method of making special rates with any country while the statute remained unrepealed except by treaty. The treaty with Great Britain was accordingly made, Lord Palmerston and Mr. Bancroft being the negotiators, and was duly ratified by the Senate. There was one other treaty which is sometimes referred to as a postal convention, and in this connection I think it well to mention it. This treaty was made with New Granada in 1844 and was necessary because it involved the carrying of United States mails across the Isthmus; that is, through foreign territory. No treaty involving the transit of United States mails across foreign territory could be made now or at any time except in the regular treaty form and with submission to the Senate. This case, therefore, has no bearing on the question of postal treaties as a precedent. The treaty with Great Britain is an exception, but, I believe, the only one; and it proves, I think, the existence of the rule in regard to our action as a government in respect to postal treaties which I attempted to lay down. I do not think that it affects in any way the conclusions to be drawn from our otherwise uniform practice or the proposition that foreign, like domestic, postal arrangements are dealt with and have always been dealt with under the power to establish post offices and post roads and to regulate foreign commerce.

I ask that this statement may be printed as a note to the copy of the speech which was ordered printed by the Senate.

The VICE PRESIDENT. Without objection, that will be done.

Mr. BROWN. Mr. President, the doctrine that peace can only be maintained by the ability of a nation to defend itself is not sound. Armament adequate for the Nation's defense is necessary because self-preservation is the first law of nature, and its enforcement is the first and paramount duty of every great nation. An efficient navy with power to repel assault is imperative, but the need of it is for self-protection and self-preservation purposes. It has no office as a peace agent and no force as a peace argument. Its power might be useful to force ungenerous and unfair terms of surrender upon a conquered nation, but never has this Government ever suggested a cessation of hostilities upon terms but the most generous and conscionable. Never in all the history of civilized nations did a heavy armament ever avert war nor did a small armament ever invoke war.

It is very easy to say that the shores of the Mediterranean would be to-day peaceful had Turkey possessed a strong navy. But the statement is naked and unsupported by any fact, and is a reflection on the Italian Government. Any opinion either way on that subject is idle and inconclusive and proves nothing, for opinions come and go easily as the exigency of debate or the distress of the debater may suggest. Did the great navies of Japan or Russia, a few years ago, avoid war, or did the smaller navy of either invite war? Did the size of our sea

armament have anything at all to do either to encourage or discourage a declaration of war against Spain, or was the inefficiency of Spain's navy given any consideration at all when Congress voted \$50,000,000 to President McKinley to prosecute war against that country? Every man knows we would have declared war at that time even if Spain's navy had been the greatest in the world and we had had no ships at all. Therefore, it seems to me, in considering these treaties intended to promote peace by arbitration the argument which would substitute *Dreadnoughts* for an arbitration court is not sound.

The issue presented by the pending treaties as negotiated by the President and submitted to the Senate for ratification can not be obscured by opinion builders, however talented or scholarly they may be. The American people know what the issue is and the Senate may as well meet it frankly and in the open. It will add perhaps to the literature of the country, but not to the good name of the Senate, for us to quibble and haggle over the importance of large navies or over the meaning of words which have a well-defined significance in the average mind of the American citizen.

There is one delightful thing about peace—everybody advocates it. As an abstract proposition it has no enemies. For 2,000 years the world has talked for peace and has been at war more or less during all of that time. The time has come now when less talk about it and more effort to maintain it should be made by nations. The pending treaties mark the first constructive effort by this country and Great Britain and France to make peace certain between them at least. These treaties propose to broaden the field of arbitration by including subjects of dispute heretofore excluded from that field. Herein lies the one chief characteristic distinguishing these from existing general arbitration treaties.

We have to-day 19 agreements with as many countries providing for the arbitration of differences which may arise between us, provided such differences do not arise over questions involving vital interests or the national honor. Let me read you article 1 of the existing arbitration treaty negotiated with Great Britain by this country and ratified June 4, 1903. The same article is found, I think, in all the other 18 arbitration treaties with other countries. The article reads:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th of July, 1899: *Provided, nevertheless, That they do not affect the vital interests, the independence, or the honor of the two contracting States and do not concern the interests of third parties.*

That is the provision in existing treaties corresponding with article 1 in the pending treaties. The proviso contained in the article I have read in the existing treaties is omitted from the treaties which were negotiated by the President and have been referred to the Senate for ratification.

The importance of the omission and its significance for practical peace purposes must be conceded. The pending treaties are real peace contracts as compared with the existing treaties, and the proof of it lies in the fact that the questions excluded from arbitration by the existing treaties are submissible to arbitration under the proposed treaties.

Let us examine this point in some detail. Can anyone recall a war between civilized peoples the cause of which arose over some question not involving the vital interest or the national honor of either nation? I do not think such an instance can be cited in all history. It must be conceded, then, that whenever wars have been waged the cause of them arose over questions involving either the vital interest or the national honor, or both, of the peoples in conflict.

The existing treaties exclude, therefore, from the field of arbitration the very causes and the only causes of any war that was ever fought. The fact that the pending treaties propose to submit to arbitration the questions that have caused war make them, if lived up to by the contracting nations, guarantees for peace. This accounts, in my judgment, for the widespread and well-grounded public sentiment of the people of the United States in favor of their ratification. The public mind is quick to see the real issue in every public question. The public conscience abhors war as it does crime, and when the public mind sees, as it does in these treaties, an agreement to arbitrate the only disputes that ever cause war, any attempt to delay or defeat ratification becomes the subject of public impatience and public disapproval. It will not do for us to waive this public sentiment aside by stigmatizing it as popular clamor. It is not clamor. It is the public intelligence and public conscience at work in every home, and in every church, and in every school-house, and in every walk of life of a free and courageous people.

It was suggested here the other day by a very distinguished Senator that he had become weary and impatient because of

what he termed the clamor in favor of these treaties and at the criticism which had been directed against the Senate because it had not yet ratified them. I do not agree with the Senator on that point. My notion is the Senate has less excuse to be impatient with the people than the people have to be impatient with the Senate. These treaties were submitted to the Senate for action August 4, 1911, more than seven months ago. Congress was in session at the time, and remained in session, I think, for three weeks after the message of the President submitting them. We adjourned and reconvened the 4th of December, and have been in session, with the exception of a 10-day vacation, ever since. Not until very recently has any serious consideration been given to them by the Senate. On these facts the Senate may not be censurable as a matter of right and justice—on that I express no opinion—but on these facts certainly the public is not censurable because it fails to understand why no action has been had during all these months. If these treaties are without merit they should have been rejected long ago. If they are right they should have been ratified long ago. The Committee on Foreign Relations was quick to bring in its report, which was a very pronounced indictment against the treaties as negotiated. The delay can not be laid at the door of the committee.

But I have digressed. Let us return to the treaties themselves and leave the dilatory and procrastinating habit of the Senate to the tender mercies of a patient and, I hope, a forgiving people. The fact that the pending treaties propose to submit to an international court of arbitration questions involving vital interest and national honor should command the support, it seems to me, of every man who desires to see arbitration actually substituted for war.

This principle had the support of the Senate of the United States in 1890, and is shown by the CONGRESSIONAL RECORD under date of February 14 of that year. On that day the Senate adopted by unanimous vote Senator Sherman's resolution calling upon the President to negotiate all inclusive arbitration treaties with foreign governments. The resolution reads as follows:

That the President be, and he is hereby, requested to invite from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means.

You will observe that the resolution excluded no subject whatever from the field of arbitration, but says in express words that "any differences or disputes" arising between the two Governments and which can not be adjusted by diplomacy shall be referred to arbitration. At that time the Senate of the United States did not hesitate to express its approval of the cardinal doctrine of the pending treaties. Nor was the Senate the only legislative branch of the Government that expressed an opinion in 1890 on this question. Sherman's resolution went to the House and was concurred in by that body three months later. Nor is that all. The resolution was considered by the British Parliament, which in a resolution of its own expressed the hope that Her Majesty, the Queen of England, would co-operate with the United States along the lines laid down in the Sherman resolution.

Nothing substantial was heard of this doctrine from that time until negotiations were opened by the President of the United States with the representatives of the British and French Governments, culminating in the treaties under consideration. The result is that nothing to-day stands in the way of making the doctrine of real arbitration a fact except the Senate of the United States. We have the power to kill it. I take every Senator here at his word, and I have no doubt that every Senator is just as anxious to really promote peace as he is willing to advocate peace. Our trouble is the same trouble that always confronts anybody who undertakes to practically provide ways and means for doing something that he knows ought to be done. It took men generations and centuries to devise and establish a plan by which differences arising between individuals might be adjudicated and settled without violence. The plan is not yet perfect so far as its success as an agency to do exact and full justice in all instances is concerned, but it approximates success. It provides a way in which every dispute between men, whether the dispute involves the vital interest or the property or the honor of the individual, must be submitted under the law to a court of arbitration. We have provided compulsory arbitration for every citizen in affairs of his own. The decision of the arbitration court may not always be right, but we compel the citizen to submit his controversy to the court and to abide by the decision, right or wrong. If it is possible to arbitrate all differences arising between individuals, it must be possible for us to provide a plan under which all differences between nations can be arbitrated.

It can be done. Here are three great nations, composed of civilized and Christian peoples. Each has been able to provide due process of law for its citizens. Law and order settle all domestic disputes. Force is no longer the arbiter in any of the three countries. If men have been able to provide due process of law for themselves as individuals and citizens, what excuse have they for failing to provide due process of law for the nations of which they are citizens? One is certainly just as practicable and ought to be just as possible as the other, and it is if we set our heads and hearts to the task of working out the plan.

The President has proposed this plan. If anyone has a better one, let it be suggested. The public has no unflinching devotion to any particular plan, but the plan offered here is the only plan as yet suggested. I believe we ought to try it.

Let us look at the plan proposed. Article 1 of the treaties before us, which is substituted for article 1 of existing treaties, is as follows:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other, under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the permanent court of arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The first objection urged to this article, so far as I am advised, is that it omits the proviso in article 1 of existing treaties excluding questions of vital interest and national honor from arbitration. I have already discussed that objection; but objection is also made that the language of this article is ambiguous and of uncertain meaning. The phrase "claim of right" is taken up by itself and numerous definitions of lexicographers are given to show what "claim" means and then what "right" means, and then an argument designed to add to the confusion is made to show that these words, used together, have no definite significance at all.

The critic takes the word "justiciable" and the words "law or equity" separately and apart and then all together, and finds serious trouble and insurmountable difficulty in an effort to discover what is meant. I have very little patience personally with these hypercritical and technical discussions. Of course, everyone will acknowledge that words and phrases may have different shades of meaning. The law of definition is not an exact science. I am willing to take the ordinary and usual interpretation given to these words and phrases and leave them in the treaties, although no doubt other language might be used which would suit some minds better, if they could be suited at all; but what might suit the mental attitude of one Senator would very likely arouse the critical attitude of his colleague.

The phrase "claim of right" with ordinary people and to an ordinary mind carries the notion of an obligation of one party to another; ordinarily the term means a legal right. Being an obligation or legal right, it necessarily excludes the idea of national policy, either domestic or foreign. A claim of right implies that something is due; it may arise out of a contract, either express or implied, or it may arise out of a wrongful act. The phrase "of a legal nature," used in article 1 of the existing treaties, is a phrase susceptible of as many shades of meaning and of as many different possible applications as the phrase "claim of right" in the pending treaties.

So with the other words: "Justiciable" is generally accepted to mean by the average man, when applied to a controversy, that it is susceptible of determination by applying the rules of justice, which is another way of saying the principles of law or equity. The principles of law and equity are the principles of justice. We speak of a court of law and of a court of equity; they are both courts of justice. The words "law" and "equity" relate in their differences to procedure and remedy as well as to principles. The distinction between the two is fast disappearing. Courts and lawyers have ever disagreed just where the dividing line is between legal and equitable principles. It has been said that equity appeals to the conscience of the chancellor while the law appeals to the intelligence of the court. The ordinary and usual everyday interpretation of the language of article 1 is that all differences involving every question of a substantial character in which one nation in good faith makes a demand upon another, and which can be determined according to the principles of justice, shall be submitted to arbitration. But, whether or not the language is so ambiguous as to merit criticism, I call your attention to the fact that after discussing in a most critical way the language of

the article referred to the distinguished senior Senator from Massachusetts [Mr. LODGE] concluded his criticism with these words:

If these treaties, following the example of those now upon the statute books, had stopped with article 1, which enlarges and defines with a new definition the scope of arbitration, there would have been, I think, no question as to their immediate ratification.

So I take it that if as learned a critic as the Senator from Massachusetts is after all willing to accept the language of article 1, no friend of the treaties has need to entertain any fear on account of it.

Article 2 reads as follows:

The high contracting parties further agree to institute as occasion arises, and as hereinafter provided, a joint high commission of inquiry to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of article 1, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them, even if they are not agreed that it falls within the scope of article 1: *Provided, however*, That such reference may be postponed until the expiration of one year after the date of the formal request therefor in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.

Whenever a question or matter of difference is referred to the joint high commission of inquiry, as herein provided, each of the high contracting parties shall designate three of its nationals to act as members of the commission of inquiry for the purposes of such reference; or the commission may be otherwise constituted in any particular case by the terms of reference, the membership of the commission and the terms of reference to be determined in each case by an exchange of notes.

This article has not been discussed in any way by those who oppose the treaties. To my mind it is a most important and far-reaching provision. It provides for a joint commission whose duty shall be to investigate every controversy arising between the countries within the scope of article 1, and provides that the investigation shall be made before such controversy shall be submitted to arbitration. It further provides that the investigation, at the request of either party, shall be postponed for at least a year in order to afford an opportunity for an adjustment through diplomatic agencies. The judgment and finding on both law and fact shall be made by the commission, and while such finding is not binding on either party under the express terms of article 3, still the effect will be to hold the contracting countries away from war during the period of 12 months, a sufficient time to adjust peaceably, in all human probability, every controversy that may arise. This article, therefore, to my mind, is of and by itself an almost certain guaranty of future peace, actual peace, between this and any other country who will make and keep such a contract.

Of course, I assume and I refuse to entertain for a moment any other assumption than that these contracts, if made, will be kept by the countries making them. I look upon every suggestion made by those who for one reason or another seek to discredit the treaties that they will be broken by us as a most desperate if not an ignoble suggestion. When did this Government ever violate any of its treaty obligations? Who on this floor is willing seriously to suggest that the people of this Government will ever tolerate the bad faith involved in violating any treaty obligation? Those men who suggest it now do a very grave and unwarranted injustice to the American people. Americans are as jealous of their Nation's honor as they are of their own, and they will never submit to the violation of any treaty which the Nation may make. The fact that the American people are willing to arbitrate their differences with another country proves their determination as well as their willingness to accept the judgment of the arbitrators.

The average citizen knows that when his country's quarrel is submitted to a court of arbitration, with jurisdiction and power to inquire into the controversy, that submission carries with it the power to adjudicate the controversy either for or against us. If he is not willing to abide by the result, he would not be willing to enter into the contract to submit the controversy. What sort of political morality is it which suggests any sort of arbitration which would give us the right to accept the judgment of the arbitrators or to reject it at our pleasure? The other country by the arbitration method takes a chance to lose; so do we. Just as in the case of war, both countries take the chance of defeat. The losing party is bound by the war verdict; the losing party is bound by the arbitration verdict. In every dispute between citizens which goes to the courts for arbitration one party must lose, and the winning and the losing parties are both bound by the judgment. So it is with disputes between nations.

Article 2, which I have read, is new to the treaty literature of the world; such a provision can not be found in any existing treaties between the nations of either hemisphere. It is a distinct, substantial, and practical step forward toward the peace of the world.

Article 3 reads, as follows:

The joint high commission of inquiry, instituted in each case as provided for in article 2, is authorized to examine into and report upon the particular questions or matters referred to it for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted, either on the facts or on the law, and shall in no way have the character of an arbitral award.

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such differences are within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

No objection is made to this article, as I understand it, except to the last paragraph, wherein it is agreed that there shall be submitted to the joint high commission of inquiry the justiciability of the controversy. The objection to this paragraph rests on the interpretation given to it that the judgment of the commission on the justiciability of the controversy is final and binding, and therefore the constitutional prerogatives of the Senate as a part of the treaty-making power are impaired. In my judgment the interpretation is incorrect. Such an interpretation can not be sustained unless you construe the paragraph by itself, without relation to the other provisions of the treaty and without regard to the last sentence in the paragraph. An interpretation which to sustain makes it necessary to disregard all the rest of the document and a portion of the paragraph interpreted is not an interpretation which will commend itself very enthusiastically to the average American citizen. While this paragraph submits to the joint high commission the justiciability of a controversy between the contracting nations, it expressly says that the judgment on that question as rendered by the high commission, if five of them shall agree to it, shall be reported, and "it shall be referred to arbitration in accordance with the provisions of this treaty." Under article 1, the President, if he thinks the question justiciable, and the other country agrees with him, reports his finding to the Senate. His finding does not bind the Senate, because the article expressly leaves to the Senate the right to pass on the question of submission to the final court of arbitration. So likewise when the question of justiciability is left to the commission, because the President or the other contracting country thinks it is not justiciable and the commission reports its finding to the Senate, the Senate is not bound any more than it is when bound by the finding of the President on the question.

When there is agreement that the controversy is justiciable the President reports to the Senate; when there is a disagreement about the justiciability of the controversy the finding is reported by the commission. The Senate occupies the same office and the same relation to one finding that it does to the other. It follows that no prerogative, however dear or ancient, the Senate may possess is impaired or infringed in the least.

DELEGATION OF POWER.

The other day we heard a very able and exhaustive argument in support of the proposition that the treaty-making power could not be delegated. The speaker went so deeply into that much mooted question as to quote the Supreme Court and other eminent authority. I am glad the argument was made. It will probably never be answered. Nobody since the birth of the Republic ever suggested the contrary doctrine, and I apprehend nobody will ever do so; but of that I am not certain, for in the light of some of the arguments recently made on this question no man can tell what the logic of future days may be.

The commission is delegated to exercise no treaty function whatever. Its duties are limited and defined. Its jurisdiction is fixed. It can do nothing but inquire, investigate, and report upon the limited questions or matters referred to it, if acting under clauses 1 and 2 of article 3, defining the issues presented by such questions and including recommendations; but if acting under clause 3 of article 3, it shall do nothing but investigate and report its findings on whether the question is arbitrable under article 1 of the treaty. To do these specific and definite things, limited by the terms of article 1, is obviously not an exercise of the treaty-making power in whole or in part. To hold otherwise is to fly in the face of the repeated pronouncements of the Supreme Court during a century and more.

The customhouse officers of the Government do not exercise delegated legislative power, yet they determine by direction of Congress what duties certain imports must bear according to rules and standards fixed by Congress. The Supreme Court has said the act of such Government officers is not a legislative

act. The Supreme Court has also held that the Interstate Commerce Commission does not exercise delegated legislative power when it fixes a freight rate, because Congress declared the standard the commission should use in determining the rate. In clause 3 of article 3 the President and the Senate, the sole and exclusive treaty-making power of the Government, fix the standard by which the high commission must govern itself in reaching a conclusion on the subject referred to it. This standard is jurisdictional. To go beyond it or to stop short of it is to nullify the judgment for want of jurisdiction.

In this connection the learned Senator from Maryland [Mr. RAYNER], in an expression of his views to the Senate, cites a diplomatic precedent which alone is sufficient to conclude the debate on the question. About 75 years ago Great Britain and this country were in discord over the boundary line dividing the British possessions from the Northeastern States. The line was described in the treaty of 1782. Great Britain claimed the line described in the treaty had one location, and the United States claimed it had another location. By arbitration agreement the King of the Netherlands became the arbitrator to investigate and locate the boundary line. Under the agreement submitting the question to the King of the Netherlands it was provided that he need not be bound to choose between the two lines claimed by the two countries, but was directed to investigate and determine where the boundary line as described in the treaty really was. For some reason he found it impractical or impossible to determine the location of the line described in the treaty of 1782, but he did investigate and determine and reported as arbitrator a boundary line between the two countries which seemed to him to be the most convenient and practicable.

Mr. LODGE. Will the Senator allow me a moment?

Mr. BROWN. Certainly.

Mr. LODGE. The Senator knows, of course, the ground on which we rejected that decision.

Mr. BROWN. I discussed the ground.

Mr. LODGE. We rejected it on the ground that it was not a decision.

Mr. BROWN. Our protest to the award was filed on the ground of want of jurisdiction.

Mr. LODGE. I think if the Senator examines the protest he will see that we took the ground that he decided two questions, but on the others he merely expressed an opinion, and that on what he said we were entitled to a final decision.

Mr. BROWN. The fact was he reported his opinion, which amounted to a determination, so far as he was concerned, that the boundary was along a certain line.

The United States objected to the award for want of jurisdiction, insisting that the arbitrator had exceeded the limitations fixed by the agreement under which he was appointed. Great Britain accepted the protest of the United States as well grounded and treated the decision of the King of the Netherlands as a nullity.

It would appear clear from these authorities that none of the Senate's prerogatives are invaded by clause 3 of article 3.

However, upon the mistaken interpretation that the joint high commission might decide a question arbitrable which the Senate might deem not arbitrable and yet be bound by it, we are told that great peril is in store for this country. We have been told that some foreign country, not named, might be able to get the joint commission to submit the Monroe doctrine or our immigration policy or any other governmental policy to the arbitration court. It takes a strong and vivid imagination to picture these awful disasters which are so sure and so certain to follow the ratification of these treaties. Let us become alarmed slowly for two reasons: First, the interpretation is wrong and there is, therefore, no basis for the disasters anticipated; but even if the interpretation so warmly defended be accepted by the commission, still the Monroe doctrine would be in no danger, our independence and our domestic policies would remain safe, because such a judgment by the commission would be utterly void for want of jurisdiction, and the Senate, as well as the people of the United States, would so declare.

Whenever a court in this country acts without jurisdiction the judgment is void. So the judgment of this commission that the Monroe doctrine was arbitrable would be ultra vires and void. When such a judgment was treated by the American people and the Senate of the United States as void, it would not be a violation of this treaty in any degree or in any sense. The Government of the United States is wholly incompetent under the Constitution to arbitrate away its existence, its life, its independence, or its policies, just as a man is incompetent under the law to arbitrate away his freedom or his existence.

These treaties are made by sovereign nations. Each contracting power is a sovereign power, and the treaty is made by

it as such. To contend that the independence or the existence or the integrity or the governmental policies of either is made by them the subject of arbitration is to contend that they are undertaking to consent to self-destruction, which is contrary to public policy the world over.

It has been argued in some quarters with apparent earnestness that we should be slow to broaden the field of arbitration, because "All the differences with other nations in which we shall be involved will be American questions." The point in this objection is obscure; just what is meant by it is not certain. If the objector means to say the location or site of the subject matter in dispute will be on the Western Hemisphere, the answer is that geography can not affect for good or ill the rights of either party. Every difference arising between this and another country, to be arbitrated under these treaties, must necessarily be at once an American and an European question. If it is an American question exclusively, no other country will have any interest in it; if it is an European question exclusively, this country will have no interest in it. In neither case will the other country ask for arbitration upon it.

This treaty proposes to arbitrate questions involving interests in which America and Great Britain or America and France claim an interest. Their location, whether in this or the other hemisphere geographically, will neither add to nor subtract from their importance nor their arbitrability. It is just as desirable to avoid war over questions arising on this side of the Atlantic as it is to avoid war by arbitrating differences arising on the other side. It is said when the disputes affect interests on our continent "we do not and can not enter upon these agreements on an equality of risk with other nations with which we treat." If the ratio of hazard is to guide and mold the arbitration policy of the United States, we may as well despair and abandon the policy all together. I had supposed that the movement for peace by substituting arbitration for war had a better foundation than the doctrine of chances. I still think so. If our friends who hesitate about arbitration on account of the risk involved will reflect a moment they will realize that war, too, involves not risk alone but danger and death and loss inevitable and irreparable.

Mr. President, it seems to me these treaties ought to be ratified. They promise peace and do not entangle us in any foreign alliance. They are separate agreements with Great Britain and France, each standing by itself. The treaty with France does not suggest any concern over the affairs of any other nation. The treaty with Great Britain creates no obligation on our part to participate in any differences she may have with any nation except our own. They are separate contracts and affect alone the two countries entering into the agreement. With these treaties ratified there is real reason to believe that similar treaties identical in form will be negotiated between this country and all of the other great nations of the earth.

While the Senate has the power, it has no right, in my judgment, to close the door which these treaties open to the settlement of international disputes the world over, which are as certain to arise in the future as they have in the past.

Mr. HEYBURN. It is not my intention, Mr. President, to enter at length upon a consideration of this treaty. On a former occasion, in general terms, I expressed my disapproval of it. I expect to vote for the proposed amendment, which strikes out section 3. I intend to vote for the amendment to the resolution proposed by the Senator from Massachusetts [Mr. LODGE], and then I propose to vote against the treaty.

The Senator from Massachusetts gave good and sufficient reasons for supporting the amendment proposed by him to the resolution of ratification. It would be a useless task for me to enter into an elaboration of those reasons. They could not be better stated. No question was ever better stated in this body at any period of its existence than was that question as stated by the Senator from Massachusetts a few days since. The proposition to strike out the third article or third section—

Mr. SHIVELY. Will the Senator permit me there?

Mr. HEYBURN. Yes.

Mr. SHIVELY. The Senator speaks of striking out the third. Does he mean the third article or the concluding clause of article 3?

Mr. HEYBURN. It is the concluding clause, but it has been familiarly spoken of in that way. It is the third paragraph of article 3. I shall have some suggestions to make briefly as to article 3.

My objections to the treaty are based upon broad grounds. The cry of peace has deceived more people since the beginning of governments than any other. It has generally been a cry for a cessation of hostilities until the other party could get an advantage that would insure victory.

There never has been a time in the history of the world when any progress was made through peaceful agreements. I repeat it, there has been no time in the history of the world when progress toward civilization or a higher condition of mankind was made by a contract or agreement. Every advance step toward what we term civilization to-day has been the result of war. A rule that has been tried out through so great a period of time is entitled to some respect. It ought not to be brushed aside by the novice in political or public affairs.

The American people are not clamoring for this treaty. They are not clamoring that the right of their representatives in Congress to resent aggression at the hands of a foreign foe shall be taken from their representatives. We are intermeddling with a tribunal created by the people of this country for the purpose of dealing with the questions involved here. When the people made the Constitution, acting through their States and representatives, they gave the power of declaring war to the Congress of the United States and not to the diplomatic agencies or to the treaty-making attributes or adjuncts of government. They do not mention them in connection with it. The people, speaking through their representatives in the conduct of the affairs of the Government, have the sole power to declare war, and the Executive, the President, has no option as to whether or not he will carry out the expressed intention of Congress after it has declared war. The President is not required to, nor may he, participate in the act of Congress that declares war. It does not require his signature. The people, speaking through their representatives, when that great question arises, are supreme and the President is only their agent. He becomes the Commander in Chief of the Armies, to command them in the war, and, as the civil Chief Executive, he must carry out the law of Congress that says when war shall or shall not be waged.

Now, you are proposing to take away from Congress and from the people that power, and you are proposing to substitute for that power what? Not even the Senate of the United States, not even the President of the United States, but you are proposing to substitute for the people of the United States and for their Congress a foreign tribunal, which you are pleased to term the High Court of Justice, or some such name.

Mr. LODGE. The High Commission.

Mr. HEYBURN. Yes; you are proposing to place the destiny of this Nation in the hands of a foreign tribunal. I will concede, for the purposes of this discussion, that it will be comprised of able, conscientious, and high-class men, but it is not possible that it can be composed in any part of Americans, as I read the article. Whenever it comes to a determination of the question of whether or not our claims shall be submitted to arbitration, that question is taken from out our hands and determined by a court of foreign sentiment and instincts and heredity. I am not willing to agree to it. We fought the Revolution in order that we might have the right to stand as a separate and sovereign Government among the nations of the earth. That was our purpose. We did not obtain that right by contract; we did not submit the question to a tribunal composed of European monarchs or their appointees. We determined it for ourselves. I am opposed to changing that method of Government. Young men or old men, it matters not, are bound to hold their lives and their strength subject to the preservation of this Government. That is the duty of citizenship; that constitutes the duty of citizenship; and for that duty we obtained many, many rights that are beyond price.

Much has been said as to the meaning of the term "justiciable," and strong arguments have been based upon it; but it seems to me that by dwelling upon that term, with its many meanings and its uncertainty of meaning, we are apt to lose sight of the real question.

No man or set of men elected by the people to carry on our Government under the Constitution are empowered to barter away any right of any part of the people of this country. They do not come here vested with any such right. We elect one of the citizens of the country as President of the United States, and he swears to uphold and defend the Constitution of the United States. Members of Congress do the same thing. That is their primary duty; to that they are bound. The right is given to the President, by and with the advice and consent of the Senate, to enter into agreements with foreign nations, which we term treaties. It requires the concurrent action of those two branches of the Government, but it was never contemplated that they should have the right or exercise the right of bartering away that most precious of all rights of the people—the right to defend their country against foreign governments. No one ever dreamed that they would exercise it.

We grow philanthropic, we grow sentimental—I had almost said "maudlin"—over "the brotherhood of man." No nation ever existed 15 minutes based upon the brotherhood of man; no

community ever did. The only salvation and safety of the Nation is in fixed, arbitrary rules of right, defining the rights of the citizens in our internal affairs and defining the rights of the Government in dealing with other governments.

Suppose, for instance, that the question which was being agitated a day or two ago relative to the validity of our transactions with the Republic of Colombia, in South America, were to come into this caldron through the pathway of bonds and investments and dollars and cents claimed by an English subject; we would have to submit that question to arbitration, because it is not within the rule of the exception in this treaty; we should have to ask some three monarchs of Europe to determine whether or not we should submit that controversy between the subjects of Great Britain and our Government to their judgment in determining whether or not they had an arbitrable case.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Yes.

Mr. SMITH of Michigan. I do not think the Senator from Idaho has overstated the obligation at all. The truth is that with a case like that and a claim of that character we would not be asked whether we would consent to its arbitration; we have already consented to it by this agreement, and we would simply be memorialized to name three commissioners. The initiation of that controversy rests entirely with the country with whom we have made the contract and not with us.

Mr. HEYBURN. Yes; that is true, Mr. President. I was citing it as one of the instances where we could be compelled to arbitrate. We would not arbitrate it. This Government will never fall so low that it will permit its action already performed, upon which a great enterprise is based and upon which the effect and vitality of the existence of that enterprise rests—we will never submit such a question to the representatives of any monarchy in the world, even though we might make 40 treaties. The people have a way of settling those questions, and they would retire from their Congress the men who had dared thus to undertake to undo that which they have ratified, and they would send men here who would know how to run a government, and dare to do it.

I only suggest that because it is a live question in this Chamber. It is only a few hours since it was urged upon us, and it is now a pending question in a committee of this body. The question raised here would be a sufficient bill upon which to present such a matter—that we had, by political jugglery, brought about a fictitious treaty that enabled us to take advantage of a government with which we were at peace in order that we might gain a pecuniary reward. I am not going to express an opinion in regard to the merits of the Colombian case. I was a Member of this body when those transactions were being considered, and what I had to say I said then. I only cite it as one of those instances that would come within the purview of this proposed treaty.

Suppose, again, that British subjects are found to have in their possession, under a claim of purchase for valuable consideration, some \$700,000,000 of bonds that were issued by authority of no law of the United States and yet purporting to have behind them the faith and credit of a part of the United States, do you think this Government, in response to a demand by the subjects of Great Britain, would submit the question to arbitration as to whether or not those bonds were a legal or a moral obligation resting upon this country? Never. Congress might, in its forgetfulness, undertake to do so; but the people of the United States would make a new Congress.

Then, again, it is proposed that the matter shall rest in abeyance one year in order that the boys may determine whether or not they really want to fight. I remember a school-teacher who used to tell the boys that before they entered into a fight they should each walk around the schoolhouse in opposite directions, and if, when they met on the other side, they really wanted to fight, why, go ahead. Contention is an attribute of the human character, whether singly or in the aggregate of nations, and inasmuch as it has been a method of settling controversies between men and nations, we may consider it as one of the old-established rights and lights along the highway from the earliest civilization to the civilization of to-day and not to be lightly disregarded.

Do you suppose, Mr. President, that there would have been a nation called the United States of America to-day had this arbitration treaty been in existence? Oh, I am met with the suggestion that conditions then were peculiar; they do not exist to-day. It may truly be said that there have been no conditions existing in the history of the world that have not been repeated in other ages and which may not be repeated in the ages to come. What government on earth is the result of a

contract? Can any Senator name a government that grew out of a contract between nations or parts of nations? I know of none. Are we to have no more governments? Is nothing new and good and great to be carved out of the raw material of the world from which governments have been made in the past and will be made in the future? What tribunal under the influence of monarchical ideas would have allowed the United States to take the territory we gained from Mexico? What monarchy or combination of monarchies would have allowed this great country to reach its present status as a nation? None. There is no monarchy in the world in sympathy with a republic; there never has been, and yet, like the foolish little lamb, just because the lion and the tiger and the jaguar have smooth skins and are lithe and beautiful, we are going up and lie down among them and await their appetite!

Mr. President, these treaties present a serious question, the most serious question that has ever presented itself to the American people as regards their relations with foreign nations. Think you to-day that Germany would consent to adopt our system of government? If not, it is evidence that they do not approve of it. Think you that France, which nominally is a republic, would be willing to incorporate into its system of government the real foundation principles upon which our Government rests? They had the opportunity to do so, but they did not take advantage of it. There can be no better evidence of the fact that they do not approve of it. Do you think that England, Mr. President, approves of our form of government? The best evidence that she does not is that she does not adopt it. Is there any nation on earth that does approve of our form of government? There is none—not one.

If you were going to select a jury to determine the rights of a citizen, in the first place you would want a jury composed of members who spoke the language of the contending parties in order that they might interpret it free from the embarrassing shades and distinctions that even with one who speaks another language is embarrassing. If you were going to select a jury to determine the rights between two American citizens, you would select men who have American instincts. If it involved a question of government or the interpretation or application of laws of the Government to the act of a party, you would select men who knew something of our laws and had some sympathy with them. That is not the proposition under this treaty.

It is not proposed that this court, which is to determine whether we have any cause of action—in other words, to pass upon the demurrer to the bill—it is not intended that it shall contain members who are familiar either with our institutions or who speak our language. If our representatives were so unfortunate as not to understand the language in which one or more of them expressed his ideas, he would have to have an interpreter in the court where our rights, the rights of the American people, are being determined.

The scope of the questions to be determined is startling. I have not heard reference to that part of it. Article 1 says "all differences hereafter arising under treaty or otherwise." I have omitted the intervening words of description. "All differences hereafter arising under treaty or otherwise," mark you, "and which are justiciable." I have heard several definitions given to that word here. The definition of the word "justiciable" in France, or the equivalent word there, is entirely different from the definition accepted for that word in England; and in Italy it differs from both.

Now, suppose that this joint high commission of inquiry is composed of one Frenchman, one Italian, and one German. Which of those three is to determine the extent and scope of the meaning of that word? In England they have the dual system of law and equity. In France they have not; and in Italy they have a system that ignores both. I think it was assumed in the making of this treaty with Great Britain that that word would be interpreted according to the laws of England, which are not dissimilar to ours. They have a system of equity which originated in the opinion of the guard at the door of the King's chamber in discriminating as to who should and who should not be admitted to see the King and present his grievances. That was the origin of that system, which is termed equity. Blackstone says it is to deal with those questions wherein the law by reason of its universality is deficient and insufficient to deal with it. Anything that may be disposed of by law can not come within the jurisdiction of equity, and that is the test.

Now, that is the English rule, and if the controversy was between the English people and this Government there would be no lack of harmony in the rule that should govern. But if that was to be adjudicated by three members of the joint high commission, neither of whom was in sympathy or mental touch with the rule of equity and the spirit of equity which prevail or obtain between our country and Great Britain, then we

would have a tribunal lacking in knowledge and instinct, because when you are dealing with equity you are dealing with instinct.

When the importunities became so numerous that the guard at the King's door was embarrassed to determine the question, the King had to substitute a little higher-grade man for the man who was only a guard, and he did that because he wanted some one who would sift down these suppliants to a minimum in order that he might not be disturbed more than was necessary. By and by that guard at the door to the King's chamber sat as a judge to determine the questions for which there was no legal rule of disposition. By and by the King said, "You do not need to go to the door any more. You can go up to the chancellor's chambers or the court of chancery and sift out these things before you come to me at all."

I merely say that in regard to the subject, because it has been contended that no confusion could arise out of the interpretation of the term "justiciable." The language of the article undertakes in a left-handed way to give it an interpretation, but no one seems to be satisfied with the interpretation contained in the article itself. They all seem to feel that it is necessary to add something to it. I think they are right about that. It is necessary to add the ax to it and cut it out.

I want to read a word or two about that:

All differences hereafter arising under treaty or otherwise and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity shall be submitted.

That was intended to be a definition of the word "justiciable."

We will next go to the tribunal. At home we have certain constitutional rights in regard to the determination of controversies affecting the persons or the property of our citizens or of persons residing within the jurisdiction of the Government. This proposes in a class of cases to remove that right, to take away the right of trial that would ordinarily ensue, and to transfer it to a foreign tribunal.

Now, in the question of the Republic of Colombia, in the question of Hawaii, in the question of the Philippine Islands, in any of those questions the tribunal would sit in Europe, surrounded by the atmosphere and the conditions peculiar to that country. Individual rights only are at stake. Our Government has no stake except its duty to protect the rights of the citizen. So that our citizen must either throw himself with perfect faith in the arms of this foreign tribunal or he must go over there and watch it as litigants do in this country. The individual is not even permitted to be represented by counsel. The right which is guaranteed to every citizen in this country is denied to him in that great controversy where, perhaps, everything is at stake. He is deprived of the right of representation before it. Some one else makes up the issue, creates the tribunal, which is not recognized by the Constitution of the United States, and says to him, "You will be taken care of, and you will not be permitted to participate in the determination of your rights."

Now, I revert to the use of the word "arbitration." It sounds pacific, but it is not pacific. It has a kindly feeling that is calculated to carry away the churches and their congregations and the good women of the land in their social organizations. They say what? "Opposed to arbitrating matters, thus saving the people from war?" I have hundreds, and I think I may say thousands, of letters criticizing my position on this matter, generally in the shape of round robins, the filling out of blanks which have been sent out from some central point, and very often with the request, "Please copy this, so that it will not be apparent that you are merely filling out a blank." I had one yesterday, in which I think only three words were spelled correctly, asking me—not asking me, but "as your constituents we demand that you vote for these things enumerated." It is safe to say that the party sending it could not read the measure and would have no more conception of the scope of the treaty, support for which he is demanding, than would a cat.

Mr. President, I think I have reached a point in my life where I will not be carried away by that kind of sentiment or deceived by those methods. I wonder how many in the congregations of the churches in this country who are making such an arbitrary demand as to the manner of the performance of a public duty have ever seen the treaty or, seeing it, would know whether it was a chapter in the Pentateuch or from the dictionary? I am not inclined to disregard an intelligent appeal from any part of the people in regard to the performance of my duty on legislative matters, but I want it to be accompanied by some evidence of intelligent consideration, which will at least suggest to me that the people know enough about it to entitle them to be heard. I use the term "entitle them to be heard." No one in this country has any license to buzz

in your ear in an irresponsible way and demand that you act responsibly.

We have The Hague treaty to-day. Japan and Russia are both parties to the treaty. Over there there is forming out of the greatest mass of unformed, unorganized government the world has ever known, either in territory or in number of inhabitants, new governments—new systems of government. God only knows what will come out of that condition—whether it will be monarchs or republics or despots. Yet we are going to tie ourselves up by this treaty to deal with them under the provisions of The Hague treaty, bearing in mind always that they are entitled to the same consideration as other nations with which we have made treaties.

Some one here expressed the hope the other day that this would result in bringing in all the nations of the earth, so that the millennium would be at hand. Can any thinking man desire that we shall have a compulsory arbitration treaty with China in its unorganized state and with the uncertainty and indefiniteness that surround that situation; that we should be compelled to arbitrate our difficulty with China or even Japan?

There is much misdirected sentiment in regard to the nation of Japan. They are great imitators. They were found practically an unknown nation on the face of the earth without anything to distinguish them from what we have been pleased to term "savages"; and through their adaptability and power of imitating they have reached a point where they really look, or try to look, like American citizens—civilized people. Because a nation may be able to throw out warships and defeat one of the older nations of the earth on land or sea, it does not follow that they are to be classed in the same category or under the same mark of civilization as the people of this country.

I would not say anything derogatory of Japan or the Japanese people. But to compare them with the American people in point of civilization or commerce is without any reasonable foundation. When they have maintained a status for a hundred years we may then begin to admit them into the outer tent for investigation to see whether or not they are ready to be recognized as a criterion for the conduct of American citizens. Are we going to deal with those people on the same basis that we would deal with England?

It was said here the other day that it was certain Japan would ask for a similar treaty to that which we are now considering, and it was suggested that China would soon be in a position to ask for it, and Italy and Persia, and would we then have to select this high joint commission from the people of those nations? Just imagine the Japanese and the Turks constituting two-thirds the membership of a tribunal to determine the destiny of this country! You submit that plain unvarnished question to the American people and see what kind of an answer you will get—the right to enter our public schools with or without our consent, the right to do anything that we may do, not under our grace, but under the manifest of powers that are as much out of sympathy with us as were those from whom we wrung the freedom of the country.

I wonder what the senior Senator from Texas [Mr. CULBERSON] would think of selecting or allowing the present Government of Mexico to participate and furnish one of the members of the joint high tribunal to determine a question of controversy, vital to the interests of the people of this country or to their rights. I think he would object.

Now, as to the necessity for any such treaty, is it cowardice that prompts it, or is it patriotism? I repeat that. What prompts this effort? I say it without animadversion upon any man. Is it cowardice or is it patriotism? Is it because there are men in this country who are afraid that their money stacks will be toppled over by the foreign invader? Is it because there are men in this country who would rather have dishonorable peace than honorable war? That is what I call cowardice.

If it is not that, if that is too harsh a term, what other reason is there for it? Are there great questions pressing upon us that must be determined by either war or contract? What are they? Mr. President, no Senator has suggested, no message that has come to us has suggested, any cause for this extraordinary proceeding.

We have equipped this country with an Army and a Navy that is to-day quite equal to take care of its interests at home or abroad. Are we going to continue to build up and maintain these two great war forces if we make this treaty? Will we gain in an economic sense the cost of maintaining armies or building navies? It is not even pretended that we will.

I saw a message or a communication a few days since in one of the leading journals of the country from a Member close to the head of the executive department of the Government which said, "We do not contemplate for a moment that it will obviate the necessity of maintaining armies or building navies."

Then what do we gain? What are we going to do with these armies and navies? Are we to maintain them merely because they are workshops for labor, because they are a medium through which to disburse the funds resulting from the income of the Government, and allow the ships to rot at their docks or the Army to rest in its camps?

If the acquisition of the Philippine Islands was a good thing we owe it to the Navy of the United States, not in inaction but in action. If the island of Porto Rico is a valuable acquisition, we owe it to the Navy. If the acquisition of that great empire lying west of the Mississippi is desirable, we owe it to the Army. If the settlement of the disturbances on our border a few months ago was wise and desirable, we owe it to the Army. That was war.

Now, you are proposing to abolish these two great arms contemplated in the Constitution, with their duties defined, with the limitations placed upon their power and their duties provided for as to manner and form. Their creation was a part of the wisdom of the founders of our Government. Were they unwise? Why did they not propose arbitration? That would have left us at the mercy of the monarchies of the world in 1812. Why did they not? They were wise men. No one controverts the question that they were. Why did not Mr. Adams and Mr. Jefferson and Mr. Franklin and that great coterie of statesmen, who made and published the Declaration of Independence, arbitrate with Great Britain? Was it not wise in that day to arbitrate? They would have submitted it probably to Spain and Italy and Prussia. Prussia had not reached a point at that time where she would have been probably one of the arbitrators. What would have been the result? Would there have been a Government of the United States?

When the English blockade runner, in violation of the law of the country, undertook during our domestic troubles to enter our ports, that question would have had to be submitted to the arbitration of Great Britain and France and what there was of Germany in those days. I wonder how many votes a measure of that kind would receive in this body. I am speaking something of the effects of it aside from the principle. The principle involved would be quite sufficient to prevent me from voting for it, but to those who do intend to vote for it I desire to accompany the music of their response to the roll call with this analysis of the thing they are doing.

Mr. President, I am not going to protract this very much. I want it to be distinctly understood that the thing you are proposing to do is to write out of the Constitution of the United States the power of Congress to declare war. We would vote here either against the proposition of declaring war if the sentiment of the people demanded it, which would involve the disregard of a treaty, or we would have to observe the treaty and disregard the demand of the people.

It is not officeholders who have or are invested alone with the honor of this country. It was a wise reservation in making the Constitution to leave the question of the protection of the honor of the Nation to the people themselves and not to those who were temporarily in office. It was a wise provision. Men in office are snugly ensconced sometimes; they have comfortable salaries and honorable positions, and they feel so comfortable that they would hate like everything to have a war come along and disturb them. But the people, who are behind it and above it and under it and beyond it all, reserved to themselves the right to preserve their liberties and their Government, and they have accomplished it. Under the provisions of the Constitution the people can declare war, and the people only. A treaty between a foreign government and the United States can not enlarge the constitutional power of the United States. We have no constitutional power to take away from Congress the power to declare war. No treaty can take away that power nor could it add to the power. Our laws are made at home, and no one should participate in a law except the citizenship of the United States in the manner prescribed by the Constitution.

This treaty is drawn in such broad language, in the words that I called attention to, that the very fact of the existence of a controversy would lead to war. The first war that we would have after this treaty is adopted would be over the treaty, and instead of being a means of preventing war it would be the cause of a war. Some coterie of foreign nations, resentful in their spirit against the act of our people and our Government, would assume a position in regard to the rights of our people that would be in contravention of our rights, and we would fight them because they had undertaken to take away the rights of our people. That would be your treaty. It would be the war carpet on which the controversy would be wrestled out.

It must be conceded by most that section 3 must be eliminated, either in form or force, from this treaty. I do not recall

having heard any Senator express himself to the contrary. We have pursued a policy of excluding certain aliens from this country for good cause. That is a question that might, under the terms of this treaty, be brought before this tribunal of strangers, and the rules that had been held by our courts in passing upon those questions would be overridden. For what? In order that a part of the people might sit snugly and smugly behind their accumulations, feeling that somebody else would fight their battles for them. That class of people have generally relied upon somebody else to fight their battles. The person who did the fighting would depend upon a pittance and the hope of a pension; the person for whom the battle was fought would reap the benefits of the victory and forget the agency that preserved him.

Mr. SMITH of Michigan. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Yes.

Mr. SMITH of Michigan. The suggestion of the Senator from Idaho right at that point prompts me to inquire whether the so-called Platt amendment, by which the Government of the United States undertakes to exercise a certain suzerainty over the island of Cuba, might not also become the subject of international inquiry, if article 3 is to be left in the treaty as submitted. I am prompted to say this, because it is a well-known fact that we have expended millions and millions of dollars in order that that island might be free, and having enjoined upon them certain conditions for the maintenance of that freedom we have elected to say that it shall not be within the power of that sovereign State to contract any obligation that would in any way impair her sovereignty. If that question could not be inquired into by a tribunal such as is sought to be superimposed upon us by article 3, I do not know of a controversy that does come within its jurisdiction. In other words, if the Senator will indulge me, we are embarking upon a general scheme of international meddlesomeness, which begins nowhere and ends nowhere; and I make the declaration without fear of contradiction, that if we pass this treaty in the form in which it comes to us to-day there is not a Senator in this body who can tell what questions we have resolved to arbitrate with Great Britain and France.

Mr. HEYBURN. Mr. President, I started to enumerate accepted conditions that might come within the scope of this treaty, and I found my list growing so long that I abandoned it and concluded not to undertake to enumerate them all. Of course, the question suggested by the Senator from Michigan is one that would come clearly within the purview of this performance, if I may so designate it.

I would not like to see this debate close without the RECORD reciting the principle that was recognized at the beginning of our Government. We certainly must not forget that authority nor the wisdom of that period. It is fashionable in some sections of the country to minimize the wisdom and the services of George Washington. I have been ashamed sometimes when I heard in public address a reference to him as though he was a subject to be apologized for. He did not please certain people of his day who happened to be writers, and many of them spoke of him with tolerance, when, as a matter of fact, while they had been indulging in the pleasures of life and inactivities George Washington was busy mentally and physically. No man of his age was better trained mentally, better equipped mentally, to participate in the formation of a Government than George Washington. Through his familiarity with the English Government of that day he knew what to do to correct the evils that it stood for, and he knew how to do it.

Nobody ever heard of him proposing a treaty with England. He drew his sword and went into the battle, and for eight years he sustained that cause by his personal intelligence and integrity and bravery. I wish I could state all three words at once, because one is not entitled to precedence over the other. And when that battle was ended he did not go back and settle down to enjoy comfort and ease. He had furnished money to the Government to carry on the strife in its hour of need, and he went back to Virginia, and he stands responsible in history for Virginia's adoption of the Constitution of the United States. When jealousies had grown up—and I say it without any disrespect to the great State of Virginia—when jealousies had grown up in Virginia over the terms of the Constitution, it was George Washington who went back there and made a campaign from neighborhood to neighborhood, talking with his fellow citizens personally and in groups, urging upon them the necessity for action in adopting the Constitution. Yet I have heard persons sneer at him, and I have read their sneers.

Then during the time when the Constitutional Convention was in session the master minds of that convention included George Washington. He sat there presiding over the delibera-

tions of the Constitutional Convention, adding and aiding as a member of the convention by his wisdom and his experience. We owe much of the wisdom of that instrument to the conservative and wise intelligence of George Washington. And when the Government had been made, when it had been wrested from monarchy through his efforts—and I say "through his efforts" without discrediting or detracting from the credit due to every man who bore arms—when the freedom of this country from English rule was an accomplished thing, and he had taken up the question of establishing a civil government, his mind was filled with wisdom that directed and guided and controlled great men who were associated with him.

Did you ever read his correspondence at the time the adoption of the Constitution was under consideration? I commend it to those who have not pondered it and who would slur the part that Washington took in civil affairs.

He left a message that will find a welcome and a resting place in the heart of every thoughtful and patriotic American citizen, in which he warned the people of that day, and of the days to follow, against the very thing that is proposed to be done by this treaty. I am going to close what I have to say by calling attention to a few of the things he did say. He says: "A government belongs to the people and not to office holders." There is a wisdom there that is as far-reaching as any spoken utterance of the human tongue, and that is often forgotten. He said:

Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

That is just as true to-day as it was then. That is a sign post; it is a danger signal; it is to put us on guard that we are not to mistake the flambeau for the fort, the light for the solid earth. Then he says:

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Just look to-day at the condition of things in Europe. He says further:

Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

That question is as pertinent to-day as it was then.

It is our true policy to steer clear of permanent alliances—

I am reading the words of George Washington:

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it.

He had reference, of course, to certain undefined relations then existing with France.

It is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character.

Here we yield up our independent and sovereign right to be governed by the sense of wisdom that marks the hour of controversy because we promised somebody we would do it. Is that becoming a Nation like ours? He says:

Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

They forget that we are a Republic who undertake to make a contract with a foreign nation with a different form of government, with different traditions, with different impulses. They would bind us so that in the hour of trial we might be compelled to share in perpetrating an injustice upon a lesser nation, or in joining in war with which we should have no sympathy, merely because one generation and one administration had, in their zeal to set their flag high in glory, undertaken to do something because it was odd and unusual.

Mr. President, no one who loves his country and who wants to feel that it will outlive him in the generations and the centuries that follow can look calmly on while such a humiliating contract as this is being entered into. Are we afraid to stand out in the open among the nations of the earth? Are we distrustful of the wisdom of the hour when these questions shall arise?

Do we think that the generations that will follow us will not be capable of coping with questions of the future that we should in this day attempt to hold their hands? When they discover the bands upon their wrists that we have sought to fasten there they will throw them off, and they will throw off the high opinion and the sacred memory of the generation that dared thus underestimate them or their ability to conduct the affairs of the Nation, of the American people.

I hope that this treaty will not become a law of this land. If it does, I shall pray for the wisdom of the generations that shall follow this, whose aim is rather the preservation of the principles of our Government than the ambition to be written among those who held place and were given honor by the people.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The question is upon agreeing to the amendment proposed by the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President—

Mr. HITCHCOCK. Mr. President, if the Senator from Mississippi is to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	McCumber	Root
Bailey	Dillingham	McLean	Shively
Borah	du Pont	Martin, Va.	Simmons
Bourne	Fletcher	Martine, N. J.	Smith, Ga.
Bradley	Foster	Myers	Smith, Md.
Briggs	Gallinger	Nelson	Smith, Mich.
Bristow	Gardner	Nixon	Smith, S. C.
Brown	Gore	O'Gorman	Smoot
Bryan	Gronna	Oliver	Stephenson
Burnham	Guggenheim	Overman	Sutherland
Burton	Heyburn	Page	Swanson
Chamberlain	Hitchcock	Paynter	Thornton
Chilton	Johnson, Me.	Penrose	Tillman
Clapp	Johnston, Ala.	Percy	Townsend
Clark, Wyo.	Jones	Perkins	Warren
Clarke, Ark.	Kern	Poindexter	Watson
Crane	Lea	Pomerene	Wetmore
Crawford	Lippitt	Rayner	Williams
Culberson	Lodge	Reed	Works
Cullom	Lorimer	Richardson	

Mr. LEA. I desire to state that the senior Senator from Tennessee [Mr. TAYLOR] is necessarily absent from the Chamber.

Mr. CRAWFORD. I desire to again state that my colleague [Mr. GAMBLE] is necessarily absent.

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. A quorum of the Senate is present. The Chair recognizes the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I was not astonished to ascertain that the Senator from Idaho [Mr. HEYBURN] was opposed to either of these treaties. I rather imagined that it would distress the soul of the Senator from Idaho by any present agreement of any sort to prevent the possibility of any future controversy. I had hoped not to be compelled to speak until I had heard the Senator from Georgia [Mr. BACON], because I understand that he is going to attempt to show that there is a possibility under these treaties of the arbitration of repudiated or scaled State bonds, and as I have never heard one good reason in support of that position I had hoped that I could hear the Senator from Georgia upon it, and then to reply to what he had to say. It seemed evident, however, by his keeping his seat that we were about to proceed to a vote, and I thought there were some things that I wanted to say, especially in connection with those bonds. The other day I had prepared to speak immediately after the Senator from Massachusetts [Mr. LODGE] had sat down, but found that I could not do so.

Mr. BACON. Mr. President—

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. BACON. I simply desire to say to the Senator from Mississippi that I do expect to endeavor to support that proposition before the Senate, and I hope that after I present my views the Senator from Mississippi will still have the opportunity to reply.

Mr. WILLIAMS. Mr. President, I shall go on, then, first, with the general discussion of the treaties.

It has struck me that it would be a good idea to publish the text of the Anglo-American treaty of arbitration, signed at Washington on August 3, 1911, underscoring, so that they shall be printed in italics, those parts of the treaty which are decisive of the controversies that have arisen concerning it. In that way any reader of the CONGRESSIONAL RECORD will have called to his attention the parts which have given rise to argument. I therefore ask that here in my remarks, in the forefront of what I have to say, the treaty with Great Britain shall be published in that manner. I have underscored the parts to which I refer.

The PRESIDING OFFICER. The request of the Senator from Mississippi will be taken as the sense of the Senate unless there is objection. The Chair hears none.

The treaty with Great Britain, italicized as directed, is as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two

nations, as established in 1814 by the Treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for; so that now for the first time there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship:

The High Contracting Parties have, therefore, determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America, the Honorable Philander C. Knox, Secretary of State of the United States; and His Britannic Majesty, the Right Honorable James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington; Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other arbitral tribunal, as shall [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Second Peace Conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such Convention, shall govern the arbitration proceedings to be taken under this Treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE II.

The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either Party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission of Inquiry for the purposes of such reference; or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

ARTICLE III.

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.]

ARTICLE IV.

The Commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty; and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned, and to provide for the issue of subpoenas and for compelling the attendance of witnesses in the proceedings before the Commission.

On the inquiry both sides must be heard, and each Party is entitled to appoint an Agent, whose duty it shall be to represent his Government before the Commission and to present to the Commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the Commission.

ARTICLE V.

The Commission shall meet whenever called upon to make an examination and report under the terms of this Treaty, and the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and British sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

ARTICLE VI.

This Treaty shall supersede the Arbitration Treaty concluded between the High Contracting Parties on April 4, 1908, but all agreements, awards, and proceedings under that Treaty shall continue in force and effect and this Treaty shall not affect in any way the provisions of the treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE VII.

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by twenty-four months' written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the third day of August, in the year of our Lord one thousand nine hundred and eleven.

[SEAL.]
[SEAL.]

PHILANDER C. KNOX.
JAMES BRYCE.

I certify that the foregoing is a true copy of the original treaty this day signed.

PHILANDER C. KNOX,
Secretary of State.

AUGUST 3, 1911.

Mr. WILLIAMS. Now, Mr. President, Article I, in setting forth the differences which shall be arbitrable, confines them, as you will see from my italics, first, to "questions hereafter arising"; second, to "differences" relating to "international matters"; and, third—and remember it is "and" and not "or"—to differences which are "justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity."

Great Prince of Peace! Mr. President, is not all that confinement enough? Men are awfully particular about binding themselves not to hurt one another, and men are awfully careless about the sufficiency of the cause when the time comes where there is an opportunity to hurt one another. Attention to the quoted words italicized in the body of the treaty would have saved a great deal of trouble to those people upon the Pacific coast who have been worrying themselves about the question of mixed schools for the races. That question is not only a purely domestic one, but it is domestic in the sense that the States have entire jurisdiction over it. It is not an international question; it is not even a national question; and nothing can become international with us which has not previously somewhere or somehow been first national.

REGARD to the same words would have saved much anxiety to those who are troubling themselves about the labor question in connection with Japanese immigration. The question of the admission of alien immigrants could never become an international question, although the question of the treatment of alien laborers after they have entered the country might become one, just as the treatment of Italians by the mob in New Orleans did.

Attention to the second lot of words italicized would have saved those who have been troubling themselves lest the Monroe doctrine might be arbitrated. The Monroe doctrine, as its name indicates, is an American policy or doctrine. It is not a question "susceptible of decision by the application of the principles of law or equity." The doctrine did not arise out of law or equity, and does not depend on law or equity; and no law can be appealed to to sustain or to destroy it, not even what we call international law; nor is the Monroe doctrine in itself, although some phase arising under it might be, "a question hereafter arising."

Mr. President, I have next italicized the provision of Article I which reads as follows:

As may be decided in each case by special agreement.

That is that part of the treaty which says that when a question is submitted to arbitration it shall be submitted either to the court at The Hague or else to three nationals of each disputant, as may be decided by special agreement.

I have italicized the words which show that this special agreement shall in each case do what?

Define the scope of the powers of the arbitrators, the question or questions at issue.

Those words I have italicized. Mark you, the treaty reads "in each case"; that is, in the case where arbitration comes from the decision of the joint high commission after our Executive has denied the justiciableness of the question, as well as in the case where the President or Executive has admitted the justiciableness of the question.

This is especially of importance because in next to the last clause of Article I occurs other language, which I have also italicized, reciting that—

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof.

The question thus presents itself: In one set of cases the President says, "This is a justiciable question." The Senate does not decide that it is justiciable; the President decides it. In the other case, the President deciding that it is not justiciable, the matter goes to a commission, which sits in arbitration upon its justiciableness. In neither case does the Senate sit in judgment upon that question, but in both cases the Senate delegates the power to another instrumentality to decide whether the question is justiciable. In ordinary cases that instrumentality is the President of the United States; in extraordinary cases that instrumentality is the joint high commission. If there be any delegation of the power of the Senate amounting to an abrogation of its prerogatives in the one case, there is an equal delegation amounting to an equal abrogation of its prerogatives in the other case. In each case the matter must come back to the Senate in order that it shall enter into "a special agreement"; and the special agreement "in each case" determines, first, whether it shall go to the court of The Hague or whether it shall go to a commission composed of three nationals of each side, and, in the next case, in this special agreement in each case the Senate fixes the scope of the inquiry and powers of the arbitrators.

All this, taken together, I think, preserves the prerogatives of the Senate. Who can imagine the United States Senate, while "defining the scope of the arbitrators" or designating "the question or questions at issue," submitting the Monroe doctrine, or any phase of it, as one of the questions falling within the scope of any board of arbitrators, no matter how the arbitral tribunal be organized, whether it be the permanent court of arbitration at The Hague or the other arbitral tribunal to be decided upon by "special agreement"? Not even a man could conceive that whose conception was strong enough to enable him first to conceive—and this is a difficult conception—of a President who would concede the Monroe doctrine to be justiciable or of two American nationals upon a joint high commission who would concede the Monroe doctrine, or any phase of it, to be justiciable.

The language about the "special agreement," the "scope of the powers," and the "question or questions at issue" is of yet more importance when you come to read the language, which I have also italicized, in Article II, reading:

A joint high commission of inquiry to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of Article I.

And when both are taken in connection with the subsequent language in the last clause of Article III, which is the gravamen of the objection of the Senator from Massachusetts [Mr. LODGE], to wit:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this treaty that question—

That is, to wit, a question of the interpretation of the treaty, a question of whether or not the particular question is subject to arbitration, whether it is justiciable—

That question shall be submitted to the joint high commission of inquiry; and if all, or all but one, of the members of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration—

"Referred to arbitration," how? Mark the language immediately following:

In accordance with the provisions of this treaty.

By referring back to the language underscored in article 1 you will find that the expression "in accordance with the provisions of this treaty" means that it is to be arbitrated "either by the permanent court at The Hague or by some other arbitral tribunal, as may be decided in each case by special agreement," and that that special agreement shall "define the scope of the powers of the arbitrators" and "the question or questions at issue"; and from another clause which I have underscored in Article I it is expressly provided that "the special agreement in each case shall be made on the part of the United States by

the President of the United States, by and with the advice and consent of the Senate thereof." In other words, even if all three of the American members of the joint high commission, or two of them, decide that a question is justiciable—and it is not to be conceived that they would arrive at such a conclusion with regard to any phase of the Monroe doctrine, or with regard to our undoubted right to fix the conditions for the admission of immigrants, or with regard to public schools in a State, or with regard to the payment of debts repudiated by a State—but even if all three of them, or all but one of the American members of the commission appointed by our President, who had previously come to the conclusion that this question was not arbitrable, and confirmed by our Senate—because all appointees of the President must be so confirmed and limited in the scope of their authority by us—should decide that the question was "justiciable," what would it amount to more than this: That the question would be referred to arbitration "in accordance with the provisions of the treaty"; that is, by "a special agreement made by the President, by and with the advice and consent of the Senate," just as if the question or difference about justiciableness had never arisen at all, and just as if the President in the beginning had held that the question was justiciable. The prerogatives of the Senate are saved, and the Senate has the last word. If the Senate surrender anything by leaving the commission to determine justiciableness in one case, it surrenders just as much by leaving the President to determine justiciableness in the other case. It not only has the last word, but it has the second word in the process, because the men appointed as the American commissioners are to be confirmed by the Senate, or else, if the matter is left to The Hague tribunal, that tribunal has to be constituted as the arbitral tribunal "by special agreement" made "by and with the advice and consent of the Senate."

As if doubly to guard the point, note the language emphasized in Article III concerning the functions and the limitations of the functions of the joint high commission with regard to its duties other than that of deciding a dispute of interpretation as to justiciableness. What is its authority and its limitations in these other regards? First, it is "authorized to examine into and report upon matters referred to it." For what purpose? Solely for the purpose of "facilitating the solution of disputes," first, by "elucidating the facts" and, secondly, by "defining the issues presented by the question submitted to it"; and as if trebly to guard the same point, note the language to which I call your attention in Article III, to wit:

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted, either on the facts or on the law, and shall in no way have the character of an arbitral award.

Now, it is true that that language refers to the other duties of the joint high commission and not to the specific duty of deciding the arbitrability or justiciableness of a given question, but it is persuasive. The truth is, Mr. President, the creation of the joint high commission is the most valuable part of this treaty, not because of what that commission can do, but because of what it can delay, and the provisions for it ought in no measure, in my opinion, to be emasculated. It gives cooling time, because the first clause in Article II provides that a reference to the commission, "even when requested by one of the parties," may be postponed by the other or by either for a whole year "after the date of the formal request," so as to give "cooling time," or, to use the language of the treaty, "in order to afford an opportunity for diplomatic discussion and adjustment."

Now, let us take a case. Suppose some country would want to arbitrate some phase of the Monroe doctrine or any other question that we do not consider justiciable and that our President did not so consider. Imagine a country with diplomats so ignorant as not to know the difference between a policy of hemispheric hegemony and an international question "susceptible of decision by principles of law and equity" making such a proposition! At once it would be met by the United States Government's claim that the Monroe doctrine was not "justiciable"; that is, not arbitrable under the treaty, which says that only "justiciable" questions, "international questions," and "questions hereafter arising" are arbitrable. The next step, if the other party to the treaty desired to proceed further and if it were not thus settled by "diplomatic exchange of views," would be its request under the treaty for the appointment of a joint high commission to investigate and report whether or not the Monroe doctrine is a justiciable question. Then would come the year's "cooling time," if we wished. After that, in order that the joint high commission might determine that question in the affirmative, so as to have it referred to arbitration, at least two out of the three American members of the joint high commission would have to vote that the Monroe doctrine was a justiciable question.

Now, Mr. President, I might rest this whole controversy upon the doctrine of chances, and simply say that all this constitutes

so nearly no chance at all of anything of that sort occurring that we might apply the legal maxim *de minimis non curat lex* to the whole controversy. I am aware that under certain circumstances the controversy might theoretically go to the regular tribunal of The Hague instead of to the tribunal of the three nationals, but you must remember that whether it goes to the three nationals depends entirely upon us and our position in the premises. We have the right under this treaty to demand in any case the tribunal of the three nationals. Without a "special agreement" made by us it could not go to any other tribunal.

Mr. President, this will be borne home a fortiori to your memories when you remember that the President appointing these three American commissioners would in such a case have previously held the question nonjusticiable and presumably would have appointed men who would hold the same way. I have a right to infer that from an ordinary knowledge of human nature. Men opposing this treaty are awfully careful about fixing conditions preventing occasions for getting into a row with one another; they are awfully careful beforehand about prescribing how not to shed one another's blood.

Can any human being, possessed of ordinary reason and a modicum of knowledge concerning the manner in which the members of the joint high commission are to be appointed, the rules governing ordinary human nature—especially as applied to Americans in connection with this question, of which they have made a fetish—and possessing a modicum of knowledge of international law, conceive that it would ever be possible that two out of the three American members of the commission thus appointed and thus confirmed would so report? Furthermore, can anybody imagine that if they did so report, the Senate of the United States would enter into the "special agreement" made necessary by the treaty "in each case," in order to specify the tribunal of arbitration and define its scope so as to include the Monroe doctrine?

Now, I am aware that the answer to that is that the Senate would then be guilty of bad faith, because it is under every moral obligation to arbitrate, but I say if the question be of such great and critical importance as to justify in the Senate's opinion war rather than to arbitrate it, we would be in no worse condition after we had agreed to arbitrate questions of another character, concluding that this did not fall within the scope, than we would be if there had been no treaty or any agreement of any description. On the contrary, we would be in a better condition. When I use the term "better condition" I mean a condition better calculated to maintain international peace.

I am willing to confess that if a case of that sort could possibly present itself to the Senate of the United States, the Senate of the United States would sweep treaty obligations and everything else to the winds and would not adopt the special agreement. I do not mean by that they would pass resolutions refusing to adopt it, either. I mean merely that they would carry it over and over from day to day and leave the matter where it previously was—subject to diplomatic disposition. But the chance of the occurrence of the contingency is so infinitesimal that to my mind it can be ignored.

A great many people in some of the States have been either giving themselves a great deal of anxiety, or have, because of ulterior motives, been attempting to arouse anxiety in the minds of others concerning the question of the submission to arbitration of the "carpet-bag" debts saddled upon the southern people during the saturnalia of reconstruction, with its rapine, fraud, and bankruptcy, and afterwards sealed by them. Two considerations would have avoided this trouble. First, that no government is called upon to submit to arbitration, under a treaty to submit "differences between the high contracting parties," any question, except it be a question constituting a "difference" between itself and the other government, or a claim against itself by that other or its national. If there be foreign bondholders who have felt outraged by the action of the States in refusing to pay fraudulent reconstruction debts, there is a difference between them and the State which refused to pay, but no difference "justiciable" or otherwise between them and the United States. There is a claim by them against the State, not the United States. You might as well talk about the United States arbitrating a claim against an American corporation or against me. The credit was extended to the State with full knowledge that the United States had nothing to do with it. Even in the case of a Territory controlled by Congress this question has been decided and adjudicated as far as an international decision can amount to an adjudication.

I want right here to take a minute or two of the time of the Senate to read from this volume which I hold in my hand, volume 4 of Moore's History of International Arbitration, wherein, on page 3608, will be found the umpire's decision in a case between ourselves and Great Britain involving the

claim of holders of State bonds. The case was before a joint mixed commission. Senators who are interested in it will find the argument on both sides—the argument of the bondholders and the argument of the American representative. But here is the decision of the umpire. There are two cases. The first one I am going to read is the case of Florida. I will come to a Texas case in a minute. This was a case where Florida had contracted the debt and issued bonds while she was a Territory and when the President of the United States appointed her governor and the Congress of the United States had a veto upon her legislation. There is nowhere in any of this, even an intimation, that if the bonds had been issued by Florida while she was a State, the claimant would have thought that there was any case for arbitration against the United States. This claim is founded solely upon the idea that the United States Congress, having the veto power over the acts of the Territorial legislature and the President of the United States having the appointment of the governor and he having a veto, was responsible, because it was a party in that indirect way to the issuance of the bonds. And yet in this case the arbitrator says:

This claim has been brought before the commissioners by the holders of bonds issued by the "Territory of Florida" while it was under a Territorial government and before Florida was admitted into the Union as one of the States of the United States.

At the time of the issue of the bonds in question the Territory was governed by a legislative council chosen by the people, the governor being appointed by the President of the United States. All the acts or laws of the legislative council were required, by the law of the United States, to be laid before Congress and, if not disapproved of, they became law in Florida.

For one portion of these bonds the claimants contended that, by the right which Congress claimed to reject or veto any law passed by the legislative council of Florida, the United States Government rendered itself liable to pay the interest and principal of these bonds should Florida fail to do so.

I shall ask to have as much as I have marked published before I go to this, which I shall now read. What I was reading then was a statement of the case.

THE PRESIDING OFFICER. The request of the Senator from Mississippi will be complied with unless there is objection. The Chair hears none.

Mr. WILLIAMS. The matter referred to, which immediately follows what I have read, is as follows:

For another portion of the bonds the claim on this ground was abandoned, and their claim was based on the fact that the United States had, in the session of Congress of 1843-44, admitted Florida into the Union with a constitution having the following clause in it: "No greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of the government." (Article 8 of Florida constitution.)

The first ground of claim need hardly be treated seriously; it might as well be contended that the British Government is responsible for all the Canadian debentures, because all the acts passed by the Canadian Parliament require the sanction of the home Government before they become laws. It will be seen, however, that at the time these bonds were bought it was never imagined by the buyers that the United States were in any way liable.

With regard to the second ground of claim—that the United States by having admitted Florida into the Union as a State, with the article in her constitution above referred to, were rendered liable to pay the debts of Florida—it may be remarked that Congress could not justly refuse to admit Florida into the Union with such a constitution; there was nothing in it contrary (to) or in violation of the Constitution of the United States; Congress had only the power to fix the time of admission and reject any constitution that was contrary to the Constitution of the United States; nor does it appear that the bondholders are in any way damaged by this article in the constitution of Florida.

Now, the umpire goes on, on page 3610:

It has been urged that there is no way of getting at a State government except through the Government of the United States. This is a mistake. There is no difficulty in the way of individuals dealing with the separate States in any matters that concern the State alone. Nearly all the States have public works and contract loans with individuals, American and foreign, and any person aggrieved may petition the governor or legislature for relief. A State can not deal with a foreign government; the intercourse with foreign nations belongs to the General Government.

To show that the Florida bondholders never supposed the United States in any way responsible, attention is called to the prospectus issued by the agents for the sale of the bonds, created for the Union Bank.

Now, the prospectus I need not read. The umpire goes on, after setting forth the prospectus:

The securities enumerated in this document are four, and they were ample if honestly administered; but not the slightest allusion is made to any liability of the United States, nor is there discoverable the smallest foundation for the claim of the bondholders before this commission, which is constituted for the purpose of settling the claims of British subjects.

Now, mark the language:

Which is constituted for the purpose of settling the claims of British subjects against the Government of the United States.

Mark the language of this treaty, so nearly identical:

Differences arising between the high contracting parties—

I resume the reading—

or of the citizens of the United States against the British Government. The bondholders have a just claim on the State of Florida; they have lent their money at a fair rate of interest, and the State is bound by every principle of honor to pay interest and principal; and it is to be

hoped that, sooner or later, the people of Florida will discover that honesty is the best policy, and that no State can be called respectable that does not honorably fulfill its engagements.

But all the same they—the mixed commission—decided that the United States Government had nothing to do with those bonds. They were originally Territorial bonds, coming over from Florida as a Territory to Florida as a State. A stronger case against my contention that if the bonds had been issued by Florida as a State, because the United States are a part of the government of a Territory, having a double veto on its acts.

Now, I want to call your attention to the Texas case. This you will find on page 3594, beginning on page 3591 of the same volume.

I read from page 3594:

The umpire appointed agreeably to the provisions of the convention entered into between Great Britain and the United States on the 8th of February, 1853, for the adjustment of claims by a mixed commission—

The other day, when I called attention to this, the Senator from Georgia said it was a claim. I replied, yes; in the name of common sense what question concerning bonds could be submitted to an arbiter except that which was in the nature of a claim, and these repudiated carpet-bag bonds would be no less so, and no more so, than these Florida and Texas bonds were—having been duly notified by the commissioners under the said convention that they had been unable to agree upon the decision to be given with reference to the claims of the heirs of James Holford—

He was the bondholder—

against the United States in relation to Texan bonds, and having carefully examined and considered the papers and evidence produced on the hearing of the said claim, and having conferred with the said commissioners thereon, hereby reports that this commission can not entertain the claim, it being for transactions with the independent Republic of Texas prior to its admission as a State of the United States.

Now, then, this question came up in that case: The United States had in the meanwhile, after the issuance of the bonds, admitted Texas to the Union, and they had not only done that, but had made an agreement that Texas should retain her public lands and that Texas was to pay her own debt. So the bondholders urged that those two things were a sort of condition for one another, do you not understand, and in that way the United States Government was more or less directly bound.

They made another plea, still more urgent, that the United States Government later on purchased from the State of Texas a certain disputed area and agreed to pay therefor \$10,000,000, and had kept \$5,000,000 of that sum in the Treasury of the United States, and they contended because the United States had the \$5,000,000 in hand they ought to be accountable at least to that extent; but the mixed commission decided that the arbitration treaty was a treaty to adjust differences between the United States and the nationals of Great Britain and not between the State of Texas and the nationals of Great Britain. Now, let me go on with my argument.

If any arbitration on this question of State bonds is ever to be had, it will be by a board evoked and agreed upon by and between the respective States and the bondholders, the parties at difference. That may now be had at any time when the two—they were the high contracting parties in that case—agree to have it.

The intervention of the United States Government is not only not necessary, but would be at once absurd and insolent. Second, it is not only true amongst individuals, but it is true amongst nations that "no one can plead ignorance of the law." Every civilized nation in the world knows that this is not a government of unlimited powers, and knows that it is a government of a dual character, and that the Federal Government possesses only such powers as are delegated to it by the people in the Constitution creating it, and that it can, therefore, as a government refer to arbitration only those questions over which jurisdiction is vested in it as a government. It is true that with regard to international affairs—questions solely international—the Government of the United States is one of plenary power, but this is true only when the question is a question between the United States and a foreign power; that is, when the question is really an "international question," and one to which the Government of the United States is a party.

That is, a question between the United States and a foreign power, one to which the United States is a party. Even Great Britain in this very treaty preserves the right in case any interest of her self-governing colonies are affected, to consult them before submitting to arbitration. She had to make that reservation, because she has not admitted any rights of sovereignty in her so-called self-governing colonies; but we did not have to express it in the treaty, because we published it to the world in the Constitution of the United States, presumably known to men intelligent enough to be diplomats.

If Canada should repudiate her bonds, under this very treaty, no American citizen could secure arbitration of that question under this treaty unless Canada consented to it.

One more point. The President and two-thirds of the Senate can no more pass a treaty changing, altering, or amending the Constitution of the United States than the President and the two Houses could do the same thing by ordinary law. A treaty after all, as John Marshall said, is like any other law of the Federal Government, to wit, it is "the supreme law of the land," but only when "made in pursuance of the Constitution" of the United States; and any competent Federal court would have no hesitancy in declaring a treaty, usurpatory of Federal power, unconstitutional, just as it would declare any other law, thus usurpatory, unconstitutional; all this, even if one could conceive that the President or two out of three American nationals and the Senate by special agreement would or could agree to leave such a question to arbitration, and furthermore could conceive that the Senate would confirm arbitrators who were capable of deciding that way.

What I have said above as regards the position of the Government of the United States, if it were attempted to submit to arbitration the question of the refusal to pay State debts, is based upon the assumption that the arbitration would be made with a view to binding the State and thereby forcing it to pay a debt which the authorities of the State and the people of the State had considered fraudulent. Of course, there is a sense in which the United States Government might undertake, if it chose, to submit to arbitration the question of the payment of the amount of a State debt, and might pay it in consequence of a decision of an arbitral tribunal, but, if it did, the question would not be whether the State should pay the debt or not, nor in anywise a question of binding the State, but whether the United States, of its own free grace, would pay the debt. If they, the United States, did pay the debt, they would have no way of recovering it from the State, either by the force of the treaty, or by a subsequent act of Congress, or by process in the courts. This is all to plain to my mind. The United States Government might, out of charity, generosity, or magnanimity, with a view of purchasing friendship, or for some other free grace reason, agree by treaty to pay any nation any sum of money already gathered into its Treasury, and which therefore had already become its "property," of which it could "dispose," provided that the Congress of the United States, after the agreement by treaty to pay it, would pass a law appropriating the sum. The fact that this sum happened to be the amount of a State debt, and that that happened to be the reason why the United States Government chose to give away the sum, would not affect the right "by law" to "dispose of" money in the Treasury. This proceeds upon the theory that money in the Treasury is, in the sense of the constitutional clause, "the property of the United States" and can therefore be "disposed of" by it. It was upon that very theory, which I never regarded as too sound, that Congress appropriated money for the volcano sufferers in Martinique, for the earthquake sufferers in San Francisco, and for the fire sufferers in Boston or Chicago—I have forgotten which.

Suppose the absurdity that the Federal Government agreed to submit to arbitration the question of debts due by a State and contracted by a State, and not due by nor contracted by itself (and universally recognized not to be), how would the State be hurt? If the United States wanted, for any reason satisfactory to itself, to pay any bondholders the amount of a disputed bond of North Carolina, for example, let them do it. North Carolina, holding the debt fraudulent, neither ought to nor would repay the amount. The procedure of the United States Government would be harmless to North Carolina, even though it were sentimentally offensive.

I want the Senator from Georgia, when struggling later with this ghost, to direct his attention to that point. The United States would have no way known under high heaven to recover, and the United States Government would have no right to pay them except as a gratuity, just as it gave \$20,000,000 to Spain, just as it gave a million, or whatever it was, to the Martinique sufferers; and that is an admission, for the sake of argument on my part, because I for one have always doubted whether that clause of the Constitution saying that Congress had power "to dispose of the property of the United States" applied to money in the Treasury, when it disposed of it for some purpose not otherwise specifically or inferentially contemplated by the Constitution. But the theory has been acted upon, and therefore I waive dispute of it in this case.

In the case of the United States freely and unnecessarily agreeing to pay a sum equal to the debt of a State, no power to hold the State would reside in the Federal Government. All the lawyers in the world could not conceive of any method

whereby the Federal Government could make the State pay the money back to it, unless the State had requested or agreed to the arbitration or had requested or agreed to the payment by the United States and in that way had made itself morally, if not legally, liable. I mean by that in no peaceable way. Of course, if the United States chose to collect it by armed force, I imagine it could. But that is out of the question.

It seemed to me almost unnecessary to argue this question, and yet this anxiety is being worked in many of the States with a view to creating hostility to universal peace arbitration treaties.

It seems equally plain that the question of the admission of aliens is, as it always has been considered, one of purely domestic policy, except in so far as treaty agreements exist. So long as treaty agreements exist we can be called upon to arbitrate things arising under them or the differences of interpretation growing out of them, and we ought to be required to do it.

If we of our own free will enter into a treaty obligation with any country on the surface of the earth, we ought to be willing to leave to arbitration the question whether or not we are observing that treaty. But except when there is such a treaty obligation, nobody has ever been bold enough to urge that any country did not have entire plenary control over the question of the admission of aliens to its own shores, and even when there is a treaty, the right to abrogate the treaty is always reserved in the treaty itself, and even if it were neglected to be reserved, the right to abrogate exists as a conceded fact in international law. So that upon proper notice the treaty could be abrogated if, in our opinion, the interpretation had made its operation injurious to us, and the utmost burden we would undergo would be for the short time during which the notice of abrogation was operating.

We to-day exclude Chinese without a treaty. We limit the immigration of Japanese with a treaty. We could to-morrow, if we chose, pass a law declaring that red-headed aliens should not land upon American soil for the purpose of residence. We could forget our very ancestry, if we chose, and provide that Irishmen should not come or that Scotchmen or Englishmen should not. It might hurt the feelings of the people of Ireland, or Scotland, or England, or the feelings of red-headed men all over the world; but we would be acting, unless we had voluntarily entered into treaty obligations to the contrary, within an undoubted and admitted scope of domestic policy, which could not constitute a rightful *casus belli*.

But the great objection made to the treaty is that there is a surrender of the prerogatives of the Senate.

Mr. President, I have not been here long enough to regard the Senate as especially sacred, except in the sense that all other American institutions are. It seems that the august body of which I am a humble member—some of the Senators talk that way—wants to make itself still more hated and distrusted than it is by standing with fine-spun, if not fancied, prerogatives athwart the way of another great and greatly desired progressive movement. I hope that the language that I have italicized in the first part of the treaty shows that the treaty itself expressly and specifically guards against this objection by the words in the next to the last clause of article 1, providing that the "special agreement" "in each case" shall be made "by and with the advice and consent of the Senate." Even when the joint high commission itself "reports" that a question is "justiciable," that does not of itself fix the character of the board of arbitration nor the scope of its inquiry, for the provision of the language is that such a question shall then "be referred to arbitration in accordance with the provisions of this treaty"; and in order to so refer it "in accordance with the provisions of this treaty" a "special agreement" "in each case" must, by the express requirement of the treaty itself, be made, and that special agreement must be made "by and with the advice and consent of the Senate." The Senate merely by failing to act could block the whole procedure. But even if such a joint high commission, with members appointed by the President "by and with the advice and consent of the Senate"—for all Federal appointments must be so made—could not only directly refer a question to arbitration as a result of its having decided that it was "justiciable" in its nature, but could define the scope of the arbitrators—which it can not—I contend that that would be no surrender of the prerogatives of the Senate, even though there might be danger to national policies, which I think I have shown to be practically imaginary. It is a maxim of law that "that is certain which can be made certain." If an arbitration treaty were entered into such as is supposed—and nobody disputes that the treaty itself must be adopted by and with the advice and consent of the Senate, two-thirds of its Members voting for it—and if that treaty provided that all "justiciable" questions should be arbitrable, and defined, as this treaty does, what questions are justiciable, and

further said that in case of dispute the commission should determine the point of justiciableness or disputed interpretation, then the creation and action of the commission itself would be "by and with the advice and consent of the Senate," the only difference being that the advice and consent by a two-thirds majority of the Senate was given beforehand and not afterwards and was given in wholesale and not by retail.

It has never been disputed that the Senate can pass a treaty, submitting to a particular board of arbitration a particular question, and that the Government of the United States could be morally bound beforehand by the award. If it be not inimical to the constitutional prerogatives of the Senate to agree beforehand to submit a particular question to a specially selected arbitral tribunal, then how can it be inimical to those same prerogatives to agree beforehand to submit all "justiciable" and "international questions" "hereafter arising" to a permanent tribunal "or one otherwise" to be determined "by special agreement"? According to my poor, weak intellect, the principle in the two cases is the same. Of course, under a general arbitration treaty as under a special arbitration, if the award of the arbitration is that the United States Government shall pay money, this Government is powerless to pay it unless "Congress" shall appropriate it. But this defect is common to both schemes—special and general arbitration. Unless that part of the Constitution of the United States which says that "no money shall be drawn from the Treasury but in consequence of appropriations made by law" is changed, this will be always the case in all cases, whether particular or general, national or international.

I myself have always thought that that clause of the Constitution ought to be modified to fit cases of treaty agreements to pay. However, it has never yet in our history given any serious trouble, because when a payment of money under a treaty is so popular that the President and two-thirds of the Senate have agreed to it it has never happened, and perhaps never will happen, that there will not be for the same purpose and at the same time and for the same reasons a majority of the House of Representatives advocating it. Still, if at some time a clash of this sort should occur, after a solemn agreement by treaty to pay and a refusal by Congress to appropriate, it would leave us in a very awkward condition. I have always thought that it was one of the situations overlooked by our forefathers. To illustrate, when a Member of the House I was bitterly opposed to our annexation of the Philippines. Part of the agreement of the annexation was the payment of \$20,000,000 to Spain. The question came to the House for an appropriation of the money. I took the position, as did many others, that while the treaty was an unwise one and while there was no legal obligation upon our part to appropriate, the President and the Senate having no power to bind the House of Representatives, there was a moral obligation tantamount in force in my opinion to a legal one or even superior to it, just in the same sense that debts of honor are superior to commercial debts, and that a gentleman will be more solicitous about providing for the payment of an unsecured debt where no legal recovery can be had than he would be about a secured one, for whose collection and payment the law makes provision.

Mr. President, the Senate does not here delegate a power to make a treaty. It exercises the power by appointing an agent to represent it within certain limits.

Postal agreements with other nations were referred to the other day by the Senator from Massachusetts [Mr. LODGE]. He was singularly unfortunate in his reference, because he denied that they were treaties, and he said we could fix international postal rates by statutory law in the United States. We could do no such thing, nor fix anything else to operate outside of our own domain. We have upon the contrary appointed an instrumentality for the purpose of doing that, and that is the Postmaster General with the concurrence of the President.

The Senator tried to make a distinction between a convention and a treaty. They are both agreements with some other foreign and independent power. There can be no convention between two independent sovereign nations on the face of this earth which is not in the nature of a treaty. It is absurd to say that any international postal arrangement or agreement could owe its existence simply to an American law. It is true that the American law takes care of the matter so far as the American receipt of postal dues is concerned and so far as the operation of the posts on American soil goes, but all our postal conventions have been treaties, and they have been treaties which have been negotiated in this way. In every case the Senate of the United States did not delegate the treaty-making power to the President and the Postmaster General. Congress merely passed a general law in which they said that under

certain circumstances and within certain limits the Postmaster General and the President would constitute the agency for the purpose of making these agreements. It was not a delegation of the power, but an exercise of the power through an instrumentality selected by the treaty-making power.

I go on a little further. Under the Geneva arbitration treaty, the arbitration of the *Alabama* claims, not only did the commission decide the amount of damage that was done and the liability of Great Britain for that damage, but that commission decided upon the question of its own jurisdiction, the scope of its inquiry under the treaty. The two Governments entered into a treaty in certain general terms, and the question came up before the commission as to how far it could go under that treaty, and the commission itself interpreted the treaty, just as this joint high commission is called upon to interpret this treaty.

If the Government of the United States could leave to a commission not only the power to arbitrate but the power to interpret the treaty law under which it arbitrated, why can it not leave to one commission the power to arbitrate and give another commission the power to interpret?

Mr. SMITH of Michigan. Mr. President—

Mr. WILLIAMS. In one minute. That commission met, and one of the first questions that came up—and it was a great dispute between the British commissioners and the American commissioners—was as to how far the treaty went, and the commission itself decided the question.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Michigan?

Mr. WILLIAMS. I do.

Mr. SMITH of Michigan. The case cited by the Senator from Mississippi was a specific grant. This is a general power.

Mr. WILLIAMS. Mr. President, I know no difference between the two, specific and general, except a difference in degree. Here this is specific, but in a broader sense it is the arbitration of justiciableness of questions. That commission arbitrated a certain class of questions defined under the treaty to be settled as having grown out of the conduct of Great Britain toward the United States in the war between the States. That commission had to decide as to whether certain acts urged or sought to be urged were to be taken as being within the scope of the treaty. All this joint high commission does is to determine whether certain questions ought to be considered as being within the scope of Article I of the treaty.

Mr. SMITH of Michigan. Yet they must go to arbitration.

Mr. WILLIAMS. Yes; and after the President decides or admits that a question is justiciable we are also morally bound under this treaty to go to arbitration. It is then just as high a moral obligation as there is when the commission after dispute decides that same question.

Mr. SMITH of Michigan. But, Mr. President, we have no alternative at all if we ratify Article III. We must proceed, no matter how distasteful the duty.

Mr. WILLIAMS. We have no alternative in a case where the President admits that the question is justiciable, except such alternative as we also have when a commission decides that a question is justiciable. That is all that this commission does under the sun. The Senator may study this treaty until both he and I are more gray-headed than we are now—and we are both more gray-headed now than we were when we first met—he may study it a long time, and he can find but one thing to say, and that is that when the commission decides in a case of dispute as to justiciableness that the question is justiciable it puts things right back where they would have been if the question of justiciableness had never been raised.

Mr. SMITH of Michigan. Mr. President, for these reasons, if the President of the United States raises that question, we will never have any duty to perform; but if the question is raised, as it may be, by Great Britain, we have nothing to do but to submit to arbitration the questions at issue.

I should like to ask the Senator from Mississippi whether he believes that under this treaty Great Britain will ever ask the United States to submit to arbitration any question that the Senate of the United States would not have consented to arbitrate.

Mr. WILLIAMS. I do not know.

Mr. SMITH of Michigan. No; the Senator does not know; but we have superimposed upon ourselves a tribunal which may force the Senate and the Government against its will into arbitration which we have no power whatever to deny, no matter how vital it may be to our national life.

Mr. WILLIAMS. Mr. President, there is always a distinction between a right and a power, even a moral right and a power, between a right and a duty even, as far as that is concerned. The point I was making was that after a commission decides

that a question of disputed justiciableness is justiciable it merely puts the things back in the status quo ante—that is to say, where things would have been if the President had first decided that it was justiciable. Now, I want to read the language of the treaty.

Mr. SMITH of Michigan. It is clause 3.

Mr. CULBERSON. On page 48.

Mr. WILLIAMS. This language is just as sacred as the language which follows in clause 3, saying that then the question shall be referred to arbitration in accordance with the provisions of this treaty. This language is just as sacred as the other. It is in clause 1:

All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted—

Shall be submitted—

to the permanent court of arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

In so far as mere language can make anything a sacred obligation that makes a sacred obligation, whenever the President of the United States does not dispute the justiciableness of a question, we are bound under the treaty to arbitrate it; and in so far it binds the Senate, and it binds it no further. After that dispute has arisen and the question as to whether or not the question falls within the scope of Article I and is justiciable has been submitted to the commission, and the commission has decided that it is justiciable, then exactly the same obligation rests upon the Senate, no more and no less.

Mr. SMITH of Michigan. Mr. President—

Mr. WILLIAMS. In my opinion the obligation rests in both cases.

Mr. SMITH of Michigan. If the Senator—

Mr. WILLIAMS. Wait one minute. It ought never to be violated except in obedience to one other law, and that is that law which has been called the first law of nature—self-preservation—the same law which entitles a man under municipal jurisprudence to kill his fellow citizen. Now I yield to the Senator.

Mr. SMITH of Michigan. The Senator answered my proposed inquiry whether, after the difference was determined by the joint high commission, we were not bound to proceed to arbitration.

Mr. WILLIAMS. We would be morally bound, in my opinion, at every hazard and at every price, except self-destruction.

Mr. President, does Congress surrender the power to legislate when it provides that the President, by proclamation, may apply one of two schedules of tariff rates to imports from a foreign country, either a maximum or a minimum scale on the arriving of a certain contingency?

Moreover, mark you, when it leaves to the President to judge of the arriving of the contingency. Congress passes a general law. It says here are two scales of duty—one maximum, the other minimum—and then it says upon the arriving of a certain contingency defined in the law the President shall put into operation whichever of these two tariff rates he thinks—the contingency having in his opinion arisen—is justified by the law. Will you contend that Congress has surrendered the power to fix tariff rates when it does that? All that Congress has done has been to constitute an agency to act for it within certain prescribed limitations.

Now, let us go a little further. In that case the President is left to interpret the law, and here the joint high commission is left to interpret the scope of the law. Does Congress surrender that power of legislation when it leaves certain customs authorities to interpret a tariff law, and in interpreting it to determine whether a given duty or another or none at all applies to a certain imported article? Does Congress surrender the power to regulate railway rates in interstate commerce when, after first declaring that rates shall be "reasonable, just, and nondiscriminatory," it leaves an Interstate Commerce Commission to fix them so that they shall fall within the law, and to interpret the law and its scope in a given case by saying that a given disputed rate is within or without the scope of a certain clause or article of the law? And yet all this joint high commission determines is whether a given question falls within or without the scope of Article I of the treaty if adopted. This joint high commission, then, is to determine whether any question falls within the treaty. In the other case the Interstate Commerce Commission is to interpret what are "reasonable,

just, and nondiscriminatory" rates and to declare and prescribe them.

Going a step further, this joint commission, after having decided that the thing is justiciable, does not sit in arbitration, and the Interstate Commerce Commission, after deciding that certain rates are just or reasonable or nondiscriminatory, then does sit in arbitration and fixes a rate which it has a right to pronounce to be just and reasonable and nondiscriminatory.

Now, gentlemen may respond, it is true, that there is an appeal from the Interstate Commerce Commission to a higher tribunal, and that in this case there is none. As to myself I hope that I may live to see the day when there shall be an international tribunal on the surface of this earth to whom appeals shall be taken. So far from wanting interested arbiters, I hope some day to see an international court of arbitration between the nations which shall be disinterested.

Gentlemen tell me that they are not willing to stand for anything which does not leave them to judge as to what shall be done—that shall not leave us to be the judge in our own case. But an international disinterested court is not in the treaty here, and I am not compelled to make that argument now. I just "throw it in sideways," as Bill Arp used to say.

Now, remember, neither the Customs Commission nor the Interstate Commerce Commission has to come back to the Congress, and remember that the Postmaster General and the President do not have to come back to the Senate.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. In one moment. In all these cases, as in this treaty case, the special agents were acting under a general authority of law or treaty granted in advance and by wholesale. Now I yield to the Senator from Missouri.

Mr. REED. Does the Senator contend that when the Interstate Commerce Commission fixes a railroad rate it is engaged in any act of legislation?

Mr. WILLIAMS. No; on the other hand, I am contending exactly the contrary.

Mr. REED. It simply decides a question of fact.

Mr. WILLIAMS. It simply decides a question of fact which it was appointed an agent to decide. It simply decides whether a rate is "reasonable, just, and nondiscriminatory" or the contrary; just as this commission will decide a question of fact, to wit, whether the particular question is a justiciable one or not.

Mr. REED. I want to get the Senator's view as to whether he thinks there is really any parallel between the Congress empowering a board—the Interstate Commerce Commission—to decide a question of fact as to what is a reasonable railroad rate, the power existing in Congress to regulate the rate, and submitting to a board the question as to whether a certain matter is justiciable, and then following that by a further provision that when it has been determined as a fact to be justiciable, the question of the right of the matter shall be determined by another board. Does the Senator really think the two instances are parallel?

Mr. WILLIAMS. Mr. President, I would be guilty of the very grossest lack of intellectual integrity if I had been arguing for a quarter of an hour the analogy and did not believe it. Now, in the one case you leave to an Interstate Commerce Commission to determine what? Whether a given rate is "reasonable" or not. The question of reasonableness—a rather indefinite question—requires that the board shall determine very many things. In the other case, you leave to this other board or commission the determination of the "justiciableness" of a question. One is no more indefinite than the other; and in each case you leave what? Now, a treaty is a law, and therefore we must call them both laws. You leave the Interstate Commerce Commission to determine whether a given rate falls within the scope of the prohibition of the law or not, and you leave to this commission the power to determine as to whether a given question falls outside of the scope of this treaty or not.

The analogy is not only in my mind good, but it is absolutely complete. There is only one point of difference, and that arises subsequently to the transaction. It is that the opinion of the Interstate Commerce Commission may be reviewed in another court, and the opinion of this arbitral board can not, because there is no international supreme court.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield further to the Senator from Missouri?

Mr. WILLIAMS. I do.

Mr. REED. I have such a profound regard for the opinion of the Senator from Mississippi that I want to say I am not arguing these questions in an antagonistic way, but to elicit his opinion. I wanted to follow my question with this further

one: When the Congress of the United States by law creates the Interstate Commerce Board and submits to it certain propositions it submits to a board of its own creation those particular propositions. Does not the Senator see any difference between a board of that kind, created entirely by an act of Congress, and a board not more than one half of which we can name, the other half to be named by our antagonist? Is there not a distinction there, and a very broad one?

Mr. WILLIAMS. Mr. President, the question of what constitutes a board is one thing and the question of the source of the creation of the board is another. The Senator from Missouri says that in the case of the Interstate Commerce Commission the board is created by our act. Yes; and this joint high commission is created by our act if we pass this treaty. The fact as to who can serve upon the commission does not affect that question. It is true that this commission is created not only by our act but by the act of another power cooperating with us, but in so far as it is created to affect us at all it is created solely by our act. Our act is a *sine qua non* of the creation of this commission.

Mr. REED. Not more than the other.

Mr. WILLIAMS. And it is just as much our own free-will act as the creation of a domestic commission for other purposes is.

Now, what is the general authority here in this treaty? It is the scope of Article I. What is that? "Difference between the contracting parties." I recommend that phrase to the Senator from Georgia [Mr. Bacon]. It is not a difference between the State of North Carolina and somebody; it is not a difference between the Steel Trust and somebody; it is not a difference between the Senator from Mississippi and somebody; but it is "a difference between the contracting parties." It is also "international," "justiciable," and "hereafter arising."

Here are two powers of the Senate equally constitutional, one to arbitrate by special and separate act a certain difference after it has arisen, and another to bunch differences hereafter to arise and to agree to arbitrate them before they arise, defining their character under a general authority, and further agreeing to arbitrate by a prescribed tribunal a difference of opinion as to whether any particular question to arise is or is not of the character defined. That is all there is to it.

Now, which course is most for our national or for the world's welfare, to wait until we are quarreling with somebody and then try to agree upon a just method of settling the difference, or to agree beforehand in a prescribed way to settle all justiciable differences? The whole history of municipal progress answers the question. Men no longer wait until they quarrel but agree upon and by law prescribe a board to settle their differences. They constitute beforehand courts which shall settle them. It is no longer contended in municipal matters that either party ought to be a part of the court; and the time will come, thank God, some day in the future, when that will not be contended in international matters. The time has not come yet, as is proven by the arguments on this treaty, where the gravamen of objection is that we want to be always the final judge in our own case; and it is not competent or relevant to argue it now, because this treaty contemplates the old idea of each fellow having his foot on the trestle. When a man tells me he is willing to arbitrate and then goes on and refines and defines until he substantially says, "I am willing to arbitrate anything in the world in such a way that it will not be settled against me," then the man is not willing to arbitrate at all. If that is all, let us just quit the whole foolishness.

Mr. President, if nations sought as industriously for fine-spun reasons to be at peace with one another as they do for fine-spun pretexts of difference, and if they stood on as fine points of so-called honor concerning their duties toward one another as they do concerning their rights, the world would be better off.

The objection has been actually made to this treaty to-day that the United States would be surrendering some of its sovereignty, and Congress would be "surrendering the constitutional right to declare war"; yet the same Constitution which gives Congress power to declare war gives the President and two-thirds of the Senate the power to prevent war and the occasion or the necessity for war by entering into treaties. There never was a treaty entered into by the United States Government, nor by any other government for that matter, that did not waive for the nonce and, to the extent of the concession made, surrender the exercise of some sovereign power. Just as when you and I make an agreement, a compromise, I surrender some right in my opinion and you surrender some in yours and to that extent curtail an otherwise discretionary sovereignty.

Now, here are two powers equally constitutional, but the power vested in the President and the Senate to prevent war is a very much more sacred and holy thing than the power vested in Congress to declare war; but as a matter of mere

power and as a mere matter of fact and law, the fact that the President and two-thirds of the Senate have entered into a treaty does not and can not deprive Congress of this precious power to shed human blood if Congress wants to have it shed. It does deprive Congress of the right to do it under the moral law and under the law of decency amongst nations which we call international law.

Mr. President, we need not be too careful about guarding the right of Congress or the power of Congress to declare war. There will be wars enough—useless, barbarous, silly, demoralizing in their effects, as they always are and always have been; destructive of industry, destructive of family happiness; teaching bloodthirstiness, teaching rapine, sometimes teaching rape; nearly always teaching looting, which is but a form of militaristic grand or petit larceny; carrying mankind always some steps backward out of enlightenment and toward barbarity. We will have enough of war and pretexts for war, no matter how many treaties we have to keep the peace. This is true especially, I am sorry to say, in a popular government, because when a majority of the people "get mad through and through" they do not act from ratiocination, but from emotion, and they push and propel, by the mad and irresistible power of public opinion, their servants, too often craven and cowardly, into a course which more cool-headed and braver and better-informed men would avoid.

This constitutes the very beauty of the establishment of the joint high commission of inquiry under this treaty. Even an intelligent people under a popular government will now and then have a "brain storm" and will "see things red," especially when egged on by yellow journals seeking sensations, by political parties seeking mutually advantage, and by parties professionally interested in promotion by war or industrially interested in producing the materials of war. Hastily spoken words in high places and hastily printed utterances in one country engender like utterances in the other country. It is as if each were holding a coal of fire in his hands and the other blowing it. But a popular brain storm will not, as a rule, last 12 months, and the cooler heads in legislative and executive and financial and industrial positions, whose duty it is to stand like "sentinels on the watchtower to warn and to instruct," can within the course of 12 months make effective appeal to reason against hot passion. The popular reason is always there if time is given to appeal to it. This treaty gives, by previous agreement therein prescribed, 12 months to appeal to popular reason against popular passion.

For one, I do not desire to see this treaty emasculated by amendments. I do not mean by that that I would not vote for any amendment if it strengthened it, or if it did not weaken it, or if it did not endanger its final adoption, or if it rendered the hopes of peace under it no less great, and if it rendered the chance of war no less imminent. It seems to me it would do no harm, although it would be unnecessary, to imitate the example of Great Britain in making her reservation as to her self-governing colonies, which, however self-governing, are not sovereign in any aspect as our States are in so many aspects.

It might be done by language somewhat to this effect: "It is understood by both high contracting parties that the Federal Government of the United States has not the power nor the right under American institutions to submit to arbitration any question over which jurisdiction has not been vested in it by the United States Constitution." It would do no harm and it might do good in securing in the Senate the votes needful for the passage of the treaty, for there are honest men in the Senate and out of it who fear that under the guise of international agreement the inherent, admitted, and constitutional rights of the States may be invaded by the Federal President and Senate. I do not share that fear. I see no absolute need for the amendment, even if the fear were well grounded, because if the Federal judiciary did its duty it would pronounce a treaty of that sort "unconstitutional, null, and void," because it had not been made "in pursuance of the Constitution," just as it would pronounce any other law not made "in pursuance of the Constitution" null and void.

I have no objection to this much of the amendment of the Senator from Massachusetts; in fact, I think it would be well to adopt it:

Resolved further, That the Senate advise and consent to the ratification of the treaty, with the understanding, to be made a part of such ratification, that in any joint high commission of inquiry to which shall be referred the question as to whether or not a difference is subject to arbitration under Article I of the treaty, as provided by Article III thereof, the American members of such commission shall be appointed by the President, subject to the advice and consent of the Senate.

Already the President and the Senate have that power under this treaty. They, or either of them, can always call either for a commission of that sort, instead of the court of The Hague; but, for fear some President at some time might be a traitor to

American institutions, I should like to see that much of the Lodge amendment adopted. I am going to ask at the proper time whether or not the amendment is divisible, so that I may vote upon one part of it without voting for the other.

I see nothing in the remainder of the amendment that really changes the character of the treaty, but it seems to me to be unnecessary verbiage and to incur the general danger of language too general. If, however, I can not get the question divided, I will vote for the whole amendment rather than vote against it.

Mr. SMITH of Michigan. The Senator from Mississippi recalls that the committee have an amendment.

Mr. WILLIAMS. That is the one I am talking about now.

Mr. SMITH of Michigan. No; I mean an amendment which affects the treaty. This is the resolution of ratification which shows our construction of the treaty, but the committee have proposed an amendment striking out paragraph 3 of Article III entirely.

Mr. WILLIAMS. I am opposed to that. I think if we strike out clause 3 of Article III we shall strike out the chiefly good thing about the treaty, the opportunity for cooling time. If you strike that out you have struck out everything that gives a chance for reason to get the better of passion.

Mr. President, I shall not argue some other insidious objections to this treaty. They are objections which are made in secret rather than in public; they are sent around in anonymous communications to Senators and vouched for by nobody in particular; they are based largely upon ulterior motives entertained by some few of our foreign-born citizens in the United States—not by a majority of them nor by a majority of either race of them, but by a very active and somewhat influential minority of some of them. Here is one that has come by mail with the heading: "Would lead the Republic back to England." The reasons that are given privately and for ulterior motives contain all the slush and stuff and rot and rubbish and silliness and stupidity that has been uttered about this treaty being "a treaty of alliance with Great Britain," and all that sort of thing. I shall not read this thing. It charges that the President of the United States and Andrew Carnegie have entered into an unholy alliance for the purpose of "monarchizing" American institutions and leading us back to allegiance to the British King, King George, the whichever he is numerally—I have forgotten.

There are some people who wish to use the United States Government in perpetuating European feuds for the real freedom or for the fancied benefit of European populations, and who want to see as possible instruments of that purpose as many causes of war between the United States and Great Britain left in existence as possible. Impliedly, if not expressly, in the act of naturalization, such citizens promised not to be controlled by precisely the motives by which they are now being controlled. They are acting in bad faith toward America if they do not regard their American citizenship as their first and foremost and sole allegiance—all others having been foresworn—and as superior to all other obligations existing between them and anybody anywhere else. At any rate, no self-respecting American citizen is going to permit the American Government to be used as a cat's-paw for pulling out chestnuts for other peoples, however much any wrongs done them may excite our individual sympathies.

I say that, although I go very far in the direction of community independence. I go so far that I believe any community that wants to be independent of any other existing, geographically, so that boundary delimitations can be drawn, and with comparatively unanimous solidarity of sentiment, ought to be permitted to be independent. I think the greatest achievement of these later times was the peaceable secession of Norway from Sweden, and the magnificent common sense with which the people of Sweden said: "If you think you can be happier in a separate household, go!" So I have more sympathy than most men with communities struggling against the overpowering national strength of other races and other people; but that is one question, and the question of using my Government for those purposes is another.

Then, again, without arguing it, I will mention another very curious objection to the treaty which was made to me by an educated and cultured, but very zealous and patriotic, "German-American," so called. By the way, Mr. President, I never understood "hyphenated Americanism." I know what a German is and I know what an American is, and I know what an American of German birth or parentage is, but I do not know what a German-American is, and if the hyphen means a double allegiance, then I do not comprehend it, save to fear it or to hate it. I am glad to say that most Americans of German birth or parentage agree with me, even if they are hyphenated, and when they are hyphenated they resent the idea of a double

allegiance. But to go on. This German-American said that he regarded this treaty between America and Great Britain as a "blow at Germany." He said that it "was intended to put the Kaiser in the attitude of appearing to be the sole opponent of world's peace," intended to "hold him up in that way to obloquy and scorn." I am very fond of the German people, having lived amongst them and learned to love them during a part of my educational period. I learned to love all kinds of German things and all parts of Germany. I replied, "Why, my dear sir, there is nothing in that, because the United States Government will offer precisely the same treaty in precisely the same words to the Emperor of Germany, and will not even wait for him to indicate a willingness to consider it, but will ask him, through the proper diplomatic channels, whether he is willing to consider it. It will meet him not halfway, but all the way; and, indeed, probably has already sounded him upon the subject."

I have found out since that this probability became an actuality, and that our Government is, I believe, ready to execute the treaty. Then I added, "If he is to be held up to 'obloquy and scorn' as an obstacle in the pathway of universal peace; an obstacle in the pathway of the earlier coming of the hoped-for 'parliament of man and the federation of the world'; as an obstacle to the final establishment of an amphyctionic council of the civilized world, he is the only person in the world who can so hold himself up."

Mr. President, nobody believes, as the Senator from Massachusetts intimated the other day, that we were silly enough to imagine that these treaties will secure universal peace; but war amongst civilized nations ought to be reduced to a minimum, ought, in fact, to be totally abolished, and will finally, in my hope and faith and belief, be nearly abolished, just as civilized individuals have long since learned not to take the law into their own hands, but to submit their differences to tribunals prescribed beforehand, though now and then some of us do fight. We do not as individuals or nations surrender our rights; we merely constitute tribunals to prescribe and determine them. So it ought to be with the nations of the world. Nations ought to learn not to be judges in their own cases, not to take the law into their own hands, but to establish some permanent, disinterested tribunal for the arbitration of questions arising amongst civilized peoples. This treaty does not even do that, but its greatest virtue, in my opinion, is that it is a step in the right direction. Of course, there will be barbaric and semibarbaric powers with whom it would be folly to enter into such agreements; recognizing in themselves no law but force, there would be no way of dealing with them except by force, but the white races of the world at any rate and some others have become sufficiently refined to have a horror of international "trial by battle." All are growing weary, Mr. President, of supporting out of the hard earnings of the workers the expenses of the fighters, and all are beginning to foresee national bankruptcies as the result of the stupendous competition of the peoples to "secure peace by being always prepared for war."

Soon after I went back home from the University of Virginia I met a fellow who had killed about five men and who always went armed. I said to him one night, "Jim, why do you not put that pistol up?" "Well," he said, "John, I carry this pistol all the time so as to keep the peace. Nothing keeps a fellow out of so many rows as everybody knowing that he has got a pistol in his hip pocket." It did not keep him out of them, for finally he was shot. Those who live by the pistol die by it.

Who, of all the nations and people, if not we, can or will take the initiative? Do not our traditions, our ideals, our intense democracy—which is only a phrase designating the principle of the brotherhood of man—our educational and industrial activities demanding peace and progress, ever one and inseparable, our overwhelming and acknowledged strength preventing all misunderstanding of our motives, and our almost impregnable geographical position, do not all these, trumpet tongued, designate us as chosen of God for this task?

Lord of the centuries, pardon the ages
Dark with the terror of battle and blood!
Give forth Thy light and unfold the bright pages—
Glorious era of true brotherhood.

A great Federal general once said that "war is hell." I have frequently felt that he ought not to have given himself quite so much trouble to make it more unadulterated hell than it needed to have been, but still he was right. War is hell. Another great Federal general said, "Let us have peace"; and I say, Mr. President, let us have peace and let us not be too finically nice about how we secure it, even though by wholesale and in advance or at the time the quarrel arises.

Mr. LODGE. Mr. President, I desire to ask the Senator from Mississippi a question before he takes his seat. I understood

the Senator some little time ago—I did not want to interrupt him then—when he was comparing the joint high commission of inquiry with the Interstate Commerce Commission to say that there was an appeal from the Interstate Commerce Commission to the Supreme Court.

Mr. WILLIAMS. An appeal to another court, I ought to have said.

Mr. LODGE. An appeal to another court, a higher court, but that there was no appeal from the high commission of inquiry, and that that was where they differed. Did I understand the Senator correctly?

Mr. WILLIAMS. No; I said that there was no appeal from the arbitral commission. I admitted that the moral obligation to arbitrate followed the decision, but that from the decision of the arbitral commission itself there was no appeal. In international affairs each nation is, unfortunately, still its own court of appeals.

Mr. LODGE. Does the Senator speak now of the arbitral tribunal or of the high commission of inquiry?

Mr. WILLIAMS. Of the arbitral tribunal.

Mr. LODGE. Oh, the final arbitral tribunal, of course. I understood the Senator to be comparing the joint high commission of inquiry with the Interstate Commerce Commission in deciding the point of the arbitrability or justiciability of the question, because that, of course—

Mr. WILLIAMS. I see what the Senator means now. I will admit, for the sake of the argument, that its decision is morally binding.

Mr. LODGE. That the decision of the joint high commission on the arbitrability of a question is morally binding?

Mr. WILLIAMS. Yes.

Mr. LODGE. That is my view.

Mr. BACON. Mr. President, I ask whether it is the desire of the Senator from Massachusetts that we should go on this afternoon? It is now practically half past 4 o'clock, and we have been here since 12 o'clock continuously, or at least some of us, if not all. I am ready to conform to whatever the desire of the Senator may be.

Mr. LODGE. If the Senator from Georgia prefers not to go on now, I will move a recess.

Mr. BACON. I have but one objection to going on now, Mr. President, and that is that the Senate is evidently weary, and it is quite thin. I will state, in justification of many of the absentees, that I know there are some important committees in session, and Senators have been absent during the afternoon largely on that account; but if it is entirely consistent with the Senator's views I should be very glad if the Senate would take a recess until some time to-morrow, and then I will begin.

RECESS.

Mr. LODGE. I move that the Senate take a recess until half past 1 o'clock to-morrow afternoon.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate, as in open executive session, took a recess until to-morrow, Wednesday, March 6, 1912, at 1.30, p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 5, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, open Thou our understanding and mellow our hearts that we may know each other better and be ready to sympathize with each other's failings, that the Christ spirit may dwell in us and love become the ruling passion of men; that the strong may help the weak, the wise the foolish, the rich the poor, the good the bad; that peace and good will may cover the earth as the waters cover the sea. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE SUGAR SCHEDULE.

Mr. UNDERWOOD, from the Committee on Ways and Means, by direction of that committee, reported the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909 (H. Rept. 391), which was read a first and second time, ordered printed, and referred to the Committee of the Whole House on the state of the Union.

INCOME-TAX DECISION.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that there may be printed as a House document the report of the

case of *Flint v. Stone Tracy Co.*, in the Supreme Court of the United States, reported in the Two hundred and twentieth United States Reports, at page 107, and that 5,000 copies of the document be printed (H. Doc. No. 601).

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the decision of the Supreme Court of the United States in the corporation-tax case be printed as a public document, and that 5,000 copies be printed. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, will not the gentleman include in that request the printing of the two opinions of the Supreme Court in *Pollock v. Farmers' Trust & Loan Co.* on the income tax of the Wilson bill, and have all three printed together?

Mr. PALMER. The report of the *Pollock* case has been printed as a document, if not by the House by the Senate. I do not think it would be wise to put them all in the same pamphlet.

Mr. MANN. The opinions are not available now as a document. I think it would be wise to have them in one pamphlet. They relate to the same subject matter.

Mr. PALMER. Hardly to the same subject matter. I admit that both are important in connection with present legislation. The gentleman means the opinions upon the original hearing and upon the rehearing?

Mr. MANN. Yes.

Mr. PALMER. Then, Mr. Speaker, I will modify my request and include in it the complete opinions in the income-tax cases in the One hundred and fifty-seventh and One hundred and fifty-eighth United States Report upon the original hearing and upon the rehearing, both the opinions of the court and of the minority by the several justices who dissented.

The SPEAKER. The gentleman from Pennsylvania modifies his request so as to include all the opinions of the court in the original hearing and upon the rehearing, both the majority and the dissenting opinion. Is there objection?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. CLARK of Florida. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Mr. Speaker, the *Washington Post* of this morning contained an article which I send to the Clerk's desk to have read.

The Clerk read as follows:

WILL DEFEND FLORIDA—GOV. GILCHRIST HERE TO ANSWER EVERGLADES CHARGES—DECLARES MATTER IS A PLOT—ASSERTS THAT RAILROADS OF THE WEST ARE BEHIND ALLEGATIONS THAT THE HOUSE COMMITTEE IS INVESTIGATING—WILL REPLY TO REPRESENTATIVE CLARK—SAYS HIS STATE IS AROUSED.

Gov. A. W. Gilchrist, of Florida, arrived in Washington yesterday and lost no time in making known his desire to be heard by the Committee on Expenditures in the Agricultural Department in the matter of the charges made against the proposition to reclaim the Everglades of his State. He says the people of Florida are aroused by charges made by Representative FRANK CLARK that the reclamation of 4,000,000 acres of swamp land is only a scheme to further the interests of a coterie of land corporations.

"I came to Washington," Gov. Gilchrist said, "to let the committee know the true state of affairs."

PUTS BLAME ON RAILROAD.

"In my opinion the attacks are instigated by the railroads of the West, who wish to have this great immigration to Florida stopped. They are naturally anxious to not only keep their own people at home, but to have other immigrants come to their country. Naturally with the influx into our country the western railroad interests are being diminished."

"The last census shows that Florida's increase in population was 42.1 per cent, second to no State east of the Mississippi. The value of the Everglades and the feasibility of the drainage and the healthfulness of the country have been admitted by all who have visited the section."

QUOTES REPRESENTATIVE CLARK.

"I am at a loss to understand or account for the attacks made upon the Everglades by Representative CLARK. From what I have been told, he has never seen them. When the congressional committee, on its way to Washington from Key West, stopped off at Fort Lauderdale to visit the Everglades, it is said that Representative CLARK's boat reached the cypress swamp that borders part of the eastern edge of the Everglades, when Mr. CLARK, addressing the committee, said:

"Gentlemen, here are the Everglades. You see what they are. This is all there is to see. Let us go back, as I have an engagement with Mr. Flagler at Palm Beach." And toward Palm Beach his boat was turned immediately. From the citizens of Fort Lauderdale I have the information that Representative CLARK never did reach the Everglades. "I am confident that the investigation in progress will prove his charges to be unfounded. Just what his motive was in bringing them I know not, but I can say they are a mistake."

Mr. CLARK of Florida. Mr. Speaker, I regret very much to be compelled to ask a little of the time of this House to say something upon this most remarkable emanation. The Committee on Expenditures in the Department of Agriculture of this House is engaged in making certain investigations. They are examining witnesses in an honest endeavor to ascertain the facts. I have been content to wait until the facts have been

submitted to that honorable committee, and until that committee had made its report to this House so that the House might be in possession of all the facts and could take such action as could properly come within its jurisdiction and was right.

But the governor of my State fearing, I suppose, that the two Senators from Florida and the three Representatives in this House were incapable of taking care of the interests of the State has seen fit to journey all the way from Tallahassee to Washington, as he says, to "defend Florida." Now, Mr. Speaker, if I were really making an attack on my State or any of the interests of my State, surely the two gentlemen who sit at the other end of the Capitol and my two distinguished colleagues on this floor would take care of the interests of that State without the interposition of the governor. But the governor comes, and forthwith, without waiting to appear before the committee and under oath give testimony, proceeds to get into communication with a newspaper reporter and issues this remarkable manifesto.

Mr. Speaker, let me say, in the first place, that people may wonder what motive is actuating me and why I began or undertook to put on foot this investigation. I will tell you. In October last year there appeared an article in the *Washington Times* in which it was stated, in substance, that a certain valuable official document of the Department of Agriculture had been suppressed, that document being a document dealing with the Everglades of Florida; that in some mysterious manner the report of the engineers who had made a survey of the Everglades had disappeared, and the circular letter which had been prepared to give information to inquirers all over the country had suddenly been suppressed.

The article went on to say that it had been learned that this circular letter was suppressed at the instance of former Senator Taliaferro of Florida, and myself, and that we had gone to the Department of Agriculture and had brought influences to bear in that department which succeeded in suppressing this important official document; that we did that at the instance of the Florida East Coast Railroad Co., a corporation in my State, owned and controlled by Mr. Flagler; that Senator Taliaferro and myself were under the control of this railroad company; and that we exercised this influence which they said we had over this great department to suppress this document at the instance of the railroad company, which railroad company, the article stated, owned large areas of land in that territory which it wanted to sell, and if the Everglades were drained and the land put upon the market they would come in competition with the holdings of the Florida East Coast Railroad Co. In other words, Mr. Speaker, that Senator Taliaferro and myself were simply the tools of the railroad company, owned by them, and that we had to do their bidding; that we did it and had this document suppressed.

Knowing that to be absolutely false so far as I was concerned, I at once proceeded to have an investigation. I wrote the Secretary of Agriculture and demanded to know of him if I had ever approached him along the line of securing the suppression of any documents in his office. He answered me that not only had I not, but that his understanding of my position was that I had always insisted upon the publication and distribution of the document, contending that the people of this country had the right to the information contained in it. Later on I found that Senator Taliaferro had made no such request. I knew, Mr. Speaker, that the Secretary had informed me in the presence of witnesses that this circular letter had been suppressed by him at the instance of the persons engaged in selling the Everglades lands.

I knew that I had not asked him to suppress it. All admit now that I made no request for its suppression, but on the contrary always insisted upon its publication. So, Mr. Speaker, when that charge vanishes into thin air it remains for the governor of Florida—God pity the State—to travel all the way to Washington and put in public print the intimation that I am now acting at the "instigation of the railroads of the West."

Mr. Speaker, from my place I brand that intimation as a base, vile, uncalled-for, deliberate falsehood, whether it comes from the governor of the State of Florida or anybody else. He says "the people of Florida are aroused by charges made by Representative FRANK CLARK that the reclamation of 4,000,000 acres of swamp land is only a scheme to further the interests of a coterie of land corporations." Mr. Speaker, I have never made any such charge. The statement that I have is a base fabrication, without the warrant of one scintilla of truth. I have always said, Mr. Speaker, that I was not opposed to the drainage of the Everglades as a work of internal improvement. I have been opposed, I am now opposed, I shall continue to be opposed to the outrageous exploitation of those lands by a lot of conscienceless land sharks, to the disgrace of my State and to the thievery of millions of dollars [applause], and if I have

not enough honest voters in my district to stand by me in electing me to Congress upon an honest platform like that, God knows I do not want to be here. [Applause.]

By the way, the governor of my State, before he was governor, was interested in some land exploitations not in the Everglades, and it may be, Mr. Speaker, that "a fellow feeling makes him wondrous kind." He has exploited land, and it may be that the governor's great heart goes out in warm sympathy for these people exploiting the Everglades; and they are exploiting them, let me tell you. Only yesterday one of the most prominent citizens of my district, living on the edge of the Everglades, told me that he saw not long ago in a paper called the Florida Home Seeker, a picture of a negro and a mule and a plow standing in the tall grass, almost covered with its luxuriant growth. It appeared to him in the picture as a broad prairie. The negro was holding the handles of the plow just as though he was ready to start a furrow. This gentleman told me that in his little town he saw the photographer who took that picture, which was in the literature of one of these shark companies. That photographer told him that the negro and mule and plow were on a flatboat, pushed out into the tall grass, and that he, the photographer, sat in a rowboat when he took the picture. [Applause and laughter.]

That is the character of performance that I am protesting against. For the honor of my State I am fighting such conduct as that. [Applause.] Listen to this:

MIAMI, FLA., February 24, 1912.

Hon. FRANK CLARK,
Washington, D. C.

DEAR SIR: I am inclosing you a circular letter sent out by one of the Everglade companies and received by me over a year ago.

I bought contracts from this company upon the direct representation that the lands at that time were ready for cultivation. If not found so upon investigation my money was to be refunded. It was not.

The inclosed "bunk" was sent through the mails with the fraudulent intention of deceiving purchasers into believing these lands fit to plant, while, as a matter of fact, it was still under water. Go for them. Very truly, yours,

J. N. RANDALL.

Mr. Randall came there from Long Beach, Cal. So they have gone all over this country. They have bled everybody, they have stolen, they have robbed men and women in all of this land. They have made homes unhappy, they have depleted the little savings of working people right in this city, and yet the governor of my State says that when I attack these thieves and plunderers I am making an attack upon Florida. God help Florida if that is true. [Applause.] But, Mr. Speaker, the insinuating part of this article lies here. Gentlemen are all around me who were on the trip coming back from Key West. Gentlemen are right here who stopped at Lauderdale, and they know what took place. They know that we only had an hour and a half to stop there, distinctly understood. Call on my friend, Mr. PADGETT, of Tennessee, or some of these other gentlemen, and let them tell you how some of these land sharks got charge of some of the faster boats on which were Brother PADGETT and a lot of others, and how they ran miles up the river and kept them over four hours, and one of them deliberately told PADGETT, "CLARK never would come to look at these Everglades. We have got you fellows and you have got to see them. We have shanghaied you."

Mr. BATHRICK. Will the gentleman permit a suggestion?

Mr. CLARK of Florida. Certainly.

Mr. BATHRICK. Is it not a fact some of the gentlemen upon that boat that went up the Everglades were carried to a farm known as the Davie farm, in the Davie ditch section—

Mr. CLARK of Florida. I believe so.

Mr. BATHRICK. And is not it a fact that after all these representations respecting frost in Florida where the representatives of these companies had stated this section was below the frost line—is it not a fact about the 7th or 8th of February of this year all the vegetables upon that same Davie farm were destroyed by frost?

Mr. CLARK of Florida. I do not know.

Mr. BATHRICK. I will say that it is true.

Mr. CLARK of Florida. Mr. Speaker, the governor says, so this reporter says, and I presume he reported it correctly—my experience with newspaper reporters in Washington is that they generally get a fellow pretty straight, and I apprehend that the governor said it—that when we had gotten up to a certain point that I said:

"Gentlemen, here are the Everglades. You see what they are. This is all there is to see. Let us go back, as I have an engagement with Mr. Flagler at Palm Beach," and toward Palm Beach his boat was turned immediately.

That is absolutely untrue, not that I disclaim association and acquaintance with Mr. Flagler. I am not a groundling. I am not ashamed to acknowledge the acquaintance and the friendship of a man who has builded a glorious country out of what was a wilderness before. [Applause.] But this little pin-

headed governor [laughter] thought it would hurt me politically in my district to associate me with Mr. Flagler. That is why he drew in the name of Mr. Flagler. He thought that would cost me some votes. But he is mistaken. The intelligence of the constituency of the second congressional district of Florida averages much higher than the intelligence of the governor of Florida. [Laughter and applause.] "I am confident that the investigation in progress will prove his charges to be unfounded." What were my charges? Simply this and nothing more. I said that a certain circular letter on the subject of the Everglades sent out by the department was suppressed. I said that the Secretary told me that he suppressed it at the instance of persons engaged in selling Everglade lands.

Then I asked the committee to ascertain who those people were and why this document was suppressed. I will prove everything I have said by testimony that even the governor of Florida, with his limited ability to weigh facts, will be able to discover establishes the truth of the charge. Ah, Mr. Speaker, I have made no fight upon this project. I have not said that the lands were good or bad. I do not know. The only thing I have contended against is this conscienceless exploitation of these lands, making misrepresentations, and publishing and circulating deliberate falsehoods in reference to them.

Mr. AKIN of New York. Will the gentleman yield?

The SPEAKER. Does the gentleman from Florida yield to the gentleman from New York?

Mr. CLARK of Florida. Yes, sir; for a question.

Mr. AKIN of New York. I wanted to make a statement in regard to a letter which I received a few days ago from a gentleman who is now down in Florida investigating the Everglades as to purchasing some land. He said that while down there he met a gentleman from Iowa who had bought some of this Everglade land by mail, and had come down there to see it, and he made this remark: "I have bought land by the section; I have bought land by the acre; I have bought land by the foot; but, my God, I have never bought land by the gallon." [Laughter.]

Mr. CLARK of Florida. Mr. Speaker, the governor undertakes to put me in the attitude of attacking the interests of my State. Gentlemen upon this floor who have been here during my term of service know that I have never lost an opportunity to paint the beauties of that fair State and tell in my humble way of her charms. [Applause.] I have done all I could to represent her faithfully and well. Whenever her fair fame has been attacked I have always come to her defense. The governor of Florida by this silly and untruthful attack can not injure me among the people, because they know it is false. In spite of him, in spite of the land thieves, for whom he speaks, the intelligent, honest democracy of that district, unless I mistake the signs of the times, will again express their confidence in me by sending me back to this great body. [Loud applause.]

And I shall continue to stand for honest dealing as I see it. I shall condemn those things which I believe reflect upon my State and my people, and I shall advocate those things which I believe will inure to their good and preserve their honor. [Applause.]

If standing for honesty, if standing for right, if standing for truth is to defeat me, then I do not want a seat here or anywhere else. If I can not hold a commission from an honorable constituency upon an honorable basis, I would prefer to go back home, and, if need be, settle on some beautiful little spot alongside of one of our lovely lakes and spend my time among the yeomanry of that district, who are my friends, and aid them in making "two blades of grass grow where only one grew before."

Mr. Speaker, I have in this transaction simply denounced wrong. I have simply inveighed against dishonor. I have simply denounced theft. No man can make me believe that when I am doing that I am bringing discredit upon my State. I stand for Florida first. I love the State, her people, and her interests. When I shall go down to rest it will be in her bosom, in her generous soil, among the people who have been so good to me, and I shall sleep in the sands of that great State, whose people I know do not approve or indorse dishonor and theft. [Applause.]

INVESTIGATION OF STEAMSHIP LINES.

Mr. HENRY of Texas. Mr. Speaker, I offer the following privileged resolution of the Committee on Rules.

The SPEAKER. The gentleman from Texas offers a privileged resolution from the Committee on Rules, which the Clerk will report.

House resolution 425 (H. Rept. No. 392).

Resolved, That the Committee on the Merchant Marine and Fisheries be, and is hereby, empowered and directed to make a complete and thorough investigation of the methods and practices of the various steamship lines, both domestic and foreign, engaged in carrying our over-sea or foreign commerce and in the coastwise trade and the connection between such steamship lines and railroads; and to investigate whether

such ship lines have formed any agreement, conferences, pools, or other combinations among each other or with railroads for the purpose of fixing rates and tariffs or of giving rebates, special rates, or other special privileges or advantages, or for the purpose of pooling and dividing their earnings, or for the purpose of preventing or destroying competition; also to investigate as to what method, if any, is used by such shipping lines, foreign or domestic, and railroads to prevent the publication of their methods and practices in the United States; also to investigate and report to what extent and in what manner any foreign nation has subsidized or may own any vessel engaged in our foreign commerce; also to investigate and report to what extent any ship lines and companies engaged in our foreign or coastwise or inland commerce are owned or controlled by railway companies, or by the same interests and persons owning or controlling railroad companies; and said committee shall further investigate whether the conduct or methods or practices of said foreign steamship lines are in contravention of our commercial treaties or in violation of our laws, and what effect said methods and practices have on the commerce and freight rates of the United States; and shall further investigate what effect such combinations, agreements, and practices of railroads and our coastwise and inland shipping lines or of railroads and over-sea shipping lines, whether domestic or foreign, if any are found to exist, have on the commerce and freight rates of the United States, and whether the same are in violation of any law of the United States.

SEC. 2. That said committee shall report to the House all the facts disclosed by said investigation, and what legislation, if any, it deems advisable in relation thereto.

SEC. 3. That said committee, or any subcommittee thereof, is hereby empowered to sit and act during the sessions or during the recess of Congress at such place or places as may be found necessary, and to require the attendance of witnesses, the production of books, papers, and other documents, by subpoena or otherwise, to swear such witnesses and take their testimony orally or in writing.

SEC. 4. That said committee is hereby authorized to employ such counsel and experts and clerical and other assistance as shall be necessary to perform its duties hereunder.

SEC. 5. That the Speaker shall have authority to issue subpoenas for witnesses, upon the request of the committee, during the recess of Congress in the same manner as during the sessions of Congress.

Mr. HENRY of Texas. Mr. Speaker, I do not know that any debate is necessary. Does the gentleman from Pennsylvania [Mr. DALZELL] desire time?

Mr. DALZELL. Mr. Speaker, I do not desire to debate the resolution. I quite approve of it. It is not a new subject, as a similar resolution was before the Committee on Rules in the last House, and while the text of this resolution was somewhat changed, I think it has been changed for the better. I have not any doubt from the various hearings by the committee, both in the last Congress and in this, that it is proper there should be such an investigation.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13570. An act to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

NATIONAL DRAINAGE CONGRESS.

Mr. DUPRE. Mr. Speaker, I ask unanimous consent to insert in the Record, in connection with the remarks which I made yesterday, submitting an invitation to this body to attend the sessions of the Drainage Congress shortly to be held in New Orleans, certain extracts included in a telegram received from the New Orleans Board of Control of that Congress. [Applause.]

The SPEAKER. The gentleman from Louisiana [Mr. DUPRE] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Following is the telegram referred to:

National Drainage Congress will voice desire of entire country for adoption by Federal Congress of a broadly constructive policy of reclamation by drainage and river regulations. There is no intention to ask the Federal Government to drain any man's land. Drainage Congress will ask that Federal Government survey all wet lands, solve interstate problems, furnish adequate drainage arteries into which local drainage may flow, and so regulate the flow of navigable rivers as to conserve their water and prevent destructive floods. In all of the factory towns of the East and North there is now an overcongestion of food consumers. Drainage Congress will give great impetus to drainage, to the canalization of the Ohio River, to the building of the Lake Erie and Ohio River ship canal, and to flood prevention. The millions of non-producers congested in manufacturing centers deplete the country population. High cost of living results, because consumers increase faster than producers. That condition may be reversed by enormous increase of food production from 24,000,000 acres of land to be reclaimed in Arkansas, Missouri, Mississippi, and Louisiana alone. Louisiana's 10,000,000 acres of alluvial lands will produce more than a billion dollars' worth of food every year. Cheap water transportation will exist from every farm in Louisiana to every seaboard city. Complete Lakes to Gulf waterway, canalize Ohio River from Pittsburgh to Cairo, and build

Lake Erie and Ohio River ship canal, and food from Louisiana's winter garden farms can then go by water to the large interior manufacturing centers.

NEW ORLEANS BOARD OF CONTROL,
NATIONAL DRAINAGE CONGRESS.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the Agriculture appropriation bill, with Mr. BORLAND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. LAMB. Mr. Chairman, when the committee rose on March 2, it had under consideration the paragraph on page 21, line 18, "For the investigation and improvement of sugar-producing plants, including their utilization and culture, \$30,795," to which there was pending an amendment offered by the gentleman from Texas [Mr. GARNER]. I think this matter was discussed fully pro and con, and all I have to submit now for the information of the committee is what Dr. Galloway said in detailing his projects along this line. After treating of the work touching beet-sugar culture, he says:

This comprises a study of sugar-cane diseases, of problems affecting maple sap in connection with the Vermont Experiment Station, and a small amount of work on sorghum. The necessity of concentrating the efforts of the office force on the more urgent problems and the difficulty experienced in securing a competent pathologist for the sugar-cane investigation have led us to mark time on this group of projects. Considerable work has been done on the maple-sap problem. In the coming season no increase has been asked for in these projects. The policy will be to push the work on sugar-cane diseases more actively next year if a trained man can be secured.

There you have the judgment of Dr. Galloway as to the necessity for this extension of the amount for this sugar project, and I am willing to submit it to the House on what has been said, unless my friend from Texas [Mr. GARNER] wishes to speak further.

Mr. RODDENBERRY. Mr. Chairman, I could not catch quite the entire language of Dr. Galloway in regard to the investigation of diseases of the sugar-cane plant. Does he assert that this appropriation is adequate for the investigation of the current year?

Mr. LAMB. He said it would be the policy to push the work on sugar-cane diseases more actively next year if a trained man can be secured; the fact being, as he states it, that he has not at present a trained pathologist in this business to prosecute it successfully now, and he wants to mark time, so to speak, to use his own language.

Mr. RODDENBERRY. Does the gentleman infer from that that the investigation of diseases of sugar-cane plants this year must of necessity be limited?

Mr. LAMB. Exactly. He has \$37,000, you know, and he is employing part of that; and he says he does not expect to do much this year, but to delay to another year.

Mr. RODDENBERRY. His intention is to make such investigation as he can this year?

Mr. LAMB. That is what I understand.

Mr. RODDENBERRY. And the appropriation is adequate for that purpose?

Mr. LAMB. Yes.

Mr. GARNER. Mr. Chairman, I would like to say a word to the committee on this amendment for the benefit of gentlemen who were not here last Saturday. The sole purpose of this amendment is to establish experiments in the Rio Grande Valley, in the State of Texas. I am not going to take the position in the House that Dr. Galloway is incapable of finding a man qualified for doing this work, because if I took that position I would be compelled to take the position that Dr. Galloway himself is not the man fitted to conduct the business of the Bureau of Plant Industry, and I do believe he is the man best qualified to carry on that work in the United States.

When anyone undertakes to convey the idea to this House that you are unable to find a man in the United States to carry on this work, it seems to me it is perfectly ridiculous. For instance, this bill does not take effect until July, 1912, and runs along until July, 1913. The object of this amendment is to secure sufficient funds to experiment with cane and beet sugar in the Rio Grande Valley, a new country, with a new soil, new

climatic conditions, with irrigation projects such as you have not in the Middle West or in Louisiana. In other words, it is an entirely new situation. I submit for the benefit of the committee that the manner in which these experiments have been made has been unfair. I quote from a statement prepared by the Bureau of Plant Industry with reference to this work. It is now being carried on at two points in Colorado, one in Wisconsin, one in Kansas, one in Georgia, and I do not doubt but what the Rio Grande Valley will produce, in the next year or two, more sugar than either State that I have referred to. And it does seem to me, out of the \$30,000, some experiments, some demonstration work, some opportunity may be had, that the small farmers in the valley may have the same assistance and the same consideration that the beet growers of the West and the South have had.

Mr. Chairman, I ask for a vote on the amendment.

Mr. MONDELL. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 21, lines 19 and 20, strike out the words "thirty thousand seven hundred and ninety-five dollars" and insert the words "fifty thousand dollars."

Mr. MONDELL. Mr. Chairman, the Secretary of Agriculture has informed us that there are within the continental boundaries of the United States at least 274,000,000 acres of land that are adapted to the cultivation of the sugar beet. In addition to that I think it is the opinion of those best informed that there is an area of not less than 12,000,000 to 15,000,000 acres adapted to the cultivation of sugar cane, or more than 10 times the area on which sugar cane is now cultivated. The gentleman from Texas [Mr. GARNER] has just eloquently explained to the Committee of the Whole what a vast area there is in his district that could profitably produce sugar cane.

Of the total consumption of sugar in the United States, amounting, in 1910, to 3,350,355 tons, we produced in this country 333,006 tons of cane sugar and 457,000 tons of beet sugar. It would not be necessary to utilize one-twentieth part of the land which is fit for the growing of cane and sugar beets in the United States to produce all of the sugar that we consume. It is estimated that there is invested in the beet-sugar industry of the country something like \$100,000,000. The probability is that we have a still larger investment in the cane-sugar industry. Yet these two industries produce less than 800,000 tons out of the 3,350,000 tons which we consume. So here is an opportunity for building up a domestic industry which will call for an additional investment of at least \$600,000,000.

Mr. AUSTIN. Will the gentleman permit an interruption there?

Mr. MONDELL. I yield to the gentleman.

Mr. AUSTIN. I should like to ask the gentleman what effect the proposition to put sugar on the free list will have on the development of this industry?

Mr. MONDELL. Of course it will wipe out the industry we now have and will prevent any further extension of it, but I am not assuming that sugar is going on the free list. The election of a Republican President and House of Representatives will prevent that.

Mr. LEVER. Do not be too sure about that.

Mr. MONDELL. I am discussing this matter just as though the catastrophe that seems now to impend will not be realized. As a matter of fact, I am inclined to the opinion that if the gentlemen on the other side had the opportunity at this time to put upon the statute books the legislation they propose, and upon which they have taken caucus action, they would hesitate a long time before they would do it.

We have an opportunity to enlarge the sugar industry to an extent that would require the investment of at least half to three-quarters of a billion of dollars and give employment to at least 100,000 American citizens.

That is the opportunity presented to us in the extension of the sugar industry in cane and in beet; and it seems to me that in view of the importance of this industry, in view of its great value to the country, we should expend a larger sum than is provided for in the item now before us, and that \$50,000 would be a very small sum to expend in making the investigation that would lead to the extension of this important industry.

In the State which I have the honor to represent on this floor we have at least a half million acres of land that are suitable to the cultivation of the sugar beet.

[The time of Mr. MONDELL having expired, by unanimous consent he was given five minutes more.]

The great State of Colorado, to the south of us, no better land, no better climate than we have, has 17 sugar-beet factories. The State of Montana, to the north of us, has one large

sugar-beet factory. Nebraska, to the east, has two factories, and the three factories that I have last referred to all receive a large proportion of their sugar beets from Wyoming.

We have long been looking forward to the time when the sugar-beet industry would be extended in our country. A number of years ago the Government undertook to aid the development of the arid West through the national reclamation law. We have expended approximately \$60,000,000, and between \$25,000,000 and \$30,000,000 are available when needed for extension of that work. These great irrigation projects, or a number of them, depend for their success very largely on the opportunity afforded for the cultivation of sugar beets and the manufacture of beet sugar. We deliberately undertook this great national work and dedicated to it the income from the public lands, with the understanding that the progress and prosperity and success of these enterprises largely depended on the extension of the beet-sugar industry.

Of course, we realized then, as we realize now, that this industry is dependent upon a protective tariff; that it is absolutely impossible in a temperate climate and with the American wage, under American conditions, to produce cane sugar in competition with the peon-grown cane sugar of the Tropics.

No man whose opinion on the subject is worthy of consideration will claim for a moment that it is possible to maintain under the American flag within our continental confines a cane-sugar industry in free competition with the cane-sugar industry of Java or Borneo or Cuba. That being the case, we understand the still more difficult conditions surrounding the sugar-beet grower. It is scarcely necessary to refer to the fact that the beet-sugar industry is absolutely dependent on a protective tariff. Even in Germany, where the average wage paid to the workers in the field is just about a third, or a little more than a third, of that in our Northwest, where the average wage in the factory is less than half that paid in American factories, the industry would be wiped out if it were not for the protective tariff which guards it. How much more is that tariff essential to our development? [Applause.]

Mr. MANN. Mr. Chairman, the current appropriation law carries \$32,355 for the investigation of sugar-producing plants, including their utilization and culture. The bill under consideration carries \$30,795. The gentleman from Texas [Mr. GARNER] has offered an amendment increasing that amount by \$5,000, and I understand the gentleman from Wyoming [Mr. MONDELL] has offered an amendment increasing it to \$50,000. I am somewhat interested in the position of the gentleman from Texas. A short time ago we had under consideration a proposition to make a slight increase in the appropriation for the investigation and the establishment of standards of cotton; when the vote came before the House the gentleman from Texas rallied the Democratic hosts from the nooks and corners and brought in a large aggregation of gentlemen who had not heard the debate who voted against the amendment and succeeded in defeating it. Then the gentleman from Indiana offered an amendment to provide an appropriation for the investigation of diseases of corn; and again the gentleman from Texas rallied the Democratic Members out of the by-ways of the Capitol and succeeded in defeating that amendment. Then the gentleman from Tennessee offered an amendment to increase slightly the appropriation for the investigation of the improvement of tobacco, and so forth, and the gentleman from Texas rushed to the corridors and lobbies and rallied the Democratic Members who had not heard the debate, although on this occasion he did not succeed in defeating the amendment.

On every proposition that has come up, until sugar was reached, the gentleman from Texas has performed the onerous duty of rallying the Democratic Members to stand with the committee.

It only illustrates how we are all influenced more or less by local considerations. I do not know who the committee have selected now to rally the Members on that side of the House to support the committee against the amendment offered by the gentleman from Texas [Mr. GARNER], but I suppose somebody will bring in the Speaker and the chairman of the Committee on Ways and Means from their private rooms to stand by the committee now as the gentleman from Texas did upon the other amendments.

Mr. Chairman, one of two things is quite certain. If the Democratic proposition for free sugar is to prevail, we ought either to strike out the entire provision for this item or else increase it. I am inclined to think that if the Democratic proposition for free sugar prevails no sum of money appropriated for the investigation of sugar-producing plants will be of any very great avail, and yet even with that threat in our face I would not be willing to abandon the possibility of so increasing our capacity for the production of sugar by the

improvement of sugar-producing plants that I would be willing at this time to strike out the appropriation. I hope the gentleman from Texas, having now worked himself up to the point where he is willing to increase the appropriation by \$5,000, to be used in his district in Texas, will go along the line a little further and support the amendment proposed by the gentleman from Wyoming [Mr. MONDELL], so that the appropriation can be increased for the benefits of other parts of the country. Certainly the gentleman from Texas is not desirous of increasing it by merely \$5,000 to be expended in his own district in Texas. Surely he will be willing to increase it enough so that they can maintain an experiment station in the State of Wyoming and in other places where we can produce sugar beets, in the hope that the Republicans may somewhere along the line prevent the destruction of the industry through the passage of the bill reported into the House this morning.

Mr. LAMB. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is always listened to attentively by this House, and for that reason I did not object and was perfectly willing for him to have five minutes longer in the hope that he would give us some more scriptural illustrations and speak as a preacher, as he usually does in this House. His amendment is just exactly five times worse than the amendment of the gentleman from Texas [Mr. GARNER].

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a little Scripture right there?

Mr. LAMB. Certainly; we need some.

Mr. MONDELL. This may not be literally correct, but is practically so: "He who forgetteth his own household is worse than an infidel." [Laughter.]

Mr. LAMB. "He who faileth to provide for his own household." I am not much of a preacher, but I can correct the gentleman sometimes on Scripture. [Laughter.]

Mr. Chairman, the same reasons that apply to refusing the amendment of the gentleman from Texas [Mr. GARNER] to increase this appropriation by \$5,000 apply with five times greater force to the amendment offered by the gentleman from Wyoming.

I would not take the time, if I had it, to make any reply to my genial friend from Illinois [Mr. MANN], who has always got something to say about the action of the Democrats. Let me tell you, my friends on both sides of the Chamber, that it makes no difference to me, having charge of this bill, whether an amendment comes from a Member on this side or upon that side of the aisle. [Applause.] I shall consider it, and I think this committee will, upon its merits, and not with a view of whether it is offered by a gentleman on one side or the other of the two contending parties in this country.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LAMB. Yes.

Mr. RUCKER of Colorado. I want to know if the department made any recommendation concerning this appropriation for this purpose?

Mr. LAMB. Mr. Chairman, I am very glad that the gentleman has asked that question. If I were to answer in full these other gentlemen I would refer to that, and perhaps I would better do it now. If this were of such magnitude as to require the attention of these gentlemen, and if my friend from Wyoming was looking after his own household, as Scriptures enjoin, why did not he and they come before the committee and have the matter investigated? No more was asked in the estimate. We gave all that the department asked in this matter, and I have quoted to you to-day what Dr. Galloway has said about this project.

Mr. RUCKER of Colorado. Will not the gentleman from Virginia pardon the department, as well as the gentleman from Wyoming and myself, upon the theory that we did not anticipate that there was going to be a free-sugar bill brought into this House any more than did the gentleman from Virginia?

Mr. LAMB. My friend knows just as much about what that free-sugar bill is going to amount to as I do.

Mr. RUCKER of Colorado. I have no doubt that we will not disagree about that.

Mr. LAMB. It is not in the equation.

Mr. RUCKER of Colorado. That legislation will fatten the refineries and impoverish the beet people. Mr. Chairman, I want to submit just one word to the gentleman from Virginia in behalf of the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The beet-sugar industry is the one that needs this education—that is, the grower of the beet. Now, the gentleman from Texas, with his \$5,000—if he wants that expended down there—is not entitled to any consideration whatever, for the reason that the cane-sugar business is as old as the history itself, whereas the

beet-sugar industry—the kind of seed to use, the kind of soil to plant it in, the kind of cultivation to make of the plant—is entirely new and growing in importance every day; and if this country, which only produces one-third of the sugar consumed by the American people, expects ever to get any additional sugar grown in this country or manufactured, it must be from beets.

Mr. GARNER. Will the gentleman permit me to interrupt to make a statement to the gentleman from Colorado. I know the gentleman does not want to be unfair. They are growing sugar beets in the Rio Grande Valley. It is a new territory, and there they are testing both cane and beets; and for the gentleman to say that the appropriation I have suggested is not to be considered, when it should be considered in fairness to both sides, seems to me perfectly ridiculous.

Mr. RUCKER of Colorado. I did not so understand the gentleman.

Mr. LAMB. The gentleman has taken me off my feet, and if it had not been that the gentleman is an old soldier I would not agree to it. However, he looks too young to be a soldier. I desire to say that two-thirds of this money is used for this beet culture.

Mr. RUCKER of Colorado. I understand; and if there were fifty thousand more—

Mr. LAMB. Yes; but—

Mr. RUCKER of Colorado. And if this fifty thousand were appropriated, it would be two-thirds of that. I am sure that if the gentleman will call up the Secretary of Agriculture, he will recommend \$50,000 for that purpose.

Mr. LAMB. Let us proceed now—

Mr. RUCKER of Colorado. I am going to vote for the amendment of the gentleman from Wyoming.

The CHAIRMAN. The question is upon the amendment to the amendment offered by the gentleman from Wyoming.

Mr. MANN. I ask to have the amendment reported.

The Clerk read as follows:

Page 21, lines 19 and 20, strike out the words "thirty thousand seven hundred and ninety-five dollars" and insert the words "fifty thousand dollars."

Mr. MANN. That is the amendment to the amendment. I asked to have the amendment reported.

The CHAIRMAN. The amendment which was reported by the Clerk was the amendment to the amendment. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 19, strike out the word "thirty" and insert the word "thirty-five."

The CHAIRMAN. The question is upon the amendment of the gentleman from Wyoming to the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. RUCKER of Colorado) there were—ayes 54, yeas 46.

Mr. LAMB. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. LAMB and Mr. MONDELL) reported that there were—ayes 67, yeas 59.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs upon the amendment of the gentleman from Texas as amended.

The question was taken; and the Chair announced the yeas appeared to have it.

Mr. MANN and Mr. GARNER. Division, Mr. Chairman.

Mr. MANN. This vote is on the amendment as amended, precisely the same proposition is now being put.

The question was taken; and there were—ayes 46, yeas 56.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. LAMB and Mr. MONDELL) reported that there were—ayes 57, yeas 61.

So the amendment as amended was not agreed to.

Mr. GARNER. Mr. Chairman, I desire to offer an amendment. I move to strike out "thirty," in line 19, page 21, and insert "thirty-six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 19, strike out the word "thirty" and insert in lieu thereof the word "thirty-six."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. GARNER. Division, Mr. Chairman.

The committee divided; and there were—ayes 8, yeas 27.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

After line 20, page 21, insert the following:

"To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the chestnut-bark disease by continuing the study of the nature and habits of the parasitic fungus causing the disease, for the purpose of discovering new methods of control, and by putting into application methods of control already discovered, \$80,000, or so much thereof as may be necessary, of which \$20,000 shall be immediately available. And the Secretary of Agriculture is hereby authorized to expend said appropriation in such a manner as he shall deem best, in cooperation with the authorities of the States concerned or with individuals; and to pay all necessary expenses for the employment of all investigators, local and special agents, experts, assistants, and all labor and other necessary expenses, including rent, in the District of Columbia and elsewhere, as may be required: *Provided*, That of this sum an amount not exceeding \$10,000 shall be used in the study of the relation of insects to the chestnut-bark disease."

Mr. LAMB. Mr. Chairman, I reserve a point of order on that, but if my friend from Pennsylvania [Mr. Moore] will allow me to make a statement of two minutes I think he will withdraw his amendment.

We have already a provision in this bill for the chestnut blight, and in addition to that we have a bill before our committee on which we are perfectly willing to hear the gentleman from Pennsylvania at any time, to make a separate, distinct, and independent provision for this, as we did for the Mediterranean fly.

Mr. MOORE of Pennsylvania. I thank the gentleman for that statement. Of course, there is a great deal of interest in this question. I realize that the gentleman can make a point of order, but I thank him for having reserved it in order that this statement could be made, and I also thank the gentleman for having given the assurance that this question may again be heard by the Committee on Agriculture.

Mr. LAMB. Mr. Chairman, I insist on the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, before the gentleman does that I certainly would like to have five minutes, which, of course, I can get by moving to strike out. The gentleman will save time by allowing me that amount of time.

Mr. SHACKLEFORD rose.

Mr. MOORE of Pennsylvania. I will tell the gentleman from Missouri [Mr. Shackelford] the same thing.

Mr. SHACKLEFORD. Mr. Chairman, there are so many bills here that are dragging, and we are wasting so much time, that I make the point of order against this amendment.

Mr. LAMB. I think we will save time by reserving the point of order.

Mr. MOORE of Pennsylvania. So do I.

Mr. SHACKLEFORD. I do not want to interfere with another gentleman's committee, but I think we are wasting much time here. I will withdraw the point of order, however, at this time.

Mr. FITZGERALD. The point of order is not withdrawn, it is reserved.

Mr. MOORE of Pennsylvania. Mr. Chairman, all I desire now is to present this matter under the five-minute rule. I am not going to argue the point of order, but I wish to say that I sit here patiently during the consideration of a bill of this kind and listen to other gentlemen present claims in behalf of matters that affect their States, and I think if I am willing to do my part to assist those who desire to stop the ravages of the boll weevil, or who seek to investigate other questions affecting animal or plant life or the chemistry of the soil, and so forth, they ought to stop to consider a matter of importance to at least 10 States. The chestnut blight is as serious as is the boll weevil. It started somewhere in the vicinity of New York about 1904. It has now progressed over at least 10 States and is moving toward the South and toward the West. It is estimated that up to this time the loss of chestnut timber has amounted to over \$25,000,000. Surely this is a matter that ought to have some attention and consideration from this House. One State may make an appropriation with a view of stopping the progress of this tree disease, as Pennsylvania has done, but if one State has jurisdiction only within the limits of the State, and the disease is passing over its lines, it is reasonable to ask that the Government of the United States, with its greater authority, step in and help a movement to check it.

My amendment was intended, Mr. Chairman, to have the Government aid in stopping the ravages of the chestnut blight. I realize it is subject to a point of order, but my purpose in introducing it at this time was to ascertain whether any provision had been made in this bill for investigating the blight. I question whether any adequate provision has been made on the part of the Government, but I am satisfied with the state-

ment of the chairman of the committee that in due course the Committee on Agriculture will take this matter up and give it due consideration, and I thank him for that assurance.

I withdraw the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. Lamb] insists on his point of order. The point of order is sustained.

The Clerk read as follows:

For taxonomic investigations and the study of methods for the improvement of grazing lands, \$20,000.

Mr. RAKER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amend by inserting, on line 21, page 21, after the word "taxonomic," the following words, "and agrostological."

Mr. LEVER. Mr. Chairman, on that I reserve a point of order.

Mr. RAKER. Mr. Chairman, the only purpose of this amendment is that the examination or investigation now provided for under the appropriation, \$20,000, taxonomic, is simply to classify the plants. Now, we want plants to grow on these public ranges. We have in the neighborhood of 130,000,000 acres, and we want the department, with this amount of money, to study the best kind of plants that will grow there and study the growing of plants, not the mere classification.

I called the attention of the department officials to this matter, and they seemed to think it would be a good amendment. They think they could do it by studying the growing and the method of growing instead of merely the classification. I hope the committee will accept this amendment. It does not add anything to the amount at all. It simply gives the department an opportunity to study the growth of the plants on these public ranges.

Mr. LAMB. It seems to me, Mr. Chairman, that the Chief of the Bureau of Plant Industry, in summing up what he does under this provision, provides exactly for what my friend from California wants. His statement covers four or five pages here, and I do not want to take the time to read it. A point of order has been made against the amendment, and I ask for a ruling on the point of order.

Mr. RAKER. I hope the gentleman will not make the point of order. This amendment will give the department the power to do what they ought to do, and yet expend no more money.

Mr. LAMB. We hold that the department will do that without the amendment.

Mr. RAKER. If that is so, my amendment will do no harm; it will make it plain and give full authority to act.

Mr. LEVER. Mr. Chairman, let me say to the gentleman from California that the department has been doing the very work he would have it do. They have been doing it for years and years all over this country. One division of this department is devoted to that very work. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, what is the point of order? This amendment is to study grasses. Is that subject to a point of order? It is one of the very purposes in the creation of the department.

Mr. LEVER. I concede that the amendment offered by the gentleman from California is not subject to a point of order. I reserve it, however, on the amendment.

Mr. RAKER. This is a question that ought to be considered. We apply to the department for investigations, and they return the answer that there is no provision in the bill by which they can make certain investigations. Now, I understand from the chairman that they have made this same kind of investigation. If that is the case, they have made it without any authorization of law. Why not permit this to be amended, to put it in shape so that when a request is made and when their attention is called to the matter and they desire to go out and make thorough investigations as to the growth of the plants and the kind and character of the plants that ought to be grown on these public ranges they can do so and not confine this item simply to the mere purposes of classifying the plants and grasses, but extend its scope for the purpose of getting forage, for the purpose of having vegetation grow upon those ranges for the use of which the permittees are now paying hundreds of thousands of dollars to this Government? The Government ought to be ready and willing to do this work, and this committee ought to be ready to vote favorably on the amendment.

Mr. KENDALL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Iowa?

Mr. RAKER. Yes; I certainly do.

Mr. KENDALL. Was I correct in understanding the gentleman to say that this amendment was submitted to the department and approved by it?

Mr. RAKER. I will say to the gentleman that I consulted with one of the officials of the department, and he said the amendment ought to go in.

Mr. KENDALL. I understand the gentleman from South Carolina [Mr. LEVER] to say that this work has been carried on for years?

Mr. LEVER. Yes. Here is a statement of Dr. Galloway, in which he says that work under this head consists of an investigation of economic grasses and other plants. I want to say further that perhaps the first year that I was elected to Congress Dr. Spillman, in charge of farm management work, which is carried in the bill in the next item, went through my district with his experts to teach my people what kind of grasses are best adapted for growing on our soil, and I understand the department for years has been doing this very work. The item at the foot of this page used to be called for the "Office of Agrostology," showing that the very character of work that the gentleman has in mind is now being done by the department and has been done by it for years.

Mr. RAKER. Will the gentleman permit a question?

Mr. LEVER. Yes.

Mr. RAKER. The question of taxonomics has absolutely no relation on earth to the growth of plants, if you give it a proper definition. The question is, if by putting one word in there we can give the department the right to study the method of the growth of plants, and by that study we can increase our public ranges, ought we not to do it?

Mr. LEVER. Why load up the bill with unnecessary verbiage?

Mr. RAKER. It is only putting in two words, which will give the department the authority.

Mr. MANN. Will the gentleman yield for a question?

Mr. RAKER. Yes.

Mr. MANN. The gentleman takes the word "taxonomic," and seems to consider that that is the whole paragraph. Does not the gentleman consider that the study of methods for the improvement of grazing lands includes the study of grasses or anything that would come under the term "agrostology"?

Mr. LAMB. Not only so, but he says so here.

Mr. RAKER. The study of methods of improving grazing land is not a study of the plants grown upon the land.

Mr. MANN. Why, certainly. How else could he improve it?

Mr. RAKER. He can examine the soils, he can examine the climate; but we want him to examine the plants that the man pays for when he gets a permit to go on the ranges.

Mr. MANN. But we can examine them under this provision.

Mr. LAMB. Here is what he says under one of his projects: An inquiry into the best methods for the natural reseeding of overgrazed ranges.

Mr. RAKER. That is in another provision.

Mr. LAMB. It is under this very taxonomic treatment. I asked him to give me a statement of all these projects, and every project is under this head, right down here. There is so much of it that I would not burden the Record with it, but it answers the gentleman's question. There is no necessity for this. They are doing it now.

Mr. RAKER. Will the chairman of the Committee on Agriculture permit me to ask him this question?

Mr. LAMB. Certainly.

Mr. RAKER. If by virtue of a few words you can make the language so specific that when the officers come to consider this question of the investigation and examination of the land for which the people are now paying this Government hundreds of thousands of dollars for rent and for range purposes, ought we not to make the language so specific that they can not say, "Oh, well, it is not provided for in this act and we can not consider it"? Why not make it plain? Why not make it specific, so that we who are paying hundreds of thousands of dollars for these public ranges may get some of the benefit of it?

Mr. LAMB. Because the suggestions for language in the bill must come from the department.

Mr. RAKER. I know; but they have not a monopoly of all the language there is.

Mr. LAMB. It is to be assumed that they know what they are doing.

Mr. RAKER. There are a few words remaining in the dictionary that they have not used there.

Mr. LAMB. They have used so many that there ought not to be any more inserted.

Mr. MANN. Which does the gentleman think would be the more intelligent, Members of Congress or others?

Mr. RAKER. Members of Congress. Others are intelligent also.

Mr. MANN. Is the appropriation for the improvement of grazing lands or for the study of agrostology?

Mr. RAKER. The study of the improvement of grazing lands.

Mr. MANN. But the study of the improvement of grazing lands necessarily carries with it a study of the methods of improvement, and the principal method is the study of the grasses or forage plants.

Mr. RAKER. They do not thus apply it.

Mr. MANN. They do thus apply it.

Mr. LEVER. Undoubtedly they do.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The point of order has been withdrawn. The question is on the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19238. An act to amend section 90 of the act entitled, "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To investigate and encourage the adoption of improved methods of farm management and farm practice, \$186,020.

Mr. McLAUGHLIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 21, lines 25 and 26, strike out the words "one hundred and eighty-six thousand and twenty dollars" and insert in lieu thereof the words "two hundred and fifty thousand dollars."

Mr. McLAUGHLIN. Mr. Chairman, this amendment, if adopted, will make available \$250,000 instead of \$186,020, an increase of about \$65,000. I offer the amendment with some reluctance because I am a member of the Committee on Agriculture and a member also of the subcommittee upon whom devolved the work of preparing the final draft of the bill we are now considering.

Since the organization of the Department of Agriculture scientists, investigators, and experimenters have been at work gaining information to assist in better agriculture in this country. Acts of Congress have been passed to assist agricultural colleges in similar work. But there has been a lack of appropriation, a lack of means for carrying results of these investigations to the people in such a form that proper or reasonable use could be made of them. The acts of Congress providing appropriations for agricultural colleges to assist them in their work for the establishment of experimental stations actually forbids use of money so appropriated outside of the agricultural colleges themselves.

Mr. TRIBBLE. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. TRIBBLE. The gentleman's amendment is for the purpose of establishing demonstration stations?

Mr. McLAUGHLIN. It is to pay salaries and expenses of men to go from the Department of Agriculture to come into actual contact with farmers to show them better methods of farm management, and assist them in better cultural methods and the improvement of agriculture.

Mr. TRIBBLE. That is for farm demonstration?

Mr. McLAUGHLIN. Farm demonstration and farm management. There is some difference between farm demonstration and farm management, but although I have heard that difference described a number of times, I admit that for some reason I have been unable to understand it. I think they are so similar that one may be very properly taken for the other.

It has been said by presidents of agricultural colleges and the representatives of those colleges that have appeared before the Committee on Agriculture to urge appropriations of this kind that there are now in the Department of Agriculture in this city information and secrets of one kind and another, gained by investigators, that if taken to the farmers of this country and put up to them in such a way as to make it available agricul-

ture will be revolutionized. We are met with the statement that the department is doing something to get this information to the people, and it is insisted that the information has been made available. We are pointed to the fact that bulletins covering these different matters have been issued and that the department is sending out men to take part in institutes and to lecture to the people, disclosing the secrets and information that the Government has gathered at great expense.

But you know, without being told by me, that these bulletins, many of them, are over the heads of the ordinary farmer; that he is unable to understand as he ought to understand the lectures given by these experts, and the only way information can be brought to the farmers of this country in such a way that a proper use can be made of it is to send the experts to the farmer himself.

[The time of Mr. McLAUGHLIN having expired, at the request of Mr. KENDALL, and by unanimous consent, he was given five minutes more.]

The only way by which the information can be taken to the farmers so that they can make proper use of it is by the expert going directly to the farmers themselves, and, as has been done in some parts of the country, teaching them better cultural methods and better farm management.

The Department of Agriculture has issued a map showing where its agents are located, many of them doing this very work. I would ask the attention of this committee to that map. It will be seen that the work is done largely in the States in the South, where it has been found more necessary, perhaps, than in the North, on account of the ravages of the boll weevil. I would not say one word against the necessity of that work or the character of the work. It has been necessary, it has been well done, it ought to be continued, and the appropriation providing for it, if changed at all, should be increased.

I do not call attention to the map for the purpose of discrediting or in any way reflecting unkindly on the work that is being done in the South or upon the discretion of the Secretary of Agriculture in sending so many and such a large proportion of his men to the South. For instance, in South Carolina, as I count the number of men as indicated on the map, there are more than 40 agents and representatives of the Bureau of Plant Industry instructing the people in farm management and farm demonstration. In Virginia there are about 35, in North Carolina 35, in Georgia 55, in Alabama 56, in Mississippi 50, and in Texas 100. In the State of New York there are 3, and New York is a great agricultural State. When we read the story of agriculture as it is and has been carried on in the State of New York we are impressed with one feature, one chapter, which tells of deserted farms. Evidently there is need there of assistance and teaching in farm management. In the State of Pennsylvania there is 1 agent of this bureau. In the State of Ohio there are 2, in Indiana none, in the State of Illinois 2, and in the State of Michigan 1. And I may say that when I went, a short time ago, to the chief of the bureau and asked for men to go into my State of Michigan to carry on this kind of work he said that there was a lack of money and it was very doubtful if we would be able to do anything along that line. The committee has of its own accord increased this appropriation about \$42,000, as I remember the figures, but the chief of the bureau tells me that that will pay the expenses of only 14 men, because the expense of each man is about \$3,000, and that he has hundreds and hundreds of requests from different parts of the country. When he scatters those 14 men who would be added to the number over the entire United States, if he puts them all in the North, it will be seen that we will not then have anything like our fair proportion.

I will continue to read the allotment to the States of the North. In Wisconsin there are 2; Minnesota, 1; Missouri, 2; New Jersey, 1; Iowa, 2; Kansas, 4; Nebraska, 3; and Maine, 1. That is as far as I have gone, Mr. Chairman, in looking over this map and counting the number of stations that the department has located in States of the North.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Certainly.

Mr. MANN. The gentleman stated that the cost of these men is about \$3,000 per man, but he has already enumerated enough men to more than make it at the rate of \$1,000 per man. According to the appropriation, there is only \$142,000 appropriated, and the gentleman has enumerated 55 men in one State alone.

Mr. McLAUGHLIN. Many of these men are paid out of the appropriation made by the next paragraph, at the top of page 22, for the study and demonstration of the best method of meeting the ravages of the cotton boll weevil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Michigan may be extended for five minutes.

Mr. LAMB. Mr. Chairman, we will never get through if we keep on at this rate.

Mr. MANN. Oh, the agricultural bill is taking no longer this year than it has always done.

Mr. LAMB. I do not know about that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Michigan be extended for five minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Mr. Chairman, many of the men in the South—and I was about to say all of them, but I am not sure of that—are paid wholly or in part out of the appropriation for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, for which there is carried in this bill the sum of \$332,960.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. HUMPHREYS of Mississippi. The gentleman mentions salaries that are paid to the 50 men in one State and the hundred in another, and so forth. Are those salaries entirely paid by the Federal Government, or is it not a fact that a number of those men have their salary supplemented by the localities and the General Education Board?

Mr. McLAUGHLIN. That is true in some cases. A part of the salary of these men is paid, as the gentleman from Mississippi says, in that way.

Mr. HUMPHREYS of Mississippi. And the gentleman does not mean that each man costs the Government of the United States \$3,000?

Mr. McLAUGHLIN. It is about \$3,000 a year for salary, traveling, and other expenses of the representative.

Mr. HUMPHREYS of Mississippi. I know in my own State it is quite general that the counties employ men and as a rule pay half and sometimes three-fourths of the salary, the other being supplemented either by the fund provided by the General Education Board or by the Government.

Mr. WICKLIFFE. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. WICKLIFFE. I would like to state in that connection that the State of Texas is paying \$50,000, Arkansas \$40,000, the State of Alabama \$34,000, and other States various other amounts which I will not enumerate, making a total sum, which, together with the funds from other sources, amounts to practically the same as the amount appropriated by the National Government in the next paragraph, and my colleague on the committee, the gentleman from South Carolina [Mr. LEVER], says amounts to a thousand dollars more. I am referring to the next paragraph respecting the boll weevil, since the gentleman has gone into it.

Mr. McLAUGHLIN. Mr. Chairman, it is true—

Mr. HAUGEN. What did I understand the gentleman to say the amount expended in Texas was?

Mr. WICKLIFFE. Now \$50,000; \$46,000, I think, last year.

Mr. McLAUGHLIN. Many of the States of the South have contributed, as the gentleman from Louisiana says; but, notwithstanding that, a very large part of these appropriations is used in the South. Now, I have said I would not refuse that money, but if I were to make any change in the appropriation I would increase it so that the splendid work carried on in the South might be continued and even extended. When we learn of the development in the South—the wonderful results, entirely satisfactory—it justifies this Congress in the appropriations it has made, and I wish to have it distinctly understood that I would not cast a reflection upon the bureau for spending money in that way nor upon gentlemen upon this floor who have asked for the use of money for that purpose. I am simply asking for an increase of appropriation so that some other section of the country, needing it almost as badly, may have more of the work done there. As an illustration of the need of this work in the States of the North I want to tell you a little story that was told before our committee by the dean of the agricultural department of the University of Wisconsin, which he received from Prof. Hopkins, professor of soils in the department of agriculture of the University of Illinois. I had read it in Prof. Hopkins's book, "The Story of the Soil," but did not know until Dean Russell repeated it that it was an actual fact. I thought it was simply a story. The soil department of the university sent experts into a portion of Illinois to make experiments and to give demonstrations. The work accomplished was wonder-

ful, and Prof. Hopkins tells about an old gentleman who came with his family—

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAMB. Mr. Chairman, the gentleman has had 15 minutes, and I insist now that the time is passing; and I want to be frank—

SEVERAL MEMBERS. Let him finish his story.

Mr. LAMB. If you keep on this way, with blue Monday and holy Wednesday and pension Friday, we will be here the Fourth of July about these measures unless we get along a little faster.

Mr. MANN. The gentleman will not make any time by cutting off gentlemen who have a right to talk.

Mr. LAMB. The Chair stated that the gentleman's time had expired.

Mr. MANN. I know, but gentlemen who really have something to say should have an opportunity to say it, or I shall insist upon a quorum being present.

Mr. LAMB. I will let him finish his story. Of course, it is very interesting; I have heard it before. I will be glad to have my colleague finish his story.

The CHAIRMAN. Is there objection?

Mr. AKIN of New York. Mr. Chairman, reserving my right to object, I want to say that the gentleman has had 15 minutes to make a speech here. I only had 10 minutes the other day and did not finish my speech. Now, if he is going to continue in this way, I shall have to object. [Cries of "Too late!"]

Mr. Chairman, I object.

Mr. LAMB. I hope my friend from New York will withdraw his objection.

Mr. AKIN of New York. Well, I will withdraw the objection.

Mr. McLAUGHLIN. Prof. Hopkins told us the result of conducting experiments—I believe it was in the growing of oats—of a certain treatment of the soil that produced a magnificent crop, whereas upon adjoining and near-by farms the yield had been insignificant. He called about him the people of that section of the country to see what he had done. One old gentleman came with the members of his family. Upon their faces and upon their persons there appeared the marks of labor and of poverty. The old gentleman, when he saw what had been accomplished, broke down and said, "Why could not I have known this 20 years ago. I have the same kind of soil, and if I had only known how to treat the soil it would not have been necessary for me to bring my family up in poverty and ignorance." The professor said to him, "Why, you did have opportunity to know it; the department has issued bulletins; it has conducted institutes around here," and the old gentleman said, "I never could understand the bulletins, and when I attended the institutes I could not fully understand the lectures."

Now, I will say, Mr. Chairman, that unless this appropriation is increased, unless something is done to carry to the people of this country the information the scientists and the skilled men of the department have been gathering for years, the money we have already expended will be wasted and lost to the people of this country.

I will not further trespass upon the time of the committee. I thank you for the extension.

Mr. LAMB. Mr. Chairman, I want to make a plain statement about this matter and then ask my acting assistant—adjutant general here [Mr. LEVER]—whom I have requested particularly to study the plant-industry part of this appropriation bill, to answer my friend from Michigan.

My colleague [Mr. McLAUGHLIN] was on this subcommittee that made up this bill. He was also on the committee, of course, when it was being considered. We discussed this matter in all of its phases, and I regret exceedingly that he felt constrained to come here and offer an increase of this appropriation, which, by the way, is about the only large increase that we made in these estimates. And we did it for the reason that has been stated in part by my friend, namely, that we thought our brothers in the Central West and the abandoned farms in New York, as reported to us, should have some of the benefits that have accrued to the South from demonstration farm work during the inroads of the boll weevil and the appropriation of \$300,000, or thereabouts, for the extermination of that pest.

We questioned Dr. Galloway; but I am not going to trespass upon what my friend is prepared to say on this question. I am sure you will consider this amount as fully satisfactory to the department. One word more before I close, and I wish to say that the good story related by the gentleman from Michigan [Mr. McLAUGHLIN] suggests this thought. If you increase these appropriations you will thereby weaken the reasons given so strongly before our committee for an appropriation under what is known as the Lever bill. There are 16 of those bills before our committee. During the hearings on the Lever bill we had

many fine addresses, which have been referred to—this story being in one of them—and I suggest to you, when the hearings are printed, to read them as an intellectual entertainment, for they will entertain you and furnish you with information at the same time. This Lever bill will give you exactly what you are asking to be done under this increase.

Mr. TRIBBLE. Will the gentleman yield?

Mr. LAMB. I have not time in which to yield now.

The gentleman from South Carolina, my assistant adjutant general, will have more time and will reply to you. [Laughter.] This Lever bill, so called, I claim is the grandchild of the old Davis bill. The Page bill, which you have heard about over in the Senate, is really the child of the Davis bill, and I think in some respects will be better than its father, and I think the grandchild will be better than the child or its grandparent. The only reason, in my judgment, why it may not be passed at this session of Congress is because the revenues are behind the receipts from the customs duties by which we raise money, and through unconscious sources of taxation, I may say. Every increase you may make in this item weakens the force of the argument for the Lever bill.

Now, I yield to my friend.

Mr. STONE. Mr. Chairman, I desire to offer a substitute.

The CHAIRMAN. The gentleman from Illinois [Mr. STONE] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Page 21, lines 25 and 26, strike out the words "one hundred and eighty-six thousand and twenty" and insert the words "two hundred and fifty-one thousand."

Mr. STONE. Mr. Chairman, I am in favor of an increased appropriation for this work. I think it is well understood, and the need of the extension of it is very easily discerned. I will merely state that during the last summer throughout the Northern States the farmers' institutes in the various counties and States passed resolutions calling upon Congress to extend this very work, so that the northern farmer could have the benefit of it the same as the southern farmer has at the present time.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The debate is not exhausted. The gentleman can speak in opposition if he wishes.

Mr. RUCKER of Colorado. Mr. Chairman, I desire five minutes in which to speak for the amendment. Mr. Chairman, this is a very important matter not only to the farmers all over the country, but especially to the farmers in that State which has not the honor of having a member on the Agricultural Committee. And we are berated here now because of the fact that we did not appear before this committee and call attention to many of the things which have been brought forward. That is unfair, because a lot of us would like to have been upon or before that committee, but we could not be there. In the first place, this boll weevil has stricken the South pretty nearly co-incident to a time when an evil disposition has struck it, because it has taken all of this pork barrel, apparently.

We have none of it in Colorado, a section where we need the most of it. We have an agricultural station there, maintained solely by the State, the State going to the entire expense, and we having no aid whatever from the Federal Government other than from the two agricultural stations which are located there, to which the farmer must go a long way for information.

As the gentleman from Michigan says, these bulletins fall too high above the heads of the ordinary farmer or else he has not the time to study them. We have the institutes of our agricultural colleges traveling all the time over the State, doing all they can, but it is entirely at the expense of the State of Colorado.

Mr. WICKLIFFE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Louisiana?

Mr. RUCKER of Colorado. Certainly.

Mr. WICKLIFFE. The gentleman stated that Colorado was getting nothing. I take the broad ground that this bill is absolutely nonsectional. Take, for instance, the State of Colorado. Here is an item carried in the bill of \$69,000 for investigations connected with the utilization of lands reclaimed under the reclamation act and other areas in the arid and semiarid regions. Now, I do not mean, of course, to say that this is all for Colorado, but some of it, possibly a great deal of it, may be expended there or for the interest of that State; but I do hope the gentleman did not try to create the impression that this is a sectional bill. It is not sectional in any sense.

Mr. RUCKER of Colorado. I did not mean it in that sense, and I beg the gentleman's pardon if he so understood me.

Mr. RAKER. What did the gentleman mean by the remark that only those Members who are on the committee have investigations made in their States?

Mr. RUCKER of Colorado. I do not know what I said to mislead the gentleman, but I did not say anything like that.

Mr. RAKER. I understood the gentleman to say that only members of the Committee on Agriculture had appropriations made for investigations in their State.

Mr. RUCKER of Colorado. The gentleman misunderstood me altogether. It is unfortunate. It may be merely an unfortunate fact for the South that the South needed most of this money. I am not complaining of that; but I am complaining of the fact that we have not got enough in this appropriation to go all around, and that we need some of it in Colorado.

Now, for an illustration. For the last 30 years there have been periods when certain sections of that country were abandoned by the people who have gone there and undertaken, by the usual methods, to make a living on the land—abandoned because of the fact that they had not been educated up to the latest mode of farming these lands, namely, the Campbell system of soil culture, and it is upon that line that the State of Colorado is doing so much for the education of the people. It simply needs some more assistance, and that can only be had from the Federal Government. I am in favor of this amendment.

Mr. WILLIS. Mr. Chairman, I am heartily in favor of this amendment. I want to say, in favoring it, that I do not think this bill is sectional, or that anyone believes that it is. The statements that have been made by the gentleman from Michigan [Mr. McLAUGHLIN] and by others are not made, in my judgment, in the spirit of criticism. So far as I am concerned, I am not finding fault with the gentlemen from the South because they have a large number of stations. I think it indicates commendable activity on their part. For example, as shown by this map, South Carolina has 41, Georgia has 60, Alabama has 64, Texas, 106, and so on. Among the northern States Pennsylvania has 15, Ohio 10, Wisconsin 8, and so forth. I am speaking of all the different establishments of the Department of Agriculture.

Now, that is perfectly natural, and we are asking for the same privilege for the northern States. These men that work in this demonstration work under the supervision of the Bureau of Farm Management are the ones that bring practical things home to the farmers. They are not talking about the technical details of the chemistry of soils, or the fine points of the fertilization of plants, but they talk about the practical things that the farmer wants to know. They come to the farmer and find out, for example, that he is not making the profits he ought to make on his farm; that the work is not being carried on economically. They study the farm as a whole. They take into consideration what problems are involved. They bring the technical information of the Department of Agriculture right home to the farmer, and in such a way that he will be able to use it.

Now, it must be perfectly obvious to gentlemen that, in order to do that it is not possible for one man to cover three or four States with his activities.

It is shown here in the hearings, for example, that one man has three States—Washington, Idaho, and Oregon. He states here in the hearings that he has been in this position for the past seven years and has not been able to go over all the territory once. Now, when we understand that the work of the bureau is largely personal work, it must be perfectly obvious to gentlemen, particularly those who are acquainted with the work of the department so far as it relates to the boll weevil, that if this work is to amount to anything it must be brought directly to the farmer. You can not do anything with one man for three States.

It has been suggested here that the States ought to cooperate. The Southern States are cooperating, and I commend them for it. I am not finding fault or complaining about anything here, except that we want the same help that is now being given to the Southern States—

Mr. MANN. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. MANN. Is there any reason why the very wealthy State of Ohio, and the State of Illinois, and other Northern States, which have experimental stations of their own, should not carry on this work, if it is so desirable?

Mr. WILLIS. Not at all.

Mr. MANN. Why do they not do it, instead of asking the Government to foot the bills?

Mr. WILLIS. They are doing it. If the gentleman will read the hearings at page 58 he will find, for example, just exactly what the State of Ohio is doing.

Mr. MANN. I say, why do they not do it, instead of asking the General Government to foot the bills? They have the money and the men.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I ask for a minute or two more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. WILLIS. In response to the inquiry of the gentleman from Illinois [Mr. MANN], I want to say that the State of Ohio is cooperating in that work. She has appropriated \$30,000, as different States in the South have done, and, in my judgment, that is perfectly proper and reasonable. It is a perfectly proper activity of the Government, and we are simply asking in behalf of the farming interests of the Northern States that the same system that has been wisely and properly applied in the study of conditions in the South shall be applied in the North. For example, I have made a little computation here. The great State of Michigan does not have a single establishment or location of the Bureau of Plant Industry under this bill. Ohio has 2; Pennsylvania has 1; South Carolina has 40; Indiana has none; Illinois has 2; Iowa has 2; Alabama has 54; Minnesota has 1; Nebraska has 5; Mississippi has 46; Kansas has 5; Colorado not a single one. I am not complaining about that. I think it is perfectly proper that these locations should have been made in the States where they have been made, but I am asking that the same sort of service be extended to the farmers in the Northern States that is already extended to the farmers in the Southern States.

Mr. LAMB. I move that all debate on this paragraph and amendments thereto close in 20 minutes.

Mr. HEFLIN. Make it five minutes.

Mr. LAMB. I think 20 minutes is about right.

Mr. HEFLIN. We have already consumed about 45 minutes, I think.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this paragraph and all amendments thereto close in 20 minutes.

The question being taken, the motion was agreed to.

Mr. LEVER. Mr. Chairman, I desire to oppose both the amendments—the one offered by the gentleman from Michigan [Mr. McLAUGHLIN] and the one offered by the gentleman from Illinois [Mr. STONE].

I desire to call the attention of this committee to a few facts and a few misunderstandings in connection with this item in the bill.

In the first place, the Secretary of Agriculture recommended to the Agricultural Committee that we should increase this appropriation \$50,000. The Committee on Agriculture have increased this item \$50,000.

A Democratic committee has taken the recommendation of a Republican President and written it into this bill. We have given every dollar asked by the department for this work, and it does seem to me that this ought to be a fact which should have some weight with gentlemen on this side of the aisle at least, if not on the other side. I would not have this debate take either a political or a sectional turn; on the contrary, I am perfectly willing to debate it on its merits.

Mr. ELLERBE. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. ELLERBE. I do not want to disturb the gentleman, but I want to ask him this question: I am disposed to vote for this amendment, because I am a great believer in this work. I think these people have a right to share in that work, and I want to ask my colleague and friend if he thinks \$180,000 is all the money that can be profitably expended for this work this next year?

Mr. LEVER. My colleague is a gentleman who always goes to the foundation of any proposition, and has done so in this, and I am exceedingly glad he asked me that question. I do not propose to answer him in my own language, but in the language of Dr. Galloway, the chief of the bureau, who handles this work and ought to know what he is talking about. Here is his language:

Mr. LEVER. Assuming that the committee allows this increase you ask here for farm management, how many men would you likely employ with that money; how many States would you reach?

Dr. GALLOWAY. We would probably simply increase our present force in nearly all of the Northern States. What we need now, however, is not a large number of inexperienced men, but we need some good leaders to organize and direct it.

In that connection let me say to gentlemen on both sides that while the farm-management work does relate to farm-demonstration work, nevertheless it is as different from it as day is from night, and Dr. Galloway says so by inference and specifically.

Mr. LEGARE. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. LEGARE. How will the men ever become experienced if you do not employ them at some time?

Mr. LEVER. Let me say to my colleague that he overlooks this fact: That every State in this Union has an agricultural

college and every State has an agricultural experimental station from which hundreds and thousands of boys are going out each year, and these are the men that ought to be the leaders of the community and ought to take up this line of work and will do it when they are available.

Mr. TRIBBLE. Will the gentleman yield?

Mr. LEVER. I will yield to the gentleman in a minute or two. Now, Dr. Galloway, continuing, says:

I do not see where the country could get men to carry out some of the projects that have been proposed, unless they are organized on the basis of the work in the South.

The CHAIRMAN. That would argue that this work is proposed to be advanced further than you have men suitable to carry it on.

Dr. GALLOWAY. I think we could get, with this amount of money, enough men. If very large sums were appropriated, you would have to put inexperienced men in the country to tell the farmers what to do, and you would probably have a waste of money.

Is that the statement of the chairman of the Committee on Agriculture? Is it the statement of the gentleman from South Carolina? No; it is the statement of Dr. Galloway, the man who made the recommendation and the man who is to spend the money—the man who has charge of the work—and his statement ought to be conclusive.

Mr. TRIBBLE. Will the gentleman yield now?

Mr. LEVER. I will yield to the gentleman from Georgia.

Mr. TRIBBLE. If there is not an agricultural college man in my district in charge of demonstrative work, and yet these demonstrators are capable, does not the gentleman's argument fail, and could not you get them from among the farmers?

Mr. LEVER. No. This is not the testimony of myself; it is the testimony of experts and men who know something about it; it is the testimony of men who have had experience.

Mr. TRIBBLE. The gentleman admits that the demonstrators are doing good work?

Mr. LEVER. This is not demonstration work. Let me tell the gentleman, and others who have got up a hullabaloo this morning on this proposition, that it is entirely different from the kind of work you are talking about and have in mind.

Mr. LEGARE. This is demonstration farm work.

Mr. LEVER. Not at all; it is not demonstration farm work; that is on the next page. Now listen. Dr. Galloway says:

You understand that in this farm-management work the final aim is not to reach the farmer through publication; the final aim is to reach the farmer through direct touch with the farmer. But that touch should be made in cooperation with the States, to the end of helping the individual farmer to readjust his entire scheme of farming operations, not by going on to his farm and making a simple demonstration, but by taking a farm, as a whole, and pointing out the ways in which he can readjust the whole proposition. That is a slow process and a costly process, and I think it ought to be done in the very closest touch with the States themselves.

In another part of his testimony he said that it would take \$3,000,000 to do the work you gentlemen are talking about and think you are going to do by this amendment.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Certainly.

Mr. TOWNER. I would like to ask the gentleman if it is not true that this work which is now designated as farm management and farm practice would lead up almost directly to the work contemplated and referred to by the chairman of the committee in the Lever bill?

Mr. LEVER. Let me say that eventually I think that is true.

Mr. TOWNER. Then, will the gentleman allow me to follow that will another question? Does he not, then, think it would be to the advantage of his own bill and to the advantage of the whole country that this appropriation be so increased that these experienced men can be made available when they will be most needed under the operations of his own bill?

Mr. LEVER. The gentleman from Iowa fails to take into consideration the fact that we are increasing this item \$50,000 in this bill. Let me say one word further, and these interruptions break the continuity of the argument, that this is not demonstration work, this is not the work that we have in the South, this is not taking up a few more than ordinarily intelligent farmers and having them go around and visit the various farms, giving the people a few of the fundamentals of agriculture. This is not that work at all. The Secretary of Agriculture in his report says that this important work will be carried on under four heads—studies of farm practice, cost or accounting and farm records, farm equipment, farm problems or extension work. They are taking a man and putting him in an area of 100 miles, perhaps, and telling him to study all of the various farms in that 100-mile area, and then come back to Washington and from his study of the various types of farms he has visited and studied, work out what in his mind is the best type of farm for that area over which he has traveled, and then give to those people the benefit of his judgment on that proposition.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. WICKLIFFE. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

Mr. McLAUGHLIN. Mr. Chairman, that would leave only five minutes in which to reply to the gentleman.

Mr. WICKLIFFE. Already far more time has been consumed on the other side of this proposition.

Mr. McLAUGHLIN. Is that true, Mr. Chairman, that that would leave only five minutes?

The CHAIRMAN. The committee has adopted a resolution limiting debate on this proposition to 20 minutes. Ten minutes of that time has been already consumed.

Mr. McLAUGHLIN. I trust the gentleman will not take all of the time, because there is some of his statement that we would like to throw some light upon.

Mr. WICKLIFFE. The gentleman from South Carolina, of course, would speak now by unanimous consent. Practically all of the discussion has been upon the other side.

Mr. McLAUGHLIN. I do not object. I want the gentleman to have all of the time he desires, but we would like to have a little time in which to reply.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, going on with my statement, I want to make this distinction between the farm management work carried in this item and the farm demonstration work carried in the next item. The demonstration idea is built upon the idea that the Department of Agriculture through its agents carries to the farmer, onto his farm, the simple proposition of better agriculture as it is practiced in the community, while on the other hand, and it is a very vital distinction, the idea of the department under the item proposed to be amended is that its experts shall go out among the farmers and on the farms and there make investigations, gathering together data from which it is proposed to evolve a system or type of agriculture which can be spread broadcast over the country, probably by the demonstration method. In other words, one is a demonstration proposition and the other is an investigational and scientific proposition. The one kind of work can be built up in a short time, the other must of necessity go slowly. The chief of the bureau in charge of this work tells you in as plain language as he can tell you that he can not use more than he has asked for.

Mr. LEGARE. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. LEGARE. Is it not true that they are doing this farm demonstration work, under the clause at the head of page 22, for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil.

Mr. LEVER. I have already said that, but it is demonstration and not farm management work. The two are as distinct as is investigation from an expert point of view from demonstration from a practice point of view.

Mr. LEGARE. If they can do it under that clause, why can they not do it under the clause providing for investigating and encouraging the adoption of improved methods of farm management and farm practice?

Mr. LEVER. Because one is demonstration, that which we of the South get, and the other is farm management, which the Secretary of Agriculture and those in charge say is quite another thing.

Mr. LEGARE. In other words, it is left to the department to put the construction they choose upon the language.

Mr. LEVER. No; the language itself controls. One is farm management and the other is demonstration.

A great deal has been said about the location of stations, as they are called, as appearing in this map. There is nothing to that. These men here indicated by these little round marks on the map, are men who are receiving, perhaps, a salary of \$50 a month or \$60 a month, for a period of from six to seven months in the year.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. WILLIS. I understood the gentleman to say that there was somewhere else in this bill a provision for the extension of this demonstration work. Where is the provision that would permit that extension as to the agricultural districts of the North?

Mr. LEVER. Well, I do not think I said that; if I did, I did not intend to say it.

Mr. WILLIS. Then, as a matter of fact, it is not intended in the provision to have this extension?

Mr. LEVER. I will say to my friend from Ohio I have introduced a bill which will cover, in a very general way, this proposition. Now, I want to say as to this southern proposition that the States of the South a few years ago were put up against the greatest emergency, in many respects, with which

this country has ever been threatened—the ravages of the boll weevil. We did not come to Congress as a section of this country begging Congress to help us. We came here and appealed to a broader, bigger sentiment. We said this is a national problem; it is bigger than the South; it is bigger than Texas; it is bigger than South Carolina; and every interest and industry, every man, woman, and child in this country is vitally interested in the question as to the continuance of the growth of cotton. Congress took the national view of it and made these appropriations, the total amount of which in this bill is \$332,000 in round numbers for this year. Now, look at what the States are doing, gentlemen. We of the South have recognized the enormous importance of this proposition, and we are appropriating this year from all sources \$203,226.50, and that, added to the \$130,000 which we are getting from the educational board, makes \$333,000, or \$1,000 more than the Federal Government is appropriating. Now, one word further.

Mr. WILLIS. Will the gentleman yield?

Mr. LEVER. Just let me complete this statement. If you will add up the number of these stations to which reference has been made in the South, the South Atlantic, and Southwestern States, you will find 1,619 of them, dividing that by 2, for we are furnishing half the money, you get 809, less than any other section of the country, according to the map. I hope, Mr. Chairman, this amendment will be voted down, because the department says it does not want and can not use the money to advantage. It is a good work, but we must let it grow gradually and in keeping with the recommendations of the men who are to expend it.

Mr. WICKLIFFE. Mr. Chairman, I move to strike out the last word; the time has not expired yet.

Mr. MANN. Mr. Chairman—

Mr. WICKLIFFE. I ask for 2 minutes.

Mr. MANN. Are not gentlemen on this side entitled to be heard?

Mr. WICKLIFFE. I will say far more time has been consumed on the other side than on this side.

Mr. MANN. But where a committee limits debate to 20 minutes, can gentlemen on one side occupy all the time?

Mr. WICKLIFFE. I only ask for 2 minutes.

Mr. MANN. That makes no difference; where the committee fixes debate at 20 minutes, can one side of the proposition occupy it all?

The CHAIRMAN. The Chair knows no rule governing—

Mr. MANN. I would like to inquire how much time is left?

The CHAIRMAN. A division of time is not made by the resolution, and the Chair must recognize gentlemen as they rise.

Mr. MANN. I know; but it is customary for the Chair, where debate is limited, to recognize first one side and then the other.

Mr. WICKLIFFE. How much time remains, Mr. Chairman?

The CHAIRMAN. Five minutes.

Mr. WICKLIFFE. I will only consume 2 minutes, Mr. Chairman.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the time be extended 2 minutes.

The CHAIRMAN. The gentleman from Iowa asks that the gentleman from Louisiana may proceed for 2 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WICKLIFFE. Mr. Chairman, practically the sole purpose I have in rising here is to remove, if possible, any impression whatsoever that may prevail here—though I believe it does not to any great extent—that this is a sectional bill. I take exception to the remarks made by the gentleman from Michigan [Mr. McLAUGHLIN], and also by the gentleman from Ohio [Mr. WILLIS], not charging directly that this bill is sectional, but subtly—in a manner by innuendo—indicating that it may be. I want to say now that if there is one committee above all others in the House of Representatives that has no politics in it, it is the Committee on Agriculture. [Applause.] When it comes to the matter of what is necessary for the farmers of this country we do not stop to ask whether it is the "foot-and-mouth disease" in Pennsylvania or New York, or whether it is the boll weevil in the South, or whether it is the gypsy and brown-tail moth in New England, or something in the West. We simply ask the question, Is it fair, just, and necessary? Have we the power to do it? And when the answers are affirmative to these questions we do it. Now, for instance, right here, if we want to balance things up.

I deprecate any such thing; I deprecate such a comparison. I do not propose to balance things up, and you should not do it. It is not fair, it is not just, it is not a just argument; but since you offer it let me call attention to the fact that the gypsy moth and the brown-tailed moth are confined to the States of New England, and those States are getting almost, if not en-

tirely, as much in this very measure as is the item for the boll weevil in the South. But I do not want for a moment to make such a comparison, because I think it is invidious.

Mr. McLAUGHLIN. Mr. Chairman, I am sorry the gentleman from Louisiana [Mr. WICKLIFFE] has put the construction which he has on my remarks. There is nothing sectional in the bill, and there is no disposition to draw sectional lines by any member of the committee, nor have I heard any suggestion of it on this side of the House. We have simply been impressed with the value of the work done in the South, and we would like to have similar work carried on in the North.

Now, as to the difference between farm management and farm demonstration. I attempted to explain when I had the floor before that there are two departments of this work, and that there is some difference. But I wish to confess again that I have never been able to distinguish between them. I have asked gentlemen connected with the Department of Agriculture to explain to me the difference between farm management and farm demonstration, but, it may be my fault, I have never been able to understand their explanation. And I submit that the remarks made by the gentleman from South Carolina [Mr. LEVER], whereby he undertakes to make this explanation and explain the difference between them, are confused, as are the statements that have heretofore been made to me, so far as they are really pertinent; and I suggest, without intending any reflection upon him, that he has made some misstatements, growing out of a misunderstanding himself as to what farm demonstration and farm management are.

Just another point, and I have finished—as to the supply of men that the department has and its ability to use this money. I went to the Chief of the Bureau of Plant Industry at his own invitation to talk about work in Michigan, and we canvassed the situation. He told me that he had the men and could send them there, but that they did not have money with which to do it. I said to him, "We are going to increase that appropriation \$44,000." "Yes," he said, "but that will employ only 14 men, or about that, because the expense of each one is about \$3,000, and there are so many applications—hundreds of them from all parts of the country—it will be impossible for me, out of that appropriation, to satisfy your request for work in Michigan."

Mr. LEVER. But the gentleman will admit that I quoted Dr. Galloway from the hearings correctly.

Mr. WILLIS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Ohio?

Mr. McLAUGHLIN. I do.

Mr. WILLIS. The gentleman from South Carolina [Mr. LEVER] said a moment ago that there is a vast difference between farm management and farm demonstration. If so, I will ask the gentleman from Michigan if there is anything that will permit the extension of this demonstration work in the North?

Mr. McLAUGHLIN. That raises the question that I brought up in the committee, when I questioned Secretary Wilson and Dr. Galloway, the Chief of the Bureau of Plant Industry. I learned that under that appropriation to meet the ravages of the boll weevil, thousands of miles away from where the boll weevil is, but in anticipation of its coming, the Bureau of Plant Industry had been teaching the people not how to combat the boll weevil—

Mr. LAMB. Will my friend yield?

Mr. McLAUGHLIN. Just a moment. Was teaching the people not how to combat the boll weevil directly, but teaching them diversified agriculture, teaching them to raise corn and potatoes, hogs and cattle, to change their farm work entirely. Really, the bureau has made suggestions to them as to farm management which these gentlemen say is improper under this appropriation. Now, I submit that wonderful work has been done, and I approve it. I am not making any reflection upon it.

Mr. LAMB. I know that my friend and colleague is bound to admit that that comes out of another appropriation, namely, for educational work.

Mr. McLAUGHLIN. I have only a short time, and I am not making a misstatement. I wish this House to understand that the Department of Agriculture, out of this appropriation for meeting the ravages of the boll weevil, is teaching the people to raise corn and potatoes and stock, and we want to have the same kind of work done in the North.

Mr. LAMB. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. STONE].

Mr. RAKER. What has become of the substitute?

The CHAIRMAN. The substitute is accepted and becomes the amendment. The question is on the amendment offered by the gentleman from Illinois.

Mr. LAMB. Mr. Chairman, let the amendment be read.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On page 21, lines 25 and 26, strike out the words "one hundred and eighty-six thousand and twenty dollars" and insert the words "two hundred and fifty-one thousand dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. LAMB. A division, Mr. Chairman.

The committee divided; and there were—ayes 83, noes 24.

Mr. LEVER. Mr. Chairman, I would like to hear the result of the vote on the question.

The CHAIRMAN. The ayes are 83 and the noes are 24.

Mr. MANN. Mr. Chairman, the amendment has not been disposed of yet.

The CHAIRMAN. The substitute of the gentleman from Illinois is accepted by the maker of the original amendment.

Mr. MANN. But he can not accept the amendment.

The CHAIRMAN. He can by unanimous consent. Therefore the question is upon the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. GARNER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. GARNER].

The Clerk read as follows:

For the investigation and improvement of sugar-producing plants, including their utilization and culture, in the Rio Grande River, \$5,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. GARNER. Mr. Chairman, the Clerk did not report the amendment correctly, as I wrote it. It is not the "Rio Grande River," but the "Rio Grande Valley." I do not know whether it looks like Rio Grande River or not. I would like to have the Clerk report the amendment again.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

For the investigation and improvement of sugar-producing plants, including their utilization and culture, in the Rio Grande Valley, \$5,000.

Mr. LAMB. I make a point of order on that.

Mr. GARNER. I would like to be heard, Mr. Chairman.

Mr. LAMB. I reserve it, then.

Mr. GARNER. Mr. Chairman, this is exactly the language of a paragraph in lines 18, 19, and 20, on the same page, with the exception of the words "Rio Grande Valley" included.

I am not an expert on the rules of the House or the rules that govern this committee, but if the first paragraph is in accord with the rules of this committee, then it does seem to me that a point of order would not be good as against the paragraph that I have offered. The language is identical, as I say, with the language contained in lines 18, 19, and 20 on the same page, with the exception of the three words "Rio Grande Valley." I have not heard the chairman of the Committee on Agriculture suggest to the Chair upon what he bases his point of order.

Mr. LAMB. I base it upon the ground that it changes the law and makes entirely new conditions.

Mr. GARNER. I can not see the point, Mr. Chairman. The point suggested by the chairman of the committee does not seem to me to be valid.

The CHAIRMAN. What is the point of order made by the gentleman from Virginia?

Mr. LAMB. The point of order is that it is not germane to the paragraph, that it is new language, and that it changes the law.

Mr. MANN. Mr. Chairman, I would like to be heard a moment on the point of order, although I do not know I have any opposition to the amendment.

The gentleman from Texas [Mr. GARNER] assumes that because he uses the same language that is already in the bill, therefore the amendment is not subject to a point of order. But the gentleman does not stop with the language that is in the bill. We have the right to make an appropriation, under the law creating the Department of Agriculture, to include the investigation and improvement of sugar-producing plants or other plants. That law gives the Department of Agriculture and the Secretary of Agriculture the power over the distribution of the funds, the say as to where those funds shall be expended. Under the law creating the department the discretion in reference to the expenditure of the fund, when appropriated, is left in the Secretary of Agriculture.

Now, the gentleman proposes to make an appropriation for a particular territory. That removes the discretion of the Secretary of Agriculture and compels him to expend money in a particular section of the country where he would not be required to expend it under his discretionary authority if an appropriation simply be made. It has been held time and again that while an act may authorize Congress to make an appropriation for a particular purpose, to be expended in the discretion of the department, it may not segregate that item and require its expenditure in a particular manner or in a particular place.

Mr. GARNER. Mr. Chairman, it occurs to me that if the Congress has the right to make an appropriation and leave it to the discretion of the Secretary of Agriculture as to where it shall be expended, it also has the right to give a specific direction as to how it shall be expended. If the paragraph I have referred to, contained in lines 18, 19, and 20, is not subject to a point of order and is authorized by law, it occurs to me that the paragraph I have offered as an amendment is also within the terms of the law. If you have a right to appropriate for a general purpose, you certainly have a right to appropriate for and give a special direction as to how that money shall be expended. At least that appears to me to be very good logic.

I understand that the only point made by the gentleman from Illinois [Mr. MANN] is that the law authorizes a general appropriation, leaving it entirely discretionary with the Secretary of Agriculture, but that same law does not authorize Congress to make an appropriation and direct how it shall be expended. It does not seem to me that that is good reasoning, and I do not believe it is within good parliamentary practice.

Mr. LAMB. I ask for a ruling.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that the investigation provided for comes within the authorization of law creating the Department of Agriculture, and is therefore not subject to a point of order on that ground.

The gentleman from Illinois [Mr. MANN] makes the point more specific in that this amendment confines the investigation to a particular section of the country or a particular line of investigation, and does away with the discretion which the gentleman from Illinois says is by law vested in the Secretary of Agriculture. The Chair is unable to see that that goes to the question of the authority of Congress to make the appropriation. It seems to the Chair that Congress has the power, if it chooses, to limit the investigation to a particular section of the country or a particular line, and that, the general authority being conceded, the special authority must also follow, and that the amendment is not subject to the point of order. The point of order is therefore overruled.

Mr. LAMB. I ask for a vote on the amendment.

Mr. GARNER. Mr. Chairman, if I may have a moment of the time of the committee, I believe the committee will agree with me that in my experience in this House I have not taken up a great deal of the time either of the committee or of the House.

I am intensely interested in this amendment. On last Saturday and to-day I have tried to call attention to the fact that the \$30,000 appropriated for this purpose is expended in the Middle West. There is not a dollar of this money expended in experiments with reference to the production of sugar in either Louisiana or Texas, two States that produce the most sugar in the United States. I submit that it is not fair, that it is not right, that you should take the entire appropriation for sugar-producing plants in this agricultural bill and apply that appropriation solely for the purpose of experimenting with the production of sugar in the Middle West. I represent a district where the experimenting in the way of producing sugar plants in the last three years has been something phenomenal. Almost every State in the Union and almost every man on the floor of this House has a former constituent living in the Rio Grande Valley who has purchased a small amount of land there for the purpose of producing sugar or other products. It is nothing but fair and just that some experiments should be made, that some assistance should be given to these small farmers who are undertaking an experiment under new climatic conditions, in a new soil, under an irrigation system that they know nothing about. It is nothing but fair and just that Congress should supplement the fund that the Agricultural College of Texas and the farmers themselves will subscribe in order to test the feasibility, the advisability, and the profit with which they can produce sugar in that valley.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. MARTIN of Colorado. Does the gentleman think that if he gets the \$5,000 appropriation to investigate the sugar plant-

ing in his district it will square him with his constituents for voting against a free-trade sugar bill that will absolutely kill that industry?

Mr. GARNER. The gentleman from Colorado is in error. He asks me if I think the appropriation to establish an experimental station in that valley will square me for voting against the free-sugar bill. So far as I have been able to learn, there has been no bill considered by this House to put sugar on the free list. There doubtless will be, and, unlike the gentleman from Colorado, I propose, as one Democrat in the House whose district is interested in the bill to be brought in, to follow my party and vote for the bill. [Applause.] But that does not keep me, Mr. Chairman, from insisting that that district have fair play and a fair opportunity to demonstrate to the country that it can produce sugar in the Rio Grande Valley in competition with the world. I do not know whether they can do it or not; but I do know that this appropriation, together with the appropriation we will get from the Agricultural College of Texas, and the money subscribed by the small farmers, will enable them to determine whether they can produce sugar in that valley in competition with the world.

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. YOUNG of Kansas. Is the gentleman willing to vote for an amendment for \$5,000 to test the same question in every other valley in the country?

Mr. GARNER. I am willing to vote for an amendment to test it where you have gone in and invested an amount of money that will compare with that invested in the business in the Rio Grande Valley. There has been invested in that valley between \$30,000,000 and \$40,000,000, and some of the men who invested it came from the gentleman's State. In the last fiscal year they have expended some of this appropriation for the purpose of experimenting in beet sugar in Kansas. Why should the gentleman from Kansas, who has had some of this money expended for the purpose of demonstrating the work in his State, refuse to have the same work done in my State?

Mr. YOUNG of Kansas. I have not objected.

Mr. GARNER. The only States where the money has been expended are Wisconsin, Colorado, Kansas, and Georgia. Why should not the State of Texas, where millions of money have been put into the sugar-producing project—more money than in any other portion of the United States—have this benefit?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER. Mr. Chairman, I do not want to take up the time of the committee, but I want to impress on the Members of this House the importance of this amendment to the great investments in the Rio Grande Valley. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, I offer the following amendment: "And \$5,000 be expended for a similar purpose in the State of Colorado."

Mr. LEVER. I shall offer an amendment that \$5,000 be expended in the State of South Carolina for the same purpose.

The CHAIRMAN. The gentleman from Colorado offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by adding the words "And \$5,000 to be expended for a similar purpose in the State of Colorado."

Mr. MANN. I reserve a point of order to that amendment. I think I will make the point of order first and let it be disposed of. While I think the Chair was entirely in error in ruling on the point of order before, the Chair will readily see the difficulty he has involved the committee in. While I think the amendment offered by the gentleman from Colorado is subject to a point of order, because it is not in order to amend one specific proposition by adding another specific proposition, it would be in order if the gentleman offered it as a separate paragraph. I hope every Member in the House who has a district where they produce sugar will take the opportunity to offer a new paragraph, not only in this place, but other places in the bill, so that they may have the chance to discuss the matter before the committee. The Chair having ruled that it is in order for any Member to offer an amendment for the expenditure of money authorized to be expended under the Department of Agriculture at a specific place, there is no limit to the number of amendments which can be offered, because you can offer an amendment to expend money at Gilman and at Oneida or some other place, not even limiting it to the number of districts or the States in the Union. I do not think that when an item is offered for one specific place you can offer an amendment to it for another specific place.

Mr. LAMB. Mr. Chairman, I ask for a ruling.

Mr. RUCKER of Colorado. Mr. Chairman, I desire to offer a substitute.

Mr. LAMB. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The question before the House is the point of order of the gentleman from Illinois [Mr. MANN] to the amendment offered by the gentleman from Colorado [Mr. MARTIN]. The Chair is prepared to rule. The Chair is still of the opinion that the question of an appropriation containing a specific direction as to its expenditure is a question for the wisdom of the House and not a question involving the authority of the House as a proposition of parliamentary law. It might appear to the wisdom of the House that the investigation of sugar in a certain section of the country was something which required some sort of special appropriation different from that which might be appropriated for some other section of the country. That is a question for the legislative discretion of Congress, and not a question of parliamentary law.

Mr. MANN. But this is not a question of legislative discretion.

The CHAIRMAN. What the Chair endeavored to state was that the question presented was one of legislative discretion, a question the Chair would not pass upon.

But the amendment offered by the gentleman from Colorado presents a further question, and is subject to a further point of order of not being germane to the amendment offered by the gentleman from Texas. While any number of provisions might be in order to a general paragraph, it does not at all follow that they are germane to each other. It has been held, as the Chair is advised, that a specific provision by amendment can not be amended by another specific provision; that the one specific provision is not germane to the other specific provision, although each might be germane to the main proposition. Upon that the Chair rules that the amendment of the gentleman from Colorado is subject to the point of order, and the point of order is, therefore, sustained.

Mr. RUCKER of Colorado. Mr. Chairman, I offer the following amendment to the amendment of the gentleman from Texas:

And for the investigation, utilization, and cultivation, the sum of \$5,000, to be used in the Platt Valley, the headwaters of which are in the State of Colorado.

Mr. LEVER. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. Is that offered as an amendment to the amendment of the gentleman from Texas?

Mr. RUCKER of Colorado. Yes.

The CHAIRMAN. The point of order is sustained.

Mr. MARTIN of Colorado. Mr. Chairman, I offer my amendment as a substitute for the amendment of the gentleman from Texas. I think it is in order as a substitute.

Mr. LEVER. Mr. Chairman, I make the point of order that if the gentleman's amendment is not in order as an amendment it could not be in order as a substitute.

The CHAIRMAN. The point of order is sustained.

Mr. MARTIN of Colorado. Then I desire to amend the amendment of the gentleman from Texas by striking out the words "Rio Grande Valley" and inserting in lieu thereof the words "State of Colorado."

Mr. LEVER. Mr. Chairman, I make the point of order against that.

Mr. MARTIN of Colorado. Mr. Chairman, it seems to me that if the committee can vote the sum of \$5,000 to the Department of Agriculture to make beet-sugar experiments that it can also name the place where the money is to be expended.

Mr. LEVER. Let me suggest to my friend from Colorado if he desires to get this proposition through that he offer his proposition as a separate paragraph, as did the gentleman from Texas.

Mr. LAMB. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is the point of order of the gentleman from South Carolina to the amendment offered by the gentleman from Colorado. As the Chair understands the amendment, the gentleman proposes to strike out the words "Rio Grande" and insert in lieu thereof the words "State of Colorado," so that the amendment will then be a specific provision for the State of Colorado. The point of order is overruled.

Mr. LEVER. Mr. Chairman, I desire to be heard in opposition to the amendment. I stood here a moment ago, Mr. Chairman, and with as much power as I possessed fought the proposition of the gentleman from Michigan [Mr. McLAUGHLIN] to amend this bill, not because of special antagonism to it, but because it was not considered by the committee and not estimated for by the department, and while I have a deep affection for the gentleman from Texas [Mr. GARNER] and for the gentleman from Colorado [Mr. MARTIN], I wish to call the attention of the committee to the situation into which we are getting ourselves in respect to this bill. Whether or not the Chair in its ruling a moment ago be right or wrong, this is a practical proposition

against which we are up, if you will permit that kind of an expression. If the gentleman from Texas [Mr. GARNER], through his genial personality and his influence on this side of the House, and the other can vote into this bill this amendment, then the gentleman from Colorado [Mr. MARTIN], equally affable and always entertaining, can vote into it his amendment, and both may be meritorious. Then I offered an amendment jocularly a moment ago that \$5,000 should be appropriated for this purpose for South Carolina. We do not grow any sugar-producing stuff in South Carolina except a little old-fashioned sorghum. But the gentleman from Kansas will have the right to offer an amendment for his State; the gentleman from Illinois an amendment for his State; the gentleman from Louisiana an amendment for his State; and my good friend from New York here, Dr. AKIN, an amendment for his State; the gentleman from Illinois, the ex-Speaker of the House, an amendment for his State; and when we get through with this bill, unless we take the bold position here of dealing with this thing regardless of personalities or personal friendship, we will have it loaded down with amendments affecting every district in the United States.

Mr. GARNER. I would like to ask the gentleman in making the comparison to state any instance in the United States where the amount of money expended in the way of the development of the sugar industry of this country equals the Rio Grande Valley; and it is unfair for the gentleman to make that comparison when there is not any point in the United States that is situated as that particular section is.

Mr. MANN. If they are spending so much themselves, they do not need any help.

Mr. LEVER. Let me point out to the gentleman how he places a lot of men in this House with his amendment. The gentleman from Colorado [Mr. MARTIN] is interested in this proposition; so is the other gentleman from Colorado, and the gentleman from Louisiana is—

Mr. GARNER. If the gentleman will permit for just a second, I desire to say that there are two stations in Colorado now in which this \$30,000 is being used. Is the gentleman from Colorado in the same position I am?

Mr. LEVER. Some other gentlemen here are interested along the same line with the gentleman, and the gentleman from Texas puts those gentlemen in the position of absolutely neglecting their own constituents unless they stand here and offer amendments to this bill making appropriations for their own districts and their own people. And let me say another thing. Here is what this bill will do now: In the paragraph on page 21, lines 18 to 20, "for the investigation and improvement of the sugar-producing plants, including their utilization and culture," is authority for the work which the gentleman from Texas wants to be done. It is only a question of whether or not the Department of Agriculture or the administrative branch of the Government regards the work in the district of the gentleman from Texas as of sufficient importance to divert funds to it which they are using in some other sections of the country. Now, gentlemen, that is all I want to say, but I want to impress upon the membership the fact that we are setting a dangerous precedent here which will bob up to bother us throughout the consideration of this bill; and I know my friend from Illinois [Mr. MANN] well enough to know that if he desires to do it he can hold this House, except through a rule from the Committee on Rules, which we do not want, for the next 30 days on this bill by offering amendments covering propositions involving the districts of Members of the House; and I trust that gentlemen on this side, loving my friend from Texas as they do and as I do, will rise up and vote down this amendment and the amendment of the gentleman from Colorado, that we may put ourselves on record as not being willing that this bill should be loaded down with amendments which have not been considered by the department and which have not been considered by the committee whose duty it is under the rules of this House to consider them. I ask for a vote.

The CHAIRMAN. The question is on the amendment—

Mr. GARNER. I want to speak in reference to the amendment offered by the gentleman from Colorado—

Mr. LAMB. What is the necessity, time is passing; we ought to have a vote on this amendment. We have practically voted on it before.

Mr. HUGHES of New Jersey. Regular order.

Mr. GARNER. I want to say to the gentleman from Virginia I do not think he is going to gain much time. I have not taken up very much time of this committee.

Mr. MANN. Mr. Chairman, my friend had full time this morning and, according to my humble judgment, this whole question was decided this morning. It only comes up in a new form. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Texas.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word of the amendment. I do not want to waste any of the time of the House, and I really regret to be put in the position of wantonly defeating the amendment of the gentleman from Texas, and yet there is some merit in my position.

Now, I am glad to hear the gentleman from Texas [Mr. GARNER] assert the great importance of the sugar industry in western Texas and, I assume, particularly in his own district. I had not known, I will confess, that it was of such importance. The statistics give the entire State of Texas something like 10,000 tons of sugar production annually, and those figures, as I understand it, include all kinds of sugar in that State—cane as well as beet sugar. And, Mr. Chairman, that is not one-fifth of the quantity of sugar that is produced annually in my congressional district. That is to say, my congressional district alone produces five times as much sugar as the entire State of Texas annually.

Mr. GARNER. May I ask how much sugar is produced in the gentleman's congressional district?

Mr. MARTIN of Colorado. It produces about 50,000 tons annually.

Mr. GARNER. It does not contain, then, five times as much, for the statistics say that last year there were 18,000 tons produced in the State of Texas, and that was comparatively all produced in the fifteenth congressional district.

Mr. MARTIN of Colorado. I am glad to hear it is more. I am sorry it was not 100,000 tons. If it was that amount, the gentleman would need \$15,000 to square himself with his constituents for voting for a free-trade bill. [Applause on the Republican side.] All we ask of Congress is to be given an opportunity to grow sugar. All we ask of Congress is to leave us alone. [Applause on the Republican side.] All we ask of you is not to take us by the throat and throttle us to death. [Applause on the Republican side.] That is all the encouragement we need in that State. Ten years ago there was not a beet-sugar factory in the State of Colorado.

I am not going to launch out here now in these five minutes to make a tariff speech. I am going to discuss this subject some, though, when we get to it. But we have 18 factories in the State of Colorado now. We are the leading beet-sugar producing State in the Union to-day. We produce as much as Michigan, although we have not a third of its population. And yet we have not begun to produce sugar any more than the gentleman's district, or western Texas, has.

We have only 50 or 60 factories in this country, while Europe has 1,500 or 1,600, yet for every acre of land in Europe that will produce sugar beets we have a hundred acres in this country. And gentlemen propose a buncombe political play here in Congress to slaughter that industry, and the gentleman from Texas wants to go back to his congressional district with a little appropriation of \$5,000 in his vest pocket in order to square himself with his constituents down there for voting for a bill which, if it could ever find its way onto the statute books of this country, would absolutely and beyond question destroy every sugar factory in it, even if you were to appropriate a million dollars to experiment in sugar plants.

Now, Mr. Chairman, if they need \$5,000 in western Texas for the purpose of investigating and experimenting with sugar plants, we need \$5,000 in Colorado. They need it in Kansas, Wyoming, Utah, Nevada—

Mr. LAMB. Mr. Chairman, I insist that this is not the time to discuss the tariff question.

Mr. MARTIN of Colorado. I wanted to impress upon the gentleman from Texas the fact that there might possibly be some merit in my position in offering an amendment here.

Mr. GARNER. Mr. Chairman, I am entitled to be recognized in opposition to the amendment offered by the gentleman from Colorado under the rules of the committee as I understand it.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] is recognized.

Mr. GARNER. Mr. Chairman, as I stated to the committee on last Saturday, I did not want the debate on this amendment, which I think has as much merit in it as any other amendment that has been offered here since I have been a Member of Congress, to go off on the question of a sugar tariff. I believe I have as much interest in the production of sugar, as a Representative in this House, as any other man in it. But, Mr.

Chairman, when I came to this House I came under the Democratic organization. I come here as a Democrat, and whenever my party speaks upon a question of the policy of the party it is my duty to follow that policy. [Applause on the Democratic side.] I am not one of those Democrats who, because they do not have their way, are willing to stand on the floor of this House and criticize every other Democrat that does not agree with them. [Applause on the Democratic side.]

Mr. MARTIN of Colorado. I will say to the gentleman from Texas that I will discuss that subject at the proper time. Nobody will make any mistake about where I stand.

Mr. GARNER. The gentleman from Colorado [Mr. MARTIN] undertook to criticize me for my position in this matter, and undertook to convey the information to the House that I was seeking this appropriation for the purpose of squaring me with my folks at home. If the gentleman will look at the RECORD of last Saturday he will see where the Sugar Cane Growers' Association of the Rio Grande Valley passed a resolution asking me to advocate this amendment long before the Democratic caucus acted on the question of sugar. So I say that the gentleman's insinuation is unjustifiable. It is unworthy of the gentleman from Colorado.

Mr. MARTIN of Colorado. I did not mean any unjust reflection upon the gentleman.

Mr. GARNER. I am sure the gentleman did not, but he did not know about this matter. The gentleman, in essence, accuses me of offering a buncombe amendment, as it might be termed, for the purpose of squaring myself with my constituents.

Why, Mr. Chairman, if I were in the position of the gentleman from Colorado [Mr. MARTIN], having two stations in his State now that are supplied with the \$30,000 appropriation carried in this bill, I would be the last man to stand on the floor of this House and undertake to say that any other State in the Union that produces sugar as his State does should not have an appropriation, and that the gentleman who offered it offered it as a buncombe amendment and for the purpose of maintaining himself in Congress.

Mr. Chairman, I hope that the gentleman from Colorado [Mr. MARTIN] and his colleagues will come back to Congress, but I want to say to him this, that if my election and reelection to Congress depends upon the fact that I have got to bolt my party every time a question comes up that my State is interested in I will go home and stay there. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, certainly—

Mr. RUCKER of Colorado. Mr. Chairman, the gentleman has made a reflection on my colleague, so far as his Democracy goes. Now, let me ask the gentleman from Texas [Mr. GARNER] this question: If the convention which nominated him as a candidate for Congress had instructed him how to vote on this proposition, what would he have done?

Mr. GARNER. If they had given me specific instructions, I would have voted in accordance with the instructions of my constituents. [Applause.]

Mr. RUCKER of Colorado. That is exactly what my colleague and I have done.

Mr. MARTIN of Colorado. Mr. Chairman, I hope that the chairman of the committee will give me a few minutes in which to address my friend from Texas.

Mr. LEVER. O Mr. Chairman, we can not afford this at all. I ask for a vote.

Mr. MANN. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, I am inclined to think that I will vote for the amendment offered by the gentleman from Texas [Mr. GARNER], although I am somewhat surprised that the gentleman from Texas reads a lecture to the gentleman from Colorado [Mr. MARTIN]. Why, here is the great Committee on Agriculture, the Democratic members being selected by a caucus and elected by the House, but the gentleman from Texas declines to follow them. He has bolted his party already in offering the amendment. As soon as it comes to him in his district he bolts the party action. He bolts the committee selected by the Democratic caucus and elected by the Democratic House. He is only human, like the rest of us. When it comes to what he wants himself, or what his district wants, rather, he is man enough to stand by his district to the extent of getting an appropriation, at least. [Laughter and applause.] And while he may cast another vote that will veto the effect of the appropriation which he proposes, I do not think it lies in his mouth, while he is offering an amendment to strike down the Committee on Agriculture in charge of the bill, to talk about somebody else's bolting the action of the caucus. [Applause on the Republican side.]

Mr. LEVER. Mr. Chairman, I ask for a vote.

Mr. LAMB. Mr. Chairman, I insist upon a vote.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent for one minute to address my colleague, the gentleman from Texas [Mr. GARNER].

Mr. LAMB. Then, Mr. Chairman, the colleague from Texas will want time.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] asks unanimous consent to speak for one minute. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, I hope you will confine it strictly to one minute. [Laughter.]

Mr. MARTIN of Colorado. Mr. Chairman, I will hold my watch in my hand. [Laughter.]

I want to say to the gentleman from Texas [Mr. GARNER] that, so far as his remarks are concerned with reference to my bolting my party, I am not disturbed on that score at all. I propose, when the proper time comes, to state where I stand, and when I do I can assure the gentleman that my statement will not require any diagram and will not contain any apologies. But, in addition to that, I want to say that personally I very highly esteem the gentleman from Texas—

Mr. MANN. Everybody does—

Mr. MARTIN of Colorado. And there is not even a thought in my mind or a feeling in my heart in the way of a reflection on his honesty or his integrity. We have merely indulged in a little passage of the harmless kind that occurs frequently in this House when gentlemen are in a tight hole. And some gentlemen here are in a tight hole; not only those who excused themselves from the caucus, but some that stayed in; and the opening presented could not be very well resisted. I alluded to the sugar bill, not the gentleman's amendment, as buncombe, and I heartily apologize to the gentleman from Texas if there was anything in my remarks that he feels reflected on him. [Applause.]

Mr. LAMB. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. GARNER].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. GARNER. Division, Mr. Chairman.

The committee divided; and there were—yeas 31, yeas 53.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment to come in as a new paragraph.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

For the investigation and improvement of sugar-producing plants, including their utilization and culture in the State of Wyoming, \$5,000.

Mr. LAMB. Mr. Chairman, I make a point of order on that amendment.

Mr. MONDELL. Mr. Chairman, if there is any question about the point of order, I should like to be heard.

Mr. LAMB. I will waive the point of order and ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I regret very much that the amendment offered by the gentleman from Texas [Mr. GARNER] was not adopted. It served a useful purpose, however, during its discussion, as illustrating some of the differences on the other side of the aisle, differences that we on this side of the aisle hope will continue to increase and widen.

The gentleman from Texas [Mr. GARNER], in spite of all temptation to be anything else, proposes to remain a Democrat, and he himself has said it. I do not know that it is to his credit, however, but I imagine that if the gentleman from Texas had had his withers wrung as the gentlemen from Colorado have up to this time in this Congress, he would feel slightly different. The bringing in of the free sugar bill, if that and the other tariff bills that passed the House could become laws, would finally complete the destruction of all the great industries of the Centennial State. Therefore it is not at all remarkable that the gentlemen from Colorado are somewhat disturbed over the past and present program of their party.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. MONDELL. I am glad to.

Mr. RUCKER of Colorado. The gentleman has already stated one difference between the Members from Colorado and the Member from Wyoming. Will he not state also that there is a difference between the States of Colorado and Wyoming, in that Wyoming has not got any land upon which beets can be grown?

Mr. MONDELL. "The gentleman from Wyoming" was not aware that he had been comparing the Members from the State of Colorado and the Member from the State of Wyoming at all.

Evidently the gentleman from Colorado has not been listening to what I have been saying. I have rather been comparing the membership from Colorado with the gentleman from the great State of Texas, who proposes to stay by his party provided he can secure sufficient appropriations. We have, as I said a moment ago, at least a half million acres of land in the State of Wyoming that are first-class beet lands. We produced in our State last year several tens of thousands of tons of beets, some of which contained more than 22 per cent of sugar. Our State stands at the very top in the percentage of saccharine matter contained in her beets. We have the great Shoshone irrigation project on which the Federal Government may eventually spend as much as \$6,000,000. Its prosperity depends upon the sugar-beet industry. We have many areas which are producing good crops of beets, and many peculiarly adapted to such production. I am so greatly disinclined to reflect on anyone's motives that I would have hesitated to say what the gentleman from Colorado [Mr. MARTIN] very truthfully, in my opinion, said, that the present program on the other side of the aisle touching sugar is one of pure buncombe; if the gentleman believed they could write on the statute books to-day the free-sugar law they propose, they would hesitate to do it. The gentleman from Colorado has said it is pure buncombe, and the gentleman is a truthful man. I accept his statement.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The question was taken; and there were on a division (demanded by Mr. MONDELL)—ayes 33, noes 57.

Accordingly the amendment was rejected.

Mr. HANNA. I offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

For the study, investigation, and demonstration of the best methods of meeting the ravages of grasshoppers and chinch bugs, \$20,000.

Mr. LEVER. I reserve a point of order on that amendment, Mr. Chairman.

Mr. HANNA. Mr. Chairman, I wish to say but a few words in regard to this proposed amendment. In the States of North and South Dakota, Minnesota, Iowa, and Wisconsin during the last year or two there have been ravages by the grasshopper. Those States have tried to do something in order to check their ravages and also to prevent the increase of the grasshopper. The grasshoppers lay their eggs in the ground; they hatch in the spring and do much damage there. Then, after they arrive at a certain age they are apt to leave and come down in clouds at other points. The States have tried by different methods to get rid of them by plowing the eggs under in the fall and by gathering the young hoppers in the spring and early summer with hopper dozers. They do a very large amount of damage. The State of Minnesota some years ago spent a great deal more money than I am asking for in this amendment for the purpose of destroying the grasshoppers by gathering them, and they paid \$1 a bushel for them. They gathered thousands and thousands of bushels, which were gathered with hopper dozers.

If the Government takes up the proposition, as proposed under this amendment, they will endeavor to find a parasite that will destroy these grasshoppers.

Mr. MANN. Will the gentleman yield?

Mr. HANNA. Certainly.

Mr. MANN. Is not the gentleman's amendment addressed to the Bureau of Entomology rather than that of Plant Industry?

Mr. HANNA. There is a section in that part of the bill relating to this matter—in that part of this bill relating to the Bureau of Entomology—where a certain amount of money is appropriated for protecting cereal and forage crops. The larger part of this money is used to protect alfalfa and forage crops, but not wheat, barley, oats, and corn.

Mr. MANN. The gentleman would not expect the Bureau of Plant Industry to locate a parasite; that is the duty of the Bureau of Entomology.

Mr. HANNA. They might, or they might suggest some other or better method.

Mr. HAUGEN. Will the gentleman yield?

Mr. HANNA. Certainly.

Mr. HAUGEN. The gentleman's amendment is as much in order as the amendment to provide \$330,000 to meet the ravages of the cotton-boll weevil. The two are on a par, and one is as much in place as the other.

Mr. MANN. That depends on what is intended.

Mr. AKIN of New York. Will the gentleman yield?

Mr. HANNA. Certainly.

Mr. AKIN of New York. Why does not the gentleman insert the word "bedbugs" in his amendment? [Laughter.]

Mr. HANNA. The gentleman may have those pests in his district in New York State, but we do not have them in North Dakota. [Laughter.]

The CHAIRMAN. The Chair will ask the gentleman from Virginia what is his point of order?

Mr. LAMB. That it is entirely new and not germane.

Mr. HANNA. Will not the gentleman let the matter come to a vote one way or the other?

Mr. MANN. Mr. Chairman, I ask unanimous consent to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the amendment.

Mr. LAMB. Mr. Chairman, I withdraw the point of order and ask for a vote.

Mr. HUGHES of New Jersey. Mr. Chairman, I would like to modify the amendment by the insertion of the word "insurgents," so that it will provide against the ravages of grasshoppers, chinch bugs, and insurgents. [Laughter.]

Mr. HEFLIN. Mr. Chairman, I would like to ask the gentleman from New Jersey why he does not include flying jinnies and doodles?

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting, after line 26, page 21, the following:

"For the investigation and study of methods and testing plants, shrubs, brush, and trees which may be used for rubber making, \$3,000."

Mr. LAMB. That is already provided for, and I ask for a vote.

Mr. RAKER. Mr. Chairman, may I ask the gentleman in what part of the bill it is provided for? We have been trying to get this investigation for years.

Mr. LEVER. I will say to my friend from California that the Department of Agriculture, without specific authority, acting under general appropriation and general authority, is now doing a great deal of experimental work in Florida in relation to the production of rubber, camphor, and so forth. I am sure that if the gentleman will get in touch with the department he will find out how much money is being expended and in what direction.

Mr. RAKER. Will the gentleman tell me how to get in touch with the department?

Mr. LEVER. Go there and see them.

Mr. RAKER. But suppose I am in touch and have been in touch, but am informed that there is no money and no provision. It is pretty hard to get in touch with the department when there is no money on hand for use for the purpose desired. They can not help you then.

Mr. LAMB. I think my friend is mistaken; there is no sectionalism down there.

Mr. MANN. The Botanical Garden is engaged in sending out rubber plants.

Mr. RAKER. The gentleman has not heard from me yet on this proposition. My purpose is not to send out rubber plants; it is not to produce plants; but it is the question of producing material and a method that can be had to supply the American market with rubber. It has been under private investigation in the West with some degree of success. It is thought that out of sagebrush the best rubber on earth can be made. We have asked the department to help us; individuals have gone into it and have given all the consideration to it they could, but they have not the money.

We would like to have tested the plants now in existence, the shrubbery that is being destroyed and burned. It is claimed that there is a large percentage of rubber in them which ought to be utilized, and it ought to be tested. It ought to be made commercial instead of being destroyed. If the department, by virtue of its experience in this matter, can send a couple of men into the West to make these investigations, is it not right, is it not proper, and ought not they to do it? I know that the committee is in favor of giving every advantage to improve the country and to get the value out of every product, every plant, tree, and shrub and brush that we have. Let us get that experience which there is in the department; let us get this matter determined.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MANN. Some gentleman sent me a statement the other day in reference to some report, or something of the kind, about extracting rubber from milkweed that grows wild and in great profusion. Will the gentleman's amendment cover an investigation of that, and can the gentleman state whether or not the Department of Agriculture has ever made any investigation of that product?

Mr. RAKER. The investigation would cover that. It would cover, also, the question of the investigation of sagebrush. Some people have given a good deal of study and thought to the matter, and at one time, a few years ago, it was determined to build a factory. They felt as if they had the process completed, but also felt, because they had not enough knowledge in regard to the matter, that they were not warranted in going on with the enterprise.

These people believed that there is material in sagebrush that can be extracted from it which will make as good rubber as is being used to-day. There are millions of acres of land with sagebrush upon it. Instead of destroying that, if it produces a material that will make rubber, ought not we to investigate the matter? Nothing will live upon that land now. No one knows any good that it will ever do. Why not find out what is in the sagebrush and other plants of that kind. You are spending money for every other condition. You are seeking to add new plants, and the very things that you have in the ground you are destroying and burning up, and you are not trying to find out if there is anything in them that is good. I am in favor of all of the new matters, but I believe we ought to utilize what we have. The people in these departments are very anxious and ready to do this. Let them go there. They can send two good men out there to make this investigation. I hope with an industry as great as the rubber industry involved, that the committee will be willing to stand by the amendment and spend at least \$3,000 to have the matter investigated. This is a territory that covers over 20,000,000 acres of land, and if it has a growth now upon it, which at present is of no value, so far as we now know, but might produce good rubber, we ought to know it. Give the department the chance to experiment. They have done great things, are doing it now, and will continue to do it if they are properly encouraged and the funds are provided therefor. We should make that provision, appropriate the necessary funds, and the department will do the work. I hope the amendment offered by me will prevail.

Mr. LAMB. Mr. Chairman, the department did not ask for this, as active as is the Bureau of Plant Industry. If there was anything in this business they would have developed it. Dr. Galloway says that the Orient is the place for this work, and he thought the people of this country would better apply themselves to some other subject than the development of this matter. I sincerely hope that the Committee of the Whole will stand by the Committee on Agriculture and vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, \$332,960.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the chairman of the committee. I see in this present appropriation there has been a cut from last year of about \$18,000.

Mr. LAMB. Seventeen thousand and forty dollars.

Mr. TRIBBLE. What was the purpose of that cut?

Mr. LAMB. Of that amount \$9,560 covers the transfer of nine employees to the statutory roll, \$480 has been transferred to the appropriation for western agricultural extension, and \$7,000 covers an item for rent which has been transferred to the special appropriation for that purpose, so that there is practically no reduction.

Mr. TRIBBLE. And the gentleman can state there is no reduction in this section of the appropriation so far as it is applicable to the boll weevil?

Mr. LAMB. That is correct.

Mr. TRIBBLE. This House voted Saturday last not to reduce the boll-weevil section of the bill. On this statement of the chairman I will not introduce this amendment which I prepared to restore the amount.

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, \$70,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 22, line 5, strike out the word "seventy" and insert in lieu thereof the word "ninety."

Mr. RAKER. Mr. Chairman, this relates to the earlier investigation and improvement of methods of crop production in arid and semiarid farming. I have received petition after petition—have sent letters to the department in regard to this matter. They say they are ready, they are willing, to give their assistance if they can to improve the methods of dry farming and assist the farmer, but that at the present time they have no money with which they can extend their present operations. Now, I want to read the testimony in hearings, on page 74, given by Dr. Galloway.

The CHAIRMAN. Now, Doctor, "for the investigation and improvement of methods of production under semiarid or dry-land conditions, \$70,000." This is the same as you had last year. Could you do with a slight reduction here?

Why, of course the doctor is going to say, "We will do the best we can." No doubt of that.

Mr. LAMB. He did not say that.

Mr. RAKER. Here is what he said.

Mr. LAMB. Give us what he said.

Mr. RAKER. I will read you what he said in regard to the matter:

Dr. GALLOWAY. I think not.

So he said he did not think he could get along with that.

Mr. LAMB. The gentleman has got the wrong construction there.

Mr. RAKER. Let me read this sentence.

Mr. LAMB. Read it without commenting, please.

Mr. RAKER. I always read all when I start to read it, if I have the opportunity.

Mr. LAMB. But you stop to preach after you read a sentence.

Mr. RAKER. I will read it when I get an opportunity, if the gentleman will not interrupt too long.

Mr. LAMB. Read.

Mr. RAKER. I will read it when I get in a position to start.

Mr. LAMB. Your time is passing.

Mr. RAKER. I know I am losing my time, but can not help it.

Dr. GALLOWAY. I think not, Mr. Chairman, because the demand for information from the arid districts is growing greater each year. The farmers are crowding into that country, and this work we are carrying on out there has for its object the securing of fundamental facts and the discovery of principles which will apply to dry-farming methods. Dry farming is of a different type from anything we are familiar with in the East, and what we are doing on the stations we have established is the working out of principles through crop rotations and through experiments. It is largely investigational, having for its objects the discovery of principles which will apply to dry-land conditions.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I would like to have two minutes more.

Mr. RUBEN. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in five minutes, and that two minutes of that time be given to the gentleman from California and the balance to the chairman of the committee.

Mr. HAUGEN. Mr. Chairman, I ask that the gentleman be given five minutes.

Mr. MANN. We want some time over here on this side of the House.

Mr. LAMB. Mr. Chairman, I amend the suggestion of my colleague of the committee, and I ask that all debate on this paragraph and amendments close in 10 minutes, the time to be equally divided between the two sides.

The CHAIRMAN. The gentleman from Virginia moves that all debate on the paragraph and amendments thereto be closed in 10 minutes, the time to be equally divided between the two sides.

The question was taken, and the motion was agreed to.

Mr. RAKER. Mr. Chairman, I want to say to the chairman of the Committee on Agriculture that I am interested in this, coming from the West and knowing the conditions in many of the Western States.

Mr. HAUGEN. Mr. Chairman, the gentleman seems to have given this subject a great deal of thought and consideration, and I would like to ask him this question, Does the gentleman believe that dry farming can be made a success?

Mr. RAKER. Oh, absolutely.

Mr. RUCKER of Colorado. There is no question about that.

A MEMBER. None in the world.

Mr. RAKER. Mr. Chairman, I want to say to the chairman of the committee I am new here, I am inexperienced and green, but I am interested in this matter in presenting it to the com-

mittee for consideration. I did it without any disrespect to him—

Mr. LAMB. I understand that.

Mr. RAKER. But when you have facts, when you have spent 34 years in the Western States traveling over that country and in most of them seeing what is being done and seen what can be done, I want to say that you will not stand idly here when you believe you can get legislation and an appropriation that will advance the farmer.

Mr. LAMB. But I insist that the gentleman ought to have come before the committee and seen the department about these matters. The gentleman coming here at this late day can not expect this committee to reverse the action of the Committee on Agriculture in reference to these matters.

Mr. RAKER. I am giving you here what the department had said and what the department had recommended—

Mr. LAMB. We gave whatever the Agricultural Department asked.

Mr. RAKER. It is no breach of faith to come in when the only way to bring the matter up is to get it here.

A crop that could not be produced upon these lands four and five and six years ago can be produced now by virtue of what information these people have received. I want to say to you to-day that five or six years ago there was land that could be bought for \$5 an acre, that by virtue of the knowledge that people have received as to raising alfalfa you could not buy to-day for \$200 an acre, and because it raises a crop that is worth that amount. And it is by virtue of the knowledge, it is by virtue of the information, it is by virtue of the tillage of the soil, and the virtue of the time of cutting the crop and handling it that we are able to get this result. And wherever you can extend this information to farmers in the Western States, which cover such a large territory of the country, it should be done. It is entirely different from the South. For six or seven months we never have one drop of rain. It is all dependent on the method and mode of cultivation of the kind of plants to be handled and the time of planting them. And I believe there is no appropriation of any amount in this bill that will do more good to build up 130,000,000 acres of land that belongs to the Government at this time.

Mr. SHACKLEFORD. I would like to ask the gentleman if the agricultural college of California has made any investigations as to what may be done in this dry farming, and if it is now carrying on any investigation?

Mr. RAKER. They are doing worlds of work and of vast value to the State, not only as to irrigated lands but lands that are not irrigated. They are sending demonstration trains all over California and spending large sums of money. They are also sending men out to farmers' institutes. But if the Government could cooperate with them, with the knowledge it has and the information it has gathered, we will receive just that much more information, that much more knowledge, and add more value to the West.

Mr. HAUGEN. Mr. Chairman, I want to say that I agree with the gentleman. If dry farming can be made a success, very well; we can well afford to appropriate money for that purpose. But if it can not be made a success, Congress is doing an injustice to those people who are moving into that country. We have been encouraging these people here to settle in arid and semiarid lands, and what has happened? Nothing but starvation stares them in the face. Are we going to appropriate hundreds of thousands of dollars here to encourage people to settle on these lands where there is nothing in store for them but the poorhouse? I may be mistaken, but, as I understand it, my friends, dry farming can not be made a success. Crops can not be grown without the moisture, and, without it, this appropriation is of no avail.

Mr. RAKER. Does the gentleman realize that about 30 years ago we first commenced to develop alfalfa in and about Reno? For 15 years in the northern counties they tried to make a success on this land where they had no irrigation and they could not get a bit of alfalfa, but, by virtue of experience since, they are getting to-day off of the same land that 10 or 15 years ago was worthless from 3 to 6 tons of alfalfa an acre every year, worth from \$7 to \$10 a ton, by dry farming.

Mr. MONDELL. Will the gentleman yield?

The CHAIRMAN. Will the gentleman yield to the gentleman from Wyoming?

Mr. RAKER. I was hoping to get some time to discuss this amendment.

Mr. MONDELL. I would like to answer the gentleman's question.

Mr. MANN. How much time remains, Mr. Chairman?

The CHAIRMAN. There are three minutes remaining of the time allotted by the House

Mr. MANN. The Chair did not call down the gentleman from California [Mr. RAKER], who had the floor. The Chair has not recognized anyone since.

The CHAIRMAN. The gentleman from California concluded his remarks and the Chair recognized the gentleman from Iowa [Mr. HAUGEN].

Mr. MANN. The gentleman from Iowa did not take the floor. He only asked a question in the time of the gentleman from California. We had a distinct understanding with the gentleman from Virginia [Mr. LAMB] that the gentleman from Wyoming was to have five minutes.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have five minutes at the conclusion of the remarks of the gentleman from Iowa [Mr. HAUGEN].

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent that at the conclusion of the remarks of the gentleman from Iowa [Mr. HAUGEN] he may have five minutes.

Mr. HAUGEN. I think I can make that clear. I asked that I be recognized. I understood the gentleman from Wyoming [Mr. MONDELL] desired time, and I understood that I would only take two minutes; and if I have, I do not care to take up any more time. But if I may have time, I would like to answer the question propounded by the gentleman from California [Mr. RAKER].

Mr. RUCKER of Colorado. I desire to offer an amendment to this amendment, Mr. Chairman, and I ask three minutes in which to discuss it after the gentleman from Wyoming [Mr. MONDELL] is through.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] has the floor. The Chair will ask the gentleman from Iowa if he had concluded his remarks?

Mr. HAUGEN. I wish to proceed. I would like to answer the gentleman from California. He has pointed out the wonderful results that have been accomplished through this dry farming. I want to answer him by saying I remember that appeal came up from "bleeding Kansas" a few years ago. I happened to be in one of the northwestern States last year, and I saw those people coming from that arid district in South Dakota, to which they went by the hundreds. They were out there engaged in dry farming. An appeal was made similar to that of "bleeding Kansas" a few years ago; and I believe that until we can ascertain and know that this money, when appropriated, can be judiciously expended and with some results, we should go a little slow in making appropriations for this work. That is all I have to say.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may proceed five minutes, as I yielded my time to the gentleman from Iowa [Mr. HAUGEN].

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, when I was a boy of 6 I moved West, with the family that had kindly given me a home, to northwestern Iowa. At that time a great many people were of the opinion that it would be impossible to conduct general farming operations successfully in that country. We suffered from drought; we suffered from too much rain; and for five years the grasshoppers, which my friend from North Dakota has been so eloquent in describing, destroyed the major portion of our crops. Of course those were hard times.

We have followed the development of the West to the summit of the Rocky Mountains since that time and on to the Pacific. I have seen the fluctuation of settlement back and forth. The tide of emigration pressed westward. The coming of years of drought temporarily drove the border settlements back. With the return of increased rainfall the settler again pressed forward. In each one of these forward movements something has been gained, the line of permanent settlement has always been placed a little farther west with each recurring movement of western settlements, until they have now reached the great plains of the Rockies and are confronting there the conditions that my friend has referred to as existing in California.

For the past two years; aye, for the past three years, we have been passing through a period of unusual drought, a period of less rainfall than the average for 20 years past. The result is that doubting Thomases, like my good friend from the State of Iowa [Mr. HAUGEN], comfortable and content in the rich territory in which they live, and not having the incentive to the development of the new territory that we have who live in it, would rather discourage than encourage the men who are now making the last final assault to conquer the American Desert.

It is true that the new settlers have suffered grievously. In the region that I live in are many farmers who have not raised

any crops at all for two years. The remarkable thing about it is that those men are still hopeful—ininitely more hopeful than my friend from Iowa—and while they are suffering, they are still courageous. They know that if the conditions of the last three years were to continue there would be no grass in that territory, to say nothing of there being no crops, and that the range industry would perish in that territory. But they know that the last two years have been extraordinary and unusual, and they know that while they may have to meet similar conditions occasionally in the future, yet if they could have the rainfall that we have had on the average for the last 20 years there are certain classes of crops which, with careful and thorough cultivation, can be produced at a profit. Men will not grow rich on those dry lands; but many thousands of comfortable homes will be established upon them, and to-day that territory has the most hopeful outlook for the average American settler. [Applause.]

Mr. LAMB. Mr. Chairman, the department asked for no more. We gave the department their estimate.

Mr. MANN. The debate is closed. Does the gentleman from Virginia desire some time?

Mr. LAMB. I ask for a vote.

Mr. RUCKER of Colorado. Mr. Chairman, can I now offer my amendment to the pending amendment?

The CHAIRMAN. The gentleman from Colorado can send his amendment to the Clerk's desk, but the debate on the paragraph is closed.

Mr. RUCKER of Colorado. My amendment is to strike out the word "ninety" and insert the words "one hundred." Now, Mr. Chairman, I want three minutes in which to discuss this proposition; only three minutes. [Cries of "Regular order!"]

Mr. MANN. Let the gentleman ask for three minutes.

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent for three minutes.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amendment offered by Mr. RAKER: Strike out the word "seventy" in line 5, page 22, and insert in lieu thereof the word "ninety."

The CHAIRMAN. Does the gentleman from Colorado [Mr. RUCKER] desire to offer an amendment to that amendment?

Mr. RUCKER of Colorado. Yes.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Colorado [Mr. RUCKER] to the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amendment offered by the gentleman from Colorado to the amendment offered by the gentleman from California: Strike out the word "ninety" and insert in lieu thereof the words "one hundred."

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent for three minutes in which to discuss my amendment.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to discuss his amendment for three minutes. Is there objection?

There was no objection.

Mr. RUCKER of Colorado. Mr. Chairman, I am very sorry to see that my friend from California [Mr. RAKER] does not quite understand this proposition. I have been engaged for the last 30 years in what is known as dry farming or soil cultivation. It is not quite true that you can raise crops in this arid country by soil cultivation or otherwise unless you have some precipitation. It is absolutely necessary that there shall be precipitation and it is absolutely necessary for the farmer to know what to do with that precipitation. In the first place, he must have his ground thoroughly plowed, and he must be educated how to plow it and how deep to plow it, depending on the kind of soil he has to cultivate. Then immediately after the rainfall, as soon as the harrow will not stick in the ground, he must go over his field as quickly as possible, making a mulch over the field, thereby storing up the precipitation in the ground. The moment this pulverization is made the capillary attraction ceases, and you have stored in the ground a reservoir into which the plants put in the ground may afterwards send down their roots and get nourishment. It is true, as the gentleman from Iowa [Mr. HAUGEN] says, that time and again people have gone there and have had to go away. I said a few minutes ago, with respect to another amendment I offered, that it is true that probably after 5 or 6 or sometimes 10 years people have broken down in heart and left that country, but it does not follow that they will continue to do so. If this appropriation is made and if more light is thrown upon the question of soil culture, then, in my judgment, dry farming, as it is called, or what is more properly known as the Campbell system, will prove an entire success over that vast arid region.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Colorado [Mr. RUCKER] to the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment to the amendment was rejected.

The question being taken on the amendment of Mr. RAKER, on a division (demanded by Mr. RAKER), there were—ayes 27, noes 50.

Accordingly the amendment was rejected.

The Clerk read as follows:

For studying methods of clearing off "logged-off" lands with a view to their utilization for agricultural and dairying purposes; for their irrigation; for testing powders in clearing them; and for the utilization of by-products arising in the process of clearing, in cooperation with States, companies, or individuals, or otherwise, \$5,000.

Mr. MANN. I reserve a point of order on that paragraph.

Mr. LAMB. Mr. Chairman, this is new language in the bill, and I am sure gentlemen would like to hear a new voice on this subject.

Mr. MANN. Does the Chair understand that a point of order is reserved?

The CHAIRMAN. The Chair understands that a point of order is reserved.

Mr. HAWLEY. Mr. Chairman, the purpose of this paragraph is to enable the department to study the problem of the clearing up and utilization of the logged-off lands in the West. In some parts of the country from which I come large areas have been logged over, leaving the large stumps, the tops of the trees, and the trees that could not be used for making lumber. These lands had once a very heavy growth of timber, and the stumps generally are very large and numerous. The soil is very rich. Various endeavors have been made by individuals and private companies to clean off the land at a cost that would justify it. Owners of considerable areas have offered to sell the lands to private parties. Some have succeeded with the clearing process and others have not. In some parts of the West private companies have been organized, cooperative and otherwise, which have taken over the logged-off lands, and they are endeavoring to clear them off for purposes of cultivation. There are tens of thousands of acres of these lands. Various questions arise in the clearing of the land. Various methods have been tried, like the using of a steam donkey, collecting the logs in great piles around snags, but that method is too expensive for the ordinary man. He can not afford the expense. But the department has devised methods, like that of char pitting stumps, as well as other methods for clearing off the land at lessened expense.

The object of this appropriation is to extend these experiments further and to teach the owners of the land and those who may be willing to cooperate with the Government in the matter the best and least expensive methods for clearing them off. Also to communicate to the settlers the knowledge that the Government has acquired by actual demonstration work, as is done in the South in the boll-weevil work, and various other experimental works carried on by the Government.

Mr. RAKER. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. RAKER. Has the gentleman investigated the matter in the department to find out whether they have made any study of this subject?

Mr. HAWLEY. I have not investigated especially this particular question, but I have some other matters and know that they are investigating to some extent the matters provided for in this paragraph.

Mr. RAKER. But at the present time the department has made no investigation?

Mr. HAWLEY. On char pitting, yes. But the general subject has not been very thoroughly gone into.

Mr. RAKER. I am talking about getting rid of the stumps by powder.

Mr. HAWLEY. I do not know to what extent they have experimented with powder.

Mr. RAKER. That is an important factor in this matter. Would the gentleman have any objection to putting in after the word "agriculture" the words "horticulture and viticulture," and after the word "testing" the words "the use of," so as to read: "Testing the use of powder," and so forth?

Mr. HAWLEY. I have no objection to that.

Mr. RAKER. Is it not a fact that in the West with the new kinds of powder it is beginning to be realized that you can get a great benefit out of these lands very cheaply if proper testing is made for the purpose of clearing the land?

Mr. HAWLEY. I have no doubt that methods can be devised by which the lands can be cleared off at a low cost.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. FITZGERALD. Outside of cleared land, not covered with timber, the lands that have been used for agriculture in the West are logged-off lands?

Mr. HAWLEY. I should think that would be a safe proposition, if I understand the gentleman correctly.

Mr. FITZGERALD. The gentleman does not believe in helping these speculative land companies that bought the land cheaply; there is no especial reason why the Government at this late day should go into such an enterprise as this?

Mr. HAWLEY. The problem on these lands is different from that on lands where the growth was small, and, of course, the stumps much smaller and more easily taken out.

Mr. FITZGERALD. Yes; it is a bigger question; it depends on the size of the stump. [Laughter.]

Mr. HAWLEY. There are no speculative companies that I know of. The States, I think, will assist in this matter; but there are hundreds and thousands of acres of this land, as rich as any land we have. I know of some land that is worth \$500 an acre after it was cleared off, but, as I say, the cost of the clearing of these lands is prohibitive, generally, under present methods.

Mr. MANN. Will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. MANN. How is it proposed that this money shall be used; what is the project?

Mr. HAWLEY. It will depend upon the discretion of the department.

Mr. MANN. What is the proposition of the department in reference to it? This appropriation is only \$5,000, and it can not be scattered over the universe. What do they propose to do with it?

Mr. HAWLEY. They will probably take a section in Washington, for instance, that is logged off and show the settlers how to char pit the stumps and to remove them; how to take out the stumps so that, for illustration, ship's knees may be made where the roots are long enough, and how to use other by-products, such as the timber that is left on the land suitable for paper making or for other purposes, and ascertain what other valuable products may be obtained. Information obtained in one place would be available for use in any part of the United States.

[The time of Mr. HAWLEY having expired, at the request of Mr. MANN it was extended five minutes.]

Mr. MANN. Do I understand that it is a part of the project to ascertain whether the stumps are suitable for making paper?

Mr. HAWLEY. No; there is a second growth on a good deal of the land.

Mr. MANN. And you want to cut off the second growth and see whether it is available for paper making?

Mr. HAWLEY. The second growth on some of this land is 100 feet high; it grows very rapidly.

Mr. MANN. But they do not need \$5,000 to know how to cut these trees down.

Mr. HAWLEY. I was not laying so much emphasis on that as I was on the removal of the stumps and the other purposes I have mentioned. On the place in Washington I used for illustration they use the long roots of the stumps for ships' knees.

Mr. MANN. I think we are entitled to know something about this. Here is a proposition for \$5,000, which, if it amounts to anything at all, will soon be \$50,000 or \$100,000. I think we ought to know what the project is and what it is intended to do.

Mr. HAWLEY. The purpose is to enable the department to go upon logged-off lands, examine and ascertain the cheapest methods of clearing them off, especially where they have very large stumps; to see what profit can be derived by the settlers while clearing out the stumps; and to teach the settlers how to char pit the stumps where that is possible; to teach them in the use of powder economically, what kind of powder can be used, and when and where it can be best used; and to aid in solving all the other problems that the settler will be confronted with in clearing such land. Sometimes the old logs are three deep, and where the ground is somewhat soft the lower one is buried almost entirely in the ground.

Mr. MANN. But all you can do with this money is to hire one man and to pay his expenses. What is the man going to do? He can not do these things that the gentleman has been telling about on \$5,000. You can hire only one man to do this at that sum.

Mr. HAWLEY. The department can study the problem and determine the best and least expensive methods for the clearing off of these logged-off lands.

Mr. MANN. Here is a proposition to have the department study the subject of irrigation. The department has nothing to do with that subject and ought not to have. We have another branch of the Government studying irrigation. Then there is a

provision for testing powders. Why, people have been testing powders, blowing up stumps, ever since we have had powder. Then there is a provision for the utilization of by-products arising in the process of clearing, in cooperation with States, companies, or individuals; that is, to have the Government go into partnership with some individual or company.

Mr. HAWLEY. The gentleman is in error there. One company has agreed to contribute to the Government a sum of money to assist in carrying on this investigation. They are willing to make a donation.

Mr. MANN. The gentleman said something about the use of the by-product for making paper. My particular interest in that proposition is that the gentleman's committee has reduced the amount for experimentation in reference to the use of wood in the manufacture of paper.

They now have at Madison, Wis., a wood laboratory that is making valuable search and research in connection with some of the paper mills in regard to the subject of using different kinds of timber for the production of ground wood pulp. The committee reduces the appropriation for that, where it can be useful, and they stick in a \$5,000 appropriation here where the man who uses it will not know any more about paper than a mule does about heaven. I object to cutting off the appropriation where it can do good and putting it in where it can not do any good.

Mr. HAWLEY. If the gentleman will permit, no greater good can be done to the lands west of the Cascade Mountains—and I speak of those because I am more acquainted with them than with other lands—than for the Government to ascertain the most effective and cheapest methods of clearing up these lands and to teach such methods to the settlers by demonstration and otherwise. There are hundreds of thousands of acres of these lands, which are as fertile as any we have.

Mr. MANN. Is that not also true of Wisconsin and Michigan?

Mr. LAMB. Mr. Chairman, I ask for a ruling on the point of order.

Mr. FITZGERALD. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. FITZGERALD. I make the point of order upon the ground that it is not authorized by law and consequently that it is legislation. There is no authorization in law for the work that is proposed to be done under this paragraph. There is nothing in the act creating the Department of Agriculture that authorizes the expenditure of public money in cooperation with States and individuals and private companies. It is clearly legislation.

The CHAIRMAN. Does the gentleman contend that the general purpose of the clearing of logged-off land for agricultural purposes has not been the existing law?

Mr. FITZGERALD. Mr. Chairman, it is clearly legislation to cooperate with States and companies and with private individuals.

The CHAIRMAN. The Chair is of the opinion that the general purpose of preparing logged-off lands for agriculture and studying methods of doing that would not be subject to a point of order, but that the provision for the cooperation with States, companies, or individuals would be new legislation. The point of order to the entire paragraph is therefore sustained.

The Clerk read as follows:

For investigations in connection with the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, \$69,600.

Mr. PAGE. Mr. Chairman, I move to strike out the last word, for the purpose of asking unanimous consent that the Delegate from Porto Rico [Mr. RIVERA] may extend his remarks in the Record upon the bill which was passed yesterday giving citizenship to the people of Porto Rico. He was unavoidably detained from the House at that time.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the Delegate from Porto Rico may be permitted to extend his remarks in the Record as indicated. Is there objection?

There was no objection.

Mr. RIVERA. Mr. Chairman, it is my duty, on expressing the opinions and the aspirations of the people of Porto Rico, whose interests and sentiments I represent in this House, to applaud and to support the bill now under consideration. I must declare that the majority, the large majority, of Porto Ricans are sincerely attached to the American Nation. And I must also declare that, should American citizenship be bestowed upon them, my countrymen will always feel grateful to

the American Representatives who through their action would give them a proof of confidence in their loyalty, and that they would enthusiastically, bravely, and proudly uphold their citizenship, identifying themselves with the new country to which their historic destiny has united them, loving and respecting the flag that protects their homes, doing honor by their civic conduct to the national family that receives them, and, finally, endeavoring to be the worthy sons of the America of Washington and Lincoln, not only because of their political condition but also because so impelled by the natural feelings of their souls, jaded and mortified up to the present time by indifference and injustice.

But it is also my duty, Mr. Chairman, to remark in addition, in plain and simple words, that Porto Ricans would not feel satisfied with American citizenship if American justice is not done them; if they are not granted full American rights, void of any qualifications that would mean inferiority to them. Originating from a race that, like your own, holds dignity dearer than life, the Porto Ricans will feel humiliated until you have abolished in the island a colonial system, under which the government is not founded upon the will of the governed and by which taxes are imposed without representation of those who are taxed. The executive council, a body that makes and executes the laws simultaneously and that alone fixes the salaries of public officials, is not elected by the people, its members being appointed by the Federal Executive power. And to you, gentlemen, I consider I need say nothing else in order that you may realize that no democracy, fashioned after American style, has been established in Porto Rico, and that our present form of government resembles more that of an autocracy of monarchical type. The principles founded by your Constitution do not reach the far-off possession on the bosom of the Caribbean Sea, extending not beyond Long Island and drowning in the deep waters of the Atlantic Ocean under the weight of bureaucratic ambitions.

We never were, nor are we now, radical in our demands for reform. The Filipinos are struggling for absolute independence; the Porto Ricans are contending for self-government, which they are longing to exercise and which they would know how to practice under the shadow of republican institutions. Should you consider us worthy of your citizenship, you should not deem us unworthy of the administration of our affairs, allowing us to make and enforce our own laws. I do not doubt that the grant of citizenship would open, in a frank and friendly manner, an era of fraternity between the Americans of Porto Rico and the Americans of the continent, an era of liberty—absolute liberty—of autonomy—complete autonomy—for the Americans of Porto Rico.

And permit me, gentlemen, to assert that, when I express this profound conviction of my soul, I base myself on your practical sense of political realities. You have at the south of your great Nation 20 Republics closely looking upon the one at the north, alert as to your actions, in order to manifest their kindly feelings or to restrain them.

The providential mission of the United States in America will not be fulfilled until there irradiates from this Capitol an effective and powerful influence that may secure to the United States the amplest moral and commercial hegemony from the Great Lakes to the Strait of Magellan. Your future development requires that your influences extend to such a range, for the commerce and industries of the United States will demand such a vast market. By enacting the independence of Cuba you gave an admirable example of generosity and altruism; she is free and happy because you made her so. Let it be added to the gratefulness of the Cubans, the gratitude of the Porto Ricans, who you can make happy and free as well as under your sovereignty. Then you would prove that you still are what you always were in the past—a people entitled to God's favors, not for their power, which is great, but for their devotion to the principles that helped them to conquer their independence and to maintain and to increase their prestige throughout the world.

The Porto Ricans, as all men on earth, love national independence. To all solutions they prefer that which would make them an independent and sovereign nation. But they are an intelligent people; they are thoroughly acquainted with the obstacles that would bar the success of their paramount ideal. Actuated by their patriotism, they are at present moved to fight for practical reforms that may allow them to insure their predominance in the affairs of their country. Besides, we have faith in the American people solving our insular problem promptly and generously. But do not let this faith be lost lest all Porto Ricans would ask you to do by them as you did by the Cubans, under identical conditions, that the island be delivered to her sons.

I do not consider this the proper time to discuss the grounds upon which the people of Porto Rico base their right to self-government. That opportunity will come later on. I rise to speak in this House for the first time, and I feel that I ought to mention that which is most longed for by my country and that which would be the source of the greatest advantage to yours. What suits you is not incompatible with that which we desire. These ideas are in perfect harmony with each other; they stand for solutions that coincide in mutual benefit, because they will allow you, first, to be consistent with your principles and history, and secondly, to gain for yourselves the confidence of the Latin-American countries. This is the only means, gentlemen, through which you will be able to widen, upon an equitable basis, the power of your country, which will be our country when you open us your doors to enter and when you have introduced in our cities and in our villages your American democracy.

Do not forget, gentlemen, that such is our right and that such is your duty.

Mr. RAKER. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the word "of," at the end of line 13, page 22, the following words: "and for studying methods of clearing off," and strike out the word "reclaimed" in line 14, page 22.

Mr. MANN and Mr. FITZGERALD. Mr. Chairman, I reserve the point of order.

Mr. RAKER. Mr. Chairman, I want to call the attention of the committee to the uselessness of spending money for the purpose as it now appears in the bill. I want to read it as it stands now:

For investigations in connection with the utilization of lands reclaimed under the reclamation act.

Now, let us stop right there. Lands reclaimed means lands grubbed, plowed, ditched, and irrigated.

Mr. MANN. That does not make any difference; there is more trouble after the land is irrigated than anything else.

Mr. RAKER. Mr. Chairman, let us see for a moment. That is done for the purpose of giving a man the benefit, for the purpose of putting him in a condition where he shall not expend his money uselessly; that he will not grub up poor land first and put ditches where they ought not to be and cut down knolls and hills from his land. If you strike out the word "reclaimed," then you have investigations in connection with the utilization of lands under the reclamation act. If you put it before he has made his reclamation, you will spend your money to show him how to clear it, how to ditch it, how to level it, and how to put it in shape, and when he gets his water on it he will have the ditches, he will have it plowed, he will have it leveled, and in proper shape, but now you say that you investigate the land after he has leveled it, after he has plowed it and ditched it and put water on it. Why not make this investigation of the land under the reclamation project?

Mr. LAMB. Now, my mind ran pretty much in the line of the gentleman, and I asked this question:

The CHAIRMAN. The next paragraph seems to relate to nearly the same thing. "For investigations in connection with the utilization of lands reclaimed under the reclamation act, \$69,600."

Dr. GALLOWAY. We are familiar with the fact that the Reclamation Service is spending a good many millions of dollars in putting water on certain of their large projects. This problem is an engineering one, and when the water is on important agricultural problems arise. Now they call upon us to help them in the agricultural work, and we have established on these reclamation projects stations where we are conducting investigations to aid and guide the settlers who come in and take up this land and use water. In the item above we deal with dry farming; in this item it is an irrigated farm.

Mr. RAKER. That is the point. Let me call the Chairman's attention to it. A man goes and plows on 160 acres of this land, or 80 acres of it, and he starts in to improve it. Is it not better for him to receive the advantage of how that should be cleared, how it should be leveled, how it should be ditched, than to wait until he has spent all his money and then tell him how he ought to have done it? Let them give him the information in the first instance. That is what I am seeking, and I am satisfied that the department will be more than ready and anxious to give that assistance if we strike out the word "reclaimed" and leave it "lands under the reclamation project."

Mr. LAMB. Now, here is another of the same questions I asked before of my friend. The gentleman should have gone and consulted Dr. Galloway, and if in his judgment that would have answered the purpose better than the other and meet the gentleman's wishes, he would have done it, very likely—I do not say positively—but the gentleman comes here now and asks us to make this change in language which we are not prepared to say is the best language or not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. LAMB. I withdraw the point of order and ask for a vote.

Mr. MANN. As I understand the point of order, it is that the gentleman proposes to put another proposition in the paragraph.

Mr. LAMB. That is what I claim, and I do not think the committee will stand for it.

Mr. RAKER. I want to make this suggestion to the gentleman from Illinois, that all land that is subject to irrigation or reclamation under the reclamation project must, if the law is carried out, eventually be reclaimed. Reclamation means irrigation.

Mr. MANN. Suppose it is reclaimed. This is a question of utilizing the land reclaimed, and the moment it is reclaimed it is like land in the gentleman's State or my State; it is plowed up and it is under cultivation.

The question comes as to how is the best way to utilize it, and out there they need them to meet these problems at once that are not met anywhere else. With alkali lands various propositions come up as to what can be raised on the soil under irrigation. It is just as important to study that as it is to study the use of the soil anywhere else. It has to be utilized. People go out under the impression that they can go on a piece of irrigated land—an impression gained through the advertisements that they get—and turn the water on and off as they please, and raise such crops as they please. There is nothing further from the truth.

Mr. RAKER. Will not the gentleman from Illinois yield to a question?

Mr. MANN. Certainly.

Mr. RAKER. Is not the very purpose of the Government's reclamation project that of putting every acre of land that is included in the project of irrigation under actual cultivation and irrigation?

Mr. MANN. Assume that that is the case, then what?

Mr. RAKER. Now, the question is, Ought not these men that file upon this land before it is plowed and cultivated and irrigated to have the information of how to get that land in shape and what they could use it for? They could test it just as well before it is plowed and irrigated, and even better, than afterwards.

Mr. MANN. That is where the gentleman is mistaken. There is not an irrigation project in the United States where they can tell in advance of irrigating the land just what conditions they will meet after the land is irrigated and cultivated.

Mr. RAKER. Oh, yes; by examination of the soil and analysis of the water—

Mr. MANN. My information comes from scientific gentlemen who tell me that, but I do not know whether they are correct or not.

Mr. RAKER. My information is from the University of California as to the soil, and atmosphere, and water, and you can not get any better information than that.

Mr. MANN. We are just beginning to discover that it is not a simple problem.

The CHAIRMAN. What is the ground of the gentleman's point of order?

Mr. LAMB. I make a point of order against it—

Mr. MANN. I thought the gentleman withdrew the point of order and asked for a vote on it.

The CHAIRMAN. What is the ground of the gentleman's point of order?

Mr. LAMB. I waived the point of order and asked for a vote.

Mr. MANN. The gentleman proposes to strike out the word "reclaim" and make this apply to the reclamation act, not merely the utilization of land. But I forget what the expression was which was used by the gentleman.

Mr. RAKER. "For investigations in connection with the utilization of land under the reclamation act." Now, that includes every acre.

Mr. MANN. That was not what the gentleman had in his amendment.

Mr. RAKER. I had first "the methods of reclamation and studying methods of clearing off lands under the reclamation act."

Mr. MANN. Which is the gentleman's amendment?

Mr. RAKER. To include after the word "of," in line 13, "studying methods of clearing off," and striking out the word "reclaim," in line 14.

Mr. MANN. Mr. Chairman, I insist that is subject to a point of order. That would read, "for the studying of methods for clearing off land under the reclamation act." Is that what the gentleman means? Does he mean lands under the reclamation act?

Mr. RAKER. Yes; all lands that may be under the reclamation act.

Mr. MANN. There is no provision under the reclamation act for that. The question of studying lands under the reclamation act would be for studying lands in accordance with the reclamation act.

Mr. RAKER. Oh, no.

Mr. MANN. That is what it means.

Mr. RAKER. The only question is that you let them study the land after it is reclaimed instead of studying it before it is reclaimed. That is all there is to it.

Mr. MANN. If the gentleman means the study of all land which may be in some way affected by the reclamation act and the clearing off of that land, of course it applies to a vast quantity of land not owned by the Government?

To study the clearing off of private lands would be subject to a point of order, in my opinion, and we have no right to make an appropriation for that purpose if gentlemen propose to study the clearing off of private lands.

The CHAIRMAN. The Chair is of opinion that to strike out the word "reclaim" might go beyond anything that could be called purely agricultural. The point of order is therefore sustained.

Mr. HAWLEY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk and ask to have read. It is to be inserted after line 16 of page 22.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The Clerk read as follows:

After line 16, page 22, insert the following: "For studying the methods of clearing off 'logged-off' lands with a view to their utilization for agricultural, horticultural, viticultural, and dairying purposes, and for the utilization of by-products arising in the process of clearing, \$5,000."

Mr. LEVER. Mr. Chairman, I make a point of order against the amendment.

Mr. FITZGERALD. I make a point of order against that, Mr. Chairman.

The CHAIRMAN. What is the gentleman's point of order?

Mr. FITZGERALD. I make the point of order, Mr. Chairman, that it is not in order, first, because it is not germane in this portion of the bill. These items are under the Bureau of Plant Industry, and the item for clearing off "logged-off" lands is not germane to the work of the Bureau of Plant Industry.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from California?

Mr. FITZGERALD. Yes.

Mr. RAKER. I wish to ask the gentleman from New York this: If they do that for the purpose of agriculture, is it not the same as studying the effects of the boll weevil upon cotton?

Mr. FITZGERALD. That has nothing to do with this question. We are discussing the question whether, under the rules of the House, this amendment is in order at this particular point. Then, Mr. Chairman, whatever may be said as to whether the study of the methods of clearing off "logged-off" lands with a view to their utilization for agricultural purposes comes within the authority conferred upon the department under the organic act, certainly investigations for the utilization of by-products arising in the process of clearing are hardly investigations which are to be utilized in the advancement of agriculture.

I insist that there are a number of decisions which hold that even if a particular item be germane to the bill itself, it must be offered to that portion of the bill to which it is germane. The items now under consideration by the committee are under the general heading of the "Bureau of Plant Industry," on page 15 of the bill. Unless this item is germane to the work of the bureau it is not in order at this place. [Cries of "Rule!" "Rule!"]

The CHAIRMAN. To what division of the bill does the gentleman think this amendment should apply?

Mr. FITZGERALD. I am not required to answer that question, Mr. Chairman. This part of the bill, however, refers to the Bureau of Plant Industry, which has certain definite functions. This proposed provision is to enable an investigation to be made for the purpose of studying methods of clearing off "logged-off" lands. It is hardly proper or necessary for me, in order to sustain the contention that I make, that this amendment is not in order at this point, to furnish information to gentlemen as to what particular part of the bill it would be in order upon. Those questions can be determined as they arise.

Mr. HAWLEY. Mr. Chairman, it seems to me that this amendment is germane to this portion of the bill, inasmuch as the Department of Agriculture deals with the question of the utilization of soils and the growing of plants and trees and all other matters relating to products from the soil. It is just as

germane as the paragraph before it, which has always been held to be in order.

As to the point made against the second portion of the paragraph, regarding by-products, that is just as germane as the fiber-plant investigation, the investigations of corn fiber for making paper, or a thousand other investigations that the bureau is carrying on.

Mr. FITZGERALD. The gentleman does not consider that the investigation of methods of clearing logged-off lands would properly come within the jurisdiction or the province of the Bureau of Plant Industry?

Mr. HAWLEY. I still maintain that the question of utilization of the by-products, whatever they may be, stumps or second growth, and so on, so that the greatest advantage may be derived from such lands, is just as germane to this portion of the bill as the utilization of corn fiber, flax fiber, or a thousand other investigations which the Bureau of Plant Industry is constantly making, and I insist that the amendment is in order.

The CHAIRMAN. The Chair is of the opinion that the study of methods of preparing logged-off lands for agriculture, horticulture, and so forth, would be within the general scope of agricultural purposes and would be germane to this bill at some place in it. With the single exception of the dairying purposes mentioned, all of the purposes mentioned are connected with the plant industry.

The point of order is overruled. The question is on the amendment of the gentleman from Oregon [Mr. HAWLEY].

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. If there be any department of the Government which is active in prosecuting investigations of value to those interested in agriculture, it is the Department of Agriculture. If there be any department of the Government which is quick to request Congress for assistance in order to enable it to conduct investigations which would be valuable to those interested in agriculture, it is the same department. No estimate was submitted for this appropriation. No request is made by the Department of Agriculture for this appropriation, but, according to the statement of the gentleman from Oregon [Mr. HAWLEY], it appears that certain land companies in the Northwest and the far West have bought up great tracts of land over which the lumbermen have conducted their operations, and it is now desired that the assistance of the Federal Government be given to enable them to determine how best they may utilize the lands and best dispose of the property. It seems to me that there must be some place where the line should be drawn. There should be some point at which those who have acquired lands or have some interest in lands shall bear the expense incident to their ownership, without saddling the entire cost on the Federal Government.

Mr. HAWLEY. My purpose in mentioning the lumber company was because, as I explained later, that one company had agreed to contribute to the assistance of the Government in making these investigations. If the department was authorized to make the investigations, they agreed to contribute a sum of money just as a donation, which they could not make if the department was not authorized to make the investigation.

Mr. FITZGERALD. I understand the position of the gentleman. The provision as originally incorporated in the bill provided for cooperation not only with companies but with States and individuals. If this land company desires this investigation, why should it not hire the experts rather than ask the investigation made by some one connected with the Department of Agriculture and thus utilize the department and its investigation for the purpose of advertising the lands for sale much to the misfortune very likely of those who will be induced to invest in them? The inquiry now being conducted as to certain investigations made by the Department of Agriculture regarding the value of lands under certain conditions in certain portions of the country should at least induce this House not to encourage a possible repetition of the same conditions.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. SLAYDEN. Do I understand that these lands have been bought by corporations and others and that they now want the Government, at public expense, to show them how to make money out of their enterprise?

Mr. FITZGERALD. That seems to be the project. Here are these lands upon which there has been heavy timber. The timber has been cut and, unlike the early pioneers in this country and others who have acquired lands upon which the timber was standing and from which it has been cut, instead of clearing the lands and utilizing them for agricultural purposes, these owners believe that because the stumps are somewhat larger in these particular sections than they were in others that they should have the assistance of the Federal Treasury and Federal

experts to do what all other classes of persons interested in land have done from the very first settlement of this country. It seems to me we ought to halt at some place, and this is one place. The department not having found any necessity for this enterprise, not having requested the appropriation, not having estimated for it, it seems to me the committee should not force the appropriation upon the department.

Mr. SLAYDEN. Mr. Chairman, I do not understand the reasonableness of this suggestion. In my own State, where the Government owns no land and never has, there are millions of acres of these cleared lands, of what was timberland that has been cut off, denuded of the commercial timber, that has gone into farms. It is sold to farmers. Cotton and other produce is grown on it, and they never thought, as far as I am advised, of asking advice from the Government, or from any other source, as to how they were going to work to cultivate the soil and make a living. I can not see how the people of the West should require any more information than they do in Texas.

Mr. SHACKLEFORD. Mr. Chairman, I would like to ask the gentleman from Oregon a question.

Mr. HAWLEY. The gentleman will have to get the permission of the gentleman from Texas, who has the floor.

Mr. SLAYDEN. Go ahead.

Mr. SHACKLEFORD. In Missouri we sometimes blow the stumps out with dynamite and sometimes we pull them out with a stump puller.

Mr. HAWLEY. How are you going to pull out a stump that is 12 feet in diameter with a stump puller?

Mr. SLAYDEN. Dynamite will do it.

Mr. HAWLEY. That is what we want to find out, what is the best way.

Mr. SLAYDEN. Oh, I will tell you that and save the \$5,000. [Laughter.]

Mr. HAWLEY. Now, the gentleman from Texas asked the gentleman from New York a question a moment ago which was hardly fair to the situation in the final result.

Mr. SLAYDEN. The unfairness was in the reply of the gentleman from New York, not in the question, I hope.

Mr. HAWLEY. I say in the result. The lands are owned, as you know, by large companies, who have cut off the timber and have no further use for them.

Mr. SLAYDEN. They do not give them away, do they?

Mr. HAWLEY. No; they have sold some and some have gone to the county for taxes; they have not paid the taxes on them. They are lying waste and idle. Large areas have passed into the hands of private ownership for grazing purposes. They are rich lands and are valuable if they can be cleared at a reasonable cost. Is it any more unreasonable to ask the Government to instruct us how to utilize these lands than it is for the Government to instruct the farmers in the South—which I am heartily in favor of—how to guard against the ravages of the boll weevil or the Texas cattle tick?

Mr. SLAYDEN. I will say, in all frankness, that long ago I came to the conclusion that the investigations of the Government with reference to the boll weevil were not very valuable. I do not know so much about the investigations in regard to the cattle tick.

Mr. HAWLEY. We make a large appropriation for that purpose, and it is no more unreasonable for us to ask for this service than it is to appropriate for that service. These lands would be worth \$500 an acre if cleared.

Mr. SLAYDEN. Then I would spend that \$5,000 myself, if I was the owner.

Mr. HAWLEY. Well, it might cost that amount to clear 1 acre of land.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, in relation to the statement made by the gentleman from Oregon, I want to say that he has made it clear and specific as to the difference of these lands and those where small trees have grown. You go into the redwood district and you will find trees or the stumps of them 12 to 28 feet in diameter. How does that compare with little trees 2½ feet or 18 inches in diameter? These men have been experimenting for years. These lands are owned by private owners, and we want to show them how to improve the rest of the land. They have been advised to blow these stumps out, and have tried it, but they have not made a success. Why should not the Government give some assistance to the owners of these lands and assist them in information as to how to till their soil to make it more valuable just like you do in every other item in the bill? Reading back for five pages you will find every one of these items is for the purpose of showing the farmer how to do better work.

Mr. FITZGERALD. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. FITZGERALD. Does the gentleman think that anybody who owns 160 acres of land from which has been cut redwood timber 28 or 30 feet in diameter is in any great necessity for assistance from the Government as to how to utilize that land?

Mr. RAKER. In what way?

Mr. FITZGERALD. Financially.

Mr. RAKER. The owners of the land and of the timber that has been cut off have moved to Wall Street. The man that owned the land is not there now.

Mr. FITZGERALD. He has more sense than the man who remains there.

Mr. RAKER. No; he has not. The bone and the sinew is in the country. The men in this country are working to build up the country, raising stuff by which we can supply those living in the large cities. You have spent over a million dollars for investigations here, and the very time you come to a new one, when you come to hundreds of thousands of acres of this redwood land in California and Oregon, then you raise the cry of private ownership; yet when we turn back to the very next item above this we find you expending \$69,000 for investigating private lands under reclamation projects. Why can you not expend \$5,000 to investigate lands in redwood and spruce stumps?

Mr. LAMB. Mr. Chairman, I move to close debate on the pending paragraph and all amendments thereto.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia to close debate on the paragraph and all amendments thereto.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 17, noes 26.

So the amendment was rejected.

The Clerk read as follows:

For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 18, 1900, and for other general horticultural investigations, \$36,920.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What has become of the testing garden at Brownsville?

Mr. LEVER. Mr. Chairman, I will say to the gentleman from Illinois that it is carried in another part of the bill under the language of the introduction of foreign seeds, plants, and the like.

Mr. MANN. Why should it be transferred to an indefinite appropriation, where nobody can locate it, instead of having a definite appropriation in the bill that is specific?

Mr. LAMB. For the reason that the South Texas garden is conducted under the office of foreign seed and plant introduction and stands on the same basis as the other gardens conducted by that department. The proposed change is in the interest of good and better administration.

Mr. MANN. On what page is the other item?

Mr. GARNER. Mr. Chairman, may I ask the chairman of the committee a question?

Mr. LAMB. Certainly.

Mr. GARNER. It is not the intention of the committee to abandon the work being done at the South Texas garden, is it?

Mr. LAMB. No.

Mr. MANN. That remains to be seen.

Mr. GARNER. That is what I concluded. Possibly, if you get the discretionary power placed in the Agricultural Department, there might be some question about this.

Mr. MANN. I want to see whether they have increased the appropriation anywhere else. It is easy to say that a thing is transferred. Where is the appropriation that covers it?

Mr. LEVER. I will read from the hearings:

Mr. LEVER. I notice at the bottom of page 31 an increase from \$52,000 to \$58,000.

Dr. GALLOWAY. That is owing to the fact that we took the Brownsville garden item and combined it with the seed and plant introduction work, where it properly belonged.

Mr. MAGUIRE. Do you gather those seeds from all over the country and from different sections of the country—different climatic conditions? What is your method of gathering seeds?

Dr. GALLOWAY. For the ordinary congressional distribution—

Mr. MANN. Permit me to interrupt. The appropriation for Brownsville testing station is \$11,260. In the first place, you have reduced the amount for seeds from \$289,000 to \$285,000, and that is what you propose to have take care of the Brownsville testing garden, although the appropriation is reduced. Out of that you propose to have \$58,740 for the foreign introduction of plants, and so forth. That is an increase of \$5,250, or thereabouts, over the present appropriation, which is not sufficient to take care of Brownsville. What is proposed to be done?

Mr. LAMB. I asked that question:

The CHAIRMAN. "For the maintenance of a testing garden"—you leave that out.

Dr. GALLOWAY. Yes; we have combined this garden originally at Brownsville with the foreign seed and plant introduction work.

I read now from the Project Book:

This work includes the propagation of such new plant material as can be distributed from Brownsville to any part of the Gulf coast and other regions in the South—the testing out of such plants as have a good chance of succeeding in that portion of Texas.

If he did not have sufficient money to do this, I claim that he would not have been preparing his plans, and these are nothing but his plans, for doing it. It is a blanket appropriation, and we can not say exactly what Dr. Galloway proposes, but we know he has the matter well in hand.

Mr. MANN. Let us get down to brass tacks on this and see. The appropriation referred to is included in the appropriation for congressional seed, part of the same appropriation. In the first place, you segregate out of the congressional appropriation a certain amount for foreign-plant introduction. Now, you have reduced the appropriation for both purposes in this bill from existing law, although the present appropriation does not include the \$11,200 for Brownsville. You make an appropriation for congressional seed and for the foreign-plant introduction, including Brownsville, and make the appropriation less than it is now, although the present appropriation does not include Brownsville. I want the gentleman to explain that if he can.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. In answer to the gentleman from Illinois, it seems we are not able to lay our fingers on the very proposition—

Mr. MANN. I can lay my fingers on the proposition we are talking about; that is at the top of page 26.

Mr. LEVER. At the top of page 26, where the appropriation is \$58,000.

Mr. MANN. That is the appropriation that Dr. Galloway is talking about; that is the foreign-plant introduction appropriation, and that is the one segregated from the congressional seed appropriation. If you have given all that they ask, I have not anything further to say.

Mr. LEVER. I will say, as a matter of fact, we have given every cent on that proposition that they have asked. I can not put my finger on the exact explanation of it, but in good conscience I will say to the gentleman we have given every cent asked on that proposition.

Mr. GARNER. If I understand the gentleman, there is no intention of abandoning the work at the Brownsville garden?

Mr. LEVER. Absolutely none.

Mr. LAMB. I can further answer the gentleman—is the gentleman satisfied?

Mr. MANN. I am satisfied until we get to the item where it comes up.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, \$285,680, of which amount not less than \$226,940 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture, be allotted to their respective districts in ready for distribution, be supplied to Senators, Representatives, and Delegates to Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however,* That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also,* That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, also,* That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the department:

And provided also, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided further*, That \$58,740 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country, and same shall not be distributed generally, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

Total for Bureau of Plant Industry, \$2,089,900.

Mr. MANN, Mr. PAGE, and Mr. LAMB rose.

Mr. MANN. Mr. Chairman, I suggest the absence of a quorum.

Mr. PAGE. Mr. Chairman, I desire to offer an amendment.

Mr. LAMB. I move that the committee rise.

Mr. PAGE. Will the gentleman permit my amendment to be read?

Mr. LAMB. I will withdraw the motion for the present.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the paragraph beginning on line 16, on page 23, and ending with line 10, on page 26, and insert in lieu thereof the following: "Purchase and distribution of rare and valuable seeds and plants: For purchase, propagation, testing, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experimenting with reference to their introduction into and cultivation in this country, and same shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment station, \$58,740."

Mr. LAMB. Mr. Chairman, I reserve a point of order.

Mr. MANN. It is not subject to a point of order.

Mr. PAGE. I do not think it is subject to the point of order.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18960, the Agriculture appropriation bill, and had come to no resolution thereon.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 13570. An act to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

LEAVE OF ABSENCE.

By unanimous consent, Mr. CONNELL was granted leave of absence for 10 days, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. ANDERSON of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. LEVER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. In connection with the request of the gentleman from Ohio [Mr. ANDERSON] I ask that the gentleman from California [Mr. HAYES] also have consent to extend his remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

SOME OF PRESIDENT TAFT'S PROGRESSIVE POLICIES.

Mr. HAYES. Mr. Speaker, this is a good time to take account of the national welfare as it is viewed by the President of the United States in the discharge of his official responsibilities. What President Taft has done, what his administration is doing, and what more it will do if Congress adopts the recommendations for constructive and progressive legislation may be learned from the messages which he has submitted since Congress met in December. I take this means of drawing attention to some of the more important subjects on which the President has communicated his views, and as the best way of doing this I quote his own language.

TRUSTS AND THE RIGHT OF COMPETITION.

In his message of December 5, 1911, on the Sherman antitrust law, the President said:

In May last the Supreme Court handed down decisions in the suits in equity brought by the United States to enjoin the further maintenance of the Standard Oil Trust and of the American Tobacco Trust and to secure their dissolution. The decisions are epoch making and serve to advise the business world authoritatively of the scope and operation of

the antitrust act of 1890. The decisions do not depart in any substantial way from the previous decisions of the court in construing and applying this important statute, but they clarify those decisions by further defining the already admitted exceptions to the literal construction of the act. By the decrees they furnish a useful precedent as to the proper method of dealing with the capital and property of illegal trusts. These decisions suggest the need and wisdom of additional or supplemental legislation to make it easier for the entire business community to square with the rule of action and legality thus finally established and to preserve the benefit, freedom, and spur of reasonable competition without loss of real efficiency or progress.

Much is said of the repeal of this statute and of constructive legislation intended to accomplish the purpose and blaze a clear path for honest merchants and business men to follow. It may be that such a plan will be evolved, but I submit that the discussions which have been brought out in recent days by the fear of the continued execution of the antitrust law have produced nothing but glittering generalities and have offered no line of distinction or rule of action as definite and as clear as that which the Supreme Court itself lays down in enforcing the statute.

I see no objection—and, indeed, I can see decided advantages—in the enactment of a law which shall describe and denounce methods of competition which are unfair and are badges of the unlawful purpose denounced in the antitrust law. The attempt and purpose to suppress a competitor by underselling him at a price so unprofitable as to drive him out of business, or the making of exclusive contracts with customers under which they are required to give up association with other manufacturers, and numerous kindred methods for stifling competition and effecting monopoly, should be described with sufficient accuracy in a criminal statute, on the one hand, to enable the Government to shorten its task by prosecuting single misdemeanors instead of an entire conspiracy, and, on the other hand, to serve the purpose of pointing out more in detail to the business community what must be avoided.

I renew the recommendation of the enactment of a general law providing for the voluntary formation of corporations to engage in trade and commerce among the States and with foreign nations.

The opportunity thus suggested for Federal incorporation, it seems to me, is suitable constructive legislation needed to facilitate the squaring of great industrial enterprises to the rule of action laid down by the antitrust law. This statute, as construed by the Supreme Court, must continue to be the line of distinction for legitimate business. It must be enforced, unless we are to banish individualism from all business and reduce it to one common system of regulation or control of prices like that which now prevails with respect to public utilities, and which when applied to all business would be a long step toward State socialism.

The antitrust act is the expression of the effort of a freedom-loving people to preserve equality of opportunity. It is the result of the confident determination of such a people to maintain their future growth by preserving uncontrolled and unrestricted the enterprise of the individual, his industry, his ingenuity, his intelligence, and his independent courage.

THE INCREASED COST OF LIVING.

The President in his message of February 2, 1912, proposing an international commission to look into the cause for the high prices of the necessities of life, said:

* * * There is no doubt but that a commission could be appointed of such unprejudiced and impartial persons, experts in investigation of economic facts, that a great deal of very valuable light could be shed upon the reasons for the high prices that have so distressed the people of the world and information given upon which action might be taken to reduce the cost of living.

For some years past the high and steadily increasing cost of living has been a matter of such grave public concern that I deem it of great public interest that an international conference be proposed at this time for the purpose of preparing plans, to be submitted to the various Governments, for an international inquiry into the high cost of living, its extent, causes, effects, and possible remedies. I therefore recommend that, to enable the President to invite foreign Governments to such a conference, to be held at Washington or elsewhere, the Congress provide an appropriation, not to exceed \$20,000, to defray the expenses of preparation and of participation by the United States.

The numerous investigations on the subject, official or other, already made in various countries, such as Austria, Belgium, Canada, Denmark, France, Germany, Great Britain, Italy, the Netherlands, and the United States, have themselves strongly demonstrated the need of further study of world-wide scope. Those who have conducted these investigations have found that the phenomenon of rising prices is almost if not quite general throughout the world, but they are baffled in the attempt to trace the causes by the impossibility of making any accurate international comparisons. This is because, in spite of the number of investigations already made, we are still without adequate data and because as yet no two countries estimate their price levels on the same basis or by the same methods.

REVISION OF THE WOOL TARIFF.

The President in communicating to Congress the report of the Tariff Board on Schedule K in his message of December 20, 1911, gave expression to these views:

I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

The report shows in detail the difficulties involved in attempting to state in categorical terms the cost of wool production and the great differences in cost as between different regions and different types of wool. It is found, however, that, taking all varieties in account, the average cost of production for the whole American clip is higher than the cost in the chief competing country by an amount somewhat less than the present duty.

The findings of the board show that in this industry the actual manufacturing cost, aside from the question of the price of materials, is much higher in this country than it is abroad; that in the making of yarn and cloth the domestic woolen or worsted manufacturer has in

general no advantage in the form of superior machinery or more efficient labor to offset the higher wages paid in this country. The findings show that the cost of turning wool into yarn in this country is about double that in the leading competing country, and that the cost of turning yarn into cloth is somewhat more than double. Under the protective policy a great industry, involving the welfare of hundreds of thousands of people, has been established despite these handicaps.

In recommending revision and reduction I therefore urge that action be taken with these facts in mind, to the end that an important and established industry may not be jeopardized.

It is no part of the function of the Tariff Board to propose rates of duty. Their function is merely to present findings of fact on which rates of duty may be fairly determined in the light of adequate knowledge in accord with the economic policy to be followed. This is what the present report does.

The findings of fact by the board show ample reason for the revision downward of Schedule K, in accord with the protective principle, and present the data as to relative costs and prices from which may be determined what rates will fairly equalize the difference in production costs. I recommend that such revision be proceeded with at once.

FOREIGN TRADE RELATIONS.

In his message of December 7, 1911, the President had this to say concerning the tariff and foreign trade relations:

While the double tariff feature of the tariff law of 1909 has been amply justified by the results achieved in removing former and preventing new undue discriminations against American commerce, it is believed that the time has come for the amendment of this feature of the law in such way as to provide a graduated means of meeting varying degrees of discriminatory treatment of American commerce in foreign countries as well as to protect the financial interests abroad of American citizens against arbitrary and injurious treatment on the part of foreign governments through either legislative or administrative measures.

It would also seem desirable that the maximum tariff of the United States should embrace within its purview the free list, which is not the case at the present time, in order that it might have reasonable significance to the governments of those countries from which the importations into the United States are confined virtually to articles on the free list.

The fiscal year ended June 30, 1911, shows great progress in the development of American trade. It was noteworthy as marking the highest record of exports of American products to foreign countries, the valuation being in excess of \$2,000,000,000. These exports showed a gain over the preceding year of more than \$300,000,000.

As I have indicated, it is increasingly clear that to obtain and maintain that equity and substantial equality of treatment essential to the flourishing foreign trade, which becomes year by year more important to the industrial and commercial welfare of the United States, we should have a flexibility of tariff sufficient for the give and take of negotiation by the Department of State on behalf of our commerce and industry.

I need hardly reiterate the conviction that there should speedily be built up an American merchant marine. This is necessary to assure favorable transportation facilities to our great ocean-borne commerce as well as to supplement the Navy with an adequate reserve of ships and men. It would have the economic advantage of keeping at home part of the vast sums now paid foreign shipping for carrying American goods. All the great commercial nations pay heavy subsidies to their merchant marine, so that it is obvious that without some wise aid from the Congress the United States must lag behind in the matter of merchant marine in its present anomalous position.

PROVISIONS FOR PANAMA CANAL TRAFFIC.

After describing the very satisfactory progress made on the Panama Canal the President, in his message of December 21, 1911, said:

I renew my recommendation with respect to the tolls of the canal that within limits which shall seem wise to Congress the power of fixing tolls be given to the President. In order to arrive at a proper conclusion there must be some experimenting, and this can not be done if Congress does not delegate the power to one who can act expeditiously.

I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone; but when we are dealing with our own ships the practice of many governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, an equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear. The experiment in tolls to be made by the President would doubtless disclose how great a burden of tolls the coastwise trade between the Atlantic and the Pacific coasts could bear without preventing its usefulness in competition with the transcontinental railroads. One of the chief reasons for building the canal was to set up this competition and to bring the two shores closer together as a practical trade problem. It may be that the tolls will have to be wholly remitted. I do not think this is the best principle, because I believe that the cost of such a Government work as the Panama Canal ought to be imposed gradually but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world's trade through the canal and the benefit which it was intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed and to pay the interest.

POSTAL SAVINGS SYSTEM AND PARCEL POST.

In the message of the same date the President reviewed the success of the postal savings system as follows:

On January 3, 1911, postal savings depositories were established experimentally in 48 States and Territories. After three months' successful operation the system was extended as rapidly as feasible to the 7,500 post offices of the first, second, and third classes constituting the presidential grade. By the end of the year practically all of these will have been designated, and then the system will be extended to all fourth-class post offices doing a money-order business.

The deposits have kept pace with the extension of the system. Amounting to only \$60,652 at the end of the first month's operation in

the experimental offices, they increased to \$679,310 by July, and now, after 11 months of operation, have reached a total of \$11,000,000. This sum is distributed among 2,710 banks, and protected under the law by bonds deposited with the Treasurer of the United States.

The depositors thus far number approximately 150,000. They include 40 nationalities, native Americans largely predominating, and English and Italians coming next.

The President renewed his previous recommendations for a parcel post and called especial attention to the expected benefit in reducing the cost of living in the following language:

Steps should be taken immediately for the establishment of a rural parcel post.

It is hoped that Congress will authorize the immediate establishment of a limited parcel post on such rural routes as may be selected, providing for the delivery along the routes of parcels not exceeding 11 pounds, which is the weight limit for the international parcel post, or at the post office from which such route emanates, or on another route emanating from the same office. Such preliminary service will prepare the way for the more thorough and comprehensive inquiry contemplated in asking for the appropriation mentioned, enable the department to gain definite information concerning the practical operation of a general system, and at the same time extend the benefit of the service to a class of people who, above all others, are specially in need of it.

The suggestion that we have a general parcel post has awakened great opposition on the part of some who think that it will have the effect to destroy the business of the country storekeeper. Instead of doing this, I think the change will greatly increase business for the benefit of all. The reduction in the cost of living it will bring about ought to make its coming certain.

NATIONAL FINANCES AND MONETARY REFORM.

In his message of the same date the President said that the financial condition of the Government, as shown at the close of the last fiscal year, June 30, 1911, was very satisfactory. The interest-bearing debt of the United States on that date amounted to \$915,353,190. With reference to the high credit of the United States it has been said:

The credit of this Government was shown to be better than that of any other Government by the sale of the Panama Canal 3 per cent bonds. These bonds did not give their owners the privilege of using them as a basis for bank-note circulation, nor was there any other privilege extended to them which would affect their general market value. Their sale, therefore, measured the credit of the Government. The premium which was realized upon the bonds made the actual interest rate of the transaction 2.909 per cent.

Regarding monetary reform, among other things in this message, the President said:

A matter of first importance that will come before Congress for action at this session is monetary reform. The Congress has itself arranged an early introduction of this great question through the report of its Monetary Commission.

It is exceedingly fortunate that the wise and undisputed policy of maintaining unchanged the main features of our banking system rendered it at once impossible to introduce a central bank; for a central bank would certainly have been resisted, and a plan into which it could have been introduced would probably have been defeated. But as a central bank could not be a part of the only plan discussed or considered, that troublesome question is eliminated. And ingenious and novel as the proposed National Reserve Association appears, it simply is a logical outgrowth of what is best in our present system, and is, in fact, the fulfillment of that system.

I trust that all banks of the country possessing the requisite standards will be placed upon a footing of perfect equality of opportunity. Both the national system and the State system should be fairly recognized, leaving them eventually to coalesce, if that shall prove to be their tendency. But such evolution can not develop impartially if the banks of one system are given or permitted any advantages of opportunity over those of the other system. And I trust also that the new legislation will carefully and completely protect and assure the individuality and the independence of each bank, to the end that any tendency there may ever be toward a consolidation of the money or banking power of the Nation shall be defeated.

With the present prospects of this long-awaited reform encouraging us, it would be singularly unfortunate if this monetary question should by any chance become a party issue. And I sincerely hope it will not.

ECONOMY AND EFFICIENCY.

In submitting the report of progress made in the inquiry into the efficiency and economy of the methods of transacting public business, in his message of January 17, 1912, the President said:

Efficiency and economy in the Government service have been demanded with increasing insistence for a generation. Real economy is the result of efficient organization. By perfecting the organization the same benefits may be obtained at less expense. A reduction in the total of the annual appropriations is not in itself a proof of economy, since it is often accompanied by a decrease in efficiency. The needs of the Nation may demand a large increase of expenditure, yet to keep the total appropriations within the expected revenue is necessary to the maintenance of public credit.

The operations of the Government affect the interest of every person living within the jurisdiction of the United States. Its organization embraces stations and centers of work located in every city and in many local subdivisions of the country. Its gross expenditures amount to nearly \$1,000,000 annually. Including the personnel of the Military and Naval Establishments, more than 400,000 persons are required to do the work imposed by law upon the executive branch of the Government.

Although earnest efforts have been put forth by administrative officers and though many special inquiries have been made by the Congress, no exhaustive investigation has ever before been instituted concerning the methods employed in the transaction of public business with a view to the adoption of the practices and procedure best fitted

to secure the transaction of such business with maximum dispatch, economy, and efficiency.

With large interests at stake, the Congress and the administration have never had all the information which should be currently available if the most intelligent direction is to be given to the business in hand.

I am convinced that results which are really worth while can not be secured, or at least can be secured only in small part, through the prosecution at irregular intervals of special inquiries bearing on particular services or features of administration. The benefits thus obtained must be but temporary. The problem of good administration is not one that can be solved at one time. It is a continuously present one.

In accordance with my instructions, the Commission on Economy and Efficiency, which I organized to aid me in the inquiry, has directed its efforts primarily to the formulation of concrete recommendations looking to the betterment of the fundamental conditions under which governmental operations must be carried on. With a basis thus laid, it has proceeded to the prosecution of detailed studies of individual services and classes of work and of particular practices and methods, pushing these studies as far, and covering as many points and services, as the resources and time at its disposal have permitted.

The United States is the only great Nation whose Government is operated without a budget. This fact seems to be more striking when it is considered that budgets and budget procedures are the outgrowth of democratic doctrines and have had an important part in the development of modern constitutional rights. The American Commonwealth has suffered much from irresponsibility on the part of its governing agencies. The constitutional purpose of a budget is to make government responsive to public opinion and responsible for its acts.

A budget should be the means for getting before the legislative branch, before the press, and before the people a definite annual program of business to be financed; it should be in the nature of a prospectus both of revenues and expenditures; it should comprehend every relation of the Government to the people, whether with reference to the raising of revenues or the rendering of service.

COMMISSION ON INDUSTRIAL RELATIONS.

In his message of February 2, 1912, in discussing industrial relations, the President said:

The extraordinary growth of industry in the past two decades and its revolutionary changes have raised new and vital questions as to the relations between employers and wage earners which have become matters of pressing public concern. These questions have been somewhat obscured by the profound changes in the relations between competing producers and producers as a class and consumers—in other words, by the changes which, among other results, have given rise to what is commonly called the trust problem. The large-scale production characteristic of modern industry, however, involves the one set of relations no less than the other. Any interruption to the normal and peaceful relations between employer and wage earner involves public discomfort and in many cases public disaster. Such interruptions become, therefore, quite as much a matter of public concern as restraint of trade or monopoly.

Industrial relations concern the public for a double reason. We are directly interested in the maintenance of peaceful and stable industrial conditions for the sake of our own comfort and well-being; but society is equally interested, in its sovereign civic capacity, in seeing that our institutions are effectively maintaining justice and fair dealing between all classes of citizens whose economic interests may seem to clash.

The special investigations that have been made of recent industrial conditions, whether private or official, have been fragmentary, incomplete, and at best only partially representative or typical. Their lessons, nevertheless, are important, and until something comprehensive and adequate is available they serve a useful purpose, and they will necessarily continue to be made. But unquestionably the time is now ripe for a searching inquiry into the subject of industrial relations which shall be official, authoritative, balanced, and well rounded, such as only the Federal Government can successfully undertake. The present widespread interest in the subject makes this an opportune time for an investigation, which in any event can not long be postponed. It should be nonpartisan, comprehensive, thorough, patient, and courageous.

PUBLICITY FOR RAILWAY SECURITIES.

The President, in transmitting, on December 11, 1911, the report made by the Railroad Securities Commission, which was appointed under the authority of the act to create a Commerce Court, said that he heartily concurred in the recommendations of the commission, and he urged that appropriate action be taken to carry them into effect. The section of the commission's report in regard to publicity is as follows:

In place of any added Federal requirements concerning payment for capital stock, your commission recommends the adoption of provisions regarding publicity which will show the actual facts regarding stock and bond issues in the several States and the consideration received therefor. Any railroad doing interstate business which issues bonds or stocks should be required by statute to furnish the Interstate Commerce Commission at the time of the issue with a full statement of the details of the issue, the amount of the proceeds, and the purposes for which the proceeds are to be used, followed in due time by an accounting for such proceeds, as more fully hereinafter set forth.

Every company should be required to furnish to the Interstate Commerce Commission at specified dates a full statement, including the names of the parties concerned, of all financial transactions that have taken place during the periods covered by the report, whether in cash, in securities, or in other valuable considerations, and whether embraced in income account or outside of it. This statement should also include the disposition of the surplus. Every company should be further required to compile for the information of its shareholders facts in regard to the financial transactions of the company for its fiscal year of such a character and in such form as the Interstate Commerce Commission may direct.

LESSENING THE COST OF LITIGATION.

President Taft's positive views on simplifying legal procedure and preventing delay and unnecessary cost of litigation were in-

dictated in his message of December 21, 1911. In that message the President said:

In promotion of the movement for the prevention of delay and unnecessary cost in litigation, I am glad to say that the Supreme Court has taken steps to reform the present equity rules of the Federal courts, and that we may in the near future expect a revision of them which will be a long step in the right direction.

The American Bar Association has recommended to Congress several bills expediting procedure, one of which has already passed the House unanimously February 6, 1911. This directs that no judgment should be set aside or reversed or new trial granted unless it appears to the court, after an examination of the entire cause, that the error complained of has injuriously affected the substantial rights of the parties, and also provides for the submission of issues of fact to a jury, reserving questions of law for subsequent argument and decision. I hope this bill will pass the Senate and become law, for it will simplify the procedure at law.

Another bill to amend chapter 11 of the judicial code, in order to avoid errors in pleading, was presented by the same association, and one enlarging the jurisdiction of the Supreme Court, so as to permit that court to examine, upon a writ of error, all cases in which any right or title is claimed under the Constitution, or any statute or treaty of the United States, whether the decision in the court below has been against the right or title or in its favor. Both these measures are in the interest of justice and should be passed.

Mr. LAMB. Mr. Chairman, I would like to ask the gentleman from Illinois, the leader of the minority, if we could not take a recess until 8 o'clock for the purpose of going on with this bill?

Mr. MANN. Oh, I think we are getting along as fast on this bill as we usually do.

ADJOURNMENT.

Mr. LAMB. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, March 6, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Interior, submitting, by direction of the President, proposed amendment to the estimate for an appropriation for surveying the public lands as contained in the Book of Estimates for the fiscal year ending June 30, 1913; to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior, submitting estimate of appropriation for incidental expenses in office of ex officio secretary of the District of Alaska, omitted in Book of Estimates for 1913 by inadvertence (H. Doc. No. 593); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting supplemental estimate of appropriation required by War Department for increasing the capacity of Rock Island Arsenal for production of Field Artillery for the fiscal year 1913 (H. Doc. No. 592); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior, submitting estimate of appropriation for beginning the construction of the Ganado Irrigation Project on the Navajo Indian Reservation in Arizona (H. Doc. No. 591); to the Committee on Indian Affairs and ordered to be printed.

5. A letter from the acting president of the Board of Commissioners of the District of Columbia, transmitting report of the excise board of the District of Columbia for the license year ended October 31, 1911 (H. Doc. No. 594); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DAVIS of West Virginia, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19418) to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875, reported the same with amendment, accompanied by a report (No. 393), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill of the House (H. R.

20491) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries, reported the same with amendment, accompanied by a report (No. 394), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 21356) to repeal the provisions of the Indian appropriation acts of June 21, 1906, and March 1, 1907, removing restrictions as to sale, incumbrance, or taxation of allotments within the White Earth Indian Reservation in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. SPARKMAN: A bill (H. R. 21357) amending section 32, chapter 1244, act of October 1, 1890, amending section 3392 of the Revised Statutes, as amended by section 16, of the act of March 1, 1879; to the Committee on Ways and Means.

By Mr. KENT: A bill (H. R. 21358) to repeal section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907; to the Committee on Foreign Affairs.

By Mr. MORRISON: A bill (H. R. 21359) to amend the postal laws and regulations pertaining to the second class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Kansas: A bill (H. R. 21360) establishing the pensionable disabilities of Civil War soldiers; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 21361) authorizing the Secretary of the Interior within his discretion to exchange desert lands for lands within national forests limits; to the Committee on the Public Lands.

By Mr. JACKSON: A bill (H. R. 21362) to divest intoxicating liquors of their interstate-commerce character; to the Committee on the Judiciary.

By Mr. FLOOD of Virginia: A bill (H. R. 21363) authorizing the purchase of the Natural Bridge of Virginia; to the Committee on Agriculture.

By Mr. KORBLY: A bill (H. R. 21364) authorizing the Secretary of War to convert the regimental Army post at Fort Benjamin Harrison, Ind., into a brigade post; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 21365) to provide for the erection of a public building at Cynthiana, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: A bill (H. R. 21366) providing for the adjustment of the claims of the States and Territories to lands within national forests; to the Committee on the Public Lands.

By Mr. STEPHENS of California: A bill (H. R. 21367) to enable the city of Los Angeles, Cal., to carry out its plans for the construction of municipal wharves, docks, slips, warehouses, and other appliances for commerce and navigation in Los Angeles Harbor, Cal.; to the Committee on Rivers and Harbors.

By Mr. GRAHAM: A bill (H. R. 21368) for the immediate relief of the sick, diseased, and destitute Chippewa Indians within the White Earth Reservation in Minnesota; to the Committee on Indian Affairs.

By Mr. ASHBROOK: Concurrent resolution (H. Con. Res. 42) to print 3,000 copies of Hearings No. 54 on House resolution 109; to the Committee on Printing.

By Mr. LAFFERTY: Joint resolution (H. J. Res. 260) directing that in the future expenditure of the reclamation fund the President shall give a preference to those States that have heretofore contributed more than they have received until reimbursed; to the Committee on Irrigation of Arid Lands.

By Mr. SIMMONS: Joint resolution (H. J. Res. 261) providing for reference to the International Joint Commission of the question of the pollution of the waters of Lake Erie and the Niagara River; to the Committee on Foreign Affairs.

By Mr. UNDERWOOD: Joint resolution (H. J. Res. 262) creating a committee of Congress to investigate the building of post roads in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 21369) granting an increase of pension to Abraham D. Shidler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21370) granting an increase of pension to John J. Chrystler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21371) granting an increase of pension to Henry Friar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21372) granting an increase of pension to William H. England; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21373) granting an increase of pension to John Herr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21374) granting an increase of pension to Samuel Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21375) granting a pension to Frank A. Pfefferle; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 21376) for the relief of Burrell F. Badgett; to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 21377) granting an increase of pension to Thomas B. Chapman; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 21378) granting an increase of pension to William Wells; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21379) granting an increase of pension to George Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21380) granting an increase of pension to Verona Withans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21381) granting an increase of pension to Elizabeth Henry Ball; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 21382) granting an increase of pension to George Coulter; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 21383) granting an increase of pension to Isaac D. Combs; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 21384) granting a pension to Augusta Schlader; to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 21385) granting an increase of pension to James A. Buck; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21386) granting an increase of pension to Paul Hirschfield; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 21387) restoring the name of Charlotte Judd to the pension roll; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 21388) for the relief of James T. F. Carney; to the Committee on War Claims.

Also, a bill (H. R. 21389) granting a pension to H. Clay Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21390) granting an increase of pension to Henry Braden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21391) for the relief of the estate of Vina J. Alexander, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21392) for the relief of certain citizens of Cynthiana, Ky.; to the Committee on War Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 21393) granting an increase of pension to Thomas A. Stockslager; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 21394) granting a pension to Ellen A. Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21395) granting an increase of pension to Charles E. Bigelow; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21396) for the relief of W. R. Wells, administrator of the estate of James S. Wells, deceased; to the Committee on Claims.

By Mr. HILL: A bill (H. R. 21397) granting an increase of pension to Joseph H. Vail; to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 21398) granting a pension to George B. Haight, alias William Riley; to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 21399) granting an increase of pension to George W. Morgan; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 21400) granting a pension to Roxanna Fleming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21401) granting an increase of pension to Hiram Shearer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21402) granting an increase of pension to John A. Kerr; to the Committee on Invalid Pensions.

By Mr. LEVY: A bill (H. R. 21403) for the relief of Bo-lognesi, Hartfield & Co.; to the Committee on Claims.

By Mr. MARTIN of Colorado: A bill (H. R. 21404) granting an increase of pension to Theodore W. Wattles; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 21405) for the relief of W. E. Hancock; to the Committee on War Claims.

Also, a bill (H. R. 21406) for the relief of John R. Gilbert; to the Committee on War Claims.

Also, a bill (H. R. 21407) for the relief of Fannie R. Pierce; to the Committee on War Claims.

By Mr. PRINCE: A bill (H. R. 21408) granting a pension to Harrison Bernard Taylor; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 21409) for the relief of Caldwell & Dunwoody; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 21410) granting an increase of pension to William E. McDowell; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 21411) granting a pension to Gilbert Van Vorce; to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 21412) to authorize the Secretary of War to recognize the services of Dr. John T. Nagle as a medical officer, who was employed as such during the Civil War, by authority of the revised United States Army Regulations of 1863, and who performed the duties of a medical officer agreeably to Army Regulations; to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 21413) granting an increase of pension to Jacob Blagg; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 21414) granting a pension to Isaac Prosser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21415) to remove the charge of desertion from the record of O. D. Hendershot; to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 21416) granting an increase of pension to Edward N. Pomeroy; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 21417) granting an increase of pension to Miller H. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21418) granting an increase of pension to Josephus Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21419) for the relief of Robert S. Forbes; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Laclede, Mo., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Association of Army Nurses of the Civil War, for certain pension legislation; to the Committee on Invalid Pensions.

Also, petition of Arecibo (P. R.) Local Union, No. 189, Journeymen Tailors' Union of America, asking that citizenship be granted the people of Porto Rico; to the Committee on Insular Affairs.

Also, petition of Central Federated Union of Greater New York and vicinity, protesting against an appropriation for a peace celebration of the treaty with England; to the Committee on Foreign Affairs.

By Mr. AKIN of New York: Petition of Cigar Makers' Union No. 483, of Gloversville, N. Y., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ANTHONY: Petitions of Councils Nos. 76 and 99, United Commercial Travelers of America, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of the Courtier-Webb Co. and other merchants of Pataskala, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of German-American Alliance of Coshocton, Ohio, protesting against enactment of legislation prohibiting interstate commerce in liquors; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of citizens of Wellston, Mo., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Merchants' Exchange of St. Louis, Mo., relative to International Congress of Chambers of Commerce; to the Committee on Foreign Affairs.

Also, petition of the Hilmer Commission Co., of St. Louis, Mo., for enactment of House bill 20281; to the Committee on Agriculture.

Also, petition of the Jewish Charitable and Educational Union of St. Louis, Mo., protesting against illiteracy test in proposed immigration legislation; to the Committee on Immigration and Naturalization.

Also, petition of citizens of St. Louis, Mo., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Johnson Bros. Shoe Co. and Missouri Slipper Co., of St. Louis, Mo., protesting against enactment of House bills 11380 and 11381; to the Committee on the Judiciary.

Also, petitions of the Wholesale Liquor Dealers of Kansas City and E. B. Hill & Bro. Bottle Co. and Stark Distilling Co., of St. Louis, Mo., protesting against interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, petitions of Norvell-Shapleigh Hardware Co., the Day Rubber Co., and Hagardine-McKittrick Dry Goods Co., of St. Louis, Mo., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of Northwestern Pipe & Supply Co., of Erie, Pa., against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. BULKLEY: Memorial of St. Francis Young Men's Society, of Cleveland, Ohio, for enactment of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. BURNETT: Petition of citizens of Albertville, Ala., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petitions of Brown Durrell Co., of Boston, Mass., and Geddes-Brown Shoe Co. and Havens & Geddes Co., of Indianapolis, Ind., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Polish National Alliance, protesting against further restrictions in the immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of George W. Lane, of Brooklyn, N. Y., for passage of House bill 17470; to the Committee on Pensions.

By Mr. COOPER: Petition of P. A. Harriman and other citizens of Elkhorn, Wis., in favor of enactment of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of members Company L, First Infantry Wisconsin National Guard, for passage of House bill 8141; to the Committee on Military Affairs.

Also, petitions of Woman's Christian Temperance Union and citizens of Lake Geneva, Wis., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. COVINGTON: Petition of residents of Carmichael, Md., for passage of Kenyon-Sheppard bill to withdraw from interstate commerce liquor shipments; to the Committee on the Judiciary.

Also, petition of residents of Snow Hill, Worcester County, Md., for passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. CURRIER: Petition of citizens of Ashland, N. H., for the passage of the Kenyon-Sheppard bill to withdraw from interstate commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of F. B. Church, of Ashland, N. H., for passage of Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Papers to accompany bill for the relief of Paul Hirschfield; to the Committee on Invalid Pensions.

By Mr. DYER: Petition of Hilmer Commission Co., of St. Louis, Mo., for enactment of House bill 20281; to the Committee on Agriculture.

Also, petitions of Norvell-Shapleigh Hardware Co., J. F. Conrad Grocer Co., and the T. B. Boyd Furnishing Goods Co., of St. Louis, Mo., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. FERGUSON: Petition of Union No. 85, F. E. and C. U. of A., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of New Mexico, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Commercial Club of Taiban, N. Mex., for amending the homestead laws; to the Committee on the Public Lands.

Also, petition of citizens of Portales, N. Mex., concerning creation of divisions for Federal court in New Mexico; to the Committee on the Judiciary.

By Mr. FLOOD of Virginia: Memorial of Farmers' Educational and Cooperative Union of Virginia, for Government monopoly of tobacco, etc.; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Virginia, favoring the reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of Noble J. McBride (H. R. 19570); to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of citizens of Juniata County, Pa., protesting against repeal of anticanteen law; to the Committee on the Judiciary.

Also, petition of citizens of Juniata County, Pa., favoring the passage of Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Juniata County, Pa., favoring joint resolution prohibiting sale, manufacture for sale, and importation for sale of beverages containing alcohol; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Illinois Retail Hardware Association, of Elgin, Ill., opposed to any further parcel-post legislation, and favoring the creation of a commission to investigate cost, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford Manufacturers and Shippers' Association, of Rockford, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Walter J. Miller, of Chicago, Ill., favoring the passage of the Sheppard-Kenyon bill, concerning interstate-commerce shipments of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of E. J. Babcock, dean of University of North Dakota, favoring the passage of the Foster bill (H. R. 6304), relating to the mining industry, etc.; to the Committee on Mines and Mining.

Also, petition of the International Dry Farming Congress, favoring the passage of the Lever bill, for agricultural extension, etc.; to the Committee on Agriculture.

Also, petition of the Elgin Board of Trade, of Elgin, Ill., for the retention of the 10-cent tax on oleomargarine, etc.; to the Committee on Agriculture.

Also, petition of Lockwood, Greene & Co., of Chicago, Ill., in favor of a river and harbor bill; to the Committee on Rivers and Harbors.

By Mr. GARDNER of Massachusetts: Petitions of Woman's Christian Temperance Union and other organizations of Gardner, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GARNER: Petition of citizens of the State of Texas, for improvement of Aransas Pass Harbor, Tex.; to the Committee on Rivers and Harbors.

By Mr. GOLDFOGLE: Memorial from Russian Caviar Co., of New York, praying for a reduction in the duty on Russian caviar; to the Committee on Ways and Means.

Also, petition of the Central Federated Union of Greater New York, favoring the construction of a battleship at Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Maryland Association of Certified Public Accountants, protesting against the employment of chartered accountants by the Government to the exclusion of certified accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of Central Federated Union of Greater New York and vicinity, in support of House bill 11032, regulating the issuance of restraining orders and limiting the meaning of the word "conspiracy"; to the Committee on the Judiciary.

Also, memorial of Union No. 23, International Printing Pressmen's and Assistants' Union of North America, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

By Mr. HAWLEY: Petitions of Woman's Christian Temperance Union and churches in the State of Oregon, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of German-American Alliance of Nebraska and Nebraska Wholesale Liquor Dealers' Association, protesting against enactment of prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of citizens of Salem, Ore., for construction of a battleship in one of the Government navy yards; to the Committee on Naval Affairs.

By Mr. HENSLEY: Petition of citizens of Bismarck, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of Woman's Christian Temperance Union and churches of Williamsville, Mo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HIGGINS: Petitions of Woman's Christian Temperance Union, of Groton, and churches of Mystic and Danielson,

Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of German-American Alliance of Meriden, Torrington, and Waterbury, Conn., protesting against legislation affecting interstate shipment of liquors; to the Committee on the Judiciary.

Also, petition of Central Labor Union of Meriden, Conn., in favor of House bill 11032; to the Committee on the Judiciary.

Also, petition of Shetucket Grange, No. 69, of Scotland, Conn., opposing repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petitions of citizens of New London, Conn., for passage of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. HILL: Petition of William I. Hambridge, of Danbury, Conn., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also (by request), petition of Spanish War Veterans of Winsted, Conn., in favor of a pension for widows of soldiers of the Spanish War; to the Committee on Pensions.

Also, petition of Woman's Christian Temperance Union of Thomaston, Conn., against the establishment of the canteen in the United States Army; to the Committee on Military Affairs.

Also, petition of citizens of Meriden, Conn., with reference to the construction of battleships and other matters connected with the United States Navy; to the Committee on Naval Affairs.

Also, petitions of South Norwalk (Conn.) Union of the Woman's Christian Temperance Union and voters of the town of Norwalk, for the speedy passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of citizens of the State of Utah, in favor of the Lever bill for Federal aid for extension work in agricultural colleges; to the Committee on Agriculture.

Also, petitions of Child Culture Club and Woman's Christian Temperance Union, of Ogden, Utah, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of C. C. Jones and other citizens of Green River, Utah, protesting against reduction in duties on sugar; to the Committee on Ways and Means.

Also, petition of Child Culture Club, of Ogden, Utah, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KINKAID of Nebraska: Petition of citizens of Overton, Nebr., in favor of enactment of House bill 10689; to the Committee on the Public Lands.

By Mr. KORBLY: Petition of a German Catholic society of the State of Indiana, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, memorial of International Brotherhood of Electrical Workers, relative to conditions at Lawrence, Mass.; to the Committee on Rules.

Also, memorial of Indiana Historical Society, for certain appropriation; to the Committee on Indian Affairs.

Also, petition of citizens of Indianapolis, Ind., in favor of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Indianapolis, Ind., for legislation prohibiting interstate shipment of liquors; to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of citizens of York Springs, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of residents of Hanover, Pa., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LAFFERTY: Petitions of citizens of Cove and Echo, Ore., for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of Alameda Consolidated Mines Co., of Portland, Ore., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of L. N. Smith and others of Walloma, Ore., relative to certain legislation; to the Committee on the Post Office and Post Roads.

By Mr. LEVY: Memorial of Union No. 23, International Printing Pressmen and Assistants' Union of North America, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, memorial of Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., relative to proposed international congress of chambers of commerce; to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of citizens of Averill, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of the Kearney County Farmers' Mutual Fire Insurance Co., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Nebraska Woman's Suffrage Association, for certain amendment to proposed constitutional amendment; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. MANN: Petition of F. L. Gregson and others of Chicago, Ill., in favor of providing for building of one battleship in the Government navy yards; to the Committee on Naval Affairs.

By Mr. MONDELL: Petition signed by citizens of Laramie County, Wyo., urging the enactment of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. MORGAN: Petitions of citizens of the State of Oklahoma, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Petitions of churches of Salinas and Stockton, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of California Club, relative to right of franchise; to the Committee on the Judiciary.

By Mr. PAGE: Petition of a church organization in the State of North Carolina, in favor of passage of the Webb bill, relative to shipment of liquor; to the Committee on the Judiciary.

By Mr. POWERS: Petition of citizens of eleventh congressional district of Kentucky, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of eleventh congressional district of Kentucky, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. PRAY: Petition of residents of Lonepine, Niarada, East Helena, Springdale, and Stevensville, Mont., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Dillon, Mont., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of Culbertson, Glasgow, and Poplar, Mont., favoring amendment to the homestead law allowing three years' residence and extension of time for cultivation according to financial condition of homesteaders; to the Committee on the Public Lands.

By Mr. REILLY: Memorial of citizens of Naugatuck, Conn., for rejection of arbitration treaty with Great Britain, etc.; to the Committee on Foreign Affairs.

By Mr. SLOAN: Petition of citizens of Hordville, Nebr., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Fairbury, Nebr., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petitions of churches of Snyder, Tex., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of Vernon Avenue Congregational Church, of Los Angeles, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SULZER: Petition of W. G. Bates, of New York City, for passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of Polish National Alliance, opposing further restrictions in immigration laws; to the Committee on Immigration and Naturalization.

By Mr. TOWNER: Petition of John M. Hays and other citizens of Creston, Iowa, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Kent and Gravity, Iowa, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WATKINS: Petition of citizens of Arcadia, La., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILDER: Memorial of citizens of Leominster, Mass., protesting against proposed peace celebration between the United States and Great Britain; to the Committee on Foreign Affairs.

By Mr. WILLIS: Petition of the Rev. A. M. Smith and 70 other citizens of Van Buren, Ohio, asking for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, March 6, 1912.

(Continuation of legislative day of Tuesday, March 5, 1912.)

The Senate met as in executive session after the expiration of the recess, at 1 o'clock and 30 minutes p. m., Wednesday, March 6, 1912.

Mr. LODGE. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	McCumber	Richardson
Borah	Curtis	McLean	Root
Bourne	Dillingham	Martin, Va.	Shively
Brandegee	Fletcher	Martine, N. J.	Smith, Ga.
Briggs	Gallinger	Myers	Smith, Mich.
Bristow	Gardner	Nelson	Smith, S. C.
Brown	Gronna	O'Gorman	Stephenson
Burnham	Guggenheim	Oliver	Sutherland
Burton	Hitchcock	Overman	Swanson
Chamberlain	Johnson, Me.	Page	Thornton
Clapp	Jones	Penrose	Tillman
Clark, Wyo.	Lea	Percy	Warren
Clarke, Ark.	Lippitt	Perkins	Wetmore
Crawford	Lodge	Pomerene	Works
Cullom	Lorimer	Poyner	

Mr. LEA. I desire to state that my colleague [Mr. TAYLOR] is necessarily absent from the city.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. A quorum of the Senate is present.

GENERAL ARBITRATION TREATIES.

The Senate resumed the consideration of the treaties of arbitration between Great Britain and France and the United States.

Mr. BACON. Mr. President, it had been my purpose to confine myself in this discussion exclusively to a consideration of the question as to what amendments should be adopted if these treaties are to be put in a shape where they can command the support of those of us who think that in their present shape they are extremely objectionable and obnoxious to the provisions of our Federal Constitution. The wide range, however, of the discussion yesterday afternoon will make it necessary that I should go somewhat more largely into the subject than I otherwise would have done.

We have before us, Mr. President, two treaties in identical terms, although I believe the particular treaty under consideration is that proposed to be made with Great Britain. Naturally, sometimes, I presume, we will refer to them in discussion in the plural and sometimes in the singular, but if so, the reason will be understood.

There are, Mr. President, in fact, very few provisions in these treaties which are at all new. There has been a very active propaganda in the interest of the ratification of the treaties which has naturally by reason of its activity and urgency excited very widespread interest. Yet it is a fact which I think can be very clearly demonstrated that with the exception of the objectionable third clause to the third article there is little or nothing in these treaties which is not already found in existing arbitration treaties. If there is a difference in words between the existing treaties and the proposed treaties, it is true that in the application of the provisions of these treaties by the friends and advocates of the treaties to questions which may arise, there is practically little or no difference between the provisions found therein and the provisions already found in The Hague convention and in the 25 general arbitration treaties which we now have with other nations, 45 nations having been parties to The Hague convention, which is a treaty between these 45 nations making provision for the permanent court of arbitration for the settlement of international differences.

For instance, Mr. President, in the general treaties which are now in force and which were negotiated in 1908 there are found these words:

Provided, nevertheless, That they do not affect the vital interests, the independence, or the honor of the two contracting States.

Those words are left out of the proposed treaties, those now pending before us, and yet when pressed by those of us who think that such matters should not be arbitrated except in cases where the Senate voluntarily consents thereto, the advocates of the treaties say that such questions would not be arbitrated under the proposed treaties. So that with this construction and application by the advocates of the proposed treaties there is in this particular no practical difference between the existing arbitration treaties we now have with 25 nations and the treaties now before us for consideration.

I simply present that by way of illustration. The illustrations could be extended, and they all of them are demonstrable

of the fact that in practical application, at least so far as contended for by the friends of these treaties, all the material provisions, speaking generally of course, are in the main provisions which are drawn from existing treaties and from The Hague convention. There is no question that the language of these proposed treaties greatly enlarges the scope of the existing arbitration treaties, in that they embrace questions of national honor, vital interests, and independence of the Nation; but when we point out the danger of permitting outside parties to decide when we should be compelled to arbitrate such questions, they reply that the proposed treaties would not permit such questions to be referred to this outside commission.

The objectionable third clause to the third article of the proposed treaties is one which in terms provides that where there is a difference between this country and either of the other countries, parties to the treaty, as to whether or not a claim or a difference is arbitrable under the terms of the treaty, that that question shall be referred to an outside commission, and that that outside commission shall determine the matter, and, as those of us who object to this provision contend, shall determine it finally for the Senate. Whether the Senate should finally obey it or not, such, in our opinion, is the legal effect of the provision.

Before proceeding with the discussion I wish to call attention to some of the provisions of this proposed treaty which seems to have escaped the attention of Senators who have discussed the matter before the Senate.

It is a mistake, Mr. President, to contend that the matters to be submitted to the decision of this outside commission are only matters which are specified in article 1 of the proposed treaty. Article 1, the language of which has been emphasized as being that which is to limit and control the jurisdiction of arbitration and the jurisdiction of this joint commission for investigation, is in these words:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature, etc.

But article 2 very largely increases the scope of the investigation. Article 2, which provides for the joint high commission, has this language in it:

The high contracting parties further agree to institute, as occasion arises and as hereinafter provided, a joint high commission of inquiry, to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of article 1, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of article 1.

That language is as broad and as comprehensive as language can possibly be framed to express an idea. It not only enlarges the scope of investigation of this outside investigation, but it enlarges it without limitation.

Another most important thing to be borne in mind in the discussion is that this joint high commission is not limited to a commission composed of nationals, as the term is used in diplomatic intercourse—that is, citizens or subjects of the one and the other of these countries—but there is a provision under which the President of the United States and the representative of the other government could form that commission in any way and of any persons whom they saw fit to agree upon. It is not provided in any manner that there shall be any representation by any citizen or officer of the United States upon that commission in case the executive branches of the two governments should see fit to constitute it otherwise. The language is this:

Whenever a question or matter of difference is referred to the joint high commission of inquiry, as herein provided, each of the high contracting parties shall designate three of its nationals to act as members of the commission of inquiry for the purposes of such reference; or the commission may be otherwise constituted in any particular case by the terms of reference, the membership of the commission and the terms of reference to be determined in each case by an exchange of notes.

That is without any limitation whatever. It can be done, as it is frequently done in cases of international arbitration, by the appointment of some crowned head of Europe. That is one of the most usual methods adopted in constituting boards of arbitration or boards having offices to perform in connection with arbitration. So that those two things are to be kept clearly in mind when we are discussing the question whether this treaty, in the first place, in the provision which I have specially in mind is constitutional, and, second, whether, if constitutional, it is safe for us to adopt it.

The field of arbitration is unlimited. The scope of subjects which may be subjected to arbitration are without any limitation whatever, subject only to such limitation as this outside commission may decide. The board of inquiry may be constituted of any foreigners that the executive heads of the two governments may see fit to select for that purpose, thus in such case organizing a

board constituted of foreigners to determine what the Senate of the United States shall do under the bidding of this foreign board.

Another thing that I will simply mention in passing, that there is not any provision in the treaties as now framed under which the representatives of this Government, in case the board should be constituted of three nationals of each government, are to be confirmed by the Senate. That is simply a proposition to be attended to hereafter. It is not in the treaty as sent to us. Of course, in case the outside commission is composed of foreigners, there can be no provision for the confirmation of its members by the Senate.

Mr. President, from my view of the nature of this third clause of article 3 it would be impossible for me to vote for these treaties unless this clause were entirely eliminated, or unless—which is not the better plan, although it may be an efficacious plan—unless in the resolution of ratification this clause is entirely and utterly nullified. It will not do to qualify or to endeavor to lessen its force. For me nothing will be sufficient except an utter elimination of the third clause or an utter nullification and destruction of it in another way.

The third clause of article 3—I will read it, as we shall frequently have occasion to refer to it—after providing for the joint commission of inquiry, is in this language:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

My objection to that clause, Mr. President, is twofold: First, that it is absolutely unconstitutional and beyond the power of the Senate to agree to; and, second, that if it were not unconstitutional it would be unsafe for us to commit ourselves to any such obligation.

I will remark in passing that the friends of the treaties themselves differ as to whether or not this clause is binding upon the Senate. Some of them contend that it is not binding upon the Senate, and that the Senate would be as free to act after the adoption of these treaties in the consideration of any proposed treaty which had been reported upon favorably by this commission as it would be if the President should send a treaty to us without its ever having gone to a commission. There are others who, I think, very conclusively contend that the only proper construction of this clause is that the finding of this board of inquiry is to be obligatory upon the Senate when an issue of this kind is referred to it, and that the Senate could not disregard it without a violation of the terms of the treaty. My honored friend, who sits in front of me, the Senator from Maryland [Mr. RAYNER], I think, has presented a very conclusive argument upon that subject. Although he favors the treaties, he thinks that is the proper construction of them. Before I get through I am going to read a paragraph from his argument upon that subject, which will probably, in some degree, take away the necessity of my discussing it as fully as I otherwise would. The Senator from Illinois [Mr. CULLOM] and the Senator from New York [Mr. ROOR] in their joint report, while they do not discuss it in the same way as does the Senator from Maryland, and do not state it as explicitly, come to a conclusion in reference to these treaties which can, of course, have no possible consistency except in the recognition of the fact, as they evidently intend it shall be recognized, that the proper construction of this third clause is the same as that for which the Senator from Maryland contends, to wit, that the finding of this outside commission is binding on the Senate.

Mr. President, in order to simplify the argument, it is possibly better to discuss the subject from the standpoint of those Senators and from the standpoint of the construction which not only I myself put upon it, but which, I understand, those who agree with me in regard to the objectionableness of this clause also put upon it; in other words, to discuss it from the standpoint of the binding obligation of the third clause of the third article of these treaties.

Before I finish I intend to discuss the question as to what is the true construction of this objectionable clause, and it seems to me that from the language of the clause itself and from the comparison of that language with the corresponding article in The Hague treaty, from which it is taken and to which an addition has been made, there can be no legitimate deduction other than that arrived at by the Senator from Maryland, the Senator from Illinois, and the Senator from New York, that it is a binding obligation on the Senate as expressed in the treaty.

Mr. President, from the standpoint that it is a binding obligation, and intended to be a binding obligation upon the Senate, to delegate to this outside commission the power to decide the

question whether or not a particular difference is one which is justiciable under the treaty and is one which the Senate will be compelled under the treaty to submit to arbitration, I have no hesitation in the world in the conclusion that it is utterly and absolutely unconstitutional.

The language of the Constitution in regard to the making of treaties, referring to the President, is very brief. It is as follows:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

That language is also without limitation as to the duty of the Senate. It does not say that the President shall have the power to make a treaty, provided two-thirds of the Senators present advise and consent as to a part of the treaty, but necessarily the requirement is that they advise and consent to every part of the treaty, certainly every essential part of the treaty. It is a simple question whether or not the preliminary, the main, question as to whether arbitration shall be entered upon for the settlement of a certain international difference is or is not an important part of a treaty. I assert without fear of successful contradiction that in the large majority of instances of international difference where arbitration is proposed the controlling question is whether the United States will or will not submit to arbitration the settlement of such international difference. It is not only the controlling question, but in the large majority of instances of international differences and in almost every one that can be conceived of it is, where arbitration is proposed, the important and essential question.

It is a comparatively slight and small matter to formulate the terms of a treaty after it has been determined to make such treaty. Anybody with good business capacity can do so.

After it had been determined upon to make a treaty of arbitration, any committee of the Senate could retire and in a little while formulate satisfactorily the terms of a treaty, but the question as to whether or not a certain international difference shall be submitted to arbitration or whether it is a matter which shall not be submitted to arbitration is a question which requires the thought and the study and the most careful consideration of the entire Senate, and one which the Constitution of the United States provides shall not even be determined by a majority of the Senate, but that two-thirds of the Senators present must concur before so important a conclusion shall be reached and it be made the supreme law of the land. To say that that question shall be determined by this outside commission and not by the Senate and against the wish of the Senate is to violate the command of the Constitution that two-thirds of the Senate shall determine it.

Mr. President, I am going to run hastily through some of these questions which could be presented for arbitration under these treaties. The Senator from Massachusetts [Mr. Lodge], in his able and comprehensive speech on this subject, enumerated a number of them for the purpose of calling attention to the fact that there were questions that we would not submit to arbitration. I am going hastily to run over those mentioned by him, and possibly some others. I shall mention them not only for the purpose of presenting to Senators the fact that they cover questions that we would not be willing to submit to arbitration, but also to present to Senators this question: When it is proposed to arbitrate these questions, is the question whether or not we will submit them to arbitration the main and controlling question which the Senate would have to consider? That question is the one which these treaties provide shall be determined by somebody else and not by the Senate, and even over the objection of the Senate.

Of course, Mr. President, if the President and the Senate, representing the Government of the United States and the sovereign power in this particular, shall make these treaties with Great Britain and France, it must make similar treaties with any other nation that demands that it may have the opportunity to be made a party to such an agreement with the United States. China, Japan, or any other country can not be refused, and therefore the list of questions which may arise is not confined to the list of questions which may arise between this country and Great Britain or this country and France, but we have to consider questions which are likely to arise between this country and any other country, and we have to consider what would be our attitude if such questions were presented.

Take some of the questions which the Senator from Massachusetts enumerated; for instance, the question of immigration, one of the most important questions with which this country has to deal, a question absolutely vital to some sections of the country, especially to the States of the Pacific coast.

The citizens of those States could not exist in the absence of the restriction of Asiatic immigration; they would soon cease to

be the possessors of that soil, and that would soon be a section in which no white man could live, except as the few live who go over to China and Japan for the purpose of prosecuting certain industries. If, Mr. President—which is not unlikely at all, for we know the difficulties we have had in connection with the immigration question so far as our western coast is concerned—if China or Japan should be a party to a treaty like this, and should then demand of us that the question of immigration, and the general admission of their people be submitted to arbitration because of a difference between us in regard to it, and that question was presented to the Senate in a proposed treaty with China or Japan, would not the question whether we would submit it to arbitration be the main question for our consideration? If it would be the main question and an essential question, then in such a proposed treaty could the Senate, under the Constitution, leave it to an outside commission to determine for the Senate and against its will that that question should be submitted to arbitration?

I am not going to omit, Mr. President, and shall attend to it before I finish, a consideration of the issue which has been raised by some of the reports submitted by the minority of the Foreign Relations Committee, and also by Senators on the floor, the question of the extent to which the authority proposed to be given to the outside commission is a delegation of power as compared to the statutes conferring powers upon the Interstate Commerce Commission to make reasonable regulations, and upon collectors of customs to execute the tariff law, and so forth and so on; so that Senators, as I go along, will not consider that I am evading that part of the question. I may have to take that up a little later than I find it convenient to do now in this particular part of the argument. Would or would not that be the main question, Shall we submit the matter of the control of immigration to arbitration; and if the main question, under the constitutional limitation, coupled as it is with an obligation and a command, can we say that another power, another body than the Senate of the United States, can take our place and speak for the Senate on that grave question, and determine for two-thirds of the Senate whether that main and essential part of the proposed treaty shall be advised and consented to by the Senate?

I am not talking, Mr. President, as to whether or not these things are likely to happen. That is not the question for us to consider. It is a question to consider if we are considering the matter simply from the standpoint of policy and expediency, but from a legal standpoint the question is a question of power; it is a question of duty; it is a question of obligation; it is a question of adhering to and obeying the solemn mandate of the Constitution.

Mr. President, while I am on this subject I would say that that is not confined to the Pacific coast. We have a great problem in the East as to immigration. We have but recently taken the position that we have a right to be heard by another government as to the right under an existing treaty of our citizens to go into that country, and without stopping to elaborate it, it is a very easy matter to anticipate that the time will come when a similar demand may be made upon us by a foreign nation. When such demand is refused by us, and a demand for arbitration shall be made, when a treaty providing for such arbitration is presented, it will be the main question for us to determine, in view of the horde which comes annually upon us, and which our people now are trying so strenuously to resist and to regulate and to control, whether or not we consider that a question to be arbitrated. The main question in any such proposed arbitration would be whether we would arbitrate it or whether we would not arbitrate it, whether we would submit to the judgment of another party to say whether we should, against our will, arbitrate it. If we permitted an outside commission to determine that main question, we would be delegating to that outside commission the duty and the power to practically determine whether the Senate should advise and consent to the most important part of a proposed treaty. Is argument necessary to show that such delegation would be unconstitutional?

I omitted to speak, while I was discussing matters which interested the Pacific coast, of the question of schools in the States and who shall enter them. It is a question which certainly is within the range of probability—not possibility, but probability—to come up under the demand that it shall be settled between this country and other countries. We have had an instance of it within the past four years. We have had within the past four years a demand of the Japanese people that their young people shall be admitted to the white schools of California, and they claimed that they had that right under an existing treaty.

Mr. President, there is a question which would come up for arbitration, a question likely to come up for arbitration, a question which has heretofore been raised and which was settled without arbitration or rupture only by the most delicate diplomatic management, and one which in the absence of that diplomatic management would have led, possibly not to war, but to an interruption of the friendly relations between this country and Japan, a question which naturally Japan would have desired to settle by arbitration. And in such case the question is this: If Japan had come and demanded arbitration, and we were considering the question whether or not we would consent to arbitration in that case, would or would not the question whether we should arbitrate that question or whether we would settle it for ourselves without arbitration be the main question that the Senate would be called upon to pass upon? Could the question whether we would consent to arbitrate that question have been constitutionally delegated to an outside commission, clothed with power to determine for the Senate that it should consent to such arbitration even though the Senate was unwilling to arbitrate it and insisted that it was not a matter to be properly arbitrated? And yet if it be true that this provision in the third clause of the third article is one which would be obligatory upon the Senate, it is necessarily true that that question when referred to a board of inquiry is one which would have been settled by the board of inquiry in case the Senate was unwilling to do it, and in which we would have been compelled to go into an arbitration on that subject or else to have violated the treaty.

Now, Mr. President, another one, which is likely to occur. Senators scout the idea that the Monroe doctrine can ever be brought up as a matter of arbitration—the question of our right to plant ourselves upon it and demand that other nations shall respect it. I do not suppose that any nation is ever going to send its envoy to this country to insist that this question shall be arbitrated as an abstract or moot question, but occasions may arise when it will be a question in an arbitration that is not an abstract one.

Soon after I came into the Senate I witnessed a very remarkable scene in this Chamber when President Cleveland sent his message to the Senate in regard to the Venezuela matter. That was a case where Great Britain claimed a right to territory in Venezuela and was proceeding to enforce her claim. The United States had no property in the welfare of Venezuela. They had no alliance with Venezuela. The United States Government was not the suzerain of Venezuela. Except so far as it fell within the influence of the Monroe doctrine, the United States Government had nothing more to do with Venezuela than it had to do with England, and yet under the claim of a right to assert the Monroe doctrine, President Cleveland notified Great Britain that the United States would not consent that Great Britain should take this territory from Venezuela.

That, Mr. President, was a very peremptory assertion on the part of the President, and I am bound to say that I think it was only the moderation and conservatism of Lord Salisbury, who was then the Premier of Great Britain, which prevented a rupture between these two Governments. It was arranged in a way that it was practically arbitrated without challenging our right to assert the Monroe doctrine.

But suppose this proposed treaty had been in force then and Great Britain, with no spirit of concession and a determination to assert her title to that territory, had said to the Government of the United States, "We demand arbitration of that question. We demand arbitration of the question whether you have the right to interfere by reason of the Monroe doctrine which you invoke." Would not that have brought the question of the right of the United States Government to assert the Monroe doctrine directly within the province and jurisdiction of any court of arbitration that might have been secured for that purpose? And if we, Mr. President, had had presented to us at that day the question, with a demand on the part of Great Britain that that particular question which interfered with the assertion of her title should be arbitrated, to wit, the right of the United States Government to interpose on the ground of the assertion of the Monroe doctrine—if that had been the case, and there had been presented to the Senate the question, "Will you consent to arbitrate the right to assert the Monroe doctrine?" the main question would have been not what the terms of the arbitration should be, but the main question would have been, "Will the United States, after a hundred years of the assertion of this doctrine, submit that the right to assert it shall be arbitrated and determined by any court of arbitration?" If the main question in the proposition for arbitration which might have then been submitted, could the Senate constitutionally have submitted the determination of that main question to an outside commission?

Mr. President, I need not go further, except for the purpose of illustration. If this treaty had been in force, and we had determined that we would not submit to arbitration our right to assert the Monroe doctrine, we would, in making that decision, have declined to make a treaty for such arbitration. What next?

England would have then demanded that a court of inquiry should be arranged for, should be constituted to determine whether the Senate had decided that main question of arbitration or no arbitration properly. In such circumstances, if we parted with our power to decide that question and permitted that court of inquiry to decide it for us, whether we would arbitrate our right to assert the Monroe doctrine, we would be abdicating our power which the Constitution devolves upon us to determine, with other questions, that most important of all questions in the political policy of this Government.

I will not amplify that, but it has been insisted with so much earnestness that the question of the Monroe doctrine can not be brought into arbitration under these proposed treaties now being considered that I thought it well to make that illustration, not of a supposititious case, but of an actual historic occurrence of which we have already had the experience and in which we might have been brought, if these treaties had then been in existence, and if the demand had been made by Great Britain for a decision by this outside commission, to a direct consideration of the question whether or not in the assertion of the title of Great Britain to a part of Venezuela the United States had the right by reason of the assertion of the Monroe doctrine to undertake to interfere.

If it had been determined that the United States did not have the right to assert the Monroe doctrine for the purpose of preventing Great Britain from taking part of the territory of Venezuela, we would either have had to submit to that or go to war or submit to a permanent rupture of the friendly relations between ourselves and Great Britain.

In passing, I will say that did time permit I would say something more about the school question on the Pacific coast for the purpose of illustrating the course which this arbitration might take in such a case, having reference in mind to the attitude of the then President of the United States with respect to that question, in which it was his opinion that Japan did have the right to insist that Japanese youths had the right under our treaty with Japan to enter the white schools of California.

Now, Mr. President, I come to another question that is somewhat practical in its nature—as to the power of another Government to make a demand upon this Government on account of the claim of any of its citizens or subjects that they held bonds of one of the States of the United States which had matured and the payment of which was refused.

The Senator from Mississippi [Mr. WILLIAMS], who urged that question with earnestness yesterday or made objection to the proposition, was not certain when I called attention to the fact that the proposed treaty does not limit questions which may be submitted to arbitration or submitted to the joint court of inquiry to those which are enumerated in the first article, but in the second article that scope is enlarged and is made to apply to all matters of difference. The joint high commission does not make any award at any time. The joint commission of inquiry has the power expressly conferred upon it not only to inquire concerning the matters enumerated in the first article, but also any other controversy hereafter arising between them, even if they are not agreed that it falls within the scope of article 1.

I want to come first to the question whether any demand can be made upon the United States on account of the indebtedness of a State—if the terms of the treaty are sufficiently broad to embrace all matters of difference between the United States and the countries with which we have treaties. It is true such indebtedness is not the debt of the United States, but it is also true that under our dual system of government it is the debt of one of our sovereignties, which sovereignty can not enter into direct relations with a foreign power and with which sovereignty no foreign sovereignty can enter into diplomatic relations by negotiations or otherwise. Can it be contended for a moment that when the Federal Government was formed, and the right of a State to enter into negotiations or diplomatic relations with a foreign State was prohibited and denied to it, when the entire power as to everything which relates to that State and a foreign Government, so far as negotiations were concerned or adjustments were concerned, either to be proposed or concluded, was delegated to the Federal Government, when the barrier has been erected around a State so that no foreign power can reach it, when we have even put in the Constitution in the eleventh amendment that no foreign citizen shall sue a State—can it be contended that the effect of that was forever

to relieve a State from all obligations to foreign countries by reason of what might be done or undertaken to be done by a State, or to forever bar a foreign State from any possibility of having redress for anything that may happen to it or its citizens or subjects through a State of the United States?

Mr. President, that is a proposition which it seems to me impossible for anyone to conceive of as correct. The United States Government is clothed by the States with all power to deal as to any matter that concerns a State with a foreign Government, and the State is prohibited from dealing with any foreign Government except through the Federal Government. Not only so, but every foreign Government is barred from attempting to deal with a State, or attempting to seek redress from a State, on account of any obligation of any character whatsoever. The Federal Government has been clothed by the State, I repeat, with the jurisdiction or authority to represent it in all matters which concern it and a foreign Government; and yet if the contention is correct, that the United States can not be called to account for the action of a State, that arrangement would be one in which a State would be forever protected in any act which might concern a foreign nation or the subjects or citizens of a foreign nation. It would be forever and for all time panoplied and fortified, so that it might commit any act of injustice or deny any obligation and there would be no redress. Mr. President, it is an utter impossibility that such can be the case.

Now, it is another matter as to what would be the effect of an arbitration between the United States and a foreign Government in which it should be found that the State ought to pay the bonds. The Senator from Mississippi asked, How would the Federal Government enforce it? Mr. President, if the award of arbitrators were never enforced, if there were never an effort to enforce it, under the circumstances of the creation of these discredited bonds the subject is a matter, as was said by the Senator from Massachusetts [Mr. LODGE], that concerns ourselves alone. It is a sealed book, which is forever shut up and closed. It is a political matter growing out of a time of great political disturbance—almost anarchy. The fundamental proposition upon which the Southern States base their refusal to pay these bonds is that they are not their bonds; that they did not make the bonds; that there were others in high places who had usurped authority for which they were in no manner responsible; and that they were not liable for their acts except in so far as they had received the benefit of those bonds.

As I have had occasion to say before, Mr. President, there are not simply safes and vaults full of these bonds; there are absolutely cords of them, which could be piled up like corded wood, to pay which would bankrupt the Southern States. It is a question that is ended. It is a question which has been ended not only to the satisfaction of the Southern people, but it has been ended to the satisfaction of the Northern people; and the evidence of it is that the credit of the Southern States is to-day practically as good as the credit of the Northern States upon the exchanges of the great metropolis of the North. I will ask my colleague what the bonds of the State of Georgia sell at. I have forgotten.

Mr. SMITH of Georgia. About par, the 3 per cent and 4 per cent bonds. It depends on the length of time they run.

Mr. BACON. Above par?

Mr. SMITH of Georgia. The 3 per cent bonds sell at par.

Mr. BACON. My colleague, who has recently occupied the executive chair of my State, tells me that upon the exchange of New York a 3 per cent bond of the State of Georgia will sell at par, some variation being found according to the length of time it has to run.

But, I repeat, this question has been settled, not only to the satisfaction of the southern people, but it has been settled to the satisfaction of the Nation at large. It is regarded as a closed incident, and it matters not whether the result of such an arbitration should ever exact one dollar of payment from either one of those States; it is a matter we do not wish that any outside party should ever have the right to say to the Senate of the United States, you must arbitrate that. I have no fear; I would be willing that any southern Senator should sit silent and let the question come up before Senators from the North as to whether or not they would agree that the question of the liability of the States on those reconstruction bonds should be submitted to arbitration, and I am sure they would say no. When that question was submitted to them the most important question would be, Will you submit it to arbitration? not the terms of arbitration. Mr. President, that is distinctly a justiciable question. The Supreme Court of the United States has determined that the question of the liability of one of these State's government bonds is a justiciable question. If submitted to us we would say no. Submitted to a board of inquiry, they would say yes.

Mr. WILLIAMS. If the Senator will pardon me, I do not think we would say the question was not justiciable. We would say it was a question not of difference between the United States Government and the people. Of course, the question is justiciable.

Mr. BACON. I have endeavored to go over that question with the Senator from Mississippi. He and I differ on that point. The Senator from Mississippi thinks that there can be no difference between a foreign country and the United States as to the claim of a citizen or subject of that foreign country against one of the United States. I hold that the Federal Government represents necessarily the State in such controversy and that it is a matter of difference between the Federal Government and the foreign Government. It may not be a debt of the Federal Government and is not a debt of the Federal Government, but when a demand is made upon the Federal Government to arbitrate that question the Federal Government could not reply, "It is the debt of a State and not the debt of the Federal Government," because the Federal Government represents the State in all the relations between that State and a foreign Government.

Mr. WILLIAMS. Will the Senator from Georgia pardon one more interruption?

Mr. BACON. Certainly.

Mr. WILLIAMS. The Senator from Georgia said the United States could not make that reply. I answer the United States has replied that way, and a joint mixed commission decided that the claim of the United States was correct.

Mr. BACON. I am going to come to that. I have the original article of agreement between the Government of the United States, and that was put upon a technicality, which I will come to a little later. I have the book right here and I shall try not to omit it.

Mr. President, that is not a dead question. I do not know this matter personally of which I am now to speak; I can not assert it personally; but I do assert it as a fact of which I am as confident as I am of anything else that I have not personal knowledge of that there is now in the State Department, or has been in the recent past, one or more demands or suggestions upon the part of foreign governments upon the Federal Government to take up this question of the bonds of the Southern States which were not paid. If I am wrong about that, I invite contradiction of it, not only here but elsewhere. I charge it, at the same time stating that I do not say it from personal knowledge, but I do it from confidence in the correctness of the statement, that there are to-day in the State Department, or have been recently, in Washington, the demands, actual or tentative, of foreign governments upon the Federal Government on account of the alleged indebtedness of these States on those repudiated bonds.

I have here a little clipping which has been handed to me by a brother Senator, which he cut out of a St. Louis paper, and which I will read. It is brief. It is not an old matter by any means. I have not the date, but it is very recent:

MISSISSIPPI STATE BONDS ISSUED TO PLANTERS' AND UNION BANKS.

The Corporation of Foreign Bondholders of London and Messrs. H. B. Hollins & Co., of New York, have consented to act as readjustment managers for the benefit of the holders of the above-described securities, who may deposit their bonds under the terms of an agreement provided for that purpose.

Copies of the documents will be furnished on application and temporary certificates will be issued in exchange for deposited securities. In the interest of the bondholders it is important that deposits be made within the next 30 days, and the readjustment managers do not undertake to adopt any action in reference to the above securities until they are empowered by a majority.

THE CORPORATION OF FOREIGN BONDHOLDERS, LONDON,

H. B. HOLLINS & CO., NEW YORK,

Readjustment Managers, London-New York.

EDWARD L. ANDREWS, Counsel.

Mr. President, those of us who have for some years past been engaged in the consideration of questions growing out of the condition of the Central American States and their indebtedness recognize these names signed to this advertisement. That is not a fictitious advertisement. They are people who deal in all these classes of discredited securities, and the very same men have come up here, or at least their names are found in these books, giving information concerning discredited bonds of various countries. I do not know that they have ever appeared before us, but they have been concerned in all these questions about the readjustment of the debts of the Central American States. It is not a myth; it is an active organization, and here they are advertising in the papers of the United States for these southern bonds for the purpose of making demands and claims. Can anyone doubt, if this treaty were ratified with this power given to this outside commission to determine what subjects shall be arbitrated, that there would be a speedy movement to

arbitrate the question of the liability of these States to pay these hundreds of millions of fraudulent bonds.

I care not, Mr. President, whether it is possible to figure out in what way the State will ever be made to pay these bonds or not. I say this is a matter that we do not wish to open. We do not wish to be put in a position where, when the Senate says, as I know it would say, that it will not submit that question to arbitration, we can be compelled to say that it shall go to an outside commission, and that we shall have to abide by what that commission may say in regard to the question whether the question of the liability of my State or of another State shall or shall not be submitted to arbitration.

Mr. President, my friend the Senator from Arkansas [Mr. CLARKE] reminds me of a matter which possibly I might have overlooked but for his having done so, as I have certainly passed that part of the argument. He reminds me of the fact that foreign Governments have made demands upon the Federal Government not simply for the payment of contract obligations, but for the payment of damages on account of injuries inflicted upon its citizens. The Senator from Mississippi knows that fact. It occurred in a case from Louisiana and also in a case from Colorado, and possibly another; I am not sure. I was asking some Senator to-day whether any demand had ever been made on this Government on account of the slaughter of Chinese on the Pacific coast. As stated by the Senator from Arkansas, the Government of the United States did actually pay damages in the case of the demand on account of what occurred in Louisiana, and the Government of the United States did so in recognition of the fact that while it was not the act of the United States Government, while it was not an act on account of which the United States could as a Government be made responsible in money, it was the act of one who alone could be represented in negotiations between it and another Government by the authority of the United States. It was very generous on the part of the United States. It paid it, and has not exacted any repayment from the State. I presume if it had requested payment from the State the State would have paid it. The amount was not very large, and even if it be large, and in its power, the State would have recognized the fact that the Federal Government in that negotiation had represented it and had done the best for it it could. It would recognize the fact that if it were not a part of the Federal Government a demand would have been made upon Louisiana and not upon the Federal Government, and if an independent State it would have had to respond to that demand or stand the consequences, whatever they might be, even to the point of a rupture of friendly relations, and possibly war.

I have here a copy of the Platt amendment, a compliance with which we imposed on Cuba. I will remark that I possibly am consuming more time than I should in the details of this discussion, but I want to bring to the attention of the Senate as strongly as I can, in a practical way, the consideration and decision of the question whether the determination as to whether an arbitration shall or shall not be entered upon is an important part of the duty of assenting to a treaty providing for an arbitration. If it is, then we can not ourselves escape the responsibility of such assent and delegate it to some one else. To do so is to violate the command of the Constitution that before a treaty can be made the Senate by a two-thirds vote of those present must advise and consent to it.

I have here, Mr. President, the Platt amendment and also the declaration of war of the United States against Spain, in which there is incorporated the famous Teller resolution. At that time it was not known what was going to be the effect of a declaration of war against Spain. There was the gravest apprehension in Congress, and to my personal knowledge, from his own utterances made to me by the President of the United States that the act of the Congress in declaring war against Spain would be construed by the European Governments as a purpose to aggrandize the United States, to take a means to acquire the territory of Cuba for the benefit and advantage of the United States and for their enrichment. It was an important matter to disabuse the minds of European Governments of that suggestion. It was important to stand before the world with a solemn assertion that we entered upon that war not for aggrandizement nor for the enrichment of this country, but for the purpose of a great accomplishment, of terminating an intolerable condition in Cuba, and in the securing to that country of the peace and good order which would make it possible for this country to have it live by the side of us in such a way as would not be detrimental to the interests and the welfare of the United States.

For the purpose of setting ourselves in a position beyond criticism in that regard, when we broke the peace of world, in that most solemn of all solemn moments that can come to the Congress of the United States, we incorporated this resolution,

known as the Teller amendment, in the declaration of war. I should have mentioned that this matter in regard to Cuba was brought up yesterday by the Senator from Michigan [Mr. SMITH], and I am simply pursuing it a little further. After the other resolutions, the fourth is this:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Now, Mr. President, we entered upon that war not knowing what would be its cost in blood and treasure; we entered upon that not knowing but that it would embroil us in war with all Europe; we entered upon it because of the great necessity that we should do so to terminate a condition at our doors which could not be longer tolerated; and yet, after the conclusion of that war, although we had made that pledge in its declaration, it was realized that we could not stand by that declaration. It was realized that we could not safely turn over that island to the unrestricted control of the people of Cuba, and that in order to insure that there should be in the future the continued condition of affairs for the accomplishment of which we had gone to war it was necessary to violate that pledge. While we did not violate it in spirit, so far as concerns practical autonomy for Cuba and so far as it relates to any effort to aggrandize ourselves was concerned, or to enrich the people and Government of the United States, so far from leaving that island to the control of its own people we did, in what is known as the Platt amendment, lay down the most stringent restrictions upon freedom of action by their Government. They are too long for me to read, but I may possibly, with the permission of the Senate, insert at least a part of them. In that Platt amendment there are eight requirements and restrictions made by the United States upon the Cuban people and their Government. I will read the first one, at least, because that is one which illustrates the fact that a serious question may be raised between Cuba and the United States, or it may be raised between a foreign Government interested in Cuba and the United States, on account of its inconsistency with the pledge in the Teller amendment. The first paragraph of the Platt amendment is this:

That the Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

Mr. President, there can be no question of the fact that that requirement, as well as the others that follow it, is in absolute violation of the pledge which the Government of the United States made when it declared war against Spain.

Mr. SMITH of Michigan. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. I will; but I had not finished the statement I intended to make in that regard. If the Senator will suspend for just a few moments, I will yield to him with pleasure a little later.

The application I want to make of that, Mr. President, is this: Cuba is an independent country in all respects, except so far as we exercise an authority which may be termed a suzerainty. She has her minister here; we have our minister there; she has ministers in all the courts of Europe, and the courts of Europe have their ministers in Cuba. So that, so far as autonomy goes, she is an independent country. It is an easy matter for Cuba to say that this restriction is in denial of the obligation which we imposed upon ourselves when we declared war against Spain, and to demand that she have the right to enter into treaties, such as are prohibited in the Platt amendment, or, what might be more practical, to sell to a foreign government a naval station on the island of Cuba. She might demand arbitration of that. She could demand it if she had a treaty with us. If that question came here after we had spent millions of dollars for the purpose of bringing about the present conditions in Cuba and for insuring the future—if that question came here and we were to refuse to arbitrate the question with her, she could, under the terms of such a treaty as that now before us, demand that it be referred to the outside commission to say whether we should yield to her demand and make an agreement of arbitration against our will. In thus permitting the outside commission to dictate to us under such circumstance that we should against our will agree to arbitrate with Cuba our right to enforce the Platt amendment, we would have abdicated the power and the duty and the obligation which the Constitution imposes upon us, that we shall advise and consent to a treaty in every part. The main question would have been, Will we arbitrate our right to control Cuba as to her permission to make a sale of a naval station

to Great Britain or to France or to Germany or to Austria or to any other Government? The power to determine whether we would arbitrate that question we could not constitutionally delegate to an outside commission.

Mr. President, there is another class of cases that I think ought to appeal to Senators more strongly than the class I have already enumerated.

Mr. SMITH of Michigan. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. I beg the Senator's pardon. I now yield to him with pleasure.

Mr. SMITH of Michigan. Mr. President, before the Senator from Georgia leaves the Cuban illustration, I desire to emphasize and put the question to the Senator from Georgia whether the close proximity of the Bahama Islands, in which England is directly interested, to Cuba and Cuba's condition were such as to jeopardize in any way the health or the prosperity of the Bahama Islands because of Cuba's inability to contract obligations beyond the limitations fixed by the United States—is not a question in which England would be directly interested? And, under the general power of clause 3 of article 3 of the treaty we are considering, could she not instantly put that question up to an international tribunal, to determine whether or not her interests were vital, without any consent whatever from us?

Mr. BACON. I think the suggestion of the Senator from Michigan is entirely apt and furnishes another strong illustration of the principle for which I am contending.

I was about to say, Mr. President, that there is another class of questions which can be the subject of a demand for arbitration, which, it seems to me, would appeal still more strongly to Senators, especially to the two distinguished Senators who now sit in front of me and who are the advocates of this clause of the treaty—the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Maryland [Mr. RAYNER]. I mention them because I have heard the same thing from each one of them as to the limitation of the power of the Government in making treaties, in which I fully agree with them both. The importance of the presentation I am about to make is emphasized by the fact that it is a question, Mr. President, upon which all lawyers are not agreed, as to how far the power of the Federal Government extends in the making of treaties under the Constitution of the United States.

For instance, in a work upon the treaty-making power of the United States, written by Mr. Charles Henry Butler, of New York, is found the following statement of his opinion and conclusions as to the extent of the power of the United States in making treaties, which is in direct conflict with the views entertained by myself and the Senator from Maryland and the Senator from Mississippi:

First. That the treaty-making power of the United States, as vested in the central Government, is derived not only from the powers expressly conferred by the Constitution, but that it is also possessed by that Government as an attribute of sovereignty, and that it extends to every subject which can be the basis of negotiation and contract between any of the sovereign powers of the world, or in regard to which the several States of the Union themselves could have negotiated and contracted if the Constitution had not expressly prohibited the States from exercising the treaty-making power in any manner whatever and vested that power exclusively in and expressly delegated it to the Federal Government.

Second. That the power to legislate in regard to all matters affected by treaty stipulations and relations is coextensive with the treaty-making power, and that acts of Congress enforcing such stipulations which, in the absence of treaty stipulations, would be unconstitutional as infringing upon the powers reserved to the States, are constitutional, and can be enforced, even though they may conflict with State laws or provisions of State constitutions.

Third. That all provisions in State statutes or constitutions which in any way conflict with any treaty stipulations, whether they have been made prior or subsequent thereto, must give way to the provisions of the treaty, or act of Congress based on and enforcing the same, even if such provisions relate to matters wholly within State jurisdiction.

To these opinions and these conclusions the Senator from Maryland and the Senator from Mississippi do not assent. From the standpoint of the Senator from Maryland or from the standpoint of the Senator from Mississippi and from my standpoint—and I think from the only correct standpoint—the Federal Government has no right to make a treaty except in pursuance of the Constitution of the United States. From my standpoint and from the standpoint of each of these honorable Senators, the Federal Government has no right to make a treaty which shall control the police powers of a State. The Supreme Court of the United States has determined solemnly that the police jurisdiction of a State is something which belongs to that State; that it does not acquire it from the Constitution of the United States; that it does not in any manner get it from the United States; but that it is a power which each State had before it entered into the covenant of the Constitution, and a

power which it never surrendered, and therefore a power which belongs to it by the most sacred of all titles.

But, Mr. President, suppose a question should arise between this Government and a foreign Government, and a difference grew out of it which should involve the right of the Federal Government to control police powers in the interest of the foreign Government; suppose, as in the case of the schools in California, under a treaty already existing a foreign government—the Government of Japan in that instance invoked the existing treaty, and said that under that treaty guaranteeing to its citizens certain rights in this country, they had the right to enter into the public schools of California our reply would be this: That can not be so, because the treaty can not be construed to apply to that which is beyond the constitutional powers of the United States; being beyond the constitutional power of the United States, the United States never had that in contemplation and could not if it would give that right to Japan by treaty. There is in consequence no such obligation on the part of the United States to enforce under that treaty the right of Japanese youths to go into the white schools of California. Suppose that question comes here and the President of the United States believes who sends it here, as the then President of the United States did believe, that under the treaty with Japan the question of the right of a Japanese youth to go into a school in California was involved and included. Suppose the President of the United States sends a proposed treaty for the purpose of arbitrating that question and the Senate of the United States refuses to arbitrate it, declines to arbitrate it. It goes, under the terms of such a treaty as that now pending, to the court of inquiry. There is nothing in the proposed treaties which limits the question of difference to the executives. It also embraces differences in which the Senate may be a party. The treaty with Japan providing for arbitration comes to the Senate and the Senate says: "No; we do not consider that a justiciable question; we do not consider that under the Constitution of the United States there can be any such interpretation of that treaty as will justify an arbitration of the right of Japanese youths to enter the California schools."

The other Government says, "That being so, we demand that that question go to the joint high commission of inquiry," and the joint high commission, agreeing with the view expressed by Mr. Butler, which I have quoted, determines that it is within the power of the Federal Government to make a treaty which shall admit Japanese students into the white schools of California, and that the Senate should agree to arbitrate the question, and it comes back here. Now, the case of the Senator from Mississippi and the case of the Senator from Maryland are somewhat different, because the Senator from Mississippi says that we are not bound by that conclusion of the commission, while the Senator from Maryland says that we are. It comes back here, under the opinion of the Senator from Maryland, with a conclusive obligatory finding on the part of this outside commission. Has the Senator from Maryland, or any other Senator who thinks that way, the right to say that he will yield his judgment as to a constitutional power of the Federal Government in the making of a treaty affecting the schools of a State because the joint high commission decides that the Federal Government has that power? No, Mr. President; the Senator from Maryland would not do so; but, according to the logic of his case, he would have it to do or break the obligation of the treaty to abide by the judgment of this outside commission.

The Senator from Mississippi does not go so far as the Senator from Maryland in that particular. The Senator from Maryland says that it would be of binding obligation; and I am going to read his language here from this report, which is a very strong statement of the question and expresses my views exactly. The Senator from Mississippi says, however, that there would not be a legal obligation, but a moral obligation.

Mr. President, I want to ask one question: If there is a moral obligation, upon what must that moral obligation rest? If there is a moral obligation, it must rest upon the fact that there is an agreement on the part of the United States that the Senate shall and will be bound by the finding of the outside commission as provided in the treaty; because, if there is no such agreement, there is no moral obligation, and if there is such an agreement in the treaty, it is not a moral obligation but a legal obligation. Is there any escape from that proposition? But if we assume that it is a moral obligation, can a man undertake a moral obligation to do that which is unconstitutional, knowing in advance that his agreement may call on him to do that which he believes to be unconstitutional? If it is a moral obligation, it is one that he is not at liberty to disregard. If he has invested that high commission with the power to find a conclusion which will devolve upon him a moral obligation to obey it, how

can he say, "I will obey it when I think it is proper, and I will disregard it when I do not think it is proper"? If it is a moral obligation, Mr. President, it is to carry out the command of that commission. And, as there is no way to enforce obedience to the obligation, a moral obligation is as binding as a legal obligation.

But, Mr. President, I feel that I have delayed too long on these illustrations of the practical working of these proposed treaties, and I am going to hurry on, because I wish to present some other matters in connection with this question. In passing, I will say this: The Senators admit that, so far as the subjects excepted in what we know as the Root treaties of 1908 are concerned, namely, honor, vital interests, and independence, while those exceptions are eliminated from this treaty they are subjects which no Senate would consent to arbitrate. Therefore, Mr. President, the fact that they are not excepted in the pending treaties does not in any manner change their effect and application from the treaties that now exist. I will simply pass it with this question: If any question affecting the honor or the vital interests or the independence of this country should be presented to the Senate and a demand should be made upon the Senate for arbitration, would not the main question be, Shall we or shall we not arbitrate it? Being the main question, there is no possibility that we can escape the conclusion that it is a part of the obligation imposed upon the Senate to advise and consent to the making of the treaty. So grave a question can not be constitutionally determined by embracing them in a treaty at the dictation of an outside commission.

Mr. President, passing from that, those who are I think somewhat shocked at the conclusion with which they are confronted when it is contended in their presence that to carry out the third clause of the third article as an obligatory clause would put the Senate of the United States in a condition which it could not possibly consent to occupy, take refuge in the construction that the third clause of the third article does not impose any obligation. I want right in that particular to call attention to a very remarkable fact, that of all the Senators who advocate these treaties in their present form, no two of them agree in the construction of that third clause, or, at least, no two of them agree in the construction and also in the application of it. Perhaps I ought to make an exception in the case of the Senator from Illinois [Mr. CULLOM] and the Senator from New York [Mr. ROOT], because they did join in the same report, and therefore they do agree. I want to say, however, in regard to that, that while the Senator from New York, who I understand and am informed wrote that report, and the Senator from Illinois agree in the report, they differ very widely in the application of the third clause of article 3 from other Senators who have expressed their approval of this clause in the treaty. The Senator from New York, after what might be called a very moderate defense of the treaty, proceeds to point out its fatal defects. The Senator from New York smiles when I say "moderate." We know that the Senator from New York does not generally make moderate arguments, especially on law questions. If I had made this argument, I would probably speak of it in some other language than as a "moderate argument," but I suppose that is the least depreciating designation that I can give to it when made by the Senator from New York, and, knowing the fertility of resource of the Senator from New York, I am compelled to say that I do not think he would have made so moderate an argument but for the delicacy of the position in which he is placed, which requires him to show consideration for his successor in the high office of Secretary of State.

On page 9 of this pamphlet, Senate Document No. 98, is found the report of the Senator from New York and the Senator from Illinois. After having made this argument, which I am still content to call "an argument," sustaining this treaty in its present form—I will say it is not only a moderate argument, but a very short argument, being less than a page—it goes on to say this:

The real objection to the clause which commits to the proposed joint commission questions whether particular controversies are arbitrable is not that the commission will determine whether the particular case comes within a known line, but that the commission, under the general language of the first article, may draw the line to suit themselves instead of observing a line drawn by the treaty-making power. If we thought this could not be avoided without amending the treaty, we would vote for the amendment to strike out the last clause of article 3, for it is clearly the duty of the treaty-making power, including the Senate as well as the President, to draw that line, and that duty can not be delegated to a commission.

And then it goes on to suggest a clause which shall be attached to the treaty, and that clause, suggested in this report, is this:

Such a clause may well be, in substance, as follows:

The Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question

which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, or other purely governmental policy.

There is no possible contention on the part of the Senators from New York and Illinois, who join in this report, that there is any language in this treaty with reference to those subjects—"the traditional attitude of the United States concerning American questions or other purely governmental policy"—but the Senators recognize the fact that in leaving open such a question it is fatally defective and should be cured by a resolution of ratification which would except those particular subjects. We might say that there are a great many other subjects which might be excepted. Why limit it to them?

Mr. President, I am not going to stop at showing the difference in the case of the Senators from New York and Illinois, but as to others the fact of the business is that every Senator who favors these treaties stands on a different side in regard to the treaties, if not directly in opposition on the legal question, directly upon the question of how far that clause will extend in its application to any treaty which may be invoked hereafter.

In the case of the Senator from Ohio [Mr. BURTON] there is distinctly the argument on his part that the third clause does not impose upon the Senate any obligation, and that when the award of that commission came back to the Senate we would stand in exactly the same position as if the matter had been submitted to us directly by the President without going to a commission. That is the contention of the Senator from Ohio.

The Senator from North Dakota [Mr. McCUMBER] makes practically the same argument, but he goes further than the Senator from Ohio. The Senator from North Dakota says that the effect of that part of the treaty—the third clause—is not to control the Senate; that it has no effect upon the Senate, but it is compulsory in its effect upon the President. That is the position of the Senator from North Dakota, that all of this contention, all of this propaganda, all of this agitation among the people are to compel the President to submit a matter to the Senate.

The Senator from North Dakota in his speech said, in response to an inquiry made by me, that under this proposed treaty nothing could be submitted to arbitration that could not be submitted under the existing treaties. Therefore not only is the scope of the treaties not enlarged, but the entire effect of it, while not enlarging the scope of the treaties, is to lay a compulsion upon the President of the United States. The Senator said:

It compels the President to take the initiatory steps so that it may be considered by the treaty-making power. That is all I claim it means and nothing more.

In this construction the Senator from North Dakota is in line with all the other Senators who favor this objectionable third clause of the third article to the extent that neither one of them agrees with any of the others as to the proper construction and application of the clause.

And then further on the Senator from North Dakota, in his speech favoring the treaties, says:

That it leaves for the Senate exactly the same powers and authority that the Senate would exercise if the President, of his own motion and without the act of the joint commission, had submitted the case to arbitration.

The Senator from Maryland [Mr. RAYNER], on the contrary, in a very forceful expression of it in his report, which he sustained in his argument before the Senate, uses this language. After quoting what had been said by the Senator from Ohio in regard to the proper construction of the third clause of the third article, he says this:

I regret sincerely that, after the most patient reflection upon the subject, I can not possibly reach this conclusion—

That is, that it left the Senate with the same power as it was before the outside commission made its decision—

The lawyers of the committee and eminent lawyers outside of the committee who have examined the treaty are at odds and at variance upon the proper construction of article 1 and article 3. I might ask what is the use of referring it to a joint high commission for a decision if its decision is not binding and can be repudiated by the Senate. It is all very well to say that it is practically impossible that the Senate would ever have occasion to refuse its approval of the arbitration of a question which the commission of inquiry had reported to be within the scope of article 1. The Senate, however, has the power to refuse its approval and it has the unlimited power so to do, as Senator BURTON admits, according to his interpretation of the treaty, and to my mind the prime object and intention of the treaty was not to confer this power upon the Senate but to make the decision of the commission decisive and final.

Mr. President, I agree with the Senator from Maryland in this construction. I do not see how it is possible for anyone to come to any other conclusion in regard to that matter. And yet it is true that in reaching that conclusion without any qualification, the Senator again presents the case of differing in part at least from the other Senators who favor this third clause.

No two of them entirely agree. The Senator from Maryland in a speech in the Senate spoke of this treaty—

Mr. RAYNER. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. BACON. Certainly.

Mr. RAYNER. Does not the Senator think it was the intention of the parties who drew this treaty to make the decision binding?

Mr. BACON. I do most absolutely and without any possible qualification.

Mr. RAYNER. So do I.

Mr. BACON. It does not mean anything if it does not mean that. It has no place here if it does not mean that. Let me read you the corresponding clause in The Hague convention from which all this provision is taken, except that particular part which is added and embodied in this third clause. This treaty, I say, has in it less that is original than any paper that ever came to the Senate of the United States. It is taken bodily from The Hague convention and from what are known as the Root treaties. I say "taken bodily"; there is a difference of phraseology between these treaties and the Root treaties; there is a difference in terms; but according to Senators themselves those terms, when put into practical operation, will mean nothing more than the present treaties mean; for these Senators say that questions of national honor, vital interests, governmental policies, and so forth, are not justiciable, and would not, therefore, be arbitrable under the proposed treaties. If such questions are not justiciable then the enlargement of the scope of arbitration in these proposed treaties, in omitting the exceptions of honor, vital interests, and the independence of the country as now found in the Root treaties, is meaningless, and there is practically nothing new in them excepting this provision for this outside commission, perhaps of foreigners, to determine for the Senate when it shall or shall not arbitrate questions affecting the most important interests of the Government and people of the United States.

I could go through these treaties and take them up clause by clause, and I could refer to The Hague convention and the Root treaties, 25 in number, and all of which are now in force, and I could find in either The Hague convention or the Root treaties substantially the same provisions, with some slight variations, that are found in this treaty. Even the one which the Senator from Mississippi [Mr. WILLIAMS] dwelt upon with so much earnestness yesterday, as to allowing cooling time, is found in The Hague convention, and found in a more direct and practical provision than it is here. It does not say anything else except that when a demand is made for reference of a question to this outside commission a party may wait a given period before it agrees to the reference. I will read the exact words so as not to misrepresent it:

Provided, however, That such reference may be postponed until the expiration of one year.

There is nothing about any negotiations between the parties for arbitration in the meantime. That same principle is found in The Hague convention with a further provision for the selection of outside powers, who shall in the meantime try to adjust the matter between the different parties. It makes it a superior provision really to that which is found in this treaty.

Mr. President, I was about to say that the Senator from Maryland [Mr. RAYNER] was not enamored with this treaty, except as to the purpose to be accomplished, and the purpose to be accomplished is already accomplished in a much better way by treaties that now exist and by The Hague Convention. I recollect the picturesque language which the Senator from Maryland used when he was discussing these treaties before the Senate. I turned to the RECORD for the purpose of finding it, and I was disappointed in not finding the language used when the Senator discussed it in the Senate. The Senator read his speech, but at the same time he ornamented it with interjected extemporaneous remarks, and those remarks I refer to were extemporaneous comments and criticisms which do not appear in the RECORD. Only the written speech was, I presume, printed. But even what was written is strong enough. He says:

With profound respect and admiration for our great Secretary of State, who occupies a foremost place upon the field of law and of diplomacy, I am not fascinated with the phraseology of this instrument.

The Senator used some very much more picturesque language than that when he addressed the Senate, but I want to say that that even is a sufficiently severe criticism of it, because, if you take out of this treaty the third clause of the third article and then eliminate from it everything which it has gotten either from The Hague treaty or the Root treaties, there is, under the construction put upon it by its friends, nothing but phraseology in it, and that does not meet with the approval of the Senator from Maryland.

The Senator from California [Mr. WORKS], when he was discussing these treaties the ratification of which he favors in their present form and without amendment, used language which, read from the report of his speech, is found in the RECORD:

But, Mr. President, I can not but confess my disappointment that these proposed treaties, if ratified, will be so ineffectual as a means of meeting this sentiment. Very few of the thousands of people who are calling upon Senators to support the treaties really know their contents, and but few of those who know their contents understand their meaning and effect. They are so uncertain in their terms and so inadequate in expression that even on this floor the official representatives of our Government differ widely as to their scope, meaning, and effect.

Sir, I appeal to the experience of Senators—was there ever a treaty or other official document in the Senate so cuffed and buffeted by its friends, or by conflicting constructions so discredited by its advocates!

Yet, Mr. President, with no two Senators who advocate this treaty agreeing as to the meaning of the language and as to the extent of its application and as to the construction of it and with their condemnation of it as a literary production, we are asked to ratify it in its present form. And this is the demand in such circumstances for the ratification of a treaty which is to be invoked by foreign nations for the final settlement of the gravest and most important questions of difference which they may have with the United States.

Mr. RAYNER. Mr. President, will the Senator from Georgia yield?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. BACON. With pleasure.

Mr. RAYNER. I think I can safely say that the Senator from New York agrees with me in my construction of the treaty—that the decision is morally binding, not legally binding.

Mr. BACON. The Senator did not say "morally." The Senator said "legally."

Mr. RAYNER. If there is any such word in the RECORD, I never said it. I do not suppose the Senator will do me the injustice of saying that anything can be legally binding on the Senate. Nothing can be legally binding unless you can enforce the right. I have said over and over again that it is binding; that it is a moral obligation, but that it is not legally binding, and that there is no way of legally enforcing it.

Mr. BACON. Mr. President—

Mr. RAYNER. Just give me a moment.

Mr. BACON. Certainly.

Mr. RAYNER. The Senator from New York will say whether I am wrong or not, but I think he and I agree entirely on the construction of this part of the treaty—that it is morally binding on the Senate.

Mr. BACON. In the same way the Senator would say that the Constitution of the United States is not legally binding on the Senate because its provisions can not be enforced on Senators.

Mr. BAILEY. I doubt that in some cases.

Mr. RAYNER. The Constitution of the United States can always be enforced. The courts will always enforce the Constitution of the United States, but no man would stand up and say that there is anything legally binding on the Senate. Wherever there is a legal right there is a legal remedy. I never contended for a moment, nor did the Senator from New York, that there is a legal way to enforce this against the Senate. I go on and say that the Senate need not obey the mandate, just as the Senator from Ohio says, although the Senator from Ohio and I differ on the construction of the treaty. The Senator from Georgia is right about that.

Mr. BACON. There is not a single command laid by the Constitution of the United States on the Senator from Maryland as a Senator that can be enforced by a court.

Mr. RAYNER. I should like to know some of the obligations that the Constitution lays upon me as a Senator. I am here under the sanction of an oath.

Mr. BACON. Of course.

Mr. RAYNER. I should like to know what obligation the Constitution of the United States lays upon me as a Senator. It lays it upon Congress; it does not lay it upon me individually; and if it lays upon the Congress of the United States the mandate that we shall not pass unconstitutional laws, and if we pass an unconstitutional law the Supreme Court would set it aside unless ex-President Roosevelt recalls it. [Laughter.]

Mr. BACON. Mr. President, the last proviso is a very important one. The contention of the Senator is that it does not impose a legal obligation on the Senate because it can not be enforced, but that it is a moral obligation. Everything that is a law is a legal obligation, whether it is accompanied by a penalty or not for its nonobservance. But the language of the Senator himself, which I have already read and which I will read again, is the best answer to the Senator's present position.

Here is what the Senator said in his carefully written report, as a minority of the Foreign Relations Committee, not an address in which there might have been the accidental use of unguarded words, but in his written report the Senator said—I shall now read. The Senator was commenting upon the position taken by the Senator from Ohio [Mr. BURTON] that the report of the outside commission was not binding on the Senate, and he then used this language, which I read from the report of the Senator from Maryland.

Now, listen. This is on the question whether it is a legal or a moral obligation:

I regret sincerely that, after the most patient reflection upon the subject, I can not possibly reach this conclusion. The lawyers of the committee and eminent lawyers outside of the committee who have examined the treaty are at odds and at variance upon the proper construction of article 1 and article 3. I might ask what is the use of referring it to a joint high commission for a decision if its decision is not binding and can be repudiated by the Senate. It is all very well to say that it is practically impossible that the Senate would ever have occasion to refuse its approval of the arbitration of a question which the commission of inquiry had reported to be within the scope of article 1. The Senate, however, has the power to refuse its approval and it has the unlimited power so to do, as Senator BURTON admits, according to his interpretation of the treaty, and to my mind the prime object and intention of the treaty was not to confer this power upon the Senate, but to make the decision of the commission decisive and final.

If that is not the recognition of a legal effect of the conferring of this power upon the joint commission, I am not able to understand language, and I confess that the Senator from Maryland has expressed it very much more forcibly than I could express it myself.

Mr. RAYNER. The Senator from Georgia will not find in that speech or in the minority report anything like the word legal. I would not stand up before the Senate nor would any other lawyer in this body stand before the Senate and say legally binding. I do not take back one single word on that. That is my position now. It is that if one of the parties to the controversy has a right to set aside the award of the umpire, then you might as well strike this last clause of article 3 from the treaty. I think it is perfectly absurd to bring in that clause and then give one of the parties to the controversy the right to override the judgment of the umpire. I have never changed my opinion about that.

Mr. BAILEY. I have changed my vote.

Mr. RAYNER. I do not know how the Senator is going to vote. He has never stated.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. With pleasure.

Mr. BAILEY. I really did not think it was material how I was going to vote, because I know very little about these international questions, and I generally follow the Democratic membership of that committee. I want to say, however, I was anxious to vote for this treaty, but if the finding of this joint high commission is to be binding upon my conscience, I intend to vote against it, and the Senator from Maryland has convinced me that I ought to do it.

Mr. RAYNER. From the Senator's standpoint I think he is right, but I am willing to abide by the finding. I do not know that there will be many votes with me in the Senate on that question. If there will not be any, I will stand alone on it. I am willing to vote that the decision of the commission shall be binding. I am willing to so vote, because I do not believe for a moment that any of these questions that have been so forcibly argued to-day will come within the jurisdiction of the commission. I have said that, and what is the use of going over the whole question again?

Mr. BAILEY. If the Senator from Georgia will just permit me, if we could invoke the Constitution against a Senator, I would hale the Senator from Maryland into court on that very proposition, and I would ask an injunction to restrain him from such conduct.

Mr. RAYNER. Why does not the Senator from Texas answer some other proposition?

Mr. BAILEY. Because I do not understand the question.

Mr. RAYNER. But the Senator understands every question. There is no legal question the Senator does not understand. If the Senator could have answered it, he would have answered it long before. It is not from any want of understanding. I will guarantee that any legal question which comes up in the Senate is fully understood by the Senator from Texas.

Mr. BAILEY. I am not affecting modesty; that is not my habit; sometimes, probably, it would become me better if I did, but I am perfectly sincere when I say that I have not looked into a book upon international law since I left the law school where I studied Vattel on the Law of Nations. I never was very much interested in a science that had no final tribunal to decide it, and I never took much interest in a judgment that had to be collected across the bow of a battleship.

Mr. BACON. As suggested by my colleague, the finding or decision of the joint commission, if it is obligatory, is just as much a legal obligation as the finding of a board of arbitration would be. To say there is no power except the cannon and sword of the other party to enforce the judgment of an international award of arbitration does not relieve it of the fact that it is a legal obligation on the nation which is a party to it when found by that board of arbitration.

There is no dispute about the proposition that if the finding of an international board of arbitration is a legal obligation when the award comes in, it is a legal obligation upon the Nation because we have agreed to abide by the award; and when the finding or decision from the joint commission comes in and we have agreed to abide by the decision of that commission and to act in accordance with its findings, it is also a legal obligation. There is no escape from the proposition.

The Senator from Maryland says that no lawyer would think the other way. I am sorry to be put out of the pale.

Mr. BAILEY. Will the Senator permit me?

Mr. BACON. Certainly.

Mr. BAILEY. I was rather inclined to look at that provision as analogous to the report of a referee to a court, where it would bind the court unless upon examination the court thought the referee was mistaken; and I had supposed the Senate would have the same right to reject the report of a joint high commission that a court would have to reject the report of its referee.

Mr. WILLIAMS. And also, if the Senator from Georgia will pardon me, if the Senate found the commission had gone clear beyond the scope of the authority conferred upon the commission itself in the treaty.

Mr. BACON. The difference between the case of a referee and this commission is that the referee does not have any final judgment. He makes always a finding subject to the approval of the court.

Let me read to the Senate some things which will show what this clause means there in article 3. Article 3 is taken substantially from a clause in The Hague convention. I will have to read two articles from The Hague convention together, although one is numbered 9 and the other 35. They relate to the same subjects and the same international commission of inquiry. In The Hague convention there is found this language:

ARTICLE 9.

In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the contracting powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

Then it says:

ARTICLE 35.

The report of the commission is limited to a statement of facts, and has in no way the character of an award. It leaves to the parties entire freedom as to the effect to be given to the statement.

When the framers of this treaty came to frame this particular article 3, which we recognize is taken from that part of The Hague treaty, they left out certain words and put in others, and there would have been no other purpose in doing so but to change the meaning of those words in the convention. In The Hague convention it is left to the decision of the parties—that is, to the nations interested—after this board or commission has made its recommendation. But now let me read article 3, which Senators will recognize from its resemblance is taken from The Hague convention:

ARTICLE 3.

The joint high commission of inquiry, instituted in each case as provided for in article 2—

I will not read article 2; it follows specifically the provisions in The Hague convention—

is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

Now, that far it is an exact copy, almost, except in variation of language, of that Hague treaty provision. But it did not stop there. It goes on, and here comes the objectionable clause:

It is further agreed, however—

What does "however" mean there but "nevertheless"?

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

Except to give this outside commission a power that it would not have under the terms of The Hague convention, there could have been no possible purpose in adding that clause and in changing the provisions of The Hague convention. If there was no purpose to give it any other power, the treaty before us would have stopped before it reached that third clause. It would not have said "nevertheless" or "however," which is the same thing. Although the decision of the commission shall not have the effect of an award, still if there is a difference between the parties it shall be referred to the commission, and if they decide it a certain way, then that decision shall be final and the case shall go to arbitration. I see no possible escape from that.

Mr. McLEAN. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON. Yes; with pleasure.

Mr. McLEAN. What is the fundamental objection to the use of language in the resolution of ratification which a Senator of ordinary intelligence, like myself, may understand? It seems to me that this treaty comes from its very first test from the Committee on Foreign Relations with three, and perhaps four, separate and distinct interpretations. I may agree with the Senator from Massachusetts [Mr. Lodge]; others agree with the Senator from Georgia [Mr. Bacon]; and others agree with the Senator from New York [Mr. Root]. We may all be wrong; we can not very well all be right. What sort of a specific are we sending out to the world as a preventive of international troubles, when our own experts, our own chemists, can not tell us whether the prescription is composed of guncotton or asbestos?

Mr. BACON. Mr. President, I want to get through just as soon as I can, because I have been on the floor longer than I expected and longer than I would have been but for the interruptions, which, of course, I welcome and am glad to have. I will endeavor to call attention briefly to an amendment which I think ought to be made. I want to call attention to one or two other matters before I close.

One very particular contention has been made and that is that even if the decision of the commission is final and is to decide whether a question is or is not justiciable and must be given to arbitration by the Senate, that nevertheless would not be a delegation of the power of the Senate. In support of that we are cited to the legislation in the Interstate Commerce Commission act, by which a rule is laid down and certain parties are empowered to determine when that rule calls for certain action, such as seeing that railroad rates are reasonable, and so forth.

I want to reply to that. There are several replies to it. In the first place, Mr. President, the rule with reference to legislation can not properly be applied to a rule with reference to the Senate so far as they are exercising the treaty-making power. The Senate is in the performance of a peculiar function. It is not the performance of a function in which simply the majority of the Senate is authorized to act, but it requires two-thirds. I could pursue that argument further, but I will not on account of the lack of time. There is a great difference between the making of a treaty and the making of a statute law, which I am sure Senators will recognize without my consuming too much time in its elaboration or discussion. The cases such as the interstate-commerce law are not analogous to the proposed delegation of power proposed here. In the first place, in every case of that kind where Congress passes a law and prescribes a rule and then appoints a person who is to determine when the law shall go into effect, because that is what it amounts to practically, it prescribes some one who is an officer of the Government. It is an impossibility to conceive of a case where the Government would pass a law and prescribe a rule by which it should determine whether the law should go into effect and authorize a private citizen or a foreigner or anyone else who was not an officer of the Government to put that law into operation. That of itself is sufficient and fatal to the suggestion to my mind. But that is not all.

What do we do when we take the case of the Interstate Commerce Commission? What do we do when we say the Interstate Commerce Commission shall make regulations which are reasonable and just, and prescribing other tests? We prescribe a rule as to what others shall do. We prescribe a rule and appoint others to do it who are under our control. We prescribe a rule that we can at any time withdraw. We prescribe a rule which we can oversee and change. We prescribe a rule which we can at any time nullify. In other words, we are prescribing a rule which must be obeyed by the party to whom the authority is given.

What do we do in this case? We are prescribing a rule by which a commission shall say to us what we shall do. We are

not prescribing a rule by which outside parties shall carry out a law under our direction, but we prescribe a rule and give the outside commission the authority to say to us what we shall do. Is that a similar case? By no means. It is as if in the performing the constitutional function of legislation we should create an outside legislative commission, composed in part or possibly in whole of foreigners, with power to finally determine for Congress whether any proposed legislation is reasonable and just, with a provision that when this commission decided that any proposed legislation is reasonable and just, then Congress should enact it as law, even though Congress did not approve it. That would not only be manifestly unconstitutional, but utterly absurd.

That is not all, Mr. President. If Senators would pursue their argument to its legitimate conclusion they would have to say that Congress could simply pass a law appointing a commission which should make all laws which are necessary and reasonable and just for the Government of the United States, and thereupon for Congress to adjourn. If that rule is a legitimate rule, if we can say in the exercise of the high power of making treaties that other parties shall without limitation determine when we shall make a treaty, we have an equal right in legislation to appoint a commission and say that that commission shall determine what laws shall be made, provided they are reasonable and just.

The Constitution says that an act of Congress shall be the supreme law of the land. It says again that a treaty shall also be the supreme law of the land. One is as high and authoritative as the other, and the constitutional requirements as to how the one shall be enacted is no more explicit and imperative in the case of passing law by Congress than it is in the case of making treaties by the President and the Senate.

They have a commission of that kind in Mexico. They have a legislative commission that, in the time of a vacation of the Congress, absolutely passes laws and they are decreed by the President as the legislative laws of the country. In the passage of such a law as the interstate-commerce law it is a question not indefinite and unlimited in its powers. The power is not an unlimited one in its application. Such a law is only passed where it is necessary, where in the nature of things the end can be accomplished in no other way. It is only justified under those circumstances, and it is limited strictly to that.

Now, for an illustration. It is impossible for Congress to prescribe all the rules which shall regulate railroads. It is impossible for Congress to prescribe the rules which shall insure rates which shall be reasonable and just and which shall maintain competition. It is practically impossible. Congress is compelled to adopt such measures and such agencies as will enable it to accomplish that very necessary purpose and design.

Therefore, it is that a commission, such as the Interstate Commerce Commission, is appointed, and it is limited in its powers and duties to those things which in the nature of things it is impossible for Congress itself to do. It is impossible for Congress to make in detail these regulations, and it therefore prescribes a rule for the regulations and appoints a commission to carry it out.

If it be true that in the making of a treaty we can prescribe a rule by which an outside commission will determine when a treaty shall be made, then also when we come to give our advice and consent to the appointment of an officer of the United States, we could with equal right appoint an outside commission which shall have power when the President of the United States sends to the Senate the nomination of a person for an office, to say that the nominee shall be confirmed because he is a fit and proper person for the office, and to make that decision by the commission binding upon the Senate.

There is no stronger obligation upon the Senate to exercise every particle of the function of advising and consenting in the confirmation of an officer nominated for office than there is in the function of the Senate in advising and consenting as to every part of a treaty whether it shall or shall not be assented to.

Mr. President, I could elaborate that and give further illustrations, but I have gone so far that I feel I must upon this presentation leave these things for the consideration of Senators in the suggestions which will come to them without further elaborations from me.

But I want to read an authority on the subject of the reason on which such legislation as the interstate-commerce law is based and justified.

I am not basing that upon my individual opinion. That question has been before the Supreme Court. I ask the attention of Senators to the rule of the Supreme Court on that subject. It lays down the rule and gives the reason. It is not an unlimited power on the part of Congress to prescribe a rule and have

somebody else make the law. It is limited to cases of necessity. It is limited to cases where there is no other practical way to accomplish a result that it is important and necessary to accomplish in that particular.

I read from the case of *Buttfield v. Stranahan*, One hundred and ninety-second United States Reports, a report which was given to me by the Senator from Arkansas [Mr. CLARKE]. I take some gratification in the fact that I had suggested to him that on general principles that was necessarily the rule, and he said to me that there had been a decision of the Supreme Court to that effect, and he sent for a copy of the volume containing it, and here it is. In discussing this question of the delegation of power, what is a delegation and what is not a delegation of legislative power, the court says:

We may say of the legislation in this case, as was said of the legislation considered in *Field v. Clark*, that it does not, in any real sense, invest administrative officials with the power of legislation. Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by a statute.

That is the only ground upon which it can be rested. Does anybody contend for a moment that there is any possible inability on the part of the Senate to itself deal with the question whether or not they will, in an important case, submit a matter to arbitration or whether a demand for arbitration falls within a treaty already made? None whatever.

Now, Mr. President, one word as to these amendments. I had promised the Senator from Connecticut that I would say what I thought was a proper amendment in this case. To my mind the proper thing to do is to strike out clause 3 of article 3. Do that, and I presume the Senate will be almost unanimous in the adoption of these treaties.

I want to say that in giving my vote for this with that stricken out, which I will do, I would do it not because I think these treaties are essential or that they are important or that they advance the cause of peace or the opportunity for arbitration. We have now The Hague convention, which has been entered into by 45 governments of the earth. We have in that Hague convention the most elaborate provisions for arbitration. This proposed treaty, so far as its practical operation is concerned, depends almost entirely upon The Hague convention, just as the Root treaties did.

I hold in my hand here 25 treaties made by the Senator from New York [Mr. ROOR] when he was Secretary of State, in which there is a solemn covenant on the part of the United States with each one of these 25 nations—all the leading nations of the world, excepting Germany, and many of the minor nations. In all of these arbitration treaties there is a pledge to refer to arbitration all international differences, such as we are at all likely ever to submit to arbitration, and that we will use the National Court of Arbitration at The Hague for the purposes of such international arbitration.

Mr. President, I am going to read one of those treaties. They are all alike and in the same language. I think they are far superior to the treaty that is before us. I am going to read it just to show you the conciseness and clearness and sufficiency of those treaties. I think it is greatly to the honor of the Senator from New York that when he was Secretary of State he negotiated more treaties of general arbitration than all the other treaties of general arbitration put together since the foundation of the Government. They are all in identical language, and there are 25 of them. Now, without the preliminary part, I will read the article:

ARTICLE 1. Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

Then article 2:

ART. 2. In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Sweden by the King in such forms and conditions as he may find requisite or appropriate.

ART. 3. The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by His Majesty the King of Sweden. The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of its ratifications.

ART. 4. The present convention is concluded for a period of five years, dating from the day of the exchange of its ratifications. Done in duplicate at the city of Washington, in the English and French languages, this 2d day of May, 1908.

ELIHU ROOT.
W. A. F. EKENGREN.

The same treaty was made with Great Britain and with France, and, as I said, with 25 nations.

Mr. President, we have had all over this country the agitation for the ratification of these treaties and an insistence upon it. There has been a great going up and down the land of orators, some of them paid for the purpose, and others, I have no doubt, going from patriotic motives. They have practically claimed that in case these treaties were not adopted there could be no arbitration of any differences between this Government and any other government, whereas we have now, as I say, these 25 treaties and this Hague convention, the latter signed not only by 25 but by 45 nations of the earth.

Returning to the questions of amendments, my opinion is that the amendment which we ought to adopt is to strike out clause 3. If clause 3 is not stricken out, then we ought to adopt in the ratifying resolution a provision which shall put beyond the shadow of a doubt the fact that clause 3 does not put it within the power of this outside commission to dictate to this Senate when it shall arbitrate a question, but that that high function, imposed upon this Senate by the Constitution of the United States, shall be performed by the Senate under the constitutional oath of each Senator.

I do not think that the amendment offered by the Senator from Massachusetts [Mr. LODGE] is sufficient, for the reason that the amendment of the Senator from Massachusetts simply affirms that which Senators favoring this third clause now say the treaty means, and there will be practically the same uncertainty as to the proper construction of this clause. I desire in case the amendment reported by the Committee on Foreign Relations striking out clause 3 of article 3 is not adopted to offer as an amendment to the resolution of ratification proposed by the Senator from Massachusetts, the language which I shall presently read. If the Senate refuses to strike out the third clause, which I very much hope it will not refuse to do, because that is the only proper and consistent thing to do—

Mr. OVERMAN. Is not that recommended by the committee?

Mr. BACON. It is recommended by the Committee on Foreign Relations to strike out the third clause for the reasons which I have endeavored to state. If the third clause is not stricken out, then I desire that we shall adopt a resolution of ratification which shall nullify that clause absolutely and beyond the possibility of construction. Therefore I shall propose what I shall now read as an amendment to the resolution of ratification of the Senator from Massachusetts.

What we ought to do is to strike out the third clause. It is not to the credit, I think, of the Senate of the United States to leave a clause in the treaty and then in the ratification resolution simply correct that error by nullifying it. The plain course is to do as we did in the Hay-Durand treaty. When there came in a proposition that the President of the United States should have the right to make agreements of arbitration without any intervention of the Senate, the Senate simply did not in an amendment nullify that provision in the ratifying clause, but by an amendment it struck out the word "agreement" and put in "treaty," so as to make the body of the treaty express what it ought to say.

The amendment which I shall offer to the resolution of ratification offered by the Senator from Massachusetts is as follows:

Resolved further, That the Senate advises and consents to the ratification of the said treaty, with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

Mr. President, many Senators, if not all of them, in discussing this question have earnestly pressed the importance of arbitration, have inveighed against war, and have eulogized everything looking to peace as though that were the question here. We are, all of us, in favor of peace; I think I am as much so as any other man here; I believe that every other Senator as well as myself who demands that our constitutional guaranties and our constitutional obligations shall be maintained and performed is in favor of peace.

Mr. President, there is no man so much in favor of peace as the man who has had a practical experience of the horrors of war. I recollect some years ago when the question was before the Senate as to the prosecution of the war in the Philippines, that when I was trying to bring about a condition which would insure peace in those islands and which would stop the desolation and the ruin and the death I said this, which I now repeat, that I wished it were possible that all men, especially

all men who could exercise any influence upon the question of peace or of war, could see one battle field on the day after the battle. We read about battles and we think only of the heroism, the glory, the strife, and the victory. But, Mr. President, when the battle is over and a man passes across the field and sees the dead and the dying, the human agony and misery! O sir, the horror, the woe, the pity of it! If all men could see one battle field, not while blood is high and the struggle fierce, but after the noise is gone, when the strife is over, when the roar of guns has ceased and the shouts of the hosts have died away, when there is only the sad picture of the men who are dead on the field and the sadder picture of the men who are torn and mangled and bleeding, that would do more than all the arbitrations that could be put upon paper to stop war.

Mr. President, I have looked upon such a scene, and I am in favor of peace; I am opposed to war; I am in favor of arbitration to prevent war, which I abhor; but because I am in favor of that is no reason why I should stand here and be willing that the institutions of this country shall be imperiled or that the fundamental law of this land shall be violated.

In so far as I have any power to decide as a lawyer, in my judgment to accept these treaties with this third clause in them would be a violation of our constitutional obligations as Senators. Of course, I recognize that a Senator who thinks otherwise does not violate his obligation; but to my mind it is a violation of the Constitution; it is destructive of the great scheme that the States devised when in the formation of the Union each State gave up the power which it then had to make treaties with foreign nations and to control all of its relations with other governments. When they gave up that great power they were not willing that the power should be exercised by the Congress of the United States, because by reason of unequal power in the House of Representatives, some States would in such case have greater power and influence in the making of treaties than would other States; they were not willing that it should be exercised by the President alone, but required the advice and consent of the Senate, where the States are equal in representation; they were not willing, even when the power was committed to the Senate, that a majority of the Senate should determine what treaty should be entered into which would affect the interests of any one of these States, but they said that even if a majority of Senators be in favor of it, before you can make a treaty which shall affect the State of New York, or the State of Massachusetts, or the State of Georgia, before you can make a treaty which will affect either one of the States, not simply a majority of the Senate, not simply a majority of the representatives of the States in the Senate, but two-thirds of the Senate must concur in agreeing to such a treaty. Mr. President, it is a travesty—worse than a travesty—to talk about such a great scheme being set aside and that great power taken away from the Senate and committed to an outside commission, which shall in some cases be composed of citizens of the United States in part, but which in other cases may be composed of parties who are entirely foreign to our land and inimical to our institutions.

Mr. SMITH of Michigan. Mr. President, I am more anxious that a vote shall be taken, if possible, to-night than I am to discuss further the treaties now pending. At various times during the debate I have felt a strong inclination to relieve my mind somewhat regarding their wisdom and effectiveness of purpose. I reecho the statement of the Senator from Georgia [Mr. BACON], of the Senator from Massachusetts [Mr. LODGE], and of other Senators who have spoken, when I say I am as much in favor of peace as any other Senator or any other citizen of the Republic; but I am forced to believe, after a careful examination of these treaties, that there is more trouble for our country, more vexation, more annoyance, and more misunderstanding in them than there is good to come out of them.

The State Department's foreign policy has been a matter of evolution. When Mr. Cleveland was President Mr. Olney submitted to the Senate a treaty with Lord Pauncefoot for England that described the differences that were to be settled by arbitration, but they carefully reserved all territorial questions from the operation of that treaty, and even when that treaty came before the Senate, so masterful a mind, so conscientious a statesman, and so trained and thorough a diplomat as the then distinguished Senator from Massachusetts, Mr. Hoar, thought the reservations were not sufficient to protect the United States from European influence, and, with marvelous sagacity, suggested that the treaty ought to be amended, and he offered an amendment:

That no difference shall be submitted under this treaty which in the judgment of either power materially affects its honor, the integrity of its territory, or its foreign or domestic policy.

What happened to that amendment to a general treaty of arbitration brought here through the instrumentality of Mr. Olney and the ambassador from Great Britain? It received 54 votes in this Chamber, and only 13 were recorded against it. Many of the ablest men then in the Senate voted for that limitation. That was the sense of this body, the wise and deliberate judgment of the Senate.

Later, when the distinguished Senator from New York [Mr. ROOR], as Secretary of State, entered into an agreement for this Government with Great Britain having for its purpose a similar achievement to the one sought to be attained by Mr. Olney, he was guided by the wise admonition of this body and took out of the questions that might be submitted to arbitration questions of "vital interests, the independence, or the honor of the two contracting States," and the interests of third parties.

That was a carefully drawn treaty, but the treaty we are now considering goes far beyond anything ever attempted in this Chamber before. It might well be denominated as the dragnet achievement of modern diplomacy. It looks like a studied effort to eliminate the Senate altogether, and in that they have been singularly in harmony with the suggestion made by a distinguished English diplomat, who had something to do with the perfection and formation of the treaty we are now considering, who seems to regard the Senate as meddling, although we are the only voice the States have in foreign affairs.

There will not be a controversy in the future that concerns the welfare of the State I represent in this body, especially its relations to Canada, that may not be determined by this joint high commission without my advice or consent—not one. The waterway treaty, about which we had something of a struggle in this Chamber a few years ago, and which was finally amended, through my insistence, to the satisfaction of my State, may again be overhauled by this international joint high commission.

The fisheries treaty with Canada, which some of us delayed and defeated because of its unfairness to our States, may again be the subject of inquiry by this international joint high tribunal; in fact, I am not altogether sure but that the diversion of water from Lake Michigan to the Chicago Drainage Canal may not be the subject of inquiry by this joint high commission, over which we shall have no control. Canada is exercised considerably over that proposition at this moment, and England has very cautiously and wisely reserved to Canada something of a veto on the questions that will be submitted to arbitration under this treaty affecting her welfare, while the representatives of the States and our rights as Senators are to be turned over to strangers, unfamiliar with our institutions and without knowledge of our geographical relationship to the English possessions in this hemisphere.

Mr. President, we have no European possessions calling for our solicitude; we are not going across the sea to assert or maintain our rights; our rights are here on this continent, in this hemisphere; but England has rights here. She has an empire here larger than our own. Is it possible that as the years go by and she attains greater strength, the controversies, territorial and political in character, which will arise between us shall always be the subject of international inquisition before a tribunal constituted of strangers? I hope not. Such an alien supervision would breed distrust and nourish rancor.

I make the bold statement that if we ratify these treaties in the form in which they came to the Senate, there is not a single Senator on this floor who can tell what he has agreed to arbitrate with Great Britain or France—not one. Questions of immigration are left open; the Monroe doctrine is left open, so far as any word from England has been spoken; and it vitally concerns possessions of Great Britain in this hemisphere, for her right to protect herself here is an inherent and natural right of her sovereignty, and the Monroe doctrine will not always serve her purpose. There is not a single question of vital interest to us or of national honor that may not be passed upon by this tribunal on the petition of King George alone. Will Great Britain ever set up a claim against the United States which this country could not under any circumstances entertain, and then demand under this treaty that we leave the issue to third parties? I should like some advocate of these treaties to answer. Is England ever going to ask the Government of the United States to arbitrate a question in the future which the Senate would be unwilling to arbitrate? If not, what is the necessity of this treaty? And if so, should we tie our hands in advance and abandon our functions; no longer retaining either the initiative or the relationship to the treaty-making power which the Constitution imposes upon us?

Mr. President, the hour is late, and I know that Senators are tired and weary, but I want to call their attention to the fact

that the treaty we are now considering establishes the means whereby all controversies shall be settled by arbitration; and "all controversies" include every disagreement between the two countries. The means have been determined, we have given our consent, and we are powerless to withdraw. If we withdraw from any agreement or refuse to give it effect, we violate the treaty, because by its terms we have pledged ourselves to every detail therein prescribed. It is not so with The Hague convention. The Hague convention limited the powers of the commission and defined its limitations. A commission appointed to make inquiry under The Hague convention did not even have the power to change its place of sitting; while this treaty, if it is ratified, gives to this mixed tribunal, the joint high commission, the power not only to move the Senate and the Executive, but the entire Government of the United States, on the mere petition of a King of England, a power that never could be exercised by that monarchy through the influences of her bayonets or her battleships.

I have never seen a more reckless attempt to disregard the constitutional power of the Senate than is proposed in this treaty, and there is a purpose in it. We have annoyed English diplomats before and will probably do it again if occasion arises. There is a plain purpose to subvert the powers of the Senate where the States only are represented to the madness of anglomania. In the near future there will be 50,000,000 people in Canada. We are her neighbors; the State of Michigan lies right along the Canadian border; the controversies of England in this hemisphere will be over the rights of that Dominion. Is it possible that the State I represent and the States represented by other Senators on the border will be in better position to obtain exact justice when we pass the settlement of our controversies over to strangers who know nothing about our relations to one another?

The fisheries treaty made by David Starr Jordan, of California, is not a good example of his solicitude, I hope. He allowed Canada to exempt from the operation of the treaty the Georgian Bay, an arm of Lake Huron, while he put under the operation of the international convention Saginaw Bay, another arm of Lake Huron, greatly to the detriment of the fishermen of my State. If we had not made the fight in this Chamber, our fishermen would have fallen unjustly under the jurisdiction of aliens, while their rivals in the Georgian Bay were continued under the immediate control of their brothers in Canada.

Several Senators have said that we will have a voice in the selection of commissioners. We were not accorded this honor when this treaty came from the State Department. There was no suggestion in it that the Senate should even have the right of confirmation, as I recollect.

Mr. BACON. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. Certainly.

Mr. BACON. Mr. President, if the Senator will permit me, I will make a suggestion there. Even in case we incorporate into this treaty, either by amendment or by reciting in the clause of ratification a provision for the confirmation by the Senate of the Americans who would be on that commission, that would not reach the case where the commission is organized in some other way, as this treaty says it may be, even to the extent of having foreigners, who could not be confirmed by the Senate, appointed on it.

Mr. SMITH of Michigan. The Senator is entirely right. We would have nothing to say about the commission. If the executives of both countries desired to agree upon the King of Belgium to make a finding, they could do so. We have no power over it at all.

Mr. GALLINGER. It is not probable that that ever would be done.

Mr. SMITH of Michigan. It is entirely within the range of the possibilities. Great American questions have often been submitted by agreement to European sovereigns; not by wholesale, however, as this treaty provides, but only by specific agreement.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. SMITH of Michigan. Certainly.

Mr. LODGE. Reference to a single arbitrator is one of the commonest forms of settling controversies. The question in connection with the Strait of Juan de Fuca, up in the Northwest, was referred to the Emperor of Germany under the Alabama treaty, and the award was in our favor. The question of the slaves carried off after the War of 1812 was referred to the

Emperor of Russia, and the award was in our favor. The question of the northwestern boundary was referred to the King of the Netherlands, and we held that he had simply expressed an opinion but had not decided the case, and his report was protested. I mention these three cases that happen to occur to my mind to show that nothing is commoner than to agree on the head of some other nation—a president or a king, as the case may be—and refer such questions to him as a disinterested umpire.

Mr. SMITH of Michigan. Now, let me ask the Senator—

Mr. BACON. The Senator will pardon me for a minute. The very latest arbitration we have had was with Chile, which—

Mr. LODGE. Certainly; which was referred to the King of England, and he decided it.

Mr. SMITH of Michigan. Now, let me ask the Senator from Massachusetts, before he takes his seat, if it is not entirely possible under this treaty for the executives of two countries to constitute a sovereign of a foreign State as a joint high commissioner?

Mr. LODGE. The language is as broad as possible. The high commission of inquiry may be made up in any way that the Governments of the two countries please.

Mr. ROOT. May I ask a question?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. SMITH of Michigan. Certainly.

Mr. ROOT. I should like to ask the Senator from Michigan his idea as to the duty of the Senate in case the joint high commission is made up of one foreign sovereign and all but one of the commission decide that the question is arbitrable.

Mr. SMITH of Michigan. The Senate has already bound itself; it has agreed on the method for selecting the joint commission. We have nothing more to say about the means. The means by which arbitration is attained are specified in the engagement. We have agreed upon them and have put that question away from us, and we have no right to say how the commission shall be constituted.

Mr. BACON. I suggest to the Senator from New York that if there is a single commissioner and he should find a certain way it would be a unanimous decision.

Mr. SMITH of Michigan. That is the language of the treaty.

Mr. ROOT. Is it not clear that the provisions regarding the determination by all, or all but one, of the members of the commission are applicable only to the case of a commission made up in the normal way, which is described in article 2 of the treaty, and that the last clause of article 3, therefore, is applicable only to a commission made up in that way?

Mr. LODGE. Will the Senator read the clause about the creation of the commission—the original clause which authorizes it?

Mr. ROOT. The original clause.

Mr. BACON. It will be found at the top of the page.

Mr. ROOT. It reads:

The high contracting parties further agree to institute as occasion arises and as hereinafter provided a joint high commission of inquiry.

That is article 2. The second paragraph of article 2 is as follows:

Whenever a question or matter of difference is referred to the joint high commission of inquiry, as herein provided, each of the high contracting parties shall designate three of its nationals to act as members of the commission of inquiry for the purposes of such reference; or the commission may be otherwise constituted in any particular case by the terms of reference.

Mr. LODGE. That is absolutely unlimited.

Mr. ROOT. My view is that the final clause of article 3 applies only to a commission made up in the way described in article 2, and that no conclusion by any commission otherwise constituted under the concluding clause of article 3 would have any binding force or effect whatever.

Mr. SMITH of Michigan. To illustrate the clearness of the situation confronting us in this matter it is only necessary to say that the distinguished Senator from New York, whose judgment and opinion everybody values, and the distinguished Senator from Massachusetts, whose judgment and opinion are equally valuable, disagree about it. Now, if these great Senators disagree about it, is it not likely that countries which are already out of accord may also fail to take the American view of the manner of appointing commissioners?

Mr. LODGE. Will the Senator from Michigan allow me?

Mr. SMITH of Michigan. Certainly.

Mr. LODGE. I do not think any disagreement is possible about the first provision, that the commission may be made up in any way that the high contracting parties deem best. I think the intention of the third clause of article 3 is as pointed out by the Senator from New York, but I do not see that it binds the high contracting parties in the least.

Mr. SMITH of Michigan. To say the least, we have provided the means for settling these disputes. Now, having provided the means, we have nothing further to say about it. We have abdicated; we have given up our power.

As a part of the means of settling the difference we have agreed that the question shall be submitted to the joint high commission, and the word "means" is emphasized in this treaty both in the preamble and in the message of the President twice. So we would have nothing whatever to say about the composition of this commission.

It is said that we will still have the power to confirm the American commission, and if they are not of our way of thinking they will not be confirmed. This would not be good faith, and in honor we should scorn such an unfair advantage if peace and respect for one another are to be maintained. The way to avoid misunderstandings is to cut this third clause out of the treaty now, because it will be the most fruitful source of disagreement in the future.

There is no question at all about what it means. It is an invitation to Great Britain to hunt up every controversy that has been denied a standing at our State Department and press it now, when a hearing can not be denied, and before a mixed tribunal.

The favored-nation clause of our treaties of commerce and amity may be made the subject of international inquiry under this arrangement. We gave a preferential to Cuba on her sugar, and since we did it under the ban of the Brussels convention I do not believe there has been a ton of sugar shipped into any country that is a party to the Brussels convention. If that concession is harmful to England or France either may invoke a joint high commission under this treaty to inquire into it. Is there any Senator on this floor who can deny that?

Article 1 says "all differences." As I said a little while ago to the Senator from Georgia, if England, through her Bahama Islands, is unfavorably affected because of a condition of affairs existing in Cuba, she may invoke instantly, under this treaty, a joint high commission to sit upon the case, and we are not to be consulted about it. We have already agreed to it as a means of peace. She may invoke a joint high commission instantly to inquire into the Government of Cuba and its relations to the Caribbean Sea. Her inquiry into the Government of Cuba may lead her to believe that our policy there affects her own possessions unfairly, and a controversy that is now beyond her reach may become acute in this hemisphere as a result of our action to-day.

Although we have spent hundreds of millions of dollars to give Cuba her freedom, and our soldiers have fought her battles, and our country has guaranteed her independence, yet if this is to be the means of settling all future differences between England and France and the United States, our claims may well become the subject of international inquiry by the initiative of either power.

We have agreed that as a means of protecting the two countries from misunderstandings this method of arbitration shall be engaged in. I do not think there is a controversy affecting any State or on the border with Canada, or a controversy affecting the United States and Canada, or the question of our proposed levy of tolls on the Isthmian Canal, or any question of immigration that affects England or any of her possessions in this hemisphere that is beyond the reach of this joint high commission, which is to be superimposed upon our Government by our consent, to determine for the Senate and for the country what questions are to be arbitrable and what questions are not.

There never has been such an engagement between the United States of America and any other power in our history, and there ought not to be one now. It will not lead to peace. It will lead to misunderstanding and reprisals and possibly war. The treaty does not say specifically what shall be submitted, but says "all differences" shall be submitted. That is a dragnet of tremendous proportions, and extends from pole to pole and ocean to ocean, and will involve our diplomacy in difficulty from the start.

So, Mr. President, I can not see any good reason why we should create this new intermediate court to decide for the Senate and the Executive what is arbitrable and what is not arbitrable between England and the United States. When England's Monarch signed the treaty he consulted his own sweet will, and with a glittering coronet upon his brow exercised his sovereign authority. But under our form of Government the President of the United States must consult the Senate, and the controversy is here.

Are we going to abdicate and give up our power to determine what is arbitrable or justiciable between England and our own country or are we going to maintain our historic authority to pass upon each question of difference as it arises intelligently

and patriotically? So far as I am concerned, I will never vote to give up the power conferred upon us by the States of the Union. It is the only voice the States have directly in such matters. Any Senator who can smear his conscience with a peace motive for thus giving away a solemn constitutional right has my profound sympathy.

Mr. President, I had intended to go more thoroughly into our foreign policy. I had intended to take up the history of the treaties, now the supreme law of the land, and show the care with which they were entered into. The conduct of the Senate has been most praiseworthy in every one, amending here and there and construing by resolution as they thought wise. They have shown a solicitude for the magnitude of the interests involved that, I fear, is not fully appreciated by the country. But the very illuminating speech of the Senator from Massachusetts [Mr. LODGE] left every other member of the committee with less responsibility than he otherwise would have felt, while the thorough and candid and able discussion by the Senator from Georgia [Mr. BACON] to-day has made my duty a very easy one.

I am unwilling to fetter the Senate or the Executive by conferring any such power as we are asked to bestow upon this new tribunal; and I would consider myself unworthy to stand in this place or to hold a commission from my State if I consented to the enactment of such a law as this. Every question that should be arbitrated can be arbitrated under the Root-Bryce treaty and under The Hague convention now. Why we should circumscribe further the constitutional power of the Senate I am at a loss to understand.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. SMITH of Michigan. Certainly.

Mr. CUMMINS. I desire to ask the Senator a question, and it is purely for information. I have not been in the Senate for the last three days, and therefore have not had the opportunity of hearing the discussion of the Senator from Massachusetts, and I have heard only a part of the discussion of the Senator from Georgia.

I agree entirely with the interpretation which the Senator from Georgia [Mr. BACON], and before him the Senator from Maryland [Mr. RAYNER], put upon the third paragraph of article 3. With respect to its constitutionality I express no opinion at this moment. But what I want to learn from the Senator from Michigan, who is the first member of the committee I have had an opportunity to inquire of, is this: The Senator from Michigan thinks it is very unwise that the Senate shall surrender the right to say whether a given controversy or difference is or is not justiciable. I understand both the Senator from Michigan and the Senator from Georgia to believe that it is not only unwise, but unconstitutional as well.

In the first article of the treaty we agree in advance and before the controversies have arisen to submit to arbitration every difference of a justiciable character. Now, I want to ask the Senator from Michigan this question: Suppose that in the time to come a controversy should arise between the United States and Great Britain that was plainly justiciable; the Senator from Michigan would say to his conscience it was justiciable, and that it was not included in any of the exceptions that are intended to be engrafted upon the treaty. Would the Senator from Michigan feel at liberty to decline to submit the controversy to arbitration if he believed, at that time and under all the circumstances surrounding, that the difference was one which ought not to be arbitrated?

Mr. SMITH of Michigan. If I thought that the question ought not to be arbitrated I would dismiss the question of its justiciability without a moment's consideration.

Mr. CUMMINS. Then, if that be true, if I correctly apprehend the answer of the Senator from Michigan—and I thought I understood his position through the whole course of his argument—his argument is against any treaty which agrees to submit to arbitration controversies that have yet to arise.

Mr. SMITH of Michigan. No; controversies that are of vital interest or concern our national honor or our own welfare.

Mr. CUMMINS. Precisely. But I have said—and the Senator from Michigan must bear that in mind—that the assumed controversy that I have before me is one that is justiciable; and there are many that are justiciable and which do not concern our own honor or our integrity or our independence. Now, suppose that such a controversy were to arise. The Senator from Michigan, when he votes for this treaty with the third paragraph of the third article stricken out, has agreed that the Government will submit such a difference of opinion or controversy to arbitration, and the Senator would not in honor be allowed to determine for himself at that time whether or not

the controversy was one which should be arbitrated; I mean under the circumstances surrounding us at that time.

The Senate will have agreed, if it ratifies this treaty, that it will submit to arbitration every justiciable controversy, if it be not included within these exceptions. Now, if that be true, has not the Senate surrendered, in making the treaty itself—I care not in what form it is phrased—its right to determine at the time and under the circumstances which then prevail whether arbitration should take place or not; and if it is unconstitutional and impolitic to surrender this power under the third paragraph of the third article, is it not equally unconstitutional and impolitic to surrender the latter power which I have mentioned, and which, of course, leads inevitably to the conclusion that we ought not to enter into any treaty agreeing to arbitrate questions that have not yet arisen?

Mr. SMITH of Michigan. I want to give the Senator from Iowa an illustration of what I meant by my answer. Under the Webster-Ashburton treaty the boundary line between Canada and the United States has been fixed and acquiesced in for over 70 years. Under this treaty our denial of a claim for a division of water or of territory might be a justiciable claim. Now, have I done my duty to my State by passing that controversy up to an international tribunal to determine whether or not the subject of the claim should be arbitrated or not?

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. SMITH of Michigan. With pleasure.

Mr. WILLIAMS. Does the Senator from Michigan contend that the only limitation in this treaty is justiciableness? Is there not also in the same clause a further limitation that it must be a question hereafter arising and that it must be an international one? Does not the Senator think he is using as an illustration a question that has been settled too long—

Mr. SMITH of Michigan. No.

Mr. WILLIAMS. To hereafter give rise to differences?

Mr. SMITH of Michigan. It is a live question to-day. The boundary between Canada and the United States is to-day being re-marked under the direction of Congress.

Mr. WILLIAMS. I understand that.

Mr. SMITH of Michigan. The question is as live to-day as it ever was.

Mr. WILLIAMS. I understand that.

Mr. SMITH of Michigan. And so long as that treaty lasts, whether it has lasted for 50 years or is to last for 50 years more, every controversy growing out of it would be the subject of international arbitration under this agreement.

Mr. WILLIAMS. Any controversy growing out of it that did not involve matters decided by the treaty itself.

Mr. SMITH of Michigan. No.

Mr. WILLIAMS. Of course, matters of detail, as to where the surveyor's line is to run may arise—

Mr. SMITH of Michigan. The Senator from Mississippi is mistaken. This treaty does not confine us to differences that may hereafter arise out of treaties to be hereafter made.

Mr. WILLIAMS. Oh, no; but to questions that may hereafter arise.

Mr. SMITH of Michigan. But which may grow out of treaties now existing, and it gives an invitation to Great Britain to revive questions which may be passed upon by this international tribunal that have been dead for 50 years.

Mr. WILLIAMS. I think not.

Mr. SMITH of Michigan. I think it does.

Mr. WILLIAMS. The Senator has just said on questions that would hereafter arise. If the question would hereafter arise, then that is an answer to the proposition that it has been dead for 50 years.

Mr. SMITH of Michigan. The Senator knows better than that. The Senator knows that the construction of the treaty now existing between Great Britain and the United States may be reviewed to-morrow after we pass this treaty, and if it is reviewed to-morrow and one party to the treaty finds that they are out of accord with the other upon any question involved, it may be taken before the joint high commission which we have created as a means of avoiding disputes.

Mr. WILLIAMS. I understand that; provided it be a question newly arising under the treaty.

Mr. SMITH of Michigan. That is what I said.

Mr. LODGE and Mr. CUMMINS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield, and to whom?

Mr. SMITH of Michigan. I yield to the Senator from Massachusetts, who has been on his feet for several minutes.

Mr. LODGE. I rose only in connection with what the Senator from Mississippi said. A question may arise under an old treaty that has been acquiesced in for half a century.

Mr. WILLIAMS. There is no dispute on that point.

Mr. LODGE. A question might arise under the Webster-Ashburton treaty or under the treaty of 1844, which settled the northwestern boundary, or under any treaty, no matter how long it existed. Only a short time ago we went into arbitration with Great Britain on the Alaskan boundary question under a treaty of 1824, which had been acquiesced in for more than half a century. The claims were comparatively modern on the Canadian side. We had to take it to London and settle it, and it was settled by a tribunal there. The fact that a treaty is an old treaty and has been long acquiesced in does not prevent questions being raised if people want to raise them, as Canada raised a question on the Alaskan boundary.

Mr. WILLIAMS. I hope neither the Senator from Massachusetts nor the Senator from Michigan thought me stupid enough when I said questions hereafter to arise to think that I meant new questions could not possibly arise.

Mr. SMITH of Michigan. No; but an old question may arise again and be a subject of controversy.

Mr. WILLIAMS. If that particular old question has arisen and has been settled, then my contention is that it can not arise under this treaty. That is the contention exactly.

Mr. SMITH of Michigan. The Senator from Mississippi would not contend that apparent acquiescence upon the part of either party to a controverted question that had arisen years ago under a treaty would bar either party from a hearing before this tribunal.

Mr. WILLIAMS. Apparent acquiescence, no; but real—

Mr. SMITH of Michigan. There is no court of final resort.

Mr. WILLIAMS. I understand that. Back of all this treaty and of any possible treaty lies the startling fact that there is no international court of final resort and that each nation is its own court of appeals. That is the unfortunate part of the situation. But that has nothing to do with the discussion of the question of the justice and ethics of it.

Mr. SMITH of Michigan. No; but the Senator from Mississippi must admit that there is no final adjudication of such controversy in international law; either party to the engagement may revive it at will, and our course to-day accentuates this right.

Mr. WILLIAMS. Does the Senator mean by that that any nation has that power? That is true.

Mr. SMITH of Michigan. That is all I contend for.

Mr. WILLIAMS. Any nation has the power to agree expressly to one thing this year and the next year to violate its express agreement. I am not talking about power.

Mr. SMITH of Michigan. I do not think, then, there is any misunderstanding, because what I said in the first place was that this was a drag-net proposition, and nothing escapes it.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. SMITH of Michigan. I yield to the Senator.

Mr. CUMMINS. I call the Senator from Michigan to the point from which he departed a few moments ago.

Mr. SMITH of Michigan. I did not quite finish my illustration with the Senator from Mississippi.

Mr. WILLIAMS. I will take the blame.

Mr. CUMMINS. The Senator from Michigan was illustrating a case which he thought would answer the inquiry I put to him, but I wanted long ago to call his attention to the fact that the joint high commission could by no possibility have anything to do with the case which has been so thoroughly exploited in the last few moments.

Mr. SMITH of Michigan. You mean the territorial question?

Mr. CUMMINS. Certainly not; because if we have a treaty with Great Britain fixing the boundaries that lie between her territory and ours and all that remains to do is to put upon the ground the monuments which shall mark the boundary, undoubtedly that is a justiciable question. There could be no question about it in anybody's mind. I mean under this treaty as now drawn, without amendment. Therefore there could be no award of the joint high commission respecting the justiciableness of that difference of opinion. You could submit that difference to arbitration, as such differences have been submitted. But such controversies would not be submitted to the joint high commission in order to determine whether they were of a character that ought to be arbitrated or not.

Mr. SMITH of Michigan. In the illustration I gave I had in mind the fact that Canada has never wholly acquiesced in the territorial boundaries between that Dominion and the State of Michigan, and they are unmarked.

Mr. ROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. SMITH of Michigan. I do.

Mr. ROOT. May I ask the Senator from Michigan if he has any doubt that the very question which he is putting by way of illustration would have to be arbitrated now under the existing treaty of arbitration?

Mr. SMITH of Michigan. Have you any doubt about it?

Mr. ROOT. I have none.

Mr. SMITH of Michigan. Now, let me answer that. There is no doubt whatever that if we carried out in good faith our present engagements and England asked for arbitration upon that question, we would have to consider it and possibly submit it, but we would decide in this Chamber whether to submit it or not. However, if this treaty passes, this Chamber has absolved itself from deciding such a question, and the question will be decided by a joint high commission constituted of three nationals from each country or otherwise, as they may see fit.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield further to the Senator from Iowa?

Mr. SMITH of Michigan. I do.

Mr. CUMMINS. We are getting near the vital issue, as it seems to me. The Senator from Michigan has just said that if it were proposed to arbitrate that question we would be at liberty to vote for its arbitration or to vote against its arbitration.

Mr. SMITH of Michigan. I said "we," referring to the Government, which would probably arbitrate it; but, acting for myself and in my capacity as a Senator, I would be privileged to hold that the present boundary was sufficient.

Mr. CUMMINS. This treaty compels the Senator from Michigan in honor to submit such a question to arbitration. The treaties that we already have, as suggested by the Senator from New York, would compel the Senator from Michigan in honor to submit the controversy to arbitration.

Mr. SMITH of Michigan. I do not think I am driven quite that far.

Mr. CUMMINS. Then you are not driven that far?

Mr. SMITH of Michigan. Did the Senator from New York refer to The Hague convention?

Mr. ROOT. I was referring to the existing treaty between the United States and Great Britain.

Mr. SMITH of Michigan. That is, the treaty of 1908.

Mr. ROOT. Yes; which we have ratified in accordance with the advice and consent of the Senate, in which the United States solemnly agrees that every such question shall be submitted to arbitration.

Mr. SMITH of Michigan. But the form—

Mr. ROOT. It imposes upon the Senate the obligation in good faith and honor to confirm in some form the special agreement for submission to arbitration.

Mr. SMITH of Michigan. I think the treaty of 1908 goes a good way toward the settlement of any differences between these two countries, and I publicly commend the skill of the Senator from New York in bringing to us a treaty so wholesome and valuable to the Government. But it is a vastly different thing to say that arbitration has been provided for by this treaty and asking us to conform to the judgment of an international tribunal composed entirely of strangers, possibly. It is a vastly different thing.

Mr. ROOT. That is another story.

Mr. SMITH of Michigan. Yes; it is another story. It is the next step and the only alternative if we ratify this treaty; and not only the Senate, but the President of the United States, will have no power whatever to refuse to submit to arbitration any proposition which this joint high commission which we are to superimpose upon ourselves may determine to be arbitrable.

Mr. ROOT. May I call the Senator's attention to the fact—

The PRESIDING OFFICER. Does the Senator from Michigan yield further to the Senator from New York?

Mr. SMITH of Michigan. Yes.

Mr. ROOT. I am dealing with this illustration: The Senator is finding fault with the pending treaty because it would compel the arbitration of a question relating to the boundary laid down under the Webster-Ashburton treaty of 1842. I am calling attention to the fact that his criticism upon the pending treaty is not a just one, because every such question would have to be arbitrated now under the existing treaty, and the pending treaty would not in any way whatever increase the necessity or the obligation of arbitrating just such a question.

Mr. SMITH of Michigan. Mr. President, let me say to the Senator from New York that the treaty of 1908 does not move the President of the United States against his will and does not move the Senate of the United States against its will, but this joint high commission moves both of them against their will when once fully committed to its terms.

Mr. ROOT. The treaty of 1908 moves the President of the United States and the Senate of the United States, whatever be their wills, if there be faith and honor in the President and the Senate of the United States.

Mr. SMITH of Michigan. Oh, no. We may both move leisurely or even not at all, as is frequently done; the arbitral question has not yet been finally determined by both parties, possibly.

Mr. ROOT. Because we have solemnly bound ourselves to submit to arbitration in the treaty of 1908 the very question that the Senator from Michigan has described in his illustration.

Mr. SMITH of Michigan. The Senator from New York is usually right, but he knows that there is still a function for the Senate to perform, and that if my voice here has any potency at all, and that controversy comes, I have my day in court and my State may be heard. But pass this treaty with the third clause of article 3 in it and we are rendered impotent and powerless, and the voice of every other Senator, even the hand and the voice of the President of the United States, is powerless to prevent arbitration, because he has elected to eliminate himself and the Senate from that controversy which determines the justiciable character of an issue that is sought to be settled by England. We have a constitutional office to perform here. The Senate in the past has seen fit to delay and to amend important treaties, as was its duty. But now, for the first time in our history, we seek to fetter in advance the hands of the Executive, who hereafter will be compelled to move at the instance of a foreign power in the direction of final arbitration, and you will manacle Senators of the United States, denying them the right to approach the subject of arbitration in the constitutional way.

Good faith, the Senator from New York suggests. Yet I have heard many Senators in this body say that if a controversy arises between the United States and England which we do not consider it our duty to submit to arbitration we still have the power of appointing commissioners to nullify what? Honor? And our plighted faith? He who relies upon a fixed commission to save us from disaster has not a very high standard of public morality or national honor. It is like submitting a case to a jury—if you can get your friends on it and know in advance what their verdict is to be. National honor would admonish us to pause at the threshold of this undertaking before we engage to do something that may be very detrimental to our country and the States we represent. Exalt national honor, but do not fix a commission afterwards to meet an exigency. National honor, yes; but do not use the high office of President, who has intentionally and completely absolved himself from responsibility, to further nullification in order that we may escape the penalty of our folly. I am not sure that the attempt to minimize our power is not an impertinence.

Mr. BAILEY. Who has done that?

Mr. SMITH of Michigan. The distinguished Senator from Texas, whom I greatly admire, a few moments ago took himself out of the field of diplomacy by saying what all of us knew was not exactly true, that he did not know anything about it. He is not quite ignorant on this point.

Mr. BAILEY. I was talking about international law; but I know a little about individual morals, and if anybody has been proposing to pack the court I want to vote against them.

Mr. SMITH of Michigan. Mr. President, if the Senator from Texas had been present in the Chamber during the debates upon these treaties he would have heard said more than once that we were not subscribing to anything in blank, because the power to name commissioners still rested in the Executive, who had parted with the power to withhold the arbitration.

Mr. BAILEY. Will the Senator from Michigan permit me?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Texas?

Mr. SMITH of Michigan. I yield to the Senator.

Mr. BAILEY. I would not vote for this treaty at all. I do not need to profess to be a man of peace. I am a little inclined to think bloodletting sometimes is good for nations. I think nations will quit going to war when individuals quit resenting insults. But still I should like to reduce war to a minimum, and I desire to vote for any reasonable measure that will do that.

However, I would not vote for this, which pledges us in advance to submit justiciable questions to arbitration, without reserving to myself the right to decide at last what was justiciable. I would decide that according to my best judgment. If I had bound myself in advance, as the Senator from Iowa [Mr. CUMMINS] very pertinently suggested, to submit a justiciable question, and I was brought face to face with it, however indisposed I might be to submit it, I would still keep my pledge and submit it. All I want to do is to reserve to the Senate the right

to say whether or not the question falls within the rule which we have adopted.

Mr. SMITH of Michigan. I should like the attention of the Senator from Texas a moment. The unblushing truth is that if this treaty is passed you have agreed in advance as to who shall determine the justiciable character of the controversy.

Mr. BAILEY. As I understand it, that is true without the motion of the Senator from Georgia and without the resolution of ratification as proposed by the Senator from Massachusetts. Now, without one or the other of those I should unquestionably vote against it, although I do not profess to know much about it.

Mr. SMITH of Michigan. The resolution of ratification of the Senator from Massachusetts does not give us the right to determine the justiciable character of the controversy.

Mr. BAILEY. That is what it was intended to do.

Mr. SMITH of Michigan. I know it was; but the Senator from Massachusetts in his speech the other day, which still rings in this Chamber because of its patriotism and its vigor and its illuminating character, said that the best way to do it to avoid any controversy was to strike clause 3 of article 3 out.

Mr. BAILEY. Yes; but then he said, as I understood him, if that was not done the resolution of ratification left the matter open to no doubt.

Mr. SMITH of Michigan. If that is not done.

Mr. LODGE. If the Senator will allow me—

Mr. SMITH of Michigan. Certainly.

Mr. LODGE. I said then what I have thought from the beginning, that the simplest thing to do is to strike out clause 3, but that might cause very grave difficulties and imperil the final success of the treaties, and that I certainly should not, by my personal preference as to the method of arbitration, stand in the way if I could attain the same result by the resolution. My belief is that my resolution retains the power of the Senate wholly unimpaired, and that if any treaty is sent to us from an international high commission of inquiry, assuming the adoption of my resolution, we have an absolute right to reject that treaty on any ground that we think proper without the violation in the slightest degree of honor or good faith or moral obligation.

Mr. SMITH of Michigan. Mr. President, we would have the same right without the resolution of the Senator from Massachusetts.

Mr. BAILEY. No; we would have the power, but not the right.

Mr. SMITH of Michigan. We would not have a contemporaneous construction of the engagement we have entered into, but the constitutional power would remain without asserting it, if we have it at all.

Mr. BAILEY. If the Senator from Michigan will permit the interruption, I read the speech delivered by the Secretary of State in the city of Cincinnati. It seemed to take this view, which satisfied my mind, and I brought it into the Senate Chamber and asked to have it printed as a public document, so as to make it a part of the printed history of this transaction. While, I repeat, I do not know much about these things, I understand such plain statements as that, and I thought it deserved to be recorded as the judgment of the Secretary of State, who negotiated the treaty.

Mr. SMITH of Michigan. But what is the opinion of the other party to the treaty? The agreement has been made.

Mr. BAILEY. I could say some things about that, but not being a diplomat I do not know whether it is wise to say them or not, and I shall forbear.

Mr. LODGE. But the Senate resolution which I offered of ratification, if adopted, becomes a part of the treaty. That has been decided absolutely, of course, as every one knows, in the Supreme Court in the case of *Doe v. Braden*, in 16 Howard. It becomes a part of the treaty, and if accepted by the other side it is just as binding as any other portion of the treaty.

Mr. SMITH of Michigan. The substance of the Senator's resolution—

Mr. CUMMINS. May I ask the Senator from Massachusetts a question?

Mr. LODGE. Certainly; but the Senator from Michigan is entitled to the floor.

Mr. SMITH of Michigan. I yield for that purpose.

Mr. CUMMINS. Does the Senator from Massachusetts intend by his resolution that when the special agreement comes before the Senate in any given case a Senator may in honor vote precisely as though no arbitration treaty had been entered into?

Mr. LODGE. Not at all; but he may vote precisely as he would vote if no submission to the high commission of inquiry had been agreed to.

Mr. CUMMINS. That is to say, if he believes it to be a justiciable question, then he must vote for arbitration. If he believes it not to be a justiciable question, then he is at liberty to vote against arbitration, even though the joint high commission has found it to be a justiciable matter.

Mr. LODGE. I think we reserve to the Senate the right to decide and to the President the right to decide, after the action of the commission, whether in their opinion the question is justiciable under the first article. That is all I care for. If we reserve that power, we are absolutely safe, in my judgment.

Mr. CUMMINS. May I ask another question of the Senator from Massachusetts? He has described or expressed that liberty of action on the part of the Senate in the following way: That a special agreement in each case shall be made by the President, by and with the advice and consent of the Senate, means the concurrence of the Senate in the full exercise of its constitutional power.

Now, what are the constitutional powers?

Mr. LODGE. Its constitutional power is to advise and consent, to amend or reject, on any ground it pleases, or on no ground.

Mr. CUMMINS. My only suggestion is, and I believe it to be a sound one, that this language obliterates article 1 of the treaty as effectually as it does paragraph 3 of article 3.

Mr. LODGE. I think not. I think it leaves to the Senate the power to decide and pass upon the justiciability of any question; that is, whether it comes within article 1 or not.

If those provisions about the high commission of inquiry were not in the treaty at all, if those were simply left out, and we had followed the example of the treaties made by the Senator from New York [Mr. Roor] when Secretary of State, and then a treaty had been submitted by the President, we would have had the right to say whether we would ratify it or not, but there has been interjected this high commission of inquiry. My resolution does not aim at the first article of the treaty; it aims at the high commission of inquiry.

Mr. WILLIAMS. It aims to kill it just as much as if you struck it out, does it not?

Mr. LODGE. It aims to prevent our making promises that we will not carry out.

Mr. CUMMINS. May I ask the Senator a question? Why should there be a joint high commission of inquiry upon that point if its finding is to have no effect?

Mr. LODGE. You might as well ask why it is in The Hague convention. The joint high commission of inquiry is in The Hague convention.

The VICE PRESIDENT. The Senator from Michigan is entitled to the floor. Does he yield further?

Mr. SMITH of Michigan. I do.

Mr. CUMMINS. It is given no such power as this in The Hague convention.

Mr. LODGE. No; that is a new feature. The Hague convention thought, and thought wisely, that the high commission of inquiry would be of great value, and they provided specifically it should have no power to make an award. Yet they thought it would be valuable, and I think so, too. It would give the cooling-off time the Senator spoke of yesterday. It would give a year before it could meet. It would then have an opportunity to investigate and report. I object, and I object alone, to the third clause of article 3, which binds us to do what in certain cases we would not do. I will never in the Senate make any promise to another nation in a treaty which I am not prepared to carry out to the letter. The obligation is a moral obligation, and we should agree to nothing that we will not carry out absolutely to the letter.

Mr. SMITH of Georgia. May I ask a question?

Mr. CUMMINS. One more question.

The VICE PRESIDENT. Does the Senator from Michigan yield, and to whom?

Mr. SMITH of Michigan. I yield to the Senator from Iowa.

Mr. CUMMINS. I am appealing for information.

Mr. SMITH of Michigan. The Senator from Iowa was interrogating the Senator from Massachusetts. I am perfectly willing he shall do it in my time. It is very interesting.

Mr. CUMMINS. One more question, and then I will wait until some other time. If what the Senator from Massachusetts has just stated is sound—and it seems to me eminently sound—why should we not make the paragraph mean precisely what we intend it to mean, or else strike it out entirely? Why should we attempt to interpret it in the vague way found in the proposed resolution of ratification?

Mr. SMITH of Michigan. I should like to hear the Senator from Massachusetts answer that, as the question is directed to him.

Mr. LODGE. Mr. President, if the clause is stricken out, in my opinion it imperils the treaties; I think they may fail entirely. I should be very sorry to see them fail entirely. I think if we succeed in carrying out the same purpose without amending the body of the treaties we shall be able to sustain them, and they will be ratified by all parties to them.

Mr. WILLIAMS and Mr. SMITH of Georgia addressed the Chair.

The VICE PRESIDENT. The Senator from Michigan has the floor. To whom does the Senator now yield?

Mr. SMITH of Georgia. I want to ask a question of the Senator from Massachusetts.

The VICE PRESIDENT. To whom does the Senator from Michigan yield?

Mr. SMITH of Michigan. I yield to the Senator from Mississippi [Mr. WILLIAMS], who did not quite catch the warning of the Chair. The Senator from Mississippi addressed an inquiry to the Senator from Massachusetts, and I did not quite catch it myself.

The VICE PRESIDENT. Which—question or the warning? [Laughter.]

Mr. SMITH of Michigan. I caught the warning.

Mr. WILLIAMS. I know I did not catch it, and I wanted to ask the Senator from Massachusetts this question: If striking out clause 3 of article 3 might result in the defeat of the treaty, and if, as I rather suspect—and I leave the suspicion to be solved by the Senator from Massachusetts—his amendment does nullify, annihilate, and kill clause 3 of article 3, then why not do it directly rather than indirectly? In other words, does the Senator from Massachusetts believe that the acute intellects in the service of foreign governments as diplomats are so simple and foolish as not to know a direct and an indirect destruction of a clause one from another?

Mr. LODGE. Mr. President, it is to be remembered that the negotiators of the treaty give to that clause the interpretation embodied in my resolution. The treaty has two other stages to pass after its ratification here.

Mr. WILLIAMS. Does your resolution kill or not kill clause 3 of article 3?

Mr. LODGE. In my judgment it preserves to the Senate all of its constitutional powers.

Mr. WILLIAMS. In your judgment does it not kill clause 3 of article 3?

Mr. LODGE. Well, that question, Mr. President—

Mr. WILLIAMS. I will not push it.

Mr. LODGE. I am perfectly willing to answer it.

Mr. RAYNER. I would suggest that it does not kill it; it only wounds it.

Mr. LODGE. What it does is this: It deprives the action of the international commission of any finality or binding force upon the Senate or on the President of the United States.

Mr. GALLINGER. Mr. President—

Mr. LODGE. Let me finish.

Mr. President, what I was about to say was, if the treaty is ratified here, it then goes back to the Executive and he can submit it to the power with whom it was made, or he can decline to do so, and it ends there, as did the treaties of 1904. If he sends it to the other power, then it is for that power to ratify it. So that there are two further stages. I am very sure that if we ratify the treaties, with my resolution, they will become the supreme law of the land. I can speak with no assurance as to the effect which would be produced by striking out clause 3 of article 3.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. SMITH of Michigan. I think I detect in the demeanor of the Senator from New Hampshire a disposition to ask for a recess.

Mr. GALLINGER. The Senator from Michigan is correct. I think it is time we took one.

Mr. SMITH of Michigan. I yield to the Senator for that purpose.

Mr. LODGE. Of course I yield to the Senator to do anything he wants to do, but I should like to say—

Mr. GALLINGER. I was about appealing to the Senator from Massachusetts. I have no disposition to take this matter out of the Senator's hands.

Mr. LODGE. I understood that.

Mr. GALLINGER. I was going to remark that it is manifest that this discussion, interesting as it is, can not be completed to-day, and I think it is time—we have been here five hours, more or less—that we should take a recess and meet at some convenient time to-morrow to take up the controversy.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. The Senator from Michigan still has the floor. He has simply yielded it temporarily.

Mr. SMITH of Michigan. Mr. President, I think I will for the first time take a little liberty with the parliamentary proceedings of the Senate and ask for a recess myself. [Laughter.]

Mr. GALLINGER. It is immaterial to me, Mr. President, who asks for it. I appeal to the Senator from Massachusetts.

Mr. SMITH of Michigan. I move that the Senate take a recess until half past 1 o'clock to-morrow.

Mr. CURTIS (to Mr. SMITH of Michigan). Make it 12 o'clock.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. The Senator from Michigan moves that the Senate now take a recess until 1.30 o'clock to-morrow afternoon.

Mr. LODGE. I hope the Senator will allow me to make that motion.

Mr. SMITH of Michigan. I withhold the motion.

The VICE PRESIDENT. Does the Senator from Massachusetts desire to make the motion?

Mr. LODGE. I have been supposed to be in charge of the treaties, and I wanted—

Mr. SMITH of Michigan. I certainly do not want to usurp that honor and distinction. I am content to come along just a little behind the Senator from Massachusetts, who ranks me on the committee, and I therefore cheerfully give him the right to make the motion.

Mr. LODGE. No; it is not a question of making the motion; it is as to the question of the time. I do not care who makes the motion if he gets the time right.

Mr. SMITH of Michigan. What time would the Senator prefer? I wanted to say a word or two about that before the motion was made.

The VICE PRESIDENT. The Senator from Michigan withdraws the motion temporarily.

Mr. LODGE. Mr. President, under this unanimous-consent agreement—and I am entirely opposed to the form of unanimous-consent agreement which provides for a vote on a certain legislative day—we could go on taking recesses in this way indefinitely, but the effect of it is that we can not even adjourn without violating the unanimous-consent agreement, and we shut out all Senate business of every kind to the great inconvenience of Senators. There are some Senators who are obliged to leave this week; some of them may have to leave to-morrow; some of them who have come here especially to vote upon the treaties are called away by illness, and I do not think that this debate ought to be protracted beyond another day. I think we ought to make some arrangement, if possible, to-day to secure a vote to-morrow. If the Senator from Michigan will change his motion to 11 o'clock to-morrow I shall be very glad to agree to it.

Mr. WILLIAMS. Oh, no.

Mr. SMITH of Michigan. Mr. President, I think that 12 o'clock—

Mr. LODGE. If we can have an agreement to vote at some definite time to-morrow—

Mr. WILLIAMS. Let us meet at 12 o'clock and vote at 4 o'clock.

Mr. LODGE. If I can have an agreement that the vote shall be taken upon the amendments to the treaty, on the resolutions, and on all amendments pending or to be offered not later than 4 o'clock to-morrow, I shall cheerfully agree to any hour of meeting that the Senate desires.

Mr. MARTIN of Virginia. Mr. President, I desire to make an inquiry.

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Virginia?

Mr. SMITH of Michigan. I was just going to suggest that this has been done so many times since I have been a Member of this body that I hesitate to concur in the judgment of the Senator from Massachusetts.

Mr. MARTIN of Virginia. I want to make a suggestion, if the Senator from Michigan will yield to me for a minute.

Mr. SMITH of Michigan. Just one minute. If we are to fix an hour to-morrow, say, 4 o'clock or 5 o'clock, when we shall vote upon the treaties, there will hardly be a quorum here all day until the time to vote. I have been very hopeful that the discussion, apart from anything that I have tried to contribute toward it, might be illuminating and helpful, and I know that to-morrow would be spent very profitably if Senators could attend the sessions until this matter is disposed of.

Mr. MARTIN of Virginia. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Virginia?

Mr. SMITH of Michigan. I do.

Mr. MARTIN of Virginia. My suggestion is that we vote to-night.

Mr. LODGE. Well, I should, of course, very much prefer that.

Mr. MARTIN of Virginia. I do not think there are many Senators who desire to debate the treaty further, and I think, with a little more patience, we can reach a conclusion to-night, when we certainly have a fairly full Senate. If we renew the debate in the morning it will perhaps run to as late an hour then as we have now arrived at.

Mr. LODGE. It certainly will.

Mr. MARTIN of Virginia. My own judgment is that the Senate had better remain in session and dispose of the treaty to-night.

Mr. LODGE. I should prefer that course.

Mr. SMITH of Michigan. The Senator from New York [Mr. Root] and several other Senators have indicated an intention to take part in this debate. I have not consumed very much time myself, and would have been through in a very short time to-day had it not been for the interruptions, but I do not believe we can get a vote to-night.

Mr. GALLINGER. It is evident we can not.

Mr. LODGE. I do not see really—

The VICE PRESIDENT. The Senator from Michigan still has the floor.

Mr. ROOT. Mr. President—

The VICE PRESIDENT. To whom does the Senator from Michigan yield?

Mr. SMITH of Michigan. I yield to the Senator from New York.

Mr. LODGE. I will wait until I get the floor in my own right.

Mr. ROOT. I do not wish to delay the taking of a vote upon the treaties. There are a few things, however, which I think ought to be said before the vote is taken, and which I have not yet heard said. Unless some other Senator says them I want to say them. There are several Senators who, I understand, have their names down on a list as entitled to recognition. I am willing to condense what I have to say within a very narrow compass, but I do not wish the vote taken until I shall have had that opportunity.

Mr. SMITH of Michigan. Well, Mr. President—

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. LODGE. No; I do not ask that. I will wait until the Senator takes his seat.

Mr. SMITH of Michigan. I was going to move that the Senate take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. The Senator from Michigan moves that the Senate take a recess until 12 o'clock to-morrow.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. SMITH of Michigan. Certainly.

Mr. LODGE. I will wait until I can get the floor.

The VICE PRESIDENT. The Senator from Michigan moves that the Senate take a recess until 12 o'clock to-morrow.

Mr. LODGE. I move to amend that motion by making it 11 o'clock.

The VICE PRESIDENT. The Senator from Massachusetts moves to amend the motion by making the hour of meeting 11 o'clock to-morrow.

Mr. WILLIAMS. Oh, no.

Mr. LODGE. Wait a moment. I wanted to get the floor.

Mr. SMITH of Michigan. Mr. President—

Mr. LODGE. I believe I have the floor, Mr. President, having moved an amendment to the motion.

Mr. SMITH of Michigan. I believe I will concur in the amendment and accept it. Do I get the floor now. [Laughter.]

Mr. LODGE. I think not.

Mr. SMITH of Michigan. I could not yield the floor to anyone more entitled to it than the Senator from Massachusetts, and I do so cheerfully.

Mr. LODGE. I thank the Senator from Michigan. I only wanted to get an opportunity to say to the Senate that there are a number of Senators who have informed me, some within the last few minutes, that they are obliged to leave here on Friday; and I think it is only justice to Senators who have been waiting here to vote, and some who have come here for that purpose, to make an agreement that the matter shall be disposed of to-morrow.

Mr. BACON. I suggest to the Senator that we agree that a vote be taken to-morrow before adjournment or before a recess.

Mr. LODGE. "Before adjournment"—that is just where we are now.

Mr. BACON. Before a recess.

Mr. LODGE. "Before a recess"—that is no better. You can make it, if you choose, the calendar day of to-morrow, and stay here until midnight; but I see no possible reason for that. I do not see why we should be met with objection to agreeing to take a vote at a certain time, in the hope that we will thereby keep Senators in their seats. If the debate is not of merit enough to keep them in their seats, you can not keep them there by failing to fix a time for a vote.

Mr. PENROSE. Mr. President, I am one of those who complained to the Senator from Massachusetts regarding the way in which these proceedings are being conducted. The Senate adjourned yesterday at an early hour and wasted a whole day, no one being ready to proceed. Such procedure certainly is not fair to Members of the Senate who have made engagements, with the reasonable expectation that they would be able to leave town toward the end of the week, and, so far as I am concerned, I will be deprived of the opportunity to vote upon these treaties by reason of the necessity of going away to-morrow. If the proceedings continue to be conducted in this interminable manner, doubtless there will be many on the following day in the same position as I am now. Certainly, those of us who have engagements have some rights and are entitled to have this proceeding expedited and not have the Senate adjourn, as it did yesterday, and waste a whole day because no Senator was ready to speak, and certainly no one was willing to hear anyone, should he be willing to speak.

Mr. BACON. Mr. President, I think it proper to say to the Senator—

Mr. PENROSE. I was not in the Senate and do not know the circumstances.

Mr. BACON. I was going to say to the Senator that had he been here—

Mr. PENROSE. I was not.

Mr. BACON. He would not make that remark, because we had three very elaborate and illuminating speeches on the question, one by the Senator from Nebraska [Mr. BROWN], one by the Senator from Idaho [Mr. HEYBURN], and one by the Senator from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. And the Senate adjourned about 4 o'clock, because nobody was ready to go on.

Mr. PENROSE. It would seem to me, under a unanimous-consent agreement of this kind, as if the spirit of it was that the proceedings should be pushed to a conclusion, and what we ought to do to-night is to stay here until we vote on the treaties.

Mr. CUMMINS. I rise to a point of order, Mr. President.

The VICE PRESIDENT. The Senator from Iowa rises to a point of order, which he will state.

Mr. CUMMINS. Is the motion now before the Senate debatable?

The VICE PRESIDENT. It is not a debatable question.

Mr. CUMMINS. Then I call for the regular order.

The VICE PRESIDENT. The regular order is demanded, which precludes further debate. Debate can only be had by unanimous consent.

Mr. LODGE. If debate is going to be stopped, I hope the Senate will vote the motion down.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. The motion is not debatable, and the regular order has been demanded.

Mr. GRONNA. I ask unanimous consent to make a statement.

The VICE PRESIDENT. Is there objection?

Mr. WILLIAMS. Objection to what?

The VICE PRESIDENT. To the Senator from North Dakota making a statement. The Chair hears no objection.

Mr. GRONNA. Mr. President, I wish to say that I am obliged to leave the city this evening at 6.45 o'clock, and I had hoped that a vote could be taken upon the treaties before that time. I am in favor of the resolution of ratification offered by the Senator from Massachusetts, but unless the vote is had to-day I will not have an opportunity to vote for it. I should like to ask the Senator from Massachusetts if it is not possible to so arrange matters that the vote can be had to-night?

Mr. GALLINGER. Regular order!

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Michigan as modified by the Senator from Massachusetts, that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was rejected.

Mr. SMITH of Michigan. Mr. President—

The VICE PRESIDENT. The Senator from Michigan.

Mr. SHIVELY. I rise to a point of order, Mr. President.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. The Senator from Indiana rises to a point of order, which he will state.

Mr. SHIVELY. Mr. President, I understand that the vote just taken was on an amendment of the Senator from Massachusetts [Mr. LODGE] to the motion of the Senator from Michigan [Mr. SMITH].

The VICE PRESIDENT. The amendment was accepted by the Senator from Michigan, and the vote was on the motion as modified.

Mr. SMITH of Michigan. The Senator from North Dakota has in a personal matter addressed the Senator from Massachusetts, and I think he is entitled to a reply.

Mr. LODGE. In the confusion I did not hear the question.

Mr. GRONNA. Mr. President, I directed an inquiry to the Senator from Massachusetts, if it would not be possible to have this matter go on so that we could have a vote this evening?

Mr. LODGE. Why not have it go on?

Mr. GRONNA. Yes.

Mr. LODGE. I would be only too glad to have it go on. I should like to get a vote; and I am perfectly ready to stay here until we get it.

Mr. PENROSE. Regular order!

The VICE PRESIDENT. The Senator from Michigan has the floor.

Mr. SMITH of Michigan. Mr. President, I have been interrupted so often during my discussion, and I am afraid that I have omitted a number of things I had intended to say, and Senators have been very patient and attentive and I willingly yield the floor to others better qualified than myself to discuss the merits of this controversy. I yield to the distinguished Senator from New York [Mr. ROOT].

Mr. ROOT obtained the floor.

Mr. CLAPP. Mr. President, will the Senator from New York yield to me for a moment?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Minnesota?

Mr. ROOT. I do.

Mr. CLAPP. As we have voted down the motion to take a recess, I think we ought at this time to have a sort of understanding that we will stay here and complete this matter to-night, and if it is in order I would make the motion that we proceed with and complete the discussion and vote before adjournment to-day.

The VICE PRESIDENT. That is the order of business under the unanimous-consent agreement.

Mr. LODGE and Mr. BACON addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from New York yield?

Mr. ROOT. I yield to the Senator from Massachusetts.

Mr. LODGE. The Senator from New York desires to address the Senate. It is now 10 minutes to 6 o'clock, and I understand there are two or three other Senators who wish to speak. I do not desire to put anyone to inconvenience, but I think at the end of two days my request to fix a time is not an unreasonable one. So I again ask unanimous consent that the vote on the treaties, the resolutions, and all amendments pending or to be offered, shall be taken not later than 5 o'clock to-morrow.

The VICE PRESIDENT. The calendar day of March 7?

Mr. LODGE. The calendar day of March 7.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. WILLIAMS. Mr. President, I would suggest to the Senator from Massachusetts that he say not later than 4 o'clock.

Mr. LODGE. I heretofore suggested not later than 4 o'clock, and there was objection, so I pushed it up until 5 o'clock, although 4 o'clock would suit me.

Mr. PENROSE (to Mr. LODGE). Make it 2 o'clock.

Mr. WILLIAMS. My idea was that we might begin to vote at 4 o'clock and get away at some reasonable time.

Mr. LODGE. I am certainly willing to make it 4 o'clock, but that was objected to.

Mr. WILLIAMS. Suppose the Senator renews his request fixing the hour at 15 minutes after 4. That will answer the purpose.

Mr. LODGE. Then, Mr. President, I will ask unanimous consent that the vote be taken at 4 o'clock to-morrow.

The VICE PRESIDENT. The Senator from Massachusetts modifies his request so as to fix the time for the vote at 4 o'clock to-morrow, the request otherwise to be the same as stated by him. Is there objection?

Mr. PENROSE. Mr. President, I ask the Senator from Massachusetts whether we can not get a unanimous-consent agreement to vote at 2 o'clock?

Mr. GALLINGER. Objection was made to 4 o'clock just now. Mr. PENROSE. I did not understand that. I did not hear it. The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. SMITH of Georgia. I object.

Mr. LODGE. Then I make the request that the vote be had at 5 o'clock to-morrow, Mr. President.

The VICE PRESIDENT. Is there objection to the request that the debate be closed at 5 o'clock to-morrow and a vote taken at that time?

Mr. SMITH of Georgia. I object. I think, Mr. President, we ought to go on to-morrow until we finish the question, but I am opposed to fixing a specific time for the vote.

Mr. WILLIAMS. Then let us stay in session to-night.

Mr. LODGE. Then, Mr. President, we have no choice except to stay in session now.

Mr. ROOT. Mr. President—

The VICE PRESIDENT. The Senator from New York is entitled to the floor and is awaiting the pleasure of the Senate.

Mr. BACON. Mr. President, one moment. I think if the Senator from Massachusetts will suggest that we meet at 11 o'clock to-morrow and vote not later than half past 5 an agreement can be reached.

Mr. LODGE. Very well. Mr. President, I understand if the suggestion is made to meet at 11 o'clock and vote not later than half past 5, we can get an agreement.

Mr. WILLIAMS. Mr. President, I think we have made every effort to reach an agreement.

Mr. LODGE (to Mr. WILLIAMS). Do not object to that.

Mr. WILLIAMS. I shall object to it. Since gentlemen have made their beds they can lie in them.

Mr. ROOT. Mr. President, I think it my duty to express in a manner which I hope the Senator from Georgia [Mr. BACON] will regard as both moderate and brief my advocacy of the adoption of the resolution last offered by the Senator from Massachusetts [Mr. LODGE], under which the pending treaties with Great Britain and France will be ratified with a construction to be made a part of the instrument of ratification. Before stating the reasons for my agreement to that resolution, I wish to spread upon the record of the Senate a portion of the document which was presented by the Senator from Texas [Mr. BAILEY] on the 8th of February, being Senate Document No. 298, Sixty-second Congress, second session. This document contains the address of the Secretary of State, Mr. Knox, before the American Society of Judicial Settlement of International Disputes at Cincinnati on the 8th of November, 1911. That speech was a public expression by the negotiator of the treaty on behalf of the United States.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. ROOT. I do.

Mr. WILLIAMS. My interruption is not for the purpose of asking a question, but I understand that the Senator from New York would rather not go on to-night, and I now understand that if the Senator from Massachusetts will make a request to take a recess until 12 o'clock to-morrow, and to vote not later than 4 o'clock to-morrow afternoon, it will be acceded to.

Mr. MARTIN of Virginia. Four thirty p. m. to-morrow.

Mr. LODGE. Mr. President, I made the request that the Senate take a recess until 12 o'clock noon to-morrow, and that a vote be taken not later than half past 4.

The VICE PRESIDENT. The vote to be taken otherwise as provided in the existing unanimous-consent agreement?

Mr. LODGE. Yes.

Mr. HITCHCOCK. Mr. President, I should like to inquire what assurance a Senator would have that he would be permitted to make even a short address under the terms of such an agreement?

Mr. LODGE. He has all day between 12 o'clock and half past 4.

Mr. HITCHCOCK. That is rather a limited time, and it is quite possible for one Senator to occupy that whole period.

Mr. LODGE. I do not know of anybody on this side who is going to speak, except the Senator from New York [Mr. ROOT]. Of course, I do not know how much time the Senator from Nebraska desires to occupy.

Mr. HITCHCOCK. I should not desire over 20 minutes, and possibly not that much.

Mr. LODGE. There can be no doubt that the Senator will have 20 minutes, and a great deal more, if he desires.

Mr. HITCHCOCK. I am sure there are a number of Senators on this side of the Chamber who desire to speak, and I think

the only objection to the request for unanimous consent is due to that fact.

Mr. LODGE. I appeal to the Senator not to object. I am speaking not so much for myself as for other Senators who are being put to the utmost inconvenience by this delay.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts? [A pause.] The Chair hears no objection, and the order is entered.

Thereupon (at 6 o'clock p. m.) the Senate, as in open executive session, took a recess until to-morrow, Thursday, March 7, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 6, 1912.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, prepare us in Thine own way for the duties before us, for whether in the body or out of the body we face the unknown; the present alone is ours; we know not what the next moment, the next hour, the next week has in store. But Thou hast never failed us, even though we have proved recreant to the trust reposed in us. Help us, therefore, with renewed faith and confidence to do the things next to us, and do them in the spirit, leaving the results to Thee who doest all things well. And Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. AKIN of New York. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. HANNA] and myself be allowed to extend our remarks in the RECORD.

The SPEAKER. The gentleman from New York [Mr. AKIN] asks unanimous consent that the gentleman from North Dakota [Mr. HANNA] and himself be allowed to extend their remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman upon what subject.

The SPEAKER. Upon what subject does the gentleman from New York desire to extend his remarks?

Mr. AKIN of New York. On the subject on which I spoke on February 29.

The SPEAKER. What was the subject?

Mr. AKIN of New York. It was in regard to post-office matters.

The SPEAKER. The gentleman from New York states that he desires to extend his remarks on the subject on which he spoke on February 29. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. Is that the same matter about which the gentleman from Massachusetts [Mr. GREENE] had some little controversy?

Mr. AKIN of New York. I can answer the gentleman by saying I do not think any individual Member has the right to censor my speech. I have never censored anybody.

Mr. HUMPHREY of Washington. Mr. Speaker, I wanted to ask the gentleman whether that is a question upon which he and the gentleman from Massachusetts [Mr. GREENE] had their controversy?

Mr. AKIN of New York. The objectionable part is all in.

Mr. OLMSTED. I think the objection of the gentleman from Massachusetts [Mr. GREENE] was to something that the gentleman from New York [Mr. AKIN] had already said. The gentleman from Massachusetts wanted him to eliminate the matter.

Mr. HUMPHREY of Washington. I do not think I will have any objection, but I want to ask the gentleman one further question. Is it the gentleman's intention to refer by name to the gentleman from New York [Mr. FAIRCHILD]?

Mr. AKIN of New York. I am under the impression that from now on I will see it does not appear in the extension of my remarks, if that is what you want to do.

Mr. HUMPHREY of Washington. With that understanding, I will have no objection.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. AKIN]? [After a pause.] The Chair hears none.

COMMITTEE ON ELECTIONS NO. 3.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent for the immediate consideration and adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 440.

Resolved, That the Committee on Elections No. 3 have leave to sit during the sessions of the House.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

MANEUVER CAMP NEAR TULLAHOMA, TENN.

The SPEAKER. This is Calendar Wednesday, and the unfinished business was House joint resolution 118, called up by the gentleman from Virginia [Mr. HAY], of which the Clerk will report the title.

The Clerk read as follows:

Joint resolution (H. J. Res. 118) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and Artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

Mr. HAY. Mr. Speaker, I would like to inquire whether anybody desires any time on this resolution or not?

Mr. MANN. I think we will want a little time.

Mr. HAY. How much?

Mr. MANN. I do not know exactly.

Mr. HAY. Half an hour on a side?

Mr. MANN. I think that would be enough, probably.

Mr. HAY. Mr. Speaker, I ask unanimous consent that there may be one-half hour on a side on this resolution, at which time the resolution may be read under the five-minute rule, and that one half of the time be controlled by the gentleman from Illinois [Mr. MANN] and the other half by myself.

The SPEAKER. The gentleman from Virginia asks that general debate on House joint resolution No. 118 be limited to one hour, one-half of the time to be controlled by himself and one-half by the gentleman from Illinois [Mr. MANN], and that after that the resolution be read for consideration under the five-minute rule. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. I yield 15 minutes to the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. Mr. Speaker, this joint resolution that has been read before the House is for the purpose of establishing a maneuver camp for the maneuvering of troops, establishing and maintaining camps of instruction for rifle and Artillery ranges, and for the mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

During the last session of Congress there was a resolution pending before this House proposing to cede or donate to the United States Government 5,000 acres of land situated near Tullahoma, Tenn., the land which is now proposed to be donated to the Federal Government. The passage of that resolution was recommended by the then Secretary of War. There was a resolution agreed upon by the friends of that resolution, and also a resolution introduced for the purpose of investigating Chickamauga, with reference to establishing a rifle range and maneuvering grounds there, which passed Congress. As a result of this a board of engineers, composed of Army officers, was appointed for the purposes of examining the two places and reporting as to the advisability and practicability and fitness of those places, or either one of them, for the purposes enumerated.

That board of Army officers made a report, and reported that the site at Tullahoma was admirably adapted for a rifle range and camps of instruction, and advised the acceptance of the proposed tract of 5,000 acres for the purpose of establishing a small-arms rifle range of sufficient size to accommodate the national rifle competition. They therefore reported that for the purpose of establishing and maintaining camps of instruction and for the purpose of securing a site for a mobilization camp in time of war. They reported that the tract was not large enough for the maneuvering grounds, but recited the fact in that report that there was a large amount of land adjacent to it that could be bought very cheaply and, whether it was bought or not, it could be used with very little damage to those owning and occupying the land, and at small cost to the Government.

Now, the object of this resolution is to donate 5,000 acres of land for the purpose of establishing a maneuvering ground, camp of instruction, rifle range, and so forth. I want to state frankly to the Members of this House that there is nothing involved in this proposition except the donation of 5,000 acres of land to the Federal Government for the purpose of establishing this rifle range, and so forth. Furthermore, to be candid and

frank, I will say that if the Government accepts this land the people of Tennessee, my constituents, and those residing near this location, would be very glad to see money invested by the Government for the improvement of this tract of land for the purposes named. Whether or not that is done, we believe we can realize a great benefit from this rifle range if the land is accepted by the Government by the use of the funds in control of the State. We have on hand now about \$15,000, I believe it is, and under section 1661 of the Revised Statutes we are authorized to use this money for the purpose of improving this ground as a rifle range for target practice, and so forth.

Now, we expect the State of Tennessee to use this money upon the improvement of this land if the Government accepts this cession and donation of land. That will make a rifle range and camp for the assembling of troops and target practice that will be quite sufficient for a beginning, that will afford a very fine opportunity for the drilling and practicing of the militia of Tennessee and of the group of States that are named in this resolution.

The report of this board of engineers sets forth the fact, in very convincing terms, that this land is admirably adapted for these purposes. So far as the location is concerned, there is not a healthier location in the Union. It is on the Highland rim of the Cumberland Mountains, or Cumberland Plateau, and the land is of such a character and of such value that more of it can be procured at a reasonable price. If there is no occasion or disposition on the part of the Government to buy more land so that it can be used for a maneuvering ground, still there is 25,000 or 50,000 or 100,000 acres between this rim and the base of the Cumberland Mountains that could be used for the practice of large guns. No better could be found in the whole Union.

Mr. HELM. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Kentucky?

Mr. HOUSTON. With pleasure.

Mr. HELM. What railroad transportation facilities have you?

Mr. HOUSTON. Well, this land lies alongside the Nashville & Chattanooga Railroad. At Tullahoma there is a branch of that road coming into this railroad from Sparta, Tenn.

Mr. HELM. The same system of railroads?

Mr. HOUSTON. The same system of railroads; and this railroad, the Nashville & Chattanooga Railroad, is being double tracked from Nashville to Chattanooga, and it is one of the best equipped roads in the Union.

Mr. HELM. A single line of railroad.

Mr. HOUSTON. A single line of railroad, but will be a double-track road. So far as the transportation facilities are concerned, they will be admirable. The connections with all the group of States mentioned in this resolution are excellent. At Chattanooga, 75 miles away, there are various connecting roads. At Nashville, about 75 miles the other way, the connection is made with two or more systems of roads connecting especially with the States mentioned in the resolution. With these connections at Chattanooga and at Nashville, and that road being double tracked, it makes ample railroad facilities for the transportation of soldiers.

Mr. HELM. May I ask the gentleman further what is the ultimate aim of the parties in interest in donating this 5,000 acres of land?

Mr. HOUSTON. The aim is a patriotic one. It is desired to furnish to the Government the best site for a rifle range and a maneuver ground that can be found in the States mentioned in the resolution.

Mr. HELM. The gentleman from Tennessee, of course, is aware of the fact that the Government has on foot a proposition to spend \$13,000,000 in the Appalachian Forest Reserve?

Mr. HOUSTON. I understand that legislation of that sort has been proposed.

Mr. HELM. Is this within the zone of the Appalachian Forest Reserve?

Mr. HOUSTON. I suppose the Appalachian Reserve is something like 150 miles away, and that would be as close as the Appalachian Forest Reserve would come to it.

Mr. HELM. I should like to ask the gentleman one further question. What troops are quartered anywhere within 100 miles of this?

Mr. HOUSTON. I am not able to give the gentleman that information. But the object of this resolution is to establish a place where troops can be encamped and mobilized for the States named, and the fact that they have none very near is one of the strongest arguments that we offer why we should have this one established.

Mr. HELM. What I am trying to get at is how far troops will have to come in order to reach this place. Where will the troops come from who will go there to drill?

Mr. HOUSTON. It depends on the particular place in the United States from which they are sent. I am not able to inform the gentleman on that.

Mr. HELM. What mobile Army post is near to this?

Mr. HOUSTON. I suppose the post at Fort Oglethorpe, in the State of Georgia, would be the nearest.

Mr. SIMS. If the gentleman will allow me, the proposed Appalachian Park will not go west of Knoxville, 150 or 200 miles away.

Mr. HOUSTON. I believe that is correct.

Mr. SIMS. In other words, it is much nearer to Oglethorpe than this.

Mr. STEPHENS of Texas. Can the gentleman inform me how far this ground is from Oglethorpe?

Mr. HOUSTON. I suppose between 85 and 90 miles.

Mr. STEPHENS of Texas. How much ground is open for these same purposes at Oglethorpe?

Mr. HOUSTON. I am not able to answer the gentleman, but I have the report of the Army engineers here which says that that is not suitable ground for this purpose. They were appointed to examine that ground there, and also at Tullahoma, and they report that the situation at Oglethorpe is not desirable for this purpose, and that the situation at Tullahoma is most desirable.

Mr. STEPHENS of Texas. It is in the same State, is it not?

Mr. HOUSTON. No, sir; Oglethorpe is in Georgia and this is in Tennessee.

Mr. STEPHENS of Texas. It is the same kind of country and the same kind of soil?

Mr. HOUSTON. Altogether a different kind of country. This is a plateau, a level piece of land on the first bench of the mountain, on what we call the rim of the Cumberlands. It is not composed of hills and valleys and hollows; it is mostly level.

Mr. SLAYDEN. The gentleman says they reported adversely on Oglethorpe?

Mr. HOUSTON. Yes; at Chickamauga.

Mr. SLAYDEN. That is the same thing.

Mr. HOUSTON. It is about 12 miles distant in the State of Georgia. They reported that the location at Chickamauga practically was not suited to the establishment of a rifle range and maneuvering ground, and advised against its establishment.

Mr. STEPHENS of Texas. Is this land to be donated by some parties to the United States Government for the purpose of a rifle range?

Mr. HOUSTON. It is to be donated to the Government for the purpose of establishing the range. The State will cooperate with the Government under the law as it now exists, section 1661 of the Revised Statutes, which provides that it may do that, and that the State may use its own funds in connection with the Federal Government.

Mr. STEPHENS of Texas. Has the State a rifle range at this point?

Mr. HOUSTON. It has no rifle range at this point, nor at any other.

Mr. STEPHENS of Texas. Has the State purchased this land?

Mr. HOUSTON. No; it belongs to different individuals. The people who own it propose to give it. The Board of Trade of Tullahoma have options on a number of farms, and they propose to buy them and donate it to the Government if the Government will accept it.

Mr. SLAYDEN. Has the Army Board of Engineers reported on it as entirely suitable for a rifle range?

Mr. HOUSTON. I will read to the gentleman what is said about it.

Mr. SLAYDEN. Will there be any expenditure required to make it suitable?

Mr. HOUSTON. The land will have to be cleared up and prepared for the location of camps, and so forth.

Mr. SLAYDEN. Have they natural butts in the shape of hills or mountains to stop projectiles so that they will not kill a man in the next county?

Mr. HOUSTON. They have the most admirable butts that can be found in the country; they have the Cumberland Mountain range 700 or 800 feet high to shoot their bullets against.

Mr. HELM. Will the gentleman yield?

Mr. HOUSTON. Certainly.

Mr. HELM. Will the gentleman from Tennessee yield time for me to ask the gentleman from Texas a question?

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. HAY. I will yield the gentleman two minutes more.

Mr. HOUSTON. I want to emphasize the fact that it is recommended by the Secretary of War, by a former Secretary of War, and a Board of Engineers composed of Army officers.

Mr. AUSTIN. Is this the unanimous report of the committee?

Mr. HOUSTON. It is; and the Secretary of War recommends the acceptance of this land. And the Secretary of War in submitting that report of the Army officers to the President says:

To carry out the policy of bringing together into camps of instruction regular troops and Organized Militia, it is of the utmost importance to the Government to own suitable sites for such camps.

The report goes on to set out the fact that it is admirably adapted for this purpose. You will find that this is the most suitable place for the gathering together of troops, the most healthful and best watered place that could be found in all the country. This section of country is a health resort; people go there from all sections to find health and strength.

I want to say that I have an amendment that I want to offer to the bill when it is read under the five-minute rule.

Mr. MANN. Mr. Speaker, this is a bill to establish a maneuver camp at Tullahoma, Tenn. The last bill that we acted upon on Calendar Wednesday was to establish a brigade camp or post in Tennessee—

Mr. BYRNS of Tennessee. In Georgia.

Mr. MANN. I beg the gentleman's pardon, it was a bill introduced by the gentleman from Tennessee [Mr. MOON] that we passed, providing for a brigade post in his district; a part of it is in Georgia and a part of it is in Tennessee.

Mr. HAY. It was in Chickamauga Park.

Mr. MANN. I know what the situation is. I do not wonder that gentlemen are somewhat restive under the proposition, and yet they ought not to be; it only shows the exceeding great activity of the Members from Tennessee.

On one day they put through a bill for a brigade post in their locality, the only bill of the kind that has been passed through the House in years, and on the next day they propose to put through a bill to establish a maneuver camp, the only bill of the kind that has been or will be reported, probably, or passed. They have been exceedingly active. Gentlemen ought not to think it a reflection upon them when they are grabbing off so much for their State. On last Wednesday we passed a proposition to direct the War Department to report upon the advisability of establishing a maneuver camp near Anniston, Ala., to cover precisely the same States that it is proposed to cover by this maneuver camp. It was the same proposition. No one expects that there will be a maneuver camp at both places. Gentlemen from Tennessee reported a proposition to have the War Department report upon Anniston, while at the same time they were slipping the knife into the proposition by getting a report to really establish a maneuver camp in Tennessee. All the discussion the other day was idle waste of time if this resolution is to be passed, as I assume it is. Both resolutions were reported unanimously from the great Committee on Military Affairs. It is impossible to put both into final execution.

I do not know where the maneuver camp ought to be or whether there ought to be one at all, but it seems to me that it is a part of wise legislation when you have ordered a report upon one proposition to wait until you get the report before you determine upon something that entirely eradicates any need of the report. If this camp be established, there is no occasion for the maneuver camp at Anniston, because both are to serve the National Guard of the same States.

I now yield to the gentleman from Tennessee [Mr. BYRNS] to explain in a moment why this is done, and in my time.

Mr. BYRNS of Tennessee. Mr. Chairman, I can say to the gentleman that, as a matter of fact, the acceptance of this land, donated as it is by the citizens of Tullahoma and the vicinity, will not interfere with Congress accepting any lands, if it chooses to do so, in Alabama, because this resolution imposes no obligation upon this Congress or any future Congress to enlarge these lands or to spend any money upon them unless future investigations shall determine the necessity and the wisdom of making such improvements.

Mr. MANN. Oh, of course we are not required to do anything with the land, but why do we accept it? We accept it for a purpose. Does the gentleman mean to say that there is no intention to carry out the purpose?

Mr. BYRNS of Tennessee. The gentleman from Illinois has been kind enough to yield me time in which to make an explanation. I will say to the gentleman in brief, that Gen. Maloney, the adjutant general of the State of Tennessee, stated in the hearings held by the Committee on Military Affairs that there is no permanent place in Tennessee where the militia can be maneuvered and given proper practice. It is absolutely necessary to carry the militia to Chickamauga Park in order to have a field large enough for maneuvering purposes, and he proposes,

under section 1661, to apply about \$12,000 or \$15,000 of money now in his hands toward putting this land in proper shape for maneuvers and target practice. It will not only be subject to the use of the Federal troops, but, with the consent of the War Department, will be for the use of the State militia as well as the militia of the other States in the southeastern division.

Mr. MANN. Mr. Speaker, if the purpose of the gentlemen is to establish a maneuver camp for the benefit of the National Guard of Tennessee, the land ought to be donated to the State of Tennessee and not to the General Government. But the purpose is indicated by the resolution itself. It is to establish a maneuver camp for the maneuvering of troops, and so forth, from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina; that is, a maneuver camp for the National Guard of all these States. Would anyone here propose—and that is what I yielded to have answered—to establish a maneuver camp at this point for the National Guard of all these States, and then turn around next week and establish a maneuver camp at Anniston for the benefit of the troops of the same State?

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. PEPPER. Mr. Speaker, I heard the statement of the adjutant general before the Committee on Military Affairs. I fully agree with the statement of the gentleman from Illinois [Mr. MANN], that the only purpose of this resolution is that at some time possibly the United States Government may expend some money on this proposition and develop it. Yet at the same time, as I understand the situation, the business men of Tullahoma and others interested have secured options upon this land. It is desired to have it as a maneuver ground, and we asked the question of the adjutant general, Why not donate this to the State, just as the gentleman from Illinois has now asked the question? He said:

If the National Government will not accept it, of course we will donate it to the State, but we prefer to have the National Government own it for the avowed purpose that possibly at some time they will use it as a national training camp.

But at the same time it does not seem to me to impose any obligation on the National Government to so use it if they do not want to do so.

Mr. MANN. Does the gentleman mean to contend that Congress would play a confidence game on these people and pass a resolution accepting their gift for the purpose of establishing a maneuver camp and for the maneuvering of troops, and so forth, from a group of States composed of all of those States with no intention of carrying that into effect? That would be a plain confidence game, and I am sure that no gentleman in this House would be a party to a confidence game of that sort.

Mr. HELM and Mr. BYRNS of Tennessee rose.

The SPEAKER. To whom does the gentleman yield, if to anybody?

Mr. MANN. I yield to the gentleman from Kentucky.

Mr. HELM. Can the gentleman from Illinois tell the House how many troops, if any, are stationed in Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North and South Carolina?

Mr. MANN. I am unable to give the gentleman the information asked for. Some member of the Committee on Military Affairs can give it, probably in very short language, and I yield for that purpose for half a minute.

Mr. HELM. Mr. Speaker, I would like to ask the chairman of the Committee on Military Affairs if it is not a fact that in this group of States there are only two States in the group that have a mobile Army post, one in Kentucky—and that has been abandoned—and in Georgia they have two or more, and have ample ground on which to conduct the maneuvers?

Mr. SLAYDEN. Mr. Chairman, in the absence of the chairman of the Committee on Military Affairs I will say that I do not recall any other station for the mobile Army. The question of the gentleman, I suppose, did not go to the Coast Artillery?

Mr. HELM. Yes; it simply applies to Kentucky, and there is no coast in Kentucky or Tennessee.

Mr. SLAYDEN. But there is in North Carolina, Georgia, Florida, Alabama, and Louisiana, and this is intended to apply only to the mobile Army, of course.

Mr. HELM. As a matter of fact—

Mr. SLAYDEN. I know of no other, except Fort Thomas, Ky.

Mr. HELM. And that has been abandoned.

Mr. SLAYDEN. And Fort McPherson and Fort Oglethorpe, Ga.

Mr. HELM. Will the gentleman yield to me enough time to ask the gentleman from Texas another question?

Mr. MANN. It depends upon how long it takes to answer it. I yielded for a half a minute, and they have taken two minutes.

Mr. HELM. I would like for the gentleman from Texas to inform the House what it costs to equip one of these rifle ranges or maneuvering grounds?

Mr. SLAYDEN. I regret to say I can not inform the gentleman, because it depends upon the topography of the ground. You may have to erect artificial butts where you are out on a plain, or you may have to cut into the side of a mountain.

Mr. HELM. Can the gentleman suggest any rifle range where an adequate equipment has been installed and state what has been the cost of it?

Mr. SLAYDEN. I am sorry to say I can not. The only one I have personal knowledge of is in Texas, and there it cost nothing, because they had a mountain side against which to shoot.

Mr. HELM. I thought they had a target arrangement.

Mr. SLAYDEN. Where?

Mr. HELM. On these rifle ranges.

Mr. SLAYDEN. They do have them.

Mr. HELM. Do not they cost anything?

Mr. SLAYDEN. Oh, certainly; but they are not very expensive.

Mr. PEPPER. It is claimed that the cost of an adequate rifle range would be \$30,000. I will say The Adjutant General, as has already been stated, gave it as the special intention to spend \$15,000 of that money from the State's portion on the rifle range.

And now I want to say further to the gentleman from Illinois that, as I understand this proposition, it does not involve any great amount of expenditure except for the rifle range. They are not going to put up any buildings there. It is just for the summer camp of the National Guard and the Regular Army when they meet in joint maneuvers.

Mr. MANN. The gentleman entirely misunderstands what I say if he thinks I am attempting to determine where the maneuver camp should be. But here is a committee which one week asks the department to report information in regard to a maneuver camp at Anniston, Ala., and the next week proposes to pass a resolution locating that maneuver camp at some other point. What is the logic of that? What is the purpose of calling on the department for the information? I was not in favor of the resolution calling on the department for information, but I was overruled by the consensus of opinion in the House, and we have asked the department for it. Why should we not wait until we obtain the information in order to see whether we should locate the maneuver camp at Tullahoma or at Anniston?

Mr. McKELLAR. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. McKELLAR. The report was before the committee that unless this matter was accepted at this time the party who had some options on the land could not give them. If the Government has them, and should afterwards determine that the Anniston site is a better site, it could accept the Anniston site and establish a maneuver camp there. There is no inconsistency about it. It just has the choice of two places, where otherwise it would have the choice of one.

Mr. MANN. I would say that it was an inconsistency to accept a maneuver site at one place unless it was intended to utilize the camp for that purpose. Do I understand the gentleman to say that we have the moral right to accept every donation made at their expense, with no intention to carry out what they have a right to expect? I would not be a party to such a transaction, public or private, under any circumstances.

Mr. HOUSTON. Will the gentleman yield for a statement?

Mr. MANN. If it is not too long.

Mr. HOUSTON. Well, it will be short. I wish to say this, that there is not at this time any antagonism between the effort to establish a rifle range and camp at Tullahoma and establishing the same at Anniston, Ala.

Mr. MANN. I have observed that the gentleman from Tennessee [Mr. Houston] supported the Anniston proposition, and that the gentleman from Alabama [Mr. Blackmon] is not opposed to this proposition. What does that mean? It means that they want to establish two maneuver camps—one at Tullahoma and one at Anniston—for the same purpose. That is what I am opposed to.

Mr. HOUSTON. Will the gentleman yield to me for a moment?

Mr. MANN. Certainly.

Mr. HOUSTON. I want to say that I supported the proposition to have the board of engineers examine the location at Anniston, Ala., because I thought it was honest and fair and just that I should do so. We came before this House at the last session of Congress asking that this same thing be done for Tullahoma, Tenn., and that we might have a report. The report was made. Now, then, I can not say in good faith and candor that the people of Anniston, Ala., shall not have the

same opportunity to have an investigation in order to see what the conditions are there.

Mr. MANN. You ought to wait. You are trying to preclude the people of Alabama from getting a maneuver camp by having your own accepted at this time.

Mr. HOUSTON. Not at all—not at this time. I am trying to make all the headway possible. There is no reason why this would preclude Anniston, Ala. If the Government accepts this 5,000 acres of land, and it seems proper then to accept 5,000 more from Anniston, Ala., it has the discretion to improve and extend the one most desirable. If Tullahoma can not beat it on its merits, then we ought not to have it; but if it can, we ought to have it.

Mr. MANN. If the Government accepts a donation of land at the expense of private individuals, and then does not use the land for the purpose for which it is donated, I repeat again it is a confidence game on the part of the Government to which no gentleman ought to be a party. I take it if this land is accepted it is the express intention of Congress to provide at this place maneuver ground for these States. Now, if the gentlemen are so anxious, I will withhold the balance of my time and let them explain.

Mr. SLAYDEN. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. Blackmon].

Mr. BLACKMON. Mr. Chairman, I have only a few words to say with reference to this proposition at Tullahoma, Tenn. I am not engaging, and I would not engage, in a confidence game, but I think this, that the proposition from Tullahoma, Tenn., is a remarkably liberal one, and at this time it is more liberal than I expect to offer at Anniston, Ala., unless the Government proposes to do something for me.

Now, with reference to Tullahoma, Tenn., they propose to donate 5,000 acres of land. They ask the Government to accept it. I am not going to offer 5,000 acres of land at Anniston, Ala., unless the Government will agree, in accepting it, to give me something in return for it. That is the position I take on this question.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Kansas?

Mr. BLACKMON. I do.

Mr. MURDOCK. Why does any set of men propose to give 5,000 acres of land to the Government? What benefit do they get out of it?

Mr. BLACKMON. The question answers itself.

Mr. MURDOCK. I do not think it does.

Mr. BLACKMON. If they give this land they hope to get something in return for it, just as other people do in giving a bonus for an industry that will bring money into the community.

Mr. MURDOCK. Do they expect something else to follow this grant?

Mr. BLACKMON. I do not say that. Alabama is not following Tennessee.

Mr. MANN. You have skinned them. [Laughter.]

Mr. BLACKMON. No. If this proposition is submitted to the War Department, I believe that the War Department as it is now constituted will be absolutely fair in this matter. I do not believe that Tennessee, Illinois, or any other State in the Union can cause the War Department to put up a job on the people. I do not believe they will do it, and for myself I am willing to take my chances on the report, if we ever get it. I believe that the advantages at Anniston are far superior to those at Tullahoma, Tenn., but I am willing for the War Department to determine that question for itself.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from South Dakota?

Mr. BLACKMON. I can not. I have not the time.

Mr. MARTIN of South Dakota. Just for a question?

Mr. BLACKMON. It seems I must do so, but I have only a very few minutes.

Mr. SLAYDEN. Mr. Speaker, I yield one minute more to the gentleman from Alabama [Mr. Blackmon] to enable him to answer the question of the gentleman from South Dakota.

The SPEAKER. The gentleman from Alabama [Mr. Blackmon] has one more minute.

Mr. MARTIN of South Dakota. The question I wanted to ask the gentleman was this: Does the gentleman anticipate that both of these maneuvering camps will be established?

Mr. BLACKMON. I should say not.

Mr. MARTIN of South Dakota. If the Government has accepted the one in Tennessee is there very much likelihood that it will also take the one from Alabama?

Mr. BLACKMON. I am looking at this from this standpoint: I do not consider that the Government gets anything by this bill. I do not agree that you can cede land in a State by an act of Congress or resolution of this kind. The State of Tennessee, when the report comes in favoring Anniston, will say, "We will never cede this 5,000 acres to the Government," which must be done, of course, if the Government acquires title.

Mr. MARTIN of Colorado. And unless the State cedes it to the Government this bill will not be effective?

Mr. BLACKMON. No. No private party can cede jurisdiction over land to the Government. It must be done by an act of the legislature of the State.

Mr. MARTIN of South Dakota. If the Government does not get this land it will be because the State of Tennessee will keep it back, because this resolution directs the Secretary of War to acquire this land.

Mr. BLACKMON. It directs the Secretary of War to take steps to acquire title to it.

The SPEAKER. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. MANN] to use some of his time.

Mr. MANN. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. Mr. Speaker, I thank the gentleman from Illinois for his courtesy.

I do not understand just how the gentleman means to employ the term "confidence game." I do not know just what he means by that statement. But I want to state that in my remarks at the outset I stated that I would be perfectly frank and candid, and would say that if this land were ceded to the Government, and the Government accepted the donation, we would expect and we would hope that the Government might be induced to make further investments, and the report shows it can buy more land at a reasonable price. That is not a confidence game. If our showing of facts does not make it appear to the Government that it is a proper place at which to establish this rifle range, then the proposition ought to fall. There is nothing in that which is not fair and candid and frank.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, this resolution comes here practically with the indorsement of a Republican Congress, the Sixty-first, which first passed upon it. It comes with the unanimous indorsement of the Military Committee of a Republican House. Then it is here now with the indorsement of and a unanimous report from the Military Committee of a Democratic House. It has the approval of a commission of Army officers who have been upon the ground and have studied not only the local situation but the needs and requirements of the service. It has the approval of two Secretaries of War, one a Democrat, Hon. Jacob M. Dickinson, of Tennessee, and the present Secretary, who made a very excellent speech last night in the home town of the gentleman [Mr. MANN] who is opposing this proposition. [Applause.]

Something has been said in this connection about Tennessee. Tennessee is the banner volunteer State when it comes to furnish soldiers for the defense of the Union, and the town that I represent on the floor of this House stood next to New York City in the number of recruits during the Spanish-American War. The smallest county in the district that I represent, having 2,200 voters in it, furnished over 500 private soldiers to the Spanish-American War. So, basing this proposition from that standpoint, Tennessee has a superior claim, which I hope will be recognized by both sides of the House.

I made it a rule in this House, Mr. Speaker, to follow the report of a committee where it is a unanimous report. I stand by my colleagues on this side of the House when they come here a unit for any proposition, no matter what section of the country it benefits. If we are to have intelligent legislation, we must depend on our committees, and have confidence in their honor and their interest in the public service of the country.

A rifle range is needed not only from the standpoint of the report of a commission of Army officers for the Regular Army, but it is needed for the State militia of the National Guard of the Southern States. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield five minutes to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. Mr. Speaker, it is very interesting indeed to observe the plan of economy that is being worked out in regard to the handling of our standing Army by the Democratic Committee on Military Affairs of this House. We were told early in the session that our present system of

handling our standing Army was extravagant, and in consonance with that sort of a suggestion one of the first things done by this committee, backed up by the Democratic majority, was to announce to the country by a bill, which has passed the House, that it was reducing the Cavalry arm of the service one-third, from 15 regiments down to 10. Immediately following this legislation, notwithstanding they are proposing to eliminate 5 of the 15 Cavalry regiments, and notwithstanding we have splendid Cavalry posts, constructed within the past 10 years, to house nicely the entire 15 regiments, they put through a bill increasing the capacity of the Cavalry post at Fort Oglethorpe, Ga., from 1 regiment to 3 regiments, or a brigade post, meaning the expenditure of all the way from \$2,000,000 to \$4,000,000.

What happens next? A bill passes the House authorizing the Secretary of War to investigate and report upon the feasibility of taking over a maneuver camp down in Alabama. That has been passed. Now we are invited to consider the acceptance of 5,000 acres of land to establish a maneuver camp in the State of Tennessee. What is it going to cost the Government if it accepts this land and proceeds in good faith to establish that maneuver camp? No one knows. The chairman of the Committee on Military Affairs is conspicuously absent from this room as these questions are being propounded.

Mr. PEPPER. Will the gentleman yield?

Mr. MARTIN of South Dakota. I am sorry to say I have not time to yield. The gentleman from Texas [Mr. SLAYDEN], with long service on the Military Committee, frankly confesses that he does not know what it would cost. We are embarking under Democratic leadership upon unknown expenditures running into the millions after a declaration of economy to be adopted by the Committee on Military Affairs.

We have heard a great deal said about political posts, and it has been intimated that some of the present posts were not established by the Secretary of War or the Army Board, but by acts of Congress for political purposes. Are not every one of these recent enterprises started for purposes purely political? Of what need is there for two maneuver posts or grounds, one in Alabama and one in Tennessee, for the same series of States, unless it is for political maneuvers? It has no necessity in the proper handling of the standing Army or the State militia. If this is the type of economy projected into the management of military affairs by legislation of Congress directing these things to be done, we will need some imagination to anticipate where will be the end and to what extravagance of expenditure we are to be led by the Democratic leadership of the Committee on Military Affairs.

Mr. SLAYDEN. Mr. Speaker, how much time has this side remaining?

The SPEAKER pro tempore (Mr. KITCHIN). Nine minutes.

Mr. SLAYDEN. I will ask the Chair to let me know when I have used two minutes. Mr. Speaker, I want to say in reply to the gentleman from South Dakota [Mr. MARTIN] that while there was no minority report filed, the Committee on Military Affairs was not unanimous in its opinion as to the wisdom of these projects, but, as frequently happens, a small minority refrained from filing views that run counter to that of an overwhelming majority of the committee.

The gentleman insinuated that the committee is undertaking legislation along sectional lines, that it proposes construction in the South that it would not consent to in the North. I want to remind him that the proposed schemes of economy that he complains of are the inventions of the major general who is Chief of Staff, Gen. Leonard Wood, and Secretary Stimson, both of whom I believe are admittedly Republicans in politics, if Gen. Wood has any politics whatever.

Mr. HELM. Will the gentleman yield?

Mr. SLAYDEN. I can not, I have so short a time. The gentleman from South Dakota asked a question as to the probable cost of the enlargement of quarters and barracks at Fort Oglethorpe for two additional regiments of Cavalry. He knows that it is impossible to tell that until the types of buildings have been agreed upon. But I want to say that we have reduced by specific mandate of law the cost of such buildings to be erected hereafter. That has been done in this House by legislation proposed by the committee that he criticizes now in an unfriendly spirit. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, my colleague from Tennessee, Judge HOUSTON, in whose district this land lies, has explained to the House the purpose of this resolution. The gentleman from Illinois [Mr. MANN] it seems to me has misconceived the purpose of this resolution. He seems to find some ground of criticism in the fact that this bill follows a bill passed

last Wednesday providing for a brigade post at Chickamauga. My friend has fallen into the error of stating that that brigade post is to be located in the State of Tennessee. That post is to be located in Chickamauga Park, in the State of Georgia, just across the line from Chattanooga, Tenn.

Now, I want to say to the House that there is nothing behind this proposition. It carries with it no obligation on the part of Congress to spend any money upon the site at Tullahoma unless in the judgment of Congress it is the part of wisdom to do so.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MICHAEL E. DRISCOLL. How many acres will be required for maneuver grounds altogether?

Mr. BYRNS of Tennessee. That will depend upon the kind of maneuver grounds to be provided.

Mr. MICHAEL E. DRISCOLL. Will it take 20,000 or 30,000 acres?

Mr. BYRNS of Tennessee. I was about to state that if the maneuver grounds are required for Artillery purposes the War Department requires from 25,000 to 40,000 acres of land.

Mr. MICHAEL E. DRISCOLL. Why would it not be wise before you permit it to be bought by the Government, to know how much the Government is going to pay for the balance?

Mr. BYRNS of Tennessee. This is not a proposition to buy 5,000 acres of land; it is proposed to donate 5,000 acres to the Government.

Mr. MICHAEL E. DRISCOLL. Beware of the Greeks bearing gifts. Why would it not be wise to wait before the Government is committed to the acceptance of this 5,000 acres to know whether the State of Tennessee will cede the sovereignty over 25,000 or 30,000 acres, and know how much the Government will have to pay for it?

Mr. BYRNS of Tennessee. The report of the board of Army officers shows that this land can be purchased very cheap, at about \$10 or \$12.50 an acre, if the United States Government should desire in the future to buy more land.

Mr. MICHAEL E. DRISCOLL. What is it worth? Is it worth over a dollar an acre? It may not be worthy anything except for a maneuver camp, and practically nothing for farming purposes.

Mr. BYRNS of Tennessee. The report of the Board of Army Engineers shows that the land is reasonably worth \$10 or \$12.50 per acre, and that it can be bought for that sum.

Mr. MICHAEL E. DRISCOLL. I was against the resolution last week, because I thought there ought to be a committee of Army officers sent out to select the best place, the cheapest place, the most available place in that cluster of States, and that that should be taken, and that we should not be committed to several of them at the same time.

Mr. BYRNS of Tennessee. That is exactly the course that has been followed in this instance. A resolution was passed in the Sixty-first Congress authorizing a board of Army officers to go down to Tennessee and Georgia and investigate this and other sites.

I was about to say that the War Department is now urging every State to select a permanent site for mobilization purposes and for camp instruction. The adjutant general of the State of Tennessee appeared before the Committee on Military Affairs and said that he had been urged by the War Department to select some place in the State of Tennessee where the militia could meet, where it could be mobilized in the event of war, or where it could meet for target practice and instruction during times of peace. He stated that he did not have the money with which to purchase and prepare lands in Tennessee for such purpose, but that if Congress would only agree to accept these 5,000 acres of land he could use about \$15,000 which he has in his possession for the purpose of putting this land in good condition for rifle target practice. He says that its natural condition is such that it will not require very much money to put it into suitable condition for a militia rifle range, and that with an extra \$15,000 this land can be put in proper condition for national matches, and he urged the Committee on Military Affairs, in the interest of the militia of Tennessee, who now have no permanent place to go for practice or where they can have instruction given them, to report this resolution. We are anxious that Congress shall pass it now, because the Board of Trade of Tullahoma has secured from people living in the vicinity of that city options on this land which are about to run out. Unless the United States Government accepts it now, it may possibly be too late if the matter is deferred, as some gentleman has suggested ought to be done. I see no reason why Congress should not accept it.

If in the future the United States Government shall decide, as I think it ought to decide, to establish a great maneuvering

ground for the troops in the Southeastern States, just as they have recently done in Wisconsin, then I believe no better place in the South could be selected than Tullahoma; but that is a question for a future Congress to decide.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. MANN. Mr. Speaker, how much time have I remaining? The SPEAKER. Four minutes.

Mr. MANN. Mr. Speaker, I yield two minutes to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. Mr. Speaker, I am very much obliged to the gentleman from Illinois for this courtesy. He is not only one of the most able and useful Members of the House, but he is also exceedingly courteous and obliging at all times.

Mr. Speaker, the passage of this resolution does not pledge any Member of Congress to appropriate money for the improvement of the land in the future. I believe that if the time shall come, if it ever does, when the War Department thinks it proper to recommend that money be expended in order to secure proper maneuvering grounds for troops in the Southeastern States, Congress will see fit to accept this location, since it will have a nucleus of 5,000 acres to start with; but if it does not, the citizens of Tullahoma and the State of Tennessee will not complain. Former Secretary of War Dickinson urged the acceptance of this land in the last Congress, and the House, in the Sixty-first Congress, unanimously passed this bill. It was sent to the Senate, and there amended so as to provide for a commission of Army officers to go down and look over the land. They have made their report to Congress, in which they strongly urge the acceptance of this land. They state that it is well watered; that it is healthy and sanitary; that it is centrally located and easy of access; and that it possesses all those elements necessary for suitable and proper target rifle ranges and camps of instruction, and that it will also provide a place for mobilization whenever needed.

That it is not large enough for maneuvering purposes for Artillery I will admit, but it is large enough for mobilization of troops in the event of war. It is large enough for camps of instruction not only for the Militia of Tennessee but for the militia of any other State that desires to send its troops to that point in time of peace. It is also within easy reach of the regular soldiers located at Fort McPherson, in Georgia, where a brigade post is intended to be established, and I trust that the House will adopt the resolution. [Applause.]

Mr. MANN. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

The SPEAKER. The gentleman from New York is recognized for two minutes.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I was one of those who opposed the resolution a week ago which provided for the sending of a commission of Army officers down to examine a proposed site in Alabama, and we who opposed that resolution then stated that we believed it was better all around and it was the part of wisdom all around to provide a commission of Army officers to go down there to examine the various sites in the several States, see the several land companies and promoters, and pick out the most advantageous site, all things considered, price and everything else. When land companies come before committees of Congress or to the Government and offer 4,000 or 5,000 acres of land for nothing it always raises suspicion in my mind why this generosity, why this great liberality to the Government? The Government is not going around begging for something for nothing. There is always, I say always—

Mr. SLAYDEN. A negro in the woodpile?

Mr. MICHAEL E. DRISCOLL. A negro in the woodpile. They are trying to throw a sprat to catch a mackerel. You will very often find they are trying to get 10 times what the land is worth. Beware of people who are trying to give something for nothing. Now, why would not it be in the interest of economy to wait and not commit the Government to take this 5,000 acres of land until it can find out how much the 45,000, which are necessary and which surround this, can be bought for? Why would not it be better to wait until we know that the State of Tennessee will surrender sovereignty to this 5,000 acres to the United States Government?

Mr. HOUSTON. Will the gentleman from New York permit a statement?

Mr. MICHAEL E. DRISCOLL. For a question.

Mr. HOUSTON. That information is already furnished in the report of the Army officers.

Mr. MICHAEL E. DRISCOLL. On what conditions will the State surrender sovereignty?

Mr. HOUSTON. I mean in reference to the power to purchase land adjacent to this; that information is already there.

Mr. MICHAEL E. DRISCOLL. Of course, if the United States Government will buy 45,000 acres surrounding this 5,000 acres which are given as a gift, on terms satisfactory to the land promoters down there, then perhaps they will persuade the authorities of the State government to surrender sovereignty to the United States.

The SPEAKER. The time of the gentleman from New York has expired; all time has expired, and the Clerk will read the bill under the five-minute rule for amendment.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States and which have been inspected by the commission authorized under the joint resolution approved February 24, 1911, for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

Mr. HOUSTON. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of section 1 the following:

Provided, That previous thereto the State of Tennessee shall have ceded jurisdiction over said lands to the United States."

Mr. HOUSTON. Mr. Speaker, that amendment does not need any explanation; it explains itself. I want to state that after that amendment is adopted, if it shall be adopted, I shall propose to strike out section 2 of the bill.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 2. That he is directed to take steps to have the State of Tennessee cede jurisdiction over said lands to the United States Government.

Mr. HOUSTON. Mr. Speaker, I move to strike out the second section of the bill.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAY, his motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will call the next committee.

When the Committee on Naval Affairs was called—

SUSPENSION FROM PROMOTION—OFFICERS OF THE NAVY NOT PROFESSIONALLY QUALIFIED.

Mr. PADGETT. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up the bill S. 2004.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2004) to amend section 1505 of the Revised Statutes of the United States providing for the suspension from promotion of officers of the Navy if not professionally qualified.

Be it enacted, etc., That section 1505 of the Revised Statutes be, and is hereby, amended to read as follows:

"Sec. 1505. Any officer of the Navy on the active list below the rank of commander who, upon examination for promotion, is found not professionally qualified, shall be suspended from promotion for a period of six months from the date of approval of said examination, and shall suffer a loss of numbers equal to the average six months' rate of promotion to the grade for which said officer is undergoing examination during the five fiscal years next preceding the date of approval of said examination, and upon the termination of said suspension from promotion he shall be reexamined, and in case of his failure upon such reexamination he shall be dropped from the service with not more than one year's pay: *Provided*, That the provisions of this act shall be effective from and after January 1, 1911."

Mr. MANN. I think we ought to have some explanation.

Mr. PADGETT. Mr. Speaker, I will ask that the Clerk read the report of the committee containing the letter to the chairman of the committee from the Secretary of the Navy.

Mr. MANN. That is not very satisfactory. Why does not the gentleman explain it?

Mr. PADGETT. My voice is in very bad condition, and I suggested it simply to save my voice. In the early history of the Navy, when the classes were small, the law provided, under section 1505 of the Revised Statutes, that when an officer came up for examination for professional qualifications, if he failed, he should be suspended for 12 months. It now happens that the classes are much larger. When the classes were small the arrangement of one year's suspension put the officer back only a few numbers, but now with the large classes of from 100 to 200 members the effect of it is to put the officer back from 100 to 200 points, so that it is a demotion or a punishment of from 2 to 5 years. It has become entirely too severe, and this provides that he shall be suspended for 6 months, which will give very severe punishment, but not so severe as the other. It has been recommended by the committee unanimously and has passed the Senate. I think it is a good measure. The punishment that is provided in this bill will be amply sufficient and

will remove by its passage the severity which has grown out of the enlarged classes from the time that the law was first enacted.

There is another provision in the bill which provides:

And upon the termination of said suspension from promotion he shall be reexamined, and in case of his failure upon such reexamination he shall be dropped from the service with not more than one year's pay:

Provided, That the provisions of this act shall be effective from and after January 1, 1911.

In his letter the Secretary calls attention to that provision, as follows:

The provision of law under consideration has to do only with professional failure and does not at all involve the question of misconduct; the moral qualifications are first passed upon by the examining board and are reported upon in connection with the examination as a whole. If the misconduct shown by an officer's record is such as to require an adverse report as to his moral qualifications, then the following provision of law from the act of August 5, 1882 (22 Stat., 286), applies:

"Whenever on an inquiry had pursuant to law, concerning the fitness of an officer of the Navy for promotion, it shall appear that such officer is unfit to perform at sea the duties of the place to which it is proposed to promote him, by reason of drunkenness, or from any cause arising from his own misconduct, and having been informed of and heard upon the charges against him, he shall not be placed upon the retired list of the Navy, and if the finding of the board be approved by the President, he shall be discharged with not more than one year's pay."

So that if an officer be found morally disqualified, then, whether or not he be found professionally qualified, if the finding of the board be approved by the President, the officer is discharged with not more than one year's pay. Attention is invited to the fact that in such case, i. e., in case of a finding of moral disqualification, the discharged officer is given a year's pay, although in the case of the officer whose record is irreproachable but who fails upon his professional reexamination he is discharged without any further pay whatever. In view of this apparently adverse discrimination against the officer in the case of a final professional failure it has been thought only just to add a similar provision in the proposed modification of the law, a draft of which accompanies this letter.

I think that fully explains the scope and purpose of the bill, and I shall reserve the remainder of my time, Mr. Speaker.

Mr. Sisson. I would like to ask the gentleman whether the committee considered the question of increased pay—as to the number of officers whose pay would be affected by this change in the law?

Mr. PADGETT. It does not increase the pay at all.

Mr. Sisson. It increases the rapidity of promotion, and promotion increases pay, does it not?

Mr. PADGETT. If the officers were to pass their examination, this would have no effect whatever on promotion.

Mr. Sisson. In other words, this bill is for the purpose of promoting the inefficient and those who are unable professionally to pass an examination, in order that they may more easily get up to a higher grade, where they may draw a higher salary, is it not?

Mr. PADGETT. No; I think not. The effect of it is that where a man is called up for examination and fails to pass on the questions on which he is examined, under the law he is given another opportunity.

Mr. Sisson. But it is 12 months.

Mr. PADGETT. He is suspended for 12 months, which operates as a penalizing of from two to five years. This law provides he shall be suspended for 6 months, which would reduce the penalty by one-half. Now, during the 12 months of his present suspension, others coming along for examination would pass on ahead of him, but this one, at the end of 12 months, if he passed his examination, would go along in the line. Under this law he would stand his examination at the end of 6 months, and, if he passed, would proceed in the order of his promotion, with only those going in front of him who had passed during the 6 months instead of during the 12 months.

Mr. Sisson. But the fact still remains that if he is penalized 200 points for failing to pass, it would prevent his promotion for five years. It seems that for as long as five years he would remain in the grade he is now in?

Mr. PADGETT. Yes.

Mr. Sisson. And his pay could not be increased?

Mr. PADGETT. No; but another man would pass on in his place, and the other man's pay would be increased.

Mr. Sisson. That is true; but would it not result in the man who is professionally efficient and could stand the examination proceeding to a higher grade? And he is the man who ought to proceed to a higher grade.

Mr. PADGETT. That may be true; but—

Mr. Sisson. In other words, does it not resolve itself down to this proposition, that it is an easy mode for the inefficient to get another opportunity to get into another grade?

Mr. PADGETT. No. It resolves itself into this proposition, that where a punishment, brought about by a change in conditions, is found to be too severe and unjust, he is promoted to a place where it is fair and just. In other words, it is an adaptation of punishment to changed conditions. For instance, to

illustrate: When I was a child my father dealt with me and punished me as a child, but when I got to be a young man he dealt with me on a different basis, with a different qualification, and a different punishment. That is what the Navy proposes to do. This is to adapt the punishment to the changed conditions that have been brought about by the enlarged condition of the Navy.

Mr. SISSON. In other words, there is a great deal more demand now for promotion and salaries than there was formerly? Is that it?

Mr. PADGETT. I do not know that it is.

Mr. SISSON. You promote a man now after he has stood an examination, and he is not permitted to be examined again until 12 months?

Mr. PADGETT. Yes. Others would go ahead and be examined in his place.

Mr. SISSON. Yes; others would go ahead and be examined in his place, but that would be by virtue of his inefficiency, would it not? The others would not be responsible for that?

Mr. PADGETT. Not at all.

Mr. SISSON. Are you going to hold the child, for example, who wants to remain so a long time, a child who is intellectually inefficient, and enable him to be the more easily promoted, when the man who is a man and who is professionally efficient would be promoted anyway? Under the present law he would be promoted.

Mr. PADGETT. Not at all. Under the present law they would pass up for examination at certain times in their service. For instance, you take the graduate midshipmen. At the end of two years they pass up for examination and promotion to ensign. The next class of graduates at the end of two years passes up for promotion as ensigns, and the next class at the end of two years passes up for examination to the grade of ensign. It is fixed by periods. Now, then, when you hold this man back two or three years you are holding him back behind perhaps two other classes, and the penalty, the punishment, is altogether too severe.

Mr. TALBOTT of Maryland. And in many cases it is not the fault of the officers themselves?

Mr. PADGETT. No; it is not.

Mr. TALBOTT of Maryland. It may be for some reason connected with the officer's service. The kind of service the officer may have been assigned to may have been such as not to make him efficient, or to make him inefficient. He may have contracted some disease in the service that made him physically unfit, and if he were permitted to take an examination in six months he might show that he has got rid of his disability, and he might receive promotion and not be delayed behind others.

Mr. SISSON. Those cases would be rare. They would be exceptions.

Mr. PADGETT. I will say to the gentleman that there are very few of them in fact. This affects 5 ensigns and 2 assistant surgeons.

Mr. SISSON. That is, at this time?

Mr. PADGETT. Yes.

Mr. SISSON. Is it not true that there is a great clamor for easy promotion?

Mr. PADGETT. The promotions can only be affected by legislation, and I do not know of any legislation on that subject since 1899, when the personnel bill was passed.

Mr. SISSON. Then this law simply permits a man to have his second examination at the end of six months instead of at the end of a year?

Mr. PADGETT. Yes.

Mr. SISSON. Therefore the purpose of it is to make it easier for the officer to be promoted.

Mr. PADGETT. Not to make it easier, but to make the punishment less severe. He has to make the same qualifications at the end of 6 months that he would have to make after 12 months. He must show the same efficiency.

Mr. SISSON. But still it renders it easier for him to get an examination, because he gets it in half the time, if he is capable of standing it?

Mr. PADGETT. He has to have the same qualifications. The examination would be the same.

Mr. SISSON. Then, why not make it 30 days?

Mr. PADGETT. The only thing is that he shall have his examination at the end of 6 months instead of at the end of 12 months.

Mr. SISSON. Why not make it 30 days, then?

Mr. PADGETT. Because that would make the penalty too light.

Mr. SISSON. It is not the fault of the law that the man is unable to stand examination?

Mr. PADGETT. No.

Mr. SISSON. And it is doing him a great kindness to permit him to have an examination within the year.

Mr. PADGETT. Suppose the law said that a man who fails to pass an examination shall be hanged. Do you think that would be a reasonable law?

Mr. SISSON. I think that would be just about as reasonable a proposition as the one that you are advancing here now, in order to make it more easy for men to be promoted.

Mr. PADGETT. That is a matter for individual conception, and the gentleman is entitled to his own opinion.

Mr. BATHRICK. Are not these examinations very severe, technically?

Mr. PADGETT. Exceedingly so. There was one case called to my attention. I do not know the officer, but I have heard of the case. He passed in all his studies, but while he was on a boat, the boat ran aground. Now the mere fact that the boat ran aground was charged against his record and, although he was not held responsible for any fault or negligence, the mere fact that it had gone aground was charged against his record, and he was held back from promotion. There the punishment was entirely too severe.

Mr. SISSON. That is the fault of the regulations of the Navy Department and not the fault of the law necessarily.

Mr. PADGETT. The fault of the law is that it is 12 months' punishment instead of 6 months, and this proposes to adapt the punishment more nearly to the grade of the offense.

Mr. BATHRICK. The punishment at the present time, as I understand it, because of a failure to pass an examination, is as severe as if the party were convicted of an immoral act.

Mr. PADGETT. Three or four times more so.

Mr. SISSON. Is it not true that the Navy Department desires to keep up the personnel and discipline in the Navy?

Mr. PADGETT. Yes.

Mr. SISSON. One of the principal objects of these regulations is to be sure to have proper discipline.

Mr. PADGETT. It is and it should be.

Mr. SISSON. Now you want to make the discipline very much less severe in order that these men may be promoted.

Mr. PADGETT. I want to make it less severe in this case; because of the changed conditions it has become entirely too severe.

Mr. SISSON. Why is it too severe now if it was not too severe in the past?

Mr. PADGETT. Simply because in the past, when we had classes of 15 or 20 graduating, if a man lost 10 or 15 points in promotion it was very different from a class now of 200, where he loses 200 points. In the first case, if he lost 10 points he would be set back in his promotion, say, 5 months, but now if he gets behind 200 points he is set back, say, 5 years. There is no trouble in understanding a proposition of that kind.

Mr. SISSON. How much will this increase the pay or the cost? How rapidly will it increase the promotion of officers?

Mr. PADGETT. It does not increase it at all.

Mr. SISSON. The man gets an opportunity to draw the increased salary that much earlier, does he not?

Mr. PADGETT. Yes; but somebody else would have gone in ahead of him anyway. It is only a question whether you shall penalize him so as to set him back five years or whether he shall be set back two years or less.

Mr. SISSON. Are only a certain number promoted anyway every year?

Mr. PADGETT. Yes.

Mr. SISSON. Is there a fixed number; fixed by law?

Mr. PADGETT. Above the grade of ensign; yes, sir.

Mr. SISSON. The number is fixed by law?

Mr. PADGETT. Yes.

Mr. SISSON. So no more than a certain number can be promoted?

Mr. PADGETT. That is true.

Mr. SISSON. This, then, resolves itself into a question of who shall be promoted?

Mr. PADGETT. As to whether the officer shall be penalized and set back a certain time.

Mr. TALBOTT of Maryland. Whether he is set back six months or a year.

Mr. SISSON. I now understand the position of the chairman of the committee [Mr. PADGETT], which he did not make plain to me at first, that it does not increase the number of promotions. It simply changes—

Mr. PADGETT. It simply changes the penalty upon the individual.

Mr. SISSON. So it would not necessarily increase the expenditures under the present law and under the rules of the Navy?

Mr. PADGETT. None whatever. Mr. Speaker, I will reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I appreciate the fact that there may be some hardships under the present conditions, but after all the present conditions tend toward the promotion of the brightest men in the Navy, toward getting the brightest men at the top who are in command. If a man fails in a professional examination he is put back under the existing law. Of course, the effect of that in the end is that the men who pass the professional examination get to the top and become the men who are in command in time of peace, or, what is more important, in time of war.

This bill might properly be entitled "A bill to push to the front men who are not as well professionally qualified as their fellow officers." However, I would like to ask some gentleman familiar with the bill what will be its effect in some respects? Under the existing law the man who fails in his professional examination, where he takes the examination for promotion, does not receive the promotion at that time. At the end of 12 months he is entitled to receive a reexamination, and if he passes it is promoted in accordance with his reexamination.

Under this bill there is a conflict as to the time from which the promotion dates, or as to how the promotion affects the other officers—a conflict which, I think, gentlemen of the committee have not considered, or, at least, have not explained.

The bill first proposes to have a reexamination at the end of 6 months instead of 12 months; and if it stopped there it would provide a reexamination, and if the officer passed the examination he would receive promotion and number accordingly. Now, what will be the effect under the bill? Under this bill if the officer fails in his professional examination he is suspended from promotion for 6 months. At the end of 6 months he takes a reexamination, and if he passes the examination, where does he get his number?

Mr. ROBERTS of Massachusetts. He would take it as if he had passed at the end of 12 months.

Mr. MANN. The gentleman from Massachusetts says he gets it as he would if he passed at the end of 12 months.

Mr. PADGETT. The bill provides:

And shall suffer a loss of numbers equal to the average six months' rate of promotion to the grade for which said officer is undergoing examination during the five fiscal years next preceding the date of approval of said examination.

Mr. MANN. Oh, I know what the bill says. In other words, he displaces all of the numbers above him.

Mr. PADGETT. Oh, no.

Mr. MANN. Certainly, that is absolutely the case; the numbers of men in the Navy are consecutive numbers. Here is a man that failed in his examination professionally; he is suspended from promotion for 6 months. During that 6 months other men are promoted and receive their numbers. Is not that the case, is not that the situation?

Mr. PADGETT. Those who stood the examination at the time he failed would take other numbers, and the next promotion in his grade would be the year following.

Mr. MANN. But they do receive other numbers?

Mr. PADGETT. Yes; those that were examined at the time.

Mr. MANN. Those that passed the examination receive other numbers?

Mr. PADGETT. Yes.

Mr. MANN. The report in this case says that 100 to 200 of them passed in 12 months.

Mr. PADGETT. Yes.

Mr. MANN. Then 100 of them received numbers during 6 months' time.

Mr. PADGETT. The examination takes place—

Mr. MANN. Will the gentleman answer; am I correct that 100 may receive promotion and numbers during the 6 months?

Mr. PADGETT. Yes; they might receive it at the time the examination was taken.

Mr. MANN. The gentleman's report says that in 12 months 100 to 200 may pass above him, so that in 6 months 100 may pass above him.

Mr. PADGETT. The examinations are annual, and during the period there might be none that would pass above him.

Mr. MANN. If the gentleman will be kind enough to try and get my idea, it may be that we can come to a conclusion.

I think the gentleman's bill is defective in this respect; but if the gentleman does not think so, very well. The man who is suspended now stays where he is, and meanwhile during the 6 months 100 officers may be examined, promoted, and receive numbers accordingly. But the gentleman's bill says that at the end of 6 months the officer who has failed may be examined, and if he passes the examination shall lose only in numbers the

average for 6 months—"the average 6 months' rate of promotion." But here is a class that comes along and is examined. The class goes up and its members have their numbers, and when the officer who has been suspended passes his examination he is bound to take one of the numbers of the men who have been promoted ahead of him.

Mr. PADGETT. I think not.

Mr. MANN. There is no escape from it.

Mr. PADGETT. Let me make this statement to the gentleman. These examinations are annual. They are not held every two months or three months or six months.

Mr. MANN. I do not understand that they are held annually at all. They are held at different times.

Mr. PADGETT. For instance, a class graduates this year. Two years later they hold an examination for promotion to ensign. They have to serve the two years. At a certain period after that, after serving as ensign for three years, they are examined for promotion for lieutenant of the junior corps. After serving such a length of time, so many years, in that grade, they are examined for promotion to the grade of lieutenant. It is not every month or so that these examinations take place, but they are yearly. There are so many promotions a year. The Personnel Board provides that each year so many shall be retired. If not by death or by resignation, then there is what is called the plucking board, and they are taken out. Then there are so many promotions that go up, and these men stand their examinations for these promotions at these stated periods. With the loss of numbers of six months a man would lose in his class, but he would come in ahead of the other class that follows him a year later.

Mr. MANN. I am perfectly familiar with all that the gentleman has stated which is correct. A part of it is not correct. The gentleman refers to the plucking board, but the ones who are cut out of the service are not cut out at the end of the particular year. It is not all done at one time. Promotions come along in the course of a year. Nor are the examinations for promotions all held at one stated time in the year.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. I wish to inquire of the gentleman if this be not the practice. There is a certain period in the year when the so-called plucking board is convened?

Mr. MANN. The plucking board acts only if enough officers have not been retired for other reasons. Under the statement of the gentleman from Tennessee [Mr. PADGETT] all the nominations of the President for promotion in the Navy would be sent in at one time in the year, which we know is not the case.

Mr. PADGETT. The plucking board acts—

Mr. MANN. No; the gentleman stated that all the examinations were held at one time in the year.

Mr. FITZGERALD. I think this is the situation—that the experience of a number of years demonstrates that on an average a certain number of vacancies occur either by death or resignation or from some other cause during the first six months, and practically invariably the plucking board is required to exercise its functions at a definite period in the year.

Mr. MANN. The gentleman is as familiar as I am with the facts. The plucking board really plucks very few birds. Most of them are given timely intimations under which they take retirements, and the promotions are made as the retirements occur. But that is not the point. I would like to get the opinion of the gentleman from New York on the proposition that I suggested, which apparently the gentleman from Tennessee does not understand. Under the existing law a man who is held back for a year when he passes his examination is promoted and takes a number at that time. He is not advanced in number over someone who has already been promoted. But under this bill a man is held back from promotion for six months, and if a large number have been promoted during that time, then he jumps over some of those in order to get his number.

Mr. TALBOTT of Maryland. Oh, no, no.

Mr. PRINCE. Yes, he does.

Mr. MANN. The gentleman can say, "Oh, no, no," but it only shows that he has not thoroughly read the bill. It is absolutely the case that the two provisions in the bill are contradictory to that extent. If a man at the end of six months takes the examination on the basis of 40 promotions as the bill says—

Mr. BOWMAN. Will the gentleman offer an amendment covering that point?

Mr. MANN. No. Now I will appeal to the gentleman from New York [Mr. FITZGERALD] on this. I tried to do so before, and I do not wish to take any of the time of the committee, but if the committee insists in doing something that will bring them

into Congress in a short time for additional legislation that is their misfortune; we can not help it.

Mr. PADGETT. I will state to the gentleman, if he will permit, that this bill was prepared by the Judge Advocate of the Navy, who is supposed to be an expert in naval legislation. It was prepared with very great care; the matter has been investigated by the Senate committee; it was passed by the Senate and has been investigated by our committee; and we do not anticipate the troubles which the gentleman seems to anticipate.

Mr. MANN. I have heard those statements made before, and they do not have any effect. I have seen bills come back for reconstruction when prepared in the department.

Mr. FITZGERALD. If the average number of promotions during six months prior to the five years would be 10, and during the six-months period it would be 15 promotions, then the gentleman's contention is that anybody suspended would necessarily take a number higher than 5 of those promoted.

Mr. MANN. Absolutely. Is there any escape from the contention? Here the gentleman himself says there may be 100 promotions in six months, and in his own report he says there may be 200 promotions in a year, but there can only be 40 during that time. If one of the 40 has been passed and then comes and takes examination for promotion and passes it, he must take the place of some one ahead of him and cut out a number. What is the effect of it? The gentleman in charge of the bill can not explain it, but it is certain that in the effort to accomplish something which in itself ought not to be done they will get the Naval Committee in a tangle which will cause legislation to put extra numbers on. They will be in here soon with bills saying this man should be carried as an extra number because he ought not to displace some one who has a number. Under the bill you have to displace men who have a number, and then they will come in and say we must carry these in extra numbers. It means in the end additional promotions and additional places and higher salaries.

Mr. Sisson. Will the gentleman permit a question?

Mr. MANN. I will.

Mr. Sisson. In line with what the gentleman says the proviso in this bill making it retroactive in its effect so as to take effect January 1, 1911, will simply result in just exactly the condition which the gentleman from Illinois has illustrated.

Mr. MANN. Why, certainly.

Mr. Sisson. And these men who have failed since January, 1911, will be compelled to take the places of men who are in line with their class.

Mr. MANN. Of men who now have numbers.

Mr. Sisson. And it makes the bright man in this year's class responsible for the dullness of the one in last year's class.

Mr. MANN. Yes; that will be the case every time.

The SPEAKER pro tempore (Mr. HAY). The question is on the third reading of the bill.

The bill was ordered to be read a third time.

The SPEAKER pro tempore. The question is, Shall the bill pass?

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 17, noes 7.

So the bill was passed.

THE FINANCES.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent to print in the RECORD a speech delivered by me before the State Bankers' Association of Vermont, at Montpelier, February 22, 1912.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to print in the RECORD a speech delivered by himself before the Bankers' Association of Vermont. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The following is the address above referred to:

ADDRESS OF HON. GEORGE W. PRINCE, OF ILLINOIS, BEFORE THE STATE BANKERS OF VERMONT AT MONTPELIER, FEBRUARY 22, 1912.

"Mr. Chairman and fellow countrymen, it is true, as the chairman stated, my father was born in this State. He and his elder brother, back in the early thirties, went to Peoria County, Ill., where later on he married and where I was born. This is my first visit to the State of his birth. Illinois is 400 miles in length from north to south. The north part of the State, in which I was born, is about on a line with Boston, Mass.; the southern part of the State is about on a line with Norfolk, Va. The State was peopled by those who went there from the then Eastern and Southern States. The south part of the State was peopled almost wholly by Virginians; the part of the State in which I live by New Englanders, including

Vermonters. Coming to Illinois in those early days was that distinguished son of Vermont, the 'little giant'—Stephen A. Douglas [applause]—born up here in Brandon; coming from Kentucky his great political rival—Abraham Lincoln. [Applause.] Strange, it has always seemed to me, that this freedom-loving State, opposed so strongly to servile labor, should send one of its brightest, brainiest men to Illinois to advocate the cause of a party favoring servile labor, while Kentucky, a slave-holding State, should send one of its ablest and best men across from Indiana and over into Illinois to champion the cause of free labor. To my way of thinking, Lincoln and Douglas did more to save this Union than any other men that lived in their time who were not connected with the Civil War. [Applause.]

"But I am not here to retell that story with which you are all familiar, and I must address myself to the subject matter assigned to me to speak upon. As the speaker of the address of welcome said, you represent the enormous amount of \$116,000,000—trustees of the wealth of the people of your State. You are a part of the great fraternity of business men of this country, and upon you devolves a tremendous responsibility as part of the banking fraternity of this great Republic. Now, I have no patience with people who abuse bankers. Who are they? The trusted men of your communities. Who are your stockholders? Your neighbors, your associates, your friends. Whose money do you have? Their money. If my wife should survive me—as I hope she may—and desired advice as to the right way to invest the funds which are to be her support for the rest of her life, I should expect her to go to the men in whom I had confidence in my lifetime—bankers. I know of no one to whom she could more properly turn for valuable advice than to the banker to aid her in caring for her money. You men are called upon to be the stewards of the peoples' savings, and faithfully and well do you perform the trust. The responsibility is great, quite as much so in the local country banker as in the banker of the great city; the latter has a larger responsibility, perhaps, more to do with, and greater deals to handle, but the proposition is just the same in its essential features, and both are of the same flesh and blood. Yet we live in an age when you are being discussed and criticized. As a member of the National Monetary Commission I heard such criticism made. When we left New York City on our western trip and asked different people what they thought of the tentative plan of Senator Aldrich, I remember hearing one sensible man in many ways, a man of influence and position, saying, 'I am against it.' And when asked, 'What is the matter with it?' replied, 'It bears the name of Aldrich and that is enough to condemn it.' Quite a number were opposed to the proposed plan for no other reason in the world than that Senator Aldrich had had to do with it.

"Now; that is a nonsensical, foolish position to take. Senator Aldrich is now out of public life; he is a private citizen; he has given his best thought and the best years of his life to the consideration of this subject. I believe it is now the one burning desire of that man's life to bring about a financial method that shall be of incalculable benefit to this country. I believe he has at heart only the interests of his fellow citizens; that his one great desire is to prepare a measure which will square with the best interests of all the people and of every class. My friends, there comes a time in the life of a man when he turns aside from politics and from the idea of money making, as he is approaching the Great Divide, and turns his thoughts and attention to doing the right thing and putting all else back of him. But this proposed measure is not wholly that of Senator Aldrich; it is the joint work of the members of the commission. As a tentative plan he presented it to the people to discuss, and invited discussion of it and suggestions of improvement, if anyone had such suggestions to make. The American Bankers' Association of this country met in convention approved and adopted it with suggestions of amendment. We had men of finance from all over the country before the commission; we had national-bank examiners to tell us how to prepare bank examinations. We desired to get all the light and all the information we could, to the end that the measure proposed might be the most perfect plan that could be presented. The result of our labors were put in the form of a proposed bill, entitled 'A bill to incorporate the National Reserve Association of the United States.' Now, that is the best we had to offer. I believe in trying to do something in this world; I believe in trying to accomplish something in this world. It is waste of time to do nothing but talk. Let us move along some lines. No one has suggested a better plan than this. Then why not put it to the test? Let us do something. It has been before the public since we made our unanimous report; it has been indorsed by that class of the public that are supposed to be, and should be, more

familiar with the situation and the requirements than any other class of the community—the bankers. And it is the first time in my experience that we have seen the bankers of the country practically unanimous on any proposition.

"For many years I sat as a member of the Committee on Banking and Currency; measures would be before that committee, and the pulling and hauling, this way and that way, the wrangling and contentions about what they wanted and what they did not want, and what they ought to have or ought not to have, were so harassing that I thought if I did not get off of that committee I should end up in a madhouse. Finally we would say to those who appeared before the committee, 'Gentlemen, it is folly to bother us in this way; go back and see if you can find some proposition that you can agree upon and present it to us and we will take some action.' Now, as I say, as to this proposition embodied in the report of the commission, it has got to a point where the bankers and business men of the country are agreed, and they favor the proposed plan, in the main. The theorist favors it, the publicist favors it, the professors in the schools favor it. The only people we found who did not favor it were people in the extreme West, who had other ideas. What were some of the objections made to it? One man says, 'Here, I don't like the idea of having the Government delegate its power of issuing money to banks.' 'Well,' we ask, 'what do you propose?' He says, 'I believe the Government should issue all the money to meet all its obligations.' We ask, 'Where would that lead us to?' 'It don't make any difference where it leads, but issue the money—issue it like the leaves of the forest.' Would you have us do that? No. Some would favor the opening of the mints and having unlimited coinage of gold and silver. We ask them, 'Do you think that is the way to do?' 'Yes,' they say, 'and thousands of people think that way.' Those are the men we have had to deal with.

"Now, gentlemen, the question of improving the currency is a practical legislative question. We have got to get down to brass tacks, and we look to you men for help. So, I would rather speak along that line than 'carry coals to Newcastle' in a scuttle. You men understand this business better than I do; you know your troubles; we have suggested what we think is a good plan to afford relief in those troubles. We think it is better for banks to be a system of banks, organized and coordinated together for purposes of power. In unity is strength. Suppose in the revolutionary period Vermont had said, 'We will take care of Vermont—we will not send our troops away from here,' and other States or Colonies had done the same, what would have been the result? Not victory, but defeat.

"Suppose, to bring it to a concrete point—suppose we should have trouble with our neighbor on the north—which we never shall have—but suppose we should have and 200,000 redcoats are landed of the best soldiery in the world, and the President calls for troops. Vermont says, 'We can provide so many thousand.' New York says, 'We will furnish so many thousand.' But suppose Vermont says, 'We will keep our troops to protect our own border,' and New York says the same; we should have a number of small forces to be met and conquered in turn, succumbing to superior force. On the other hand, let us suppose a large army made up of the several State contingents—an army equal in quality and quantity to the invaders. What would be the result? The invaders would be hurled back over the border, shattered and defeated. Our banks are in that same condition. Trouble comes and men want money. What do you do? You try to get that money as quickly as you can and pay your depositors who call for their money, and you do it at the expense of every bank in the neighborhood or anywhere else you can get it. You seek to protect yourselves, and in so doing you weaken all the rest. Now, suppose you have a national reserve piled up? Under the provisions of this proposed bill you can get your paper discounted at once and get cash or credit to pay to the people who call for their money. Could you not at once avert a threatened panic? Would you not be a solid phalanx, and, in addition to that, would there not be a general system of banking in this country? Who is it you are afraid of? Not yourselves. It is the weak bank—it is the bank not properly conducted—that fails, and then the people can not distinguish one from another. The rush comes for the money; the weak bank succumbs and precipitates trouble upon all the banks throughout the length and breadth of the land. In other words, no chain is stronger than its weakest link, and the weakest link in the chain of banks is the one that breaks first. But if you are coordinated together and the banking system is the same and conducting business in the same way, how much safer and better it will be for the entire country. I asked my friend Farrigden his idea of the way I should discuss this question. 'Well,' he said, 'Mr. PRINCE, there is one point in particu-

lar the people seem to be afraid of.' I said, 'Well, that is the one I want to discuss.' He said, 'They are afraid the interests of Wall Street or some other financial power will control this system of banks and control the money centers and the money power of the country.'

"Now, at Washington we hear a good deal said about a so-called Money Trust, and our Democratic friends there say there ought to be an investigation of this Money Trust, but they do not quite know what to do with it or how to handle it. But here is something, whether substance or only shadow, it is something that seems to disturb. Are you men in a Money Trust? Have you anything to do with such an unholy and unrighteous thing, or is it 'the other fellow'? If there is a Money Trust we ought to find it out, and I am in favor of investigating it. If such a thing does exist to-day it is illegal, and exists in spite of the law, and it should be smashed. But if the plan provided by the commission is adopted there will be a general Federal supervision, which would be a sufficient guaranty for the dissolution or destruction of any Money Trust, if such there should be. It is an infinitely better way to regulate and control by Federal legislation than it is to destroy. There are two schools of public life in this country. One says, 'Destroy all the big combinations of this country,' and the other school says, 'No, do not destroy; regulate them by Federal legislation and Federal control.' We should, at any rate, try that first, and then if it be shown that we can not regulate and control them in that way, it is time enough to talk of smashing them altogether.

"I had a letter recently from a friend who was interested in a scheme of investment in a certain direction in conjunction with others, and he wanted to raise funds to finance the scheme and get it started, and he had what appeared to be a good thing, but he could not get the money. He says at once 'There is a combination of wealthy men who control the moneyed men of this country, and that is why I can not get any money in this enterprise.' Not long ago it was my privilege, with a party of Members of Congress and others, a party of about 70, to go to the opening of the Over-Seas Railroad in Florida. The road goes to Key West, and it goes along over bogs, and swamps, and marshes, and through woods of pine trees, where they were at work tapping the trees for turpentine.

"The road goes over a quality of land that those who saw it declared was not worth the paying of taxes on it. Do you believe that if Mr. Flagler had gone to any business or financial interests that he could have induced them to advance money for such a proposed undertaking? No. Yet there was a man with means of his own, a rich man, who had a plan and a proposition that may in the future work out and repay in full what has been expended, and in all probability result in handsome profits on the investment. Yet, as I say, no business man, no bankers holding in trust the money of others, could have been induced to invest that money in such an undertaking. The road was built by Mr. Flagler from his own pocket, but if he had come to you gentlemen for money I think, on the outlook, you would have been justified in refusing to invest any of the \$116,000,000 in your control belonging to widows and orphans and living men in that proposition. But the inability to secure the money would not have been because it was controlled by a money trust. But because men are turned down on propositions like that they at once say it is because the money is controlled by a big trust.

"The money power, some say, would control this reserve. But how will they be able to do so? Each individual bank is to have a vote in the selection of the officers, and with such a provision the vote of the small bank counts just as much as that of the large bank. It is on the same principle as the ballot. The man without a dollar goes to the poll and drops in his ballot and it counts for just as much as the ballot of the man worth ten millions. But the theorists who make that objection do not stop to consider how many millions and millions of dollars it would take to control the Reserve Association. That is the trouble with the theorists; they never stop to reason the thing and see if it is likely to be possible as a practicable thing. Now, when they say the money power would get control of this reserve they do not stop to consider that the profit is limited to 5 per cent. All over and above that is to go to the Government except the surplus to be created. Men who have the control of immense funds at their disposal do not put those funds in where they only get 5 per cent when they can always use their money to better advantage.

"This law does not allow loans on stocks and bonds. It says to the stock gambler, 'Get thee behind me, Satan,' and comes straight to the people of the country. It is true that men sometimes pay out enormous sums to get what at first blush seems to be apparently a small return for the amount expended, but

generally there is back of it something that promises the realization of a handsome profit on the amount put in. Do not you remember that Mr. Ryan and his associates bought up the Equitable, paying two millions and a half for stock worth only \$100,000 or thereabout, and they made money out of it? Yes; but there was no limitation to the hundreds of millions they could see in the transaction; they were not limited or held in restraint by a law limiting the profits to 5 per cent. Now, Wall Street criticizes us for this feature of the proposition, which is a sufficient guaranty that they do not think it is in their interests. It is not; it is in the interest of the people of the whole country and of all of the banks of the whole country. Study this proposed plan, gentlemen, and if any of you think you can see any way whereby one or two or three interests can get control of the whole, write and let me know; but please do not criticize the plan unless you can suggest a better plan. Do not find fault with any feature of it unless you can suggest a substitute feature that is better than the one proposed by the commission. Neither I nor any other member of the commission is wedded to this particular plan at the expense of any other equally good or better proposition. We did the best we could considering the conditions.

"The gentleman who made the response to the address of welcome spoke about some one still voting for Andrew Jackson. Well, in one matter the people of this country are still for Andrew Jackson, and that is in the matter of the establishment of a central bank, which he disfavored. The people do not want a central bank; and why are they opposed to the idea of a central bank? Because such an institution at once becomes a competitor of every other bank in the Union. We are for 'home rule' to the extent that each and every State should have all the rights it ought to have, and in everything that does not conflict with the power and authority of the National Government. This proposed institution is to be a 'bank of banks'; it does not enter into competition with any bank or banks. It is a reserve fund from which you can as a member of the association draw relief in time of trouble; and when this plan is adopted we think it will obviate the existence of any trouble.

"If this proposed plan becomes a fact, and we have this 'bank of banks,' we will have foreign branches, and there is no reason why New York should not become the financial center of the world; we would wrest that title from London just as London wrested it from Amsterdam.

"Another good feature would be a uniform rate of discount if this bill becomes a law; this would obviate the disturbing element of a fluctuating rate of discount.

"We have to-day our system of subtreasuries of the United States with our army of civilian officers handling the money of the United States piled up in the Treasury like old junk—hundreds of millions piled up there. Is it doing anybody any good? No. But under the provisions of this bill it becomes active, it becomes part of the national reserve; upon it can be based currency or credits, if needed, by the banks of the country.

"I was looking the other day to see how we stood with other countries on the question of gold; here is the list:

Russia	\$961,000,000
France	926,400,000
United Kingdom	650,000,000
Germany (in banks and public treasuries)	185,900,000
United States	1,710,000,000

"This immense reserve fund should be made to be of use.

"The adoption of some financial plan that should better existing conditions is recognized and acknowledged by everyone. We have had panic after panic, financial depressions one after another, and bank failures. In the period of 1890-1910, 400 national banks became insolvent and were closed. England was not immune from such troubles, but had many financial depressions and panics down to the year 1866, since which she has not had any such trouble. During the period I stated just now, in addition to the 400 national banks, there were 1,400 savings banks and trust companies—making 1,800 bank failures in all in that period. In that same period Canada had but seven failures. Can't we learn anything by experience? Can we not see what others are doing, and learn to do something ourselves? Here we have a plan proposed that, if adopted as suggested, becomes part of our form of government—that is why it is termed 'National Reserve Association of the United States.' The proposed plan can not come into competition with the banks of this country. We realize the different conditions surrounding State banks and national banks; the one has not to keep the same reserve as the other; the one is not subject to the same rigid examination as the other; the one has apparently wider latitude than the other.

"Many men, and that is especially so in my State of Illinois, think it better to have State banks than national. A man wants

money, he has real estate security, but he can not get a loan at a national bank on such security; he must go to the State bank. We have tried to present a measure here wherein the State and national banks will be put on an evener in all respects. We have tried to work out fair legislation for all interests concerned. It only remains to educate the general public to a recognition of the merits of this measure and its indorsement. You have some fine speakers. Witness that elegant speech of welcome and equally pretty little response. If we want legislation it can be readily obtained when it is made clear that the people demand it. So the people must be educated in that direction. You gentlemen, instruments in the hands of the people to do a certain work just as much as the doctors, lawyers, and ministers, have your function to perform in the civic duties of the country. This measure is for the interests of all the people and all classes of business men, bankers, lawyers, farmers, and laborers of the entire country. That is why I favor it. I want you gentlemen to help obtain this legislation and have it put on the statute books. You have a power among the business interests of the country. But you men have been asleep at the switch, intent on making dollars at the expense of your country's best interest. Turn your attention a little along the lines to make men think of the great questions that are presenting themselves and take your part as citizens in the great civic duties of the country. What is there to money, after all? It procures for us certain physical comforts, that is about all. I want to say to you that the head and the heart and the cultivation of their qualities is worth more than money. I am glad to see and to know that in this State of Vermont there are men with big hearts and large brains, ready and willing to do what they can for the uplifting and upbuilding of their fellow men. That is what we are here for, and there is more to it than there is in making money or in winning political honor and distinction. In my judgment bankers are of the most useful classes of the community and of the widest sphere of influence among the people who put their savings into your banks. We can hardly hope to have this proposed measure put on to the statute books until after next November. You know we are approaching a national election. It is near upon us, and at such times things are always unsettled, so we do not look for the enactment of this measure probably until the next session.

"Now, in conclusion, let me say this: Read this bill carefully; forget, if you can, that you are bankers; forget, if you can, that it may make a penny here or lose a penny there; throw aside such small considerations; look over the bill, and if its provisions commend themselves to your approval then write to your splendid Senators, DILLINGHAM and PAGE; write to your live, wide-awake Congressmen, Judge PLUMLEY and Mr. FOSTER; tell them you are in favor of the measure. They will be glad to hear from you; they want knowledge; they want light; they are very busy; they have not the time to come and canvass your people here, to learn their feelings on pending legislation. They are always glad to learn the sentiment of their constituents, of whom they are the representatives. But remember this, if you have any fault to find with any of the provisions of the measure, do not content yourselves with condemning it; indicate wherein it may be improved or a better feature substituted. As I said before, nobody claims this bill is absolute perfection, but it is the very best thing we could produce. Now, I hope I have said something to some good, and if I have said anything that does not commend itself to you as good, please forget that part which I have said.

"I thank you all for listening so patiently. I appreciate greatly the opportunity to make a visit to this great, historic, old State, and to say a few words to you, although I realize they have been said in a rambling manner. Gentlemen, I thank you."

[At the conclusion of Congressman PRINCE's address the audience arose to its feet, and a long round of loud applause showed how much the speech had been enjoyed and appreciated.]

[A few questions were asked the speaker at the conclusion of his remarks as to certain provisions of the bill, and these may all be found answered by a perusal of the measure, a copy of which no doubt is within reach of every member of the association.]

[A renewed applause greeted Congressman PRINCE as he walked from the platform to the door, having shortly thereafter to leave the city to return to Washington.]

PRESERVATION OF BATTLE FLAGS.

Mr. PADGETT. Mr. Speaker, by action of the Committee on Naval Affairs, I wish to call up the bill H. R. 15471.

The SPEAKER pro tempore. The gentleman from Tennessee calls up the bill H. R. 15471, of which the Clerk will report the title.

The Clerk read as follows:

H. R. 15471. A bill making appropriation for repair, preservation, and exhibition of the trophy flags now in store at the Naval Academy at Annapolis, Md.

The SPEAKER pro tempore. The House resolves itself automatically into the Committee of the Whole House on the state of the Union, and the gentleman from Texas [Mr. BEALL] will take the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for consideration of the bill the Clerk will report.

Mr. TRIBBLE. Mr. Chairman, I would like to ask the Chair for a division of the time in opposition to the bill.

Mr. PADGETT. Mr. Chairman, I ask for a reading of the bill.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of repair, preservation, and preparation for exhibit of the flags now stored at the United States Naval Academy, Annapolis, Md., which have been taken in battle or after battle by the Navy of the United States of America, the sum of \$30,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Chairman, I desire to say a word to the members of this Committee of the Whole in explanation of the pending bill. What I have to say relates to the Navy of the United States and some of its trophies and to the conditions of these trophies and the need of their preservation.

The United States Navy has in the past 100 years accomplished most wonderful naval victories. At the conclusion of many of the naval engagements which have brought such prestige to the American arms the flags, pennants, and ensigns of conquered vessels have been brought home in triumph. These trophy flags have been deposited from time to time at the United States Naval School for safe-keeping, and now it being discovered that these flags and trophies are in a most wretched dilapidated condition, many of them injured by moths, and all of them beginning to crumble from age, shall be restored so far as possible, repaired, and placed in the exhibition cases which have been prepared for them in one of the permanent fireproof buildings at Annapolis. Who own these flags? They belong to the people of the United States.

They are proofs of achievements of the American Navy, in which our people have long had a just pride. There are 136 of these flags, most of them taken in battle or after battle by the Navy, and also several of the battle standards of our own victorious fleets. They are of great historical value. One is Perry's battle flag, a trophy of the battle of Lake Erie, September 10, 1813, on the blue field of which is inscribed the words in white letters, "Don't give up the ship." [Applause.] This flag was used as the signal for action by Commodore Perry. Another of very great historical value is an English royal standard, 23 by 27, captured at York, Canada, April 27, 1813, by a squadron under Commander Isaac Chancey. [Applause.] This is said to be the only English royal standard ever captured. [Applause.]

Another is the first United States ensign hoisted in Japan by Commodore Perry in his interview with the Japanese commissioner at Uraga, July 14, 1853. [Applause.]

Another is a Mexican flag taken at Mazatlan, November 14, 1857, by Commodore Shubrick. [Applause.]

Then there is the ensign of the *Alert* taken in 1812 by Capt. David Porter. [Applause.]

There is also the last flag flown by the Spanish squadron at the Battle of Manila Bay. [Applause.] Also the flag of the governor general of the Philippines taken by Admiral Dewey in 1898. [Applause.]

Commander W. C. Cole, of the Navy, now stationed at Annapolis, and senior member of the committee on memorials, has taken a deep interest in the subject of the preservation of these trophies, and after much correspondence and research has found a method by which they can be restored and preserved. It is proposed that they be stretched upon a backing of fine linen and then sewed to the linen by expert needlewomen, using small stitches that will not be visible at the distance an observer will stand when viewing them in exhibition cases. Also using sewing silk of the color and shade to match each part of the flag. A most careful estimate has been made of the entire matter, and it is found that there are about 1,200 yards of surface, and that the material—linen, silk, and so forth—for this work will cost \$1,500; that it will require 100 needlewomen working 200 days to accomplish this work. The glass cases for the reception of these flags have been prepared from funds appropriated for memorials in 1910.

It is estimated that the average amount of time to be expended by needlewomen in the restoration of these flags will be 15 hours per square foot.

It is the manifest desire of the American people that these flags be restored. We, as the representatives of the people, would be negligent in our duties if we would allow these trophies, some of which have been preserved 100 years, to now become lost and destroyed for lack of reasonable care. As an evidence of the desires of the country in this matter, I call attention to the large number of memorials and petitions which have been received and filed with the Naval Committee from patriotic societies from all parts of our country:

The Society of the Cincinnati, the General Society of the War of 1812, the Aztec Club of 1847, Order of Founders and Patriots of America, Loyal Legion, Navy League of the United States, National Association of Naval Veterans, Patriotic Sons of America, Sons of American Revolution, Daughters of American Revolution, etc.

These, Mr. Chairman, were among those received five or six weeks ago, and I am informed that other memorials from patriotic societies of our land have since been received.

Two flags are before you to illustrate the treatment and means of restoration that is proposed. One of them, the larger, is the flag of *Epervier*, captured by the *Peacock* April 29, 1814, off the coast of Florida, under Master Commandant Lewis Warrington [applause], in a most spirited engagement, in which 10 were killed and 15 wounded. This flag of the *Epervier* was in a most wretched condition, most of its surface having been reduced to a mere film and also torn badly in many places. It cost \$111 to restore this flag. Many of the flags are even in worse condition than was this. The other and smaller flag, which has not received the proposed treatment, was the flag of the *Dominica*, captured August 15, 1813, under Capt. D. Diron in an engagement which resulted in the loss of 23 killed and 67 wounded.

The proposed treatment will be durable. Nearly 1,000 years ago the wife of the Duke of Normandy, with the help of her attendants, made some tapestries which are to-day known as the Bayeux tapestries. They are mounted on fine linen in exactly the same manner it is proposed to mount these flags at Annapolis. They have been constantly under exhibit and have been transported to various exhibitions from time to time.

The Naval Committee of this House, by an almost unanimous vote, approved of this bill and appropriation after according Commander Cole of the Navy a full hearing on all the details of the expenditure of amount sought to be appropriated. It is the opinion of your committee that this work should be done without delay and that the amount asked for in this bill is necessary for the performance of the work. We are accustomed to appropriate a fair sum each year for monuments, statues, columns, and inscriptions to perpetuate great events and to commemorate great names.

I might mention for one moment the appropriations and expenditures that have been made during the whole history of our country to commemorate events such as those symbolized by these trophies and mementos.

I need not call to your mind Bunker Hill nor Washington's Monument, nor the National Museum, in this city, which cost from two to three million dollars and is filled with trophies not one of which, I believe, exceeds in historic value these old battle flags.

Some of the bravest and most conspicuous and most useful achievements that have ever been noted on the pages of American history have been performed by officers and men of the American Navy. There are few names that the American people hold in higher esteem than those of Perry, Farragut, Schley, Sampson, and Dewey. [Applause.] Not only the Nation but communities and States all over this Union delight to honor the names and achievements of those who have been termed great. The name of Virginia is linked with those of Washington and Lee; Texas, with her Houston; Massachusetts, her Samuel Adams and Sumner; Illinois, her Lincoln; Ohio, her Chase, Garfield, and McKinley; Maine, her Fessenden; Pennsylvania, her Franklin.

It is proposed by this bill to place in practically enduring form the mementos of the events and names which are held in honor and esteem by the people of every State of this Union. These flags and trophies, now crumbling into dust, tell more than spoken or written words of the achievements of the American Navy. They are silent witnesses of the bravery and heroism of the American sailor and an inspiration to present and future generations. [Loud applause.]

The following are the articles to which I referred in the course of my remarks and which I herewith submit relating to the capture of the flags of the *Epervia* and the *Dominica*:

Action between U. S. sloop *Peacock*, Master Commandant Lewis Warrington, and English brig of war *Epervier*, Capt. Richard Wales.

The second of the six new sloops to get to sea was the *Peacock*, Master Commandant Lewis Warrington. Sailing from New York on the 12th of March, the *Peacock* went as far south as the Great Isaacs, and then skirted along the coast of Florida to Cape Canaveral. On

Friday morning, April 29, in latitude 27° 47' north, longitude 80° 9' west, three merchant ships and a large brig of war were despatched to windward. On making out the *Peacock* the merchantmen drew away, while their escort bore down to reconnoiter. The *Peacock* then showed English colors and allowed the stranger to approach, and at 9 a. m. the brig signaled the merchant vessels, and soon afterwards they were hurrying away in different directions. In the meantime the *Peacock* was rapidly nearing her foe, and at 9.40 a. m. she hauled down the English colors and ran up her own. By 10 a. m. the vessels were within half gunshot, but neither of them had opened fire. Master Commandant Warrington now maneuvered to secure a raking position, but the enemy avoided this by putting up his helm until close on the *Peacock's* bow, when, hauling up to the wind, he fired his starboard broadside, and the American replied with their port battery. At the first fire the *Peacock* received two 32-pound shot in the quarter of her foreyard, which disabled the fore and fore-topsail for the remainder of the action. This mishap compelled Master Commandant Warrington to forego maneuvering and to rely entirely on his gunnery. Orders were now given to load with star-and-bar shot, with a view to crippling the enemy's rigging, so that he could not profit by the *Peacock's* disabled foreyard. In a few minutes the American foreyard gave way and the antagonists drew closer, which rendered their fire very destructive. About 10.40 a. m. the enemy lost his head sails, and at the same time his main boom, having been shot through, fell upon the wheel. This brought the wind on his beam, exposing him to a raking fire from the *Peacock*, but the latter had too much headway to avail herself of the advantage except by throwing in two or three shot. Then hauling close under his opponent's lee, Master Commandant Warrington poured in a hot fire, which was chiefly directed at the enemy's hull, and soon her main topmast went over. At 11 a. m. she attempted to wear around so as to bring a fresh broadside to bear, and this brought the vessels so close that the British commander was heard urging his men to attempt boarding; "but," says James, "the British crew declined a measure so fraught with danger." The battle had now lasted 45 minutes and the brig struck. On being boarded the stranger was found to be the British brig sloop *Epervier*, Capt. Richard Wales.

<i>Peacock.</i>	
Guns	22
Crew	160
Wounded	2
<i>Epervier.</i>	
Guns	18
Crew	128
Killed	8
Wounded	15

Action between U. S. privateer *Decatur* 3d, Capt. Diron, and the English three-masted schooner *Dominica*, Lieut. Barrett commanding, August 5, 1813, latitude 23° 4' north, longitude 67° 0' west.

The *Decatur* left port in the summer of 1813 on a general cruise against British commerce, and early in August she was in the track of British West India traders homeward bound. Early on the morning of August 5, when in latitude 23° 4' north, longitude 67° 0' west, or a little to the south of the Bermudas, the *Decatur* was heading northward under easy sail, hoping for some prize to appear. About 10.30 a. m. the man at the masthead reported a sail bearing away to the south, and shortly afterwards another, steering in the same direction, was sighted. Capt. Diron promptly tacked southward, with a view of getting the weather gauge of the strangers, so that, should they prove to be British cruisers, he would have the advantage in a chase.

Capt. Diron approached the strangers with caution, knowing that there was a strong probability of their being a couple of British sloops of war. The danger of approaching a stronger force, however, did not prevent the American from coming to closer range, and at 11 a. m. it was seen that the sails were a ship and a schooner, which, on making out the sails of the *Decatur*, had changed their course to the north so as to meet her. The three vessels slowly reduced the distance between them, and at 12.30 p. m. the *Decatur*, having secured a position a little to windward and being almost within gunshot, wore around and ran a little to leeward, upon which the schooner showed English colors. Capt. Diron was now satisfied that he had an English war schooner to deal with, and that the ship was under its protection. Half an hour later he wore again, still keeping the weather gauge, and about 1.30 p. m. the stranger fired a shot, which fell short.

Knowing that the British commander had a heavier armament than the privateer, but believing that he had the greater number of men to man his ship, Capt. Diron determined to have the fight at the closest quarters, and to carry the Englishman by boarding. Accordingly he cleared for action, sent his men to quarters.

Having made all his arrangements for the battle, Capt. Diron about 2 p. m. wore ship, with a view of passing under the stern of the enemy and giving a raking fire, but as the schooners neared each other the Englishman luffed and gave his broadside, most of the shot passing over the American. * * * At 2.15 p. m. the Americans began the fire of their long tom, and as it was aimed with coolness and deliberation, within half gunshot distance, the effect in so small a vessel was serious, disabled several of the Englishman's guns, besides injuring many men.

After delivering their first effective fire, the Englishman filled away so as to prevent the Americans from boarding, while Capt. Diron doggedly followed close under their stern, determined to board at any cost. In this way, bow to stern, the two craft ran several minutes, neither side being able to maintain a very effective fire. The Americans now made another attempt to board, but it was frustrated in the same manner as the first.

But the last move made by the British schooner in her endeavor to avoid boarding gave the *Decatur* the advantage in sailing, and persisting in following close in the wake of his enemy, Capt. Diron finally had the satisfaction of seeing his craft gradually overhaul the Englishman. Again he called for his boarders, and at 3.30 p. m. the *Decatur* ran her bowsprit over the enemy's stern, her jib boom piercing the Englishman's mainsail. This was the signal for the Americans to board, and while some of them poured in a heavy fire of musketry, others, led by Vincent Saffitt, the prize master, and Thomas Wasborn, the quartermaster, clambered along the bowsprit and sprang to the Englishman's deck.

It was not until 18 of the *Dominica's* crew were killed and 42 wounded that the few survivors were induced to surrender. A total of 60 killed or wounded in a crew of 88 fully attests the desperate nature of the struggle and the gallantry of the men against whom the Americans fought. * * *

<i>Decatur.</i>	
Guns	7
Crew	103
Killed	6
Wounded	15
<i>Dominica.</i>	
Guns	16
Crew	88
Killed	18
Wounded	42

Mr. Chairman, I ask that the gentleman from Georgia occupy a portion of the time. I reserve the balance of my time.

The CHAIRMAN. How much time does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. BATES. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The Chair is advised that the gentleman has 45 minutes remaining. How much time does the gentleman from Pennsylvania yield to the gentleman from Georgia [Mr. TRIBBLE]?

Mr. BATES. I reserve the balance of my time for others who desire to speak in behalf of my measure. I do not yield any of my time to the gentleman from Georgia.

The CHAIRMAN. The Chair is under the impression that the gentleman from Georgia has the floor in his own right.

Mr. TRIBBLE. Mr. Chairman, I have the floor. I was recognized by the Chair.

The CHAIRMAN. The Chair may be mistaken, but the Chair believes that the gentleman from Georgia is entitled to recognition in his own right.

Mr. TRIBBLE. Mr. Chairman, there is not a man in this House that applauds the appearance of these flags more heartily than I do. I do not rise for the purpose of opposing the restoration of them. I do feel, however, being a member of the Committee on Naval Affairs, that it is due to this House that some facts be laid before this House, and when I have done that I shall have discharged the duty and responsibility which I feel rest upon me.

Now, Mr. Chairman, I want to be distinctly understood. I rise in the first place to oppose the enormous amount that is proposed to be appropriated. I rise in the second place for the purpose of opposing the place that is proposed to keep these flags.

The gentleman from Pennsylvania [Mr. BATES] refers to the women's organizations all over this country, and he refers to the Daughters of the Revolution. I have in my possession an article in one of the leading papers published by the Daughters of the Revolution, applauding the action of this committee in proposing to repair the flags and rejoicing that the flags will be brought to the National Capital to be exhibited in some public place. I say the people all over the country can see them then, instead of hiding them away down at Annapolis, where nobody can see them except the students who go there, the professors, and the girls who go there and dance at the commencement periods.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Pennsylvania?

Mr. BOWMAN. Just for one question.

Mr. TRIBBLE. Yes, sir.

Mr. BOWMAN. I can not see anything in the bill that decides that these relics shall be stored in any particular place.

Mr. TRIBBLE. I will answer that question. The gentleman from Pennsylvania [Mr. BATES] stated in his speech that they should go to Annapolis. Let me read to you from a statement in the hearings:

Now, gentlemen, if you will remember, last year when Capt. Coontz and I came before the committee we asked for \$3,000 for work on the memorials which we have down there. There are a number of memorials of different kinds, and we had in mind not only the storage of these memorials and monuments and other things, but the arrangement of the flags in places which had been prepared for them by the money the committee had appropriated in former years.

This you will find on page 496. They have prepared certain boxes down there in which to confine them, and the people of America, the people of my district who come to the Capital, and other people who come to the Capital, will not have the privilege of seeing them, placed as it is proposed at this Naval Academy. My children will not have the opportunity to go to Annapolis, in all probability, and none of them, in all probability, will be invited to go to a German there; the children of my constituents will not go there; the American people will not go there, and therefore I am contending that these flags should come to Washington. If this bill were so amended as to place these flags where the people want them to be placed and safeguards placed around the appropriation, then I withdraw my objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Massachusetts?

Mr. TRIBBLE. I can not yield just now. I will yield in a moment. I will then yield whatever time the gentleman wants.

Mr. ROBERTS of Massachusetts. If the gentleman will pardon me, just on that point—

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. TRIBBLE. No; I desire to proceed at this time.

The CHAIRMAN. The gentleman declines to yield.

Mr. TRIBBLE. Now, Mr. Chairman, at the last regular session of Congress, with a Republican House, that House appropriated \$3,000 for the restoration of these flags. Now, we occupy the position of being an economical Democratic House, and yet you propose to increase this appropriation to \$30,000 instead of \$3,000. I do not want to be misunderstood.

The Sixty-first Congress, I say, appropriated \$3,000 for this purpose. In the hearings, on page 496, at the bottom of the page, it was stated by a commander that this amount of \$3,000 is sufficient. Now, what occurred? A new commander goes there, and he proceeds to use this \$3,000 in the restoration of these flags. What does he do? He gets into correspondence with a lady by the name of Mrs. Fowler, who has an office in Boston and who has been doing this class of work for 30 years. She comes down to Annapolis, goes over these flags, and I will not say she wants to get a big price for her work, but she finds \$30,000 worth of work there instead of \$3,000 worth. Commander Coontz stated before the committee last year this amount would be sufficient; this House appropriated \$3,000.

Now, this new commander comes here and asks this House to give \$30,000.

There are 136 of these flags. Now follow me, please, for here are figures that will stagger you. There is a certain amount of sentiment in this question, and I go just as far with my sentiment as any Member on the floor of this House; but there is a business proposition involved here as well as sentiment.

There are 136 flags, and the woman to whom it is proposed to give this work took the flag which was in the worst condition of the whole 136. I have forgotten the name of the flag—I believe it is the flag of Epervier—but, anyway, it comes down to us from away back in 1814. She took the worst one and repaired it, and it cost \$111 to do the work. Now multiply 136 by that and you have got \$14,096. What do you say about that? It is proposed to double that amount. Many of these flags were captured at Manila and different places in the Spanish-American War. They are comparatively new flags. There is comparatively little work to be done on them. Yet they put these flags in at over \$200 each. Am I right in coming before this House and throwing some light on this question?

I realize the fact that I have been misunderstood in making my appearance here to oppose this appropriation as provided in this bill. I am not opposing the restoration of these flags. There are flags in this number that ought to be restored, and possibly they all ought to be restored. I do not say they should not be, but I think this committee should give some diligence to the consideration of this question, and I want Members of the House to send for copies of these hearings and read the names of these flags.

Mr. COOPER. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Wisconsin?

Mr. TRIBBLE. In a minute or two, when I have finished, I will yield to the gentleman.

The CHAIRMAN. The gentleman declines to yield at present.

Mr. TRIBBLE. Mr. Chairman, where does this recommendation come from? It comes from the commandant at Annapolis and from a lady who is interested in getting this work. What about the commandant at Annapolis who comes up here and makes this recommendation? Mr. Chairman, he toils not, neither does he spin. I dare say he never worked a day in his life.

Mr. KOPP. Will the gentleman yield?

Mr. TRIBBLE. No; I will yield when I pass over three more propositions.

Mr. Chairman, the United States spent \$18,000 upon the education of this man to start with at Annapolis while he was a student. Yet he comes up here and presents to this committee this kind of an argument. He is a fine business man! When I say that he toils not, neither does he spin, I think I am justified in making that statement, so far as business and financial transactions are concerned. He goes upon the sea. No doubt he is a competent officer, but here is what he says, now, in talking about the amount that should be paid, in the committee hearings, to wit:

I do not like to get down to the cheap-labor business, but it may be that I will be compelled to under the \$30,000. I shall do the best I can.

He does not think \$30,000 sufficient.

The point was made that these flags could be done for less, and he rises and says he did not want any cheap labor in this question. I do not think a man who goes to sea has any right to come here and dictate to me, who comes from a farming district and represents farmers and business men. They look to my business qualification and have a right to, and I am not going to take his recommendation.

Mr. BATES. Will the gentleman yield?

Mr. TRIBBLE. No, sir; I can not.

Mr. BATES. It was a member of the committee who said that.

Mr. TRIBBLE. You are in error. Now, I am putting up to the House this business proposition. I am in favor of restoring these flags. I do not care to be misquoted on that proposition by anybody, but I am opposed to it along the lines I have tried to point out, and I call upon the Members who have occupied seats here from day to day and seen the agricultural bill going through this House, and for the purpose of economy have seen section after section trimmed, thereby, as I contend, legislating against the farmer at home who has to work to make the money to pay for this appropriation, and yet cut down the appropriation that will help him and not contest extravagance as I contend this to be. Is it right to legislate against him and come in here and cut down the agricultural bill and then rush through this House an appropriation of \$30,000 for flag repair, three times the amount necessary? I shall offer my protest against any such Democratic economy.

Mr. LEVER. Will the gentleman yield?

Mr. TRIBBLE. I will.

Mr. LEVER. I understand the gentleman from Georgia is not opposed to the restoration of the flags, but is opposed to their restoration as provided in the bill.

Mr. TRIBBLE. That is exactly my position.

Mr. LEVER. What amendment does the gentleman propose to offer by which the restoration may be had in the line of his own views?

Mr. TRIBBLE. I think this bill ought to be amended so as to provide that these flags when restored shall be exhibited in the National Capital of the United States. I think that the bill ought to be sent back to the Naval Committee and let them investigate and see how much the restoration of these flags should cost and which one of the flags should be restored. There are a number of them, in my opinion, the country does not care anything about.

Mr. HOWARD. Will the gentleman yield?

Mr. TRIBBLE. I will yield to the gentleman from Georgia.

Mr. HOWARD. I believe that the complaint that the gentleman registers against the bill is that \$30,000 is a good price to pay for a little job.

Mr. TRIBBLE. If you take the worst flag that this woman picked out, which she said would cost \$111, and multiply it by the number of flags, it will only cost one-half of the amount proposed to be appropriated here. What are you going to do with the other \$15,000; where is the other \$15,000 going?

Mr. LEVER. I was about to ask the gentleman from Georgia if he had in mind the amount of the appropriation that he believes is necessary for the restoration of the flags.

Mr. TRIBBLE. Yes; I think \$10,000 is ample.

Mr. COOPER. Will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. COOPER. The gentleman says that he thinks \$10,000 is ample?

Mr. TRIBBLE. Yes, sir.

Mr. COOPER. What witnesses has he examined as to that point?

Mr. TRIBBLE. The witness they produce here is Mrs. Fowler, and she says that the worst flag, which was captured in 1814, would cost \$111, and I multiply it by 136, and the total amount is \$15,000. A great many of the flags are recently captured and do not need repairing, and therefore \$10,000 is more than enough.

Mr. COOPER. What was the size of the flag to which the gentleman refers?

Mr. TRIBBLE. I am not prepared to say; that flag was selected from among the flags as one of the worst.

Mr. COOPER. Is it not a fact that it was one of the smallest flags?

Mr. TRIBBLE. I am not prepared to say. What I want is an investigation along that line, and I say the Naval Committee acted without necessary facts and was hasty in consideration.

Mr. COOPER. The gentleman is aware, from the report of the committee at least, that this Mrs. Fowler is a leading expert needlewoman, who took up the work originally as a pastime and later as a profession, and who, by the Massachusetts Legislature, has been given charge of the preservation of the flags in

the Massachusetts statehouse, and that she was examined by the commander of the United States Navy, Mr. Cole, who not only has corroborated her, but the commandant of the Naval Academy has also corroborated her.

Mr. TRIBBLE. I am aware of that, and commented on both of them. I said I did not propose to be controlled by the opinion of either of them, because their own facts show that it would not cost more than \$10,000.

Mr. COOPER. I inferred from what the gentleman said that he was not to be controlled. I knew he was not to be controlled; but I was asking him for the basis for his opinion. According to his own statement he has not made any examination, and he is not able to identify the flag that he has selected as a basis.

Mr. TRIBBLE. I have got the statement in answer to the gentleman's question, that the worst one cost only \$111, and I have got the statement and the facts here that the gentleman can read, that the most of these flags are new flags.

Mr. COOPER. Is the gentleman aware of the fact that this lady says the flags are to be sewn on linen with silk by expert needlewomen, with small stitches that will not be visible at the distance the observer will stand from them in viewing them?

Mr. TRIBBLE. Yes; and I am aware of the fact that the ones she repaired she did exactly as she proposes to do the others.

Mr. COOPER. Is the gentleman aware of the fact that when he says that the work will cost only \$10,000, that she says the material will cost \$1,500?

Mr. TRIBBLE. Yes, \$1,500; but there is a great deal of difference between that and \$30,000.

Mr. COOPER. But that does not include what she says is a fair estimate for 100 needle women at \$1.28 per day.

Mr. TRIBBLE. Yes; but her estimate does not bear out the fact that she took one and repaired it for \$111, one captured in 1814, and here are other flags that do not need repairing that were captured at a much later date.

Mr. COOPER. Was that a large flag or a small flag?

Mr. TRIBBLE. I have just stated to the gentleman that I have not got the information, and I say that the Naval Affairs Committee has not that information, and that committee should have it, and that is what I am protesting against.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

Mr. TRIBBLE. I will exhibit the flag which she repaired. Look at it, look at the size of it. See how large it is. Also, see this small one to be repaired.

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield a moment on the question of the size of the flag?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Massachusetts?

Mr. TRIBBLE. Yes; I yield to the gentleman from Massachusetts. He is my colleague on the committee.

Mr. ROBERTS of Massachusetts. The flag which the gentleman just exhibited as having been repaired is 4 by 9 feet 8 inches, practically 36 or 37 square feet. The report of the committee shows there are many flags much larger. The first one is 16 by 30 feet, or 480 square feet, and yet the gentleman argues that 480 square feet of flag will be repaired for the same price that 36 feet of flag were repaired for.

Mr. TRIBBLE. Yes; and the committee report shows that part of these flags are very small flags, and some of them are pennants.

Mr. ROBERTS of Massachusetts. But does not the gentleman know that a pennant may be 120 or 160 or 180 feet long?

Mr. TRIBBLE. It is not reasonable to suppose so.

Mr. ROBERTS of Massachusetts. But they are that long in the Navy.

Mr. TRIBBLE. That may be so, but it is not reasonable to suppose so. The complaint I make to the gentleman is that this committee has gone off on a supposition, following this naval commander and this lady who wants the job.

Mr. ROBERTS of Massachusetts. Oh, no. Does not the gentleman remember that we were told this estimate of cost was based on the number of square feet of flags of all sizes, and that it cost \$111 for one particular flag, which happens to have in it about 36 square feet?

Mr. TRIBBLE. The gentleman knows that they said that that flag was one of the very worst, and it was brought up to its present condition and exhibited to show what they could do with an old flag—take it and make a good one of it.

Mr. KONOP. Mr. Speaker, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. KONOP. This bill provides for an appropriation of \$30,000 for the repair, preservation, and exhibition of these flags. Does not the gentleman know that it will require some

glass cases in which to put the flags, and that it will take some expense to exhibit them?

Mr. TRIBBLE. But has not the gentleman read here in my very first remarks, on this page right here, that that appropriation has already been made, and provision has been made to receive these flags? That is one of my complaints. They propose to put these flags down there at Annapolis where they will never be seen by anybody. If you want to stir up patriotism and preserve these flags so that your children and my children can see them, introduce an amendment and pass it so that they will be brought to the National Capital.

I now yield to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Chairman, I just wish to ask the gentleman whether it would not meet with his approval, so far as the expense goes, to insert, after the word "dollars" on top of page 2, the words "or so much thereof as may be necessary," and then at the end of the bill amend so as to read "the same to be immediately available and to be expended under the direction of the Secretary of the Navy"?

Mr. TRIBBLE. Well, if the gentleman will offer that amendment I will support it. [Applause.]

Mr. McCALL. I wish to ask my friend from Pennsylvania whether there is objection to that amendment?

Mr. PADGETT. We will accept that amendment; I have no objection in the world to it.

Mr. BATES. I will state to the gentleman that we do not desire that a penny more than necessary shall be expended.

Mr. McCALL. Of course, and it seems to me the bill means that now.

Mr. BATES. I will say to the gentleman from Massachusetts, with the permission of the gentleman from Georgia, that it is absolutely impossible to figure out to the last penny, but that the estimate of this expert is that, working with women at the pittance of \$1.28 a day, there would not be a margin of \$100.

Mr. McCALL. I would like to suggest that when bills are reported from the Committee on the Library somewhat similar to this the rule is to say who shall have charge of the spending of the money, and it seems to me there ought to be added to this bill the authorization that the money is to be expended under the direction of the Secretary of the Navy.

Mr. BATES. I will either offer that amendment or accept such an amendment.

Mr. McCALL. I should prefer that the gentleman should offer it.

Mr. TRIBBLE. Mr. Speaker, I understand the chairman of the Committee on Naval Affairs agrees to accept that, and that settles the question, so far as I am concerned. [Applause.] I understand the gentleman from Massachusetts [Mr. McCALL] provided that they should be brought to the National Capital?

Mr. ROBERTS of Massachusetts. No; let me say to the gentleman—

Mr. PADGETT. It leaves that question open.

Mr. ROBERTS of Massachusetts. I tried to get the gentleman's attention. Right on that point where the flags shall be—

Mr. PADGETT. Let us take the bill up and dispose of it, please.

Mr. BATES. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. WITHERSPOON. Mr. Chairman, this bill appropriating \$30,000 for the preservation of 136 flags taken in conflicts between the American Navy and the navies of hostile governments will receive my vote, because I feel that the value of these flags is far greater than the cost of their preservation. [Applause.] When the proposition to make this appropriation was first submitted to the committee it did not have my assent. I have long felt, and I feel now, that the enormous expenditures of the Federal Government far exceed the value of the services it renders the people, and on account of the unfair, unjust apportionment of taxes, have become oppressive and burdensome and should not be increased; and I had, therefore, made up my mind to vote for a reduction in all public expenditures and to vote against all increases in the public expenditures and against the assumption of new obligations on the part of the Government, but when these flags were exhibited to the committee and I saw their torn and tattered fragments struggling, as it were, to hold together and apparently breaking asunder, like the sunlit shreds of a cloud whose glory is about to depart forever, I was unwilling to say by my vote that those fading emblems of the national glory, those neglected tokens of a splendid heroism, those sacred rags of an unconquerable Navy, were not worth the cost of their preservation. [Applause.] If it be difficult to justify this expenditure, it is impossible to excuse an assent

to the impending destruction of these flags. Written all through their precious folds there are lessons which we can not afford to forget; there are memories which we can not afford to dim; and there are hopes which we can not darken without shutting out the very sunlight of our future. These flags tell us of a day when the public good was held high above private gain, of a day when American heroes hastened to surrender and to sacrifice position, place, property, reputation, and life itself for the public good, and when they were never seen rushing with open hands into the Public Treasury when the value of noble deeds and public victories were not measured in dollars and cents.

They tell us of a day when the essence and the glory of the Union were that all the States were equal, and when geography, but not sentiment, divided our country into sections. [Loud applause.]

The preservation of the flags is necessary to the perpetuation of those lofty ideals and noble aims of which they are the emblems.

Mr. Speaker, in this age of commercialism, when avarice has become the dominant passion, and when private gain has become a more potent consideration than justice, there is an imperative need for the continued and repeated expression of all that is unselfish and noble and patriotic in the emblems as well as in the literature of the past. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURLEY. Mr. Chairman, I move that the gentleman's time be extended 10 minutes.

Mr. PADGETT. The gentleman is speaking in his own right, and has an hour.

Mr. BATES. Mr. Chairman, I yield to the gentleman from Mississippi such additional time as he may desire.

Mr. PADGETT. The gentleman from Pennsylvania can not yield. The gentleman from Mississippi has an hour in his own right. The time is under his control.

The CHAIRMAN. The Chair was advised to the contrary, and the gentleman from Pennsylvania [Mr. BATES] yielded five minutes.

Mr. BATES. Mr. Chairman, I yield to the gentleman from Mississippi such time as he may desire.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BATES] yields to the gentleman from Mississippi such time as he may desire.

Mr. WITHERSPOON. Mr. Chairman, it has been urged that even if these flags be preserved they will be seen by such a small number of people that their inspiration for good will be very limited.

Mr. TRIBBLE. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Mississippi [Mr. WITHERSPOON] yield to the gentleman from Georgia [Mr. TRIBBLE]?

Mr. WITHERSPOON. I yield to the gentleman.

Mr. TRIBBLE. Do you not think that those flags ought to be brought to the National Capital and placed in the Capitol or the National Museum, or somewhere else, in order that they may be in a public place?

Mr. WITHERSPOON. Mr. Chairman, I never in my life have had the ability to speak on a question that was not up. And when the question proposed by the gentleman arises, then I will express my views upon it.

But this bill has not one single word in it about the locality in which these flags shall be kept, and according to my recollection of the testimony before the committee, a place has already been prepared at Annapolis at an expense, the amount of which I do not know; and I guess my economical friend from Georgia would like to have this bill require that these flags shall be brought to Washington, so that there would be a good excuse to appropriate \$2,000,000 or \$3,000,000 to erect another building in which to receive them. [Applause.]

Now, Mr. Chairman, in regard to the proposition raised by my friend from Georgia that the people will not see these flags at Annapolis, I want to say that I do not know how many people will see them there. But if it be assumed that no human being will ever visit Annapolis and observe these flags, yet I submit that the midshipmen who go to Annapolis from every congressional district of the Union will see them, and that the lessons thus taught the young defenders of our country will be worth the amount of this expenditure. [Applause.] And, Mr. Chairman, as has been stated by the gentleman from Pennsylvania [Mr. BATES], the plan of the restoration of these flags is the work of woman. In line with her noble mission to cherish and preserve all that is best and purest in human life, it is the skill of her needle and the touch of her genius that are to make these perishing flags immortal. [Applause.]

I just want to say that if some patriotic artist could paint the picture of 200 skillful needlewomen restoring to their pristine beauty these captured flags of our Navy, such a picture as

that would be more potent than the appeals of the orator, than the music of the poet, in the restoration of the nobility and patriotism of a glorious past. [Loud applause.]

Mr. BATES. Mr. Chairman, I yield five minutes of my time to the gentleman from Wisconsin [Mr. KOPP], a member of the committee.

Mr. KOPP. Mr. Chairman and gentlemen of the committee, I have little desire to take your time on this subject, and especially after the most eloquent address of the gentleman from Mississippi [Mr. WITHERSPOON]. But there are two or three things, it seems to me, in view of the remarks of the gentleman from Georgia, that should be called to the committee's attention. The gentleman from Georgia [Mr. TRIBBLE] was very severe in his arraignment of the custodian of these flags at Annapolis for coming before the committee. These flags have been at Annapolis, some of them, for nearly a hundred years. They have been in boxes there, cared for as well as could be. All kinds of preservatives have been used upon them, but notwithstanding this fact these flags have been slowly crumbling to dust. The officer in charge of them saw this fact, realized that they would not long remain unless cared for, and so, performing what he supposed was a patriotic duty, he came before the committee and asked for a sufficient amount of money to care for them. And now he is being severely criticized by the gentleman from Georgia because he came and asked us to make such an appropriation.

Mr. TRIBBLE. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Georgia?

Mr. KOPP. No; I refuse to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. KOPP. The gentleman from Georgia [Mr. TRIBBLE] criticizes the large amount of money that is to be expended, but I understand his criticism is met by amendments which are to be offered. However, I can not see why he should criticize the bill as it is to-day. It simply provides that the women who do this work shall be paid \$1.28, \$1.30, or \$1.35 per day, but the gentleman from Georgia says he represents farmers, and he protests against this reckless expenditure of money.

I would like to ask him whether his constituents protest against the payment to needlewomen of \$1.28 per day? If they do, I am surprised, and I am glad to assert that my constituents do not, and I believe that the constituents of most of the Members in this body have reached that point, that most of the people of this country have reached that period when they want to see the labor either of man or woman paid a wage commensurate with the value of the service rendered. [Applause.]

Now, criticism is also made of the fact that it is proposed to keep these relics at Annapolis. But, as the gentleman from Mississippi [Mr. WITHERSPOON] so well said, that is not now before us. But I might inform the Members of this House, as perhaps they already know, or most of them know, that the large memorial hall which was recently erected there with the expenditure of so much money has a beautiful rotunda, and in that rotunda are appropriate glass cases, which can be made absolutely air proof, for the reception of these flags when they are prepared.

Now, it may be that the children of the gentleman from Georgia [Mr. TRIBBLE] and my children will not go to Annapolis to see these relics. Possibly they would not go to see them if they were in Washington, although it is not probable. Probably the untold millions of America would never see them even in Washington. But, be that as it may, it does seem to me that the best place for these flags is at Annapolis. Annapolis has produced some wonderful men in the past. The men who have graduated from Annapolis have achieved victories on many a sea of which this Nation and many other nations are proud. I believe that if the time should ever come, which God forbid, when we are again engaged in a great war and we must again depend upon our Navy we will find men from Annapolis who will prove to be second Farraguts, Perrys, Deweys, Sampsons, and the other great heroes of our Navy. [Applause.]

What better place is there, Mr. Chairman, for those flags than there, where daily these brightest of our young men whom we are training for the naval life can see them and reflect upon the heroism of the men who brought those flags to Annapolis and from their tattered folds receive inspiration for the glorious deeds which we hope are in store for them? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BATES. Mr. Chairman, I yield two minutes more to the gentleman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. KOPP] is recognized for two minutes more.

Mr. KOPP. Now, I think, Mr. Chairman, that that meets most of the objections which have been raised by the gentleman

from Georgia [Mr. TRIBBLE]. As to the main proposition, of course there is no division of opinion among Americans. We all want those flags preserved. We want all our historical landmarks and memorials preserved. The utilitarian says, "Why spend the money? What good is it?" That may be true; but there has not been a great accomplishment in the world's history that has not been permeated with sentiment. Why did we build the Washington Monument? Why did we build Bunker Hill Monument? Why did we appropriate so much money to take from Habana Harbor the wreck of the battleship *Maine*? My utilitarian friend will say, perhaps, that his constituents protest against that terrible expenditure of money, because it does no good. But why do we take that battered hulk out to sea, and there, with all honor due to it, bury it? Merely on account of sentiment. That is the only reason, and yet he protests because we are doing these things for sentiment.

Mr. Chairman, I believe the American people, with one voice, want these tattered flags, mute witnesses of the valor and courage of American sailors in many a naval contest, saved; want them preserved, not for to-day or to-morrow only, but for all time. [Applause.]

Mr. BATES. Mr. Chairman, I have some amendments which have been accepted.

The CHAIRMAN. They will be in order after the general debate is concluded.

Mr. PADGETT. There being no further general debate desired, I ask that the reading of the bill proceed under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of repair, preservation, and preparation for exhibit of the flags now stored at the United States Naval Academy, Annapolis, Md., which have been taken in battle, or after battle, by the Navy of the United States of America, the sum of \$30,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available.

With the following committee amendment:

On page 1, line 7, after the word "America," insert "or those United States flags or trophies deemed to be of historic value."

The committee amendment was agreed to.

Mr. BATES. Mr. Chairman, I move to amend page 2, line 1, after the word "dollars," by adding the words "or as much thereof as may be necessary."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 1, after the word "dollars," insert the words "or as much thereof as may be necessary."

The amendment was agreed to.

Mr. BATES. Mr. Chairman, I move to amend by adding at the end of the bill the words:

Provided, That the amount so appropriated shall be expended under the direction of the Secretary of the Navy.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, after the word "available," in line 3, insert: "*Provided,* That the amount so appropriated shall be expended under the direction of the Secretary of the Navy."

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BEALL of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15471) making appropriation for repair, preservation, and exhibition of the trophy flags now in store at the Naval Academy, Annapolis, Md., and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BATES, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. GOEKE, indefinitely, on account of illness in his family.
To Mr. ASHBROOK, for five days, on account of important business.

LOSS OF CITIZENSHIP BY DESERTERS.

Mr. PADGETT. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up the bill (H. R. 17483) amending section 1998 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service.

The bill was read, as follows:

Be it enacted, etc., That every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section 1996: *Provided,* That the provisions of this section and said section 1996 shall not apply to any person deserting the military or naval service of the United States in time of peace: *And provided further,* That the loss of rights of citizenship imposed by law upon deserters from the naval service may be mitigated or remitted by the President where the offense was committed in time of peace and where the exercise of such clemency will not be prejudicial to the public interests.

With the following committee amendment:

On page 1, line 9, after the word "ninety-six," insert "of the Revised Statutes of the United States."

The SPEAKER pro tempore (Mr. WITHERSPOON). The gentleman from Tennessee is recognized.

Mr. PADGETT. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. ROBERTS], the author of the bill and the Member who reported it from the committee.

Mr. ROBERTS of Massachusetts. Mr. Speaker, the bill now under consideration is intended to remove one of the harshest penalties that can be imposed upon a man for an offense, to wit, the loss of rights of citizenship. As the law stands at present, it is found in the Revised Statutes of the United States, and in order that the House may understand exactly the situation I will read:

SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost marshal within 60 days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

Section 1998 provides:

SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section 1996.

These are the provisions of law which to-day deprive a deserter in the time of peace from both the military and naval branches of the Government from the rights of citizenship. These two statutes which I have read were enacted in 1865, during the Civil War, confessedly as a war measure. I have always maintained since I have been a Member of this House and a member of the Naval Committee that such a drastic penalty was entirely too severe to be imposed upon an American citizen in time of peace.

Now, this is not the only punishment that these young boys receive who in a fit of homesickness or who because of vicious influences are led off the right path or for any other reason desert from the Army or the Navy in the time of peace.

In the War Department, by order of the President, the man who to-day deserts in time of peace may receive a punishment of from one to two and a half years' imprisonment at hard labor, with loss and forfeiture of all pay and a dishonorable discharge from the Army.

It seems to me that from one to two and a half years at hard labor, forfeiture of all pay, and a dishonorable discharge from the Army is a sufficient penalty for desertion in the time of peace.

In the Navy the same young man may receive a sentence from 18 months to 5 years at hard labor for desertion in time of peace and forfeiture of all pay and allowances, except \$3 a month for prison expenses, and in addition a dishonorable discharge.

That is the penalty imposed by courts-martial in the Army and Navy, and then comes the law I have read you, imposing an additional penalty of loss of citizenship.

The result is that we have in this country to-day thousands upon thousands of young men of American birth who are literally men without a country, who have lost their right of citizenship by reason of the operation of that harsh Civil War law.

It is time that this matter was looked into and this Government rid its statute books of such a barbarous punishment as that. In the Sixtieth Congress a bill of a similar import passed both branches and was vetoed by the Executive. The reasons assigned were briefly that the bill as it then passed divested the President of some of his pardoning power and applied to only

one branch of the military service when it should apply to both, and that the bill in its terms was somewhat confusing.

The committee submit to the House that the bill before it, with the committee amendments, will relieve this measure of all the objections then made by the Executive in the Sixtieth Congress, and that with these objections removed the bill ought to pass.

Mr. MANN. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. Certainly.

Mr. MANN. The bill proposes to amend section 1998 of the Revised Statutes, but, in fact, does not do so.

Mr. ROBERTS of Massachusetts. If the gentleman will pardon me, it amends it by adding a proviso. It reenacts section 1998 with a proviso, and the proviso is what makes the amendment to the section.

Mr. MANN. But the only reference to section 1998 of the Revised Statutes is in the title. Does not the gentleman think the bill ought to read: "*Be it enacted*, That section 1998 of the Revised Statutes is hereby amended to read as follows"?

Mr. ROBERTS of Massachusetts. I think the suggestion of the gentleman would obviate any opportunity for misconstruction. If the gentleman has it in writing, he can offer it.

Mr. MANN. I have it not in writing; but it is a very simple thing to reduce it to writing.

Mr. ROBERTS of Massachusetts. Mr. Speaker, it would unquestionably remove any possibility of misunderstanding as to the purport of the bill.

Mr. MANN. As it is now it would be an independent law, and it would not go on the statute books in place of section 1998, which undoubtedly the gentleman wants it to do.

Mr. ROBERTS of Massachusetts. It will be immaterial whether it went in as an independent statute or took the place of one it was replacing.

Mr. MANN. But section 1998 would still remain on the statute books.

Mr. ROBERTS of Massachusetts. With a later law amending it.

Mr. MANN. Not amending it, but changing the law. It would be better, it seems to me, to amend the section, which is what the gentleman wishes to do. I will draft the amendment.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I will accept that amendment on behalf of the committee, because it does clear up any possible misunderstanding of the purport of the bill.

I would like to say that a prior Secretary of the Navy had recommended in a communication, dated January 11, 1908, the passage of an act which would, to a limited extent, relieve the deserter in time of peace from the extreme harshness of the law. He recognized at that time that there was a penalty that was barbaric in a civilized country in time of peace. The Navy Department to-day, under its present executive, acting through the Assistant Secretary of the Navy, also appreciates the rigors and hardships of this old Civil War penalty and recommends that that feature of the law be eliminated.

The department, however, recommended a different form of bill, which, in the opinion of the committee, did not reach all the cases that should be reached if we are to abolish that old law.

As I stated a moment ago, there are thousands upon thousands of young men in this country who have deserted in time of peace, who have been court-martialed, served their term in prison, forfeited their pay, received their dishonorable discharge, and who are now robbed of citizenship. They are going about, in and out in their communities, day after day, but they are not of the communities. They have none of the rights of citizenship; they can not vote; they can not hold office; and the committee thought that there should be further provision in the bill so that the President, upon application, could restore citizenship in these cases where it had been forfeited prior to the passage of the act and thus restore these young men to their rights as American citizens. That accounts for the change in the form of the bill recommended by the Navy Department.

I will also place in the RECORD a letter from the Acting Secretary of the Navy and General Orders, No. 77, of the War Department:

DEPARTMENT OF THE NAVY,
Washington, February 21, 1912.

HON. ERNEST W. ROBERTS, M. C.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have the honor to acknowledge the receipt of your letter of the 20th instant. In reply you are informed that the limitation to the punishments that can be inflicted in time of peace by a general court-martial sentence are as follows for desertion:

In case of surrender after 30 days: Officer, dismissal; enlisted man, confinement for 18 months and dishonorable discharge.

In case of apprehension: Officer, dismissal and imprisonment for 4 years; enlisted man if less than 6 months in the service, confinement for 18 months and dishonorable discharge; if more than 6 months in the service, confinement for 2½ years and dishonorable discharge.

Desertion from a ship about to sail on an extended cruise: Officer, dismissal and imprisonment for 3 years; enlisted man, confinement for 8 years and dishonorable discharge.

When joined in by two or more men in the execution of a conspiracy, or for desertion in the presence of any unlawful assemblage which the naval forces may be opposing: Officer, dismissal and imprisonment for 5 years; enlisted man, confinement for 5 years and dishonorable discharge.

Loss of all pay and allowances due, or that may become due during confinement, as the case may be, excepting a sum not to exceed \$3 a month for prison expenses and a further sum, not to exceed \$25, to be paid upon discharge if sentenced to discharge from the service, may be added to any of the foregoing limitations. The confinement may also be at hard labor.

Conviction of desertion, according to law (secs. 1996 and 1998, Rev. Stat.) carries with it the forfeiture of the rights of citizenship and the capacity to hold any office of profit or trust under the United States.

Faithfully, yours,

BEEKMAN WINTHROP,
Acting Secretary of the Navy.

GENERAL ORDERS, NO. 77.

WAR DEPARTMENT,
Washington, June 10, 1911.

I. In connection with General Orders, No. 204, War Department, December 15, 1908; Paragraph II, General Orders, No. 42, War Department, March 15, 1910; and Paragraph II, General Orders, No. 52, War Department, April 22, 1911, the following executive order is published to the Army for the information and guidance of all concerned:

EXECUTIVE ORDER.

The Executive order dated November 25, 1908, establishing limits of punishment for enlisted men of the Army, under act of Congress approved September 27, 1890, which order was published in General Orders, No. 204, War Department, December 15, 1908, and amended by the Executive order dated March 3, 1910, published in General Orders, No. 42, War Department, March 15, 1910, and further amended by the Executive order dated April 14, 1911, published in General Orders, No. 52, War Department, April 22, 1911, is further amended by rescinding Article I and substituting therefor the following:

ARTICLE I.

In all cases of desertion the sentence may include dishonorable discharge and forfeiture of pay and allowances.

Subject to the modifications authorized in section 3 of this article, the limit of the term of confinement (at hard labor) for desertion shall be as follows:

SECTION 1. In case of surrender—

(a) When the deserter surrenders himself after an absence of not more than 30 days, 1 year.

(b) When the surrender is made after an absence of more than 30 days, 18 months.

SEC. 2. In case of apprehension—

(a) When at the time of desertion the deserter shall not have been more than 6 months in the service, 18 months.

(b) When he shall have been more than 6 months in the service, 2½ years.

SEC. 3. The foregoing limitations are subject to modification under the following conditions:

(a) The punishment of a deserter may be increased by 1 year of confinement at hard labor in consideration of each previous conviction of desertion.

(b) The punishment for desertion when joined in by two or more soldiers in the execution of a conspiracy, or for desertion in the presence of an outbreak of Indians or of an unlawful assemblage which the troops may be opposing, shall not exceed dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for 5 years.

This order shall become operative in the United States and contiguous Territories July 1, 1911, and elsewhere within the jurisdiction of the United States August 1, 1911.

WM. H. TAFT.

The WHITE HOUSE, May 26, 1911.

II. 1. By the Executive order of May 26, 1911, published in Paragraph I of this order, the provisions of the Executive order of June 12, 1905, as amended, in respect of maximum punishments in cases of desertion, are revived and made effective in the United States and contiguous Territories on and after July 1, 1911, and elsewhere within the jurisdiction of the United States on and after August 1, 1911. The limits of punishment which these provisions fix are believed to be sufficiently severe for the gravest cases. The graduated scale of punishments they provide is essential to be reestablished in order to avoid the inequality of punishments that has been so marked a feature of sentences of courts-martial for desertion since the uniform limit of three years was established by Executive order of November 25, 1908.

2. It is the purpose of the new and modified order to secure more appropriate sentences in the cases of inexperienced soldiers who desert in the earlier periods of their enlistment contract and in cases of soldiers who surrender themselves from desertion promptly or show a disposition to atone for the offense. It is expected that under the revised order courts-martial will not in this class of cases generally award dishonorable discharge, but will award terms of confinement with forfeiture as a corrective punishment, giving the soldier an opportunity to return to the colors and redeem himself, to the end that the Government shall not be deprived of the services of one who, as the result of such corrective punishment, will probably become a good soldier.

3. The attention of reviewing authorities is particularly invited to the policy of dealing with desertion and deserters announced in this order, the ends of which can be attained only through their cooperation in the review of trials of this offense by courts-martial.

4. Nothing in this order will be construed by anyone concerned as in any way modifying the policy at present being pursued in the matter of the apprehension of deserters, nor should it influence either courts or reviewing authorities to leniency except in the classes of cases referred to in section 2 of this paragraph.

By order of the Secretary of War:

LEONARD WOOD,
Major General, Chief of Staff.

Official:

HENRY P. MCCAIN, Adjutant General.

Mr. Speaker, I reserve the balance of my time.

Mr. PADGETT. Mr. Speaker, if there is no further debate, I will ask for the adoption of the committee amendment.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 9, after the word "ninety-six," insert the words "of the Revised Statutes of the United States."

Page 2, line 3, after the word "person," insert the word "hereafter."

Page 2 line 6, after the word "citizenship," insert the word "herebefore."

Page 2, line 7, after the word "the," insert the words "military or."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 3, at the beginning of the line insert the following: "That section 1998 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows: Sec. 1998."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill amending section 1998 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service."

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PADGETT. Mr. Speaker, that is all the Committee on Naval Affairs desires to call up at the present time.

The SPEAKER pro tempore. The Clerk will call the next committee.

When the Committee on the Public Lands was called—

GRANT OF CERTAIN LANDS, POND CREEK, OKLA.

Mr. FERRIS. Mr. Speaker, I am authorized by the Committee on the Public Lands to call up the bill H. R. 17119.

The SPEAKER pro tempore. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Kentucky [Mr. HELM] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17119, with Mr. HELM in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17119) granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes.

Be it enacted, etc., That block No. 43, designated "Courthouse reserve" in the town site of Round Pond, Okla., as appears from the official survey and plat thereof, approved by the Commissioner of the General Land Office on September 14, 1893, be, and the same is hereby, donated and granted to the city of Pond Creek, Okla., for municipal and school purposes, and that the Secretary of the Interior shall issue patent therefor.

Mr. FERRIS. Mr. Chairman, in 1890 Congress opened a section of Oklahoma, and the town of Pond Creek, or Round Pond as it was then called, was designated the county seat of what was then L County. A few years ago by a vote of the people of that county the county seat was removed to another town. That left a block of land there vacant, unoccupied, the title to which is still in the Government of the United States. It is not a large town. It has about 1,000 people who need this block for school and park purposes, and this bill proposes to give it to them. This land is in the district of the gentleman from Oklahoma [Mr. McGUIRE], who is here, and I yield to him to give any further explanation that he may desire to give.

Mr. McGUIRE of Oklahoma. Mr. Chairman, there is no statement to be made in addition to what has been said by the gentleman from Oklahoma [Mr. FERRIS], except that the town of Pond Creek has already voted bonds for a schoolhouse there, believing that this land may be obtained for school purposes rather than courthouse purposes. The county seat having been moved to another town in the county, it is now vacant, unused, and the bonds have been voted for a schoolhouse. The bill does not cost the Government anything. Every lot in the town has been given to the residents of that town, and the only thing you do, if you pass this bill, is simply to change the purpose. It is intended for a courthouse, and if you change the purpose it will be used for a schoolhouse. The committee made a report

upon this bill, and after receiving a report from the Secretary of the Interior it contained the recommendation that the land revert back to the Government in case it was not used for school-house purposes. The recommendation of the Secretary of the Interior was adopted, and that amendment is placed in the bill. That is all the statement I desire to make, and contains all the facts.

Mr. FERRIS. Mr. Chairman, unless some one who is opposed to the bill desires to speak, I move that the committee amendment be taken up and disposed of.

The CHAIRMAN. If there is no further debate on the bill before the committee, the Clerk will read the bill under the five-minute rule.

The bill was read.

The committee amendment was read, as follows:

On page 1, line 9, after the word "purposes," strike out the words "and that the Secretary of the Interior shall issue patent therefor" and insert in lieu thereof the words "Provided, That the title to said land shall revert to the United States when it is no longer used for school and municipal purposes."

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill as amended favorably.

The motion was agreed to.

Accordingly the committee rose; and Mr. FLOYD of Arkansas having assumed the chair as Speaker pro tempore, Mr. HELM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17119, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, his motion to reconsider the vote by which the bill was passed was laid on the table.

HYDRO-ELECTRIC CO.

Mr. FERRIS. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill H. R. 12572, and I yield to the gentleman from California [Mr. RAKER] to make a statement.

The SPEAKER pro tempore. The Chair will say to the gentleman from Oklahoma that this bill is on the Union Calendar, and automatically the House resolves itself into the Committee of the Whole House on the state of the Union.

Mr. FERRIS. I so understand.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12572, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12572, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12572) for the relief of the Hydro-Electric Co. of California.

Whereas the Hydro-Electric Co., a corporation of California, has constructed and is now operating a water-power plant for the generation of electric energy in Mono County, Cal., such electric energy being for use in the operation of its own mining properties and for sale for mining, manufacturing, and domestic purposes in the vicinity, and the water being available for the irrigation of otherwise arid and barren desert land; and

Whereas a small portion, approximately 3,800 feet only, of the water-pipe line of the said project is located upon unpatented land in the northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, within the Mono National Forest, in California, such unpatented land being treeless, arid and barren, and not susceptible of forestation, and being claimed by said company under the mining laws of the United States: Therefore

Be it enacted, etc., That the said Hydro-Electric Co. is hereby granted a right of way over the said northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, California, for its said pipe line during the period of its beneficial use only.

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from California [Mr. RAKER] such time as he desires in which to present his bill.

Mr. RAKER. Mr. Chairman—

Mr. MANN. Mr. Chairman, I think that the gentleman would desire to have the members of the committee present during this debate, and, therefore, before he makes his speech, I will make the point of order that there is no quorum of the committee present.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of order that there is no quorum present?

Mr. MANN. I do.

The CHAIRMAN. The Chair will count. [After counting.] There are 78 Members present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following-named Members failed to answer to their names:

Adair	Fairchild	Langham	Rees
Alken, S. C.	Faison	Langley	Relly
Ainey	Fields	Legare	Reyburn
Ames	Fordney	Levy	Richardson
Ansberry	Fornes	Lindsay	Riordan
Anthony	Foster, Vt.	Littlepage	Roberts, Mass.
Bartholdt	French	Littleton	Robinson
Bartlett	Gardner, Mass.	Longworth	Rodenberg
Bates	Gardner, N. J.	McCreary	Rothermel
Berger	Garrett	McDermott	Rouse
Bingham	George	McGillcuddy	Sabath
Boehne	Gillett	McGuire, Okla.	Saunders
Bradley	Goeke	McHenry	Scully
Brown	Gudger	McKenzie	Sheppard
Buchanan	Hamill	McLaughlin	Sherley
Burke, Pa.	Hanna	Macon	Slomp
Cannon	Hardwick	Maier	Smith, J. M. C.
Cantrill	Harris	Malby	Smith, Cal.
Cary	Hawley	Matthews	Smith, N. Y.
Catlin	Heald	Moore, Tex.	Sparkman
Cline	Heflin	Morse, Wis.	Speer
Connell	Helgesen	Mott	Stack
Cooper	Henry, Conn.	Needham	Stanley
Copley	Henry, Tex.	Nelson	Stephens, Cal.
Cox, Ind.	Hill	Norris	Taggart
Curley	Hobson	Oldfield	Taylor, Ala.
Currier	Holland	Page	Townsend
Curry	Howell	Parran	Underhill
Dalzell	Howland	Patten, N. Y.	Vreeland
Davenport	Hubbard	Payne	Warburton
Davidson	Hughes, Ga.	Plumley	Wilson, Ill.
De Forest	Hughes, W. Va.	Pou	Wilson, N. Y.
Denver	James	Powers	Wilson, Pa.
Dickson, Miss.	Johnson, S. C.	Prince	Young, Tex.
Dodds	Kindred	Pujo	
Ellerbe		Randell, Tex.	

The committee rose; and the Speaker having resumed the chair, Mr. FLOON of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having found itself without a quorum, he had directed the roll to be called, whereupon 251 members, a quorum, had answered to their names, and he returned a list of the absentees.

The SPEAKER. A quorum being present, the committee will resume its session, with the gentleman from South Carolina [Mr. FINLEY] in the chair.

The committee resumed its session, with Mr. FINLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole. The Clerk will report the bill H. R. 12572.

The bill was again read.

Mr. FERRIS. The bill has already been reported.

Mr. Chairman, this bill has received wide publicity and much newspaper advertisement. The bill consists of about four or five lines and does but one thing. It grants to the Hydro-Electric Co. the right of way to lay a water main across one quarter section of worthless land.

I have been at times in this House criticized for taking steps to preserve the public domain, but I have ever tried to exercise my right and use my prerogative in that direction on the committee and elsewhere since I have been here, but it is my opinion that the todo and excitement that has been worked up over this bill is unnecessary and without warrant. I have myself made a careful investigation, and have ascertained from photographs and from statements that can not be successfully contraverted that this pipe line merely crosses one quarter section of land, consisting of 160 acres, and does nothing more.

The land has not a tree on it. The land is worthless. There is no charge here that this company seeks to extort undue charges from those taking water or light from them. There is simply an arbitrary statement to that effect on the part of some people who are overzealous and who are trying to do good, but in their overzealousness they are doing harm to their cause and holding up a company that is trying to irrigate the West.

And I want to say to my colleagues on this side of the House that the company which asks this right of way across this single quarter section of land owns the water right and owns the water, owns the land on both sides of this 160-acre tract, owns the pipe line, there being no competitor, and there is no controversy about that. You can look at this map in front of us. [Indicating.] They own the land on both sides of this quarter section. There can not be one single thing to arouse or excite the American people over this proposition. There is no element of conservation in it. There is no value to conserve. Nothing will be saved if the bill does not pass. No one can be hurt if it does pass. The newspaper advertisement this matter has had is conservation run mad. Such efforts are a detriment to the true cause of conservation, which we are all keenly interested in.

I want to leave one thought with those on this side of the Chamber, and I want to leave the same thought with the gentlemen on the other side of the Chamber—that there has here-

tofore been expended \$60,000,000 in this Republic for irrigation from the reclamation fund; \$20,000,000 were from a bond issue. So true is that that to-day the reclamation fund is prostrated and devastated and they have not the money to complete the projects they now have, let alone take up new ones that need attention and construction.

Here is a concern that is willing, on its own responsibility, owning the land, owning the water, owning the pipe line, owning the plant, willing to irrigate themselves independent of the Federal Government. I ask you with what propriety or consistency can the American Congress be thrown into fever heat over the simple proposition of laying a pipe line over 160 acres of land? Simply a right of way; the pipe even is to be covered up, and could do no damage to anyone anywhere under any conditions.

And I again ask this Congress why and with what consistency they can become excited and refuse to allow a concern in the West a right of way across 160 acres of land when that company owns the land on both sides of it and owns the water right, and there is no charge against that company that they are trying to abuse or charge exorbitant prices for the water? This bill ought to pass by unanimous consent. It is a good bill that has been treated badly. Men who have accomplished much good before and men who I respect are overwrought over a very small matter which has no principle of conservation in it. There are too many big matters of genuine conservation in this Republic to spend our energies on to idle away time on the laying of a pipe line across a barren 160 acres of land that never has in the past and never will in the future be used for any purpose. From such conservation no good results can come. From such conservation ardent believers will lose faith in a noble cause. From such conservation we will place the cause beyond the pale of respect. From such conservation we merely save at the spigot, if at all, and lose at the bung.

I assert there is nothing here to conserve, either in principle or value.

Mr. RAKER. Mr. Chairman, the Committee on the Public Lands had this bill under investigation at the extra session, and then continued it until they met in December, 1911, when they made a unanimous report in favor of its passage.

Until the morning of January 5, when this bill was originally called up, there seemed to be no objection whatever to it. Objection was then made to its consideration because it was on the Private Calendar. The following Monday, January 8, a statement was circulated in regard to this bill. The next day, in order to bring the matter clearly before the Members of the House so that they might have an understanding of the conditions, I prepared a written statement and a history of this matter and sent it to each individual Member. Believing that they have read it, I shall not take the time now to read it, but will here insert it in the RECORD as a part of my speech:

STATEMENT AS TO BILL H. R. 12572 RELATING TO RELIEF FOR THE HYDRO-ELECTRIC CO.

This bill (H. R. 12572) for the relief of the Hydro-Electric Co. of California was the subject of a very full and careful hearing before the Public Lands Committee on August 4, 1911, and the committee reported unanimously in favor of its passage. The bill has been pending six months. There has been no haste or concealment. The statements herein made may be verified by referring to the printed report of the committee hearing and to House Document 1424 of the Sixty-first Congress, third session.

SUMMARY OF FACTS.

The Hydro-Electric Co. is a small local corporation organized under the laws of California for the purpose of irrigating lands and operating mines owned by it and its stockholders.

For more than a year it has been generating electric power for that purpose, selling the surplus to other mine owners and operators, and to the towns of Bodie, Aurora, Lucky Boy, and Wonder for illumination.

It has purchased vested water rights which have been used for more than 30 years.

Its dam and all of its pipe line (except about 3,800 feet), as well as its power plant and all its buildings and machinery, are upon patented lands held by it under absolute title. It is not utilizing any water-power site belonging to the Government. It was obliged to purchase and pay for its water-power sites.

The 3,800 feet of its pipe line just referred to cross five mining claims which are claimed to be duly and regularly located by its grantors and are held by the company under the United States mining laws. The report of the master, adverse to these claims, referred to in document 1424, was never confirmed by the court. These mining claims do not cover any land valuable as a water-power site; they lie in a highly mineralized zone adjoining patented claims which have been operated for over 20 years. The lands are absolutely arid; they are rocky, barren, and precipitous, covered by slide shale and volcanic ash. Upon them is no vestige of vegetation, except an occasional bunch of sage, which survives with difficulty. They are admittedly incapable of forestation. Nevertheless, over these claims has been extended a forest reserve from the original forest reserve about 10 miles west of these lands.

Because the company's pipe line must cross this narrow strip of unpatented mining land, the officers of the Bureau of Forestry of the Department of Agriculture consider it to be their duty under the law to compel the company to waive its legal claims and accept instead the same form of revocable permit as it would be required to accept if it were not operating almost wholly upon its own land, but entirely upon forest-reserve lands belonging to the Government.

Another fact strongly in support of the equitable claim of the company for the relief asked in this bill is the fact that over and across the very land described in the bill the company and its grantors have long owned and operated an open ditch for the same purpose as it now seeks to maintain its pipe line. The ditch was constructed and operated 20 years before the lands were included within the reserve. All that is sought by the company is the right to change from an open circuitous ditch, which it admittedly has the right to maintain, to a more direct closed pipe line, to the end that it may avoid evaporation and breaks in the ditch and confine the water, thereby securing greater efficiency from the water conveyed.

It should be distinctly understood also that this change from an open ditch to a closed pipe line has already been consummated. The pipe line is now, and for more than a year has been, completely buried beneath the slide and shale, and the waters therein conveyed are being applied to beneficial uses: irrigation of otherwise arid lands, development and operation of otherwise barren mines, illumination of otherwise poorly lighted towns. Where before there was nothing but a barren desert taxable property has been created. It is to the public interest, I think, to encourage this enterprise.

THE PURPOSE OF THE BILL.

The purpose of the bill and its only effect will be to clear away any legal doubt as to the company's right to the continued maintenance of this pipe line by granting the express sanction of Congress.

NO POSSIBLE DETRIMENT CAN RESULT FROM THE PASSAGE OF THE BILL.

No principle affecting general legislation is in any way involved. No principle of forestry is at stake, and no danger to the administration of the Forestry Bureau is possible, for the reason that the project of the company is located in a treeless desert waste, miles from any forest growth or any land capable of bearing forest, and the right of way to be granted to the company is across a quarter section of land which is not riparian to any stream. No conditions of stream flow or water supply will be affected because the only water used is taken out of a little stream called Mill Creek, just before it empties into Mono Lake, which is an inland "dead sea," of brackish alkaline water that destroys all plant and animal life it touches.

The Government officers report that the company's pipe line lying buried beneath the surface as it crosses this small barren square of desert land will do absolutely no damage to any Government interests. As shown on page 5 of the report of the hearing before the Public Lands Committee, the local forest officers reported as follows. I quote:

"4. Existing improvements, if any. None.
"6. Character of land involved. Open hillside covered with sage-brush strip and rocky.
"8. Should the applicant pay for any timber cut or destroyed?
* * * None will be cut.

"10. What is the purpose of the special use? * * * The greater part of the power will be used by applicants; some may be sold; will be of commercial nature. Water used for power will be turned back to present users for irrigation.

"11. Will the desired special use involve monopoly? No.
"12. State what possible injury might result from granting the desired permit, either to national-forest interests or to the use and enjoyment of the forest by others. None.

"13. What possible complications might arise on account of private land or prior permits granted? None. Right of way over patented land has been secured and right to use water for power purposes purchased.

"15. What is the applicant's reputation and financial standing? Excellent.

"19. Recommendation of examining officer, with reasons therefor: The object of this plant is to furnish power for the mines owned by the company in Bodie and Aurora. It is their intention to generate between 1,000 and 1,300 horsepower. While it is not intended as a commercial venture, some of the power may be sold to other mine owners. The project appears to be for the development of the country, and I am assured by Mr. Cain that it has no connection with any large power company."

Also, as shown on page 41 of the report of the hearing before the committee, the Assistant Solicitor of the Agricultural Department, Mr. Williams, testified as follows:

"Mr. VOLSTEAD. But is the Government going to suffer any damage in any way that would be irreparable?

"Mr. WILLIAMS. No; no individual in the United States will suffer one penny."

This little square is the only land touched at any point by the project to which the Government has any possible claim. If it were owned by a private proprietor this little stretch could be condemned and no jury could well award more than \$50 damage. However, no reasonable private owner would make any charge at all. He would be glad to help rather than hinder the enterprise.

WHAT RELIEF IS SOUGHT.

As I have already stated, the purpose of the bill and its only effect will be to clear away any legal doubt as to the company's right to the continued maintenance of its pipe line.

The company claims vested rights to the use of its pipe line as at present located under the mining laws of the United States and also under several different water and right-of-way statutes which have been passed by Congress.

The company claims that it has a right of way and vested easement for its pipe line under the act of Congress approved February 1, 1905, which grants rights of way across forest reserves for mining and municipal purposes. It has admittedly a vested easement for its open ditch under the act of July 26, 1866 (Rev. Stat., secs. 2339 and 2340).

It also claims that the mining laws of the United States clearly authorize the company to construct and to use the pipe line as it has done and is doing, for two reasons:

First, because section 2322 of the Revised Statutes expressly provides that the owner of a valid mining claim is entitled to exclusive use and enjoyment of all of the surface.

Second, because the mining laws authorize such use of mining claims as is consistent with, and reasonable in, the development of the mineral resources of the claim. That has been held true as to the building of roads, trails, tunnels, dwellings, boarding houses, reservoirs, stables, pumping plants, blacksmith shops, commissaries and stores, and even the cutting and removal or destruction of growing timber. In this case the construction of the company's pipe line was for the purpose and with the intent, among other uses, to utilize the electric power to be developed thereby in the exploitation of the very mining claims crossed by the pipe lines.

NECESSITY OF THE RELIEF.

The granting of the relief provided in the bill is necessary, because, as I have before stated, the officers of the Forestry Bureau have considered it to be their duty under the law to compel the company to waive its legal claims and accept the same form of revocable permit as it would be required to accept if it were operating not upon its own lands, but entirely upon forest-reserve lands belonging to the Government. A suit for a permanent injunction against the company has been instituted and is pending in the United States Circuit Court at San Francisco, and in this suit the Government is seeking a final decree perpetually enjoining the maintenance of the company's pipe line across this narrow strip of desert land.

I consider that this litigation is an unjust burden to be borne by this small, isolated company and by the local mining enterprises which are its customers, and that it is wholly unnecessary. In addition to the burden of expense and far outweighing it in importance is the cloud hanging over the company's title and destroying its credit.

While the Government's suit is pending the company has no security of title to the one short link in its right of way which crosses this small square of Government land. Without this one short link, the whole project and the company's valuable water rights, reservoir, pipe line, power house, transmission lines and distributing system, and the mines and mining properties it is operating are practically worthless.

This company at best must operate against heavy odds, located as it is some 60 miles from the nearest railroad, in the midst of a barren desert waste.

I do not think the Government should stand like a stone wall blocking beneficial development of this character. If this plant must shut down, practically every local industry must close.

This bill is not in the interest of the water-power grabbers. It is for this particular individual isolated concern.

Following this statement, I desire to call the attention of the committee to a demonstration of the facts involved in this case by the use of the map that I now have before the House. The top of the map is north, the bottom is south, the right hand is east, and the left hand is west. I want to say to the committee that the map is a fair representation of the condition of that country. I have photographs here in my valise and this map has been drawn from them.

You will notice here, coming from the center of the map down to the southwest, then turning across the blue area, runs a heavy line. That is the exterior boundary line of the Mono National Forest. The land on the east, such of it as is not in private ownership, is open public land. This on the west and south, comprising in the neighborhood of 100,000 acres, is in the Mono National Forest.

This land on the south and over in the east is more level than is the southwesterly part. It is desert sage-brush land without any trees on it, and the land lying on the mountains contains only a few scattered trees, as you will notice, back in these places. There is a little timber upon the lake that is now owned by this company. For miles and miles the land in the national forest is what is known as rough rolling hills, covered with sage brush and rocks, and is practically a desert.

The land marked here as patented, lying between the dotted lines and around what is known as Lundy Lake, is now and has been for more than 30 years in private ownership, the property of the present company and its predecessors. The land on the east of the tract marked in blue, "mining claims," is a tract of mining land upon which for some 30 years there has been a little mill. The land is now in the ownership of this company by mesne conveyances from the original owner. The land east and south of the mining claims marked "patented," upon which is marked a power house, is likewise patented land, owned by the present company. Most of this land has been in private ownership some 25 or 30 years.

Here is Lundy Lake, which is all on the patented land owned by this company. From Lundy Lake is a small stream known as Mill Creek, flowing into Mono Lake on the east. Mono Lake is a dead sea, destructive alike to animal life and to vegetation. The water, as I say, comes from Lundy Lake down Mill Creek into Mono Lake.

Some 30 years ago the predecessors of this company located a ditch, marked here "Old Goleta Power Ditch," which is taken out on the east side of Lundy Lake, crosses the tract of land known as the mining claims, then turns around the hill to the north and west. That side hill is shale, loose soil, and desert sage brush.

And from that ditch they formerly diverted the water, running it over an old-fashioned overhead or an undershot water wheel for the purpose of crushing the rock and other purposes.

The land at the east is in private ownership, a portion of it. The water thus used by the old company was dropped into the ditch and taken out and used by various farmers on this desert land to the east.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. RAKER. I will.

Mr. MOORE of Pennsylvania. Why could not the pipe line be carried around the Government land?

Mr. RAKER. I had not got to that point, but I will answer the gentleman in a moment.

Now, this present company was organized May 11, 1910, and was known as the Hydro-Electric Co. At this power site this company placed machinery which cost in the neighborhood of \$250,000. They went and bought this old Goleta water ditch and all conflicting rights in it that had been adjudicated in a case in which a Mr. Miller was the plaintiff, and all the water rights in the old ditch, paying over \$35,000 for these rights from the farmers and the miners and the old settlers that owned them.

When they had thus bought the water rights, this land being mineral and highly mineralized and valuable for work, they realized that over a million dollars of money had been taken out of this tract south and east of the power site and north of Mono Lake by placer mining. They realized that over at Bodie 10 years ago there was a town of 15,000 inhabitants. Right across the State line had been another, Aurora, in Nevada, of 12,000 inhabitants. They realized that they were 60 miles from a railroad and in the desert. They realized that from these mining towns so prosperous years ago, Bodie had come down to a town of 500, Aurora to a town of 300, and Lundy, at the lake, to about 150, and Lucky Boy to about 150. They realized that by a process of electricity if they bought the water, the ditches, and the mining land they could develop power by which they could develop these mining tracts, marked in blue, by cheaper and up-to-date methods.

The mining lands in back of here they owned, as well as the intake of the water for the power plant. And by the canal, marked on the plat in red, carried over the desert they could utilize the water that belonged to them for their mines, and they could use the balance for irrigation.

After having bought the land, as I have stated, and I may as well state it fully and completely, in 1910 these claims, marked here in blue, were filed upon by miners, as well as ranchers, living in this territory, and after they had filed upon the mining claims, after they had recorded their notices, before anything was done, for a valuable consideration, these mining claimants sold their claims to this particular company known as the Hydro-Electric Co.

I will state in that connection that they sold them for \$4 or \$5 a claim. I will come to that matter later, as one of the objections made against the company is that it has bought the claims at a nominal price.

Now, having all the land and all the water required for the development of the mining property, this company dug a ditch, marked here in red, a little above the old Goleta Ditch and laid down a wooden pipe—a redwood pipe—bound with strips of iron about a foot and a half apart, so as to carry their water from the lake to the mining claim, and then from the mining claim, which belongs to the Government, they intended to put in a pressure pipe a foot and a half in diameter and convey it to the power plant marked upon this plan.

That was the condition of this right until along about the last of July, when they had constructed their ditch clear to the blue line—about 500 feet on the Government line—laying the pipe after having bought all of those rights. They were then notified by the Government forest ranger that they must not cross this land marked in blue. They telegraphed to their attorney, and the attorney told them to go ahead and lay the pipe, that under the law, since so declared by the Supreme Court of the United States, the forest rangers had no right to arrest them if they gave bond, and to lay their pipe and protect their property. The forest rangers were advised not to arrest the agents of this corporation, but they immediately filed an ex parte application together with a complaint in court alleging that the Government owned the land and that these people intended to destroy and tear up and injure and damage the Government by crossing this particular tract of desert, sage-brush land. Upon that application the court granted ex parte a restraining order. There were affidavits filed then by the company and a hearing was had before the master in chancery. The master in chancery held that because they bought their mining claims for from \$4 to \$10 a claim they were fraudulent—in face of the fact that the greatest mine in Nevada to-day was discovered and sold for a few meals, and that has been the history of the development of the West. He also held that because they were going to extend their line to Bodie and to the other towns in Nevada they were doing something they had no right to do. They had the board of supervisors of Mono County call a special session, and they presented their application to the county board of supervisors for a right of way—a public highway along this pipe line—from the upper plant on over to Bodie, a distance of 20 miles. They were planning to construct that highway along the whole length of their transmission line and power line to the end that they might be able to better control

their property so it would be in proper shape and proper condition.

The board granted their application and declared a public highway along the electric line to the power house, then on to Lundy Lake; but the master held that because and by reason of the fact that the company were going to construct a public highway 18 miles from Bodie along up the sidehill and farther on up to this point they were of necessity guilty of fraud and of doing something they had no right to do. He held, further, that because from these mining claims they did pick up chunks of gold as large as your fist that there had been no valid discovery of mineral. In that connection I desire to read one of the latest statements by the Appellate Court of the State of California upon the question of a valid discovery, and I will read all of the evidence in that case upon that subject. It is the case of McCleary v. Broadus, in the Fourteenth California Appellate Reports at pages 61 to 67. I will read the following statement of the court from page 64:

Did the said Fisher, in compliance with these requirements of the law, make a valid location of the claim in question? There is evidence in the record that he made the discovery on the 1st day of August, 1905. He testified as follows:

"Q. What was your object and purpose in being there the 1st day of August?—A. I was prospecting."

"Q. I will ask you to state what discovery you made of mineral at that time, if any.—A. I found gold out of the rock, or supposed it to be gold, about the center of the claim."

Mr. TAYLOR of Colorado. When was that decision rendered?

Mr. RAKER. On the 9th of August, 1910, a little while after I resigned. I decided this case, and the court of appeals affirmed it; so I am somewhat familiar with the questions involved. He further stated:

There was a quartz ledge there; as near as I could trace it, it would be over half the length of the claim.

That is sufficient evidence in the mining States to prove a valid location, and the Appellate Court of California refers to a decision of the Supreme Court of the United States as to location and as to rights to a valid mining claim—a right good as against everybody except the Government—and that if one goes on and spends \$100 a year up to five years he owns the claim. I refer to this decision because the master in chancery says that because there was not paying gold found in advance the mining claims were not valid.

As soon as this preliminary injunction, the temporary restraining order, was issued they took the testimony before the master in chancery. I have a copy of that testimony here in my papers, and have read it all over for the purpose of being able to state, and I am now stating, the facts from that sworn statement. The master rendered his decision, holding, first, that the company had no legal rights because of conflicts in the right-of-way statutes—and there are many of them—and, second, that because these people were going to use that electric power for mining purposes, developing their mines, and for irrigation; and because they were to use the surplus to sell, therefore they had no right to cross the land. That is the ruling of the master in this case, although every decision by the courts hold to the contrary.

Mr. SHARP. Mr. Speaker, I wish to ask the gentleman if there is any opposition that comes from private parties or others who own individual claims, mining claims, and so forth, or whether it is from the Government alone?

Mr. RAKER. It is not necessarily from the Government. It is not from any private individuals here in this country. There is a territory lying out there, 60 to 80 miles from civilization, a burning desert, and the people are praying that this Government will give this company relief, that they may work their mines and develop the country, that they may light up the towns of Bodie, Aurora, and Lucky Boy; that they may not only develop the mining claims, but that they may develop this desert land, take the water that comes from the power plant and put it into irrigation ditches and keep it from going into Mono Lake and becoming useless.

Mr. SHARP. Then there is no opposition from the people who live there?

Mr. RAKER. Well, I guess I might as well be plain about the thing here, but I did not want to take up the time. However, I will thrash it out and get the matter fully before the committee. There is no opposition. The testimony before the Committee on the Public Lands shows that the Government would not be injured one dollar. The testimony shows that it is barren desert land. The testimony by the Government officials shows that these people have bought the land, as I have said, and that they have bought the water rights; that this is an old ditch that has been there for years before the Forest Service was ever established, and the attorney for the department says

in his testimony that in all the cases before the department there is not one like this that has ever been presented. Why? Private ownership of the land by the company, private ownership of the source of the water by the company, private ownership of the power site by the company, actual user for over 20 years before these forestry people ever attempted to interfere. Why, my dear sirs, if you take the same method and run these privately owned mining ditches, irrigating ditches, around the mountains and the sides of the hills in California, you will develop millions of dollars' worth of property which is now going to waste, and that is what this company is trying to do. I have an article in relation to this matter, dated Washington, February 12. But before I state that I wish to say this: The department was asked this question, Is there any monopoly involved? The answer of the department is, "No." What is the character of the men who are behind this project? The answer of the department is, "Excellent." The question is, will the Government be damaged or will any trees be damaged? The answer is, there are no trees there for destruction and the Government will not lose one cent.

Mr. SHARP. In that connection may I venture the statement that I personally know quite a number of the men who are interested in this project, and I do know that they are men of high standing.

Mr. RAKER. Now, gentlemen, this statement has been made in regard to myself in this connection:

RAKER recently introduced a bill in Congress known as the hydroelectric bill, which involves great water-power rights in the Mono National Forest of this State.

That statement is untrue. Every possible water-power right here involved is already privately owned by this company, and these men desire only to move their ditch a few feet and inclose the water in a pipe. Every decision of the Supreme Court of the United States and every decision of the western courts have held that you may change your place of use of water and your mode of use, so long as you do not injure anything; they move it up the hill two or three hundred feet, and instead of having an open ditch they have a closed pipe.

The general rule is that the change in the place of the use of the water not injurious to any other person can be made at will. (*Walnut v. Burke*, California (110 Pac., 518); *Bates v. Hall*, Colorado (98 Pac., 3); *Deiz v. Hartbauer*, Colorado (105 Pac., 868); *Whited v. Cann*, Oregon (105 Pac., 396).)

Change of the character of the use or the method of the use that does not affect injuriously the rights of others can be made at will. (*McDonald v. Bear River & Auburn Water & Mining Co.*, California (13 Cal., 220); *Butte Table Mountain Co. v. Morgan* (19 Cal., 609); *Gallagher v. Montecito Valley Water Co.* (101 Cal., 202); *Robeson v. Wilmoth*, Colorado (90 Pac., 95); *Power v. Sweitzer*, Montana (55 Pac., 523); *Columbia Mining v. Holter* (1 Mont., 296).)

A mill owner can change his mill from up the stream to down the stream, provided the rights of others are not injuriously affected. (*Rood v. Johnson* (26 Ver., 64).)

He can also change machinery and character of the use in the mill. (9 N. H., 454.)

He can also change from mining use to power development. In the case of *Schwab v. Beam et al.*, Colorado (19 Morr. Min. Rep., 277), it was held that the change in use from placer mining by washing gravel to generation of power for commercial purposes was valid. The court says at 284:

In this connection it may be observed that washing gravel by hydrostatic pressure from a channel bank or a river is not very far removed from running a stamp mill by water power or running dynamos for making electricity. There is some difference in the machinery and appliances of the several kinds of work, but the power is the same.

I quote again from the same statement that was circulated, as follows:

Pinchot to-day states that RAKER is not acting in good faith, as far as the people are concerned.

Gentlemen, I want to say in response to that that Mr. Pinchot and I are personal friends; that while at the National Irrigation Congress, at Portland, five years ago, when he was attacked by various parties before the committee on resolutions, I was then the first man to come to the Forester's aid in regard to those charges and the first man to stand upon the floor of that Congress and defend him, and succeeded, with the aid of my colleagues, in having a resolution of indorsement adopted by that congress. But I want to say now that of all false statements issued by friend or by foe, that is the falsest ever uttered.

I quote again briefly:

And that the real influences behind the bill are the water-power magnates of the State.

That is another falsehood in toto and absolutely. There is no water-power magnate or monopolist connected with this project; but, to the contrary, the Government officials themselves say there is no monopoly involved. I quote the following from the Government officer's report:

Q. Will the desired project involve monopoly?—A. No.

Q. State what possible injury might result either to the national forest interests or to the use and enjoyment of the forest by others.—A. None.

I have here in my valise over 100 telegrams from judges, lawyers, clerks, and boards of supervisors in my district, and from miners, urging me to stand up, as I ought to do, notwithstanding criticism, and see that this bill is passed.

One of them, after he saw this in the newspaper, wrote to me: "What is the matter with you? Are you beginning to eat out of the department's hands or to fall down on our people in the West when they have such a just cause as this?" I said, "No; not yet; not for a while."

I heard it rumored on the morning of the 19th of February that there were monopolies involved in this matter. I immediately sent the following telegram to the man who is at the head of this institution; and I want to say to you to-day that there is not a finer, more elegant, and more cultured and able lawyer in the State of California than he. His name is William H. Metson. He is representing this institution, and he is one of the large stockholders in it. I would like the Clerk to read the telegram which I sent.

The CHAIRMAN (Mr. FINLEY). The Clerk will read.

The Clerk read as follows:

FEBRUARY 20, 1912.

W. H. METSON,

Balboa Building, San Francisco, Cal.:

Have just heard it intimated that when the hydro-electric bill comes up for hearing it will be charged on the floor of the House that you are the head of from five to eight water-power enterprises, and that this bill is intended as an entering wedge, and its passage is sought by you in behalf of water-power grabbers and of monopoly. I have always understood the facts to be to the contrary. I want a statement from you of the exact facts and the whole truth as to this charge. Telegram immediately.

JOHN E. RAKER, M. C.

Mr. RAKER. I would like the Clerk also to read Mr. Metson's telegram which he sent me in reply.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SAN FRANCISCO, CAL., February 20, 1912.

Hon. JNO. E. RAKER,

House of Representatives, Washington, D. C.:

I am not and never have been at the head of any electric or water-power company, not even of Hydro-Electric and its operating company. I am a stockholder in and of counsel for Hydro. I am not and never have, nor has my firm, been the attorney for any of the large electric or power companies, nor for any small ones, except Humboldt Gas & Electric, Humboldt County, wherein I was for a time a small stockholder and attorney. These relations were severed in 1910, when I sold my stock. Further, our firm was also stockholder in Sacramento Valley Power Co., where our firm got from a stockholder about \$5,000 in stock as a fee in individual litigation for the stockholder. Later we acted as attorneys, and I as director, for that company, but that relation later terminated by the sale of that company. Outside of that and the Main River, where I advanced a few thousand dollars for a friend of mine, William Miller by name, and in the California-Nevada Mono Lake Irrigation project and application, near Mono Lake. I have had no employment from electric and or water powers, nor has my firm, nor have I any personal investments in such companies, nor do I owe any fealty to any other electric and or water-power corporations than as explained above. Any statements that have been made are untrue if going further than the above. In conclusion, I own no stock in enterprises of that character at all, except in the projects above named in Mono County. We are employed by none and are backing none. The Hydro bill was never thought of by me or my friends as an entering wedge to bring about water or power legislation or in the slightest for water-power grabbers, but was formulated solely to right a wrong. No one can ever truthfully charge me with being a monopolist or affiliating with any trust. I have always been on the other side.

W. H. METSON.

Mr. RAKER. It was stated that Mr. Metson was interested in oil matters. Therefore I send up the following telegrams to the Clerk's desk.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SAN FRANCISCO, CAL., February 20, 1912.

Hon. JOHN E. RAKER,

House of Representatives, Washington, D. C.:

With reference to my other wire, it is possible that our opponents have mixed me up with Capt. William Matson, of the Matson Navigation Pipe Lines and oil investments, who is quite a heavy investor also in public utility corporations, and that I am credited with some of his investments as well as my own, as our projects are frequently intermixed. Gen. Smith, Marion Devries, of the Customs Court there, and any of the supreme court or Federal judges here would vouch for my integrity and standing. I am also satisfied that any of the banks here would do likewise.

W. H. METSON.

Mr. RAKER. Now, in answer to the question of the gentleman from Ohio [Mr. SHARP] as to the people who will use this

water, I want to say that they are heartily in accord with this project. As I stated before receiving the telegrams that I have here, I received from the entire board of supervisors of the county wherein this land is located a telegram urging the passage of the bill.

Mr. MARTIN of South Dakota. Mr. Chairman—

The CHAIRMAN. Will the gentleman from California yield to the gentleman from South Dakota?

Mr. RAKER. Yes; I yield to the gentleman from South Dakota.

Mr. MARTIN of South Dakota. From what the gentleman has stated, I understand that this company is now under at least temporary injunction in the court from proceeding to use that right of way. Is that correct?

Mr. RAKER. I think so.

Mr. MARTIN of South Dakota. On the suit of the United States?

Mr. RAKER. Yes, sir.

Mr. MARTIN of South Dakota. Has that suit come to a final determination?

Mr. RAKER. It has not. It may be 3 to 10 years before it comes to a final determination.

Mr. MARTIN of South Dakota. Does the gentleman, then, consider it good legislative procedure for Congress to be asked to determine the rights of litigants pending the determination of those questions in suits already brought in the courts?

Mr. RAKER. Yes; I certainly do. I will answer that. I have not reached it, but I will answer it as well as I can. In the first place, there are many conditions to be considered. Under the water law that has been in force since 1866 in all the Western States, these people would have the right to go on there and construct the ditch, and could not be stopped by anybody. The next question is as to their mining claims. Under the same law of 1866—the mining law—they would have the same right without regulation. But you must remember that a man can bring you into court with a half million dollars' worth of property and tie you up by litigation, and the people will then refuse to invest further or help you out. They can by litigation practically ruin your enterprise and destroy your property, which would otherwise be of advantage to the Government, the county, and the State, and which might furnish revenue by taxation and turn idleness into beneficial industry.

Mr. MARTIN of South Dakota. If the suggestion of the gentleman is by reason of the inconvenience or the expense of litigation or delays in litigation he ought not, in propriety, to appeal to Congress to determine the question by legislative act.

Mr. RAKER. I would answer by stating that only yesterday we passed a bill with out objection involving matters now in litigation in the courts, and that bill was passed for the very purpose of disposing of that litigation.

Mr. MARTIN of South Dakota. I very much question if all of us knew what we were doing at the time if we did so.

Mr. RAKER. We did do it. I want to say to the gentleman that for years many were the litigations in regard to those who had made their final proof upon the land in cases pending in the Land Office and in the courts, and Congress by one fell swoop authorized and directed the issuance of patents, and thereby threw out of court over 10,000 cases of pestilential litigation.

Now, just one moment more in that connection. Consider this the same as if a private individual were the owner. The Government owns the land. Congress, consisting of the House and Senate, and the President have control of that land. Now, would a private individual hold you up? Would a county hold you up for this claim? Would a State hold you up like a highway robber?

Mr. MARTIN of South Dakota. I hope the Government would not.

Mr. RAKER. Certainly not; and therefore we have appealed to Congress to allow us to let this pipe lie where it is now, securely buried in the ground, with all of the ditches covered up. This is a question which should properly be passed upon by Congress. Section 3, Article IV, of the United States Constitution provides expressly that—

Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States.

As said by the Supreme Court in the case of *United States v. Trinidad Coal Co.* (137 U. S., 160), "All the public lands of the Nation are held in trust for the people of the whole country." Also as said by the same court in the *Fred Light* case (220 U. S., 523):

It is not for the courts to say how that trust shall be administered. That is for Congress to determine. * * * Congress establishes a forest reserve for what it decides to be national and public purposes.

In the same way and in the exercise of this same trust it may disestablish a reserve and devote the property to some other national and public purpose.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman permit another question?

The CHAIRMAN. Does the gentleman from California again yield to the gentleman from South Dakota?

Mr. RAKER. I do.

Mr. MARTIN of South Dakota. As I understand the present law as to right of way over all reservations, it applies to reservations and pipe lines for similar purposes. Is there any reason why a right of way could not have been had before the expenditure of that money, under proper authority, on Government land?

Mr. RAKER. If the gentleman will permit me, I will say that this company bought their claim—their water right; they had the property on the ground; they had the flume here—over four miles; they had the machinery down there, procured with an expenditure of \$250,000; and then they were held up with an order to suspend operations, by order of the court.

Mr. MARTIN of South Dakota. May I ask the gentleman if this is in a forest reserve?

Mr. RAKER. Yes; it is in a forest reserve.

Mr. MARTIN of South Dakota. Under the law a right of way can be obtained by proper application for a pipe line over a forest reserve, can it not?

Mr. RAKER. Oh, in this particular case, after the suit had been brought in San Francisco, the district attorney and the attorney for the Department of the Interior and the forest ranger and the attorney for this company met in the district attorney's offices and entered into an agreement that this company should construct its ditch, should lay its pipe line, and go on with its business, and should deposit \$75 to answer for any damage that might be done. This corporation then met and authorized its board of directors to sign this agreement. They gave their authorization; the company signed it; and this agreement was signed and sent to the department. When it arrived in Washington the officials said, "We have changed our rules and regulations. Now, what do we want you to do? We want you to abandon your mining claims; we want you to abandon your water right. We want you to expend for us from three to five thousand dollars putting water gauges and weirs over this mountain watershed; we want it made certain that every little official Tom, Dick, and Harry may go in and examine your books." And Heaven only knows what other requirements they have made.

Mr. DIES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Texas?

Mr. RAKER. They granted a temporary injunction when that agreement was signed, because this company would not abandon its claims, which were worth perhaps \$100,000 to them. They then shut them down.

Mr. MARTIN of South Dakota. I would like to ask another question of the gentleman.

The CHAIRMAN. Does the gentleman from California yield to the gentleman from South Dakota?

Mr. RAKER. I will yield to the gentleman from Texas [Mr. DIES].

Mr. DIES. I wanted to ask the gentleman from California if it is not true that the company in whose interest the bill is introduced already possesses an easement over the Government's part of the property for an open ditch for conducting the water, and that all they seek to do now is to have the same sort of an easement for the pipe line, to be conducted underground?

Mr. RAKER. Absolutely. The statement is absolutely correct.

Mr. DIES. Is it not also true that the Assistant Attorney General who testified before the committee said, in answer to a question, that no individual in the United States would suffer from the granting of an easement?

Mr. RAKER. That is true. That is a fact. Now I will yield to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. I was going to ask the gentleman one further question. I understand that the gentleman concedes that the Secretary of the Interior or the Secretary of Agriculture has authority to grant a permanent right of way over this property?

Mr. RAKER. No, sir. Gentlemen, now listen to this proposition—

Mr. MARTIN of South Dakota. Or the Secretary of Agriculture?

Mr. RAKER. No, none of them; absolutely none. Listen: A man may go into the West and spend a million dollars in developing a water right, putting his mills there, building ditches

from 50 to 100 miles, and all the right that the miner can get is a temporary permit, subject to be revoked at the pleasure of the department. That is absolutely true. I have the law here, and the regulations of the Secretary of the Interior and the Secretary of Agriculture.

Mr. MARTIN of South Dakota. I call the attention of the gentleman to the fact that within a year this Congress has passed an act giving a permanent right of way for just such things.

Mr. RAKER. I want to call the attention of the gentleman to the fact that nothing of that kind has been done except as to transmission and telegraph and telephone lines.

Mr. MARTIN of South Dakota. The law previous to that granted rights of way for irrigating ditches.

Mr. RAKER. But I am trying to tell you that after 1866 every man in the West believed that he had a grant. The Supreme Court said it was a grant. Then in 1891 and 1895 and 1898 Congress passed other similar acts. In 1901 it passed another act, in 1905 another, and in 1910 another, and the departments say they are unable to determine which act applies, but they have resolved all against the miner. They have resolved all against those who are trying to improve their property. That is the situation.

Both the Department of the Interior and the Department of Agriculture now hold that this company can not, under the law, be given any legal title to or easement or right of way for their pipe lines. I believe that the departments are clearly wrong in their position on this matter. However, such is their position, and both of these departments absolutely refuse to grant the company any right or to recognize the company as having any right, except under the Forest Service permit act—mind you, I say permit, not right of way, but permit act of February 15, 1901. See volume 31, Statutes at Large, page 790. That act expressly provides as follows—I quote from the act:

And provided further, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public lands, reservation, or park.

Under this law the power of arbitrary revocation rests supreme and unrestrained in the departmental officials, whether such officials act upon their own knowledge and judgment or whether they act upon the advice of some dyspeptic subordinate of less responsibility than a street-corner policeman. Why, gentlemen, no lawyer of any professional standing or integrity would advise any client to invest money upon such a shadowy security of title as is offered by one of these revocable permits. Furthermore, actual experience of investors under these permits has been such as to aggravate and intensify the feeling of insecurity concerning investments made under these permits. These permits have, as a matter of fact, been revoked by the score, arbitrarily, and without any notice or opportunity for hearing or any semblance of due process of law. For example, on March 2, 1909, Secretary Garfield, just before the expiration of his official term, revoked outright the permits of more than 35 different companies operating in the West and by one stroke of the pen destroyed the security of actual investments amounting to probably \$50,000,000.

Another instance of perhaps wider publicity, which demonstrates the unreliability of these revocable permits, is that of the city of San Francisco. It was granted a permit for the development of a mountain water supply from the Hetch Hetchy Valley. This permit was granted after a full and careful investigation by Secretary Garfield. Thereafter, upon the strength of that permit, the city invested more than half a million dollars. Notwithstanding these facts, a subsequent Secretary of the Interior issued an order, which is still pending, for the city of San Francisco to show cause why its permit should not be revoked and its investment of a half million dollars practically forfeited, upon the ground that it was a mistake on the part of Secretary Garfield ever to have granted the permit at all.

In none of these cases of revocation which I have cited had there been any neglect or violation of duty charged against the permittees whose permits have been revoked. The action has always been taken arbitrarily by the public officials, according to their own personal whims and individual ideas or conceptions of propriety.

Mr. PICKETT. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. PICKETT. Relative to the question which the gentleman from South Dakota [Mr. MARTIN] asked as to the propriety of asking for congressional relief while there was a suit pending, I will ask the gentleman if it was not stated several times in the hearing before the committee by the attorney representing the company that all the company desired was to be permitted

to remain undisturbed until this litigation was adjudicated in the courts.

Mr. RAKER. The gentleman has the report of the hearing, has he?

Mr. PICKETT. Yes.

Mr. RAKER. Will the gentleman read it?

Mr. PICKETT. Did not the gentleman in the course of the hearing also say the same thing?

Mr. RAKER. Read what I said. That is the best way. I can not remember everything.

Mr. PICKETT. The gentleman was speaking before the committee, and the chairman asked:

Why would not the issue of a permit pending this litigation be satisfactory?

Mr. RAKER. It would.

I follow that with the further question if the committee did not appoint a subcommittee for the purpose of seeing the department, and if as a result of that action a stipulation was not entered into, the substance of which is to permit them to occupy this ground pending the adjudication of this litigation?

Mr. RAKER. A subcommittee was appointed to see the Secretary of Agriculture and the Secretary of the Interior, but they got no result from them.

Mr. PICKETT. Is it not a fact that the stipulation has been entered into?

Mr. RAKER. Just a moment. Let me finish. The committee then requested me to go down. I saw the Secretary of Agriculture two or three times personally—

Mr. PICKETT. I am speaking of the stipulation entered into by the Department of Justice.

Mr. RAKER. Let me finish. I can not tell it all in one breath. They then told me that they had no power or jurisdiction over this case. I then went to the Attorney General's office, and what has been actually done since I am not able to state, as to the present condition.

Mr. PICKETT. When the time comes I will insert the stipulation in the Record.

Mr. RAKER. Very well.

Mr. PICKETT. You spoke of the permit in such a way as to leave the impression that the Government had actually issued a permit.

Mr. RAKER. I said a temporary permit.

Mr. PICKETT. I will ask the gentleman if that did not bear on its face the fact that it was necessary to be approved by the Department of Agriculture?

Mr. RAKER. Why, yes; I am telling you that the Department of Agriculture was to sign the stipulation, but when it came back here they said they had drawn a new set of rules and authorizations, and they included these new conditions that were not included in the first agreement.

Mr. PICKETT. And the one referred to was never approved by the Secretary of Agriculture and never was operative?

Mr. RAKER. No; because they went back on the first agreement, the one that was signed by the officials.

Mr. CANNON. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. CANNON. If I understand the gentleman, this company owns all this land here that I indicate on the map, and if the water runs down in this easterly direction it runs into the salt lake?

Mr. RAKER. Yes.

Mr. CANNON. There is a small strip of land here where the company has an open ditch?

Mr. RAKER. Yes; 3,800 feet long.

Mr. CANNON. And you have the right to have it open?

Mr. RAKER. Yes; and have had for 30 years.

Mr. CANNON. You now have a pipe instead of an open ditch which runs along above the open ditch and is covered up?

Mr. RAKER. Yes.

Mr. CANNON. And the question is whether you have got to take that pipe out?

Mr. RAKER. Yes; and ruin our business worth \$500,000.

Mr. CANNON. Take the pipe out and put the open ditch in, or abandon it if it does not suit your purpose. Is anybody interested in land on the other side?

Mr. RAKER. Absolutely all the rights have been bought up and are owned by this company; all the waters involved in this lake and the creek from it.

Mr. CANNON. If the gentleman is correct and it was a private individual who insisted on your keeping an open ditch instead of a pipe line, I should say that he was a contentious fellow. [Laughter and applause.]

Mr. RAKER. Now, I want to tell you gentleman my experience 30 years ago as a boy in water litigation. I rode up to an

adjoining town and heard that three men had been killed on the ditch. The first proprietor had gone on the stream and appropriated the water 10 years before and had used it for 10 years. Subsequently a man came in, got title to the land over which the ditch crossed, and he laid silently by until he got his patent, and then when the spring came and they wanted to dig out the ditch he came and sat down and said, "Don't you go on that ditch." They went on the ditch, but they took their shotguns and Henry rifles.

The other fellows came out with their guns and told them to get off. The result was that all three on one side were killed. That has been the history of the West for 40 years, and we are trying to adjust these matters by virtue of the consent of corporations and individuals. But here we find that we have the Government of the United States trying to hold up the corporation simply because it is a corporation. It has got the power to put it in court and hold it there for years, and thereby ruin the corporation rather than let it cross this small tract of land.

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. I will yield to the gentleman.

Mr. MADDEN. If this bill is enacted into law, it will set the injunction aside?

Mr. RAKER. Absolutely.

Mr. MADDEN. Does the gentleman think that is good legislation?

Mr. RAKER. Absolutely.

Mr. MADDEN. Is there not a prospect that the company could get a temporary permit pending the legislation?

Mr. RAKER. I do not know.

Mr. MADDEN. Has there been any suggestion for a temporary permit to be granted pending the litigation?

Mr. RAKER. As I said to the gentleman from Iowa, there was some arrangement after this matter was reported.

Mr. MADDEN. If such an arrangement can be had, does not the gentleman think it is unwise to try to pass this bill and set aside the injunction?

Mr. RAKER. No, sir.

Mr. HAYES. Will the gentleman yield to me for a moment?

Mr. RAKER. I yield to the gentleman from California.

Mr. HAYES. I will say that no such permit is possible unless this company gives up all their rights. Permits have been refused.

Mr. PICKETT. Why, Mr. Chairman, I hold in my hand a stipulation entered into between the Department of Justice and this company.

Mr. HAYES. Yes; and as I understand that stipulation, they are obliged to give up their rights to that property and take it as though it was a part of the public domain.

Mr. PICKETT. It simply holds the matter in statu quo, I will say to the gentleman; and if there ever was a case of absolute bad faith on the part of anybody coming before this House, I will prove from the Record before we get through with it, it is the case of the representatives of this company now asking for equitable relief.

Mr. RAKER. Mr. Chairman, I will say in answer to the gentleman, understanding water rights and the conditions there, that he will be unable to show anything against this company and against its methods or anything against the justice of this claim, or that these people ought not to have the right of passage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I would like to have 15 minutes more in which to finish one other matter, and then I will be through.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have 15 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, before the gentleman proceeds, will he yield to me for a moment?

Mr. RAKER. Yes.

Mr. HUMPHREY of Washington. Mr. Chairman, I regret to say that I was not here when the gentleman commenced his argument, but I want to ask this question: Who is going to be injured if this permit is granted?

Mr. RAKER. No one; absolutely no one.

Mr. HUMPHREY of Washington. Who is to be benefited by holding it up?

Mr. RAKER. No one. No one is benefited by holding it up. It is a question of the department objecting. Of course, they have objected, and they believe that they must continue in order to hold their jobs.

Mr. BUTLER. Why is it held up?

Mr. RAKER. Has the gentleman read the report of the master?

Mr. BUTLER. No; I have not.

Mr. KENDALL. This is simply litigation instituted by the Government of the United States to determine the questions involved in this legislation that is proposed now. That is true, is it not?

Mr. RAKER. Yes.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield to the gentleman.

Mr. LENROOT. Has the gentleman from California not seen or read a copy of the stipulation that has been entered into between the Government and the Hydro-Electric Co. for the use of this pipe line until the final ending of the litigation?

Mr. RAKER. When the stipulation was in process of formation I was at the Attorney General's office. Since it has been completed, whatever it might be in its final completion, I have not seen it.

Mr. LENROOT. Has the gentleman made any effort to ascertain that important fact?

Mr. RAKER. It was not necessary. They do not intend to let us have this until it is disposed of by the various courts, right clean up to the Supreme Court of the United States.

Mr. LENROOT. Does not the gentleman think that this committee is interested in knowing what that stipulation was?

Mr. RAKER. I think the gentleman has a copy of it in his pocket, has he not?

Mr. LENROOT. I have one in my desk, and I think the gentleman ought to be familiar with it.

Mr. BUTLER. Is it signed?

Mr. HAYES. It never has been signed. There is no stipulation in this case.

Mr. McCALL. Mr. Chairman, will the gentleman yield for a question?

Mr. RAKER. I yield to the gentleman from Massachusetts.

Mr. McCALL. I would like to ask whether it has not been proposed to this company that they might exercise this easement for a certain fixed sum of money?

Mr. RAKER. Well, that was not objected to, that one feature.

Mr. McCALL. How much was that amount?

Mr. RAKER. I think they got an arrangement of about ten or twelve dollars a year.

Mr. HAYES. Seventy-five dollars a month?

Mr. RAKER. No; that was strictly temporary; that was to go in the contingent fund.

Mr. McCALL. Does not the gentleman think, as we are granting here by bill a right of way over property of the Government, that we should not give that away without providing for the payment of something?

Mr. RAKER. Not in matters of this kind; and I will say in answer to the gentleman from Massachusetts that since 1806 there are 100,000 ditches in the West that have a grant of their right of way without paying one dollar. I want to say to the gentleman from Massachusetts that California in 1910 adopted a constitutional amendment and that the legislature in 1911 passed an act—a public utilities act—by which every individual or corporation or association that is engaged in the delivery of electric power or water must have their property valued by the State board, and they can only charge the amount that the State of California directs. Now, do you want the State to collect one toll, with the full power to do it, and then just because these people have gone out here in this desert and asked to cross and use what is really theirs in law that they should pay another toll?

Mr. McCALL. But the State would not be receiving toll, would they, if we made a distinct grant in the terms of this bill?

Mr. RAKER. That corporation under the State law and under the constitution will have its physical property valued. The board will first determine what they can charge per kilowatt, and they will not be permitted to sell one kilowatt contrary to the regulations of that board without being subject to having their charter forfeited, and they also pay to the State of California a tax for being a corporation. Do you want to put them under more penalties? Is there any stronger law against monopoly? Could there be any more stringent provision than that a board of five should physically value their property and fix the prices which they may charge?

Mr. MADDEN. Does not the propriety of Congress setting aside an order of the court enter into the consideration of this question?

Mr. RAKER. The Government can do as it pleases with its lands, and that power is retained in the Congress. As I before stated, the Federal Constitution expressly gives to Congress full power over the public lands and reservations. Just look, also,

at the cases pending in all the States. Many an act has been passed to repeal a certain law changing the rights of property; many an act has been repealed by which men have been actually convicted of crime, and they have been turned loose because the judgment had not become final. Private individuals get into litigation, and subsequently make amicable settlements. And over the public land Congress has all the powers that an individual has over his property, and Congress should certainly be equally willing to effect any fair, amicable adjustment settling litigation.

Mr. MADDEN. Why did not these people act under the provisions that now exist instead of coming to Congress and asking Congress to set aside an order of the court?

Mr. RAKER. I have already answered that by pointing out that the present departmental regulations would allow the company only a bare revocable license—a mere permit. No security of title at all for their property and their investment. We have been here before Congress for some time, and last year we passed a resolution calling for this information, and it was obtained and is now printed in House Document 1424 of the Sixty-first Congress, third session. These people living in my district presented the bill, and it seemed to me as a Representative of that district, representing men interested, representing the development of the country, being in favor of turning these many thousands of acres of desert lands into valuable lands, being in favor of opening up these mineral lands in the development of this country, it seemed to me I would have been a poor Representative, it seemed to me I would have failed in every representative duty had I not presented this bill and urged upon this House the necessity and the right and the justice of passing this legislation.

Furthermore, I know of no company operating in the Western States that is situated as is this company. No general law nor any regulations which are in existence or which could be devised or enacted would be properly applicable to this case. Such laws or regulations would necessarily have in mind the protection of water-power sites, dam sites, or reservoir sites or other similar property of value to the Government. In this present case there is no such property belonging to the Government. The company owns under absolute title its reservoir site, its dam site, and its water-power site. All these the company has purchased and paid for. It owns also all of the ground crossed by its pipe line except less than 2 acres across these mining claims. You can figure it up, and you will find that even a 20-foot right of way across these 3,800 linear feet will cover actually less than 2 acres. This land is absolutely valueless. And even across this land the company and its predecessors in title have owned for more than 30 years a vested easement for an open water ditch. The company's title to this old ditch can not be denied. All that this company has done, and all that it asks the sanction of Congress for having done, upon Government land is simply that it has changed this old, open, wasteful water ditch into a less circuitous closed pipe line, which it has buried beneath the surface of the desert. It has changed less than 2 acres of open water ditch into a buried pipe line which occupies actually less than 2 acres of desert land. There is no other company similarly situated. In this regard I quote from the testimony of Mr. Williams, the assistant solicitor of the Agricultural Department, given before the committee:

Mr. MONDELL. Then, it is a fact that no one similarly situated to these people is required to sign these stipulations?

Mr. WILLIAMS. Not similarly situated, because they have been the only ones.

Now, Mr. Chairman, at this point, before I proceed further, I wish to correct some statements which I fear I have made in response to questions which were asked me a few moments ago by the gentleman from South Dakota [Mr. MARTIN], by the gentleman from Iowa [Mr. PICKETT], by the gentleman from Illinois [Mr. MADDEN], by the gentleman from Wisconsin [Mr. LENROOT], and by my colleague, Mr. HAYES, of California. I find that I have here a copy of the stipulation which was evidently referred to, particularly by the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Iowa [Mr. PICKETT]. I will say to the gentleman from Wisconsin [Mr. LENROOT] that I have made, I believe, every effort within reason to ascertain every important fact bearing upon this case. I would say also to the gentleman from Iowa [Mr. PICKETT] that if the stipulation which I now have before me is in fact the stipulation drawn by the Department of Justice to which he refers, and I think probably it is, then I do not wish that the reply which I made to his question shall stand in the record as my answer. I wish to beg the gentleman's pardon. At the moment, during the heat of debate, my mind did not recall the fact that this stipulation which I have here had been agreed to.

The stipulation, which was prepared by the Department of Justice as the result of the committee's action and of my own efforts before the department, was transmitted to me during the recess of Congress last September. I will ask that it be printed in the RECORD following the close of my remarks and that it be marked "Exhibit A" in the RECORD so that it may be more easily identified. I remember now that this stipulation was agreed to by both parties to the suit and was filed in court.

I wish to say also that this stipulation answers completely the question of the gentleman from South Dakota [Mr. MARTIN] regarding the company being now under a temporary injunction in the court from proceeding to use the right of way. This stipulation was filed with the court in October, 1911, and since that time there has been no injunction or restraining order in force against the company. The case is now simply the ordinary case of a suit by the Government in which a permanent injunction is being sought against the company. If the Government should ultimately succeed in its present suit the result would be that the company must then either tear up this short link of its pipe line and thereby destroy the value of all of its property and shut down the mines on its own ground as well as the mines at Bodie, Cal., and Aurora and Lucky Boy, Nev., or else the company must, as its only alternative, throw itself upon the mercy of the departments which have been fighting it and, as I have before stated, those departments hold that under the law the company could be granted no other security than that of a bare revocable license which might be abrogated at will. Furthermore, the departments claim for themselves also the power of unrestrained liberty and discretion either to grant or to refuse to grant this company even the temporary revocable permit which they prescribe.

In response to the gentleman from Iowa [Mr. PICKETT] and also to the gentleman from South Dakota [Mr. MARTIN] I wish to say also that to my mind there can be no question as to the propriety of Congress, as the proprietor of the public lands and the guardian of the public interests involved, withdrawing the present suit of the Government and quieting the company's title to its right of way covering 2 acres of worthless desert land. It would be the duty of an individual proprietor, and I hold it to be the duty of Congress in its capacity of proprietor of this land, to settle fairly and sanely and justly this vexatious litigation, which is now clouding the title of, and jeopardizing the legitimate investment in, this power plant and in the mining properties in the several important adjoining mining camps which are dependent upon this company. It is true that when the hearing was had before the committee last August the company then asked only for special relief as an emergency measure. At that time the caucus rule of the special session of Congress forbade any other legislation of this character except that required by some special emergency. At that time there was a temporary restraining order in force against the company under which the Forestry Service officials were attempting to force the company to tear up its pipe line immediately without giving it the opportunity of even a fair hearing before the court. No evidence had been taken except the preliminary hearing before the master in chancery and the company then asked, as a special emergency measure of relief only, that the company be relieved from the threats of immediate destruction which were being made against it by the Forest Service officials.

However, there has been no subterfuge or concealment or misrepresentation in this matter either by the company or by myself. At the regular session, the present session of Congress, when the matter was again taken up before the committee on December 19 and 20, 1911, it was then plainly stated before the committee that the stipulation which will appear in the RECORD as "Exhibit A" had been filed with the court; that there was no longer any temporary restraining order in force against the company, nor any danger of immediate destruction of its property. The company then asked to be relieved from the pending suit which still involves the possible granting of a permanent injunction. This was understood by the committee clearly, and with that understanding the committee voted to report the bill favorably for passage.

In order to set the matter fully and fairly before this House in its every detail, I wish to give a very brief chronological synopsis showing the various stages in the development of the controversy and referring, where possible, to the particular pages of House Document 1424 of the Sixty-first Congress, third session. In that document will be found printed all of the correspondence up to the 4th of March, 1911.

Summer of 1909, up to and including the early summer of 1910, the representatives of the proposed company, which was not yet organized, made preliminary plans and purchased from private owners all of the property touched in any way by the

project except the 3,800 linear feet of pipe line described in the present bill, and purchased also all water rights and the old Goleta ditch, which crosses this same land.

Spring of 1910, local residents familiar with mining operations and local conditions located 20 or 21 mining claims along the mineral ledge, which crosses the land described in the present bill. These claims join the old patented mining property, now belonging to the Hydro-Electric Co., upon the north and extend along the outcroppings southerly. Of these claims only five are crossed by the pipe line, although the corner of a sixth one is touched by the pipe line.

Spring of 1910, company purchased all these mining claims.

July, 1910, construction of dam, pipe line, and power house begun.

August 3, 1910, pipe line constructed over company's patented land and over several hundred feet of the land described in the present bill. At this time the ditch was completely excavated throughout its entire length.

August 3, 1910, forest officers stopped the work and threatened arrest of workmen.

August 10, 1910, Government suit filed and temporary restraining order secured ex parte upon affidavit.

September 6-10, 1910, hearing before master in chancery on order to show cause why the temporary restraining order should not be continued and an injunction pendente lite issued.

October 17, 1910, master renders report adverse to company. This report was never confirmed by the court.

November 12, 1910, district forestry office at San Francisco telegraphs to the Forester at Washington suggesting such temporary agreement as would permit continuance of construction work without jeopardizing the pending suit of the Government. (See telegram, p. 68, H. Doc. 1424; also letter on same page.)

November 14, 1910, Forester at Washington authorizes and directs such temporary agreement as is described in the telegram on page 68 of House Document 1424. (See p. 67, H. Doc. 1424.)

November 17, 1910, temporary agreement permitting construction work was drawn in compliance with Forester's direction and was executed and acknowledged by company and approved by board of directors. (See pp. 65, 66, 67, H. Doc. 1424.)

With this agreement the company continued always to comply faithfully. Upon the strength of this agreement, as directed by the Forester's telegram, the company consented, in open court, to withdraw its objections and exceptions to the master's report and to consent voluntarily to the issuance of an injunction pendente lite.

November 18, 1910, company consents in court to issuance of injunction pendente lite in accordance with its agreement. (See two telegrams, p. 64, H. Doc. 1424.)

November 23, 1910, Forester issues temporary permit in accordance with agreement. (See letter to Messrs. Copp, Luckett & Pierce, the company's attorneys, p. 61, H. Doc. 1424.)

November 26, 1910, Forester sends out notice to the district forester that the permit issued on November 23, while unconditional in form, would be revoked unless a new stipulation and agreement more onerous than that signed by the company on November 17, 1910 (see pp. 65, 66, 67, H. Doc. 1424), should be agreed to by the company before December 30, 1910. This more onerous stipulation appears on pages 57, 58, 59, 60, and the upper half of page 61, House Document 1424. This notice was not formally served upon the company until December 30, 1910. (See first paragraph of letter to district forester, p. 53, H. Doc. 1424.)

December 29, 1910 (one day before formal service of Forester's demands), company requests certain modifications of the proposed more onerous agreement. (See pp. 56, 57, H. Doc. 1424.)

January 1, 1911, projects completed and electric current turned on wires.

January 21, 1911, Forester refuses to modify objectionable stipulation or agreement. (See pp. 53, 54, H. Doc. 1424.)

February 10, 1911, company's attorney appears personally before Forester in Washington, requesting reconsideration and the granting of the modifications requested. Request is summarily refused, with remark that the company can "fish, cut bait, or swim ashore." (See paragraph at top of p. 48, H. Doc. 1424.)

February 13, 1911, company appeals to the Secretary of Agriculture from the Forester's refusal to modify objectionable agreement. (See pp. 47, 48, 49, 50, 51, H. Doc. 1424.)

February 15, 1911, Secretary denies company's appeal. (See pp. 46 and 47, H. Doc. 1424.) The company's attorney states—and it is uncontradicted—that the appeal of February 13 was not mailed until after midnight of that day, and could not have reached any official's desk for consideration earlier than 11 o'clock of February 14, and that within 24 hours thereafter, namely, before 11 o'clock of February 15, he had

received definite word of the rejection of the appeal by the Secretary. (See speech of Hon. W. F. Englebright, printed in RECORD of Mar. 5, 1911.)

February 17, 1911, Congressman Englebright introduces resolution of inquiry (H. Res. 980).

March 2, 1911, resolution adopted.

March 4, 1911, House document 1424 transmitted.

April 12, 1911, United States district attorney notifies company's attorneys by letter, as follows:

UNITED STATES V. HYDRO-ELECTRIC POWER CO.

APRIL 12, 1911.

MESSRS. CAMPBELL, METSON, DREW, OATMAN & MACKENZIE,
San Francisco.

GENTLEMEN: I am in receipt of a letter from the Attorney General instructing me to inform you, as counsel for the Hydro-Electric Power Co., that the injunction heretofore issued in the above-entitled case will be enforced against the company and its agents according to its terms, and that you will be allowed a reasonable time, not exceeding 60 days, within which to restore its exceptions to the master's report and to present to the court such contentions as you may care to make against the continuance of the injunction throughout the litigation.

It is stated to be the desire of the Department of Justice that this litigation should be proceeded with vigorously, so that a conclusion may be reached as soon as possible. The department refuses to allow any permit, except a general permit in the usual form required by the practice and regulations of the department governing such matters.

Yours, very truly,

ROBT. T. DEVLIN,
United States Attorney.

This action restored the company to statu quo as of November 17, 1910—that is to say, to the same position before the court as it occupied before it had acted in accordance with the Forester's telegram of November 14. The Department of Justice, in taking this action, recognized that the company had acted in good faith upon the agreement drawn November 17, 1910, in accordance with the Forester's instructions of November 14, 1910, and that the action of the Forest Service in abrogating that agreement, as it did by letter of November 26, 1910, had made it necessary for the Government, in fairness to the company, to replace the company in the same position as it had occupied before it had acted upon faith and reliance in the Forester's telegram.

April 12, 1911, the order, given on this date, just referred to above placed the company back under the force of a temporary injunction. However, the company had, in reliance upon the agreement of November 17 and the permit issued November 23, 1911, invested its money and completely constructed its plant. Therefore the Forestry Service officials, who subsequent to April 12, 1911, attempted to enforce the temporary restraining order of the court against the use of the company's pipe line thereby—that is to say, by attempting, as they did, to enforce the temporary restraining order—were attempting to force the company, before any final hearing could be had, to tear up its pipe line, which it had constructed according to the agreement of November 17, 1910.

July 15, 1911, on account of the circumstances above outlined, I introduced the present bill granting the company a right of way.

August 4, 1911, three hours' hearing was had on the bill before the Public Lands Committee. The committee voted unanimously to grant the company at that time the following relief as an emergency measure, namely, it appointed a subcommittee to request of the Department of Agriculture that that department discontinue its attempts to force the company to tear up its pipe line pending litigation. This the department refused to do, but referred me personally, after the subcommittee had exhausted its efforts, to the Department of Justice.

September, 1911. During this month, after adjournment of Congress, the Department of Justice submitted the stipulation which follows my remarks under the designation "Exhibit A."

October, 1911, the stipulation was executed and filed. There been no temporary restraining order, nor any injunction or other order of court against the company. However, the suit for permanent injunction is still pending by which the Government seeks to obtain a final order of court forcing the company to tear up its pipe line.

December 19 and 20, 1911, hearing on the bill before Public Lands Committee.

December 20, 1911, unanimous report of the committee in favor of the bill.

January 5, 1912, bill ordered removed from Private Calendar and placed on House Union Calendar.

In view of this prolonged fight, and in view of the wide publicity which has been given to this case, and in view of the bitterly contentious attitude which the department is so widely known to have taken against the company, there is a general public feeling of distrust as to the security of the company's title and as to the outcome of the case in the courts. Also there is, unfortunately, a very widespread belief that if the com-

pany should by any chance be defeated in the litigation the department would, by reason of the strong personal prejudices which have been aroused among its officials, be inclined to continually harass the company thereafter. All of these considerations and all of these circumstances tend now and will continue to have a strong tendency to unsettle business conditions in all of the mining camps dependent upon this company, to discourage legitimate mineral development and the opening up of new mines, and to hamper and interfere with the financial support and the operations of the company. I can see no reason why the Government, through this Congress, should practice such odious and utterly useless tactics. I believe that the Government should grant this right of way and thereby encourage legitimate industry. Merely from those considerations of reasonable fairness and equity which should prompt any private proprietor, this company should be granted its right of way by this Congress.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield to my colleague from California.

Mr. HAYES. I thought the gentleman had finished.

Mr. RAKER. I want to finish this on the question of conservation, so that I may conclude. While in my campaign in 1910 I found my people were against conservation, frequently because of the method and the manner of using the forest reserves. I took the position that the Forestry Department of the Government had taken a stand that was right and that we should maintain these reserves; that we should conduct them in a proper method and in a proper manner. And in a public platform, of which I sent out tens of thousands, I made the following statements:

I am in favor of conservation of our natural national and State resources, and a progressive upbuilding policy, honestly and economically enforced—that we control our natural resources and use them now, in the present—but still control them so that the future use of them will be saved for the people of this Nation. Keep them from the hands of the few.

That was my statement then; that is my belief now and my position.

Let me read you another article now by the greatest conservationist in the land, as well as the greatest progressive—a man whom these progressives are pretending to follow. This article is from *La Follette's Weekly Magazine* of February 17, 1912, and is as follows:

WISE USE; NOT FOOLISH DISUSE.

True conservation consists not in hoarding our resources, but in using them properly. Our water powers running night and day from year to year without turning a wheel are of no value to the public. To permit the mature trees of our forests to rot in waste is not conservation. To deny to this generation the advantage of the proper development of our coal fields and other mineral wealth is to deny to them participation in the benefits which rightly belong to them. The problem before us is not to hoard our resources, but to develop them in such a way that the benefits flowing from development will inure not to a few men, but to the rightful owners—all the people of the United States.

My language is a little stronger and a little better than the language of the great conservationist and progressive, Mr. LA FOLLETTE. I made my statement two years ago and he made his a week ago.

Use what you have to-day. Do not let the water run to waste. Use the mature trees, and do not let them die and decay or be burned up. Use your mineral resources now instead of letting them lie in the ground unhunted, unsought, and undeveloped. That is all we ask for, and I again appeal to this committee to look to this map as a speaking illustration of what we are asking here to-day, and as demonstrating to you the value of the Government's property that will be involved.

I want to ask you that if you owned this barren, treeless, desert waste, 60 miles from a railroad or from civilization, would you want to stop the development of an enterprise of this kind? Why, every man would say "no."

Mr. Chairman, I have another statement here that I want to have printed in the *RECORD* as Exhibit B, following the close of my remarks. It is a letter from James F. Farraher, written under date of January 17, 1912. He is one of the ablest lawyers in the State of California. The letter will follow later, marked "Exhibit B."

I also wish to submit a copy of an amendment to the constitution and a copy of the public-utilities bill of the State of California covering this subject, to show that the State government and not the Federal Government is regulating these matters. These will follow later as Exhibits C and D, respectively. I want to submit one other matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I would like just one minute in order to put this document in the *RECORD*.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. I wish to submit in the *RECORD* a memorandum showing the various right-of-way statutes passed by Congress and the decisions of the various courts, showing the rights of this company to this land. In addition to the memorandum I have had collected and copied verbatim several of the conflicting right-of-way statutes now in force. The verbatim copies of statutes I will append for purposes of reference as Exhibit E. The memorandum concerning this company's rights here follows:

RIGHT-OF-WAY STATUTES.

Memorandum concerning the hydro-electric bill (H. R. 12572).

The Hydro-Electric Co. should never have been required to come to Congress for relief in this case. They are entitled to the right of way as a matter of plain legal right under the general laws which have been enacted by Congress.

ACT OF 1866.

As early as 1866 Congress passed a general right-of-way act granting rights of way for ditches and canals for the beneficial use of water for mining, agricultural, manufacturing, and other like purposes. The original act was passed July 26, 1866 (14 Stat. L., 253), and is entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes." Section 9 of the act, since embodied in the Revised Statutes as section 2339, provided:

"Whenever by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed."

This act is still the law. It has never been repealed or modified by Congress, and that the Hydro-Electric Co. is entitled to its right of way under the terms of this statute is established by the admitted facts of the case. It has been conclusively established, as shown by the printed report of the hearing on this bill before the Public Lands Committee, that the Hydro-Electric Co. is the owner of the water which it uses by virtue of more than 20 years of priority of possession and actual use by itself and its predecessors in interest. It was shown at the hearing, and is admitted by the Government officers, that the company is using this water for mining, milling, and the reduction of ores, and for agricultural purposes in the irrigation of otherwise arid land, just as prescribed by the statute. It comes, therefore, clearly within the terms of the statute and is entitled to its benefits.

IRRIGATION ACT OF 1891.

However, this is not the only law under which the company is plainly entitled to the right of way for its pipe line. It is entitled to its right of way under the irrigation right-of-way act passed by Congress on March 3, 1891 (26 Stat. L., 1095). Section 18 of that act provides:

"That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory."

It is an established fact and not denied that the Hydro-Electric Co. is a canal and ditch company organized for the purpose of irrigation as prescribed by that law of Congress. The water after it passes through the company's pipe line and over its water wheel at the power house is available for the irrigation of otherwise arid lands, and as reported by the Government officer the water is to be utilized for that purpose. Not only does the company's pipe lines convey this water for irrigation, but by its dam at the lake—Lundy Lake—it stores the storm and flood waters which otherwise would run to waste and conserves them, thereby increasing the water available for irrigation.

It is true that this irrigation right-of-way act of 1891 provides in terms for the filing of certain maps and plats before the Secretary of the Interior, but these provisions have been held by the United States Supreme Court to be permissive only and not conditions precedent. It has been held by the United States Supreme Court, and repeatedly by the Secretary of the Interior, that actual construction of the ditch and laying of the pipe line amounts to full compliance with the law and vests in the company full legal title to its right of way with or without previous or subsequent filing of any plats or maps. The Hydro-Electric Co. has admittedly completed the digging of its ditch and the laying and covering of its pipe line. Its right of way is therefore clearly vested. The point is so well established that no one at all familiar with the subject will question it. See the Supreme Court decision in the case of *Jamestown & Northern R. R. Co. v. Jones* (177 U. S., 125) and the decisions there referred to. That decision involved a construction by the court of the railroad right-of-way act of 1875, but the two acts are practically identical in terms, and the controlling authority of the Supreme Court's decision just cited over cases arising under the irrigation right of way act has been expressly recognized repeatedly in the decision of the Secretary of the Interior. (See vols. 38 and 39, *Land Decisions*.)

It is true that the departmental officials have, by regulations and decisions, attempted to rob this irrigation right-of-way act of its beneficial effect by claiming that it is not applicable unless the water is used solely for irrigation. However, Congress attempted expressly to remedy such a narrowness of construction by the amendatory act which it passed on May 11, 1898 (30 Stat. L., 404). That amendatory act provides that rights of way under this irrigation act of 1891—I quote from the act—"may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power as subsidiary to the main purpose of irrigation." I claim that under these acts this Hydro-Electric Co., and other companies which are developing the industries of the West, are entitled by plain provisions of law to rights of way in such cases as the present one.

MINING ACT OF 1905.

However, there is yet another act of Congress which is applicable in even more pointed and express terms to the present case. I refer to the act of February 1, 1905 (33 Stat. L., 628). Section 4 of that act provides:

"That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for municipal

or mining purposes and for the purpose of milling and reduction of ores during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior and subject to the laws of the State or Territory in which said reserves are respectively located."

That act describes with exact precision the admitted purposes and object of this Hydro-Electric Co. The testimony shows, and the Government admits, that the company's object is the development of its own mining properties, the milling and reduction of its own ores, and the sale of its surplus power to other miners and mine owners and operators. By this act Congress plainly granted to this company, and to every other company and individual in the West similarly situated, a right of way for ditches and pipe lines. The object of the act, its scope and purpose, are clear and unmistakable. This act was passed by Congress for the benefit and encouragement of the legitimate industry of mining, milling, and ore reduction. The Supreme Court of the United States declared in the case of *United States v. Verde Copper Co.* (196 U. S., 207) that acts of this character—I quote from the decision of the court—"are not to be so construed as to defeat the intent of the legislature or to withhold what is given there expressly or by necessary or fair implication." In this right-of-way act which I have quoted to you there is no possible ground for doubt or uncertainty, no hint of ambiguity. And even if there were any ambiguity such ambiguity should be resolved liberally in favor of the industry which Congress intended to encourage, namely, that of mining and mineral development. In the statute under consideration, in the *Verde Copper* case just referred to, there was some ambiguity, but the court said that even "ambiguity should not be resolved to take from the industries designated by Congress the license given them." The court said:

"When an act operates as a general law and manifests clearly the intention of Congress to secure public advantage or to subserve the public interests and welfare by means of benefits more or less valuable offered to individuals or to corporations as an inducement to undertake and accomplish great and expensive enterprises or works of a quasi public character in or through immense and undeveloped public domain, such legislation stands upon a somewhat different footing from a private grant and should receive at the hands of the courts a more liberal construction in favor of the purpose for which it was enacted."

Language more aptly fitting to the present case could not well be imagined. The law grants the right of way. This company has accepted its terms and actuated by the inducement offered it has undertaken and completed in a barren desert region—60 miles from the nearest railroad—this enterprise of great local public benefit.

Nevertheless, in spite of the language of the Supreme Court just quoted, the Land Department has, by regulation and decision, attempted to defeat this law of Congress of its beneficial effect and to deprive the mining industry in the Western States of the legitimate encouragement which Congress granted it. In the *Northern California Power Co.* case (37 Land Dec., 80) the Secretary of the Interior imported into this statute restrictions not found in the act and inconsistent with its terms.

The Secretary held that no right of way could be granted to any mining company unless such right of way was to be used solely and exclusively for the operation of mines and the milling and reduction of ores owned by the company itself. In other words, that this Hydro-Electric Co., though using the right of way for mining and milling and municipal purposes, as prescribed by the act, nevertheless could not have the benefit of the act because some of the power was to be utilized by other mine owners in the locality. In this way this beneficial act of Congress has, in effect, been abrogated by departmental rule and decision. The will of Congress has been set aside and overruled in the face of the plainest possible language that Congress could use.

And there is no possible justification for such a judicial quibble as this decision represents. At the time this act was passed the Supreme Court and the Department of the Interior had both held under the similar right-of-way act for irrigation companies, passed March 3, 1891, that the ultimate use of the right of way and not any question of ownership was the determining factor. The language in the irrigation right-of-way act is, "That the right of way * * * is hereby granted * * * for the purpose of irrigation."

In the mining right-of-way act of February 1, 1905, just referred to, the language is just the same—"That rights of way * * * are hereby granted * * * for municipal or mining purposes and for the purpose of milling and reduction of ores."

As showing the scope and effect of the ruling of the Supreme Court under the irrigation right-of-way act, just referred to, I quote from the decision of the Secretary of the Interior, rendered November 19, 1909, in the case of the *Sierra Buttes Canal & Water Co.* In that decision the Secretary of the Interior said:

"The decision of the Supreme Court in the case of *Gutierrez v. Albuquerque Land & Irrigation Co.* (188 U. S., 545) * * * held in that case that in order to be entitled to the benefits of the acts of Congress providing for rights of way over the public domain it was not necessary for the company securing such rights of way to engage in the irrigation of land or to own the lands intended to be irrigated."

It was held to be sufficient if the water was sold to others who used it for irrigation.

That is certainly the only reasonable construction of that act, and the same application, by every recognized rule of statutory construction, must be given to the mining right-of-way act of February 1, 1905. That act was passed by Congress subsequent to the Supreme Court decision on the irrigation act, and in the light of that decision Congress incorporated the same language. The same construction must be given, and under that construction the Hydro-Electric Co. is legal owner of the right of way and entitled to have its title confirmed by this pending bill.

And the company's right under this statute is not dependent upon the filing of any map or plat. It has definitely located and designated its line by actual construction upon the ground. The construction work is already completed. The line is legally designated thereby, and the title to the right is vested by operation of law without the filing of any plat or map. This was the decision of the Supreme Court in the case of *Jamestown & Northern R. R. Co. v. Jones*, which I have already cited, and it is equally applicable to this case.

EQUITABLE CONSIDERATIONS IN FAVOR OF THIS BILL.

The legal and equitable considerations to which I have heretofore called your attention are such as are applicable generally to the enterprises which are attempting to develop and open up the western public domain. It is vitally essential that all such legitimate development should be fostered and encouraged, not discouraged and obstructed.

But in this particular instance there are far greater reasons of equity and justice in favor of the company named in the bill. It is a small local corporation, operating against exceptional odds in a barren desert region far removed from railroad communication, where every item of cost is excessive and where nothing but the hardest courage

and boldest individual initiative would dare to venture. Where before was nothing but barren desert and unproductive mines this company is creating taxable and productive property. It is irrigating the desert lands and stimulating mineral development.

Furthermore, it is not operating on Government land. It is an exceptional instance, where only an insignificant shoe string of unpatented Government land must be crossed.

This shoe string is admittedly valueless. It is not a water-power site in any sense of that term. The water-power sites are at the lake, where the dam is situated, and at the power-house site, where the fall is secured. Both of these sites are owned by the company by absolute title in fee simple. This shoe string of land involved in the bill merely happens to lie in the path of the pipe line and is neither a power site nor riparian land.

Furthermore, the company, as proven at the hearings, has for 20 years, by itself and its predecessors, owned an open ditch across this same parcel of land and has done nothing more than to shorten the ditch and change it into a buried pipe line in order better to conserve the power of the water.

I think that the company is clearly entitled to the relief sought.

Mr. KAHN. Was this bill reported unanimously from the Committee on Public Lands?

Mr. RAKER. I have before me the original bill, given to me by the clerk of the committee, with his writing on it, as follows: "Unanimously adopted after amendment."

Mr. KAHN. So that it is the unanimous report of the committee?

Mr. RAKER. That is the unanimous report handed to me by the clerk of the Committee on Public Lands, and after that I made out the report, took it back to the committee, and read it—read the report that they were going to file in the House and in the committee—and not one living man said a word or made objection to it.

Mr. PICKETT. Mr. Chairman, I want to call the attention of the gentleman from California to the fact that I stated I was opposed to the bill that summer and that I reserved the right to oppose it on the floor of the House.

EXHIBIT A.

IN THE CIRCUIT COURT OF THE UNITED STATES, NINTH JUDICIAL DISTRICT, NORTHERN DISTRICT OF CALIFORNIA.

United States of America, plaintiff,

v. Hydro-Electric Co., a corporation, defendant. } No. —.

STIPULATION.

Whereas the said defendant is desirous of permission to maintain and operate, within the limits of the Mono National Forest, during the pendency of this cause, the conduit and pipe line mentioned and described in the pleadings in this cause and in the proceedings heretofore had herein, and has represented and insisted to the plaintiff that it desires in good faith to use and operate the said conduit and pipe line in its business of generating electrical energy, and that refusal of such permission would entail great and irreparable injury and loss to the defendant and possibly the destruction of its said business; and

Whereas the plaintiff is willing to accord such aforesaid permission, provided this may be done with due regard to the public rights and interests, and provided further such permission shall be availed of by the defendant in good faith for the preservation of its business as aforesaid in the actual operation of its electrical plant during the pendency of this cause:

It is hereby stipulated and agreed by and between the parties that the said defendant may until a final decree shall be entered in this cause operate and maintain the said conduit as the same now is within the national forest, subject to the following terms, conditions, and limitations; that is to say:

1. In case any injury to the said forest or other damage to the plaintiff shall be occasioned by water breaking, leaking, or flowing from the said pipe and conduit or from any dam, reservoir, or conduit owned by the defendant or subject to its control, or in case any injury to the said forest or damage to the plaintiff through any other force or agency shall be occasioned by the willful action or negligence in any respect of the defendant or any of its officers, agents, or employees, or any of its present or future contractors, or any of their officers, agents, or employees, the amount or amounts of money reasonably required to compensate the plaintiff for such damage or injury shall in each such case be examined into, fixed, and determined by the district forester having supervision over said forest at the time of such examination, or by such other official as then shall be exercising the functions of district forester in respect of said forest; and the amount or amounts so fixed and determined shall be thereupon immediately paid by the defendant to the plaintiff by payment to such national depository or such officer as the Attorney General shall designate to receive the same.

2. The defendant shall make such disposition of brush and refuse on the lands described in the bill of complaint as may be from time to time required by the forest officer.

3. The defendant shall protect all forest service and other telephone lines at crossings of and at all places of proximity to the transmission line in a standard manner and satisfactory to the forest officers, and maintain the line in such a manner as not to injure stock grazing on the forest.

4. The defendant shall do and cause to be done all within its power, and that of its employees, contractors, and employees of contractors, both independently and upon the request of the forest officers, to prevent and suppress forest fires.

5. The defendant shall build and repair roads and trails as required by the forest officer, or other duly authorized officer or agent of the United States, whenever any roads or trails are destroyed or injured by the construction work of the defendant or by flooding, and build and maintain suitable crossings as required by the forest officer, or other duly authorized officer or agent of the United States, for all roads and trails which intersect the said conduit and pipe line on the said described lands.

6. The defendant shall forthwith execute and file with the United States district attorney for the district above named a good and sufficient bond, to be approved by the said United States attorney, in the sum of \$5,000, conditioned upon the faithful compliance by the de-

fendant with all and singular the terms and provisions of this stipulation.

7. If by the final decree to be rendered in this cause it shall be determined and adjudged as to said conduit and pipe line that the same or any material portion thereof was constructed or maintained by the defendant without authority of Congress, then and in that event the defendant shall pay to such Government depository or officer, as may hereafter be designated by the Attorney General, a sum of money for the plaintiff to be computed at the rate of \$75 per year from and after the 1st day of August, 1910, to and until the time when the defendant shall have fully complied with the terms of such final decree.

8. This stipulation shall not be construed to extend any right, privilege, or permission whatever to the defendant beyond the time when a final decree shall be entered in this cause.

Upon the execution, filing, and approval of such bond as above provided and the noting of the fact by the United States attorney upon this stipulation, the complainant's motion for a preliminary injunction may be withdrawn and the restraining order now in force may be vacated. This provision is subject to the distinct understanding that in case of any violation by the defendant of any of the terms hereof this stipulation shall, at the election of the plaintiff, be and become thenceforth null and of no effect, and the plaintiff shall be at liberty to restore and insist upon said motion for preliminary injunction without prejudice from or on account of this stipulation or from or on account of any action that shall have been taken or thing that shall have been done hereunder, but the exercise of such election shall not operate to release the defendant or its sureties on said bond from any liability which theretofore shall have arisen in favor of the plaintiff.

Dated at San Francisco, Cal., September —, 1911.

United States Attorney.

Attorneys for Defendant.

EXHIBIT B.

YREKA, CAL., January 17, 1912.

HON. JOHN E. RAKER,
Member of Congress from California,
Washington, D. C.

MY DEAR JUDGE: Inclosed is carbon copy of dispatch filed last evening, which expresses, I think, a reasonable view upon a very live to-day proposition. I was present for quite a good portion of the time at the extra session of the legislature in the interest of legislation on water rights based upon actual field conditions in our end of the State, and aided in framing measures based upon the principle that the highest possible degree of service should be exacted from every inch of water available from a gravity source. With this principle as the measure of the right, not only as to appropriationists but as to riparianists, supplemented as it is by the regulatory powers granted by the public utilities bill, which has also become a law, it would seem, in so far at least as California is concerned, that we are in a position not only to exact the service, but to control distribution and cost to public consumers. If there is an answer to Government ownership of public utilities, these measures, reasonably applied, would seem to furnish it, since they permit initiative on the one side and restrain its abuse on the other—sounds like good democracy, doesn't it?

It is needless to add, I hope, that my information as to the Hydro-Electric Co. shows it to be within the classification and under the control indicated. With best wishes, I am,

Very truly yours,

JAMES F. FARRAHER.

EXHIBIT C.

12. Senate constitutional amendment 47.

CHAPTER 60.

A resolution proposing to the people of the State of California an amendment to section 23 of article 12 of the constitution of the State of California, to confer upon the railroad commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

The Legislature of the State of California at its regular session, commencing on the 2d day of January, 1911, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section 23 of article 12 of the constitution of the State of California be amended so as to read as follows:

"SEC. 23. Every private corporation and every individual or association of individuals owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plan, or equipment, or any part of such railroad, canal, pipe line, plant, or equipment within this State, for the transportation or conveyance of passengers or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery, or furnishing of heat, light, water, or power, or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier is hereby declared to be a public utility subject to such control and regulation by the railroad commission, as may be provided by the legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the legislature to be public utilities shall likewise be subject to such control and regulation. The railroad commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities in the State of California and to fix the rates to be charged for commodities furnished or services rendered by public utilities as shall be conferred upon it by the legislature, and the right of the legislature to confer powers upon the railroad commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this constitution.

"From and after the passage by the legislature of laws conferring powers upon the railroad commission respecting public utilities all powers respecting such public utilities vested in boards of supervisors or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the railroad commission: *Provided, however,* That this section shall not affect such powers of control over any public

utility vested in any city and county or incorporated city or town as, at an election to be held pursuant to laws to be passed hereafter by the legislature, a majority of the qualified electors voting thereon of such city and county or incorporated city or town shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the railroad commission as provided by law: *And provided further,* That where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the railroad commission in the manner to be prescribed by the legislature; or if such municipal corporation shall have surrendered any powers to the railroad commission it may, by like vote, thereafter reinvest itself with such power. Nothing in this section shall be construed as a limitation upon any power conferred upon the railroad commission by any provision of this constitution now existing or adopted concurrently herewith."

Section 23 of article 12, proposed to be amended as above, now reads as follows:

"SEC. 23. Until the legislature shall district the State the following shall be the railroad districts: The first district shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Eldorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one railroad commissioner shall be elected. The second district shall be composed of the counties of Marin, San Francisco, and San Mateo, from which one railroad commissioner shall be elected. The third district shall be composed of the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one railroad commissioner shall be elected."

EXHIBIT D.

California Statutes 1911-1912—Public utilities act.

CHAPTER 14.

An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers, and duties of public utilities, their officers, define its powers and duties and the rights, remedies, of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents, and employees, and by other persons and corporations, creating the "railroad commission fund" and appropriating the moneys therein to carry out the provisions of this act, and repealing the railroad commission act, approved February 10, 1911, and also repealing an act entitled "An act to amend the railroad-commission act by amending section 15 thereof relating to powers and duties of the railroad commission of the State of California, and to amend section 37 thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all acts and parts of acts inconsistent with the provisions of this act.

[Approved December 23, 1911.]

The people of the State of California do enact as follows:
SECTION 1. This act shall be known as the "Public Utilities Act" and shall apply to the public utilities and public services herein described and to the commission herein referred to.

SEC. 2. (a) The term "commission," when used in this act, means the railroad commission of the State of California.

(b) The term "commissioner," when used in this act, means one of the members of the commission.

(c) The term "corporation," when used in this act, includes a corporation, a company, an association, and a joint-stock association.

(d) The term "person," when used in this act, includes an individual, a firm, and a copartnership.

(e) The term "transportation of persons," when used in this act, includes every service in connection with or incidental to the safety, comfort, or convenience of the person transported and the receipt, carriage, and delivery of such person and his baggage.

(f) The term "transportation of property," when used in this act, includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, dunnage, storage and handling, and the transmission of credit by express corporations.

(g) The term "street railroad," when used in this act, includes every railway, and each and every branch or extension thereof, by whatever power operated, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any city and county, or city or town, together with all real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated, or managed for public use in the transportation of persons or property; but the term "street railroad," when used in this act, shall not include a railway constituting or used as a part of a commercial or interurban railway.

(h) The term "street railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any street railroad for compensation within this State.

(i) The term "railroad," when used in this act, includes every commercial, interurban, and other railway other than a street railroad, and each and every branch or extension thereof, by whatever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures, and equipment, and all other real estate, fixtures, and personal property of every kind used in connection therewith, owned, controlled, operated, or managed for public use in the transportation of persons or property.

(j) The term "railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any railroad for compensation within this State.

(k) The term "express corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise, or other property for compensation on the line of any common carrier or stage or auto stage line within this State.

(l) The term "common carrier," when used in this act, includes every railroad corporation; street-railroad corporation; express corporation; dispatch, sleeping car, dining car, drawing-room car, freight, freight line, refrigerator, oil, stock, fruit, car, loaning, car, renting, car, loading, and every other car corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, operating for compensation within this State; and every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this State or upon the high seas, over regular routes between points within this State.

(m) The term "pipe line," when used in this act, includes all real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate the transmission, storage, distribution, or delivery of crude oil or other fluid substances except water through pipe lines.

(n) The term "pipe-line corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any pipe line for compensation within this State.

(o) The term "gas plant," when used in this act, includes all real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate the production, generation, transmission, delivery, or furnishing of gas (natural or manufactured) for light, heat, or power.

(p) The term "gas corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any gas plant for compensation within this State, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(q) The term "electric plant," when used in this act, includes all real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate the production, generation, transmission, delivery, or furnishing of electricity for light, heat, or power, and all conduits, ducts, or other devices, materials, apparatus, or property for containing, holding, or carrying conductors used or to be used for the transmission of electricity for light, heat, or power.

(r) The term "electrical corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any electric plant for compensation within this State, except where electricity is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(s) The term "telephone line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.

(t) The term "telephone corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any telephone line for compensation within this State.

(u) The term "telegraph line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires.

(v) The term "telegraph corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any telegraph line for compensation within this State.

(w) The term "water system," when used in this act, includes all reservoirs, tunnels, shafts, dams, dikes, head gates, pipes, flumes, canals, structures, and appliances, and all other real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment, or measurement of water for power, irrigation, reclamation, or manufacturing, or for municipal, domestic, or other beneficial use.

(x) The term "water corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any water system for compensation within this State.

(y) The term "vessel," when used in this act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated, or managed for public use in the transportation of persons or property.

(z) The term "wharfinger," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any dock, wharf, or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this State.

(aa) The term "warehouseman," when used in this act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any building or structure in which property is regularly stored for compensation within this State, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf, or structure owned, operated, controlled, or managed by a wharfinger.

(bb) The term "public utility," when used in this act, includes every common carrier, pipe-line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, and warehouseman, as those terms are defined in this section, and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control, and regulation of the commission and to the provisions of this act.

SEC. 3. (a) The railroad commission shall consist of five members, who shall be appointed by the governor from the State at large: *Provided*, That the three commissioners in office on the 10th day of October, 1911, shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the governor, to hold office during the same term. Upon the expiration of said term the term of office of each commissioner thereafter shall be six years, excepting that of the commissioners first appointed after the expiration of said

term one shall be appointed to hold office until the 1st day of January, 1917, two until the 1st day of January, 1919, and two until the 1st day of January, 1921. The commissioners shall elect one of their number president of the commission.

(b) Whenever a vacancy in the office of commissioner shall occur the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. The legislature, by a two-thirds vote of all members elected to each house, may remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency.

SEC. 4. The commission shall have power to appoint as attorney to the commission an attorney at law of this State, who shall hold office during the pleasure of the commission. It shall be the right and the duty of the attorney to represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this act or under any order or act of the commission, and, if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute, and expedite the final determination of all actions and proceedings directed or authorized by the commission; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and the members thereof; and generally to perform all duties and services as attorney to the commission which the commission may require of him.

SEC. 5. The commission shall appoint a secretary, who shall hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants, and notices, and to perform such other duties as the commission may prescribe. The commission may appoint an assistant secretary, who shall have all the powers conferred by law upon peace officers to carry weapons, make arrests, and serve warrants and other process in any county or city and county of this State.

SEC. 6. The commission shall have power to employ, during its pleasure, such officers, experts, engineers, statisticians, accountants, inspectors, clerks, and employees as it may deem necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the commission.

SEC. 7. Each commissioner and each person appointed to a civil executive office by the commission shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. Each commissioner shall be a qualified elector of this State, and no person in the employ of or holding any official relation to any corporation or person, which said corporation or person is subject in whole or in part to regulation by the commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of commissioner or be appointed or employed by the commission: *Provided*, That if any such person shall become the owner of such stocks or bonds or become pecuniarily interested in such corporation otherwise than voluntarily he shall within a reasonable time divest himself of such ownership or interest: failing to do so, his office or employment shall become vacant.

SEC. 8. (a) The office of the commission shall be in the city and county of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in said city and county of San Francisco, and may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties. For the purpose of holding sessions in places other than the city and county of San Francisco, the commission shall have power to rent quarters or offices, and the expense thereof and in connection therewith shall be paid in the same manner as other expenses authorized by this act. The sessions of the commission shall be public.

(b) The commission shall have a seal, bearing the following inscription: "Railroad Commission, State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

(c) The commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances, and the same shall be paid for in the same manner as other expenses authorized by this act.

SEC. 9. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every finding, order, or decision made by a commissioner so designated pursuant to such investigation, inquiry, or hearing, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the finding, order, or decision of the commission.

SEC. 10. (a) The annual salary of each commissioner shall be six thousand (\$6,000) dollars. All officers, experts, engineers, statisticians, accountants, inspectors, clerks, and employees of the commission shall receive such compensation as may be fixed by the commission. The commissioners, attorney, secretary, rate expert, and assistant secretary shall be civil executive officers, and their salaries, as fixed by law or the commission, shall be paid in the same manner as are the salaries of other State officers. The salary or compensation of every other person holding office or employment under the commission shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control.

(b) All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the commissioners, their officers, and employees, incurred while on business of the commission, shall be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control.

SEC. 11. The commissioners and the officers and employees of the commission shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroads, cars, vessels, and other vehicles of every common carrier, as said term is defined in this act, subject in whole or in part to control or regulation by the commission, between points within this State, and such persons shall not be denied the right to travel upon any railroad, car, vessel, or other vehicle of such common carrier, whether such railroad, car, vessel, or other vehi-

cle be used for the transportation of passengers or freight, and regardless of its class.

Sec. 12. The commission shall make and submit to the governor on or before the first day of December of each year subsequent to the year 1912 a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the State.

Sec. 13. (a) All charges made, demanded, or received by any public utility, or by any two or more public utilities, for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded, or received for such product or commodity or service is hereby prohibited and declared unlawful.

(b) Every public utility shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and the public and as shall be in all respects adequate, efficient, just, and reasonable.

(c) All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

Sec. 14. (a) Every common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges, and classifications for the transportation between termini within this State of persons and property from each point upon its route to all other points thereon; and from each point upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, fares, charges, and classifications applicable to the through transportation. The schedules printed as aforesaid shall plainly state the places between which property and persons will be carried and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect, or determine any part or the aggregate of such rates, fares, charges, and classifications or the value of the service rendered to the passenger, shipper, or consignee. Subject to such rules and regulations as the commission may prescribe, such schedules shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transportation, when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets or tickets for sleeping, parlor car, or other train accommodations are sold or bills of lading or waybills or receipts for property are issued. Any or all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rates, fares, rules, or regulations in force, shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the commission and shall conform in the case of common carriers subject to the act of Congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedules prescribed by the Interstate Commerce Commission under said act.

(b) Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges, and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. The rates, tolls, rentals, and charges shown on such schedules when filed by a public utility as to which the commission by this act acquires the power to fix any rates, tolls, rentals, or charges shall not, within any portion of the territory as to which the commission acquires as to such public utility such power, exceed the rates, tolls, rentals, or charges in effect on the 10th day of October, 1911. The rates, tolls, rentals, and charges shown on such schedules, when filed by any public utility as to any territory as to which the commission does not by this act acquire as to such public utility such power, shall not exceed the rates, tolls, rentals, and charges in effect at the time the commission acquires as to such territory and as to such public utility the power to fix rates, tolls, rentals, or charges. Nothing in this section contained shall prevent the commission from approving or fixing rates, tolls, rentals, or charges from time to time in excess of or less than those shown by said schedules.

(c) The commission shall have power from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this section as it may find expedient, and to modify the requirements of any of its orders, rules, or regulations in respect to any matter in this section referred to.

Sec. 15. Unless the commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge, or classification, or in any rule, regulation, or contract relating to or affecting any rate, fare, toll, rental, charge, classification, or service, or in any privilege or facility, except after 30 days' notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force and the time when the change or changes will go into effect. The commission, for good cause shown, may allow changes without requiring the 30 days' notice herein provided for by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge, or classification, or in any form of contract or agreement, or in any rule, regulation, or contract relating to or affecting any rate, fare, toll, rental, charge, classification, or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the commission by some character

to be designated by the commission immediately preceding or following the item.

Sec. 16. The names of the several public utilities which are parties to any joint tariff, rate, fare, toll, contract, classification, or charge shall be specified in the schedule or schedules showing the same. Unless otherwise ordered by the commission, a schedule showing such joint tariff, rate, fare, toll, contract, classification, or charge need be filed with the commission by only one of the parties to it: *Provided*, That there is also filed with the commission in such form as the commission may require a concurrence in such joint tariff, rate, fare, toll, contract, classification, or charge by each of the other parties thereto.

Sec. 17. (a) 1. No common carrier subject to the provisions of this act shall engage or participate in the transportation of persons or property between points within this State until its schedules of rates, fares, charges, and classifications shall have been filed and published in accordance with the provisions of this act.

2. No common carrier shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares, and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

3. No common carrier subject to the provisions of this act shall, directly or indirectly, issue, give, or tender any free ticket, free pass, or free or reduced-rate transportation for passengers between points within this State, except to its officers, agents, employees, attorneys, physicians, and surgeons, and members of their families; to ministers of religion, traveling secretaries of railroad men's religious associations, or executive officers, organizers, or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association; inmates of hospitals or charitable or eleemosynary institutions, and persons exclusively engaged in charitable or eleemosynary work, and persons and property engaged or employed in educational work or scientific research when permitted by the commission; to the executive officers of mercantile or promotion boards or bodies within this State when traveling in the performance of duties affecting the advancement of the business of such boards or bodies, or the development of trade or industry within or without this State, when authorized by the commission; to hotel employees of season resort hotels, when authorized by the commission; to indigent, destitute, and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or State homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers, going and returning, of live stock, poultry, milk, fruit, and other freight, under uniform and nondiscriminatory regulations; to employees of sleeping-car corporations, express corporations, and telegraph and telephone corporations; to Railway Mail Service employees, United States internal-revenue officers, post-office inspectors, customs officers and inspectors, and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons: *Provided*, That the term "employees" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such carrier, ex-employees traveling for the purpose of entering the service of any such carrier, and the remains of persons dying while in the employment of any such carrier; and the term "families" as used in this section shall include the families of those persons heretofore named in this proviso, the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such carrier: *And provided further*, That no free ticket, free pass, or free or reduced-rate transportation shall be issued, given, or tendered to any officer, agent, or employee of a common carrier, who is at the same time a shipper or receiver of freight, or an officer, agent, or employee of a shipper or receiver of freight, unless such officer, agent, or employee devotes substantially his entire time to the service of such carrier: *And provided further*, That the members of the railroad commission, their officers and employees, shall be entitled, when in the performance of their official duties, to free transportation over the lines of all common carriers within this State: *And provided further*, That passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject, however, to such reasonable restrictions as the commission may impose.

Nothing in this act contained shall be construed to prohibit the issue by express corporations of free or reduced-rate transportation for express matter to their officers, agents, employees, attorneys, physicians, and surgeons, and members of their families, or the interchange of free or reduced-rate transportation for passengers or express matter between common carriers, their officers, agents, employees, attorneys, physicians, and surgeons, and members of their families: *Provided*, That such express matter be for the personal use of the person to or for whom such free or reduced-rate transportation is granted, or of his family; nor to prohibit the issue of passes or franks by telegraph or telephone corporations to their officers, agents, employees, attorneys, physicians, and surgeons, and members of their families, or the exchange of passes or franks between such telegraph and telephone corporations or between such corporations and such common carriers, for their officers, agents, employees, attorneys, physicians, and surgeons, and members of their families; nor to prevent the carrying out of contracts for free or reduced-rate passenger transportation heretofore made, founded upon adequate consideration and lawful when made; nor to prevent a common carrier from transporting, storing, or handling free or at reduced rates the household goods and personal effects of its employees, or persons entering or leaving the service, and of persons killed or dying while in its service.

4. Every common carrier subject to the provisions of this act may transport, free or at reduced rates, persons or property for the United States, State, county or municipal governments, or for charitable purposes, or to provide relief in cases of general epidemic, pestilence, or other calamitous visitation, and property to or from fairs or exhibitions for exhibit thereat; also contractors and their employees, material or

supplies for use or engaged in carrying out their contracts with said carriers, for construction, operation, or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced-rate transportation is provided for in the specifications upon which the contract is based and in the contract itself. Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

(b) Except as in this section otherwise provided, no public utility shall charge, demand, collect, or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals, and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals, and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons: *Provided*, That the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

SEC. 18. Every common carrier and every telegraph and telephone corporation shall print and file or cause to be filed with the commission schedules showing all the rates, fares, tolls, rentals, charges, and classifications for the transportation of persons or property or the transmission of messages or conversations between all points within this State and all points without the State upon its route, and between all points within this State and all points without the State upon every route leased, operated, or controlled by it, and between all points on its route or upon any route, leased, operated, or controlled by it within this State and all points without the State upon the route of any other common carrier or telegraph or telephone corporation, whenever a through route and joint rate shall have been established between any two such points.

SEC. 19. No public utility shall, as to rates, charges, service, facilities, or in any other respect make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section.

SEC. 20. Nothing in this act shall be taken to prohibit any public utility from itself profiting, to the extent permitted by the commission, from any economies, efficiencies, or improvements which it may make, and from distributing by way of dividends, or otherwise disposing of, the profits to which it may be so entitled, and the commission is authorized to make or permit such arrangement or arrangements with any public utility as it may deem wise for the purpose of encouraging economies, efficiencies, or improvements and securing to the public utility making the same such portion, if any, of the profits thereof as the commission may determine.

SEC. 21. Nothing in this act shall be taken to prohibit a corporation or person engaged in the production, generation, transmission, or furnishing of heat, light, water, or power, or telegraph or telephone service, from establishing a sliding scale of charges: *Provided*, That a schedule showing such scale of charges shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this act shall be taken to prohibit any such corporation or person from entering into an arrangement for a fixed period for the automatic adjustment of charges for heat, light, water, or power, or telegraph or telephone service, in relation to the dividends to be paid to stockholders of such corporation, or the profit to be realized by such person: *Provided*, That a schedule showing the scale of charges under such arrangement shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this section shall prevent the commission from revoking its approval at any time and fixing other rates and charges for the product or commodity or service, as authorized by this act.

SEC. 22. (a) Every common carrier shall afford all reasonable, proper, and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage, and cars, loaded or empty, between the lines owned, operated, controlled, or leased by it and the lines of every other common carrier, and shall make such interchange and transfer promptly without discrimination between shippers, passengers, or carriers either as to compensation charged, service rendered, or facilities afforded. Every railroad corporation shall receive from every other railroad corporation at any point of connection freight cars of proper standard and in proper condition, and shall haul the same either to destination, if the destination be upon a line owned, operated, or controlled by such railroad corporation, or to point of transfer according to route billed, if the destination be upon the line of some other railroad corporation.

Nothing in this section contained shall be construed as in any wise limiting or modifying the duty of a common carrier to establish joint rates, fares, and charges for the transportation of passengers and property over the lines owned, operated, controlled, or leased by it and the lines of other common carriers, nor as in any manner limiting or modifying the power of the commission to require the establishment of such joint rates, fares, and charges.

(b) Every telephone corporation and telegraph corporation operating in this State shall receive, transmit, and deliver, without discrimination or delay, the conversations and messages of every other telephone or telegraph corporation with whose line a physical connection may have been made.

SEC. 23. (a) No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall, by means of known false billing, classification, weight, weighing, or report of weight, or by any other device or means assist, suffer, or permit any corporation or person to obtain transportation for any person or property between points within this State at less than the rates and fares then established and in force as shown by the schedules filed and in effect at the time. No person, corporation, or any officer, agent, or employee of a corporation shall, by means of false billing, false or incorrect classification, false weight or weighing, false representation as to contents or substance of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agents, or employees, seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor.

(b) No person or corporation, or any officer, agent, or employee of a corporation, shall knowingly, directly or indirectly, by any false statement or representation as to cost or value, or the nature or extent of an injury, or by the use of any false billing, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, or upon any false, fictitious, or fraudulent statement or entry, obtain or attempt to

obtain any allowance, rebate, or payment for damage, in connection with or growing out of the transportation of persons or property, or an agreement to transport such persons or property, whether with or without the consent or connivance of a common carrier or any of its officers, agents, or employees, nor shall any common carrier, or any officer, agent, or employee thereof, knowingly pay or offer to pay any such allowance, rebate, or claim for damage.

SEC. 24. (a) No common carrier subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates, but this shall not be construed as authorizing any such common carrier to charge or receive as great a compensation for a shorter as for a longer distance or haul. Upon application to the commission such common carrier may, in special cases, after investigation be authorized by the commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section.

(b) No telephone or telegraph corporation subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transmission of any long-distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction within this State, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates or tolls subject to the provisions of this act, but this shall not be construed as authorizing any such telephone or telegraph corporation to charge and receive as great a compensation for a shorter as for a longer distance. Upon application to the commission a telephone or telegraph corporation may, in special cases, after investigation be authorized by the commission to charge less for a longer than for a shorter distance service for the transmission of messages or conversations, and the commission may from time to time prescribe the extent to which such telephone or telegraph corporation may be relieved from the operation and requirements of this section.

SEC. 25. (a) Every railroad corporation, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, for a connection between the railroad of such railroad corporation and any existing or contemplated private track, tracks, or railroad of such corporation or person, shall make such connection and provide such switches and tracks as may be necessary for that purpose and deliver and receive cars thereover: *Provided*, That such connection is reasonably practicable and can be installed and used without materially increasing the hazard of the operation of the railroad with which such connection is sought, and that the business which may reasonably be expected to be received by such railroad corporation over such connection is sufficient to justify the expense of such connection to such railroad corporation.

(b) Under the conditions specified in the proviso in subsection (a) hereof, every railroad corporation, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, shall construct upon its right of way a spur or spurs for the purpose of receiving and delivering freight thereby, and shall receive and deliver freight thereby.

SEC. 26. No foreign corporation other than those which by a complicity with the laws of this State are entitled to transact a public-utility business within this State shall henceforth transact within this State any public-utility business, nor shall any foreign corporation which is at present lawfully transacting business within this State henceforth transact within this State any public-utility business of a character different from that which it is at present authorized by its charter or articles of incorporation to transact, nor shall any license, permit, or franchise to own, control, operate or manage any public-utility business, or any part or incident thereof, be henceforth granted or transferred, directly or indirectly, to any foreign corporation which is not at present lawfully transacting within this State a public-utility business of like character: *Provided*, That foreign corporations engaging in commerce with foreign nations or commerce among the several States of this Union may transact within this State such commerce and intrastate commerce of a like character.

SEC. 27. No street or interurban railroad corporation shall charge, demand, collect, or receive more than 5 cents for one continuous ride in the same general direction within the corporate limits of any city and county, or city or town, except upon a showing before the commission that such greater charge is justified: *Provided*, That until the decision of the commission upon such showing a street or interurban railroad corporation may continue to demand, collect, and receive the fare in effect on October 10, 1911, or at the time the commission acquires as to such corporation the power to fix fares within such city and county or city or town. Every street or interurban railroad corporation shall, upon such terms as the commission shall find to be just and reasonable, furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city and county, or city or town, not reached by the originating car.

SEC. 28. (a) Every public utility shall furnish to the commission, in such form and such detail as the commission shall prescribe, all tabulations, computations, and all other information required by it to carry into effect any of the provisions of this act, and shall make specific answers to all questions submitted by the commission.

(b) Every public utility receiving from the commission any blanks, with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case it is unable to answer any question, it shall give a good and sufficient reason for such failure.

(c) Whenever required by the commission every public utility shall deliver to the commission copies of any or all maps, profiles, contracts, agreements, franchises, reports, books, accounts, papers, and records in its possession or in any way relating to its property or affecting its business, and also a complete inventory of all its property in such form as the commission may direct.

(d) No information furnished to the commission by a public utility, except such matters as are specifically required to be open to public inspection by the provisions of this act, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any such information shall be guilty of a misdemeanor.

Sec. 29. Every public utility shall annually furnish to the commission, at such time and in such form as the commission may require, a report in which the utility shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information. The commission shall have authority to require any public utility to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matter about which the commission is authorized by this or any other act to inquire or to keep itself informed or which it is required to enforce. All reports shall be under oath when required by the commission.

Sec. 30. Every public utility shall obey and comply with each and every requirement of every order, decision, direction, rule, or regulation made or prescribed by the commission in the matters herein specified, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule, or regulation by all of its officers, agents, and employees.

Sec. 31. The railroad commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in the State and to do all things, whether herein specifically designated or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

Sec. 32. (a) Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares, tolls, rentals, charges, or classifications, or any of them, demanded, observed, charged, or collected by any public utility for any service or product or commodity, or in connection therewith, including the rates or fares for execution or commutation tickets, or that the rules, regulations, practices, or contracts, or any of them, affecting such rates, fares, tolls, rentals, charges, or classifications, or any of them, are unjust, unreasonable, discriminatory, or preferential, or in anywise in violation of any provision of law, or that such rates, fares, tolls, rentals, charges, or classifications are insufficient, the commission shall determine the just, reasonable, or sufficient rates, fares, tolls, rentals, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force and shall fix the same by order, as hereinafter provided.

(b) The commission shall have power, upon a hearing had upon its own motion or upon complaint, to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract, or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts, and practices, or any thereof, of any public utility, and to establish new rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts or practices, or schedule or schedules, in lieu thereof.

Sec. 33. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares, or charges in force over two or more common carriers between any two points in this State are unjust, unreasonable, or excessive, or that no satisfactory through route or joint rate, fare, or charge exists between such points, and that the public convenience and necessity demand the establishment of a through route and joint rate, fare, or charge between such points, the commission may order such common carriers to establish such through route and may establish and fix a joint rate, fare, or charge which will be fair, just, reasonable, and sufficient, to be followed, charged, enforced, demanded, and collected in the future, and the terms and conditions under which such through route shall be operated. The commission may order that freight moving between such points shall be carried by the different common carriers parties to such through route and joint rate without being transferred from the originating cars. In case the common carriers do not agree upon the division between them of the joint rates, fares, or charges established by the commission over such through routes, the commission shall, after hearing, by supplemental order, establish such division: *Provided*, That where any railroad which is made a party to a through route has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad shall have the right to require as its division of the joint rate, fare, or charge its local rate, fare, or charge over the portion of its line comprised in such through route, and the commission may, in its discretion, allow to such railroad more than its local rate, fare, or charge whenever it will be equitable so to do. The commission shall have the power to establish and fix through routes and joint rates, fares, or charges over common carriers and stage or auto-stage lines and to fix the division of such joint rates, fares, or charges.

Sec. 34. The commission shall have the power to investigate all existing or proposed interstate rates, fares, tolls, charges, and classifications, and all rules and practices in relation thereto, for or in relation to the transportation of persons or property or the transmission of messages or conversations where any act in relation thereto shall take place within this State; and when the same are, in the opinion of the commission, excessive or discriminatory or in violation of the act of Congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, or of any other act of Congress, or in conflict with the rulings, orders, or regulations of the Interstate Commerce Commission, the commission may apply, by petition or otherwise, to the Interstate Commerce Commission or to any court of competent jurisdiction for relief.

Sec. 35. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rules, regulations, practices, equipment, appliances, facilities, or service of any public utility, or the methods of manufacture, distribution, transmission, storage, or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate, or insufficient, the commission shall determine the just, reasonable, safe, proper, adequate, or sufficient rules, regulations, practices, equipment, appliances, facilities, service, or methods to be observed, furnished, constructed, enforced, or employed and shall fix the same by its order, rule, or regulation. The commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility, and, on proper demand and tender of rates, such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules.

Sec. 36. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs, or improvements to, or changes in, the existing plant, equipment, apparatus, facilities, or other physical property of any public utility or of any two or more public utilities ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the commission shall make and serve an order directing that such additions, extensions, repairs,

improvements, or changes be made or such structure or structures be erected in the manner and within the time specified in said order. If the commission orders the erection of a new structure, it may also fix the site thereof. If any additions, extensions, repairs, improvements, or changes, or any new structure or structures which the commission has ordered to be erected, require joint action by two or more public utilities, the commission shall notify the said public utilities that such additions, extensions, repairs, improvements or changes, or new structure or structures have been ordered and that the same shall be made at their joint cost, whereupon the said public utilities shall have such reasonable time as the commission may grant within which to agree upon the portion or division of cost of such additions, extensions, repairs, improvements or changes, or new structure or structures which each shall bear. If at the expiration of such time such public utilities shall fail to file with the commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs, improvements or changes, or new structure or structures, the commission shall have authority, after further hearing, to make an order fixing the proportion of such cost or expense to be borne by each public utility and the manner in which the same shall be paid or secured.

Sec. 37. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any railroad corporation or street railroad corporation does not run a sufficient number of trains or cars, or possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger or freight, transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop the same at proper places, or does not run any train or trains, car or cars, upon a reasonable time schedule for the run, the commission shall have power to make an order directing any such railroad corporation or street railroad corporation to increase the number of its trains or of its cars or its motive power or to change the time for starting its trains or cars or to change the time schedule for the run of any train or car, or to change the stopping place or places thereof, or to make any other order that the commission may determine to be reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation.

Sec. 38. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the public convenience and necessity would be subserved by having connections made between the tracks of any two or more railroad or street railroad corporations, so that cars may readily be transferred from one to the other, at any of the points hereinafter in this section specified, the commission may order any two or more such corporations owning, controlling, operating, or managing tracks of the same gauge to make physical connections at any and all crossings, and at all points where a railroad or street railroad shall begin or terminate or run near to any other railroad or street railroad. After the necessary franchise or permit has been secured from the city and county, or city or town, the commission may likewise order such physical connection, within such city and county, or city or town, between two or more railroads which enter the limits of the same. The commission shall by order direct whether the expense of the connections referred to in this section shall be borne jointly or otherwise.

Sec. 39. (a) Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that application has been made by any corporation or person to a railroad corporation for a connection or spur as provided in section 25 of this act, and that the railroad corporation has refused to provide such connection or spur and that the applicant is entitled to have the same provided for him under said section 25, the commission shall make an order requiring the providing of such connection or spur and the maintenance and use of the same upon reasonable terms which the commission shall have the power to prescribe. Whenever any such connection or spur has been so provided, any corporation or person shall be entitled to connect with the private track, tracks, or railroad thereby connected with the railroad of the railroad corporation and to use the same or to use the spur so provided upon payment to the party or parties incurring the primary expense of such private track, tracks, or railroad, or the connection therewith or of such spur, of a reasonable proportion of the cost thereof to be determined by the commission after notice to the interested parties and a hearing thereon: *Provided*, That such connection and use can be made without unreasonable interference with the rights of the party or parties incurring such primary expense.

(b) The commission shall likewise have the power to require one railroad corporation to switch to private spurs and industrial tracks upon its own railroad the cars of a connecting railroad corporation and to prescribe the terms and compensation for such service.

Sec. 40. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that a physical connection can reasonably be made between the lines of two or more telephone corporations or two or more telegraph corporations whose lines can be made to form a continuous line of communication, by the construction and maintenance of suitable connections for the transfer of messages or conversations, and that public convenience and necessity will be subserved thereby, or shall find that two or more telegraph or telephone corporations have failed to establish joint rates, tolls, or charges for service by or over their said lines, and that joint rates, tolls, or charges ought to be established, the commission may, by its order, require that such connection be made, except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city and county, or city or town, and that conversations be transmitted and messages transferred over such connection under such rules and regulations as the commission may establish, and prescribe through lines and joint rates, tolls, and charges to be made, and to be used, observed, and in force in the future. If such telephone or telegraph corporations do not agree upon the division between them of the cost of such physical connection or connections or the division of the joint rates, tolls, or charges established by the commission over such through lines, the commission shall have authority, after further hearing, to establish such division by supplemental order.

Sec. 41. Whenever the commission, after a hearing had upon its own motion or upon complaint of a public utility affected, shall find that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes, or other equipment, or any part thereof, on, over, or under any street or highway, and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipes, or other equipment or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the commission may by order direct that such use be permitted, and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the

public utility to whom the use is permitted shall be liable to the owner or other users of such conduits, subways, tracks, wires, poles, pipes, or other equipment for such damage as may result therefrom to the property of such owner or other users thereof.

SEC. 42. The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules, or regulations, or otherwise, to require every public utility to maintain and operate its line, plant, system, equipment, apparatus, tracks, and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance, and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signalling, to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand.

SEC. 43. (a) No public road, highway, or street shall hereafter be constructed across the track of any railroad corporation at grade, nor shall the track of any railroad corporation be constructed across a public road, highway, or street at grade, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade, nor shall the track of a street railroad corporation be constructed across the track of a railroad corporation at grade, without having, first, secured the permission of the commission: *Provided*, That this subsection shall not apply to the replacement of lawfully existing tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe.

(b) The commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each crossing of one railroad by another railroad or street railroad, and of a street railroad by a railroad, and of each crossing of a public road or highway by a railroad or street railroad and of a street by a railroad or vice versa, subject to the provisions of section 2694 of the Political Code, so far as applicable, and to alter or abolish any such crossing, and to require where, in its judgment it would be practicable, a separation of grades at any such crossing heretofore or hereafter established and to prescribe the terms upon which such separation shall be made and the proportions in which the expense of the alteration or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations affected or between such corporations and the State, county, municipality, or other public authority in interest.

SEC. 44. The commission shall investigate the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and shall have the power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable: *Provided*, That neither the order or recommendation of the commission nor any accident report filed with the commission shall be admitted as evidence in any action for damages based on or arising out of the loss of life or injury to person or property in this section referred to. Every public utility is hereby required to file with the commission, under such rules and regulations as the commission may prescribe, a report of each accident so occurring of such kinds or classes as the commission may from time to time designate.

SEC. 45. (a) The commission shall have power to provide by proper rules and regulations the time within which all railroad corporations shall furnish, after demand therefor, all cars, equipment, and facilities necessary for the handling of freight in carload and less than carload lots, the time within which consignors or persons ordering cars shall load the same, and the time within which consignees or persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight rooms, and to provide penalties to be paid for failure on the part of the railroad corporations, consignors, and consignees to conform to such rules. Charges for demurrage shall be uniform so that the same penalty shall be paid by both shipper or consignee and railroad corporation for an equal number of cars for each day for which demurrage is charged.

(b) The commission shall also have power to provide the time within which express packages shall be received, gathered, transported, and delivered at destination, and the limits within which express packages shall be gathered and distributed and telegraph and telephone messages delivered without extra charge.

SEC. 46. (a) The commission shall have power, after hearing had upon its own motion or upon complaint, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or service to be furnished, imposed, observed, and followed by all electrical, gas, and water corporations; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage, or other condition pertaining to the supply of the product, commodity, or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such product, commodity, or service, and for the measurement thereof; to establish reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurements; and to provide for the examination and testing of any and all appliances used for the measurement of any product, commodity, or service of any such public utility.

(b) The commissioners and their officers and employees shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests and exercising any of the other powers provided for in this act, and to set up and use on such premises any apparatus and appliances necessary therefor. The agents and employees of such public utility shall have the right to be present at the making of such examinations and tests.

(c) Any consumer or user of any product, commodity, or service of a public utility may have any appliance used in the measurement thereof tested upon paying the fees fixed by the commission. The commission shall establish and fix reasonable fees to be paid for testing such appliances on the request of the consumer or user, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance is found defective or incorrect to the disadvantage of the consumer or user, under such rules and regulations as may be prescribed by the commission.

SEC. 47. The commission shall have power to ascertain the value of the property of every public utility in this State and every fact which, in its judgment, may or does have any bearing on such value. The commission shall have power to make revaluations from time to time and

to ascertain all new construction, extensions, and additions to the property of every public utility.

SEC. 48. The commission shall have power to establish a system of accounts to be kept by the public utilities subject to its jurisdiction, or to classify said public utilities and to establish a system of accounts for each class, and to prescribe the manner in which such accounts shall be kept. It may also, in its discretion, prescribe the forms of accounts, records, and memoranda to be kept by such public utilities, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys, and any other forms, records, and memoranda which, in the judgment of the commission, may be necessary to carry out any of the provisions of this act. The system of accounts established by the commission and the forms of accounts, records, and memoranda prescribed by it shall not be inconsistent, in the case of corporations subject to the provisions of the act of Congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, with the systems and forms from time to time established for such corporations by the Interstate Commerce Commission, but nothing herein contained shall affect the power of the commission to prescribe forms of accounts, records, and memoranda covering information in addition to that required by the Interstate Commerce Commission. The commission may, after hearing had upon its own motion or upon complaint, prescribe by order the accounts in which particular outlays and receipts shall be entered, charged, or credited. Where the commission has prescribed the forms of accounts, records, or memoranda to be kept by any public utility for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records, or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other State or of the United States, excepting such accounts, records, or memoranda as shall be explanatory of and supplemental to the accounts, records, or memoranda prescribed by the commission.

SEC. 49. The commission shall have power, after hearing, to require any or all public utilities to carry a proper and adequate depreciation account in accordance with such rules, regulations, and forms of account as the commission may prescribe. The commission may, from time to time, ascertain and determine and by order fix the proper and adequate rates of depreciation of the several classes of property of each public utility. Each public utility shall conform its depreciation accounts to the rates so ascertained, determined, and fixed, and shall set aside the moneys so provided for out of earnings and carry the same in a depreciation fund and expend such fund only for such purposes and under such rules and regulations, both as to original expenditure and subsequent replacement, as the commission may prescribe. The income from investments of moneys in such fund shall likewise be carried in such fund.

SEC. 50. (a) No street railroad corporation, gas corporation, electrical corporation, telephone corporation, or water corporation shall hereafter begin the construction of a street railroad, or of a line, plant, or system, or of any extension of such street railroad, or line, plant, or system, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction: *Provided*, That this section shall not be construed to require any such corporation to secure such certificate for an extension within any city and county or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory either within or without a city and county or city or town contiguous to its street railroad, or line, plant, or system and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business: *And provided further*, That if any public utility, in constructing or extending its line, plant, or system, shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

(b) No public utility of a class specified in subsection (a) hereof shall hereafter exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege: *Provided*, That when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work in good faith uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege: *And provided further*, That this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this State.

(c) Before any certificate may issue under this section a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise, or permit of the proper county, city and county, municipal, or other public authority. The commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated street railroad, line, plant, or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the commission for an order preliminary to the issue of the certificate. The commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate, after the public utility has obtained the contemplated franchise or permit. Upon the presentation to the commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility the commission shall thereupon issue such certificate.

SEC. 51. (a) No railroad corporation, street railroad corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, or water corporation shall thenceforth sell, lease, assign, mortgage, or otherwise dispose of or encumber the whole or any part of its railroad, street railroad, line, plant, or system, necessary or useful in the performance of its duties to the public, or any franchise or permit, or any right thereunder, nor by any means whatsoever, direct or indirect, merge or consolidate its railroad, street railroad, line, plant, or system, or franchises or permits, or any part thereof, with any other public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger, or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under section 50 of this act, or the sale, lease, assignment, mortgage, or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Nothing in this subsection contained shall be construed to prevent the sale, lease, or other disposition by any public utility of a class designated in this subsection of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been by property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

(b) No public utility shall hereafter purchase or acquire, take, or hold any part of the capital stock of any other public utility, organized or existing under or by virtue of the laws of this State without having been first authorized to do so by the commission. Every assignment, transfer, contract, or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this section shall be void and of no effect, and no such transfer shall be made on the books of any public utility. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

SEC. 52. (a) The power of public utilities to issue stocks and stock certificates, and bonds, notes, and other evidences of indebtedness and to create liens on their property situated within this State is a special privilege, the right of supervision, regulation, restriction, and control of which is and shall continue to be vested in the State, and such power shall be exercised as provided by law and under such rules and regulations as the commission may prescribe.

(b) A public utility may issue stocks and stock certificates, and bonds, notes, and other evidences of indebtedness, payable at periods of more than 12 months after the date thereof, for the following purposes and no others, namely, for the acquisition of property, or for the construction, completion, extension, or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates, or bonds, notes, or other evidences of indebtedness of such public utility, within five years next prior to the filing of an application with the commission for the required authorization, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made: *Provided*, That such public utility, in addition to the other requirements of law, shall first have secured from the commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the commission, the money, property, or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order, and that, except as otherwise permitted in the order in the case of bonds, notes, or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. To enable it to determine whether it will issue such order the commission shall hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents, and contracts and require the filing of such data as it may deem of assistance. The commission may by its order grant permission for the issue of such stocks or stock certificates, or bonds, notes, or other evidences of indebtedness, in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary. The commission may authorize issues of bonds, notes, or other evidences of indebtedness less than, equivalent to, or greater than the authorized or subscribed capital stock of a public utility corporation, and the provisions of sections 309 and 456 of the Civil Code of this State, in so far as they contain prohibitions against the creation by corporations of indebtedness, evidenced by bonds, notes, or otherwise, in excess of their total authorized or subscribed capital stock, shall have no application to public utility corporations. No public utility shall, without the consent of the commission, apply the issue of any stock or stock certificate, or bond, note, or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or issue or dispose of the same on any terms less favorable than those specified in such order or a modification thereof. A public utility may issue notes, for proper purposes and not in violation of any provision of this act or any other act, payable at periods of not more than 12 months after the date of issuance of the same, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates, or of bonds, notes of any term or character, or any other evidence of indebtedness, without the consent of the commission. The commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever, or the right to own, operate, or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, permit, or right; nor shall any contract for consolidation or lease be capitalized; nor shall any public utility hereafter issue any bonds, notes, or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

(c) The commission shall have the power to require public utilities to account for the disposition of the proceeds of all sales of stocks and

stock certificates, and bonds, notes, and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

(d) All stock and every stock certificate, and every bond, note, or other evidence of indebtedness, of a public utility, issued without an order of the commission authorizing the same then in effect, shall be void, and, likewise, all stock and every stock certificate, and every bond, note, or other evidence of indebtedness, of a public utility, issued with the authorization of the commission, but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission shall render void any stock or stock certificate, or any bond, note, or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice.

(e) Every public utility which, directly or indirectly, issues or causes to be issued any stock or stock certificate, or bond, note, or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this act or of the constitution of this State, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the commission's order, as herein provided, or to any purpose specified in the commission's order in excess of the amount in said order authorized for such purpose, for each offense, a penalty of not less than \$500 nor more than \$20,000, for each offense.

(f) Every officer, agent, or employee of a public utility, and every other person who knowingly authorizes, directs, aids in, issues, or executes, or causes to be issued or executed, any stock or stock certificate or bond, note, or other evidence of indebtedness in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this act or of the constitution of this State, or who, in any proceeding before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation, which said statement or representation so made, filed, or caused to be filed may tend in any way to influence the commission to make an order authorizing the issue of any stock or stock certificate or any bond, note, or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission in any proceeding tending in any way to influence the commission to make such order, issues or executes or negotiates, or causes to be issued, executed, or negotiated, any such stock or stock certificate or bond, note, or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied, the proceeds, or any part thereof, from the sale of any stock or stock certificate or bond, note, or other evidence of indebtedness to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate or bond, note, or other evidence of indebtedness has been issued or executed in violation of any of the provisions of this act, negotiates, or causes the same to be negotiated, shall be guilty of a felony.

(g) No provision of this act, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the State of California to pay or guarantee, in any manner whatsoever, any stock or stock certificate or bond, note, or other evidence of indebtedness authorized, issued, or executed under the provisions of this act.

(h) All stocks and stock certificates and bonds, notes, and other evidences of indebtedness issued by any public utility, after this act takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken, or had, or other proceedings taken or had, previous to the filing effect of this act, shall be void, unless an order of the commission authorizing the issue of such stocks or stock certificates or bonds, notes, or other evidences of indebtedness shall have been obtained from the commission prior to such issue. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary.

SEC. 53. All hearings and investigations before the commission or any commissioner shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission nor any commissioner shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission or any commissioner shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the commission.

SEC. 54. The commission and each commissioner shall have power to issue writs of summons, subpoenas, warrants of attachment, warrants of commitment, and all necessary process in proceedings for contempt in the like manner and to the same extent as courts of record. The process issued by the commission or any commissioner shall extend to all parts of the State and may be served by any person authorized to serve process of courts of record, or by any person designated for that purpose by the commission or a commissioner. The person executing any such process shall receive such compensation as may be allowed by the commission, not to exceed the fees now prescribed by law for similar services, and such fees shall be paid in the same manner as provided herein for payment of the fees of witnesses.

SEC. 55. (a) The commission and each commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents, and testimony in any inquiry, investigation, hearing, or proceeding in any part of the State. Each witness who shall appear by order of the commission or a commissioner shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the commission, his fees and mileage shall be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission or commissioner as directed in the subpoena. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees

are payable. No witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation.

(b) The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing, or proceeding may be held by the commission or any commissioner shall have the power to compel the attendance of witnesses, the giving of testimony, and the production of papers, including waybills, books, accounts, and documents, as required by any subpoena issued by the commission or any commissioner. The commission or the commissioner before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission or commissioner, in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the commission. The court, upon the petition of the commission or such commissioner, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or a commissioner the court shall thereupon enter an order that said witness appear before the commission or said commissioner at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this subsection is cumulative, and shall not be construed to impair or interfere with the power of the commission or a commissioner to enforce the attendance of witnesses and the production of papers, and to punish for contempt in the same manner and to the same extent as courts of record.

(c) The commission or any commissioner or any party may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this State, and to that end may compel the attendance of witnesses and the production of books, waybills, documents, papers, and accounts.

(d) No person shall be excused from testifying or from producing any book, waybill, document, paper, or account in any investigation or inquiry by or hearing before the commission or any commissioner, when ordered to do so, upon the ground that the testimony or evidence, book, waybill, document, paper, or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing concerning which he shall, under oath have testified or produced documentary evidence: *Provided*, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any public utility immunity of any kind.

Sec. 56. (a) Copies of all official documents and orders filed or deposited according to law in the office of the commission, certified by a commissioner or by the secretary under the official seal of the commission to be true copies of the originals, shall be evidence in like manner as the originals.

(b) Every order, authorization or certificate issued or approved by the commission under any provision of sections 38, 39, 40, 41, 43, 50, 51, or 52 of this act shall be in writing and entered on the records of the commission. Any such order, authorization, or certificate, or a copy thereof, or a copy of the record of any such order, authorization, or certificate, certified by a commissioner or by the secretary under the official seal of the commission to be a true copy of the original order, authorization, certificate, or entry, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization, or certificate has not been modified, stayed, suspended, or revoked may also be recorded in the same offices in the same manner and with like effect.

Sec. 57. The commission shall charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the commission, 10 cents for each folio; for certified copies of official documents and orders filed in its office, 15 cents for each folio and \$1 for every certificate under seal affixed thereto; for certifying a copy of any report made by a public utility, \$2; for each certified copy of the annual report of the commission, \$1.50; for certified copies of evidence and proceedings before the commission, 15 cents for each folio; for certificate authorizing an issue of bonds, notes, or other evidences of indebtedness, \$1 for each \$1,000 of the face value of the authorized issue or fraction thereof up to \$1,000,000, and 50 cents for each \$1,000 over \$1,000,000 and up to \$10,000,000, and 25 cents for each \$1,000 over \$10,000,000, with a minimum fee in any case of \$250: *Provided*, That no fee shall be required when such issue is made for the purpose of guaranteeing, taking over, refunding, discharging, or retiring any bond, note, or other evidence of indebtedness up to the amount of the issue guaranteed, taken over, refunded, discharged, or retired. No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the State to the credit of a fund to be known as the railroad commission fund, which fund is hereby created.

Sec. 58. The commission, each commissioner, and each officer and person employed by the commission shall have the right, at any and all times, to inspect the accounts, books, papers, and documents of any public utility, and the commission, each commissioner, and any officer of the commission or any employee authorized to administer oaths shall have power to examine under oath any officer, agent, or employee of such public utility in relation to the business and affairs of said public utility: *Provided*, That any person other than a commissioner

or an officer of the commission demanding such inspection shall produce, under the hand and seal of the commission, his authority to make such inspection: *And provided further*, That a written record of the testimony or statement so given under oath shall be made and filed with the commission.

Sec. 59. The commission may require, by order served on any public utility in the manner provided herein for the service of orders, the production within this State at such time and place as it may designate, of any books, accounts, papers, or records kept by said public utility in any office or place without this State, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the commission or under its direction.

Sec. 60. Complaint may be made by the commission of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural, or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility, including any rule, regulation, or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission: *Provided*, That no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city and county, or city or town, if any, within which the alleged violation occurred, or not less than 25 consumers or purchasers or prospective consumers or purchasers, of such gas, electricity, water, or telephone service. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties: and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint the commission shall cause a copy thereof to be served upon the corporation or person complained of. Service in all hearings, investigations, and proceedings pending before the commission may be made upon any person upon whom a summons may be served in accordance with the provisions of the Code of Civil Procedure of this State, and may be made personally or by mailing in a sealed envelope, registered, with postage prepaid. The commission shall fix the time when and place where a hearing will be had upon the complaint, and shall serve notice thereof, not less than 10 days before the time set for such hearing, unless the commission shall find that public necessity requires that such hearing be held at an earlier date.

Sec. 61. (a) At the time fixed for any hearing before the commission or a commissioner, or the time to which the same may have been continued, the complainant and the corporation or person complained of, and such corporations or persons as the commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The commission shall issue process to enforce the attendance of all necessary witnesses. After the conclusion of the hearing the commission shall make and file its order containing its decision. A copy of such order, certified under the seal of the commission, shall be served upon the corporation or person complained of or his or its attorney. Said order shall, of its own force, take effect and become operative 20 days after the service thereof, except as otherwise provided, and shall continue in force either for a period which may be designated therein or until changed or abrogated by the commission. If an order can not, in the judgment of the commission, be complied with within 20 days, the commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record of all proceedings had before the commission or any commissioner on any formal hearing had and all testimony shall be taken down by a reporter appointed by the commission, and the parties shall be entitled to be heard in person or by attorney. In case of an action to review any order or decision of the commission, a transcript of such testimony, together with all exhibits or copies thereof introduced and all information secured by the commission on its own initiative and considered by it in rendering its order or decision, and of the pleadings, record, and proceedings in the cause shall constitute the record of the commission: *Provided*, That on review of an order or decision of the commission the petitioner and the commission may stipulate that a certain question or questions alone and a specified portion only of the evidence shall be certified to the supreme court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on review.

Sec. 62. Any public utility shall have a right to complain on any of the grounds upon which complaints are allowed to be filed by other parties, and the same procedure shall be adopted and followed as in other cases, except that the complaint may be heard ex parte by the commission or may be served upon any parties designated by the commission.

Sec. 63. (a) No public utility shall raise any rate, fare, toll, rental, or charge or so alter any classification, contract, practice, rule, or regulation as to result in an increase in any rate, fare, toll, rental, or charge, under any circumstances whatsoever, except upon a showing before the commission and a finding by the commission that such increase is justified.

(b) Whenever there shall be filed with the commission any schedule stating an individual or joint rate, fare, toll, rental, charge, classification, contract, practice, rule, or regulation, not increasing or resulting in an increase in any rate, fare, toll, rental, or charge, the commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleadings by the interested public utility or utilities, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule, or regulation, and pending the hearing and the decision thereon such rate, fare, toll, rental, charge, classification, contract, practice, rule, or regulation shall not go into effect: *Provided*, That the period of suspension of such rate, fare, toll, rental, charge, classification, contract, practice, rule, or regulation shall not extend beyond 120 days beyond the time when such rate, fare, toll, rental, charge, classification, contract, practice, rule, or regulation would otherwise go into effect unless the commission, in its discretion, extends the period of suspension for a further period not exceeding six months. On such hearing the commission shall establish the rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules,

or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. All such rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules, or regulations not so suspended shall, on the expiration of 30 days from the time of filing the same with the commission, or at such lesser time as the commission may grant, go into effect and be the established and effective rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules, and regulations, subject to the power of the commission, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same.

SEC. 64. The commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter, or amend any order or decision made by it. Any order rescinding, altering, or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original orders or decisions.

SEC. 65. In all collateral actions or proceedings the orders and decisions of the commission which have become final shall be conclusive.

SEC. 66. After any order or decision has been made by the commission, any party to the action or proceeding, or any stockholder or bondholder or other party peculiarly interested in the public utility affected, may apply for a rehearing in respect to any matters determined in said action or proceeding and specified in the application for rehearing, and the commission may grant and hold such rehearing on said matters if in its judgment sufficient reason therefor be made to appear. No cause of action arising out of any order or decision of the commission shall accrue in any court to any corporation or person unless such corporation or person shall have made, before the effective date of said order or decision, application to the commission for a rehearing. Such application shall set forth specifically the ground or grounds on which the applicant considers said decision or order to be unlawful. No corporation or person shall in any court urge or rely on any ground not so set forth in said application. Any application for a rehearing made 10 days or more before the effective date of the order as to which a rehearing is sought shall be either granted or denied before such effective date or the order shall stand suspended until such application is granted or denied. Any application for a rehearing made within less than 10 days before the effective date of the order as to which a rehearing is sought, and not granted within 20 days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application. If any application for a rehearing be granted without a suspension of the order involved, the commission shall forthwith proceed to hear the matter with all dispatch and shall determine the same within 20 days after final submission, and if such determination is not made within said time, it may be taken by any party to the rehearing that the order involved is affirmed. An application for rehearing shall not excuse any corporation or person from complying with and obeying any order or decision or any requirement of any order or decision of the commission theretofore made or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may by order direct. If, after such rehearing and a consideration of all the facts, including those arising since the making of the order or decision, the commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or unwarranted or should be changed, the commission may abrogate, change, or modify the same. An order or decision made after such rehearing abrogating, changing, or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission.

SEC. 67. Within 30 days after the application for a rehearing is denied, or, if the application is granted, then within 30 days after the rendition of the decision on rehearing, the applicant may apply to the supreme court of this State for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order or decision or the order or decision on rehearing inquired into and determined. Such writ shall be made returnable not later than 30 days after the date of the issuance thereof, and shall direct the commission to certify its record in the case to the court. On the return day the cause shall be heard by the supreme court, unless for a good reason shown the same be continued. No new or additional evidence may be introduced in the supreme court, but the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the Constitution of the United States or of the State of California. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review; such questions of fact shall include ultimate facts and the findings and conclusions of the commission on reasonableness and discrimination. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the supreme court shall enter judgment either affirming or setting aside the order or decision of the commission. The provisions of the code of civil procedure of this State relating to writs of review shall, so far as applicable and not in conflict with the provisions of this act, apply to proceedings instituted in the supreme court under the provisions of this section. No court of this State (except the supreme court to the extent herein specified) shall have jurisdiction to review, reverse, correct, or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties: *Provided*, That the writ of mandamus shall lie from the supreme court to the commission in all proper cases.

SEC. 68. (a) The pendency of a writ of review shall not of itself stay or suspend the operation of the order or decision of the commission, but during the pendency of such writ the supreme court, in its discretion, may stay or suspend, in whole or in part, the operation of the commission's order or decision.

(b) No order so staying or suspending an order or decision of the commission shall be made by the supreme court otherwise than upon 3 days' notice and after hearing, and if the order or decision of the commission is suspended the order suspending the same shall contain a specific finding based upon evidence submitted to the court and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

(c) In case the order or decision of the commission is stayed or suspended the order of the court shall not become effective until a suspending bond shall first have been executed and filed with, and approved by the commission (or approved, on review, by the supreme

court), payable to the people of the State of California, and sufficient in amount and security to insure the prompt payment, by the party petitioning for the review, of all damages caused by the delay in the enforcement of the order or decision of the commission, and of all moneys which any person or corporation may be compelled to pay, pending the review proceedings, for transportation, transmission, product, commodity, or service in excess of the charges fixed by the order or decision of the commission, in case said order or decision is sustained. The supreme court, in case it stays or suspends the order or decision of the commission in any matter affecting rates, fares, tolls, rentals, charges, or classifications, shall also by order direct the public utility affected to pay into court, from time to time, there to be impounded until the final decision of the case, or into some bank or trust company paying interest on deposits, under such conditions as the court may prescribe, all sums of money which it may collect from any corporation or person in excess of the sum such corporation or person would have been compelled to pay if the order or decision of the commission had not been stayed or suspended.

(d) In case the supreme court stays or suspends any order or decision lowering any rate, fare, toll, rental, charge, or classification, the commission, upon the execution and approval of said suspending bond, shall forthwith require the public utility affected, under penalty of the immediate enforcement of the order or decision of the commission (pending the review and notwithstanding the suspending order), to keep such accounts, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by such public utility, pending the review, in excess of the charges allowed by the order or decision of the commission, together with the names and addresses of the corporations or persons to whom overcharges will be refundable in case the charges made by the public utility, pending the review, be not sustained by the supreme court. The court may, from time to time, require said party petitioning for a review to give additional security on, or to increase the said suspending bond, whenever in the opinion of the court the same may be necessary to insure the prompt payment of said damages and said overcharges. Upon the final decision by the supreme court all moneys which the public utility may have collected, pending the appeal in excess of those authorized by such final decision, together with interest, in case the court ordered the deposit of such moneys in a bank or trust company, shall be promptly paid to the corporations or persons entitled thereto, in such manner and through such methods of distribution as may be prescribed by the commission. If any such moneys shall not have been claimed by the corporations or persons entitled thereto within one year from the final decision of the supreme court, the commission shall cause notice to such corporations or persons to be given by publication, once a week for two successive weeks, in a newspaper of general circulation, printed and published in the city and county of San Francisco, and such other newspaper or newspapers as may be designated by the commission, said notice to state the names of the corporations or persons entitled to such moneys and the amount due each corporation or person. All moneys not claimed within three months after the publication of said notice shall be paid by the public utility, under the direction of the commission, into the State treasury for the benefit of the general fund.

SEC. 69. All actions and proceedings under this act, and all actions or proceedings to which the commission or the people of the State of California may be parties, and in which any question arises under this act, or under or concerning any order or decision of the commission, shall be preferred over all other civil causes except election causes and shall be heard and determined in preference to all other civil business except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the commission in any action or proceeding in which he may be allowed to intervene.

SEC. 70. For the purpose of ascertaining the matters and things specified in section 47 of this act, concerning the value of the property of public utilities, the commission may cause a hearing or hearings to be held at such time or times and place or places as the commission may designate. Before any hearing is had the commission shall give the public utility affected thereby at least 30 days' written notice, specifying the time and place of such hearing, and such notice shall be sufficient to authorize the commission to inquire into the matters designated in this section and in said section 47 of this act, but this provision shall not prevent the commission from making any preliminary examination or investigation into the matters herein referred to, or from inquiring into such matters in any other investigation or hearing. All public utilities affected shall be entitled to be heard and to introduce evidence at such hearing or hearings. The commission is empowered to resort to any other source of information available. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the commission. The commission shall make and file its findings of fact in writing upon all matters concerning which evidence shall have been introduced before it which in its judgment have bearing on the value of the property of the public utility affected. Such findings shall be subject to review by the supreme court of this State in the same manner and within the same time as other orders and decisions of the commission. The findings of the commission so made and filed, when properly certified under the seal of the commission, shall be admissible in evidence in any action, proceeding, or hearing before the commission or any court, in which the commission, the State, or any officer, department, or institution thereof, or any county, city and county, municipality, or other body politic and the public utility affected may be interested whether arising under the provisions of this act or otherwise, and such findings, when so introduced, shall be conclusive evidence of the facts therein stated as of the date therein stated under conditions then existing, and such facts can only be controverted by showing a subsequent change in conditions bearing upon the facts therein determined. The commission may, from time to time, cause further hearings and investigations to be had for the purpose of making revaluations or ascertaining the value of any betterments, improvements, additions, or extensions made by any public utility subsequent to any prior hearing or investigation, and may examine into all matters which may change, modify, or affect any finding of fact previously made, and may at such time make findings of fact supplementary to those theretofore made. Such hearings shall be had upon the same notice and be conducted in the same manner, and the findings so made shall have the same force and effect as is provided herein for such original notice, hearing, and findings: *Provided*, That such findings made at such supplemental hearings or investigations shall be considered in connection with and as a part of the original findings except in so far as such supplemental findings shall change or modify the findings made at the original hearing or investigation.

SEC. 71. (a) When complaint has been made to the commission concerning any rate, fare, toll, rental, or charge for any product or commodity furnished or service performed by any public utility, and the

commission has found, after investigation, that the public utility has charged an excessive or discriminatory amount for such product, commodity, or service, the commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection: *Provided*, No discrimination will result from such reparation.

(b) If the public utility does not comply with the order for the payment of reparation within the time specified in such order, suit may be instituted in any court of competent jurisdiction to recover the same. All complaints concerning excessive or discriminatory charges shall be filed with the commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the commission. The remedy in this section provided shall be cumulative and in addition to any other remedy or remedies in this act provided in case of failure of a public utility to obey an order or decision of the commission.

SEC. 72. It is hereby made the duty of the commission to see that the provisions of the constitution and statutes of this State affecting public utilities, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the State therefor recovered and collected, and to this end it may sue in the name of the people of the State of California. Upon the request of the commission it shall be the duty of the attorney general or the district attorney of the proper county or city and county to aid in any investigation, hearing, or trial had under the provisions of this act, and to institute and prosecute actions or proceedings for the enforcement of the provisions of the constitution and statutes of this State affecting public utilities and for the punishment of all violations thereof.

SEC. 73. (a) In case any public utility shall do, cause to be done, or permit to be done any act, matter, or thing prohibited, forbidden, or declared to be unlawful, or shall omit to do any act, matter, or thing required to be done, either by the constitution, any law of this State, or any order or decision of the commission, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages, or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was willful, the court may, in addition to the actual damages, award damages for the sake of example and by way of punishment. An action to recover for such loss, damage, or injury may be brought in any court of competent jurisdiction by any corporation or person.

(b) No recovery as in this section provided shall in any manner affect a recovery by the State of the penalties in this act provided or the exercise by the commission of its power to punish for contempt.

SEC. 74. (a) This act shall not have the effect to release or waive any right of action by the State, the commission, or any person or corporation for any right, penalty, or forfeiture which may have arisen or accrued, or may hereafter arise or accrue, under any law of this State.

(b) All penalties accruing under this act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture, or be a bar to any criminal prosecution against any public utility, or any officer, director, agent, or employee thereof, or any other corporation or person, or be a bar to the exercise by the commission of its power to punish for contempt.

SEC. 75. Whenever the commission shall be of the opinion that any public utility is failing or omitting, or about to fail or omit, to do anything required of it by law, or by any order, decision, rule, direction, or requirement of the commission, or is doing anything, or about to do anything, or permitting anything or about to permit anything to be done contrary to or in violation of law or of any order, decision, rule, direction, or requirement of the commission, it shall direct the attorney of the commission to commence an action or proceeding in the superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of resides, in the name of the people of the State of California, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney of the commission shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding 20 days after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties in order to make its judgment, order, or writ effective may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this act, as appeals are taken from judgments of the superior court in other actions for mandamus or injunction.

SEC. 76. (a) Any public utility which violates or fails to comply with any provision of the constitution of this State or of this act, or which fails, omits, or neglects to obey, observe, or comply with any order, decision, decree, rule, direction, demand, or requirement, or any part or provision thereof, of the commission, in a case in which a penalty has not hereinbefore been provided for such public utility, is subject to a penalty of not less than \$500 nor more than \$2,000 for each and every offense.

(b) Every violation of the provisions of this act or of any order, decision, decree, rule, direction, demand, or requirement of the commission, or any part or portion thereof, by any corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

(c) In construing and enforcing the provisions of this act relating to penalties, the act, omission, or failure of any officer, agent, or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission, or failure of such public utility.

SEC. 77. Every officer, agent, or employee of any public utility who violates or fails to comply with, or who procures, aids, or abets any violation by any public utility of any provision of the constitution of

this State or of this act, or who fails to obey, observe, or comply with any order, decision, rule, direction, demand, or requirement, or any part or provision thereof, of the commission, or who procures, aids, or abets any public utility in its failure to obey, observe, and comply with any such order, decision, rule, direction, demand, or requirement, or any part or provision thereof, in a case in which a penalty has not hereinbefore been provided for such officer, agent, or employee, is guilty of a misdemeanor and is punishable by a fine not exceeding \$1,000, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 78. Every corporation other than a public utility which violates any provision of this act, or which fails to obey, observe, or comply with any order, decision, rule, direction, demand, or requirement, or any part or provision thereof, of the commission, in a case in which a penalty has not hereinbefore been provided for such corporation, is subject to a penalty of not less than \$500 nor more than \$2,000 for each and every offense.

SEC. 79. Every person who, either individually or acting as an officer, agent, or employee of a corporation other than a public utility, violates any provision of this act or fails to obey, observe, or comply with any order, decision, rule, direction, demand, or requirement, or any part or portion thereof, of the commission, or who procures, aids, or abets any such public utility in its violation of this act or in its failure to obey, observe, or comply with any such order, decision, rule, direction, demand, or requirement, or any part or portion thereof, in a case in which a penalty has not hereinbefore been provided for such person is guilty of a misdemeanor, and is punishable by a fine not exceeding \$1,000, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 80. Actions to recover penalties under this act shall be brought in the name of the people of the State of California in the superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. Such action shall be commenced and prosecuted to final judgment by the attorney of the commission. In any such action all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State in any such action, together with the costs thereof, shall be paid into the State treasury to the credit of the general fund. Any such action may be compromised or discontinued on application of the commission upon such terms as the court shall approve and order.

SEC. 81. Every public utility, corporation, or person which shall fail to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement, or any part or portion thereof, of the commission or any commissioner shall be in contempt of the commission, and shall be punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this section shall not be a bar to or affect any other remedy prescribed in this act, but shall be cumulative and in addition to such other remedy or remedies.

SEC. 82. This act shall not affect such powers of control over any public utility vested in any city and county or incorporated city or town as at an election to be held pursuant to laws to be hereafter passed by the legislature, a majority of the qualified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired in such city and county or incorporated city or town; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the commission: *Provided*, That where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities it may, by a vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the commission in the manner to be prescribed by the legislature; or if such municipal corporation shall have surrendered any powers to the commission it may by like vote thereafter reinvest itself with such power.

SEC. 83. (a) This act shall not affect pending actions or proceedings brought by or against the people of the State of California or the commission, or by any other person or corporation under the provisions of chapters 20 or 386 of the laws of 1911, but the same may be prosecuted and defended with the same effect as though this act had not been passed. Any investigation, hearing, or examination undertaken, commenced, instituted, or prosecuted prior to the taking effect of this act may be conducted and continued to a final determination in the same manner and with the same effect as if it had been undertaken, commenced, instituted, or prosecuted in accordance with the provisions of this act. All proceedings hitherto taken by the commission in any such investigation, hearing, or examination are hereby ratified, approved, validated, and confirmed, and all such proceedings shall have the same force and effect as if they had been undertaken, commenced, instituted, and prosecuted under the provisions of this act and in the manner herein prescribed.

(b) No cause of action arising under the provisions of chapters 20 or 386 of the laws of 1911 shall abate by reason of the passage of this act, whether a suit or action has been instituted thereon at the time of the taking effect of this act or not, but actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as though said chapters had not been repealed.

(c) All orders, decisions, rules, or regulations heretofore made, issued, or promulgated by the commission shall continue in force and have the same effect as though they had been lawfully made, issued, or promulgated under the provisions of this act.

(d) This act, in so far as it embraces the same subject matter, shall be construed as a continuation of chapter 20 of the Laws of 1911, approved February 10, 1911, and chapter 386 of the Laws of 1911, approved April 6, 1911.

SEC. 84. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 85. Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several States of this Union, except in so far as the same may be permitted under the provisions of the Constitution of the United States and the acts of Congress.

SEC. 86. All moneys which are paid into the State treasury by the commission up to and including the 30th day of June, 1913, under the provisions of section 57 of this act and credited to the railroad-commission fund are hereby appropriated to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed to draw his warrant on said fund from time to time in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

SEC. 87. The railroad-commission act approved February 10, 1911, and the act entitled "An act to amend the railroad-commission act by amending section 15 thereof, relating to powers and duties of the railroad commission of the State of California, and to amend section 37 thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 88. This act shall take effect 90 days after the final adjournment of this session of the legislature.

EXHIBIT E.

COPIES OF RIGHT-OF-WAY STATUTES—RIGHT-OF-WAY ACT OF 1866.

The act of July 26, 1866 (14 Stat. L. 253), was entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes."

This legislation has since been embodied in the Revised Statutes as sections 2339 and 2340, which provide:

"SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

"SEC. 2340. All patents granted or preemption or homesteads allowed shall be subject to any vested and accrued water rights or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section."

RIGHT-OF-WAY ACT OF MARCH 3, 1891.

(26 Stat. L., 1095, 1101, 1102.)

Sections 18 to 21, inclusive, of this act provide:

"SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also, the right to take from the public lands adjacent to the line of the canal or ditch material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

"SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall within 12 months after the location of 10 miles of its canal, if the same be upon surveyed lands and if upon unsurveyed lands, within 12 months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

"SEC. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior and with the register of the land office where said land is located a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal or ditch shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

"SEC. 21. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch."

NOTE.—It was held by the United States Supreme Court, under the railroad right-of-way act of March 3, 1875 (18 Stat. L., 482), that construction is equivalent for every purpose to the filing and approval of maps and plats. The two acts are practically identical in language, and therefore the Department of the Interior has held repeatedly that actual construction under the foregoing act vests in irrigation companies complete legal title to their rights of way in advance of and irrespective of the filing or approval of any plats or maps. (See *Jamestown & Northern Railroad Co. v. Jones* (177 U. S., 125), *De Weese v. Henry Investment Co.* (39 L. D., 27).)

RIGHT-OF-WAY ACT OF JANUARY 21, 1895.

(28 Stat. L., 635.)

That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the

use of the right of way through the public lands of the United States not within the limits of any park, forest, military, or Indian reservation for tramroads, canals, or reservoirs, to the extent of the ground occupied by the water of the canals and reservoirs and 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center line of the tramroad, by any citizen or any association of citizens of the United States engaged in the business of mining or quarrying or of cutting timber and manufacturing lumber.

RIGHT-OF-WAY ACT OF MAY 14, 1896.

(29 Stat. L., 120.)

That the act entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," approved January 21, 1895, be, and the same is hereby, amended by adding thereto the following:

"SEC. 2. That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way to the extent of 25 feet, together with the use of necessary ground, not exceeding 40 acres, upon the public lands and forest reservations of the United States by any citizen or association of citizens of the United States, for the purpose of generating, manufacturing, or distributing electric power."

RIGHT-OF-WAY ACT OF MAY 11, 1898.

(30 Stat. L., 404.)

That the act entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," approved January 21, 1895, be, and the same is hereby, amended by adding thereto the following:

"That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way upon the public lands of the United States not within the limits of any park, forest, military, or Indian reservations, for tramways, canals, or reservoirs, to the extent of the ground occupied by the water canals and reservoirs and 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center line of the tramroad, by any citizen or association of citizens of the United States, for the purposes of furnishing water for domestic, public, and other beneficial uses.

"SEC. 2. That the rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power as subsidiary to the main purpose of irrigation."

PERMIT ACT OF FEBRUARY 15, 1901.

(31 Stat. L., 790.)

That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest, and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, Cal., for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed 50 feet on each side of the marginal limits thereof, or not to exceed 50 feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph or telephone purposes shall be subject to the provision of title 65 of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right or easement, or interest in, to, or over any public land, reservation, or park.

RIGHT-OF-WAY ACT OF FEBRUARY 1, 1905.

(33 Stat. L., 628.)

This is the Forest Service transfer act, which transferred that service from the Department of the Interior to the Department of Agriculture. Section 4 of the act provides:

"SEC. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals within and across the forest reserves of the United States are hereby granted to citizens and corporations of the United States for municipal or mining purposes and for the purposes of the milling and reduction of ores during the period of their beneficial use under such rules and regulations as may be prescribed by the Secretary of the Interior and subject to the laws of the State or Territory in which said reserves are respectively situated."

WATER-RIGHT ACT OF MARCH 3, 1877.

(19 Stat. L., 377.)

The first section provided for the preemption of desert lands. It then provided:

"*Provided, however*, That the right to the use of the water by the person so taking the same on or to any tract of desert land of 640 acres shall depend upon bona fide prior appropriation, and such right shall not exceed the actual amount of water appropriated and necessarily used for the purposes of irrigation and reclamation.

"And all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of supply upon the public lands and not available, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights."

WATER RIGHTS WITHIN FOREST RESERVATIONS.

The Forest Service administration act of June 4, 1897 (30 Stat. L., 11, 36), provides:
 "All waters on such reservations may be used for domestic, mining, milling, or irrigation purposes under the laws of the State wherein such forest reservations are situated or under the laws of the United States and the rules and regulations established thereunder."

Mr. HAYES. Mr. Chairman—

The CHAIRMAN. The gentleman from California is recognized.

Mr. HAYES. Mr. Chairman—

Mr. MANN. Mr. Chairman, how did the gentleman from California [Mr. HAYES] get the floor?

The CHAIRMAN. I recognized him.

Mr. MANN. The Chair has not the right to recognize two gentlemen on the same side of the question.

The CHAIRMAN. The Chair was not informed as to how the gentleman from California [Mr. HAYES] stood. Is the gentleman from California opposed to the bill?

Mr. HAYES. No; I am in favor of the bill.

Mr. FERRIS. Mr. Chairman, I desire to make the motion that the committee do now rise. It is apparent that we shall not finish the bill to-night, and I understand that a number of gentlemen on the other side want to be heard. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Sisson, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12572) for the relief of the Hydro-Electric Co. of California, and had come to no resolution thereon.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

ARGUMENT ON INJUNCTION IN LABOR DISPUTES BEFORE JUDICIARY COMMITTEE, 1904.

Mr. HUGHES of New Jersey. Mr. Speaker, pending that motion, I desire to submit the following statement on the subject of injunction legislation.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUGHES of New Jersey. This is the statement:

STATEMENT OF MR. A. FURUSETH, REPRESENTING THE INTERNATIONAL SEAMEN'S UNION OF AMERICA.

"Mr. Chairman and gentlemen of the committee, the contention that has been brought here and which I am here now to dispute is that there is a property right in labor.

"This bill and the hearings thereon bring to your attention a conflict which is but another phase of that oldest of struggles in human society, the struggle between the house of Have and the house of Want; on the part of labor the cry for freedom, on the part of capital the argument of necessity.

"There are some positions taken by the employers and their attorneys which, to say the least, will be startling reading for thoughtful men, and which, properly considered, will bring the public to our side as surely as the American public mind is yet of the opinion which made this country pour out its blood and treasure to abolish the ownership of man by man in any sense.

"What is the strife between employers and employees? It is usually called the labor question. What is it? What does it mean?

"In the old Roman world, from which we obtain many of our ideas, especially our ideas about law, and certainly our injunctions, the basic principle was autocracy or absolutism—absolutism in religion, absolutism in the state, and absolutism in industry. The whole philosophy of life was in the concept that there were sons of the gods to teach, to govern, to pray; and sons of the earth, without souls, to be saved or damned, to be taught, to be governed, to be preyed upon. Into this came the teachings of the Christ, the concept that there is but one God and that all men are His children, equal heirs to all the bounties of the Father. We have been taught to pray, 'Thy kingdom come, Thy will be done, as in heaven so also on earth.' We have been taught to bear each other's burden; that God is no respecter of persons; that each will be responsible for his own acts, and so forth.

"It took some fifteen hundred years of intense struggle, expressing itself through organizations based upon religious discontent, to establish religious freedom. It took 300 more years for organizations based upon political discontent to give us such political freedom as we now have. And the labor movement is but this fundamental Christian idea taking hold of the industrial field in an endeavor to transform it into its own image.

This, gentlemen, is, in short, the labor movement. Absolutism has been removed from church and the state; it yet holds full sway in industry. Yet the employer says, 'This is my business; I am this business.' Like the dictum of Louis the Fourteenth, 'I am the state.' We of the labor movement dispute this. We hold that since the business can not exist without the worker, he has something to say, or should have something to say, about it. We do not claim that we are always right in what we say, but since the toiler can not be divorced from his labor power, the claim set up here of a vested right in so much labor power as will make a plant profitable is not only un-Christian but un-American.

"This evolution toward 'The Kingdom' meets on the industrial field a most formidable power. There are plants which employ in different ways 150,000 men. Allowing 5 to a family, this means 750,000 men, women, and children. The owner or owners claim the right to determine the hours of labor, which means what time the employee may be with his family. They claim the sole right to determine wages. This means the power to say in what kind of house the worker shall live, what kind of clothing shall be worn by his wife and children, what shall be their food, what kind of education they shall gain, what character shall be developed by the rising generation. The power of kings is as nothing to this. Kingly power only touches the life of the people in spots—at intervals. Here is a power which goes into the very essence of life, and at no time in the history of the Gotho-Germanic race was such a power vested in individual man. As it has grown it has sought to control the political action of the workmen subject to it, and did so control it that it was necessary to make the ballot secret. It controls in a measure the legal profession through patronage and place; the newspapers, through their advertising columns; the churches, through the pew; the institutions of learning, through endowments; and the jury system is threatened through an unwarranted use of the writ of injunction—nay, we have found judges who were not proof against this power and who have used their holy office contrary to the settled law. Thus the virus of industrial absolutism is burrowing through every safeguard and filling the holes with maggots of its own making.

"What can the working class do? In the developments and the law, of which we complain, we are considered and treated as a class. Here is a power which watches over us in the shop, at our home, at our evening meeting, and at the polls. To incur its displeasure means discharge, and this means the finding, if we can, employment in some other line of industry and loss of such value as our acquired skill may have.

"We apply the lessons, taught us by the animals, of 'mutual aid.' We come together for protection and endeavor to put into practice the instruction 'to bear each other's burden,' but are promptly met by an order from the court under which this is called 'conspiracy'; and the oldest of Saxon rights, the trial by jury, is swept away.

"Not that all our employers act thus. Many, nay, perhaps a majority, would have it otherwise; but they have to keep up with the procession or go out of business.

"We exercise the right of assembly; we discuss our grievances; we appoint our committee and respectfully submit our petition for redress; and we are told that Jones, Smith & Co. would gladly grant our petition, but there is Hogg, Hunger & Co. working one hour more per day now and paying less wages. Jones, Smith & Co. can not grant our request. It would mean going out of business. We know that there is some truth in this statement, and we set aside a few cents per week, and after a while we send somebody to the employees of Hogg, Hunger & Co. to inform them that we and they may have better conditions if they will make common cause, and that we have saved together a few dollars which we will share with them in feeding the little ones if they will stand in. They weigh the chances of success or failure and determine to risk all in an effort to better the condition of themselves and those dependent on them. Their petition is presented to their employers, who promptly refuse even to consider it.

"The employers are that business, and the mere presenting of the petition is to dispute their authority. The bearers of the petition are promptly dismissed from the service. Then follows a strike—a refusal to furnish the labor power, without which the great plant is of no value. Working people far and near are notified of the strike and requested to keep away; pickets are placed to inform those who come and may have heard nothing or who may have been influenced by some false statement from the agents sent out by the company to find men. A vacant lot near the plant is handy. The strikers obtain permission to occupy it, and they establish a camp, where they are together, encourage each other, watch each other and the men going into the plant. They do not destroy tangible property or

assault the men; but their presence, the look of reproach on the faces, and the knowledge of why they are out of work quicken the conscience of those at work, and they, too, quit.

"This, gentlemen of the committee, was the development up to and including the situation at the Collins Colliery Co. in West Virginia when that corporation submitted its petition to the court for an injunction. It illustrates, as well as I can, the whole movement in the general lines upon which it develops. The 'fear of want,' which appears in every step, is not given the weight to which it is entitled; but it follows every step, like the shark follows the ship in distress. In every strike hope had conquered fear when the petition was presented.

"The Collins Colliery Co., finding the men leaving its employ, goes into court and sets forth that it has a coal plant in which it has invested \$250,000, upon which it must pay \$10,000 per annum as royalty. It has a market in several States; it is under contract to deliver the coal, but can not, because the laborers, for reasons of their own, refuse to work. True, their reasons for quitting were given, so were the conditions upon which they would continue; but in place of dealing with the men the company now comes to the court. The company figured on the labor supply being there when it invested its money and assumed obligations. The investment, plant, and contracts give to the company a vested right in necessary labor supply with which to operate the plant, which will otherwise 'lie idle and deteriorate in value.'

"Its real stock in trade was the labor, and since labor can not be divorced from the laborer it was in the laborers. There was no rioting, no disturbance of peace, of which the peace officers of the country could take cognizance; there was no tangible property destroyed. The earning power of the plant had passed, or was about to pass, and the court was appealed to to protect that kind of property. The court took the view of the company and issued the injunction. That this was an assertion that property right in labor went with the ownership of the mine, and that this property right on the part of the mine owner destroyed the property right of the miner himself and put him outside the Bill of Rights never occurred to the judge. These men had done nothing but meeting, marching, persuading, inducing, and making 'inflammatory speeches,' and this they had done many times before—nay, prior to election they had done it under fear of discharge and want if refusing.

"I have said that the court destroyed the property right of the miners in themselves. Is there any law permitting any judge, or is there any inherent power in any judge, to prevent one freeman from inducing another freeman to do what he has a legal right to do, unless such action would destroy the vested right of some third person? John Doe, who is working for Hogg, Hunger & Co., has the right to quit work; but in so doing he exposes himself and family to want, and hence he continues at work. The employees of Jones, Smith & Co. offer to share with them their savings, to give them food and shelter, and the court steps in and forbids. John Doe and his family are isolated and must continue in the employ of Hogg, Hunger & Co. against their will. The court has, by preventing help coming to them, accomplished by indirection what it could not do directly.

"If Hogg, Hunger & Co. has no property right in John Doe—if John Doe is a freeman—why can he not be advised, persuaded, and helped? Again, if Jones, Smith & Co. should offer to John Doe a place in their employ, John may leave and accept the new employment. So that, as against some other employer, there is no vested right in the wage earner. The employers are on an equality as to him, and he may go from one to the other. He has the right to choose a new master if he can find one; but he may not be given such assistance as will enable him to refuse to work at all unless the employer can find somebody to take his place, keep the business going, and thus prevent the plant from being idle and deteriorating. If he be free, if his body be his own, by what right is his coming and going obstructed? That the obstruction comes through depriving him of the means to move and is indirect makes it no whit less effective, no less real. If he be part of that business, if the plant has a property right in him, then the whole proceeding is logical and right. Upon any other concept how can this be defended?

"As citizens he and his fellows are under the protection of the Bill of Rights; as workmen they are property—not as individuals, no; but as a class, yes. Is this American? We hold that the workman is merged in the citizen and that the Declaration of Independence issued 'in decent respect to the opinions of mankind,' where it says that 'All men are created equal and are by their Creator endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness,' meant then and means now what it says, and that the wage earner is no exception. We maintain that the equal protection of the bill of rights and the laws to all men, regardless of their

station, is the American idea. We claim no immunity from any law; we claim the same right to be considered innocent until proven guilty as other citizens; that we shall be held, as other men, to be law-abiding.

"Would anybody dream of protecting the earning power of a small store by getting out an injunction against the department store? Why not serve us with an injunction forbidding us to transfer our patronage from one store to another? Is it because they both have a vested right in our patronage that we may not combine to withhold it from either? Yet these absurdities, these invasions of our right to individual liberty, this claim of vested right in our labor and our patronage are gravely called by employers their 'property rights,' which must be protected by injunction. They organize a society to take the place of the State in enforcing the law, and send their delegates here to file an indictment against the system of government, preparatory to, as they threaten, taking the law into their own hands if the Congress shall refuse to sustain their new American claim to property right in the labor of the wage earner.

"There are two thoughts growing in our industrial life equally unreasonable and dangerous, that the employer has a property right in the labor of his workmen and that the employee has some kind of property right in his job. If there should be any such right as last mentioned it would naturally follow that the job has some right in the employee, and the workman who sets up such claim is selling his birthright for a mess of pottage.

"In their essence these claims are socialistic. It is these claims accepted that from the basis of the theories of State socialism. And yet when we ask that the Congress shall pass a bill which will protect the employer and employee alike, the employers pronounce it socialistic and dub us Socialists.

"Nor is there the slightest possibility of any such claims being considered for a moment. Is there a 'right to work'? If so, it must be based upon the 'right to life' and run against the State, which in protecting and making such right effective is bound under the same declaration to do so without in any way destroying the 'right to liberty,' which is on an exact equality with the 'right to life' in that instrument. Such right is an individual right. Labor is an attribute of life, inseparable therefrom, hence is life.

"Property is something which we may acquire, possess, and part with. It may be contracted away; it may be alienated; it may be destroyed without destroying the possessor. Labor is therefore not property in which some other person may acquire a property right which will give him a standing in an equity court. That no such property right exists was decided by the Supreme Court of Massachusetts in December, 1892.

"In *Worthington v. Waring* (157 Mass., 421, December, 1892), laborers who had been employed in a mill in Fall River and had left because they could not obtain higher wages, brought a bill against the treasurer and superintendent of the corporation, the employment of which they had left, and officers of other mills, charging that these officers had conspired together and put the names of the plaintiffs upon a 'blacklist,' stating that the petitioners had been engaged in a strike, and had induced all employers of their kind of labor in Fall River to refuse to employ them—

"with intent to compel them either to go without work in Fall River or to go back to work for the corporation, the employment of which they had left, at such wages as that corporation should see fit to pay them—

"And asked that the defendants be restrained—

"from annoying the petitioners and interfering with their rights to earn their livelihood at their trade in Fall River, and to withdraw and destroy all blacklists or other devices used by the defendants or under their orders for that purpose.

"To this the court said that if the petition charged a conspiracy, which was a misdemeanor at common law, the remedy was by indictment; and if the injury caused to the petitioners by the conduct of the defendants constituted a cause of action, the remedy was 'by an action of tort to be brought by each petitioner separately.' The court then said that while—

"courts of equity often protect property from threatened injury when the rights of property are equitable, or when, although the rights are legal, the civil and criminal remedies at common law are not adequate, but the rights which the petitioners allege the defendants were violating at the time the petition was filed are personal rights, as distinguished from the rights of property—

"and, therefore, the court declined to entertain the petition.

"Being personal rights, as distinct from property rights, when not contracted away, and as such incapable of being protected by a court of equity, the laborer can not assign a right which he does not possess, hence a contract to labor will give no right in the laborer which can be enforced in equity.

"We thus come back to the one fundamental question: 'Is there going along with the ownership of the mine, factory, or

means of transportation a vested right in so much labor as is needed to make it profitable?"

"If such right exists, whence is it obtained? It surely is contrary to the thirteenth amendment of the Constitution. If any such right runs against us as a class, upon what members of the class can it be enforced?"

"The employers and business men, who come here in good faith and make this claim of vested right in our labor and our patronage, are perhaps not much to be blamed. They find this idea expressing itself in the capitalization of the earning power of great enterprises; they have possibly paid good money for stocks and bonds, which are nothing but a mortgage upon the labor of the future. We learn from our industrial superiors; they from their financial principals. But that some of their attorneys should take the same position is a matter of some surprise and apprehension, to me at least.

"Can it be possible that these attorneys hold such contention to be sound? Through all the testimony and arguments there seems to run this idea of vested right in so much labor power as will run the plant, except in the argument of Mr. Bond, who recognized that such right does not exist and who mourns that fact.

"They urge with apparent sincerity the bill be not passed, because it will put a blot upon the judiciary, while they in the same breath claim that the whole machinery for the administration of justice and keeping the peace has broken down.

"They say that the police will not arrest, and when they do the police judge will not convict, or if he will convict, the accused will ask for a jury, and on it will be one or two members of the unions, conviction failing, and you have your labor for your pains.

"According to this the citizen is, by his occupation as a wage earner, so warped in judgment and tainted morally that he can not be trusted as a juror if one of his own class is to be tried. As this unfitness is based on moral turpitude, it follows that his testimony as a witness is of no value and must therefore be rejected. This is entirely consistent with the claim that he is property. The slave never could testify against his owner nor against the owner's equals. His evidence could be and was taken by the master against a fellow serf or slave, and so it is now with the wage earner. The employing corporation goes into court, and, to quote from the petition of the coal corporation already mentioned, says:

"That the remainder of the miners and employees engaged as such * * * are willing to work and continue their employment; * * * that they are idle now for the reason that they are intimidated and in fear; that all of the miners at its said mines are very desirous of being permitted to continue their said work at the present rate of wages, and will do, as your orator is advised, and so alleges, if not interfered with and disturbed as hereinafter alleged."

"The petitioner then alleges that a confederation, combination, and association of men have gone among the miners and other laborers for the purpose of inducing or persuading them to quit work, and by threats, menaces, inflammatory speeches, and demonstrations, and that if this continues those now at work will quit, and thus cause the 'said coal plant to lie idle and deteriorate in value.'

"It is submitted that if the men at work and the men idle were free men entitled to the protection of the Bill of Rights there was nothing in these facts or allegations which could in any way justify the use of the writ of injunction. It is alleged that they used threats. What kind of threats? That is a question of fact, and under the 'Bill of Rights' they were entitled to a jury if they were threats within the meaning of the criminal law.

"We are told that the jurisdiction conferred on our court of equity was such as existed in England at the time of the founding of our Republic, and that it went to the protection of vested rights. If this be true, then either there is a vested right in the laborer going with the ownership of the mine or the use of the writ was a gross usurpation. If it is the first, we ask of you to abolish it as inconsistent with the thirteenth amendment; if the second, then we pray that you stop the usurpation by the passage of this bill. In either case it is a symptom of that growing 'industrial absolutism' which is gradually depriving us of our freedom as men and which is digging from under our form of government its very foundation.

"That we can be freemen in fact is so incomprehensible to Mr. Beck that he assumes that our voluntary associations are a kind of padrone system, by which Mr. Gompers farms out our labor in some way for his own profit.

"Gentlemen, it is time that this growing, grinding power of industrial absolutism be checked. If permitted to grow, it will not only grind every vestige of personal freedom out of the wage earners, but it will destroy this Republic, subvert Christian civilization, and build upon the ruins an industrial feudalism

more destructive of human liberty and progress than was the old feudalism in the time of its lowest depths and decadence.

"Mr. Chairman and gentlemen of the committee, we bring our grievances, as we feel them, to you, with our respectful petition that they be remedied. We can not believe that you will fail us. We can not explain our pain in that logical way which would address itself to your intellects. We trust that your human sympathies will do what our speech—the mere wailing of pain and groping for the cause—shall not accomplish.

"In conclusion, you will not misunderstand me when I say that should your sympathy fail to persuade your intellect that here is a real grievance and that this bill is a remedy, then, of course, your conclusion will be an indorsement, at least to some extent, of the employers' position—that combination amongst the laborers is a crime against the property rights of the employers, and that the criminal law failing to protect such rights, the writ of injunction is and has been properly used.

"Then to us can remain but the old remedy—to disobey the king, peacefully, of course, and take as penalties for such peaceful disobedience whatever may befall. Should this be, and God forbid that it should, then there will be more of these injunctions than ever; imprisonments in consequence, as yet comparatively rare, will multiply, and hosts of men and women will find out for the first time how a prison looks on the inside.

"If this has to be, it must be, but—

"And tho' ye gave her felon fare,
"Bld felon garb her liv'ry be;
"And tho' ye set the oakum task—
"I tell you all, she still is free!"

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4728. An act to authorize the change of the name of the steamer *Salt Lake City*;

S. 3211. An act authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy; and

S. 4521. An act to authorize the change of the name of the steamer *William A. Hawgood*.

ADJOURNMENT.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Thursday, March 7, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, submitting a revised estimate of appropriation for placing electrical protection to vaults in post-office buildings in Cleveland and Dayton, Ohio (H. Doc. No. 598); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. O'SHAUNESSY: A bill (H. R. 21420) providing for the establishment of a naval base on Narragansett Bay, in the State of Rhode Island; to the Committee on Naval Affairs.

By Mr. BRADLEY: A bill (H. R. 21421) to provide for the acquisition of a site and the erection of a public building thereon at Liberty, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 21422) to amend the act of August 2, 1886 (24 Stat. L., 209), as amended by the act of May 9, 1902 (32 Stat. L., 194), defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; to the Committee on Agriculture.

By Mr. STEPHENS of Texas: A bill (H. R. 21423) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908 (35 Stat. L., 556); to the Committee on Indian Affairs.

By Mr. DONOHUE: A bill (H. R. 21424) to regulate the compensation of adult male unskilled laborers in United States arsenals; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 21425) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian War; to the Committee on the Public Lands.

By Mr. HOBSON: A bill (H. R. 21426) to carry out the provisions and to extend the scope of section 1528 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. SLAYDEN: A bill (H. R. 21427) to provide for a site and public building at Coleman, Coleman County, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. HANNA: Joint resolution (H. J. Res. 263) to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal; to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 264) to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 21428) granting a pension to Sarah J. Neighbor; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 21429) granting an increase of pension to Arcenith F. Walker; to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 21430) granting a pension to John M. Cornelison; to the Committee on Pensions.

Also, a bill (H. R. 21431) for the relief of William F. Campbell, sole heir of Caroline Marion Campbell, deceased; to the Committee on War Claims.

By Mr. DAUGHERTY: A bill (H. R. 21432) granting a pension to John H. Mooney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21433) granting a pension to Frances S. Gooding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21434) granting an increase of pension to William Edwards; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21435) granting a pension to Bennie C. Longan; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 21436) granting an increase of pension to George H. Skeans; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 21437) granting a pension to Henry B. Furbee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21438) granting an increase of pension to George Judkins; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 21439) granting an increase of pension to Marcus F. Nesmith; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 21440) granting an increase of pension to Francis B. Overlock; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 21441) granting an increase of pension to Solomon Freeland; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 21442) granting an increase of pension to Caleb E. Stewart; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 21443) for the relief of the heirs of Robert Webster, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21444) for the relief of heirs of James Wellsman; to the Committee on War Claims.

Also, a bill (H. R. 21445) for the relief of the heirs of J. P. Watson, sr.; to the Committee on War Claims.

Also, a bill (H. R. 21446) for the relief of the heirs of Robert Webster; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 21447) granting an increase of pension to Joseph Southam; to the Committee on Invalid Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 21448) granting an increase of pension to John Hanley; to the Committee on Invalid Pensions.

By Mr. MCGUIRE of Oklahoma: A bill (H. R. 21449) granting a pension to Emma Kinsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21450) granting an increase of pension to William E. Neville; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 21451) for the relief of the heirs of James H. Branch, deceased; to the Committee on War Claims.

By Mr. OLMSTED: A bill (H. R. 21452) granting a pension to Elizabeth Hummelbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21453) granting an increase of pension to John L. Whisler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21454) granting an increase of pension to Herman Neumyer; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 21455) for the relief of Judson Stewart; to the Committee on Naval Affairs.

By Mr. REILLY: A bill (H. R. 21456) to remove the charge of desertion from the military record of James Carey; to the Committee on Military Affairs.

By Mr. SMALL: A bill (H. R. 21457) granting an increase of pension to Thomas B. King; to the Committee on Pensions.

By Mr. SPEER: A bill (H. R. 21458) granting an increase of pension to Frederick Glass; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 21459) granting an increase of pension to John W. Towner; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 21460) granting a pension to Floyd L. Green; to the Committee on Pensions.

Also, a bill (H. R. 21461) granting a pension to Archie H. Wright; to the Committee on Pensions.

Also, a bill (H. R. 21462) granting an increase of pension to William J. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21463) granting an increase of pension to Theodore Sainave; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21464) granting a pension to Louis A. Giron; to the Committee on Pensions.

Also, a bill (H. R. 21465) granting an increase of pension to Charles H. Eding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21466) granting an increase of pension to Charles G. Goodfruit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21467) granting an increase of pension to George B. Griffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21468) granting an increase of pension to John P. Schoein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21469) granting an increase of pension to Reuben Bradish; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 21470) for the relief of James S. Baer; to the Committee on Military Affairs.

By Mr. TILSON: A bill (H. R. 21471) granting an increase of pension to Lucretia J. Bean; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 21472) granting an increase of pension to John P. Campbell; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 21473) granting an increase of pension to Samuel Brantner; to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 21474) for the relief of heirs of Turner Merritt; to the Committee on War Claims.

By Mr. WILSON of Illinois: A bill (H. R. 21475) granting an increase of pension to Andrew W. Buckham; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 21476) for the relief of Frederick Bittmann; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Woman's Christian Temperance Union of Wright City, Mo., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of Rockland County (N. Y.) Woman's Christian Temperance Union, for House joint resolution 163; to the Committee on the Judiciary.

By Mr. ANSBERRY: Memorial of Farmers' Institute held at Convoy, Ohio, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Grange No. 1326, of West Lafayette, Ohio, for parcel post, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Christian Endeavor Society of the Presbyterian Church, of West Carlisle, Ohio, for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Wilson S. Fauts (H. R. 21296); to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of Council of Jewish Women, of Pittsburgh, Pa., against Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union, of Sheridanville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BOWMAN: Petition of Kane's Pharmacy, of Pittston, Pa., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of churches of Hazleton, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Polish National Alliance, protesting against illiteracy test in pending immigration legislation; to the Committee on Immigration and Naturalization.

Also, petitions of Nat Williams, of Luzerne; H. Roy Hibbard, of Plymouth; Council No. 517, Junior Order United American Mechanics, of Sugarloaf; and John H. Green, of Wilkes-Barre, Pa., for enactment of House bill 1343; to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petitions of business men of Monroe, Suffern, Walden, and Warwick, N. Y., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of business men of Monroe, Suffern, Walden, and Warwick, N. Y., for regulation of express rates and classification; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of the Cammeyer, New York, protesting against the passage of House bill 16844, prohibiting fraud upon the public by requiring manufacturers to place their names upon manufactured articles; to the Committee on Interstate and Foreign Commerce.

Also, petition of Carson, Pirie, Scott & Co., of Chicago, Ill., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL: Petition of citizens of Baxter Springs, Kans., for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Weir, Kans., for passage of old-age pension legislation; to the Committee on Pensions.

By Mr. CANDLER: Papers to accompany bill for the relief of William F. Campbell; to the Committee on War Claims.

By Mr. CLARK of Florida: Petition of city council of the city of Jacksonville, Fla., favoring passage of Bulkley bill, providing for the coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petition of E. L. Johnson and 11 other citizens of the State of Florida, protesting against any legislation to extend the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. COOPER: Petitions of citizens of Sharon and Bradford, Wis., asking for the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. COX of Ohio: Petitions of citizens of the State of Ohio, for enactment of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of Hamilton, Ohio, for combining certain departments; to the Committee on Interstate and Foreign Commerce.

Also, petition of a certain labor organization of Middleton, Ohio, for enactment of House bill 5970; to the Committee on Reform in the Civil Service.

By Mr. CRAVENS: Petition of official board of the Methodist Episcopal Church South, of Greenwood, Ark., asking for the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of 60 members of the Independent Order of Red Men of Lima, N. Y., favoring the erection of an Indian memorial building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of Pittsford Grange, No. 424, against the passage of House bill 18493, relating to oleomargarine; to the Committee on Agriculture.

Also, petition of 109 members of Mendon Grange, No. 83, of Pittsford, N. Y., against House bill 18493, to change the name of oleomargarine to margarin, etc.; to the Committee on Agriculture.

By Mr. DE FOREST: Petitions of members of Improved Order of Red Men of twenty-third congressional district of New York, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DRAPER: Memorial of Polish National Alliance, in opposition to illiteracy test in pending immigration legislation; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Petitions of sundry citizens and storekeepers of the State of New York, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of citizens of St. Louis, Mo., against certain provisions of pending immigration legislation; to the Committee on Immigration and Naturalization.

By Mr. ELLERBE: Memorial of Retail Grocers' Association of Cheyenne, Wyo., for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of Columbia, S. C., for children's bureau; to the Committee on Labor.

Also, petitions of churches in the State of South Carolina, for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Association of Army Nurses of the Civil War, for certain pension legislation; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: Petition of New Mexico Christian Endeavor Union, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of New Mexico, favoring a more liberal homestead law; to the Committee on the Public Lands.

By Mr. FITZGERALD: Petition of Union No. 23, International Printing Pressmen and Assistants' Union of North America, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, petition of Camps Nos. 21 and 62, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of Fancy Leather Goods Manufacturers' Association of New York, for passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of Naval Camp, No. 49, United Spanish War Veterans, for enactment of Senate bill 291 and House bill 1235; to the Committee on Naval Affairs.

Also, petition of board of managers of the New York Produce Exchange, protesting against proposed reduction in the appropriation for Diplomatic and Consular Service; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Ottawa Trades and Labor Assembly, of Ottawa, Ill., favoring the passage of the Wilson bill (H. R. 11032), relating to the issuance of restraining orders, etc.; to the Committee on the Judiciary.

Also, petition of the James E. Pepper Distilling Co., of Chicago, Ill., against the passage of the Kenyon-Webb bills (S. 4043 and H. R. 17593), relating to interstate-commerce shipments of intoxicating liquor; to the Committee on the Judiciary.

Also, petition of the Seventy-second Regiment Illinois Infantry Volunteer Society, of Chicago, Ill., favoring the passage of the Madden bill (H. R. 14398), for the relief of Annie Robb; to the Committee on Invalid Pensions.

Also, petition of the National Vigilance Society of New York City, favoring an appropriation of not less than \$250,000 for the prosecution of the white-slave traffic; to the Committee on the Judiciary.

Also, petitions of William Pryde and others, of Oglesby, Ill., and numerous citizens of Portland City, Ill., favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. GARNER: Petition of citizens of the State of Texas, for improvement of Aransas Pass Harbor, Tex.; to the Committee on Rivers and Harbors.

By Mr. GOLDFOGLE: Memorial of Legislative League of New York, for children's bureau; to the Committee on Labor.

Also, petition of Hogan & Son, of New York City, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Department of New York, Army and Navy Union, for passage of House joint resolution 239; to the Committee on Military Affairs.

Also, petition of Camp No. 19, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, memorial from Old Guard Camp, No. 19, United Spanish War Veterans, New York, favoring House bill 17470, pension bill; to the Committee on Pensions.

Also, memorial from Army and Navy Union, United States of America, Brooklyn, N. Y., favoring House joint resolution 239; to the Committee on Military Affairs.

Also, petition of Legislative League of New York, favoring passage of bill to create in Department of Commerce and Labor a bureau to be known as the children's bureau; to the Committee on Labor.

Also, memorial of Hogan & Son, of New York, favoring 1-cent postage bill; to the Committee on the Post Office and Post Roads.

By Mr. GOULD: Petition of citizens of the State of Maine, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. GRIEST: Petition of residents of Lancaster County, Pa., for old-age pension bill; to the Committee on Pensions.

By Mr. HANNA: Petition of citizens of Hope, N. Dak., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Edmore, N. Dak., for repeal of the Canadian reciprocity pact; to the Committee on Ways and Means.

Also, petition of citizens of Napoleon, N. Dak., for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Selma, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of William Olson, of Palermo, N. Dak., for reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Northwestern Cream Shippers' Association, relative to oleomargarine legislation; to the Committee on Agriculture.

By Mr. HARTMAN: Petition of citizens of Johnstown, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of the State of Pennsylvania, for reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Grange No. 1116, Patrons of Husbandry, for changes in the laws affecting oleomargarine; to the Committee on Agriculture.

By Mr. HAYES: Petitions of citizens of the State of California, urging enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of Women's Atheneum Club, of Park City, Utah, in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Church of Jesus Christ of Latter-day Saints of Ogden, Utah, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petitions of the Woman's Christian Temperance Unions and churches in the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LOBECK: Petition of Tri-City District Council, United Brotherhood of Carpenters and Joiners of America, protesting against provision in the Smoot printing bill; to the Committee on Printing.

Also, petition of Printing Pressmen's Union, No. 32, of Omaha, Nebr., for increase in compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, memorial of Omaha (Nebr.) Woman's Club, for children's bureau; to the Committee on Labor.

Also, petition of the Frances E. Willard Union, of Blair, Nebr., for Kenyon bill and constitutional amendment; to the Committee on the Judiciary.

Also, petition of the Kearney County Farmers' Mutual Fire Insurance Co., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of National Association of Life Insurance Policy Holders, for certain amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petitions of residents of Canal Zone, Isthmus of Panama, for passage of House resolution 287; to the Committee on Rules.

By Mr. LOUD: Petition of Pomona Grange, Gaylord, Mich., favoring the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MCCREARY: Petition of First Reformed Presbyterian Church of Philadelphia, Pa., praying for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of St. Ignatius Congregation, of Philadelphia, Pa., praying for the speedy passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of St. Ignatius Congregation, of Philadelphia, Pa., relative to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. MCGILLICUDDY: Petitions of Congregational Church of South Paris, Me., and the Norway Grange, of Norway, Me., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of business men of Mount Clemens, Mich., protesting against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Horticultural Society of Michigan and members of the farmers' institutes, favoring the Lever bill, to establish agricultural extension departments, and the Sulzer bill (H. R. 17936), providing for standardizing of apples; to the Committee on Agriculture.

By Mr. MOTT: Petition of M. M. Lyman, master Lowville (N. Y.) Grange, protesting against Lever bill; to the Committee on Agriculture.

By Mr. OLMSTED: Petition of the Booster Club, of Carlisle, Pa., urging passage of House bill 19133; to the Committee on Interstate and Foreign Commerce.

Also, petition of Harrisburg (Pa.) Pressmen and Assistants' Union, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

By Mr. PARRAN: Papers to accompany bill for the relief of Lillie Garner (H. R. 19765); to the Committee on Pensions.

By Mr. PRAY: Petition of residents of Concord, Chester, Rudyard, Wibaux, Hodges, Shawmut, Kendall, and Lewistown, Mont., favoring amendment to homestead law allowing three years' residence and extension of time for cultivation, according to financial condition of homesteaders; to the Committee on the Public Lands.

By Mr. RAKER: Memorials of Sausalito (Cal.) Promotion and Improvement Club, and the Pasadena (Cal.) Board of Trade, for improvement of the Yosemite Valley National Park; to the Committee on Appropriations.

Also, memorial of California Club, of California, urging enforcement of the white-slave traffic act; to the Committee on the Judiciary.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce, relative to distribution of immigration in the United States; to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of Sacramento, Cal., against Kenyon-Webb bill; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of Redding, Cal., against reduction in tariff on olive oil; to the Committee on Ways and Means.

Also, petition of National Federation of United States Internal-Revenue Storekeepers, etc., for enactment of House bill 17017; to the Committee on Ways and Means.

Also, memorial of California Club, of California, relative to certain legislation; to the Committee on the Judiciary.

By Mr. REILLY: Petition of Nebraska Wholesale Liquor Dealers' Association, protesting against interstate commerce liquor legislation; to the Committee on the Judiciary.

Also, petitions of Dakota Retail Hardware Association, Wisconsin Retail Hardware Association, and the Oklahoma Hardware & Implement Association, protesting against a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the International Dry-Farming Congress, favoring more liberal homestead laws; to the Committee on the Public Lands.

Also, petition of the International Dry-Farming Congress, favoring agricultural extension departments, as provided in the bill introduced by Mr. LEVER; to the Committee on Agriculture.

By Mr. SIMS: Petition of Frank Pelham and sundry other citizens of Monsfield, Tenn., favoring House bill 14, the Postal Progress League parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. SAMUEL W. SMITH: Petitions of the Woman's Christian Temperance Union of Orion and citizens of Atlas, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Detroit, Mich., for enactment of House bill 16690; to the Committee on Ways and Means.

By Mr. SPEER: Papers to accompany bill for the relief of Andrew J. Jacobs (H. R. 21207); to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: Petitions of the Woman's Christian Temperance Union and churches of Glendora, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petitions of merchants of Freeport, Minn., and Retail Hardware Association of Minnesota, opposing parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of R. B. Bromer, of St. Cloud, Minn., favoring passage of bill to extend charter of St. Cloud Electric Power Co.; to the Committee on the Judiciary.

By Mr. SULZER: Petition of citizens of the State of Ohio, for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., and Merchants' Exchange of St. Louis, Mo., relative to International Congress of Chambers of Commerce; to the Committee on Foreign Affairs.

Also, memorial of committee of wholesale grocers, relative to sugar; to the Committee on Ways and Means.

Also, petition of Russian Caviar Co., of New York, for a specific duty of 15 cents per pound on caviar; to the Committee on Ways and Means.

Also, petition of National Guard Association of the United States, in favor of House bill 8141; to the Committee on Military Affairs.

Also, petition of Camp No. 59, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of the International Dry-Farming Congress, for agricultural extension work; to the Committee on Agriculture.

Also, petition of the National Vigilance Committee, for enforcement of the white-slave traffic act; to the Committee on the Judiciary.

By Mr. THAYER: Petitions of members of Improved Order of Red Men, of third congressional district of Massachusetts, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of residents of Worcester, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TILSON: Petition of citizens of New London, Conn., for passage of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. UTTER: Memorial of Retail Grocers and Manufacturers' Association of Providence, R. I., indorsing Sulzer bill to establish a standard for packages and grades of apples; to the Committee on Coinage, Weights, and Measures.

Also, petition of Audubon Society of Rhode Island, for legislation protecting migratory wild fowl in the United States; to the Committee on Agriculture.

Also, petition of Department of Rhode Island Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. WHITE: Petition of citizens of Zanesville, Ohio, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. WILSON of New York: Petition of the Association of Army Nurses of the Civil War, favoring pensions for volunteer nurses of the Civil War; to the Committee on Invalid Pensions.

Also, petitions of East New York Volksverein, of Brooklyn, and St. Joseph's Men's Society, of East New York, relative to Catholic Indian missions; to the Committee on Indian Affairs.

Also, petition of Franklin Union, No. 23, International Printing Pressmen and Assistants' Union of North America, protesting against the Smoot printing bill; to the Committee on Printing.

Also, petition of Fancy Leather Goods Manufacturing Association of New York, favoring the passage of the Boohar bill (H. R. 5601); to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Pennsylvania: Petition of the Woman's Christian Temperance Union of Lawrenceville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of labor unions of San Juan, P. I., asking that United States citizenship be granted citizens of Porto Rico; to the Committee on Insular Affairs.

Also, petition of National Anti-Injunction League, for enactment of Wilson bill (H. R. 11032); to the Committee on the Judiciary.

Also, petition of Federal Labor Union No. 13134, of Caguas, P. R., for creation in the island of Porto Rico of a department of labor; to the Committee on Labor.

Also, petition of Jersey Shore (Pa.) Division of Railway Conductors, for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of merchants of Lycoming, Tioga, Potter, and Clinton Counties, Pa., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Lycoming County, Pa., protesting against repeal of the anti-canteen law; to the Committee on Military Affairs.

SENATE.

THURSDAY, March 7, 1912.

(Continuation of legislative day of Tuesday, March 5, 1912.)

The Senate met as in open executive session after the expiration of the recess, at 12 o'clock meridian, Thursday, March 7, 1912.

GENERAL ARBITRATION TREATIES.

The Senate resumed the consideration of the treaties of arbitration between Great Britain and France and the United States.

Mr. ROOT. Mr. President—

Mr. LODGE. If the Senator from New York will yield to me for a moment, I made a little correction the other day on something I stated in my speech of Thursday last in regard to the postal conventions.

My attention had been called to the treaty with Great Britain, the Palmerston-Bancroft treaty, and I thought it constituted an exception. I had not examined the treaty as I should have done. I have since examined it, and I find it stands on precisely the same ground as the treaty with New Granada of 1844 and the treaty with Mexico of 1861, the Corwin treaty, which provides a transit through foreign territory of closed mails, which, of course, makes the action of the treaty making power absolutely essential.

Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lodge	Pomerene
Borah	Cummins	Lorimer	Richardson
Bourne	Curtis	McCumber	Root
Bradley	Dillingham	McLean	Shively
Briggs	du Pont	Martin, Va.	Smith, Ga.
Bristow	Foster	Martine, N. J.	Smith, Mich.
Brown	Gallinger	Myers	Smith, S. C.
Burnham	Gardner	Nelson	Smoot
Burton	Gugenheim	Newlands	Stephenson
Chamberlain	Hitchcock	Nixon	Swanson
Chilton	Johnson, Me.	O'Gorman	Thornton
Clapp	Johnston, Ala.	Oliver	Tillman
Clark, Wyo.	Kenyon	Overman	Townsend
Clarke, Ark.	Kern	Page	Watson
Crawford	Lea	Percy	Wetmore
Culberson	Lippitt	Perkins	Williams

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum of the Senate is present.

Mr. BACON. Before the Senator from New York proceeds, I ask leave to submit two amendments in order that they may be printed immediately, so that we may have them before us when the time for voting arrives.

The VICE PRESIDENT. The Senator from Georgia presents certain amendments which will be printed and lie on the table.

Mr. SWANSON. Mr. President—

Mr. ROOT. I yield to the Senator from Virginia.

Mr. SWANSON. I wish to introduce a bill by unanimous consent.

The VICE PRESIDENT. Bills can not be received under the unanimous-consent agreement. The Senator from New York will proceed.

Mr. ROOT. Mr. President, when the Senate took a recess on the last calendar day I was about to spread upon the records of the Senate certain statements made by the Secretary of State, Mr. Knox, in respect of these pending treaties and contained in Senate Document No. 298, Sixty-second Congress, second session, that document being a reprint of an address upon "The pending arbitration treaties," made by Secretary Knox before the American Society of Judicial Settlement of International Disputes at Cincinnati, Ohio, on the 8th of November, 1911.

I wish to leave no question whatever as to the fact that these statements by the Secretary of State constitute a part of the matter under consideration by the Senate when it consents to the ratification of these treaties, as I hope it will. The speech of Secretary Knox was an open, public, formal, and solemn declaration contemporaneous with the discussion of the treaties by the negotiator of them in behalf of the United States. The speech has been sent, I understand, to all the Members of the Senate. It was published widely in the public press. It has been presented formally to the Senate by the Senator from Texas [Mr. BAILEY] and has been printed as a public document. It has, of course, we are at liberty to assume, come to the knowledge of the representatives of Great Britain and France, the other parties to the treaties, and we are entitled to consider it as a part of the subject matter upon which we are to make

up our minds whether these treaties ought or ought not to be ratified.

I will ask, Mr. President, that the Secretary read the portion of the speech beginning on page 9 and marked in the margin of the document which I send to the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The report of the Senate Committee on Foreign Relations cites as illustrative of questions which could not be arbitrated the Monroe doctrine, the exclusion of immigrants, and our territorial integrity. All these are questions of internal or external policy, and are merely typical of many questions which, as the report says, "no nation on earth would think of raising with the United States." And this suggests that no discussion of the treaties must overlook the fact that they have been negotiated and will be binding between self-respecting nations who obviously will act in good faith and in accordance with their own self-interests, which may be almost as quickly compromised by invoking an erroneous or dangerous principle against a foreign power as by having the principle invoked against them.

Now, whatever the doctrine of theorists may be, the practice and custom of nations through centuries of development have been that a nation adopts and, if able so to do, carries out those measures of self-preservation which it regards as essential to its existence. So far as any law exists on this point, it is to the effect that nations must be permitted to exercise such right uncontrolled save by physical force of a stronger power. As one writer has put it:

"No nation has a right to prescribe to another what these means (of self-preservation) shall be or require any account of her conduct in this respect—

Or, as the majority report puts it—

"There are certain questions which no nation, if it expects to retain its existence as a nation, will ever submit to the decision of anyone else * * * (and) which it is admitted no nation could submit to an outside judgment without abandoning its sovereignty and independence."

The illustrations presented by the majority report are preeminently questions falling within these rules. The maintenance of the Monroe doctrine is considered by us essential to our peace, prosperity, and national safety. Other nations know we so regard it. The doctrine does not need to be founded upon a technical legal right of international law, for it is a matter of grave, far-reaching, and, to us, vitally important policy. A nation putting itself in the attitude toward the United States of deliberately violating the Monroe doctrine could not expect to find in the treaty terms protection against the consequences of such an act. The doctrine has been respected, and is now respected, and it will continue to be respected, so long as we seem reasonably able to uphold it. It does not depend upon technical legal right, but upon policy and power. Therefore, it is not, and no reasonable man or set of men would claim it to be, a justiciable question any more than they would hold that the question of the European balance of power is justiciable. It is not to be thought that any power would suggest either question as a proper subject for arbitration in the future, as no power has sought to do so in the past.

Of a strictly like character is the right to exclude immigrants, save that every recognized tenet of international law would be against any proposal by any nation which should question the legitimate exercise of this right. In no more direct way can a nation's existence be threatened than by introducing among its citizens or subjects non-assimilable peoples. This is true not only of those classes dangerous to the political life of a nation, but of those classes inimical to its social and economic welfare and development. You touch here the very vitals of organized society and government, which it is recognized a nation may protect at all hazards and at all costs, as the exclusion of peoples is a purely defensive measure.

And so of the question of territorial integrity, for a living nation must have a place to live in. You can not take a nation's home without destroying the nation; hence the all-commanding principle of self-preservation requires the defense of the home, a principle recognized by all law. Save as to boundary disputes, which ever since the Nation was born we have submitted to arbitration, it is not to be presumed that either of the other contracting powers would any more ask us to arbitrate, as between ourselves and them, our title to lands occupied by us than we would ask them to arbitrate their title, as between ourselves and them, to their respective possessions.

It is inconceivable that under treaties which obligate us to arbitrate justiciable differences involving the rights of other nations against us in respect to international matters of common concern any such questions should be seriously projected for arbitration, as have been suggested, and it is scarcely worth while to speculate upon the reception such a proposition would encounter.

Mr. ROOT. Mr. President, I ask that the Secretary read the paragraphs upon page 8 of the document which are marked in pencil upon the margin.

The Secretary read as follows:

The Constitution of the United States makes the Senate a part of the treaty-making power, and no treaty between the United States and a foreign country is valid without its approval. In Great Britain the treaty-making power rests in the Crown, but, as a matter of domestic policy, Great Britain does not make important treaties affecting the interests of her self-governing colonies without their approval. In France certain classes of treaties are subject to legislative approval.

Therefore, although in the pending treaties the executive branches of the Governments concerned agree to be bound by the decision of the commission as to the arbitrability of a question upon which the executive branches do not agree, this decision is subject to the approval of the self-governing colonies of Great Britain, if the question affects them, and to the approval of the Senate of the United States, and, in certain cases, the Senate and Chamber of Deputies of France, to whom the right of approval is expressly reserved in each case.

Every agreement to arbitrate must go to the Senate for its approval. There can be no arbitration without its approval. An agreement to arbitrate goes to the Senate for its approval either because the executive branches of the two countries concerned in the difference agree that the difference is one for arbitration or because, failing so to agree, the commission of inquiry report that it is such a difference.

How can the Senate's power over the agreement be less if it goes to the Senate after the commission's report that it presents an arbitrable question than if it had gone there because of the opinion of the executive branches of both Governments to the same effect?

If the two Governments agree that the difference is arbitrable they make an agreement to arbitrate it, and it is sent to the Senate for its approval. If the two Governments can not agree that the difference is arbitrable that ends the matter until the commission reports, and if its report is that the difference is arbitrable an agreement is made to arbitrate it, and the agreement is sent to the Senate for approval just as if no such question had been raised, and the Senate deals with it with unimpaired powers.

Mr. ROOT. Mr. President, these statements by the Secretary of State are competent for our consideration now and will at all times be competent for the construction of the treaties that are before us, in case of their ratification. I mean they will be competent in determining the true construction of those treaties, whatever question may arise under them and whenever it may arise; for the rules which obtain in international intercourse, both in diplomatic discussion and in the trial and decision of questions submitted to arbitration, are much more liberal than are the rules which we apply in court to aid in the construction of statutes and contracts. Where we, under our municipal law, might confine a court to considerations to be found within the four quarters of an instrument, it is and always has been universally accepted in the discussion of international questions that for the construction of a treaty every declaration that has been made before or is made at the time of the making of the treaty, all the correspondence, all the negotiations, and all the expressions of opinion on the part of the representatives of both countries are to be considered. When these treaties have been ratified there can never come a time, there can never arise a situation, calling for the construction of these treaties when these declarations by the American Secretary of State will not be laid by the side of the text to determine what is the scope and effect of the stipulations contained in the instrument.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. As I understand, the Senator from New York has had these statements put in the record to assist those who may be called upon to construe the treaty in the future, and that their strength arises out of the fact that they are the declarations of one who assisted in negotiating the treaty. If that is a correct rule—and I think unquestionably it is—the record ought to be made complete by having the expression of the views of the Executive himself in the record upon this particular section of the treaty; and, if it will not interrupt the Senator, I—

Mr. ROOT. I will state to the Senator that it will interrupt me for him to read anything else into my speech.

Mr. BORAH. Very well; I will defer it to some other time. I was of the opinion that perhaps it would assist in the matter of construction if the views of the Chief Executive at the time of negotiating the treaty were known.

Mr. ROOT. It would throw no light upon it whatever. The Secretary of State has made this authoritative statement; and upon that statement I propose to stand, and upon that statement the Senate is entitled to stand.

Mr. BACON. Mr. President, will the Senator permit me to interrupt him?

Mr. ROOT. I will.

Mr. BACON. In order that we may know the exact attitude of the Senator from New York, I should like to ask him the question, If it be true that the President of the United States in a public address has taken distinctly the opposite position in regard to this matter, whether that fact would not also be accepted hereafter as a guide for construction?

Mr. ROOT. That unquestionably would be competent evidence as to the construction of the treaties.

Mr. BACON. If the Senator will permit it, the expression of the President to that effect will be produced and entered in the record right in connection with the expression of the Secretary of State.

Mr. ROOT. But, Mr. President, I propose, and my object in putting his expressions into the record is, to have the Senate plant itself upon the view expressed by the Secretary of State, and give its advice in accordance with that view, and when that has been done, the view enters into the making of the treaty itself.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield further to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. Does the Senator contend that the view of the Secretary of State would be more potent and more influential

and more controlling in the construction of this treaty than the view of the President of the United States?

Mr. ROOT. I contend nothing about anything which I have never seen. I simply decline to permit the Senator from Idaho to interject a speech along his line of thought into the speech which I am endeavoring to make along my line of thought, and to introduce evidence—I know not what—into the evidence that I am producing to the Senate. When I have concluded of course the Senator from Idaho will have free scope for the introduction of anything that he wishes.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield further?

Mr. ROOT. I do.

Mr. BORAH. I would not have interrupted the Senator from New York if it had not been stated by the Senator that he was putting into the record a rule of construction by which those would be guided who would be called upon to deal with this treaty hereafter. The Senator from New York is as familiar as I am with the fact that the rule would be worthless if all the facts concerning that subject matter were not before the parties who are dealing with the treaty, and before they would ask what were the views of the Secretary of State they would inquire what were the views of the head of the executive department. At least his views under the rule the Senator invokes are of considerable importance.

Mr. ROOT. I can not agree with the statement made by the Senator from Idaho, but I shall not enter into a discussion of the matter. The obligation to exhaust all expressions of opinion in a discussion in the Senate is one that I can not for a moment recognize. What I know is this, that we have here printed by the Senate a public document containing the authoritative statement of the Secretary of State, who negotiated and who signed these treaties, as to what his meaning was, and I am endeavoring to leave no doubt about the Senate having under consideration that authentic statement by the signer of this instrument. If anybody else has any other matter to produce, he may do so when I get through.

Now, sir, let me address myself for a few moments to the relevancy of the first extract from the speech of the Secretary of State. The treaty with which we are dealing provides:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the permanent court of arbitration established at The Hague—

And so forth.

That is the statement of what it is that we agree to submit to arbitration. The essential feature, the pivotal feature, of the definition of what we agree to submit to arbitration is to be found in the word "justiciable." We are to submit "justiciable controversies." They are to be "claims of right," which, I take it, should be discriminated from claims for consideration, for courtesy, for compassion, for grace, for favor, for good-fellowship, for comity. They are to be claims of something that a man says he has a right to. They are to be justiciable claims.

Mr. President, that definition of what we are willing to arbitrate takes the place of the provision in the existing treaty to the effect that we will arbitrate, with certain exceptions—

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy.

I am inclined to think that the selection of the word "justiciable" to describe the kind of controversies that we are willing to say beforehand we will submit to arbitration is a happy choice of words. It is not new. In this country we have become quite familiar with it. It has a meaning, and it has about the right meaning for the definition of controversies that we will submit to arbitration.

Only last month the Supreme Court of the United States had occasion to announce its decision upon a very great and important cause by using this very expression. In the case of the Pacific States Telephone & Telegraph Co. against the State of Oregon, decided on the 19th of February of the present year, the question was raised as to whether the State of Oregon, in including in its system of government provisions for the initiative and referendum, was still maintaining that republican form of government which the Constitution requires the United States to guarantee to the citizens of the States. The question was argued at length, but the Supreme Court held that they could not decide that question because it was not a "justiciable" question. The Chief Justice, writing the opinion, said it is a "political" and not a "justiciable" question.

It is indeed—

He says—

a singular misconception of the nature and character of our constitutional system of government to suggest that the settled distinction which the doctrine just stated points out between judicial authority over justiciable controversies and legislative power as to purely political questions tends to destroy the duty of the judiciary in proper cases to enforce the Constitution.

Then he describes certain justiciable questions. He says:

It (the plaintiff) does not assert that it was denied an opportunity to be heard as to the amount for which it was taxed, or that there was anything inhering in the tax or involved intrinsically in the law which violated any of its constitutional rights. If such questions had been raised they would have been justiciable, and therefore would have required the calling into operation of judicial power. Instead, however, of doing any of these things the attack on the statute here made is of a wholly different character. Its essentially political nature is at once made manifest, etc.

Now, Mr. President, this treaty in the form in which it has been cast appeals to the long practice and the settled habits of our people in the discrimination between what is properly subject to the determination of a court of justice and what is not properly subject to it. The distinction rests in the nature of things. Many very good people do great harm to the progress of peace, to the progress of the tendency of mankind to get away from stupid, foolish, brutal ways of settling their differences, and to adopt sensible ways of settling them, by refusing to recognize the realities of life and by refusing to realize the distinction that exists in the nature of things between those questions that can be submitted to the determination of another and those questions that every man and every nation must decide for themselves.

If a man undertakes to leave to somebody else the question what church he shall attend, what books he shall read, what amusements he shall seek, what occupation he shall embrace, whom he shall marry, how he shall rear his children, whom he shall associate with, he loses his personal liberty; he is at the beck and call and domination of another, and is no longer a free man; and no man who is a free man can submit questions as to personal conduct to the determination of others. They are not justiciable. So it is with a nation. Questions of national policy, questions that involve the preservation of national independence, questions that involve the nation's having a place in which to live, can not be submitted to the decision of anybody else, or the nation has lost its independence.

This line of justiciability, taken by analogy from the long practice of our race, which submits to the courts of justice the determination of those questions that depend upon the ascertainment of facts and the application of the rules of law and yet to preserve the freedom of the citizen—I say the selection of this word taken by analogy from our long and established practice in submitting justiciable questions to courts of justice and preserving personal questions for personal decision, seems to me to be a very happy expedient for a forward step along the pathway that we all desire, which shall in international affairs lead to the same happy self-respect, self-restraint, and submission to just judgment in controversy that we now have in our municipal relations.

There is one other expression which is added to the word "justiciable" for the purpose of making it more definite.

Mr. CULBERSON. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. ROOT. Certainly.

Mr. CULBERSON. The Senator from New York has very clearly pointed out the difference between the subjects which are submitted for arbitration under the existing treaty and under the proposed treaty. He has also referred to certain exceptions which are in article 1 of the existing treaty of 1908, but he did not state what those exceptions were. If he will permit me, in asking the question, I will read them:

Provided, nevertheless, That they do not affect the vital interest, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

My inquiry of the Senator from New York is whether or not either of those four exceptions, in his opinion, is justiciable under the terms of article 1 of the proposed treaty?

Mr. ROOT. I think they may be; some of them.

Mr. CULBERSON. Well, another inquiry.

Mr. ROOT. Let me finish my answer. I do not see how a question which involves the independence of a nation can be justiciable, because that means granting a right of capital punishment. Whether "vital interest" can be justiciable or not depends a good deal upon the scope you give to the definition of "vital interest." Some people might say that a question was vital and others that it was not. If the vital interest goes to the life of the Nation, I should not say the question

involved in it was justiciable. "The honor of the two contracting States"—there again I well conceive that questions that are supposed to involve honor may be justiciable. I should think most of them would be. The interests of third parties can not be justiciable unless the third parties are also parties to the proceedings. If they are parties to the proceedings, then they would be justiciable.

I think, Mr. President, that there is this difference between the two statements: The statement of a general principle, such as fixing justiciability as the test, tends toward rather a broad treatment by exclusion and inclusion, just as the great statement of right in our Constitution, which forbids property, and so forth, to be taken without due process of law, has done. No one has ever undertaken to put a definition upon what constitutes "due process of law," and yet for many generations that provision has been the great bulwark of individual freedom and security for the fruits of individual enterprise and thrift and, by a long process of inclusion and exclusion, we have been placing one case on one side and one on the other of the line drawn by that general proposition.

When you undertake to minutely specify in a statute the tendency is toward technicalities. Minute provisions invite technical treatment, and people are apt to stick in the bark and to get into the same kind of difficulty that we have with our absurd codes of practice.

Mr. SMITH of Michigan. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Michigan?

Mr. ROOT. Certainly.

Mr. SMITH of Michigan. I am very much interested in what the Senator says of the "happy choice" of the word "justiciable." It is the qualifying word in this treaty. I should like to ask the Senator whether it has the same meaning and effect in France that it has in England or the United States? We are now considering the French treaty as well as the English treaty.

Mr. ROOT. I think it has. I think it marks a distinction which exists in the nature of things, which depends upon no system of law, upon no language, upon no mode of thought; the distinction between that kind of a question which is appropriate for the decision of a court of justice and that kind of a question embracing liberty and independence which each individual must decide for himself.

Mr. CULBERSON. If it does not interrupt the Senator, I should like to ask him a further question along the line of the question which I put a while ago.

Mr. ROOT. It does not interrupt me at all.

Mr. CULBERSON. The Senator, as I understand him, admitted that some of the exceptions would be justiciable under the proposed treaty. I ask him this question: If we do not not only enlarge by general words the scope of arbitration, but by a failure to put these exceptions in the new treaty we emphasize the fact that they are justiciable under the proposed agreement.

Mr. ROOT. I do not think so. My natural disposition would have been to favor a treaty which kept the original form of the treaties of 1908, merely striking out the exceptions, but I soon perceived if that were done the action would be open to the construction which the Senator from Texas has suggested. This entirely different form of statement is, I think, entirely free from any difficulty arising upon that suggestion.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. ROOT. Certainly.

Mr. LODGE. I desire to ask the Senator a question, if he will permit me. In the case in the Supreme Court which the Senator has just cited the justiciability of the question was submitted to them. In reply to the Senator from Texas the Senator from New York, in touching on "vital interests," said there were some that would be justiciable and some that probably would not be. Who is to pass upon the question of justiciability?

Mr. ROOT. That is to be passed upon just as every other question under a treaty is to be passed upon.

Mr. LODGE. No; I do not think the Senator understood me. I did not mean who are to pass upon it after a special agreement is made, but who are to pass upon the main question whether the difference is a justiciable or arbitrable difference.

Mr. ROOT. Will the Senator from Massachusetts permit me to postpone my answer to that until I come to dealing with the other part of the treaty?

Mr. LODGE. Certainly. I asked the question because it seemed to me the vital question.

Mr. ROOT. I shall come to it presently if too many hurdles are not put in the way.

Mr. SMITH of Michigan. They do not seem to bother the Senator any.

Mr. ROOT. Mr. President, I am very much concerned in getting the true and just construction of the first and fundamental provision of this treaty which defines the obligation that we assume, and I am now addressing myself to that, because no matter where the power is to construe this clause, no matter where the power is to determine whether a particular case comes within or does not come within the clause, above all things I want to avoid, so far as I have anything to do with the action of our Government, assuming an obligation in one sense and carrying it out in another.

I am not so much troubled about questions between legal obligations and moral obligations as I am about the question between moral obligations and immoral obligations. Heaven forbid that the Government of the United States should make a treaty believing that the other party takes it in a sense in which we do not intend to execute it. The result of two parties signing and delivering a contract, each thinking that it has got the start of the other, believing that it can secure a construction different from that which the other expects to get, can be nothing but further controversy.

Now, when we ratify these treaties, let us ratify them in the sense in which we mean to execute them. Whatever may be the power, wherever the power rests, I am trying to get at what I believe to be the just sense of the obligation which we assume.

Mr. President, I was just saying that there is another expression in this paragraph of the treaty to which some reference should be made, and that is the addition to the word "justiciable," as follows:

Which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity.

That enforces and gives additional weight to the view which I have just been expressing—that we are adopting here by analogy to our municipal procedure, to the proceedings of all courts of justice in all countries, the distinction which we are ready to carry into our controversies in international questions. The words used here are again not new.

At the last Hague Congress among the treaties entered into was one providing for an international prize court. That was signed by the representatives of substantially all the civilized countries of the world and, among others, by the representatives of the United States, than whom no better lawyers live in this country or, I believe, in any other. The treaty has been ratified by the United States, with the advice and consent of the Senate. That treaty provides for a permanent court to pass upon questions of prize, and those questions cover a very wide range and a great variety of most difficult and perplexing controversies.

It provides that—

If a question of law to be decided is covered by a treaty in force between the belligerent captor and a power which is itself or whose subject or citizen is a party to the proceedings, the court is governed by the provisions of the said treaty.

In the absence of such provisions the court shall apply the rules of international law. If no generally recognized rule exists, the court shall give judgment in accordance with the general principles of justice and equity.

That, Mr. President, is a statement of the rule to be applied to the determination of controversies in which we are to be a party, agreed upon by all the nations of the earth, agreed upon by us as an adequate and sufficient statement of the manner in which the controversy shall be decided, and that substantially has been used as the model for aiding the construction of the word "justiciable" in the main and operative clause of this treaty.

Indeed, sir, the words to which I now refer, which add to the understanding of the meaning of the word "justiciable" by a reference to the rules of law and equity, are themselves descriptive of the basis of all international law. The most famous definition of international law by the most famous of judges is that often quoted from Lord Mansfield. He said the law of nations is "founded upon justice, equity, convenience, the reason of the thing, and confirmed by long usage." So if we ratify this treaty we are appealing first to the law of nations founded upon justice and equity and appealing, second, where there has been no recognized rule established, to the foundation of every rule embodied in the law of nations—the rule of justice and equity.

Mr. President, I think we are all agreed that among the questions which are not justiciable are the questions that have been raised here relating to the Monroe doctrine, relating to the admission of immigrants to our territory, relating to a great num-

ber of other questions; it is possible to think of scores and scores of them. Questions about our relations to Cuba, questions about the relations of Cuba to the Bahama Islands, questions about our relations to the Philippines, are all questions of national policy and have no place whatever in a court, any more than the framing of statutes which we pass here can be submitted to the discretion of a court on any other claim than that they are inconsistent with the predominant rule of the Constitution.

I have put upon the record this statement of the Secretary of State in order that there may never be any question as between the United States and England or France under this treaty about our understanding that questions of this kind are not justiciable; in order that the most open and public and unequivocal declaration may be made known to England and to France before they ratify the treaties themselves that we do not intend to submit to arbitration under these treaties questions of this description. Now is the time for us to say it, if we are ever going to say it. That we would say it if a question arose and arbitration were sought regarding any of these matters there can be no doubt. Do not let us wait until the treaty has been ratified and we are called upon to arbitrate some question that we do not believe comes within the treaty to say it is not within the treaty. Now is the time to say it. Then, when the treaties have been ratified, we shall stand in a position of honor and good faith, whatever questions may arise.

I say, sir, that in voting for the resolution of the Senator from Massachusetts I shall vote because I stand upon the declaration of the Secretary of State, because I believe it to be right. I give notice now, so far as one voice can give it, that it is not the intention of one ninety-second part of the Senate of the United States, in advising the ratification of these treaties, to assume any equivocal position, to create any false impression, to leave any doubt as to the true construction, but to declare solemnly that the treaties do not mean that we are to submit to arbitration the questions enumerated by the Secretary of State or any question coming within the class which the Secretary of State described in the first extract which I have had read from the desk.

Now, Mr. President, let us pass to the second serious question which has arisen under this treaty, and that is the question which arises upon the last clause of the third article, in these words:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

That provision naturally arises to the mind as relevant to the question which must inevitably be asked following upon a determination as to what we consider the true construction of the treaty; what, however, if somebody else gives another construction to the treaty, gives what we consider a wrong construction to the treaty; in other words, whatever we may think the treaty to mean, are we putting it in the power of a commission appointed by the President to compel the arbitration of the questions that we do not understand to be justiciable? That would mean, of course, the power to compel the arbitration of all this great range of questions that have been discussed here, however improbable that may be.

Now, Mr. President, I should have construed this clause as having an effect much wider than that ascribed to it by the Secretary of State. When I first read it it seemed to me that the intent of the clause was that the decision of the joint tribunal would bind the whole Government of the United States, as well the Senate as the President. I did not agree with the Senator from Massachusetts in his view regarding the constitutional question. I did agree with the Senator from Massachusetts in his view about the meaning of that clause. But, sir, I found that the Senator from Ohio [Mr. BURTON], the Senator from North Dakota [Mr. McCUMBER], that great American authority upon international law, Prof. John Bassett Moore, both a great publicist and an experienced diplomatist, that great lawyer and former Senator, Mr. Edmunds, and the Secretary of State himself, differed from the construction which the Senator from Massachusetts and myself gave to that clause.

Now, in view of the character and ability and experience and authority of the gentlemen whom I have named, and many others who took the same view, I can not say that the construction I put upon this clause is the only possible construction. It would be insufferable egotism for anyone to say that it is not possible to construe a clause of a treaty in the way that these gentlemen say it must be construed. We must realize, then, that there is a question of construction, and it becomes then, if we are to ratify these treaties, our duty to settle that ques-

tion one way or the other, and to vote upon the treaties in accordance with our judgment of their wisdom as construed.

Now, sir, the Secretary of State who negotiated the treaties and who signed them has given us his construction, and he has, I understand, assented to the proposition that that construction shall be put into our resolution. That being so, whatever a court might have found, whatever any diplomatist might have been inclined or might be inclined to say was the meaning of the last clause of article 3 standing by itself, the construction which the Secretary of State puts upon it and which we embody in our resolution becomes the meaning of that clause.

Let me state the full force of that. There are a number of successive steps in the making of a treaty. The first is the signature of a treaty by the plenipotentiaries of the two parties. When Mr. Knox signs a treaty he does not do it as Secretary of State; he does it as a plenipotentiary specifically authorized by the President of the United States to negotiate a treaty on that subject. He has special powers. He does not do it under his commission; he does it under the power given to him specifically by the President to negotiate and sign that treaty. So with the ambassador who signs it on the other side; he has specific powers. The signatures of the plenipotentiaries to the treaty are always practically ad referendum. All treaties after being signed by the plenipotentiaries have to be ratified. They do not take effect until after they are ratified, and different countries have different methods of determining upon ratification. A treaty signed by Mr. Bryce goes back to England and it is to be ratified by the King in council. A treaty signed by Mr. Jusserand goes back to France, and according to its character it is to be ratified by the President, with the advice of the ministry or the French Parliament. A treaty signed by our plenipotentiary comes here for our consent to its ratification.

Now, when the proper authorities have consented, then there is a new proceeding, and that is an exchange of ratifications. New instruments are prepared and sealed and delivered, and it is the delivery of those instruments which constitute the last step and constitute the making of the treaty. The treaty is not made until the instrument that is called an instrument of ratification is signed and sealed by our Secretary of State and by the foreign ambassador and delivered. Whatever is in that instrument is in the treaty.

When we put this construction upon the last clause of the third article stated by the Secretary of State, who negotiated the treaty and put it into our resolution, that resolution is, as its terms require, made a part of the instrument of ratification, and just as much it becomes a part of the treaty upon the delivery of that instrument as if it had been written into the treaty in the first instance.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Will the Senator from New York yield to the Senator from Massachusetts?

Mr. ROOT. Certainly.

Mr. LODGE. The Senator, of course, knows even better than I do that that point has been made the subject of a decision by the Supreme Court.

Mr. ROOT. It has.

Mr. LODGE. In *Doe* against *Braden*. There is no question about it; it becomes a part of the treaty.

Mr. ROOT. It has been made the subject of a decision by the Supreme Court, which, of course, would be final only as to us, and in respect to the treaty as a part of the law of the land; but it has also been a matter of common practice as between nations, and we have done it over and over again.

Mr. SMITH of Michigan. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Michigan?

Mr. ROOT. Certainly.

Mr. SMITH of Michigan. In the construction of the meaning of the resolution of ratification is the judgment of the Secretary of State final?

Mr. ROOT. In the construction of the meaning of the resolution?

Mr. SMITH of Michigan. In the construction of the resolution of ratification, if it qualifies in any way the treaty itself, who construes the resolution for our Government?

Mr. ROOT. I can not tell the Senator that. It depends upon when and how it comes up for construction.

Mr. SMITH of Michigan. Would the resolution of the Senator from Massachusetts [Mr. LODGE] be construed by the executive officers of this Government in connection with the treaty?

Mr. ROOT. It must be treated as being effective. They can not do otherwise, because it will be a part of the treaty; but we have got to look at ourselves to see that the language used means what we intend to have it mean.

Mr. SMITH of Michigan. Exactly.

Mr. ROOT. I have put into the record, as a part of the subject matter on which we proceed, the statements of the Secretary of State in the second extract which I had read in order to make doubly certain the meaning of this resolution.

Now let me read the words of the resolution and then read the statements of the Secretary of State, to see if there can be any question about what we mean. I pass over the matter about the confirmation of the commissioners; I do not care anything at all about that, Mr. President; I am perfectly indifferent. It is well enough to understand that we do not want to pack any court here.

Mr. SMITH of Michigan. But is it not a somewhat radical departure not to submit these names to the Senate?

Mr. ROOT. No; it has not been customary to submit them.

Mr. SMITH of Michigan. Are not commissioners of that character permanent?

Mr. ROOT. Oh, no; they are not permanent.

Mr. SMITH of Michigan. In a sense they are. They are permanent until this controversy which brings them into being is disposed of.

Mr. ROOT. They are appointed for a particular controversy, and it has never been customary to have them appointed by and with the advice and consent of the Senate. The nearest analogy to it that we have is the Alaskan boundary tribunal, and in that case the Senate did not pass on the commissioners.

Mr. SMITH of Michigan. Where they are merely the agents of the executive department, I understand, of course, that we have not been in the habit of confirming them, but where they are to perform an executive function with discretionary power it seems to me that we ought to insist upon our right to confirm them.

Mr. ROOT. I am not objecting to it, Mr. President. I say I do not care anything about it, because I have no doubt the President of the United States would select good men. I do not want him to pack the court and I do not want to help him pack the court. I want to dismiss the idea that there is any particular advantage in that power of confirmation and to dismiss the idea that there is any particular protection in that power, because—

Mr. WILLIAMS. It would be really better if the court were disinterested, would it not?

Mr. ROOT. We want a commission which will be disinterested, which will answer to the description that was put into the Alaskan boundary treaty calling for a commission composed of impartial jurists of repute. The language of the resolution is—

and with the further understanding that the reservation in article 1 of the treaty that the special agreement in each case shall be made by the President, by and with the advice and consent of the Senate, means the concurrence of the Senate in the full and unrestricted exercise of its constitutional powers in respect to every special agreement whether submitted to the Senate as the result of the report of a joint high commission of inquiry under article 3 or otherwise.

"Full and unrestricted exercise of its constitutional powers," whether submitted as the result of the report or otherwise. That is a terse expression of what the Secretary of State, who signed this treaty on behalf of the Americans, says he meant. Here is what he says in the extract which I have had read:

How can the Senate's power over the agreement be less if it goes to the Senate after the commission's report than it presents an arbitrable question than if it had gone there because of the opinion of the executive branches of both Governments to the same effect?

If the two Governments agree that the difference is arbitrable, they make an agreement to arbitrate it and it is sent to the Senate for its approval. If the two Governments can not agree that the difference is arbitrable, that ends the matter until the commission reports; and if its report is that the difference is arbitrable an agreement is made to arbitrate it and the agreement is sent to the Senate for approval just as if no such question had been raised, and the Senate deals with it with unimpaired powers.

That is what the negotiator of the treaty meant; that is what he publicly declares that he meant; that is what he is willing that we shall say in our resolution he meant; that is what he is willing that we shall put into the treaty through our resolution that he meant; and, accordingly, I am considering this treaty and I am going to vote upon this treaty upon that construction of the meaning of article 3.

It follows, Mr. President, that all this cloud of distress, lest we come to ruin because of being called upon to arbitrate our lives and liberties and sacred honor, disappears absolutely. By these treaties we adopt a statement of a general principle to determine what we shall arbitrate, stating the principle in terms that have been known to English-speaking people for centuries. In case there shall ever be an attempt to force us into an arbitration in violation of that treaty, the constitutional power of the Senate to resist that attempt remains unimpaired.

Mr. President, I am not one of those who think that the making of a treaty is the be-all and end-all of international

intercourse and of international strife. It is far more important that nations shall observe treaties than that they shall make them. Italy and Turkey were both parties to The Hague convention; Russia and Persia were both parties to The Hague convention. When Austria absorbed Bosnia and Herzegovina she did it in apparent contravention of the terms of the treaty of Berlin. The real difficulties with which we have to deal in seeking to decrease the frequency of war are not so much the difficulties that arise upon questions which can be decided by courts, but the difficulties that arise from the weaknesses and errors of humanity.

Insult, hatred, resentment, desire for revenge, the lust of conquest, the eagerness to grasp territory, the desire of men whose passions are excited to fight—those are the things which stand in the way of the reign of peace. The making of treaties is but an incident, a step, an agency in the great process of changing the standards of mankind, of promoting a sense of the obligation of self-control as between the people of different nations, just as in the long course of centuries the obligation of self-control as between individuals has been inculcated. It is a long and often a discouraging process. No one can read history, sir, and see what a vast change has taken place in the sense of justice, in the sense of compassion, in the condemnation of brutality, and in the self-control of the people of the earth and not be encouraged to believe that it is a process which is ever and ever going on.

The great question, sir, is not whether we are ending war in making these treaties; it is whether we are doing our part in our day and generation to carry on that great process that is taking mankind out of the reign of brutality into the reign of justice and virtue and compassion and kindness.

Mr. President, the voice of a great Nation is potent in the world. It is not so much that I think these treaties will lead to the arbitration of questions between this country and Great Britain and France, which would not otherwise be arbitrated, that I want them ratified; it is because the moral effect upon mankind of the Government of the United States taking what is believed to be a step forward as compared with the moral effect of the Government of the United States refusing what is believed to be a step forward will make for the education of mankind along the lines of civilization or the retardation of their progress along those lines.

Let our country, which has done so much to exhibit to the world a standard of individual liberty and justice, do its part, not technical, cheese-paring, and meticulous in its dealing with words, but, having due regard to its great office in the world, let it do its part as a moral agent to lead mankind, but a step it may be, but still a step in the right direction, along the path of rational and Christian progress by the ratification of these treaties.

Mr. LODGE. Mr. President, before the Senator yields the floor, I desire to ask him a question.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from New York yield to the Senator from Massachusetts?

Mr. ROOT. I do.

Mr. LODGE. I asked the Senator a question about who should pass upon the justiciability of the question where there was doubt, and he said he would answer it at a later point in his speech.

Mr. ROOT. I thought I did.

Mr. LODGE. I only wanted to be sure that I understood his answer correctly. I understood the Senator to say that under the treaty that question would be decided by the high commission of inquiry, as I interpret clause 3 of article 3.

Mr. ROOT. As you did interpret it?

Mr. LODGE. As I did interpret it.

Mr. ROOT. Before you offered your resolution?

Mr. LODGE. Before I offered the resolution; but as the resolution interprets it the decision remains in the hands of the treaty-making power of the United States.

Mr. ROOT. Precisely.

Mr. LODGE. That is my understanding. To take a specific instance: Southern bonds I conceive to be a justiciable question, for if a pecuniary claim is not justiciable, I do not know what is; but I do not think it is an arbitrable question or one to be arbitrated, and I think the final decision of that question under my resolution remains in the hands of the treaty-making power of the United States.

Mr. ROOT. Mr. President, I thought the terms that I used were not capable of any doubt.

Mr. LODGE. I did not misconstrue them.

Mr. ROOT. About southern bonds; my understanding is that the negotiators of these treaties on both sides have a complete understanding that that question can not be arbitrated, because it can not be a question hereafter arising, so that,

although forty or fifty or sixty or a hundred or a thousand years ago, when the Senator from Mississippi [Mr. WILLIAMS] and I were young [laughter], those bonds might have been treated as the basis of justiciable claims, but they can be no longer under treaties which set their faces to the future and deal only with questions hereafter arising.

Mr. SMITH of South Carolina. Mr. President, I do not lay claim to any great knowledge of diplomatic relations and the treaty-making features of our Government. But I do lay claim to some understanding of the English language.

The Senator from Mississippi [Mr. WILLIAMS] the other day in his speech took as the text or the basis for that speech that we delegated no power under this treaty to outsiders which we had not delegated under any other treaty, and that in the last analysis any question arising affecting the United States in its foreign relations the Senate would have the same power under this treaty to act upon them as it has now. I should like to call the attention of Senators to the language contained in each article of this proposed treaty and to certain matters that go before this language in order to see if I understand the purport of the whole matter.

Mr. O'GORMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	McLean	Smith, Ga.
Bailey	Culberson	Martin, Va.	Smith, Md.
Bourne	Curtis	Martine, N. J.	Smith, Mich.
Brandegee	Dillingham	Myers	Smith, S. C.
Briggs	du Pont	Newlands	Smoot
Bristow	Foster	Nixon	Stephenson
Brown	Gallinger	O'Gorman	Swanson
Bryan	Gardner	Overman	Thornton
Burnham	Guggenheim	Page	Tillman
Burton	Hitchcock	Paynter	Townsend
Chamberlain	Johnson, Me.	Penrose	Warren
Chilton	Johnston, Ala.	Perkins	Watson
Clapp	Lea	Richardson	Williams
Clark, Wyo.	Lodge	Root	
Clarke, Ark.	Lorimer	Shively	
Crane	McCumber	Simmons	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present. The Senator from South Carolina.

Mr. SMITH of South Carolina. I wish to call attention first to article 1. It has been contended by some on this side that the treaty would be acceptable or its defects remedied by knocking out clause 3 of section 3. I take it that if the treaty is taken in toto it will be found that clause 3 of section 3 is simply the logical sequence of what is both expressed and implied in all the other clauses, namely, that the power to arbitrate the questions that may arise under this treaty shall be as far as possible eliminated from any interference on the part of the Senate or of the officers of this Government. Or, to put it in the words of the Senator from Mississippi, when he said "I hope the time may come when disinterested and impartial judges shall pass upon the questions at issue between the States." These may not be his exact words, but they substantially convey his meaning. Therefore, to prove that this is the idea, I call attention to section 1 of article 1 in the proposed treaty, which I read:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise—

Note the word "all," in line 1, and the words "under treaty or otherwise" in the last line of the portion quoted.

I emphasize the word "otherwise" for the reason that I shall attempt to prove that, if I read it correctly, that clause 3 of article 3 is simply the logical expression of what is implied and expressed in all the other articles.

I read further from article 1—

and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the permanent court of arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

"SHALL be submitted to the permanent court"—"The Hague." This is mandatory.

Now, the alternative, quoting from the same article and clause—or to some other arbitral tribunal, as shall [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

Now, mark you, this special tribunal, when organized in place of or in lieu of The Hague, shall have the power to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder. I shall compare this with the corresponding section in the existing treaty.

I quote the corresponding article in the existing treaty:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

In article 1 of the proposed treaty "all" matters are to be referred. In the present treaty very vital and necessary exceptions are made. There is provision made in the proposed treaty for a special agreement. To quote again—

Which special agreement shall provide for the organization of such tribunal, if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

In other words, by special agreement we simply provide for the nomination or the naming of a special tribunal, which special tribunal shall then have plenary power to pass upon the merits of the case.

Now, the words of this section mean, if they mean anything, first, it is mandatory that all differences shall be referred to The Hague. If these differences are not so referred we appoint another tribunal and give that tribunal power to define—in the actual words of the text—

To define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and procedure thereunder.

Now, let us compare this section with the corresponding section in the existing treaty, to show that there is an intent in the very outset to eliminate as far as possible the Senate from any participation in determining the differences that may arise between this Government and a foreign country.

There is an exception made in the existing treaty, which those who are opposing the present form of the treaty insist shall be in some way incorporated in the proposed treaty to guard against that which all are agreed needs to be guarded against and which astute lawyers on the other side have been at pains to argue has not been eliminated nor the power of the Senate in any way abridged; and yet in the present treaty the points for which we are contending are explicitly stated, while in the other they must depend upon the interpretation of the Secretary of State or a resolution stating that they do not mean what the English language in the proposed treaty says it does mean.

Now, let us go one step further. I think I have shown clearly to those who have followed me that the special agreement can only go so far as to appoint a special tribunal to serve in lieu of The Hague, if it is not referred to The Hague, and then defines the office and powers of the special tribunal by saying it shall have practically full and complete power. I will read it:

To define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

This special tribunal, which is to be appointed by special agreement, is to be given practically unlimited power. By the very wording of the section this special tribunal, by special agreement, is to serve in lieu of The Hague. The powers of this special tribunal are defined. Therefore it is a natural inference that under the present treaty The Hague is intended to have like power.

In the remarks of the Senator from Mississippi and from others on this point, they claim that by this special agreement the rights and prerogatives of the Senators, under the Constitution, were left unimpaired. Where the language occurs to justify this statement by them I fail to see. They base this argument on the first lines of the fourth clause of article 1, which reads as follows:

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof.

What special agreement? The special agreement to appoint a tribunal. Then to give that tribunal plenary power to act as it pleases in the premises.

So that the functions that we retain to ourselves under the present treaty go only so far under the special agreement as to appoint a tribunal other than that which is established permanently at The Hague and then to give this special tribunal still greater power.

Now, in proof of the fact that those who drew this instrument and wrote it had this idea in view that we of the Senate

or those charged under the Constitution with the right to make these treaties and to guard them should be limited by this act, if possible, let me read section 2 of the existing treaty and compare it with what we propose to substitute for it. Article 2 of the existing treaty says:

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement.

Here is the special agreement that is defined in the existing treaty and a special agreement, as is defined in the proposed treaty, and here is the matter of difference between the two. In the existing treaty it is provided that—

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement defining clearly the matter in dispute.

Not appoint a court, but that the high contracting parties shall decide—

Defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure.

The high contracting parties in the present treaty shall be parties to this, namely, the Government of the United States—the Senate of the United States, charged with the treaty-making power. Under the proposed treaty it is submitted to a special tribunal, who shall have the power to do that with which we are now charged. I take it that the elimination of section 3 alone would not cure the evil tendencies of this measure, but to do this there must be a modification of every article. I suspect that our great desire for peace has led us to view carelessly this proposed treaty, which in its present form may have the opposite effect to that intended.

A proof of the fact that those who wrote this instrument were attempting to eliminate as far as possible the Senate from any participation in this very vital matter, I quote from the message of the President in submitting the proposed treaty to the Senate:

With a view to receiving the advice and consent of the Senate to the ratification of the treaty, I transmit herewith an authenticated copy of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty—

I have quoted these exceptions earlier in my remarks. They, in the language of the President, are to be excluded. To exclude the right to defend as Senators our national honor on the floor of the Senate, the right to say what shall and what shall not enter into a treaty, or what shall be the nature of questions arbitrated. The President explicitly says—

so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

That is the President's statement in transmitting to the Senate the proposed treaty. Whatever reservations we might have under the present treaty in order to maintain the right of the Senate, the right of the treaty-making power, to so modify them as to meet what we consider to be the righteous relations between others and ourselves, we propose in this treaty to exclude them from being left out and to include them in the questions to be arbitrated.

In further proof that they have this object in view, clause 2 of the preamble says:

The high contracting parties have, therefore, determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective plenipotentiaries.

We have heard argument here for three or four days, both on this side and the other, for this is a nonpartisan question, to prove that in this treaty, if ratified without amendment, we are not curtailing the power of the Senate, that we do not propose to put it beyond what has been the accepted custom for all these years, when in the message of the President and in the preamble and in the text of the treaty itself in article 1, article 2, and article 3 there is conclusive proof to the contrary.

I for one propose that I shall exercise my right as a representative of the State of South Carolina in part and of the Nation in part, not because I would not shift a great responsibility, if I might do it honorably, but because under the Constitution and my oath I can not do it honorably, and therefore I shall not vote to do it dishonorably. I shall stand here and do my duty as far as I see it. If we differ on the interpretation of this instrument here in this body and have hurled back and forth radical differences of opinion, it will not be long before the fires of passion will be aroused, even in this body, and I sus-

pect the humorist who said "The best nesting place for the dove of peace is in the cannon's mouth," was not very far from the truth.

But to come back to the argument I am making, I shall not read the treaty further, for I would not presume upon the intelligence of my colleagues to imply that so far as our international relations are concerned they have not given it their careful and earnest study; but I should like for some one who understands the English language to take this instrument from article 1 to the last clause of article 3 and show me wherein it does not comport with the preamble and with the message of the President, to the effect that it proposes to take every question that might arise under any circumstances and in any exigency and submit it to whom? To submit it, in the first place, to the established court of arbitration at The Hague, or else, through a shrewdly worded phrase, that we should by a special agreement appoint another tribunal, and then say that this other tribunal shall be clothed with the like or with greater power than The Hague now has.

What constitutes an international question? The claim of any government against another. The notice taken by any government of any matter that it may see fit to recognize as international.

The question of the finances or the indebtedness of a State or of a nation to another nation does not come within the scope of arbitration technically, but it is justiciable. In other words, if the question was raised as to any indebtedness between the two parties what the high court of inquiry decided on would be final. That means that any question relating to the indebtedness of the States to any citizen of a foreign nation, under the unlimited terms of this treaty, may become a question to be decided by the high court of inquiry.

The Senator from Massachusetts says the interpretation of the meaning of the treaty, as set forth in a document by the Secretary of State, and which under the law must accompany the treaty itself, will be taken as explaining the meaning of the treaty. I think it is our duty to make our treaties—as our laws also should be made—so explicit as to be easily understood and interpreted by all intelligent persons. We have not spent thus much time arguing as to whether or not we desire a treaty looking toward the promotion of peace. All of us are agreed on that; but we have spent much time arguing in the Senate of the United States what the treaty means. Here is an instrument drawn up, I suppose—

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH of South Carolina. I do.

Mr. REED. If it would not interrupt the Senator, I would like to ask him a question. He is a lawyer and has drawn many documents where there was a lawyer for the other side.

Mr. SMITH of South Carolina. Mr. President, I would just like to correct the Senator.

Mr. REED. You are not a lawyer?

Mr. SMITH of South Carolina. I must plead not guilty.

Mr. REED. You are a business man and have had them draw instruments?

Mr. SMITH of South Carolina. To my sorrow, I have.

Mr. REED. Did you ever consent to sign an instrument where the construction of it was in dispute between the two lawyers representing the two parties before the instrument was signed?

Mr. SMITH of South Carolina. No, indeed. That is a very pertinent question to ask. Much time has been spent in attempting—shall I say it?—to play upon the credulity of the Senate, not giving it credit for having sense enough to know what the English language means. If we are in doubt as to what the treaty means, we must take from amongst our number certain interpreters of the instrument upon which the relation of this country to all the leading nations of the world depends. In place of having it explicit, and saying openly and above board that we propose to eliminate the Senate from any participation hereafter in international questions which may arise, or if we propose that they shall participate, stating in plain English how they shall participate, we have involved sentences in this treaty, cleverly drawn obscurities, so that clause 3 of article 3, as I said in the beginning of my speech, is no more obnoxious to me than the language in article 1 and the corollary that follows from it in article 2. For article 1 says, as I said a moment ago, the special agreement shall consist in appointing a tribunal, which tribunal shall be given the right—I am not quoting the language exactly. I am now—

to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

Then down below, in clause 3 of article 1, it looks almost like an attempt cleverly to conceal the natural sequence of that which went before:

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof.

In other words, our participation, to repeat, is simply to go to the extent of appointing a special tribunal, which special tribunal then will take the matter in their own hands and, without any further reference to us whatever, dispose of the matter.

Now, further still, the last clause of article 1 says:

Such agreements shall be binding only when confirmed by the two Governments by an exchange of notes.

We have heard about the moral effect and about the legal effect. The effect will be to bind us to submit to The Hague, without recourse or redress, all questions if we follow the text of this instrument as honorable men, having agreed to it, or follow the finding of the special tribunal, because there is no court of final appeal other than this. Therefore the findings of one of these courts will bind us, and there is no provision where it shall be referred back or first referred to us for us to determine what matters are in dispute and to what extent we will allow them to go to arbitration.

Now, with that interpretation upon it, I come to article 2. If Senators followed me closely, if they did me that honor, they will find that in article 1 they have taken this power out of our hands. Article 2 provides practically the same thing:

The high contracting parties further agree to institute, as occasion arises and as hereinafter provided, a joint high commission of inquiry, to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of article 1—

Anyone who will read and study article 1 will see that its scope is as wide as the possibility of a difference between any two nations. Article 2 provides that any question arising, upon the request of either party shall be referred to this joint high commission of inquiry, whether or not it falls within the scope of article 1. I quote the balance of paragraph—

before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them, even if they are not agreed that it falls within the scope of article 1.

If article 1 is not wide enough under its present verbiage, then they make ample provision in article 2, that it shall go beyond the possibility of misinterpretation and take all questions in and make them subject to the provisions of treaty.

There is some little hope of peace held out in article 2, to wit, the parts italicized:

And also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of article 1: *Provided, however, That such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.*

In other words, having taken it out of the hands of the Senate and made ample provision that it shall be removed from the scope and power of the Senate, you will give them, as has been stated on this floor, ample time to cool down—one year to become rational, and by virtue of the cooling process possibly give us what we are entitled to.

Now, let us take article 3. It is not necessary for me to read any further from article 2, but I have shown that one is just an amplification of the other:

The joint high commission of inquiry, instituted in each case as provided for in article 2, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

Now, here is the clause of article 3 that has been under dispute and the basis of argument in this Chamber:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

Which in all conscience is wide enough, broad enough, in this treaty to satisfy any European nation having designs on us.

Every provision of this treaty eliminates the Senate and gives these outside parties full and complete power to pass upon any question that may arise. I said in the outset that I would show that every article in this treaty was but a step leading up to and finding its recapitulation in clause 3 of article 3. Article 1 and its amplification leads up to and is a part of article 2, with its amplification, and article 3 complete is but the final step resulting from articles 1 and 2.

The message of the President which accompanies this treaty plainly states its purpose. The preamble reiterates it, and the language of the text of the article proves it.

Now, in conclusion, I shall state another reason for voting against this treaty in its present form. It is a reason that has reference to my own State. It has been said in this debate or elsewhere that the Secretary of State has said that the securities held by foreigners against the several Southern States, which securities were issued during the period of reconstruction and carpetbag rule and repudiated by the Southern States, would be subject to the findings of the courts provided for in this measure. It would be interesting if the world could understand how these debts were contracted and by whom.

Prof. Scott, of the University of Wisconsin, says the debt of South Carolina before the war was \$3,814,862.91.

In 1874, under the carpetbag rule, according to the same author, the State debt amounted to \$28,997,608.20. An investigating committee that had been appointed at this time reported that the State was bankrupt. In 1878 we scaled our debt and repudiated some of the spurious bonds. Why? In reply to this question, in justification of my State, I shall read from the International Review, of New York, for the months of July and December, 1880, what it has to say in reference to this debt, who contracted it, and who purchased the bonds.

Before quoting him literally it might be well to state that these bonds were issued by the carpetbaggers for paying the interest on the public debt, bonds indorsed for railroads, so-called refunding bonds, and so forth, all of which were to meet the extravagant expenses incurred by the carpetbag rule. Now I quote the International Review, published in New York. It says:

There can be no doubt but this debt was incurred by a set of rascals, and it is more than probable that men equally bad took possession of the bonds. The State was not benefited by them, and the frauds and extravagances which prevailed in the Legislature of South Carolina during the period in which this debt was created will ever be a disgrace, not only to that State—

Now, just one quotation from the proceedings of the taxpayers' convention in my State, February 20, 1874. This remarkable condition was found by an examination of the books: Taxable property in 1860, \$490,000,000; taxable property now, 1874, \$170,000,000, practically one-third less. Taxes levied in 1860, \$500,000; taxes levied this year, 1874, on practically one-third of the property, \$2,700,000. Another item is public printing. September, 1868, to October 31, 1870—before they had learned to steal shrewdly or had become reckless—\$43,440. October, 1872, to October, 1873, \$331,945.66 was the amount of the printing bill.

It is needless for me to go further, but before I conclude I want to call attention to an act in my own State, passed March 7, 1871, creating what is known as the sterling funded debt. It provided for the issue of 6 per cent coupon bonds, aggregating in amount £1,200,000. Those issuing these bonds used the terminology of English money. A large part of the issue was never used in the legitimate way in which it was intended, in conversion bonds for the refunding of the State debt, but was scattered broadcast, and is broadcast to-day. There are lots of these bonds with the seal of the State of South Carolina on them, and in all honor we did not propose that the men, women, and children who had made the State glorious should be beggared by the thieving of an unholy lot who prostituted every office in our State, and prostituted the great seal of the State by placing it upon these spurious bonds.

I shall not stand upon this floor to-day and vote for any measure that might humiliate my State two generations after by having these matters called into question—her honor questioned—because there will not be the patience and time taken to study that horrible period. Neither will men set it down to the honor of South Carolina—that she has outstanding obligations that she repudiated in any form. But they would gloriously exonerate her if they understood the condition that brought about the so-called debt and the glorious men who in honor and integrity and righteousness repudiated it.

Now, I am just as much as any man on this floor for peace. I think that war is a relic of the age of barbarism. Our schools and churches and homes are training the boys and girls to suppress passion, to promote and develop intellect, and to understand that to every effect there is an adequate cause; to every unrighteous effect that there must of necessity be an unrighteous cause; and in order to eliminate the unrighteous effect we must eliminate the unrighteous cause. And if passion is allowed to run riot, if it brings death and murder and confusion and strife, we must control the passions and eliminate the result. Just so this principle is applicable to nations as well. But in order to set the example of peace, am I to make myself an example of a pusillanimous coward who in order to maintain the virtue of

my home will not strike a blow at an attempted outrage thereon. Will I delegate to any man or set of men the right to determine what is an insult to the inmates of my household? I take the honor and integrity of my Nation to be as dear to me in a public sense as I take the honor and the purity and sanctity of my home in a private sense. With power under this democratic Government distributed and delegated as it is, let each and everyone stand as a man shouldering his full responsibility, repudiating any attempt to take from him the right to keep the old home of the American Government pure from defilement or outrage from outside.

Mr. HITCHCOCK. Mr. President, several weeks ago, speaking on the subject of the pending arbitration treaty with Great Britain, I undertook to show that in Great Britain the pending treaty was regarded as the first step toward an alliance between the United States and Great Britain. I quoted from the speech of Sir Edward Grey in the House of Commons, in which he said that if the treaty should be ratified it would, in his opinion, probably be followed by other agreements between the United States and Great Britain, the effect of which would be that if Great Britain became embroiled in hostilities with another country having no such arbitration agreement the United States would go to the aid of Great Britain. The speech of Sir Edward Grey had a peculiar significance at the time, because it was delivered when relations between Great Britain and Germany were strained to the breaking, and it had a peculiar significance also because Sir Edward Grey stood then and now stands at the head of the great department of foreign affairs of Great Britain. Not only that, but he had been one of those who had initiated the negotiations for the treaty.

Mr. President, my purpose to-day is to demonstrate that there exists in the United States a similar purpose to that which Sir Edward Grey describes. If the Senator from New York [Mr. Root] is right in saying that the speech of Mr. Secretary Knox, delivered before a public meeting in an American city, shall be taken as a means of interpreting this treaty, how much more, from the British standpoint at least, shall we say that the speech of Sir Edward Grey, delivered in his official capacity in the House of Commons, has the same effect as placing the British interpretation upon that treaty?

But my purpose to-day is to demonstrate to the Senate that the same purpose which Sir Edward Grey expressed as prevailing in Great Britain, that this treaty shall be only the first step toward an alliance between the two countries, exists in this country, existed in the initiation of the treaty. Moreover, I shall prove that it now dominates those who are attempting to influence the Senate of the United States by arousing the public opinion of the country in favor of the ratification of the treaty without the dotting of an "i" or the crossing of a "t."

Mr. President, what is the importance of this treaty? Does it lie in the fact that the treaty does away with certain exceptions in the old treaty? The treaty which we have now provides that we shall arbitrate all questions with Great Britain that do not involve national honor, vital interests, or third parties. One might think that doing away with these exceptions would give us a new treaty to be hailed with delight by those who stand for universal arbitration; but we heard upon the floor of the Senate yesterday a statement made by the Senator from Massachusetts [Mr. Lodge] that, in his opinion, the treaty would fail and be rejected by Great Britain if the Senate of the United States should strike out a part of article 3 which gives to the commission the power to interpret the treaty; that is, that Great Britain would not want the treaty with all its broad provisions; would not want the treaty with its enlarged powers for the arbitrators; would not want the treaty with its broader scope of arbitration, unless the Senate consented to have the joint high commission remain as the feature of the treaty—the commission, which able lawyers have asserted and which they to-day believe, will supersede the Senate of the United States in interpreting the treaty.

So, Mr. President, I feel warranted in saying that the broadening language of this treaty is not what is sought by those who are pushing it. What they seek is the creation of the commission by which the Senate, representing the American people, shall lose in part, at least, its power to control the interpretation of the treaty.

I might quote from some Americans who have openly declared themselves as in favor of an alliance with Great Britain; I might quote from our ambassador to Great Britain, who recently, in a banquet speech, has proclaimed his hope that there might be a unity of the English-speaking races, but I go by them. I say here, now, that the power behind the throne, the power which is forcing these treaties upon the Senate in their present form, which is arousing, or attempting to arouse, public sentiment for them, is the power of Andrew Carnegie's money.

Not only has he created a board of trustees, consisting of some 27 members, and turned over to it \$10,000,000, but he has directly, through that organization, and also personally for himself, contributed to the support of all the leading organizations in the country which are at the present time, and have been for months, engaged in stirring up the people of the United States to petition the Senate to ratify these treaties without the dotting of an "i" or the crossing of a "t."

We have, first, the American Peace Society, with its branches in all parts of the United States, a powerful body, and if it would devote its energies to the securing of international peace and the increase of the practice of arbitration, I would acclaim it a patriotic organization.

There is, second, the Federal Council of the Churches of Christ in America, which is busily at work among the religious organizations, using Andrew Carnegie's money, arousing the people of the churches to take action, without even knowing whether there is an existing arbitration treaty or not or what the terms are of the proposed new arbitration treaty.

There is, third, the American Association for International Conciliation, a great organization, which boasts that it sent out at one time 250,000 copies of a document.

Fourth, there is the American Peace Arbitration League of New York.

Fifth, there is the National Committee to Celebrate the Peace Anniversary between the United States and Great Britain.

Referring to the last of these, I want to read some of the objects that are to be attained by this peace celebration committee of which Andrew Carnegie is the chairman. One of them is:

That an unlimited arbitration treaty between Great Britain and the United States shall be negotiated and signed, a project which bids fair to be accomplished before the anniversary.

Another object is:

That a special textbook devoted to the relations of the United States with Great Britain, and especially with Canada, for the last century, shall be prepared under the direction of competent historians in both countries, and used in all schools where the English language is spoken during the period preceding the centennial anniversary of the signing of the Treaty of Ghent, and that the schools shall then join in its general celebration.

A textbook to rewrite the history of relations between the United States and Great Britain as though history was not already correct, as though it must be censored and amended!

Another of the objects of this association is:

That Sulgrave Manor, in Northamptonshire, England, the home of George Washington's ancestors, shall be purchased by popular subscription in both countries as a visible monument to the cordial relations existing between the two great branches of the English-speaking peoples.

I shall not stop to read all of the other purposes, many of which are foreign to the legitimate purpose of a celebration, but which have been brought in there as expressing the personal desires of Andrew Carnegie.

But, now, Mr. President, I am going to read from an article written by Andrew Carnegie 20 years ago, when he was in his prime, which expresses, as is evident, the passionate desire of his heart that the United States shall again become an integral part of the British Empire. I read from the North American Review of 1893 the following most astonishing language. I had a faint recollection of it, but I was amazed recently on sending for the volume to read the exact language. I only quote certain paragraphs in the article.

Mr. Carnegie says in opening his article:

Until a little more than a hundred years ago the English-speaking race dwelt together in unity, the American being as much a citizen of Britain as the Scotchman, Welshman, or Irishman. A difference, unhappily, arose under the British constitution, their common heritage, as to the right of the citizens of the older part of the state to tax their fellows in the newer part across the sea without their consent; but separation was not contemplated by Washington, Franklin, Adams, Jefferson, Jay, and other leaders. On the contrary, these great men never ceased to proclaim their loyalty to, and their desire to remain part of, Britain; and they disclaimed any idea of separation, which was indeed accepted at last, but only when forced upon them as a sad necessity from which there was no honorable escape if they were to maintain the rights they had acquired, not as American, but as British citizens.

Think of it! The author of the Declaration of Independence is pictured as never having ceased to proclaim his loyalty to, and desire to remain a part of, Britain! The great patriot at the head of our armies is described as always proclaiming his loyalty to Great Britain.

I turn to page 690 of the same volume and find this:

Both Briton and American being now fully agreed that those who made the attempt to tax without giving the right of representation were wrong, and that in resisting this the colonists vindicated their rights as British citizens and, therefore, only did their duty, the question arises, Is a separation thus forced upon one of the parties, and now thus deeply regretted by the other, to be permanent?

I can not think so, and I crave permission to adduce some considerations in support of my belief that the future is certainly to see a reunion of the separated parts and once again a common citizenship.

I turn now to page 702 of the same volume. He had prior to this been discussing the various objections which he proceeds to remove by a very careful argument of minute detail and particularity. He then gives this little review of a reunited empire:

Numerous as would be the States comprising the reunited nation, each possessing equal rights, still Britain, as the home of the race, would ever retain precedence—first among equals. However great the number of the children who might sit around her in council, there could never be but one mother, and that mother Britain.

I turn now to page 708 of the same volume:

Let no man imagine that I write as a partisan in dealing with these questions. I know no party in this great argument, either in America or in Britain. Whatever obstructs reunion I oppose; whatever promotes reunion I favor. I judge all political questions from this standpoint. All party divisions sink into nothingness in my thoughts compared with the reunion of our race.

And then I turn, in conclusion, to the last paragraph of the article:

Let men say what they will, therefore; I say that as surely as the sun in the heavens once shone upon Britain and America united, so surely is it one morning to rise, shine upon, and greet again "the reunited States"—"the British-American union."

Mr. President, I have read parts of that article by Andrew Carnegie in order to show his life's purpose. In a great Republic like the United States the opinion of an individual, however great, might not amount to much; the influence which he may exercise may not be great, but consider that this man, animated by this purpose, is the possessor of three or four hundred million dollars, wrung from the industry of the American people by the favor of law; that he is in a position to devote \$10,000,000 here and \$20,000,000 there to educational purposes; that this money can be used to influence churches, to hire orators, to organize press bureaus. To thus mold public opinion his wealth is sufficient to bring considerable influence to bear upon the Senate. I say that it is brought to bear for this treaty, not because the treaty proposes arbitration, not because it broadens the scope of arbitration, because the Senator from Massachusetts said yesterday that, with all those desirable provisions, still the treaty would probably be rejected if the Senate were to cut out of it that provision which creates the joint high commission and permits it to supersede the Senate in the interpretation of the terms of the treaty itself. It is the joint high commission which is desired. It is the Carnegie idea to bring together the two Governments of the United States and Great Britain into one official body.

It is well, Mr. President, when we are on the eve of voting upon this treaty to take an account and to realize that all the so-called public opinion which has been brought to bear upon the Senate in favor of this treaty containing, as it does, that commission provision is not chiefly in the interest of arbitration. That is not the motive behind the mighty power which has aroused this public sentiment, so called. The motive behind that purpose is to bring about an alliance, at least, as Sir Edward Grey himself said, between the United States and Great Britain, and force the United States to abandon its position of isolation, friendly with all nations, but having no entangling alliances with any.

It is influences of this sort, influences due to the money of Mr. Andrew Carnegie, which inflict upon Senators such postal-card communications as I have here—something like a hundred received this week, within a few days, with my name printed upon the front of the postal card and a request upon the back of the postal card that I vote for the treaties.

I have a great respect, Mr. President, for the opinions of my constituents. I am perhaps more ready than the average Senator to recognize the power of public opinion when it is a real public opinion and the right of my constituents to command my vote to meet their views, and I pay as much attention, when I receive a communication in the cramped, trembling hand of a farmer as I would to a communication dictated in the office of a banker or a business man; but I do not bow to a public opinion aroused in this artificial way, simply by the use of money, to carry out a purpose to make a false union, a real alliance between the United States and Great Britain.

Mr. SMITH of Georgia obtained the floor.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. Yes, sir.

Mr. LODGE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	McCumber	Richardson
Bailey	Curtis	McLean	Root
Bourne	du Pont	Martin, Va.	Shively
Brandegee	Foster	Martine, N. J.	Simmons
Briggs	Gallinger	Myers	Smith, Ga.
Bristow	Gardner	Nelson	Smith, Md.
Brown	Gore	Newlands	Smith, S. C.
Burnham	Guggenheim	O'Gorman	Smoot
Burton	Hitchcock	Overman	Stephenson
Chilton	Johnson, Me.	Page	Sutherland
Clapp	Johnston, Ala.	Paynter	Thornton
Clark, Wyo.	Kenyon	Percy	Tillman
Clarke, Ark.	Lea	Perkins	Warren
Crawford	Lippitt	Pomerene	Watson
Culberson	Lodge	Rayner	Wetmore
Cullom	Lorimer	Reed	Williams

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SMITH of Georgia. Mr. President, last summer we began to hear a great deal about the new treaties that were to bring universal peace. I now desire to ask the attention of the Senate to the proposed treaties in detail, and to insist that we should not approve them as drawn, because of the uncertainty as to their meaning.

A lawyer would not advise a client to sign a paper providing for the future conduct of his business when that lawyer was unable to tell what the paper meant. If he had half a dozen lawyers associated with him and they conferred about it and were not able to agree as to what the paper meant, he certainly would not advise his client to execute the paper.

We have had the spectacle of Senators—able Senators—discussing these treaties, and I scarcely think any two agree as to the meaning of any particular paragraph. We have an interpretation of them furnished through the Senator from New York [Mr. Root] by the Secretary of State. Before I take my seat I shall furnish an interpretation by the President of the United States, in which he construes them, and I shall show how the constructions of the President and the Secretary of State differ.

The effort to adopt a treaty with Great Britain by which future disagreements between the two nations may be arbitrated is not new. Such a treaty was submitted in January, 1897, prepared by Mr. Olney. I wish to call attention to the broad language there used looking toward the adjustment of future disputes.

The Olney treaty used the following language:

The high contracting parties agree to submit to arbitration in accordance with the provisions and subject to the limitations of this treaty all questions in difference between them which they may fail to adjust by diplomatic negotiations.

Mr. Cleveland supported that treaty with a short but strong message, and I desire the privilege, without stopping to read it, to embody in the Record a few passages from that message.

The VICE PRESIDENT. Without objection, such permission is granted.

The matter referred to is as follows:

Though the result reached may not meet the views of the advocates of immediate, unlimited, and irrevocable arbitration of all international controversies, it is, nevertheless, confidently believed that the treaty can not fail to be everywhere recognized as making a long step in the right direction, and as embodying a practical working plan by which disputes between the two countries will reach a peaceful adjustment. * * * It is eminently fitting as well as fortunate that the attempt to accomplish results so beneficent should be initiated by kindred peoples, speaking the same tongue, and joined together by all the ties of common traditions, common institutions, and common aspirations. * * * The experiment of substituting civilized methods for brute force as the means of settling international questions of right will thus be tried under the happiest auspices. Its success ought not to be doubtful, and the fact that its ultimate ensuing benefits are not likely to be limited to the two countries immediately concerned should cause it to be promoted all the more eagerly.

Mr. SMITH of Georgia. We now have a treaty prepared by Secretary Root, which is in force, providing for the arbitration of future differences with Great Britain, and I desire, without stopping to read it, to embody that treaty in the Record.

The VICE PRESIDENT. Without objection, permission is granted.

The treaty referred to is as follows:

ARBITRATION CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN.

[Ratifications exchanged at Washington, June 4, 1908. Proclaimed June 5, 1908.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A proclamation.

Whereas an arbitration convention between the United States of America and the United Kingdom of Great Britain and Ireland was concluded and signed by their respective plenipotentiaries at Washington on the 4th day of April, 1908, the original of which convention is word for word as follows:

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of

the British Dominions beyond the Seas, Emperor of India, desiring in pursuance of the principles set forth in articles 15-19 of the convention for the pacific settlement of international disputes, signed at The Hague July 29, 1899, to enter into negotiations for the conclusion of an arbitration convention, have named as their plenipotentiaries, to wit:

The President of the United States of America, ELIHU ROOT, Secretary of State of the United States, and

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Right Hon. James Bryce, O. M., who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States and do not concern the interests of third parties.

ARTICLE II.

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States, by and with the advice and consent of the Senate thereof; His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the Government of that dominion.

Such agreements shall be binding only when confirmed by the two Governments by an exchange of notes.

ARTICLE III.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of its ratifications.

ARTICLE IV.

The present convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

Done in duplicate at the city of Washington, this 4th day of April, in the year 1908.

ELIHU ROOT. [SEAL.]
JAMES BRYCE. [SEAL.]

Mr. SMITH of Georgia. I have embodied this treaty in my remarks especially because in many of the meetings that have been held throughout the United States patriotic men have called for the adoption of the present treaty upon the theory that it was a great advance in the adjustment of international troubles, apparently believing it was the first step that we had ever made for providing by an arbitration treaty for the settlement of future differences, and apparently not knowing that the treaty now in force provides for the arbitration of future differences.

I wish to embody it for another reason. I think it probably a better treaty than the one now submitted to us. Mr. President, I desire, without stopping to read it, to embody in the RECORD the proposed treaty.

The VICE PRESIDENT. Without objection, permission is granted.

The treaty referred to is as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two nations, as established in 1814 by the treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for, so that now for the first time there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship;

The high contracting parties have therefore determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective plenipotentiaries:

The President of the United States of America, the Hon. Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O. M., his ambassador extraordinary and plenipotentiary at Washington;

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall [may] be decided in each

case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of articles 37 to 90, inclusive, of the convention for the pacific settlement of international disputes, concluded at the second peace conference at The Hague on the 18th of October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting articles 53 and 54 of such convention, shall govern the arbitration proceedings to be taken under this treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE II.

The high contracting parties further agree to institute, as occasion arises and as hereinafter provided, a joint high commission of inquiry, to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I: *Provided, however*, That such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the high contracting parties shall designate three of its nationals to act as members of the commission of inquiry for the purpose of such reference; or the commission may be otherwise constituted in any particular case by the terms of reference, the membership of the commission and terms of reference to be determined in each case by an exchange of notes.

The provisions of articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the commission.

ARTICLE III.

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this treaty.]

ARTICLE IV.

The commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this treaty; and the high contracting parties agree to adopt such legislation as may be appropriate and necessary to give the commission the powers above mentioned, and to provide for the issue of subpoenas and for compelling the attendance of witnesses in the proceedings before the commission.

On the inquiry both sides must be heard, and each party is entitled to appoint an agent, whose duty it shall be to represent his Government before the commission and to present to the commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the commission.

ARTICLE V.

The commission shall meet whenever called upon to make an examination and report under the terms of this treaty, and the commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each commissioner, upon the first joint meeting of the commission after his appointment, shall, before proceeding with the work of the commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the commission.

The United States and British sections of the commission may each appoint a secretary, and these shall act as joint secretaries of the commission at its joint sessions, and the commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the commission incurred by it shall be paid in equal moieties by the high contracting parties.

ARTICLE VI.

This treaty shall supersede the arbitration treaty concluded between the high contracting parties on April 4, 1908, but all agreements, awards, and proceedings under that treaty shall continue in force and effect and this treaty shall not affect in any way the provisions of the treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE VII.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by 24

months' written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 3d day of August, A. D. 1911.

[SEAL.]
[SEAL.]

PHILANDER C. KNOX.
JAMES BRYCE.

I certify that the foregoing is a true copy of the original treaty this day signed.

PHILANDER C. KNOX.
Secretary of State.

AUGUST 3, 1911.

Mr. SMITH of Georgia. Let us compare the terms of these two treaties and show how difficult it is to decide what the proposed treaty means.

The provision in the treaty of 1908, applicable to the differences to be in future settled by arbitration, is as follows:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

It will be observed that the existing treaty submits to arbitration all future differences of a legal nature or relating to the interpretation of treaties existing between the two contracting parties which it may not have been possible to settle by diplomacy. It provides, however, that differences which affect the vital interests, the independence or the honor of the two contracting parties, and which concern the interests of third parties are not to be submitted to arbitration.

These terms "the vital interests, the independence or the honor of the two contracting parties" and differences "which concern the interests of third parties," are the only exceptions to the general agreement contained in the present treaty to refer all differences to arbitration.

I ask you now to consider the language of the proposed treaty. We must judge what the language of article 1 means, in part, by the declaration of the purpose contained in the introduction. That introduction declares:

The high contracting parties have, therefore, determined in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

The extract from the proposed treaty which I have just quoted provides that the high contracting parties have determined "to exclude certain exceptions contained" in the treaty of 1908. Those exceptions are differences which affect "the vital interests, the independence, or the honor" of the two contracting States and matters which "concern the interests" of third parties.

The proposed treaty, by declaring that it is to exclude these exceptions, in effect declares that if the new treaty is made, in future the United States is to arbitrate differences which affect the vital interests, the independence, and the honor of the United States, and even differences which concern the interests of third parties.

The introduction to the proposed treaty furthermore declares that this treaty is to provide means—

for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

Can there be any serious doubt as to the meaning of the language of the proposed treaty to which I have referred? It declares that all future differences, not settled by diplomacy, are to be settled by arbitration, and it specifically declares that the purpose of this new treaty is to get away from the words of limitation of the present treaty so that differences affecting the vital interests, the independence, and the honor of the United States shall be arbitrated, and also differences which concern the interests of third parties.

With this introduction just preceding article 1, let us consider the language there contained in the proposed treaty defining the differences that are to be made by it the subject of arbitration.

The language upon this subject in article 1 is:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity.

I find no words of limitation in this definition of differences to be arbitrated which supersede the broad language used in the introduction.

The term "claim of right" is no limitation of the declaration that "all differences" are to be arbitrated. A claim of right is an assertion of a claim or an assertion of a right. It may be improperly asserted. Before a board of arbitration the right may not be sustained. The term "claim of right" has no technical meaning fixed by law. It covers any assertion of a right by one of the parties against the other under which one of the parties may claim that the other party should do or refrain from doing some particular thing.

The word "justiciable" does not limit the differences described in the introduction. It is not used here as it would be used in the United States as a part of our system of government. We have the executive, the legislative, and the judicial; we would use in our domestic affairs the term "justiciable" as one applicable to a subject which the judiciary would handle, and the term under our system of government would have a limitation placed upon it. Our judiciary can not handle matters that belong to the executive or the legislative departments. The decision of our Supreme Court, therefore, cited by the Senator from New York, has no application whatever to the meaning of the term "justiciable" as here used. We are providing by the proposed treaty for the creation of a board of arbitration to settle differences between the United States and certain foreign countries, either through The Hague or by the creation of a special arbitral tribunal, and the term "justiciable," as used in the proposed treaty, would cover any character of dispute that could be referred to a board of arbitration for decision—one involving an act of the executive or of the legislative branch of the Government, or one, according to the terms of the preamble, from which would not be excluded even matters of vital interest, the independence or the honor of our country or of the other contracting party.

The only additional words that can be construed as words limiting the character of the differences to be submitted to arbitration are these: "Susceptible of decision by the application of the principles of law and equity." What does this mean? We know what law and equity, as applied to the jurisprudence of England and the United States, mean. They are the words that include our system which has been built up for the settlement of personal rights and corporate rights and other questions which go before our courts. Every claim of right by one citizen against another, under our system, is justiciable. The claim may be unsound, yet it is justiciable. The claim may be brought into court by a declaration which goes out on demurrer, the claim being so absurd that it can not possibly be sustained; still it is capable of submission to a court and of decision by the court.

So if the purpose of this language is to use the term "law and equity" in a broad sense, it must mean that so far as practicable the principles of law and equity, as they have grown up in England and the United States for the adjudication of rights, shall be introduced into international law and be used to aid in building up an equally broad system of deciding differences between nations.

As the proposed treaty provides for the submission to a joint high commission of any difference that may arise between the two contracting parties, to determine whether a particular difference is subject to arbitration under this treaty, we should see just how far an honest mind might conclude that our agreement would go with reference to the settlement by arbitration of differences.

The introduction to the proposed treaty strikes the words of limitation in the existing treaty and declares that the purpose of this new treaty is to settle, through a system of arbitration, all differences that are not adjusted by diplomacy. The language in article 1, in view of the language just preceding it in the introduction of the treaty, could fairly be decided to mean that all disputes involving the assertion of a right by one of the countries against the other, whether claiming that the opposing party to the contract should do something or refrain from doing something, must be submitted to arbitration, and that the arbitrators could handle the dispute if it was one subject to decision, and apply to it as nearly as possible the principles of law and equity recognized for the decision of claims of rights between individuals.

Is there any subject of dispute between the two contracting parties that might not honestly be held, with such language used in the proposed treaty, to be covered by its terms?

It can not be claimed that the terms "law and equity" limit this agreement to the extent that "law and equity" known to our jurisprudence has already been introduced into international law; such a construction would narrow rather than broaden the extent of the differences which the present treaty of arbitration provides shall be submitted to arbitration.

Fairly construed, article 1 of the proposed treaty means that the two contracting parties, having in view a plan of arbitration by which every difference is to be arbitrated, will settle their differences in future by a board of arbitrators who are to act in a judicial manner, and the rules that have been applied in law and in equity, under our system, are to be introduced into international law, and, utilizing those principles, all differences between the two contracting parties are to be arbitrated.

At least it must be conceded that the words of limitation in article 1 amount to almost nothing, and that in connection with the introduction they leave practically every difference between the two countries to be arbitrated.

And just here I desire to send to the Secretary, to be read, the opinion of the President of the United States on this subject, and I wish to make the opinion of the President of the United States a part of the discussion of this question, so that it can be considered in connection with the action of the Senate upon this treaty and aid in future interpretation of the treaty.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

President Taft, in his speech before the Mountain Lake Chautauqua, at Mountain Lake, Md., on August 7, 1911, said—

Mr. ROOT. May I ask from what this extract is being read? Is it an extract from a speech?

Mr. BACON. I will say I handed that extract to my colleague, and I will state the source of my information. I never had the slightest reason to doubt its authenticity. It is a part of a paper written by a gentleman in Baltimore which was handed to me by the Senator from Maryland [Mr. RAYNER]. The gentleman who wrote the paper is a gentleman of repute, vouched for by the Senator from Maryland; and in that article this is stated to be an extract from the speech delivered by the President of the United States. Of course, while the verification of the original can not now be made, if it is not a correct report of what the President then said, it will certainly be disclosed in the future.

I will say that I observe that the Senator from Maryland is now present. I did not see him at the time I rose to speak. He handed me the paper. I have forgotten the name of the gentleman who wrote the article upon the subject. The Senator from Maryland will remember that he handed me the paper. I have it not here, but I have it in my room, and I will send to have it brought down.

Mr. ROOT. With that explanation of the origin of the paper which is being read, I have no objection to its further reading.

The VICE PRESIDENT. The Secretary will continue the reading.

Mr. SMITH of Georgia. I wish to state, before the reading is resumed, that I will furnish the Senator ample additional extracts from the President, equally as strong, in public statements by him. I really asked to have this article read because the senior Senator from Georgia, my colleague, handed it to me and desired to have it read.

Mr. BURTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. Certainly.

Mr. BURTON. Reference was made this morning to an utterance of the President which is in published form, authentic, and vouched for. It is an article known as "The dawn of world peace." I should like to ask the Senator from Georgia whether he expects to quote from that.

Mr. SMITH of Georgia. No. The only other quotation I expect to make from the President is from the address of the President of October 3, 1911, at the Chamber of Commerce, Denver, Colo. I have another also, but I find ample in this published paper to cover from him everything I claim he has said.

Mr. BURTON. I will state that in this article the views of the President are set forth at length, and he takes the same view with reference to the prerogatives of the Senate, after the decision of the joint high commission, as those expressed by the Secretary of State and read by the Senator from New York this morning; and I think it but fair that those views be read in the course of this discussion.

Mr. SMITH of Georgia. I do not know of his having done anything of the kind. I am sure he has declared himself most unqualifiedly in accord with views that are entirely in conflict with those read from the Secretary of State.

Mr. BURTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield further to the Senator from Ohio?

Mr. SMITH of Georgia. I do.

Mr. BURTON. The article to which I have referred is that to which the Senator from Idaho made reference this morning. I think it contains the fullest statement made by the President on the subject.

Mr. BACON. If my colleague will permit me here, I wish simply to give to the Senator from New York the name of the gentleman in Baltimore—

Mr. ROOT. What I wanted to get at was—

Mr. BACON. Does the Senator from New York object to my giving him the name?

Mr. ROOT. If the Senator wishes to give me the name, I am indifferent.

Mr. BACON. The Senator called on my colleague for information as to the authenticity of this article. I am trying to give it to the Senator.

Mr. ROOT. Very well.

Mr. BACON. It is Mr. Henry Herzberg, a citizen of Baltimore, who is vouched for to me by the Senator from Maryland [Mr. RAYNER] as entirely trustworthy, and it is from a paper prepared by him that I have taken this extract of what purport to be the utterances of the President at the place indicated. The Senator from Maryland is present.

Mr. ROOT. It is perfectly—

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Georgia has the floor, and he declines to yield further.

Mr. SMITH of Georgia. I will not decline to yield later on. I simply desire to waste no more time in discussing whether this paper shall be read. I will read it.

President Taft, in a speech before the Mountain Lake Chautauqua at Mountain Lake Park, Md., August 7, 1911, said:

By this treaty, if it is ratified, the Executive and Senate, representing the United States, agree to settle all their differences, as described in the treaty, by arbitration or through a commission.

Should the treaty be ratified, the Senate, exactly as the Executive, will be in honor bound by its obligations in good faith to perform the offices which the main treaty provides shall be performed on the side of the United States, and then to abide the result and to acquiesce or, in so far as may be, perform and execute the judgment of the tribunal.

What is there to prevent the Senate from uniting with the Executive in agreeing to settle future controversies of a given description in a treaty by the judgment of an impartial tribunal, and to submit to that tribunal not only the question how the issue ought to be decided, but also as a condition precedent whether the issue is within the terms of the treaty already made?

Mr. President, I now present the printed speech by the President, which goes elaborately into the discussion of the same question, and I desire to put it in the RECORD, and I wish the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read the part referred to.

Mr. SMITH of Georgia. I desire him to read only those parts which I have marked.

The PRESIDING OFFICER. Without objection, they will be read.

The Secretary read as follows:

From an address by the President of the United States on the ratification of the pending treaties for unlimited arbitration with Great Britain and France, delivered October 3, 1911, before the Chamber of Commerce at Denver, Colo.

[Page 8.]

There is, however, another function, and it is that function that troubles the majority of the Foreign Relations Committee. If it shall happen that in the future a question shall arise between the two parties as to which one party does not wish to arbitrate and as to which the other does, and it becomes a question whether under the construction of the treaty it is really justiciable, so that both parties are bound to the treaty, then it is left to the joint high commission to decide whether the issue actually arising is within the treaty, so that both parties are bound, and is justiciable within the definition that I have given you.

But the argument of the Senate now is that their power does not go to the point of binding themselves in the future to arbitrate something which a tribunal shall determine is within a contract in which they agree to arbitrate a class of questions. They say they must hold and decide, when the question arises, whether it is within the contract which they have signed.

That position absolutely destroys any hope of progress with reference to making a real treaty that shall bind us to something with respect to arbitration. There should be no fooling about this business of arbitration—either we are going to arbitrate something, or we are not. If we are going to agree to arbitrate every issue except that which we do not care to arbitrate, then we ought not to sign arbitration treaties at all. If the Senate has not the power to agree to arbitrate a certain class of questions and submit the question whether the question which arises comes within this class, then its power is very limited in entering into general arbitration treaties that cover all subjects of the future.

The PRESIDING OFFICER. Does the Senator from Georgia ask permission to incorporate the entire pamphlet?

Mr. SMITH of Georgia. No; I wanted read only those portions which I had marked.

Now, Mr. President, not only does the first paragraph of this treaty declare that everything is to be arbitrated, not only does it strike out the words of limitation in the existing treaty, but the language or article 1, construed in the light of that introduction, means that practically everything is to be arbitrated, and the President so understands it.

We can not afford to adopt this article 1 without limitation unless we mean to say that every difference that arises between Great Britain and the United States shall be settled by arbitration. If we mean that, we should broadly say so, because that is practically the effect of article 1; and the Senator from New York and the Senator from Illinois and the Senator from Ohio thought so when they brought in their report from the Committee on Foreign Relations, for in bringing in their report they asked that the language of article 1 should be limited. They did not then favor the approval of the treaty without a qualification placed upon the language in article 1. In the resolution of ratification which they suggested the following language is used:

The Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, or other purely governmental policy.

Why did the Senator from New York and the Senator from Illinois and the Senator from Ohio deem it necessary to provide in the resolution of ratification a limitation to be put upon article 1? Because the language of article 1 is so broad that unless in the ratification resolution words of limitation are added it may justly be extended to every class of disputes between the two countries. I therefore cite the opinion of members of the committee—the opinion of the Senator from New York, of the Senator from Illinois, and the Senator from Ohio—to support the proposition that we can not afford to adopt article 1 without putting some language in the resolutions of ratification declaring that we do not mean by article 1 to arbitrate every possible difference that may arise between the two countries, unless we are really prepared to arbitrate every possible future difference.

Numerous instances have been given by the Senators of differences that we could not consent to arbitrate. The Senator from Massachusetts [Mr. LODGE] presented them, and presented them ably and conclusively. The Senator from Georgia [Mr. BACON] presented them, and presented them ably and conclusively.

No Senator claims that we could consent to arbitrate with a foreign country a difference involving the Monroe doctrine, our policy as to immigration, a question involving the validity of bonds issued by the Southern States in the reconstruction days, or any question which involves the traditional attitude of the United States concerning American questions or other purely governmental policy.

I may go further and say that if the Senate were willing to arbitrate questions of this kind and agreed to do so the people of the United States, when the issue came, would not submit them to arbitration and would override the President and the Senate.

Then, if we do not intend to arbitrate all differences, and really can not do so, ought we to make a treaty containing article 1 with its unlimited language, that fairly may be construed as covering every difference? Will it help the cause of peace to make a treaty in such uncertain terms that the opposing party to the treaty may understand it to mean something that you do not for one moment intend it to do? Are you ready to make a treaty which the other contracting party may fairly construe to be an agreement you intend to break?

The Senator from New York [Mr. ROOR] dwelt eloquently upon the desirability of peace. It is hardly necessary for us to answer him upon that line. He desires it no more than do the Senators who oppose this treaty in its present form. It is our desire for peace that has caused us to insist that the treaty drawn by the Senator from New York when Secretary of State is clearer, if not better, than the treaty now submitted to the Senate. It is less apt to cause friction and differences between the two nations than this treaty, the meaning of which is at least doubtful.

I can not myself vote for this treaty unless the resolutions of ratification limit the meaning of article 1. The resolutions of ratification presented by the minority of the committee, prepared by the Senator from New York himself, limit article 1 of the proposed treaty, and they thereby admit the necessity of such action.

Let us go on and see whether the balance of the treaty is satisfactory. The very next clause is one of doubt. If the object had been to put on paper language capable of two or more

constructions, it was done with the touch of genius. After describing the differences to be arbitrated, article 1 proceeds:

Shall be submitted to the permanent court of arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall be decided in each case by special agreement—

And so forth.

The special agreement in each case shall be made on the part of the United States by the President of the United States—

And so forth.

This language could fairly be construed to mean that if the President reaches the conclusion that the difference involved between the United States and the other contracting party is justiciable he could submit it at once to The Hague, without any special agreement, thus obviating the reference of the question in any way to the Senate.

I can hardly think that such a purpose was contemplated, but the language is easily capable of the construction that the special agreement referred to is one to be made only where a special tribunal, other than The Hague, is to arbitrate the difference.

Now, let us come to the joint high commission. It is not only to handle questions that are subject to arbitration, but also any controversy hereafter arising between the parties, if they do not agree that it falls within the scope of article 1.

Now, who can compose the joint high commission? Three nationals on each side, if you please, or otherwise, as the President and the representative of the other country may see fit. The high commission is not limited to nationals. It is not limited in number. The high commission can consist of one foreigner, agreed upon by the President or the Secretary of State, and the representative of the other country.

Now, what power do you propose to give to the high commission? If language means anything, the joint high commission has the power to investigate a dispute between the two contracting parties and decide whether it is a subject that must be arbitrated. The joint high commission is vested with the authority to determine whether the difference is one which falls within article 1, and if the joint high commission decides that it does fall there, then we agree that the dispute shall be arbitrated.

I agree with the report made by the majority of the committee prepared, I understand, by the Senator from Massachusetts [Mr. LODGE]. Like many others, I was captivated last summer by the newspaper articles telling of some marvelous new plan for universal peace, and, no doubt, had I been at a public meeting I would have risen with the balance of the crowd who knew nothing about it and voted to instruct the Senate to ratify the treaty that was to bring universal peace. When I first asked for the report of the Committee on Foreign Relations, it was with the expectation that I might take some part in forwarding this movement toward universal peace. But when I read the report of the majority of that committee, and read the treaty itself, I was thoroughly convinced that the Senator from Massachusetts was right in preparing that majority report, and in pointing out that this proposed treaty, instead of being an aid to universal peace, was calculated to create more differences between the United States and the country making the agreement with the United States than perhaps any other cause that could possibly arise.

In the last of his report the Senator from Massachusetts recommends, and the majority of the committee recommend, that the third clause of article 3 be stricken out. That is the clause which provides that the joint high commission can consider the differences existing between the two contracting parties, and make a report which will determine whether they are the subject of arbitration under this treaty, and it provides that if the joint high commission determines that the subject matter is one covered by article 1, then we are to arbitrate it. The Senator from Massachusetts in this report points out clearly that the effect of the third clause of article 3 in the proposed treaty gives the joint high commission authority to determine whether the difference is of an arbitral character.

Let us take an illustration. Suppose that this treaty was adopted in its present shape and a dispute should arise between the United States and Great Britain. The President thinks it the subject of arbitration. He refers it to the Senate. The Senate believes that it is not the subject of arbitration and rejects the proposition to arbitrate. Then it goes to the joint high commission. The Senate has already passed judgment that it is not the subject of arbitration. Yet the joint high commission takes it up, and the joint high commission after investigating it determines that it falls within article 1 and that we have agreed to arbitrate it. Then what does this third clause do?

Mr. BURTON. Will the Senator from Georgia yield for a question in that connection?

Mr. SMITH of Georgia. Yes.

Mr. BURTON. Does the Senator maintain that this treaty provides for any such situation as that?

Mr. SMITH of Georgia. I certainly do.

Mr. BURTON. Does not the third article pertain to a case in which the executive departments do not agree as to whether the question is justiciable? Does the Senator maintain that after the Senate has rejected a special agreement we provide for arbitration?

Mr. SMITH of Georgia. Will the Senator point to me any language in this treaty that limits it to the President?

Mr. BURTON. It is perfectly plain from the whole provision that it is for a case in which the executive departments do not agree.

Mr. SMITH of Georgia. It is perfectly plain to me that it means much more.

Mr. BURTON. Nothing could come to the Senate except in a case of disagreement.

Mr. SMITH of Georgia. It certainly could. The President and the representative of Great Britain agree that it is the subject of arbitration, and the President undertakes to prepare a special agreement to arbitrate. He sends it to the Senate for their determination, and the Senate determines that it is not a subject for arbitration under article 1. Then the joint high commission comes in and takes up the subject under the terms of this treaty. There is not a line in the treaty that limits submission to the joint high commission when the President alone has decided the difference not one for arbitration. It says that if either of the parties holds the subject of dispute not to be covered by article 1 it can be referred to the joint high commission. What constitutes the parties? Not the President alone. The President and the Senate constitute the one party to act for the United States. It takes the joint view of both of them to act. How can the Senate, in view of the effect of this treaty, agree to it? The Senator himself signed the report disapproving article 1.

Mr. BURTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Ohio?

Mr. SMITH of Georgia. Certainly.

Mr. BURTON. It is not, perhaps, specially important whether I disapprove of article 1 or not. The Senator from Georgia, however, is in error in saying that. My report is contained here on page 11, in which I state:

The treaty, as it now is, seems to me to sufficiently safeguard national interests and the rights and prerogatives of the Senate. Hence I submit the following additional minority report.

Mr. SMITH of Georgia. I should like to ask the Senator just one question. Did he not join with the Senator from New York in the proposed resolution?

Mr. BURTON. In a general way, but with this modification, stating that I did not altogether agree with my two colleagues, and then stating this specific, distinct exception, that I regarded the treaty as sufficiently safeguarding national interests and the rights of the Senate.

Mr. SMITH of Georgia. I would not misconstrue the attitude of the Senator from Ohio, and I am glad he corrected me. I was under the impression that the Senator from New York, the Senator from Illinois, and the Senator from Ohio, all three, agreed on the plan of the Senator from New York for ratification. If they did not, it is simply another illustration showing how impossible it is for us to agree about this treaty.

Mr. BURTON. The further fact should be stated, Mr. President, that the Senators who concurred unqualifiedly in the minority agreement did not regard it as necessary to put in any qualifying resolution, but said such a clause may well be in with a view of putting the question beyond peradventure, not because there was any necessity for it.

Mr. SMITH of Georgia. Of course, it would not do to adopt a treaty if the language was doubtful, and something was required to take that doubt out. Of course, if the Senators thought something was necessary to take out the doubt we would be in favor of doing what was necessary to take it out before we adopted the treaty.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Michigan. It may not be inappropriate to remind the Senator from Georgia that the Committee on Foreign Relations as a committee had no doubt about it, and recommended that the third clause of article 3 be stricken out.

Mr. SMITH of Georgia. I have called attention to the report, and I have given credit to the Senator from Massachusetts as the member of the committee presenting the report for the view expressed in it, which, when I read, convinced me, and the conviction was so strong that it has been lasting, that the third clause of article 3 must come out of this treaty or it ought to be defeated. That is the report of the majority of the committee. That is the closing advice of the majority of the committee. I accepted that advice from the majority. I accepted it with my knowledge of the broad experience of the Senator from Massachusetts [Mr. LODGE] and the Senator from Georgia [Mr. BACON]. I became convinced they were right, and nothing that has been said since by the Senator from Massachusetts or the Senator from New York has caused me to doubt the fact that the majority of the committee was right in their first report.

Now, Mr. President, I sent to the desk the speech of the President of the United States, giving his view of what was meant by the third clause of article 3. The Senator from New York presents the opinion of the Secretary of State. I present the opinion of the President of the United States. They cross each other. The Secretary of State tells us that even if we say we will refer this matter to the joint high commission, and even if we say we will abide by its decision and arbitrate the question, if the commission hold that under this treaty we agreed to arbitrate, the Secretary of State tells us that all the Senate has to do is to go back on that agreement and to decline to arbitrate if it desires to do so.

I admit the power; I deny the right. I deny that the Senate can approve a treaty which provides for a joint high commission to decide between Great Britain and the United States the question as to whether a certain difference falls within article 1 and agrees under the treaty that if that joint high commission determines that the difference falls within article 1 we will then arbitrate it. I deny that we can make an agreement of that sort and afterwards repudiate the finding of the joint high commission and preserve our sense of obligation. I grant we have the power; I grant that after any board of arbitration makes a finding against the United States, no matter how displeasing to us, we have the power to decline to comply with it. There is no judge to enter a decree and no sheriff to enforce it. Arbitration treaties and international agreements stand upon honor, or else they are enforced by battleships.

I am unwilling to see our country make an agreement that we will arbitrate the question as to whether a particular difference is covered by an agreement we have made to arbitrate it and then go back on the finding of the board. I do not believe Senators are willing to make an arbitration treaty and provide in it that if there is a disagreement between the two countries as to whether the subject matter of our difference is one which we have already agreed to arbitrate under the treaty, then we will arbitrate the question as to whether it is subject to arbitration and yet say if we lose before this joint high commission we will not stand up to it.

Mr. President, let us look at it a little further. Great Britain is in the same position we are. She agrees to it also. If she loses she is obliged to stand up and go on with the arbitration; but if we lose we are to bring it back to the United States Senate and go back on our agreement to arbitrate. That is the position the Senators are putting us in, are seeking to put the country in. We leave in the third clause to article 3, by which if we can not agree as to whether a particular dispute is subject to arbitration we will arbitrate that. Suppose we gain in a reference to the joint high commission, Great Britain having been on the other side, the difference being one we wished to arbitrate and Great Britain did not wish to arbitrate.

Great Britain must abide the decision of the joint high commission, but we, under the resolutions of ratification proposed now by the Senator from Massachusetts, arrange to refer it back to the Senate to have a chance to repudiate it.

The language of the resolutions of ratification of the treaty proposed now by the Senator can not commend them to Senators if read carefully. I wish the Secretary to read them for me. I ask Senators to carefully note the first resolution, which declares that we are fixing to arbitrate everything, and the second resolution, which says that we are seeking to reserve the constitutional power of the Senate in an agreement to arbitrate everything, so that we can avoid arbitration.

The PRESIDING OFFICER. The Secretary will read the resolutions as requested.

The SECRETARY. The resolutions submitted by Mr. LODGE, January 11, 1912, are as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of

arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty, and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

Resolved further, That the Senate advise and consent to the ratification of the treaty with the understanding, to be made a part of such ratification, that any joint high commission of inquiry to which shall be referred the question as to whether or not a difference is subject to arbitration under Article I of the treaty, as provided by Article III thereof, the American members of such commission shall be appointed by the President, subject to the advice and consent of the Senate, and with the further understanding that the reservation in Article I of the treaty that the special agreement in each case shall be made by the President, by and with the advice and consent of the Senate, means the concurrence of the Senate in the full exercise of its constitutional powers in respect to every special agreement whether submitted to the Senate as the result of the report of a joint high commission of inquiry under Article III or otherwise.

Mr. SMITH of Georgia. Now, Senators, the first resolution reiterates the proposition that we are striking out the exceptions to the present treaty. It reiterates the proposition that we are providing to settle every dispute. The second resolution does not vary from the first, except that it says we are not to waive any constitutional authority of the United States Senate. Under a resolution of that kind, adopting a treaty which expressly declared that the joint high commission could pass upon a dispute between us and determine whether it was the subject of arbitration, and that we would be bound by it, do you suppose that any foreign country would suspect us in that little expression about constitutional authority of the Senate of having reserved the right to repudiate the decision of the joint high commission after it was made?

The Senator from Massachusetts objects to striking out the third clause of article 3 for fear it may prevent us from carrying through the treaty. Senators, could any foreign country prefer for us to leave it in when we were not going to stand up to it—when we had fixed a little way in the second resolution to get out from under it?

The Senate declines to concede to the view of the President that a particular dispute is the subject of arbitration under article 1. The joint high commission hears it and determines that it is the subject of arbitration. If we do not follow the action of that joint high commission, we simply repudiate the third clause of article 3.

I am in favor of either standing up to it or taking it out. If we are ready to arbitrate every difference, let us say so, and put no reservations in our resolutions of ratification. If we are not willing to arbitrate every difference, let us say so. Let us not seek to kill the third clause of article 3 by that second resolution, when one-half the people we deal with would not understand that we are killing it, when we do not know ourselves whether we kill it.

The resolution provides that we shall preserve the constitutional authority of the Senate. The able Senator from New York in his report declared that we had a right to create this joint high commission, and that we had a right to refer to it the question of determining what was and what was not the subject of arbitration; that it was constitutional to make such an agreement. If that is so, the last resolution does not preserve anything to the Senate.

Differences may arise which, I think, we nearly all feel can not be arbitrated. Now, if we are not to arbitrate them, let us say so. If we are to arbitrate every difference, let us say so. I do not believe one-half the Senate is willing for the joint high commission to determine what shall be arbitrated and what shall not.

How I wish the Senator from Massachusetts would stand by his original report and come to our help and strike out the third clause in article 3. Strike it out, and the embarrassment is largely gone. Qualify article 1 with the two provisions inserted by the Senator from New York in his first resolution of ratification and I think the entire Senate, practically, will come to the support of the treaty.

The real trouble is that the President has planted himself on the third paragraph of article 3 and has insisted upon it in all of its power and force. Then let us give it to him or not give it to him. Let us not profess to give it to him and put a doubtful clause in the last resolution of ratification that is to kill it. Let us say what we mean and stand by what we say.

Mr. President, no man upon the floor of the Senate desires universal peace more than I do, but I do not believe that the ratification of a treaty, the language in which is so doubtful, will help the cause of peace.

I know that the adoption of a treaty containing language which is to give us the opportunity to, perhaps, mislead the country with whom we contract, and to disregard an obligation which that country supposed we had made, will subject our country to just criticism.

There is a way for a great and immediate contribution toward universal peace.

The United States is the richest nation in the world. It has a larger number of white inhabitants than any other nation. It is separated by oceans from any possible enemies. Its relations with the great nations of the world are cordial.

Let us invite Great Britain and France to join us in a real effort for universal peace. Let us invite Germany also. I understand that Germany was ready to make a general arbitration treaty with us. Let us invite Russia, also. I regret that we so hastily recalled our treaty with Russia last December. Let us ask these great countries to join with us in that step which would actually lead toward universal peace; let us ask them to join with us in reducing the size of standing armies and in stopping the construction of battleships. This will be the great step in behalf of universal peace, and I believe ours is the country to ask for it. If that is done and the great nations will join with us in the movement, the time will be not far off when at least the danger of war with any of the great nations of the world will have passed.

I do not mean that such an agreement should contemplate an interference with domestic troubles like those existing in Mexico, but I do know that such an agreement would bring into cooperation practically all of the nations of the world and could be carried to such an extent as to prevent international war.

Then would we put an end to the danger of the loss of life by battle! Then would we lessen the burdens put on the masses of the people by excessive taxation! And then would the increase of money in the treasuries of the world make it possible to better train the individual citizen and prepare him to meet the responsibilities of life, to carry its burdens, and to enjoy its pleasures!

Mr. THORNTON. "Mr. President, I do not propose to make an argument on the subject of the pending arbitration treaties, but to very briefly define my position upon them. Before the recess for the Christmas holidays had been taken I had formed an opinion on the matter of these treaties and had expressed it to one of their leading advocates in this body who was anxious to have the treaties ratified without amendment. That opinion was that I would give my consent to vote for the ratification of the treaties provided the right of the Senate to say what questions should be submitted to arbitration should be absolutely safeguarded by suitable amendments or resolutions. The views I then had on the subject have not been changed by the subsequent discussion of the measures on the floor of the Senate.

I deem it proper to say that I am a right peaceable man, unless possibly under stress of undue provocation [laughter], and while I believe generally in peace between nations as well as between individuals, I am not a peace-at-any-price man. Like the Senator from Georgia [Mr. Bacon], who has addressed us on this question, I am one of the few members of this body who have been personal participants in actual warfare, and therefore have a realizing sense of its horrors; yet I can conceive of circumstances under which my national pride and national loyalty would make me think that war, with all of its horrors, would be preferable to peace with all of its blessings. I do not think that any question involving the national honor of my country should ever be submitted to arbitration, and I could never give my consent to such a submission.

For the reason that the amendment of the Senator from Georgia and the resolution of the Senator from Massachusetts make the Senate the final arbiter of all questions which are to be submitted for arbitration, I will, if either of them is adopted, vote for the ratification of these treaties; but otherwise I will never do so.

Mr. BURTON. Mr. President, I shall only have time in a very fragmentary way to meet certain objections which have been made to the pending treaties.

In the first place, I think it is only fair that the fog relating to an alleged difference of opinion between the President and the Secretary of State which has been created should be dispelled. Both alike concur in the opinion that after a decision by the joint tribunal of inquiry that a question is justiciable it must go to the Senate for ratification of the special agreement. In an utterance by the President and in a publication known as the Dawn of World Peace, reprinted by permission from the Woman's Home Companion of November, 1911, after referring to the contention that the decision of the joint high commissioners is final, the President says this:

This interpretation is not justified, and the very language of the treaty, which I have quoted, proves it. This language does not impair and can not fairly be construed as changing in any way, in cases arising under article 3, the procedure with reference to special agreements consented to by the Senate under article 1. In one case under article 1 the executive branches of the Governments concerned decide

at the outset that the question is justiciable and should be submitted to arbitration. In the latter case the commission so decides, but in both cases the subsequent procedure is the same.

Mr. President, I do not think it makes very much difference what view we take of this question. The resolution offered by the Senator from Massachusetts [Mr. Lodge] is pending here, asserting the rights of the Senate. I do not believe the adoption of that resolution is necessary in order to bring a decision of the joint high commission before this body, but there are two opinions here. One opinion is to the effect that it is not necessary, that the prerogatives of the Senate are secure; the other, that it is necessary to have that kind of a resolution to make them secure. The resolution of ratification of the Senator from Massachusetts removes all doubt, and I do not see why there should be any hesitation in passing it.

In some remarks made on a prior occasion I sought to show that the treaties in the form in which they were drawn provided that in any event, whether under article 1 or under article 3, it was necessary that the agreements should come here. It seems to me that the plain English makes this conclusive. It is stated at the end of the so-called objectionable clause of article 3:

And if all, or all but one, of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

In article 1 there is set forth with some degree of elaboration the method of submitting any question to arbitration. It is, among other things, provided by this article that the executive heads of the two countries shall enter into a special agreement, the terms and the scope of which shall define the controversy and the procedure, and shall specify whether the question shall go to The Hague or to a special tribunal, and that this special agreement can only be made by and with the advice and consent of the Senate. Article 3 would be absolutely ineffective unless we reinforce it with the procedure provided in article 1; in other words, an agreement under article 3 by this joint high commission brings it to the same position which it would have under article 1, and you then begin with these words:

Shall be submitted to the permanent court of arbitration established at The Hague by the convention of October 18, 1907.

An argument was brought forward here a moment ago—I do not think very seriously—that this special agreement could go to the arbitrators without any reference to the Senate. Mr. President, anyone who will carefully read this first article will see that there is no basis whatever for that position, because it is stated in the clearest language, "as may be decided in each case by special agreement"; that is, whether it goes to The Hague or to a special tribunal, and this special agreement can only be made "by and with the advice and consent of the Senate."

In that connection it has also been alleged with somewhat more seriousness that a controversy might be presented by the President to the Senate, the Senate might reject it, and then it would go, without further executive action, to this joint high commission.

The language of the treaty is conclusive that such is not the case, for it provides that the submission to this commission must be made by the heads of the respective governments—the high contracting parties, as they are termed. In the very preamble to the treaty there is this expression:

The high contracting parties have—

Then omitting some portions which are immaterial—for that purpose appointed as their respective plenipotentiaries—

Then it goes on to enumerate—

The President of the United States of America, the Hon. Philander C. Knox, Secretary of State of the United States; and His Britannic Majesty, the Hon. James Bryce, O. M., ambassador extraordinary and plenipotentiary at Washington.

This affords a clear definition of what is meant by the "high contracting parties."

Thus, Mr. President, it is perfectly clear to my mind that under article 3 a decision of this joint high commission of inquiry brings a controversy to the same position in which it would have been had there been an agreement between the King of Great Britain or his ministers on the one side and the President of the United States and his Secretary of State on the other. In the latter case it is agreed at the outset that it is justiciable, while in the former case the decision that it is justiciable is reached by the interposition of the commission of inquiry. In both cases this question must go to the Senate. I dismiss that, however, as unworthy of further attention, and because further argument is unnecessary, since the resolution of ratification provides for the situation created by a report of the commission of inquiry under article 3.

But it is alleged, Mr. President, that this is but an entering wedge for an alliance with Great Britain. With all due respect

to those who make this allegation, it is a chimera, a baseless vision of the imagination. This country of ours is not going to enter into entangling alliances; we are not going to depart from the policy of a hundred years, laid down by the fathers of the Republic and dictated and determined by every consideration of public policy.

Mr. HITCHCOCK. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Certainly.

Mr. HITCHCOCK. I think the Senator from Ohio has forgotten that he himself has been widely quoted in the public press as being of the opinion that this treaty would probably lead to other agreements between the United States and Great Britain in the nature of an alliance.

Mr. BURTON. Mr. President, I indulge in what perhaps is the indiscretion of patronizing a clipping bureau, and I did see a paragraph to that effect in a newspaper, which shall be nameless, in New York City. It is unnecessary for me to state to the Senator from Nebraska that it was utterly without any foundation, and I did not, of course, dignify it with any denial. It is possible that lucubration was copied into some other newspaper, but I trust it did not get into the paper of which the Senator from Nebraska is the proprietor.

Mr. HITCHCOCK. The paper to which I refer, in which the interview originated, was a paper published in the city of Cleveland, known to be very friendly to the Senator from Ohio, and often the medium in which he publishes views on public questions.

Mr. BURTON. I should like to know to what paper you refer.

Mr. HITCHCOCK. I refer to the Cleveland Leader. In the Cleveland Leader of March 11, 1911, Senator BURTON is quoted at considerable length, and, among other things, he said:

Of course, that is a separate treaty between two nations, and its effect would not be changed directly. However, the making of an arbitration treaty with Great Britain probably would lead to a definite expression of England's position and, little by little, to other relations between the three countries—

Mr. BURTON. What is that last sentence?

Mr. HITCHCOCK (reading):

The three countries—

That is, Great Britain, Japan, and the United States—

possibly to an alliance between them. That would do away with any fear of hostilities between Japan and the United States.

Mr. BURTON. The language as used there does not involve any alliance in the sense in which the term is usually employed.

Mr. HITCHCOCK. It reads "possibly to an alliance between them."

Mr. BURTON. I beg the Senator to take my assurance that I never used any language of that kind.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. WILLIAMS. Will the Senator from Ohio yield just for a suggestion there to this effect, that if this treaty with Great Britain be an alliance with Great Britain, then the identical treaty with France will be an alliance with France; the identical treaty with Germany will be an alliance with Germany; and the identical treaty with Italy will be an alliance with Italy; and when we get through the United States will be in alliance with everybody?

Mr. BURTON. It would be very well, I will say here, whether so stated in a newspaper or not, to have an alliance, not for war, not for offense or aggression, but for peace. Some language used by Sir Edward Grey in the English House of Commons has been quoted very extensively to show that he expected an alliance with the United States. His language has been very much misunderstood. He had in view only such arrangements among the nations as would keep the peace.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. Yes.

Mr. REED. Would the Senator from Ohio, upon the strength of these treaties, be willing to cut down the military appropriations and quit building battleships?

Mr. BURTON. If these treaties are followed by other treaties; yes. In a measure they furnish grounds for abating our military and naval program if they are carried into effect by the countries interested. We can not accomplish everything in a day. The Senator from Missouri knows that no one has been more strenuous than I have been in opposing the ambitious battleship program of recent years; and I am promoting the same views in advocating the adoption of these treaties.

Mr. REED. Does the Senator from Ohio think there is any confidence manifested in them when we are asked not only to continue our military appropriations, but when England, Germany, and France are enormously increasing their armaments?

Mr. BURTON. Of course no one can speak for those who are making these recommendations. I, at least, do not pretend to do so. On the other hand, we can not accomplish in a day the great results which would follow from the general adoption of a policy of arbitration. There is no one who imagines for a minute that these treaties are going to create any millennium or even bring us to the gates of a millennium of peace. The most that we can say is that they are the best arbitration treaties that have been framed and they mark an advance in the great movement for peace and for the decrease of war.

It has been said here, Mr. President, that these treaties arbitrate everything. Look at their wording. The first article provides:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague.

Under the second article a somewhat wider range of controversies may be submitted, but the finding of the commission is not conclusive or binding, and I think it comes with very poor grace for us, who have been among the most prominent in The Hague convention, who have recommended commissions of inquiry, who have recommended, indeed, by our diplomatic representatives compulsory agreements in submitting certain controversies to such commissions, to come in here and say that we shall be incurring danger by leaving any controversy to a commission of inquiry when the provision is protected by a condition that the finding shall not be conclusive or binding.

Mr. President, I sincerely hope that the third clause of article 3 will not be voted out, because it is the very best feature of this whole treaty. First, when there is general agreement between the executive heads of the respective countries that a controversy shall be arbitrated, it goes to arbitration, subject, of course, to the ratification of the Senate. Second, there is this provision, that any dispute may be referred to a commission of inquiry, but that the decision shall not be binding; and to that is joined a most helpful condition, that on the request of either of the parties there may be a delay of one year to give time for that deliberation which, if it would not have prevented all wars, would have prevented many of the bloodiest and most disastrous contests in the history of the world. Third, when there is a disagreement between the executive heads of the two countries, then the question may be left to a commission of inquiry to determine whether it is justiciable. That commission of inquiry can make no decision that has any greater binding force or sanction than would be true in case there is no dispute about their arbitrable quality. The provision for a commission, too, gives the opportunity for a comparison of views, for argument, and for delay, if necessary, for the interposition of diplomacy to see if the question can be settled, and then the question is left again to the Senate.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield further to the Senator from Missouri?

Mr. BURTON. I very much regret that I have only a few moments more, but if the question is very brief—

Mr. REED. It is just a brief question.

Mr. BURTON. Very well.

Mr. REED. Suppose that during that year of delay, when our hands are absolutely tied, some foreign country was fortifying a position it had obtained in South America, would the Senator be willing that we should have our hands tied for that year of time?

Mr. BURTON. Our hands would not be tied in the slightest degree.

Mr. REED. How would we avoid it?

Mr. BURTON. One of the things most carefully provided for in The Hague convention is that the delay necessary for a decision shall not prevent the mobilization of troops and shall not prevent preparation for war. Nothing in these treaties forbids preparation for war. The Senator from Missouri, I think, if he reads them, will agree with me in the conclusion that it does not mean anything of the kind.

Then there has been a certain amount of discussion here in good faith as to the rights of the Senate. In either case, whether the question comes to us from the Executive department or from this commission of inquiry, there is a moral obligation not to refuse arbitration in a proper case. We can not carelessly or under the dictates of selfishness or a disposi-

tion for national aggrandizement refuse to arbitrate. We must exercise good faith and honor. The legal right does exist to refuse to ratify an agreement, whether it comes to us as the result of a finding that is justiciable under article 3 or under article 1. Under either article there is a recognition of the fact that the Senate of the United States is a part of the treaty-making power. But the treaty recognizes the further fact that these are arbitration treaties whose provisions are not to be disregarded. We have already entered into engagements of the same character.

It has been said here that England would be at a great disadvantage, as England does not have a chance to refer the question to a senate. I have no fear but the English Government will take care of itself; but there is a very substantial concession made here to the United Kingdom of Great Britain and Ireland in that self-governing colonies may consider propositions pertaining to them. Their consent is required as well as the ratification of the Senate.

Mr. President, what is the gain of ratifying these treaties? The greatest credit is due to the late administration of President Roosevelt and to the then Secretary of State, Mr. Root, for negotiating and securing the ratification of the treaties of 1908 with a number of nations. They went to the high-water mark that was possible at that time; they made a great advance; but all those treaties contained certain exceptions—honor, vital interests, independence, and questions in which the interests of third parties are concerned. Two of those expressions—"honor and vital interests"—are so vague, so non-susceptible of definition that so long as they appear in a treaty we can have no certainty of beneficial or salutary results. This treaty establishes a standard which is the only correct one, a standard under which arbitration may assume increasing importance as peace and good will increase and international jurisprudence includes a larger number of questions, the standard of justiciability, of right between nation and nation the same as between man and man. Constant friction and irritation would arise if the treaty made exceptions of questions of honor, vital interests, and questions involving third parties. Either nation might hide behind the vagueness and indefiniteness of those words. The words of the pending treaties have not received absolute definition—the Senate would have a right to decide whether a question was justiciable—but they are based on the right principle for the growth of peace among nations. For that reason, Mr. President, I urge their ratification. Furthermore, to reject these treaties to-day and place ourselves in the position of rejecting the advances of other nations would be to put ourselves out of line with that great march of progress toward a better day of amity and good will, in which in the past we have borne so prominent a part.

The VICE PRESIDENT. The hour of 4.30 o'clock having arrived, the question first is upon the first amendment to the treaty recommended by the committee, which the Secretary will report. The treaty has not been read in full. Is there objection to dispensing with the first formal reading of the treaty? [A pause.] The Chair hears none.

The SECRETARY. In the print of August 5, 1911, on page 3, line 4, it is proposed after the word "tribunal" to insert a comma, and in the same line to strike out "may" and in lieu thereof to insert the word "shall," so that if amended it will read:

Or to some other arbitral tribunal, as shall be decided in each case by special agreement.

The VICE PRESIDENT. Without objection the amendment is agreed to. The Secretary will state the next amendment.

The SECRETARY. On page 4, article 3, beginning with line 28, it is proposed to strike out the third paragraph of that article, which reads as follows:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

Mr. ROOT. I rise for the purpose of a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ROOT. It is, What is the position of the amendment in view of the action of the Senator from Massachusetts, who was in charge of the treaty, under the authority of the Committee on Foreign Relations, and who has offered a resolution for the ratification of the treaty without amendment? Does the resolution offered by the Senator from Massachusetts, in effect, withdraw the amendment?

Mr. CLARKE of Arkansas and several other Senators. No.

Mr. LODGE rose.

Mr. ROOT. The Senator from Massachusetts can state his intention, I suppose.

Mr. LODGE. The amendment now pending was the report of the Committee on Foreign Relations, and is still that report. Personally, I shall vote against it. It is the report of the majority of the committee.

The VICE PRESIDENT. It is to strike out the matter which the Secretary has just read. The question is on agreeing to strike it out.

Mr. CLARKE of Arkansas. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. On this particular amendment I transfer the pair to the junior Senator from North Dakota [Mr. GRONNA], and will vote. I vote "nay."

Mr. SHIVELY (when the name of Mr. DAVIS was called). The junior Senator from Arkansas is paired with the senior Senator from South Dakota [Mr. GAMBLE]. Were the junior Senator from Arkansas present he would vote "yea."

Mr. SHIVELY (when Mr. STONE's name was called). The senior Senator from Missouri [Mr. STONE] was paired with the Senator from Wyoming [Mr. CLARK], and the pair has been transferred. Were the senior Senator from Missouri present he would vote "yea."

The roll call was concluded.

Mr. JONES. My colleague [Mr. POINDEXTER] has been called out of the city on account of the serious illness of his mother. He has advised me how he would vote on some amendments, but not on this one. So I can not say how he would vote on the pending amendment.

Mr. LEA. I desire to state that the senior Senator from Tennessee [Mr. TAYLOR] is necessarily absent from the city. I do not know how he would vote on this amendment.

Mr. BORAH. I wish to announce that my colleague [Mr. HEYBURN] is necessarily absent. If he were present, he would vote "yea."

The result was announced—yeas 42, nays 40, as follows:

YEAS—42.

Bacon	Dixon	Martin, Va.	Shively
Bailey	Fletcher	Martine, N. J.	Simmons
Bankhead	Foster	Myers	Smith, Ga.
Borah	Gardner	Newlands	Smith, Md.
Bourne	Gore	O'Gorman	Smith, Mich.
Bristow	Hitchcock	Overman	Smith, S. C.
Bryan	Johnson, Me.	Owen	Swanson
Chamberlain	Johnston, Ala.	Paynter	Tillman
Chilton	Kern	Percy	Watson
Clarke, Ark.	Lea	Pomerene	
Culberson	Lorimer	Reed	

NAYS—40.

Bradley	Cullom	Lodge	Root
Brandeggee	Cummins	McCumber	Smoot
Briggs	Curtis	McLean	Stephenson
Brown	Dillingham	Nelson	Sutherland
Burnham	du Pont	Nixon	Thornton
Burton	Gallinger	Oliver	Townsend
Clapp	Guggenheim	Page	Warren
Clark, Wyo.	Jones	Perkins	Wetmore
Crane	Kenyon	Rayner	Williams
Crawford	Lippitt	Richardson	Works

NOT VOTING—9.

Davis	Heyburn	Penrose	Stone
Gamble	La Follette	Poindexter	Taylor
Gronna			

So the committee's amendment was agreed to.

The VICE PRESIDENT. Are there other amendments to be offered to the treaty?

Mr. CULBERSON. I offer the amendment I send to the desk.

The VICE PRESIDENT. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. In the first paragraph of article 1, after the word "equity," at the top of page 3, line 1, insert the following words:

But which shall not embrace any question which affects the vital interests, the independence, or the honor of either of the two contracting parties, nor any question which concerns the interests of third parties.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas. [Putting the question.] The "noes" appear to have it.

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. BACON and Mr. BAILEY answered to their names.

Mr. BORAH. A number of us here did not hear the amendment. We would like to have it stated again.

The VICE PRESIDENT. Without objection, the amendment will be restated.

The Secretary restated the amendment.

The VICE PRESIDENT. The Secretary will resume the call of the roll.

The Secretary resumed the calling of the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. Not knowing how he would vote on this question, I withhold my vote.

Mr. SHIVELY (when the name of Mr. DAVIS was called). I again announce the pair of the junior Senator from Arkansas [Mr. DAVIS] with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. LEA (when Mr. TAYLOR's name was called). I again announce the absence of the senior Senator from Tennessee [Mr. TAYLOR]. I do not know how he would vote on this amendment.

The roll call was concluded.

Mr. CLARK of Wyoming. Upon further information I will transfer the pair I have with the Senator from Missouri [Mr. STONE] to the Senator from North Dakota [Mr. GRONNA], and will vote. I vote "nay."

Mr. SHIVELY. To whom does the Senator from Wyoming transfer his pair?

Mr. CLARK of Wyoming. To the junior Senator from North Dakota [Mr. GRONNA].

Mr. SHIVELY. I neglected to state when the name was called that the Senator from Missouri [Mr. STONE] was paired on this vote with the Senator from Wyoming [Mr. CLARK]. The Senator from Wyoming now announces a transfer of his pair.

Mr. JONES. As I have heretofore stated, my colleague [Mr. POINDEXTER] has been called out of the city by the serious illness of his mother. I do not know how he would vote on this question if he were present.

The result was announced—yeas 37, nays 45, as follows:

YEAS—37.

Bacon	Gardner	Newlands	Smith, Ga.
Bailey	Hitchcock	O'Gorman	Smith, Md.
Bankhead	Johnson, Me.	Overman	Smith, S. C.
Borah	Johnston, Ala.	Paynter	Swanson
Chamberlain	Kern	Percy	Thornton
Chilton	Lea	Pomerene	Tillman
Clarke, Ark.	Lorimer	Rayner	Watson
Culberson	Martin, Va.	Reed	
Fletcher	Martine, N. J.	Shively	
Foster	Myers	Simmons	

NAYS—45.

Bourne	Crawford	Lippitt	Smith, Mich.
Bradley	Cullom	Lodge	Smoot
Brandeggee	Cummins	McCumber	Stephenson
Briggs	Curtis	McLean	Sutherland
Bristow	Dillingham	Nelson	Townsend
Brown	Dixon	Nixon	Warren
Bryan	du Pont	Oliver	Wetmore
Burnham	Gallinger	Owen	Williams
Burton	Gore	Page	Works
Clapp	Guggenheim	Perkins	
Clark, Wyo.	Jones	Richardson	
Crane	Kenyon	Root	

NOT VOTING—9.

Davis	Heyburn	Penrose	Stone
Gamble	La Follette	Poindexter	Taylor
Gronna			

So Mr. CULBERSON's amendment was rejected.

Mr. BACON. I offer an amendment, notice of which I have heretofore given.

The VICE PRESIDENT. The Senator from Georgia offers an amendment, which will be stated.

Mr. LODGE. Is it an amendment to the treaty?

The VICE PRESIDENT. It is, as the Chair understands it. Mr. GALLINGER. Yes.

Mr. LODGE. Is it an amendment to the treaty?

The VICE PRESIDENT. The Chair understands it is an amendment to the treaty, and it will be stated.

The SECRETARY. It is proposed to add the following proviso to the first clause of article 1:

Provided, That this agreement of arbitration does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Under the transfer of pairs heretofore announced, I will vote. I vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce that if my colleague [Mr. POINDEXTER] were present, he would vote "yea" on this amendment.

The result was announced—yeas 41, nays 41, as follows:

YEAS—41.

Bacon	Foster	Myers	Smith, Ga.
Bailey	Gardner	Newlands	Smith, Md.
Bankhead	Gore	O'Gorman	Smith, S. C.
Borah	Hitchcock	Overman	Swanson
Bourne	Johnson, Me.	Owen	Thornton
Chamberlain	Johnston, Ala.	Paynter	Tillman
Chilton	Kern	Percy	Watson
Clarke, Ark.	Lea	Pomerene	Williams
Culberson	Lorimer	Reed	
Cummins	Martin, Va.	Shively	
Fletcher	Martine, N. J.	Simmons	

NAYS—41.

Bradley	Crawford	Lodge	Smith, Mich.
Brandegee	Cullom	McCumber	Smoot
Briggs	Curtis	McLean	Stephenson
Bristow	Dillingham	Nelson	Sutherland
Brown	Dixon	Nixon	Townsend
Bryan	du Pont	Oliver	Warren
Burnham	Gallinger	Page	Wetmore
Burton	Guggenheim	Perkins	Works
Clapp	Jones	Rayner	
Clark, Wyo.	Kenyon	Richardson	
Crane	Lippitt	Root	

NOT VOTING—9.

Davis	Heyburn	Penrose	Stone
Gamble	La Follette	Poindexter	Taylor
Gronna			

The VICE PRESIDENT. The nays have it, and the amendment is lost.

Mr. CHAMBERLAIN. I desire to offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from Oregon offers an amendment, which will be read.

The SECRETARY. It is proposed to add the following proviso at the end of the first clause of article 1:

Provided, That this agreement of arbitration does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. CHAMBERLAIN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the junior Senator from North Dakota [Mr. GRONNA], and I vote "nay."

Mr. BAILEY (after having voted in the affirmative, when Mr. DIXON's name was called). I only a moment ago paired with the Senator from Montana [Mr. DIXON], and under that impression he has left the Chamber. I withdraw my vote.

The roll call was concluded.

Mr. JONES. I announce the necessary absence of my colleague [Mr. POINDEXTER], with the statement that I do not know how he would vote on this amendment if he were present.

Mr. SHIVELY. I again announce the absence of the junior Senator from Arkansas [Mr. DAVIS] and that he is paired with the senior Senator from South Dakota [Mr. GAMBLE]. I also announce the absence of the senior Senator from Missouri [Mr. STONE], and that he has a general pair with the senior Senator from Wyoming [Mr. CLARK].

The result was announced—yeas 41, nays 38, as follows:

YEAS—41.

Bacon	Gardner	Newlands	Smith, Ga.
Bankhead	Gore	O'Gorman	Smith, Md.
Borah	Hitchcock	Overman	Smith, S. C.
Bourne	Johnson, Me.	Owen	Swanson
Chamberlain	Johnston, Ala.	Paynter	Thornton
Chilton	Kern	Percy	Tillman
Clarke, Ark.	Lea	Pomerene	Watson
Culberson	Lorimer	Rayner	Williams
Cummins	Martin, Va.	Reed	
Fletcher	Martine, N. J.	Shively	
Foster	Myers	Simmons	

NAYS—38.

Bradley	Crawford	Lodge	Smith, Mich.
Brandegee	Cullom	McCumber	Smoot
Briggs	Curtis	McLean	Stephenson
Bristow	Dillingham	Nelson	Sutherland
Brown	du Pont	Nixon	Townsend
Burnham	Gallinger	Oliver	Warren
Burton	Guggenheim	Page	Wetmore
Clapp	Jones	Perkins	Works
Clark, Wyo.	Kenyon	Richardson	
Crane	Lippitt	Root	

NOT VOTING—12.

Bailey	Dixon	Heyburn	Poindexter
Bryan	Gamble	La Follette	Stone
Davis	Gronna	Penrose	Taylor

So Mr. CHAMBERLAIN's amendment was agreed to.

The VICE PRESIDENT. Are there other amendments to the treaty? If not, the treaty will be reported to the Senate.

The SECRETARY. A treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

The VICE PRESIDENT. Without objection the amendments recommended by the Committee of the Whole are concurred in.

Mr. BACON. I understood that the Senator from Massachusetts [Mr. LODGE] would offer a resolution.

Mr. LODGE. I am going to offer it now.

The VICE PRESIDENT. Without objection the amendments recommended by the Committee of the Whole are concurred in. Are there amendments to be offered to the treaty in the Senate?

Mr. LODGE. If the Chair will allow me, I think we are as in open executive session and not as in Committee of the Whole.

Mr. BACON. I was about to make the same point.

The VICE PRESIDENT. The rules provide for the same procedure in executive session as in open session. But the matter is disposed of to a point where a resolution of ratification is in order.

Mr. LODGE. I offer this resolution of ratification in lieu of the one which I presented, because the one that I presented is no longer necessary, the amendments having been made.

The VICE PRESIDENT. The Senator from Massachusetts offers a resolution of ratification, which will be read.

The Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Great Britain respecting arbitration, signed at Washington on the 3d day of August, 1911, with the following amendments:

On page 3, line 4, after the word "tribunal," insert a comma.

In the same line strike out the word "may" and insert in lieu thereof the word "shall."

On page 4, strike out the paragraph commencing line 28 and ending line 35.

And at the end of the first clause of article 1 add the following proviso:

Provided, That this agreement of arbitration does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States.

Mr. BACON. I offer as a substitute for the proviso the one I now send to the desk.

The VICE PRESIDENT. The Senator from Georgia offers an amendment in the form of a substitute for the proviso, which will be read.

The SECRETARY. In lieu of the proviso insert:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or money obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia to the resolution of ratification.

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] advised me that he is in favor of what is known as the Bacon amendment. I do not know whether this is the amendment which was originally proposed by the Senator from Georgia or not.

Mr. BACON. It is an amendment which I originally proposed. The amendment which was first offered I only proposed to-day, but the amendment upon which we are now voting I gave notice of at the time the Senator from New York first offered his amendment.

Mr. JONES. I understand, then, my colleague would vote yea on this amendment.

The result was announced—yeas 46, nays 36, as follows:

YEAS—46.

Bacon	Bourne	Chilton	Fletcher
Bailey	Bristow	Clarke, Ark.	Foster
Bankhead	Bryan	Culberson	Gardner
Borah	Chamberlain	Cummins	Gore

Hitchcock
Johnson, Me.
Johnston, Ala.
Kenyon
Kern
Lea
Lorimer
McLean

Martin, Va.
Martine, N. J.
Myers
Newlands
O'Gorman
Overman
Owen
Paynter

Percy
Pomerene
Rayner
Reed
Shively
Simmons
Smith, Ga.
Smith, Md.

Smith, S. C.
Swanson
Thornton
Tillman
Watson
Williams

NAYS—36.

Bradley
Brandegee
Briggs
Brown
Burnham
Burton
Clapp
Clark, Wyo.
Crane

Crawford
Cullom
Curtis
Dillingham
Dixon
du Pont
Gallinger
Guggenheim
Jones

Lippitt
Lodge
McCumber
Nelson
Nixon
Oliver
Page
Perkins
Richardson

Root
Smith, Mich.
Smoot
Stephenson
Sutherland
Townsend
Warren
Wetmore
Works

NOT VOTING—9.

Davis
Gamble
Gronna

Heyburn
La Follette

Penrose
Poindexter

Stone
Taylor

So Mr. BACON's amendment to Mr. LODGE's resolution was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHIVELY (when Mr. DAVIS's name was called). I wish to state that on this vote the junior Senator from Arkansas [Mr. DAVIS], who is absent from the Chamber, is paired with the senior Senator from South Dakota [Mr. GAMBLE], and that if the junior Senator from Arkansas were present on this vote he would vote "yea."

Mr. CLAPP (when Mr. GRONNA's name was called). The junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent from the Chamber. If he were present he would vote "yea."

Mr. SHIVELY (when Mr. STONE's name was called). I again announce the unavoidable absence of the senior Senator from Missouri [Mr. STONE], and that he has a general pair with the senior Senator from Wyoming [Mr. CLARK]. If the senior Senator from Missouri were present on this question he would vote "yea."

The roll call was concluded.

Mr. CRAWFORD. I desire to state that my colleague [Mr. GAMBLE] is necessarily absent, and that he is paired with the junior Senator from Arkansas [Mr. DAVIS]. If my colleague were present he would vote "yea."

Mr. JONES. I desire to announce the absence of my colleague [Mr. POINDEXTER], and to state that if he were present he would vote "yea."

Mr. LEA. I wish to state the necessary absence of the senior Senator from Tennessee [Mr. TAYLOR], and that if he were present he would vote "yea."

The result was announced—yeas 76, nays 3, as follows:

YEAS—76.

Bacon
Bailey
Bankhead
Borah
Bourne
Bradley
Brandegee
Briggs
Bristow
Brown
Bryan
Burnham
Burton
Chamberlain
Chilton
Clapp
Clark, Wyo.
Crane
Crawford

Culberson
Cullom
Cummins
Curtis
Dillingham
Dixon
du Pont
Fletcher
Foster
Gallinger
Gardner
Gore
Guggenheim
Hitchcock
Johnson, Me.
Johnston, Ala.
Jones
Kenyon
Kern

Lea
Lippitt
Lodge
McCumber
McLean
Martin, Va.
Myers
Nelson
Newlands
Nixon
Oliver
Overman
Owen
Paynter
Percy
Perkins
Pomerene
Rayner

Richardson
Root
Shively
Simmons
Smith, Ga.
Smith, Md.
Smith, Mich.
Smith, S. C.
Stephenson
Sutherland
Swanson
Thornton
Tillman
Townsend
Warren
Watson
Wetmore
Williams
Works

NAYS—3.

Lorimer

Martine, N. J.

Reed

NOT VOTING—12.

Clarke, Ark.
Davis
Gamble

Gronna
Heyburn
La Follette

O'Gorman
Penrose
Poindexter

Smoot
Stone
Taylor

The VICE PRESIDENT. Two-thirds having voted in favor thereof, the resolution as amended is adopted.

Mr. LODGE. I now ask unanimous consent that the resolution of ratification of the French treaty may be laid before the Senate, identical amendments having been proposed in that treaty; that is, that the treaty may be considered as amended identically with the English treaty, and that a precisely similar resolution of ratification may be laid before the Senate and adopted.

The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent that precisely the same proceedings

in reference to the French treaty be taken from first to last that were taken in reference to the English treaty. Is there objection? The Chair hears none, and two-thirds having voted for the treaty, it is ratified.

LEGISLATIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2004) to amend section 1505 of the Revised Statutes of the United States providing for the suspension from promotion of officers of the Navy if not professionally qualified.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15471. An act making appropriation for repair, preservation, and exhibition of the trophy flags now in store in the Naval Academy, Annapolis, Md.;

H. R. 17119. An act granting the courthouse reserve, at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes;

H. R. 17483. An act amending section 1998 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3211. An act authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy;

S. 4521. An act to authorize the change of the name of the steamer *William A. Hawgood*; and

S. 4728. An act to authorize the change of the name of the Steamer *Salt Lake City*.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a cablegram from the President of the Republic of Nicaragua, expressing gratification to the Senate of the United States upon the visit of the Hon. Philander C. Knox, Secretary of State, to that country, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Protective League for the Families of Drunkards, of Pittsburgh, Pa., and a petition of the Rockland County Woman's Christian Temperance Union, of New York, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a memorial of sundry citizens of Ledford, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. GUGGENHEIM presented a memorial of sundry citizens of Galatea, Colo., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry members of the Improved Order of Red Men, of Longmont, Colo., praying for the erection of an American Indian memorial and museum building in Washington, D. C., which was referred to the Committee on Indian Affairs.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of Carmichael, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of the Woman's Christian Temperance Union of Slaughter Neck; the Young People's Branch of the Woman's Christian Temperance Union of Slaughter Neck; the Methodist Episcopal Church of Cedar Neck; the Methodist Protestant Church of Milford; W. M. Joseph, of

Milford; Elmer C. Bennett, of Milford; the Law and Order Society of Townsend; the Immanuel Methodist Episcopal Church, of Townsend; and the local Woman's Christian Temperance Union of Townsend, all in the State of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of members of the True Methodist Sunday School and of the congregation of the Methodist Church of East Syracuse; of members of the Methodist Episcopal Sunday School and Church of Collamer village; of the Woman's Christian Temperance Unions of Malone, Horseheads, and Binghamton; and of sundry citizens of Binghamton, Jamesville, and Syracuse, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor unions of Porto Rico, praying for the establishment in that Territory of a department of commerce and agriculture, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry labor unions of Porto Rico, praying for the enactment of legislation giving citizens of Porto Rico the right to be citizens of the United States, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of Elmira, N. Y., praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a memorial of Chapin Post, No. 2, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the proposed discontinuance of the pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Buffalo, N. Y., praying for the passage of the so-called Sulzer parcel-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Troy, N. Y., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

Mr. GORE presented a joint resolution adopted by the Legislature of Oklahoma, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATE OF OKLAHOMA,
Department of State.

To all to whom these presents shall come, greeting:

I, Benjamin F. Harrison, secretary of state of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of house joint resolution 5, approved March 14, 1910, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of state. Done at the city of Oklahoma this 26th day of February, A. D. 1912.

[SEAL.]

BENJAMIN F. HARRISON,
Secretary of State.

MARCH 10, 1910.

House joint resolution 5.

A resolution ratifying an amendment proposed by the Sixty-first Congress of the United States of America on the 15th day of March, 1909, to the Constitution of the United States and designated as Article XVI.

Be it resolved by the house of representatives and the senate of the State of Oklahoma:

Whereas the Sixty-first Congress of the United States of America, at its first session, begun and held at the city of Washington, on Monday, the 15th day of March, 1909, by joint resolution proposed an amendment to the Constitution of the United States in words and figures as follows, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ART. 16. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and from any census or enumeration."

Now, therefore, be it resolved by the house of representatives and the senate of the State of Oklahoma in extraordinary session assembled, Such subject having been recommended by the governor for consideration, that said proposed amendment to the Constitution of the United States of America is hereby ratified.

BEN F. WILSON,
Speaker of the House of Representatives.
J. C. GRAHAM,
President pro tempore of the Senate.

Correctly enrolled.

Approved March 14, 1910.

MILTON BRYAN, Chairman.
C. N. HASKELL,
Governor of the State of Oklahoma.

Mr. TILLMAN presented petitions of the congregation of the Buncombe Street Methodist Episcopal Church, of Greenville, and of sundry citizens of Ward and Tulley, all of the State of

South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BRADLEY presented a petition of sundry citizens of Lincoln County, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the memorial and executive committee, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the discontinuance of the pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. SHIVELY presented petitions of Journeymen Barbers' Union No. 14, of Fort Wayne, Ind.; of Local Union No. 157, Journeymen Tailors' Union of North America, of Indianapolis, Ind.; and of Allen Lodge, No. 145, International Association of Machinists, of Lima, Ohio, praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 5, National Brotherhood of Operative Potters, of Evansville, Ind., praying for the enactment of legislation providing for the building of one of the proposed new battleships in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of Boyd Local Union, No. 215, Farmers' Educational and Cooperative Union of America, of Bedford, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Logansport, Fort Wayne, Markle, Medaryville, Monon, Reynolds, Wolcott, Lafayette, Idaville, Monticello, Greentown, Van Buren, and Warren, all in the State of Indiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of John P. Baird Post, No. 592, Department of Indiana, Grand Army of the Republic, of Terre Haute, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a memorial of the Polish National Alliance of the United States of North America, remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. PAGE presented a petition of the Woman's Christian Temperance Union of Richford, Vt., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Board of Trade of Providence, R. I., praying for the selection of the site in the Mall, in the District of Columbia, as recommended by the Commission of Fine Arts, for the location of the proposed Lincoln memorial, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted at a public meeting held under the auspices of the Robert Emmet Literary Association, of Providence, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, and also against the ratification in the future of any treaty involving the Monroe doctrine, etc., which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BURTON presented a memorial of sundry citizens of Antonis, Ohio, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSTON of Alabama presented a memorial of sundry citizens of Slocumb, Ala., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. RAYNER presented a petition of the official body of the Centenary Methodist Episcopal Church, of Westminster, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 2115) conferring jurisdiction on the Court

of Claims to determine the amount due certain individual Sioux Indians of the United States, submitted an adverse report (No. 449) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 1509) for the relief of Mary Cairney, submitted an adverse report (No. 448) thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GUGGENHEIM:

A bill (S. 5664) granting a pension to Etta B. Stewart (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5665) for the relief of heirs of John D. and Elizabeth Witherspoon, deceased (with accompanying papers); to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 5666) granting an increase of pension to Peter Walker (with accompanying paper); and

A bill (S. 5667) granting an increase of pension to Alexander F. Hays (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 5668) to provide for the purchase of a site and the erection of a public building thereon at Cape Charles, in the State of Virginia; to the Committee on Public Buildings and Grounds.

By Mr. RAYNER:

A bill (S. 5669) making an appropriation for the deepening of the Curtis Bay Channel, Baltimore Harbor; to the Committee on Commerce.

PRINTING OF NORTH AMERICAN REVIEW ARTICLE (S. DOC. NO. 380).

Mr. SMOOT. On the 2d instant the Senator from Nebraska [Mr. HITCHCOCK] presented to the Senate an article which appeared in the February number of the North American Review, by Leander T. Chamberlain, entitled "A chapter of national dishonor," and asked that it be printed as a document, and it was referred to the Committee on Printing for action. I report back favorably from that committee the article and move that it be printed as a Senate document.

The motion was agreed to.

LAND AT PORT ANGELES, WASH.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 339) providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes, which were, on page 1, line 4, after "reappraisal," to insert "at their actual cash value"; on page 1, line 10, to strike out "private entry only at such" and insert "not less than the"; and on page 2, line 1, to strike out "deed" and insert "patent."

Mr. JONES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4151) to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota, which were, on page 1, line 7, after the word "point," to insert "suitable to the interests of navigation," and, on page 1, line 10, after "Minnesota," to strike out "suitable to the interests of navigation."

Mr. NELSON. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 17483. An act amending section 1998 of the Revised Statutes of the United States, and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of

instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

H. R. 15471. An act making appropriation for repair, preservation, and exhibition of the trophy flags now in store in the Naval Academy, Annapolis, Md., was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 17119. An act granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes was read twice by its title and referred to the Committee on Public Lands.

PUBLIC-UTILITIES COMMISSION.

Mr. GALLINGER. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia, and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. GALLINGER. I desire to give notice, so that it may be understood, that on to-morrow I will ask that that bill shall be proceeded with. I now ask that it be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from New Hampshire, the bill is temporarily laid aside.

SENATOR FROM WISCONSIN.

Mr. SUTHERLAND. Mr. President, I ask unanimous consent that on Monday, March 25, 1912, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of the resolution declaring that no corrupt practices or methods were involved in the election of the Senator from Wisconsin [Mr. STEPHENSON], and that at 4 o'clock on that day a vote upon the resolution be taken.

Mr. BRISTOW. I desire to say that I can not consent to fix any specific hour for the vote on that day. Personally I have no objection to voting on that day, but I do object to setting any specific hour for voting.

Mr. JONES. If the Senator will make it the legislative day I do not think there will be any objection.

Mr. SUTHERLAND. I will modify the request, and ask that the vote be taken before adjournment on that legislative day.

The VICE PRESIDENT. Is there objection to the request?

Mr. CULBERSON. What is the request?

The VICE PRESIDENT. The request is that on Monday, March 25, immediately after the conclusion of the routine morning business, the resolution relating to the so-called Stephenson case be taken up, and that a vote be taken thereon and on all amendments, if any, before adjournment on that legislative day. Is there objection? [After a pause.] The Chair hears no objection, and the order is entered.

HOUS OF MEETING TO-MORROW.

Mr. McCUMBER. I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock noon to-morrow.

The motion was agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Friday, March 8, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 7, 1912.

The House met at 12 o'clock m.

The SPEAKER, on taking the chair, was greeted with general applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, let Thy smiles be upon us to cheer our hearts when we are seeking earnestly, honestly, and faithfully to do Thy will, as it is given us to see Thy will, but frown upon us and make our hearts heavy when we run counter to Thy will through our own selfish desires. "Be not deceived; God is not mocked; for whatsoever a man soweth, that shall he also reap. For he that soweth to the flesh shall of the flesh reap corruption, but he that soweth to the spirit shall of the spirit reap life everlasting." "And let us not be weary in well doing, for in due season we shall reap if we faint not." So let Thy kingdom come and Thy will be done on earth as it is in heaven. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN, chairman of the Committee on Rivers and Harbors, by direction of that committee, reported the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 395), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order on the bill.

Mr. SPARKMAN. I wish to give notice, Mr. Speaker, that I wish to take it up at the first opportunity.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] gives notice that he will call up the bill at the first opportunity.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 18960, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, with Mr. BORLAND in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. LAMB. Mr. Chairman, I yield to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, to-day is the anniversary of the birth of the Speaker of the House of Representatives [applause], and, as his nearest congressional neighbor, I ask unanimous consent to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to address the committee for 10 minutes. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Chairman, 10 years before the War between the States, in a rural community in the great border State of Kentucky [applause], a man child was born. He came from the great common people. His advent into the world was unheralded and unnoticed except in the community where he spent his boyhood days. To-day in the Capital of the Nation and in mountain hamlets in the great cities of the East and on the shores of the western sea, in the cities and villages of the pleasant Southland, and throughout the colder North great newspapers are proclaiming the fact that in the journey of life the Speaker of the House of Representatives has reached his sixty-second milestone. [Loud applause.] As his personal friend and as his nearest congressional neighbor I feel that I have the right to-day to refer in this place to his life and to his public service.

The immortal Lincoln was born on a farm in the State of Kentucky. The call of the West came to him early in life—

To the West, to the West, to the land of the free,
Where the great Mississippi rolls down to the sea,
Where a man is a man if he's willing to toil,
And the humblest may share in the fruits of the soil.

[Applause.]

He obeyed the call, and in the great middle section of this country, where the waves of prejudice from the North meet and overcome the waves of passion from the South, he developed those qualities of mind and heart which finally brought to him the highest honors in the gift of the people of his country. He was trained in the hard school of practical everyday life. A farm hand, a clerk in a country store in the village of New Salem, a surveyor, a country lawyer—during these, the formative years of his life, he developed that knowledge of human nature, that broad sympathy and those qualities of intellect which made of him a great leader among men and on account of which men of the North and men of the South revere his memory [applause]—the memory of this Kentucky boy who, as a farm hand, a country surveyor, a clerk in a country store, a practicing country lawyer, a member of the legislature, a Member of Congress, progressed until he finally attained the highest place in the Nation. [Applause.]

CHAMP CLARK was born on a farm in Kentucky. [Applause.] There early came to him the call of the West, and he heeded it. Fifty miles from New Salem, on the banks of the Mississippi River, in that great middle portion of this country where men grow to full stature, he spent the formative years of his life. [Applause.] Trained also as a farm hand, as a clerk in a country store, as a country lawyer, as a country school-teacher, he developed in the hard school of practical experience those qualities which have at last placed him in the second highest place in this, the greatest of all the nations. [Applause.]

His life furnishes an inspiration to the youth of the land. Born on a farm, educated in the country schools and in our smaller colleges, early accustomed to a life of toil and hardship, a farm hand, a clerk in a country store, an editor of a country newspaper, a country school-teacher, president of a little college, a country lawyer, city attorney in a Missouri city, deputy prosecuting attorney, a member of the legislature, a Member of Congress, a presidential elector, permanent chairman of a Democratic national convention, nine times elected to Congress, and finally elected by the House of Representatives to the high position he now fills. [Applause.] No man is better qualified by education, by environment, by experience, to fill the one higher position in the Government for which his friends are now presenting his name. [Applause.]

My district in Illinois for over a hundred miles adjoins his district in Missouri, separated only by the Mississippi River. I speak of him to-day as his neighbor and his friend. No Member of the House of Representatives has ever been held in higher esteem by the people of his district than is CHAMP CLARK by his constituents in the ninth district of Missouri. [Applause.] They know him and he knows them, and he is able to call them all by name. The man who rises to high position from a rural community owes his advancement in life not to favorable newspaper comment, not to eulogies in magazines, but to the fact that back in his section 200,000 men, women, and children know him intimately and well—are acquainted with his qualifications, and do not hesitate to make known any circumstances or events which would disqualify him for high position in the Nation. [Applause.]

Through the long, dark days of humiliation and defeat he remained loyal always to the party to which he acknowledged allegiance [applause], ready at all times, on all occasions, in all States, and in all localities to battle for the principles the Democratic Party is proclaiming to-day with a louder voice than ever. [Applause.] He has been tried in the fire, and the increasing majorities given to him always in his district by the men who know him best commend him now to the people of the Nation as no other indorsement could. [Applause.]

He became the leader of his party in the National House of Representatives when his party was rent with discord and internal strife, when its enemies were predicting it had no constructive power and that it could not present a united front in the lower House. [Applause.] Out of turmoil and strife he has been able to so reorganize his party that an overwhelming Republican majority in the National House has been turned into an overwhelming Democratic majority, and under his leadership and as a result of it we are able now to present a united front to a common enemy and to discharge, so far as we of the lower House can do it, our pledges to the people of the country. [Applause.] Is it any wonder that throughout the land to-day hundreds of thousands of his fellow citizens are looking toward this country boy progressing as Lincoln did, schooled as Lincoln was, in the same environment in the great middle portion of the country? Is it any wonder that they are singing his praises and are uniting for the purpose of conferring upon him, if they can, the nomination for the highest place in the gift of the people of his country? [Applause.] He is here to-day in the very prime of life, in the full development of his splendid manhood. He has just attained the age which best qualifies a man to be President of the United States. [Applause.] May we not on this occasion express the hope that he has ahead of him many years of life and health, of success, happiness, and usefulness? [Long continued applause.]

Mr. AUSTIN. Mr. Chairman, I ask for two minutes in which to address the Committee of the Whole.

SEVERAL MEMBERS. Make it five.

Mr. AUSTIN. Five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, the honorable Presiding Officer of this House is not only your Speaker, but he is our Speaker. [Applause.] No man who could have been selected on that

side of the House for that high and exalted office could have met with a warmer approval or indorsement on this side of the House than the Hon. CHAMP CLARK. [Applause.] In the administration of that office he has been kind, considerate, and absolutely just and impartial. [Applause.]

I wish not only to congratulate him upon his birthday, but I congratulate his party on the wisdom of his selection as their leader in this House. [Applause.] I desire also, Mr. Chairman, on behalf of myself and colleagues on this side, to congratulate the Republican Party in having such a man to preside over this Democratic House. [Applause.] I congratulate the American people because we have a typical American in that high place. [Applause.] And, gentlemen, I congratulate you upon your opportunity to make him the standard bearer of the "unterrified" Democracy. [Applause.] He would make, if he had the opportunity, a wise Executive of the American people, one who would have their welfare and interest always uppermost in his mind in the administration of that great office. [Applause.] If we were to have a Democrat, we would all prefer him, but we are going to have a Republican President for the next four years. [Laughter and applause.]

Mr. CANNON rose. [Applause.]

Mr. CANNON. Mr. Chairman, I just came into the House and inquired why the present Chairman was presiding and was informed, having overlooked the fact, that this was the anniversary of the sixty-second birthday of the distinguished Speaker of the House of Representatives. I am glad on this occasion to say a word touching the Speaker of the House. The majority elected him, but, after all, when the Speaker is elected he is Speaker of the House, not only of the majority of the House, but of the whole House. [Applause.] While we have had sharp contests in the past and in the present, and no doubt will have in the future, I am glad to say, after many years of service, that while the present Speaker has always been a virile partisan, recognizing that it is a government of the people speaking by majorities, and while as a former Speaker of the House and on the floor I have had sharp contests with him and at times felt his opposition keenly, yet I must say, and take pleasure in saying at this time, that he has made manly contests, striking above the belt. [Applause.] As long as contests of that kind remain between the majority and the minority I would not have them cease in vigor, because it is the duty of the majority clothed with the power to move forward, standing by their policies, and it is the duty of the minority, where policies and principles are concerned, to criticize the policies of the majority.

The present Speaker is a prospective candidate for that great office of President. [Applause.] You will not consult me in the Baltimore convention, but I am quite sure that it would be agreeable to this side of the House if you should nominate your colleague and our colleague, the present Speaker, as your standard bearer. [Applause.] For your policies I can think of no one that would be more forceful, and in nominating and electing to that great office the present Speaker I think there is no man within the sound of my voice but that would feel that he would be persona grata if he desired a hearing touching the public business so far as it was within his power. [Applause.]

We congratulate our friends from time to time on the anniversary of their birth, but I sometimes wonder whether it is a subject for congratulation that another annual milestone is behind us. Yet it is always agreeable to congratulate and be congratulated; and as we can not turn back the hands upon the dial, I will express the wish and the hope that the Speaker's birthday anniversary may reach the hundredth anniversary and that I may be there to see it. [Laughter and applause.]

The CHAIRMAN. When the committee arose the pending amendment was the amendment offered by the gentleman from North Carolina [Mr. PAGE].

Mr. GUERNSEY. Mr. Chairman, I have an amendment which I wish to offer to the amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from North Carolina and also the amendment to the amendment by the gentleman from Maine.

The Clerk read as follows:

Strike out the paragraph beginning on line 16, on page 23, and ending with line 10, on page 26, and insert in lieu thereof the following: "Purchase and distribution of rare and valuable seeds and plants: For purchase, propagation, testing, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experimenting with reference to their introduction into and cultivation in this country, and same shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment station, \$58,740."

The amendment of Mr. GUERNSEY is as follows:

Amend by adding after the word "bulbs" in the third line, "seed potatoes."

Mr. CANDLER. Mr. Chairman, I reserve the point of order to the amendment of the gentleman from Maine.

Mr. LAMB. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. Upon the amendment or upon the amendment to the amendment?

Mr. LAMB. Upon both.

Mr. GUERNSEY. Mr. Chairman, the House now has under consideration the Agricultural bill, one of the great supply bills of this Government. Its provisions are intended to promote our agricultural interests; therefore in connection with its consideration it is proper to propose legislation that may be beneficial and call attention to other legislation that the Democratic majority has already passed or proposes to pass and which, it is believed, will be serious in its effect on the agricultural interests of the United States.

The subject now under consideration offers an opportunity for the members of the Democratic majority to show in a substantial way that they are still as interested in the farmers of the country as they have declared that they were for 16 years while in the minority and not as responsible for legislation in this House as now.

It is proposed to do away with the distribution of Government seeds in the manner that has heretofore prevailed, but continue an appropriation of many thousands of dollars which will enable the Department of Agriculture to supply valuable seeds to those who especially desire them and may directly apply for them. If the Democratic majority proposes to adopt this plan, I ask that a portion of the appropriation be made available for an investigation into the cultivation and promotion of the best varieties of a great food product. If the Department of Agriculture, with all its great facilities for investigation, experiment, and study, would give more attention to potato cultivation I believe it might render important service which would be appreciated by those engaged in this important branch of farming, resulting in a better general understanding as to methods of cultivation, quality of production, and increase of acreage.

HIGH COST OF LIVING.

Along with wheat, potatoes are one of the chief foods in our everyday living. The high cost of living is one of the great questions of the time. The State of Massachusetts not long ago investigated into it; the Federal Government has made exhaustive investigations into its causes, and world-wide study of the question is now contemplated.

The farmers of the House and the farmers of the United States Senate have expressed their opinions as to its causes. Investigations and investigations may continue to be made, reports and reports may continue to be written, and the farmers of the House and the farmers of the Senate may continue to express their opinions, but the high cost of living will only be solved in one way, that is by increasing production and the quality of the production. Let us add to the inducements of the farmer and not legislate them away. Let the Department of Agriculture give its assistance to the potato growers, give it authority to experiment and study the cultivation and the varieties of potatoes, and supply seed, so far as practicable, to farmers desiring to make tests of the varieties, who may make application direct to the department, and this Democratic House will show that it has a real interest in reducing the cost of living and promoting agriculture. [Applause.]

DEMOCRATIC LEGISLATION UNFAVORABLE TO THE INTERESTS OF THE FARMER.

The trend of Democratic legislation so far seems to be against the agricultural interests, and legislation now before the House as a result of the recent Democratic sugar caucus will strike another blow at agriculture. Not alone will the sugar producers be affected, but the market in Cuba for potatoes grown in the United States, and other products of the soil of this country will suffer.

The sugar bill should be called a bill of surrender. It surrenders our advantages in the \$62,000,000 Cuban market to Canada and it surrenders to the refining interests, the Sugar Trust, fifty-two millions of Government income.

The existing treaty between the United States and Cuba provides for the admission into her market of our products at a preferential custom rate over other nations of 20 per cent in turn for admission into this country of her chief product, which is sugar, at a preferential rate of 20 per cent as against the rest of the world.

If the Democratic free-sugar bill is enacted into law and the sugar of the world is admitted here free of duty, the treaty with Cuba will be ended, as there will no longer be a reason for its continuance by that country. The preferential rate on sugar is Cuba's end of that treaty and her reason for con-

finishing her signature to it; in fact, it is what ties Cuba to this country commercially.

Even with this advantage of 20 per cent preferential rate for our potatoes which enter Cuba, Canada now sells considerable quantities to that country. Take away the 20 per cent preferential rate which we now enjoy by passing the Democratic sugar bill, which will end the treaty, and Canada will sell to Cuba all the potatoes that her market will absorb, as eastern Canada has direct and cheap water transportation to the Cuban market.

CUBAN POTATO MARKET.

From the Bureau of Trade Relations we learn that the United States statistics for the year 1911 show that we exported to that country in that year 1,594,000 bushels of potatoes, and the bureau expressed the opinion that by far the greater number of Maine potatoes exported eventually landed in Cuba.

In addition to the 1,594,000 bushels of potatoes that we exported into Cuba in 1911, it is a matter of common knowledge that during that year shipload after shipload of Maine potatoes went to Cuba through the port of St. John, New Brunswick, of which no account is taken by the Government in its statistical report.

We may well take notice of the importance of that market, not alone to the potato growers of Maine, but to the northern potato growers, from Maine to Michigan and the Dakotas, and it is that market for this important farm product that our Democratic friends will wipe out with the legislation that they propose which will result in the termination of the Cuban commercial treaty.

The Democratic sugar measure will not only strike a blow at the potato fields of the East, but also the wheat fields of the West, whose production goes to Cuba in the shape of a million barrels of flour annually.

RESULTS OF SPANISH-AMERICAN WAR.

The vast importance of these trade relations with Cuba, which represent practically the only commercial and financial returns for the war that this Government waged for Cuban freedom costing us thousands of lives and millions of treasure, was realized by the Republican Party when it enacted the last tariff law, and in the bill there was inserted a clause to protect Cuban reciprocity against any possible interference.

The Payne tariff law said in section 3:

That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December, 1902, or the provisions of the act of Congress heretofore passed for the execution of the same.

Should this treaty now be canceled as a result of Democratic legislation it might force Cuba to enter into a reciprocity agreement with Canada, which country, I understand, is now seeking to effect a reciprocal arrangement with the British West Indies. Canada, on the termination of the United States treaty, would without doubt seek a reciprocal treaty with Cuba, and I have no doubt would obtain it, and vastly to our disadvantage, as Canada already has great influence in the island. She practically monopolizes the banking interests and her capitalists have enormous investments in railroads and other enterprises in Cuba.

While the Democratic majority in this House is proposing legislation, the enactment of which will destroy our privileges in the Cuban market for a great farm product of the United States and in effect turn the Cuban market over to Canada, the New York Produce Exchange is raising its voice loudly in the interests of the flour trade of this country, which is very large with the British West Indies, which may be taken away from us through a reciprocal treaty with Canada which Canada is seeking to make for the purpose of securing that market; and I wish to call attention to the press dispatch relating to this matter which I insert in my remarks:

TO STOP CANADA-WEST INDIES RECIPROCITY PACT—OUR FLOUR TRADE TOO VALUABLE TO BE PUT IN JEOPARDY—UNITED STATES THEIR NATURAL MARKET.

NEW YORK, March 6, 1912.

The New York Produce Exchange has launched a campaign through which it hopes to stir the State Department into immediate activity to prevent the enactment of the proposed reciprocal trade agreement between Canada and the British West Indies. Flour is the chief commodity in which the produce exchange is interested, and the proposed agreement, it is said, provides for allowing Canadian flour into the West Indies at a preference of 24 cents a barrel. Such a step, it is declared, would raise a barrier which the American miller could not surmount. The loss of business would be several million dollars a year.

A statement issued by the produce exchange's special committee states:

"The flour trade to the West Indies is very important to this market, and it would be foolish to stand by idly and see it taken away if we have at hand some way to prevent it. The United States offers an immense market for West Indian products, a market more important to them than that of Canada, and it ought to be possible to make an effective protest."

I do not believe for a moment that when the American public understands all the results that will follow the passage of the free-sugar bill, and that among them will be the loss of the great Cuban market for our products, that they can be rallied to support such a program of the Democratic Party.

While the flour trade of this country is calling on the Government to aid it in continuing its flour trade in the British West Indies, the lower branch of Congress is discussing a proposition which virtually means throwing away a vastly more important market—the Cuban market.

WHAT WE SELL TO CUBA.

The importance of the Cuban market is realized when attention is called to it. Our trade there has doubled since our treaty with that island went into effect in 1903. I wish to call attention to some of the produce and merchandise that we sold there in the fiscal year 1910. Agricultural implements to the amount of \$170,509; horses, \$181,195; mules, \$118,448; corn to the amount of 2,376,974 bushels, valued at \$1,661,149. We sent there 791,850 barrels of flour, valued at more than \$4,632,000. Cuba bought from us carriages, cars, and vehicles of all kinds to the amount in round numbers of more than a million dollars, and cement to the amount of \$458,063, while chemicals, dyes, and medicines and articles of that character were sold in that market by producers of the United States to the extent of \$1,447,000. Large quantities of coal, both anthracite and bituminous, are shipped from the United States to Cuba each year, and in 1910 that trade amounted to \$2,166,502.

In 1910 we sold to her merchants 20,635,625 pounds of raw coffee valued at \$2,455,687, while our cotton manufacturers disposed of products of their cotton mills to the people of that island to the amount of \$1,644,498. In 1910 Cuba took the product of our henneries to the extent of 3,220,037 dozens of eggs valued at over \$750,000 and fertilizer amounting to more than \$559,000; and our steel products were shipped to and sold in that island to the amount of \$1,467,256, and wire amounting to 20,341,902 pounds, valued at \$534,092.

In addition, we sold to Cuban builders hardware, tools, locks, hinges, saws, and so forth, to the amount of nearly \$2,000,000—to be exact, \$1,944,393. And that is not all the merchandise that she took from us in the shape of metal products. She bought such as electrical machinery, printing presses, pumps, pumping machinery, sawing machines, locomotives, stationary engines, boilers, and parts of engines to the amount of \$3,062,957, nails and spikes to the amount of over \$243,000, and pipes and fittings to the amount of \$795,149.

Our manufacturers and exporters of jewelry and other articles manufactured from gold and silver sold to the merchants of that island, in 1910, \$1,701,286 worth of goods; and this trade is evidently rapidly increasing in the island and has steadily grown since 1906, increasing since that date more than a half million of dollars. Our trade in boots and shoes with the islands is also a rapidly growing trade, having increased each year and nearly doubled since 1906. In 1910 the exports of boots and shoes from this country to Cuba amounted to \$2,958,103. During the year 1910, in the shape of meat and meat products we sold to the islands an amount exceeding \$6,385,000, and, in addition, dairy products amounting to \$633,858; and our paper manufacturers sold books, maps, engravings, print paper, writing paper, envelopes, and so forth, in that market to the amount of \$910,607.

The products of our forests have always been in large demand in Cuba, as there is not produced on the islands timber suitable for building purposes. During 1910 she bought the products of our forests in the shape of boards, plank, joists, shooks, staves, headings, and so forth, to the amount of \$2,704,684.

And this was not all. She took in the shape of furniture to the amount of \$591,782, and hogsheads, barrels, and other merchandise of like character to the amount of \$1,432,580.

In the calendar year 1910 the island imported from the United States potatoes to the amount of 1,041,152 bushels, while during the calendar year 1911, as I have heretofore stated, the importation from the United States amounted to 1,594,395 bushels. I have called attention in detail to some of the products and merchandise that we sell to the people of Cuba, that the importance of this market may be fully realized, as our trade with Cuba, which has been continually growing under the favorable provisions of our present treaty, is in great danger of being destroyed by the legislation now proposed.

Our exports to Cuba in the calendar year 1909 were \$48,217,689; in 1910, \$57,783,617; and in 1911, \$62,280,509. These totals emphasize the steady growth of our trade in that important market.

CANADIAN COMPETITION IN POTATOES.

The potato planters of the North may well take notice now that this blow at a portion of their market, which will result

in turning over to Canada advantages that belong to us, is sure to be followed by other legislation which will bring them face to face with Canadian competition in potato raising.

Eastern Canada not only has direct communication by water to the Cuban market, but also to the principal markets of the United States on the eastern coast, thus giving her a decided advantage over the American producers of potatoes who have to transport to a greater or lesser distance by rail. Not only is her land equally as well adapted to the raising of the product, but much of it does not require the use of commercial fertilizer which is absolutely essential in eastern United States. Another advantage of the Canadian which is of the utmost importance in potato culture is that he can generally secure plenty of help and at much less wages than is paid for farm labor in the United States.

In my remarks in opposition to Canadian reciprocity in February, 1911, I called attention to the wage scale along the Canadian border from Eastport, Me., to western New York, on both sides of the international line. This scale of wages showed clearly that wages were very much lower on the Canadian side. The report on wages was secured by the Department of Commerce and Labor at my request. It shows the unequal conditions that laborers and producers on this side of the line have to contend with so clearly that I feel it is not out of place to again call attention to this report, and to that end insert it in my remarks. This report was compiled the 1st of February, 1911, and was as follows:

Farm wages prevailing along the Canadian border.

United States side.		Canadian side.	
In the vicinity of—	Average monthly wages, including board.	Canadian locality corresponding to that shown in the United States.	Average monthly wages, including board.
Eastport, Me.....	\$25 to \$30	Halifax, Nova Scotia.....	\$15 to \$25
Calais, Me.....	26 to 30	Yarmouth, Nova Scotia.....	15 to 30
Vanceboro, Me.....	20 to 25	St. John (N. B.) district.....	15 to 20
Houlton, Me.....	30	do.....	15 to 20
Fort Fairfield, Me.....	30	do.....	20 to 25
Van Buren, Me.....	27 to 40	do.....	24
Fort Kent, Me.....	25 to 30	do.....	22
		do.....	18 to 26
		do.....	20 to 25
Average eastern Maine..	25 to 31	Average Nova Scotia and New Brunswick.	17 to 24
Lowelltown, Me.....	32	Province of Quebec.....	31
Beechers Falls, N. H.....	20	do.....	15
Newport, Vt.....	25 to 26	do.....	18 to 22
Island Pond, Vt.....	25	do.....	18 to 20
St. Albans, Vt.....	20 to 30	do.....	18 to 20
Albany, Vt.....	25 to 30	do.....	15 to 25
Rouses Point, N. Y.....	22 to 25	do.....	18 to 20
Malone, N. Y.....	25	do.....	25
Fort Covington, N. Y.....	25	do.....	20 to 25
Average eastern New York.	23 to 27	Average Province of Quebec.	16 to 22
Nyando, N. Y.....	18 to 25	Province of Ontario.....	16 to 22
Ogdensburg, N. Y.....	25 to 30	do.....	20 to 25
Morristown, N. Y.....	20 to 25	do.....	15 to 20
Clayton, N. Y.....	26 to 28	do.....	24 to 26
Cape Vincent, N. Y.....	25 to 30	do.....	20 to 30
Charlotte, N. Y.....	25	do.....	16 to 25
Niagara Falls, N. Y.....	20 to 30		
Average western New York.	22 to 27	Average Province of Ontario bordering New York.	19 to 25

MAINE POTATOES.

Aroostook County and other counties in northern Maine, owing to soil and climate, raise the finest quality of potatoes grown in the United States, and raise them in abundant crops amounting to millions of bushels annually. Aroostook County leads the State; Penobscot, Washington, and Piscataquis Counties follow; and while Aroostook farmers realize millions of dollars from the sale of their potato crops, the farmers of Penobscot, Washington, and Piscataquis Counties receive hundreds of thousands of dollars annually from their production of this great agricultural product.

This wonderful potato country has great possibilities in the future. It has been stated that Aroostook County alone is capable of producing 50,000,000 bushels annually; last year it is estimated there were 90,000 acres of land under cultivation within the county for the production of potatoes, and that the yield was about 18,000,000 bushels.

The State of Maine, already the third State in the Union in potato culture, is capable of multiplying many times its production of potatoes, which was estimated last year at 28,000,000 bushels. In the United States, under normal conditions, about 370,000,000 bushels are annually produced. It is one of the great farm products of our country, and owing to its importance its market should not be trifled with in legislation. Last year there was something of a shortage in the crop, the Government reports indicating that the total production was around 291,000,000 bushels.

THE POTATO STATES.

More than half the entire production of the United States is in the States of Maine, New Hampshire, Vermont, New York, Ohio, Michigan, Wisconsin, Minnesota, and North Dakota, which lie along the Canadian border. Across the imaginary line in Canada lies land equally as well adapted and less expensive to buy and much less valuable, as the American farmer has a market for his product, which the Republican Party believes in maintaining not only in the United States but also in Cuba.

FREE TRADE IN SUGAR MAY MEAN FREE TRADE IN POTATOES.

I am ready to hazard the prediction that the Democratic caucus, which is ready to sacrifice its Southern and Middle West Democrats who represent sugar-producing States, regardless of how much they may protest against free sugar, will as readily sacrifice the protective-tariff rate on potatoes, largely in the interest of northern farmers, to the Democratic tariff-for-revenue and free-trade policy once our Democratic friends get in control of both branches of Congress and the Presidency, and the protests and pleadings of Northern Democrats in Congress will not avail to save them or their constituents from such a policy.

A Democratic friend from the Middle West recently stated to me that Democratic voters elected him to come to Washington to help save a little protection to the beet-sugar industry of his section, as they feared free sugar from the Philippines, which Republicans might favor, but on his arrival here the Democratic caucus nearly choked him to death with free sugar from all the world.

FREE POTATOES ALREADY DEMANDED.

Democrats in Congress have already introduced two bills to remove the protective tariff from potatoes and place them on the free list, and in addition a House resolution to suspend the duty. These measures are now pending before the Democratic Ways and Means Committee, as appears by House bill 18225, introduced by Mr. SABATH, of Illinois, and House bill 18500, introduced by Mr. REDFIELD, of New York, and House joint resolution, introduced by Mr. AYRES, of New York.

The Democratic Party shuts its eyes to the fact that the legislation pending, if enacted into law, will take from us the important advantages we now enjoy in the Cuban market that have been secured to our people and built up under the policies of the Republican Party, at the same time depriving this Government of fifty-two millions of revenue now collected at the customhouses from the refiners of sugar and seek to justify the legislation by asserting that it will reduce the cost of sugar to the consumer by the exact amount that the duty is removed.

The history of tariff legislation shows that placing on the free list articles largely controlled by business combines do not in every case reduce the cost of the article or its product to the consumer. Not long ago Congress was plead with to place hides on the free list, and hides were placed on the free list, and hides went up and shoes cost the public as much as they did before. Hides are largely controlled by the beef and packing interests. It is unlikely that the placing of sugar on the free list would result in materially lowering its price, as it is also controlled by a combine—the refining interests.

The free listing of agricultural products, as potatoes, for instance, would be different. They would have to drop to the price level of their chief foreign competitor, as there is no combination among the farmers to regulate and support prices.

The chairman of the Ways and Means Committee, Mr. UNDERWOOD, in his report accompanying the sugar bill, stated that cane sugar, which constitutes about four-fifths of the sugar we consume, must be refined. Consequently the refining interest is the most important factor connected with the sugar manufacturing in the United States.

The Democratic majority in this House last summer created a special committee to investigate the American Sugar Refining Co. and others, and recently that committee filed its report to Congress, and in that report states that there is a great combine among the refiners of imported raw sugar; that this combine controls directly or indirectly about 63 per cent of the sugar manufactured and refined in the United States. This combine is

what is commonly known as the Sugar Trust, and being by far the largest importer of raw sugar annually pays to the Government a large part of the \$52,000,000 in customs duties now collected on sugar. In view of all the facts, I am opposed to relieving this combine from the obligation to contribute the money it now contributes toward the support of the Government, as proposed by the Democratic Party, as the combine, or Sugar Trust, will be the principal ones to benefit by this surrender and they will allow but small benefit by way of reduction in the cost of sugar to reach the consumer, if any.

It can but arouse suspicion in the minds of men who know something of tariff legislation that every refiner of sugar who appeared before the Hardwick sugar committee advocated either a heavy reduction in the duty on sugar or absolute free trade. Were these men favoring the lowering of duties as against their interests? It is inconceivable that they were. These gentlemen were: Mr. Spreckels, president of the Federal Sugar Refining Co.; Mr. Charles H. Heike, former secretary of the American Sugar Refining Co.; Mr. William G. Gilmore, partner of the Arbuckle Bros.; James H. Post, president of the National Sugar Refining Co.; William A. Jamison, partner of the Arbuckle Bros.; Mr. Edwin F. Atkins, vice president of the American Sugar Refining Co.

The special committee states that the effect of the combination among refiners and manufacturers of raw sugar and the presence or absence of healthy competition is reflected in the variation of the margin between the price of raw and refined sugar; that the price of refined sugar had been kept up in order to pay dividends on bounteously watered stocks.

Only last summer the combine showed its strength by raising the price of sugar as it saw an opportunity to do so, extorting an additional profit of 2 cents per pound from the consumer in the United States. Can anyone believe in view of these facts that the sugar combine would give to the consumers of sugar by lowering its cost any appreciable part of the millions of customs the Democratic Party is now preparing to surrender?

The record of the sugar interests show that they have never surrendered any gains, lawful or unlawful, except when forced to do so. Foreign competition will not interfere with them, as sugar is everywhere controlled by combines; they are world-wide, and the beet-sugar interests, whose production is but one-fifth of our entire consumption of sugar, is not yet sufficiently developed to be an important competing factor with the refining interests, even though the beet-sugar interests were in position to act independent, which all the evidence introduced shows that they are not.

From what source can the American public hope for relief? Surely it can not be expected from turning over to the refining interests millions of dollars in customs now collected by the Government and thus rely on the Sugar Trust to distribute these millions to the public by voluntarily reducing the price of sugar.

The solution of the trust question is one of the great questions of the times. It can never be settled through tariff legislation. Government control in some form will probably be the final solution. All efforts to control trusts so far have been through legislation enacted by the Republican Party, and all prosecutions of the trusts have been carried on by Republican administrations.

Our Democratic friends for years have asserted that if they were given control of legislation they would stamp out all trust evils. They have now been in control of the House over a year, the branch of this Government where legislation should be initiated. They have had numerous special committees investigating nearly all the trusts in the country and every phase of trust activity. These investigations have cost hundreds of thousands of dollars of public money, and I appreciate that members of these committees have been diligent and faithful in their service, but not a single recommendation has been made to date by the Democratic majority here looking toward the solution of this question, and if the Democratic majority leader of the House [Mr. UNDERWOOD] is correctly reported, no immediate solution can be expected. He is reported to have stated in a New York speech during the past winter that he did not favor any further amendments to the Sherman antitrust law—not, at least, for the present.

Until the Democratic Party can present to the country some solution they should cease to charge the Republican Party of being responsible for the trusts and their creation.

Other tariff legislation of the Democratic Party since it secured control of the House of Representatives has been against the interests of the farmers of the country. During the special session last summer the majority here passed a wool bill which would have committed this country to the purchase of foreign wools in the place of domestic wools, would have made our people dependent on the foreign producers of wools by wiping out the flocks of our farmers, and the party proceeded to carry out

this legislation without adequate information; and while it is undoubtedly true that the wool schedule needs revision and that its rates can be adjusted to the advantage of the consumers and the manufacturers of woollens and without destroying the growing of domestic wools—regardless of these facts the Democratic legislation struck at our farmers and flocks first.

The President felt obliged to call a halt on that legislation and he vetoed the bill. That his veto was justifiable is practically admitted by the Democratic Party to-day, as they do not dare to go before the country on the bill they passed in this House last summer, and the President vetoed, as shown by the fact that they are now proposing to bring in another wool-revision measure. Will their method of tariff revision of this schedule be better this spring than were their proposals last summer?

Mr. PAGE. Mr. Chairman, this is the language my amendment strikes out of the bill:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, \$285,680, of which amount not less than \$226,940 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates to Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however,* That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also,* That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also,* That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the department: *And provided also,* That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided further,* That \$58,740 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country, and same shall not be distributed generally, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

In offering this amendment to this paragraph in the agricultural appropriation bill I do not feel that any explanation of its effect is necessary. This matter has been, in one form or another, brought upon the floor almost with every recurring annual appropriation bill for the Agricultural Department. I want to say that I represent on the floor of this House a district almost wholly agricultural. Of the 265,000 people who live in that district more than 200,000 of them are engaged in agriculture. There is no provision in this bill for the advancement of the agricultural interests of this country or for the farmer himself that does not have my hearty approval; but this item, which has been carried in the bill since I have been a Member of the House, has never met with my approval, and I am free to say that, in my judgment, it has never met with the approval of the farmer in the United States. In recent years there has not existed an agricultural organization, whether it be the grange or any other organization, that has not at some time passed resolutions condemning this item in this appropriation bill.

I understand, and the farmers of the country have come to understand, why this item is so extremely popular here. It is popular here not because it is for the benefit of the farmer, but, to use plain language, because it is a congressional gratuity, and the farmers of the country know as well as do my

colleagues who sit around me that this is the fact. The farmers are tired—eternally tired—of being fed upon the husks of legislation. They are not caring about a 5-cent package of garden seeds of doubtful value, particularly when they know that they are paying vastly more than this amount in taxes in order that they may have them. They are caring intensely about some other things that are not receiving the attention from the Representatives that they think they ought to have. Of all classes in this country the man who digs his living out of the ground is asking less of special favor from the legislators than any other class in it. He does not want special favors nor class legislation. Indeed, his chief complaint is that in the past he has been the victim of legislation conferring special favors upon other people. He is tired of paying the bills to meet the favoritism that has been dealt out here to other classes of people in the country.

The farmer wants the substantial things that can be given him by this body, and mind you, my colleagues, sooner or later he is going to have them, not only because he is asking for them, but because of all classes in this country he most deserves them. I will stand upon this floor and advocate any measure that tends, or will tend, to make better the conditions of the man who lives in the isolation of the country, and by whose toil the whole population is fed, and upon whose well-being and prosperity depends the welfare and prosperity of the country as a whole. He deserves at our hands anything that will make his life more bearable or his profession more profitable. We have done something for him. This Democratic House has passed bills removing the tariff duty from farm implements, wire and wire fencing, woolen clothes, and other necessities. We need to do more, and for that reason, as one, I stand and say to-day that instead of giving him a 5-cent package of garden seeds to remind him of the approach of spring and the congressional primaries, he should be given legislation that he is demanding in the form of parcel posts, and he should be given a fair chance to market his crops under normal conditions without the restrictions of exchanges and speculators upon the market. That is what the farmer in this country wants. He is tired of this bauble, and if those of my colleagues who disagree with me—and I realize, Mr. Chairman, that they are likely in the majority—think this congressional distribution of garden seeds, involving an expenditure of something over \$260,000, out of which they may send their farmer constituents a package of seeds, and at the same time write a letter telling of their activities here—if they think they are going to satisfy him with that, they are mistaken. If they will pass some other legislation, and take out of this bill this paragraph, they will then find that it meets with the commendation and the praise of the men they are supposedly legislating for in this paragraph.

Mr. Chairman, I have now, after the speech of my friend from Mississippi [Mr. CANDLER], exactly the same hope of seeing my amendment carried that I had when I introduced it, and if the House is indebted to me for nothing else—and I have heard whisperings of an organization to get me out of the Chamber—it is indebted to me for having brought forth the annual production of the gentleman from Mississippi [Mr. CANDLER]. The House of Representatives would have escaped it had it not been for my amendment.

Mr. CANDLER. They did not show much disposition to escape.

Mr. PAGE. They showed no disposition to escape it, having greatly enjoyed it, as I am sure his constituents will when he circulates his speech in his district.

Mr. Chairman, this matter is not either a small or a light matter with me. I am not waging any war upon the agricultural classes of this country; far from it; neither am I waging any war upon my colleagues upon this floor. The Democratic Party came into power in the House of Representatives at the recent election, and if it was pledged to anything at all it was pledged to economy. In my judgment, and I have the right to express my own judgment on this floor, here is \$268,000 appropriated in this bill that is absolutely useless and practically worthless to the class to whom it is pretended the benefits are going, and could be stricken from the bill without injuring any interest in this country.

I should feel that I was not true to my own constituency, or true to the obligations of my own party, if I had allowed this bill to go through with this item in it without making a protest against it. The \$268,000 involved is only a small amount of the cost of this congressional gratuity—their preparation and transportation through the mails adds immensely to it.

I know that what I said in the remarks I first submitted to this House this morning is true, that gentlemen here place a large estimate upon the value of this appropriation; but I desire to say to the House that during the first Congress in which I

had the honor to serve my people, and that is nearly 10 years ago, I voted against this appropriation for the congressional distribution of garden seeds, and I have voted against it at every opportunity that has presented itself since that time. So far as the farmers in my district are concerned, I know what I am talking about when I stand on this floor and say that they not only do not approve this appropriation, but that they condemn it, and I know that it costs them vastly more than they get out of it and it is used for the purpose of keeping them from having what they want and what they desire. When my colleague from Mississippi [Mr. CANDLER] intimates that the opposition to this appropriation comes from those who are interested in the sale of seeds in this country, I desire to say that this is tommyrot, and nothing less, because this Agricultural Department, by the very provisions of this bill, is permitted and does buy these seeds from the seed growers of the country. There is absolutely nothing in that argument.

Mr. RODDENBERY. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Certainly.

Mr. RODDENBERY. The gentleman does not mean to say that the Agricultural Department buys all of its seeds.

Mr. PAGE. I mean to say that it buys the larger portion of them. I would like the gentleman to tell me what proportion.

Mr. RODDENBERY. Does not the gentleman know that the department opens this seed proposition to the best bidder, irrespective of the grower, or whether he is a seed man?

Mr. PAGE. I see by the provisions of the bill that the department is authorized to buy them at private sale or at auction, or in any other way.

Mr. RODDENBERY. Does not the gentleman know, as a matter of fact, that for the last three years certainly all of the seed contracts have been opened to bids of seed men and growers alike?

Mr. PAGE. I think that is probably true, though I do not know it of my own knowledge; but that does not alter the case, so far as the gentleman from Mississippi is concerned. If they buy them from the seed men, the seed men sell them to the Government instead of selling them to the individual. I do not see how that can enter into this argument.

Mr. RODDENBERY. Does not the gentleman know that where everything else is equal, the policy of the department is to give the contract to the grower in preference to the seed men?

Mr. PAGE. The gentleman does know that where everything is equal, where the Government has to buy anything, it pays about twice as much for it as does the individual.

Mr. RODDENBERY. Does not the gentleman know that on the 7th of January of this year—

Mr. PAGE. No; I do not, and the gentleman can get time of his own right to tell what happened on the 7th of January.

Mr. Chairman, in conclusion, I merely want to say that it is a matter of indifference to me individually whether this appropriation remains in the bill or whether it does not. So long as it remains in this bill, and there is a congressional distribution of seeds I shall inflict the people in my district with those apportioned to me, just as every other man does; but I do it only because I would be open to reproach if I did not, for a great many reasons, and with my eyes open to the fact that my people largely do not use them. I have gone through my district during a campaign in September and October, have gone into the homes of my farmer constituents, one after the other, and in the old cupboard in the corner of the living room, where the rubbish is put which they are not quite willing to throw away, but that they consider of little or no value, you will find the garden seeds I have sent them. I have asked the question, "Why didn't you plant them?" And they have replied that they did not simply because they could not depend upon them and that they were afraid to risk them, and that their ground was worth too much to take the risk.

Mr. WICKLIFFE. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Certainly.

Mr. WICKLIFFE. Have the farmers' unions passed resolutions condemning the seed distribution?

Mr. PAGE. I can not say positively, though numerous individual officers and members of this organization have condemned this proposition in private conversation with me, and every reputable agricultural paper of which I have any knowledge has declared it a waste of public money.

Mr. Chairman, my only purpose in this matter or in any other that has come before this body for consideration since I have had the honor of membership in it has been to favor and help to pass such legislation as was in the interest of the great mass of the people, to thoroughly and honestly reflect the will of that immediate constituency who have honored and com-

missioned me as their Representative, to reflect here by voice and vote their will and to guard their interests. They are opposed, and rightly, to being taxed, even though it is indirectly, to swell the profits of the trusts and monopolies that have grown up under the policy of protection. They still believe in the soundness of the old slogan "Equal rights to all and special privileges to none." They are willing to contribute their proportion to the funds necessary to properly and economically administer the affairs of their Government. They are themselves an economical people and believe that their Government should be careful of its expenditures. I have never received a commission from them to loot the Treasury that they must help to keep filled, but rather to guard it against those who would recklessly invade it for private or local gain. I have made no boast as to the amount of money I have been able to take from the Treasury for investment in my district, but, on the other hand, have spent my time and energies in efforts to prevent useless expenditures everywhere.

Under the administration of the Agricultural Department much has been accomplished for the advance of the science of agriculture, and as time goes on much more will be done, and I shall lend my voice and vote to every measure that has in it the advancement of the science and of the men who follow it. But I shall not vote now nor in the future to expend nearly \$300,000 for an item the leading purpose of which is to help the Member of Congress gain the good will and support of a class of his constituents. If my service does not entitle me to their confidence, I shall not undertake to secure their support in this way.

Mr. SLAYDEN. Mr. Chairman, farming conditions must be somewhat less attractive in North Carolina than those in Texas. It does not take a few packages of seed to make farm life attractive or to make a man love the country in my State, where conditions are altogether charming. In Texas we plant and we reap and nearly always have a satisfactory yield. In Texas, in the country, all the land is covered with flowers and the trees are full of singing birds.

Mr. PAGE. Will the gentleman permit a question? Is it not true in Texas, as elsewhere, that the trend of population is to the cities and mostly away from the country?

Mr. SLAYDEN. No; I think not. But, Mr. Chairman, the flowers that bloom in the spring have nothing to do with the case which I meant to discuss. I was just having a little jest with the gentleman from North Carolina. I rose for the purpose of making a serious complaint against some of the officials of the Department of Agriculture. I do not think I will have to raise the question of personal privilege that anybody is trying to steal any large section of the State, and no man can overstate the value of Texas lands when he is trying to induce purchasers. What I complain of is that the Government has some special agents of the Department of Agriculture who are circulating around through the State of Texas undertaking, from what I can gather, to advise the farmers in the conduct of business—which, I think, they understand much better than those agents—and giving the farmers a lot of mischief-making advice. I have received a large number of letters in the last few days from constituents telling me that Mr. So-and-so, an agent of the Department of Agriculture, had been there on certain farm-demonstration work, or delivering lectures, or something of that kind, and that he was advising them to write to their Representatives in Congress to get cotton seed. Now, I am not making an appeal for a greater allowance for seed. Really, I think perhaps it might be reduced. As a matter of fact, each Member receives 100 packages of cotton seed, a peck to each package. The demand created by these pestiferous agents of the Department of Agriculture can not be met. Yesterday I received in my mail one letter containing the addresses of 12 farmers, to each of whom I was requested to send a package of cotton seed. My 100 packages had been distributed, and unless some gentlemen from the banana belt of the Dakotas or Massachusetts comes to my rescue and gives me some cotton seed, or some one who represents a city constituency, I do not know what I am going to do.

Mr. FITZGERALD. Take my part.

Mr. SLAYDEN. I think that the Secretary of Agriculture should tell his agent, and tell him plainly, that that line of advice must be stopped. I have here a sample of letters of many that I have received in the last week. One of them says:

Mr. A. J. Mackey stayed here last night, and he told me you had some Lone Star cotton seed—

I will say to my friend from North Carolina that is the best—

that you are giving out to the farmers.

Here is another one which says:

Mackey, an agent of the Department of Agriculture, stayed here last night, and advised, etc.

Last year, Mr. Chairman, an agent of the Department of Agriculture, from Waco, I think it was, advertised in the newspapers that an unlimited supply of cotton seed was at the command of various Members of Congress in the State of Texas, and recommended to the farmers to send for them. Well, they sent. Of course, it was impossible to meet the demand, and now I ask the chairman of the Committee on Agriculture, who has this bill in charge, if he can not incorporate in it, in some form or other, an amendment forbidding the Department of Agriculture from indulging in this bunco game with the farmers.

If the agents of the department create or stimulate this demand, then, of course, the department should supply the seed. If it can not do so; if it has no appropriation from which to do so, it ought to recall its agents, who inspire farmers to ask for what they know they can not get, or take some steps to compel them to quit telling things that are not true.

Mr. LAMB. Mr. Chairman, this question produces discussion every session of Congress. I anticipated that it would occur again, but I did not think that the amendment would possibly come from this side of the House. Now, in looking over this bill in anticipation of what might happen here, I suggested to one member of the committee who is always interested in seeds to be prepared to present the committee's views, inasmuch as this appropriation is in the bill, and Mr. CANDLER, of Mississippi, will answer the gentleman from North Carolina. [Applause.]

Mr. CANDLER. Mr. Chairman, I indulged the hope that the chairman seems to have—that this amendment which has been presented by the gentleman from North Carolina would not be offered to the present bill. This question has been fought out in Congresses preceding this, and the result upon all occasions has been the same as I believe it will be upon this occasion. The gentleman presents the usual argument that certain organizations over the country are opposed to this distribution and that, in his judgment, the adoption of this amendment will meet the approval of those organizations; and, further, he states he believes the people would also approve if this provision is stricken out.

We had occasion when I was a member of the Agricultural Committee a few years ago to thoroughly test and investigate the conditions which existed and the sentiment which was behind the proposition to eliminate the provision which now appears in this bill. It appeared at that time that the sentiment which was behind the resolutions which were passed by different organizations throughout the country and the discussions which appeared in the newspapers throughout the land was in a large measure instigated by the people who produced seeds and who wanted to sell them to the people, and who were at that time recognized as a "seed trust" in the United States and were trying to prevent the farmer receiving even one single package of seed from the Government.

Mr. PAGE. Will the gentleman allow a question?

Mr. CANDLER. Certainly.

Mr. PAGE. Is it not true that these seeds that are sent out by the Members of Congress, known as the congressional distribution, are bought by the Agricultural Department from the seed growers of the United States?

Mr. CANDLER. Not entirely, by any means.

Mr. PAGE. What proportion of them?

Mr. CANDLER. A great many of them are produced under the direct supervision of the Agricultural Department at the experiment stations and on the experiment farms throughout this country.

Mr. ELLERBE. Will the gentleman yield for a question?

Mr. CANDLER. With pleasure.

Mr. ELLERBE. Is it not true that while at present the department purchases from individuals who have been successful in producing certain seeds, that if they were to cut that out these seed growers would have a monopoly of the whole business?

Mr. CANDLER. They would have absolutely a monopoly of the whole business throughout the country; and that was the point I was attempting to make when I was interrupted by the gentleman from North Carolina [Mr. PAGE]. The evidence taken before the Agricultural Committee at the time to which I refer, when there was the greatest contest ever made in reference to this proposition, thoroughly demonstrated that to be the truth. It is true that some of these seeds are bought from the seedsmen, but they are bought and tested by the Agricultural Department, and none of them are sent through this distribution until they have been thoroughly tested as to type, as to their productiveness, and as to their soundness, and everything that goes to make up the very best possible seed which can be furnished to the people by any means whatsoever.

Therefore, while it may be true that it amounts to but little to the individual farmer or to the individual person throughout this country, it amounts to this much: It goes into every home practically in every congressional district throughout the United States of America. It is practically the only direct means of communication between the citizens in the hamlet and in the vale, in the valley and on the hilltop in this country, with the Government which he supports and which he maintains by digging the prosperity which he gives to the Government out of the ground in the sweat of his own face.

And it is as little as can be done to furnish the farmer throughout this country at least one avenue through which he may communicate with this great Government which he has done so much to sustain. [Applause.]

Mr. PAGE. One question. The gentleman speaks of the communication of the farmer and the great mass of the people with the Government through this package of garden seeds. Would the gentleman accept an amendment sending out these seeds directly by the Agricultural Department and leaving off his frank?

Mr. CANDLER. I would not, I am frank to say, because my people send me here to look after their interests, and I believe I can look after the distribution of seeds for my district better than the Agricultural Department. If it was left absolutely to the Department, they might believe my people were entitled to a few packages of seeds or they might not believe it. They might believe that the great bulk of the seeds should go into one section of the country and that only a small quantity should go into another section of the country. Let us send them to all alike, and this can only be done through the present system of distribution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. CANDLER. With pleasure.

Mr. CLARK of Florida. I want to ask the gentleman from Mississippi that if we should agree and it should be provided that the Agricultural Department should send out all these seeds, is it not true that the department officials, not being personally acquainted with all the people in the various districts, a great many widows and very poor people, mechanics and laborers in towns, who have little garden patches, and people of that kind, might be left out and might not get the benefit of this great distribution?

Mr. CANDLER. There is no doubt but that condition would exist and that result be obtained. I dare say that every Member, practically, pursues the course I do, in all general respects, at least, and that is to see that everybody, so far as it is possible, shall receive some benefit, though it be small, from this distribution. My rule is and always has been to try to get the names of the widows, as well as the old men, and the young men and the bright, blue-eyed, rosy-cheeked girls, and to see that they are all supplied with garden and flower seed when it is possible to supply them. [Applause.] I seek through my friends to especially get the name of every widow in my district and send to her a package of garden seed. [Applause.]

When you say that the people do not want these seeds you simply state something that is unfounded in fact, so far as my observation and experience go, because there is not a single mail that comes into my office or a single day that goes over my head during the time that this distribution is being made in which I do not receive requests from gentlemen, from ladies, from boys and girls throughout my district to send them garden seed and flower seed. [Applause.]

People do not take the time to sit down and write a letter and inclose it in an envelope and put a 2-cent stamp on it and put it in the post office, and send it on its mission to Washington, asking a little service at the hands of their Representative in Congress, when they do not want what they ask for. No; they put themselves to this trouble because they really do want this service, and really do want the package of flower seed or the package of garden seed that they ask for. [Applause.]

Mr. ELLERBE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from South Carolina?

Mr. CANDLER. Yes; I am glad to yield.

Mr. ELLERBE. This is with me rather a serious matter, and I want to ask my friend one or two questions.

Mr. CANDLER. I will yield to the gentleman with pleasure.

Mr. ELLERBE. Is it not true that the Government is trying to eradicate the boll weevil in Texas and spending a great deal of money in that work?

Mr. CANDLER. Yes; and in other parts of the country, and in Mississippi as well.

Mr. ELLERBE. I meant particularly in Texas, where it first started.

Mr. CANDLER. Yes.

Mr. ELLERBE. Is it not true that a package of cottonseed was sent out from the Agricultural Department, and the result of the sending of those seeds proved that the best method of preventing the ravages of the boll weevil was to be obtained by planting that early variety of cotton and thus preventing the ravages of the pest? Is not that true?

Mr. CANDLER. That is true.

Mr. ELLERBE. Was not a package of tomato seed sent to New Jersey, and did not the variety of tomatoes developed from those seed eventually enable the people up there to get 75 cents a basket for their tomatoes, where they formerly got only 15 cents, and did not that enable them to lift their mortgages from their farms? Is not that true?

Mr. CANDLER. It is.

Mr. ELLERBE. Is it not true also that packages of Rocky Ford cantaloupe seed, sent into various localities, have enabled the people there to lift their mortgages from their farms?

Mr. CANDLER. I think that is true.

Mr. ELLERBE. I do not know what is sought to be done here, but, as a man who was born on a farm and who spent all his life on the farm, I think this House will make a great mistake if it knocks out this appropriation. [Applause.]

Mr. CANDLER. How much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining. Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended half an hour.

Mr. CANDLER. I thank my good friend, but I think 10 minutes will be sufficient.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] asks unanimous consent that the gentleman from Mississippi [Mr. CANDLER] be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANDLER. Everything that has been said by my distinguished friend from South Carolina [Mr. ELLERBE] is absolutely true. The proof of it is apparent when you begin to try to secure information as to the good effect of the distribution of seed. You find it is so great as to be almost impossible of ascertainment, because of the fact that the benefits derived from it go throughout the length and breadth of this land, in every neighborhood, in every State, in every community, in every county, and in every subdivision of every county in this broad land. [Applause.]

The matter mentioned by the distinguished gentleman when he referred to the Rocky Ford cantaloupe is a good illustration of other matters of the same kind. That cantaloupe not only now supplies the East, which did not know about the richness and the lusciousness of it until it was furnished by the seed from the Department of Agriculture which produced it, but it is sent to the general markets of the country and supplies the tables of those who live in the great cities as well as in the towns. Not only that, it is going across the waters to supply foreign shores and foreign tables therein, and it permits the bringing back of the substance of those shores to our country. It is the only variety of cantaloupe that will bear exportation to foreign countries and preserve its sweetness until it reaches the foreign shores. [Applause.] Now, so far as was suggested by my friend a moment ago, that the farmers want other kinds of legislation, it is true they want some other kinds of legislation, and I daresay there is not a man on this floor who is more ready to give them what they want than I am. If there is one thing I have tried to do since I have been a Member of Congress, it has been to advance the interests of the agriculturist, to advance the interests of the farmer throughout the United States of America, whether he live North, South, East, or West. When it comes to the man who goes down and digs his living out of the ground and works it out in the sweat of his face, I am ready to lend him a helping hand for garden seeds or anything else which he may desire. Whatever legislation he wants he ought to have, and I will join you and give it to him. [Applause.] It may be commendable and necessary for us to consider economy, and I am willing to economize along any line which may be presented wherever true economy can be obtained, except upon the farmers of the United States of America. [Applause.] I am not willing to economize on them, because the record shows that they are the ones who take care of this Government in times of

stress and storm, in troubles, trials, tribulations, and sorrow. Whenever we want prosperity we must look to the farmer, because it is from his products that the balance of trade is brought from yonder shores to the people of the United States of America. Taking into consideration every other product that can be exported, of every kind and description, without the farmer the balance of trade against this great country would have run up into millions upon top of millions of dollars. But the products of the farm have gone into the foreign trade and brought the yellow gold back from foreign shores and filled our coffers, so that we have a balance of trade in favor of the United States of America to-day that runs up into the billions of dollars.

I find by investigation that during the last five years we have appropriated for the Navy Department of this Government the enormous sum of \$728,000,000. During the same period of time we have appropriated for the War Department \$786,000,000, whereas we have only appropriated for the Agricultural Department, from 1839 down to and including the year 1912, the small, the insignificant, the pitiful sum, in comparison with these others, of \$168,000,000. Still to-day you propose to take away from the farmer the little pittance of garden seed. You would take away from his sweet wife, who labors with him day by day and helps to keep up the prosperity of the country and to maintain its welfare, its purity, and its nobility, the little package of flower seeds that goes to decorate her front yard. [Applause.] You would take away from her the seeds that would produce the vine that would grow in front of the window to lend gladness to the sunshine with its brilliancy and carry joy through the window of the humble cottage. [Applause.] I do not believe this House will indulge in any such economy as this. I do not believe it will take away from the people of this country this small pittance and send a message into every home that the Congress of the United States, while willing to appropriate billions of dollars for these other purposes, are not willing to appropriate the small sum herein provided for to furnish a package of garden seed, or a package of flower seed, or a package of cotton seed, or other kinds of seed to those who want them. This is an important question. It is so important that I secured a quantity of a certain variety of early maturing cotton seed that I believe will be good for Mississippi and good for the first congressional district, and am now distributing them in order to get ahead of the boll weevil, as was suggested a moment ago, by getting an early maturing variety of cotton, so that it will go in advance of the boll weevil and circumvent his disastrous onslaught upon the greatest commercial asset and the greatest agricultural product in all this land, which is cotton. [Applause.]

That cotton seed is named "Candler's Prolific." It is going into the State of Mississippi to-day, and I hope it is going to be so prolific that it will get-ahead of the boll weevil and preserve the cotton crop in the first congressional district, and if you will send these valuable seeds throughout the country in time I sincerely trust we may save the cotton crop of the country. [Applause.]

Mr. LA FOLLETTE. Will the gentleman state what is the name of this early cotton seed?

Mr. CANDLER. It is called "Candler's Prolific." [Applause.] Therefore not only is this cotton proposition very important, but the diversification of crops in connection with the distribution of the seeds is a very important matter to the South, to the people of the South, where the boll weevil has appeared and is absolutely destroying the cotton crop; where the people are not prepared to meet it. My distinguished colleague from Mississippi [Mr. DICKSON], who is not present now, having been called home by serious illness in his family, lives to-day on the farm and in the house where he was born. He has been raising cotton during all these years. Four years ago he raised 376 bales of cotton, the next year 173 bales, and the next year 36 bales. This past year, with 18 families which he supported and took care of and provided the necessities of life for and used to the best advantage, he produced only a bale and a fraction of cotton upon his home farm. You will readily see from this concrete example the importance of this situation. These seeds are sent into localities to determine by actual experiment whether they will prevent the difficulty the people are having, and then by demonstration showing that they can escape this trouble, and by following up the results of these experiments and demonstrations they prevent the awful disaster that overhangs them like a great cloud beneath which they will be submerged and their crops destroyed, and the absolute prosperity of that whole section of the country taken away.

This, my friends, is not a small question. I have stood here and fought for it in days gone by. I hoped that the battle was ended; but I want to tell you that as long as this fight is kept

up I am going to stand in the front line and protect the interests of the farmers in this country. [Great applause.] Now, I will not take the time of the House longer. I have many other matters that I want to say, and should I say them, judging from the enthusiasm around me and the cries to go on, I have no doubt they would interest you, but I desist in order to secure a vote as soon as possible, and ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, the gentleman from Mississippi has shown himself worthy of the name I have given him.

A MEMBER. What is that name?

Mr. LAMB. The gentleman from Mississippi will tell you. [Laughter.] I now, Mr. Chairman, move that all debate on this paragraph and amendments thereto close in 10 minutes. We must get along with the bill.

Mr. MANN. I hope the gentleman will not make his motion cover all amendments to the paragraph.

Mr. TAYLOR of Colorado. Mr. Chairman, I have an amendment that I want to offer.

Mr. LAMB. Very well, Mr. Chairman, I will modify my motion and say 10 minutes on the two pending amendments.

Mr. TAYLOR of Colorado. What two amendments?

Mr. LAMB. The two that are pending—the one offered by the gentleman from North Carolina and the amendment to the amendment offered by the gentleman from Maine. My motion is that all debate on these two amendments be closed in 10 minutes.

The CHAIRMAN. The gentleman from Virginia modifies his motion that the debate on these two pending amendments close in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. SMALL. Mr. Chairman, I am constrained to disagree with my colleague [Mr. PAGE] in the amendment which he has offered to strike out the provision of the bill. In fact, I think the greatest merit in the amendment arises from the reputation of the gentleman who presented it. The item proposed to be stricken out provides for the purchase, testing, propagation, and distribution of seed of improved varieties. I have been able to keep somewhat in touch with advances in agricultural methods during the past decade or more, and the greatest advance has been in recognition of the value of propagation and selection and testing of improved seeds. No greater advance has been made in agriculture than the lessons which have come from the testing of seeds, particularly of the staple crops.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. SMALL. We are all familiar—I have only five minutes.

Mr. PAGE. For a question, or, rather, a statement. I want to say to my colleague that my amendment leaves \$58,000 in the bill for the testing of rare and valuable seed.

Mr. SMALL. I understand that, Mr. Chairman, and that would not accomplish the purpose which is intended by this provision. We are all familiar with the wizard, Luther Burbank, and nearly all he has accomplished in a large part of his work has been reached by the process of selection of seed. Now, this bill provides for the propagation and the testing, and, as I understand it, while the department is authorized to purchase seeds from any available sources, yet all of those seeds before they are distributed have samples taken from them and are put through a process of testing by which their germinating qualities and their virility is ascertained, and no seeds are distributed unless they are tested in this manner. I regard this work as being a valuable one. I know there are certain newspapers which ridicule it; I know that occasionally you may find a farmer who is unappreciative of them; and yet if my constituents—and I live in an agricultural district—are typical of the other agricultural districts of the country, I happen to know that this distribution is appreciated by most, if not all, of the intelligent farmers. Time after time—I am sure to the extent of more than 1,000 letters every year—I get communications from farmers telling me of the value of this or that variety of seed, and I happen to know—

Mr. JACKSON. Will the gentleman yield for a question?

Mr. SMALL. Yes.

Mr. JACKSON. The gentleman stated the farmers who get the seed greatly appreciate them. Ought not they to be interested enough to write for them? I will ask that question first, and will follow that with another.

Mr. SMALL. Well, Mr. Chairman, that may work in theory, but not in actual practice. There is not a Representative in this House from an agricultural district who is not entirely familiar with the indisposition of the average farmer to corre-

spond with his Representative, and in conversation with them, as other Members I am sure will testify, I have had them to say to me, "I wished to write you about such a matter, or I wished to get some information from you, but for one reason or another failed to write you." The fact that this large quantity of seed might not be distributed, if its distribution was dependent upon personal requests for them, is no criterion of the extent to which they are appreciated by the farmers in the agricultural districts.

Mr. JACKSON. Are there not two sides to this question also? Ought the Government to be expected to make an appropriation here practically of a quarter of a million dollars, leaving a large part of it—most of it—at the disposal of the Congressmen, solely because you say the men who want these seed will not write for them, when if they know that they would write for them the men whom it would benefit could be served at half the expense?

Mr. SMALL. But, Mr. Chairman, to put the proposition the other way: Is a Representative here, supposed to be conversant with the activities of the executive departments, to expect his constituents to be equally as conversant as he is and to write him for information, for publications, or for other results of the activities of the department. It is the duty of the Representative to be in the advance guard and through those activities to serve his constituents. [Applause.]

Mr. ELLERBE. Will the gentleman allow me to ask him one question?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I ask unanimous consent that this amendment may be reported again, for the information of those who did not happen to be in.

The CHAIRMAN. Without objection, the amendment and the amendment to the amendment will be again reported.

There was no objection.

The amendment and the amendment to the amendment were again reported.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Maine.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs to the amendment offered by the gentleman from North Carolina.

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. PAGE) the committee divided; and there were—yeas 19, yeas 84.

So the amendment was rejected.

Mr. TAYLOR of Colorado and Mr. PEPPER rose.

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] is recognized.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, after line 10, insert:

"That the sum of \$50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase and special distribution of seeds in those sections of the Western States where, on account of the drought of 1911, the crops were a failure, the same to be distributed at the discretion of the Secretary of Agriculture, to be immediately available."

Mr. LAMB. Mr. Chairman, I reserve a point of order on that amendment.

Mr. MONDELL. Will the gentleman from Colorado [Mr. TAYLOR] yield to me for a suggestion?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MONDELL. Will the gentleman object to amending his amendment by inserting the words "field and garden"?

Mr. TAYLOR of Colorado. No; I will be perfectly willing to accept that modification.

Mr. MONDELL. That would evidently cover what the gentleman desires, I understand.

Mr. LEVER. It is understood that the point of order is reserved against the amendment and the change suggested by the gentleman from Wyoming.

Mr. TAYLOR of Colorado. I ask to have the amendment modified in accordance with the suggestion of the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I ask, subject to the point of order, unanimous consent that before the word "seeds" the words "field and garden" be inserted.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the amendment be modified, subject to the

point of order, as he has suggested. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to call the attention of the House briefly to the condition which makes this amendment necessary. You will all remember that a few years ago Congress passed what is known as the enlarged or 320-acre dry-farming homestead act. Under that law there have been thousands of people who have gone out into what was formerly known as the Great American Desert and located homesteads. During most years there have been sufficient rains so that many of those people have gotten a good start and are doing well. Generally speaking, the law has been a benefit in the development of the West. But during the last two years in some districts there has been an absolute drought, no rain or snow whatever, and thousands of those homesteaders throughout the West have not been able to raise anything for two years. We get a great many heartrending appeals from large portions of several States throughout the West describing the pitiable conditions of those settlers. Some of them have even sold everything they have to live on, and have no possible way by which they can get seed to plant during this spring. There are only a few small districts in eastern Colorado where this condition prevails. My amendment is for the relief of all new settlers throughout all the drought-stricken districts of the West. If the Government would come to the relief of these settlers and furnish them with even a small amount of seed just for the starting over again, it would be an act of common humanity, and it would be a wonderful benefit to a large number of deserving people in those temporarily unfortunate portions of the West. It does seem to those of us who come from that country, that while we are so liberally appropriating hundreds of thousands, yes, millions of dollars for experimental work and other work in the Agricultural Department, that this is a place where Congress could not only do a wonderful amount of good, but you would be saving the homes and almost saving the lives of thousands of bona fide settlers, good people, who are following out the noblest instincts of the human race in trying to establish a home. I feel that this is an amendment which ought to appeal to this House, and that the committee itself ought to join with me in supporting the amendment to furnish to these unfortunate and discouraged people merely a few seeds to be distributed under the supervision of the Agricultural Department.

I have personally taken this matter up with Secretary Wilson of the Department of Agriculture, and he recognizes the merits of this claim. He has written to me and told me personally that if there could be an appropriation secured for this purpose he would very gladly distribute the seed in a way that would do the most good and endeavor to save the homes and be of untold benefit to those settlers. I earnestly hope that the House will favor this amendment and will allow those people to have this necessary seed with which to get another start. This is not for experimentation, nor for anything that is theoretical; it is practical; it is a matter of dire necessity.

The Secretary of Agriculture some time ago promised, if he possibly could, to furnish me with an additional supply over my allotment of garden seeds, so that I might send them to the drought-stricken portions of eastern Colorado, and I have been very much in hopes that I might be able to secure enough in that way to supply these settlers with at least enough to provide a garden for them. But Secretary Wilson advised me the other day that the demands for seed this spring have been so great that the supply of the department is completely exhausted and that he can not furnish me any. So that, unless this appropriation is made, there will be many homesteaders throughout several of the Western States who will be compelled to leave their claims uncultivated and unoccupied during the coming season and the claimants go away to earn a living and if possible earn something with which to get another start.

Mr. Chairman, in this connection and in answer to the amendment offered by the gentleman from North Carolina [Mr. PAGE], and which amendment seems to be offered every year by some Member, to strike out the appropriation for the purchase and distribution of garden and flower seeds, I want to offer a few suggestions regarding the manner of distributing these seeds by the Members of the Senate and the House.

Before I came to Congress I had the impression, which seems to be quite common throughout the country, that the sending out of these seeds was a waste of material and energy, and that no one was benefited excepting the people who raise the seeds. I think that impression is in some cases correct, and that the way many Members send out the seed they are very largely wasted and little appreciated. I understand that many Members send their seeds out in bulk, sometimes several large

sacks full, to the political leaders of their party in their district; and often these party leaders do not make any systematic attempt to distribute them among people who want and would use them. I understand there is often no effort to systematically ascertain who wants and who will beneficially use these seeds. I am advised that other Members take the poll list of the voters in their district and send one package to each voter. They might just about as well throw the seeds away, because one package of seed is not sufficient to do anyone any good, and 6 out of 10 packages of seed sent out that way go to people who care nothing about them and who can make no use of them and do not want them. They are thrown in the wastebasket, and it is ridiculed and has by those people become a kind of an annual standing joke. Moreover, I do not believe in making the distribution of seeds a matter of partisan politics. Because a congressional district is represented by either a Democrat or a Republican is no reason why the poor people, or people who are not poor, who want and will beneficially use these seeds should have no opportunity of obtaining them unless they belong to the same political party as the man who happens to be elected to Congress from their district. Besides, when they are sent out in that manner there is little or no selection of the varieties, and often the seeds are entirely unsuited to the climate and locality to which they are sent, which very naturally disgusts the people.

I think that way of distributing, or, rather, wasting the seeds, ought to be stopped. I think the distribution ought to be made in a systematic way and in a nonpartisan way. If the seeds could be sent only to those who want them, I believe they would do 10 times more good than they do at the present time. I have thought about this matter and investigated it considerably, and I adopted a system last spring and am following it this spring. I prepared a letter to the newspapers of my State briefly calling their attention to the fact that my annual allotment of vegetable and flower seeds was ready for distribution and that I would not send any seeds whatever to anybody excepting to those who wrote me a letter or postal card requesting them, because I did not want to waste them or bother anyone with seeds who did not care for them, but stating I would be very glad to send a few packages to every one who cared enough about them to drop me a line giving me his or her name and address. I asked the newspapers to kindly publish that letter or mention its substance. I sent those letters to nearly all the newspapers in the State. I, of course, did not send them to all the newspapers in the large cities, but to such papers in the cities as I knew circulated largely among the laboring people; and I tried to reach every paper in the country counties, especially where there are new settlers. Some of the more partisan Republican papers will not mention it, but a few of them do.

Mr. MANN. About how many requests for seeds does the gentleman receive during the course of the year?

Mr. TAYLOR of Colorado. I received over 8,000 last spring. I am now receiving requests at the rate of about 250 a day. I received 478 letters in one day last March and over 2,000 in one week.

Mr. MANN. Are they made-up lists?

Mr. TAYLOR of Colorado. No, sir. They are individual letters and postal cards coming from all over the State of Colorado. There were over 100 newspapers in the State that published my letter last week or the week before, and the people who want the seeds are writing directly to me for them. I am not sending out any in bulk or to Democratic committeemen or to a soul who does not personally request them.

Mr. MANN. When we had this discussion up once before in the House, although I never voted for the appropriation, I brought on the floor of the House 10,000 requests which I received one spring from my district, which is a city district.

Mr. JACKSON. Does the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Kansas or the gentleman from Iowa?

Mr. TAYLOR of Colorado. I will yield to the gentleman from Kansas first.

Mr. JACKSON. Does not the gentleman believe that if the plan which he has followed—and which, I want to say, I have followed with satisfaction to myself—could be carried on at the department it could be done at one-fourth or one-half of the cost to the Government at which the present plan of sending out seed to everybody is carried on?

Mr. TAYLOR of Colorado. Yes; possibly it could. But, as the gentleman from Mississippi [Mr. CANDLER] has well said, that system might not always be satisfactory.

Mr. JACKSON. And that the people who need seeds could secure them better in that way than under the present plan?

Mr. TAYLOR of Colorado. Yes; I think that would be an improvement over the present system of most Members. But I do not send my seed slips down to the department to be filled.

I started out that way when I first came here, but I found that the department frequently sent out seeds that were of no use in my State, and sometimes they reached there too late, and some of my constituents criticized me for it. I now have the seed slips all addressed in my office, and I employ additional help at my own expense and pack all the seeds in my office. As long as I have them, I pack and send to each person three or four packages of a variety of vegetable seeds and one package of a variety of flower seeds; and I know that there were thousands of homes in Colorado last year that had a good garden and a small variety of flowers as a result of my individual distribution, and I know the seeds I am now sending out will be a source of happiness in thousands of homes in my State this coming summer. I secured an extra allotment last spring and sent out over 200,000 of the small packages of vegetable seeds and 20,000 small packages of flower seeds, and I expect to send out as many this spring. This involves an enormous amount of extra work and personal expense, but I know it does an inestimable amount of good.

Mr. ANDERSON of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Ohio?

Mr. TAYLOR of Colorado. Certainly.

Mr. ANDERSON of Ohio. I know that the gentleman is in favor of the distribution of seeds as much as I am. Has he received many letters protesting against the distribution of seed?

Mr. TAYLOR of Colorado. I think I have received in three years possibly a half dozen letters asking me to vote against the seed distribution. But no one ever has the opportunity to protest against my sending him seeds, because no one gets them from me unless he asks for them. I have received two or three protests from seed houses or stores dealing in seeds. But I do not feel that they are materially injured or affected by this seed distribution. I think if it were not for this Government seed distribution that the seed trust might make the people pay a good deal more than they do for seeds. I have changed my opinion entirely on this seed matter since coming to Congress. I absolutely know that seeds sent out in the way I am distributing them do a world of good.

I get hundreds and hundreds of letters—I may say thousands of letters—and postal cards from women, many of them from the wives of laboring men in the cities and new settlers in the country asking me for a few seeds. Afterwards many of them write me, saying that they got "John" to spade up the back yard, and they planted and irrigated the garden, and had all the vegetables the family could eat and some to give to their neighbors, besides having some flowers to beautify their little homes. When anyone says the people do not want these seeds he simply does not know what he is talking about. A great many boys and girls write to me for them. If these people had to buy the seeds, even though they cost only a few cents, they might not do so. I try to get them into the homes of those who most need them. The seed that each person gets does not cost the Government probably more than 3 or 4 cents, and the way they are used by the most of the people I send them to, each family is benefited to the amount of probably \$50 to \$100. The greatest benefit is assisting the people who will make the best use of them in getting new and suitable varieties of seeds. It would make the heart of every Coloradoan swell with pride to hear the beautiful tribute to the Rocky Ford cantaloupe paid by the eloquent gentlemen from Mississippi [Mr. CANDLER] and South Carolina [Mr. ELLERBE]. Through the energy of the Rocky Ford citizens, and especially that grand old pioneer, Senator George W. Swink, the Luther Burbank of the cantaloupe industry, assisted by the Department of Agriculture, Rocky Ford cantaloupe seeds have been sent throughout all this country, and have lifted thousands of mortgages and brought happiness to the homes, joy to the hearts, and delight to the tastes of millions of people all over the civilized world.

In my judgment, this seed distribution is one of the best investments the Government makes. The seeds are raised under the direct supervision of the Agricultural Department in large quantities in various places throughout the United States, and they are the means of putting into every township in this country the most suitable seeds and giving the people a start in the best varieties of plants for their respective localities. The good that is thereby accomplished will endure for all time and is beyond calculation. I feel that it would be a very great mistake and misfortune if the amendment of the gentleman from North Carolina should be adopted and the distribution of seeds by the Agricultural Department be discontinued.

Mr. DRISCOLL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of South Dakota rose.

Mr. LAMB. Mr. Chairman, I was going to ask for a ruling on the point of order.

Mr. MARTIN of South Dakota. I hope the gentleman will withhold his point of order. There are some of us who want to be heard on this question and also on the point of order when it is urged.

Mr. LAMB. Then I will wait awhile.

Mr. LEVER. Mr. Chairman, I move that the debate on this amendment be closed in 15 minutes.

The CHAIRMAN. A point of order is pending.

Mr. LAMB. I withhold it for awhile.

The CHAIRMAN. The gentleman from South Dakota [Mr. MARTIN] is recognized.

Mr. MARTIN of South Dakota. Mr. Chairman, there is a great deal of merit in the amendment which is offered by the gentleman from Colorado [Mr. TAYLOR]. Being somewhat familiar with these conditions, I had prepared an amendment of like character. The chief criticism of the free distribution of seed from the Department of Agriculture, I think, grows out of the limitation which is put in the ordinary distribution in that the largest part of it, three-fourths or four-fifths, must be sent out by this congressional distribution. The result is that seeds are sent into localities and to farmers who do not need them for any practical purposes; whereas if the discretion could be left with the Secretary, this distribution might be of value and reach settlers and localities most needing them.

Now, it so happens that over a considerable portion of the western country there have been two successive years of drought, a thing unknown in those localities in the history of the country. There are localities in the West where—

Mr. ELLERBE. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from South Carolina?

Mr. MARTIN of South Dakota. Yes.

Mr. ELLERBE. Is there any experimental feature in this work at all? Is it not a fact that because of the drought those people lost their crops, and can not the State take care of them, so that the matter need not come in on this bill?

Mr. MARTIN of South Dakota. O Mr. Chairman, I can not allow the gentleman to take up my time for the purpose of making an argument. The whole question in the arid and semi-arid West is a question of scientific farming, involving not only the study of methods of dry farming, but the development of plants that are of a drought-resistant character. Now, it so happens that over a large area of the West there was a general crop failure in the last year by reason of a practical suspension of precipitation from September to September. There were areas in which there was no rainfall in the aggregate of over 2 inches, in a region that usually has a rainfall somewhere around 15 or 20 inches, and the result of it has been that vegetation did not start until September. Generous rains came in the fall, there has been a heavy snowfall this winter, and there is every prospect of a good crop in 1912 if the people can get seed. Now, those people are up against a condition, a practical proposition, in which the entire Nation is interested—the proposition of adapting agricultural products to the particular conditions of the country.

Hundreds and thousands of people have gone into that region and have struggled manfully with that problem, and many of them are not able now to supply their seed for the coming season. I for one do seriously criticize the sending of a large distribution of seeds into localities where they are not needed. If we would consent to it and confine the efforts of Congress and of the department to the supplying of really needed localities, we would be performing a great public service.

I sent a sack of seeds for distribution to a certain locality in my State some years ago, and after the seeds were distributed I received back from my friend, to whom I had sent them for distribution—he being somewhat of a wag—the statement that he had placed those seeds where they would do me the least harm. [Laughter.]

There are precedents for coming to the relief of localities which have suffered because of unusual conditions. During the years of the ravages of the grasshopper in the West, particularly in 1875, this Congress passed two bills for a special distribution of seeds, and appropriated \$30,000 for that purpose—a distribution to settlers who had been damaged by the ravages of the grasshopper. Another measure that was enacted appropriated \$150,000 for the supply of food and other needed help to the patriotic pioneers of the frontier who were seeking to wrest progress and utility out of the new country.

Now, I think if we were at this time to place in the hands of the Secretary of Agriculture this sum of \$50,000 for the purpose

of making a special and discriminatory distribution in those localities of those field and garden seeds that are best adapted to those conditions that sum would do more good than the entire aggregate of this appropriation of \$285,000 carried in this bill for the whole seed distribution. [Applause.]

Mr. LAMB. Mr. Chairman, I ask for a ruling on the point of order.

Mr. RUCKER of Colorado. Mr. Chairman, I hope the gentleman from Virginia will wait for a moment. The gentleman has not heard all there is to say about this.

Mr. FOSTER of Illinois. The 15 minutes have not expired yet.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] is recognized.

Mr. RUCKER of Colorado. Mr. Chairman, the amendment offered by my colleague from Colorado [Mr. TAYLOR] is the basis of a bill that I have had pending before Congress, and especially before the Committee on Appropriations, since early in January; and I have been promised more times than I have fingers and toes that I should be heard before that committee. I despair, however, of being allowed an opportunity to appear before it.

I wanted to say to that committee, as I say to this House, that this is not a distribution of seed in an ordinary way. This is for field sowing—a very necessary thing to-day—and it would be far better, in my judgment, to curtail the expense incident to the sending out of these general packages of seed. We should send them out by sacks.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Missouri?

Mr. RUCKER of Colorado. Yes.

Mr. SHACKLEFORD. I did not quite catch the provisions of the amendment which the gentleman speaks of. Does this proposition include furnishing the mules and the drills to plant the seed with?

Mr. RUCKER of Colorado. No, sir. When it comes to that, if it were to vote for more mules, I would count on his vote; but we will furnish the mules and everything else if we get the seed. [Applause.]

Now, I want to say that in my district, especially in the last two years, there has been a drought. The farmers there have undertaken to farm by the Campbell system of dry farming, but by reason of there being no precipitation it was impossible for them to raise anything. Now, it does not behoove a Member representing a district to show up its impoverished condition, but in my district that condition exists in spots, and I may therefore justly disclose the actual condition.

People in that district in the last year have been compelled to burn up their fences and burn part of their barns and sell off every head of their stock in order to get through the severest winter we have had in Colorado for the last 35 years.

So I say, gentlemen, if it can get beyond this point of order, I hope the gentleman from Virginia has heart enough within his body so that he will withdraw it and let us get a vote, and let this committee determine whether they will relieve these sufferers. I want to say that within my recollection a bill of this kind came in for the relief of western Texas, and in my judgment it was to the discredit of the Chief Executive, while it was to the credit of the Congress, that an appropriation of this kind was voted for this identical purpose, for the same reason, but President Cleveland vetoed the bill. I will undertake to say as a Democrat that if this bill is passed the Republican President now occupying the chair of the Chief Executive will not veto it. [Applause.]

Mr. HELM. Will the gentleman yield?

Mr. RUCKER of Colorado. Yes.

Mr. HELM. Will the gentleman admit that the appropriation carried in this bill is intended in the least to be experimental, or for experimental work?

Mr. RUCKER of Colorado. This amendment?

Mr. HELM. I mean the item carried in this bill.

Mr. RUCKER of Colorado. No.

Mr. HELM. And is not this amendment intended to supply people with seed enough to plant their entire crop, because of a calamity, a drought?

Mr. RUCKER of Colorado. Yes; that is absolutely true.

Mr. HELM. Does the gentleman think that, enthusiastic as I am for this experimental work, we ought to go to this very extreme limit? Can not the State take charge of that situation?

Mr. RUCKER of Colorado. I have no doubt that if there was a drought in China or in Japan, or a similar condition of affairs in Samoa, or some other place, you could find in this House Members who would fall over one another to vote for

an appropriation; but when it is proposed to relieve our own people, who are suffering—

Mr. HELM. Does the gentleman think that because there has been a drouth in that section he ought to come to the American Congress and ask us to help those people in this way?

Mr. RUCKER of Colorado. Yes; certainly. Otherwise I would not ask it.

Mr. HELM. Perhaps the gentleman could come in another way, and I would be delighted to help him.

Mr. MARTIN of South Dakota. I would like to ask the gentleman whether there is any difference in principle between this sort of an appropriation and the appropriation to fight the boll weevil?

Mr. ELLERBE. Oh, that is entirely different.

Mr. RUCKER of Colorado. There is no difference at all. The only difference is that the country from which the gentleman comes has a yearly complaint and we have only had reason to complain for the last two years. As long as the gentleman is a Member of Congress he will be here asking for seeds to resist the boll weevil, and every time he comes here, as long as there is a Democratic majority, he will get what he wants, and when we from the great West come and ask for relief we expect fair treatment. [Applause.]

Mr. HELM. Will the gentleman yield for another question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, if the point of order is overruled and the amendment comes before the House, I expect to offer an amendment to it, which I ask to have the Clerk read for information.

The Clerk read as follows:

And for the purchase, test, and distribution of seeds, plants, shrubs, trees, and vines, including the necessary labor with which to plant the same within the limits of the city of Chicago, the further sum of \$10,000.

Mr. LAMB. Mr. Chairman, after my preacher friend from Wyoming [Mr. MONDELL] is heard, I shall insist on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, a few days ago in discussing another paragraph of this bill, I referred to the fact that when I was a small boy I lived in a district in Iowa which was ravaged by grasshoppers. A great many people remember those grasshopper days, and I hold in my hand a copy of two bills passed by Congress for the relief of grasshopper sufferers in Kansas, Nebraska, Iowa, and Minnesota. I think that some of that distribution was made in northern Missouri, where the crops had been destroyed by grasshoppers. So that this legislation is in line with former action of Congress.

We have had two succeeding seasons of extreme drought in the West. The result is that there are many farmers in Wyoming, North and South Dakota, Colorado, and possibly in other States, who have practically produced nothing in the way of crops for two years. Over vast areas the grain sown last spring did not germinate.

I planted a field of winter wheat a year ago last fall and it came up last August. When the frost came in October it was a flourishing field, but it was just a year too late. There were vast areas over which seeds did not germinate at all, and still larger areas where the crops after they came up were withered and killed by the drought. These people need relief. This Congress ought to appropriate not \$50,000 but \$100,000 to give them relief. They are out there on the western plains, the pioneers no less to-day than the pioneers of 35 or 40 years ago, carrying forward the frontier of civilization, and we certainly can afford to make it possible for them to continue their struggle, to conquer that region and bring it into a condition under which it will produce food for man and beast.

Mr. RUSSELL. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. RUSSELL. Suppose this amendment should be passed, would these seeds be fairly distributed over the country under this amendment which provides for the Western States that suffered from drought? There were some Southern States that suffered from drought.

Mr. MANN. Texas is a Western State.

Mr. RUSSELL. Texas is a Western State, but Oklahoma and Arkansas are Southern States. Why should this be confined to Western States?

Mr. MONDELL. This amendment applies particularly to the people on the public land who are the people who need this aid. In my State settlers on the public domain are the ones who need it—those who have gone forward conquering the wilderness.

Mr. RUSSELL. Can Congress afford to pass a bill for the distribution of seed in one section of the country only when there are other sections that suffer as much?

Mr. MONDELL. I do not think the gentleman from Colorado would have any objection to modifying his amendment so as to supply any drought-stricken section.

Mr. TAYLOR of Colorado. Not the slightest in the world.

Mr. MONDELL. I have no doubt that under the amendment as offered it could be used in Texas, because I think Texas is considered as a Western State, although a portion of it is a good ways south.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman whether or not he thinks there would be any real worthy distribution on an appropriation of \$50,000?

Mr. MONDELL. I do not think it is enough, but it is better than nothing. I think we should have at least \$100,000 for this work. Mr. Chairman, I have not yet discussed the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. MONDELL. If the Chair is entirely clear, I do not care to take up the time of the House discussing the point of order.

The CHAIRMAN. This amendment undertakes to provide an appropriation for the distribution of field and garden seeds in certain Western States where the crops have been a failure. In the opinion of the Chair that does not at all come within the purview or the letter or spirit of section 520 creating the Department of Agriculture. The distribution of seeds spoken of there is the distribution of new and valuable seeds and plants, the clear purpose of which is to introduce new varieties or improve existing varieties, and not to furnish seeds as a donation for any section of the country, however great the emergency may be. The Chair is of opinion that the point of order should be sustained.

Mr. PEPPER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 25, line 13, by striking out the words "those persons" and inserting in lieu thereof the following: "Teachers and pupils in public and other schools interested in the study of agriculture." Also insert after the word "Congress," in line 15, page 25, the words "or which may be received direct by the Department of Agriculture."

Mr. LAMB. To that, Mr. Chairman, I reserve a point of order.

Mr. PEPPER. Mr. Chairman, I hope the gentleman from Virginia will not insist upon the point of order. It strikes me that this involves a principle that is very important. Under the bill as it is written, and as it has been written for a number of years, seeds that have not been distributed by the Members of Congress by April 1 go back to the Department of Agriculture. I understand that a large amount of seed is not distributed by the Members of Congress and a considerable amount of this congressional allotment goes back to the department every year. This amendment provides that that seed which reverts to the Department of Agriculture shall be distributed to the teachers and the pupils of the schools of this country who are interested in the study of agriculture.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. Yes.

Mr. MOORE of Pennsylvania. Could not that be accomplished much more readily through the Member of Congress representing the district in which the school is located?

Mr. PEPPER. It can be accomplished better, providing the Member does it; but if the gentleman will notice, this provides that it shall be distributed by the Department of Agriculture upon lists of names furnished by the Member of Congress or sent to the Department direct. I understand that a great many Members do distribute a large amount of seeds to the school children.

Mr. MOORE of Pennsylvania. I am one of those who do that, and I find that it is very much valued by the children in the schools.

Mr. PEPPER. If it were generally understood among the 12,000,000 rural school children of this country that on the 1st day of April a considerable amount of seed becomes available, there is no doubt these boys and girls would gladly avail themselves of its use in their school gardens or in their own experiments. And I want to say this, that while you are making large appropriations for agricultural colleges, and while you are spending thousands of dollars to develop scientific farming, in my judgment the thing you have got to do first is to interest the boys and girls in the subject of agriculture in order to make the matter a success. I believe this offers a practical method of starting this work.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. Yes.

Mr. RUSSELL. I understand this amendment provides for the distribution of seeds that are not distributed by Members of Congress by the 1st of April in each year.

Mr. PEPPER. That is right.

Mr. RUSSELL. I would like to know what becomes of them now?

Mr. PEPPER. According to the bill, any portion of the allotment to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April is to be distributed by the Secretary of Agriculture, and he is to give preference to those persons whose names and addresses have been furnished by Senators and Representatives.

Mr. LAMB. There will not be any left. Over 25 men in this House have asked me to get them more seeds.

Mr. PEPPER. I want to call the gentleman's attention to the fact, however, that last spring when I came to Congress I was told there were over 100,000 packages that had not been distributed by Members of Congress. I understand, of course, that in a presidential year perhaps the distribution is a little more general, but I also understand that every year there are certain Members who do not distribute the seeds, and that those seeds go back to the Department of Agriculture. I simply provide in this amendment that whatever does go back shall be given to the school children of the country, 12,000,000 in number; that they shall have a preference. It is a practical step intended to assist in getting them interested in the subject of agriculture.

Mr. LAMB. They would not get one-quarter of a package a piece.

Mr. PEPPER. I think the gentleman is mistaken. I undertake to say that if the attention of the department is called to this—

Mr. MOORE of Pennsylvania. Would not the gentleman rather have that done through the Member of Congress?

Mr. PEPPER. Certainly, but this does not prevent that being done. It does not in any way affect the distribution of seeds by the Members of Congress.

Mr. MOORE of Pennsylvania. It would rather tend to centralize the distribution.

Mr. PEPPER. Not at all.

Mr. MANN. Does not the gentleman believe that if this policy which he suggests is adopted it would increase this appropriation ten or twenty fold inside of the next two years?

Mr. PEPPER. I do not see why it should.

Mr. MANN. Every school in the land would file an application with the Secretary of Agriculture for seeds. There would only be seed enough to go a very small way round, and either the Secretary would exercise favoritism or else he would be compelled to refuse most of the applications.

Mr. PEPPER. I will say in all seriousness—

Mr. LAMB. It is opening a Pandora's box of evils.

Mr. PEPPER. If it would increase the appropriations for seed and this extra amount is sent to the school children of this country who use seeds in the planting of their gardens and who become interested in the study of agriculture, it will be worth all it costs and is just as justifiable as any appropriation under this bill could be, because it puts the child in touch with something that not only will interest him, but puts him in touch with the Government itself. The way to secure interest in the study of agriculture in our schools is to have the pupils plant something and watch it grow. This will help to solve the problem of keeping the boys on the farm and getting them interested in raising their own crops and in planting something that will be their own. I do not know whether it will increase the appropriation or not, but I will say to the gentleman if it does it will serve a good purpose if it tends to foster and stimulate the study of agriculture in our public schools.

Mr. MANN. I thoroughly agree with the statement of the gentleman with reference to keeping the boys interested, and I am practicing it out in my district, but it is contrary entirely to the present scheme of distribution and will result in a duplication of the distribution in the end, and will result in their soon asking for ten times as much seed as we ever gave them and increasing an appropriation which ought not to be made at all to an enormous extent.

Mr. PEPPER. Let me call the gentleman's attention to the fact that there will be no duplication, because the bill provides "and who have not before during the same season been supplied by the department."

Mr. MANN. The Secretary of Agriculture does not keep a list of the names furnished him alphabetically throughout the country.

Mr. PEPPER. He keeps a list of the names furnished him by Members of Congress who furnish him the names.

Mr. MANN. Under the gentleman's amendment?

Mr. PEPPER. Yes.

Mr. MANN. Under the gentleman's amendment the Secretary of Agriculture will do as he pleases with the applications directed to the department.

Mr. PEPPER. Seed may be furnished upon a list furnished by a Member or by the department direct.

Mr. MANN. That means they make application direct to the department.

Mr. PEPPER. It provides, first, that preference shall be given to names furnished by Members of Congress and to persons who have not before during the same season been supplied by the department.

Mr. MANN. That is a matter of preference to determine, and the department does not make any investigation of that kind.

Mr. PEPPER. But the department does distribute seed under the same section of the bill.

Mr. MANN. Oh, no; the department has no authority to distribute these seeds. That part for distribution by a Member of Congress, except—

Mr. PEPPER. I understand there might be applications sent into the department that ought to be taken care of.

Mr. MANN. If the gentleman's proposition is to take the names coming from Members of Congress, that is already provided for. If the proposition is to have the application made direct to the Secretary of Agriculture, it means that every school-teacher in the country will make a request, and it will add enormously to the expense.

Mr. PEPPER. It simply provides the Member of Congress, instead of furnishing the list of voters, shall furnish the names of school children and teachers who are interested in this work.

Mr. MANN. It does not require them to furnish a list of voters. I believe every Member of Congress sends more or less seed direct to schools and school-teachers.

Mr. PEPPER. It puts a limitation upon the list furnished by the Member. In other words, it puts a limitation on the manner of distribution of those seeds which revert to the department under the terms of this bill.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for just a question? I would like to ask, as a matter of fact, if there are any seeds which are not distributed in the spring.

Mr. PEPPER. I understand so. I am informed that there is a considerable quantity that revert to the department every year, and I think they ought to be utilized in the manner I have indicated.

Mr. LAMB. They go back to the Congressman.

Mr. ELLERBE. I would like to say to the gentleman, yes; there are a good many!

Mr. LAMB. Mr. Chairman, sometimes patience ceases to be a virtue. Now, I appeal to the good sense and the judgment of this committee, and I ask if the gentleman in charge of this bill has not been patient to a degree? Two hours have passed, and we are on the same paragraph where we ended when the committee had the bill last under consideration two days ago.

Mr. MANN. We spent two days on it once.

Mr. LAMB. We have given plenty of opportunity for Members to talk here, and I now insist, and I shall in the future move, that such debates as this close, particularly, Mr. Chairman, when we have a point of order. I make the point of order, Mr. Chairman, and I ask for a ruling.

The CHAIRMAN. The gentleman from Virginia reserved the point of order, and the debate was proceeding while the point of order was being withheld.

Mr. TAYLOR of Colorado rose.

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. TAYLOR of Colorado. I wish to debate this amendment.

The CHAIRMAN. A point of order is insisted upon, and the Chair is prepared to rule. If this were a new question, the Chair would without hesitation sustain the point of order, because in the opinion of the present occupant of the chair there is scarcely a provision in this paragraph that is not subject to a point of order. It appears, however, that this paragraph was held out of order when first proposed, which ruling the Chair would have concurred in at the time, but that ruling was reversed on an appeal to the House. It seems, further, that where a provision of new legislation is permitted improperly to remain in an appropriation bill it is open to germane amendments, and such germane amendments are not subject to a point of order. The sole question remaining, therefore, is whether the amendments proposed by the gentleman from Iowa [Mr. PEPPER] are germane to the provisions of the bill. The point of order is therefore overruled.

Mr. LEVER. Mr. Chairman, I move that debate on this paragraph and all pending amendments be closed now.

The CHAIRMAN. It is moved that the debate on this paragraph and the pending amendments be closed in 10 minutes.

Mr. MICHAEL E. DRISCOLL. I want to know whether the gentleman means this amendment or all amendments.

Mr. LEVER. All amendments to this paragraph.

Mr. MANN. Oh, no.

Mr. LEVER. Give them 15 minutes.

The CHAIRMAN. It is moved that all debate on this paragraph and amendments thereto close in 15 minutes.

Mr. MANN. Then nobody can offer an amendment and discuss it or have it discussed.

The CHAIRMAN. The question is on the motion of the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, I move to close debate on this amendment in five minutes.

The motion was agreed to.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. ELLERBE. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado may have five minutes more. I want to ask him a question.

Mr. LAMB. I hope, Mr. Chairman, that this debate will not last any further. We must insist that something be done here.

The CHAIRMAN. The gentleman from South Carolina [Mr. ELLERBE] asks unanimous consent that the time of the gentleman from Colorado [Mr. TAYLOR] be extended five minutes. Is there objection?

Mr. LAMB. I object.

Mr. TAYLOR of Colorado. Let me say to the gentleman from Virginia that I have occupied only 10 minutes on this entire bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. PEPPER].

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend, on page 26, after the word "station," in line 10, by adding as a separate paragraph the following: "That during the year 1912 Irish potatoes—"

Mr. JACKSON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. JACKSON. We have not reached that section yet. I desire to offer an amendment to the section.

Mr. MONDELL. Mr. Chairman, I have an amendment which I desire to offer to the paragraph.

The CHAIRMAN. Is the amendment of the gentleman from Illinois intended to add a new section?

Mr. FOWLER. It is intended to add a new section.

The CHAIRMAN. That is not in order at the present time.

Mr. FOWLER. Mr. Chairman, I desire, when the section is reached, to offer that amendment.

The CHAIRMAN. The Chair will submit it at the proper time. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

On line 1, page 24, strike out the words "two hundred and eighty-five thousand six hundred and eighty" and insert "three hundred and thirty-five thousand." And after the word "distribution," in line 4, page 24, insert "of which amount \$50,000 shall be used for the purchase and distribution of drought-resistant field seeds."

Mr. LAMB. Mr. Chairman, I reserve a point of order on that.

Mr. MONDELL. Mr. Chairman—

Mr. LAMB. Let the gentleman from Wyoming confine himself to the point of order, please.

Mr. MONDELL. Mr. Chairman, I intended to discuss the point of order. Does the gentleman reserve it?

Mr. LAMB. Yes.

Mr. MONDELL. Mr. Chairman, I do not desire to take up the time of the House in discussing the merits of this amendment at any great length. I would like to discuss the point of order, after merely stating that the amendment proposes to increase the appropriation for seeds and provides that the increase shall be used for the purchase of drought-resistant seeds for the farmers for the drought-stricken sections.

Mr. Chairman, this appropriation ought to be made. I have already called the attention of the House to the drought conditions which exist over large areas of the West, and the very unfortunate condition in which the people find themselves in that country. Some of the farmers who have gone upon the public domain and taken up public land in the last two years have raised no crops. Those people are out on the dry lands. They propose to stay there. They propose to conquer that semiarid country if it can be done, but many of them are unable to se-

cure the seed for their lands. It would be impossible for many of them to remain upon their farms unless the Government gives them some slight assistance. We simply ask that the Government do now what it did years ago in the grasshopper times. I remember those times very well. I lived in a region in good old Iowa, good, fat, corn-growing, wheat-growing Iowa, that received Government wheat and Government rye and Government oats. The farm that I lived on did not plant any of that Government seed but our neighbors did.

Mr. BUTLER. Why did not the gentleman get some of it?

Mr. MONDELL. If it was right and proper and just for Congress to relieve the settlers 30 or 35 years ago in Iowa, Nebraska, and Kansas, why is it not just and proper that Congress should now relieve the settler in North and South Dakota, Wyoming, and Colorado, who is battling with conditions more difficult than those which confronted the farmers in Iowa in grasshopper times? We have asked a very small sum, an increase of \$50,000 in this appropriation. There should not be a dissenting voice on the floor of the House in opposition to the appropriation.

Now, Mr. Chairman, as to the point of order. The Chair has just called attention to the fact that this paragraph is subject to a point of order. The point of order has not been raised with regard to the paragraph, and therefore any amendment which is germane to the paragraph is not subject to a point of order. Certainly this amendment is germane to the paragraph. It is a paragraph providing for the purchase and distribution of unusual seeds.

Mr. LAMB. If these people are suffering as the gentleman thinks they are, why does he not come to Congress and ask for a special appropriation for this purpose and not mix it up with the agricultural appropriation? When Iowa suffered years ago I think I am correct in my recollection that a special act was passed for their relief. That is the proper way to bring up this question.

Mr. MONDELL. I suppose the agricultural appropriation bill was not under consideration at that time. This is the time and this is the place in which to grant the relief.

Mr. HELM. Do your people at heart really want a distribution of rare seeds or an abundance of seeds?

Mr. MONDELL. Both. Mr. Chairman, I was arguing the point of order. This paragraph provides for the general distribution of seeds of various sorts and kinds. It contains legislation, and therefore would have been subject to a point of order. The point of order was not raised. Any amendment germane to the paragraph is in order, and no amendment which is germane to the paragraph is subject to the point of order. My amendment is germane to the paragraph. It provides for a general distribution of certain classes of seeds, to wit, drought-resistant seeds.

Mr. MICHAEL E. DRISCOLL. What are those?

Mr. MONDELL. And therefore it seems to me very clear that this amendment is not subject to a point of order.

Mr. RUCKER of Colorado. I should like to inquire what is the point of order that the gentleman makes, and what are his reasons for it?

Mr. LAMB. That this is new language and legislation, and therefore is subject to the point of order.

Mr. MARTIN of South Dakota. Does the Chair desire to hear me in opposition to the point of order?

The CHAIRMAN. The Chair is prepared to rule. The Chair is of opinion that the same ruling made a few minutes ago on this paragraph applies to the amendment offered by the gentleman from Wyoming. While the provision would be new legislation standing alone, it is certainly a germane amendment to the portion of the bill to which it relates. It increases the amount already provided for in the bill. It provides that a certain amount of the sum appropriated shall be used for certain purposes—that is, that a certain amount shall be used for drought-resisting seed. In the opinion of the Chair, both provisions are germane to the section of the bill to which they are offered, and, therefore, the point of order is overruled. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were 24 ayes and 45 noes.

Mr. MONDELL. I ask for tellers.

The question of ordering tellers was taken.

The CHAIRMAN. Thirteen Members have arisen, not a sufficient number, and tellers are refused.

Mr. MANN. Well, Mr. Chairman, if we have not enough Members in the House to order tellers, we better have a quorum present. We do not seek delay, but when we can not get enough to ask for tellers I think we had better keep a quorum present.

Mr. LAMB. I appeal to the gentleman from Illinois; I appeal to his generosity; I have been patient as a lamb. [Laughter.]

Mr. MANN. I shall not insist on a quorum at this time, but I give fair warning that where we ask for tellers on this side on a reasonable proposition and can not get votes enough to order tellers, you will have to have a quorum present to refuse tellers.

Mr. FITZGERALD. The gentleman does not expect the opponents to the measure to furnish votes?

Mr. MANN. The votes for tellers? I think they are afraid of it.

Mr. FITZGERALD. If the gentleman can not keep a fifth of a quorum present on that side he can not expect us to furnish votes.

Mr. MANN. Well, I am present all the time, which the gentleman from New York is not.

Mr. FITZGERALD. I am present except when I am engaged in committee.

Mr. JACKSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 1, strike out lines 1, 2, 3, and 4, to and including the word "distribution," and insert in lieu thereof the words "one hundred thousand dollars."

Strike out all of page 1, after the words "United States," line 14, and all of lines 1 to 16, inclusive, on page 25.

Mr. JACKSON. Mr. Chairman, this amendment, if adopted, will leave this section in this way: It will appropriate \$100,000 for the use of the Department of Agriculture for the purpose mentioned in the section for the distribution by the department. It would cut out all congressional distribution of seeds, and that, in my judgment, is what we ought to do about this matter. I think I am just as proud of the Department of Agriculture as any other Member of Congress or any other citizen of the United States. I think this great department, the one perhaps the nearest to the hearts of the people of any department in the Government, should be liberally supported, but I can not see, gentlemen, why we should stand here and in the name of agriculture absolutely waste \$100,000 each year.

I voted very cheerfully the other day for an amendment adding \$100,000 to the appropriation to provide farm-management experiments in counties and in the States and bring to the people of the country the benefits of this great department, because, in my judgment, that was simply providing the corner stone, the foundation of this great department. But, gentlemen, there is no reason why a man, woman, or child who has enough interest in this seed distribution to plant the seeds and give them a fair chance should not notify the department that they want the seeds and will use them. It will cost but a penny, or the fraction of a penny, to do it, and I say it is an insult to the intelligence of the American people to say they will not take enough interest to write for the seeds.

Mr. ELLERBE. Will the gentleman yield for a question?

Mr. JACKSON. Not just now. I say the people who are capable of governing themselves—and there are some who think that we ought to add to the responsibilities of self-government in this country—I say that sort of people are competent and able to write to the department for the package of seeds if they want them.

Mr. Chairman, there is another side to this question. Every time the department of the Government makes a mistake, every time you put upon the department something it ought not to do, some privilege or duty that is not governmental in its essence, that moment you turn upon the Government the wrath of the people and the prejudice of all the people of the country. You are year by year perpetuating this sort of graft—because it is a sort of graft—for the benefit of the seed growers and contractors, and you are not only doing that, but you are destroying the popularity of this department with all the people of the country. And you will keep it up until the department will either be seriously crippled or driven out of existence. So, I beg of this Committee on Agriculture, which has sat here and talked in the interest of the farmer, I beg of the many men who have delivered these eloquent orations—and many of them have been eloquent—for the benefit of the farmer, to come now to the defense of this great department itself, which is maintained for the benefit of the farmer, and help us to vote this amendment into the law, and cut out what is wrong, cut out what savors of graft. I use that word, Mr. Chairman, because there is a deep-seated conviction all over this country that this is maintained solely for the benefit of a lot of seed contractors.

Mr. LAMB. Mr. Chairman, every principle involved in this amendment was passed on this morning by this House when the amendment offered by the gentleman from North Carolina [Mr. PAGE] was voted upon. This is merely attacking the seed distri-

bution along another line. That is all there is to it. There is no use of wasting the time of this House in discussing this seed distribution. Time and again here since I have been a Member of this House this matter has been brought up and the House has pronounced its judgment on this question. I can see no good, no necessity for delaying the consideration of this measure and meeting the end we have in view—passing the measure as soon as possible. These amendments are offered, I will not say for a dilatory purpose, but I think because gentlemen desire to get them into the RECORD. Everything that the gentleman from Kansas has said has been said upon this subject this morning, and I ask for a vote.

Mr. ELLERBE. Mr. Chairman, will the gentleman yield?

Mr. LAMB. Yes.

Mr. ELLERBE. I only want to say this, that I am not willing to have it said that I am voting for this bill for buncombe or in order to popularize myself in my district. I am voting for it because I believe it is right. I want to say, in answer to the statement of the gentleman from Kansas [Mr. JACKSON], that if the Government sends out this seed, how do we know that the Government will not send to Mrs. Brown, who lives in a brick or a stone house, a package of cotton seed, and at the same time send to Tom Jones, who is a tenant on a farm in Ouithlacoochie, a package of flower seed. If I did not know more about my district than the Agricultural Department does, I would not be willing to represent it any longer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. JACKSON) there were—ayes 15, noes 49.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 24, line 14, after the word "State," by inserting the following:

"Provided, That Irish potatoes shall be admitted to the United States during the year 1912 free of duty."

Mr. LAMB. Mr. Chairman, I make the point of order on that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. LEGARE. Mr. Chairman, on the 27th of February, in the city of Boston, the distinguished Member from Georgia [Mr. BRANTLEY] delivered an address which, in my opinion, is a masterpiece of oratory. In every sentence of his great speech there is an idea worthy of consideration. Every utterance that fell from the lips of the speaker bristled with wisdom. Through it all there breathes the spirit of patriotism and love of country. It was in every sense the effort of a statesman. I wish to place this gem upon the altar of publication by offering for print in the RECORD.

I do this in order that this document of wisdom may have a place in history and with the hope of its being read far and wide. I am fully persuaded that even in this day of radicalism and unrest the logic and reasoning of the gentleman from Georgia will find a resting place in the minds of all thinking men and materially aid those of us who are lending our efforts toward safe and sane government; and I ask, therefore, that his speech be printed.

SPEECH OF HON. W. G. BRANTLEY BEFORE NEW ENGLAND IRON AND HARDWARE ASSOCIATION, BOSTON, MASS., FEBRUARY 27, 1912.
A GOVERNMENT OF LAW.

"As the man who being asked if he would take oxtail soup remarked 'That is going back a long ways for soup,' so I may say that to go from Massachusetts to Georgia to secure a speaker for this occasion is going back a long ways for a speaker. Permit me to add, however, that I am glad you went, and permit me also to thank you for the honor thereby done me and for the pleasure and privilege I now enjoy in being with you.

"The day has been in the not far-distant past when your people and mine saw too little of each other and thought they had too little in common. The causes thereof it is not necessary to discuss. It is sufficient to know that that day has happily passed, and that we now full well know that all of us are equally concerned for our country and for the common destiny awaiting us. The truth is, in my judgment, there exists to-day in our country a more universal spirit of nationalism than has existed since the dark days of the sixties drove the sections asunder. There is to-day less of sectional feeling and less of political partisan bitterness than at any time since Appomattox. In this connection due praise for his contribution to this fortunate situation must be accorded our present Chief Magistrate, President Taft. His broad nationalism was shown when he went to both Georgia and Tennessee for a Supreme Court justice, and his epoch-making appointment of Justice White—a southern man, a Democrat, and an ex-Confederate soldier—to

be Chief Justice of the Supreme Court of the United States was the boulder marking and commemorating the end of sectionalism, while the prompt and ready acquiescence therein by both Senate and country was but a garland of patriotism bedecking this giant boulder and evidencing the people's satisfaction over the fact of a reunited country. Reflecting upon these things, I do not feel that I have come a stranger among strangers. Indeed, knowing the message I bring, I am not concerned that you are of New England and that I am of the South, for I would speak to-night as one American citizen to other American citizens of a matter that concerns all American citizens. My message concerns all who love the flag, revere the Constitution, exalt liberty, and all who would preserve American institutions.

THE LAW.

"I invite your attention briefly to a few thoughts on our Government, viewed as a government of law, for such it is and has been, and such it must continue to be so long as it endures. After our experience of a century and a quarter under this government of law, enjoying its protection and beneficence as we have grown in wealth, in art, in knowledge, and in the science of government, it ought to be superfluous and a useless waste of time to enter upon a discussion of its merits other than to extol and praise them, and yet to those who read the signs of the times such discussion is at this time both appropriate and needful. Law, as we all know, is but a rule of action or conduct, and a government of law simply means a collection of fixed and certain rules of conduct, for all the relations of the people, the one with the other, and with the government, with power to compel their observance.

"Ours," says Judge Story, "is emphatically a Government of laws and not of men." The supreme law in our land is our written Constitution. The framers of our Government were not willing to create a pure democracy. They not only created a representative form of government, but through the Constitution they limited the power of their representatives and as well the power of the people themselves. They of course did not and could not limit the power of the people to supersede the Constitution with another constitution nor limit the power of the people by revolution or otherwise to overturn the Government itself and substitute another therefor. They declared, however, that in order for the Republic to live the rights of the individual, the rights of the minority, and the rights of all should be clearly fixed and limited by the fundamental law—the Constitution—which fundamental law should be the compact of the people, the one with the other, and alike binding upon all until such time as in the way prescribed within that compact itself it should be amended or repealed. The fathers knew that a government based solely upon the unrestrained will of the majority could become as arbitrary and despotic as that of any single tyrant or despot, and they would not have it. They established liberty, but it was liberty under the law; it was not license whether of the one or the many. The majority were to be just as much bound under the compact as was the individual. The 'law' was ordained as the sovereign master whose edicts all should obey. The temple of justice was erected, within whose portals all differences were to be adjusted and all wrongs righted. This temple, while to be officered by men, was not to execute the will of men, but within its sacred precincts the majesty of the law was to be maintained and justice between man and man and between the people and the Government was without fear or favor to be administered. The system of government thus devised was not perfect, because man is not perfect, and because no human agency is perfect. It was and is, however, the grandest conception of human government that the world has ever known. It has demonstrated its strength, its wisdom, and its virtues, and has vindicated the wisdom of the men who planned it.

THE PEOPLE.

"John Adams, in his inaugural address in 1797, declared that the existence of such a Government as ours for any length of time "is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people." This Government has lived for more than 100 years since these words were spoken, and thus the proof of both the knowledge and the virtue of the whole body of the people is established. Has this knowledge grown less or has virtue declined that to-day the proposal is seriously made to overturn our Government of law and substitute therefor a government of men? We surely can not arraign the virtue or the patriotism of any considerable number of our people, but may it not be that we have grown so far removed from the origin of our Government that too few people know anything of that origin or of the reasons for or the purposes of the Government itself? Men to-day are ushered upon the scene of life's activities to find a Government already existing and complete in all its parts. Too few of them, perhaps,

stop to inquire whence it came or how it is to be maintained. Other things that to them seem of more importance absorb their attention. We may therefore conclude that if our Government of law shall fail, the cause will not be the loss of virtue, but the growth of ignorance.

BUREAUCRACY.

"The movement to-day to substitute the will of men rather than rules of law for our guidance and control is not confined to the ignorant, the toilers, the poor, or the weak, but it is participated in by the rich, the strong, and the powerful. All who join therein are not actuated by the same purpose or seek the same end, but in the result achieved, should the movement succeed, the end—anarchy and revolution—will be the same. Individuals and corporations engaged in commerce, smarting under antitrust-law prosecutions and what they think is the tendency of present-day legislation to destroy the right of contract, are equally zealous with those who smart under the high cost of living and those who are excited by the rantings of demagogues for a change. Danger to our government of law approaches from both ends of life's line. From one end comes the demand to strike down the law and substitute a man or set of men whose will shall be the law as to what commerce or business can do. From the other end comes the demand to strike down the law and substitute therefor the will of the majority. The divine right of the majority is claimed, and it is asserted that the majority can do no wrong. The demand from one end is for a bureaucracy and from the other for a mobocracy. At neither end of the line does the law find any hope or encouragement, and either demand, if granted, would destroy our government of law.

"Let us in fairness for a moment look at the demand for a bureaucracy and see upon what it rests. This demand might be curiously met with the simple suggestion that the law be obeyed and no other remedy would be found necessary. The subject, however, is broader and bigger than that and merits a more civil answer, for in truth we know that the law most complained of is uncertain, and, therefore, difficult to obey.

THE SHERMAN LAW.

"The Sherman law in itself is sufficient topic for an evening's discussion, and my suggestions concerning it must, indeed, be brief; but I submit without argument that an endurance of the law, however uncertain and however drastic, is preferable to fettering that freedom of commerce and that freedom of contract guaranteed by the Constitution that must inevitably result when that freedom is given as a favor from some individual rather than claimed as a matter of right. I submit also that an appeal to the conscience and intelligence of the American people for such changes in the law as can be demonstrated to be needful will not go unheeded. The remedy for a bad law is to amend or repeal it, but not to destroy all law governing the subject involved.

"It is a curious history that the Sherman law has had. It prohibits in terms 'every' combination, contract, or conspiracy in restraint of trade, without defining what is a restraint of trade, and now, after 20 years of experience under it, we have at last learned that the word 'every' as used in the statute does not mean 'every' act interfering with trade and that only such acts are prohibited as 'unduly' interfere with the orderly course of trade. The precise definition of 'unduly' is not given, and each business man must determine at his peril whether or not his acts of interference are 'undue.' Perhaps in another decade, if the law remains the same, the courts will determine this for him also.

"Comparatively early in the life of the law the courts determined that its purpose and meaning was to enforce competition, and that whatever restrained competition was the restraint thereby prohibited. The law itself says nothing about competition, and, with all due deference to the courts, it may be that they missed the true construction of the law. The law of competition is the law of 'the survival of the fittest,' and, unrestrained by any other law, must inevitably lead to monopoly; and yet the Sherman law prohibits monopoly as well as restraints of trade. Competition, enforced by the first section of the law, leads to monopoly, which, when reached, is by the next section of the law made the open door to the penitentiary. The absence of competition is not necessarily a restraint of trade so far as the public is concerned. One competitor by superior capital or capacity may drive another competitor out of business, and the trade of this competitor is of course restrained, for it ceases to exist. The successful rival, however, may so enlarge his trade that singly he does more business than the two combined had previously done. Trade, therefore, so far as the public is concerned, has not been restrained. It has been increased, and unless the public has thereby been unduly taxed by an increased price for the commodity sold, as the result of a monopoly created, the public has not been in-

jured. Monopolies have ever been abhorrent to all law, but no just Government ever penalizes success or restrains the lawful use of brains.

"One administration has followed upon another since the Sherman law went into effect, and each has challenged the plaudits of the multitude by citing a greater number of prosecutions under the law than stand to the credit of the preceding administration. Is this the test by which we must determine the beneficence and wisdom of the law? Would it not be better and more informing to cite the public to a reduced number of 'trusts' and to a reduced cost of living? The prosecutions instituted are but the means employed whereby the end of public benefit is supposed to be reached. What of the end? Let us pass by the means employed and ascertain the result reached. Can anyone deny that the cost of living is to-day greater than at any time during the life of the law, and that the number of so-called 'trusts' now in existence is greater than at any time in our history? Viewed, therefore, from the standpoint of the end sought rather than that of the means employed, we appear not to have made any headway under the law.

"Broadly speaking, our country is divided into the two classes of consumers and producers. Each merits and deserves the fostering care and protection of our Government. In the interest of which was the Sherman law enacted, and which has benefited thereby? Has either been benefited? If neither has been benefited, what purpose does the law serve? From the framing of the first tariff law until now, and under all political parties and all administrations, the producer has been protected. Sometimes more and sometimes less, but always in some degree protected. Sometimes the protection has been freely given and sometimes grudgingly given because found to be unavoidable under our revenue system, but always it has been given. Protection is said by its advocates to foster and develop, to build up and make to grow, and they credit our great commerce to its influence. If the Sherman law, designed solely to enforce competition, is in the interest only of the consumer, is it proposed thereby to strike down the protection to the producer that is afforded by the tariff? If so, will it not be better to do this directly by repealing our tariff laws? If competition is the end sought, will it not be more directly reached by pulling down the tariff wall and opening our markets to the producers of all the world? That Congress, in enacting the Sherman law, was not aiming at competition is possibly shown by its retention of the protective tariff.

"So far as dishonesty, wrongdoing, fraud, and misconduct are concerned, whether in trade or elsewhere, they should be heavily penalized. That is a different proposition from enforcing and compelling competition under any and all circumstances. It is also a different proposition from that of furnishing an opportunity to compete.

"This brief review of the Sherman law is perhaps sufficient to explain the restlessness of those who come within its operation and the desire upon their part to substitute a bureaucracy for it. For those who are honestly seeking to obey the law and at the same time to do business under it, the Government should be concerned to aid them. For those who knowingly and willfully violate the law there can be no sympathy from anyone. The thought, however, should be in the minds of all of us that all the greatness and glory of our country is builded upon its commerce. To commerce we owe our wealth, our cities, our towering buildings, our railroads, and our greatness among the nations of the earth, and it must be fostered and protected. We should not forget that it was the desire to make commerce free—to make the markets of each State open to the products of all the other States—that led to the writing of our Constitution, nor should we forget that when it was written the Supreme Court declared that the commerce clause thereof did make commerce free, save as Congress might restrain it. Congress can have no thought to restrain except to benefit or save. Does the Sherman law unduly impede or restrain commerce? The question is big enough and important enough to receive a more carefully considered answer than I can make to-night. It is big enough and important enough to bring together the enterprising patriotic men who are engaged in business, both 'big' and 'little,' to consider and answer it. Surely the great commerce of which our country boasts is not the product of crime. Surely our leaders in finance, in business, and in prosperity are not all criminals. Surely there is honor and honesty to be found in our commercial life. And yet one dissolution suit follows so swift upon another, one prosecution so rapidly succeeds another, that the entire commercial world must stand aghast at the arraignment of American business by the American Government. The conclusion is irresistible that either our business methods are rotten or else our law is rotten. If the defect is in the law the business men of our country owe it to

themselves as well as to American honor to point out the defects and suggest the changes to be made. If the defect is in our business methods haste should be made to change them. We can not maintain government by making it fashionable to be indicted, and neither can we maintain it if we are to become a nation of lawbreakers. The demand for a law that is simple and plain is not an extravagant demand. If neither the lawmaking power nor the courts can clearly define the restraints of trade that are made criminal, how can the layman define them? Is a law just that penalizes not simply ignorance of American law, but ignorance of the English common law as well?

"Whatever change we make in the law there must remain a law for our guidance. A bureaucratic Government in free America is not to be tolerated. Even though business should be willing to run the risk of the tyranny, the favoritism, the partiality, and the fraud of such a government, the American people can not consent to it, so long as they believe in a government of law. Has our initiative and capacity so failed us that we can not frame proper rules for the government of business? If Congress can not frame them, if business can not suggest them, from whence will a few autocrats draw their inspiration? If individuals can enforce rules, when once they are made, why can not the courts enforce them? Shall we admit the impotency and incapacity of the law and the courts to decree and compel honesty and fair dealing where business is involved? If so, we should at once and for all time admit the failure of government by the people.

MOBOCRACY.

"The other end of the line is insisting, not upon a one man or a two men's Government, but upon a Government by the majority of the people. This demand for a mobocracy presents a more serious problem than the demand for a bureaucracy, and one that is more difficult to understand. It is more serious, because more widespread, and we can not in true patriotism overlook a demand that enlists the open sympathy of seekers after the Presidency.

"The demand is more difficult to understand, because there is so little excuse or justification for it. It is but a pretense to say that a more representative form of Government is desired, or that the change is necessary in order to give the people control of their own Government, for the people now control. They have all the direct power of Government that was not deliberately and intentionally contracted away for their good, as their part of the compact, at the time the Constitution was written. Indirectly they have all the power there is, and directly they have all that a representative form of Government can concede and remain a representative form of Government. The voice of the people is perhaps more potent to-day in our lawmaking department than at any time in our history.

"In the life of this Republic the rule once was that a Representative in Congress represented the entire United States, and gave the country the benefit of his judgment and leadership, and the rule also was to believe that worse things could happen than being defeated for reelection. Regretfully we must admit to-day that these rules are more honored in the breach than in the observance. The legislation that is to-day enacted or defeated represents the sentiment and wishes of the majority of the people, in so far as those in power are able to read and understand such sentiment and wishes, and if a remedy is wanted for things done and for things undone it must be found, not by increasing the already supreme power of the people, but by directing the use of that power.

THE INITIATIVE, REFERENDUM, AND RECALL.

"Those who urge upon us the initiative, referendum, and recall do not all agree—publicly, at least—upon the end they would achieve. The bolder and more aggressive do not hesitate to declare for a pure democracy—for the supreme power of the majority, without let or hindrance, and for the use of that power in all the affairs of Government. The more timid will not avow so bold a purpose. They would strike down, however, the checks and balances of constitutional government, and while conferring supreme power upon the majority they would cautiously advise that the full power so granted be not always used. The distinction is meaningless and merits no consideration.

"The preamble to the Constitution does not read, 'We, the majority of the people,' but it reads, 'We, the people.' The Constitution is the Constitution of all, and not simply of the majority. In the first section of the first article thereof all legislative power is vested in the Congress, and this makes our Government representative in form. In the fifth and again in the fourteenth amendment the individual is protected by the declaration that 'no person' shall be deprived of 'life, liberty, or property without due process of law.' The simple statement

of these provisions of the Constitution shows the revolutionary character of the proposal to substitute for them the will of the majority.

"Under our present form of government when by industry and frugality a man procures the means and purchases a home, obtaining good title thereto, it is his. The law gives it to him and protects him in it, and neither a majority nor any other number of his fellow citizens can lawfully take it from him. This is the protection of property that is guaranteed by the Constitution. The same protection is given to life and liberty, and for this protection, now so ample and complete, it is proposed that we shall substitute the pleasure of the majority.

THE COURTS.

"The most astonishing because the most revolutionary of all the proposals made is that relating to the courts. Some of the people claim to have discovered that the courts are a menace to liberty and should be restrained. Little they know that they are striking at the only protection of life, liberty, or property that they enjoy. But for the courts we must have autocratic government or anarchy; but for the courts a government of law would be without strength or power and could not live. The statutes of Congress and the orders of the Executive would be dead and meaningless things but for the power of the courts to give them vitality and compel obedience thereto. The power of the courts is plainly and simply conferred by the Constitution, and it is a most necessary power. Power must be somewhere lodged to say when a given act violates the law or when a given law violates the Constitution or else each man or each department construes for himself or itself and all is confusion. Where better can we lodge this power than in an independent judiciary? Suppose Congress should enact a law establishing a State religion and requiring my observance of it when under my conscience I hold to a different faith? Suppose Congress should levy a tax forbidden by the Constitution? Suppose Congress should assume to itself all the police powers of the States and proceed to their exercise? In any of these supposed cases ought there not to be a power competent to declare such acts void? If not, of what avail is the Constitution? If it be said that Congress will not knowingly violate the Constitution and its oath by passing such acts, can it not be equally said that neither will the courts knowingly violate the Constitution or their oath of office? The possibility of the abuse of power has never yet been held a sufficient reason for the nonexistence of the power. The one thing that has ever differentiated our Republic from all other Governments has been our judiciary. The maintenance of our judicial system has been our crowning glory, for it has made and maintained our government of law.

"The Constitution without definition, limit, or qualification vests 'the judicial power of the United States' in the courts. Judge Story says, 'No man can doubt or deny that the power to construe the Constitution is a judicial power.' Before the day of Story, Madison said: 'It may be a misfortune that in organizing any government the explication of its authority should be left to any of its coordinate branches. There is no example in any country where it is otherwise. There is no new policy in submitting it to the judiciary of the United States.' Webster in one of his great speeches declared that the constitutional provision making the Constitution the supreme law of the land, together with the other provision vesting judicial power in the courts were 'the keystone of the arch.' 'With those,' he said, 'it is a constitution; without them it is a confederacy.' We read the utterances of these great men, we search our own understanding, and we are stupefied and amazed at the treason to constitutional government that is abroad in our land. Of what are the people thinking that such as this can exist among them?

RECALL OF JUDICIAL DECISIONS.

"Some of the advocates of the recall of judges would go further and nullify judicial decisions by a popular vote. Declaring for 'constitutionalism' they would, nevertheless, by the will of a simple majority override the legislature that stood for it and the court that enforced it. They would make of the Constitution but a bit of paper to be torn to tatters at the will of the mob.

"The Constitution, the crowning glory of American achievement, they would submit for construction and enforcement to the fleeting fancy of the temporary majority. Such a proposal can only be fitly characterized as anarchy gone mad. It is said in support of the proposal that judges make mistakes. Of course they do. Who does not? We are to-day, however, protected against mistakes in lawmaking fivefold times and more. In the first place, by the people themselves in their selection of competent and upright Representatives. In the second place, by

the oath of the Representatives to support the Constitution. In the third place, by the Senate, that must concur. In the fourth place, by the Executive, who must approve. In the fifth place, by the courts, to whom appeal can be made; and finally, by the people again, who, if a mistake is made, notwithstanding all these precautions, can elect new Representatives and correct it. For all these safeguards it is proposed to substitute the will of a majority of those voting under the stress and excitement of a political campaign.

"Judges have made mistakes, but be it said to the honor and glory of the American judiciary that but few of them have ever made them intentionally. Judges have made mistakes, but no judge in all our recorded history has ever made the monumental mistake that is now being made by those who urge upon us the revolutionary proposals that we are now considering. These proposals are urged in the face of the fact that through peace and war, through prosperity and panic, through health and through pestilence, our Government as the fathers planned it, has not only lived for more than a century of time, but has grown resplendent in its proud achievements and has brought our country to a position of eminence among the greatest of the nations of the earth. They are urged in the face of the fact that in all the records of time no such government as is proposed ever lived to tell the tale of its existence. We stand amazed at the recklessness of the proposals made, and more so at the public sentiment that will tolerate them. From whence comes this sentiment? In the financial and business world we know that credit is the basis of our tremendous transactions, and we know that credit rests upon confidence. We also know that when confidence is destroyed or undermined, panic follows. Is it not the same in a representative government? The basic principle of our Government is patriotism. The Government rests upon the patriotic belief of the people in the existence of patriotism among themselves. It rests upon their confidence in the honesty and integrity of human agencies. Destroy that confidence, inspire distrust, and our representative Government must fail, for the people will no longer trust one another. May it not be that we are but reaping the fruit of the seed so lavishly sown by the muckrakers? No greater enemies of the Republic have ever lived than those who in season and out of season, for purposes of selfish and sordid gain, have sought to destroy the confidence of the people in their trusted public servants. These enemies must be overcome and confidence must be restored if we would save the Republic.

NEEDED REFORMS.

"Reforms we need and improvements we ought to have, but let us not change the form of our Government structure. Let us build on the old foundations, preserving forever the eternal principles of equality and justice embedded therein. We should find a way to utilize the 'judicial power' for determining the constitutionality of important general legislation before putting same in force. No greater reform can be urged, for justice should not be impeded or delayed nor individuals taxed by personal litigation to settle constitutional questions. A uniform law for the regulation of all interstate commerce and those engaged therein whereby both business and the public will be protected should be devised. Ways should be found to curtail our output of new laws and to lessen the volume and shorten the determination of litigation. These and many other reforms are needed, but when all is said and done, the fact remains that this is a Government of and by the people, and will be good or bad accordingly as the people possess knowledge and virtue or are controlled by ignorance or cupidity. It also remains that the proposals of government we have been discussing deal only with means of government. The great ends of government are not involved or referred to. They offer no solution of any of the real problems confronting us.

"A new way of legislating is proposed, but what is to be the legislation? The restrictions of the Constitution are to be removed, but what is then to be done? No legislative proposal is advanced, and we are left to assume that there is something the people want and which they now can not get under our present system of government, but what is it the people want? There can be no real reform affecting our Government that does not start among the people themselves. While we have legislatures and laws, courts and officers of all kinds that we call our Government, there is in the last analysis no government in our land save that of public sentiment. Elevate the standard of citizenship and the standard of legislation is at once raised. Purify the body politic and the government becomes pure. The stream can rise no higher than its source. What our country needs is not a new government, nor new ways of making laws, nor more laws, but it is the planting deep in the hearts of all the people the spirit of the law.

"In the Colonial Congress in Philadelphia in 1774 Patrick Henry declared:

"Oppression has effaced the boundaries of the several colonies; the distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more. I am not a Virginian, but an American."

"The assaults to-day upon constitutional and representative government are an appeal to our patriotism. They have effaced all sectional lines. It is not as Republicans nor as Democrats, but as Americans that we must meet and repel them."

Mr. MANN. Mr. Chairman, I move to strike out the last word in the paragraph for the purpose of making an inquiry. The gentleman stated the other day that the appropriation for the Brownsville experiment station was carried in this item at the top of page 26. That appropriation for the testing of rare and valuable seeds, and so forth, has been increased from \$52,520 to \$58,740. Is that increase sufficient to provide the Brownsville testing station with the money which has been used there before?

Mr. LAMB. I think so; and I will give this explanation: The appropriation for foreign seed and plant introduction has been increased from \$52,520 to \$58,740, as the gentleman states, an increase of \$6,220. The appropriation for the Texas garden—\$11,260—was transferred to this item, and seven employees have been transferred to the statutory roll, amounting to \$5,040, making a net increase of \$6,220. That explains that whole situation.

Mr. MANN. That seems to cover that. While Brownsville is taken care of in that item in that way, the appropriation under the entire paragraph is reduced from \$289,680 to \$285,680. That is a reduction in the total amount, although there is an increase in the work to be performed by the appropriation. Is that also caused by a transfer to the statutory roll?

Mr. LAMB. That is right. The decrease is \$9,160 and the increase is \$28,214, and the difference between the two is made by transfers from the lump sum to the statutory roll.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the agricultural appropriation bill provides for the investigation of diseases of animals and plants and to check the spread of damage to crops by insects, such as the boll weevil, but it gives scant consideration to one of the most distressing of modern tree diseases, the chestnut blight. All that was appropriated for this purpose last year, if I remember correctly, was \$5,000, and this year the investigation is to be taken care of, along with many other worthy objects, in the item of \$29,510 "for the control of diseases of forest and ornamental trees and shrubs." The Committee on Agriculture could not see its way clear to favorably consider the bill introduced by me December 4, 1911, providing an appropriation of \$80,000 "to enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the chestnut bark disease," but the distinguished chairman of the committee, the gentleman from Virginia [Mr. LAMB], in the discussion of my amendment on yesterday indicted the readiness of the committee to hear argument upon the bill as a separate measure, and with this the advocates of a broad and scientific "study of the nature and habits of the parasitic fungus causing the disease" will have to be content for the present.

I think, Mr. Chairman, the Government, which is doing so much in other directions for agriculture and forestry, should take a livelier interest in the awful havoc that is being done the useful and stately chestnut trees of the country. To a large extent we have permitted the walnut trees to fall a prey to commercialism, since the wood has been so valuable for manufacture and export, but the chestnut tree is still with us, and appeals strongly to those true conservationists of our natural resources who contend against the utter extinction of valued species of American animal and plant life. And so far as the chestnut tree is concerned, it can very reasonably come to Congress for aid and redress, since some of the States in which it makes its habitat have already undertaken to preserve and protect it. This is notably so with the State of Pennsylvania, which has appropriated \$275,000, which is now being used "for the investigation and scientific study of the problem, and more especially to ascertain the exact extent of the blight and to devise ways and means through which it might, if possible, be stamped out."

PENNSYLVANIA IN THE FIELD.

Indeed, without waiting for Government action, Pennsylvania has already constituted a commission, which has organized and put its force of experts in the field. The reports of these experts, together with the results thus far attained, were presented at a conference held in the city of Harrisburg, February

20 and 21 last, at which many States into which the chestnut blight has made its unwelcome presence known were represented.

The purposes of the Harrisburg convention are very clearly set forth in the announcement issued by the secretary of the Pennsylvania Chestnut Tree Blight Commission, Mr. Harold Pierce, of Philadelphia, who said:

In order that the other States not yet touched by the blight, but certainly in its line of advance, may realize the seriousness of the situation, the governor, who is much interested, has called this convention for a consideration of ways and means, in the hope that the States may be aroused to action and be ready to meet the invasion at their borders. Pennsylvania's problem is now or soon will become the problem of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Kentucky, West Virginia, Ohio, Indiana, and Michigan. Active cooperation of the States is essential.

So far as the Harrisburg convention is concerned, it was very largely attended and evinced the deep interest of the delegates in a problem which did not arise in Pennsylvania, but which having arisen, had worked great loss in that State and was destroying chestnut trees by the thousands in neighboring States, with the prospect of a continuance of the work of destruction wherever chestnut trees are to be found throughout the country. There never was a situation more analogous to the demand for checking the spread of the boll weevil, which harasses the southern cotton planter, or of the Texas fever, or of any other cattle or plant disease than this. And if the Government has seen fit to step in and stop the ravages of disease as it passes over the borders of the States in any one of the others, so it should also step in now to check the chestnut-tree blight.

A CONDITION CONFRONTS US.

In opening the Harrisburg convention, the governor of Pennsylvania made this interesting and comprehensive statement of the movement to preserve the trees and to protect the property value represented by them:

This conference has been called for the purpose of obtaining all information possible concerning the best methods of fighting the destructive fungous disease known as the chestnut-tree bark disease or chestnut-tree blight, which was first detected in the neighborhood of New York City about eight years ago and has since spread to the northeast as far as eastern Massachusetts and to the southwest as far as central Pennsylvania, Maryland, and northern Virginia.

This tree disease is virulent in character. To date no specific remedy to be applied to individual trees is known. It seems almost unthinkable that a disease of this character should so invade a large area and that no means of preventing its spread is at hand. Unless this disease be stopped by concerted action among the States it is certain that within a few years very few living wild chestnut trees will be found in America. It is therefore entirely in accord with the American spirit that we make every effort to destroy or check the advance of this disease.

The value of the standing chestnut stock to-day in America is enormous. In Pennsylvania alone the wild chestnut tree is found native throughout the State, and in the southern counties of the State forms the principal remaining forest tree. The value of this tree in the State of Virginia is reliably computed by competent authority to be not less than \$35,000,000. The best chestnut in the world is still remaining in the mountains of North Carolina, West Virginia, eastern Kentucky, and Tennessee. The chestnut stock of the future must necessarily be drawn from these States. To date the blight has not reached this region, but is steadily tending in that direction. This tree is also of great value in Ohio and the remaining Atlantic seaboard States, and by reason of the all too prevalent forest destruction going on, the tree can ill be spared, much less its value wasted, as it largely will be should the remaining chestnut stock be attacked.

The destruction of the wild chestnut trees in New Jersey, in southeastern New York, western Connecticut and Massachusetts, and southeastern Pennsylvania is marked to be complete. The industries depending upon the wild chestnut tree for their support are of large proportion and great value. Every part of the tree is valuable for making tannic acid, used in the tanning industry. Telegraph and telephone companies depend most largely upon this tree for their stock of poles. The railroad companies are largely dependent upon it for their best railroad ties. The nuts produce no inconsiderable amount of valuable product. Many thousands of men are employed in the industries depending upon the saving of the wild chestnut tree, and many other thousands of real estate owners will find their land values seriously depleted should the tree be ultimately destroyed.

Two great facts to be borne in mind are: First, that the plague is with us and it must be reckoned with; and, second, that harmonious action and complete cooperation among all the interests involved, as well as the governments of the various States, can and will be the only means of checking this disease, if it can be checked at all. We are not so much concerned with its origin as we are with its presence and effects. While its botanical history and pathology are of importance, the real thing is preparedness to repel the invader, using every means known to science and practical experience.

I submit this statement as an aid to Congress in the consideration of the bill now before the Committee on Agriculture. It is a strong argument in favor of some such measure, but a still stronger argument may be found in the appalling estimate that this insidious chestnut-bark disease, up to 1911, had destroyed chestnut-tree property valued at no less than \$25,000,000.

VIEWS OF REPRESENTATIVE BODIES.

So far as the history of this tree disease is known, it appears to have originated in the vicinity of New York City in 1904.

Since that time it has spread over at least 10 States and is still spreading. It has not only cut down the beautiful and umbrageous shade trees in public parks and upon large estates, but with equal cruelty it has destroyed the wild forest timber, to which even the schoolboys resort for health and sport in autumn time. That the chestnut tree, apart from the timber in it, is also a source of revenue to the farmer and to the nut gatherer is not to be disputed.

But most significant is the attitude upon this question taken by recognized associations of agriculturists and foresters, who fear the consequences of further delay in securing Government cooperation to properly combat this epidemic of the tree.

The House should understand how some of these authorities stand upon this question, and to that end I submit herewith resolutions of the American Forestry Association, the Pennsylvania Forestry Association, the Pennsylvania State Board of Agriculture, the Commission for the Investigation and Control of the Chestnut Tree Blight in Pennsylvania, and the Pennsylvania State Grange:

AMERICAN FORESTRY ASSOCIATION.

AMERICAN FORESTRY ASSOCIATION,
Washington, D. C., January 17, 1912.

MY DEAR SIR: At the annual meeting of the American Forestry Association, held in this city on January 9, the following resolutions were passed, and, as they have a very important bearing upon the forestry interests of the United States, your careful perusal and earnest consideration of them is respectfully urged.

Very truly, yours,

P. S. RIDSDALE,
Executive Secretary.

Whereas a virulent fungous disease known as the chestnut-tree blight has already infected a large portion of the region wherein the wild chestnut tree is a native, and threatens the destruction of this valuable timber tree throughout its range in the United States; and
Whereas the great body of wild chestnut in the New England States, in New York, New Jersey, Pennsylvania, and Maryland has been reached by this infection, and vigorous efforts are required to prevent its further spread into the States of Delaware, Virginia, West Virginia, Ohio, Indiana, Michigan, North Carolina, South Carolina, Kentucky, Georgia, Tennessee, and Alabama; and
Whereas the States not yet reached by the infection are justly entitled to every possible help and protection which Congress and the States themselves may be able to employ in saving their chestnut timber from attack; Therefore be it

Resolved, That the American Forestry Association pledges its support in arousing the public to combat this disease.

Resolved further, That the American Forestry Association strongly urges the Members of Congress to support a bill now pending before that body appropriating \$80,000 for the use of the United States Department of Agriculture, to be used in a thorough study and investigation of this tree disease, with the view of devising ways and means to combat its further spread and to subject it to possible control, and urges the executives and legislatures of the States named above to take measures to check the spread of the disease.

Resolved, That a copy of these resolutions be sent to each Member of the Senate and House of Representatives in the Congress of the United States and to the governors of the States concerned.

PENNSYLVANIA FORESTRY ASSOCIATION.

PENNSYLVANIA FORESTRY ASSOCIATION,
Philadelphia, Pa., December 20, 1911.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

SIR: I wish to call your attention to resolutions passed by the Pennsylvania Forestry Association at their annual meeting on December 11, 1911, as follows:

"Whereas the chestnut-tree blight has caused a loss to the Nation estimated at \$25,000,000 and threatens the destruction of the chestnut forests of the country; and

"Whereas there is great need for further investigation into the habits, distribution, and methods of control of the chestnut-blight fungus in this and adjoining States:

Resolved, That the Pennsylvania Forestry Association strongly urges the Pennsylvania delegation in Congress to support the bill which has been introduced into both Houses appropriating \$80,000 for the use of the United States Department of Agriculture in investigating the chestnut blight."

It is hoped that you will support this bill. The Commonwealth of Pennsylvania appropriated \$275,000 to be used in combating this disease, and every possible means is being employed to check the further spread of the blight. This is a national problem, however, since the blight has appeared in Maryland, Virginia, West Virginia, New York, and most of the New England States, and the assistance and cooperation of the National Government would be most acceptable.

Very respectfully,

F. L. BITLER,
Recording Secretary.

PENNSYLVANIA STATE BOARD OF AGRICULTURE.

PENNSYLVANIA DEPARTMENT OF AGRICULTURE,
Harrisburg, February 23, 1912.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR SIR: Please find below copy of preamble and resolutions adopted by the Pennsylvania State Board of Agriculture at its regular meeting recently held in this city.

Very truly, yours,

N. B. CRITCHFIELD,
Secretary Pennsylvania State Board of Agriculture.

Whereas a destructive fungous disease known as the chestnut-tree blight has appeared in many counties of Pennsylvania, causing a serious loss to timber owners and taxpayers; and
Whereas the blight threatens the entire destruction of this valuable native species of tree in Pennsylvania and adjoining States if not checked and eradicated: Therefore be it

Resolved, That the Pennsylvania State Board of Agriculture hereby pledges its earnest and active cooperation with the Pennsylvania Chestnut Tree Blight Commission in the efforts of that commission to control and eradicate this new enemy of our forests, recommending that each member of this board assist so far as practicable in promoting public interest in the subject, that the work of the commission may be advanced as rapidly as possible throughout the affected areas of the Commonwealth; be it further

Resolved, That the bill introduced into Congress appropriating \$80,000 for the use of the United States Department of Agriculture in similar work in the various States where the chestnut-tree bark disease has appeared is recognized as a worthy and deserving measure, and the Pennsylvania delegation in Congress is respectfully urged to give it their united support.

TREE BLIGHT COMMISSION.

PHILADELPHIA, February 7, 1912.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: A copy of the preamble and resolutions relating to the chestnut-tree blight, which were unanimously adopted at the annual meeting of the Pennsylvania State Board of Agriculture held at Harrisburg, is herewith respectfully submitted.

The legislative committee of the same organization also made the following recommendation:

"We favor all active efforts toward the suppression of what is known as the chestnut-tree blight, which is attacking the chestnut timber in various parts of the State. We indorse and hope for the passage of the bill now before Congress appropriating \$80,000 for the aid of this very important work."

Very respectfully,

OLIVER D. SCHOCK,
Assistant to the Executive Officer.

PENNSYLVANIA STATE GRANGE.

PHILADELPHIA, January 4, 1912.

Hon. J. HAMPTON MOORE,
Member of Congress, Washington, D. C.

DEAR SIR: The Pennsylvania State Grange at the annual meeting recently held at Scranton, Pa., adopted the following preamble and resolutions by a unanimous vote. Nearly 2,000 delegates representing over 65,000 members of the grange were present.

"Whereas a virulent fungous disease, known as the chestnut-tree blight, is attacking the native chestnut tree in this State, and if not checked threatens destruction to this valuable species of tree; and

"Whereas many of the landowners in Pennsylvania, members of the grange, will be disastrously affected if the progress of this disease continues unabated: Therefore be it

Resolved, That the Pennsylvania State Grange indorses the object of the work of the Pennsylvania Chestnut Tree Blight Commission in its efforts to eradicate this disease, and pledges its support, recommending that all Pomona and subordinate granges assist in promoting public interest therein, to the end that the efforts of this commission may not be hindered or impeded.

Resolved, That the bill pending before Congress appropriating \$80,000 for similar work, for the use of the United States Department of Agriculture, is recognized as a worthy measure, and the Pennsylvania delegation in Congress are respectfully and earnestly urged to give it their united support."

Respectfully submitted.

S. B. DETWILER, Executive Officer.

NOT A ONE-STATE QUESTION.

In submitting to the House these evidences of the popular will in relation to the chestnut tree blight, I commend most heartily the action of the State of Pennsylvania in doing all that rests in the power of one State to do to correct a national annoyance. It does not lie in the mouth of anyone to say that this movement to obtain national cooperation is solely in the interest of Pennsylvania. New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and Virginia are already deeply concerned in this problem. States farther south and farther west may yet be and probably will be, despite Pennsylvania's activity, unless the Government aids in suppressing the disease when it passes out of the Keystone State. While Government aid is annually appropriated for the maintenance of forest reserves in many of our sister States, Pennsylvania has gradually been building up at her own expense a forest reserve which now reaches the vast proportions of a million acres. The Government has done nothing to further this great enterprise, which is of some little advantage to the Government if forest reserves maintained by the Government in other States are of advantage to the Government. And it is also fair to say that while there is now arising an agitation which promises to bring up to the Federal Government the question of constructing good roads within the borders of the various States, Pennsylvania has taken care of her own roads and is now embarking upon an enterprise of road building and road improvement which contemplates the expenditure of \$50,000,000. In this matter of the chestnut blight Pennsylvania has provided \$275,000 to take care of her own investigations within the borders of the State, but the result of those investigations and whatever else may be put forth to check the chestnut blight will be of equal advantage to other States as it will be to Pennsylvania. But Pennsylvania can not go beyond the borders of the State where the chestnut blight has already gone, and hence the cooperation of all the States may not be secured with that harmony of direction and authority which rests in the Federal Government. It is, therefore, both logical and proper that the Federal Government should step in, as proposed in the bill now before the Agricultural Com-

mittee, and assume that general jurisdiction in the premises which will safeguard all the States. In this the Federal authorities will have the cheerful and substantial cooperation of Pennsylvania.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Total for Bureau of Plant Industry, \$2,089,900.

[Mr. FOWLER addressed the committee. See Appendix.]

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed \$650; to pay all expenses necessary to protect, administer, and improve the national forests; to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills and Harney National Forests in South Dakota, to be exported from the State, Territory, or the District of Alaska in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills and Harney National Forests shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July 1, 1914; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books, to an amount not exceeding \$500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent outside of the District of Columbia, as follows:

Mr. MARTIN of South Dakota and Mr. MONDELL rose.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I would like to have the attention of the chairman of the Committee on Agriculture for a moment. Formerly this item of general expenses was a lump sum. In the present bill it is distributed among the forest reserves. I think that distribution an excellent one, but it seems to me the item is scarcely in proper form now. This is for the "general expenses of the Forest Service," I assume, in the forest reserves. It is divided up pro rata among the reserves, a certain amount to each reserve. Therefore there should be nothing under this head that does not relate to the Forest Service connected with the forest reserves. I call the gentleman's attention to the words on page 30, lines 9 and 10:

To advise the owners of woodlands as to the proper care of the same.

Now, that is an expenditure, as I understand it, outside of the forest reserves—an entirely proper expenditure, I grant you, but, it seems to me, that ought not to be carried in this item and divided up among the forest reserves. The way in which the bill is drawn, is it expected that the department must divide up the money and charge to each forest reserve of the country a portion of the amount it intends to expend to advise the owners of woodlands with reference to the care of the same?

Mr. LAMB. The money they use under that comes from the general expenses, and there is something besides that—to investigate and test timber and timber trees and their uses. It comes in under the appropriation of general expenditures for silviculture and other purposes.

Mr. MONDELL. I was going to call attention to the fact that there is a duplication—that these items the chairman now refers to are items which carry an appropriation.

Mr. LAMB. That is a specific appropriation; but they are bound to name what they do with their money, and so they explain what this money is used for.

Mr. MONDELL. It seems to me very confusing that there should be any language in this paragraph for general expenses that does not refer to expenditures on the forest reserves.

Mr. MANN. You can not put anything else in.

Mr. MONDELL. But there is language there that does not refer to the forest reserves at all.

Mr. LAMB. There are projects in here that we have contended did not pertain to the forest reserves in these general appropriations, namely, the testing of wood, and so forth.

Mr. MANN. That does not come under this item.

Mr. LAMB. I know it does not, but this refers to it.

Mr. MANN. Let us see, though. The gentleman takes exception to—

To advise the owners of woodlands as to the proper care of the same.

Mr. MONDELL. I do not take exception.

Mr. MANN. As to its being in this place. Are there not forest reserves where there are owners of lands that have some woodland interests in the forest reserves?

Mr. MONDELL. That may be true in a limited way, but I do not think that is what this item is intended to cover.

Mr. MANN. I think so.

Mr. MONDELL. This was the language of the bill before there was a division in appropriations for reserves, and I remember very well when that particular language was inserted in the bill; and it was not intended to cover any work within the boundaries of the forest reserves; but in the modification of the bill under the new plan they have failed to take that particular language out of it. There is more that should not be in this paragraph.

Mr. MANN. But they can not expend any of that money unless by the transfer of 10 per cent of this money that is appropriated for that purpose outside of the forest reserves.

Mr. MONDELL. I do not know of any other way they can get at it with the language as it is, because if the gentleman will turn to the remaining paragraphs he will find nothing that authorizes just that kind of work.

Mr. MANN. There is no appropriation under this paragraph just read at all. It is preliminary. The appropriation comes next, as follows:

For salaries and field and station expenses, including the maintenance of nurseries, collecting seeds, and planting, necessary for the use, maintenance, improvement, and protection of the national forests named below.

That is all they can use this appropriation for.

Mr. MONDELL. It seems to me, then, that this is all surplusage. It does not any of it belong in here if that is the fact.

Mr. MANN. This is a preface to the whole thing.

Mr. MONDELL. It seems to be all unnecessary. I want to call attention to the fact that over here—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman have five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. In lines 11, 12, and 13, on page 31, it reads:

To collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service.

Then I call attention to the paragraph over here on page 47, where the same language is used. It seems to me that appropriation ought to be all in one place.

Mr. MANN. I think the gentleman is a little confused about this, as I was. I just stated that that was confined to the appropriation for the national forests, but the gentleman will see now, if he looks at the bill, at first there is the paragraph "General expenses, Forest Service," with no appropriation, and "as follows." Following "as follows" comes, first, the provision for the appropriation for different forest reserves complete by itself. Following that comes the appropriation for fighting forest fires complete by itself. Following that is another paragraph, for maintenance, library supplies, and so forth. Following that is the investigation of methods for wood distillation, and so forth. All of those are subsidiary to this first paragraph for "General expenses, Forest Service."

Mr. LEVER. Let me say to the gentleman from Illinois, that on page 46, beginning with line 20, there is the item:

For silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forests and forest lands.

And so on. That is the proposition that the gentleman from Wyoming is talking on, and the other is preliminary to it.

Mr. MANN. Except it authorizes books and telephone service, and things of that kind.

Mr. MONDELL. Mr. Chairman, I am not yet convinced that, in the interests of clarity in the appropriation bill, this entire paragraph should not be entirely revamped or dropped out. It can not, certainly, be held that this paragraph, "General expenses, Forest Service," covers all of the purposes for which appropriations are made in the succeeding paragraphs. That is very clear. For instance, there are in the succeeding paragraph items for the purchase and maintenance of necessary field, office, and laboratory supplies and for investigations of methods of wood distillation.

They do not come under that general language also—"for experiments and investigations of range conditions." Now,

either that preface ought to contain all of the subject matter that is treated of later under the paragraphs in which the appropriations are made, or else it should be omitted altogether.

Mr. LAMB. Mr. Chairman, I claim that it would not affect the general result a particle. It is merely general language; that is all.

Mr. MONDELL. I think it is confusing language, if the gentleman will permit me to say so.

Mr. LAMB. We have explained it, and it seems that the gentleman from Illinois [Mr. MANN] has caught on to the general idea of arrangement. It is just a statement of facts.

Mr. MONDELL. It is only a partial statement of facts. If you are going to have only a partial statement of facts, you should not have any.

Mr. LAMB. It is a complete one when you come to consider the other appropriations.

Mr. MONDELL. I submit that the gentleman will admit it is not a very complete expression in an appropriation bill. The gentleman is not responsible for it, however, because I think he inherited it.

Mr. LEVER. Yes; it has been in the bill for years.

Mr. MONDELL. Inasmuch as the gentleman will have charge of the bill next year, I think it should be improved.

Mr. LEVER. I think every proposition, however, is covered by this general language. That follows this specific appropriation. I am satisfied of that.

Mr. BOOHER. I would like to ask the committee or somebody else in the House what the revenue derived was last year from the national forests?

Mr. LAMB. I can give it to the gentleman right now. Or would the gentleman prefer to wait until we reach the proper paragraph?

Mr. BOOHER. I would like to have the information now, so as to prepare some figures.

Mr. LEVER. I can give the information to the gentleman from Missouri right now. That question was asked, and Mr. Graves, the Forester, answering, said, in substance, that the bureau had received \$1,014,769.84 from the timber sales, \$925,490.38 from grazing, and the balance, \$76,645.93, from various special uses, making a total from the forests for the year 1910 of \$2,026,906.15.

Mr. LAMB. If the gentleman will examine my remarks, delivered when I introduced this bill, he will find that I elaborated this whole thing and explained it.

Mr. BOOHER. I desire here to call the attention of the committee to the fact of the rapidly increasing expenses of the Forest Service.

Mr. LAMB. But we are reducing it.

Mr. BOOHER. In the year 1907 the total appropriation for this service was \$1,193,000. This bill carries for the same service \$5,115,000. One-third of all the appropriation carried by this bill for the great Department of Agriculture is swallowed up in this Forest Service.

Mr. LAMB. That is a fact. But we have reduced the appropriation this year, and the receipts from the sales of timber and grazing permits will be greater each year.

Mr. BOOHER. I want to call the attention of the committee to the fact that in 1907 the Littlefield committee, as it was known, in charge of the expenditures in the Department of Agriculture, investigated the Forestry Service, and Mr. Pinchot, who was then at the head of the Forestry Bureau, made the statement that he had promised the Committee on Agriculture, when the Forest Service was turned over to the Department of Agriculture, that in five years he would make that bureau self-supporting. That year, 1907, the bill for the Department of Agriculture carried only \$1,193,000, as I have stated, for the Forestry Service. He said, "I have three years yet of that time remaining in which to make my promise good." Mr. Pinchot is now out of office, and during every year that he remained in office after that statement there was a very rapid increase in the expenditures in that bureau until now, instead of being self-supporting, there is a deficit in that department of \$3,000,000. This is called "scientific conservation." It may be "scientific conservation," but it is not common-sense conservation.

Mr. LEVER. Mr. Chairman, will my friend from Missouri yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from South Carolina?

Mr. BOOHER. Yes.

Mr. LEVER. On that very proposition, what the gentleman states is entirely true. The appropriations for this bureau have grown by leaps and bounds, very much faster than many of us desire them to grow. But as to whether or not in the future

these forests shall be made self-sustaining, the Forester was questioned by myself, and was asked this question:

Mr. LEVER. Do you have in mind the policy of making the receipts from the national forests ultimately meet the expenses of administration of the forests?

Mr. GRAVES. Yes, sir. If we are able to continue at that rate—and there is no reason why we should not—receipts from all sources will, without question, pay for administration. But I do not want to make any assurances as to just when it will be completed, because I can not tell what the lumber market will do. If there should be a boost in the lumber market, say, next year, then perhaps by 1914 we could make \$3,000,000 from timber sales. But I do not think there will be that increase in the market.

Elsewhere in the hearing this additional information was elicited:

Mr. TALCOTT. I asked you about the receipts.

Mr. GRAVES. The receipts for the last year are \$2,026,906.15.

The CHAIRMAN. You have covered that back into the Treasury?

Mr. GRAVES. All of that goes into the Treasury.

Mr. HANNA. From what was that received, Mr. Graves?

Mr. GRAVES. \$1,014,769.84 was received from timber sales, \$935,490.38 from grazing, and the balance, \$76,645.93, for various special uses.

Mr. MAGUIRE. Did you receive any from water-power sites?

Mr. GRAVES. There is a small return from water powers.

The CHAIRMAN. You had last year a very interesting table in the hearings, showing these receipts, where they came from, etc.

Mr. GRAVES. I will incorporate the receipts by States. I have all the data. They were as follows:

Gross receipts, 1911.	
Arizona	\$223,980.81
Arkansas	14,171.49
California	220,825.33
Colorado	213,733.30
Florida	6,425.62
Idaho	222,006.43
Kansas	3,817.80
Michigan	17.00
Minnesota	5,238.22
Montana	313,103.05
Nebraska	12,758.25
Nevada	51,066.05
New Mexico	134,300.16
North Dakota	285.65
Oklahoma	1,094.70
Oregon	148,512.71
South Dakota	56,954.38
Utah	140,148.93
Washington	97,743.45
Wyoming	120,809.88
Alaska	39,903.94
Total	2,026,906.15

So that what I had desired to say to the gentleman from Missouri was that the committee itself have in mind the very difficulty under which the gentleman is laboring, and we are trying to press the service as much as we can to make the receipts larger and the expenditures less.

Mr. BOOHER. And yet they are constantly increasing their force which they have out there in protecting these forests. You hope they are going to decrease the expenses. How are they going to decrease the expenses when they are constantly augmenting the force?

Mr. LEVER. On the contrary, the Forester himself, in his own statement, says that during the past year they have reduced the clerical force and the supervisory force in the national forests 33 per cent, and the Committee on Agriculture have reduced it further.

Mr. BOOHER. I am glad somebody is reducing some expenses in connection with the conservation policy of the Government. If there is one bureau in the Agricultural Department that ought to be looked after it is the Forestry Service.

Mr. LEVER. We have tried hard to look after it.

Mr. LAMB. We did reduce the expenses.

Mr. BOOHER. I trust sometime or other they will make it self-supporting. The Chief Forester, Mr. Graves, was very careful in his language to say that he could not fix that time. If they go on as they have, neither he nor any other man can tell when the service will be self-supporting. The committee is to be congratulated on the good work done in preparing this bill. The estimate of the department for the fiscal year was \$17,240,262. The bill carries \$15,836,976, a difference between the estimate and the amount appropriated of \$1,430,516, and of this decrease \$1,183,370 was taken from the estimate of the Forestry Service. The committee did well, and I sincerely hope that when the next bill is prepared the pruning knife will again be used, and used again and again until the Forest Service is made self-sustaining.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. The gentleman from South Carolina [Mr. LEVER] stated that there had been a very large reduction in the clerical force. Looking on page 27 of the bill, in one place there is an increase of 8 clerks, in another of 9, and in another of 34.

Mr. LEVER. Let me say to my friend from New York that I know the difficulty under which he is laboring. The commit-

tee have experienced the very same difficulty, and that is to make some kind of distinction here between the transfers from the lump-sum fund to the statutory roll and the transfers from the statutory roll to the lump-sum fund.

Under an amendment put upon this bill in the Senate a year ago it was necessary that all of these bureaus of this department should transfer their clerical force from the lump-sum fund to the statutory fund, and that accounts for this large increase.

Mr. FITZGERALD. That is done every year, is it not?

Mr. LEVER. Yes.

Mr. LAMB. Yes.

Mr. FITZGERALD. Why not put in a prohibition against employing clerks out of the lump appropriation?

Mr. LEVER. Under the law it is necessary for all clerks to be transferred from the lump-sum fund, and these clerks were under the lump-sum fund before this act was passed. Under the law now they must be transferred to the statutory roll, and in the future these bureaus will not have the right to employ clerks under the lump-sum fund, as I understand.

Mr. LAMB. The lump-sum fund is reduced accordingly each time.

Mr. FITZGERALD. I want to know whether the statute prohibits the employment of clerks out of the lump appropriation now?

Mr. LEVER. The agricultural appropriation bill, passed on May 26, 1910, contains this provision:

The Secretary of Agriculture, for the fiscal year 1912 and annually thereafter, shall transmit to the Secretary of the Treasury, for submission to Congress in the Book of Estimates, detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture.

That act seems to apply only to the Agricultural Department, and on account of that act the statutory roll has been in this bill very largely increased, because the bureau chiefs and the entire Agricultural Department have been very careful in trying to follow the letter and the spirit of the law.

Mr. FITZGERALD. But there is nothing in that provision which prohibits the employment of clerks out of the lump appropriations.

Mr. LEVER. I think it does by indirection.

Mr. FITZGERALD. It may by indirection, but the fact is that each year since that was enacted the committee have been requested to increase the number of clerks, because they were, at the time the request was made, being paid out of the lump appropriations.

Before this bill is completed I shall offer such an amendment to prohibit the employment of clerks and other officials of the grades mentioned out of lump-sum appropriations carried in the bill. This department should not be different from any other department of the Government; it should submit detailed estimates to Congress—

Mr. LEVER. Which it does.

Mr. FITZGERALD (continuing). And Congress should determine the extent of the service, and the department should be confined to it. Under this provision, and under the wording of a number of these appropriations, the department still has the power to employ clerks and personal services in addition to those specifically appropriated for in the bill, pay them out of lump appropriations, and next year the committee will receive estimates and give as a reason for the increase of clerks the fact that the clerks are at the time paid out of lump appropriations.

Mr. LEVER. I do not think that the Committee on Agriculture would have any objection to the amendment suggested by the gentleman from New York, but as a matter of fact—and I am not much of a lawyer—I confess that the law now on the subject is entirely full enough to cover the very proposition the gentleman has in mind.

Mr. FITZGERALD. I think the gentleman from South Carolina will find, if he investigates, that since the enactment of that provision clerks and other service have been employed and paid out of lump appropriations.

Mr. LEVER. My understanding is that out of the lump-sum appropriation only experts, scientists, and men covered under the designation of scientists are paid out of the lump-sum fund.

Mr. FITZGERALD. I do not question the good faith of the gentleman from South Carolina, but there should be no question about the intent of Congress.

Mr. HAUGEN. If the gentleman will allow me, the gentleman from New York is aware of the fact that it is necessary for the department to employ clerks temporarily, and sometimes permanently, and it is difficult to estimate in advance the

number of clerks that will be required; and therefore it is necessary to make the appropriation in this way.

[The time of Mr. FITZGERALD having expired, by unanimous consent he was given five minutes more.]

Mr. FITZGERALD. It is not a sufficient excuse to give a lump-sum appropriation with blanket authority to employ personal services. Every department of the Government would prefer such an appropriation. There is no particular difficulty about compelling detailed estimates to be submitted, and it is the only proper way to legislate for such personal services.

For instance, this situation has happened, and it shows how easy it is for the department to accommodate itself to the change. In the past three or four years more than 500 clerical positions have been abolished in the Treasury Department, and yet not a single one of the employees was dropped from the service; because of vacancies, occurring for one reason or another, they were absorbed in the service. Every department of the Government to-day, including the Treasury Department, is overloaded with clerical service. It can all easily be reduced without impairing the efficiency of the service.

Mr. LAMB. That does not apply to the Forestry Service.

Mr. FITZGERALD. I think it does.

Mr. LAMB. We have reduced the clerical service 55 in one place, and in several other places smaller reductions have been made.

Mr. FITZGERALD. If the gentlemen were able to make the exhaustive investigation that should be made, and would probably have been made if it were not for the other matters that crowd upon them in this bill, the Agricultural Committee could get the information necessary and could find out that it could easily reduce the clerical service in the Forestry Department 10 or 20 per cent and improve its efficiency.

Mr. LAMB. That would be a wonderful achievement.

Mr. FITZGERALD. No; it would not be a remarkable achievement. The statement was made before the Committee on Appropriations that one of these departments of the Government was so overloaded with clerical help that Congress could reduce the clerical service next year 10 per cent and annually thereafter 5 per cent until they got to a normal basis.

Mr. LAMB. That does not apply to the Agricultural Department.

Mr. FITZGERALD. With that statement before the committee every bureau head came before the committee insisting that not only would it not be possible to reduce the clerical force, but claimed, in some instances, that additional help was requested.

Mr. HAY. Will the gentleman allow me to ask him, Was the person who made that statement informed as to the needs of the department?

Mr. FITZGERALD. I think he should be informed about it.

Mr. HAY. But was he?

Mr. FITZGERALD. I assume that he was. The statement was made by the Chief of the General Staff, who is the close, confidential, and intimate adviser of the Secretary of War regarding all military matters, including departmental matters. So thorough and searching, apparently, has been the inquiry made by him that he volunteered the information to the Committee on Expenditures in the War Department that the department service here was overloaded. I think the committee will make such recommendations as will effectually relieve that situation. I have pointed out that in the Treasury Department over 500 positions have been abolished, and yet every employee was retained in the service by being absorbed into positions then existing without creating new positions.

The result has been to make more efficient the service being performed by the department. I am not criticizing the gentleman—

Mr. LAMB. Oh, I know the gentleman is not, and I appreciate what he has said.

Mr. FITZGERALD. But I believe the recommendation that came from this committee while the gentleman served upon it was a wise one—to require detailed estimates and to provide the force required; and I also believe that as a matter of safety there should be no misunderstanding, but there should be an express prohibition against the employment of services of the character indicated in the provision read by the gentleman from South Carolina out of a lump-sum appropriation.

Mr. LEVER. Let me call the gentleman's attention to this situation, which may happen. We have increased in this bill an appropriation in one item something over \$50,000. The bill has left the Committee on Agriculture, and it will leave the House, and it will go to the Senate. It is necessary in the administration and disbursement of that \$50,000 item which we put on on the floor of the House, and which could not be esti-

mated for by the department, that clerical assistance be had. How would the gentleman provide for that if his suggested amendment should be acted on favorably by the committee?

Mr. FITZGERALD. I do not believe that an increase of \$50,000 for any line of work in this department should necessitate the employment of a single extra clerk. The service to be performed is of an expert character and not of a clerical character.

Mr. LAMB. I want to say to the gentleman from New York that these hearings will show the fact that we interrogated the Chief of the Bureau of Forestry along this line, and after careful consideration we struck out from 50 to 75 of these employees. The very suggestion that the gentleman makes would prevent these people from employing temporary employees to do temporary work. We asked them about that very point, and they said it was in the interest of economy that you had to employ for a few days or a month various men whom they must pay from the lump sum.

Mr. FITZGERALD. Yes; and that is the excuse that is given at the end of the fiscal year for transferring them to the statutory roll. On page 27 of the bill I attempted to find out what the net reduction of clerks in the Forestry Service was, as accomplished by the committee. I found that on line 22 last year there were 17 clerks at \$1,020 each. The estimate for this year was 51 clerks at \$1,020 each, apparently an increase of 34 clerks at \$1,020 each; yet I found that there had been omitted 34 clerks at \$1,000.

Mr. LAMB. That is right.

Mr. FITZGERALD. So that it merely meant, instead of an increase or decrease in the number of clerks, a very slight increase in the compensation of 34 clerks.

Mr. LAMB. The gentleman has made the explanation that I intended to make myself.

Mr. FITZGERALD. So that it is very difficult to determine what has actually been done.

Mr. LAMB. I know it is.

Mr. FITZGERALD. On line 15, last year there were 17 clerks at \$1,600 each. In this bill there are 25. In line 17 there were 8 clerks at \$1,400 each, and in this bill there are 17, a net increase of 15 clerks. Then there were omitted 4 at \$1,080 and 7 at \$1,020, so that 11 of these apparently new clerks unquestionably are increases of compensation.

Mr. LAMB. That is right. They are small increases. When you transfer 1,900 men from the lump sum to the statutory roll, only Congress can make the increase, and we are bound to pass upon them.

Mr. FITZGERALD. How many clerks in this bill are transferred from the lump appropriation?

Mr. LAMB. About 1,984.

Mr. FITZGERALD. But in the provision read by the gentleman from South Carolina it was his impression that no clerks could be employed from the lump appropriations.

Mr. LEVER. This act would be effective only in this bill.

Mr. FITZGERALD. Oh, no; it was effective during the current year.

Mr. LEVER. This is the first bill that has been drawn under that act.

Mr. FITZGERALD. The law requires detailed estimates for the fiscal years 1912 and 1913, and annually thereafter, and yet after 1912 it is found they have over 1,900 clerks still employed out of the lump-sum appropriations, and unless some prohibition is placed in this bill next year there will be almost as many to be transferred.

Mr. LAMB. I think the gentleman is mistaken.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 16, page 30, insert: "And provided further, That no part of the appropriation made by this act shall be used for the construction, repair, maintenance, or use of buildings or improvements made for forest-ranger stations within the inclosed fields of bona fide homestead settlers who have established residences upon homestead lands prior to the date of the establishment of the forest reservation in which the homestead lands are situated."

Mr. LAMB. Mr. Chairman, I reserve a point of order. I did not quite catch the gentleman's amendment. Where does that come?

Mr. MARTIN of South Dakota. Mr. Chairman, it comes on page 30, at the end of line 16. I submitted the amendment to the gentleman from South Carolina [Mr. LEVER], and I think the committee will have no objection to it. However, if desired, I will explain the subject more fully.

Mr. MANN. Will the gentleman permit a question?

Mr. MARTIN of South Dakota. I will.

Mr. MANN. I suppose the gentleman's purpose is to keep the Forest Service from locating rangers' buildings upon property which had been taken by somebody else against that person's wish?

Mr. MARTIN of South Dakota. Yes.

Mr. MANN. But suppose it is agreeable to all parties, and not only that but extremely convenient to have the buildings erected upon such property. What is the objection?

Mr. MARTIN of South Dakota. There will be no objection to adding to this proposed amendment an addition of that character, say, for instance, using the words "without the consent of the homesteader."

Mr. LEVER. Mr. Chairman, I suggest the gentleman add that provision.

Mr. MARTIN of South Dakota. Mr. Chairman, I will modify my amendment, and add to the end of it the additional words "without the consent of the homesteader."

Mr. McLAUGHLIN. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN. As I heard the amendment offered by the gentleman from South Dakota, it was to forbid the erection of a building upon any homestead within the reservation that was a homestead at the time the reservation was established?

Mr. MARTIN of South Dakota. Yes.

Mr. McLAUGHLIN. Well, I suppose the gentleman knows that all the time, continually, applications are made for the locations of homesteads within a forest reservation, and those applications are acceded to, and the entryman proves up and receives a patent within the forest reservation. Should not his amendment be drawn in such a way as to forbid the erection of a building upon any homestead, whether it was a homestead at the time the reservation was established or whether it became a homestead later?

Mr. MARTIN of South Dakota. I think there is much less likely to be any controversy or difficulty from this class of cases from the fact the listing of that class of homesteads is first done by the Agriculture Department itself, and the instances of hardship or controversy that have come to my attention have been cases where the homesteader was already upon his lands and had them inclosed before the establishment of the reserve; and in many instances the rangers find it much to their convenience to appropriate a part of the homestead, cultivated fields, and meadowlands in connection with the establishment of the rangers' stations, and the purpose of this amendment is to avoid a controversy of that kind.

Mr. LAMB. If my colleague on the committee and the gentleman from South Dakota will permit, let me say I asked this very question, and I stated to the Forester that this was one of the criticisms made here. They said the law prohibited the expenditure of more than \$650 on any one building, and it is impossible to put a too elaborate house on any national forest for this price. And now the Forester says:

Furthermore, houses for rangers to live in are built only in those districts where it is impracticable for the ranger to provide himself with living quarters. The exigencies of the work demand that many of the rangers be stationed in outlying districts away from towns or other settlements where they could reasonably be expected to purchase or rent houses themselves. If the Forest Service did not build houses in which they could live with their families it would be impossible to get anybody to stay on the job.

Mr. MARTIN of South Dakota. I am not seeking at all to put a limitation on the use of the buildings or the making of buildings for rangers' stations, but this amendment prohibits the going into inclosed fields and upon homesteads established before the coming of the Forest Service for the purpose of establishing stations. I think it is much better and it will put the settlers who are there established in the position of co-operating heartily with the service in the carrying on of the general purposes of the service.

Mr. LAMB. With that statement we will not object to the amendment.

Mr. LEVER. I understand the gentleman has provided in his amendment the words "without the consent of the homesteader."

Mr. MARTIN of South Dakota. Yes.

Mr. LAMB. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The gentleman from Virginia reserved the point of order. Does the gentleman withdraw the point of order?

Mr. LAMB. Yes.

The CHAIRMAN. The question is upon the amendment of the gentleman from South Dakota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Angeles National Forest, Cal., \$13,577.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice in a very large portion of the items relating to the specific national forests the amount of the appropriation is considerably reduced. Where that is done, is it for the purpose of appropriating a smaller amount of money for the use of the forests, or has there been some other manipulation of the situation?

Mr. LAMB. We asked the Chief of the Bureau of Forestry on that point, and he said in some cases they had to be reduced and in others they were added to, and this arrangement of his we did not disturb at all.

Mr. MANN. This is the estimate?

Mr. LAMB. Yes.

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to ask the chairman of the committee if he has any assurances from the Forestry Service that they are not increasing in some ways rather than diminishing the hardships and exactions upon the people who use these forest reserves?

Mr. LAMB. Yes, sir. They are surely reducing the exactions, as you claim, and the relations between the forest people and the surrounding citizens are more pleasant than formerly.

Mr. TAYLOR of Colorado. Now, wait a moment. Is it not true that for the purposes of getting more fees the Forest Service is this season increasing the charge per head for grazing stock on forest reserves above the fees of last year?

Mr. LAMB. My friend knows just as well as I do that those estimates for forest grazing are made by the Secretary of Agriculture, and that they are uniform.

Mr. TAYLOR of Colorado. You do not answer my question. Are not the Forest Service officials raising the fees and making it more difficult and expensive to use the Government reserves on the ranges and mountains of the West than it has been heretofore?

Mr. LAMB. I think not.

Mr. TAYLOR of Colorado. My information is that they are. I have recently received resolutions from stockmen's associations denouncing them for increasing the fees.

Mr. LAMB. But they have not increased the grazing permit.

Mr. TAYLOR of Colorado. I do not mean the permit. I mean the charge of so much per head per year for cattle eating grass on the public land.

Mr. LAMB. What I speak of and want to impress upon you is the contemplated increasing of it; and I think that possibly a small increase can be made, and then it will not reach the per cent of increase that the private owners of forestry lands demand for grazing.

Mr. TAYLOR of Colorado. But where is the limit? Simply because they get in a wedge here and get the right to charge people for running cattle on the public domain, like all the States in the East have had for nothing for a hundred years—

Mr. LAMB. But you can not have the old common law now, my brother, and turn your cattle out to graze other people's lands.

Mr. TAYLOR of Colorado. The common law? Now that you have eaten your cake you want to divide ours with us, do you not? You have had a free range in the building up of your State, every one of you, and now you are imposing a tax on us.

Mr. LAMB. You can not talk that way to a man whose State gave away sufficient territory to make a number of States.

Mr. TAYLOR of Colorado. You gave away territory in order to have the country settled and built up. Because the Government of the United States authorized this Forest Service to charge a small fee, and we accepted it because we had to do so, is that any reason for increasing it every year?

Mr. LAMB. Let me answer your question now from the record. On national forests it is 3.9 cents and for private individuals 11 cents.

Mr. TAYLOR of Colorado. I do not care what the rate of pasturage is on privately owned lands.

Mr. LAMB. You said that we were increasing your fees for grazing, and I want to show you that the charges for grazing by private owners is twice and often three times greater than the charges on national forests.

Mr. TAYLOR of Colorado. Are you going to put as much charge on the public domain as you do on blue-grass and clover fields in the Eastern or Middle States?

Mr. LEVER. Not at all; and the statement of Mr. Graves takes into consideration that very fact, and that on grazing land fees are charged in proportion to the amount of grazing, and on good grazing ground the fees are proportionately higher. If the gentleman wants to know, let me read from the testimony.

Mr. TAYLOR of Colorado. Whose testimony?

Mr. LEVER. The testimony of the Forester, Mr. Graves.

Mr. TAYLOR of Colorado. Let me ask this question: Has this committee ever taken any testimony from a living soul in the United States residing west of the Mississippi River on the forest reserves or on anything that pertains to our country? Now, answer my question. I have not heard anything about any testimony of that kind.

Mr. LAMB. I want to say to my friend that during extra sessions of Congress time and again I said to him, "Mr. TAYLOR, if you will come before our committee and explain the facts, we will be glad to hear you." I said it to the gentleman from Arkansas [Mr. FLOYD] and others whom I have noticed on this floor time and again have raised these objections. The gentleman from Colorado has nobody to blame but himself.

Mr. TAYLOR of Colorado. Just a moment. You asked me to prepare a statement of the conditions existing in the West and submit it to you, and I said I had prepared it and I gave it to you in the form of a statement from the governor of the State of Colorado, did I not?

Mr. LAMB. Yes; we had it.

Mr. TAYLOR of Colorado. Did you put it in your hearings?

Mr. LAMB. No.

Mr. TAYLOR of Colorado. Why did you not?

Mr. LEVER. It was printed in the RECORD.

Mr. TAYLOR of Colorado. I gave it to you to put in the hearings.

Mr. LEVER. It is not in the hearings. Who reads the hearings? I ask you if you have read these hearings? If you had said that you had, possibly you would not have asked all these questions which you have asked now.

Mr. TAYLOR of Colorado. You have not answered yet whether the Forest Service officials are going to indefinitely increase the fees for the people of the West for grazing on the public lands.

Mr. LEVER. Just in proportion as the circumstances surrounding the particular forests will justify.

Mr. TAYLOR of Colorado. In other words, there is no limit to the Forest Service putting the cattlemen and ranchmen out of the stock business in the West if they see fit to continue to increase the grazing fees. They have already driven some of them out of business.

Mr. LAMB. I do not so understand. The grazing fees have not been increased; but I think they can be slightly increased, and no one will be injured.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. RAKER. Mr. Chairman, I desire to amend page 32, lines 7 and 8, by striking out the words "thirteen thousand five hundred and seventy-seven dollars" and insert the words "nineteen thousand nine hundred and eighty-three dollars."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

On page 32, lines 7 and 8, strike out the words "thirteen thousand five hundred and seventy-seven," and insert in lieu thereof the words "nineteen thousand nine hundred and eighty-three."

Mr. LAMB. Mr. Chairman—

Mr. RAKER. Will the gentleman permit me to proceed for just a few minutes? I have five minutes, and I hope to use them. I would like, in my own time, to ask the chairman of the committee if there was any hearing had upon any of these matters in regard to fixing the amounts that should be specified in any of these particular national forest reserves?

Mr. LAMB. We asked the Chief of the Forest Service what he proposed to do about this, why he increased some and decreased others, and he gave us his reasons, which to the committee were satisfactory. Does the gentleman suppose that we could go through these 159 estimates here and investigate them—

Mr. RAKER. Surely. Therefore I come here for information—

Mr. LAMB. With any knowledge that we have to bring to bear upon them? We could not do it.

Mr. RAKER. Yes. It seems peculiar that in my district there should be some seven of them cut down without one word in the record or one fact adduced before the committee. I am asking the chairman of the committee now why they cut down those that were specifically in my district?

Mr. LAMB. Because we felt that the Chief Forester knew his business.

Mr. RAKER. There is no evidence before the committee showing why that was done.

Mr. LEVER. Does the gentleman from California imagine that the Chief of this Forestry Bureau, a gentleman ambitious to make his bureau a great bureau, is going to ask for any less money in California than he needs and wants?

Mr. RAKER. Surely.

Mr. LEVER. That is a strange proposition to me.

Mr. RAKER. It is not a strange proposition. This matter was submitted to the President. They were afraid they could not get the amount of appropriations that they wanted and would be cut down in their amounts by the President, and therefore they reduced the amounts generally, and in particular in my district.

Mr. LAMB. Mr. Chairman, I feel that I ought to answer that right now. We gave them all they asked. We did not cut them.

Mr. RAKER. I am not accusing the committee of cutting them.

Mr. LAMB. The gentleman said that.

Mr. RAKER. No. I asked the committee if there was any reason why they should reduce this particular appropriation from \$19,000 to \$13,000. There is nothing in the record about it, and I made it my special business to investigate this matter.

Mr. LEVER. Let me say to the gentleman from California this: I had a talk yesterday with the Chief of the Forestry Bureau. I sent for him, and he came to my office to answer just such a proposition as this; and he told me that this year the expenses in one of these subdivisions here may be large on account of the business conducted in the forests, while next year the business may slack off and not be so large, and hence the expense will not be so large. Hence in his estimates he makes the reduction in accordance with the business that may be conducted within each forest. In other words, the expenses of the several subdivisions in a forest reserve must of necessity vary exactly as the business of the forest varies. For instance, a lot of cattlemen may come into a new forest, and the work in connection with the matter of permits for grazing is therefore increased. Again, a lumber company opens up in a national forest, and that involves the work of marking the trees and issuing the permits and doing all of the work that is necessary in connection with that lumber deal, and it necessarily makes a larger draft on the expenses of this particular forest. Hence they are bound to vary the estimates from time to time.

And I will say to my friend that the Committee on Agriculture could not possibly in one year, or in two years, or in four years, go out among the national forests, involving an area bigger than the New England States, New York, Pennsylvania, Delaware, Rhode Island, New Jersey, Ohio, Virginia, and West Virginia, and make an investigation covering not one year, but a dozen years, and reach any very definite idea about this thing.

We are men, and we think we are sensible men, and we are willing to face the proposition. The only thing we can do is to accept the judgment of these men who have come before the committee, who have been charged with this duty, and who are, in the very nature of things, experts upon these propositions. That is all there is to it. We have not in this bill, for a single, solitary subdivision of the national forests, interfered with the estimates of the Chief Forester. We have taken them and swallowed them absolutely whole. Perhaps we have made mistakes. Perhaps a great many of these appropriations are too large. I will not say they are. But we had to take them. We did not know. It is an enormous area. It is too big a proposition, and I am sorry that my friend did not come before the committee, or have some of his people from the West who are engaged in the cattle business, or engaged in the business of grazing sheep, or in the business of lumbering, come before this committee, if they had any complaint to make against the Forestry Service, in reference to these features.

The gentleman knows that there is not a committee of this House more willing to listen to the testimony of men who have information than is the Committee on Agriculture. And I think the gentleman from California will fully agree with me, because he has appeared before that committee and has found us quite willing to listen.

Mr. RAKER. Have I made any complaint? The gentleman does not refer to me as making any complaint, does he?

Mr. LEVER. Perhaps I should have said the gentleman from Colorado.

Mr. RAKER. I do not want you to refer to me in that way. I am taking the position that I am going to defend myself before this committee in reference to this bill before we get through with it. I asked a specific question, and the committee have been unable to answer. I know the reason why. It is because they have not the testimony in regard to the matter. I am not criticizing the committee nor the Forest Department, but I want this appropriation because it is necessary, and if you get the evidence of the department they will tell you so. They think they are compelled to do this, when, in fact, they are not. That is why I am complaining. If they are going to use over \$46,000 for the forest in the Appalachian Mountains, they

should put that in the bill and let it appear for what it is for and not take it from the forest that needs it. Equal treatment is what I want. It is wrong to legislate in this fashion. Let every native forest have the same rights and an appropriation large enough to properly run it.

Mr. MANN. Will the gentleman permit an interruption? If it is necessary we can get him more time.

Mr. RAKER. I yield to the gentleman.

Mr. MANN. These items in reference to the national forests have only been segregated in the last year or two?

Mr. RAKER. Yes.

Mr. MANN. And when they were segregated, everyone understood that it was impossible, to begin with, to know how much each of the forests ought to have, and that we would have to learn that in the course of time by the amounts of money that were actually expended, where enough was appropriated, or how much need they had for additional money when enough was not appropriated; and I think that largely accounts for the reduction.

The CHAIRMAN. The time of the gentleman from California [Mr. RAKER] has expired.

Mr. RAKER. I consented to let my time be used up because this is an important matter. The committee will admit it took no evidence on this matter. I should like an extension of five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from California be extended five minutes. Is there objection?

There was no objection.

Mr. RAKER. There was no hearing upon this matter. There was not anything before the committee to show the occasion for reducing the amount of money to be appropriated for specific national forests. That is correct, is it not?

Mr. LEVER. Here are some of the estimates furnished to the Committee on Agriculture showing the amount of money expended.

Mr. RAKER. I know. I have the Book of Estimates before me.

Mr. LEVER. There is a statement of the purpose for which the money is spent—maintenance so much, new construction so much, and so forth—and the committee have some idea of what these appropriations should be from statements of that kind. In addition to that, we have a general statement of the Forester on all these propositions.

Mr. RAKER. The committee did not take any testimony outside of this.

Mr. LEVER. Let me say to my friend that I tried to emphasize a moment ago that we had before the committee the Chief Forester—the man in charge of that work. In addition to that, we had these other facts. We had the estimates of the Secretary of Agriculture, submitted in the regular way to the Congress of the United States.

Backing up that, as we say, was the testimony of the chief in charge of this work, who said that we did not need any more money here.

Mr. RAKER. Oh, no; because I have the letter lying here. I have been investigating this matter and have gone into it myself. Gentlemen must remember that they cut down the appropriation \$35,000 for the West and put it on the Appalachian chain.

Mr. LEVER. Not at all; I am afraid the gentleman from California has a deal of misinformation on this subject.

Mr. LAMB. We did no such thing.

Mr. RAKER. Did not the committee reduce the amount appropriated so that it could be used on the Appalachian chain; did you not reduce the amount \$35,000?

Mr. LEVER. We did not.

Mr. RAKER. I have the letter here. If the gentleman has a record to show that they did not do it, and he says they did not—

Mr. LEVER. The only record we have is the statement we make.

Mr. RAKER. Now, Mr. Chairman, I do not want to get into any wrangle with the Committee on Agriculture.

Mr. LAMB. Then the gentleman must not make any charges, if he does not want to get into a controversy.

Mr. RAKER. I have not made any charges against the committee. I have simply stated that from my information there had been a reduction from the forestry in the West in the neighborhood of \$35,000, which went to take up and provide for the Appalachian chain.

Mr. LEVER. Why does not the gentleman show the letter, and then we will know what there is to it?

Mr. RAKER. The gentleman said that the committee had not done that. I dropped it in incidentally.

Mr. LEVER. Will the gentleman show the letter?

Mr. RAKER. I am going to proceed with one case at a time.

Mr. LAMB. Let us give the gentleman from California an opportunity to state his case.

Mr. TAYLOR of Colorado. With the permission of the gentleman from California, I want to make one statement.

Mr. RAKER. I will yield.

Mr. TAYLOR of Colorado. I am not complaining of any estimate on any reserve nor of the cuts of 18 in my State, or anything of that kind. I am assuming that the committee acted right, but what I am objecting to is the disposition by the Forestry Department to raise the fees for the use of the forest reserve.

Mr. LEVER. The gentleman knows that the Committee on Agriculture has no jurisdiction over that unless you bring in a bill.

Mr. TAYLOR of Colorado. No; but when it gets its appropriation from this committee and when Congress is passing upon it, it seems to me that we ought to have the assurance of fair treatment.

Mr. LAMB. The Forestry Service claims that the fees are lower than they ought to be.

Mr. TAYLOR of Colorado. But we do not think so.

Mr. RAKER. Mr. Chairman, I can not yield further. On this one reserve they have reduced the appropriation from nineteen thousand and some odd dollars to thirteen thousand and some odd dollars. There is no reason on earth why, in this particular district, the sum should be reduced. This forest has been maintained and well conducted and has practically paid for itself, and where you find these forests that are being well conducted you ought not deduct money from them and place it on another one. If the other forest requires more give it more, but do not take it away from this one that needs it.

Mr. LAMB. Now, right there; we did not do any such thing. Mr. Graves is in charge of this matter, and you do not expect this committee to investigate one of these forest reserves to see whether it ought to be \$13,000 or \$18,000, because we would not be able to do it. We do not know what the situation is. Mr. Graves is supposed, with other employees, to know the situation. He goes through it carefully, and he apportions this amount of money to these various forests, and that is all there is in it.

Mr. RAKER. I am not saying a word against any man on earth, but is it possible, is it the fact that one man absolutely dominates and dictates and passes legislation? Not even the committee of the House may have the opportunity to change it, much less when the committee comes before the House the Committee of the Whole is prohibited from suggesting an amendment. And even when you get on the floor of the House out of 391 Representatives we are tied and bound and gagged and told that one man makes that estimate and that is the law. This is all wrong, to my way of thinking. Congress should have power to do what it thinks is right and best. When a matter is presented to the Committee of the Whole House, that committee must act, and should not be bound by anyone's statement. They should act upon their own independent judgment, otherwise we are in a mighty sad state of affairs.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I was in the cloakroom taking a little nap, so necessary in best legislation, when I heard a few familiar voices from the West, in your heat, intemperance, and, I was almost about to say, in your ignorance, and thought I had better come in and enter my white alley. [Laughter.]

I have introduced a bill providing for the decrease to the cattle and sheep men of the grazing fee. I have gone to the Secretary of the Interior, I have gone to the President, and I believe we are going to get these fees decreased, and therefore I am interested just to the contrary of what these gentlemen on my left are.

Mr. LEVER. Let me ask my friend if he really believes that the grazing fees are too high?

Mr. RUCKER of Colorado. Oh, yes; I know they are.

Mr. LEVER. Are they higher than the grazing fees among individuals?

Mr. RUCKER of Colorado. That is not a fair standard. Private individuals will only take a few heads of stock. Take, for illustration, Australia and New Zealand, and those sections of the country where large areas are leased, and the fees here are very much higher. At any rate I have convinced the department, and I think I have convinced the President, that we ought to have some relief in this direction. I am not interested, as it appears these gentlemen are, as against these appropriations—that is to say, by reason of these appropriations having been decreased. I am in favor of increasing the appropriations

so as to cover the loss that they will sustain by giving us cheaper grazing fees.

Mr. LEVER. Does the gentleman think that from 35 to 60 cents per head for cattle for a year is too much for a grazing fee?

Mr. RUCKER of Colorado. For a year? It is only three months.

Mr. LEVER. We understand this is a year, long rate.

Mr. RUCKER of Colorado. Oh, yes; it is a year, long rate, but they have to go in and they are not there more than three months.

Mr. LEVER. Does the gentleman think that is too much for a horse?

Mr. RUCKER of Colorado. It is the same thing for a horse. As my colleague suggests, they do not go up there until the 1st or the 15th of June, when only there is any grass.

Mr. LEVER. I know in my own country my father used to rent a pasture for grazing purposes, and a dollar a month was not considered too much.

Mr. RUCKER of Colorado. I want to say to the gentleman in that connection that I understood him to say a few moments ago that this committee had nothing to do with that matter, and why is it the gentleman is taking up the proposition of increasing the fees? And why is he now butting in, for he may spoil my speech?

Mr. LEVER. I was not taking that up. I was trying to get information from the gentleman.

Mr. RUCKER of Colorado. And I was trying to help out the gentleman by saying that this committee has not anything to do with that. We should uphold the hands of this committee and put more money into this appropriation if we expect any relief ourselves.

Mr. LAMB. My friend will let me make this statement, that in the national forests the cattle grazing is 3 per cent as against 11 per cent on other lands, and for horses it is 5 per cent as against 15 per cent on private land.

Mr. RUCKER of Colorado. I know, but what has the chairman of this committee got to do with that at all?

Mr. LAMB. To answer these questions; that is all. It is to be ready, and I got ready for this very condition that now confronts us.

Mr. RUCKER of Colorado. But the committee has no jurisdiction over that at all. I have been trying to help out the committee in that respect. I do not want the committee's influence against me, before the department and before the President. Under my bill—

Mr. LAMB. But we are not discussing the gentleman's bill. Wait until it comes in.

Mr. RUCKER of Colorado. And I will say that the chairman ought not to discuss it now.

Mr. LAMB. Mr. Chairman, I move that all debate on this paragraph and pending amendments be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. RAKER) there were—ayes 2, noes 21.

So the amendment was rejected.

The Clerk read as follows:

Arapaho National Forest, Colo., \$14,758.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I hope that conditions will not arise that will necessitate Members from the West offering amendments modifying the sums carried in this bill for specific forest reserves. It is not possible that we should know just how much of the entire sum to be used on the reserves generally should be apportioned to the reserves in our States. It seems to me that that is a matter that must necessarily be left to the department and to the committee, and I should regret very much, indeed, if I felt that the interests of my State or reserves in my State demanded that I should rise here when the bill is under discussion and offer amendments to increase appropriations for specific preserves. I have noticed that as to reserves in my State the appropriations are in some cases increased and in some cases decreased. I take it for granted that the Forestry Bureau had very good reason for making the increases and for making the decreases in the various cases, and I think, unless there is better evidence presented than there is likely to be regarding the necessity for any increase in any of these cases, they should stand as they are.

Mr. Chairman, the gentleman from Colorado [Mr. TAYLOR] has referred to the matter of grazing.

I had occasion to take that matter up with the Chief Forester the other day, and he wrote me a letter which I received this

morning—I regret I have not it with me—in which he explained what they had done. I assume that what he said in regard to reserves in my State applies to reserves generally. They have not intended, so he tells me, to generally increase or in the aggregate to increase the grazing fees. They have modified and changed them somewhat in some cases upon consultation with the stockmen in the various localities. Some of the stockmen in my State are objecting to an increase—

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. I will be glad to do so.

Mr. FOWLER. I understand that some years ago the appropriation was made in the aggregate, and that about two years ago it was segregated to the different reserves. I will be glad to have the gentleman explain, if he will, what was the reason for making this change. I will be glad to ask for more time for the gentleman, as I would like to have the reason.

Mr. MONDELL. Well, Mr. Chairman, I am not a member of the committee, and I had nothing to do with the change, but I think it was an excellent one. I think it is always a very good idea to segregate items in order that Congress may understand just where and for what purpose the sums appropriated are to be used. To go back to the question of grazing fees. Sheepmen on one of the reserves in my State felt that the charge had been unreasonably increased, and possibly that is true. I shall make further inquiry with regard to it, but the Forest Service assures me that they have no present intention of increasing the fees generally, but rather to readjust them as between cattle and sheep on the various reserves, so as to make them more uniform in accordance with the length of the grazing season in the various reserves.

There is one very serious ground for complaint, however, with regard to grazing fees, and it is this: There is no law authorizing the charge of grazing fees. The Chief Forester a number of years ago endeavored to get the committee, endeavored to get Members of Congress, to agree to an item in the bill which would authorize a grazing fee. Congress never took any action and the Chief Forester proceeded to legislate. A grazing charge was made, and then the people of the West tried for a number of years to have the question taken to the courts, first, in order that the question might be determined as to whether the Forest Bureau had any right to charge a grazing fee without specific authorization of Congress.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask that my time may be extended for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Second, in order that the question might be determined as to what constituted a trespass on a forest reserve. Men living in the vicinity of a reserve had cattle which grazed generally upon the open range, but sometimes they strayed upon a reserve, and the question was, Did that straying upon the reserve constitute a trespass? Efforts were made to have that question taken to the courts and there decided. There is no way in which it could be done without an agreement on the part of the Government. The forest officials refused to allow a fair case to be taken to the court. The State of Colorado finally took what is known as the Fred Light case to the court, because they could not get any other case there.

It never should have been taken to the Supreme Court, because the facts in the Fred Light case clearly indicated intentional trespass—there is no question about that—and so the Supreme Court very properly, I think, said that an intentional trespass upon a forest reserve is punishable. Well, now, the result of that is that the straying upon a forest reserve of animals roaming upon the public domain in the vicinity of a reserve is held by the Forest Service to constitute a trespass—a willful trespass. The further result is that those living in the vicinity of a reserve who have cattle and horses grazing upon the open range feel called upon to take out grazing permits, not because they intend to graze their stock upon the reserve, not because their stock is ordinarily upon the reserve, but because some of the stock may some time roam on the reserve, and in order to protect themselves they take out grazing permits for a given number of animals.

In my State a private individual can not collect damages from the owner of live stock which strays upon his unfenced land, and yet the Federal Government may establish forest reserves here, there, anywhere in the country, and if the stock of any citizen, wandering generally upon the public domain, goes upon the forest reserve it constitutes a trespass. The Federal

Government therefore occupies a position entirely different from any private individual. Our people do not feel comfortable under that condition of affairs. We do not believe it is good law.

Mr. BUTLER. What is your remedy in case of trespass?

Mr. MONDELL. The remedy on the part of the citizen is to defend himself the best he can before the United States courts.

Mr. BUTLER. I am asking seriously for the information. Do they really enforce the law against small trespass—trespass made by mistake? Does the Government enforce the law?

Mr. MONDELL. I do not think the Forestry Service intends to or desires to be unjust—the present forestry management. I think the gentlemen now in charge of the forest reserves are trying to be reasonable and just. But here is a Supreme Court decision, in a very extreme case, which made very bad law, just as extreme cases always do.

Mr. LEVER. Is this true:

That within the last two years no stock grower has been denied the privilege of using forest ranges because of unsettled trespass. And that few stock growers have been denied grazing privileges because of outstanding charges of trespass; during the past two years absolutely none whatever?

Mr. MONDELL. I will say to the gentleman I presume that is correct, as I have had no complaints of that kind. I once had numerous complaints of that nature. And I will say to the gentleman that if I had any now I would probably have aired my grievances on the floor of the House. But I have not had any, and I think the department is more reasonable in that matter now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, I move to close debate.

Mr. MONDELL. I ask unanimous consent for five minutes more.

Mr. LAMB. Mr. Chairman, I move that debate close on this section right now. The gentleman has already had 10 minutes.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Will you give me two minutes more?

Mr. LAMB. Certainly. I want to be as courteous as possible.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Wyoming may have two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. There have been cases where men have been compelled to defend themselves at very great cost. I have one case in mind where a man was assessed by a supervisor and fined because his horses strayed on a forest reserve. Of course, that was a little irregular, and when the attention of the Forest Service was called to it they corrected the action.

Mr. LEVER. The gentleman has to-day, in accordance with his admission of a moment ago, admitted that none of these things have happened under the present administration of the Forest Service, and it is begging the issue.

Mr. MONDELL. I am not; and the very fact that the gentleman misunderstood me shows that he does not fully understand the matters under discussion. The paragraph the gentleman read says that when men are under charges for trespass they are allowed to have their stock on the reserve during the pendency of the charge. Is not that it?

Mr. LEVER. That is one proposition; yes.

Mr. MONDELL. The other was similar to it, as I understood it.

Mr. LEVER. The proposition I made was that the abuses of which you have complained have not happened in the past year.

Mr. MONDELL. Not altogether. Men are being compelled to take out permits for the grazing of stock on the reserves whose stock may never see the reserves. They are compelled to do it because they are afraid of the Supreme Court decision in the Fred Light case, and because the local supervisor may tell them that that decision will be adhered to.

Mr. TAYLOR of Colorado. Will the gentleman from Wyoming yield for a question?

Mr. MONDELL. If I have any time.

Mr. TAYLOR of Colorado. Is it not true that the forest rangers go to the assessment roll and get the number of heads of stock a man is assessed for, and then make him take out permit for all of them whether they ever see the forest reserves or not, and try to fix the rate as it would be for pasture on privately owned land?

The Clerk read as follows:

Arkansas National Forest, Ark., \$14,402.

Mr. MORSE of Wisconsin. Mr. Chairman, I move to strike out the last word. I think it is only fair that the position of the Forest Service should be stated at this time, and in this connection I will state that I have a letter from the Forester on this matter of grazing on the public lands, which I shall in

a moment ask permission to insert in the RECORD. Let me read a part of it, and you will notice, as I proceed, that the Government is not charging these people for the use of our land one-half of what it is worth or what the Government ought to charge them for grazing purposes. I read:

During the past three years a very careful study has been made of the prices paid for the use of private lands for grazing purposes. The prices paid for the use of Indian and military reservations has also been taken into consideration. The result has been to show that the rates charged for grazing live stock on the national forests are only about one-third as much as those charged for the use of private lands, railroad land grants, and lands within military and Indian reservations.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield to me?

Mr. MORSE of Wisconsin. Not now; let me finish.

And lands within military and Indian reservations, and also that the proportionate amount paid for pasturing sheep on a per capita basis is about 30 per cent of the rate paid for cattle, which is in conformity with the ratio established by the present regulations. The basis of this rate for sheep grazing is, first, that the proportionate number of stock under 6 months of age allowed to graze free under national-forest permits is much greater with sheep than with cattle, and the lambs mature more rapidly than calves, therefore requiring more feed and reducing the feed-lot ratio of 8 sheep to 1 cow, where all animals are counted to a range ratio of 5 sheep to 1 cow in the amount of forage required.

A little further on I read:

From the results obtained in the study of grazing rates we now have before us the problem whether there should not be a readjustment of grazing fees. As a matter of policy, I am not in favor of fixing the rates paid by competitive bid.

That deals with another question. Now listen:

If the present rates were increased to 60 per cent of the full value of the forage, it would almost double the returns from grazing upon the national forests.

In other words, these cattlemen and sheep men are paying to the Government to-day only about one-third of what this is worth. They are grazing their cattle and sheep upon the lands belonging to all this Nation at one-third of what it is worth, and still they are down here in Congress introducing bills for the purpose of getting it for less.

Now, those are the facts, and I want to ask unanimous consent, Mr. Chairman, that I may insert in the RECORD this letter from the Forester, Mr. Graves.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by inserting the letter referred to. Is there objection?

Mr. TAYLOR of Colorado. Before the gentleman sits down I would like to submit a question.

Mr. MORSE of Wisconsin. With pleasure.

Mr. TAYLOR of Colorado. Does the Canadian Government or any other government charge for the use of the Government's domain the free grass that would burn out and destroy the timber if it was not grazed off? And has the United States Government done so in the history of this country until within the past six or eight years? Answer the question; yes or no.

Mr. MORSE of Wisconsin. In the first place, I am not familiar with what the Government does, and—

Mr. TAYLOR of Colorado. Answer the question.

Mr. MORSE of Wisconsin. Let me finish. I am perfectly willing to answer. That is all right. This Government is charging something for the use of this range. That range belongs to all of the people of this Nation, and not to the people who live out there—

Mr. TAYLOR of Colorado. Yes—

Mr. MORSE of Wisconsin. And furthermore, we are appropriating every year money from the National Treasury to support that range.

Mr. TAYLOR of Colorado. And if you did not appropriate a dollar it would be better for the United States. [Applause.]

Mr. MORSE of Wisconsin. And that money is derived by taxation from all the people of this Nation, and therefore all the people should receive some benefit. Therefore, I say, it matters not what the Canadian Government or any other government may do. It is just and proper that these forests, which are supported at the national expense, should pay back money into the National Treasury, and just because you are living at the doors of the forests is no reason why that should not be done.

The CHAIRMAN. The gentleman from Wisconsin [Mr. MORSE] asks unanimous consent to extend his remarks in the RECORD by inserting a letter. Is there objection?

There was no objection.

Following is the letter referred to:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, February 26, 1912.

Hon. I. L. LENROOT,
House of Representatives.

DEAR MR. LENROOT: In reply to your letter of February 21:

I have the honor to inform you that prior to the year 1906 no charge was made for the grazing of live stock within the national forests.

The regulations first adopted for the management of the national forests, then called forest reserves, followed in general the policy which governed the use of the other public lands. The Government had restricted the use of timber on the public lands by legislation designating the amount of public timber which might be used by settlers and others free of charge and the conditions under which timber in excess of this amount might be purchased, but had never undertaken to regulate, or make any charge for, the use of unreserved public lands for grazing purposes.

Whenever grazing had been allowed upon public lands included within either Indian or military reservations a charge had been made which was based upon the full commercial value of the forage. At the time of the transfer of the administration of the forest reserves from the Department of the Interior to the Department of Agriculture, by the act of February 1, 1905, it was provided that all money received from the sale of any products or the use of any lands or resources of the forest reserves should be covered into a special fund available for the protection, administration, improvement, and extension of the forest reserves. This was with the idea that ultimately the forest reserves would be made self-sustaining.

In order to carry out the evident intent of Congress, a regulation was promulgated by the Secretary of Agriculture on July 1, 1905, providing that on and after January 1, 1906, a charge would be made for grazing permits on the forest reserves. Owing to the fact that no charge for grazing on the forest reserves had theretofore been made and that no charge was made for the use of the unreserved public lands, it was deemed advisable at first to fix the grazing fees at a moderate amount which would represent a fair share of administrative cost of the national forests and a reasonable return to the Government for the value of the forage and for the benefit to the stock industry in protection and stability to business received through regulated use of the grazing land, but which at the same time would not be unreasonable from the standpoint of the live-stock industry.

With this idea in view rates were established of from 20 to 35 cents per head for cattle and horses for the regular summer grazing period and from 35 to 50 cents per head for the entire year, and from 5 to 8 cents per head for sheep for the regular summer grazing period. Notice was also given in the published regulation that these rates would be advanced when market conditions, transportation facilities, and demand for the range warranted it, but that the grazing fee charged would in all cases be reasonable.

On July 1, 1907, the regulations were revised and the schedule of grazing fees made to include a rate of 10 to 18 cents per head for sheep for the entire year. In the last revision of the regulations, which was made on May 1, 1911, the grazing fees on cattle were again fixed at from 35 to 60 cents per head per year, and the fees for sheep at 30 per cent of the cattle rate. While several minor readjustments of the schedule of grazing fees have been made, the general charges have not been materially changed since the establishment of the policy of charging a fee for the grazing on the national forests.

During the past three years a very careful study has been made of the prices paid for the use of private lands for grazing purposes. The prices paid for the use of Indian and military reservations has also been taken into consideration. The result has been to show that the rates charged for grazing live stock on the national forests are only about one-third as much as those charged for the use of private lands, railroad land grants, and lands within military and Indian reservations, and also that the proportionate amount paid for pasturing sheep on a per capita basis is about 30 per cent of the rate paid for cattle, which is in conformity with the ratio established by the present regulations. The basis of this rate for sheep grazing is, first, that the proportionate number of stock under 6 months of age allowed to graze free under national-forest permits is much greater with sheep than with cattle, and the lambs mature more rapidly than calves, therefore requiring more feed and reducing the feed-lot ratio of 8 sheep to 1 cow, where all animals are counted to a range ratio of 5 sheep to 1 cow in the amount of forage required; and, second, that under the customary methods of handling stock upon the range sheep are herded in bands while cattle are turned loose. For this reason sheep are more destructive to young forest growth than cattle, and also destroy a much greater amount of forage by trampling. Careful investigation has shown that herded animals require from 25 to 50 per cent more range than animals which are turned loose. These facts justify the present ratio fixed by the regulations.

From the results obtained in the study of grazing rates we now have before us the problem of whether there should not be a readjustment of grazing fees. As a matter of policy I am not in favor of fixing the rates paid by competitive bid, for the reason that the small owner and new settler would not be able to compete with the large owners, and such a system would therefore tend to place the grazing privileges in the hands of the larger outfits and check the wider distribution of these privileges which is being brought about under our present regulations. Therefore I believe that the rates should be fixed by the Government with due consideration of all factors which bear upon the matter, and with such deduction on account of the greater restrictions which are placed upon grazing within the national forests than upon the use of other kinds of lands as seems justified. We have not yet completed the study of the amount of damage done by different kinds of stock and of other matters which have a bearing upon the deduction which should be made on account of necessary restrictions, but from what has already been learned it is probable that it should be somewhere between 25 and 40 per cent, or in other words, that the charge for grazing on the national forests should be from 60 to 75 per cent of what would be a reasonable charge for the use of similar lands without restrictions. If the present rates were increased to 60 per cent of the full value of the forage it would almost double the returns from grazing upon the national forests. We are now studying the question of just what changes should be made, how and when.

Any readjustment of rates which is deemed advisable should be made gradually and with due consideration for the welfare of the live-stock industry.

Very sincerely, yours,

H. S. GRAVES, Forester.

Mr. MARTIN of Colorado. Mr. Chairman, I would like to strike out the last word, pro forma. I had intended to ask the gentleman from Wisconsin [Mr. MORSE] a question, and will then take only two or three minutes time. The defect of the gentleman's proposition is that it does not go to the fundamentals of this question at all. The gentleman loses sight of an all-important fact when he says that the lands that are held in private ownership are leased at three times as much as those included in the public domain. I do not know whether that is true or

not, or whether the charge on the public domain is one-third of what is charged on the private domain, but the gentleman loses sight of the fact that the lands in private ownership bear a share in the expenses of local government, and bear their share of the burdens of the Commonwealth, whereas these lands in the public domain are absolutely exempt from taxation, and we never get any benefit from them except what Congress may see fit to vote to us in these appropriations, 95 per cent of which, I may say, goes into official salaries.

Mr. LAMB. The State gets back 25 per cent of it, I may say to the gentleman.

Mr. MARTIN of Colorado. The State now gets back 25 per cent of it, whereas—

Mr. MANN. Which is more than the taxes amount to—

Mr. MARTIN of Colorado. Whereas if this land were reduced to private ownership the State would get back all of it. You pay back 25 per cent of it and the Government keeps 75 per cent, and you boast of your generosity to us. We do not consider that generosity, Mr. Chairman. We do not call that generosity. So far as you have the public domain in Federal reserves it is not a part of the resources of the State at all. It is simply a Federal tenancy, not a part of the State. You could not build up an American State under those conditions. If this land were under private ownership it would be locally taxed, and the people would build their schoolhouses, roads, and bridges, and make their own improvements on it.

Mr. RUCKER of Colorado. And the Government would not be behind year after year in the administration of those forests.

Mr. TAYLOR of Colorado. Is it not true that to-day we maintain the courts which preserve the peace upon the Government land out of which we get no return whatever? We maintain the schools and build the roads that some of these carpet-bag Federal employees use out there.

Mr. RUCKER of Colorado. We maintain the criminal courts, where some of these men ought to be arraigned.

Mr. LAMB. The gentleman from Colorado says that these Federal employees are carpetbaggers. They are not carpetbaggers. They are selected from your localities.

Mr. TAYLOR of Colorado. Let me read to you.

Mr. MANN. You say you get no return. We pay you 25 per cent of the gross receipts, and if you pay that proportion of taxes on your private property, God help you.

Mr. LEVER. Fifty thousand dollars to the State of Colorado.

Mr. RUBEY. Mr. Chairman, I should like to know what business four men have occupying the floor and talking all at the same time.

The CHAIRMAN. The State of Colorado has the floor.

Mr. TAYLOR of Colorado. I want to support my statement in regard to carpetbag administration.

Mr. LAMB. I challenge that statement.

Mr. BURLESON. The gentleman does not know what real carpetbaggers are. [Laughter.]

Mr. TURNBULL. I should like to ask the State of Colorado a question.

Mr. TAYLOR of Colorado. I have the floor, and I decline to yield.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] has the floor.

Mr. TAYLOR of Colorado. If my colleague has the floor, I will ask him to yield to me.

Mr. MARTIN of Colorado. I do not think I have had over one-fourth of the floor, but if my colleague wants to go ahead in the good work, and he seems to have something there that he wants to read, let him proceed.

Mr. TAYLOR of Colorado. I want to read a Washington Associated Press dispatch, dated October 7, 1908, and I want to ask how much the conditions have changed since:

WASHINGTON, October 7, 1908.

The district foresters who will be in charge of the six field districts of the Forest Service, beginning January 1 next, have been selected by United States Forester Gifford Pinchot.

They and their headquarters are as follows:

- District 1. Missoula, Mont. W. B. Greeley, of California.
- District 2. Denver, Colo. Smith Riley, of Maryland.
- District 3. Albuquerque, N. Mex. A. C. Ringland, of New York.
- District 4. Ogden, Utah. Clyde Leavitt, of Michigan.
- District 5. San Francisco, Cal. F. E. Olmstead, of Connecticut.
- District 6. Portland, Oreg. E. T. Allen, formerly State forester of California.

There is not a man in all this list who is appointed from the State in which he is operating, and these are the foresters, so far as I know, who are reigning over us at the present time.

Mr. BURLESON. Carpetbaggers, pure and simple.

Mr. LAMB. I want to read what Mr. Graves said on this very subject:

The CHAIRMAN. Do you aim, as far as you can, to make the service homogeneous—to place the foresters in the localities where they belong?

Mr. GRAVES. Yes, sir; all of the ranger force, the men on the ground, are from local civil-service registers.

The CHAIRMAN. That is what I want to bring out, because it has been disputed, the charge being that you carried into the service men from other States unacquainted with local conditions.

Mr. GRAVES. They are from the local civil-service registers.

The CHAIRMAN. I am glad to hear it. Go on.

Mr. TAYLOR of Colorado. The gentleman has not said anything about the district foresters or supervisors at all. He is talking about the rangers. I think the rangers are mostly from home, and I am making no objection to them; but we do not relish the men who dictate the policies being appointed from other States.

Mr. BURLESON. And they draw all the big salaries.

Mr. TAYLOR of Colorado. They draw all the big salaries there are out there.

Mr. OLMSTED. Mr. Chairman, I rise to a question of personal privilege. If I correctly understood, the gentleman from Colorado [Mr. TAYLOR] referred to me as a carpetbagger from Connecticut, an imputation which I resent. [Laughter.]

Mr. TAYLOR of Colorado. That is a namesake of yours, and at the present time I presume he is reigning over the State of California.

Mr. OLMSTED. He is no relative of mine.

Mr. FOWLER. Mr. Chairman, I move to amend the amendment by striking out the section.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, strike out the paragraph, lines 13 and 14.

Mr. FOWLER. Mr. Chairman, I did not rise to make any speech on this question, but I rose for the purpose of getting a little information. I understand from the distinguished gentlemen from Colorado that they are anxious to have the public domain of the West opened up for free grazing for their horses, cattle, goats, and sheep. I desire to ask them this question, How do you expect us in the Middle West and in the East to compete with you in the markets of the country in the sale of our horses, our sheep, our cattle, and our goats, which are fed on grass from lands where we must make the pasturage ourselves if you are permitted to raise yours on the public domain free?

Mr. MARTIN of Colorado. I am glad the gentleman asked that question, and I am going to answer him now. I do not ask to throw the public domain in the West open to free grazing. I ask simply that it be thrown open for settlement and development.

Mr. SHACKLEFORD. The gentleman wants homes and citizens?

Mr. MARTIN of Colorado. Exactly.

Mr. FOWLER. I yielded the floor to the distinguished gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. We want homes and citizens instead of Federal tenants and Federal employees, a mere bureaucracy, which is all that we have now on the forest reserves.

Mr. RUCKER of Colorado. Will the gentleman from Illinois yield to the other distinguished gentleman from Colorado? [Laughter.]

Mr. FOWLER. I will yield to the distinguished gentleman from Colorado whose home is in Denver.

Mr. RUCKER of Colorado. I will say to the gentleman that with reference to his stock he can send it to Colorado, but please keep the billy goats at home. [Laughter.]

Mr. FOWLER. I am a good deal like Tom Merritt was in Illinois. When a certain proposition was put up to him he said he could not do it, and that is just the way that we in the East and Middle West are; we can not ship them across there to graze.

Now, Mr. Chairman, I am not asking this question for the purpose of trying to place any awkward condition on the gentleman from Colorado, but I did it for the purpose of getting at the facts in the case. The distinguished gentleman from Colorado [Mr. MARTIN] says that he does not want the domain thrown open to free grazing of the cattle raisers of the West, but that he wants to get rid of the bureaucracy which is in existence out there over some of their domain not yet opened up to public settlement for homesteading. If that be his object it is a most laudable one; but I have not heard one of these gentlemen answer my question as to how they expect us to compete with them if they get their grass free, and we have to pay for ours. I understand that at least one of the gentlemen from Colorado objects to the charges fixed in this bill for grazing on public land.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. FOWLER. I will yield to the distinguished gentleman representing Colorado at large.

Mr. TAYLOR of Colorado. I was born and raised in the State which the gentleman represents in part. My father used

to graze cattle upon the ranges in Illinois for years and years, and the Government never charged him anything for it, and the people in the East never complained that we were getting free grass in the State of Illinois.

Mr. MANN. I was raised in Illinois, and I am older than the gentleman from Colorado. There never were such herds in Illinois grazing on the public lands as there are in the West—nothing like it.

Mr. FOWLER. Mr. Chairman, I have yielded to the distinguished gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. The gentleman will recollect further that we live about 1,500 miles farther from the markets than he does and that the freight rates from our country will more than make up the difference in the cost of grazing, even with free grazing.

Mr. FOWLER. Kansas City is one of the greatest meat markets in the world, and it is as near to the home of the gentleman from Colorado as it is to the Central West, and yet I have not had an answer to my question. How do you expect us to compete in the Middle West with taxes on our grass when you ask for no tax on your grass?

Mr. TAYLOR of Colorado. If the gentleman knew anything about the beef business he would know that even in the Central States beef fed on pasture grass brings a higher price than that fed upon the ranges.

Mr. FOWLER. That may all be true; but the cattle of the West raised on free grass cost but little and can be sold on the market at a price far less than can be done by the farmers in the East and Middle West. You brand yours and turn them loose, and when you want to put them on the market you spend a few days in rounding them up. We must graze ours on high-priced land and are at a big expense all the time. You can sell at a low price with a profit and keep us out of the market until you have sold all yours.

Mr. FOWLER. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Ashley National Forest, Utah and Wyoming, \$4,434.

Mr. DIES. Mr. Chairman, I move to strike out the last word. I desire to make a very brief observation. I am not unmindful of the fact that nearly all of the public domain of this country has been appropriated in one way or another. I have a sympathetic feeling for the conservation movement, which has gone to such extremes in this country. There are two kinds of reformers. I wish this House of Representatives might keep in mind that there are two varieties of enemies of progress. The first is the man who sits back and refuses to move, and they call him a standpatter, and the other is the man who wants to move so rapidly that no great institution can keep pace with his movement. I would liken the one to an ox, who will not move at all, and they call him a standpatter. The other I would liken to a grass-fed mustang pony, who kicks while the balance of the team pulls and who wants to run away the moment that the load begins to move. So it is in the conservation movement.

Nothing was said in this country while the great public domain of the Republic was being bartered and frittered away, but now we see conservationists who strain at a gnat and swallow a camel. Only last evening I was interested in the debate precipitated by the gentleman from California [Mr. RAKER] in a case where a company which had honestly invested \$500,000 wanted an easement over 3,800 feet of the public domain. The facts developed that they already own an easement which gives them an open ditch over the 3,800 feet, and they wanted an easement to give them the right to sink a pipe line parallel to the open ditch. Yet the great heads of the conservation movement opposed this perfectly natural and justifiable desire of this company.

I was interested to know to what extent the national activities had engaged upon this proposition, which the Government expert testified was worth less than \$50. Mark you, Mr. Chairman, this is an easement that this company already owned, and they only want to change their open ditch to a buried pipe line of 3,800 feet, and this a concern that is lighting a number of small cities in the West and furnishing energy for a number of manufacturing plants. Upon investigation I found that the President of the United States; the Attorney General of the United States; the Secretary of Agriculture; Mr. Willis L. Moore, the Acting Secretary; Mr. George McCabe, the Solicitor of the Agricultural Department; and an assistant solicitor of the Treasury Department, and not one but dozens of others of the great functionaries of the Government, had given great

consideration to this matter, and numbers of pages of reports have been made, and, in a word, this small thing had occupied the energies of the functionaries of this great Republic, from the President of the United States down to some of the smaller officials, and they were occupied over what? Over the desire of an electric company which had already spent \$500,000 of honest money and which wanted to change an easement, an open ditch, to a buried pipe line.

Mr. Chairman, I say that we have gone to extremes, and, like the sleeping passenger on the train who has been relieved of his purse, of his watch and coat, we have awakened to find we are robbed of all, and now we go to pitiful extremes upon legitimate business. I have all respect for a true reformer, and for your insurgent I have some respect, but there are two ways of progress. There is the steady pull of the honest legislator who wants to promote the public good, and there are then those fitful jerks of insurgents, like the grass-fed mustang, who kicks when honest horses pull, and who wants to run away the moment the load begins to move. I have no sympathy with that sort of progress.

The Clerk read as follows:

Battlement National Forest, Colo., \$6,593.

Mr. GUERNSEY. Mr. Chairman, I move to strike out the last word. I would like to inquire about the estimates here. I see these estimates are quite uniform in many instances as to different reserves. Are the estimates based on acreage?

Mr. LAMB. They are not based on acreage, but on what is recommended by the Chief of Forestry Division. He arranges the forest divisions on the conditions surrounding them.

Mr. RAKER. Is it not a fact that they are based on mathematical calculation sent to the committee?

Mr. LAMB. They are based on conditions before the Chief of Forestry Division, and he knows about this work. We can not tell about it. We could stay here until we are as old as Methuselah without knowing about each one of these particular divisions. There are 150 or more of them.

The Clerk read as follows:

Battlement National Forest, Colo., \$6,593.

Mr. McLAUGHLIN. Mr. Chairman, there are about 14 pages of this kind of matter in this bill. It seems to me we could dispense with the reading of it. Gentlemen might indicate the particular ones in which they are interested and to which they desire to object or about which they desire to inquire. I ask unanimous consent that that course be taken.

Mr. MANN. Mr. Chairman, I should be compelled to object to that. I do not believe in passing bills without their having been read.

Mr. LAMB. We can not do that.

The CHAIRMAN. The gentleman from Illinois objects. The Clerk will read.

The Clerk read as follows:

Cabinet National Forest, Mont., \$12,847.

Mr. MARTIN of Colorado. Mr. Chairman, I hope Members will not feel that a little discussion of this question for a few minutes as we go along is a waste of the time of the committee. I think sometimes the wrangles we get into over this question annually on these agricultural appropriation bills are not only unfortunate and unwise but decidedly misleading. I think sometimes the Representatives from the forest-reserve States make a mistake in getting drawn into hair-splitting wrangles about the size of the grazing fee, the amount of the appropriation for a particular forest, or the number or salary of the forest rangers, or something of that kind. I think it would be better for us if we kept silent on these minor questions. I have long since decided that it was a waste of time merely to attack the errors and abuses of the Forest Service, because errors and abuses are inherent in every institution and in every bureau of the Government, and in the course of time those things could be cured more or less; but I felt we should center our attack upon the institution itself, and I want you gentlemen to know that is what I principally object to, and at this time it is practically all to which I object. I regard the forest reserve as it is now established and its administration as an utterly un-American institution. You never could have built up an American commonwealth under such a system. The only reason that Colorado is to-day a State is because it is only one-fourth in forest reserves. If Colorado was three-fourths in forest reserves, it could not now be made a State and it never could be a State.

Mr. TURNBULL. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. Yes.

Mr. TURNBULL. What I desire to know is—I do not pretend to know anything about the matter—whether the gentlemen in the West want these appropriations. If not, I am in favor of striking them out.

Mr. MARTIN of Colorado. The gentleman would put us in a rather delicate situation if these appropriations were stricken out. I have foreseen since I began the study of this question the very thing mentioned by my colleague a few moments ago, to wit, an increase of the charge for the use of the national forests, and the very thing that is being put into effect by this bill, to wit, a reduction in the amount of the appropriations. I have foreseen that thing, and I have studied the question with a view to the proposition that Representatives from those States might get their wires crossed on it; that if Representatives from those States were down here advocating reductions and opposing increases in appropriations for the national forests, that when increases were made in charges for the use of the forests the Representatives would be blamed for it.

Mr. RUCKER of Colorado. I did not take any such position, and I suggest to the gentleman from Colorado that I took exactly his position; I said I wanted these appropriations made, but I said we could get along without these grazing fees.

Mr. MARTIN of Colorado. I understand that our positions are identical. Now, Mr. Chairman, the man who above all other men is responsible for this institution said from the start that it should not only be made self-sustaining, but a source of profit to the Federal Government; and when I saw that the Federal Government was putting into the forest reserves \$3 for every dollar that was being taken out, and that \$3 was being put in in the shape of salaries—and I once analyzed the expenditures in the Forest Service in this House, and I believe I showed that over 95 per cent of the entire cost of the administration of the forest reserves consisted in salaries—when I saw that great discrepancy between the receipts and the expenditures in the Forest Service I predicted to my people the time when appropriations would be cut down by Congress and the charges for the use of the reserves would be increased.

I used the argument in the very community where they are now clamoring against this proposed increase. I said, "You gentlemen do not want to get too enthusiastic about this institution because you are getting cheap ranges now. Congress is going to get tired of pouring money into the forest reserves after a while, and when they cut down these appropriations they are going to increase these charges to all the traffic will bear." But now, Mr. Chairman, take the conditions that we would have in the public-domain States if this institution is to be permanent. Why, here are 18 forest reserves provided for in this bill in the State of Colorado. Do you realize what an area that is? A great many of you gentlemen, especially from this eastern country, do not realize what it means in acreage or what it means in square miles when we say that one-fourth of the State of Colorado is in forest reserve. I want to say to you gentlemen that the congressional district which I represent is 50 per cent larger than the six New England States combined. Why, I do not even know the names of all the forest reserves in my district. They have gone out into the mountains there and they have reserved everything that has got the suspicion of scrub brush within 10 miles of it.

I think this hydro-electric case from California is one of the finest examples imaginable of the dog-in-the-manger policy that is being pursued by this institution. A man could not have imagined such a case as you had immediately before you yesterday and as you will have on next Calendar Wednesday when that map is again put down there where it was yesterday. Here is a business proposition. I know some of the men, as they live in my State. They have not only spent half a million dollars there, but they have told me they have spent \$1,000,000. They own the entire right of way, as the gentleman from Texas said, from the water source down to where the power is to be developed. They have a ditch running down through that right of way, across this 3,800 feet of public domain, but now to develop electrical energy they must lay a pipe line so that they can get farther up the hillside and get a waterfall.

That land is just as barren of any vegetation as the seats in this Hall. That 3,800 feet of land is not worth 5 cents a township for any purpose on earth, and never will be as long as the sun shines and the water runs. It is nothing but a barren mountain side. It never was worth taking, and nobody would file on it, and so it happened to be lying there when the conservation policy came in, along with all the other land in that community not in private ownership.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I would like five minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for five minutes additional time. Is there objection?

Mr. LAMB. Mr. Chairman, I object.

The Clerk read as follows:

Cache National Forest, Utah and Idaho, \$7,703.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. LAMB. I will ask my friend to please discuss the issues here involved and not to criticize this appropriation. If these gentlemen from the West want this matter settled and propose to demand that the public domain in these States be transferred to the respective States where these forest reserves are located, let them bring that subject before this House, and if they can not do it, then let them try secession—a remedy for certain ills that failed, as some of us know.

Mr. RUCKER of Colorado. I want to inform the gentleman from Virginia that I have such a bill, and I want to know whether you will vote for it or not.

Mr. LAMB. I will hear you patiently, and we will cross that bridge when we get to it.

Mr. CULLOP. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes, sir.

Mr. CULLOP. I understood you to say a moment ago that about one-fourth of your State is embraced in the national forest reserves?

Mr. MARTIN of Colorado. Yes, sir.

Mr. CULLOP. And you also stated that if three-fourths of it was a national forest reserve it would never have become a State. What do you mean by that statement?

Mr. MARTIN of Colorado. I mean that there would not remain enough land and natural resources in that State that could be reduced to private ownership to form and support an American Commonwealth. It would simply remain a Federal dependency, a bureaucracy, ruled over by a department chief in the city of Washington, with every man living on that domain and using it living there under a lower form of tenancy than was ever known to the common law of England. He would be living upon and using the public domain under a mere permit or license, revocable without cause and without notice by the bureaucrats here in Washington. It is small wonder the reserves have some friends upon and near them. Has anyone on the forest reserves got any chance who is not in favor of them? Such a man must be in favor of the reserves or get off the earth.

Mr. CULLOP. Will the gentleman permit another question now?

Mr. MARTIN of Colorado. Yes, sir.

Mr. CULLOP. Does the keeping up of this policy prevent the settlement of these lands?

Mr. MARTIN of Colorado. Yes, sir; I will say to the gentleman there is not any question about that on earth. Is the present condition of that proposition in California preventing the development of a great industrial power plant there and the consequent development and benefit of the whole community? If it is, I want to say that the whole public domain is being retarded more or less in that way.

Mr. CULLOP. How many men do they keep on these national reserves?

Mr. MARTIN of Colorado. That would vary with the size of the reserves. There are several thousand employees in the Forest Service.

Mr. CULLOP. I would like to ask you one other question. Does the gentleman know the amount that has been appropriated by this bill to keep that army of public officials there?

Mr. MARTIN of Colorado. Yes, sir.

Mr. CULLOP. How much is it?

Mr. MARTIN of Colorado. Well, it is over \$5,000,000.

Mr. CULLOP. Is all the property embraced on it worth the half of that?

Mr. LAMB. Oh, yes; it is worth many times more.

Mr. LEVER. The timber itself is worth \$500,000,000.

Mr. MARTIN of Colorado. This is the point I make, Mr. Chairman, against forest reserves and against this institution: That if people can go upon those reserves under Government ownership, and not only make a living on them but pay the Government a rental for them, then they can afford to own them. [Applause.]

Is not that a self-evident proposition? Yet they would have you to understand that this is a sort of worthless domain which could not be gone on to and reduced to private ownership and developed and a civilization built up on it as is done elsewhere. Gentlemen, do you mean to tell me that the National Congress would stand for a policy that segregates and locks up vast areas capable of being settled and farmed and pastured, and so forth, and that the Government would be permitted to preserve such areas forever and forever under the conditions of Federal tenancy that I have described?

Mr. LAMB. More and more homesteaders are going in every year, Mr. Chairman, as I understand.

Mr. MARTIN of Colorado. If the gentleman from Virginia will go out there and try to reduce some of that forest land to private ownership—some of that land that is now being set

apart and retained in the forest reserves—he will come back a sadder and a wiser man. His present knowledge of the subject is purely theoretical; it would then be practical.

Mr. HOWARD. Does the gentleman know about how many acres of land are embraced in each one of these forest reserves?

Mr. MARTIN of Colorado. There are 18 of these reserves in the State of Colorado, I believe, and there are about 16,000,000 acres of land in them, so that they would run to about a million acres to a reserve in that State. There are nearly or quite 200,000,000 acres in all 10 Federal forest reserves.

Mr. TURNBULL. Mr. Chairman, will the gentleman allow me to ask him a question for information?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Virginia?

Mr. MARTIN of Colorado. Yes, sir.

Mr. TURNBULL. Is it necessary to have that army of employees there in order to protect the forest reserves?

Mr. MARTIN of Colorado. Does the gentleman mean to protect them from fires?

Mr. TURNBULL. From fires or anything else.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I will answer under the next item.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Coeur d'Alene National Forest, Idaho, \$15,239.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] moves to strike out the last word.

Mr. MARTIN of Colorado. Now, the gentleman from Virginia [Mr. TURNBULL] asks me a question which I can not afford to let go unanswered, and that is, whether we want these reserves protected from fire. The only answer I can give to the gentleman is this—

Mr. TURNBULL. I will state to the gentleman that I do not know anything about these matters, and I ask merely for information.

Mr. MARTIN of Colorado. You can spend all the money you want to spend out there to protect those forest reserves from fire or anything else—

Mr. TURNBULL. My idea is that if there is nobody out there on those forest reserves, how can there be any fires on them except such as may be started by the people taking care of them?

Mr. MARTIN of Colorado. Well, there are people living on those forest lands, and living among them and traveling over them, and lightning also starts many fires. I can not be put in a position of asking you not to appropriate all the money you want to appropriate for this institution and then have the shortages charged up to me, and have the increases for use charged up to me for political and other purposes. I can not stand for that sort of a proposition.

I want you gentlemen to appropriate all the money you want to appropriate for these national forests, but I want to re-emphasize the proposition that if the people in the West can pay the Government a rental for those lands, as they are now situated, and can live upon them besides, they can afford to own them, and the lands are capable of ownership. In the private ownership of the people they can pay taxes for all the purposes of our community life and our civilization. We will take the taxes out of these lands and we will build roads, and we will build bridges, and we will build pipe lines, and we will build telephones, and we will build highways, and we will build all the adjuncts and conveniences of civilization. But above all, Mr. Chairman, we will build up American homes. We will build up American communities. [Applause.] Instead of having the primeval wastes in the mountain places of the West, with the forest ranger riding over them, monarch of all he surveys, with authority to throw you in jail as a trespasser if he catches you doing without license one of a hundred things upon them, we will have a free American civilization there. [Applause.]

But awhile ago I started to refer to the case of the Hydro-Electric Co. Gentlemen, we are agreed on one thing. That little spit of land that the Government happens to own across that right of way is the merest pretext to hold up these people and compel them to pay a perpetual tax to the Government. There is no merit, there is no equity, in the contention of the Government. If that little spit of land was in private ownership that company could condemn a right of way through there, pay for it what a court said it was reasonably worth, and go ahead about its business. But what is the proposition of the Government? It is important, because it is the conservation

policy that now underlies the attitude of the Government toward the people with reference to the public domain and its whole administration. The position of the Government is this: "For a right to go through that little spit of worthless mountain side we will charge you what will be equivalent to a tax on the entire business and profit of your whole plant." That is what they propose to do.

Mr. RUCKER of Colorado. And indirectly to make a charge for the use of the water, to which the Government has no title whatever.

Mr. MARTIN of Colorado. The Government does not own the water in our nonnavigable streams. They admit that. They admit that the water in the nonnavigable streams of the West belongs to the States.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. I will just ask for one more five minutes.

Mr. LEVER. I ask unanimous consent that the gentleman proceed for five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Colorado may be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. The proposition of the Government is this: "It is true we do not own the water in the stream, but we happen to own the land bordering the stream, land that is probably not worth farming. We happen to own the only desirable and available place along this stream anywhere to build a dam and reservoir and create power. Now, we will not let you buy this land. There is no price on it. You can not condemn or buy it. We will lease it to you for a period of years, and will not simply charge you a rental for that land, but we will impose a charge that will be equivalent to a tax upon the value of your plant and the proceeds of your entire business."

Mr. TAYLOR of Colorado. A royalty.

Mr. MARTIN of Colorado. That is the attitude of the Government in all these matters.

Mr. CANNON. If the gentleman will allow me, I trust the gentleman will not accuse the Government, because it may own a section here or a quarter section there, of blackmailing its own people.

Mr. RUCKER of Colorado. But it does.

Mr. MARTIN of Colorado. I want to say to the venerable ex-Speaker of the House that that is just exactly what I do charge the Government with, and the proof is right at hand, in the case of the Hydro-Electric Co. of California. It is the plainest case of a holdup that was ever exhibited to the eyes of the Representatives in Congress, and if there is anybody here who can disprove that showing the burden is on him. We do not have to prove anything in that case. We can just put the map before you and state the facts, and when we have done that we have made out a case that puts the burden of proof on your shoulders.

Mr. Chairman, I promised the gentleman in charge of this bill [Mr. LAMB] that I would not consume any more time now, and I will not. I may have a few things to say on the Hydro-Electric bill next Wednesday, or some other Calendar Wednesday, because, of course, I expect to see that little bill hold the boards on every Calendar Wednesday from now until Congress adjourns. That is just the feeling and the spirit there is about this matter. The gentleman from Texas [Mr. DIES] has already referred to the fact that that little bill has concerned all the crowned heads in the United States Government from the President down, and certainly a matter of that moment could not be expected to be disposed of in this Congress on Holy Wednesday in anything short of the next three months.

I suppose it will be a more celebrated case when we get through with it than the Weymouth Back River case, that took four Calendar Wednesdays to decide whether the Government should pay \$10,000 or \$15,000 of its share of an improvement that was being made solely for its own benefit.

But before the gavel falls I want, above all things, to deny the assertion that has been so often made that we of the West want this land for ourselves. I never exhausted a single Government right in my life, and I do not expect to; I do not own a foot of public domain, and do not expect to file on any. We in the public-lands States do not want these lands for ourselves; we want them for the people in your States; that is what we want the lands thrown open to settlement for. We want the people of Wisconsin, the people of Iowa, the people of Illinois, the people of Virginia, the people from the South, the North, and the East to come out and take these lands and make homes upon them.

Mr. LAMB. We are preserving this timber for all those people.

Mr. MARTIN of Colorado. Yes; you are preserving the timber for posterity.

Mr. LAMB. Those people and their posterity are the same thing.

The CHAIRMAN. The time of the gentleman from Colorado has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Colorado National Forest, Colo., \$8,734.

Mr. SLOAN. Mr. Chairman, I move to strike out the last word. I desire to say that living on a lower level of this continent and subject more or less to the elevations of the State of Colorado, my State, as well as the rest of the Mississippi Valley, I believe, do not agree that this Government shall surrender its right of control of the splendid forestry to any State simply because it happens to exist within the borders of Colorado or any other State.

I resent as strongly as I can the statement made by the gentlemen against the splendid young men sent from Virginia, from Iowa, and New England by this Government to take care of our national forestry that has been in part despoiled heretofore, and would be further despoiled by the people who want to take it because they happen to live there. They want to take this forestry and pasture and not render unto the Government what it is entitled to. I insist that that forestry belongs to this great Government of ours, and because it happens to be within the borders of Colorado they have no more claim to it than the citizens of Rhode Island or any other State.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. SLOAN. I will.

Mr. RUCKER of Colorado. I want to say that there are no quarantine laws in Colorado against the gentleman from Nebraska or any citizen of his State. The citizens of his State can come there and occupy these lands.

Mr. MARTIN of Colorado. We want them to come and take them up.

Mr. SLOAN. The gentleman says there are no quarantine laws; but because the Government has selected bright, intelligent young men from the universities to go out and look after the forest reserves and save them so that we can preserve them from climatic and weather conditions, as well as fire and blight, to which they are subject, they brand the foresters and superintendents as carpetbaggers. They are American citizens; they are bright young men, the best products of our universities and schools, and because they come from other States they are more liable to protect the forests from a national standpoint than if they were interested in the immediate vicinity; and it ill becomes gentlemen who happen to have forest reserves within their States to say we want the appropriation, but we are going to scold you for granting it.

Conservation in the American reserves, including forestry, to our people is a matter of considerable importance. It is a matter of considerable importance to the people of the Missouri and Mississippi Valleys and, for that matter, to every State in the Union. I hope further to discuss it at a future day. This Government is taking care of itself and taking care of its future when it says that the greed of any State shall not have control of the forestry future of our western country. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

Gila National Forest, N. Mex., \$24,165.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. My eloquent friend from Nebraska [Mr. SLOAN] just suggested that we should not get excited over the matter of forest reserves. I do not think we should, yet I think sometimes the gentlemen who live in States where there are no forest reserves become quite as much excited in regard to reserve policies as we do. My very good friend, the very able gentleman from Wisconsin [Mr. Morsel], was very emphatic, as was my good friend from Nebraska. I think they both used the word because the people who live in the western country propose to use it. Gentlemen who live on great rivers and harbors, on which we have spent hundreds of millions of dollars, propose to use them, and they do not propose that anybody shall charge them for using them. Yet because, forsooth, the men who, in the face of difficulty, are trying to conquer the deserts and the mountains of the West are asking fair treatment we want to rob somebody of something that belongs to them or to their people.

Mr. Chairman, I have never defended any man who wanted to loot the public domain or slaughter the forests. The men whom I have spoken for are the men who have gone out and are trying to earn a livelihood and establish a home on the plains and in

the mountains by hard, honest toll. They are the men who have suffered. Great grazing associations, great timber associations have not appealed to me for protection against any forest-reserve management that we have ever had. They have gotten along very well, I thank you.

I have objected to appropriations for forestry, that were larger than I believed they ought to be, not because I have any objection to spending of Government money in that western country, but because I know this, that if we appropriate three and four and five and six million annually, for this service, Congress is ultimately going to demand that a large portion of it shall be returned, and that being true, it is not strange that the Forestry Service should feel compelled to levy upon the industries upon and in the vicinity of the reserves, with a view of taxing them to secure revenues—industries that do not derive any benefit directly from the reserves. That is the tendency. We have a much better forest-reserve management now than we had a few years ago, and they are curing some things, but there are some things fundamentally incurable in any system of bureaucracy, as my friend from Colorado [Mr. MARTIN] has just stated. In my opinion, as I have stated here a number of times, the forest reserves in this country are for the present a necessary evil. They are not an unmixed good by any manner of means, but the probability is that it will be necessary, for a certain length of time at least, for the Federal Government to retain forest areas. In my opinion they will ultimately pass to the States, and they will pass to the States so logically that no one will ever think of objecting to it. You will finally get tired of spending these millions annually without any very considerable return. We speak of them as forest reserves. When you take into consideration the fact that the major portion of the income from these reserves to-day is not from the sale of timber, but from grazing—

Mr. McLAUGHLIN. Oh, that is not true.

Mr. LAMB. The sale of timber is a heap more than from grazing.

Mr. MONDELL. I have not looked at the record this year. It is true of the past that the grazing receipts were more than all other receipts.

Mr. LEVER. The timber receipts are larger this year.

Mr. MONDELL. Then, for the first year in the history of the forest reserves, that is true, and I stand corrected.

Mr. LAMB. The timber receipts were \$1,000,000 and the grazing \$490,000, and the balance \$76,000.

Mr. MONDELL. The grazing receipts for quite a number of years were larger than all other receipts.

Mr. GUERNSEY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I have not the time. In the first place, Mr. Chairman, the reserves cover a great deal of territory which ought not to be included within them, and a great deal of the fault found with the reserves is because they were impropvidently and improperly extended.

Mr. LAMB. That is right. We will admit that.

Mr. MONDELL. If we could eliminate the territory that ought not to be in the reserves, a great many of the present complaints would not be heard of. I hope that eventually they will be so limited. Ultimately the reserves will, I believe, pass to the States, and in the meantime I do hope that gentlemen will realize that we are not trying to loot the public domain or the reserves, but that we simply desire fair treatment.

Mr. DIES. Mr. Chairman, I move to strike out the last two words.

Mr. LAMB. Mr. Chairman, then I move that the committee rise.

Mr. DIES. Mr. Chairman, I do not think the gentleman has the floor; I think I have the floor.

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. DIES. Mr. Chairman, I want to make a very little observation upon the ultraradicalism of the country at this particular time. I am not unaware, Mr. Chairman, we are solicitous to preserve the public domain after it has been dissipated, and that progressives and insurgents are manifesting unusual activity about the high cost of living. [Applause.] I would say, Mr. Chairman, as a common unostentatious country gentleman, that some reformation might be made in the high cost of living without going beyond the pale of ordinary common sense. For instance, we pay 50 cents a dozen for eggs—

Mr. MANN. Not now.

Mr. DIES. Or 30 cents now. I got 50 cents a dozen for my eggs last month. We pay now some 30 cents. I recommend to the insurgents of the Republican Party and the vociferous progressives in my own ranks this suggestion, that they give their hens a little more warm water and warm mash in the morning and provide them with closer quarters at the nighttime. I am not unmindful, Mr. Chairman, that the American

people who live in the country have moved to the cities, nor am I unmindful that a million from foreign shores each year flock to our country and gravitate to the centers of population. It is inevitable under these conditions that the price of living should grow greater all the while. For myself, I measure my words when I speak them, I hope that eggs will go to a dollar a dozen and wheat to \$2 a bushel, because I believe that it is better for this Republic that some of the people who live in the cities should move back to the fresh air of the country than that those who live in the country should gravitate to the impure and suffocating air of the city.

You know I have not much patience with your Pinchots and your Republican insurgents and your Bryan and Roosevelt progressives in this country. I rather respect the honest and intelligent patriot who wants to move along steady and conservative lines. I believe, Mr. Chairman, that there have been no new lessons in free government since the Constitution was written. I believe that Mr. Madison and Mr. Hamilton and Mr. Jefferson, who had before them all the fateful lessons of the democracy of ancient times, were wiser than we to-day, and I believe Mr. Lincoln, who refused to appeal from the decision of the Supreme Court to the mob, as he stated in his Quincy speech he refused to appeal, was wiser than Mr. Roosevelt, who proposes to make that appeal. [Applause.] And I believe that Mr. Jefferson in his declaration that all of the despotic democracies of ancient times as exemplified in their elective despotism were wiser than Mr. Bryan when he seeks to overrule that declaration. Then I think, Mr. Chairman, that we might not become so hasty, we might not become so ultraconservative. Do you know that we go too far and too fast? The great forests of this country were made for the people who inhabit the country, and all because we wake up and find ourselves robbed of a major portion of them is no reason why we should be insensible and unsensible of the remaining portion of them.

The Clerk read as follows:

Inyo National Forest, California and Nevada, \$8,839.

Mr. RAKER. Mr. Chairman, I move to strike out, on page 37, lines 3 and 4, the following words: "Eight thousand eight hundred and thirty-nine dollars," and substitute therefor the sum of "nine thousand five hundred and three dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, lines 3 and 4, strike out the words "eight thousand eight hundred and thirty-nine dollars," and insert in lieu thereof "nine thousand five hundred and three dollars."

Mr. RAKER. Mr. Chairman, this amendment brings back the appropriation for this particular reserve to the same amount that it was in 1911. I want the committee now to mark the language I read from this letter. I made the statement a while ago that there was something like \$35,000 taken from the western forests. There are 154. I will read:

In order to provide for protection and administration for lands acquired under the Weeks law, without increasing the total appropriation for the Forest Service, a deduction of \$300 was made in the estimate for general expenses on each of the national forests.

Does that sound like there was a deduction? Does not that come mighty close to my statement? Three times 154 ought to be easily figured out. Why did you cut this out from the western national forests? It makes the handsome little sum of \$46,200.

I am not going to make any complaint except this, that I believe in this particular forest it ought to remain the same as last year, and I hope the committee will permit it to remain.

Mr. LAMB. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Kootenai National Forest, Mont., \$30,846.

Mr. DIES. I move to strike out the last word, for the purpose of making an observation to the House upon the progressive movement along the lines that are indicated in the amendment, and along other lines.

Mr. Chairman, I wish to bring to the attention of Congress and the country the recently expressed views of three gentlemen, each of whom is actively engaged in political propaganda and prominently in the public eye. From an examination of the political principles of these three statesmen I am led with irresistible force to the conclusion that here are three minds with a single thought, three hearts that beat as one. I refer, Mr. Chairman, to Mr. Theodore Roosevelt, Mr. W. J. Bryan, and Mr. Victor Berger. I believe these gentlemen are among the foremost enemies of free government in America to-day. They are dangerous in proportion to their intellectual strength, which, in my judgment, constitutes Mr. Roosevelt more dangerous than Mr. Bryan, and the latter less dangerous than Victor Berger.

Mr. Roosevelt recently delivered a speech at Columbus, Ohio, which he styles a charter of Democracy. Mr. Bryan hastens to place the stamp of his approval upon the worst part of the Roosevelt address. He says:

Ex-President Roosevelt's Columbus speech will stand out as the strongest he has yet delivered. The proposition to submit to the people judicial decisions on constitutional questions is of Democratic origin and is sound.

In order to come directly to an understanding of Mr. Bryan's views it is necessary to know what Mr. Roosevelt said at Columbus. Let us see what utterance it is of Roosevelt which Mr. Bryan accepts as sound Democratic doctrine. From the Columbus speech I take the following:

Lincoln actually applied in successful fashion the principle of the recall in the Dred Scott case. He denounced the Supreme Court for that iniquitous decision in language much stronger than I have ever used in criticizing any court and appealed to the people to recall the decision—the word recall in this connection was not then known, but the phrase exactly describes what he advocated. He was successful, the people took his view, and the decision was practically recalled. It became a dead letter without the need of any constitutional amendment. In any contest to-day where the people stand for justice and the courts do not, the man who supports the courts against the people is untrue to the memory of Lincoln, and shows that he is the spiritual heir not of the men who followed and supported Lincoln but of the Cotton Whigs who supported Chief Justice Taney and denounced Lincoln for attacking the courts and the Constitution.

In order to make it perfectly clear, Mr. Chairman, that Roosevelt advocates and Bryan approves an appeal from decisions of the Supreme Court of the United States, I quote from the Columbus utterance:

The position which these eminent lawyers take and applaud is of necessity a condemnation of Lincoln's whole life; for his great public career began and was throughout conditioned by his insistence in the Dred Scott case upon the fact that the American people were the masters and not the servants of even the highest court in the land, and were thereby the final interpreters of the Constitution. If the courts have the final say so on all legislative acts, and if no appeal can lie from them to the people, then they are the irresponsible masters of the people.

And again:

When a judge decides a constitutional question, when he decides what the people as a whole can or can not do, the people should have a right to recall that decision if they think it is wrong.

Mr. Chairman, I can not depart even momentarily from these statements without exposing their falsity of fact. It is but just to the sacred name of Lincoln to say that that great man never for a day in his life stood for the principles which Mr. Roosevelt announced. Mr. Lincoln came upon the theater of politics at a time when slavery was a burning question. At the height of its fury, upon the very eve of the impending conflict, the Supreme Court rendered a decision in the Dred Scott case which met a storm of applause in the South and a storm of condemnation at the North. But even in those disturbed times, when the country was in a flame of passion, Mr. Lincoln did not go to the Roosevelt extent. On the contrary, Mr. Lincoln stated that he did not propose to appeal from the decision of the court to the mob, and that he stood by the Constitution with unabated devotion. There is no more exalted example in all history of a man's devotion to the Constitution of his country than that exemplified in the person of Abraham Lincoln. Though utterly opposed to human slavery, he was yet so devoted to the Constitution that he favored a congressional fugitive-slave law to give force and effect to the barren rights of the slaveholding States under the Constitution. It is a shame, Mr. Chairman, for men like Roosevelt and Bryan to prostitute the sacred name and immortal memory of Lincoln to the uses of their seditious and socialistic heresies.

At Quincy, Ill., in 1858, Mr. Lincoln said in reference to the Dred Scott decision:

We do not propose that when Dred Scott has been decided to be a slave by the court we, as a mob, will decide him to be free. We do not propose that when any other one, or one thousand, shall be decided by that court to be slaves we will in any violent way disturb the rights of property thus settled; but we do, nevertheless, oppose that decision as a political rule, which shall be binding on the voter to vote for nobody who thinks wrong, which shall be binding on the Members of Congress or the President to favor no measure that does not actually concur with the principles of that decision. We do not propose to be bound by it as a political rule in that way, because we think it lays the foundation for spreading that evil into the States themselves. We propose so resisting it as to have it reversed if we can and a new judicial rule established upon this subject. I will add this: That if there be any man who does not believe that slavery is wrong in the three aspects which I have mentioned, or in any one of them, that man is misplaced and ought to leave us, while, on the other hand, if there be any man in the Republican Party who is impatient over the necessity springing from its actual presence, and is impatient of the constitutional guarantees thrown around it, and would act in disregard of these, he, too, is misplaced, standing with us. He will find his place somewhere else, for we have a due regard, so far as we are capable of understanding them, for all these things.

And again:

I suppose most of us (I know it of myself) believe that the people of the Southern States are entitled to a congressional fugitive-slave law; that is a right fixed in the Constitution. But it can not be made

available to them without congressional legislation. In the judge's language, it is a "barren right," which needs legislation before it can become efficient and valuable to the person to whom it is guaranteed. And as the right is constitutional, I agree that the legislation shall be granted to it, and that not that we like the institution of slavery. We profess to have no taste for running and catching negroes—at least I profess no taste for that job at all. Why, then, do I yield to a fugitive-slave law? Because I do not understand that the Constitution, which guarantees that right, can be supported without it.

Mr. Chairman, I must break the unity of my discourse at this juncture in order to bring upon the stage my third actor, the Hon. VICTOR BERGER, Socialist Representative from Milwaukee. My three actors, who perform in such admirable unison, should be presented in joint appearance for the presentation of their respective views. Mr. BERGER, I may say, yields to no man, living or dead, in his desire to disrupt the Constitution and destroy the liberties of the people under a representative democracy. In his desire for a reenactment of chaos and old night, Mr. BERGER is as earnest, if not as vociferous, as the lion tamer who roars from the peaks of Sagamore Hill.

BERGER recently introduced a civil pension bill, and, fearful lest his summary transfer of the earnings of one man to the uses of another might encounter opposition in the courts, he inserted in his bill as the last section the following:

SEC. 11. That in accord with paragraph 2, section 2, Article III, of the Constitution, and of the precedent established by the act passed over the President's veto March 27, 1868, the exercise of jurisdiction by any of the Federal courts upon the validity of this act is hereby expressly forbidden.

In order that the country may know precisely what Mr. BERGER is driving at, I may say that the act of March 27, 1868, to which he refers, was a repeal of the appellate jurisdiction of the Supreme Court of the United States in certain cases. The particular case which gave rise to the passage of the act was that of *Ex parte McCardle*. The facts of that case, together with the principle involved, will not only illuminate BERGER's doctrine but will also aid in understanding the principles of Roosevelt and Bryan. McCardle was arrested in the State of Mississippi for a political offense during reconstruction days. He sued out a writ of habeas corpus, but was remanded to the custody of the military authorities. He appealed his case to the Supreme Court of the United States. Congress, in the then inflamed condition of the public mind, fearful that the Supreme Court would liberate McCardle, proceeded to take away from the court, by enactment, appellate jurisdiction of the case. The President promptly vetoed the bill, and Congress on the same day, with precipitate haste, passed the bill over the President's veto. Poor McCardle was a part of the vanquished and fallen minority. He sought to regain his liberty by an appeal to an impartial tribunal, but in the madness and fury of the times the representatives of the conquering majority recalled the jurisdiction of the Supreme Court of the United States and left McCardle to languish in custody.

Messrs. Roosevelt and Bryan believe in the unrestrained rule of the majority. But that is not the principles of the Democratic Party. It is not to be found among the doctrines of the Republican Party. Nowhere, sir, but in the principles of the Socialist Party can warrant be found for that damnable doctrine, which has careered mankind from liberty to despotism in every age of the world.

Mr. Chairman, I believe in majority rule, but like Washington, Jefferson, Jackson, and Lincoln, I know that majority rule, unrestrained by constitutional checks and limitations, is the most hateful, the most frightful, and the most appalling despotism which has ever oppressed the children of men. I am glad BERGER cited the McCardle case as an illustration of his purpose in seeking to strike down the courts. The people of my dear native land were the beaten and prostrate minority at the close of the Civil War. That great struggle unloosed all the fury and passion of civil combat. Many of our people believed that the victorious North would wreak unrestrained vengeance upon her fallen and helpless foe. So believing, many of our people expatriated themselves to foreign lands.

The reconstruction was, at best, a heartbreaking affair, but what would it have been, Mr. Chairman, but for the umbrage of the Supreme Court of the United States? Let us see. In the State of Missouri they wrote into their constitution that no person should vote, hold office, teach, preach, or engage in business who had sympathized with or in any way countenanced or aided those engaged in the rebellion. This law was made by the majority, in the hour of passion, in order to further crush the vanquished minority.

A preacher by the name of Cummings, who had sympathized with the South in the struggle, went right on preaching the gospel after the law was passed. He was arrested and convicted. He appealed his case to the Supreme Court of the United States, and that great bulwark of our liberties decided that the Missouri law was in violation of the Federal Constitution, which forbids *ex post facto* laws and bills of attainder.

Congress passed a law just after the war depriving lawyers of the right to practice their profession who had aided the South in the Rebellion. Judge Garland, who afterwards became Attorney General of the United States, had been identified with the southern cause. He challenged the power of Congress to take away his right to practice law. He laid his case before the Supreme Court of the United States, and that tribunal decided that the act of Congress was in violation of the Constitution. In the reconstruction period an effort was made to rob the school fund of Texas of a large amount of money represented in the bonds of the United States. Those who had secured physical possession of the property of the Texas school funds contended that Texas, having seceded from the Union, had thus incapacitated herself from recovering the fund. The Supreme Court decided the case in favor of Texas, and compelled a restoration of the school funds.

The Civil War set free millions of slaves and they were precipitately clothed with suffrage. Their former masters and the white people of the South were disfranchised in large numbers on account of participation in the War of Secession. The South lay prostrate, and white supremacy seemed destined to be supplanted by negro domination. The shattered remnants of southern manhood set about to restore the South to the rule of the white race. They did this in the face of an angry and victorious majority, and but for a written Constitution and an independent Supreme Court the southern cause would have been hopeless.

These, sir, are the plainly spoken truths of history. They are written in the decisions of the Supreme Court. No man can controvert them.

Mr. Chairman, passion has subsided. White supremacy in the South is as secure and unshakeable as the eternal hills, and our brothers at the North rejoice with us that it is so. They would not now have it different if they could.

To-morrow, sir, a helpless minority may be found in the North, the East, or the West. That helpless minority may consist of a section, a class, or a creed. It may be the members of organized labor, or the followers of an unpopular religious belief. But whatever it is, and wherever it may be found, it can rest secure in its rights so long as we possess a written Constitution and an independent judiciary to enforce it.

Those who are with the majority to-day may find themselves in a hopeless minority to-morrow, and in either situation they must feel their liberties more secure if safeguarded by checks and restraints from the passions and excitement of the hour.

Does any man doubt what the result would have been if an appeal to the people had been taken from the decisions of the Supreme Court sustaining the rights of the citizens of the Southern States just after the war? If those who now cry out for popular rule could have swept aside the Constitution and the Supreme Court in those dark days, what would have been the fate of the South? The consequences, sir, would have been an eternal blot upon the pages of our history.

Those who run before the crowd demanding that the "people rule" either mean nothing or they mean the majority should be allowed to rule without constitutional restraint.

They mean, if they mean anything except cheap demagogic cant, that the minority have no rights which the majority ought to be compelled by the written terms of a constitution to respect. Mr. Chairman, the people made the Constitution. They can unmake it. The people have ruled the United States since the execution of the Constitution, and they will continue to rule it to the crack of doom. They do not always rule it to please me, and I do not believe they always rule it in their own interests, but that they do actually rule it no statesman or thinker worthy the name will dare to deny.

If we are to turn away from the Republic of the Constitution and follow the false gods of Socialism, it matters little whether we do it under the flag of Roosevelt, calling himself a Republican; Bryan, calling himself a Democrat; or under BERGER, who sails the crazy ship of Socialism under its own true colors. But before we abandon our representative democracy, under the written Constitution of Washington, Hamilton, Jefferson, and Madison, let us take a closer view of the principles of the Socialist Party.

The first national platform promulgated by the Socialist Party in this country was in 1892, and in that platform was announced as a national doctrine many of the principles now advocated by those who demagogue under the specious and deceptive slogan of "Let the people rule."

In that first Socialist platform I find the following political demands:

First. The people to have the right to propose laws and to vote upon all measures of importance according to the referendum principle.
Second. All public officers to be subject to recall by their respective constituencies.

Third. Abolition of the Presidency, Vice Presidency, and the Senate of the United States.

An executive board to be established, whose members are to be elected, and may at any time be recalled by the House of Representatives as the only legislative body.

Such were the views of Socialism 20 years ago. That party has grown to be a great national force, with more than ten hundred thousand voters in its ranks, the control of many cities, and a representative in the National Congress. That representative is the Hon. VICTOR BERGER. Mr. BERGER understands the principles of Socialism better than any man in America. He is a Socialist author of national fame. I shall let him speak for Socialism through the bills he has introduced since he came to Congress. No fairer test can be conceived. These are the laws which Socialism would write upon the statute books if that party were in power.

On April 27, 1911, Mr. BERGER introduced a resolution (H. J. Res. 79) providing for an amendment of the Constitution to abolish the veto power of the President, and abolishing the Supreme Court and the Senate of the United States. This resolution proposed to constitute the House of Representatives the sole legislative power, whose enactments should be the supreme law without the right of the President to veto or any court to construe, subject only to referendum to the people upon petition of 5 per cent of the voters of three-fourths of the States.

On April 19, 1911, Mr. BERGER introduced House joint resolution 71, providing that—

The Congress shall have power, by a majority vote of both Houses, to call a convention for the purpose of revising or amending the Constitution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DIES. Mr. Chairman, for the first time in my life I ask unanimous consent to proceed for five minutes.

Mr. MANN. Reserving the right to object, will the gentleman from Virginia [Mr. LAMB] move to rise?

Mr. RUBEY. Mr. Chairman, I suggest that the committee rise and take a recess until 7.30 p. m., at which time the gentleman from Texas [Mr. DIES] be given all the time he wants.

The CHAIRMAN. The Chair will state to the gentleman from Missouri [Mr. RUBEY] that a motion to recess is not in order at this time.

Mr. RAKER. Mr. Chairman, I make a point of order on the suggestion of the gentleman. To-night there is a birthday party to be held in honor of the Speaker, Mr. CHAMP CLARK, and I want to attend. [Applause.]

The CHAIRMAN. The motion to recess is not in order. The gentleman from Texas [Mr. DIES] asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. DIES. Mr. Chairman, on January 16, 1912, Mr. BERGER introduced House joint resolution 213, providing for female suffrage.

On January 9, 1912, Mr. BERGER introduced House bill 17476, providing that the Government should establish in the city of Washington stores for the sale at cost of staple commodities to all employees of the Federal Government.

On January 31, 1912, Mr. BERGER introduced House bill 19126, providing for the Government ownership of all railroad, telegraph, telephone, and express properties in the United States. This bill proposes to condemn the physical properties of these corporations and confiscate their intangible assets. The bill also provides that Government bonds shall be issued to pay for the property not confiscated, and that in case the owners refuse to surrender the property the Government shall take it by force.

On December 6, 1911, Mr. BERGER introduced House bill 14079, providing for Government ownership and operation of all industries in the United States where such industries produced 40 per cent or more of the total in that line of industry. This bill also provided for the issuance of Government bonds to pay for such properties as were not confiscated by the terms of the bill.

On April 25, 1911, Mr. BERGER introduced House concurrent resolution 6, and May 30, 1911, he introduced House bill 10863, and as these two measures were introduced for the same purpose they should be treated as one proposition. Their purpose was to save from the clutches of the law the McNamara brothers and others who might thereafter find themselves similarly in the toils of the law. The McNamara brothers had dynamited the house of a man they did not like, and in the explosion 21 innocent workmen had been murdered. Mr. BERGER's bills proposed such amendment of the law as would protect these murderers, who afterwards confessed their crimes, from speedy punishment.

As illustrative of the principles of Socialism and of Mr. BERGER's bills to shield the McNamara brothers, I want to quote from an article in the Appeal to Reason, the organ of the Socialist Party. It was written by Eugene Debs, the Socialist candidate

for President. It appeared before the "kidnaped workers" confessed to murder, when the campaign was on in the State of California. It sheds a flood of light upon the so-called campaign for "the restoration of popular government."

The quotation is in these words:

The fight at the polls this fall will center around the adoption of the initiative, referendum, and recall amendments to the Constitution. Under the provision of the recall amendment the judges of the Supreme Court of California can be retired. These are men who will decide the fate of the kidnaped workers. Don't you see what it means, comrades, to have in the hands of an intelligent, militant working class the political power to recall the present capitalist judges and put on the bench our own men? Was there ever such an opportunity for effective work? No; not since Socialism first raised its crimson banner on the shores of Morgan's country. The election for governor and State officers of California does not occur till 1914; but with the recall at our command we can put our own men in office without waiting for a regular election.

Space forbids me to describe all the BERGER bills, but as illustrating the Socialistic interpretation of the doctrine of "equal rights to all and special privileges to none" when applied to a Socialist in office, I call attention to House bill 11382, introduced by Mr. BERGER June 8, 1911. That measure, to use its own words, was—

A bill to provide an automobile for the official use of the Committee on the District of Columbia.

I need not add that Mr. BERGER was a member of that committee at the time he introduced the bill.

Mr. Roosevelt professes not to be a Socialist, and yet he has borrowed his creed from the Socialist Party. Nowhere, sir, in the platforms of the Republican or the Democratic Party can be found the doctrine which Roosevelt proclaims and Bryan approves. Mr. Bryan is much truer to the principles of socialism than Roosevelt. Bryan has openly declared for the Government ownership of railroads and has openly embraced many of the principles of socialism. Roosevelt, on the contrary, contorts the socialistic terminology, plagiarizes its principles, and proclaims them as his very own. Roosevelt seeks to walk in the path the Cæsars trod. Mr. Bryan will be content with a million new subscribers for his newspaper. Roosevelt wants to emulate the bad example of Díaz, of Mexico, and break down the constitutional barriers against presidential succession.

Mr. Bryan gives aid and comfort to Roosevelt as against the Democratic Party, which seeks to reincarnate the deathless principles of Washington, Jefferson, Madison, Jackson, and Houston. Those principles of democracy are written in the Constitution, and for them Mr. Bryan offers no word of encouragement.

Mr. Chairman, I want to turn aside from socialism and present a view of representative democracy under the Constitution. We had as well face the issue squarely. The representative Government established by the founders is on trial for its life. Socialism, whether plagiarized by Roosevelt, rebranded by Bryan, or unadulterated by BERGER, is at last and in the final analysis before the American people as a substitute for our form of government. In this conflict which shall determine the destiny of the world's remaining Republic, I gladly step into the ranks of those who shall defend the faith of the fathers.

Those great minds that conceived the Constitution were profoundly learned in the history of the world. They were familiar with the attempts that mankind had made in every age to maintain free government. They knew that these efforts had all proven failures. They knew why they had failed. Profiting by the mistakes of the past, our fathers erected this structure under the Constitution. It is not perfect. It was not perfect at the time it was erected. No perfect thing can ever proceed from the hand of imperfect man. But I do say, and every page of history sustains me, that this Government under the Constitution is far and away the best that the world has ever known. It guarantees more liberty, affords more opportunity, safeguards more rights, and admits of more progress than any Government, ancient or modern, which the children of men have ever devised. The fathers had before them in their work of formation the history of pure democracy as tried by the ancients. They perfectly knew this history. They had read with attentive mind the pathetic story of the Grecian Republic, the Republic of Rome, the Italian and Dutch Republics. All had failed.

Our fathers, careful to steer the American Republic around the rocks upon which other free governments had gone to chaos and despotism, after long, patient, and profound effort, brought forth this wonderful fabric. Our Republic has been the star of hope to the oppressed nations of the earth and the guide and pattern of all modern efforts to establish free governments.

There is not, Mr. Chairman, a single principle proposed by socialism which was not given a trial in some one of the ancient democracies and proven a hopeless and utter failure. And there has been no modern examples of republican governments from which those who propose the destruction of our Republic can draw a single lesson. The founders had it all before them.

Mr. Roosevelt and Mr. BERGER have discovered nothing new in their doctrine of the recall. Its practice and prostitution form a familiar page in the history of the pure democracies of ancient times. With that ancient device Aristides the Just was driven from power, and history informs us that there were those who gave no better excuse for their votes than that they were tired of hearing him called "the just."

I know, Mr. Chairman, that these ancient nostrums, so long ago exploded and forgotten, are just as worthless as they were in the days of their trial and failure. They are dragged forth to-day by men who seek to convert them into political assets in furtherance of their own mad ambition.

Against these worn-out cure-alls and the office seekers who seek to drag them from their dishonored tombs and set them up as a substitute for our great fabric I set the warning of Madison, called the father of the Constitution:

A people, therefore, who are so happy as to possess the inestimable blessings of a free and defined constitution can not be too watchful against the introduction nor too critical in tracing the consequences of new principles and new constructions that may remove the landmarks of power.

I do not believe with Mr. Roosevelt that popular rule will result from striking down an independent judiciary. Nor do I believe with Mr. Bryan that popular government will be made more popular by stripping the Executive of his constitutional powers. No more do I believe with Mr. BERGER that all power should be lodged in the hands of the lower House of Congress. But I do believe, Mr. Chairman—and all that there is in history confirms my belief—that the authors of the Constitution were wise and truthful in the statement that—

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

I understand perfectly well, Mr. Chairman, that it is vain and unprofitable to attempt to correct the follies of Roosevelt with the authority of mere men. To his imperious mind, the generalship of Washington was provincial, Jefferson was a demagogue, Madison was a bookworm, and Andrew Jackson an upstart. But Mr. Bryan professes faith in the wisdom of Madison and Jefferson, though he follows not their counsels, and to him I commend their teachings. Mr. Madison, in discussing pure democracy as distinguished from representative government, which he helped to establish under the Constitution, said:

In a democracy where a multitude of people exercise in person the legislative functions, and are continually exposed by their incapacity for regular deliberation and concerted measures to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended on some favorable emergency to start up in the same quarter.

At the time Mr. Madison penned these words he believed himself a progressive. He supposed that the reactionaries were those who wanted to turn back to the exploded theories of a pure democracy. But if Mr. Madison were alive to-day and were to give voice to these views he would be branded by Roosevelt as a Cotton Whig, and by Bryan and BERGER as "unworthy to represent a democratic constituency."

An elective despotism—

Said Mr. Jefferson—

was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others. For this reason that convention which passed the ordinance of government, laid its foundation on this basis, that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time.

But the principles of the author of the Declaration of Independence will no longer fit the views of Roosevelt, Bryan, and BERGER, and his reference to an "elective despotism" places him at once under suspicion as being controlled by predatory interests.

In the view of Mr. Roosevelt, mankind fall into two classes, those who follow him and those who are unrighteous. With Mr. Bryan, those who are not his followers are of necessity the followers of Wall Street. And with BERGER, in the same sort, it is a case of being a Socialist or being against the human family.

The mind is confused with a sense of humor and disgust when it contemplates the Rooseveltian conception of popular rule. He wants a short ballot, so short, in fact, that he himself will constitute both head and tail of it. The effect of his doctrine is that he will trust the people to elect him if they will trust him to appoint the balance of the ticket. Bryan says that Roosevelt, "in taking this position, is on solid ground."

But do these great reformers trust the people?

Recently the country rang with a mixture of praise and condemnation of the Sherwood pension bill. But neither Roosevelt or Bryan would sufficiently trust the people to express an opinion upon the question.

Mr. Bryan is eternally admonishing other men to "trust the people," and yet he does not trust them sufficiently to inform them who he favors for President. Mr. Roosevelt does not trust the people sufficiently to tell them what his views are on the tariff question.

The question of popular rule is vitally intermixed with the immigration question. Millions of the ignorant and undesirable of Europe are swarming to our shores. Neither Roosevelt nor Bryan are willing to trust the people with their views upon this alarming situation.

Mr. Bryan has only praise for Roosevelt and only condemnation for Democratic leaders like CLARK, Harmon, and UNDERWOOD. This is probably due to the fact that Roosevelt is a candidate for everything in sight, excepting only the Democratic nomination.

Mr. Roosevelt readily vouches for the patriotism of Mr. Bryan, although he has not a word of cheer for his friend, the man he selected as his successor. This also is probably due to the fact that Mr. Bryan is not, at least, seeking the Republican nomination.

In every age of the world, Mr. Chairman, the enemies of real progress have been divisible into two classes. In the first are those who refuse to take a step forward. In modern times this class has come to be known as "standpatters." In the second class are those who believe or pretend to believe that if a cause can walk it can run, and if it can run it can fly. They are the mustang ponies in the caravan of progress, who kick while others are pulling and try to run away the moment the load starts.

Mr. Chairman, it is proposed that the socialistic tendencies of BERGER should be substituted for the democracy of Jefferson and Hamilton and Madison and Washington. Mr. Chairman, the battle is on. I do not care whether you call yourself a Republican or a Democrat. I do not care whether you sail under the socialistic banner of Roosevelt, who proposes to destroy an independent judiciary, or whether you sail under the socialistic banner of Bryan, who proposes a surrender of the old Democratic principles. Still, it is true that, face to face and man to man in this Republic, we stand upon the proposition to-day, Shall we surrender a representative democracy under the Constitution for the socialism of Roosevelt, Bryan, and BERGER?

Mr. Chairman, in view of the fact that our fathers, when they made the Constitution, had before them all of the examples of failure of free government in ancient times, and in view of the fact that Mr. Roosevelt, Mr. Bryan, and Mr. BERGER have discovered no new examples in modern times, I shall gladly take my place in the ranks of the sober defenders of the Constitution of our country against the Roosevelts and against the Bryans and against the Bergers and against the McNamaras, who rise to strike down the law and the limitations and restrictions provided in the Constitution of this United States of America. [Applause.]

I neither propose to hold back like the stolid ox nor lunge against the traces like a grass-fed mustang. I am for the steady pull that spells movement, rather than those fitful jerks which result only in broken harness.

I know, Mr. Chairman, that there are vexing problems confronting the Congress and the Nation. I know that it will require sustained public opinion and courageous statesmanship to solve these problems. I am as certain as I live that every wise reform can be worked out under a representative democracy and the written Constitution of the founders. And to these sound and enduring principles of truth I appeal from the madness and folly of the hour and from the false and foolish leaders who would steer the ship of state upon the shifting and treacherous sands of socialism. [Applause.]

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

MINORITY REPORT, SUGAR SCHEDULE.

Mr. FORDNEY. Mr. Speaker, I wish to file a minority report on the sugar bill, and ask unanimous consent that it be printed along with the majority report (H. Rept. 391, pt. 2).

The SPEAKER. The gentleman from Michigan [Mr. FORDNEY] files a minority report on the sugar bill, and asks unanimous consent that it be printed with the majority report. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. DIES. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Texas [Mr. DIES] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I would like to ask unanimous consent to revise and extend my remarks on the hydro-electric bill, delivered yesterday.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

MILITARY RESERVATION, CAMP SCHOFIELD, HAWAIIAN ISLANDS
(H. DOC. NO. 600).

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to have printed as a House document a certain communication received from the War Department concerning the military reservation at Camp Schofield, in the Hawaiian Islands, and have it referred to the Committee on Appropriations.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to have printed and referred to the Committee on Appropriations a communication from the War Department concerning the military reservation at Camp Schofield, Hawaiian Islands. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

Mr. PUJO, by unanimous consent, obtained leave of absence for 10 days, on account of illness in his family.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2004. An act to amend section 1505 of the Revised Statutes of the United States, providing for the suspension from promotion of officers of the Navy if not professionally qualified.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Friday, March 8, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Manistee Harbor, Mich. (H. Doc. No. 599), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 12211) to amend the act of February 18, 1909 (35 Stat. L., p. 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes," reported the same with amendment, accompanied by a report (No. 397), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUCKER of Colorado, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 21478) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 396), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 20513) granting an increase of pension to John O'Mara, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. SULZER: A bill (H. R. 21479) appropriating money to enable the President to propose and invite foreign governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference; to the Committee on Foreign Affairs.

Also, a bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. SMALL: A bill (H. R. 21481) providing for the sale of the old Marine Hospital site at Ocracoke, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. LAFEAN: A bill (H. R. 21482) authorizing the Secretary of the Treasury to sell the old post-office building and the site thereof at York, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON of West Virginia: A bill (H. R. 21483) authorizing the Secretary of War to donate to the Grand Army Post of Elizabeth, W. Va., two bronze or brass fieldpieces; to the Committee on Military Affairs.

By Mr. DUPRÉ: A bill (H. R. 21484) to construct and place lightships at South Pass and South West Pass, in the State of Louisiana; to the Committee on Interstate and Foreign Commerce.

By Mr. LEGARE: A bill (H. R. 21485) for the erection of a monument to the memory of Queen Isabella; to the Committee on the Library.

By Mr. MOON of Pennsylvania: A bill (H. R. 21486) to regulate the granting of restraining orders and injunctions; to the Committee on the Judiciary.

By Mr. HANNA: A bill (H. R. 21487) to make Bismarck, N. Dak., a support of entry in the customs collection district of North and South Dakota, and extending thereto the privileges of the seventh section of the act of June 10, 1880; to the Committee on Ways and Means.

By Mr. LOBECK: A bill (H. R. 21488) providing for an appropriation of \$100,000 for the purchase and distribution of field and garden seeds in the Western, Southwestern, and Northwestern States; to the Committee on Agriculture.

By Mr. BURNETT: A bill (H. R. 21489) to amend the immigration law relative to alien seamen and stowaways; to the Committee on Immigration and Naturalization.

By Mr. WILSON of Pennsylvania: A bill (H. R. 21490) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for these vocational courses in State colleges of agriculture and the mechanic arts; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure; to the Committee on Agriculture.

By Mr. ADAMSON: Resolution (H. Res. 441) to print 800 copies of Panama Canal Hearings Nos. 1, 2, and 3 before the Committee on Interstate and Foreign Commerce; to the Committee on Printing.

By Mr. NYE: Resolution (H. Res. 442), making public acknowledgment of the services of Capt. John Ericsson; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RUCKER of Colorado: A bill (H. R. 21478) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. AYRES: A bill (H. R. 21491) granting an increase of pension to Anna E. R. Webb; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 21492) for the relief of Nelson N. Boydston; to the Committee on War Claims.

By Mr. BEALL of Texas: A bill (H. R. 21493) for the relief of the heirs at law of J. B. and Lettie Buchanan; to the Committee on War Claims.

By Mr. BORLAND: A bill (H. R. 21494) for the relief of the Hurst Produce Co., of Kansas City, Mo.; to the Committee on Claims.

By Mr. BOWMAN: A bill (H. R. 21495) granting a pension to Isabelle Dodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21496) granting an increase of pension to Charles Morrow; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 21497) for the relief of Joseph B. Darlington; to the Committee on War Claims.

Also, a bill (H. R. 21498) for the relief of A. J. Collett, administrator of the estate of Thomas Collett, deceased; to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 21499) to amend the military record of George W. Bryant; to the Committee on Military Affairs.

By Mr. COX of Ohio: A bill (H. R. 21500) granting an increase of pension to Lucy J. Wells; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 21501) granting a pension to Josephine E. Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21502) granting a pension to James Bishop; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 21503) granting an increase of pension to James M. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21504) granting an increase of pension to John T. Lisman; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 21505) for the relief of the heirs of B. B. Gay; to the Committee on War Claims.

By Mr. FIELDS: A bill (H. R. 21506) granting an increase of pension to James A. Hill; to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 21507) granting a pension to Lula Blaine Hicklin; to the Committee on Pensions.

By Mr. FRANCIS: A bill (H. R. 21508) granting an increase of pension to Charles A. Webb; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 21509) granting a pension to George Grove; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: A bill (H. R. 21510) for the relief of Louis Greenbaum; to the Committee on Claims.

By Mr. HEALD: A bill (H. R. 21511) granting a pension to Mary C. Hirst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21512) granting an increase of pension to Henry S. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21513) granting an increase of pension to Joseph Hampton; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 21514) granting an increase of pension to John C. Legg; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 21515) for the relief of the city of Pueblo; to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 21516) granting an increase of pension to George W. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21517) granting a pension to Walter P. Norris; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 21518) granting a pension to Hattie I. Priest; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21519) granting an increase of pension to McPherson Bechtel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21520) granting an increase of pension to J. H. Sellars; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21521) granting an increase of pension to James H. Estey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21522) to remove the charge of desertion from the record of J. B. Colbert; to the Committee on Military Affairs.

By Mr. PRINCE: A bill (H. R. 21523) granting a pension to Rebecca Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21524) to correct the military record of Frederick H. Ferris; to the Committee on Military Affairs.

By Mr. ROBINSON: A bill (H. R. 21525) for the relief of the heirs of Dr. J. S. Morton, deceased; to the Committee on War Claims.

By Mr. SLAYDEN (by request): A bill (H. R. 21526) for the relief of H. J. Randolph Hemming; to the Committee on Claims.

By Mr. TALBOTT of Maryland: A bill (H. R. 21527) granting a pension to Savilla Heikenborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21528) for the relief of the heirs of Thomas J. Benson, deceased; to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 21529) to correct the military record of Nelson T. Saunders; to the Committee on Military Affairs.

By Mr. WILSON of New York: A bill (H. R. 21530) for the relief of Frank Bowers; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of churches and citizens of Grant City, Mo., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of Department of the Potomac, Grand Army of the Republic, relative to purchase of the Oldroyd collection of Lincoln relics; to the Committee on Public Buildings and Grounds.

Also, memorial of Polish Citizens' Improvement Club, protesting against illiteracy provision in proposed immigration legislation; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON of Minnesota: Petition of Anthony Anderson and others, of Whalan, Minn., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Monroe Grange, of Blissfield, Ohio, asking for the enactment of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Rev. Cliff Kaser and 55 other citizens of Clark, Ohio, in opposition to the enactment of House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Howard H. Harlow, of New Philadelphia, Ohio, asking for the passage of House bill 2281, removing the duty on oleomargarine; to the Committee on Agriculture.

By Mr. BARNHART: Petition of members of the Improved Order of Red Men, thirteenth congressional district of Indiana, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of the State of Indiana, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of South Bend, Ind., asking that the tax on oleomargarine be reduced; to the Committee on Agriculture.

By Mr. BEALL of Texas: Papers to accompany bill for the relief of heirs of J. B. and Lettie Buchanan, deceased; to the Committee on War Claims.

By Mr. BOWMAN: Petition of J. G. Bell and other citizens of Freeland, Pa., for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

Also, petition of George P. Steinhauer, of Wilkes-Barre, Pa., favoring the passage of House bill 1343; to the Committee on Immigration and Naturalization.

Also, petition of M. S. Crossman, of Wyoming, Pa., favoring House bill 1343; to the Committee on Immigration and Naturalization.

Also, petition of St. John's Primitive Methodist Church, Hazleton, Pa., favoring the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of Consistory Emanuel Reformed Church of Hazleton, Pa., favoring the speedy passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of Franklin Walp, of Pond Hill, Pa., favoring House bill 1343; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Pennsylvania, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of A. B. Brown, of Pittston, Pa., protesting against the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of C. Bruce Freas, of Sugar Notch, Pa., favoring House bill 1343; to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petitions of citizens of the State of South Dakota, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Capron Camp, No. 22, Department of the State of New York, United Spanish War Veterans, of Brooklyn, N. Y., favoring House bill 17470, introduced by Mr. CRAGO; to the Committee on Pensions.

By Mr. CARY: Petition of the Woman's Christian Temperance Union of Wauwatosa, Wis., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of Baker & Holmes Co., of Jacksonville, Fla., in opposition to parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of the Woman's Christian Temperance Union of Belle Vernon, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Fayette City, Pa., for enactment of the George taxation bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of United Presbyterian Church of Mount Washington, Pittsburgh, Pa., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of First Presbyterian Church of Wilmerding, Pa., favoring the passage of the Kenyon-Sheppard interstate liquor bill to remove the Federal shield of interstate commerce from liquors shipped into any State for illegal use; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Memorial of Short Line Railroad Association, relative to railway mail transportation; to the Committee on the Post Office and Post Roads.

Also, memorial of United Trade and Labor Council of Erie County, endorsing House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Catholic societies in the State of New York, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of citizens of Syracuse, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DWIGHT: Petitions of Woman's Christian Temperance Unions of Groton and Newfield, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FINLEY: Petition of Lula Blain Hicklin, for a pension; to the Committee on Pensions.

By Mr. FOSS: Petition of a Catholic society of the State of Massachusetts, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. FOSTER of Illinois: Petition of Lee Wilson and 8 other citizens of Olney, Ill., growers and dealers in fruit, favoring House bill 17936, to establish standard packages and grades for apples; to the Committee on Coinage, Weights, and Measures.

Also, petition of Local No. 383, Farmers' Educational and Cooperative Union of America, of Wabash County, Ill., favoring a general parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: Petitions of Tacoma Woman's Christian Temperance Union, of Tacoma, Belmont County, Ohio, favoring the passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

Also, petition of Bloomingdale Grange, No. 1629, of Bloomingdale, Ohio, representing about 100 families, favoring a general parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Frank R. Barr, of Martins Ferry, Ohio, and other members of Junior Order United American Mechanics, of Martins Ferry, Ohio, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Retail Merchants' Association of Illinois, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of National Mirror Works, of Rockford, Ill., against the passage of the Underwood bill (H. R. 20182) relating to the chemical schedule; to the Committee on Ways and Means.

Also, petition of Ben R. Hall, department commander United Spanish War Veterans, of Streator, Ill., favoring the passage of House bill 17470, to pension widows of veterans of the Spanish War; to the Committee on Pensions.

Also, petition of Ottawa Trades and Labor Assembly, of Ottawa, Ill., against enlisted men in the Navy performing work of civilian employees; to the Committee on Naval Affairs.

Also, petition of National Model License League, concerning the Kenyon-Sheppard bill, etc., as to interstate shipments of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of the German-American National Alliance, of East St. Louis, Ill., against the passage of any prohibition or

interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Petition of Walter S. Hogdon, of Haverhill, Mass., for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of New Jersey: Petitions of citizens of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of New Jersey, remonstrating against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. GOULD: Petition of Woman's Christian Temperance Union of Hartland, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRIEST: Petitions of the German-American Alliance, the German Casino, the Germania Mannerchor, the Lancaster Liederkrantz, and the German Beneficial Union, all of Lancaster, in the State of Pennsylvania, in opposition to the enactment into law of any prohibition or interstate commerce liquor measure now pending before Congress; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of Chamber of Commerce of San Jose, Cal., protesting against reduction in duty on olive oil; to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union of Los Gatos, Cal., for enactment of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Mrs. H. S. Beal, of San Jose, Cal., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HENSLEY: Petitions of citizens of the State of Missouri, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Missouri, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of American Association for Labor Legislation, for enactment of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. HOWELL: Petitions of Utah Federation of Women's Clubs, Women's Club of Murray, and Woman's Civic Club of Salt Lake City, urging passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petitions of Woman's Christian Temperance Unions of Dumont and Oradell, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. JACOWAY: Petitions of citizens of the State of Arkansas, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of Methodist Episcopal Church of Wrightsville, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of Woman Christian Temperance Union and church organizations of Indiana, Pa., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Pennsylvania State Board of Agriculture, for eradication of the chestnut-tree blight disease; to the Committee on Agriculture.

By Mr. LAWRENCE: Petition of Williamsburg Grange, Williamsburg, Mass., favoring the passage of the Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of citizens of the State of Pennsylvania, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Pennsylvania, for rejection of pending arbitration treaties; to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of Catholic Societies of Brooklyn, N. Y., in regard to measures relating to Catholic Indian missions; to the Committee on Indian Affairs.

Also, petition of Association of Army Nurses of the Civil War, for certain pension legislation; to the Committee on Invalid Pensions.

Also, petition of Charles G. Bond, of Brooklyn, N. Y., protesting against pending legislation to establish a children's bureau; to the Committee on Labor.

Also, memorial of Polish National Alliance, opposing illiteracy test in proposed immigration legislation; to the Committee on Immigration and Naturalization.

Also, petition of Fancy Leather Goods Manufacturers' Association of New York, for passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of Louis M. Hart, of New York City, protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Vigilance Committee, for more effective enforcement of the white-slave traffic act; to the Committee on the Judiciary.

Also, petition of Union No. 23, International Printing Pressmen and Assistants' Union of North America, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, memorial of Union No. 68, American Federation of Garment Workers' Union, relative to labor conditions in Lawrence, Mass.; to the Committee on Rules.

Also, petitions of Camps 22 and 62, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. LOUD: Petition of William G. McCallum and other citizens of Alpena, Mich., for legislation granting pension of \$12 per month to every citizen over 70 years of age; to the Committee on Pensions.

By Mr. McCALL: Petition of Winter Hill Baptist Church, of Somerville, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MANN: Petition of Chicago (Ill.) Women's Aid, for a tax not exceeding 2 cents per pound on oleomargarine, etc.; to the Committee on Agriculture.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Walter P. Norris; to the Committee on Pensions.

Mr. MOORE of Texas (by request): Petition of sundry citizens of Buffalo, Tex., favoring the speedy passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Petition of Grange No. 218, of Mexico, N. Y., protesting against House bill 18493, and against any change in the oleomargarine laws; to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of citizens of Coalinga, Cal., for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of Woman's Christian Temperance Unions and churches in the State of California, for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Crows Landing, Cal., against repeal of anticanteen law; to the Committee on Military Affairs.

Also, memorials of Chamber of Commerce of Los Angeles and San Jose, Cal., against reduction in duty on olive oil; to the Committee on Ways and Means.

By Mr. NEELEY: Petitions of citizens of the State of Kansas, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Hess, Kans., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Gray County and of Turon, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NELSON: Petition of members of Woman's Christian Temperance Union of Westfield, Wis., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., protesting against attitude of House Indian Committee in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of citizens of Minneapolis, Minn., asking that provision be made in naval appropriation bill for construction of one battleship in Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Minneapolis Real Estate Board, favoring road from Washington to Gettysburg as memorial to Lincoln; to the Committee on the Library.

Also, memorial of Minnesota Retail Hardware Association, protesting against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of California citizens, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. REILLY: Petition of the Missouri Retail Hardware Association, protesting against parcel-post legislation and for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Boston (Mass.) Fruit & Produce Exchange, for enactment of House bill 17995; to the Committee on Interstate and Foreign Commerce.

By Mr. REYBURN: Memorial of Philadelphia (Pa.) Board of Trade, for retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. RICHARDSON: Petitions of citizens of Bridgeport, Ala., for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

By Mr. SHARP: Petition of citizens of Amherst, Ohio, favoring the old-age pension bill introduced by Hon. VICTOR BERGER; to the Committee on Pensions.

Also, petition of citizens of Mansfield, Ohio, protesting against the enactment of House bill 9433, entitled "An act for the observance of Sunday in post offices"; to the Committee on the Post Office and Post Roads.

Also, memorial of Williamsport Grange, No. 1815, of Mount Gilead, Ohio, favoring Federal aid in the construction of country roads; to the Committee on Agriculture.

By Mr. SULZER: Petition of citizens of the State of Ohio, for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Bayonne, N. J., and New York City, for passage of House bill 17253; to the Committee on Ways and Means.

Also, petition of Board of Supervisors of San Francisco, Cal., protesting against change of character and operation of the San Francisco Mint; to the Committee on Coinage, Weights, and Measures.

By Mr. WEEKS: Petition of Congregational Brotherhood and Men's Baptist League of Sharon, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITE: Petition of citizens of the State of Ohio, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. WILLIS: Petition of H. F. Owen and 35 other citizens of Delaware, Ohio, protesting against the enactment by Congress of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of Pennsylvania: Memorial of Union No. 68, American Federation of Garment Workers' Union, in regard to labor conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. YOUNG of Texas: Petitions of citizens of Smith and Van Zandt Counties, Tex., in favor of old-age pension legislation; to the Committee on Pensions.

SENATE.

FRIDAY, March 8, 1912.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Tuesday, March 5, when, on request of Mr. SMOOT, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

EXPENDITURES ON RIVERS AND HARBORS (S. DOC. NO. 382).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 7, 1911, a detailed statement showing the expenditures for each river and each harbor geographically arranged by States and Territories, together with expenditures of like character for general and joint improvements not separable by States, and for canals, which, with accompanying papers, will be printed and referred to the Committee on Commerce.

Mr. BRISTOW. The communication from the Treasury Department in regard to expenditures on rivers and harbors is to be printed?

The VICE PRESIDENT. It was ordered printed and referred to the Committee on Commerce.

Mr. BRISTOW. How many copies will be printed under the order?

The VICE PRESIDENT. Five hundred.

Mr. BRISTOW. And distributed on Senators' desks?

The VICE PRESIDENT. Yes.

MARY E. WILLETT v. THE UNITED STATES (S. DOC. NO. 381).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law filed by the court in the cause of Mary E. Willett v. The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the bill (S. 2004) to amend section 1505 of the Revised Statutes of the United States, providing for the suspension from promotion of officers of the Navy if not professionally qualified, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of members of the Atlantic Commercial Travelers' Union, of Atlantic, Iowa, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens and of the congregations of the Baptist Church, the Christian Church, the Methodist Church, and the Presbyterian Church, all of Grant City, in the State of Missouri, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the State Woman's Christian Temperance Union of Illinois, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the joint advisory board of the Cigar Makers' Unions of Porto Rico, and a petition of Woman's Protective Union, No. 14209, of Cabo Rojo, P. R., praying for the creation in that Territory of a department of agriculture and labor, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented resolutions adopted by Keeler Post, No. 15, Department of the Potomac, Grand Army of the Republic, of Washington, D. C., favoring an appropriation for the purchase of the Oldroyd collection of Lincoln relics, which were referred to the Committee on the Library.

Mr. GALLINGER presented a petition of Suncook Valley Council, No. 18, Junior Order United American Mechanics, of London, N. H., praying for the adoption of certain amendments to the immigration law, which was referred to the Committee on Immigration.

He also presented a petition of members of the Federation of Citizens' Associations of the District of Columbia, praying for the enactment of legislation to regulate public utilities in the District of Columbia, and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission, which was ordered to lie on the table.

He also presented a petition of the Federation of Citizens' Associations of the District of Columbia, praying that the police and firemen's pension fund be placed upon a permanent and equitable basis, which was ordered to lie on the table.

He also presented a memorial of members of the Alley Improvement Association, of Washington, D. C., remonstrating against the location of barrooms near schools and churches, and the placing of saloons near alleys and courts in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

Mr. McCUMBER presented petitions of sundry citizens of Fairmount, Tyner, Kentyre, Barrie, Dale, Hope, and Sargent County, all in the State of North Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Traill County, N. Dak., praying for the enactment of legislation to regulate the pay of members of the National Guard, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Denbigh, N. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Selma, N. Dak., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the Commercial Club, of Williston, N. Dak., and a memorial of members of the Northwestern Development League, of North Dakota, praying

for the enactment of legislation to furnish immigrants with full information relative to industrial opportunities in the Western States, which were referred to the Committee on Immigration.

Mr. CURTIS presented petitions of sundry citizens of Kansas and Oklahoma, praying for the enactment of legislation to provide for the removal of the restrictions as to the alienation of lands in Oklahoma, which were referred to the Committee on Indian Affairs.

He also presented a memorial of sundry citizens of Hutchinson, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Emporia, Atchison, Fredonia, and Augusta, all in the State of Kansas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Jennings, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Swedish Baptist Church, of Chanute, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also (for Mr. GAMBLE) presented a memorial of sundry citizens of Vermillion, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. GAMBLE) presented the petition of G. A. Thorkeldson and 34 other citizens of Luffman, S. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. GAMBLE) presented petitions of sundry citizens of Orient and Presho, S. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also (for Mr. GAMBLE) presented a memorial of sundry citizens of Mill Creek, Okla., remonstrating against the proposed abolishment of the position of United States district Indian agent, which was referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented a memorial of sundry citizens of Duran, Okla., remonstrating against the proposed discontinuance of the offices of Indian agents and district Indian agents in all points outside the general office at Muskogee, Okla., which was referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented a memorial of members of the Dairymen and Buttermakers' Association of South Dakota, remonstrating against the repeal of the tax on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

Mr. CUMMINS presented petitions of the congregations of the Congregational Church, the First United Evangelical Church, the Friends Church, the United Brethren Church, and the Methodist Church, of Marshalltown; of the Woman's Christian Temperance Union of Newton; and of sundry citizens of Humeston, all in the State of Iowa, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Marquette, Washington, Wichita, and Jennings, all in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Wichita, Kans., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Goodland, Kans., praying for the establishment of free mail delivery system in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Henry Booth Command, No. 3, Union Veterans' Union, of Oakland, Kans., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Peabody, Emporia, Clearwater, Atchison, and Akron, all in the State of Kansas, remonstrating against the extension of the parcel-post

system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of John A. Logan Post, No. 127, Department of Kansas, Grand Army of the Republic, of Salina, Kans., remonstrating against the enactment of legislation providing for the abolishment of the United States pension agencies and their concentration in Washington, D. C., which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the First Presbyterian Church of Chanute, Kans., and a petition of sundry citizens of Spearville, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Business Men's Association of Pawtucket, R. I., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Board of Trade of Providence, R. I., praying for the enactment of legislation providing that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

Mr. LIPPITT presented petitions of the congregation of the Central Congregational Church of Providence; of the Woman's Christian Temperance Unions of Portsmouth, Woonsocket, and Washington; of the Rhode Island Christian Endeavor Union; of members of the Sunday School Association of Woonsocket; of the Young People's Social Christian Endeavor of the First Presbyterian Church of Woonsocket; of the Young People's Society of Christian Endeavor of Woonsocket; of the board of directors of the Young Men's Christian Association of Woonsocket, and of sundry citizens of Woonsocket, all in the State of Rhode Island, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of Allyn K. Capron Camp, United Spanish War Veterans, Department of Rhode Island, of Providence; of Robert Brucker Camp, No. 6, United Spanish War Veterans, Department of Rhode Island, of Westerly; of Rear Admiral Charles M. Thomas Camp, No. 3, United Spanish War Veterans, Department of Rhode Island, of Newport; and of Rudolph H. Breault Camp, No. 7, United Spanish War Veterans, Department of Rhode Island, of Woonsocket, all in the State of Rhode Island, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine Insurrection, which were referred to the Committee on Pensions.

He also presented petitions of Allyn K. Capron Camp, United Spanish War Veterans, Department of Rhode Island, of Providence; of Robert Brucker Camp, No. 6, United Spanish War Veterans, Department of Rhode Island, of Westerly; of Rear Admiral Charles M. Thomas Camp, No. 3, United Spanish War Veterans, Department of Rhode Island, of Newport; and of Rudolph H. Breault Camp, No. 7, United Spanish War Veterans, Department of Rhode Island, of Woonsocket, all in the State of Rhode Island, praying for the enactment of legislation providing for the retirement of petty officers or enlisted men of the United States Navy or Marine Corps and for the efficiency of the enlisted personnel, which were referred to the Committee on Naval Affairs.

He also presented a petition of members of the Sorosis Women's Club, of Providence, R. I., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a petition of Printing Pressmen and Assistants' Local Union No. 142, of Pawtucket, R. I., praying for the enactment of legislation providing for an increase in the compensation of pressmen employed in the Government Printing Office, which was referred to the Committee on Printing.

He also presented a memorial of members of the German-American Alliance of Rhode Island, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Central Federated Union of Providence, R. I., praying for the enactment of legislation relative to the removal of employees in the classified civil service, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Rhode Island Business Men's Association, praying for the adoption of certain amendments to the internal-revenue laws relating to butter, which was referred to the Committee on Finance.

He also presented a petition of members of the Rhode Island Independent Chapter, Daughters of the American Revolution, of Providence, R. I., praying for the enactment of legislation providing for the publication of the records of soldiers and sailors, which was referred to the Committee on Printing.

He also presented a petition of Washington County Pomona Grange No. 2, Patrons of Husbandry, of Kingston, R. I., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

Mr. CRAWFORD presented petitions of sundry citizens of Northville and Columbia, in the State of South Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Spearfish, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Big Stone City, S. Dak., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. BORAH. I present a petition addressed to me as chairman of the Committee on Education and Labor and which is signed by homesteaders of the vicinity of Earlimart, Tulare County, Cal., praying for the enactment of legislation to relieve them from the harsh exactions of the homestead laws. I ask that the petition be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the petition was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

EARLIMART, TULARE COUNTY, CAL.

To the Hon. WILLIAM E. BORAH,
Chairman Committee on Education and Labor,
United States Senate, Washington, D. C.

HONORABLE SIR: We, the undersigned homesteaders of the vicinity of Earlimart, hereby send greeting:

We have read with interest of your sincere endeavors in Congress in behalf of the homesteaders of the West to relieve them of the harsh exactions of the present homestead laws. For your efforts in our behalf we desire to express our gratitude and to say that we unanimously indorse the sentiment which you recently presented in your remarks to the Senate.

The territory which we occupy is dry and hot through the summer, and to make our soil productive of a living we are compelled to develop irrigating wells at a cost making them almost prohibitive to most of the people seeking the homesteads, or we are compelled to leave the homestead at certain periods to earn by wages the necessary funds to sustain our families.

We, therefore, desire to urge upon you the importance of the movement which you have instigated, and assure you that the homesteader indorses to his fullest ability your course in this matter. We sincerely hope that you may be successful with this measure in the House of Representatives as you have been in the Senate.

Thanking you most heartily for your kindly endeavors, and awaiting your command, we are,

Respectfully, yours,

W. F. BOONE.
E. M. LE CLAIR.
MARTIN BRANNAN.
VICTOR KAPPELLER.
ALEXANDER DEIRE.

D. W. SHELL.
G. WINTER.
E. A. SNOW.
F. O. MCQUONE.
R. H. BOWEN.

There are a few more homesteaders in this vicinity who would, I feel sure, be glad to sign the above, but I have been unable to see them.
E. M. LE CLAIR.

Mr. CHAMBERLAIN presented petitions of the congregations of the Presbyterian Church of Fairmount and the Friends' Church of Chehalis Center; of the Woman's Christian Temperance Unions of West Salem and Eugene, and of sundry citizens of West Salem, Elgin, and Plainview, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. JOHNSTON of Alabama presented a petition of the Woman's Christian Temperance Union of Bessemer, Ala., and a petition of sundry citizens of Alabama, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GARDNER presented petitions of the Ladies of the Grand Army of the Republic of Belfast; of Local Grange No. 438, Patrons of Husbandry, of Buckfield; of Local Grange, Patrons of Husbandry, of Topsham; of the congregations of sundry churches of Baileyville, Belfast, Woolwich, and Topsham; of the Woman's Christian Temperance Unions of Bowdoin, Lisbon, Webster, Troy, Lebanon, Bath, and Hartland, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. THORNTON presented petitions of sundry citizens of Athens, Mansfield, De Ridder, and Leesville, all in the State of Louisiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Gaffney, Greenville, Batesburg, and Nichols, all in the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented resolutions adopted by the Kearney County Farmers' Mutual Fire Insurance Co., in convention at Minden, Nebr., favoring the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Sheridan County, Nebr., praying for the passage of the so-called Borah homestead bill, which was ordered to lie on the table.

Mr. POMERENE presented petitions of the Central Woman's Christian Temperance Union of Cincinnati; Ministerial Association of Dayton; Otterbein Brotherhood of New Philadelphia; Lutheran Brotherhood of New Philadelphia; Woman's Christian Temperance Union of New Philadelphia; the Christian Sabbath School of Ludlow Falls; the Friends' Sabbath School of Ludlow Falls; the Farmers' Institute of Marlboro; of sundry churches of Marlboro, Louisville, Lexington, and Bolton; the Young People's Branch of the Woman's Christian Temperance Union of Norwalk; of the Christian Endeavor Society of the Presbyterian Church of Martins Ferry; of the Christian Endeavor Society of Montgomery County of Dayton; Highland Brethren Sabbath School of Union; Friends' Sabbath School of West Milton; United Brethren Sabbath School of Potsdam; Methodist Episcopal Sabbath School of West Milton; citizens of Springfield; citizens of Tontogany; congregation of Baptist Church of Richmond Dale; Christian Sabbath School of West Milton; Baptist Bible School of Perrysville; Young People's Branch of Woman's Christian Temperance Union of Brookfield; Schoenbaun Woman's Christian Temperance Union, near New Philadelphia; Woman's Christian Temperance Union of Kent; Farmers' Institute of West Milton; Methodist Episcopal Sunday School of Ashley; Men's Sunday Evening League of the Methodist Episcopal Church; Tacoma Woman's Christian Temperance Union, of Tacoma, all in the State of Ohio, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of the German-American Alliances of Martins Ferry, Steubenville, Newark, Dayton, Jefferson, Coshocton, Bridgeport, Chillicothe, Springfield, and Mansfield; and of the Altschul Distilling Co., of Dayton; of the Suabian Benevolent Society, of Springfield; Baden Benevolent Society, of Springfield; St. George Benevolent Society, of Springfield, all in the State of Ohio, and of the National Model License League of Louisville, Ky., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of Nes. Badgley Council, No. 123, of Massillon, Kent, Germantown, Norwood, Mount Healthy, Norwalk, Mount Washington, Mansfield, Bellaire, Piqua, and Cincinnati; of Concord Council, No. 232; of Lincoln Council, No. 16, of Massillon and Gallion; of Council No. 219, of Cincinnati, Fidelity, and Newtown; of Council No. 85, of Cincinnati; of Council No. 49, of Cincinnati; of Council No. 43, of Cincinnati, Syracuse, and Madisonville; of Coshocton No. 65, of Catawba; of Harvey Rice, No. 211, of Cleveland; of Fairmount, No. 155, of Cincinnati; of No. 269, of Gallipolis; of Southern Star, No. 174, of Mount Carmel; of Crown Council, No. 35, of Dayton; of Cincinnati Council, No. 82, of Cincinnati, all of the Junior Order of United American Mechanics, and of the International Association of Machinists of Massillon, all in the State of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Lisbon Grange, No. 1568, of Lisbon; of sundry citizens of Spencerville and Fincastle; of Magnolia Grange, No. 1698, of East Sparta; of the Columbus Gardeners' Association, of Columbus; of sundry citizens of Delaware County and Vanatta; of the Farmers' Institute of Newcomerstown; of Montville Grange, of Montville; of sundry citizens of Sharon; of Verona Grange, No. 1630, of Verona; of sundry citizens of Wellsville; of Orwell Grange, No. 1562, of Orwell; and of Jackson Grange, No. 1816, all of the Patrons of Husbandry; and of sundry citizens of Sharon, Wellsville, and East Liverpool, all in the State of Ohio, praying for the estab-

lishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of Richland Branch, State Pharmaceutical Society, of Mansfield, and of sundry citizens of Newark, Sunbury, New Concord, Stewart, Senecaville, Zanesville, Dennison, Bremen, Lucasville, Millersburg, Massillon, West Alexandria, Ashland, Edon, Van Wert, Mansfield, Athens, and Urbana, all in the State of Ohio, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of New Lexington, Ohio, praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the Wolfe-Tone Club, of Youngstown, Ohio, and resolutions adopted by the Irish Nationalists of Ohio, in convention at Columbus, Ohio, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Akron, Dayton, Damascus, and St. Clairsville, all in the State of Ohio, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Local Camp No. 49, Department of Ohio, United Spanish War Veterans, of Columbus, Ohio, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented petitions of Genesee Tribe, No. 15, of Niles; of Sinnamatha Tribe, No. 236, of Macon; of Samoset Tribe, No. 86, of Common Era; of Red Hawk Tribe, No. 50, of Waverly; of Buffalo Tribe, No. 109, of Columbus; and of Rain-in-the-Face Tribe, No. 253, all of the Improved Order of Red Men, in the State of Ohio, praying that an appropriation be made for the erection of an American Indian memorial and museum building in the District of Columbia, which was referred to the Committee on Indian Affairs.

He also presented memorials of Eugene Reynolds Post, No. 441, of Bellefontaine; William McKinley Post, No. 25, of Canton; and Sergeant Thomson Post, No. 235, of Salineville, Department of Ohio, Grand Army of the Republic, and of the Pioneer and Historical Association of Fremont, all in the State of Ohio, remonstrating against the incorporation of the Grand Army of the Republic, which were referred to the Committee on the District of Columbia.

Mr. OLIVER presented a memorial of the Woman's Christian Temperance Union of Warren, Pa., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented petitions of the congregations of the Methodist Episcopal Church of Wilmerding; the United Presbyterian Church of Mount Washington; the First Presbyterian Church of Wilmerding, and of the United Brethren Church of Warren; of the Woman's Christian Temperance Unions of Indiana, Warren, and Monongahela; of the Woman's Bible Class of the First United Presbyterian Church of Indiana; of the men's class of the First United Presbyterian Church of Indiana, and of the Young Men's Christian Association of Monongahela, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Charles F. Moore Camp, No. 6, Department of Pennsylvania, United Spanish War Veterans, of Athens, Pa., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a memorial of George Simpson Post, No. 44, Department of Pennsylvania, Grand Army of the Republic, of Huntingdon, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Proctor, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Bricklayers and Masons' Local Union, No. 2, of Pittsburgh, Pa., praying that an investigation be made into the labor strike conditions at Lawrence, Mass., which was ordered to lie on the table.

Mr. CULLOM presented memorials of sundry citizens of Peru, Ill., remonstrating against the enactment of an interstate

liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Greenville, Meredosia, Elburn, and Gardner, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Polish National Alliance of the United States of North America, remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of Pope Post, No. 411, Department of Illinois, Grand Army of the Republic, of Pana, Ill., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Trades and Labor Assembly of Belleville, Ill., remonstrating against the repeal of the duty on wood and metal patterns, which was referred to the Committee on Finance.

He also presented a memorial of Magnolia Grange, No. 179, Patrons of Husbandry, of McNabb, Ill., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of West Salem and Mount Erie, in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregation of the First Methodist Episcopal Church of Elgin; of the Woman's Christian Temperance Unions of Rockport and Elgin; and of the Pastors' Union, of Carmi, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Illinois Wholesale Grocers' Association, praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 353, International Association of Machinists, of Belleville, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 893, United Mine Workers of America, of Canton, Ill., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Belleville, Ill., praying for the enactment of legislation to provide for the construction of one of the proposed new battleships at the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Murphysboro, Orchardville, Makanda, and Cave-in-Rock, all in the State of Illinois, praying for the establishment of a bureau of markets in the Department of Agriculture, which were referred to the Committee on Agriculture and Forestry.

Mr. SHIVELY presented a memorial of the German Singing Society Concordia, of Alexandria, Ind., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of South Bend, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. WILLIAMS. At the request of the Senator elect from the State of Arizona, the Hon. MARCUS SMITH, I present a petition of sundry citizens of Bisbee, Ariz., praying for the passage of the so-called Sulzer parcel-post bill. I move that the petition be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. WILLIAMS presented a memorial of sundry citizens of Canton, Miss., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. RICHARDSON presented petitions of the congregations of the Methodist Protestant Church of Milford; the Whitis Methodist Episcopal Church, of Nassau; the Methodist Episcopal Church of Cedar Neck; the Methodist Episcopal Church of Slaughter Neck; and of the First Methodist Episcopal Church

of Lincoln; of the Woman's Christian Temperance Union of Slaughter Neck; and of sundry citizens of Milford and Slaughter Neck, all in the State of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. NIXON presented a petition of Colonel James Lockett Camp, No. 3, Department of Nevada, United Spanish War Veterans, of Carson City, Nev., and a petition of General Lloyd B. Wheaton Camp, No. 2, Department of Nevada, United Spanish War Veterans, of Reno, Nev., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

Mr. LODGE presented memorials of sundry citizens of Lowell, Brockton, and New Bedford, all in the State of Massachusetts, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of Thurmont, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented a memorial of sundry citizens of Ewart, Mich., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of Ward Cheney Camp, No. 13, United Spanish War Veterans, Department of Connecticut, of South Manchester, Conn., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented memorials of members of the Wolfe Tone Club, of New Haven, and of sundry citizens of Naugatuck and Bridgeport, all in the State of Connecticut, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of sundry citizens of South Norwalk, Conn., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships at the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of East Lynn, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CRANE presented petitions of the Congregational Brotherhood and the Baptist Men's League of Sharon, of the Woman's Christian Temperance Union of South Gardner, and of Crystal Lake Lodge, No. 80, International Order of Good Templars, of Gardner, all in the State of Massachusetts, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. STEPHENSON presented a petition of members of the Produce and Fruit Exchange of Milwaukee, Wis., praying for the enactment of legislation to establish standard packages and grades for apples, which was referred to the Committee on Standards, Weights, and Measures.

He also presented a petition of Du Lac Grange, No. 72, Patrons of Husbandry, of Milton, Wis., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Commercial Club of Mellen, Wis., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of New Richmond, Wis., and a memorial of the Wisconsin Retail Hardware Dealers' Association, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union, of Wauwatosa, Wis., and a petition of sundry citizens of Knapp, Wis., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the Wisconsin National Guard, residents of Beloit, Wis., praying for the

enactment of legislation to further increase the efficiency of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of members of the Commercial Club, of Mellen, Wis., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Odontological Society, of Milwaukee, Wis., remonstrating against the enactment of legislation granting extension of letters patent to James E. Low, known as the "low-tooth crown patent," which were referred to the Committee on Patents.

He also presented resolutions adopted by the First Unitarian Society, of Milwaukee, Wis., favoring the recommendations made by the President for the appointment of a Federal commission on industrial relations, which were referred to the Committee on Education and Labor.

Mr. PAYNTER presented the petition of Morton T. Bryant, of Maysville, Ky., praying that he be granted an increase of pension, which was referred to the Committee on Pensions.

He also presented the petition of Joseph P. Warder, of Epworth, Ky., praying that he be granted a pension, which was referred to the Committee on Pensions.

Mr. BROWN presented a memorial of Commodore Foote Post, No. 40, Department of Nebraska, Grand Army of the Republic, of Ord, Nebr., remonstrating against the enactment of legislation proposing to control property of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented sundry affidavits in support of the bill (S. 4764) granting a pension to Mary F. Sexton, which were referred to the Committee on Pensions.

Mr. DU PONT presented a petition of the Woman's Christian Temperance Union of Nassau, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 450), accompanied by a bill (S. 5670) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 487. John C. Johnston.
S. 500. Anna B. Heckelmann.
S. 645. Harry Jeremiah Parks.
S. 700. Tomas Escobado.
S. 701. Charles H. Edgecomb.
S. 702. David Frazier.
S. 802. Alexander W. Barnes.
S. 812. John R. Tolbert.
S. 1052. William A. Chapman.
S. 1055. George W. Whaley.
S. 1217. Alfred B. Loop.
S. 1218. John Thompson.
S. 1220. George F. Raulston.
S. 1228. Edward Jenison.
S. 1326. Amos Brough.
S. 1359. Anderson C. Jones.
S. 1529. Smith A. Nicholson.
S. 1715. Elizabeth Weissmiller.
S. 1949. Benjamin C. Zeitler.
S. 1970. Cyrus N. Doom.
S. 1980. Robert B. Horrie.
S. 1981. George W. Holsted.
S. 1987. James C. Bowerman.
S. 2175. Frank McDaniels.
S. 2180. Millie Rhodes.
S. 2333. George S. Robinson.
S. 2377. Jennie A. Pettingell.
S. 2447. William Gant.
S. 2487. Simon W. Morgan.
S. 2488. Thomas H. Rutter.
S. 2528. John W. Dyer.
S. 2592. Albert P. Odell.
S. 2625. William W. Seagrave.
S. 2638. Henry J. Streight.
S. 2699. Murdock McLean.
S. 2722. Samuel T. Bennett.
S. 2857. David E. Leach.

S. 2865. Francis M. Ward.
S. 2957. Jane Brand Barnard.
S. 3002. Samuel T. Mills.
S. 3003. Alonzo J. Mather.
S. 3044. Daniel W. Roan.
S. 3148. Horace H. Warren.
S. 3206. John Gorman.
S. 3319. Sanford A. Herendeen.
S. 3332. James H. Riblet.
S. 3341. John M. Young.
S. 3344. William A. Phillips.
S. 3393. Mary A. Welker.
S. 3417. Myron Richards.
S. 3446. James A. Lyons.
S. 3455. William London.
S. 3471. Barton W. Prickett.
S. 3582. George W. Kuster.
S. 3604. Lewis Hyde.
S. 3631. James Henry Albert.
S. 3760. John T. Creeks.
S. 3775. H. Charles Ulman.
S. 3912. Isaac O. Bowman.
S. 3915. Anton Nedvidek.
S. 3972. William Riddle.
S. 4027. Joseph C. Kilburn.
S. 4045. Mira M. Danley.
S. 4120. William J. Seals.
S. 4168. Benjamin Richardson.
S. 4171. James E. Kinnard.
S. 4260. John S. Hughes.
S. 4357. Mattie M. Converse.
S. 4436. Isaac N. Wakefield.
S. 4437. Thomas P. P. Wilson.
S. 4502. George J. Wilson.
S. 4820. Martha A. Parkman.
S. 4822. William L. Pratt.
S. 4826. Edward E. Miles.
S. 4926. James Greer.
S. 4949. George W. Allen.
S. 5058. John F. Carll.
S. 5078. George P. Doeg.
S. 5166. Mary A. Corrigan.
S. 5172. Joseph M. Wolbert.
S. 5250. Thomas Southergill.
S. 5258. John R. Megee.
S. 5283. Alfred Shaffer.
S. 5290. William Norris, jr.
S. 5349. Amelia L. Adams.
S. 5353. Edward R. Taylor.
S. 5364. Charles Barton.
S. 5389. John K. Myers.
S. 5394. Amanda Smith.
S. 5477. Lydia A. Flack.
S. 5504. Mary C. Crowder.
S. 5583. Charles H. Perkins.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2689) to provide for the erection of a public building at Mannington, W. Va., reported it with amendments.

Mr. MARTIN of Virginia. I am directed by the Committee on the District of Columbia, to which was referred the bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, to submit an adverse report. (No. 451) thereon, and I ask that the bill be indefinitely postponed.

Mr. BRISTOW. I ask that the bill may go on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar with the adverse report of the committee.

Mr. MARTIN of Virginia, from the Committee on the District of Columbia, to which was referred the bill (S. 5375) for the relief of the police and firemen's pension funds, District of Columbia, reported it without amendment and submitted a report (No. 452) thereon.

He also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 20117. An act to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr. (Rept. No. 453);

H. R. 17239. An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and

operate a bridge across the Mississippi River (Rept. No. 454); and

H. R. 19638. An act to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel (Rept. No. 455).

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, reported it without amendment and submitted a report (No. 456) thereon.

He also, from the same committee, to which were referred the following bills, reported adversely thereon and the bills were postponed indefinitely:

S. 5288. A bill to provide for the grading and improving of Minnesota Avenue SE. from Good Hope Road to Eighteenth Street, in the District of Columbia;

S. 4868. A bill to provide for the grading and improving of Pennsylvania Avenue SE. from Bowen Road to the District line; and

S. 4315. A bill to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch.

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill (S. 5060) to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska, reported it with amendments and submitted a report (No. 459) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 5606) to provide for repairs and improvements at the lighthouse depot and headquarters, San Juan, P. R., reported it without amendment and submitted a report (No. 460) thereon.

Mr. BURNHAM, from the Committee on Commerce, to which was referred the bill (S. 2051) to promote the efficiency of the Life-Saving Service, reported it without amendment and submitted a report (No. 462) thereon.

Mr. WETMORE, from the Committee on the Library, to which was referred the bill (S. 5113) granting a charter to the National Emancipation Commemorative Society of the United States of America, asked to be discharged from its further consideration and that it be referred to the Committee on Industrial Expositions, which was agreed to.

Mr. BOURNE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5491) for the purchase of a site and the erection thereon of a public building at Corvallis, Oreg., reported it without amendment and submitted a report (No. 464) thereon.

He also, from the same committee, to which was referred the bill (S. 4985) to provide for the purchase of a site and for the erection of a public building thereon at Klamath Falls, Oreg., reported it with an amendment and submitted a report (No. 463) thereon.

Mr. REED, from the Committee on Commerce, to which was referred the bill (S. 4476) to provide for purchase of site, construction of wharf and buildings, and the necessary equipment for a depot for the sixth lighthouse district, reported it with amendments and submitted a report (No. 465) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 5658) granting to the El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes, reported it with amendments and submitted a report (No. 457) thereon.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war, to report it with amendments, and I submit a report (No. 458) thereon.

An identical bill has passed the Senate and been sent to the House, and on behalf of the committee I enter a motion to reconsider the votes by which Senate bill 4238 was passed.

The motion was agreed to.

Mr. DU PONT. I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. SMITH of Michigan. Mr. President, I desire to inter-rogate the Senator from Delaware for a moment, if he will per-

mit me. I should like to know whether the military appropriation bill (H. R. 18956) has been received from the House of Representatives.

Mr. DU PONT. It has been received and is now being considered by the Committee on Military Affairs.

Mr. SMITH of Michigan. It is now being considered by the Committee on Military Affairs?

Mr. DU PONT. Yes.

Mr. SMITH of Michigan. Will it be possible for the Senator from Delaware, who is chairman of the committee, to indicate about when the bill will be reported to the Senate?

Mr. DU PONT. I am afraid I could not do so definitely. The committee has decided to have some hearings on the bill, and that will necessarily take a little time. I suppose it will certainly be a fortnight before it will be reported.

Mr. SMITH of Michigan. Mr. President, one question further. A great many people of my State are very much concerned about the proposal to abolish Fort Brady at Sault Ste. Marie and Fort Wayne, Mich. That is a part of the military appropriation bill, as I understand it, and I have many protests against it, and some telegrams which I should like to have the privilege of reading, from prominent people at Sault Ste. Marie and in that vicinity, remonstrating against the abolishment of Fort Brady.

I desire the Senator from Delaware, the chairman of the committee, to know that I want to be heard upon the question of the abolishment of that fort and the fort at Detroit, Fort Wayne, before any final action has been taken by the committee.

Mr. DU PONT. I will say to the Senator from Michigan that I feel confident the committee will give him full opportunity to express his views on the question. The committee has not reached any conclusion or even considered that particular part of the bill.

As I understand the matter, the Secretary of War made certain recommendations, in response to an inquiry from the House, as to the military posts which could be abandoned in the future, whereupon the House provided in the Army appropriation bill that no expenditures should be made at such posts. But I think it will be a long time before a great number of them are discontinued, it being evident that before they can be abandoned other quarters must be constructed to take their place.

Mr. SMITH of Michigan. I am very greatly obliged to the Senator from Delaware for this frank statement, and I want to make an equally frank one, that before the military property of the Government of the United States on our border is to be sacrificed and abandoned something besides the recommendation of the Secretary of War will be necessary to accomplish it.

Mr. ROOT. Mr. President, as this subject is up, I shall take the opportunity to say, and I invite the attention of the chairman and the members of the Committee on Military Affairs to what I say, that that bill as it came from the House and was referred to the committee is full of provisions that ought not to be there; full of provisions that ought not to be in any appropriation bill, provisions which reverse the settled military policy of the United States, provisions which, if they are ever to be adopted, ought to be adopted as the result of the deliberate consideration of Congress upon substantive measures standing by themselves, instead of being forced through under the whip and spur of the necessity of an appropriation bill. They are provisions which were born of controversy and are not the result of the deliberate judgment of anyone as to what ought to be done for the benefit of the military establishment of the United States.

I want to be heard before any action is taken upon that bill in deliberate and detailed opposition to having legislation of the most important and radical character regarding the military establishment forced upon Congress in any such way as is proposed in the bill.

Mr. SMITH of Michigan. Mr. President—

Mr. WARREN. Will the Senator from Michigan yield to me for a moment?

Mr. SMITH of Michigan. Certainly.

Mr. WARREN. Mr. President, I want to take only a moment, for I appreciate that there is other business waiting. I am glad to hear from the efficient ex-Secretary of War on this occasion. I want to say that if we undertake to follow to a logical conclusion what has been sent to us from another place in the annual Army appropriation bill for 1913, there will soon be only two committees in Congress, and they will be the Committee on Appropriations and the Ways and Means Committee, for I do not know of any possible legislation affecting the Army that has not been loaded on or attempted to be loaded on the annual Army supply bill. If we follow this plan of all legislation being included in appropriation measures, what is there left for the other regular committees to consider?

Notwithstanding, Mr. President, that a part of this legislation-bearing appropriation bill reduces the Cavalry to two-thirds the limit that has heretofore prevailed, it is immediately followed by a bill for a Cavalry post—for three regiments more of Cavalry—and the inconsistency of this ought to be brought to a level of reasonable condition of consistency before we pass any such bills.

Mr. SMITH of Michigan. Mr. President, I can not permit the opportunity to pass without expressing my great joy over the accession of the distinguished Senator from New York [Mr. Root] to the ranks of those who are not yet quite ready to abandon all the fortifications of our coast. What he says about the Army appropriation bill will find a ready response in this Chamber, and I rejoice that he has given notice that he also wants to look into it further and proposes to have something to say about it before it is enacted into law.

I hold in my hand a telegram just received from the governor of our State and addressed to me, which says:

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

I know you will do all in your power to prevent the abandonment of Fort Brady, at Sault Ste. Marie. It is a model post, has highest value as a sanitarium for recuperation after tropical service, and guards a Government work on the border that has cost \$30,000,000.

CHASE S. OSBORN.

I also have telegrams from the mayor of Sault Ste. Marie and prominent citizens in that section of the State, who would regard it as wholly unjustifiable on the part of this Government to abolish these forts, the most conspicuous one on our border, at points where millions and millions of dollars have been expended in public works of the United States, where necessary to the people of our country.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. SMITH of Michigan. I am not quite through; but having expressed these few observations regarding the unwisdom of the bill before the Military Committee, I only suggest that if I am obliged to be absent from the Senate when this matter comes up I should like a full hearing before that legislation is disposed of.

Mr. DU PONT. Mr. President, I should like to say to the Senator from New York [Mr. Root] that I am sure the Military Committee will welcome any exposition of his views which are founded on his experience as Secretary of War, an experience which is of the most distinguished character, and that I fully agree with him as to the inexpediency and as to the impropriety of incorporating radical military legislation in an Army appropriation bill.

Mr. McCUMBER. Mr. President, I ask for the regular order of business.

The VICE PRESIDENT. The Senate is on the regular order of business, which is the presentation of reports of committees.

CONTINGENT EXPENSES OF THE SENATE.

Mr. WARREN. I am directed by the Committee on Appropriations to report a joint resolution, and, as it is very short and the matter is urgent, I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 83) making appropriations to meet certain contingent expenses of the Senate was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the following sums be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the contingent expenses of the Senate of the United States:

For folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, \$4,000.

For miscellaneous items, exclusive of labor, \$40,000.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees at such rates as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$25,000.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. REED. I ask that the joint resolution go over.

The VICE PRESIDENT. Objection is made to the present consideration of the joint resolution.

Mr. WARREN. Mr. President, I ask the attention of the Senator from Missouri for a moment. I have no objection to the joint resolution going to the calendar, but I wish to say that I shall be compelled to call it up soon, unless it be the idea of the Senator to allow some of the clerks and employees of the Senate to go unpaid. The matter is one that is urgent, because the contingent fund of the Senate is nearly exhausted and there are constant drains upon it for the expenses of the Senate. I will not take the time from the Senator from North Dakota [Mr. McCUMBER], who, I understand, desires to proceed

with a special order, but I wish to say that I shall call up the joint resolution at the first opportunity.

Mr. REED. Mr. President, I do not want to be put in the position of simply objecting to a measure without reason. I want to examine it. I notice that there is an item there permitting the payment of \$1.25 a page for printing. I do not know—

Mr. WARREN. No; the Senator is mistaken. It is not exceeding \$1.25 per printed page to stenographers, which is the established rate under which we have worked for a long time.

Mr. REED. A dollar and a quarter a page?

Mr. WARREN. Not exceeding a dollar and a quarter per printed page to stenographers.

Mr. REED. For a transcript?

Mr. WARREN. It is for all the duties they are called upon to perform, the shorthand reporting, the preparation of the copy for the printers, and so forth.

Mr. REED. Mr. President, it is simply because I do not understand—and no man can understand from a mere reading of the joint resolution—whether these expenses are reasonable or not, that I ask to have it go over, without any desire at all to stop reasonably speedy action.

Mr. WARREN. I will be very glad to have the Senator examine the joint resolution, and shall seek to call it up at the first opportunity after the special orders of the day.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

Mr. WARREN subsequently said: Mr. President, I think there is no further objection to the joint resolution I reported from the Committee on Appropriations this morning, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. WARREN. The joint resolution was read this morning.

The VICE PRESIDENT. It was read this morning.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MANEUVERING CAMP AT ANNISTON, ALA.

Mr. JOHNSTON of Alabama. I am directed by the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 178) creating a commission to investigate and report on the advisability, of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes, to report it without amendment, and I submit a report (No. 461) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. ROOT. Mr. President, I do not think we ought to act upon legislation of this description while sweeping measures affecting the military establishment are in the hands of the Committee on Military Affairs. I perceive that there is a tendency toward seesaw here, cutting out here and putting on there, a pretense of economy here and extravagant expenditure there, to please somebody or other. I think we ought to take a full and comprehensive view of the subject and not act by piecemeal. I therefore ask that the joint resolution go over.

Mr. JOHNSTON of Alabama. Mr. President, I only want to say to the Senator from New York that this joint resolution merely provides for the appointment of a board of officers for the purpose of reporting on this project. There is no money involved in it, and the question of establishing the maneuvering station at that place will be considered hereafter.

Mr. ROOT. Well, I would prefer to examine the joint resolution further.

Mr. GALLINGER. Mr. President, just one word. I ask the attention of the Senator from Alabama. Perhaps the matter is in correct form, but is it a House joint resolution?

Mr. JOHNSTON of Alabama. It is a House joint resolution.

Mr. GALLINGER. I notice it authorizes and directs the President to do a certain thing. I think, perhaps, that is not very happy language, and I wish the Senator would look into it.

Mr. JOHNSTON of Alabama. I will.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

REPORT ON VOCATIONAL EDUCATION.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution No. 243, submitted by Mr. BURNHAM

on the 4th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Agriculture and Forestry 3,000 additional copies, with covers, of Senate Report No. 405, Sixty-second Congress, second session, on the subject of vocational education.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 5671) for the relief of W. E. Thomas (with accompanying papers); to the Committee on Claims.

By Mr. CURTIS (for Mr. GAMBLE):

A bill (S. 5672) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908 (35 Stat. L., p. 556);

A bill (S. 5673) to repeal the provisions of the Indian appropriation acts of June 21, 1906, and March 1, 1907, removing the restrictions as to sale, incumbrance, or taxation of allotments within the White Earth Indian Reservation in the State of Minnesota;

A bill (S. 5674) for the relief of Indians occupying railroad lands;

A bill (S. 5675) extending the provisions of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," to all cases of bribery of representatives of Indians;

A bill (S. 5676) authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed 4 sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma;

A bill (S. 5677) to authorize the Secretary of the Interior to expend the proceeds arising from the sale of town sites on the Yuma Reservation in California and the Colorado River Reservation in Arizona and California; and

A bill (S. 5678) to ratify an agreement with the Weeminuche (or Wiminuche) and hereafter referred to as the Wiminuche Band of Southern Ute Indians in Colorado, for the relinquishment to the United States of their right to occupancy of the tract of land known as the Mesa Verde (with accompanying papers); to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 5679) to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910; and

A bill (S. 5680) to authorize the disposal of phosphate, nitrates, potash, oil, asphaltic minerals, or natural gas; to the Committee on Public Lands.

By Mr. NEWLANDS:

A bill (S. 5681) for the relief of former occupants of the present military reservation at Point San Jose, in the city of San Francisco, and to repeal an act entitled "An act to refer the claim of Jessie Benton Fremont to certain lands and improvements thereon in San Francisco, Cal., to the Court of Claims," approved February 10, 1893; to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 5682) for the relief of claimants who have paid money into the United States Treasury under compulsion of an unconstitutional statute; to the Committee on Interstate Commerce.

By Mr. WILLIAMS:

A bill (S. 5683) to confer jurisdiction on the Court of Claims to hear, determine, and adjudicate claims for the taking of private property and damages thereto as the result of the improvement of the Mississippi River for navigation; and

A bill (S. 5684) for the relief of the Methodist Episcopal Church South, at Sageville, Lauderdale County, Miss.; to the Committee on Claims.

By Mr. CULLOM:

A bill (S. 5685) for the relief of George Q. Allen; to the Committee on Claims.

A bill (S. 5686) for the erection of a post-office building at Geneseo, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. GARDNER:

A bill (S. 5687) granting an increase of pension to George A. Evans (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5688) granting an increase of pension to Mary A. Jackson; and

A bill (S. 5689) granting a pension to Francis Redmond; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 5690) granting a pension to Julia A. Roy (with accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5691) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes; to the Committee on Mines and Lining.

By Mr. WARREN:

A bill (S. 5692) to grant grazing lands to certain States for construction and maintenance of public roads; to the Committee on Public Lands.

A bill (S. 5693) providing for extension of time in which to make water-right and other payments under the Shoshone reclamation project, on account of inability, caused by loss of crops or other misfortune, to make payments due March 15, 1912; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. McCUMBER:

A bill (S. 5694) granting an increase of pension to Robert F. C. Evans (with accompanying paper); and

A bill (S. 5695) granting an increase of pension to James D. Calahan (with accompanying paper); to the Committee on Pensions.

By Mr. CUMMINS (for Mr. KENYON):

A bill (S. 5696) granting an increase of pension to Emmett A. Brockway; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5697) for the relief of Ira Haworth; to the Committee on Public Lands.

By Mr. LIPPITT:

A bill (S. 5698) granting an increase of pension to Samuel J. Dyer;

A bill (S. 5699) granting an increase of pension to Elizabeth Martin;

A bill (S. 5700) granting an increase of pension to Carrie H. Chase;

A bill (S. 5701) granting an increase of pension to Joseph D. Taylor;

A bill (S. 5702) granting an increase of pension to Lillian M. Hoxie;

A bill (S. 5703) granting an increase of pension to Daniel C. Stevens;

A bill (S. 5704) granting an increase of pension to Flora Annis;

A bill (S. 5705) granting a pension to Sarah R. Dexter;

A bill (S. 5706) granting an increase of pension to Laura Yale;

A bill (S. 5707) granting an increase of pension to Reuben H. Rich;

A bill (S. 5708) granting an increase of pension to Angeline R. Pickering;

A bill (S. 5709) granting an increase of pension to Mary Martin;

A bill (S. 5710) granting a pension to Margaret L. McDermott;

A bill (S. 5711) granting an increase of pension to Elizabeth Smith;

A bill (S. 5712) granting an increase of pension to Patrick McDermott;

A bill (S. 5713) granting an increase of pension to John Moore;

A bill (S. 5714) granting an increase of pension to Harrison O. Bemis;

A bill (S. 5715) granting an increase of pension to Mary Ella Fales;

A bill (S. 5716) granting an increase of pension to John T. Royle; and

A bill (S. 5717) granting an increase of pension to Sarah E. Harriman; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 5718) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes; to the Committee on Public Lands.

A bill (S. 5719) to increase the efficiency of the Medical Department of the United States Navy; to the Committee on Naval Affairs.

A bill (S. 5720) granting a pension to Jane Hanen; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5721) granting a pension to Adelaide E. Harding (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5722) to remedy in the line of the Army the inequalities in rank due to the past system of regimental promotion; to the Committee on Military Affairs.

A bill (S. 5723) granting a pension to Maggie Sanders; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5724) to correct the relative and lineal rank of an officer of the United States Army; to the Committee on Military Affairs.

By Mr. BACON:

A bill (S. 5725) to promote the efficiency of the Medical Department of the United States Army (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 5726) for the relief of the heirs of William Pope, deceased (with accompanying paper); to the Committee on Claims.

By Mr. OWEN:

A bill (S. 5727) to provide for the appraisal of the mineral deposits of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes; and

A bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States; to the Committee on Indian Affairs.

A bill (S. 5729) for the relief of the estate of G. W. Click, deceased; to the Committee on Claims.

A bill (S. 5730) granting an increase of pension to Josephine Brown (with accompanying papers);

A bill (S. 5731) granting an increase of pension to Henry Spencer (with accompanying paper); and

A bill (S. 5732) granting a pension to Chester A. Walker (with accompanying paper); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5733) to limit the time wherein actions may be brought to forfeit lands granted by the United States to certain railroad companies, which lands have been transferred by such companies; to the Committee on Public Lands.

By Mr. DILLINGHAM:

A bill (S. 5734) granting an increase of pension to Jeremiah Miles (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 5735) to enable the President to propose and invite foreign governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference; to the Committee on Foreign Relations.

By Mr. GUGGENHEIM:

A bill (S. 5736) to provide for the purchase of a site and the erection of a public building thereon at Lamar, in the State of Colorado (with accompanying papers); to the Committee on Public Buildings and Grounds.

Mr. CURTIS (for Mr. GAMBLE):

A joint resolution (S. J. Res. 84) to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WETMORE submitted an amendment proposing to appropriate \$30,000 for the improvement of the Harbor of Refuge, Block Island, R. I., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BAILEY submitted an amendment proposing to convey to the city of Brownsville and any charitable association of the State of Texas for park and hospital purposes such parts of the Fort Brown Military Reservation, in that State, not to exceed 50 acres, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

THE STEEL SCHEDULE.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was referred to the Committee on Finance and ordered to be printed.

PRESERVATION OF FUR SEALS.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 18571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, which was referred to the Committee on Foreign Relations and ordered to be printed.

WITHDRAWAL OF PAPERS—OMNIBUS CLAIMS BILL.

On motion of Mr. GALLINGER, it was

Ordered, That the papers accompanying S. 2440, Sixty-first Congress, entitled "A bill for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts," be withdrawn from the files of the Senate, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—WILLIAM DONNELLY.

On motion of Mr. POMERENE, it was

Ordered, That the papers in the case of William Donnelly, S. 1146, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

MISSISSIPPI RIVER LEVEES.

Mr. WILLIAMS. I submit a concurrent resolution, and I should like to have unanimous consent for its present consideration.

The Secretary read the concurrent resolution (S. Con. Res. 18), as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be requested to make a supplemental or additional report or estimate concerning the work of levee construction in the improvement of the navigability of the Mississippi River on the east bank thereof from Vicksburg to Bayou Sara for use in connection with S. 4353, being a bill to aid in construction of levees and embankments on the east side of the Mississippi River.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. NELSON. Mr. President, it is customary to have resolutions of that kind go to the Committee on Commerce before any action by the Senate, and I think the resolution ought to take the usual course and go to the Committee on Commerce.

Mr. WILLIAMS. That would be the regular course, Mr. President; but I have asked unanimous consent for this reason, and I ask the attention of the Senator from Minnesota to it. It was through him, in fact, that I secured the information which required the introduction of the concurrent resolution. The Committee on Commerce made a request of the War Department to send them certain information in connection with the bill referred to, and the War Department replied that under the statutes of the United States they could not, after a report was once made up, make any supplemental or additional report unless requested to do so by concurrent resolution. The sole object of the concurrent resolution is to secure from the War Department the information which it possesses for the use of the Committee on Commerce in the consideration of this bill and other bills before it. I ask the Senator from Minnesota to permit the consideration of the concurrent resolution.

Mr. NELSON. I have no objection, and I shall not delay the passage of the concurrent resolution. I have simply called the attention of the Senate to the fact that such resolutions always go to the Committee on Commerce; but, in view of the information that we have already obtained from the War Department, as stated by the Senator from Mississippi, I have no objection to action on the concurrent resolution now.

Mr. GALLINGER. Mr. President, I will ask the Senator from Mississippi if I am correct in the impression that the bill the Senator has just introduced is a bill where damages are claimed—

Mr. WILLIAMS. That has nothing to do with this resolution.

Mr. GALLINGER. Precisely not; but I want to get at a matter which I will try to reach in a moment—damages are claimed which, it is asserted, resulted from the building of levees along the banks of the Mississippi River. That is the point.

Mr. WILLIAMS. There is such a bill as that which I have introduced.

Mr. GALLINGER. The Senator introduced such a bill. The Government has made appropriations to build levees, and now the citizens come in and claim that damages resulted to their property, and they are asking the Government to pay them for these damages.

Mr. WILLIAMS. Mr. President, that question will come up, I hope, some day for consideration in the proper way. This concurrent resolution has nothing to do with that bill. This concurrent resolution has something to do with another bill—

Mr. GALLINGER. This concurrent resolution, as I understand, is a proposition to get information of the War Department that will induce us to build more levees. Is not that correct?

Mr. WILLIAMS. I want information from the War Department as to the present status of the levees constructed along this line, and the opinion of the War Department as to whether there should be construction of levees along this line, and this information the War Department said it could not give under the statute without a concurrent resolution, and therefore I introduced the concurrent resolution.

Mr. GALLINGER. I shall not object to the present consideration of the concurrent resolution, but I want to emphasize the fact that we are spending millions of dollars to protect and promote the commerce of certain streams, incidentally protecting private property at the same time, and there have been already millions of dollars of claims filed against the Government. Still we are building more levees. I think the Government should be protected in some way from being mulcted in damages for what it has done in this respect to protect navigation and commerce. I do not object to the resolution at all.

Mr. WILLIAMS. I have not wanted to argue that question now, and yet I am somewhat loath to allow what the Senator from New Hampshire has said to pass without reply. It is a matter of judgment for the Congress of the United States whether it shall build levees to promote the navigability of a stream, but if the Congress of the United States decides that it shall do so and if, as a result of its decision and its work, citizens have their property immediately destroyed, then it seems to me that it is very meet and proper for Congress to consider their claims, and that the Treasury of the Nation should respond to damages committed by the Nation. But that has nothing to do with the matter now before the Senate.

Mr. GALLINGER. I admit that, but these two measures come in juxtaposition. I am of the opinion that private property has been greatly enhanced in value by the building of dikes and—

Mr. WILLIAMS. It has been, but the private property affected in this instance has been greatly reduced in value. The properties do not belong to the same party, and the question is whether one citizen is expected to pay the damages that accrue to another through a benefit to him.

Mr. GALLINGER. I think the Government ought to look into this.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

THREE-YEAR HOMESTEAD BILL.

Mr. BORAH. I ask to have printed in the RECORD several editorials upon what is known as the three-year homestead bill. The VICE PRESIDENT. Is there objection? The Chair hears none.

The editorials are as follows:

[From the Portland Oregonian.]

LET POOR MEN HAVE HOMESTEADS.

While the railroads and all the commercial bodies of Oregon are uniting their energies to draw settlers to Oregon, the homestead and reclamation laws have the effect of scaring them away. The homestead law is generally understood to have been designed to give a poor man an opportunity to acquire a home and a farm, but its terms are so interpreted that only a capitalist on a small scale can avail himself of its privileges. The same statement is true in greater degree of the reclamation law.

A review of the practical working of these laws will show how their terms and the method of enforcement discourage, instead of encouraging, settlement. While the new railroads were building up the Deschutes Canyon into Central Oregon a considerable number of the laborers filed on homesteads in the surrounding country. They could have had at best but a few hundred dollars each. The first necessity was some temporary habitation, a few tools with which to build it, and some farming implements. Then a patch of land must be cleared, plowed, seeded, and fenced, for which a team is necessary.

By this time the settler's funds are probably about exhausted and he has no means, as yet, of making a living off his claim. He must earn money, but if he goes away to work on the railroad, in a logging camp, on a farm, or in a city, his claim is likely to be "jumped." Should he take this risk and escape the claim jumper, a special agent may happen to appear on the scene and make a note of his absence. Thus he must choose between risking the loss of his claim, with all the money and labor he has put in it, and remaining on his claim to starve. The consequence is that about four in five of the railroad laborers who took up claims in Central Oregon have abandoned them.

These are the handicaps suffered by a man without family. If he has wife and children, there are others. In a dry-land farming district, where the legal homestead is 320 acres, his nearest neighbor will be at least half a mile distant, and neighbors will be few and widely scattered. His wife is condemned to that deadly isolation which has produced the high rate of insanity among farmers' wives. There is no school for his children, and he must see them grow up in ignorance.

The homesteader's only escape is to sell his labor for some months for cash, which he urgently needs. Allowed to absent himself from his claim for six months each year at such times as employment is most abundant, he could earn this money. He would most probably leave his claim in the fall, secure work for the winter, move his family to the nearest town and send his children to school there. At that season he could do nothing on his claim and there would be no object in exposing his family to the rigors of winter on the open prairie and to the solitude of frontier life. But he should be allowed to leave his claim in either summer or winter, provided his absence does not exceed six months in any year, for the best opportunities for work come in the summer.

In the spring of the second year the homesteader can return to his claim, put more land under cultivation, and during the summer make much progress toward producing from it a living for him and his family. In the fall of that year he can harvest his first crop and begin getting returns on his labor. With his earnings of the second winter he may

make enough progress to dispense with any outside work, but he will probably make faster progress in getting all his land under cultivation if he is allowed to work elsewhere during the dull season on the farm.

It is estimated by men who are in the best position to know that a man who moves from the Middle West, brings his family and furniture to Oregon, and takes up a homestead needs about \$2,000 to pull him through until his land yields a living for the family without any outside aid, such as working for wages. While Oregon welcomes such men, and the Government should encourage them to come, the homestead law was designed for men without such equipment of capital, and should be amended on the lines of the Borah bill, in order that men with little beyond their strong arms, an elementary knowledge of farming, and a purpose to make a home on the land may not be excluded from its advantages.

The conditions attaching to settlement on land irrigated by the Government are even more onerous, for, in addition to the handicaps already enumerated, the settler must make considerable cash payments to the Government for his water right. As these cash payments give him an equity in the land similar to that of a man who has made a first payment on a house in town and who is making monthly payments, the Government should give him a patent as soon as he has made three annual payments and complied with the homestead law. He will then be in a position to borrow the money necessary for completion of improvements and the Government will be amply secured for the remaining payments by holding a lien on the land, which is yearly growing in value.

Oregon welcomes men of capital, large or small, but it also welcomes men who will invest that which is the source of all capital—labor—in the reclamation of her unpeopled, fertile plains and valleys.

[From the Sacramento Union.]

HOMESTEAD LAW TOO SEVERE.

There may be some merit in the objection raised by Secretary of the Interior Fisher to the new homestead law as proposed by Senator BORAH, of Idaho, but that some radical change in the statute in the interest of the homesteader is badly needed can not be successfully denied. The bill now before Congress, providing for the acquisition of title at the end of three instead of five years and allowing the entryman leave of absence for six months in each year, appears to be a little too drastic. It would, as Secretary Fisher argues, cut the required residence down to 18 months. In theory, however, it appears to be right in that it contemplates relieving the settler from the restriction which has bankrupted so many ambitious and deserving persons and allowed others better equipped financially to take advantage of their pioneer efforts.

Any change in the homestead law that will facilitate the cultivation of Government land and its transfer to private ownership in small parcels—quarter sections or less—will be in the public interest. To-day the public land is not for the poor man, because it requires him practically without interruption to live on his claim during the entire time within which he proves his right to it. Thus he must have sufficient money when he goes to the land to maintain himself and family, purchase stock and implements, and defray sundry other expenses until completion of proof, or for five years. Only because of illness or for kindred reasons can he leave his location without running the risk of having it grabbed away from him by some interloper more familiar, perhaps, with the technicalities of the law.

But were the statute so changed as to allow him leave of absence for a considerable period each year, he could earn the money with which to develop his claim while proving upon it in compliance with the Government's requirements.

The best way to promote settlement and tillage of the vast tracts of public land as yet untouched is to open them to the poor, to those who are looking for opportunities to make themselves independent, to those trying to become proprietors themselves, even in a modest way, and endeavoring to escape from the proprietorship of others.

It may not be well to cut the time required for proving title down to three years, but it is important that provision be made for the leave of absence very much as Senator BORAH desires. The Senator knows conditions in Idaho, where ill-advised policies of conservation have hampered the development of the State and closed opportunities that could long ago have been made productive of great wealth and progress. He is not a monopolist and can not be accused of playing to persons designing unfair acquisition of Government land. His opinion, therefore, ought to be of weight.

California, and particularly northern California, is deeply interested in any legislation affecting the homestead law. There are large tracts in this section of the State now open to entry and others that undoubtedly will be thrown open within the next few years. And California has suffered from the excessively restrictive features of the Federal statute very much as Idaho, though perhaps not to such an extent.

[From the Portland (Oreg.) Journal.]

PRISONERS ON HOMESTEADS.

Secretary Fisher is setting his own quickly gained impressions on requirements for homestead titles against the full knowledge and convictions of Senator BORAH and other friends of the settler.

Senator BORAH says three years is long enough to keep a homesteader waiting for his title. Secretary Fisher has read five years into existing laws and stands pat. Senator BORAH, knowing the variety of homesteads and that what would be possible for one would be cruelty when applied to another, proposes leaves of absence, if necessary, for the man to earn subsistence and improvement money. Secretary Fisher tightens up and would allow but four or five winter months' absence at the outside.

Secretary Fisher would demand a specific amount of cultivation before the settler gets his patent. His first action was that all the 160 acres should be cultivated before patent, and this evidently sticks in his brain. He seems to be a prairie State man and imagines that a settler can take his team and plow onto his 160 acres and break it all up in short order. It is a safe proposition that west of the Cascade Range a settler who has got his road or horse trail made, his cabin and a small barn and chicken house and pipen built, 10 acres cleared and fenced, a small orchard set out, a good garden in bearing, a few acres in oats, alfalfa, clover or vetch—that man has given hostages to fortune and should have his patent, even if he has done that work within the three years' limit.

So in other cases. Conditions will greatly vary. But the evidence of bona fide settlement and intention, not the performance of specified work, should be the test.

The Nation wants to get people onto the land. Its purpose should not be hindered by its own officials.

[From the Portland (Oreg.) Journal.]

TYING UP THE SETTLER.

Secretary Fisher seems disposed to be a cruel stepmother to the homesteader. Senator BORAH's bill, allowing a three years' homestead period and granting six months' leave of absence in each year of the three to entrymen desiring it, shows knowledge of and sympathy with the settler who has undertaken the hard task of subdividing 160 acres of land and living on it with his family. Residence surely supposes cultivation, when such residence is spread over three years, and no honest homesteader would balk at having to give proof of substantial cultivation and improvement.

But now Secretary Fisher proposes to reaffirm the five years' qualification for title after entry, though he is willing to allow actual residence to be begun at any time during the first two years. But the proof of the subsequent three years' residence should be accompanied, the Secretary considers, with more exacting requirements as to cultivation than now demanded. What his mind is on the "more exacting" requirements appears from his admission that he would favor the demand of the cultivation of the entire 160 acres before the patent was allowed to issue.

Does the Secretary imagine that the work of cultivating the entire 160 acres of a homestead could be done in 5 years, or in 10 for that matter, in 19 homesteads out of 20? An empty boon would the homestead be on such terms.

What the Government has a right to ask of the settler is proof of continuous purpose to improve, shown by such acts as would be expected from a purchaser of the 160 who intended making it his residence.

Let the Secretary spend his next fall vacation on an Oregon homestead of raw land and see how much impression he can make in a month or two of actual work. He would return East with that fellow feeling for the settler that would make him wondrous kind.

GEORGE JONAS GLASS CO. V. GLASS BOTTLE BLOWERS' ASSOCIATION
(S. DOC. NO. 333).

Mr. BRIGGS. I ask that the opinion in the case of The George Jonas Glass Co. v. The Glass Bottle Blowers' Association of the United States and Canada, submitted May 6, 1907, and decided May 18, 1907, being in volume 72, of the New Jersey Equity Reports, be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered. The order as agreed to was reduced to writing, as follows:

Ordered, That the opinion in the case of The George Jonas Glass Co. v. The Glass Bottle Blowers' Association of the United States and Canada, William M. Doughty et al., submitted May 6, 1907, decided May 18, 1907, page 653 to 655, inclusive, New Jersey Equity Reports, volume 72, 11 Buchanan, be printed as a Senate document.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On March 5, 1912:

S. 4551. An act to extend the time for completion of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., authorized by an act approved August 5, 1909.

On March 7, 1912:

S. 2453. An act for the relief of Benjamin F. Martz, and for other purposes; and

S. 3211. An act authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy.

PENSION BILLS.

The VICE PRESIDENT. Is there other morning business? If not, morning business is closed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the pension bills on the calendar.

The VICE PRESIDENT. The Senator from North Dakota moves that the Senate proceed to the consideration of pension bills on the calendar.

Mr. SMITH of Georgia. Mr. President, it seems to me that this request should be divided and that one of the bills should be named and not all the bills.

The VICE PRESIDENT. The Senator is correct as a matter of order. The Senator from North Dakota moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SMITH of Georgia. It is just to proceed to the consideration of the one bill?

The VICE PRESIDENT. It is just to proceed with the one bill. Is there objection to the request? The Chair hears none, and the bill is before the Senate as in Committee of the Whole. Is there objection to dispensing with the formal reading of the bill? The Chair hears none.

The bill proposes to pension the persons named at the following rates:

Truman Hall, late of Company F, Twenty-second Regiment New York Volunteer Infantry, and Company F, Second Regiment New York Veteran Volunteer Cavalry, \$30.

David Williams, late second Lieutenant Company A, Forty-fifth Regiment Illinois Volunteer Infantry, \$24.

Phillip Lucas, late of Company A, Eighty-second Regiment, and Company F, Twenty-second Regiment Indiana Volunteer Infantry, \$24.

Frank A. Fassett, late of Company E, Twentieth Regiment Michigan Volunteer Infantry, \$30.

Frank P. Sargent, late of Company D, First Battalion Maine Volunteer Infantry, \$24.

Abram Trexler, alias Abram Hacker, late of Company K, Eighty-second Regiment New York Volunteer Infantry, \$30.

Sartin McComas, late of Company E, First Regiment West Virginia Veteran Volunteer Infantry, \$30.

Henry S. Back, late of Company B, First Regiment Minnesota Volunteer Cavalry, \$24.

Ebenezer B. Sims, late of Company H, First Regiment West Virginia Volunteer Cavalry, \$24.

Darius Young, late of Company B, One hundred and twenty-first Regiment Ohio Volunteer Infantry, \$24.

Isaac Underwood, late of Company A, Thirty-second Regiment Wisconsin Volunteer Infantry, \$24.

Philip Riley, late of the U. S. S. *Ohio, Iron Age, and Quaker City*, United States Navy, \$24.

John Bossinger, late of Companies K and C, Forty-first Regiment Pennsylvania Volunteer Infantry, \$30.

William D. Kelley, late unassigned First Regiment Pennsylvania Reserve Volunteer Light Artillery, and Company C, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, \$24.

James L. Anderson, late of Company A, Sixty-seventh Regiment, and Company G, Twenty-fourth Regiment, Indiana Volunteer Infantry, \$24.

Albert L. Rivers, late of Company D, Eleventh Regiment Kansas Volunteer Cavalry, \$24.

Augustus Knowles, late of Company B, Thirty-fifth Regiment Iowa Volunteer Infantry, \$30.

Budge T. Underwood, widow of Sherman D. Underwood, late of Company B, Fremont's bodyguard, Missouri Volunteers, and captain Company K, Tenth Regiment Missouri Volunteer Cavalry, \$12.

Charles B. Stuart, late of the U. S. S. *Sabine, Canonicus, and Princeton*, United States Navy, \$24.

August Scholz, late first lieutenant and captain Company I, Forty-first Regiment New York Volunteer Infantry, \$30.

John C. Mercer, late of Company H, One hundred and seventy-second Regiment Ohio National Guard Infantry, \$24.

Jacob Taylor, late of Company H, Fifty-third Regiment Indiana Volunteer Infantry, \$30.

James Killmartin, late of Company F, Sixty-second Regiment Ohio Volunteer Infantry, \$30.

Richard F. Cain, late of Company E, Twenty-fifth Regiment Indiana Volunteer Infantry, \$30.

William Weaver, late of Company D, Battalion, Twenty-first Regiment New York Volunteer Cavalry, \$24.

Thomas Mullen, alias Maloney, late of Company E, Fortieth Regiment Missouri Volunteer Infantry, \$24.

Hannah J. Matter, widow of Henry Matter, late of Company A, Fifth Regiment Iowa Volunteer Infantry, and former widow of Josephus Duncan, late of Company F, Engineers of the West, Missouri Volunteers, \$12.

Charles A. Underwood, late of Companies D and C, Fifteenth Regiment Illinois Volunteer Infantry, \$24.

Sadie M. Likens, former widow of David I. Washburn, late of Company H, Eleventh Regiment Wisconsin Volunteer Infantry, and widow of William W. Likens, late captain Company H, Forty-third Regiment Wisconsin Volunteer Infantry, \$20.

Elias Cleveland, late of Company K, Eighty-seventh Regiment Illinois Volunteer Infantry, \$24.

Joel Goodrick, late of Company G, Cass County Missouri Home Guards, and Company H, Ninth Regiment Kansas Volunteer Cavalry, \$24.

William B. Taylor, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, \$30.

Sarah A. Coons, widow of John W. Coons, late captain Second Independent Battery, Iowa Volunteer Light Artillery, \$20.

Harvey L. Rose, late of Company F, First Regiment Michigan Volunteer Infantry, \$30.

John Mehan, late of U. S. S. *Dunbarton*, United States Navy, \$30.

Ransford P. Williams, late of Company C, Second Regiment, and Company A, Twenty-sixth Regiment, Connecticut Volunteer Infantry, \$30.

Michael Dolan, late of U. S. S. *Great Western and Juliet*, United States Navy, \$24.

William H. Dillingham, late of Company B, Thirty-third Regiment, and Company H, Twenty-sixth Regiment, Kentucky Volunteer Infantry, \$24.

Francella King, widow of Valentine King, late of Company K, Fourth Regiment Iowa Volunteer Infantry, \$20.

Denis McCloskey, alias William Thompson, late of Company K, Second Regiment New Hampshire Volunteer Infantry, \$24.

John F. Walker, late of Company C, Fourth Regiment Maine Volunteer Infantry, \$30.

John Hodge, late of Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, \$30.

Mary White, widow of William White, late of Company D, Fourth Regiment Minnesota Volunteer Infantry, \$20.

Ke-way-gah-bow-e-quay, dependent mother of John Brown, late of Company G, Ninth Regiment Minnesota Volunteer Infantry, and Charles Weaver, late of Company K, Second Regiment Minnesota Volunteer Infantry, \$12.

Hamilton Lutes, late of Company K, Eighty-ninth Regiment Indiana Volunteer Infantry, \$40.

John S. Armstrong, late first lieutenant Company C, First Regiment Ohio Volunteer Heavy Artillery, \$40.

Samuel Conrad, late of Company B, Twenty-sixth Regiment Ohio Volunteer Infantry, \$30.

John Turner, late of Company F, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, \$24.

George Bond, late of Company C, Thirteenth Regiment Kansas Volunteer Infantry, \$40.

William A. Cutler, late of Company C, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, \$20.

John H. McEathron, late of Company A, One hundred and forty-second Regiment Illinois Volunteer Infantry, \$24.

Joseph Laduke, late of Company H, Thirty-second Regiment Wisconsin Volunteer Infantry, \$30.

Marion Campbell, late of Company C, Twenty-seventh Regiment Missouri Volunteer Infantry, \$24.

Ashel E. Dickinson, late of Company E, Tenth Regiment New York Volunteer Heavy Artillery, \$30.

George Richards, late of Company F, One hundred and thirty-eighth Regiment Ohio Volunteer Infantry, \$24.

James Deselms, late of Company B, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and Company A, Fourteenth Regiment Veteran Reserve Corps, \$30.

Hattie Pearson, widow of Andrew Pearson, late of Company D, Eighth Regiment Indiana Volunteer Cavalry, \$12.

Leroy T. Hills, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, \$30.

William H. Torrey, late of Company E, Fiftieth Regiment Wisconsin Volunteer Infantry, \$24.

John E. Dolloff, late of Company A, First Regiment New Hampshire Heavy Artillery, \$24.

Thomas Adams, late of Company K, Sixty-third Regiment Indiana Volunteer Infantry, \$24.

Jesse Gilbert, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, \$30.

Seth Goldthwait, late of Company A, Thirtieth Regiment Maine Volunteer Infantry, \$50.

Emerette A. Walter, widow of Ira Walter, late of Company C, First Regiment Connecticut Volunteer Heavy Artillery, \$20.

Lizzie I. Russ, widow of Alamando B. Russ, late of Company B, Forty-seventh Regiment Massachusetts Militia Infantry, and former widow of Arthur Q. Routh, alias Quintus Arthur, late of Company B, Second Regiment Illinois Volunteer Cavalry, \$12.

William Bessinger, late of Company E, Ninety-third Regiment Volunteer Infantry, \$30.

Soll P. Merrill, late of Company E, Fourteenth Regiment Vermont Volunteer Infantry, \$24.

Albert L. T. Bush, late of Company H, Twenty-fifth Regiment Michigan Volunteer Infantry, and Company H, Nineteenth Regiment Veteran Reserve Corps, \$30.

James O'Neill, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, \$30.

Richard Simpson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, \$30.

William H. McKay, late of Company B, Forty-second Regiment Missouri Volunteer Infantry, \$24.

Jacob Waymire, late of Company G, Twelfth Regiment Kansas Volunteer Infantry, \$36.

James N. Bascue, late of Company E, One hundred and first Regiment Illinois Volunteer Infantry, \$24.

John M. Herman, late of Company K, Twelfth Regiment Illinois Volunteer Infantry, \$24.

Francis L. Prouty, late of Company C, First Regiment Nebraska Volunteer Cavalry, \$50.

Horace P. Lester, late of Company E, Third Regiment Rhode Island Volunteer Cavalry, \$24.

Elizbeth W. Everett, widow of Handel P. Everett, late of Company A, Fifty-first Regiment Massachusetts Militia Infantry, \$20.

Amos E. Morgan, late of Companies I and E, Eighth Regiment Michigan Volunteer Cavalry, \$30.

Jonathan Huntley, late of Company K, Second Regiment Minnesota Volunteer Cavalry, \$30.

Edward L. Allen, late of Company K, Fifth Regiment Vermont Volunteer Infantry, \$24.

Honora A. Williams, widow of George Williams, late of Company A, Seventh Regiment Pennsylvania Reserves Volunteer Infantry, \$20.

Alonzo Moe, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, \$24.

Simon V. Seeley, late of Company B, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, \$24.

Heber Angel, late of Company M, Sixth Regiment Michigan Volunteer Cavalry, \$24.

Lester A. Corp, late of Company C, Fifty-eighth Regiment Massachusetts Volunteer Infantry, \$24.

Mary A. Bacon, widow of William K. Bacon, late of Company G, Thirty-sixth Regiment Massachusetts Volunteer Infantry, \$20.

Mandred O. Savage, late of Company C, Third Regiment Maine Volunteer Infantry, and Company C, First Regiment Maine Volunteer Heavy Artillery, \$24.

John Feeney, late of Company K, Ninth Regiment Illinois Volunteer Infantry, \$40.

Walter E. Truax, late of Company B, Sixth Regiment Iowa Volunteer Cavalry, \$30.

Robert Smith, late captain Second Company Massachusetts Volunteer Sharpshooters, \$24.

Henry H. Warner, late of Company C, Eighty-ninth Regiment Illinois Volunteer Infantry, \$50.

David H. Robinson, late of Company I, Twenty-second Regiment Maine Volunteer Infantry, \$24.

W. H. T. Wakefield, late first lieutenant, Company F, One hundred and thirteenth Regiment United States Colored Volunteer Infantry, \$30.

Joseph Annis, late of Company K, Second Regiment Maine Volunteer Cavalry, \$30.

John W. Ayer, alias Charles W. Dennison, late of Company B, Second Regiment Rhode Island Volunteer Infantry, \$40.

Barnet W. Sawyer, late of Company C, Twelfth Regiment Maine Volunteer Infantry, \$24.

Georgianna L. Green, widow of Ebenezer D. Green, late of the Twelfth Battery, Massachusetts Volunteer Light Artillery, \$20.

Sarah A. Stephenson, former widow of Wharton Ransdell, late of Company G, Seventieth Regiment Indiana Volunteer Infantry, \$20.

William A. Coddington, late of Company B, Eighteenth Regiment Missouri Volunteer Infantry, \$24.

Isaac T. Atterberry, late of Company L, First Regiment Missouri Volunteer Cavalry, \$30.

Thomas Penwarden, late of Company F, Fifth Regiment Kansas Volunteer Cavalry, \$30.

Elijah P. Creech, late of Company D, Eleventh Regiment Indiana Volunteer Cavalry, \$24.

Edward M. Crabbs, late of Company C, One hundred and fourteenth Regiment Illinois Volunteer Infantry, \$24.

Thomas R. H. Simmons, late of Company F, Fourth Regiment Provisional Enrolled Missouri Militia, \$24.

John A. White, late of Company G, Nineteenth Regiment, and Company H, Fifty-eighth Regiment, Massachusetts Volunteer Infantry, \$24.

Lucy E. Culp, widow of Edward C. Culp, late major, Twenty-fifth Regiment Ohio Volunteer Infantry, \$20.

Fayette W. Barlow, late of Company C, One hundred and fifty-ninth Regiment New York Volunteer Infantry, \$24.

Robert McIntosh, late of Company B, Second Battalion, Pennsylvania Volunteer Infantry, \$24.

John W. Forester, late second lieutenant Company E, Forty-ninth Regiment Kentucky Volunteer Mounted Infantry, \$50.

Edward R. Hutchins, late of Company I, First Regiment Massachusetts Volunteer Infantry, \$30.

Helen Louise Scott, widow of the late Winfield Scott, late captain Company C, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and post chaplain United States Army, \$30.

Felix Deflin, late of United States Marine Corps, \$30.

Edward P. Thorn, late of Company C, Fourteenth Regiment New Jersey Volunteer Infantry, \$30.

John Stone, late of Company E, Tenth Regiment Missouri Volunteer Cavalry, \$30.

James T. Berry, late captain Company L, Eighth Regiment Illinois Volunteer Cavalry, \$30.

Fannie F. De Witt, widow of J. W. De Witt, late assistant surgeon Seventeenth Regiment Pennsylvania Volunteer Cavalry, \$20.

Frank A. Wardwell, late of U. S. S. *Vandalia* and *Ohio*, United States Navy, \$30.

William H. Blake, late of Company F, Sixteenth Regiment United States Infantry, \$30.

George B. Hazen, late of Company B, Hatch's Independent Battalion Minnesota Volunteer Cavalry, \$30.

Nicholas Fifer, late of Company G, Fifth Regiment Wisconsin Volunteer Infantry, \$30.

Henry C. Lamphier, late of Company H, Thirtieth Regiment Wisconsin Volunteer Infantry, \$24.

Edna Stevens, widow of Charles Stevens, late first lieutenant Company C, Third Regiment Maryland Volunteer Infantry, \$20.

Charles H. Grant, late second lieutenant Company F, Thirtieth Regiment Wisconsin Volunteer Infantry, \$40.

John B. Catlin, late captain Company I, Eighty-seventh Regiment Indiana Volunteer Infantry, \$40.

William H. Brooks, late of Company D, Hatch's Independent Battalion Minnesota Volunteer Cavalry, \$40.

David Johnson, late of Company E, Tenth Regiment New York Volunteer Infantry, \$30.

John Tredo, late of Company G, Twelfth Regiment New York Volunteer Cavalry, \$30.

Taranndocty Owens, widow of William N. Owens, late major First Regiment Kentucky Volunteer Cavalry, \$25.

Jacob S. Young, late of Company K, Fifth Regiment Kansas Volunteer Cavalry, \$30.

John F. Arnold, late of Company F, Eleventh Regiment Maine Volunteer Infantry, \$30.

William H. Coleman, late of U. S. S. *Robert Leslie*, United States Navy, \$30.

Mr. McCUMBER. On page 4 of the bill, line 20, I move to strike out the initial "T" and insert "F," so as to read: "Budge F. Underwood."

The amendment was agreed to.

Mr. McCUMBER. Mr. President, there are several other committee amendments. On page 11 I move to strike out all of lines 22 to 25, inclusive, being the case of Leroy T. Hills, the proposed beneficiary having died since the bill was reported.

The amendment was agreed to.

Mr. McCUMBER. On page 12 I move to strike out all of lines 21 to 25, inclusive, the case of Emerette A. Walter, the proposed beneficiary having died since the bill was reported to the Senate.

The amendment was agreed to.

Mr. McCUMBER. On page 17 I move to strike out all of lines 7 to 10, inclusive, the case of Walter E. Truax. A bill for this soldier passed the House of Representatives for the same amount, and I do not wish to duplicate it.

The amendment was agreed to.

Mr. McCUMBER. On page 16 I move to strike out all of lines 5 to 8, inclusive, in the case of Simon V. Seeley, the proposed beneficiary having died since the bill was reported to the Senate.

The amendment was agreed to.

Mr. McCUMBER. On page 17, I move to strike out all of lines 19 to 22, inclusive, in the case of David H. Robinson, the proposed beneficiary having died since the bill was reported.

The amendment was agreed to.

Mr. McCUMBER. On page 20, line 5, I move to strike out the word "twenty" and insert in lieu thereof the word "twenty-five." This is the case of Lucy E. Culp, and \$25 is the amount agreed upon by the committee.

The VICE PRESIDENT. That amendment has already been agreed to.

Mr. McCUMBER. It has been?

The VICE PRESIDENT. An amendment was agreed to, when the bill was first considered, making it \$24.

Mr. McCUMBER. I move to make it \$25.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. Is that all?

Mr. McCUMBER. That is all.

The VICE PRESIDENT. Are there other amendments to be offered as in Committee of the Whole?

Mr. SMITH of Georgia. I desire to amend by striking out that portion of the bill which carries the pension of Frank A. Wardwell, but I have not the lines before me.

The VICE PRESIDENT. It is at the bottom of page 21, the Secretary advises the Chair.

The SECRETARY. Beginning on line 24, page 21.

Mr. SMITH of Georgia. And lines 1 and 2 on the page following.

Mr. McCUMBER. Will the Senator from Georgia again state the amendment?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 21, lines 24 and 25, and lines 1 and 2 on page 22, strike out the item relative to Frank A. Wardwell.

Mr. SMITH of Georgia. Mr. President, while my relations with the Pension Office which at one time existed did not commend to me special pensions, yet it was not my purpose a few days ago, when I called attention to the fact that this bill really was not read, to take any part in the discussion of these special pensions, and it is not now my purpose to go elaborately into them or to resist them to the extent they could be resisted.

My lack of being predisposed to special pensions is due to the fact that it seems to me it must be utterly impossible for Congress to give proper consideration to special pensions, and the way in which this bill was being passed when I called attention to it, illustrated the utter impossibility of any real consideration of these measures by the Senate. The bill was not even being read once; a name to a page was read, and we called it read to the Senate.

Mr. President, the report of the Pensions Commissioner shows that the last Congress passed 9,649 special pension bills.

The last session of the last Congress passed 3,586 special pension bills. How difficult it must have been for the Senate and the House to have found the time in that short session to give careful or even tolerably careful consideration to 3,586 different claims. Yet the Senate passed them and the House passed them, presumably knowing what they were doing. How difficult it must have been even for the committee in a few months time to have examined carefully 3,586 claims. One Congress passed 9,649 claims. How utterly impossible, at least, how difficult and how laborious, must have been the work placed upon the committee to really examine such a number of claims.

Now, we have begun this session. We do not know how many are to be offered to us. They just come and come and come. It is the system that does not impress me favorably, the system of taking certain special men and granting special pensions to them when it must be almost impossible to investigate their different claims. The committee has no special service to go out and criticize or examine the accuracy of the ex parte statements furnished the committee. Those of us who have practiced law realize how utterly unreliable ex parte affidavits are, and yet the committee, if it had time to investigate each one of these claims, must be limited to the ex parte affidavit.

Let me go a little further. We have 22,323 special pension bills now in life, according to the report of the Pensions Commissioner the 1st of last July, costing the Government \$6,601,357 a year, and nearly half of them were passed by the last Congress. That is the status of our special pension legislation.

My objection generally to this kind of legislation is that at least there is a danger that a few favored ones shall receive the increase at the expense of the many who have no hearing.

I move to strike out the particular pension that I name, and I ask that the report of the committee and the testimony with reference to that pension be read. I ask the chairman to have the testimony which was before the committee brought into the Senate, as I shall ask to have the testimony in a few other cases read. I want to illustrate, if I can, by making a comparison between the particular parties to whom pensions are given under special pension bills and the great rank and file of the soldiers who fought the war. I wish to show how these special men are being given an advantage over the rank and file of the real soldiers.

Mr. McCUMBER. Mr. President, I do not know whether the Senator from Georgia is acquainted with the method by which all the cases are examined and what is the regular procedure in the Senate Committee on Pensions.

Mr. SMITH of Georgia. I beg to state, if the Senator will allow me, that I am not.

Mr. McCUMBER. I desire to explain it to the Senator.

Mr. SMITH of Georgia. I appreciate the Senator's doing so, because I am not acquainted with it. As I said, I got into this discussion without any premeditated purpose of getting into it; it was almost accidental.

Mr. McCUMBER. There are a great many pension bills that are introduced. A great many are not considered, of course, during the session in which they are introduced. It has been my custom heretofore to notify those Senators who introduced

private pension bills that I desired them to make a list of the bills, and in that list to give them to me in the order in which they wished to have them considered, calling attention to the fact that in the consideration of those cases we desire to reach those of the most exigent character first and those that demand immediate relief. That is the object of the general letter which I send out at the beginning of each session.

Mr. President, we have not only the examiners, who are a part of the clerks accorded to this committee, but in addition there is sent up from the Bureau of Pensions an expert in the examination of this character of pensions. This expert works the year around upon these cases, with what additional help we can give him during the sessions with the clerical force that is given to the Committee on Pensions. But he is at work all of the time, and he works under certain rules that have been adhered to for the most part by the Senate Committee on Pensions as to the circumstances in which pensions will be allowed and also the amount that will be allowed under given cases.

In addition to this, immediately upon a pension bill being referred to my committee we send down to the Bureau of Pensions and obtain every record in the bureau concerning the soldier, any matters that are on file in previous applications for pensions, including the examinations of physicians and their reports from the time he first made his application for a pension, after the close of the war or during the war, until the present time. So we get quite a complete history of that case. We have everything that the Bureau of Pensions would have, and we have an expert from the Bureau of Pensions, who passes upon those cases the same as he would pass upon other cases under the general law, the amounts of which are determined by the Pension Bureau.

In addition to that, we also immediately send down to the War Department and get every record we can find in the War Department concerning the service of the particular person. Having obtained those they are examined very carefully. As I said, considerable time is taken in the examination of the records from these two departments.

After that is accomplished, we then require additional evidence for the most part as to the condition of the soldier at the time—his financial and his physical condition. If any Senator knows the party personally he also gives his testimony concerning him. If anyone wants a hearing who has introduced a bill it is given him. In a great many and perhaps in most cases where a bill is introduced, the Member of the House introducing the bill or the Member of the Senate who introduced the bill has a personal acquaintance with the soldier.

Mr. SMITH of Georgia. Will the Senator permit me to ask him a question?

Mr. McCUMBER. Let me finish this statement, if the Senator will allow me.

Mr. SMITH of Georgia. Certainly.

Mr. McCUMBER. We have not, of course, all the testimony taken down concerning each individual case. Some case I may know of personally, myself, and know the conditions. When any Senator states the actual condition of a claimant for whom he introduced a bill we accept, of course, his statement, which is often in writing, as to that condition, and upon that we base our report.

I think it quite proper at this time, Mr. President, to state the general rules that govern the committee, first, in the allowance of pensions and, second, in the amount which will be allowed to each claimant.

The Senator possibly may be surprised because we do not often make any adverse reports. The reason why we do not make adverse reports is that it is generally the desire of the party introducing bills, if we can not report them favorably, to simply let them lie without taking any further steps in the matter, which, of course, so far as the claimant is concerned, is equivalent to an adverse report upon it; in other words, they are not brought before the Senate again.

My throat is rather bad, and I know the Senator will excuse me if I will ask the Secretary to read a little statement which I prepared as to the method of dealing with these cases, the amounts allowed, and the evidence that governs us in the allowance. Taking this little statement which I have prepared in connection with the rules, which every Senator can obtain on application to the committee, the general rules which operate practically as our constitution in the matter of the allowance of private pension claims, one can get a thorough idea. I merely wish to say in addition and in explanation to the Senator's question that the reports themselves can not contain all of the evidence, and we very briefly state the general features of the case in the report; but the amounts are fixed under certain rules that we consider properly governed by the testimony in the case.

I ask the Secretary to read the prepared statement.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

GENERAL RULES OBSERVED BY THE SENATE COMMITTEE ON PENSIONS IN ARRIVING AT CONCLUSIONS IN GRANTING PENSIONS BY SPECIAL ACTS AND IN DETERMINING THE AMOUNT WHICH SHOULD BE ALLOWED IN EACH CASE.

"First. The beneficiary must exhaust all rights under the general pension laws through the regular channels of the Pension Bureau before the committee will take up a bill for his relief.

"Second. In each case evidence must be filed with the bill or in the Pension Office, showing that the amount allowed under the general pension laws is not sufficient to give the beneficiary the ordinary necessities of life, and that the beneficiary has no other source of income or property which would allow him to secure those necessities independent of pension.

"Third. In each case medical evidence must be submitted, showing that the beneficiary is so disabled, from causes other than vicious habits, as to preclude the possibility of his earning a support by manual labor.

IN THE CASE OF SOLDIERS.

"In cases where the foregoing requirements have been complied with, and it has been shown that the soldier had a reasonably long and faithful service, and that he is now disabled and suffering from disabilities of an extreme nature, though not requiring aid and attendance of another person, the general custom of the committee is to recommend an increase to \$20 or \$24 per month, depending to a large extent upon length of service and nature of disabilities.

"In case the soldier had a long service and is now destitute and suffering from disabilities of an extreme nature, such as to preclude the possibility of his earning anything for his support, such as partial blindness, partial paralysis, or being crippled by other diseases not due to service, and requiring occasional aid and attendance of another person, an increase to \$30 is usually recommended.

"In case the soldier is pensioned under general laws at \$12 to \$17 per month for wounds or disease contracted in the service, and it is shown that his disabilities have greatly increased, partly from service disabilities and partly from other causes, an increase to \$30 per month or \$36 per month is recommended, and in some extreme cases an increase to \$40 is recommended.

"In case the soldier is pensioned under the general law at \$24 to \$30 per month, showing that he is totally disabled for manual labor by reason of wounds or disease contracted in the service, and he has since become totally helpless so as to require constant aid and attendance of another person and has no other means of support than his pension, a rate ranging from \$40 to \$50 is sometimes recommended, the \$50 rate being given only in the most extreme cases.

"In making these recommendations the service of the soldier is always considered, as well as the nature of the disability, a higher rate usually being given for a disability causing constant suffering and pain than would be given in case where the beneficiary experienced no physical pain.

"The fact that the soldier has an aged or invalid wife or helpless child dependent upon him is always considered as reason for a higher rating.

"In case where the soldier is not receiving any pension at the Pension Bureau through his inability to furnish necessary positive proof of incurrence of disability in service, but strong presumptive proof is furnished, a rating never in excess of the general law rating is recommended.

"In case of Spanish War and Regular Army service it must be shown beyond reasonable doubt that disability is due in part, at least, to service, and in such cases ratings not to exceed the general-law rating for such disabilities are recommended.

"In all cases the complete records of the Pension Office are called for by the committee and carefully gone through, and a report is obtained from the War Department as to service.

A FEW SAMPLE CASES.

[From S. 4314, Calendar No. 191, Report No. 164.]

"On page 2 of the report (S. 34), Trueman Hall: The soldier served almost continuously from June 6, 1861, to November 8, 1865. He was pensioned for gunshot wound of left side received in action. He also had disease of the eyes as result of measles contracted in the Army. He is 69 years of age, generally broken down in health from many diseases incident to old age, and is wholly incapable of performing labor, and has a dependent wife upon him. Your committee recommend \$30.

"David Williams (S. 112): The soldier enlisted August 30, 1861, and served about two years. He was wounded in the right hip in action with the enemy, for which he was granted a

pension. He is 71 years of age, badly disabled from disease incident to old age, and has no property of any kind. He, of course, is able to get about, and is not as badly disabled as the soldier in the preceding case, hence your committee recommend \$24.

"On page 29 (S. 1699), Seth Goldthwait: The soldier served from December, 1863, to August, 1865. He is paralyzed and helpless and in destitute circumstances. He has lost the use of both legs and is unable to stand or walk, and is in every respect a helpless cripple. He is unable to prove his disabilities are due to service, and the highest pension he can get under existing law is \$12. Owing to his absolutely helpless condition and his destitution your committee recommend \$50.

"On page 13 (S. 571) Hannah J. Matter: In this case the widow was first married to a soldier named Dunton in 1849. She was the wife of the soldier during the entire war and until July, 1898, when he died. She married another soldier, Henry Matter, April 18, 1900. Under existing laws she is not entitled to any pension, her last marriage having taken place subsequent to June 27, 1890. She is the widow of two soldiers, and under existing laws she is not entitled to any pension. She was the wife of one soldier all through his service, and that soldier was badly injured by reason of service. In this case your committee feel justified in giving her the general law rating of \$12."

Mr. McCUMBER. The Senator from Georgia will understand that I included a few of those cases. While I did not, of course, understand that anyone could follow them and fully differentiate them while they were being read, at least if anyone will take up the record after they are printed in the record, he will be able to see some of the general distinctions that we make. I presented them because they seemed to be cases taken at random which would fit the several different allowances we made. In addition to this let me—

Mr. SMITH of Georgia. I should like to ask the Senator a question just there. Does the Senator not think that the cases he illustrates with are stronger than the average cases in this particular bill before us?

Mr. McCUMBER. No; they are merely the average cases that we have for the amounts. Of course one case of a class may be stronger than another case.

Mr. SMITH of Georgia. Does the Senator not think that they are very much stronger than the case I have just moved to strike out?

Mr. McCUMBER. I think not. If the Senator wants to know the facts, the Senator has picked out a case in which I happen to know all the facts about a pensioner. I am very familiar with the particular one to which he calls attention, and I can give the statement as I know it.

Now, I want to call the Senator's attention to another fact, so that he will see we try to guard against either excessive allowances or against partiality in allowances. I think I have incurred much hostility sometimes not only from members of the committee, but from Senators in general, because of my determination to have no precedent established that would return to plague us in the future, so that all cases that are practically the same in condition, in service, in surroundings, and so forth, would receive substantially the same amount. Of course the Senator can easily understand where we give \$24 in one case and \$26 in another case, that sometimes the twilight zone between the two is not always so clear as we would like to have it; there is no actual line of demarcation; and yet we have to use our best judgment. Further than that, to guard against any injustice, after our expert and the clerks of the committee have prepared briefs in the cases, they are divided among the members constituting the committee, giving to the Member from a particular State all of the cases of applicants from his State and generally those from adjoining States. Before we pass upon them, each Member is himself requested to carefully look over the reports, and with our rules before him and the information which he has before him, he is to determine whether or not any case seems to him unfair, unjust, or inequitable. If he asks that the allowance be cut down he reports immediately to the entire committee, or if he desires that it be raised, he reports to the committee, and the committee then considers it. Ordinarily, if it is a question of increasing the rate, I ask that the case be again referred or be left out of the report for another week so that I may personally re-examine the case. In this way I think we get quite thorough information.

The Senator from Georgia asks in this case that the papers be produced upon which the allowance was granted. The Senator has already understood me to say—

Mr. SMITH of Georgia. Before the Senator passes to a discussion of this particular case, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. It is not possible, is it, for the committee, as a whole, to give any examination to each one of these cases?

Mr. McCUMBER. How is that?

Mr. SMITH of Georgia. The committee, as a whole, does not undertake to examine each one of these cases, does it?

Mr. McCUMBER. The several Senators on the committee examine the cases in addition to the expert and my own clerks. Then, if a question arises, the whole committee pass upon it; otherwise, if it is not questioned, the report as it is prepared by the expert and the clerks in the Committee on Pensions is adopted.

Mr. SMITH of Georgia. You refer to the Senator, as a rule, the bills from his own State?

Mr. McCUMBER. And from adjoining States.

Mr. SMITH of Georgia. Would it not be rather difficult for a Senator to turn down an application from his own State?

Mr. McCUMBER. O, Mr. President, I think not, and I will tell the Senator why Senators who have served upon the committee for any great length of time especially understand the necessity of following a rule which shall treat all alike. I have found very little desire on the part of any member of the committee to press any particular case from his own State to the extent of asking a higher rate of pension than we have been in the habit of granting to applicants from other States. So the one reason for referring a particular pension claim to a Senator from the State where the applicant resides is that he is more likely to know the individual, and, if he does not know him, the Member of the House of Representatives at least who introduced the bill may have a personal acquaintance with him, and we have the benefit of their knowledge.

I will say to the Senator from Georgia, in answer to his request for additional papers, that some of these bills have been five or six weeks or two months on the calendar—I do not know just how long, but the calendar will show. We do not retain the records which we receive from the two executive departments, but as soon as we are through with those records in making up the reports, they are returned to the respective departments, and the records which came from the Commissioner of Pensions and those which came from the War Department have been returned in this case, as they have been in all such cases.

Mr. SMITH of Georgia. Mr. President, it is not the record of the Pension Office or of the War Department that I am asking for, but it is any special evidence in this case which differentiates it from the general rule upon which the committee rely. I understand that all this evidence has been turned over to the officers of the Senate, and is to be found in an adjoining office. I think that that evidence with reference to these pensions could properly be brought into the Senate; and I wish to have the report of the committee as to this particular pensioner read. Then I desire to have read, or to read myself, the special evidence that was furnished to the committee in this case.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. McCUMBER. I will state to the Senator that this is a case within my own peculiar knowledge, and where I myself have knowledge of a case I give it orally to the clerks who are to draw the report in addition to whatever other evidence they may have.

Mr. SMITH of Georgia. But there is also evidence on file here in this case, and there is evidence filed in several other cases to which I desire to call attention, it being my purpose to call attention to the particular cases and to show, I think, that they do not fall within the rules laid down by the committee in granting pensions, but are cases that under the committee's own rules ought to be stricken from this bill. My motions to strike out these particular cases will be based upon the contention that they do not in any sense occupy a position which justifies their being differentiated from the great mass of pensioners who are not being considered.

The PRESIDING OFFICER. The Secretary will read the report of the committee in the case under consideration.

The Secretary read as follows:

S. 3335. Frank A. Wardwell, the applicant, served in the United States Navy as seaman on the *Vandalia*, *Ohio*, and other vessels continuously from December 2, 1864, to January 22, 1868, when he was honorably discharged. The pension he now draws is \$12 per month under the service act of February 6, 1907. He formerly drew \$6 per month under the act of June 27, 1890. It appears, however, from the evidence in his case that he is upward of 68 years old and that he is broken down from falling sight and hearing, rheumatism, and other infirmities incident to increasing years and is no longer able to perform

manual labor for his support. It also appears that he is in need of relief and worthy and deserving of increase of pension. He is a good citizen, and the committee are of opinion that the facts in his case warrant increase of pension to \$30 per month.

Mr. SMITH of Georgia. Now, Mr. President, I ask that the evidence turned in in this case to the Secretary's office be read, and I also ask that the other evidence in these cases be brought in, so that I can have it all ready with reference to the other special cases.

I want to say to the Senate that it is not my purpose to continue this line of discussion to the final obstruction of other business. Of course, I understand perfectly well that, if I desired to do so, the special legislation could be stopped or procedure blocked, but I do not intend to follow any such course. I only desire to indicate my conviction that these special pensions are not proper matters for legislation, because they are of a nature that it is impossible to really legislate about, that we simply take what some clerk says about them. The committee itself as a committee can not possibly examine them, and it is utterly impossible for Congress to examine each case, and that, therefore, instead of having special pension bills passed, a uniform rule should be applied to all soldiers.

I wish to indicate later on in this discussion what I think is the injustice of the present rule, discriminating, as it does, against the real soldier, the man who really fought the battles of the war, who went in at the first call and fought through the war, and who to-day in many instances receives only \$12 a month, while men who practically fought not at all get \$30.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

GRAND FORKS, N. DAK., August 8, 1911.

To whom it may concern:

This is to certify that on the 16th of June, 1911, I examined Mr. F. A. Wardwell, of Pembina, N. Dak.

He came to me complaining of falling vision. On examination of his eyes I found incipient cataracts in both eyes, but the right very much worse than the left.

His vision is so poor that it is very hard for him to do much for himself, and it will get worse as the cataracts progress.

CHARLES S. MARSDEN.

Mr. SMITH of Georgia. Now, I should like to have read the letters written by the applicant himself, with reference to his pension, which were a part of the record in the case. I wish to use them as an indication of the clearness of his mental vision.

Mr. McCUMBER. I will read, Mr. President, all of the letter, so far as it relates to this matter. The letter is a personal letter on other matters.

Mr. SMITH of Georgia. I ask the Senator was not that letter filed with the Senate as part of the record in this case?

Mr. McCUMBER. I shall have to decline the invitation of the Senator to file private letters addressed to me.

Mr. SMITH of Georgia. I wish to ask the Senator if the letter has not already been filed, and is it not in the office of the Secretary of the Senate as part of the record in this case?

Mr. McCUMBER. No; it was never intended for the record in this case, although it might be with the letters in the case. I shall read the letter.

Mr. SMITH of Georgia. One moment, Mr. President. The Senator has not answered my question. My question was, Were not the letters, one or more, from this applicant filed in the office of one of the officers of the Senate as part of the record in this case?

Mr. McCUMBER. Oh, a letter might have gone in.

Mr. SMITH of Georgia. Do they not now come from there?

Mr. McCUMBER. A letter might have gone in, but I will again say to the Senator that it was not a part of the record of the case. This is the letter. I will read it:

AUGUST 12, 1911.

DEAR SENATOR: I am inclosing certificate from Dr. Marsden, to go with the bill for increase of pension, which you so kindly offered to put through in my case, if possible.

That is all there is in the letter at all concerning this case—
With best wishes,

F. A. WARDWELL.

There is not another thing concerning this case in the letter.

Mr. SMITH of Georgia. I ask the Senator—

Mr. McCUMBER. The letter is typewritten, but I do not know, of course, who wrote it on a typewriter.

Mr. SMITH of Georgia. Does not the letter also disclose the fact that the applicant is the owner of a newspaper?

Mr. McCUMBER. What is that?

Mr. SMITH of Georgia. Is not the letter written on the letterhead of a newspaper owned by the applicant?

Mr. McCUMBER. The letterhead says, "The Pioneer Express, Wardwell & Thompson, publishers."

Mr. SMITH of Georgia. Is it not true, I wish to ask the Senator, that the applicant is the owner or one of the owners of that paper and does publish it?

Mr. McCUMBER. Yes. Mr. President, this man lives in Pembina, a little town of between 800 and 1,000 inhabitants. Mr. Wardwell, to my knowledge, has a part interest in a little paper in that little country town. If there is any paper in any one of those little country towns that is paying more than its expenses and an exceedingly meager amount besides, I do not know of it. I know that, on account of my State being wholly agricultural and there being no large cities in it, and on account of the very many small towns of 100 and 200 or more inhabitants scattered all over the State, each one thinking that it must have at least one weekly paper, we are overstocked in the paper line. The result is that this paper, from the information that I have personally obtained, has not even made living expenses in the last two or three years. I know Mr. Wardwell personally, and have known him for a great many years. He is now nearly 70 years of age and is very feeble. He had an honorable service and is almost blind.

Mr. SMITH of Georgia. Now, I want to ask the Senator a question—

Mr. McCUMBER. That is one of the cases.

Mr. SMITH of Georgia. Is it not true that the applicant never was in a battle in his life?

Mr. McCUMBER. Why, Mr. President, I do not know whether his company was in a battle or whether it was not in a battle.

Mr. SMITH of Georgia. Is it not true that he never was in a company, but that he was in the Navy?

Mr. McCUMBER. In the Navy; yes.

Mr. SMITH of Georgia. And that he entered the service in December, 1864; that the Confederacy did not have a battleship or a ship of any kind after that; that there was not a naval fight after that; and that he never had been in a battle at all during his service?

Mr. McCUMBER. Let me ask the Senator when was Fort Fisher taken, inasmuch as he makes such broad statements?

Mr. SMITH of Georgia. I can not give the exact date.

Mr. McCUMBER. It was captured January 15, 1865.

Mr. SMITH of Georgia. Was Mr. Wardwell in that battle?

Mr. McCUMBER. The Senator said there were no naval battles fought after Mr. Wardwell enlisted. We are not granting pensions simply because the soldier was in an actual battle. If that were true, we would probably cut down our pension appropriations very materially. We have not established a rule, in granting pensions, in the case of private pension bills any more than in the case of general pension legislation, that it is necessary to determine that the soldier was at the front in battle or that he was in a battalion that was guarding the rear, or what he was doing.

Mr. SMITH of Georgia. What vessel was the soldier on—does the Senator remember?

Mr. McCUMBER. I do not know.

Mr. SMITH of Georgia. Does not the Senator know that the vessels on which this man served never reached Fort Fisher?

Mr. McCUMBER. I do not know what vessels he was on, and hence I do not know whether they reached Fort Fisher.

Mr. SMITH of Georgia. And the Senator's committee does not know whether he really rendered any service as a soldier at all or whether he simply served on a vessel as a sailor?

Mr. McCUMBER. The department registers him as a member of the Navy for a number of years. I can not pick out from the millions of soldiers those who were in battle and those who were not. The Government has not seen fit to make a dividing line as to whether a soldier did great service because he happened to be in front or whether he happened to be somewhere else with the Army doing his duty. If he was doing his duty as a soldier in another section, he gave an opportunity for other persons to do the battle work. That is not the question, and we have not divided in the Senate Committee on Pensions on that question, and probably never will so long as the present policy is continued.

Mr. SMITH of Georgia. So far as the Senator knows, the vessel on which this gentleman acted as a sailor was never in any way engaged in the war or never in any military service. That is true, is it not?

Mr. McCUMBER. I know only from the records the war vessels on which he served. If I desired to do so, and I do not desire to do so, because we are not granting pensions on that basis, but if I was taking the view of the Senator from Georgia, that would be a condition precedent, and I then would have to go into and examine the facts. But we do not grant pensions because a soldier was actually in battle or that a vessel on which a man served was actually engaged in battle at

any particular time. We are simply proposing to grant the pension because he gave honorable service for a certain length of time and is now in a condition of destitution, the claimant in this case being nearly blind, and we are granting, as we usually grant under those conditions, \$30 a month.

Mr. SMITH of Georgia. You do not think it is a matter of importance whether he was simply a sailor on a vessel when there was not any vessels for it to fight and when it had no connection with war, except to sail around with supplies?

Mr. McCUMBER. If a man was in the Navy, enrolled as such during the Civil War, in active service on those vessels, and is recorded in the department, and is already receiving a pension under the regulations and requirements of the law, I do not go into an investigation, unless it appears directly in the papers themselves as to what the particular services were.

The PRESIDING OFFICER. The question is on the motion made by the Senator from Georgia to strike out.

Mr. SMITH of Georgia. Mr. President, I desire to press my motion to strike out, and I wish to illustrate by the use of this pension case the want of wisdom in these special pensions. I am making no fight against pensions to men who fought in the Army. I have not picked for the purpose of objection the name of a man who really took his gun and went out and fought. I have picked here the name of a gentleman who, so far as we know, never even smelled gunpowder hunting birds. He never tramped with the soldiers at any time. He was nothing but a sailor on board a vessel when there was not any vessel to fight and when no fighting was done, so far as this record shows. He comfortably served as a sailor, just like the boys who are serving as sailors now. He was old enough to have enlisted and to have served at the front. He did not do that.

Now let us see what the report says about it.

The report says in his case that—

He is upward of 68 years old.

The Senators do not regard 68 as very old; not helpless.

And that he is broken down from failing sight and hearing, rheumatism, and other infirmities incident to increasing years, and is no longer able to perform manual labor for his support.

Does it say he ever did manual labor? It was not his business to perform manual labor. The Senator from North Dakota does not perform manual labor. This gentleman is the owner and editor of a newspaper. It is true it is in a small town, and the income from the newspaper may not be large. The fact that he is not capable of making a support from manual labor, when manual labor is not his occupation, does not affect his capacity at all. Here is a man 68 years old, who is a newspaper man, who owns his own newspaper or an interest in it, who is already getting \$12 a month, who never fought at all, who never was in the war. He was on the list of sailors, but his vessel does not seem to have been in the war at all. He is singled out for an increase to \$30 a month. He did not enlist in the Navy until December, 1864. The war was over in April, 1865. He was on the vessel as a sailor only for about three months before the war was over, and he is to be increased from \$12 to \$30 a month. He owns some property. He is already receiving \$144 a year from the Government, though he served but three months while the war was going on, and then was not in front of the guns.

Mr. President, in justice to the men who really fought, I want to put into the RECORD certain figures. There are, Mr. President, 29,281 men who fought three years who receive \$12 a month. There are 7,470 men who fought over four years who receive \$12 a month. They were the boys who volunteered at first and went to the front. They get only \$12 a month. There are 7,470 men who fought, altogether, 29,880 years who get \$1,075,680, and 121,181 who only fought the same length of time who get \$20,494,076.

I desire to protest against the plan of distribution of the pension money. I desire to protest in the name of the men who did the fighting against the distribution of the money to the men who did not do the fighting.

I have here a table of figures prepared by Mr. Henry S. Wells, private, company K, Twenty-seventh New York. It discloses the fact that we have on the pension roll 121,181 men who were in the service only 90 days, and those men with only 29,880 years of service, to all of them, receive \$20,494,076 in pensions, while 7,470 men with the same years of service are given \$1,075,680 in pensions. Here are 7,470 men who served more than 4 years in actual service who get \$12 a month each, and this special pension bill proposes to place a man who does not seem to have actually done any service at all at the rate of \$30 a month—\$18 more than the men who really served, who volunteered and went to the front.

It does not appear why this man entered the Navy. It does not appear whether he received a bounty to enter the Navy. It does not appear whether he went into the Navy as a substitute.

The principle for which I desire to contend is this: The trouble with our present pension system is inequality of distribution. It is the utter lack of regard for actual service.

The Senator from North Dakota said that my view about the length of service being an element for consideration was not accepted by the committee—so I understood him—and probably would not be. Then, are we making the distribution fairly and properly? Are we having regard for the real elements that ought to be considered in the matter of pensions? If we are to pay a larger pension to a man who enlisted and was in the service only 60 days and perhaps never got into a battle at all and never actually did any service—if we are to pay him more for some reason than a man who volunteered at the first of the war and fought four solid years, can the system be sustained? Can it be tolerated?

I desire to submit to the Senate and through the RECORD to the country a view I have about pension distribution with reference to the soldiers of the Civil War. When it comes to the soldiers who were in the Spanish-American War, I do not think they ought to have the consideration given the soldiers of the Civil War. The Spanish-American War did not amount to much down in Cuba, and the boys who enlisted in it enlisted for a frolic. But the case of the men who really volunteered in the Civil War and went to the front and fought, and went to fight other men as brave and courageous as themselves is different from that of those who engaged in the Spanish-American excursion.

I shall express my views with regard to the Spanish-American soldiers freely, because there are just as many boys in Georgia who tried to get into that excursion as there were in any other State, and I am opposed to building up any Spanish-American pension list as the Civil War pension list has been built up. But as to the Civil War, we ought to do this: We ought to ascertain how much our total revenue will be and carefully determine what part of that revenue we can afford to give to the soldiers of the Civil War as pensions. We ought to give them all we can afford to give them out of our income. Having determined what we can give them, suppose we say we can give them \$150,000,000 a year out of our income. We should then consider the question of distribution. We have already paid \$4,000,000,000 in pensions to the soldiers of the Civil War.

Now, if we can give \$150,000,000 a year to pensions, then the next proposition should be, how it shall be distributed. I would say take the list of men who were not citizens of the United States and are now citizens of the United States, who get about a million dollars a year, which goes abroad, men who are not citizens of the United States and who never fought for their country, but were soldiers of fortune, and I would lop off this million, not in the interest of the Treasury, but in the interest of the boys who really followed the flag as a duty to their country.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. In the interest of accuracy I would ask the Senator if he has the amount paid in pensions to the soldiers of the Civil War? I think the Senator said \$4,000,000,000. I think that is a very much larger amount than the true amount.

Mr. SMITH of Georgia. It includes also the expenses of the Pension Office.

Mr. GALLINGER. Oh.

Mr. SMITH of Georgia. It is \$3,950,000,000, and added to the expenses of administration it makes a little over \$4,000,000,000.

Mr. McCUMBER. Does this not also include all pensions—

Mr. SMITH of Georgia. Not as I understand.

Mr. BRYAN. It is seventeen thousand dollars less than four billions, according to the report of the Commissioner of Pensions.

Mr. GALLINGER. Does the Senator say that that amount was paid as pensions to the soldiers of the Civil War?

Mr. BRYAN. Yes, sir.

Mr. GALLINGER. It does not correspond with some figures I have access to, but perhaps the Senator is right.

Mr. BRYAN. I think so. I do not think there ought to be any dispute about it. It is in the report of the Commissioner of Pensions.

Mr. SMITH of Georgia. I was speaking from memory. I have it here before me. I did not read it. The actual pensions for the Civil War paid out up to June 30, 1911, amounted to \$3,985,719,836.93. The cost of administration carries it beyond four billions.

Mr. GALLINGER. Is that from the report of the Commissioner of Pensions, I will ask the Senator from Georgia?

Mr. SMITH of Georgia. Yes; this is the Civil War pension list.

Mr. GALLINGER. I will say, frankly, that I knew it was a very large amount, but if these figures are correct—

Mr. SMITH of Georgia. I simply take them from the report of the Commissioner of Pensions.

Mr. GALLINGER. Of course, that must be accurate, and I confess it is a much larger amount than I supposed.

Mr. SMITH of Georgia. When I stated \$4,000,000,000 of payments, it was under the statement of June 30, 1911. Since then the actual payment of pensions has carried the amount actually paid to Civil War pensioners to over \$4,000,000,000.

The VICE PRESIDENT. Will the Senator from Georgia suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

Mr. SMITH of Georgia. I will not only suspend, but suspend until to-morrow, if the Chair please.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. McCUMBER. I will ask if it is agreeable to the Senator from New Hampshire, in charge of the unfinished business, to lay it temporarily aside.

Mr. GALLINGER. I can not consistently do that. I have been allowing the bill to be laid aside for several weeks. There are two Senators present who, I think, desire to address themselves to the bill or to particular amendments, and they wish to be present when the bill is considered. I notified them that to-day the bill would be up, and I hope the consideration of the bill will be proceeded with. I am sorry that I can not accommodate the Senator from North Dakota.

Mr. McCUMBER. I do not know how long those speeches will take, but if I have time I desire to say that I will again call up this same matter this day after the arguments are finished upon the unfinished business, and that on each legislative day I shall try to secure action upon the pension bills.

I wish to call the attention of the Senator from New Hampshire to the fact that we had to strike out of this same bill some five or six names of persons who have died since the bill has been reported, and taking that into consideration, with the great number of deaths that have occurred after the papers were examined, the death rate is very rapid. Having reported the bill, I simply desire to have it acted upon as soon as possible.

Mr. GALLINGER. Mr. President, I need not be warned as to the necessity of legislation in the granting of pensions in these private cases. It was my privilege to serve as chairman of the committee, a committee that does a great deal of hard work without much appreciation, and I have knowledge of the fact that these soldiers are dying at a very rapid rate. Whatever we do for them is to be at best for only a few years, and I want to err on the side of generosity rather than on the side of technicality. I will assist the Senator with the utmost of my ability to get his bill considered, and I hope he may succeed in securing relief for many of the old pensioners who I know are in dire distress. There may be cases that are not perhaps worthy in every respect; I presume that is true. I think mistakes have been made in private pension legislation. In fact, I know such was the case in some instances when I happened to be chairman of the committee.

Mr. SMITH of Georgia. Mr. President, I do not think under the rules that this matter can come up again to-day. I understand that the hour of 2 o'clock having arrived, the pension bill is not in order again until to-morrow.

The VICE PRESIDENT. The Chair understood the remark of the Senator from North Dakota to be that if the unfinished business were disposed of at a reasonable hour to-day, he would then ask the Senate to again consider the pension bill.

Mr. SMITH of Georgia. But it requires action again by the Senate to take it up.

The VICE PRESIDENT. It does.

Mr. SMITH of Georgia. I should like to suggest to the Senator that he refrain from making that effort. He well understands that I could delay this bill indefinitely, that if I insisted upon considering each one of the pensions, if I asked for a division of the subject under the rules I would have the right to insist that each one of the pensions be taken up separately.

Now, if the Senator allows this matter to go over until to-morrow without pressing it further this afternoon, I will probably have a few other pension claims that I will call attention to, and I will be able to pursue the course that I think my duty requires me to pursue without obstructing the Senate. If the Senator does not allow me that opportunity I can make the time for myself in a way that I would not like to make it. I

do not purpose simply to obstruct legislation. When I have completed what I think I ought to do and the Senate votes, I will say to the Senator from North Dakota that I shall not undertake any dilatory tactics about the bill.

Mr. McCUMBER. Mr. President, I appreciate the fact that any Senator upon almost any bill, and especially upon a bill of this kind which is composed of so many items, if he feels so inclined may delay it to a great extent. I have not for one moment thought that the Senator from Georgia had such an idea in his mind.

At the request of the Senator from Georgia this matter has been delayed somewhere in the neighborhood of four or five weeks that he might say what he desired upon the bill or upon general pension legislation before we finally dispose of the matter. I have been very careful, I thought, to accord him every privilege and to conform to his desires in the matter; and after the Senator had begun his speech I thought that I was doing him a favor if I would try and hurry the matter on and bring it to the front, so that the Senator could complete it and not have to string it over several days. Therefore it was my expectation that if we could get at it again to-day the Senator from Georgia would be specially desirous of also proceeding with it to-day and finishing his remarks.

Now, I have no desire at all to press the bill to-day. If the Senator desires, and so expresses it, that he would prefer for any reason that this case should go over until to-morrow, that request is granted, and granted cheerfully, not through any threat that the Senator would delay it, because I do not think he intends to do that, but simply because I think the Senator wants to be fair in the matter and he wants to get through with it himself as soon as he can.

Mr. SMITH of Georgia. I did not mean my statement as a threat. I simply meant to let the Senator understand that I knew I could force the time if necessary, but I did not wish to force it.

It is true the Senator has been most courteous to me in the matter. The Senator misunderstood me when he thought I had any special speech I wished to make on the subject. I have none. I only desire to bring out fully by the consideration of some of these claims the view I have with reference to the matter.

Mr. McCUMBER. It will be understood, then, that I will not bring it up to-day, but if we have a session to-morrow I will ask that we proceed with it immediately after the conclusion of the morning business.

PUBLIC-UTILITIES COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3812) to regulate public utilities in the District of Columbia, and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

The VICE PRESIDENT. The pending question is the amendment offered by the Senator from California [Mr. WORKS]. The reading of the amendment, the Chair recalls, was dispensed with by unanimous consent. Does the Senator from California so recall it?

Mr. WORKS. It was not. I made the statement that I would ask unanimous consent that it might be dispensed with, but that has not yet been done. I now ask that the formal reading of the amendment be dispensed with, at least for the present.

The VICE PRESIDENT. Without objection, that order will be followed.

Mr. WORKS. Mr. President, I regard this as one of the most important pieces of legislation affecting the District of Columbia that will come before this session of Congress. It is a kind of legislation in which I have taken great interest. I desire to see the District of Columbia have a practical and efficient utility law. I do not believe that the pending bill if enacted will give the District such a law.

The bill has been reported from the Committee on the District of Columbia, of which I am a member. It so happened that I did not have the opportunity when the bill was before the committee to express my views upon it. For that no one was particularly or at all to blame. I suggested that I desired to offer some amendments to the bill in the general committee, when it was for that reason referred to a subcommittee to take up the matter. That subcommittee held its session and made its report without my having any notice of the fact. Therefore I had no opportunity to present my views at that time.

It further happened that when the bill came before the full committee I was then engaged in service upon another committee and was not present even at that time.

I was informed that the pending bill was prepared by the corporation counsel of the District of Columbia under the

supervision and direction of the District Commissioners. In order to ascertain what I desired to know about the bill I took it up with some particularity with the corporation counsel and with the engineer member of the District Commissioners.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. I do not propose to interfere with the Senator's speech more than is absolutely necessary, but did I understand the Senator from California to say that he was not present at the meeting of the committee when the report upon this bill was ordered? The Senator's memory is very defective.

Mr. WORKS. It is not defective. I was not present.

Mr. GALLINGER. The Senator was there.

Mr. WORKS. I was not. I beg the Senator's pardon; and I had no opportunity to be heard. Now, I am not casting any blame upon anybody, Mr. President, on that account. I only refer to the fact that I had no opportunity to express my views upon it, and that I am therefore called upon to do so upon the floor of the Senate.

Mr. MARTIN of Virginia. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Virginia?

Mr. WORKS. Certainly.

Mr. MARTIN of Virginia. I ask the Senator from California if he was not present on more than one occasion, certainly on one, when this bill was under discussion in the District Committee?

Mr. WORKS. Yes; I said that I was present and suggested that I desired to offer some amendments, and upon that being done it was referred to the subcommittee. The Senator from Virginia is right about that.

Mr. MARTIN of Virginia. I will ask the Senator another question. Did he not on one occasion say that he had a substitute, but would not press it before the committee?

Mr. WORKS. Not at all.

Mr. MARTIN of Virginia. The Senator may be right, but it is strange that I should have such a contrary recollection.

Mr. WORKS. That may be so.

Mr. MARTIN of Virginia. My recollection is that the Senator stated he had a substitute, but that he would not press it.

Mr. WORKS. No; the Senator is entirely mistaken. I made no such statement as that.

But, Mr. President, suppose I had; that certainly would not preclude me from offering a substitute upon the floor of the Senate. I have done so, and I am prepared to present that substitute for the consideration of the Senate.

When interrupted I was about to say that I took this matter up with the corporation counsel for the purpose of ascertaining whether this was in fact his bill or not, and I procured the statement from him that it was not the bill that was prepared by him, but that it had been changed in very material respects.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. The Senator does not do me justice when he says that I said that this was a bill prepared by the corporation counsel.

Mr. WORKS. Mr. President, I did not make the statement as the Senator from New Hampshire states it.

Mr. GALLINGER. I stated specifically on the floor of the Senate that this bill was prepared in consultation with the corporation counsel; that I had given weeks and months myself to its consideration; and that the corporation counsel had been asked to make a tentative draft, which he did. The corporation counsel, I will say further, was consulted, I feel very sure, as to every change that was made in the bill subsequent to that first draft that we made and he did not object to them.

Mr. WORKS. I did not make the statement that the Senator from New Hampshire attributes to me, that he made the statement to me that the bill was prepared by the corporation counsel. I was so informed. I ascertained, as I was about to say, that this bill was not prepared by the corporation counsel in the form in which it came before the committee; that it was changed in some very material respects, I think, in vital particulars.

The fact about it was, as I understand it, that a bill was prepared by the corporation counsel in conjunction with the District Committee, and prepared with a great deal of care; that one of the bills was presented in the House and the other was given into the hands of a Senator to be introduced in the Senate. I am offering here as a substitute to the pending bill the bill prepared by the corporation counsel with the full

approval of the District Commissioners and presented to the House.

I desire now, Mr. President, to point out as clearly as I may be able to do the differences between the pending bill and the substitute that I have offered.

My first disposition with respect to it was to offer certain amendments to the bill, but I found that they were so numerous and so important that I conceived it would be better to present an entirely new bill to the Senate for its consideration, and I have done so, taking the bill that was introduced in the House, with very slight changes on my part.

Now, referring to section 3 of the bill, that section provides in the substitute that I am presenting to the Senate—

That every public utility doing business in the District of Columbia having tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment shall, for a reasonable compensation, permit the use of the same by any other public utility whenever public convenience and necessity require such use.

That section is amended in this way: As amended or as introduced here it provides that it shall "permit the temporary use of the same or a permanent use for a distance not exceeding 2,500 feet," which the Senate will see is a very important change in the bill. In the first place it provides for only a temporary use of the track of another railroad company and reduces the length of the use to 2,500 feet where it is permanent.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. The provision as it is in the bill was prepared in the presence of the corporation counsel and agreed to by him.

Mr. WORKS. It does not matter, Mr. President, whether it was or not; the question is here for the Senate to determine what the form of the bill shall be.

There is a further proviso inserted in this section of the bill:

Provided, however, That the tracks, lines, or conduits or other facilities of any existing street railway, electric lighting company, telegraph or telephone company shall not be used or occupied by any other company or public utility unless by contract duly made between the parties interested and approved by the commission, except as hereinbefore provided.

The hereinafter provision is that if they shall fail to agree, that then action may be taken by the District Commissioners; but the District is driven to wait until the corporations have endeavored to arrive at some conclusion and enter into a contract before the commissioners can act, all of which, I think, is a very material change in the bill as it was prepared by the corporation counsel.

Then I come to section 6 that was contained in the bill that was prepared by the corporation counsel and which I offer here as a substitute:

Sec. 6. That the commission shall ascertain, as soon and as nearly as practicable, the amount of money expended in the construction and equipment of every public utility, including the amount of money expended to procure any right of way; also the amount of money it would require to secure the right of way, reconstruct any roadbed, track, depots, cars, conduits, subways, poles, wires, switchboards, exchanges, offices, works, storage plants, power plants, machinery, and any other property or instrument not included in the foregoing enumeration used in or useful to the business of such public utility, and to replace all the physical properties belonging to the public utility. It shall ascertain the outstanding stock, bonds, debentures, and indebtedness, and the amount, respectively, thereof, the date when issued, to whom issued, to whom sold, the price paid in cash, property, or labor therefor, what disposition was made of the proceeds, by whom the indebtedness is held, so far as ascertainable, the amount purporting to be due thereon, the floating indebtedness of the public utility, the credits due the public utility, other property on hand belonging to it, the judicial or other sales of said public utility, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor, and the taxes paid thereon. The commission shall also ascertain the gross and net income of the public utility from all sources in detail, the amounts paid for salaries to officers and the wages paid to its employees, and the maximum hours of continuous service required of each class. Whenever the information required by this section is obtained it shall be printed in the annual report of the commission. In making such investigation the commission may avail itself of any information in possession of any department of the Government of the United States or of the Commissioners of the District of Columbia.

Mr. President, that section as it was in the original bill has been entirely eliminated, and I regard it as one of the most important sections in the bill. In lieu of that and a section which also appears in the bill which I offer as a substitute is a simple provision that the commissioners shall ascertain and determine the value of the plants. Everyone knows who has had anything to do with the question of fixing rates, if we take that alone as a matter to be considered, that there are various things to be taken into account in determining what rates shall be fixed besides the mere question as to the present value of the plant.

But there is something more involved, in this matter of the regulation of railroad companies, than the mere question of

rates. There is the question as to the issuance of bonds and stock, and as to the wages that are being paid to the employees. All of those matters ought to be controlled by a bill of this kind, and all power that should be given to the utilities commission for the purpose of determining those questions is absolutely eliminated from the bill.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. I do.

Mr. GALLINGER. As the Senator has read section 6, which he proposes to have inserted in the bill, I think it but fair that the Senator should read section 6 as it is in the bill, and not say in a general way that it only provides for the valuation of property offhand.

Mr. WORKS. I so stated it.

Mr. GALLINGER. Will the Senator read the entire section?

Mr. WORKS. Certainly I will.

Mr. GALLINGER. I think it ought to go in his speech.

Mr. WORKS (reading):

Sec. 6. That the commission shall, whenever it may deem it desirable to do so—

That is one weakness in the bill to which I desire to call attention. It is not a direct and positive requirement that this thing shall be done, but leaves it to the discretion of the commission as to whether it shall be done or not—

Sec. 6. That the commission shall, whenever it may deem it desirable to do so, investigate and ascertain the fair value of the property of any public utility subject to the provisions of this act and used by it for the convenience of the public. For the purpose of such investigation—

Now, bear in mind, the only purpose for which this investigation can be made is that of ascertaining the present value of property, which, I say, is entirely inadequate.

For the purpose of such investigation the commission is authorized to employ such engineers, experts, and other assistants as may be necessary. Such investigations shall be prosecuted with care and thoroughness, and the results thereof reported to the District Committees in Congress.

Every such public utility shall furnish to the commission from time to time, and as the commission may require, maps, profiles, contracts, reports of engineers and other documents, records, and papers, or copies of any and all of the same in aid of such investigation, and to determine the value of the property of such public utility used for the public service; and every such public utility is required to cooperate with the commission in the work of the valuation of its property in such further particulars and to such extent as the commission may reasonably direct. The commission shall thereafter, in like manner, keep itself informed of all extensions and improvements or other changes in the condition of the property of the said public utilities and ascertain the fair value thereof, and from time to time, as may be required for the regulation of public utilities under the provisions of this act, revise and correct its valuation of the property of such public utilities. To enable the commission to make such changes and corrections in its valuation, every public utility subject to the provisions of this act is hereby required to report currently to the commission changes in its property, and to file with the commission copies of all contracts for changes and improvements at the time same are executed.

Whenever the commission shall have completed the valuation of property of any such public utility and before such valuation shall become final, the commission shall give notice in the manner prescribed in this act for the service of copy of an order upon such public utility, to the company or companies owning or operating such property, stating the valuation placed upon the several lines of roads or classes of property of the said company used by it for the convenience of the public, and shall allow the company or companies a reasonable time in which to file a protest of same with the commission. If no protest is filed within such time such valuation shall become final. If notice of contest is filed by any such public utility, the commission shall fix a time for hearing of the same, and shall proceed as promptly as may be possible to hear and consider any matter relative and material thereto which may be presented in support of said protest. If after hearing any contest of such valuation under the provisions of this act the commission is of the opinion that the tentative valuation is incorrect, it shall make such changes as shall make the same a fair valuation of such property and shall issue an order to make such corrected valuation final. All final valuations by the commission shall be prima facie evidence of the value of said property in proceedings had in pursuance of this act.

Mr. President, it will be seen that the criticism I passed upon that portion of the bill is sustained by reading the section to which the Senator has referred. It simply limits the power of the commission to the value of the property at the time. It absolutely excludes any power on the part of the commission to inquire into the issue of bonds, the amount of stock that is issued, or any of the other things that are included in the section that I first read and which is in the substitute.

With respect to that particular matter, I want to call the attention of the Senate to an extract from the decision of the Supreme Court of the United States bearing upon the question as to what should be taken into account in determining what rate should be allowed a street railroad or other corporation. I refer to the case of *Smyth v. Ames* (169 U. S., 466 and 546):

We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And in order to ascertain that value the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds

and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses are all matters for consideration, and are to be given such weight as may be just and right in each case. (*Smyth v. Ames*, 169 U. S., pp. 466, 546.)

Under this bill, if it becomes a law, there is no power given to inquire into any of these things. Every element that goes into the question of the determination of the rates that are to be charged is absolutely eliminated from the bill.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. Does not the Senator think that under this decision, which was, I think, delivered by Mr. Justice Harlan, all those things would be taken into account by the commission?

Mr. WORKS. There is no provision for it, and, in fact, the Senator struck it out of his bill. I took it from that that it was at least understood by him that it ought not to be in.

Mr. GALLINGER. The Senator did not strike it out with any such purpose at all. Instead of that provision, the committee, in its wisdom, took the statute of Maryland, which is the last statute upon this subject, I believe, which seems to be fair, and which is working splendidly in that State, and substituted the provision of that statute. That is what the committee did.

Mr. WORKS. I do not know whether it is the Maryland statute in that form or not, but if it is, Mr. President, I am prepared to say that there is no comparison between the two statutes—one of them being the statute of Wisconsin and the other the statute of Maryland—because the Wisconsin statute, so far as it relates to that particular question, is a practical and efficient law and the other is not. I see no reason why the Senate of the United States should accept for the District of Columbia a law which is inefficient and impracticable in place of one that is efficient and can furnish the means of determining the questions that ought to be determined.

Proceeding further with the quotation—

We do not say that there may not be other matters to be regarded in estimating the value of the property. What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.

I desire in this connection to call attention to something that was said in his annual address by President James F. Oyster, of the Washington Chamber of Commerce. In commenting upon the law that it was supposed was going to be enacted by Congress relating to the subject of public utilities, he said:

When the street railways of a city, or the gas company, or the telephone company undertook a plan of reorganization, the public utilities commission would "be on the job." It would investigate carefully and fairly whether the capitalization represented actual present values or merely ambitions, hopes, and water.

Under this bill which we are asked to pass no such inquiry as that can be made—

It would not grant its approval to the plans of the promoters until it had examined the properties, placed upon them a conservative valuation, investigated thoroughly the necessity for the issuance of stock or bonds, and determined that the proposition squared with proper business standards, did not impose upon the investor, and did not violate the rights of the public.

With such safeguards, there would be no difficulty in determining later on whether the utility in question was making such profits as to warrant a reduction in rates to the consumer, improvement in the quality of the product or extension of the service. The utilities commission would be able to pronounce with authority whether universal transfers, for example, would mean practical confiscation of corporate property or merest equity to the consumer; and the commission (unlike the newspapers) would actually be able to enforce its decision. The law should, I think, explicitly provide that the commission must endeavor to maintain the lowest rates that the courts would sustain.

The commission should be charged with the duty of investigating and making public the cost of construction and equipment of every public utility, the cost of replacement, the amount and character of indebtedness and by whom held, the income and expenditures in detail, and that most important matter in connection with accidents—the maximum hours of continuous service. The commission would place a value upon the properties of every public utility. Each would render uniform accounts as prescribed by the commission, these to be annually examined and audited by the experts of the commission. "Control over capitalization," it is generally admitted by experts, "can not be made effective unless it is combined with public supervision over the accounting of such corporations."

That is the idea of the president of the Chamber of Commerce of this District as to what should be covered by a bill of this kind, but the pending bill does not authorize any such investigation as is mentioned in this address.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. It is but fair to say that the Chamber of Commerce of Washington has indorsed this bill by resolution.

Mr. WORKS. I am coming to that. So has the District commission, but at the same time expressing its preference very decidedly for the bill that I have offered as a substitute.

As I said awhile ago, the matter to be covered by a bill of this kind is not merely the question of determining rates that are to be charged by corporations of this character. There are a great many other very important things over which a commission of this kind should have control, and I undertake to say that the pending bill in its present form absolutely denies to this commission the power and right to make an investigation for any purpose except that of fixing rates. Does the Senate want that sort of legislation limited in that way? Do you suppose the people of the District of Columbia will be satisfied with that kind of legislation?

Going along now to section 17, which is the section that has been commented upon here to some extent, relating to the subject of depreciation, as the pending bill stood at the time I presented the substitute bill this provision had been inserted in the bill that was prepared, as I have said, by the corporation counsel. The section provided:

SEC. 17. That every public utility shall carry a proper and adequate depreciation account.

Right at that point I propose to add the following words—

Mr. CRAWFORD. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. Certainly.

Mr. CRAWFORD. I suggest the absence of a quorum. It seems to me more Senators ought to be present to hear the discussion.

The VICE PRESIDENT. The Senator from South Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Nelson	Smith, Ga.
Bankhead	Dillingham	Nixon	Smith, Mich.
Borah	du Pont	O'Gorman	Smith, S. C.
Bourne	Foster	Oliver	Smoot
Brandeggee	Gallinger	Overman	Stephenson
Bristow	Gardner	Page	Swanson
Brown	Johnston, Ala.	Paynter	Thornton
Burnham	Jones	Perkins	Warren
Burton	Lea	Pomerene	Watson
Clark, Wyo.	Lippitt	Rayner	Works
Crawford	McCumber	Root	
Cullom	Martin, Va.	Shively	
Cummins	Martine, N. J.	Simmons	

Mr. LEA. I desire to state that the senior Senator from Tennessee [Mr. TAYLOR] is necessarily absent.

Mr. SMOOT. I wish to announce that my colleague [Mr. SUTHERLAND] is necessarily absent from the city.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on account of the sickness of his mother. I will let this announcement stand for the day.

Mr. WATSON. I desire to announce the absence of my colleague [Mr. CHILTON] on account of personal illness.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present. The Senator from California.

Mr. WORKS. Mr. President, I was calling attention to section 17 of the substitute that I have offered, which, with some differences, is section 15 of the pending bill. This section provides:

That every public utility shall carry a proper and adequate depreciation account.

Right here, at this point, this clause was inserted in the pending bill:

Whenever the commission, after investigation, shall determine that such depreciation account can be reasonably required.

Which, in my estimation, weakened the bill very materially; but since that time, by amendment offered, I believe, by the author of the bill, this section has been entirely eliminated from the bill. It may be remembered by Senators who are here that the Senator from Iowa [Mr. CUMMINS] objected to this section of the bill on the ground that it provided that the amount found as depreciation should be placed in a fund to be used for the purpose of making additions and extensions to the roads. I entirely agreed with the Senator from Iowa upon that proposition, because the ratepayer should not be called upon to pay an amount that would be sufficient to add to or extend the plant of the corporation. That should be done by the corporation itself and charged up to capital; but the rates must take care of the depreciation. It is an important matter to be considered in this question of the fixing of rates, because the rate should be so fixed as to pay the operating expenses, meet the deprecia-

tion in the plant, and return to the corporation a reasonable amount upon the value of its property furnished for the use of the public. For that reason, in preparing the substitute, I made this change:

All moneys in this fund may be expended in keeping the property of such public utility in repair and good serviceable condition for the use to which it is devoted.

As the pending bill stands, with that section stricken out, there is absolutely no requirement upon the part of the corporation to keep any account of its depreciation. There is no means provided by which the commissioners can determine anything about the matter of depreciation, and often it is absolutely impossible for them to so examine the plant as to determine that question. Why that section should be eliminated from a bill that is intended to give the District a public utility commission I do not understand. I regard it as a very important provision of the bill, and think it should remain there.

Senators may observe, if they take the time to read and compare the bill and the proposed substitute, that running all through the pending bill it has been changed from the original bill, prepared as I have stated, by inserting the word "reasonable." In some cases that is perfectly proper, but there are other cases where the word "reasonable" is used in just about the sense that we have complained of lately with respect to a decision of the Supreme Court of the United States. In my judgment, that word should not be used in the law itself in many places where it has been inserted.

There is another change in the bill. My proposed substitute contains a section, section 39, which reads:

SEC. 39. That upon its own initiative or upon reasonable complaint made against any public utility, that any of the rates, tolls, charges, time and conditions of payment, or schedules, or services, or any joint rate or rates, schedules, or services, are in any respect unjustly discriminatory, etc.

A similar section is in the pending bill, but for some reason there was stricken out of it the words "time and conditions of payment." That may be under some circumstances a very important matter, because the "time and conditions of payment" may themselves be such that it is proper that the utility commission should inquire into them and see that they are not unjust or burdensome to the public who are using the roads. I do not see why that change should have been made.

In section 55 the clause that I am about to read was stricken out in committee upon the report, as I remember, of the subcommittee on that subject. Subsequently, as I shall show directly, an amendment was made upon the floor of the Senate at the suggestion of the author of the bill partially restoring this clause. This is the clause that was stricken out:

It shall be unlawful for any street railroad corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, or other public-utility corporation, directly or indirectly, to acquire the stocks or bonds of any other corporation incorporated for or engaged in the same or similar business as it is, unless authorized by existing law or as it may be authorized in writing to do so by the commission, and every contract, transfer, agreement for transfer, or assignment of any such stocks or bonds without such statutory or written authority shall be void and of no effect.

That provision was contained in the bill as it came from the hands of the corporation counsel; but it was stricken out in the Senate Committee on the District of Columbia. I shall, after a little, refer to the report giving the reasons why that was done.

Mr. OLIVER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Pennsylvania?

Mr. WORKS. Certainly.

Mr. OLIVER. I will state, Mr. President, that that provision was stricken out because it is already a part of the organic law of the District of Columbia. The members of the committee were just as ready and anxious as is the Senator from California to continue that provision; but it is already provided for by law and is entirely unnecessary in the framing of this measure.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. The Senator from Pennsylvania is right, so far as the District Code is concerned. I will ask the Secretary to read the substitute section I offered a few days ago, which was agreed to by the Senate.

Mr. WORKS. I will say to the Senator that I have that section here, and I am going to read it in just a moment.

Mr. GALLINGER. Very well.

Mr. WORKS. I said awhile ago that an amendment had been made since that time, and I will read it.

Mr. GALLINGER. If the Senator is going to read it, the Secretary need not do so.

Mr. WORKS. I will take that up in a moment. Replying to what was said by the Senator from Pennsylvania [Mr. OLIVER], I had expected to take this up a little later, but, in view of what he says, I call attention now to the report of the committee bearing upon that particular question. They strike out this particular part of the bill and it is noted at the bottom of page 1 of the report:

The Code of Law for the District of Columbia provides as follows: "It shall not be lawful for any company to use any of their funds in the purchase of any stock in any other corporation."

Mark the language. The law to which the Senator from Pennsylvania refers does not forbid the holding of the stock or the bonds of any other corporation at all. It simply provides that the corporation shall not expend its funds for the purpose of buying any such stock or bonds, which is entirely inadequate, as the Senate must see. So that, evidently, the fact that there was another law existing upon that subject did not justify the striking out of the specific language with respect to that important feature of the bill.

Now I call attention to the amendment referred to by the Senator from New Hampshire that was inserted here upon the floor of the Senate after that provision had been stricken out by the committee and so reported to the Senate.

It shall be unlawful for any street railroad corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, or other public-utility corporation, directly or indirectly, to acquire the stock of any other corporation unless authorized by existing law, and every contract, transfer, agreement for transfer, or assignment of any such stock without such statutory authority shall be void and of no effect.

It may be remembered by the Senate that an amendment to that amendment was offered by the Senator from Texas [Mr. BAILEY] covering the ownership of stock; but I want to call the attention of the Senate to the fact that this amendment does not cover the bonds of the corporation at all. It simply provides that one corporation shall not hold or own the stock of another corporation, but it may own all of its bonds under the provisions of this proposed law. There is no prohibition against that at all; it applies only to the stock. Now, everybody knows that one corporation may absolutely control and dominate another by the ownership of its bonds, and that phase of it is not covered by this amendment.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Certainly.

Mr. GALLINGER. Of course, the holders of the bonds would have no voting power, and I do not see how they could dominate a corporation because they own its bonds.

Mr. WORKS. Well, the Senator from New Hampshire may not see how that would be done, but my experience is that if one corporation is able to own and control the bonds of another corporation, it has a pretty tolerably strong grip upon the management and control of the corporation itself. Of course, it is not able to vote, but it is able to control votes by the very fact that it has in its hands practically the destiny of the corporation.

Section 59 of the proposed substitute is entirely omitted from the pending bill. That section reads:

SEC. 59. That if it be alleged and established in an action brought in any court for the collection of any charge for gas or electricity that a price has been demanded in excess of that fixed by the commission or by statute no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such action.

Of course that is not a very important matter, but I do not see any particular reason why that provision, made for the benefit of the patrons of these corporations, should be stricken out, because it might have considerable influence in the prevention of overcharges.

There is another section in which the words "time and conditions of payment thereof" were included in the bill which I offer as a substitute that have been stricken out in the pending bill:

SEC. 64. That all rates, tolls, charges, time and condition of payment thereof, schedules, and joint rates fixed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose.

I am not able to see why that amendment should be made in the interest of the corporations. There is a short provision inserted in section 66 that to me is somewhat objectionable. It relates to the subject of appeals. I am not going to read the whole section, but it provides that an appeal may be taken in matters decided by the commission within 90 days. That is the bill as originally prepared and as I now offer it. These words are added in the pending bill:

Unless the time for appeal has been enlarged by order of the commission.

This matter of allowing an extension of time is often an evil, and if 90 days is given for an appeal in a case of this kind it seems to me amply sufficient.

Now, I come to section 64 of the substitute, the corresponding section so far as it goes being section 71 of the pending bill. That section provides:

SEC. 71. That no public utility shall hereafter issue any stocks, stock certificates, bonds, mortgages, or any other evidences of indebtedness payable in more than one year from date, until it shall have first obtained the certificate of the commission showing authority for such issue from the commission.

Other changes made in this section are not very important, but there is stricken out of it all that I am now about to read, which provides the means by which the commission may determine these very things that they are called upon to determine. The substitute bill that I have offered provides, following immediately after what I have already read:

The proceedings for obtaining a certificate of such authority from said commission and the conditions of its being granted by said commission shall be as follows:

(a) In case the stocks, certificates of stock, bonds, mortgages, or other evidences of indebtedness are to be issued for money only, the public utility shall file with the commission a statement, signed and verified by its president and secretary, setting forth: First, the amount and character of the proposed stocks, certificates of stock, bonds, mortgages, or other evidences of indebtedness; second, the purposes for which they are to be issued; third, the terms on which they are to be issued; and, fourth, the total assets and liabilities of the public utility in such detail as the commission may require. The commission may also require the public utility to furnish any further statements of fact or evidence that it may deem pertinent to the inquiry. The commission shall thereupon determine if such proposed issue be necessary to the proper conduct of the business of such public utility, and if it shall find said proposed issue necessary, and not prejudicial to the public interest, it shall prescribe the amount at par value and the terms of such issue, and it may thereupon make a certificate to said public utility stating the amount, character, purposes, and terms on which such stocks, certificates of stock, bonds, mortgages, or other evidences of indebtedness may be issued.

(b) That in case the stocks, certificates of stock, bonds, mortgages, or other evidences of indebtedness are to be issued partly or wholly for property or services or other consideration than money, the said public utility shall file with the commission a statement, signed and verified by its president and secretary, setting forth: First, the amount and character of the stocks, certificates of stock, bonds, mortgages, or other evidences of indebtedness proposed to be issued; second, the purposes for which they are to be issued; third, the description and estimated value of the property or services for which it is to be used; fourth, the terms on which it is to be issued or exchanged; fifth, the amount of money, if any, to be received for the same in addition to such property, services, or other consideration; and, sixth, the total assets and liabilities of the public utility in such detail as the commission may require. The commission may also require the public utility to furnish any further statements of fact or evidence that it may deem pertinent to the inquiry. The commission shall, if it deem such proposed issue necessary to the proper conduct of the business of such public utility, and not prejudicial to the public interest, determine, according to its best judgment, the true value of the property, services, or other consideration for which it is proposed to issue such stocks, certificates of stock, bonds, mortgages, or other evidences of indebtedness. The commission may thereupon issue a certificate to the said public utility setting forth the amount, character, purposes, and terms of such proposed issue on the part of the public utility, and further, particularly, the true value of the property or services, as found by the commission, for which, in whole or in part, such issue is proposed to be made, and a description in detail of such property and services: *Provided*, That no such stock or certificates of stock, for whatsoever issued, shall be disposed of at less than par value, and no other evidence of indebtedness, for whatsoever issued, be disposed of at less than 90 per cent of its par value. Any such stocks, certificates of stock, bonds, mortgages, or any other evidences of indebtedness issued by such public utility for and in return for property or services which shall be valued in excess of that found by the commission shall be void.

That portion of the section provides a means by which the commission may determine whether it shall certify that the corporation may issue the stock or bonds that it asked for. Leaving that out of the section, as has been done by the pending bill, there are absolutely no means provided by which the commission may determine that question.

Mr. GALLINGER. The Senator is not happy in his language. The Senator says it is left out in the bill. The provision the Senator read is in the bill reported by the Committee on the District of Columbia, and the additional verbiage is the verbiage of the Senator taken from another statute. It never appeared in this bill, and hence was not left out of this bill.

Mr. WORKS. When I referred to the fact that it was left out of the bill I meant, as I have explained more than once, that it was left out of the bill that was prepared by the corporation counsel.

Mr. GALLINGER. It was left out upon the statement of the corporation counsel, that it was unnecessary, and that the commission would have that authority anyway.

Mr. WORKS. As the Senator from New Hampshire has several times said that the corporation counsel consented to this and consented to that and that he and a member of the District Commission were present and consented to these things, I think I am free to say that the corporation counsel told me in express terms that he was not satisfied with the omissions in the bill, and that a member of the District Commission, who

was present at that time, told me exactly the same thing; that there were a number of things he protested against—

Mr. GALLINGER. The chairman has not any recollection of anything of that kind happening at any time.

Mr. WORKS. I should not have mentioned it if it had not been for the fact that the Senator from New Hampshire stated several times since I commenced this argument what was the attitude of the corporation counsel and the District Commission with respect to the bill.

Mr. GALLINGER. I have stated it with absolute accuracy. I was present at meeting after meeting with the corporation counsel, and I know precisely what happened.

Mr. WORKS. My information on that subject comes from the two gentlemen mentioned. I am not vouching for the accuracy of their statement as against that of the Senator, of course. I do know, however, what they said to me.

Now, going down a little further, sections 76, 77, 78, 79, and 80 of the bill prepared by the corporation counsel have been eliminated from the bill as it is now before the Senate. Those sections provide:

Sec. 76. That no public utility shall declare any stock, bond, or scrip dividend or divide the proceeds of the sale of any stock, bond, or scrip among its stockholders.

That is, to my mind, a very important provision, a provision that forbids a corporation to use its stock or bonds in the way of dividends, and why that was left out I do not understand. It is a provision that should be there, and which should be enforced.

Sec. 77. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness secured on its property in the District of Columbia for the purpose of any reorganization or consolidation in excess of the total amount of the stocks, certificates of stock, bonds, or other evidences of indebtedness then outstanding against the public utilities so reorganizing or consolidating, and no such public utility shall purchase the property of any other public utility for the purpose of effecting a consolidation until the commission shall have determined and set forth in writing that said consolidation will be in the public interest, nor until the commission shall have approved in writing the terms upon which said consolidation shall be made.

Does anybody doubt that that is a proper and reasonable provision in the matter of the control of these corporations, that they should not be allowed to reorganize or issue their stock or bonds in excess of the valuation of the property they own?

Sec. 78. That no public utility shall apply the proceeds of any such stock, certificates of stock, bonds, or other evidences of indebtedness to any other purpose or issue the same on any less favorable terms than that specified in the certificate issued by the commission.

Sec. 79. That all stocks, certificates of stock, bonds, and other evidences of indebtedness issued contrary to the provisions of this act shall be void.

Sec. 80. That any public utility, or any agent, director, or officer thereof, who shall, directly or indirectly, issue or cause to be issued any stocks, certificates of stock, bonds, or other evidences of indebtedness contrary to the provisions of this act, or who shall apply the proceeds from the sale thereof to any purposes other than that specified in the certificate of the commission, shall forfeit and pay into the Treasury of the United States, to the credit of the funds of the District of Columbia, not less than \$500 nor more than \$10,000 for each offense.

All these sections have been eliminated. To my mind they are exceedingly important provisions in the interest of the District of Columbia and should remain in the bill.

Section 91, as it appeared in the bill prepared by the corporation counsel, is omitted from the pending bill. That section provided:

Sec. 91. That the commission shall have power, when deemed by it necessary to prevent injury to the business or interests of the public or the business or interests of any public utility of the District of Columbia, in case of any emergency, to be judged of by the commission, to temporarily alter, amend, or, with the consent of the public utility concerned, suspend any existing rates, schedules, and order relating to or affecting any public utility or part of any public utility within said District. Such rates so made by the commission shall apply to one or more of the public utilities in said District, or to any portion thereof, as may be directed by the commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission.

I, of course, do not know upon what theory that section was omitted. It seems to be a proper provision in the matter of rates within the control of the commission.

I come now to section 86. Section 95 of this substitute corresponds with section 86 of the pending bill. It is provided in the pending bill for the compensation of the corporation counsel or district attorney, and it is provided that he shall have the right to select and employ such special counsel as he may desire. In this proposed substitute I have stricken out that provision. I do not believe that the corporation counsel should be allowed to select special counsel. This Government has spent millions of dollars for special counsel employed by the Attorney General. I do not believe in anything of that sort. This Government should supply the Attorney General with all the help he needs and pay them proper salaries. The worst kind of evil comes from employing special counsel. I am opposed to it, and for that reason I have changed not only the

provision in the pending bill, but a like provision contained in the substitute I offer.

Mr. GALLINGER. On that point, Mr. President, if the Senator will allow me, this is a bill for the District of Columbia. It is not a governmental bill. It is not a bill or a law like the interstate commerce law, and the provision is that those who are charged with the conduct of legal matters in the District shall have jurisdiction over this question.

I do not see, either, how, when the Senator complains about special counsel employed by the Department of Justice, he is going to improve the matter if he allows the Department of Justice to provide special counsel. An appropriation of money is made for the purpose of carrying out this law in good faith, and the corporation counsel is given jurisdiction over the legal proceedings, and he necessarily will want help, and provision is made that he shall employ such assistants as he finds it necessary to employ. That is all there is to it.

Mr. WORKS. I object to that portion of the bill on general principles; I do not care whether it relates to the Attorney General of the United States or the corporation counsel of the District of Columbia or any other prosecuting officer of the Government. I do not believe the door ought to be opened to special counsel without limit, to be employed at the instance of the officer whose duty it is to perform these duties. If he has not help enough, the District of Columbia in the one case or the National Government in the other should supply him with the necessary help. I do not know whether it is true, as the Senator from New Hampshire suggests, that he has not ample force now to do everything required to be done under this bill. He may not have. I do not know.

Mr. GALLINGER. It is the opinion of the commissioners and of the corporation counsel that he has not ample force for that purpose.

Mr. WORKS. I presume that is true. If he needs help it should be provided and not result in the employment of special counsel.

Now I come to the last section of this substitute, which is to me something entirely new. It originated, I believe, with the Commissioners of the District of Columbia. They regard it as quite important. It is a sort of general provision giving the commissioners power and jurisdiction at all times to look after and control the conduct and affairs of the corporations. It is something that, so far as I know, has never been carried into any bill of this kind. I submit it for the consideration of the Senate. It is section 106 of the substitute, which provides:

That it shall be the duty of the commission in fixing and determining rates, in directing extensions and improvements, and in general when making requirements under the provisions of this act that involve expenditures by or lessen the receipts of public utilities, and notwithstanding any other of the provisions of this act, having in mind the public interest, to require the utmost of the public utility that will not trench upon its constitutional right to earn a fair net return upon the fair value of its property used for the convenience of the public.

That provision is proper enough. The only question in my mind is whether with the provisions contained in the substitute the commission is not given the power asked for by this specific provision, but certainly it would not have that power by the provision of the pending bill. That is one reason why I complain of it.

Mr. President, reference has been made to the reports made upon this bill by the District Commissioners. For that reason I desire to call attention to those reports. There has been a report made upon both of these bills, one of them by the commissioners relating to the bill as it was introduced in the House, and one relating to the bill as it was introduced by the Senator from New Hampshire in the Senate.

I call attention first to the report which was made upon the pending bill. I am not going to read it all, but I desire to read some parts of it to show what the estimate of the commission is of the bill itself. They say:

The commissioners, after a careful study of the whole subject and after exhaustive researches by the corporation counsel, from whom they have received most valuable advice, are of the opinion that the bill under consideration will in a general way—

Now, mark that language—

The bill under consideration will in a general way satisfactorily solve the problems of the control of local public utilities.

That is just about equivalent to saying that the commissioners are willing to accept this bill if they can not get anything better.

They invite attention to the following remarks, however, as they may be suggestive to the committee of the advisability of a very few minor changes in the text of the bill.

Those "few very minor changes" constitute a very modest suggestion to the Senate that something may be done to perfect the bill.

A bill with a similar end in view was introduced in the House of Representatives on December 21, 1911 (H. R. 16565).

That is the bill I have offered here as a substitute.

The essential differences between the Senate and House bills are as follows:

(1) The Senate bill, section 6, adopts in a modified form the Maryland provision for valuation. The House bill, sections 6 and 7, adopts the Wisconsin provision. According to the Senate bill the "fair value" is to be ascertained. The House bill requires that there be ascertained, in addition to the fair value, the investment cost, and the cost of reproduction. Now the Supreme Court, in an opinion by Mr. Justice Harlan in the case of *Smyth v. Ames*, has declared that among other elements entering into the fair value, which it states is "the basis of all calculations as to the reasonableness of rates," are the original cost of construction and "the present as compared with the original cost of construction." In other words, it would seem that the Senate and House bills attain the same end in the matter, although by slightly different methods. The House bill has the advantage of being more specific. The Senate bill has the advantage of greater elasticity.

These two provisions in this bill do not reach the same result by any means. They are altogether different. The Maryland law that has been adopted in the pending bill gives no power or authority whatever to investigate the question as to the original cost; that is absolutely eliminated from the bill; and the power to do anything by which they may determine the actual value is lacking.

(2) With respect to stock and bond issues, controlled in sections 70, 71, 72, and 73 of Senate bill 3812, and in sections 73, 74, 75, 76, 77, 78, 79, 80, and 81 of House bill 16565, again it may be said that the House bill adopts the Wisconsin provision and is very specific. The Senate bill, though less specific as to the manner of control, appears to confer upon the commission ample power to exercise all control that the House bill contemplates.

The commission is mistaken with respect to that matter. There is no provision in the pending bill by which that can be done. I have pointed out to the Senate that the very provision in one of these sections which provides the means for ascertaining these things is stricken out and eliminated from the bill.

(3) House bill 16565, in the third paragraph of section 100, makes provision for universal transfers. Senate bill 3812 omits such a provision, but on the other hand a bill known as Senate bill 3813, introduced by Senator Gallinger simultaneously with his public-utilities bill, contains a provision for universal transfers.

That is not a matter of very much importance, because it is pending before the House now, through a bill which has already passed the Senate:

(4) Section 3 of House bill 16565 provides under certain conditions for the use by one public utility of certain specified properties belonging to another. Senate bill 3812 limits the permanent use of the specified properties to "a distance not exceeding 2,500 feet." Inasmuch as the properties mentioned in both bills are not all logically to be limited by such a linear dimension, the redrafting of the limitation in the Senate bill will doubtless seem necessary to the Senate committee. If it shall seem best to insert any limitation whatever, and if it be desired that such limitation refer only to the tracks of street railway companies, then it is suggested that no limit less than 3,000 feet be adopted.

(5) The last section of the House bill has no counterpart in Senate bill 3812. It appears to be the purpose of this section to direct the commission in unmistakable terms to utilize in the interest of the public all of the power conferred upon it, while at the same time protecting the public utilities from despoliation. This section appears to sum up very well the essential principle of regulation. Moreover, it may give some not unfair advantage to the commission if the reasonableness of any rate it may have fixed should become a subject of controversy before a court of law. It is not believed that any similar section has been embodied in any other public-utility law, but the commissioners can not see how the addition of it could otherwise than strengthen and improve the Senate bill.

The commissioners believe that a public-utilities commission would arrive at practically the same result for all interests concerned, whether the Senate or House bill were enacted into law, assuming that universal transfers were required in either case, and that any limitation upon the use of one company by another were stated at 3,000 feet or a greater distance.

The commissioners can see no reason why, in violation of the act of 1878, the expenses of the commission should be borne by the District alone. They recommend that the bill be amended so as to provide that appropriations for the use of the commission shall be on the half-and-half plan.

The commissioners most urgently request the enactment into law of Senate bill 3812, with such minor changes as the Senate committee may see fit to make.

They have suggested these changes. While they call them minor changes, they are changes that go to the very heart of this question and are vital and important to the enactment of the right sort of utility law.

Now, turning to the report that was made upon the House bill which is offered here as a substitute, the language of the commissioners in approving that bill is quite different. They say:

The commissioners, after a careful study of the whole subject and after exhaustive researches by the corporation counsel, from whom they have received most valuable advice, are of the opinion that the bill under consideration will in a general way satisfactorily solve the problem of the control of local public utilities.

There is no qualification to that report upon the bill. They approve it without qualification. In the other report they say that the bill is satisfactory in a general way, and then go on to point out in what respect it is defective.

Mr. President, I have undertaken as best I could to point out the differences between these two bills. I am quite sure that the Senator from New Hampshire is desirous of having the same kind of bill enacted that I am.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Will the Senator from California yield to the Senator from Ohio?

Mr. WORKS. Certainly.

Mr. POMERENE. I did not hear all of the Senator's argument, and, with his permission, I should like to ask him a question. Do I understand the Senator to say that the Senate bill does not give to the commission any authority whatsoever or control of the stock or bond issues?

Mr. WORKS. Yes; it does in a general way, but there is eliminated from the bill as it was originally drafted the means by which that may be done.

Mr. POMERENE. Are there any provisions in the Senate bill limiting the purposes for which stock and bonds may be issued?

Mr. WORKS. No; I understand not.

Mr. POMERENE. Do I understand the Senator to say that the disposition of the proceeds of the sale of bonds and stock would be left entirely to the discretion of the board of directors of the public-utilities commission?

Mr. WORKS. It does so by omitting any provision giving control over it.

Mr. GALLINGER. Would not the Senator add that it is largely left to the discretion and authority of the commission rather than to the board of directors?

Mr. WORKS. That may be true in a sense, though there is no provision in the bill, as I understand it, by which the commission is given any power to determine that question or any means by which it can be done. The general authority given in the bill possibly may be sufficient for that purpose, but there are provisions which have been omitted from the bill as it was originally drawn that would give ample control over all these things.

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Georgia?

Mr. WORKS. I do.

Mr. SMITH of Georgia. The Senator speaks of the way in which the bill was originally drawn. Does he mean as originally submitted to the Senate?

Mr. WORKS. The inquiry of the Senators show that they must not have been here during a part of the time I have been discussing this measure.

Mr. SMITH of Georgia. I was called out, and that is the reason why I asked the question.

Mr. WORKS. The original bill, I will say to the Senator from Georgia, that I refer to is the bill that was prepared by the corporation counsel under the supervision and direction of the District Commissioners, and the bill that was introduced in the House.

Mr. GALLINGER. Mr. President, to be accurate—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. I do.

Mr. GALLINGER. The Senator should say it was prepared upon the suggestion and request of the chairman of the District Committee.

Mr. WORKS. I think that may be so. I am quite sure, as I said awhile ago, that the Senator from New Hampshire is seeking just what I am with respect to this matter. I think it is true that he took the initiative with respect to the matter. But, as I understand it, the bill was prepared originally by the corporation counsel under the direction and the advice of the District Commissioners, and that is the bill I have offered here as a substitute. When I say the original bill I refer to that measure.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Missouri?

Mr. WORKS. Certainly.

Mr. REED. Mr. President, I want to preface my remarks by apologizing because I have not been able to be here during the Senator's remarks. I want to ask the Senator what provision there is made in this bill, or in any other bill, for the payment by the public-service corporations of the city of revenues to the city.

Mr. WORKS. There is no provision made in this bill so far as I remember. I do not think that phase of it is covered at all.

Mr. REED. I should like to inquire of the Senator from New Hampshire, with the permission of the Senator from California, whether the public-service corporations of the city pay any portion of their income or revenues into the Public Treasury?

Mr. GALLINGER. The street railroads of the District pay 4 per cent of their gross receipts. The gas company pays 5 per cent of its gross receipts. The other corporations pay in about the same proportion.

Mr. REED. Do they also pay their taxes in addition?

Mr. GALLINGER. They pay taxes on their real estate and their personal property.

Mr. REED. So that I may understand, let me ask do they—

Mr. WORKS. The Senator from New Hampshire, I understand, does not mean to say that that is provided for in this bill.

Mr. GALLINGER. Not at all. That is the general law. It is not provided in this bill. It is not necessary.

Mr. WORKS. It is not necessary that it should be provided for here.

Mr. GALLINGER. No. The taxes paid by the public utilities of the District of Columbia, I think it has been universally conceded, are very liberal taxes. There is a report, made here recently upon a resolution that the Senator from Idaho [Mr. HEYBURN], I think, introduced, which gives the exact amount paid by each public utility.

Mr. REED. Will the Senator tell me approximately how much the street railway companies pay in gross to the city?

Mr. GALLINGER. In a general way I can do so, but I will send for the report and give it to the Senator very definitely. I think that one corporation pays, in addition to its ordinary taxes, something like \$79,000 a year. It may be a little larger or a little less, but I can get the report and put it in the RECORD at this point.

Mr. REED. The Senator has sent for the report?

Mr. GALLINGER. I have sent for a report made upon a resolution that the Senate agreed to, which I think was introduced by the senior Senator from Idaho [Mr. HEYBURN], calling for that information. It was submitted here a few days ago and was printed. I will get it. It gives the exact amount of taxes paid by each public utility in the District. I think we can have it in a moment.

Mr. REED. One further inquiry. Of course, most of us are somewhat unfamiliar with these regulations in the District. You say they pay taxes upon their real estate and what other property? Are they taxed, as the ordinary concern is, upon all of their property, or simply upon real estate?

Mr. GALLINGER. That is the law, as I understand it.

Mr. REED. Do they pay any tax on their franchises?

Mr. GALLINGER. They pay no tax on the franchise, I apprehend.

Mr. REED. Mr. President, I will state my reason for the inquiry. I simply wanted to know whether these companies are contributing what they should contribute to the Public Treasury.

Mr. GALLINGER. I have been connected with the Committee on the District of Columbia, and I say it to my regret, for 21 years. This matter has been given very serious consideration by business men on that committee. The late Senator from Michigan, Mr. McMillan, took the matter up, and I think I am absolutely correct in saying that the present rate of taxation was fixed by Senator McMillan in a bill that was passed by the Senate. I have the report here, for which I sent.

Mr. REED. Mr. President, through the courtesy of the Senator I will receive this information in due course, and I will not take the time further.

Mr. GALLINGER. Right here I will say to the Senator that I will ask the Secretary to read it, because the print is very small.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

Mr. WORKS. If the Senators had given me five minutes more, I think I would have been ready to surrender the floor.

Mr. GALLINGER. Then I will ask that it be put into the RECORD, if that will satisfy the Senator.

Mr. WORKS. I have no objection to having it read, if that is the desire.

The VICE PRESIDENT. Without objection, it will be inserted in the RECORD.

The matter referred to is as follows:

Assessed valuation of property owned by the street and steam railroad companies in the District of Columbia and the amount of taxes paid by each company for the fiscal year 1911.

STREET RAILROAD COMPANIES.

	Real estate.		Personal property.	
	Assessed value.	Tax paid.	Gross receipts.	Tax paid (4 per cent).
Anacostia & Potomac River R. R. Co.	\$105,308.00	\$1,579.62	\$441,917.19	\$17,676.69
Brightwood Ry. Co.	10,924.00	163.86	116,966.33	4,678.65
Capital Traction Co.	\$98,081.00	13,471.22	2,195,599.30	87,823.97
City & Suburban Ry. Co. of Washington.	89,221.00	1,233.32	405,727.00	16,229.10
Georgetown & Tennallytown Ry. Co.	21,495.00	322.43	60,834.56	2,433.38
Washington Railway & Electric Co.	\$25,516.00	7,882.74	1,371,879.03	54,875.16
Washington, Potomac & Chesapeake R. R. Co.	15.00	.23		
Great Falls & Old Dominion Ry. Co.			14,331.56	573.26
East Washington Heights Traction R. R. Co.			7,254.80	290.19
Washington-Virginia Ry. Co.			90,209.96	3,608.40
Washington-Virginia Ry. Co., 2,376,825 passengers over bridge, at $\frac{1}{2}$ cent each.				11,884.13

STEAM RAILROAD COMPANIES.

	Real estate.		Personal property.	
	Assessed value.	Tax paid.	Assessed value.	Tax paid.
Baltimore & Ohio R. R. Co. (Delaware Avenue included in this assessment, valued at \$77,250; tax unpaid, \$1,158.75)	\$1,112,273.00	\$15,525.35	\$65,958.00	\$989.37
Chesapeake Beach Ry. Co.	8,533.00	128.00		
Georgetown Barge, Dock, Elevator & Ry. Co.	3,950.00	59.25		
Real Estate & Improvement Co. of Baltimore City	2,008,655.00	30,129.83		
Southern Ry. Co.	365,414.00	5,481.21	67,075.00	1,006.13
Washington Terminal Co. (streets and Delaware Avenue included in this assessment, valued at \$811,087; tax unpaid, \$12,179.81)	4,464,725.00	54,791.07		
Washington & Western Maryland R. R. Co.	6,769.00	101.54		
Philadelphia, Baltimore & Washington R. R. Co.	1,412,769.00	21,191.54	103,063.00	1,546.40
Washington Southern Ry.			8,350.00	125.25
Pullman Car Co.			72,000.00	1,080.00

Mr. REED. I apologize to the Senator from California. I thought he had concluded his remarks when I rose to ask a question.

Mr. WORKS. No apology is necessary.

Mr. OLIVER. Mr. President, before the Senator from California closes, I should like to have him give something of a statement with regard to the demand or the necessity for legislation of this kind, not that I am opposed to the legislation, because I am in favor of it, but I should like to be enlightened as to the hardships under which the inhabitants of the District suffer by reason of the abuse of power or exorbitant charges on

the part of the public utilities of the District. If the Senator is informed on that subject I should like to have him give such information as he has in his possession before he closes his remarks.

Mr. WORKS. Mr. President, I want to say in the beginning that I do not regard this bill as being as radical or drastic as the Senator from Pennsylvania seems to think or as newspapers have tried to make it appear.

Mr. OLIVER. I did not allude to it in that way.

Mr. WORKS. I understood the Senator from Pennsylvania to refer to it in that way.

Mr. OLIVER. Oh, no; I meant—

Mr. WORKS. Then I beg the Senator's pardon.

Mr. OLIVER. I meant in regard to the necessity of any legislation on the subject. I simply ask for information.

Mr. WORKS. Mr. President, with respect to that matter, I am probably not as familiar with the conditions in Washington as the Senator himself. I have been content, so far as that feature of it is concerned, to rely upon the District Commissioners. They say that it is absolutely necessary and they need it badly in this District, and they have been insisting for a long time that some legislation of this kind should be enacted. Personally, I do not know what the necessities for it are, but I have acted upon the suggestion of the commissioners themselves; and the Senator from New Hampshire, I think, who has been very active in bringing about legislation of this kind, recognizes the necessity for some legislation on the subject. He may not be willing to go as far as I do. He may regard these provisions as unnecessary and drastic. I do not so regard them. But we may differ about questions of that kind. I think we do agree entirely that there should be some reasonable legislation along these lines. That is my only desire, Mr. President, so far as this bill is concerned. I have no personal interest in it one way or the other. I believe in this kind of legislation for the regulation of utility corporations. I think we should have regulations of that kind in the District of Columbia. My only purpose is to secure a bill that will accomplish that result in a reasonable and proper way.

Mr. OLIVER. Mr. President, I should like to take a few minutes of the time of the Senate.

In addressing my inquiry to the Senator from California, I did not intend to allude to either his substitute or the bill proposed by the committee as drastic in its nature, but I want to elicit some information as to the real necessity in the District of Columbia for legislation of this sort. I was a member of the subcommittee which passed upon the bill, and I am cordially in favor of it, but I am not strongly impressed with the absolute necessity for any legislation of this kind. It was with a view of ascertaining the necessity for it or the demand for it that I interrogated the Senator from California.

I know, Mr. President, that when the universal-transfer bill, which we passed here a short time ago and which is now pending in the House, becomes a law, any man can ride from any one part of the District to another for a nickel. I have in my house here in Washington a telephone service consisting of a line of four branches, for which I pay less than half the amount that I pay in Pittsburgh for a line with only three branches in my residence there. I also know of another instance. In the little town in which I live in the summer in Canada, where I have still smaller service, I pay 50 per cent more for it than I pay for the service here in Washington.

I do not believe that there is any strong, necessitous demand for legislation of this kind in the District such as there undoubtedly is in the different States. The inhabitants of many of our States have for years been oppressed by exorbitant railroad rates and by the discrimination in rates from one district or one town as against another. The necessity for such legislation in the States has existed and is being satisfied by legislation passed year after year. There is no such strong necessity for it in the District, but whatever evils may exist I think will be cured by the bill as proposed by the committee. If it is found from experience that the provisions need to be strengthened, they can be added to from time to time.

But there is danger, in passing legislation of this kind, of overdoing it, of discouraging men from investing their money in these public-utilities concerns. I do not believe that we ought rashly to rush into legislation which is calculated to retard progress in such affairs or to keep men of capital from putting their money and their time into these enterprises and prevent giving to them the benefit of their experience.

I think the bill, as reported by the committee, is fully as drastic and as severe as it ought to be made. If this should prove not to be the case, it can be amended from time to time, because the tendency of the times is not certainly toward leniency in such matters but toward strictness.

Mr. GALLINGER. Mr. President, I will occupy but a moment.

First, I will state for the benefit of the Senator from Missouri [Mr. REED], who properly asked a question about taxation, that one of the railroad corporations of this District pays \$100,000 in taxes on the railroad property and \$11,000 on personal estate, making \$111,000; and the other corporation, known as the Washington Railway & Electric Co., which controls the small corporations that were consolidated with it a few years ago, pays taxation to the amount of \$100,000 a year. It has been always considered that the taxes paid were as high as they ought to be, and I believe that they are.

Mr. President, I have believed that there ought to be a bill regulating the public utilities corporations of the District of Columbia, and in good faith and in all earnestness, and in all honor, I have undertaken to bring about that result. As early as June, 1911, I introduced a bill and followed it up by having consultations with the corporation counsel and the commissioners and others, giving a great deal of time to its consideration, weeks and weeks of time, indeed. An unfortunate circumstance called me to my home in July and I did not return during the remainder of that session.

At the beginning of this session it was taken up again, and a great many hours of earnest effort were put into the consideration of this bill. It is true that the bill is not precisely as the corporation counsel first drafted it, but the corporation counsel was consulted at ever stage and agreed substantially to the changes that were made.

It was not desirable to have everything in this bill. I submitted it to Commissioner Lane, of the Interstate Commerce Commission, with the suggestion that he should look it over, and his only comment was that it was too long; that there was too much in it; while if we had put in what the Senator from California has suggested to-day, in addition to what there is in the bill, it would have been interminably long. Commissioner Lane said that he had not time to give it the consideration he would like, but he looked upon it as a bill that accomplished precisely the result that was aimed at.

Now, Mr. President, that is all I care to say.

Mr. CUMMINS and Mr. REED addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Hampshire yield the floor?

Mr. GALLINGER. I yield to the Senator from Missouri, who, I think, desires to interrogate me.

Mr. REED. Just a question as to the amount of revenues paid on the 4 per cent basis. The Senator gave us the amount of the taxes. I want to get the total revenue.

Mr. GALLINGER. I will give that to the Senator in a moment. We will take, for instance, the Capital Traction Co.

Mr. REED. I want to get the aggregate of all the railroads. Can the Senator give it separately or together?

Mr. GALLINGER. I have made a calculation here. It was somewhat hurried, but I think it is almost entirely accurate. It appears that the Capital Traction Co. pays a tax of \$100,000 on the assessed value of the property. In addition to that it pays a tax on personal property amounting to something over \$11,000. The other corporation, which practically controls all the other railroads of the city, pays a tax of \$61,000 and about \$39,000 personal tax, making in one instance a gross tax of \$111,000 and in the other of \$100,000.

Mr. REED. That includes the 4 per cent that they pay?

Mr. GALLINGER. Yes; it includes the 4 per cent.

Mr. REED. Can the Senator answer me one further question? What is their mileage, substantially?

Mr. GALLINGER. That appears in a hearing, but I have not it at hand at the present time. The Washington Railway & Electric Co., while its receipts are probably not more than one-half those of the Capital Traction Co., has a much greater mileage. I should say offhand that the mileage of that company is 250 miles, but I am not sure as to that.

While I am on my feet I think it is proper I should say—because it is forgotten even by Senators—that while in almost every city of the country a 5-cent fare is paid, and the commission in Massachusetts has made a recent report recommending that it shall be increased to 6 cents in certain cities of that State, here we get six tickets for 25 cents, and the difference between six tickets for 25 cents and a straight 5-cent fare to the people who use these railroads amounts to something over \$700,000 a year, which goes to the benefit of the traveling public.

When I go to New York, Boston, Philadelphia, Baltimore, I pay my nickel fare. In Washington we pay 4½ cents; and, as I said, the difference between a nickel fare and six tickets for a quarter amounts in the aggregate on all the railroad lines in the District to between \$700,000 and \$800,000, which goes into the pockets of the public. That ought not to be lost sight of.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield further?

Mr. GALLINGER. I yield.

Mr. REED. It is on another matter, but in regard to railroad rates. Is it not true that in business houses they are required to take their telephones upon what is known as measured service and pay a certain amount per call?

Mr. GALLINGER. I do not know. I will say to the Senator that that is an absolute requirement. They have that system in operation here as elsewhere, but I do not know that they are not permitted to take them upon the annual scheme. I am not

confident as to that in business houses. The measured rates here are very low for telephone service.

Mr. REED. If I am not interrupting the Senator—

Mr. GALLINGER. No.

Mr. REED. I want to say in regard to this contribution to the public revenue by the street railway companies of Washington that it is about one-half of the amount contributed in the city in which I live, although that city proper has a much smaller population than Washington, and adding to that city Kansas City, Kans., which is commercially a part of it and to which the street railway company makes a contribution exactly similar to the one it makes in Kansas City, Mo., I think the contribution here is about one-third of the amount that is paid there.

Mr. GALLINGER. May I make a suggestion to the Senator? I do not know for a certainty that it is so, but because of the fact that the corporations in the District of Columbia are the creatures of legislation they are not permitted to extend their lines ad libitum if they are disposed to do it. We have denied the privilege of their going on a great many streets. I have been in cities, and the great city of St. Louis, in the Senator's own State, is an illustration where the city is gridironed with railroads. May it not be that in Kansas City there are more railroads and a much larger investment than in Washington? I do not know how it is. I merely suggest it as a possibility.

Mr. REED. Of course, if a railroad had to run more miles of track to carry the same population its net receipts would be less than if it carried that same population on a few miles of track.

Mr. GALLINGER. That would not necessarily follow. We have great sections of the city of Washington where, in my judgment, there ought to be railroads, and where the people have not the facilities for traveling.

Mr. REED. But they must either walk to the car line or walk to town.

Mr. GALLINGER. Yes; they get into town in some way.

Mr. REED. I might say in addition that the physical difficulties to be overcome in my city are such that the cost of operation as well as construction must be 50 per cent higher than here.

Mr. GALLINGER. I presume the Senator will admit that which I think is a fact, that in that enterprising city of Kansas City they have an overhead trolley system.

Mr. REED. That is true.

Mr. GALLINGER. And here we have an underground electric system, compelled by congressional action, which costs about three times as much to build and costs more for maintenance. That makes a great difference.

Mr. REED. I question whether it will offset the other difficulties or anything like it. There the companies pay 8 per cent of their gross revenues, and they have to overcome the physical difficulties, among other matters, of crossing the river.

Mr. GALLINGER. They get a 5-cent fare, of course.

Mr. REED. They get a 5-cent fare.

Mr. GALLINGER. The men who are managing these corporations in the District of Columbia have said to me over and over again, and they have said to committees of Congress, that if they can be permitted to charge a 5-cent fare they are prepared to do pretty much anything that Congress will ask of them.

Mr. REED. But I want to add that for many years they have given universal transfers in Kansas City, while in Washington they have not given such transfers, and universal transfers amount to more in my city in the way of a reduction than the difference between six tickets for a quarter and five tickets for a quarter.

Mr. GALLINGER. Well, we are hoping to get universal transfers in Washington. The Senate has acted upon the bill, and I trust the Senator from Missouri will use his good influence in the other body to see that they act upon it.

Mr. REED. I will use whatever influence I have at any time to try to keep charges for public service to a fair amount.

Mr. CUMMINS. Mr. President, before the Senator from New Hampshire concludes his observations, I should like to make a suggestion to him. It is utterly impossible for all of us to become familiar with the details of either of these bills. It has been suggested that the bill originated with the chairman of the committee and was perfected, or at least prepared, by the corporation counsel of the District. Since that time, after hearings before the committee, there have been changes made in the original draft. The Senator from California [Mr. WORKS], as I gather it, now proposes as a substitute for the bill reported by the committee practically the bill as it was originally drawn by the corporation counsel. He has pointed out from his standpoint the differences between the two bills,

I think it would be very helpful to the Senate, I know it would be to me, if the Senator from New Hampshire, from his point of view would direct the attention of the Senate to the essential differences—not the immaterial differences, but to the essential differences—between the bill which his committee has reported and the bill which the Senator from California now proposes as a substitute. I should like to vote intelligently upon the proposition now before the Senate, which is one of substitution; and if the Senator from New Hampshire will, clearly as he can and always does, point out the distinguishing features between these two bills, I should be very much obliged to him and I think all who are here would be.

Mr. GALLINGER. Mr. President, I do not think that ought to be required of the chairman of the committee. This bill has been before the Senate since the 9th day of June, 1911, in substantially the form in which it now is. Every Senator has had an opportunity to examine it. When this bill was reported to the Senate, agreed to by the Commissioners of the District of Columbia, agreed to by the corporation counsel, a certain gentleman in another body thought he would like to get up a bill. So he took this bill and took the commissioners' bill and inserted two or three paragraphs in it so that it would not be the same bill. It is upon those changes largely that the Senator from California has dwelt.

As I said a moment ago, Mr. President, this bill might have been made longer. There is not any limit to verbiage—to written verbiage and sometimes to spoken verbiage—but the committee thought that it ought to be condensed as much as possible, so long as it conferred adequate authority to accomplish the desired ends.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. Certainly.

Mr. WORKS. I should like to ask the Senator whether he personally has any objection to the section providing for the examination and ascertainment of the amount of stock and bonds, the original cost of the plant of the corporations, and, making it a double question, whether he regards that as mere verbiage?

Mr. GALLINGER. Mr. President, I have objection to the changes that the Senator from California has suggested because I think they are all unnecessary.

In that connection, I want to say that the Senator from California has had a long time to consider this bill. He met with the Committee on the District of Columbia several times; he knew what we were doing; and he did not offer any amendments before the committee.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I do.

Mr. WORKS. I have given most careful attention to this bill. I doubt if any other member of the committee, except the chairman, the author of the bill, has given anything like the attention to it that I have. I went over it carefully, as I have said, with the corporation counsel, who is supposed to be competent to determine what should go into the bill. I was not content with that, but I went over it very carefully with one of the Commissioners of the District of Columbia before taking action upon it. I suggested to the committee that I would like to propose some changes in the bill. It was then referred, as I said in the beginning, to a subcommittee. I had no opportunity to meet with that committee and had no notice of their meetings. Then it was returned to the full committee. I was out of the committee when it was acted upon, and I had no knowledge of what action had been taken until it was reported on the floor of the Senate. So I think the Senator from New Hampshire ought not to say that I have not given due and proper attention to this bill. I have, because I regard it as a very important piece of legislation, and I regret very much that Senators are not in their seats so that they might understand what are the differences between the two bills. They are very important differences; and I think Senators ought to have an opportunity to compare the two bills, taking the explanation that I have given here on the floor of the Senate, in order to vote intelligently upon this question.

Mr. GALLINGER. Mr. President, I will now occupy the floor for a moment. The Senator from California can not say that he has been treated unfairly or discourteously by the committee. That is not correct. He had every opportunity before the committee to offer his amendments, and it is rather an extraordinary matter for a member of a committee to sit mute during the consideration of a great measure, occupying weeks and months in its consideration, and then come before the Sen-

ate and say that he has got a better bill than the committee prepared and reported. It may be better and it may not be better. I will not take up all the differences that the Senator pointed out; but he found fault with our method of ascertaining the valuation of public utilities.

Mr. President, we took the Maryland statute, which is the latest statute on that subject. The Wisconsin statute is somewhat more elaborate and perhaps somewhat more specific in certain matters, and yet it was the consensus of opinion on the part of those who looked into the bill that the Maryland statute was adequate in every respect; and, it being the latest statute on the subject, it was incorporated into the bill. I took personal occasion to make inquiry of Maryland people concerning the workings of the statute, and they said that it worked with entire satisfaction.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I do.

Mr. WORKS. The Senator from New Hampshire has spoken now a number of times about a conference that was held with respect to this bill. I would like to ask who was present and took part in that conference at the time he says the commissioners consented to these changes being made?

Mr. GALLINGER. The commissioners were present, or the engineer commissioner, who represented them, was present.

Mr. WORKS. Was anybody present representing the utility corporations?

Mr. GALLINGER. Yes.

Mr. WORKS. What corporations?

Mr. GALLINGER. Well, Mr. President, I am not going to be interrogated by the Senator from California. I did consult the utility corporations. I think they are entitled to consideration. The Senator from California may hold a different view. The railroad corporations were consulted. Mr. Hamilton, on the part of the Capital Traction Co., was present; Mr. King was present a few moments on the part of the Washington Railway & Electric Co.; and Mr. Goldsborough was present on the part of the Washington Gas Light Co. They were invited there by me; they were consulted; and, to their credit be it said, Mr. President, they did not object to a public-utilities bill, saying that they wanted it to be an adequate bill, one that was workable and one that would accomplish the results that they knew the chairman of the committee, at least, had in view. They were consulted. The Maryland statute as to ascertaining values seemed to the committee to be adequate; but, in addition to that, there is a provision in this bill that if the commission has any doubt as to the elements of value they can go to the court and ascertain the opinion of the court on that subject.

Mr. REED. Will the Senator kindly give me the number of that section?

Mr. GALLINGER. It is section 62. It reads:

SEC. 62. That if at any time the commission shall be in doubt of the elements of value to be by them considered in arriving at the true valuation under the provisions of this act they are authorized and empowered to institute a proceeding in equity in the Supreme Court of the District of Columbia petitioning said court to instruct them as to the element or elements of value to be by them considered as aforesaid, and the particular utility under valuation at the time shall be made party defendant in said action.

That seemed to the committee to be an addition to the Maryland statute and a provision that will certainly enable the commission to exercise their duties not only faithfully but effectually, and so that was placed in the bill.

The concluding section of the substitute is what the Senator from California, I think, laid most stress upon. That section provides:

SEC. 106. That it shall be the duty of the commission in fixing and determining rates, in directing extensions and improvements, and in general when making requirements under the provisions of this act that involve expenditures by or lessen the receipts of public utilities, and notwithstanding any other of the provisions of this act, having in mind the public interest, to require the utmost of the public utility that will not trench upon its constitutional right to earn a fair net return upon the fair value of its property used for the convenience of the public.

Mr. President, that is not to be found in any public-utilities law that I have had occasion to examine—and I examined them all, I think; and I do not see that it is necessary at all for it to be in the bill. It is simply a direction to the commission to do its duty. The provisions of the bill are adequate—they are specific; the duty of the commission is expressed in clear and unmistakable language; they are given unlimited power; and why we should wind up by putting a section at the close of the bill, telling them that they should do their duty in that regard, surpasses my comprehension. I do not think it is necessary; and for that reason I have no disposition to have it incorporated in the bill that is now before the Senate.

The Senator from California has laid stress somewhat upon the provision relating to stocks and bonds; but I think that the provision I had inserted a few days ago is entirely adequate for that purpose and that the suggestion the Senator made as to the enlargement of it would not result in any real service to the public.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I yield to the Senator.

Mr. WORKS. The Senator from New Hampshire understands, I presume, that the amendment which has been submitted here relating to the subject of stocks does not cover the bonds at all.

Mr. GALLINGER. It does not cover the bonds because the committee did not think it was necessary to do that.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. I do.

Mr. POMERENE. In the mind of the Senator from New Hampshire, what objection would there be to making the issue of bonds and stocks subject to the approval of the commission?

Mr. GALLINGER. I think that is in the bill, though I can not turn to the section at the present time.

Mr. POMERENE. I think it is true that there is some provision to the effect that the issue shall be generally subject to the approval of the commission.

Mr. GALLINGER. Yes.

Mr. WORKS. There is that provision in the pending bill. The objection I made to it was that that portion of the section providing the means by which the commission could determine whether the stock or bonds should be issued is entirely stricken out.

Mr. POMERENE. My thought was that there ought to be something in the bill limiting the purposes for which stock and bonds might be issued and the purposes to which the proceeds from the sale of the stock and bonds might be applied. To make myself clear, I have been informed that one of the public utility companies here in the city, within recent months perhaps, or at any rate within a short time, has not only declared cash dividends but issued stock and distributed the stock as a dividend when the stock is below par.

Mr. WORKS. If the Senator will yield to me, there are three or four sections in the substitute bill that has been offered here providing for just that condition of things, and those sections, as I have explained to the Senate, have all been omitted from the pending bill.

Mr. POMERENE. The Senator has just called attention to the fact which I had in mind. I want to ask the Senator from New Hampshire what, if any, objection there could be to limiting the purposes for which stock or bonds might be issued, and, secondly, limiting the purposes to which the proceeds of the sale of the stock and bonds might be applied in order to prevent the excessive issue of stock, or, in other words, watered stock?

Mr. GALLINGER. Well, Mr. President, I do not think that is necessary. The powers of the commission are very complete in the matter of increasing stock issues, and, after all, it is in the hands of Congress. I do not know of any occasion in recent years where a dividend of that kind has been paid by any public utility corporation. I think that some years ago there was a case of that kind, but I have an impression that the rates that are now being exacted for public utility service in this District are not such as to give public utility corporations much chance to declare dividends of that kind.

When I commenced, Mr. President, only a few years ago, to take up the question of the price of gas in the District of Columbia it was \$1.25 in Washington and \$1.50 in Georgetown. The price is now 85 cents in both cities; and I had hoped for a still further reduction in the near future, which I trust will come. They are not making inordinate profits, so far as I can ascertain, and I have made very diligent inquiry along those lines. The railroad companies have not made inordinate profits. If the Senator will take the hearings before the Committee on the District of Columbia on the universal-transfer bill, if Mr. Hamilton, who is one of the best known and most respected citizens in the District of Columbia, is to be believed, the Capital Traction Co. did not make any profits last year, except \$4,000, I believe, and they are now required to dispense with all their trailers and buy a complete outfit of new cars, which is going to cost hundreds of thousands of dollars.

One or two of the lines of the Washington Railway & Electric Co. have been profitable, but they took over the control of 9 or 10 other lines, no one of which was paying its running expenses, and that corporation is certainly not making any inordinate profits. They are getting along fairly well, but I do not think we

want to tie these corporations up and put them in a position where they can not give either adequate facilities or make adequate improvements. I am in favor of looking upon these corporations as being controlled by men who have some civic pride and some interest in this great city that we are all trying to develop and improve. I want to give them a little leeway, and I think they ought to have it.

I do not believe that the amendment the Senator suggests would improve the bill we are now considering; and, as I acted somewhat upon the advice of Commissioner Lane, who said to me that the only trouble was that the bill was too long and had too much verbiage in it, I have felt like abbreviating it rather than enlarging it. I hope that the vote will be taken directly upon the proposed substitute and then upon the bill.

Mr. MARTINE of New Jersey. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. Certainly.

Mr. MARTINE of New Jersey. I want to ask whether these franchises were granted in perpetuity or for a limited time?

Mr. GALLINGER. I think they were granted in perpetuity, subject to repeal by Congress.

Mr. MARTINE of New Jersey. I am opposed on principle to any franchises being granted in perpetuity, and it seems to me—

Mr. GALLINGER. We never have passed any bill since I have been connected with the Committee on the District of Columbia, which covers a period of 21 years, where we did not in the closing section provide that the bill could be altered, amended, or repealed by Congress.

Mr. MARTINE of New Jersey. Is that the case in this bill now proposed?

Mr. GALLINGER. Yes.

Mr. POMERENE. Mr. President, I have no desire whatever to discourage any of the public-service corporations, but when it comes to determining whether or not they are earning excessive profits, with all due respect to the testimony which was offered before the Committee on the District of Columbia, I think it may be safely concluded that we will know more on that subject after we shall have had an investigation by the public-utilities commission.

During the hearings which we held the president of one of these companies, when inquiry was made of him as to whether they could give transfers free of charge, reminded the committee that they were taking the wrong tack, and that instead of attempting to decrease the prices of transfers and of tickets they ought to be permitted to increase them.

Mr. President, I think, without meaning any reflection upon any of the officials who appeared before that committee, it can be safely stated that there are very few public utility corporations in this country that make excessive profits, if we are to accept their judgment. They are constantly watering their stock, and I think the stock of at least some of the public utility corporations in this District has been watered. The fact of the matter is that a goodly part of it is water.

In an editorial which was printed in one of the Washington papers a few months ago, the capitalization of the street railway companies was given, together with mileage and capitalization per mile. In the case of the Capital Traction Co., the capital stock issued was \$16,000,000, the mileage of tracks was 28.588 miles, indicating that the capitalization per mile was \$559,675. In the statements made before the District Committee the presidents of these companies were not able to give us very definite information as to what the cost of construction would be. One of the presidents, who said that the railway companies could not afford to give free transfers, was not able to tell us whether the cost per mile was \$100,000 or \$200,000. His company, the Washington Railway & Electric Co., is capitalized at \$27,995,018; the mileage of that system was 83.26 miles, and the capitalization per mile was \$336,260.

Is not the public interested in knowing whether there has been any watered stock? Ought we not to provide in this bill that hereafter there may not be other and larger issues of stock or of bonds unless the commission knows the purpose for which these issues are made and the purpose for which the proceeds which are derived from the sale of the stock and bonds are to be applied? Must we not have all of these facts in order that we may be able to ascertain what is a reasonable rate of fare, and what is not?

The Senator refers to the fact that in some New England towns there was an attempt to increase the fare over and above 5 cents. I want to say that if it were necessary for the street car companies, in order to keep the service and facilities in this District up to a high plane, to charge 6 cents or 7 cents, I would favor such a rate; but if it should be shown, after an

investigation, that these corporations can earn a reasonable profit upon their investment, properly and reasonably capitalized, and charge only 4 cents for it, I am in favor of that. It does not do to say that it is necessary to charge 5 cents in order that these corporations may do business and do it at a reasonable profit. It has been otherwise demonstrated in the country.

In Detroit the fare is 3 cents. In Cleveland they charge 3 cents and have the right to increase or decrease the fare in order that there may be a reasonable return upon the investment. A part of the time they have charged for transfers 1 cent and a portion of the time that has been rebated; but the critics will say that they have not as good a system there as exists here in Washington; that it is the overhead system and not the underground system. I recognize the fact that the underground system requires a greater investment than the overhead system, but that does not justify us in coming to the conclusion that a 5-cent fare is a reasonable fare.

In the city of Columbus they sell seven tickets for a quarter, with a proviso in the franchise to the effect that when the gross receipts shall amount to one and three-quarter million dollars per annum they shall be compelled to sell eight tickets for a quarter, and if it had not been for the strike during the past year the people of the city of Columbus would be riding now with eight tickets for a quarter.

These are only incidents to the main question before the Senate, namely, that there should be vested in this commission some authority to determine the extent of the issues of the stock and of the bonds, to the end not only that the stockholders may have a fair return for their investment, but that the public shall not be required to pay more than they ought to pay for the accommodations which they receive. To that end, it seems to me that there should be some provision in this bill controlling the purposes for which stock and bonds may be issued.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from California?

Mr. POMERENE. Certainly.

Mr. WORKS. In view of that statement of the Senator from Ohio, I call his attention to sections 76 to 79 of the amendment that I have offered, which covers exactly what he insists should go in the bill. Those provisions are not contained in the bill now pending.

Mr. POMERENE. I had in mind the amendments which the Senator has proposed, and I was a little bit curious to know what objection there could be to the insertion of those provisions in the bill before the Senate. It seems to me that the excuse is rather lame when it is said that to insert them will increase the verbiage of the bill.

Mr. GALLINGER. I did not say only that. I said they were unnecessary, in my judgment, as the commission had the power.

Now, Mr. President, I hope a vote will be taken.

Mr. REED. Mr. President, I certainly do not want to obstruct the passage of a good measure, and I say frankly that in the press of other matters I have not given to this bill anything like thorough consideration. But there are one or two matters which have been sharply brought out by this debate which, I think, are the very keystones that ought to be put into any bill.

It is utterly useless to talk about a bill being too long or too short. If we are going to draw a bill, we can afford to use enough words to cover the subject; and this bill is long enough to cover the subject. The Lord, as well as the man who drew it, knows that. It is not the length of a law, it is the quality of a law which determines whether it is of any value or not.

By way of parentheses, I want to remark that I have not much confidence in a proposition which proposes to leave the question of the regulation of the charges of public utilities to the owner of the public utility upon the ground that he is a respectable gentleman and possesses great civic pride.

Mr. GALLINGER. If the Senator from Missouri will permit me, I made no such statement as that. I did not intimate it.

Mr. REED. I think that the RECORD will show that the Senator used substantially this language—that he believed in leaving these gentlemen some leeway, and that they were men possessed of civic pride; and I at the time wrote "civic pride" on a card, so that I would not forget it, for I have heard that argument before, coming from the lips of gentlemen who were proprietors of institutions and who wanted to regulate public charges by their civic pride.

Mr. GALLINGER. If the Senator will permit me—

Mr. REED. I do not mean by what I have said to intimate that the Senator used it in the sense those gentlemen did.

Mr. GALLINGER. If the Senator will permit me, I meant simply to say that I happen to be one of those who do not think a man at the head of a public utility is an outcast. I think he is entitled to consideration and his views are entitled to consideration, and because of that feeling I did consult those gentlemen in regard to this bill.

Mr. REED. There is no man in the Senate who believes in making an outcast of any man because he has money. There is no man in the Senate who has the slightest desire in his heart to impose a hardship upon any public utility of the District of Columbia or of the United States. Some of us differ from other Members of the Senate as to what may be a proper charge, but upon the fundamental proposition that every public utility is entitled to a fair and just return upon its honest investment, there is no difference of opinion in the Senate of the United States or among honest men anywhere.

But coming back to the question I was talking about, I have always found that when a man has a large sum of money invested in an enterprise, he gets his civic pride so involved in the question of losses and profits that his civic pride is controlled by the question of dividends. So I am not willing to leave this bill to that kind of settlement.

As to the length of this bill, it is long enough, but there are one or two things that ought to go into any law or any bill that proposes to give to a court or to a board the right of regulation of charges; and the first question that must be determined by any board or any court when it comes to fix charges is, What is the value of the investment upon which returns are to be had; what elements enter into the question of value?

It has been fought out in the courts of every State, not once, but hundreds of times, and the great difficulty has always been to determine what shall be counted as an element of value.

The contention has been made, and has been successfully made, time and again in the courts that a franchise—the right to do business—is an element of value, and companies have been permitted to have considered as an element of value their franchise, their right to do business, although their franchise was granted to them by the public without charge.

They have also contended that the question of value is affected and measured by the amount of the income. They contended for that in the great Gas case in the city of New York. The result of that logic, of course, is, if you are to measure the value of a plant by the amount of its income, the more you increase the income the more you increase the value of the plant, so that no regulation of rates can result.

Now, all this makes it plain that there should be, in any bill which proposes to give to a board or to a court the right to fix rates, some rule by which it can estimate values, and so I say that this bill should contain the very plain and simple words that in estimating the value the court or the board shall not consider the franchise rights of the company or the question of its earning capacity.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. Am I not correct in saying that while that is a popular thought, the Supreme Court of the United States decided in the Consolidated Gas Co. case that a franchise had a value?

Mr. REED. Yes, sir; they did so decide.

Mr. GALLINGER. I thought so.

Mr. REED. And because they so decided is the very reason why we should exclude it here.

Mr. GALLINGER. That is, we ought—

Mr. REED. If the Senator from New Hampshire will pardon me—

Mr. GALLINGER. Yes.

Mr. REED. So that I will not have my statement interrupted, the Supreme Court decision in that case, in which they admitted the franchise as an element of value, was based in part upon the peculiar facts of that case, so that it may well be said to be a mooted question whether a company has a right to have its franchise charged as an element of value or not, and because it is a mooted question that doubt should be removed and these companies should be made to accept a valuation which excludes from it that which the public gave them of free grace, always allowing them a fair return upon the money they have actually invested.

Mr. GALLINGER. Mr. President—

Mr. REED. Just one second, and I will yield. That can be done and that can be compelled, if it be true as the Senator has said, that we have the power of revocation; and it should be done. What is more abhorrent to the sense of justice than that an institution operating upon the streets of a city, by the

grace of the city, should be allowed to tax the public upon the free gift which it received? I yield to the Senator from New Hampshire if he desires.

Mr. GALLINGER. I do not think any corporation in this District has insisted that there was a special value to its franchise. I was going to ask the Senator if the fact that a corporation is a going concern has not some connection with the value of the property?

Mr. REED. Oh, certainly; the fact that it is a going concern is a matter to be considered in this way. No man would propose to go out here and value, as a piece of second-hand material, a new steel rail that had been put down on the ground and used a week. They are entitled to have the property valued fairly as a going concern, and those elements of value which properly belong ought always to be considered. But if you propose to say that the franchises of the companies in this city are worth \$10,000,000 or \$20,000,000 and add that to the value, and then permit a charge to be made which will pay interest and dividends not only upon the real value of their plants, but upon the franchise value, manifestly that would be unjust to the people of Washington.

Mr. GALLINGER. If the Senator will permit me, nobody has ever dreamed that anything of that kind has happened, and it is within the power of Congress at any moment to regulate all those things. It is within the power of Congress to say that these companies, if they are making inordinate profits, shall carry passengers for 2 cents or 1 cent.

Mr. REED. But, Mr. President, we are doing this thing now, and why not do that right now?

Mr. GALLINGER. No; we are putting in the hands of a commission the power to do that thing—

Mr. REED. Exactly.

Mr. GALLINGER. To determine rates.

Mr. REED. But you have not specified in the bill, as I understand it, that in fixing the value they shall exclude franchise value.

Mr. GALLINGER. We have put in the bill authority to the commission to estimate the fair value of the property, and if they are in any doubt that they may go to the Supreme Court—

Mr. REED. Yes.

Mr. GALLINGER. To ascertain what is the fair value or what are the elements that should enter into the fair value.

Mr. REED. But that leaves it just exactly where it would be if you had not said a word about the value.

Mr. GALLINGER. Oh, no.

Mr. REED. "The fair value of the property." That is what every corporate attorney would want written into a bill or into a franchise. "The fair value of the property," and then he says "my franchise is a part of my property, and upon that franchise I am entitled to a return." That is the very thing which ought to be guarded now, and it is no answer to say that Congress may hereafter guard against it because we are now enacting a bill dealing with that very subject matter. Why not deal with it now? Why wait for the future? Will these companies object; and if they do object, upon what sound ground can they base the objection to a line or two in this bill which shall provide the basis upon which the commission shall act?

I insist, Mr. President, that it should go into this bill, and even if it should take several words to say it, it ought to go into the bill, and I trust that the bill will not be passed with that important provision omitted.

Mr. GALLINGER. Mr. President, I trust the question will be put.

The VICE PRESIDENT. The question is on agreeing—

Mr. WORKS. I suggest to the Senator from New Hampshire that a vote upon such an important matter ought not to be taken with so few of the Senators present. I do not care to put Senators to trouble by suggesting the absence of a quorum, but I should like to have a full attendance here when the bill is voted upon.

Mr. GALLINGER. Will the Senator from California agree to vote upon the bill and all amendments at 4 o'clock tomorrow?

Mr. WORKS. I have no objection.

Mr. LEA. Before that is done, I should like to ask the Senator from New Hampshire if I am not correct in stating that the present bill is approved by the District Commissioners and was drawn by the corporation counsel of the District of Columbia?

Mr. GALLINGER. The report was made on the bill that is now before us.

Mr. LEA. Is not that the bill which was approved by the District Commissioners?

Mr. GALLINGER. Yes. The bill that is now before us was submitted to the District Commissioners, and they made a report on it. They went outside of their usual function to offer comment upon a bill that was before the House of Representatives. I never could understand why they did it, but they

did, and they compared certain provisions in it with certain provisions in the House bill, suggesting that two provisions, I think, in the House bill were a little more specific than in this bill and that one section in the House bill which they thought was a good provision was not in this bill.

Mr. WORKS. I should like to say to the Senator from Tennessee that if he had been here this afternoon he would have heard the statement made as to the character of the report made by the commissioners upon both of these bills.

Mr. LEA. I did not—

Mr. WORKS. The report on the bill that I offered as a substitute was unqualified in favor of the passage of the bill. The report upon the pending bill was favorable in a general way, and then they went on to point out in what respects it was defective in comparison with the one I offered as a substitute.

Mr. GALLINGER. Mr. President, I believe I have the floor. These two reports are in print. The Senator can examine them, rather than to be governed by anyone's statement.

Mr. WORKS. I should like to have the Senator do that.

Mr. GALLINGER. I ask that a vote on this bill and all pending amendments and all other amendments be taken to-morrow not later than 4 o'clock.

Mr. BRISTOW. I have no objections to voting upon this amendment at 4 o'clock to-morrow, but I know at least one Senator who is absent who wants to offer some additional amendments. He is not here, and he might want to offer and discuss those amendments after this amendment shall have been disposed of.

Mr. GALLINGER. If we are going to wait for a Senator who is absent, I will say that I have a great deal of other work to do, and this bill can remain upon the calendar for some time to come.

Mr. WORKS. I should like to understand, in connection with the request of the Senator from New Hampshire, to what hour the Senate will adjourn. Of course, if the Senate should adjourn until 2 o'clock to-morrow it would give a very short time to dispose of the bill, and I would not want to give consent to his request, for it would give only two hours. But if the Senate is to adjourn until 12 o'clock to-morrow, I think it would give ample time.

Mr. LEA. Mr. President—

Mr. GALLINGER. Will the Senator from Tennessee permit me.

Mr. LEA. Certainly.

Mr. GALLINGER. I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock to-morrow.

The motion was agreed to.

Mr. GALLINGER. Now I ask unanimous consent that the vote on the bill and all pending amendments may be taken not later than 4 o'clock to-morrow.

Mr. LEA. Mr. President—

The VICE PRESIDENT. Does the Senator from Tennessee desire to object to the request, or does he desire to discuss the matter before the request is put?

Mr. LEA. I merely wish to say that I thought the suggestion of the Senator from California in regard to not voting on the bill this afternoon a good one, and I think, to-morrow being Saturday, the same situation will occur, and if the request is insisted upon I shall, for that reason, object to it.

Mr. BRISTOW. I shall have to object to any request which provides that we shall vote upon all amendments at 4 o'clock to-morrow without further debate. I know Senators are away who can not be here on account of—

The VICE PRESIDENT. Objection is made to the request of the Senator from New Hampshire.

Mr. JONES. I desire to ask unanimous consent that the pending bill and the substitute may be printed together in parallel columns, so that we can see the difference between them.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENT OF THE SENATE PRO TEMPORE.

Mr. SMOOT. On account of what will be the enforced absence of the President of the Senate, I ask unanimous consent that the senior Senator from Georgia [Mr. BACON] be designated to act as President of the Senate on Monday, the 11th, and Tuesday, the 12th, of next week.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

Mr. SMOOT submitted the following resolution (S. Res. 244), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Monday and Tuesday, March 11 and 12, 1912.

Mr. SMOOT submitted the following resolution (S. Res. 245), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Monday and Tuesday, March 11 and 12, 1912.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate adjourn.

Mr. BURTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I do.

Mr. BURTON. There is pending a treaty which was partially considered a few days ago. It will take probably five minutes to complete its consideration.

Mr. SMOOT. I move, then, that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 40 minutes spent in executive session the doors were reopened.

HOOR OF MEETING TO-MORROW.

Mr. GALLINGER. Inasmuch as no unanimous-consent agreement was reached to-day for a vote on the public-utilities bill, I move that the order of the Senate fixing the hour of meeting to-morrow at 12 o'clock be reconsidered.

Mr. REED. If we are going to vote on the public-utilities bill at 4 o'clock to-morrow under the unanimous-consent agreement, it would make the time for the discussion of the measure very short, if we are to meet at 2 o'clock instead of at 12.

The VICE PRESIDENT. Unanimous consent was not given.

Mr. GALLINGER. The fact that unanimous consent was not given for the final disposition of the bill and amendments is the reason why I make the motion.

The VICE PRESIDENT. Without objection, the motion of the Senator from New Hampshire to reconsider the order fixing the hour of 12 o'clock m. to-morrow will be agreed to, and the Senate will assemble at 2 o'clock p. m.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 9, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate March 8, 1912.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. William L. Buck, Fifth Infantry, to be colonel from March 2, 1912, under the provisions of an act of Congress approved March 3, 1911, in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm of service since the date of his entry into the arm to which he permanently belongs.

Lieut. Col. Arthur C. Ducat, Twentieth Infantry, to be colonel from March 2, 1912, vice Col. Alfred Reynolds, Twenty-second Infantry, retired from active service March 1, 1912.

Maj. Frederick Perkins, Infantry, unassigned, to be lieutenant colonel from March 2, 1912, vice Lieut. Col. Arthur C. Ducat, Twentieth Infantry, promoted.

Maj. William P. Burnham, Twentieth Infantry, to be lieutenant colonel from March 2, 1912; vice Lieut. Col. William L. Buck, Fifth Infantry, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. La Roy S. Upton, Infantry, unassigned, to be major from March 2, 1912, vice Maj. William P. Burnham, Twentieth Infantry, promoted.

Capt. Harry A. Smith, Twenty-ninth Infantry, to be major from March 2, 1912, vice Maj. Frederic D. Evans, Seventeenth Infantry, detailed as adjutant general on that date.

First Lieut. Kirwin T. Smith, Sixth Infantry, to be captain from March 2, 1912, vice Capt. Harry A. Smith, Twenty-ninth Infantry, promoted.

First Lieut. William W. Bessell, Thirteenth Infantry, to be captain from March 2, 1912, vice Capt. William M. Goodale, First Infantry, detailed as paymaster on that date.

Second Lieut. James G. Taylor, Seventh Infantry, to be first lieutenant from March 2, 1912, vice First Lieut. William W. Bessell, Thirteenth Infantry, promoted.

CORPS OF ENGINEERS.

Lieut. Col. Edward Burr, Corps of Engineers, to be colonel from March 2, 1912, vice Col. Thomas L. Casey, retired from active service March 1, 1912.

Maj. William V. Judson, Corps of Engineers, to be lieutenant colonel from March 2, 1912, vice Lieut. Col. Edward Burr, promoted.

Capt. Thomas H. Jackson, Corps of Engineers, to be major from March 2, 1912, vice Maj. William V. Judson, promoted.

COAST ARTILLERY CORPS.

First Lieut. Mark L. Ireland, Coast Artillery Corps, to be captain from March 5, 1912, vice Capt. Henry H. Scott, retired from active service March 4, 1912.

Second Lieut. Clement C. Heth, Coast Artillery Corps, to be first lieutenant from March 5, 1912, vice First Lieut. Mark L. Ireland, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from March 4, 1912.

Frederick William Baeslack, of Michigan.
Alexander Willis Blain, jr., of Michigan.
Henry Colmore Bradford, of Virginia.
James Nathaniel Jenne, of Vermont.
Frederick Clyde Lamar, of Missouri.
John Rich McDill, of the District of Columbia.
William Keith Mittendorf, of New York.
Randell Hunt, of Louisiana.
Edward Clarence Rumer, of Michigan.
Meyer Maurice Stark, of New York.
Willis Bryant Jones, of Georgia.

COAST ARTILLERY CORPS.

To be second lieutenants with rank from March 6, 1912.

Clarence Leslie Gilbert, of Texas.
Arthur Eugene Rowland, of Maryland.
Leon R. Cole, of Michigan.
Lee Roland Watrous, jr., of Connecticut.
Joseph Dowd Brown, of Iowa.
Spencer Bridgman Lane, of Oregon.
Paul Leo Ferron, of Pennsylvania.
Leslie MacDill, of Indiana.
Charles Augustus French, of Oregon.
John Albert Hoag, of New York.
Oscar A. Eastwood, of Minnesota.
William Hooper Jouett, of California.
Earl Herbert Metzger, of Maryland.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Pierre L. Wilson to be a lieutenant in the Navy from the 3d day of August, 1911, to fill a vacancy.

Ensign Alfred W. Brown, jr., to be a lieutenant (junior grade) in the Navy from the 13th day of September, 1911, upon the completion of three years' service as an ensign.

Lieut. Wilbert Smith to be a lieutenant commander in the Navy from the 10th day of February, 1912, to fill a vacancy.

Chaplain William H. I. Reaney, with the rank of commander, to be a chaplain in the Navy, with the rank of captain, from the 28th day of February, 1912.

Chaplain John F. Fleming, with the rank of lieutenant commander, to be a chaplain in the Navy, with the rank of commander, from the 28th day of February, 1912.

Chaplain Evan W. Scott, with the rank of lieutenant, to be a chaplain in the Navy, with the rank of lieutenant commander, from the 28th day of February, 1912.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Albert M. Cohen,
George McC. Courts,
John S. Barleon,
Jacob L. Hydrick,
Louis F. Thibault,
Henry R. Keller,
George H. Laird,
Harold V. McKittrick,
Henry G. Shonerd,
Thomas A. Symington,
Robert C. Giffen,
George M. Ravenscroft,
William T. Smith,
Clarence McC. McGill,
Charles T. Blackburn, and
George T. Swasey, jr.

Boatswain Christopher Murray to be a chief boatswain in the Navy from the 23d day of February, 1912, upon the completion of six years' service as a boatswain.

Boatswain John P. Judge to be a chief boatswain in the Navy from the 23d day of February, 1912, upon the completion of six years' service as a boatswain.

Machinist Olav Johnson to be a chief machinist in the Navy from the 23d day of February, 1912, upon the completion of years' service as a machinist.

REGISTER OF THE LAND OFFICE.

John L. Burke, of Rapid City, S. Dak., to be register of the land office at Rapid City, vice Loomis S. Cull, resigned.

POSTMASTERS.

CALIFORNIA.

W. L. Brown to be postmaster at Corona, Cal., in place of George Brown. Incumbent's commission expires March 11, 1912.

Thomas E. Knox to be postmaster at Livermore, Cal., in place of Thomas E. Knox. Incumbent's commission expired January 20, 1912.

GEORGIA.

Terrell C. Peterson to be postmaster at Fort Gaines, Ga., in place of Terrell C. Peterson. Incumbent's commission expired February 27, 1912.

KENTUCKY.

James P. Hutcheson to be postmaster at Owenton, Ky., in place of James P. Hutcheson. Incumbent's commission expires April 2, 1912.

Everett P. Taylor to be postmaster at Beaver Dam, Ky., in place of Everett P. Taylor. Incumbent's commission expires March 24, 1912.

MASSACHUSETTS.

George W. Cutting to be postmaster at Weston, Mass., in place of George W. Cutting. Incumbent's commission expired December 10, 1911.

Orick H. Kelley to be postmaster at North Plymouth, Mass., in place of Orick H. Kelley. Incumbent's commission expires March 30, 1912.

MICHIGAN.

Mathew J. Orr to be postmaster at Fennville, Mich., in place of Albert J. Capen, resigned.

MINNESOTA.

Wilfred D. Oleson to be postmaster at Isanti, Minn. Office became presidential January 1, 1912.

Arthur H. Rowland to be postmaster at Tracy, Minn., in place of Arthur H. Rowland. Incumbent's commission expired February 21, 1912.

Sievern Swanson to be postmaster at Moose Lake, Minn. Office became presidential October 1, 1911.

Frederick C. Talboys to be postmaster at Aurora, Minn., in place of Abram L. Vanderpoel. Incumbent's commission expired December 9, 1911.

NEW YORK.

Frank E. Colburn to be postmaster at Medina, N. Y., in place of Frank E. Colburn. Incumbent's commission expired February 11, 1912.

OHIO.

O. W. Whitney to be postmaster at Sunbury, Ohio, in place of Ezra L. Gill. Incumbent's commission expired December 18, 1911.

PENNSYLVANIA.

Herbert L. Bowen to be postmaster at Spartansburg, Pa., in place of Mary A. Thomson. Incumbent's commission expired December 17, 1911.

Dallas J. Smith to be postmaster at Parsons, Pa., in place of Dallas J. Smith. Incumbent's commission expires March 10, 1912.

William Williams to be postmaster at Great Bend, Pa., in place of Fred G. Trowbridge. Incumbent's commission expired February 28, 1912.

UTAH.

Dennis Wood to be postmaster at Nephis, Utah, in place of Dennis Wood. Incumbent's commission expires March 10, 1912.

WASHINGTON.

Peter N. Johnson to be postmaster at St. John, Wash., in place of Francis M. Clow. Incumbent's commission expired March 2, 1912.

WEST VIRGINIA.

John F. Lewis to be postmaster at Point Pleasant, W. Va., in place of John F. Lewis. Incumbent's commission expired January 29, 1912.

Wilbur H. Veach to be postmaster at Farmington, W. Va., in place of J. Howard Coleman, resigned.

WISCONSIN.

Henry J. Goddard to be postmaster at Chippewa Falls, Wis., in place of Henry J. Goddard. Incumbent's commission expires April 9, 1912.

Robert A. McDonald to be postmaster at Grand Rapids, Wis., in place of Robert A. McDonald. Incumbent's commission expired February 26, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 8, 1912.

UNITED STATES DISTRICT JUDGE.

George M. Bourquin to be United States district judge, district of Montana.

CONSULS.

Julian H. Arnold to be consul at Chefoo, China.
Claude E. Guyant to be consul at Salina Cruz, Mexico.
Douglas Jenkins to be consul at Gottenborg, Sweden.
Alfred S. Northrup to be consul at Trebizond, Turkey.

PROMOTIONS IN THE NAVY.

Commander Chester M. Knepper to be a captain.
Commander Charles M. Fahs to be a captain.
Assistant Paymaster George P. Shamer to be a passed assistant paymaster.

Prof. Henry M. Paul to be a professor of mathematics, with the rank of captain.

Prof. Walter S. Harshman to be a professor of mathematics, with the rank of commander.

Ensigns to be lieutenants (junior grade):

Carl T. Osburn,
William S. Farber,
Archibald D. Turnbull, and
William F. Cochrane, jr.

Passed Asst. Surg. John F. Murphy to be a surgeon.

POSTMASTERS.

ARIZONA.

Francis D. Crable, Tombstone.

CALIFORNIA.

Warren A. Woods, Suisun City.

GEORGIA.

John A. Crawford, Dalton.

ILLINOIS.

Fred Frazier, Viola.
Lizzie P. McKnight, Alexis.
Samuel S. Yolton, Villa Grove.

INDIANA.

Albert F. Shaw, Osgood.

KANSAS.

James H. Cleaver, Glasco.
Sheridan Crumrine, Longton.
Everett G. Gillidett, Plains.
Charles H. Kurtz, Mulberry.
Robert H. McBlain, Fort Riley.
George G. Nutter, Cuba.

MARYLAND.

Walter A. Aaronson, Aberdeen.

MICHIGAN.

Martin W. Coon, Ashley.
Fabius A. Fisk, Colon.
Frank McIntyre, Cheboygan.

MONTANA.

Louis V. Bogy, Chinook.
Bruce R. McNamer, Cut Bank.

NEW HAMPSHIRE.

Jesse C. Parker, Hillsboro.

NEW YORK.

Marc D. Johnson, Randolph.

OHIO.

John F. White, Logan.

OREGON.

Alfred F. Linegar, Coquille.
Virgil B. Staples, Vale.

WASHINGTON.

John F. Spangle, Cheney.

WEST VIRGINIA.

Emerson E. Deitz, Richwood.
Herbert P. Graham, Keystone.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 8, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, strengthen, we beseech Thee, our moral and spiritual fiber, that we may resist all the forms of temptation which assail us and with firm and steadfast reliance in Thee our God and our Father follow after the things which make for righteousness in the individual, in the home, in the State, the Nation, that we may exemplify in our daily life what we know to be right in Thy sight and in the sight of our fellow men, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. J. M. C. SMITH, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Edward Cunningham (H. R. 10766), no adverse report having been made thereon.

QUESTION OF PERSONAL PRIVILEGE.

Mr. AMES. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. AMES. On February 26, on page 2483 of the CONGRESSIONAL RECORD, it appears that the gentleman from Iowa [Mr. Good] made the following statement about me, which is to the detriment of my character and honesty, and affects my position as a Member of this body. I ask the Clerk to read from the CONGRESSIONAL RECORD.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

I was amazed beyond my power to explain that that statement should have been made by the gentleman from Massachusetts. I can recall that a few months ago, when the gentleman from Massachusetts, when the cotton bill was under discussion, said that he did not own stock and was not interested in cotton mills, but that members of his family did own stock and were interested in them. The other day, when the Army appropriation bill was before the House, the gentleman from Massachusetts [Mr. AMES] said that he did not own stock in ammunition concerns, but that members of his family did.

I want to raise the question now and have it settled once for all that not on the floor of this House, while I am a Member of it at least, will I have my integrity impugned by a man who stands here not as a Representative, but as a person representing members of his family who are stockholders in concerns that would receive dividends under contracts that might be awarded. I believe that Members on the floor of this House should represent an American constituency, a constituency of men, and not a constituency of family members demanding dividends earned on Government contracts.

Mr. AMES. Mr. Speaker, I regret the necessity that compels the following statements with reference to the gentleman from Iowa. To destroy his reputation for honesty and sincerity would not repair the injustice he has attempted to saddle upon me or right the wrong of his baseless accusations.

But to protect this membership from such attacks and to properly refute his accusations I feel in duty bound to show that one can not accept as facts these statements made by the gentleman from Iowa, whether they be made about others or about himself.

Mr. Speaker, in my remarks of the 26th of February, which formed the basis for the unwarranted attack upon me by the gentleman from Iowa, I did not impugn either his integrity or his motives.

In order to show how impossible it is for rational men to accept as fact these statements by the gentleman from Iowa, I desire to take his remarks concerning me, paragraph by paragraph, and analyze the same, to the end that those who hear or read may understand the curious results of the mental processes of the gentleman from Iowa.

On pages 2483 and 2484, CONGRESSIONAL RECORD, February 26, the gentleman from Iowa [Mr. Good] began his misstatement of facts concerning myself and the so-called Ammunition Trust, which trust exists only in a neurotic imagination.

The first paragraph of his remarks concerning me reads as follows:

A few days ago, when the Army appropriation bill was before the House, I had something to say on the question of the Powder Trust. After I had taken my seat I was called out of the Chamber, and my attention was not called to some remarks made by the gentleman from Massachusetts [Mr. AMES] until they appeared in the RECORD. I was in hopes he would be here to-day, as I told him I expected to discuss this bill and to refer to his remarks. I was amazed when I came to read his remarks to find that not only the accuracy of my statements was questioned, but the good faith and sincerity with which I made them was also questioned.

Now, Mr. Speaker, can that paragraph convey any meaning to the normal mind other than that the gentleman from Iowa

intended us to believe that he was out of the room when I made my remarks concerning him and to which he took exception; and also that I questioned his good faith and sincerity in his absence?

And, in addition, does not his statement therein read to make us believe that his attention had not been called to my remarks until afterwards, when he read the RECORD?

But what are the facts in the case, Mr. Speaker? The facts that the gentleman from Iowa seems to have shunned.

The gentleman from Iowa was in the room, and not only in the room but listening to my remarks, and not only listening to my remarks but also interrupting them; and the proof of this fact lies in his interrupting me and asking that I yield, which I did. And his interrupting statement appears sandwiched into my remarks on page 2118 of the RECORD. And, furthermore, it was not until after I had used the major part of my first five minutes that the gentleman from Iowa left the Chamber, and only then in the face of my earnest verbal protest against his leaving. This protest of mine is shown in the eleventh line, second column, on that page.

And, further, after his departure I made no reference to the gentleman, except on the forty-ninth line, same page and column, where I expressed my doubt as to the information he had given us, as will be seen by reference to my remarks.

In addition, I challenge the gentleman from Iowa to verify his statement in the first paragraph that in my remarks—to which he took exception—I questioned either his good faith or his sincerity.

Mr. GOOD. Mr. Speaker—

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Iowa?

Mr. AMES. Certainly.

Mr. GOOD. I will say that in the statement I made I did not disclaim hearing all of the gentleman's remarks. I stated that I did not hear all of his remarks. I was called from the Chamber immediately upon taking my seat by a newspaper reporter, and sat in the lobby for at least two or three minutes, and then told him he would have to excuse me. If the gentleman will look over my remarks carefully, he will note that I said I did not hear all his remarks. I at no time claimed that I did not hear some of the gentleman's remarks.

Mr. AMES. Mr. Speaker, I will read what the gentleman said in his remarks:

A few days ago, when the Army appropriation bill was before the House, I had something to say on the question of the Powder Trust. After I had taken my seat I was called out of the Chamber, and my attention was not called to some remarks made by the gentleman from Massachusetts [Mr. AMES] until they appeared in the RECORD. I was in hopes he would be here to-day, for I told him I expected to discuss this bill and to refer to his remarks. I was amazed, when I came to read his remarks, to find that not only the accuracy of my statements was questioned, but the good faith and sincerity with which I made them was also questioned.

Now, the facts in the case were that the gentleman from Iowa was in the room; and he was not only in the room listening to my remarks, and he was not only listening, but interrupted them, but after leaving the room, which he did against my verbal protest, I said nothing against the gentleman from Iowa except in one or two lines. And after the gentleman left the room there was nothing that could be construed as an attack on him, as anyone who will read the remarks will see.

And in addition, whether the gentleman was in the room or not, or whether he heard my remarks or not, or had his attention called to them or not, I challenge the gentleman from Iowa to verify his statement in the RECORD, and in the first paragraph of his remarks, that in my remarks to which he took exception I questioned either his good faith or his sincerity.

In his presence and to his face I called his speech a neurotic attack upon a perfectly defensible, honestly conducted industry—the manufacture of ammunition—and then explained later what I meant by neurotic.

For the benefit of the gentleman from Iowa I give, from Webster's Dictionary, the following definition of neurotic:

Neurotic: Acting on the nerves; useful in nervous disorders; of or pertaining to the nerves; seated in the nerves; of the nature of neurosis; affected with neurosis; subject to neuroses.

To recapitulate, then, on this one paragraph of the remarks of the gentleman from Iowa. There appear three separate and utterly misleading statements, evidently calculated to make us believe that the gentleman from Iowa was not in the Chamber when I made my remarks, that he was unaware of them until later, "when he read them in the RECORD," and that I had questioned his good faith and sincerity.

Had the gentleman from Iowa made the preceding misstatements in the heat of debate there might have been some excuse for him; but to go off to his office and, in the course of almost two weeks, reappear upon the floor—and in what ought to have been a carefully prepared speech—to make an un-

founded attack upon my standing as a Representative in an attempted justification of himself was not worthy his name or his State.

The second paragraph of the remarks of the Member from Iowa reads as follows:

I was amazed beyond my power to explain that that statement should have been made by the gentleman from Massachusetts. I can recall a few months ago, when the gentleman from Massachusetts, when the cotton bill was under discussion, said that he did not own stock and was not interested in cotton mills, but that members of his family did own stock and were interested in them. The other day, when the Army appropriation bill was before the House, the gentleman from Massachusetts [Mr. AMES] said that he did not own stock in ammunition concerns, but that members of his family did.

Has it occurred to the gentleman from Iowa that there is scarcely a family of means in New England that some member thereof does not have some interest in some manufacture?

And I might have expected that the reasons for my declarations relative to the interests of members of my family would pass entirely over the head of the gentleman from Iowa.

I made those declarations to show not that I was likely therefore to have some knowledge of those subjects but to let the world know that because of my family connection, even if I held no interest of my own, I should therefore be considered as interested to some extent, and that any of my statements should be considered as those of one not wholly disinterested.

I had nothing to conceal, nothing of which to be ashamed, nothing to explain. And had I not made clear any possible connection of mine to such industries I might have left myself open to an accusation of concealment with an ulterior purpose by some loose-mouthed demagogic muckraker.

The next paragraph of the remarks of the gentleman from Iowa reads:

I want to raise the question now, and have it settled once for all, that not on the floor of this House, while I am a Member of it, at least, will I have my integrity impugned by a man who stands here not as a Representative but as a person representing members of his family, who are stockholders in concerns that would receive dividends under contracts that might be awarded. I believe that Members on the floor of this House should represent an American constituency, a constituency of men, and not a constituency of family members demanding dividends earned on Government contracts.

This paragraph is an honor to the fair-mindedness of the gentleman from Iowa, a high tribute to his sense of justice of right and wrong.

This paragraph epitomizes the attitude of mind of the gentleman from Iowa. Honest men are not prone to suspect dishonesty in their fellow-man. Honest men do not impugn the honesty of others unless the facts of dishonesty are self-evident, and then it could scarcely be considered an imputation. But herein has my honesty been impugned, and impugned under false pretenses.

Nowhere in my remarks did I impugn the honesty of the gentleman from Iowa; nowhere did I even question his sincerity or his good faith; but I am tempted to do so now. I realize that fact has no apparent place in the ratiocinations of the gentleman from Iowa, either in his statements about the Ammunition Trust or myself.

That the cotton mill in which members of my family are interested is situated in Georgia and has never done any business, to my knowledge, for the Government is of little moment in this controversy.

That the ammunition mill has to compete in the open market under sealed bids, and the awards are made to the lowest and best bidder, is not clearly brought out by the generous, fair-minded gentleman from Iowa. It would appear that he might properly be accused of having fallen into a misstatement of the facts in this paragraph, as he did in the first, and of making statements on a subject about which he had no information or knowledge.

The following paragraphs of the remarks of the gentleman from Iowa make no further accusations against my integrity, and while they are similarly full of false reasonings and misstatements of fact, I can not properly demonstrate the same under a question of personal privilege.

We can not afford to give any more credence to the statements and deductions of the gentleman from Iowa, in reference to the ammunition manufacturer, than we can to his statements and reasonings concerning himself or myself, and these have been proven on their own face to be inventions of an undesirable kind.

ORDER OF BUSINESS.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the agricultural appropriation bill.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into Committee of the Whole House on the

state of the Union for the further consideration of the agricultural appropriation bill.

Mr. RUSSELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. Is not this the day specially set apart for bills on the Private Calendar, and is not this the day that pension bills have preference?

The SPEAKER. Both propositions are true, and yet the motion of the gentleman from Virginia is in order. The House will understand that if his motion prevails private-bill day goes over.

Mr. RUSSELL. I would like to ask my friend from Virginia to withdraw his motion and let the pension bills be considered in their regular order.

Mr. LAMB. If I consented to that there is no telling when the agricultural bill will be completed. Very likely the discussion on these pension bills will run through the whole day. I want to say further that it is very necessary that we should get through with this agricultural bill expeditiously. We have before our committee various important measures which we can not consider while this bill is under consideration. We have the antioption bill, the oleomargarine bill, the LEVER agricultural extension bill, and various other measures. We sit from 10 to 12 o'clock every morning, and then come in here and work all the afternoon. The older men on the committee can not stand it as well as perhaps some of us younger ones.

Mr. FITZGERALD. Let me suggest to the gentleman that there is on the calendar the diplomatic bill, the Indian appropriation bill, the Post Office appropriation bill—

The SPEAKER. And the river and harbor bill.

Mr. FITZGERALD. And it is necessary that the public business be given preference at this time.

Mr. MANN. Let me suggest that there is plenty of time for getting these bills through. There will be no trouble about the passage of the appropriation bills.

Mr. FITZGERALD. And there is no trouble about the passage of the bills to which the gentleman refers.

Mr. MANN. This is the day for them, and they probably can be disposed of in a few minutes if we can consider them in the House as in Committee of the Whole.

Mr. RUSSELL. My information is that there will be no contest and no opposition to them. We have only one large bill.

Mr. LAMB. I think I have given good reasons why we ought to proceed with the consideration of our bill.

Mr. RUBEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUBEN. If the pension business goes over to-day, does it not go over for two weeks?

The SPEAKER. For two weeks, unless there is some special arrangement by the House.

Mr. MANN. And then, probably, some other bill will want to take their place two weeks from now.

Mr. RUSSELL. Mr. Speaker, we insist that the pension bills be put upon their passage now—the day fixed by the rule.

The SPEAKER. Before the Chair puts the question, he desires to designate the gentleman from Kentucky, Mr. JAMES, to preside as Speaker pro tempore to-morrow.

The question is on the motion of the gentleman from Virginia, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The question was taken; and on a division (demanded by Mr. RODDENBERRY) there were 67 ayes and 91 noes.

So the motion was lost.

Mr. RODDENBERRY. Mr. Speaker, I make the point that there is no quorum present, and pending that I call for the yeas and nays.

Mr. FITZGERALD. Mr. Speaker, the gentleman can not do both.

Mr. RODDENBERRY. Mr. Speaker, I withdraw the point of no quorum and demand the yeas and nays.

The SPEAKER. The gentleman from Georgia demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Five Members have risen, not a sufficient number, and the yeas and nays are refused.

Mr. RODDENBERRY. Mr. Speaker, I demand the other side.

Mr. FOSTER of Illinois. Mr. Speaker, that is dilatory.

Mr. RODDENBERRY. Mr. Speaker, I demand the other side.

The SPEAKER. Those opposed will rise and stand until counted. [After a pause.] Evidently not one-fifth of those present demand the yeas and nays, and the yeas and nays are refused.

Mr. RODDENBERRY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-nine Members present, not a quorum.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from West Virginia moves a call of the House.

Mr. FITZGERALD. Mr. Speaker, is not the call automatic?

The SPEAKER. It is automatic only when the House is dividing upon a question.

Mr. CANNON. Mr. Speaker, the House is dividing upon the question of whether we shall go into Committee of the Whole House on the state of the Union to consider the agricultural appropriation bill.

The SPEAKER. No; that question has been disposed of. The House refused to go into the Committee of the Whole House on the state of the Union for that purpose. The question is on ordering a call of the House.

The question was taken; and on a division (demanded by Mr. RODDENBERRY) there were—ayes 129, noes 5.

So the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Will the vote be on the motion to go into Committee of the Whole on the state of the Union for the consideration of the agricultural appropriation bill?

The SPEAKER. That matter has been disposed of. The vote on this is simply a vote of present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Flood, Va.	Kopp	Powers
Anthony	Foss	Lafferty	Pujo
Ashbrook	Foster, Vt.	Langley	Randall, Tex.
Ayres	Fuller	Lenroot	Reilly
Barchfeld	Gardner, Mass.	Levy	Reynolds
Bates	Gillett	Lindsay	Richardson
Bingham	Goeke	McCreary	Roberts, Mass.
Bradley	Gudger	McDermott	Robinson
Buchanan	Guernsey	McGuire, Okla.	Rothermel
Burke, Pa.	Hanna	McHenry	Sabath
Cantrill	Harris	McKenzie	Saunders
Cary	Harrison, N. Y.	McKinley	Scully
Clark, Fla.	Haugen	Macon	Sheppard
Claypool	Hawley	Maher	Sherley
CConnell	Heald	Malby	Slemp
Copley	Heflin	Matthews	Smith, Cal.
Cox, Ind.	Henry, Tex.	Miller	Speer
Cravens	Hill	Moon, Pa.	Stack
Currier	Hobson	Moore, Pa.	Stephens, Nebr.
Curry	Howell	Mott	Taggart
Davenport	Howland	Oldfield	Taylor, Ohio
De Forest	Hubbard	Palmer	Townsend
Denver	Hughes, Ga.	Parran	Vreeland
Dickson, Miss.	Johnson, Ky.	Patten, N. Y.	Weeks
Draper	Johnson, S. C.	Pepper	Wilson, N. Y.
Farr	Kent	Peters	Young, Tex.
Fields	Kindred	Pou	

The SPEAKER. On this roll call 285 Members have answered to their names, a quorum.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. RODDENBERRY. Mr. Speaker, I ask for a division on suspending further proceedings under the call.

The question was taken; and there were—ayes 161, noes 7.

The SPEAKER. The ayes have it, and the Doorkeeper will open the doors.

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. Under the count just now by the Chair, is it in order to raise the point of no quorum?

The SPEAKER. It is not; the Chair would rule it dilatory. Further proceedings under the call are dispensed with, and the Doorkeeper will open the doors.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move that pension bills in order to-day on the Private Calendar be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that pension bills on the Private Calendar in order to-day be considered in the House as in Committee of the Whole. Is there objection?

Mr. RODDENBERRY. Mr. Speaker, reserving the right to object, may I ask the gentleman presenting the request how many of these pension bills there are?

Mr. HAMILTON of West Virginia. There is only one from the Committee on Invalid Pensions, and I understand one from the Committee on Pensions. They are omnibus bills and include, of course, a good many smaller bills.

Mr. RODDENBERRY. Does the gentleman recall how many individual items there are?

Mr. HAMILTON of West Virginia. There are 292 in the bill I am representing, and 9, as I understand, in the one from the Committee on Pensions.

Mr. RODDENBERRY. Does not the gentleman think that we could facilitate action on these bills by permitting this bill carrying these items to go over until the next semimonthly or bimonthly pension day, so that both bills may be considered at one time and cover the entire subject?

Mr. HAMILTON of West Virginia. I am very frank to say to the gentleman I do not know how it will expedite the bill by putting it over two weeks. I do not know what will be up then. [Cries of "Regular order!"]

Mr. RODDENBERRY. I am endeavoring to say to the gentleman that from what consideration I have given to this particular bill it shows an absence of many of the egregious provisions that, in my judgment, obtained in the other bills, but on account of the pendency of the agricultural appropriation bill, in which I have been deeply and intensely interested, I have not yet had time to consider thoroughly all the cases, and I will state to the gentleman that so far as I have gone fewer objections occur in this bill than occurred, in my judgment, in the other bills.

It is no fault of the committee at this time, because this pending report and the bill came in due time; but because of having up the appropriation bill for the Agricultural Department I have not had time to go into it as fully and thoroughly and carefully as I would desire, and I am candidly of the opinion if the gentleman will not press the question at this time that two weeks from now we will make greater progress than we will make to-day, unless the powers that be avail themselves of radical procedure.

Mr. RUBEY. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. RUBEY. I think the gentleman ought to state his objections or ought not to be allowed to discuss the whole matter here.

The SPEAKER. It is all by unanimous consent.

Mr. HAMILTON of West Virginia. I will state to the gentleman from Georgia there is not an item in this bill but what has been gone over twice, once by the examiner detailed by the Interior Department to assist the committee and another time by the committee itself.

The SPEAKER. Is there objection?

Mr. RODDENBERRY. Mr. Speaker, I must object.

The SPEAKER. The gentleman from Georgia objects.

PENSIONS.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill H. R. 21230.

The SPEAKER. The gentleman from West Virginia [Mr. HAMILTON] moves that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. RODDENBERRY. Division, Mr. Speaker.

The House divided; and there were—ayes 169, noes 5.

So the motion was agreed to.

Mr. RODDENBERRY. Mr. Speaker, I desire to make a point of order that there is no quorum present.

The SPEAKER. The Chair thinks that motion is dilatory. [Applause.] It has not been more than five minutes since it was ascertained that there was a quorum, 284 Members being present.

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. Although five minutes have elapsed, and although a different motion on a different line of procedure has been before the House, the vote shows there is no quorum. Is not the raising of the point of no quorum in order?

The SPEAKER. The Chair holds that the point is dilatory. Accordingly the House resolved itself into the Committee of the Whole House on the Private Calendar for the consideration of the bill H. R. 21230, with Mr. Dixon of Indiana in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. HAMILTON of West Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from West Virginia [Mr. HAMILTON] asks unanimous consent that the first reading of the bill be dispensed with.

Mr. RODDENBERRY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RODDENBERRY. I insist on addressing the Chair. I object. I addressed the Chair before any announcement was made.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John W. Turner, late of Company I, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Eastman, late of Company H, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Mulligan, late of Company F, Seventh Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Cooper, late of Company I, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George L. Catlin, late of Company E, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph D. Lakin, late of Company B, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Julia E. Hall, widow of John B. Hall, late of Stokes's battery, Illinois Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Richard Hyam, late ordinary seaman on U. S. S. Ohio, Gem of the Sea, and North Carolina, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Madison Rolain, late of Company B, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John F. Rankin, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James D. Roberts, late adjutant Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ward L. Roach, late of Company B, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Kennedy, late landsman, U. S. S. Niagara, Oneida, and Princeton, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Moses Callison, late of Company B, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elisha Enox, late of Company K, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert H. Dollard, late of Company E, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph E. Cox, late of Company F, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph C. McGarrab, late of Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Absalom P. Carlock, late of Company A, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Solomon Brobst, late of Company H, Seventh Regiment, and Company G, Fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Deitrick, late of Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Clarkson Tryon, late of Company K, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Hartman, late of Company D, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Walsh, late of Company C, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William Sutton, late of Company G, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Nathan N. Spence, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Michael Moss, late of Company H, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Johnson J. Miller, late of Company G, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lucien H. Young, late of Signal Corps, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael A. Overdorff, late of Company L, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Silas H. Bradley, late of Company F, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Mapel, late of Company F, Third Regiment, and Company I, Seventh Regiment, Missouri State Militia Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. R. Snyder, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Smith, late of Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Allen, late landsman on U. S. S. Ohio, Minnesota, and Wyalusing, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Moore, late of Company D, First Regiment Minnesota Mounted Volunteer Rangers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Davidson, late of Company H, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James B. Robertson, late of Company D, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Bennett, late of Company F, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Stiff, late of Fifth Independent Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William J. Helms, late of Company A, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edwin A. Atwood, late of Company H, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harvey J. Davis, late of Company E, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lucretia J. Allen, former widow of John C. Gallegly, late of Company K, Seventy-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John W. Blackson, late of Company F, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward L. Bradley, late of Company G, Eleventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Orson Simonds, late of Tenth Independent Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Meerdink, late of Company D, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sara J. Squier, widow of Whitman O. Squier, late of Company D, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William H. Herrick, late of Company B, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph A. Fones, late of Company C, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael Kelly, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Davis, late of Company K, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Coleman R. Romine, late of Company K, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Henry J. Bess, late of Company E, Fourth Regiment Tennessee Mounted Volunteers, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Abraham M. Heifner, late of Company I, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Ephraim Hommel, late of Company F, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Seymour Wheelock, late of Company I, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George C. Richards, late of Company K, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John R. Hurd, late lieutenant colonel, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of David H. Daywalt, late of Company A, Eighth Regiment, and Company B, Forty-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John W. Foot, late of Company H, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas J. Foote, late of Company G, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James A. Gooch, late of Company A, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Luther Stephenson, jr., late lieutenant colonel, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Henry C. McCain, late of Company I, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William Cavins, late of Company K, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah A. Lovelady, widow of Thomas A. Lovelady, late of Company M, hospital steward, Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Washington C. Shannon, late of Company K, Eleventh and Seventeenth Regiments Kentucky Volunteer Infantry, and pay him

a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sanford Glass, late of Company D, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry C. Zurner, late of Company F, Fifty-sixth Regiment New York Volunteer Infantry, and Company G, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Arthur Branagan, late of Company C, Ninety-sixth Regiment, and Company L, Ninety-fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Carson H. Kightlinger, late of Company G, Eighth Regiment Missouri Volunteer Infantry, and Company I, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charlie C. Bane, late of Company F, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob R. Zuck, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John S. McGinness, late assistant surgeon One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Dustin W. Whitney, late of Company G, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Wibert, late of Company E, First Regiment Michigan Volunteer Sharpshooters, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Newland, late of Company H, Sixtieth Regiment, and Company I, Seventy-eighth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William M. Capps, late principal musician, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$12 per month.

The name of George W. Weekley, late of Companies M and O, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Curtice C. Whittier, late of Company D, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John J. Jackson, late of Company K, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John F. Taylor, late of Company G, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William F. Holmes, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William D. Medley, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andreas Wirth, late of Company A, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin M. Laur, late of Company K, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Spencer, late of Company E, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac E. Walker, helpless and dependent son of James H. Walker, late of Company A, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Helen Kirschenmann, widow of Frederick Kirschenmann, late ship's corporal, U. S. S. Princeton, Mount Vernon, and Tacony, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John Nier, late of Company H, One hundred and forty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Miller, late of Company B, Battalion of Engineers, United States Army, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Leroy S. Jones, late of Company B, One hundred and Eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Albert Phetteplace, late of Signal Corps, United States Army, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alfred Hosack, late of Companies G and H, First Regiment Mississippi Marine Brigade, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Adam Budell, late of Company H, Fourth Regiment New York Volunteer Cavalry, and Company A, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles J. Beach, late of Company H, Twentieth Regiment Illinois Volunteer Infantry, and Company F, Fourth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Wollenberg, late of Company F, Third Regiment New York Volunteer Cavalry, and Company H, Fourth Regiment New York Provisional Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Arbuckle, late of Company K, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Margaret Nevison, former widow of Stephen D. Fuller, late of Company D, Eighteenth Regiment New York Volunteer Infantry, and unassigned recruit Sixty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Heman P. Manly, late of Company F, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Patey, late coal heaver, U. S. S. Ohio and Malvern, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nathaniel Finly, late of Company F, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hezekiah Williams, late of Company L, First Regiment United States Cavalry, and Company B, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Morrison, late of Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Bridget Kelly, widow of John Kelly, late of Company B, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George H. Sliter, late of Company H, Twenty-first Regiment Michigan Volunteer Infantry, and Companies B and M, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Shotwell, late of Company E, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Edwards, late landsman of U. S. S. Vermont, Independence, and Macedonian, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Noah Hayes, late of Company D, Eleventh Regiment, and Company B, One hundred and thirteenth Regiment, United States Colored Troops, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Allen, late of Company C, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Isaac Thompson, late of Company K, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Bachtler, late of Company D, Twelfth Regiment, New York State Militia Infantry, and Company B, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John H. Lennon, late landsman, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Calvin M. West, late of Company F, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Zachary T. Russell, late of Company I, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Susan Howarth, widow of Abraham H. Howarth, late of Company C, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Vincent H. Gaskill, late acting assistant surgeon, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jonathan Bigelow, late of Company K, Ninety-fifth Regiment Ohio Volunteer Infantry, and Company H, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elmer W. Welsheimer, late of Company G, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Matthew F. Stuckey, late of Company K, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John P. Wilson, late of Company C, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John Stander, late of Company D, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Thomas L. Richardson, late of Company I, Fourth Regiment Tennessee Mounted Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Perry Walker, late of Company B, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James M. Chapel, late of Company A, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John D. Neff, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Church, late of Company B, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Caroline Holman, widow of Francis H. Holman, alias Frank H. Holman, late of Company I, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Emily C. Bruner, late of Company B, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Francis M. Herring, late of Company H, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Edwin Bloom, late of Company E, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Dodwell, late of Battery I, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry B. Mitchell, late of Company B, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Zebina M. Hunt, late of Company A, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Jessop, late of Company H, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Hanger, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Willis Lake, late of Company I, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of David S. Pierce, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Urban, late of Company D, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John W. Stonebraker, late of Company K, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Moneyhan, late of Company K, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John P. Brown, late of Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Bold, late of Company H, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William A. Kerr, late of Company E, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Graves, late of Company I, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Hill, late of Company C, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William F. M. Lacey, late of Company E, Eleventh Regiment, and Company K, Thirty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary A. Wildason, widow of Esrom Wildason, late of Company G, Sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William J. Fraser, late of Company E, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alonzo P. Sharp, late of Company I, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary C. Roos, widow of Everett J. Roos, late of Company E, Nineteenth Regiment New York State Militia Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John R. Taylor, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Klrst, late of Company A, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Peter Giesman, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alice Bryant, helpless and dependent child of Charles Bryant, late of Company B, Twenty-first Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Edward J. Harshman, late of Company G, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob W. Perry, late of Company D, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick Heise, late of Company E, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frank Lafond, late of Company G, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cornelius Cline, late of Company D, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Samuel Rochester, late of Company I, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Elmore, late of Company F, First Regiment Alabama and Tennessee Independent Vidette Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Elmer, late of Company I, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lewis B. Hunt, late of Company K, One hundred and sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jane A. Walsh, widow of Robert Walsh, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary Etta Brewer, widow of Barret J. Brewer, late of Seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John Schenrich, late of Companies F and D, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Amos Graham, late of Company E, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Rachel Ann Keiffen, widow of Daniel R. Keiffen, late of Companies G and J, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Moses E. Sturtevant, late of Company H, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Alfred K. Young, late of Company G, Eighth Regiment, Company F, Fifty-second Regiment, and Company L, Seventeenth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Belle A. Corbin, widow of John A. Corbin, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Ira Kennicutt, late of Company H, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William E. McLimans, late of Company C, Seventy-seventh and Forty-third Regiments Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William F. Marshall, late of Company I, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Albert Barfield, alias Albert Pound, late of Company C, Twenty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Peter Goergen, late of Company F, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Harrison H. Riddle, late of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elon S. Balcome, late of Company H, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hollis D. Kendall, late of Company I, Sixtieth Regiment New York Volunteer Infantry, and Company G, Thirtieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Riley Helms, late of Company F, Sixteenth Regiment New York Volunteer Infantry, and Company E, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of David W. Clements, late of Company B, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry C. Fairchild, late of Company I, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Edward B. North, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James D. Burcham, late of Company E, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Jenkins, late of Company H, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Luvenia Walkinshaw, widow of Joseph C. Walkinshaw, late of Company I, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Joseph M. Horning, late of Company D, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charlotte Atkinson, former widow of Thomas B. W. Francisco, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Sarah Knepley, widow of Edward C. Knepley, late of Company E, First Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jennie M. Metz, widow of Thomas J. Metz, late of Company B, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Samuel C. Rhoat, late of Company C, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Warren Morrill, late of Company D, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Carter, jr., late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick Markgraf, late of Company F, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John G. Milliken, late of Company F, Ninety-eighth Regiment, and Company B, Seventy-fourth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles A. Berry, late of Company E, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Viola Phillips, widow of John B. Phillips, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Isaac P. Hines, late of Company C, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James McKelvey, late of Company K, Second Regiment, and Company E, Eighteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elizabeth Graham, widow of George Graham, late of Company B, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles T. Garrard, late of Company H, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Stoker, late of Company H, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Joseph A. Hanks, late of Companies A and E, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Gilchrist, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Nancy Gaven, former widow of Asa J. Moore, late of Company D, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Sharp Hagerty, late of Company B, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward A. Spaulding, late of Company K, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles Mullen, late of Company E, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lemuel E. Sinsabaugh, late of Company H, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Henry C. Beebe, late of Company G, Veteran Battalion, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Grant Root, helpless and dependent child of Stephen M. Root, late of Company E, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of William H. Gilliland, late of Company I, Eighth Regiment, and Company K, Thirty-seventh Regiment, New York State Militia, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Hollis M. Payson, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Sumner P. Boies, late of Company F, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Harvey Law, late of Company A, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Luranah A. Ebert, widow of William C. Ebert, late of United States provost marshal's department, and pay her a pension at the rate of \$12 per month.

The name of John Andrews, late of Companies D and H, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Noah Shidler, late of Company H, Thirteenth Regiment Ohio Volunteer Infantry, and Company D, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Albert Carlile, late of Company D, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Isaac E. Reed, late of Company G, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Oliver P. Huffman, late of Company G, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William F. Emrick, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel Weaver, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Thomas E. Enloe, late of Company A, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard Morrow, late of Company A, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cimon A. Wellman, late of Company A, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Martha M. Hildreth, widow of Samson A. Hildreth, late of Companies B, F, and K, Fourteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Belona B. Moran, widow of James T. Moran, late hospital steward, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Robert C. Guy, late of Company C, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William P. Dunlap, late of Company I, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Edward J. Davis, late of Companies D and E, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Amelia D. Lewis, widow of Schuyler H. Lewis, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary E. Martin, widow of George G. Martin, late lieutenant colonel First Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Charles W. Gibbs, late of Company F, Forty-fourth Regiment New York Volunteer Infantry, and Company E, Twenty-first Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Samuel O. Lee, late landsman, U. S. S. Ohio, Vermont, and Potomac, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Howe, late of Company F, Fiftieth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph W. Haynes, late of Company A, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Charles Britton, late of Company I, Fourth Regiment United States Infantry, and Company D, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cornelius Van Note, alias William Ridgway, late landsman, U. S. S. Potomac, Penobscot, and Fearnot, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel H. Crider, late of Company E, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George E. Patterson, late of Company B, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Seymour Avery, late of Company L, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Jacob E. Riley, late of Company H, Third Regiment Pennsylvania Provisional Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Susan J. Huff, widow of Eldred Huff, late of Company A, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Nehemiah W. Porter, late of Company A, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Pettys, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary De Krieger, widow of Peter W. De Krieger, late of Company C, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John W. Ramsey, late of Company I, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hugh Lappin, late of Company I, Seventieth Regiment, and Company D, Seventy-third Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John M. Oldham, late of Company C, Forty-fourth Regiment Ohio Volunteer Infantry, and Sixty-sixth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Julia A. Rulo, widow of John Rulo, late of Company D, Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jerome B. Evans, late of Company D, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James M. Bishop, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of David C. Chadwick, late of Company F, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jabez G. Cole, late of Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel S. Hall, late of Company H, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Della M. Williams, widow of David T. Williams, late of Company A, Seventh-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Daniel Williams, late of Company E, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Edward G. Handley, late of Company I, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jefferson Jackson, helpless and dependent child of Elijah Jackson, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Charles Herriman, late of Company E, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George W. Strong, late of Company G, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Silas Russell, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles A. Reed, late assistant surgeon Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Alonzo T. Hickey, late of Company D, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Stauffer, late of Company G, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Godfrey K. Biber, late of Company D, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin V. Curry, late of Company G, First Regiment United States Volunteers, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Anthony Lowman, late of Company B, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaiah J. Moore, late of Company B, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry McKenna, late second-class fireman, United States ships North Carolina, Susquehanna, and Vermont, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Christopher T. Pearce, late of Companies G, C, and B, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles L. Burgess, late of Company D, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel M. Zartman, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Catherine Karcher, widow of Frederick J. Karcher, late of Company A, Third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James Buckley, late of Independent Battery G, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Baty, late of Company I, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and Independent Battery Pennsylvania Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Fitzgerald, late of Company H, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Hockenbery, late of Company I, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John W. Smith, late of Company G, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Henry C. Farmer, late of Company E, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henderson Scott, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Carey, late of Company H, One hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Margaret C. Malone, widow of Robert Malone, late of Company D, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James T. Singleton, late of Company A, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Andrew Smith, late of Company H, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James E. Greene, late of Company A, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lewis H. Walker, late of Company G, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George E. Wilson, late of Company D, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to said committee:

H. R. 179. John W. Turner.	H. R. 5579. John R. Hurd.
H. R. 240. John Eastman.	H. R. 5580. David H. Daywalt.
H. R. 241. John Mulligan.	H. R. 5581. John W. Foot.
H. R. 272. Jacob Cooper.	H. R. 5583. Thomas J. Foote.
H. R. 279. George L. Catlin.	H. R. 5584. James A. Gooch.
H. R. 669. Joseph D. Lakin.	H. R. 5728. Luther Stephenson, jr.
H. R. 670. Julia E. Hall.	H. R. 5797. Henry L. McCain.
H. R. 695. Richard Hyam.	H. R. 5834. William Cavins.
H. R. 1000. James Madison Rolain.	H. R. 5837. Sarah A. Lovelady.
H. R. 1015. John F. Rankin.	H. R. 5843. Washington C. Shannon.
H. R. 1138. James D. Roberts.	H. R. 6009. Sanford Glass.
H. R. 1350. Ward L. Roach.	H. R. 6152. Henry C. Zurner.
H. R. 1546. Edward Kennedy.	H. R. 6239. Arthur Branagan.
H. R. 1784. Moses Callison.	H. R. 6276. Carson H. Kightlinger.
H. R. 1799. Elisha Enox.	H. R. 6289. Charlie C. Bane.
H. R. 1924. Robert H. Dollarhide.	H. R. 6467. Jacob R. Zuck.
H. R. 1925. Joseph E. Cox.	H. R. 6571. John S. McGinness.
H. R. 2021. Joseph C. McGarrath.	H. R. 6581. Dustin W. Whitney.
H. R. 2143. Absalom P. Carlock.	H. R. 6933. Charles W. Wibert.
H. R. 2157. Solomon Brobst.	H. R. 6942. James M. Newland.
H. R. 2304. Charles Deitrick.	H. R. 6980. William M. Capps.
H. R. 2334. Clarkson Tryon.	H. R. 7144. George W. Weekley.
H. R. 2360. Charles Hartman.	H. R. 7215. Curtice C. Whittier.
H. R. 2512. John Walsh.	H. R. 7445. John J. Jackson.
H. R. 2550. William Sutton.	H. R. 7448. John F. Taylor.
H. R. 2618. Nathan N. Spence.	H. R. 7580. William F. Holmes.
H. R. 2622. Michael Moss.	H. R. 7643. William D. Medley.
H. R. 2641. Johnson J. Miller.	H. R. 7744. Andreas Wirth.
H. R. 2642. Lucien H. Young.	H. R. 7746. Benjamin M. Laur.
H. R. 2643. Michael A. Overdorff.	H. R. 7792. Henry Spencer.
H. R. 2843. Silas H. Bradley.	H. R. 7854. Isaac E. Walker.
H. R. 3038. William Mapel.	H. R. 8052. Helen Kirschenmann.
H. R. 3276. William H. R. Snyder.	H. R. 8125. John Nier.
H. R. 3325. John Smith.	H. R. 8280. Joseph Miller.
H. R. 3468. James Allen.	H. R. 8367. Leroy S. Jones.
H. R. 3671. John W. Moore.	H. R. 8597. Albert Phetteplace.
H. R. 3717. Thomas Davidson.	H. R. 8717. Alfred Hosack.
H. R. 3811. James B. Robertson.	H. R. 9084. Adam Budell.
H. R. 4082. Joseph Bennett.	H. R. 9057. Charles J. Beach.
H. R. 4117. John W. Stiff.	H. R. 9309. William Wollenberg.
H. R. 4302. William J. Helms.	H. R. 9352. James M. Arbuckle.
H. R. 4380. Edwin A. Atwood.	H. R. 9596. Margaret Nevison.
H. R. 4394. Harvey J. Davis.	H. R. 9598. Heman P. Manly.
H. R. 4395. Lucretia J. Allen.	H. R. 9612. William T. Patey.
H. R. 4474. John W. Blackson.	H. R. 9708. Nathaniel Finly.
H. R. 4516. Edward L. Bradley.	H. R. 9712. Hezekiah Williams.
H. R. 4532. Orson Simonds.	H. R. 9726. George Morrison.
H. R. 4590. Henry Meerdink.	H. R. 9763. Bridget Kelly.
H. R. 4633. Sara J. Squier.	H. R. 9822. George H. Sliter.
H. R. 4636. William H. Herrick.	H. R. 9943. William J. Shotwell.
H. R. 4837. Joseph A. Fones.	H. R. 10481. Charles Edwards.
H. R. 4891. Michael Kelly.	H. R. 10714. Noah Hayes.
H. R. 5124. William H. Davis.	H. R. 10751. John Allen.
H. R. 5184. Coleman R. Romaine.	H. R. 10870. Isaac Thompson.
H. R. 5234. Henry J. Bess.	H. R. 10974. John Bachtler.
H. R. 5353. Abraham M. Heifner.	H. R. 11088. John H. Lennon.
H. R. 5384. Ephraim Hommel.	H. R. 11140. Calvin M. West.
H. R. 5575. Seymour Wheelock.	H. R. 11153. Zachary T. Russell.
H. R. 5576. George C. Richards.	H. R. 11283. Susan Howarth.

H. R. 11287. Vincent H. Gaskill.
 H. R. 11288. Jonathan Bigelow.
 H. R. 11289. Elmer W. Welsheimer.
 H. R. 11291. Matthew F. Stuckey.
 H. R. 11348. John P. Wilson.
 H. R. 11526. John Stander.
 H. R. 11562. Thomas L. Ritchard-son.
 H. R. 11629. Perry Walker.
 H. R. 11740. James M. Chapel.
 H. R. 11939. John D. Neff.
 H. R. 12049. Edward Church.
 H. R. 12068. Caroline Holman.
 H. R. 12069. Emily C. Bruner.
 H. R. 12143. Francis M. Herring.
 H. R. 12183. Edwin Bloom.
 H. R. 12186. James Dodwell.
 H. R. 12378. Henry B. Mitchell.
 H. R. 12501. Zebina M. Hunt.
 H. R. 12540. William Jessop.
 H. R. 12563. William Hanger.
 H. R. 12598. Willis Lake.
 H. R. 12666. David S. Pierce.
 H. R. 12677. John W. Urban.
 H. R. 12706. John W. Stonebraker.
 H. R. 12726. James Moneyhan.
 H. R. 12791. John P. Brown.
 H. R. 12953. William Bold.
 H. R. 13023. William A. Kerr.
 H. R. 13069. John Graves.
 H. R. 13071. Samuel Hill.
 H. R. 13076. William F. M. Lacey.
 H. R. 13121. Mary A. Wildason.
 H. R. 13347. William J. Fraser.
 H. R. 13430. Alonzo P. Sharp.
 H. R. 13751. Mary C. Roos.
 H. R. 13762. John R. Taylor.
 H. R. 13818. William Kirt.
 H. R. 13819. Peter Giesman.
 H. R. 13832. Alice Bryant.
 H. R. 13851. Edward J. Harshman.
 H. R. 13857. Jacob W. Perry.
 H. R. 13916. Frederick Heise.
 H. R. 13921. Frank Lafond.
 H. R. 13963. Cornelius Cline.
 H. R. 13980. Samuel Rochester.
 H. R. 14023. William H. Elmore.
 H. R. 14147. George Elmer.
 H. R. 14148. Lewis B. Hunt.
 H. R. 14150. Jane A. Walsh.
 H. R. 14153. Mary Etta Brewer.
 H. R. 14208. John Scheurich.
 H. R. 14294. Amos Graham.
 H. R. 14337. Rachel Ann Keifflein.
 H. R. 14395. Moses E. Sturtevant.
 H. R. 14426. Alfred K. Young.
 H. R. 14522. Belle A. Corbin.
 H. R. 14536. Ira Kennicutt.
 H. R. 14569. William E. McLimans.
 H. R. 14570. William F. Marshall.
 H. R. 14604. Albert Barfield, alias Albert Pound.
 H. R. 14609. Peter Goergen.
 H. R. 14732. Harrison H. Riddle.
 H. R. 14798. Elton S. Balcome.
 H. R. 14799. Hollis D. Kendall.
 H. R. 14801. William Riley Helms.
 H. R. 14802. David W. Clements.
 H. R. 14803. Henry C. Fairchild.
 H. R. 14985. Edward B. North.
 H. R. 15152. James D. Burcham.
 H. R. 15198. James Jenkins.
 H. R. 15275. Luvenia Walkinshaw.
 H. R. 15283. Joseph M. Horning.
 H. R. 15437. Charlotte Atkinson.
 H. R. 15439. Sarah Knepley.
 H. R. 15513. Jennie M. Metz.
 H. R. 15538. Samuel C. Rhoat.
 H. R. 15821. Warren Morrill.
 H. R. 15823. Joseph Carter jr.
 H. R. 15881. Frederick Markgraff.
 H. R. 15953. John G. Milliken.
 H. R. 16162. Charles A. Berry.
 H. R. 16368. Viola Phillips.
 H. R. 16371. Isaac P. Hines.
 H. R. 16372. James McKelvey.
 H. R. 16376. Elizabeth Graham.
 H. R. 16379. Charles T. Garrard.
 H. R. 16406. John W. Stoker.
 H. R. 16502. Joseph A. Hanks.
 H. R. 16515. David Gilchrist.
 H. R. 16528. Nancy Gaven.
 H. R. 16541. Sharp Hagerty.
 H. R. 16543. Edward A. Spaulding.
 H. R. 16545. Charles Mullen.
 H. R. 16707. Lemuel E. Sinsabaugh.
 H. R. 16724. Henry C. Beebe.
 H. R. 16798. Grant Root.
 H. R. 16858. William H. Gilliland.
 H. R. 16917. Hollis M. Payson.
 H. R. 16924. Sumner P. Boies.
 H. R. 16964. Harvey Law.
 H. R. 17055. Luranah A. Ebert.
 H. R. 17091. John Andrews.
 H. R. 17342. Noah Shidler.
 H. R. 17344. Albert Carlile.
 H. R. 17385. Isaac E. Reed.
 H. R. 17652. Oliver P. Huffman.
 H. R. 17656. William F. Emrick.
 H. R. 17657. Daniel Weaver.
 H. R. 17693. Thomas E. Enloe.
 H. R. 17718. Richard Morrow.
 H. R. 17729. Cimon A. Wellman.
 H. R. 17730. Martha M. Hildreth.
 H. R. 17777. Belona B. Moran.
 H. R. 17851. Robert C. Guy.
 H. R. 17874. William P. Dunlap.
 H. R. 17882. Edward J. Davis.
 H. R. 17904. Amelia D. Lewis.
 H. R. 17945. Mary E. Martin.
 H. R. 17949. Charles W. Gibbs.
 H. R. 18087. Samuel O. Lee.
 H. R. 18088. James Howe.
 H. R. 18089. Joseph W. Haynes.
 H. R. 18095. Charles Britton.
 H. R. 18126. Cornelius Van Note, alias William Ridge-way.
 H. R. 18172. Daniel H. Crider.
 H. R. 18176. George E. Patterson.
 H. R. 18178. Seymour Avery.
 H. R. 18187. Jacob E. Riley.
 H. R. 18192. Susan J. Huff.
 H. R. 18193. Nehemiah W. Porter.
 H. R. 18398. Charles Pettys.
 H. R. 18408. Mary De Kreiger.
 H. R. 18465. John W. Ramsey.
 H. R. 18468. Hugh Lappin.
 H. R. 18474. John M. Oldham.
 H. R. 18512. Julia A. Rulo.
 H. R. 18517. Jerome B. Evans.
 H. R. 18520. James M. Bishop.
 H. R. 18574. David C. Chadwick.
 H. R. 18610. Jabez G. Cole.
 H. R. 18663. Samuel S. Hall.
 H. R. 18667. Della M. Williams.
 H. R. 18700. Daniel Williams.
 H. R. 18744. Edward G. Handley.
 H. R. 18753. Jefferson Jackson.
 H. R. 18816. Charles Herriman.
 H. R. 18879. George W. Strong.
 H. R. 18896. Silas Rossell.
 H. R. 19016. Charles A. Reed.
 H. R. 19109. Alonzo T. Hickey.
 H. R. 19110. William H. Stauffer.
 H. R. 19112. Godfrey K. Biber.
 H. R. 19199. Martin V. Curry.
 H. R. 19251. Anthony Lowman.
 H. R. 19352. Isaiah J. Moore.
 H. R. 19466. Henry McKenna.
 H. R. 19501. Christopher T. Pearce.
 H. R. 19520. Charles L. Burgess.
 H. R. 19534. Samuel M. Zartman.
 H. R. 19597. Catherine Karcher.
 H. R. 19610. James Buckley.
 H. R. 19611. John H. Baty.
 H. R. 19613. Charles Fitzgerald.
 H. R. 19614. John Hockenbery.
 H. R. 19622. John W. Smith.
 H. R. 19668. Henry C. Farmer.
 H. R. 19676. Henderson Scott.
 H. R. 19744. William Carey.
 H. R. 19747. Margaret C. Malone.
 H. R. 19942. James T. Singleton.
 H. R. 20037. Andrew Smith.
 H. R. 20089. James E. Greene.
 H. R. 20176. Lewis H. Walker.
 H. R. 20913. George E. Wilson.

During the reading,

Mr. RODDENBERRY. Mr. Chairman, I do not think there is a quorum of the committee present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and four Members are present—a quorum—and the Clerk will proceed with the reading of the bill.

The Clerk proceeded, and concluded the reading of the bill.

Mr. HAMILTON of West Virginia. Mr. Chairman, this omnibus bill, including 17 original pensions and 275—

Mr. RODDENBERRY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. Is not now, at the conclusion of the reading of the bill, the first time parliamentarily appropriate to ask unanimous consent that the report of the committee on the bill be read?

Mr. RUSSELL. We object to the reading of the report.

The CHAIRMAN. The gentleman in charge of the bill [Mr. HAMILTON] is entitled to recognition.

Mr. RODDENBERRY. A further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. May I appropriately obtain information at this time whether I shall be permitted to be recognized by the Chair for the purpose of general debate on this bill, for which purpose I desire to be recognized?

The CHAIRMAN. General debate is in order at this time, but the gentleman from West Virginia [Mr. HAMILTON] has the floor. When he concludes, if the gentleman is recognized—

Mr. RODDENBERRY. I desire to state to the Chair at this time that I wish to be recognized in order.

Mr. HAMILTON of West Virginia. What time does the gentleman from Georgia [Mr. RODDENBERRY] want?

Mr. RODDENBERRY. The time allowed by the existing rules—one hour.

Mr. HAMILTON of West Virginia. An hour covers all the debate.

Mr. RODDENBERRY. Not according to the rule, as I understand it.

The CHAIRMAN. The gentleman from West Virginia [Mr. HAMILTON] has the floor.

Mr. HAMILTON of West Virginia. Mr. Chairman, as I stated, this bill covers 292 cases. Seventeen of them are original pensions granted by the committee, and consist of allowances made to widows and, perhaps in one or two cases, to children. The total amount carried by this bill—

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HAMILTON of West Virginia. Yes, sir.

Mr. BARTLETT. I understood the gentleman to say that 17 of them are increases of pensions which have heretofore been granted by Congress?

Mr. HAMILTON of West Virginia. No, sir. Seventeen of them are original pensions to widows, granted the first time.

Mr. BARTLETT. In this bill?

Mr. HAMILTON of West Virginia. Yes, sir. They are principally granted to widows.

Mr. BARTLETT. The reason I asked the question was that I knew it was the rule of the committee, and has been for many years, both in the House and the Senate, with rare exceptions, that you do not increase the pension when the pensioner's right to draw a pension is by special act.

Mr. HAMILTON of West Virginia. It depends on the statute.

Mr. BARTLETT. I thought the gentleman said that 17 of these were increases.

Mr. HAMILTON of West Virginia. No, sir.

Mr. BARTLETT. I misunderstood the gentleman.

Mr. HAMILTON of West Virginia. There are increases, but not necessarily increases over pensions granted by special acts.

Mr. BARTLETT. I am interested in the matter, because I have given that as an answer to persons in my district who desired to have bills introduced.

Mr. HAMILTON of West Virginia. The committee has a rule—rule No. 2—by which only in very exceptional cases they will increase pensions granted by Congress under special act.

Mr. BARTLETT. This committee is enforcing that rule in this House?

Mr. HAMILTON of West Virginia. Yes; the best we can. I do not know that there are any cases in this bill that would violate that rule.

Mr. BARTLETT. I simply wanted to know for my own information, because I have had correspondence on the subject with residents in my district, and in a few cases have had inquiries as to pensions under the invalid-pension law and applications for pensions for soldiers of the Spanish-American War where Congress has granted a pension by special legislative act. Then in such cases the committee does not increase that pension?

Mr. HAMILTON of West Virginia. That is the rule of the committee, but in candor I will say to the gentleman that it is not entirely inflexible. I recall to mind one or two cases in which that rule has not been followed.

Mr. BARTLETT. I think it is a rare exception, but I have known some cases since I have been here. I have known one or two cases where Congress has increased the pension of the pensioner who was pensioned by special act of Congress. The reason why I made the inquiry was that I understood the gentleman to say that there were 17 cases of that kind in this bill.

Mr. HAMILTON of West Virginia. No, sir; I did not mean to say that.

Mr. ALEXANDER. Mr. Chairman, the rule of the Committee on Invalid Pensions provides that in no instance will a pension be increased where the original pension was granted by special

act of Congress. I wish to say to the gentleman in charge of the bill that if you are going to depart from that practice you ought to modify your rule. I have answered scores of letters, which I have received in cases where parties have applied for increases under those circumstances, calling attention to this rule, and up to this moment I did not understand that it had been violated.

Mr. HAMILTON of West Virginia. In a few cases only, but not in this bill.

Mr. ADAIR. There are no cases of that kind in this bill?

Mr. HAMILTON of West Virginia. No; I think not.

Mr. ALEXANDER. You ought to live up to the rule.

Mr. BARTLETT. Mr. Chairman, I would like to have the gentleman from West Virginia [Mr. HAMILTON] answer the question he started to answer. I am interested in this matter.

Mr. ADAIR. I want to say, in answer to what the gentleman from Missouri [Mr. ALEXANDER] has said, which in a way reflects upon the committee of the House, that so far as the Committee on Invalid Pensions of the House is concerned it does not now and never did have a rule of that kind. The rule making such a distinction was adopted by the Senate Committee on Pensions, but I am informed by some of the older Members in the House—and I believe the gentleman from New Hampshire [Mr. SULLOWAY] will bear me out in that statement—that the House committee has no such rule.

Mr. ALEXANDER. You mean you have no rule at all?

Mr. ADAIR. No written rules; and have not had.

Mr. ALEXANDER. These are the rules we understand that the committee has, and when we write for information to the committee those are the rules we get.

Mr. ADAIR. Does the gentleman refer to the Senate rules?

Mr. ALEXANDER. No; to the rules of the House Committee on Invalid Pensions, when we ask for the rules of the committee. This is the first time I ever knew that that was not so.

Mr. ADAIR. They are not the rules of the House committee. We turned over to the gentleman all the rules that we have in our possession.

Mr. BARTLETT. Will the gentleman allow me another question?

Mr. HAMILTON of West Virginia. Yes, sir.

Mr. BARTLETT. I did not raise this question idly, Mr. Chairman. I have three cases that I recall now where I have introduced bills, and I have been informed by the Committees on Invalid Pensions and on Pensions of the House and the Committee on Pensions of the Senate—and I want to say not by any particular member of the Committee on Invalid Pensions—but it is the general understanding that where a special bill has passed, granting a pension and fixing the amount, it is not increased in these bills coming from this committee except in very rare instances, with rare exceptions. That, as I understand, is the history of it for years in this House. It has been the practice of the committees of both Houses, both the House and the Senate, not to increase a pension when the pension had its origin in a special legislative act. I have acted upon that. I had one case here some years ago in which I secured a pension for a Federal soldier who lived in my district, in which case that rule was not adhered to, as my friend from New Hampshire [Mr. SULLOWAY] will recall. It was a very worthy case, and the gentleman from New Hampshire aided me materially in securing the increase for the old man, who was recognized as being entitled to the increase, but because of the fact that the original pension had been granted by Congress, they did not want to increase it. The old man was at that time helpless, and the Senate committee did make an exception to the rule in that case, informing me, however, that they would not do so again.

I have very few applicants for pensions in my district. Most of those who apply are veterans of the Spanish-American War and the Indian wars, but I have secured pensions for some who were in the Federal Army during the War between the States. I use the expression that the President prefers. I have uniformly told them that their pensions could not be increased, because of this rule of both the House and Senate that a pension not granted through the Pension Bureau, but originating by legislative enactment, could not be increased.

Mr. ALEXANDER. I have sent them notice to that same effect.

Mr. BARTLETT. If the committee is going to make any more exceptions, I have one or two cases that should be granted.

Mr. KENDALL. It has been the popular understanding here in the House, I think, that the rules of the Pension Committee exclude from further relief a soldier who is in receipt of a pension under a private act. That is not, however, a fixed rule of the committee. While it is a regulation which has been recognized more or less, it ought to be relaxed. If a soldier is pensioned at \$24 a month under an act of Congress, and subsequent

to that time he becomes totally paralyzed and requires constant attention, he should be given additional aid.

Mr. BARTLETT. I have that identical case in mind.

Mr. KENDALL. I am describing the gentleman's case.

Mr. BARTLETT. Then there is no reason why this rule should be enforced. The soldier ought to be entitled to additional benefits commensurate with his condition. I agree with the gentleman. Can the gentleman answer this question, Whether the Bureau of Pensions has authority to increase the pension of a pensioner who draws his pension by reason of a private act?

Mr. KENDALL. Not at all, unless his disabilities growing out of his service are considered.

Mr. BARTLETT. I understand the presumption is that when you pension a man by legislative act he can not get a pension at the Pension Bureau under the general law.

Mr. KENDALL. That is a mistake. If he wants to resort to the general law and can establish that he is entitled to more pension than Congress has allowed him, he has a right to do it.

Mr. BARTLETT. He must be refused at the Pension Office before we can consider his bill.

Mr. KENDALL. Other circumstances may arise—

Mr. RUSSELL. I think I can explain in just a word about what the action of the committee has been and the reason for its action. As stated by the gentleman from Indiana, as I understand, the Senate has written rules. We have not written rules. We have unwritten rules that have guided us. Bills passed by the House must also be passed by the Senate. The House committee thought it was practically useless for us to give the second increase where a man had previously one special bill, because the Senate would turn it down anyway, and has been doing it.

I understand the action of the committee on these cases has been about this: Notwithstanding the Senate rule and our unwritten rule, where a man has been granted an increase by special act, but since that time his disabilities have become greater, we felt, and I think the committee feels, and the House feels, that it would be unjust to deny him the right he is justly entitled to. But if there has been no increase in the disabilities since the private act was granted, the committee has not felt that it ought to undo the work done by the previous committee and the previous Congress by recommending an increase.

Mr. ANDERSON of Ohio. Mr. Chairman, for the purpose of correcting the impression regarding the granting of second special bills and as to the unwritten rule referred to by the gentleman from Missouri, I think you will find by referring to the printed rules of the committee that rule 2 applies.

Mr. KENDALL. Will the gentleman from West Virginia yield?

Mr. HAMILTON of West Virginia. I will yield to the gentleman.

Mr. KENDALL. I want to say that this argument is entirely unnecessary, because there are no such items in this bill.

Mr. BARTLETT. I understood that there were.

Mr. HAMILTON of West Virginia. I do not remember of any that are in this bill; there may be one or two.

Mr. BARTLETT. Then the gentleman from Iowa is mistaken.

Mr. KENDALL. I am making* the statement on the authority of some members of the committee on whose judgment I rely.

Mr. HAMILTON of West Virginia. I say that the gentleman from Georgia [Mr. BARTLETT] is entitled to a candid answer on this matter.

Mr. BARTLETT. And I know I will get it.

Mr. HAMILTON of West Virginia. I have known one or two cases where the statutory pension has been increased. I think there is a printed rule of our committee on a card which has the rule 2 which the gentleman from Ohio speaks of, but I never was present at any meeting when it was adopted.

Mr. BARTLETT. I am not making any complaint. As I stated to the gentleman, my pension cases are very few; but when the committee have sent to Members of the House printed rules which govern them in the reporting of bills, and we have informed our constituents who desire pensions that they would not be accepted, we want to know whether the committee intends to stand by the rule.

Mr. HAMILTON of West Virginia. The Committee on Pensions, of which I am not a member, has an inflexible rule of that kind, and there is where the most of the cases to which you refer come from.

Mr. BARTLETT. I have had one bill before the Committee on Invalid Pensions that ran up against this rule.

Mr. HAMILTON of West Virginia. While that rule is printed on the card, I know it is not an inflexible rule.

Mr. FOWLER. Will the gentleman yield?

Mr. HAMILTON of West Virginia. Certainly.

Mr. FOWLER. I desire to know if the Committee on Invalid Pensions does not have a set of rules in book form, and if rule No. 2 does not declare in substance that where a soldier has been pensioned by a private act under no circumstances will the committee consider an application for an additional private act.

Mr. HAMILTON of West Virginia. I think the gentleman is right about that. I think there is such a rule printed on a card, but I never was present at a meeting when the rule was adopted, and I think I have been present at every meeting while I have been in the city.

Mr. FOWLER. Does the gentleman understand that the rule was adopted and intended to be universal and to prevent Members of Congress from encouraging those who are drawing pensions by private act from making application for a second private act?

Mr. HAMILTON of West Virginia. As I stated a while ago, I do not think the rule ever was adopted. How it got into print that way I do not know. It may have been adopted by some prior Congress.

Mr. FOWLER. I should be glad to have some gentleman inform me how it became a rule, because I have written a number of old soldiers in my district, sent them copies of that rule, and called their attention to it. Now, if that is not the rule of the Committee on Invalid Pensions, I desire to correct myself with some of these old soldiers in my district who are entitled to more pension than they are now receiving.

Mr. HAMILTON of West Virginia. All I can say is that, if it is a rule of the committee, I have known it to be violated in two or three cases.

Mr. SIMS. It has been the rule for many years.

Mr. FOWLER. One more question. I will ask the gentleman how long this rule No. 2, governing the Committee on Invalid Pensions, has been in vogue?

Mr. HAMILTON of West Virginia. I can not answer that, because, as I say, I have never been present at any meeting when that rule was adopted. I have been present frequently when it was acted on.

Mr. ANDERSON of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON of West Virginia. Yes.

Mr. ANDERSON of Ohio. Referring to the controversy regarding the rule granting a second special pension to the same soldier, it may be that the House Committee on Invalid Pensions has not adopted a rule, but it has been printed as a rule, and I hold it in my hand. On the first page of this pamphlet is printed "Committee on Invalid Pensions, House of Representatives." It may have been handed down in days gone by, but it does read "Rules of House of Representatives."

And on page 4 of Committee Rules, line 1 reads:

The Pension Committees of the two Houses of Congress were created to consider a very few claims, etc.

Mr. SULLOWAY. Yes; it was the Pension Committees of the two Houses, and neither of those committees is an invalid pension committee.

Mr. ANDERSON of Ohio. It is misleading, and when a soldier writes me for a second special pension I refer him to rule 2.

Mr. SULLOWAY. Well, that furnishes a nice buffer for the gentleman.

Mr. ANDERSON of Ohio. Oh, I am not in need of any buffer, I assure the gentleman. The old soldier of my district knows I will use every honorable means to help him.

Mr. FOWLER. Mr. Chairman, I will be glad to have rule No. 2 read into the RECORD, so that soldiers may understand.

The CHAIRMAN. Does the gentleman from West Virginia yield to the gentleman from Illinois?

Mr. HAMILTON of West Virginia. Mr. Chairman, I have only a few words to say in reference to this bill. I do not know that it is necessary to say anything. I have already stated in the House this morning that there is no item included in this bill that has not had a thorough examination. In fact, it has been examined more than once. In the first place—and I say this for the Members of the House generally, because I have had quite a number of inquiries about it—the Interior Department, under a statute, details to the Committee on Invalid Pensions an officer, who is known as an examiner. As prerequisite to taking up any case in that committee it has to be passed upon by that examiner. I do not mean to say by that that the examiner is final upon it, but in ninety-nine cases out of a hundred I believe I would be safe in saying that no pension has ever been granted except upon the recommendation of the examiner.

Sometimes the examiner reports the case as doubtful. In that case it is then considered by a subcommittee and then by

the full committee. I do not recall any case in which the examiner has made an adverse report where the claim has been allowed by the committee, although I make that as a general statement, and I may be mistaken in regard to it. I think this bill ought to pass.

Mr. HOWARD. Mr. Chairman, I would like to ask the gentleman a question about one particular claim in this bill which I have seen, and the only one to which I desire to interpose any specific objection. Probably the gentleman can explain it. It is to be found on page 38 in the report, being H. R. 6980, the case of William M. Capps. I read from the report:

William M. Capps, aged 70 years, served as a principal musician in Third Regiment North Carolina Mounted Infantry from January 15, 1865, to August 8, 1865 (seven months), and is not now a pensioner.

Address, Edwin, Tenn.

In his Confederate service he was known as Manley W. Capps and in the Union Army as William Capps and William M. Capps.

His claims under acts of June 27, 1890, and February 6, 1907, were rejected because of a prior voluntary service in the Confederate Army, and as he enlisted in the Union Army subsequent to January 1, 1865, the joint resolution of July 1, 1902, afforded no relief. His claim under the general law was rejected June 30, 1899, upon the ground of no record of alleged rheumatism, and special examination had failed to establish it as of service origin.

The last medical examination, September 3, 1892, rates him for rheumatism, weak heart, and weak mind.

Dr. G. C. Williams has treated him during the last 18 years for rheumatism and resulting disease of heart.

The physician and neighbors say he is disabled the greater part of the time for manual labor; that he owns a small house and lot, worth about \$200, and has no income except the little he earns by the little labor he can do.

As he served in the Union Army seven months and was honorably discharged, a pension of \$12 is recommended.

It appears that this man is not only a traitor and a deserter from the Confederate Army, but that all efforts on the part of the man to secure a pension failed by virtue of the fact that he could not make out his case at the Pension Office. He has been turned down four or five different times. Upon what ground does the committee pension this sort of man? He is what is very properly termed by my colleague, Judge BARTLETT, a tooter and not a shooter.

Mr. HAMILTON of West Virginia. The gentleman will find that he had seven months' service in the Union Army after his service in the Confederate Army.

Mr. HOWARD. Oh, the war was over when he had four and a half months' of that service.

Mr. HAMILTON of West Virginia. I do not know whether he was a deserter or not. He may have been.

Mr. HOWARD. If he was not a deserter, why did he get into the Federal Army and change his name?

Mr. HAMILTON of West Virginia. That is a pertinent question that I can not answer.

Mr. HOWARD. Did the gentleman make any investigation of it?

Mr. HAMILTON of West Virginia. I can not answer, but I will say that the examiner has reported to this committee that he served seven months in the Union Army; also that he had been rated by the department for certain disabilities. Why his pension was never granted in the department I do not know, but this report shows that by the last examination, September 3, he was rated for rheumatism, weak heart, and weak mind.

Mr. HOWARD. Now, I hope the gentleman will not misunderstand my motive in asking him this question. I am not one of those who think that nobody ought to receive a pension. I think that every man honorably discharged who rendered faithful service to the United States Government in the Civil War ought to have a pension if he is in poverty and want [applause], but I do not believe in pensioning these traitors to the Government, deserters, who can not show a ratable pensionable degree.

Mr. HAMILTON of West Virginia. I desire to say that we did not know whether the man was a deserter or anything of that kind, and we can not go into the question of morality. The Pension Committee can not go into the moral character of a man.

Mr. TRIBBLE. Mr. Chairman—

The CHAIRMAN. Does the gentleman from West Virginia yield to the gentleman from Georgia?

Mr. HAMILTON of West Virginia. For a question.

Mr. TRIBBLE. On page 88, I desire to ask a question about a case—

Mr. HOWARD. One moment. Is that the only answer the gentleman from West Virginia is capable of giving to this particular claim? Is there a record, can the gentleman who introduced the bill—

Mr. HAMILTON of West Virginia. I do not know; the report does not show—

Mr. HOWARD. Is the gentleman who introduced this bill in the House? I would just like to ask him, if he is, and I would be very glad for him to state it.

Mr. HAMILTON of West Virginia. I do not know.

Mr. HOWARD. Then, as a matter of fact, the gentleman in charge of this bill admits that he knows nothing except what is incorporated in this report?

Mr. HAMILTON of West Virginia. Nothing except what is shown in the official report, and it is shown that this man served seven months in the Union Army and he was rated for disabilities. It is shown right here in this report.

Mr. TRIBBLE. Mr. Chairman—

The CHAIRMAN. Does the gentleman from West Virginia yield to the gentleman from Georgia?

Mr. HAMILTON of West Virginia. I am answering his question.

Mr. HOWARD. You say he had a ratable disability; why did not he get a pension from the Pension Office?

Mr. HAMILTON of West Virginia. Because he had no status under the general pension law.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield to me?

Mr. HAMILTON of West Virginia. Yes.

Mr. TRIBBLE. On page 88 of the report I find this statement:

He—

That is, this old soldier—

died in service March 19, 1865.

Mr. HAMILTON of West Virginia. What line of the bill, and what page?

Mr. TRIBBLE. I am reading from page 88, near the middle of the page:

Shortly thereafter, Nancy—

Nancy was the soldier's wife—

took up with Gaven, also a soldier, and, having become a Catholic, married him by ceremony on February 15, 1878.

She took up with him and lived with him until that time and then married him. Now, further down, you will find there that the soldier, Gaven—the soldier she married—also had a wife at the time he married her, by the name of Anne Burke, and Anne Burke came to the front and administered on the estate, took his property, and there is no question, as proven by the record, that this woman was never legally married to the man on whose name she got a pension. Now, will the gentleman explain to the House how this committee gives this woman, who is not legally married, never was legally married, a pension when the Pension Bureau says that she was not? Let me read this:

The Bureau of Pensions denied her restoration on the ground that her conduct since the death of the soldier and the passage of the act of August 7, 1882, was in violation of the provisions of said act. The officers of the Church Federation of Charity, of Lincoln, Mo., in pleading for the restoration of her name to the pension roll, say that she married Anthony G. Gaven in good faith, not knowing that he had a wife living (which view is not shared by the Pension Bureau).

Now, my question was this: Here is a woman who was not married to this man. She lived with him in an unmarried state for 10 years, as the record shows, and then married him, he having a living wife. How can this committee, in the face of this fact and the Pension Bureau protesting against it, proceed to give this unmarried woman a pension?

Mr. HAMILTON of West Virginia. It seems to me that the marriage is not the bad part of this. It seems to me a woman who lived with a man for a number of years, not being his wife, when she became his wife that, notwithstanding her former bad conduct, she ought not to be condemned for that.

Now, as to this report here the committee has to take the examiner's report on this to a large extent. We can not go into every question minutely. It would take a year to do it.

Mr. TRIBBLE. You did turn down the Pension Bureau's report when they investigated. She drew two pensions. The report says:

Nancy has been the wife of two soldiers, pensioned as the widow of each; dropped from the rolls as such widow for reasons given above.

Mr. HAMILTON of West Virginia. We did not turn down the Pension Bureau's report. If the Pension Bureau had power to act in it we would not take it up at all.

Mr. TRIBBLE. They had the power, but found against it. Now, on page 24, I will ask you another question.

Mr. LOBECK. I want to ask the gentleman from Georgia to read the last part of the statement on page 89.

Mr. TRIBBLE. I did not yield to the gentleman from Nebraska. I ask, Mr. Chairman—

Mr. KENDALL. Mr. Chairman, I ask for order.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to insert in the Record the entire case.

H R. 16528. Nancy Gaven, aged 76 years, is the former widow of Asa J. Moore, who served as a private in Company D, Sixteenth Regiment Wisconsin Infantry, from September 9, 1864, to March 19, 1865 (eight months), and is not now a pensioner under any act. Address, Lebanon, Mo.

She was formerly pensioned under the act of July 14, 1862, at \$8 per month by reason of death of Anthony P. Gaven, her second husband, his death being due to service disability. Her children by the first husband and soldier's were pensioned under act of July 14, 1862, from October 28, 1865, when Nancy established marriage relations with Gaven.

Applicant and soldier, Asa J. Moore, were married about 1851, and lived together until his enlistment, September 9, 1864. They had five children. He died in service March 19, 1865. Shortly thereafter Nancy took up with Gaven, also a soldier, and, having become a Catholic, married him by ceremony February 15, 1878. They lived together until his death, August 31, 1897.

After being pensioned as his widow until 1903, her name was dropped from the roll on the ground that she was not the legal widow, since he (Gaven) had a prior wife, herself an applicant for pension.

This woman was Ann Burke, who succeeded by judgment or compromise in obtaining the estate of Anthony C. Gaven. Ann alleged that Gaven and Nancy eloped in 1866.

Nancy having been pensioned as the widow of Asa J. Moore from the date of his death, March 19, 1865, to October 29, 1865, the date of her alleged marriage to Anthony C. Gaven, the Bureau of Pensions denied her restoration on the ground that her conduct since the death of the soldier and the passage of the act of August 7, 1882, was in violation of the provision of said act.

Nancy has been the wife of two soldiers, pensioned as the widow of each, and dropped from the roll as such widow for reasons given above.

She is now 76 years old. The officers of the Church Federation of Charity, of Lebanon, Mo., in pleading for the restoration of her name to the pension roll, say that she married Anthony C. Gaven in good faith, not knowing that he had a wife living (which view is not shared by the Pension Bureau), and that she felt herself innocent of intentional wrongdoing. Further, she is an invalid, confined to her bed; that she lives with her widowed daughter, who is totally blind and who is also confined to her bed, and the two require the constant care of a trained nurse, and they have neither money, property, nor income.

The Member introducing this bill states that he has known the soldier, Anthony C. Gaven, the applicant, and her daughter for years. Just before coming to Washington last November he visited them, applicant and daughter. He says:

"In the corner of the room was the mother, sick, feeble, and almost helpless; in the center of the room, upon an invalid's bed so arranged as to be wheeled around the room, lay the daughter; so afflicted was the daughter she could only move the tips of her fingers; she could not turn her head from side to side, and she was blind. Nancy Gaven has no property; she and her daughter are dependent upon the county court and upon the charity of the people of Lebanon."

This case enlists the sympathy of all and calls for congressional relief. A pension of \$12 per month is recommended.

Mr. LOBECK. Read the last part.

Mr. HAMILTON of West Virginia. Mr. Chairman, I have made a promise to a gentleman who wants to speak against pension legislation generally. I think it is right for him to be heard on this bill, and I now yield to the gentleman from Texas [Mr. CALLAWAY] for 20 minutes.

Mr. CALLAWAY. Mr. Chairman, I have always had great admiration for the truly brave, whether on the battle's front or in the walks of civil life. The first thing, though, I ever took a live interest in reading was the histories of battles. I never tired of reading of the Battle of New Orleans, when Jackson's Kentucky and Tennessee riflemen lay behind the cotton bales until Pakenham's redcoats came close enough for Jackson's men to see the whites of their eyes.

My blood boiled when I read and reread the story of the Alamo, how the heroic Crockett, the dauntless Fannin, and the indomitable Bowie, together with 157 other fit companions, held out against the Mexican army from the 23d of February to the 6th of March. I believe that man can not die better than when facing fearful odds for the idols of his country and the temples of his gods.

I have seen through the eye of history, in supremest admiration, Napoleon at Lodi, Marengo, and Austerlitz; had a storm in my blood when reading the statement of the drummer boy that "he had never been taught to beat a retreat."

I have traced in awe the maneuvers of the valley campaign made immortal by the genius of Stonewall Jackson.

I yield to no man in worship of the heroism displayed by Americans in our Civil War. It was never equaled in the history of the world and it will never be duplicated by mankind, for our people have met their last time in mortal conflict. That is the saddest page in human history, but it is made the most brilliant with exhibitions of superhuman fortitude.

I honor those who immortalized themselves in that strife, and they look alike to me whether on the one side or the other. I have no feeling in the matter whatsoever. I was born, long after the war had ended, in a State that never felt a hostile foot, and reared by a Confederate father who bore no taint of malice. He taught me that fanatics on both sides caused that fratricidal strife, and the memories of its horrors should pass and this country be an indissoluble Union in feeling, as it is in fact.

I honor them whether their jackets were blue or gray, and I will go as far as who goes farthest in paying them homage and doing them honor, but honor can not be paid in dollars and cents. When reduced to a contract basis, the apples of Hesperides turn to Dead Sea fruit. The debt of gratitude paid in cash is no longer a debt. It is effaced forever.

I owe my life to a man who risked his own to pull me from a swollen stream when I was a boy of 13. He has always been my hero. I can never pay him the debt of gratitude I owe him. It never occurred to me that I should become his slave, even had he asked it.

He taught me early in life that a debt of gratitude can not be paid with money, nor honor reduced to a cash basis.

So it is with State or Nation. When materialists want to check up the debt of gratitude and the value of honor and go to the United States Treasury for the purpose of paying it in pensions, it makes me sick. Sick because I can see the grandeur of this Republic, born of our fathers' blood and sanctified by our mothers' tears, passing away. It shows the trend of our thought, the bent of this age of avarice and commercialism. It would lead a man each time he does a patriotic deed to estimate the value of it. When he has a generous impulse the thought will occur, "What dividend will it pay?" His suffrage, which should be a service to his country, will be worth so much.

The progress of pension legislation in this country is a fruitful field for study. It reveals the remarkable power of the human faculties for development in any direction, whether for the weal or the woe of this country's future.

PENSION LAWS BASED ON JUSTICE.

In 1863, when all the promises made by those in authority to encourage men to go to the front were fresh in mind; when legislators knew the hardships undergone by men in the line; when boon companions of the pension beneficiaries made the laws; an act was passed which certainly they thought did justice to their comrades who suffered from the service. This act was amended in some details in 1873.

These acts gave pensions to all injured in the service, their widows and minor children, and graduated the allowance according to the injury received.

They made special provision for those who lost a leg, an arm, an eye or hearing. These acts had the ring of justice in them. They were passed by men who had gone through that conflict. They were passed for the benefit of those with whom they had suffered in that struggle. Those who legislated at that time were the best equipped to do the subject justice of any who have ever acted upon it, or of any who can ever act upon it. They knew the promises made as an inducement to get men to go to the front. They knew the conditions under which they entered the service. They knew the personnel of the men who answered the call. They knew the motives that actuated them and the bounties received. They knew the trials and tribulations of that awful strife. They knew what the loss was in finance and what it was in experience. They knew what it meant, not from hearsay, not from cultivated retrospection, not from fancy, not from the standpoint of political expediency, nor party advantage. They knew from actual experience, from seeing it and suffering it.

No one complained at those laws. The beneficiaries did not contend that those laws were parsimonious nor stingy. They were based on justice. Justice typified by the blind Goddess with the balances in one hand and the sword in the other. The kind of justice that inspires confidence. The kind of justice that makes a republic based on the consent of the governed, a stable government. The kind of justice that makes a happy and a contented people.

Garfield, chairman of the Appropriation Committee in 1876, presenting the pension appropriation bill under those acts, which carried \$28,951,288 and provided for 232,137 pensioners, said:

My idea is, if the gentleman will allow me, that we have reached, and perhaps passed, the summit of appropriations for this object; that it took a number of years to develop, to get through with the regular form of laws to admit to the rolls the persons entitled to pensions, and that the time must necessarily come when we shall pass the climax and begin to go downward. I suppose we have already passed the maximum.

Mr. ADKINS. We reached the maximum two years ago. We appropriated last year \$500,000 less than the year previous, and we appropriated this year a million less than the appropriation in the previous pension bill.

Garfield had rendered distinguished military service. He had been with the men on the firing line; he had heard the roar of shot and shell; he had had comrades fall around him; he had heard the groans of the dying; he had brought back to the grief-stricken wife the sad tale of how her life's dear lord went down with his face to the foe, a patriot serving his country. He had a mind that knew justice and a heart to do it. He helped enact those laws. As chairman of the Committee on Appropriations he was carrying out the laws he had helped to enact when he said, in 1876, all were on the rolls who were entitled to pensions.

THE FIRST DEPARTURE FROM JUSTICE AS THE STANDARD.

In 1890 an act was passed putting—

all persons who served 90 days or more * * * and who may hereafter be suffering from any mental or physical disability, upon the list of invalid pensioners.

This was the first change in the principle of pension legislation. Disability due to service had been the rule in pensioning the soldiers of the Revolution, the War of 1812, and of all other wars up to that time.

That act also provided a pension for the widow of every soldier or sailor and each of his minor children no matter what the cause of his death, conditioned only that they were dependent on their own effort for support. This condition did not apply to the widows and minor children of officers. It provided a pension for them except when they had a yearly net income exceeding \$250.

This was the first general act that abandoned justice as the guide. This was the first act which was generous and liberal. In dealing with the soldiers of the Revolution we had never taken generosity for our guide and liberality for our limit. We had never abandoned justice. The loadstar of this Republic from its inception was adhered to in pension legislation until we got 25 years from the Civil War and the Grand Army of the Republic was organized, cultivated, and encouraged and its political possibilities realized.

When a representative abandons necessity and justice in the expenditure of the public money he has weighed anchor, reefed sail, torn out his rudder, thrown away his chart and compass, and battened down the hatches. He is on the high seas, subject to the pressure of the winds. He is adrift, headed for no port, hedged about by no limitations.

This has been the condition in pension legislation since the act of 1890. There was no justice in that act. What was the reason for putting a man on the pension roll who suffered no injury from his service in that great war. He was as well and able as if he had never had that grand, glorious, and unique experience. What was the reason for putting a woman and children on the pension roll whose husband or father had served in the Army? I have yet to see a man who served on either side in that great conflict who did not regard it a distinction and a grand experience. It is an honor to him and to those who come after him. He never tires of talking of it. Why should he be pensioned if he suffered no injury on account of it? Why should the toilers be taxed to pension the widow of a man who enlisted as much as three months but was never injured and whose death was in no way due to his service? Is there any reason for the children of such soldier being pensioned—the children who point to their father's service as family heritage of which they are proud?

Why, on this bill introduced to-day, carrying 290 special pensioners, I see there is a person who served 3 months and 18 days put on for special pension of \$30 a month. He has been drawing a pension of \$15 a month since 1907. He enlisted in May and quit in August. He had a summer vacation. It says that he suffered no injury in the war, but now he is afflicted with rheumatism. He is in no worse fix than thousands taxed to pay this pension.

But having embarked on a scheme of generosity in pension legislation, bounded by liberality, the act of 1890 was, of course, the beginning and not the end of pension legislation. Thousands of private pension bills were passed each Congress; 9,623 were passed last Congress, and when these bills are passed it will make 1,500 for this Congress. Representatives in the infected districts vied with each other in fulsome flattery of the old heroes. They worked themselves up to arguing, and, worse, even to feeling, that heroism should be rewarded by something more substantial than renown; that honor was empty unless it was accompanied with cash.

THE CONDITIONS IN PENSION TERRITORY.

The Republicans, finding themselves hard pressed in close districts and States, fell back on the old prejudices engendered by the war and made believe the Republicans were the only friends of the soldier. They asserted that the Democrats were southern sympathizers and should they come into power would refuse more pensions and cut what they had. The Democrats met this argument by advocating even more liberal allowances than the Republicans had dreamed of. Representatives of one party prized the other in platform declarations, and were in turn prized. This continued from year to year and from election day to election day. They cultivated a sentiment and created a condition to which they are slaves—servile, abject slaves. Their time and energy is absorbed in pension promotion, and when they are foiled in their efforts, or even questioned about the logic of their position, they get irritable; they

do not argue. They flatter the soldier and malign their opponents. Their condition is to be pitied rather than condemned.

THE TAXPAYERS, NOT THE TAX EATERS, ARE THE HOPE.

There is but one way to stay this drift; that is, combat it at the source. It can not be stopped by argument nor by an appeal to the reason nor the sense of justice of those who are directly or indirectly the beneficiaries. The average man is blind to argument that is against his interest. He is impervious to reason or logic that touches his pocket. He has no sense of justice when he is financially affected. The founders of this Republic recognized these human weaknesses and wisely provided that no judge nor juror should sit on a case in which the judgment or verdict would directly or indirectly affect him personally. The beneficiaries of pensions are average men, neither better nor worse than other men.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to continue for five minutes.

Mr. HAMILTON of West Virginia. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman from West Virginia has five minutes more.

Mr. HAMILTON of West Virginia. I yield four minutes, then, to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. I thank the gentleman. But for fear the sentiment has been so cultivated and the enthusiasm so aroused by the political devotees of the old soldier that a simple statement of a truism calling attention to a fact will not suffice, and for fear there are many who have been closer followers of the fulsome flattery of the post-bellum political orators than of real history, and for fear some might think I came from too far South to do exact justice to these northern heroes, I want to quote from Charles Francis Adams, a general in the Union Army, to show that these particular warriors were mottled and mixed, even as other aggregations of men are:

The beginning of a war is always in the nature of a picnic—a stimulating novelty; everyone is anxious to have a hand in it in some shape or manner. But after the glow of the first call to arms dies away and real war reveals its grim, repulsive aspect, the response to each renewal of that call to arms grows less and less in volume, until in the case of our Civil War, within the very first year of the struggle (April, 1862) volunteering practically ceased. Under such circumstances, as everyone at all informed on that subject knows perfectly well, there is but one true course to pursue—recourse should be had to a system of conscription, exacting, stern, and even cruel. Permitting the fewest possible grounds of exemption, it should accept no excuses. Our Government in the Civil War, however, never dared have a real recourse to that drastic but alone effective measure. Conscription, in the States of the Confederacy a stern, unrelenting reality, was in the loyal States a scarecrow. Enacted under the pressure of necessity into a law, that law was used as a threat to compel local communities to band together to fill their quotas somehow. Recourse was then naturally had to the bounty system, and this early in the second year of the war. The frightful losses incurred in McClellan's peninsular campaign thus had to be made good.

The communities, local and otherwise, then combined; enlisting agencies were established; and men sold themselves and were bought and delivered singly and in lots at so much a head, like cattle. It was a wretched system, cowardly, wasteful, inhuman; but under it—and it was pursued for three years—men were quoted much as bullocks at Smithfield, a fair average valuation being, say, \$3 to \$6 a pound, the only difference from the Smithfield basis of dealing being that quality was not considered. Anything went.

Needless to say, the material forwarded to the front under such a system—the bogus conscription system—constantly deteriorated. In the Army this was notorious not only to everyone who held a commission, but to every man in the ranks called upon to associate with those forwarded under guard to fill up the war-worn battalions. Desertion and bounty jumping having become a calling were reduced to a system. As the war went on the recruits, recent importations from Europe or picked up in the slums and from the gutters of the great cities, were notoriously looked upon by the veterans of 1861 with averted eyes; objects of contempt; they were treated with scant consideration. Yet these, "the cankers of a calm world and a long peace," to a large extent, constituted what are now known as war-worn veterans, glorious heroes, and worthy patriots.

To one who personally recalls the events of that struggle, its hard, realistic, and mercenary features, the present-day utterances concerning it are a constant source of amused astonishment. In skimming over the columns of the CONGRESSIONAL RECORD such can not but marvel at the amount of cant and fustian—nauseating twaddle, perhaps, would not be too extreme a term—deemed useful properly to lubricate the creaking district machinery.

But lest some doubting Thomas should question that authority and still be of the opinion that every man in uniform was a courageous patriot and a hero out to serve and save his country, I will put in a few words from Abraham Lincoln: He said—

he was shocked to find that of 140,000 whom we are paying for in Pope's army only 60,000 could be found. McClellan brought away 93,000 from the Peninsula, but could not to-day cover over 45,000.

As regarded demoralization, the President said:

There was no doubt that some of our men permitted themselves to be captured in order that they might leave on parole, get discharged, and go home. Where there is such rottenness, is there not reason to fear for the country?

THE END OF THE NUMERICAL INCREASE.

In 1900 an act was passed providing pensions for all widows and minor children of soldiers who served 90 days or more who did not have a net income of or exceeding \$250 per year. During these years the increase in appropriations evidence the enterprise and organization of those who received pensions. That year the pension appropriation bill carried \$142,303,887.

In 1907 the generous and liberal legislators passed an act which provided:

That hereafter the age of 62 years and over shall be considered a permanent specific disability within the meaning of the pension laws.

This made pensionable every man who served 90 days or more during the Civil War, except those who had not at that time reached the age of 62 years. All who served in the war reached the pensionable status during the year 1910. Seventeen was as young as any could enlist and all who were 17 in 1865 were 62 in 1910. Since then, every man who served on the Union side for 90 days, and that without reference to whether he was rich or poor, capable or incapable, a creditable citizen or a discreditable citizen, whether a citizen of the United States or a citizen of some foreign country, has drawn a pension. The Union soldiers have all got on the pension rolls. The widows of Union soldiers are all on the pension rolls, the children of Union soldiers are all on the pension rolls, the helpless and idiot children or relatives of Union soldiers are all on the pension rolls.

The average taxpayer who has patiently borne the burden uncomplainingly through all these years, while expense has grown like Jack's bean stalk to the colossal sum of one hundred and sixty millions per year, expected pension legislation to cease. "But alack! and alas! it has been ever thus from childhood's hour, we have seen our fondest hopes decay."

THE BEGINNING OF THE LIMITLESS INCREASE.

The next move was to increase the amount of the allowance, since numerically they were at their row's end.

In 1908 they passed an act increasing the pensions of widows married prior to 1890 from eight to twelve dollars per month. No voice was raised against this act, which shoved appropriations from \$141,464,522 in 1908 to \$155,894,049 in 1909.

The pension forces, emboldened by such successes, pressed through the House of Representatives of the Sixty-first Congress the Sulloway pension bill. It died on the Senate calendar. That was the boldest and most extravagant general act ever seriously considered by Congress. It would have taken \$50,000,000 to meet its provisions. It would have raised the yearly pension expenditures to two hundred million, or about \$10 for each voter in the United States, a little more than seven times as much as Gen. Garfield said they were entitled to 36 years before. The pension advocates say the ranks are thinning. Let us look at the figures. In 1876 there were 232,137; in 1911, 892,098, nearly four times as many as there were 36 years before, when Gen. Garfield said all were on the rolls who were entitled to pensions. They have been able so far to supply more pensioners by law than have been taken away by nature.

A PENSIONER FIRST, A PATRIOT AFTERWARDS.

The complexion of the lower House of Congress changed in 1910, but we were soon to learn that a pensioner is a pensioner. The Democrats came in. The Democrats, whose shibboleth for 40 years has been that—

Public money should not be spent except what is necessary in the honest and economical administration of public affairs.

The Sherwood pension bill, variously estimated to add from forty-six to seventy-five millions to our present pension expenditures, which approximate one hundred and fifty-three millions for this year, accompanied the Democratic shibboleth into the Sixty-second Congress and knocked that shibboleth into a "cocked hat." Gen. SHERWOOD's Democratic bill prizes SULLOWAY's Republican measure. It goes it one better. It is in line with the manner in which the conditions have been created in the States that send pension slaves to this House. A Democratic House pledged to economy and honesty in the public expenditures rammed that bill through. They forced it through in the face of the statement of Mr. FITZGERALD, chairman of the Appropriations Committee, that—

Its enactment sounds the death knell of the hopes of the Democratic Party successfully to reduce expenditures and lower substantially tariff taxes.

They forced it through in the face of the statement of the gentleman from New York [Mr. HARRISON], a member of the Ways and Means Committee—

That the tariff on sugar could not be reduced should this bill become a law.

They rammed it through for the purpose of getting with it enough soldier votes to bring them back to Congress and possibly carry their States for the party.

THE REAL PURPOSE OF THE SULLOWAY AND SHERWOOD BILLS.

It was an effort to beat the Republicans to it. The advocates of that measure argued that should the Republicans ever get back in power they would pass then a pension bill that would perpetuate them in power. The proponents of that measure claimed the Republicans would win unless that bill was passed. If it was passed, the Democrats would return. The question, then, was, according to the arguments, whether the Democrats, having the power, should buy that vote with pensions or let it go to the Republicans, who have heretofore held it with pensions.

If that vote can be bought with pension money this year, it can be bought with any other kind of money. If it has to be bought at this election, it will have to be bought at the next election and at the next one. It is not worth the price.

THE REAL SEQUENCE OF SUCH LEGISLATION.

It is not only the cost to this Government in dollars and cents, it breeds indolence and vice in the recipients; it undermines self-respect by removing the necessity for self-reliance; it saps independence and begets dependence.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Will the gentleman yield for a question?

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to conclude my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to conclude his remarks. Is there objection?

Mr. RUCKER of Colorado. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Texas yield to the gentleman from Colorado?

Mr. CALLAWAY. Yes.

Mr. RUCKER of Colorado. Is the gentleman going to vote against this bill?

Mr. CALLAWAY. Yes; I am going to vote against every pension bill. I think we are already overloaded with pension burdens.

Mr. RUCKER of Colorado. Has the gentleman more than five Members among his colleagues on this side of the Chamber to join with him in that vote?

Mr. CALLAWAY. I never asked that question. It is not a question of how many will vote with me. The question with me is whether or not I am right.

Mr. HAMILTON of West Virginia. Mr. Chairman, I have only one minute left.

The CHAIRMAN. The committee gave unanimous consent for the gentleman from Texas to complete his remarks.

Mr. OLMSTED. Mr. Chairman, I suggest that the Chairman did not put that question to the committee.

The CHAIRMAN. The gentleman from Texas has asked unanimous consent for sufficient time in which to complete his remarks. Is there any objection?

Mr. OLMSTED. Mr. Chairman, I object to unlimited extension of time.

Mr. FOSTER of Illinois. Mr. Chairman—

Mr. RODDENBERY. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERY. The Chair had definitely stated the request for unanimous consent and had ruled thereon, and debate has followed thereunder.

The CHAIRMAN. That is true; but the Chair did not put the motion to the committee.

Mr. BEALL of Texas. Did not the gentleman from West Virginia reserve his minute and then demand recognition immediately after the gentleman from Texas concluded?

Mr. OLMSTED. Mr. Chairman, I object, as I say, to an unlimited extension of time. The gentleman might talk a week.

Mr. CALLAWAY. It will take me about four minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for four minutes more. Is there objection?

Mr. OLMSTED. I have no objection to that.

The CHAIRMAN. The Chair hears no objection.

Mr. CALLAWAY. It supports in idleness thousands who should be engaged in creative employment. They would be better off if forced to rely on their own efforts, and would add to the world's wealth instead of absorbing substance they never created.

That is exemplified, Mr. Chairman, in the difference to-day in the feeling of dependence of the soldiers of the North and the feeling of independence of the soldiers of the South, who have had to depend upon their own energy and exertions for their support.

I want to quote here from no less authority than Gen. Charles Francis Adams, a great-grandson of President John

Adams, on the influence of such gifts as have been made by this Government in pensions. He said:

The matter of provision to be made for those who for any reason are insufficiently provided for is no new question. On the contrary, in one form or another it has as a problem occupied the attention of the individual man, the legislator, and the business administrator or director almost since the beginning of time. And if, as a result of all human experience, through largesses, distributions, charitable bequests and foundations, poor laws and workhouses, doles, outdoor reliefs, asylums, and pensions—the panem et circenses of all times and kinds—one fact stands forth more distinct and indisputable than most others it is that promiscuous and indiscriminate benefactions and givings are a curse to all concerned. In such case the demand always exceeds the supply; feeding on itself, the thing fed grows with an exceeding growth. Impairing self-respect, it saps the desire of self-help. It creates dependents and begets mendicants.

That this is a correct statement of the effect of giving is known to every student of human nature.

And he said, further:

That our pension system tends to pauperize the community by undermining that sense of self-respect always incident to self-support hardly admits of denial; that indiscriminate giving, regardless of individual requirements, restricts the funds available for the relief of the truly deserving and really needy is a self-evident proposition. That such a condition of things calls for reform is obvious.

THE SHERWOOD BILL IS NOT THE END OF PENSION LEGISLATION.

A cursory examination of the speeches made by the advocates of the Sherwood pension bill shows conclusively that they do not offer that measure as the concluding pension act, but simply as one of their pension acts. The gentleman from Ohio [Mr. ASHBROOK], in giving his views on the Sherwood pension bill, said:

I am a firm believer in generous and liberal pensions.

He then stated that he would include widows without restriction, and that he wanted to strike out the thousand-dollar income provision of the Sherwood bill, and said those opposed to all kinds of pension legislation worked that provision into the bill. Then he asks:

Why let these gentlemen dictate to those who are friends of the soldiers? Let the soldiers' friends make this bill.

Another proponent of this measure states clearly that this bill is prepared at the instance of and for the benefit of the soldiers. He says:

Hence we have tried to do what seems best for the soldiers by preparing this bill * * *. I am also for this bill, because I have ascertained from the soldiers of my district that they are in favor of this, the Sherwood bill * * *. Here is a letter advising me of a meeting held in my district only one week ago by one of the largest Grand Army posts in the district that I represent.

Then he reads the letter as an argument for the bill.

The foregoing are but samples of the arguments made for the Sherwood pension bill, that if passed will increase the tax burdens somewhere between forty-six and seventy-five millions of dollars. The public welfare, the future of the country, the effect on the electorate of the land, or the burden upon the already overburdened taxpayers does not enter into these arguments, but the question is what do the soldiers want; and the promise to them is that their Representatives will get for them now and in the future everything that they can get, and what they can get seems to be limited only by what the Treasury has.

Mr. LONGWORTH, of Ohio, who voted against the Sulloway bill in the last Congress, in discussing the Sherwood bill stated that he was going to vote for it now that the Supreme Court has held the corporation-tax law constitutional, and "that we can afford to pass some pension legislation." He said when the Sulloway bill was before the House last year the Secretary of the Treasury appeared before the Ways and Means Committee and stated that we could not meet a \$50,000,000 charge on the revenues without a bond issue or without additional taxation. We got the additional taxation in the corporation tax, therefore.

It has always been my conviction, and I believe it is the conviction of the average man, that those who are affected by judicial decisions should not determine the judgment, but that the judgment should be rendered by those who are not personally affected and those who can not be affected by the judgment; and the law of the land should not be made by those who are personally affected by the laws or who are direct beneficiaries under the law, and I do not believe that pension grants should be determined by our ability to levy and collect taxes. My views, though, are wholly at variance with the arguments and statements above quoted. The above quotations evidence the influence and motives actuating pension legislation.

THE POLITICAL POWER OF THE ORGANIZED PENSIONERS.

And Mr. Adams further said:

It is safe to say that there is to-day in Washington, or in the world, no influence which, in its power to break down opposition and to bring about the legislative results it desires, at all comparable to the influence which has grown up and become organized under the existing United States pension system.

The present Secretary of the Treasury, the Hon. Franklin MacVeagh, referring to the present Civil War pension system, in April, 1911, said:

That it had lost its patriotic aspect and now become a political list.

These statements show that the men making them knew and appreciated the conditions actuating the men of this House in their vote on pension questions.

According to the statements, arguments, and actions of those from the infected territory, pensions determine elections. It is not party principles; it is not tariff, high or low; it is not whether the Government shall be administered honestly and economically; it is not whether the few shall continue by means of law to take toll from the many; it is not how burdensome the taxes shall be, but how much pension are we to get. Lest some man should say that I am radical in my statement of the motives and influences in this House that backed these measures and pushed them through, I shall quote Mr. HUGHES of New Jersey, a member of the Ways and Means Committee and seven years a Member of this body. He put it bluntly but truthfully, courageously, and like a patriot, not a timeserver:

Fifty million dollars a year is too big a price for the country to pay to bring me back to Congress.

He was speaking of the Sulloway bill. If his words mean anything, they mean that bill was a vote purchaser.

I am going to add here a statement showing the number of pensioners in each State and Territory, each insular possession, and each foreign country on the rolls June 30, 1911, and the amounts paid during the fiscal year 1911, together with disbursements for pensions and for maintenance of the pension system from 1866 to 1911. This does not give an adequate estimate of the political influence of pensioners unless in looking at it you multiply the number of voters by their political activity and concentration of effort.

State or country.	Number.	Amount.
UNITED STATES.		
Alabama.....	3,648	\$596,445.74
Alaska.....	83	15,466.02
Arizona.....	838	139,171.26
Arkansas.....	10,567	1,642,005.59
California.....	29,531	5,067,136.23
Colorado.....	9,138	1,619,447.75
Connecticut.....	11,201	1,872,539.05
Delaware.....	2,555	454,244.10
District of Columbia.....	8,241	1,471,994.53
Florida.....	4,747	815,836.77
Georgia.....	3,386	543,352.41
Idaho.....	2,563	438,664.66
Illinois.....	61,374	10,833,222.56
Indiana.....	54,290	10,281,779.61
Iowa.....	31,402	5,698,518.38
Kansas.....	34,725	6,169,168.06
Kentucky.....	23,701	4,157,678.90
Louisiana.....	6,369	1,024,613.60
Maine.....	15,894	2,946,461.42
Maryland.....	12,015	2,132,611.17
Massachusetts.....	37,301	6,271,153.27
Michigan.....	37,508	6,803,461.80
Minnesota.....	15,217	2,663,654.03
Mississippi.....	4,006	724,961.82
Missouri.....	44,277	7,875,111.93
Montana.....	2,438	404,917.85
Nebraska.....	14,635	2,507,084.41
Nevada.....	415	69,970.12
New Hampshire.....	7,102	1,324,358.53
New Jersey.....	20,978	3,490,412.71
New Mexico.....	2,134	391,671.69
New York.....	75,182	13,172,308.83
North Carolina.....	3,897	654,072.49
North Dakota.....	1,780	333,087.17
Ohio.....	86,474	15,638,286.83
Oklahoma.....	12,318	2,179,264.47
Oregon.....	8,299	1,360,963.81
Pennsylvania.....	85,572	14,646,640.04
Rhode Island.....	5,049	849,318.43
South Carolina.....	1,924	302,562.44
South Dakota.....	5,333	1,065,579.05
Tennessee.....	17,311	3,190,810.87
Texas.....	9,143	1,504,851.63
Utah.....	1,110	190,883.54
Vermont.....	7,214	1,413,376.88
Virginia.....	8,313	1,489,553.80
Washington.....	11,005	1,821,604.85
West Virginia.....	11,388	2,044,688.65
Wisconsin.....	21,328	3,845,894.64
Wyoming.....	985	165,667.09
Total.....	886,444	156,307,131.53
INSULAR POSSESSIONS.		
Hawaii.....	80	14,858.40
Philippines.....	60	16,629.12
Porto Rico.....	36	5,820.00
Panama.....	2	192.00
Total.....	178	37,499.52

State or country.	Number.	Amount.
FOREIGN COUNTRIES.		
Algeria.....	1	\$108.00
Argentina.....	16	2,852.50
Australia.....	103	18,364.90
Austria-Hungary.....	26	6,418.80
Azores.....	6	1,089.00
Bahamas.....	4	792.00
Barbados.....	2	216.00
Belgium.....	24	4,279.10
Bermuda.....	6	\$1,044.00
Bolivia.....	1	180.00
Brazil.....	4	698.00
British East Africa.....	1	144.00
British West Indies.....	3	298.00
Bulgaria.....	1	148.40
Canada.....	2,712	483,539.60
Cape Verde Islands.....	1	96.00
Ceylon.....	2	594.00
Chile.....	12	2,268.00
China.....	18	3,209.40
Comoro Islands.....	1	120.00
Costa Rica.....	4	517.50
Cuba.....	10	10,090.80
Danish West Indies.....	2	224.00
Denmark.....	51	9,092.30
Dominican Republic.....	2	241.00
Dutch West Indies.....	6	948.10
England.....	486	\$6,650.80
Egypt.....	3	330.00
Fiji Islands.....	1	.....
France.....	76	13,549.67
Germany.....	532	95,853.33
Greece.....	8	1,941.41
Guatemala.....	3	465.00
Haiti.....	1	108.00
Honduras.....	2	252.00
Hongkong.....	3	597.00
India.....	17	3,031.10
Ireland.....	462	82,370.60
Isle of Man.....	3	395.50
Isle of Pines.....	2	372.00
Italy.....	61	10,875.30
Jamaica.....	7	1,876.20
Japan.....	34	6,060.20
Korea.....	1	36.00
Liberia.....	7	912.00
Madeira.....	1	345.00
Malta.....	2	324.00
Mexico.....	189	33,705.70
Netherlands.....	10	1,668.00
Newfoundland.....	4	612.00
New Zealand.....	16	2,847.50
Nicaragua.....	2	288.00
Norway.....	77	13,725.10
Panama.....	34	6,048.90
Paraguay.....	1	240.00
Peru.....	14	2,496.10
Portugal.....	5	828.00
Russia.....	18	3,197.60
Salvador.....	1	144.00
Samoa.....	1	96.00
Scotland.....	86	15,333.67
Seychelles Islands.....	1	216.00
Siam.....	1	144.00
South Africa.....	11	1,728.00
Spain.....	3	432.00
St. Helena.....	1	144.00
Sudan.....	1	473.57
Sweden.....	81	14,443.10
Switzerland.....	68	12,126.43
Tasmania.....	2	2,332.00
Tonga Islands.....	2	432.00
Turkey.....	20	3,565.00
Uruguay.....	4	909.60
Venezuela.....	1	144.00
Wales.....	31	5,526.30
Total.....	5,476	978,471.98

Disbursements for pensions and for maintenance of pension system, 1866 to 1911.

Fiscal year.	Paid as pensions.	Cost, maintenance, and expenses.	Total.	Number of pensioners.
1866.....	\$15,450,549.88	\$407,165.00	\$15,857,714.88	126,722
1867.....	20,784,789.69	490,977.35	21,275,767.04	155,474
1868.....	23,101,509.36	553,020.34	23,654,529.70	169,643
1869.....	28,513,247.27	564,526.81	29,077,774.08	187,963
1870.....	29,351,488.78	600,997.86	29,952,486.64	198,686
1871.....	28,518,792.62	863,079.00	29,381,871.62	207,495
1872.....	29,752,746.81	951,253.00	30,703,999.81	232,229
1873.....	26,982,063.89	1,008,200.64	27,990,264.53	238,411
1874.....	30,206,778.99	966,794.13	31,173,573.12	236,241
1875.....	29,270,404.76	982,695.35	30,253,100.11	234,821
1876.....	27,936,209.53	1,015,078.81	28,951,288.34	232,137
1877.....	28,182,821.72	1,034,459.33	29,217,281.05	232,104
1878.....	26,786,009.44	1,032,500.09	27,818,509.53	223,998
1879.....	33,664,428.92	837,734.14	34,502,163.06	242,755
1880.....	56,689,229.08	935,027.28	57,624,256.36	250,802
1881.....	50,583,405.35	1,072,059.64	51,655,464.99	268,830
1882.....	54,313,172.05	1,466,236.01	55,779,408.06	285,697
1883.....	60,427,573.81	2,591,648.29	63,019,222.10	303,668
1884.....	57,912,387.47	2,835,181.00	60,747,568.47	322,756

Disbursements for pensions and for maintenance of pension system, 1866 to 1911—Continued.

Fiscal year.	Paid as pensions.	Cost, maintenance, and expenses.	Total.	Number of pensioners.
1865.....	\$65,171,937.12	\$3,392,576.34	\$68,564,513.46	345,125
1866.....	64,091,142.90	3,245,016.61	67,336,159.51	365,783
1867.....	73,752,997.08	3,753,400.91	77,506,397.99	406,007
1868.....	78,950,501.67	3,515,057.27	82,465,558.94	452,557
1869.....	88,842,720.58	3,466,968.40	92,309,688.98	489,725
1870.....	106,093,850.39	3,526,382.13	109,620,232.52	537,944
1871.....	117,312,690.50	4,700,636.44	122,013,326.94	676,160
1872.....	139,394,147.11	4,898,665.80	144,292,812.91	876,088
1873.....	156,906,637.94	4,867,734.42	161,774,372.36	966,042
1874.....	139,986,726.17	3,863,976.31	143,850,702.48	969,544
1875.....	139,812,294.30	4,338,020.21	144,150,314.51	970,524
1876.....	138,220,704.46	3,991,375.61	142,212,080.07	970,673
1877.....	139,949,717.35	3,987,783.07	143,937,500.42	976,014
1878.....	144,651,879.80	4,114,094.46	148,765,974.26	993,714
1879.....	138,355,052.95	4,147,517.73	142,502,570.68	991,519
1880.....	138,462,130.65	3,841,706.74	142,303,837.39	993,529
1881.....	138,531,483.84	3,868,795.44	142,400,279.28	997,735
1882.....	137,504,267.99	3,831,378.96	141,335,646.95	999,446
1883.....	137,750,653.71	3,993,216.79	141,752,870.50	996,545
1884.....	141,093,571.49	3,849,366.25	144,942,937.74	994,702
1885.....	141,142,861.33	3,721,832.82	144,864,694.15	998,441
1886.....	139,000,288.25	3,523,269.51	142,523,557.76	985,971
1887.....	138,155,412.46	3,309,110.44	141,464,522.90	987,371
1888.....	153,093,086.27	2,800,963.36	155,894,049.63	951,687
1889.....	161,973,793.77	2,852,583.73	164,826,377.50	946,194
1890.....	159,974,656.08	2,657,673.86	162,632,329.94	921,083
1891.....	157,325,160.35	2,617,127.06	159,942,287.41	892,093
Total.....	4,133,936,285.93	120,579,861.74	4,254,516,147.67	.....

If it has come to this, that the giving of pensions is to purchase votes; votes in the pension districts of this country that determine elections, National as well as State, what must be the consequence when that condition is understood and appreciated by the millions of yeomanry who each year pay their taxes and have heretofore biennially marched over the hills to deposit an honest, unselfish ballot in the hope that this Government would do even-handed justice to all? [Applause.]

The CHAIRMAN. The gentleman from West Virginia [Mr. HAMILTON] has one minute remaining.

Mr. HAMILTON of West Virginia. Mr. Chairman, I ask unanimous consent that general debate be closed in one hour and five minutes; one hour of the time to be controlled by the gentleman from Georgia [Mr. RODDENBERRY] and five minutes by myself.

The CHAIRMAN. The gentleman from West Virginia [Mr. HAMILTON] asks unanimous consent that general debate be closed in one hour and five minutes; one hour of that time to be controlled by the gentleman from Georgia [Mr. RODDENBERRY] and five minutes to be controlled by himself. Is there objection?

Mr. BARTLETT. Mr. Chairman, reserving the right to object—I do not know that I will object—I desire to call the attention of the Chair and the attention of the committee to the fact that the fixing of general debate is not in the power of the Committee of the Whole. It rests with the House. Now, I am not going to object, but I do not desire—

Mr. HAMILTON of West Virginia. If the gentleman will yield to me a moment, I would say that I fully understand that I could not do it by a vote, but by unanimous consent, if the committee so desires.

Mr. BARTLETT. Well, Mr. Chairman, I am not going to object to its being done by unanimous consent. I do not oppose that, but I do not like these precedents—that are sought to be set, and I merely rose for the purpose of calling the attention of the committee to it. I think it is a bad precedent, and it ought not to be accepted as a precedent without some sort of protest. I do not object.

Mr. RODDENBERRY. Mr. Chairman, reserving the right to object. Before acquiescence in the request, I desire to state that I understand that the request of the chairman of the subcommittee provides for general debate for one hour and five minutes, one hour to be controlled by myself and five minutes by himself. Of course it is to be noted that the gentleman from West Virginia has already consumed one hour of general debate.

Mr. HAMILTON of West Virginia. Oh, certainly. I mean five minutes besides that. I want to yield that time to the gentleman from Missouri [Mr. RUBEY], who desires to explain a bill here. I do not want a minute of it for myself.

Mr. RODDENBERRY. I want to say, Mr. Chairman, in order that my colleagues on this side who desire time may have it, one hour may not be sufficient. I expect to use an hour myself. Thus far no Members have requested to be given time. If they desire it before this agreement is entered into I should like to be apprised of it. I have no desire to utilize all the time.

Mr. TRIBBLE. Mr. Chairman, reserving the right to object, I do not want to concur in any agreement that will affect our rights under the five-minute rule. Does this affect our rights under the five-minute rule?

The CHAIRMAN. It does not in any way affect the five-minute rule. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERRY] is recognized for one hour.

Mr. HAMILTON of West Virginia. Does the gentleman from Georgia want to use some of his time now?

Mr. RODDENBERRY. Yes.

Mr. HAMILTON of West Virginia. Otherwise, I would be glad to yield to the gentleman from Missouri [Mr. RUBEY].

Mr. RODDENBERRY. That can be done at any time. I shall have no objection.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERRY] is recognized.

Mr. RODDENBERRY. Mr. Chairman, in the discussion of all pension legislation since I have been a Member there has been a manifest absence of dealing with that great question without interjection now and then and ever and anon of nonessentials, of appeals to sympathy, of recounting the heroic deeds of the past. But notwithstanding all that has taken place to do honor and justice to the Army of this country, Members, in my respectful and candid judgment, have not exercised that caution, that prudence, that the real soldier deserves and that the taxpayers of the country are entitled to. There has not been that caution against placing upon the pension rolls of this country the names of persons who, neither by service to the country nor sacrifice for it, deserve to be there; and I am rising now to direct the attention of the House to the fact that while noble names go upon that roll no ignoble names should mar the brilliant page of the great array of Union soldiers who fought for their conscience and for their country as they saw it. I desire to say to you that it is a dishonor to the country and a discredit to the soldiers upon the pension rolls to put side by side with them the names of persons who never served their country, of men who deserted their country, of men who, by legerdemain, by artifice, by favoritism, and by fraud are now enrolled on this great page of honor. We shall discuss it somewhat presently.

Two May months have passed since I came here. On each recurring Memorial Day, to Arlington, beneath the arch built there, and in full view of the massive construction of the Amphitheater of Fame, which has carved upon it the names of the illustrious men of the days of 1860-1865, in full view of the imposing columns of the southern colonial home where the great Lee lived and began his matchless career, I have journeyed with my little children and the other and greater half of my household. There, beneath the trailing vines and under the clear heavens, while the swelling notes of the Marine Band were set in full attune, where but lately the President of this country stood wrapped in the folds of his country's flag, doing honor and reverence to the soldiers of the Union in that great struggle, I and my household have sat, amid the harmony of that far-famed aggregation of musicians, and under the inspiring voice of the orator, the President of the Republic. Along with all the rest, we offered up our devotion, we mingled our applause, and tendered our share in doing honor to the soldiery of the Republic and all that is noble in it.

And when we come to discuss this subject, I would have gentlemen on either side understand that we approach it with nothing save the conception we have of a just consideration of this legislation. I recall well two weeks ago, when this subject was considered, there was no voice then to explain one of these bills. I do not complain, gentlemen. It is a part of the decree of the political life of the country in its legislative procedure. There was no voice then raised in explanation. There was no colloquy indulged in with fairness that light might be thrown upon this legislation. I will not say there was contempt, but there was silent inaction. By and by the powerful Committee on Rules was called together, and in council they prepared what they call a rule to close debate, to close amendment, to close consideration, and to throttle and to shackle this body of the people's representatives. At this moment I see neither the gentleman from Texas [Mr. HENRY] nor the gentleman from Pennsylvania [Mr. DALZELL]; but when that committee repaired to their room to prepare that rule under a Democratic House, I would ask those gentlemen, if they were here, who dictated the rule of February 23?

Whose hand wrote the rule of February 23, which was brought forth to shut off debate and consideration in a Demo-

cratic House? Was it HENRY or was it DALZELL? Go to the room of the journal clerk of the House and see the chirography of that rule and see whether the gag was that of HENRY or that of DALZELL. See whether or not, in formulating the rules for the Democratic majority, it was written by the hand of a Democrat or by the hand of a Republican. Gentlemen, the voice was the voice of Jacob, but the hand was the hand of Esau. No party expediency, no danger of party future, shall let me give my assent that the rules of procedure of the Democrats of this House shall be drafted by the arch Republican gagger of the last 20 years, the gentleman from Pennsylvania [Mr. DALZELL], without a protest and without calling attention to the fact.

The bill now before us is smaller by some 60 or 70 names than that of two weeks ago. I note the improvement.

I scarcely find to-day any of these \$50 pensions in it. They tell us the committee has agreed not to put in any more over \$50. They say, gentlemen, that hereafter the committee will not indulge individual Members to rise in their places and quiescently adopt amendments that they have drafted. So after all, if we may say it, perhaps a little publicity connected with this pension legislation will not be detrimental to the country or degrade the Union soldier.

I say to you now that within the last fortnight there have come in my daily mails letters from Union soldiers—not from the South—there have come from inmates of soldiers' homes letters protesting against this procedure and favoritism. There have come from presidents of western universities letters of approval of the position we have taken on this question. They have read the Record. There have come from the State of New York, the State of Pennsylvania, the State of Massachusetts, the State of New Jersey, and elsewhere communications from citizens, some of whom say they were soldiers in the war, emphatically indorsing the position we have taken in the interest of the just appreciation and treatment of the soldiers of the Union Army and in defense of the burden bearers of the country. At some future day we may have an opportunity and the permission to file them in the Record or to read them from the floor of the House, giving Members the information as to the opinion some men in this country entertain in regard to this reckless exploiting of both political parties in the name of the tottering, crippled, and aged Union soldiers.

Gentlemen, it is absolutely appalling that men in their solicitude for their political fortunes, far transcending their solicitude for the Union soldier, should tremble when public discussion of this question is raised. Gentlemen dare not deny the statement from their own lips, from their own utterances—it is heard in the hotel corridor, it is heard in the cloakrooms, and, more than that, it is heard privately on the floor of the House—that this pension question is literally embedded in our politics, and that it will be political suicide to ventilate it. God spare such patriotism and such statesmanship!

Observe here to-day Members of the House, when specific cases of private pensions are brought to the notice of gentlemen who bring in the bill, that they stand without explanation because they can not make it, I assume. They stand without reason and without justification for taking a condemned soldier and a questionable widow and placing them on the pension roll, when I doubt not there are thousands of true soldiers who deserve recognition, and I would not deny it to them.

Oh, the history of the pension legislation of this country! I can not read it without being tedious and exhausting. But we turn to the Commissioner of Pensions' report for 1911. The number of individuals in the military and civil service of the United States during the Civil War is estimated at two million two hundred and odd thousand. The number of survivors of the Civil War on the pension roll at the close of the fiscal year was 539,000.

It is stated by the commissioner that but about 25 per cent of the Union soldiers now survive, and I do not question his statement. We find now on the pension roll the entire remnant of that great army that for four years met that other great army, the like of whose heroism on either side the annals of no history transcend. They are there. Has the country neglected them? Has it declined from any geographical portion of this Republic to do honor and pay tribute and yield support from our Treasury to them in their need, their infirmity, or in their age? I deny it. A thousand general statutes well-nigh have been enacted to provide for every conceivable contingency.

In the same report we come to the special private pension bills. They began very modestly, but now run to the enormous number of twenty-two thousand and odd privileged acts for those who were fortunate enough to ingratiate themselves into the favor of their Members of Congress. Most of

the soldiers of the Civil War are now pensioned under the act of February 6, 1907, and apply for increase only as they become 70 or 75 years of age.

Yet, be it remembered, gentlemen, that long before 1907, beginning with 1861, pension statutes were passed, and vast numbers under those statutes have been receiving pensions. Year by year the pension allowance has been increased. In 1878, 1890, 1899, 1900, and 1907 the restrictions of examination were modified, and the rules were relaxed in order to make easier the obtaining of a pension; the construction of the Commissioner of Pensions has been liberal, has been generous—sometimes well-nigh to a fault.

I will take up somewhat directly the pension legislation. The laws have been extended to the widow and the children and to dependents, and I do not challenge it immoderately. Various statutes provide for furnishing a limb or an arm, and give the soldier the right to take his arm or his lower limb, or to take money in lieu of it.

The Treasury of the Republic, supplemented by treasuries of great States, have provided homes for them, and they are there, cared for in comfort, and in addition are permitted to draw as high as \$17 a month pension in addition to care and support in the home. I here declare to you that I am not one of those who would undertake to consign the Union soldier to a home whether he wills or not. If, perchance, in Iowa, in Indiana, Pennsylvania, or some other State, ill provided though he may be, he desires to spend his remaining years in less comfortable quarters, with less food, with less raiment, than in a soldiers' home, I would not deny that to him. It is but a tribute to, and evidence of, his patriotism. It tells a story that swells the hearts of all of us, that the man, though he may be infirm and needy, loves to linger about the scenes of his childhood and to live and die at the hearthstone of his boyhood and manhood. I would give to them adequate pensions to get the necessities, and let the home be optional with them.

But, Mr. Chairman, that is no justification for an adulterous woman being on the pension roll nor for a deserting soldier drawing from the Treasury of this Republic. According to the report of the Commissioner of Pensions criminal prosecutions are infinitesimal, but you say that it is a broad statement that many undeserved ones go on the list. The same commissioner undertook to check the pension roll in a very gentle, very effeminate way, and with apparent great trepidation to peruse the rolls and make some interrogation as to the record and deservedness of some of them. His report Members have seen. It says that some were found who were perpetrating fraud on the Government, and he says further:

Last fall it became apparent from letters received in the bureau and certain press articles that the impression obtained in some parts of the country that the pension roll was honeycombed with fraud.

Now, make ready to hear:

To settle the question beyond all controversy by determining whether the pension roll was a roll of honor or otherwise, I obtained favorable permission from those in authority over me to check up the pension roll. I mean by that, ascertaining whether every person drawing a pension is entitled to it. The task is no small one, as the bureau must first get the names and the last-known post-office addresses of the pensioners from the pension agents, and then field men must go from pensioner to pensioner to learn whether the proper persons are drawing the pensions.

And, gentlemen, what is the objection that we hear interposed on the floor of this House to such a procedure? It is not that there is no fraud on the pension roll, but that it will cost more money to detect the fraud than it will to pay it. My God, what does such an argument lead us to? In other words, gentlemen, they are there, but let them remain; do not uncover them, for it will cost money.

We owe it to the integrity of the Republic, we owe it to the integrity of the legislative body of the country to investigate. We owe it to the Union soldier and his descendants and to the past and future history of our country to rid this roll of honor of fraud, of perjury, of perfidy, of national shame.

I read again from the commissioner's report:

The special examiners employed upon this work have paid particular attention to the marital relation of the pensioners and have reported thereon, and the data so obtained will assist greatly in disposing of widows' claims when the same are filed.

Why, if they found no fraud, what help would it be?

Here is more of the farce:

Whenever it has been ascertained that a pensioner is known by any name other than that under which pensioned, a full investigation has been made to prove identity and age at enlistment, which will also be of benefit in adjudicating claims which may hereafter be filed.

And so purging the pension rolls is ended. The people of this country will not stand for that whitewash. Standing well-nigh alone before you, and with little open approval from Members, I say to you now, and mark it, that the patriotic soldier, the patriotic woman, the patriotic journal, the patriotic popu-

lace, will not let the pension history of this Nation and its glory be clouded and enrobed in curtains of fraud and of dishonor.

The day of reckoning will come. If this is unpatriotic, then appealing for the honor of the Nation is unpatriotic. If this is demagoguery, then demagoguery is a sleuth in pursuit of fraud. If this is calculated to disrupt political parties or to embarrass, it is no less calculated to render a measure of service to the people who send us here. Read the history of this Republic, and where is there any neglect of the American soldier? As early as 1861 the Volunteer Army was placed on the same basis of pay for disability as applied to the Regular Establishment. A year later \$8 per month was added, and there follows, compiled by the junior Senator from Florida, a well-nigh complete tabulation of the general pension history of the country, and I shall hand it to the reporter and let him incorporate it as a part of my remarks. But, mark you, when our pension outlay is tabulated and summed up, it appears that the Treasury of this Government has contributed for pensions four billions of dollars.

As early as 1861 the Volunteer Army was placed on the same basis of pay for disability as applied to the Regular Establishment. A year later \$8 was fixed for noncommissioned officers and privates and \$30 for officers of the rank of lieutenant colonel and above. To widows during widowhood, or, if none, to children under 16, then to mothers, then to dependent sisters under 16, pensions were granted. In 1864 an elaborate specific disability pension bill was passed, providing a table of rates for certain named injuries ranging from incapacity to perform manual labor to the loss of hands, arms, feet, legs, hearing, and eyesight, the rates of which have been increased from year to year. General provision was made for those who had not suffered such serious loss but who for any reason were so disabled as to render them incapable of performing manual labor, and it was left to the Commissioner of Pensions to determine this general class. On page 122 of a compilation prepared by the Commissioner of Pensions in 1905 will be found the rates fixed by him for disabilities not specified by this act of 1864. The allowance fixed for inability to perform manual labor, due to the military or naval service, was \$15 per month. This amount was increased in 1883 to \$30 per month, and it has been the law since 1883 that anyone so disabled in the service as to be incapacitated to perform manual labor shall receive a pension of \$30 per month. In 1866 brothers and fathers were added to the pensionable class. In 1868 arrears of pensions were allowed to pensioners on account of death, disease, or discharge, but in this act was included a provision that the application must have been filed within five years after the date of death or disability. It would seem that five years ought to be sufficient time within which any person might ascertain whether he had been wounded or disabled, and if within such time a person had not complained of wound or injury the presumption ought to be conclusive that he had not been wounded or disabled during the war.

From 1874 to 1878 the amounts paid out for pensions began to decrease year by year. In 1878 an effort was made to allow arrears in pensions, and claim agents and pension attorneys became active. The Commissioner of Pensions, in his report for 1878, called attention to this agitation and pointed out the great inducements to fraud and imposition. Notwithstanding this the arrears act of 1879 was passed by Congress. It provided that all pensions granted, or to be granted, in consequence of death, wounds, injury, or disease received or contracted during the Civil War, should commence from the date of the death or discharge from service of the person on whose account the claim had been or should be granted, or from the termination of the right of the party having prior title to such pension. The bill as it passed the House fixed no time limit for filing applications. The Senate proposed an amendment to the effect that the application must have been filed by July 1, 1880. This amendment was finally agreed to, although it was vigorously opposed in the House on the ground that it would be despicable on the part of the Government to limit the time of application for pension. The Government was sought to be placed in the unpopular attitude of a debtor in a lawsuit on the common counts, pleading the statute of limitations in order to avoid the payment of his just debts. In the circumstances usually attendant upon the enthusiasm aroused by pension oratory the provisions of the act of 1868 were forgotten. The almost irresistible impulse to take inventory of all the ills and aches that flesh is heir to and attribute them to imaginary disabilities due to a war that had passed into history 15 years before was ignored. At last war neurasthenia was recognized. The commissioner, in his report of 1879, pointed out the easy method of obtaining pensions and the temptation to commit fraud. An amendment was offered to have the United States represented and not allow the proceedings to continue ex parte. This amendment was rejected. The Government was not to be represented; no reflection was to be cast upon the imagination of an applicant or the diagnosis of his friendly physician. It was considered undignified to question the right of any pensioner to receive in a lump sum compensation for disabilities which he might suppose originated 14 or 18 years before. It would have been remarkable if weak human nature had not yielded to this temptation. That it did yield is shown by the remarkable increase in the pension roll. I ask leave to insert table of first payments for the years 1878, 1879, 1880, 1881, 1882, and 1883.

First payments for year ending June 30—

1878	\$2,992,352.17
1879	5,763,758.60
1880	12,468,191.20
1881	23,628,176.61
1882	26,421,669.19
1883	29,906,753.94

These first payments increased from less than \$3,000,000 in 1878 to nearly \$30,000,000 in 1883. Of course it requires time for the Pension Bureau to pass upon these claims. In 1879 the applications were more than double those of any previous year except 1866, when the Army was disbanded, and almost double the rate of that year. The Commissioner of Pensions complained that his office force was unable to keep up with the correspondence. Congress has been appealed to since the passage of this act to repeal the limitation with reference to the time of application, but it has so far resisted the appeal except as to widows. In 1888 the act, in so far as they were concerned, was repealed, and they have thus been enabled ever since that time, by complying with the terms of that act, to receive in a lump sum a pension for the full period of widowhood. Commissioner Evans, in his report

of 1889, cites an instance of a widow who had remarried collecting in one sum the accrued pension which was allowed to her on account of the death of her soldier husband. By the beneficence of this provision in the act of 1888 she was enabled to collect nearly \$4,000 for the use and benefit of her second husband.

In 1890 the so-called invalid-pension act was passed, granting to anyone who had served 90 days or more, and who then or may thereafter suffer from a mental or physical disability, not the result of his own vicious habits, which incapacitates him from the performance of manual labor in such a degree as to prevent him from earning a support, pensions ranging from \$6 to \$12 per month, according to the degree of disability. The disability need not be due to the service; it may have been caused by any act not due to the vicious habits of the applicant. This pension act constitutes both a health and accident policy, issued by the Government. Reference to the table of disbursements, which will be hereafter incorporated, shows an immense increase in the pension roll, on account of this act of 1890. Let it be borne in mind that provision had already been made for disabilities due to the service, and let it also be borne in mind that by act of 1883 the rate allowed for disability due to the service was \$30 per month; in other words, the rates under the general law are higher than the rates under the act of 1890; and yet we are forced to meet, face to face, the fact that immediately 110,000 more persons were pensioned under this act than under all the others combined; and that, beginning with 1890, we were placing on the pension roll a class that could not show, even by ex parte proceedings, disability due to service. By this act widows were pensioned at the rate of \$8 per month who were without other means of support than their daily labor. In 1900, however, they were given a pensionable status, if they were dependent upon their labor for support, and had only a net income of \$250; and in 1908 they were pensioned irrespective of whether they were dependent upon their labor for support, and irrespective of whether they had an income. In 1892 the Army nurses were pensioned at \$12 per month. In the pension appropriation bill of 1906 a provision was made that the age of 62 should be considered a permanent, specific disability within the meaning of the pension laws. By the act of 1907 pensions were granted to any person who served 90 days or more in the Civil War, or 60 days in the War with Mexico, upon the sole ground of age. Those who have reached the age of 62 are entitled to a pension of \$12 per month; 70, \$15 per month; 75 or over, \$20 per month.

It has been a curious incident of our pension legislation that whenever the pension roll shows a decrease, legislation has been enacted the result of which has been to increase the annual amount; as the numbers have decreased, the allowances to those yet surviving have been so increased as constantly to require an increased expenditure.

If, temporarily, this matter has been overlooked for any reason, early opportunity has always been embraced to more than make up for the oversight. I ask leave to print, without reading, table of disbursements from 1866 to 1911:

Disbursements for pensions and for maintenance of pension system, 1866 to 1911.

Fiscal year.	Paid as pensions.	Cost, maintenance, and expenses.	Total.	Number of pensioners.
1866	\$15,450,549.88	\$407,165.00	\$15,857,714.88	126,722
1867	20,784,789.69	490,977.35	21,275,767.04	155,474
1868	23,101,509.36	553,020.34	23,654,529.70	169,643
1869	28,513,247.27	564,526.81	29,077,774.08	187,963
1870	29,351,488.78	600,997.86	29,952,486.64	198,686
1871	28,518,792.62	863,079.00	29,381,871.62	207,405
1872	29,752,746.81	951,253.00	30,703,999.81	232,229
1873	26,982,063.89	1,003,200.64	27,985,264.53	238,411
1874	30,206,778.99	966,794.13	31,173,573.12	236,241
1875	29,270,404.76	982,695.35	30,253,100.11	234,821
1876	27,936,209.53	1,015,078.81	28,951,288.34	232,137
1877	28,182,821.72	1,034,459.33	29,217,281.05	232,104
1878	26,786,009.44	1,032,500.09	27,818,509.53	223,998
1879	33,664,428.92	837,734.14	34,502,163.06	242,755
1880	56,689,229.08	935,027.28	57,624,256.36	250,802
1881	50,583,405.35	1,072,059.64	51,655,464.99	268,830
1882	54,313,172.05	1,466,236.01	55,779,408.06	285,697
1883	60,427,573.81	2,591,648.29	63,019,222.10	303,658
1884	57,912,387.47	2,835,181.00	60,747,568.47	322,756
1885	65,171,937.12	3,392,576.34	68,564,513.46	345,125
1886	64,091,142.90	3,245,016.61	67,336,159.51	365,783
1887	73,752,997.08	3,753,400.91	77,506,397.99	406,007
1888	78,950,501.67	3,515,057.27	82,465,558.94	452,557
1889	88,842,720.58	3,466,968.40	92,309,688.98	489,725
1890	106,093,850.39	3,526,382.13	109,620,232.52	537,944
1891	117,312,690.50	4,700,636.44	122,013,326.94	676,160
1892	139,394,147.11	4,898,665.80	144,292,812.91	767,068
1893	156,906,637.94	4,867,734.42	161,774,372.36	966,012
1894	139,986,726.17	3,963,976.31	143,950,702.48	969,544
1895	139,812,294.50	4,338,020.21	144,150,314.71	970,524
1896	138,220,704.46	3,991,375.61	142,212,080.07	970,678
1897	139,949,717.36	3,987,783.07	143,937,500.42	976,014
1898	144,651,879.10	4,114,031.46	148,765,910.56	993,714
1899	138,355,032.95	4,147,517.73	142,502,550.68	991,519
1900	138,462,120.65	3,841,703.74	142,303,824.39	993,529
1901	138,531,483.84	3,868,795.44	142,400,279.28	997,735
1902	137,101,267.99	3,831,378.96	141,335,646.95	999,446
1903	137,759,653.71	3,993,216.79	141,752,870.50	996,545
1904	141,093,571.49	3,849,366.25	144,942,937.74	994,762
1905	141,142,861.33	3,721,832.82	144,864,694.15	998,441
1906	139,000,288.25	3,523,269.51	142,523,557.76	985,971
1907	138,155,412.46	3,309,110.44	141,464,522.90	967,371
1908	153,093,086.27	2,800,963.36	155,894,049.63	951,687
1909	161,973,703.77	2,852,583.73	164,826,287.50	946,194
1910	159,974,056.08	2,657,673.86	162,631,729.94	921,083
1911	157,325,160.35	2,517,127.06	159,842,287.41	892,098
Total	4,133,936,285.93	120,879,861.74	4,254,816,147.67	

I would not recall a just penny that has gone to the maimed faithful soldier of the country, but I pronounce a curse on every dollar that has gone into the pockets of pensioners by fraud and deception. Deserters are to-day drawing pensions at public expense. I challenge this Congress to provide a legitimate and

adequate method of searching carefully these rolls. Oh, but they say it throws the old soldiers in a state of turmoil while in their last days. Gentlemen, the old soldier who in Pennsylvania, who in Virginia, who in Georgia, who in Tennessee, in obedience to command, with armor buckled about him, with musket on his shoulder, marched without a tremor and without a fear into the face of cannon and into the death of musketry, will never tremble when you seek to investigate his military record and his services. He will welcome it and it will add new luster to his valor and to his glory. Ah, but on the other hand, when you go to investigate, when you go to inquire, when you go to ferret, when you go to pry, when you go to seek out the stealthy pensioner, the meat hunter, the guard hanger, the rear trailer, the tree dodger, the mountain hider, the deserter, the impostor, the traitor, the belligerent who never fought, he will quake and will tremble until his knees will smite together.

And you say that it is no part of a government's legislative duty? These utterances I lay upon the consciences of Representatives, and they shall reach the eyes and thought of the people of this country. If there be treachery and disloyalty in these utterances, I shall be condemned and despised, and deserve no better. If these words, on the contrary, touch upon a festering spot of national shame and finally redound to the honor of the Republic, I shall be content.

Mr. CLINE. Will the gentleman yield?

Mr. RODDENBERRY. I do.

Mr. CLINE. I have been very much entertained by the wholesale charges of fraud and moral depravity on the part of the Pension Office of this country and the men who are administering it, the impeachment of the integrity and personal honor of every Member of Congress here, and if it is true, as the gentleman says, about Members of Congress voting the public money out of the Treasury to secure their return to seats in this body, those men ought to be impeached.

Now, in this statement that the gentleman made, would not he be kind enough, in assuming that there is a large amount of fraud in the administration of the office of the Pension Bureau, to cite to us a few instances, to get down to brass tacks, to give some facts upon which he bases his allegation. The general statement that fraud is a bad thing and a man ought not to have the benefit of fraudulent action, by the Committee on Pensions, is conceded by everybody, but why not give us some specific instances, enough at least to vitiate the law and make it a reproach to the Members who have enacted it. I would like to hear the gentleman on this point.

Mr. RODDENBERRY. I am glad to have the interruption of the gentleman. No word from me can impeach the Members of this House, but the utterances we make in that regard are made public and will go in the CONGRESSIONAL RECORD, and we stand now and hereafter everywhere by every one of them. I need not say to the gentleman who asked for a bill of particulars, that his own ears have heard his colleagues say, "This thing will beat us for reelection."

Mr. CLINE. I beg to correct the gentleman there.

The CHAIRMAN. Does the gentleman yield?

Mr. RODDENBERRY. I do.

Mr. CLINE. I have no recollection of hearing any gentleman on the floor of this House say—

Mr. RODDENBERRY. Not publicly; I did not say publicly; I stated in conversation, privately, about the hotels.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. RODDENBERRY. When I finish with the gentleman from Indiana.

Mr. CLINE. If the chairman pleases, I want to purge myself from any inkling of that kind, so far as I am concerned, for I have no recollection of any man who has taken an oath to support the Constitution of the United States and discharge his duties as a Member of this body so far compromised himself as to say that he would support either in public or private a pension bill for the purpose of getting back into this body.

Mr. RODDENBERRY. Mr. Chairman and gentlemen, as the remarks and exposures of Gen. Adams have been so oft quoted, I shall not present them again. You are familiar with them. But I will say to the gentleman from Indiana [Mr. CLINE] that he can not seek to break either the force of the awful truth of the general's statement read on the floor, for which I stand responsible now and ever hereafter, by demanding a bill of particulars. I am no prosecutor nor pursuer of the individual Members of this House, but there is no one here, on the floor or off of it, that dares tell me that the utterances I make are untrue.

Some of them have been politically trembling, so they have expressed themselves. In my own time and without fear and without faltering, when in my judgment as a public duty it be-

comes necessary to so speak, I shall not hesitate to be even more specific, assuming all responsibility therefor. And, moreover, I say to the gentleman who asks specific instances of men who have perjured themselves to get on the pension roll, invoke the power of this House to afford an exhaustive and impartial investigation. It will develop startling facts. Beyond all peradventure it will verify and establish my statement that crooked records have been straightened; that the charge of desertion has been legislated away; that the deserters have been translated from oblivious shame into well-rewarded pensions; that widows with mercenary motives have imposed on aged soldiers and bound them in wedlock that they might survive to draw their pensions. It will further develop that women who lived lives of questionable repute, as reports of this committee show, are finally rewarded from the Treasury of the Republic; that bounty-seeking men who ensconced themselves safely on the side of the Confederacy when the fighting was light on that side and translated themselves to the Army of the Union when the fighting was light there have gotten on the pension roll. I challenge the House to inaugurate the investigation.

Mr. CLINE. Have you more than one instance where the committee of this House has pensioned a man, or proposed to pension a man, who deserted from the Confederate service in mind right now?

Mr. RODDENBERRY. Not right now. But that reminds me—

Mr. CLINE. Just one other question. You got away very rapidly from general legislation to special legislation. My remarks were directed to the general legislation of this House, and then you undertook to back up your arguments by here and there a scattering instance that crops out in the special bills that are filed in this House. I want to ask the gentleman whether he is able to say that Congress has ever refused to investigate any fraud that was properly brought before it?

Mr. RODDENBERRY. Not being possessed of the information, I can not inform the gentleman.

Mr. CLINE. What steps has the gentleman taken to have the Pension Office investigated by filing a bill and having it referred to the proper committee, in order to find out whether there was any fraud in the execution of the pension laws?

Mr. RODDENBERRY. I will say to the gentleman, in the first place, there is no necessity for that procedure, but if there is I am taking steps now—decided steps, unequivocal steps, unevasive steps, and fearless steps, if you please.

Mr. CLINE. I want to ask you if it would not facilitate the investigation to file a bill of that character? The gentleman understands this, that with the broad, sweeping declaration, without bills of particulars, or without bringing the matters to the notice of the officers in the administration of this bureau, except by his mere unsupported declaration, no one will pay attention to them.

Mr. RODDENBERRY. Perhaps they will not, but the country will. Mark you, now, these words. Some of you have already heard from home, and I can look you in the face, and in my own good time, if need be, I will call names. You have heard already. I will read further from the report of the Commissioner of Pensions:

The special examiners on this work have succeeded in causing the arrest of two bogus special pension examiners—

Is it any disloyalty for a Member in his place to ask for an investigation, when your own commissioner shows that bogus pension examiners are going over the country imposing on the old soldiers of the Republic whom you so much love and we all honor?

That report further says:

As well as ascertaining the names of two others for whom a thorough search is now being made.

And we read:

It was decided to check up the rolls—

Where?

At Washington and Knoxville pension agencies, and by the result to determine whether the rolls of the other agencies should be looked into.

Now look at this investigation. The Commissioner of Pensions says: We will take Washington and Knoxville to check up by and see whether the other pension agencies shall be inquired into. They find, according to this recording and their checking of the books of the pension examiners, fraudulent names on the roll. And how much more investigation has been reported to the House? None. The investigation died in its birth. Ah, my friend, when he wants to know if I can not give one more case, reminds me of the old darky who was charged with chicken stealing. When the overwhelming evidence appeared that Jones had a coop with 30 hens and two roosters in it, and it was proved that Ephraim took a yellow-legged hen and a red-combed rooster; when the witnesses had established

the fact he rose with great complacency when asked, "Ephraim, what do you say?" "Well," said Ephraim to the judge, "the witnesses say they had 32 chickens in dat coop, an ef they only prove dat I got two of them I do not know what they have got to complain of when I left all the others." [Laughter and applause.]

That is the trouble with the gentleman. One case, two cases, are sufficient, I imagine, to put the Congress and the country upon inquiry. Gentlemen pass over it now with great complacency, but the end is not yet. I am glad to know that on the 8th day of March, 1912, the Democratic leaders of the House have so progressed and have so relented of their gag-rule tactics of two weeks ago that they will not repeat it now. [Applause.] If nothing else has been achieved, if nothing else has been attained except to deter this mighty committee in its mad rush to gamble in the pension rolls further, this much has been accomplished. They seem to deem it wise to stop before passing the threshold of another Cannon rule.

I rejoice that the members of the committee will now occasionally rise and answer questions respecting special bills and private pension favors. It was not so two weeks ago. I challenge you to go to the country on the various cases presented this morning, particularly the one presented by my colleague from Georgia, Mr. TRIBBLE, and one exposed by my colleague, Mr. HOWARD, of Georgia.

I challenge you to take those specific cases to the country and undertake to have the people approve your findings. They will overrule you with their ballots and condemn you with their votes from one end of this country to the other. Such bills are indefensible and can not be apologized for.

We may just as well now approach these pension bills as we approach other legislation. Bring these measures in and let the public gaze be turned upon them. Here is a report covering 118 pages, containing 293 separate private pensions. The report is full of instances telling of the turning down of the applicants by the Pension Bureau; and yet, gentlemen, these bills are brought here to be voted upon and passed before any Member can obtain from the Commissioner of Pensions or War Department the complete war record and military career of the soldier. I may confront my friend from Indiana [Mr. CLINE], whom I regard highly, before four more weeks have passed, with pension and war records of some of these pension grafters that will well-nigh answer all of his inquiries, but in 48 hours it is impossible to study out and delve into the military records of 290 men.

Ah, why delve into it to-morrow, when the bill is passed? Why delve into it next week, when these names are on the pension roll? Why not come and let them be investigated and looked into and studied out now? We owe it to the true soldier; we owe it to judicious legislation; we owe it to ourselves and to the country. Do the pensions we now pass comport with the careful analysis and most scrupulous judgment of the House? Other bills will come in here by and by. Gentlemen, take no unction to yourselves that you can place the brunt of this feeble resistance to this legislation on one man, and crush him and go on. Gentlemen, take no solace to yourselves that because, forsooth, the vote on this floor is overwhelming, you can pass these bills over the resistance of a small number and nothing but faint echoes be left behind you.

These days will come again. Then for no vexation, for no parliamentary delay, for no political advancement shall we pursue the course our judgment dictates and directs. Come, gentlemen, hereafter with these bills fewer in number and purer in character. Come with these bills increasing pensions for soldiers who have straighter records and less of kinks. Bring in here the names of widows who are not so distantly related to the alleged husbands that the Pension Commissioner said he could not find that the woman enjoyed any legitimate marital relations. Come with bills for widows who do not need a special law to establish their relations with the soldier, after four different applications to the Commissioner of Pensions have been turned down. Bring the names of men whose records in the Army are so clear that it does not take a special report of the Pension Commissioner or a special act of Congress to take away the stain of desertion and to restore them to the status of faithful American soldiers. Bring forth the needy soldiers of this Republic, and bring with them their dependent children and their helpless widows, and we will pension them as they desire, and the country will approve.

But no longer think that there shall be brought forward this species of legislation to be passed as sausage through the mill without resistance and without impediment. Be not impatient on this question. Conscious of your great majority, with full knowledge of your power and your right to legislate, go on, oh, men, go on, but, mark you, the American people will never

acquiesce in anything which brings infamy, dishonor, and corruption to the pension system of this Republic. From our roll I would strike no poor and disabled man who braved danger or faced death; but on this roll I would tolerate no man who failed in the hour of conflict, who deserted on the day of battle. Nor will the people. But the bills you present and the reports you make cast suspicion in their very language on 40 per cent of them. Turned down because the evidence before the Pension Commissioner did not show they were disabled; turned down because it did not show service; turned down by the Pension Commissioner because it did not appear that the women were related to the soldiers in a legal way; yet they are reported to Congress, and under the favor of the legislators of the Nation given a pensionable status, and thereby given access to the Treasury.

Gentlemen, pursue that course if it is right, and I shall come to shame quite justly. Adhere to this policy, but know well that whoever deserves the opprobrium of the country, in the end will receive it. Go on if you will with this special legislation, selecting out the favored few, and feed them from the Government Treasury. In the days to come retribution will be visited upon those who perpetrate it. Vast as are the numbers of the survivors of this great war; momentous as were the issues they determined, as trembling in the balance was held the fate of our Republic; great as was that crisis, no greater in horror was that crisis than the other crisis that our country confronts—that of turning the pension roll of this country into a roll of pillage and of plunder. When the wealth producers and burden bearers of the country, week after week, see written upon the American pension roll the names of persons such as some of these, it marks a chapter in the history of this Republic that every brave citizen and every courageous soldier will frown upon. It is no encouragement to patriotism. It is no inspiration to youth. It is no honor to true men who merit their just reward.

I implore gentlemen of the House, in the love of country, to cast scrutiny upon further legislation of this character and guard well the roll of honor of American heroes. Do not be partial, do not discriminate. I shall, if my strength lasts, interrogate the committee hereafter with regard to some of these particular items. I have submitted to you what I believe, upon careful and calm reflection, will have a different consideration than you have hitherto accorded. These observations by me, as a servant of a patriotic constituency, have been made. Upon them the country may pass its own judgment. My duty, as I see it, to the utmost is performed. I shall serve with you here in future days, and shall ask no less and no more fair consideration for this legislation than is asked and accorded to other measures.

The power of the majority may, in the language of another, "work its will," but, mark you, gentlemen, when the power of the majority of this country in the days that are gone. In working its will, has ignored the will of the people that majority has come to grief and by the sovereign at the ballot box has been defeated. May I finally warn you, my Democratic colleagues, that so long as we exercise the right and the power of our majority by doing the will of the American people with courage, with justice, and with judgment we may expect and we will retain the confidence and approval of the voters of this land.

When we turn our majority into a tyranny, into an autocracy composed of one, or into a dynasty composed of a few, contrary to the fundamental principles of a Democracy, contrary to the patriotic convictions of our people, then, gentlemen, the day of our undoing comes, and then will we forfeit national trust and national confidence.

Mr. LITTLEPAGE. Will the gentleman yield?

Mr. RODDENBERRY. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has two minutes.

Mr. RODDENBERRY. I can not yield. I wish the gentleman had interrupted me earlier and then I would gladly have yielded. I must respectfully decline now.

No star in the emblem of this Republic should ever be dimmed by the stain of an ignoble name on our pension roll. No flag that waves over an American democracy should ever be anything less than the insignia of popular government.

To this democratic Republic it is imperative that the peoples' Representatives guard the Treasury, legislate for the masses of our countrymen, maintain with honor the roll of our soldiery, establish by wise laws equal and exact justice between all men, whether widows, whether soldiers, whether farmers, whether laborers, whether taxpayers. The bone and sinew of this Republic which achieves its fortunes, creates its wealth, will never hesitate to bear with cheerfulness the just burdens of raising

millions of wisely expended revenue, but the yeomanry of these States will rebel and refuse to follow that party or that majority which places about their necks the yoke of unequable taxation or the shackles of galling pension legislation. Mr. Speaker, I have done. [Applause.]

Mr. HAMILTON of West Virginia. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Chairman, a little while ago in the discussion of this question the gentleman from Georgia [Mr. TRIBBLE] called the attention of this House to an item in this bill and asked that it be placed in the Record, and in doing so he called the attention of the House to the fact, or rather made the allegation, that the claimant in this case is unworthy because of her character.

Let me say to you that I have been a Member of this House but a little while, but should I serve in this great body for 20 years I shall never knowingly introduce into this body a pension measure against the applicant of which there can be truthfully said a single word as to his or her high moral character. If I did I would render myself unworthy of the respect of my fellow Members. [Applause.]

I have known the applicant in this case for more than a third of a century. She lives in my home town. I want briefly, because I must be brief in the time allotted to me, to give you a history of this case. Her first husband was named Moore. He died while in the service. Shortly afterwards she married Anthony C. Gaven. With him she lived in the town of Lebanon for many years. He was the proprietor of a little corner grocery store. I traded with him often. In 1897 he passed away. His widow, Nancy Gaven, applied for a pension and received a pension. Just a little while afterwards there appeared upon the scene a woman who claimed to be his wife by a prior marriage. The matter was taken into the court and she proved her claim, and every bit of the property belonging to Gaven was given to this woman, who claimed to be his first wife. When this woman appeared upon the scene the people of the entire town were absolutely astounded. They had never dreamed of such a thing, and so far as I know, and so far as our people know, and we believe, that this claimant, Mrs. Gaven, when she married Gaven, had no idea that he then had a living wife. Nancy Gaven then applied for a pension as the widow of Asa J. Moore, her first husband, who had died while in the service. That claim was rejected upon the ground that she had married Gaven while he had a living wife.

I say to you that there can be no immorality attached to this widow upon that ground. I want to say to you here and now that you can go down to that little city and talk to the citizens of my town, and you will not find a single person who in all these 30 years has looked upon this woman or upon Gaven himself with any other idea than that they were both of high character.

I want to say further that on Sunday before I started to Washington I visited this little home. I went into a little cottage, and in that cottage I witnessed a scene which, I say to you, my friends, I hope I may never again witness in all my life. In one corner of the room, in an invalid chair, was the widow whose case is now under discussion. In the center of the room, upon a cot so constructed as to be easily moved from place to place, lay her invalid daughter, a woman from 30 to 35 years of age. This daughter could move only her fingers and her toes. She was absolutely unable to move herself, even to turn her head from side to side. Not only that, but that daughter was blind—from her eyes had been shut out for many years the light of day. In that condition this young woman, the daughter of a soldier and the daughter of this claimant, had been lying for more than 10 years. They have absolutely no property. They have been supported by the people of my own city, and this \$12 a month that in justice to her has been awarded by this committee will not pay for the nurse hire necessary to take care of them during the long days and nights they must lie there and suffer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON of Ohio. Mr. Chairman, I ask unanimous consent that the gentleman be given two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Chairman, during all these years this claimant and her invalid daughter have been kept up by the people of my town. The woman who came and claimed to be the wife by a former marriage got every bit of the property that belonged to Gaven and to-day these people are upon the charity of my city and county. That case is a worthy one, and if there were against the character of this claimant the least possible stain I would not be here asking this House to give her a pension.

Mr. ANDERSON of Ohio. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Certainly.

Mr. ANDERSON of Ohio. Is it not true that this woman, the widow of two veterans, the first having been shot down in the service and the second having seen long service, has received the support of the officers of the church federation of charity of the town of Lebanon, Mo.?

Mr. RUBEY. That is true.

Mr. ANDERSON of Ohio. And is it not true that this old woman is past 76 years of age?

Mr. RUBEY. That is true; and in addition to that I will say that the ladies of my town take care of her, and the officers and others of the federation of churches in my town visit her and look after her, and there is not a lady in my town who holds that there is anything of immorality which attaches to the character of this old lady or they would not be doing that sort of thing.

Mr. LITTLEPAGE. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Certainly.

Mr. LITTLEPAGE. I just want to say to the gentleman that when the time comes if he will move to double that pension I am one Member of Congress who will vote to increase it. [Applause.]

Mr. RUBEY. Mr. Chairman, as was suggested by the gentleman from Ohio, this woman lies in a helpless condition, the widow of two soldiers, one who lost his life in the defense of his country, and the other who was wounded in battle. There with her, depending upon her, and upon the neighbors for subsistence, is the invalid daughter of one of those soldiers. These good women have asked me to present this case to the Congress of the United States; and let me say if this is the kind of bills that my two friends from Georgia [Mr. TRIBBLE and Mr. RONDENBERY] are going to bring up here and criticize, then I say the more they criticize the better it will be, because this is an absolutely worthy case. [Applause.]

The CHAIRMAN. By order of the House, general debate is now closed, and the Clerk will read.

The Clerk read as follows:

The name of John W. Turner, late of Company I, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. HAMILTON of West Virginia. Mr. Chairman, in the preparation of this bill there was a mistake made. The pensioner is now drawing \$24, and it was the intention to allow him \$30, and I have a certificate here from the Pension Bureau to that effect, and I move to strike out the figures "24" and insert the figures "30."

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. HAMILTON of West Virginia. Yes, sir.

Mr. TRIBBLE. I understand that is purely a clerical error?

Mr. HAMILTON of West Virginia. Yes; I will read what—

Mr. TRIBBLE. That is all the answer I desire.

Mr. HAMILTON of West Virginia. It is the indorsement of Mr. Albert, the examiner, saying that it is an inadvertence, and it ought to be \$30.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 8, page 1, the word "twenty-four" and insert the word "thirty."

Mr. TRIBBLE. Mr. Chairman, in reply to what Gov. RUBEY has just said—

Mr. HAMILTON of West Virginia. Mr. Chairman, I ask for a vote on this amendment.

The CHAIRMAN. The motion is debatable, and the gentleman from Georgia has a right to debate the amendment.

Mr. RUSSELL. But the gentleman does not want to talk to this amendment.

Mr. TRIBBLE. I have the floor under the rule. I desire to say, Mr. Chairman, that there is not a man in this House for whom I have a higher regard than I have for my friend from Missouri [Mr. RUBEY]. I think he is a man of the highest honor, but Gov. RUBEY failed to explain a few things to this House. I am satisfied that it is very easy to explain these things to my friend from West Virginia here, who is anxious to help his soldier friends, but my friend from West Virginia, before he goes back to his constituents, had better read the report of this committee and a few things contained therein before he makes such a broad statement. I know my friend from West Virginia to be one of the best Representatives among the new Members and a just and fair man. Now, the committee made this statement. It says:

Shortly thereafter—

That is, after 1865, when this woman's husband died—Nancy took up with Gaven.

And she lived with him in that state until 1878, and then she became a member of the Catholic Church, and under the rules of the Catholic Church they forced her to marry him.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Missouri?

Mr. TRIBBLE. No, sir; I have only five minutes. The gentleman has had his say.

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. No, sir; I have only five minutes.

The CHAIRMAN. The gentleman refuses to yield.

Mr. TRIBBLE. Now, Mr. Chairman, I call attention to this fact. Here is a bureau refusing to accept the proposition that this woman did not know that a wife of the man with whom she lived and later married was living; they refused it. Now, look to the action of the committee. It promptly overrules the bureau and grants a large pension. I call attention to another fact, that when this man died his wife turned up promptly. She was there to get the property, and yet in the face of all these facts the committee comes into this House and says that these people had been living together for 25 or 30 years, and Nancy did not know that this other woman was in existence. But she was there when the property was to be administered.

Now, Mr. Chairman, I desire to call attention to some other cases as I go along. On page 24, and I desire gentlemen to read it, there they say, "this woman's claim was rejected in 1909 on the ground that she was not the legal widow of the soldier, as she had a former husband living and undivorced when she married the soldier." Now, Mr. Chairman, this question is not contradicted, nobody undertakes to deny that proposition, but what do they do? They come in here and undertake to protect her by saying that when she married she was so young, under the laws of the State the marriage was invalid. Let us see whether it was invalid or not. The courts of the State of Pennsylvania make this ruling, and it was in that State where the parties lived and where the contest came up:

The Pension Bureau held, following a decision of the courts of Massachusetts, wherein it was held that the age of consent in that Commonwealth, as by the common law, was 12 years for females and 14 for males, and that a marriage between two infants above these ages was valid without the consent of their parents or guardian, notwithstanding the statutes prohibit magistrates, etc.

The court says the Pennsylvania statute on this question is—

Merely directory and was a corrective measure and aimed at the prevention of youthful marriages, and that there was no provision declaring such marriages void in the event that they were good as at common law.

The court and Pension Bureau held the marriage valid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for just one minute, not for the purpose of entering into a discussion of this subject.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to print in the RECORD speeches made by the Hon. OSCAR W. UNDERWOOD, of Alabama, on "The protection of profits" before the Southern Society of New York on December 16, 1911, and on "George Washington" before the State Society of the Cincinnati in Philadelphia on February 22, 1912, and on "Federal Government and public roads" before the American Automobile Association Convention on January 16, 1912.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] asks unanimous consent to extend his remarks in the RECORD by printing the three speeches he has designated. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD. The following are the speeches referred to:

PROTECTION OF PROFITS.

ADDRESS OF HON. OSCAR W. UNDERWOOD, OF ALABAMA, DELIVERED AT THE ANNUAL BANQUET OF THE SOUTHERN SOCIETY OF NEW YORK ON THE 16TH DAY OF DECEMBER, 1911.

"The kaleidoscope of political issues must and will continually change with the changing conditions of our Republic, but there is one question that was with us in the beginning and will be in the end, and that is the most effective, efficient, and fairest way of equalizing the burdens of taxation that are levied by the National Government. Of all the great powers that were yielded to the Federal Government by the States when they adopted the Constitution of our country the one indispensable to the administration of public affairs is the right to levy and collect taxes. Without the exercise of that power we could not maintain an army and navy; we could not establish the courts of the land; the Government would fail to perform its function if the power to tax were taken away from it. The power to tax carries with it the power to destroy, and it is, therefore, a most dangerous governmental power as well as a most necessary one.

"There is a very clear and marked distinction between the position of the two great political parties of America as to how power to tax should be exercised in the levying of revenue at the customhouses.

REPUBLICAN PARTY HAS ALWAYS STOOD FOR PROTECTION.

"The Republican Party has maintained the doctrine that taxes should not only be levied for the purpose of revenue, but also for the purpose of protecting the home manufacturer from foreign competition. Of necessity protection from competition carried with it a guaranty of profits. In the last Republican platform this position of the party was distinctly recognized when they declared that they were not only in favor of the protection of the difference in cost at home and abroad, but also a reasonable profit to American industries.

DEMOCRATIC PARTY FOR TARIFF FOR REVENUE ONLY.

"The Democratic Party favors the policy of raising its taxes at the customhouse by a tariff that is levied for revenue only, which clearly excludes the idea of protecting the manufacturer's profits. In my opinion, the dividing line between the positions of the two great parties on this question is very clear and easily ascertained in theory. Where the tariff rates balance the difference in cost at home and abroad, including an allowance for the difference in freight rates, the tariff must be competitive, and from that point downward to the lowest tariff that can be levied it will continue to be competitive to a greater or less extent. Where competition is not interfered with by levying the tax above the highest competitive point, the profits of the manufacturer are not protected. On the other hand, when the duties levied at the customhouse equalize the difference in cost at home and abroad, and in addition thereto they are high enough to allow the American manufacturer to make a profit before his competitor can enter the field, we have invaded the domain of the protection of profits. Some men assert that the protection of reasonable profits to the home manufacturer should be commended instead of being condemned, but, in my judgment, the protection of any profit must of necessity have a tendency to destroy competition and create monopoly, whether the profit protected is reasonable or unreasonable.

UNFAIRNESS OF PROTECTION.

"You should bear in mind that to establish a business in a foreign country requires a vast outlay both in time and capital. Should the foreign manufacturer attempt to establish himself in this country he must advertise his goods, establish selling agencies and points of distribution, before he can successfully conduct his business. After he has done so, if the home producer is protected by a law that not only equals the difference in cost at home and abroad, but also protects a reasonable or unreasonable profit, it is only necessary for him to drop his prices slightly below the point that the law has fixed to protect his profits, and his competitor must retire from the country or become a bankrupt because he would then have to sell his goods at a loss and not a profit if he continued to compete. The foreign competitor having retired, the home producer could raise his price to any level that home competition would allow him, and it is not probable that the foreigner who had already been driven out of the country would again return, no matter how inviting the field, as long as the law remained on the statute books that would enable his competitor to again put him out of business.

INIQUITY OF THE PROTECTION OF PROFITS.

"Thirty or forty years ago, when we had numbers of small manufacturers, when there was honest competition without an attempt being made to restrict trade, and the home market was more than able to consume the production of our mills and factories, the danger and the injury to the consumer of the country was not so great or apparent as it is to-day, when the control of many great industries has been concentrated in the hands of a few men or a few corporations, because domestic competition was prohibited. When we cease to have competition at home and the law prohibits competition from abroad by protecting profits, there is no relief for the consumer except to cry out for Government regulation. To my mind there is no more reason or justice in the Government attempting to protect the profits of the manufacturers and producers of this country than there would be to protect the profits of the merchant or the lawyer, the banker or the farmer, or the wages of the laboring man. In almost every line of industry in the United States we have as great natural resources to develop as that of any country in the world.

"It is admitted by all that our machinery and methods of doing business are in advance of the other nations. By reason of the efficient use of American machinery by American labor, in most of the manufactures of this country the labor cost per

unit of production is no greater here than abroad. It is admitted, of course, that the actual wage of the American laborer is in excess of European countries, but as to most articles we manufacture the labor cost in this country is not more than double the labor cost abroad. When we consider that the average ad valorem rate of duty levied at the customhouse on manufactures of cotton goods is 53 per cent of the value of the article imported, and the total labor cost of the production of cotton goods in this country is only 21 per cent of the factory value of the product, that the difference in labor cost at home and abroad is only about as 1 is to 2, and that 10 or 11 per cent of the value of the product levied at the customhouse would equal the difference in the labor wage, it is apparent that our present tariff laws exceed the point where they equalize the difference in cost at home and abroad, and we realize how far they have entered into the domain of protecting profits for the home manufacturer.

WOOL, IRON, AND STEEL.

"This is not only true of the manufacture of cotton goods, but of almost every schedule in the tariff bill. To protect profits of necessity means to protect inefficiency. It does not stimulate industry, because a manufacturer standing behind a tariff wall that is protecting his profits is not driven to develop his business along the lines of greatest efficiency and greatest economy. This is clearly illustrated in a comparison of the wool and the iron and steel industries. Wool has had a specific duty that when worked out to an ad valorem basis amounts to a tax of about 90 per cent of the average value of all woolen goods imported into the United States, and the duties imposed have remained practically unchanged for 40 years. During that time the wool industry has made comparatively little progress in cheapening the cost of its product and improving its business methods. On the other hand, in the iron and steel industry the tariff rate has been cut every time a tariff bill has been written. Forty years ago the tax on steel rails amounted to \$17.50 a ton; to-day it amounts to \$3.92. Forty years ago the tax on pig iron was \$13.60 a ton; to-day it is \$2.50. The same is true of most of the other articles in the iron and steel schedule, and yet the iron and steel industry has not languished, it has not been destroyed, and it has not gone to the wall. It is the most compact, virile, fighting force of all the industries of America to-day. It has long ago expanded its productive capacity beyond the power of the American people to consume its output and is to-day facing out toward the markets of the world, battling for a part of the trade of foreign lands, where it must meet free competition or, as is often the case, pay adverse tariff rates to enter the industrial fields of its competitor.

DUTY OF THE GOVERNMENT—GENUINE TARIFF REDUCTION TO A REVENUE-PRODUCING BASIS ONLY.

"Which course is the wiser one for our Government to take? The one that demands the protection of profits, the continued policy of hothouse growth for our industries, the stagnation of development that follows where competition ceases, or, on the other hand, the gradual and insistent reduction of our tariff laws to a basis where the American manufacturer must meet honest competition, where he must develop his business along the best and most economic lines, where when he fights at home to control his market he is forging the way in the economic development of his business to extend his trade in the markets of the world? In my judgment, the future growth of our great industries lies beyond the seas.

"A just equalization of the burdens of taxation and honest competition, in my judgment, are economic truths; they are not permitted to-day by the laws of our country. We must face toward them and not away from them.

"What I have said does not mean that I am in favor of going to free-trade conditions or of being so radical in our legislation as to injure legitimate business, but I do mean that the period of exclusion has passed and the era of honest competition is here.

"Let us approach the solution of the problem involved with the determination to do what is right, what is safe, and what is reasonable."

GEORGE WASHINGTON.

ADDRESS OF THE HON. OSCAR W. UNDERWOOD, OF ALABAMA, DELIVERED AT THE ANNUAL BANQUET OF THE STATE SOCIETY OF THE CINCINNATI, HELD IN PHILADELPHIA ON WASHINGTON'S BIRTHDAY, FEBRUARY 22, 1912.

"Surely by no other body could this great anniversary of the Nation be more appropriately celebrated than by your society of splendid traditions, for Washington not only took an important part in its formation, but, in large measure, became its directing head during the early days when its continued existence was threatened by adverse criticism.

"Those of you who enjoy membership in this society may well be congratulated, for it is a privilege greater than membership in any order of aristocracy or nobility of however distinguished rank or origin, because eligibility for it means that you can trace your ancestry back to the great men who served this Nation in an accomplishment which has had more to do than any other single event with the shaping of the political progress not only of this country but of the world.

IMPORTANCE OF COMMEMORATIVE EXERCISES.

"All of us, however, that have not this privilege may have a share which should not yield even to you in gratitude to those who wrought such momentous things. And it is on such occasions as this, which are altogether too few, that duty and interest as well should prompt us to resolve to see to it that grave matters affecting the public welfare shall not hereafter, as often as they have been in the past, be subordinated to our personal or political affairs. In such a way we shall make the wisest use of this day.

"The place and the time are not appropriate for us to attempt anything like an inventory of our assets as a people, for, as men of different political faith, we might not be in accord as to how the inventory should be taken. There are some acquisitions we have made which, from my point of view, are to be regarded as unfortunate, since in securing them it may be said that we have overlooked what concerned our national well-being. All of us at times are capable of forgetting that things in life have a relative as well as an absolute value. If, in obtaining something, we have lost something, we are not, in making up the items of our resources, whether national or personal, to disregard the debits; but we are to have a balance sheet so that we know how it really is with us. The headlong rush for possessions or advantage exposes us to the risk of many a rough fall; and as time goes on the homely adage, 'All is not gain that is got into the purse,' has a widening application to nations as well as to men.

SUBJECT STATED.

"Yet certainly at a time like this, though we may hope to say little, if anything, new, we can, whether Democrats or Republicans, without debate or controversy, take counsel with ourselves as to some of the underlying considerations which have made our Nation what it is, and which, if adhered to, will keep it strong and righteous and capable of resolving the doubts and surviving the dangers likely to confront us as time goes on; and to what wellspring so refreshing and invigorating can we better have recourse than to the career and to the words of Washington! Some of us have no great respect for the so-called referendum; but we all ought to approve of a referendum of what politically is new and untried and uncertain and of doubtful worth to his counsel, from which proceeded always light and judgment.

HONOR ROLL OF THE FOUNDERS.

"It is an inspiration to the loyal American citizen merely to call the roll of the men in whose brain and heart was born the conception of the Republic, who laid its foundations so deep and lasting that there is no height to which we might not build, whereon to keep burning a great light for our guidance and for the guidance of all people; who drew a Declaration of Independence which voiced, as it has never been voiced before, the longing of men for political liberty; who carried the Colonies through a well-nigh hopeless struggle; who devised the Articles of Confederation—that 'firm league of friendship'—as a modus vivendi for a people under arms, and then supplemented it with a Constitution that welded together into an indissoluble Union the interests to which war had given only temporary cohesion—a Constitution which, under the interpretation of John Marshall, was to be, as he said, a document not of definition but of enumeration, and therefore of increasing and broadening significance such as perhaps no other similar writing before has ever had.

"There were giants in the earth in those days.' In no other period in our history, or perhaps of the history of the world, were there gathered together so many gifted men, each with his special capacity for contribution to the success of a nation's cause, as Washington, Jefferson, Franklin, Madison, Patrick Henry, the Adamses, Edmund Randolph, Robert Morris, Charles Carroll, of Carrollton, and James Wilson, too, so intimately identified with this Commonwealth of Pennsylvania, and all the other heroes of discontent, of war, of reconstruction, or of the establishment of the Union.

"To shine at all in such a galaxy was to shed a great light; but the calm and steady light of Washington was, by common consent, the brightest in glory there. In peculiar equipment for each class of work required to be done, he may have been outshone. The protest against English misrule may have come

from better-disciplined minds than his; even more brilliant military resourcefulness than he possessed there may have been; in constructive statesmanship he perhaps had his superiors; in knowledge of the political problems to be worked out by the American Colonies through a constitutional form of government, his insight was not always the clearest.

CENTRAL FIGURE OF THE TIMES.

"Nevertheless, it can be confidently said that Washington combined in himself, more than did anyone else, a greater number of those unique qualities essential to make what might easily have been a crude experiment of revolt a success upon which the world still looks with increasing admiration. In the prosecution of the war with unrivaled patience under disheartening conditions and numberless privations and cruel disappointments; in his contribution to the steps leading up to the Constitutional Convention, during all the time from the first meeting of the Virginia and Maryland commissioners down to the calling and holding of the convention; in his advice to that convention and in his presiding over it; in his administration of the Presidency, where he put aside the petty things of politics; in his relinquishment of office when, for the asking, it was within his possession during all the years of his life, Washington, in influence and wisdom and judgment, is the central figure of those times, and in just fame stands alone. And should we ask ourselves to-night which of these men could have been spared in the work that was accomplished, we could not, with all our admiration for any other man, conceive the outcome as it was without the commanding presence of Washington.

"He did not foresee all the perplexing problems with which we have to deal to-day in our tariff or in our great corporations, in our currency, in our foreign possessions, or in a reconciliation of the rights of labor and capital; he did not foresee the vast task we all have, whether native or foreign born, of taking the new material constantly coming to our shores and assimilating it into our growth and molding it into a loyal and intelligent support of our institutions; he did not foresee the menace of destructive socialism nor the extent to which, unfortunately, we were to go in substituting party interest for political principle, though as to this he gave us paternal warning. Nevertheless he did foresee sufficient of our problems to be able to commend to us a course the principles of which, if steadily adhered to, should bring us safely through all the perils to which we may be exposed. While he did not outline the by-laws, so to speak, that must, from time to time, be framed and adopted for the detailed life of this country, he did understand as no one else understood the organic principles upon which were to rest the security and the welfare of our national life. And subject always to his urgent advice against permanent alliances with foreign powers, like a high priest among men he preached the gospel of tolerance, of benevolence, of peace, of reasonableness, and of righteousness toward all peoples.

"Not without faults, not without limitations of intelligence or of those qualities which go to make up the perfect man, Washington manifested in word and deed the best that has gone to dignify and make great and honored American manhood. When there is taken into consideration what he did for us and for the peoples of the earth that have followed or are ready to adopt our example by transferring so much of his conceptions and accomplishment as may be made to take root and grow in their soils; what he did toward establishing the principle that men have the capacity to govern themselves, and that those chosen to represent the people are to be their servants and not their rulers, and that public officials are engaged in the administration of a trust; when we consider that but for his triumphant leadership this Republic would never, perhaps, have been born, and that but for the example of his successful administration of the Presidency the experiment of self-government might have collapsed or retrograded into a kingdom, we must all agree that Washington performed a service for us and our posterity and for all the nations of the earth greater than any like service ever performed by the nobility or the genius or the sacrifice of any other one man.

FAREWELL ADDRESS.

"To appreciate the bold outlines of his personality and at the same time the patriarchal attitude he was entitled to assume toward the Republic, which was so much of his own making, we have only to read his Farewell Address—that wonderful product of affection and intelligence and insight. We can not think of it as written by any one of his contemporaries. The tone of it forbids this. Not one of them could have made use of its language without being open to the charge of affectation or arrogance. The words of dignity and injunction and warning came naturally from him, for they were the words of the guardian to the Nation as his ward, or, as he said, of an old and

affectionate friend. He was the Gamaliel at whose feet the people sought wisdom. He was, in truth, the Father of his Country, as he enjoined upon us all those virtues and practices which can keep us strong and just and prosperous at home and respected in the councils of the world.

LESSONS OF HIS LIFE—CHARACTERISTICS.

"So many are the lessons we can gather from his life and his work that one is justified in saying that on an occasion like this the time is too limited even to enumerate them. Yet there are one or two things which we may well recall at a time when so many of us are disposed to seize upon the first expedient which seems to make for popularity or progress and when old-fashioned truths give way to strange doctrine; for, unlike many of us, he did not, in conduct or in speech, seem of the view that a thing is necessarily valuable because it is new. Courageous, but regardless of the value of precedent, certainly with truth it can be said that he had what a distinguished foreign diplomat recently declared we as a people have—the tenacity of tradition and the audacity of progress.

"The lines of calm serenity and determination along which Washington worked out his life were rarely varied. Persistent of purpose, he was never obstinate or unreasonable in judgment nor without the realization that the means to be selected must have reference to the end to be attained; he did not make of consistency a fetish, but change of plan with him was a matter of deliberation and conviction; he accommodated the plans of his official life, as he did his plans as a general, to the need of the hour, making use of all the resources he could command for the purpose of influencing men by conversion to a course of action believed by him to favor the successful outcome of worthy effort. Not without a shrewdness far beyond that which we are accustomed to attribute to him, he never resorted to measures or methods that were cheap or beneath his dignity. Seeing great visions, he was no mere dreamer of dreams; and what he accomplished for political liberty in association with the development of our national prosperity is an object lesson to us all that the ideal may go hand in hand with the practical for the realization of its highest ambition. He was patient and forbearing under unjust censure and coarse libel, and displayed charity toward friends and enemies as each class had the need for it; he could be what so many of us find it impossible to be—temperate in speech and conduct and considerate of the opinions of others; but when the occasion forbade it he made no surrender to compromise. The choice of no party for elevation to office and the foe of undue partisan zeal, he recognized the likelihood that party lines must be reckoned with; he adhered always to the fundamental things upon which the character of nations must be built if they are to be enduring; and above all he has never been weighed in the balance by posterity and been found wanting in that sincerity which, in the end, is the convincing argument, the best strategy, and the surest way to keep our self-respect.

DISTINGUISHING COMMON SENSE AND PRACTICAL TURN OF MIND.

"His distinguishing common sense and practical turn of mind served him well in the administration of his high office. Few, if any, mere generalities or quixotic schemes for action were suggested by him; but, on the contrary, he seemed to be master of the underlying principles of the business needs of the country as he had been of the plans of his campaigns. At a time when so many of us are disposed to put upon the statute book nostrums for relief from our industrial and financial and economic evils, it will be well for us to call to mind the striking contrast between the moderate volume and temperate character of laws enacted during his Presidency and so much of our present-day legislation of the experimental sort, reflecting often merely a view of to-day that is likely to be the heresy of tomorrow, and attempting to deal with the objectionable tendency before it is seen that it will not be arrested of itself, or before we have sufficient understanding of it to be in a position to know or apply the appropriate remedy. Accordingly the recommendations and the legislation of Washington's administration were not along guesswork lines; but the elements of soberness, patience, and wisdom which he so invariably manifested were typical of the plans he favored and adopted to bring order out of financial and industrial chaos, promote industry among the people, and restore their energies by opening up new sources of revenue and prosperity, and by assuring men that they should gather and be secure in the possession of the harvest of their labor. In all this he held true to the promise of his messages to Congress and to all his utterances and acts, and justified the expectation of the Nation—that he was to be as faithful and intelligent a servant in the work of peace as he had been amid the struggle for independence.

"While believing that free intercourse with nations would, to use his own words, promote policy, harmony, and interest, he did not part company with statesmanship, for he added:

"There can be no greater error than to expect or calculate upon real favors from nation to nation; it is an illusion which experience must cure and which a just pride ought to discard.

COORDINATE BRANCHES OF THE GOVERNMENT TO BE HELD IN THEIR RESPECTIVE BOUNDARIES.

"There is a great need, too, for us in this day when constitutional restraint has become irksome to many, never to turn a deaf ear to the stirring appeal of Washington to his people—that the departments into which our Government is constitutionally divided shall be kept with determined hand within their respective boundaries. Speaking here not as a party man but as a citizen of the Republic, my observation and reflection have shown me how treacherously easy is the transition from centralization of government—which those of the Republican Party set so much store by and which a good many of us Democrats are inclined to acquiesce in—to a personalization of government and then to usurpation of government. Washington in all his career uttered no greater truth than when he declared that a constitutional government, under such circumstances, becomes almost, as a matter of course, a despotism. For a long time, fortunately, this was the view of the American people; and when they have departed from it a long and ominous step has been taken, not only in the commission of error but toward establishing evil precedent.

"Said he in his stately language:

"It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

"Years afterwards Daniel Webster merely put into the matchless eloquence of his paraphrase this thought when he directed his protest at apparently so slight a departure from this principle as the proposal of the President to take from the proper Cabinet officer the right to determine upon the depository of the funds of the United States:

"It was strongly and forcibly urged yesterday by the honorable Member from South Carolina that the true and only mode of preserving any balance of power in mixed governments is to keep an exact balance. This is very true, and to this end encroachments must be resisted at the first step. The question is, therefore, whether, upon the true principles of the Constitution, this exercise of power by the President can be justified. Whether the consequences be prejudicial or not, if there be an illegal exercise of power it is to be resisted in the proper manner. Even if no harm or inconvenience results from transgressing the boundary, the intrusion is not to be suffered to pass unnoticed. Every encroachment, great or small, is important enough to awaken the attention of those who are intrusted with the preservation of a constitutional government. We are not to wait till great public mischiefs come, till the Government is overthrown, or liberty itself put into extreme jeopardy. We should not be worthy sons of our fathers were we so to regard great questions affecting the general feeling. Those fathers accomplished the Revolution on a strict question of principle. The Parliament of Great Britain asserted a right to tax the Colonies in all cases whatsoever; and it was precisely on this question that they made the Revolution turn. The amount of taxation was trifling, but the claim itself was inconsistent with liberty; and that was, in their eyes, enough. It was against the recital of an act of Parliament, rather than against any suffering under its enactments, that they took up arms. They went to war against a preamble. They fought seven years against a declaration. They poured out their treasures and their blood like water in a contest against an assertion which those less sagacious and not so well schooled in the principles of civil liberty would have regarded as barren phraseology or mere parade of words. They saw in the claim of the British Parliament a seminal attitude of mischief, the germ of unjust power; they detected it, dragged it forth from underneath its plausible disguises, struck at it; nor did it elude either their steady eye or their well-directed blow till they had extirpated it and destroyed it to the smallest fiber. On this question of principle, while actual suffering was yet afar off, they raised their flag against the power to which, for purposes of foreign contest and subrogation, Rome, in the height of her glory, is not to be compared; a power which is dotted over the surface of the whole globe with her possessions and military posts, whose morning drum beat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.

"The necessity of holding strictly to the principles upon which free governments are constructed, and to those precise lines which fix the partitions of power between different branches, is as plain, if not as cogent, as that of resisting, as our fathers did, the strides of the parent country against the rights of the Colonies; because, whether the power

which exceeds its just limits be foreign or domestic, whether it be the encroachment of all branches on the rights of the people, or that of one branch on the rights of others, in either case the balanced and well-adjusted machinery of free government is disturbed, and, if the derangement go on, the whole system must fall.

CHARACTER OF WASHINGTON.

"At all times and amid all conditions Washington rang true to the note of a splendid manhood. Hypocrisy and a trafficking in expedients for popular applause no more match with his life than the crime of murder. He had little of the captivating style of speech or manner; but regard for the nobility of his character, rather than any rhetorical art or charm of personal address on his part, kept wavering lines from retreat in battle and from mutiny amid privations and suffering to which our neglect had exposed the soldiers of the Revolution. The men in the ranks and above the ranks were zealots, ready to be shot to death or starved to death or frozen to death for the sake of such an inspiring leader, even when the Colonies had forgotten to clothe and to feed them after they had carried victorious arms in this unequal contest with the greatest military power in the world. He suppressed the dissensions of the men he gathered about him for the administration of his high office, and lessened their antagonism; and, as a man of affairs and the possessor of wealth, he had so mastered essential business principles that he knew how, by encouraging manufacture and thrift and enterprise, to bind up the wounds of a people wasted and impoverished by the exhaustion of prolonged war. What a priceless possession to his countrymen is the splendid record of the achievements of such a many-sided, well-balanced, noble man.

"So all discussion of Washington ends—whether it be in the brief address or in the pages of the biographer or historian—with panegyric, and without the opportunity of the most exacting criticism to point to any conspicuous act of his which we to-day would wish to have otherwise, either for his fame or for the example of his life.

"No wonder that Webster said—

"America has furnished to the world the character of Washington. And if our American institutions had done nothing else, that alone would have entitled them to the respect of mankind.

"He stands among the great men of this country and among the great men of all countries, not only on the many pedestals of our handiwork, but on the eminence of our admiration and gratitude, as a splendid, commanding, heroic figure, the embodiment of those traits which go to make up true manhood and true greatness in the world. What Tennyson not unfairly said of Wellington can even more justly be said of Washington—that he both saved and served the State; that for him the path of duty was the way to glory, and that there should be eternal honor to his name.

PRESENT-DAY PROBLEMS OF THE REPUBLIC.

"And let us and all loyal Americans resolve that the spirit of Washington, so manifestly in the midst of us on such occasions as this, shall go with us, as with gratitude and hope renewed and loins girded about we face the future. That future will not open for us always a pleasant prospect. We shall not always be blessed with prosperous times. Corresponding to those temporary setbacks to our health wherein Nature gives her warnings whenever we are making too great a draft upon mind or body, we shall have our periodical depressions when we are imprudent in the affairs of our business life. These need not unduly concern us, for, as we come to have a stable currency and a better understanding of the economic workings of the laws of supply and demand and do not overlook some considerations which are not always in accord with the strife for mere money return, these depressions should be appreciably less and less in number and importance.

"We have, however, problems of a more serious nature confronting us for solution, and doubtless they will increase as time goes on. We, as a people, have tolerated the doing of things which must be undone or made right and not condoned; we have at times set too much store by mere material success and judged as of minor consequence things which broaden and elevate and ennoble a nation; we have made compromise with things of evil import. We have at times been unmindful of the rights of others as we have hurried on to the realization of ambitious plans, and in our indifference to the demands of good citizenship we have been guilty of or acquiesced in a course of conduct that has given rise to sullen expressions of an unrest to which we can not afford to be unconcerned listeners, for unchecked unrest is likely to breed discontent and discontent, in its turn, disorder. And unless we frankly recognize this we shall have no reasonable hope of correcting the conditions which arouse, if they do not altogether justify, those expressions, and which are a menace not only to our continuing pros-

perity but to our self-respect and our repute in the world. Again and again, as time goes on, in obedience to popular clamor, we shall be tempted to enact statutes unjust to labor or capital and not representing reflection and conviction, or statutes which are fairly certain to be incapable of enforcement and to bring the administration of the law into contempt. We shall be tempted to hesitate and temporize concerning things demanding prompt and courageous action for the public welfare. Again and again we shall stand perplexed in which direction to go when we shall have come to the crossroads of public duty and mere party expediency or even self-interest. Our way will be so shut in by doubt that we shall hesitate even as to a single step forward and upward. But there is one thing above all things to which we may cling with a certain faith, that so long as we keep with ourselves a covenant to return to and abide by the principles of Washington's Farewell Address, so long as his character shall be remembered and revered by us, so long as we shall set his life and his devotion before us as the best type and example of American citizenship to admire and emulate, this country can not falter in true progress nor in the end come short of its high mission in the world. For then, during all time to come, we shall have for our political guidance as a people the inspiration of his presence, which will be to us what for the moral guidance of men the Word of the Lord was to the psalmist of old—a lamp unto the feet and a light unto the path."

THE FEDERAL GOVERNMENT AND PUBLIC ROADS.

ADDRESS OF THE HON. OSCAR W. UNDERWOOD, OF ALABAMA, DELIVERED BEFORE THE AMERICAN AUTOMOBILE ASSOCIATION CONVENTION JANUARY 16, 1912.

"I thank you for the opportunity that has been given me to say a few words on a subject that is of such great importance to the American people.

"There were no wiser men, more patriotic men, that have ever been connected with this great Government of ours than the men who established it. They were enabled to look far into the future and realize that a great civilization was to grow up out of a wilderness. In establishing this Government of ours they delegated certain powers to the Federal Government and reserved the balance to the States. As to matters of local government, almost all the powers were reserved to the States, and only the necessary powers to create a central government to protect us against foreign foes, to enable us to establish a system of judiciary, and to maintain armies and navies were delegated to the Federal Government. But in their wisdom they deemed it necessary and proper to declare in the Federal Constitution that the National Government should have the power to establish post offices and post roads.

SYSTEM OF POST ROADS AUTHORIZED.

"I do not believe in the Federal Government encroaching upon the rights of the States any more than I believe in the States encroaching on the rights of the Federal Government; but I do believe that the great Central Government owes it to the people of the United States that it should enforce, carry out, and maintain the great powers of government that have been delegated to it by the States; and one of those great powers carries with it the right to see that a system of post roads for intercommunication between the people within the States and the people beyond the borders of the several States is established.

"The fathers of our Republic recognized that fact. You know as well as I do that one of the very first questions that was agitated before the Federal Congress was the building of a great post road across the continent to bind and hold the States together. They spent millions of dollars in building the Cumberland Turnpike, and we should have gone on building Federal roads throughout the United States if Watt had not invented the steam engine, and if the iron rail had not taken the place of the macadamized road. Then we abandoned Government aid to the dirt road and gave Government aid to the iron road. The great railroads that reach across this continent were built with Government aid, because they were 'establishing post roads.'

FEDERAL AID IN ROAD BUILDING.

"Now, my friends, we are coming back to the starting point. Another invention has come; the people of this country now are traveling in automobiles as well as in railroad trains. The mail, the most important single business in the United States, is being delivered at the farmer's door, instead of the farmer coming to the town and taking his mail out of the post-office box. We are coming back to the point where it is necessary again for the people of the United States to have a good system of public roads. The States have delegated the power to the Federal Government to aid in securing that system of public roads. Why did they delegate that power in the begin-

ning? Because they realized the necessity of maintaining and establishing a road system. It is the duty of the Federal Government to vitalize that power. For that reason for many years I have been in favor of the Government of the United States either establishing post roads or lending its aid to the building of post roads throughout the country. It is the only way you can build them. If the Government had gone on in the work it commenced in the early part of the last century, when it started to build the Cumberland Turnpike; if it had continued that work up to to-day, without any great burden resting on the American people, we would have had as magnificent a system of roads in the United States as you can find in any of the continental countries of Europe. But we abandoned it because we thought the railroads had come to take its place. It is far more important to the great majority of the people of the United States to have a road that carries their produce from the farm door to the railroad station and from the store in the town back to the farm door than it is to further develop a great railroad that will carry them to New York or San Francisco. The exception is the man who travels any great distance on the railroad train; it is the everyday life of the mass of the American people to travel along the dirt road from their homes to the railroad stations.

EUROPEAN HIGHWAYS.

"There is not a country in Europe that has established a system of national highways that has not done so with the aid of the central government. There were no good roads worth speaking of in England as long as they maintained the antiquated system of local taxation alone to develop a road system, and it was not until the Parliament lent aid to the building of good roads that a great system of roads was built up in England. And the same is true of France; it took national aid to establish a system of roads in France. To-day they have the greatest system of roads in the world.

COURSE OF PROCEDURE SUGGESTED.

"I know that the opposition to this argument is based on the fact that it will cost money, and I do not deny the argument. If you are going to build a great system of roads in the United States it will cost millions of money, but you can not expect to build them in a day; it will take decades to complete the work; you will never build them if you do not make the start.

"We can begin by giving national aid to assist the States, or we can commence by building several great national highways, like the Cumberland Pike, that was completed a century ago and yet remains as a monument to the wisdom of our fathers.

"As to which is the best system it is not necessary for us to determine now. The question for the people who are in favor of good roads to-day to determine is the question as to whether or not the Federal Government shall again undertake the great work, and after that is determined then you can decide as to which is the proper plan to carry out.

NECESSITY FOR A RATIONAL WORKING PLAN.

"I shall not take up your time, but I want to make just one suggestion to you in a practical way. Your association advocates one way for the building of these great highways; you find that another good-roads association advocates some other plan, and yet another association another plan. I understand that there are four great associations in this country which favor the building of national highways, and I do not believe that there are any two of them that have agreed on the same plan. Now, as long as that condition exists you are not going to build on any plan. I have this one suggestion to make to you, and it is not my own thought—it has been suggested to me by one who is wiser than I am—that instead of advocating one system to-day by this association and another system to-morrow by another association, go to the Congress of the United States and say to them, 'Appoint a joint committee to consider the building of post roads in the United States'; give them authority to hear everybody that wants to come before the committee; give them authority to find a verdict as to which is the best way to start this great national movement by proper legislation, and then you have concentrated the power in the hands of the men who in the end must exercise it; you have centralized that power where it can be used for action. They may not agree to what you want or I want, but it will be along some line that will produce results.

HANDICAP OF BAD ROADS.

"Just one word in conclusion. My friends, I remember once being on the other side of the Atlantic Ocean, and I saw a great white fleet of ships, that had traveled around the world, sailing into a foreign port, the national emblem of our great country was flying at the masthead. As they came steaming up the harbor I thanked God I was an American and felt proud that we had the greatest fleet that ever sailed around the world.

I remember once standing along the line of a railroad system in a distant country, and as I saw a train of freight cars being hauled along the track I noticed the locomotive that was pulling the cars, and it was a Baldwin locomotive, built in America, builded by our own people, carrying the commerce of the world, and I felt proud that I was an American and thanked God that I was born under the Stars and Stripes of my country. But then I went up into the mountains of Switzerland and in Italy, and I saw those magnificent turnpikes, graded roads, running up the mountain sides, smooth as this floor, guttered on the sides, carrying off every drop of water, perfectly smooth, where the people even in that mountainous country could carry their produce to market at the lowest possible outlay; then I thought of the terrible roads that I had seen in my own home State, that I had seen in almost every State of the Union, and for once, and the only time in my life, I had to bow my head with shame and could not declare that so far as our road system was concerned that I was proud of being an American citizen."

The CHAIRMAN. The question is on the amendment of the gentleman from West Virginia [Mr. HAMILTON].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of John Eastman, late of Company H, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. On page 24 I continue the case. The report says:

It appears from the proof filed in the case that the claimant was first married in Massachusetts on August 14, 1850, to one Ivory G. Phillips—

And that she was never divorced. Now, Mr. Chairman—

Mr. RUSSELL. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RUSSELL. The gentleman from Georgia [Mr. TRIBBLE] is not discussing the paragraph under consideration.

The CHAIRMAN. Under the five-minute rule a Member must confine himself to the paragraph read. The Chair holds that the point of order is well taken.

Mr. TRIBBLE. Mr. Chairman, I will leave that discussion, then. The discussion on the floor of this House to-day shows to every man present the laxity of the committee in reporting bills—

Mr. ANSBERRY. Mr. Chairman, I make the point of order that the gentleman is not discussing the paragraph.

The CHAIRMAN. The Chair sustains the point of order. The gentleman must confine himself to the paragraph just read.

Mr. RODDENBERRY. The Chairman having ruled upon the question—

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] is recognized.

Mr. TRIBBLE. I simply wish to ask a question. No such rule as this has been invoked in this House before. If the name of John Smith were not mentioned in a paragraph, we can not mention the name of John Smith?

The CHAIRMAN. The rule of the House is that under the five-minute rule a Member must confine himself to the subject of the amendment offered. That has always been the rule of the House. The Clerk will read.

The Clerk read as follows:

The name of John F. Rankin, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. I move to strike out the words "thirty-six dollars," in line 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 11, strike out the word "thirty-six."

Mr. RODDENBERRY. I ask the attention of the author of the bill, or the chairman of the subcommittee, to the fact that it appears in this case that John F. Rankin is 71 years old, and served as a musician in Company C, Fourth Regiment Tennessee Volunteer Cavalry, two years and seven months; that he is now a pensioner at \$22 a month on account of slight deafness. The medical testimony shows that the applicant has a small, rough, and hilly farm, which he rents, and that his small income from this source and his pension constitute his sole support. It is recommended that he be allowed an increase to \$36. Now, mark you, here is a musician, owning a little farm and having a small income, and we have just passed an item where another soldier was 71 years of age, served three years, not as a musician, but as a fighter and a soldier, has no property at all, suffers from divers and sundry afflictions, and the proposition is to give him \$24 a month. What I would like the gentleman to explain is why the soldier who served three years and fought, and who has no property, who is absolutely helpless, gets \$24, and the horn tooter, who is now getting \$22 and has a farm, gets \$36. And there is deep silence upon the face of the waters.

Mr. AUSTIN. When the gentleman concludes his remarks I will reply to him.

Mr. RODDENBERRY. I have no criticism of the particular claim. I am asking now why the discrepancy, why the discrimination, and why the partiality? Now, gentlemen, I recognize that in a multitude of measures you can not have absolute uniformity. I likewise recognize that there may be some good reason why the hornblower should have \$36, and why the musket bearer should have \$24, although the musket bearer walks no longer save upon crutches, and has no rough hillside to give him a resting place. But why do not you show it? But the hornblower? How about him? The report should show some information before you should expect enlightened men to vote for it.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Missouri?

Mr. RUSSELL. May I ask the gentleman from Georgia a question?

Mr. RODDENBERRY. Yes.

Mr. RUSSELL. To what two cases does the gentleman refer? The Rolain case?

Mr. RODDENBERRY. That, and the one relating to John Mulligan, on page 4 of the report, the last item on the page. I will now ask my friend to explain that case. He is getting \$24. The report does not show whose bill it is, but when you go back home, whoever is the author of the bill, you tell that old soldier why you could not get the \$24 for a fighter, while somebody else got \$36 for a hornblower.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUSSELL. Just a word, Mr. Chairman. I think I can explain it to the gentleman. I just want one moment, Mr. Chairman, a word on behalf of the committee, because I feel that the committee is more or less arraigned in every one of these assaults upon this bill.

Mr. RODDENBERRY. I do not mean to arraign the committee. I am arraigning the bill.

Mr. RUSSELL. I want to show, Mr. Chairman, the reason which the gentleman has not discovered in these cases. John Mulligan, to whose case the gentleman refers, is about of the same age as John F. Rankin. Mulligan is 71 years of age, and Rankin is 71 years of age. Both served about the same length of time. Mulligan's injuries did not result from his service. He is drawing a pension under the age law, while Rankin is drawing a pension because of injuries from which he now suffers, resulting from his service in the Army. That is a distinction that has been recognized, both in the Bureau of Pensions and in the Committee on Invalid Pensions and by this House. [Applause.]

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 11, strike out the word "thirty-six."

Mr. AUSTIN. Mr. Chairman, the gentleman from Georgia [Mr. RODDENBERRY] demanded an explanation from either the gentleman having this bill in charge or from the author of this item carried in the bill. It gives me pleasure to say to the gentleman that I am the author of the bill to increase the pension of John F. Rankin, a man whom I have favorably known for perhaps 20 years. While I do not hope to satisfy the gentleman from Georgia [Mr. RODDENBERRY], or the gentleman from Texas [Mr. CALLAWAY], who seem to be absolutely reckless and unwilling to believe that the pension roll is a roll of honor, yet there are Members on the floor of this House to whom I wish to speak in reference to the merits of this particular case.

This man, as the record and report show, is more than 70 years of age. He rendered faithful service in the Union Army for almost three years, enlisting from one of the East Tennessee regiments, raised right in the heart of the Southern Confederacy, where it cost something to be loyal to the Union. Mr. Rankin is a poor man, honest, worthy, and deserving, and the medical testimony in his case shows that his disabilities are not single, but triple, and that owing to the nature and character of the disabilities from which he suffers he is precluded from making a living by manual labor.

Something has been said about the particular service that he rendered, namely, that he was a musician. Those were two years and seven months of faithful service for your country, and for my country. It often required music to enthrall and rally the boys under the Stars and Stripes, and it took music to rally the boys under the stars and bars. That magic music—Dixie—carried many boys into the Southern Confederacy, under the southern flag.

But the man who left his home to fight for the flag of the Union and the man who left his home for the Southern Confederacy both displayed heroic courage, whether he was a

musician or an officer or a private, and I believe that justice reigns in the breast of men in this House, regardless of which side of this Chamber they sit upon. [Applause.] I despise and hold in utter contempt this constant arraigning and abusing the Union soldiers in this House and in certain publications, and this constant challenging of the motives and intentions of my colleagues in favorably reporting and voting for these bills, and I resent it. My colleagues upon this side and upon that side are performing their duty under their oaths just as well as the Member from Georgia [Mr. RODDENBERRY] and the Member from Texas [Mr. CALLAWAY]. My worthy colleagues on this side and upon that side have the honor and the glory of our common country at heart, and ill does it become the gentleman from Georgia or the gentleman from Texas to impugn the honor and the patriotism of their action in this House. [Applause.]

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 11, strike out the word "thirty-six."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of Ward L. Roach, late of Company B, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the word "twenty-four," in line 19, page 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 19, strike out the word "twenty-four."

Mr. RODDENBERRY. Mr. Chairman, I take this paragraph up because I feel very much encouraged that gentlemen who are the authors of bills, for the first time in two years since I have been a Member of this House, venture to rise and tell the merits of their case.

Here is a man, Ward L. Roach, 73 years old, a private in his company, who has been drawing a pension for many years. At the same time he is a justice of the peace. He has an income from his office as justice of the peace—a minimum of \$200 a year—and his present pension is \$180 a year. The committee recommend that he be given \$24 a month.

We have just passed an item which gives a pension of \$20 to the widow of a Union soldier, which widow married the soldier during the war, and is old and feeble and is charged with the support and maintenance of an infirm mother. I would like to have the author of the bill or some member of the committee explain why it is that it is just to give a man who is a justice of the peace, so possessed of his faculties, so physically incapacitated that he can preside in that capacity and earn \$200 a year at the minimum, an increase of pension from \$180 a year to \$288 a year, while you only give to the widow of this soldier who fought, who is helpless and dependent, and who, in the language of the report, is a war widow, old and penniless, without resources, but \$20 a month? I want to know what explanation the author of this bill will give to this old widow and to his constituents, when she in her distress, her poverty, and her dire condition gets but \$20 a month, while right on the same page a vital, living judge, a justice of the peace, getting \$200 a year for his services and \$180 a year pension, gets an increase to \$24 a month? Gentlemen, you may not undertake to explain satisfactorily to me, and the inquiry I make may meet with your silence, but God spare you when the wrath of your constituents meets you at the next election.

Mr. ANDERSON of Ohio. Mr. Chairman—

Mr. RODDENBERRY. I yield my time to the gentleman.

Mr. ANDERSON of Ohio. I am glad the gentleman from Georgia has found one claim where he approves of the committee's action, when he stated that this poor widow is entitled to \$20 a month.

Mr. RODDENBERRY. You ought to make it \$30.

Mr. ANDERSON of Ohio. Would you vote for it?

Mr. RODDENBERRY. I will vote for it.

The question being taken, the amendment was rejected.

The Clerk read as follows:

The name of Joseph C. McGarragh, late of Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the paragraph. There are very many of these items to which I should be glad to address myself, but I am absolutely unable physically to continue at great length on these different items. Therefore I leave it to such gentlemen around me as may want these matters investigated to pursue the subject.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. RODDENBERRY. I yield to the gentleman.

Mr. TRIBBLE. Does it not occur to the gentleman that he is the only one that can get the floor on this side of the House?

Mr. RODDENBERRY. I can not accede entirely to the views of my colleague.

Mr. AUSTIN. I suggest that the gentleman yield to his colleague.

Mr. RODDENBERRY. Here is a pensioner 71 years old who has been drawing a pension for years and years, and the committee, with the hand of favoritism, with the mighty power of an unrestrained and well-nigh unresistant majority, propose to give this soldier, 71 years of age, \$36 a month, when the very item before it is for an old, decrepit, infirm man, with long service in the Army, now tottering under the weight of 79 years, who gets but \$30 a month. There is written into this bill discrimination, favoritism, partiality, and pull—I do not know whether it is political pull or patriotic pull—which enables one man to get \$36 when he is only 71 years of age and this poor old man, 79 years old, with the heavy weight of years resting upon him, gets only \$30. When he gets only \$30 the pensioner next below him in this bill, no more infirm, no more patriotic, no more valiant, gets \$36 a month. I want the author of the bill, who acquiesces in the finding of the committee, to explain why it is that his constituent gets only \$30, when he is high onto 80 years of age, while on the same page another man draws \$36, when he is not as old and is no more infirm. If you do not answer here, you can not escape explaining when you go home. You will not answer me, but when you go home answer your constituent, his sons, and his grandsons, and his kindred throughout the bailiwick.

Mr. HAMILTON of West Virginia. As I read it, it only provides for \$30 in the bill.

Mr. RODDENBERRY. On the top of page 11, \$30 is recommended, so the report says.

Mr. HAMILTON of West Virginia. Then I do not understand the gentleman.

Mr. RODDENBERRY. All of which goes to show that the chairman of the committee himself, the way this legislation is ramrodded through, does not know which bill he is voting on, I tell you it is unjust legislation; it is not intelligent legislation, it is not fair legislation when a man of ability, a man of skill, a man of learning, a member of the committee investigating a claim stands here and does not know what pension he is voting on. But it is no reflection on him. It is the iniquitous railroad system.

Mr. HAMILTON of West Virginia. I wanted to know what paragraph the gentleman indicated.

Mr. RODDENBERRY. This is roughshod, ill-digested, legislation that the powerful majority rushes through over a helpless colleague who is able only to make a few more objections. [Laughter.]

Mr. HAMILTON of West Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMILTON of West Virginia. What line and page was the gentleman's amendment offered to. I was unable to hear.

The CHAIRMAN. The Clerk will report the amendment again.

The Clerk read as follows:

Page 4, line 17, strike out the paragraph consisting of lines 17, 18, 19, and 20.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was lost.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. BARTLETT having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4151) to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 339) providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested.

Senate concurrent resolution 18.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be requested to make a supplemental or additional report or estimate concerning the work of levee construction in the improvement of the navigability of the Mississippi River on the east bank thereof, from Vicksburg to Bayou Sara, for use in connection with S. 4253, being a bill to aid in construction of levees and embankments on the east side of the Mississippi River.

PENSIONS.

The committee resumed its session.

The Clerk read as follows:

The name of Henry Meerdink, late of Company D, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. I say, sir, that the spectacle we have seen here to-day on the floor of this House, it seems to me, should convince everyone that the methods that have been adopted in the past and the methods adopted at the present time by this committee are lax, and that the country will not stand for it.

Mr. ANSBERRY. Mr. Chairman, I make the point of order that the gentleman is not talking to the amendment.

Mr. TRIBBLE. I am talking about this case.

Mr. ANSBERRY. The gentleman is not speaking to his amendment.

The CHAIRMAN. The Chair sustains the point of order and the gentleman will proceed.

Mr. ANSBERRY. I make the point of order that the gentleman can not proceed unless he proceeds in order.

Mr. TRIBBLE. I will give notice that the gentleman will not save any time by that point of order. I will be here all the time, during this session and the next, and I may be here in other days, perhaps, in future sessions; and I should not be surprised that some of you will be at home when I am here. I am not afraid of my pension stand. I have not attempted to criticize anybody in my entire discussion of the pension legislation. If you take my first speech of December 9 and read it—

Mr. ANSBERRY. Mr. Chairman, I make the point of order that the gentleman should proceed in order.

Mr. TRIBBLE. I put the gentleman on notice that he will save no time by his gag rule that he is invoking from the Chair.

Mr. ANSBERRY. The gentleman only shows his lack of knowledge of the rules by calling it a gag rule.

Mr. TRIBBLE. Now, Mr. Chairman, they ask in this paragraph to extend the pension to a woman whom the gentleman from Missouri, Gov. RUBEY, says bears a good record.

Mr. RUBEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUBEY. What paragraph is being discussed?

Mr. TRIBBLE. Page 24 of the report.

Mr. RUBEY. But we are not passing the report.

Mr. TRIBBLE. I beg the gentleman's pardon, this is not the case of the gentleman from Missouri. In the case before the House they propose to pay a pension to a woman who never obtained a divorce from a previous husband. I notice throughout this report of the committee, and if gentlemen will read it they will see, that they quote from Members of Congress. They say in their findings that Congressman So-and-so made certain statements in regard to such and such a party. I submit, Mr. Chairman, that it is not a fair investigation by the committee. If the Congressmen want their testimony to go in this record then it ought to be put here in affidavit form and not in the way it is. I challenge gentlemen to read the report through from one end to the other, and if they do they will find frequent occurrences of Congressmen's statements. They would not be received in any court in this land as testimony.

Mr. RUBEY. Will the gentleman yield for a question?

Mr. TRIBBLE. I will.

Mr. RUBEY. Would the gentleman take a statement made by one of his colleagues and place in it as much credence as he would in his sworn affidavit?

Mr. TRIBBLE. There is not a colleague in this Congress whose statement I would not take.

Mr. RUBEY. Then, why does the gentleman want his affidavit?

Mr. TRIBBLE. There is not a court in this country that would take a Congressman's statement, even though he holds the distinction of being a Congressman, without his putting it in legal form, and all I am asking for is legal form, and I have the right to do that.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RUBEY. Mr. Chairman, I move to strike out the last word. The testimony in this report is made not for a court, but it is made for the information of Members of this House.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. RUBEY. Yes.

Mr. TRIBBLE. Is it not a fact that for 50 years this pension legislation, both special and general, has gone through this House, and not a man, until the present session, has raised his voice to contest a single case?

Mr. RUBEY. Unfortunately for me, I will say that I—

Mr. TRIBBLE. Then, is the gentleman passing on pensions as a court, or is he just throwing down the bars and letting everybody come in without even allowing a Member of Congress to contest or investigate?

Mr. RUBEY. Is that a question or a speech?

Mr. TRIBBLE. The gentleman can take it as he pleases.

Mr. RUBEY. Mr. Chairman, replying to that, I will say that, unfortunately for me, I have not been a Member of Congress during the last 50 years, but the records of this Congress show that during the preceding two years there were passed through this Congress over 9,000 private pension bills in a Republican Congress, and during that time not a Democrat from Georgia or from any other Southern State got up here and tried to prohibit it or tried to delay Congress in passing these bills; but the moment we get into control, the moment the Democrats get into the majority and try to do the right thing for the old soldier, we have men on our own side of the House—only two or three—who are trying to obstruct legislation, who are trying to do these things, not for the general good of the whole country but for the purpose of sending back home some speeches that will help them in their respective districts. [Applause.]

Mr. TRIBBLE. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. RUBEY. Yes.

Mr. TRIBBLE. The gentleman says that I am making no effort, and the other gentleman from Georgia is making no effort, for the good of the people we represent. I ask the gentleman if this Democratic Congress has not gone along here and refused to appropriate anything for public buildings; if it has not refused to appropriate anything for battleships, the defense of our homes; and I ask the gentleman if it has not gone along here and cut down, section after section, the agricultural bill, taking from the farmer that which should go to him in order that this pension legislation should be paid? The gentleman's charge is not sustained by the facts. The people of my district and the country at large appreciate the sincerity of this fight.

Mr. RUBEY. Mr. Chairman, if the gentleman from Georgia will give us an opportunity to legislate, before this Congress adjourns we will do the things that the people of this country want done and leave undone the things that they do not want done.

Mr. TRIBBLE. I will ask the gentleman another question.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Georgia?

Mr. RUBEY. Certainly.

Mr. TRIBBLE. Have not gentlemen had the opportunity right here on the floor of the House, and is not the agricultural bill grinding along day after day right now, and do not the gentlemen come in here and join forces and cut down the agricultural bill in order that gentlemen may pay the pensions that they are asking for their districts?

Mr. RUBEY. No; absolutely we do not.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BOOHER. Mr. Chairman, I have heard a good deal of discussion to-day on pension matters. I have heard the two gentlemen from Georgia [Mr. RODDENBERRY and Mr. TRIBBLE] talk about patriotism and love of the old soldier. I have heard them declare time and time again that they believe in pensioning the worthy soldier, and during all of this discussion they have shown a disposition not to be satisfied with the report of one of the great committees of this House upon the very thing they claim to be so patriotically in favor of; and they manifest more bravery and more patriotism when they can attack a bill that comes here proposing to put a poor old woman, the widow of two soldiers, on the pension list than they do in attacking the pension of a soldier—

Mr. HOWARD. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. I make the point of order that the gentleman from Missouri is not confining his argument to the section under discussion.

Mr. TRIBBLE. Mr. Chairman, I hope the gentleman from Georgia will withdraw that objection.

Mr. HOWARD. I will not do it.

The CHAIRMAN. The point of order is sustained and the gentleman from Missouri will proceed in order.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order that the gentleman is entirely within his rights.

The CHAIRMAN. The gentleman from Missouri will proceed in order.

Mr. BOOHER. Mr. Chairman, the gentleman from Georgia [Mr. TRIBBLE] objects to a pension being paid to the widow of an old soldier, and I was talking about the bravery of men who can attack the report of the committee when it proposes to pension the widow of a soldier who served his country long and well at the front.

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. BOOHER. No. I have heard these gentlemen say that we may go back to our districts, and when we hear from the people back there, there will be vacant seats on this side of the Chamber. I want to say to the gentlemen that they may go back to my district in Missouri, and if they will go out in the open and attack the reputation and the character of the widow of an old soldier, when the committee has reported in favor of her, the good women of my district will drum them out of the country; and if they have the same kind of women in the South, as I know they have, they would receive the same treatment there. [Applause.] Why, the great State of Missouri sustains a Confederate soldiers' home by taxation. She sustains a Union soldiers' home by taxation, and a Republican member of the legislature of that State introduced a bill taking over the Confederate Soldiers' Home as a State institution. We tried to sustain it by popular subscription, but the burden became too great, and without a dissenting vote in the legislature it was taken over as a State institution. [Applause.] We are threatened now that if we vote to give a pension to some poor old widow woman of \$12 a month that this Government is going to sink beneath the weight which that pension will place upon the backs of the people. I am willing to take my share of the responsibility. [Applause.] I have a brother who lies buried over there in the soil of Virginia. He died in defense of the flag we love so well. I am speaking from that point of view, and I say to my friends from Georgia that they are mistaken in the patriotism of the people of this country. [Applause.] You are mistaken when you try to compel this House to believe against your better judgment that this kind of conduct will meet the approval of even your own constituents. I know it will not meet the approval of the people that I represent here and a vast majority of the people whom the Members of this House represent. I believe in private pension bills. I believe in them more than I did in the Sherwood bill when I voted for it.

I believe the way to help the needy cases, to help the old men and old women who need support in their last days, is through private pension bills, and I am glad that the Democratic members of the Committee on Invalid Pensions are not behind the Republican Committee on Invalid Pensions in taking care of these old soldiers. [Applause.] We can go back to our people and say that we have maintained the record of taking care of the needy and dependent soldiers and their widows; and that is the way the people look at this matter. I am not talking from a sentimental standpoint, but from the standpoint of doing right by these old men and women.

The gentlemen from Georgia have the undisputed right to oppose the granting of pension of every kind, and no one questions their right to do so. But to assail the reputation of this old widow requires neither the exhibition of courage or patriotism, and I can not help but think my friends are making a very grave mistake.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLINE. Mr. Chairman, I move to strike out the last two words, for the purpose of making an observation in reply to a statement of the gentleman from Georgia, who reproached us for not introducing a river and harbor bill and a public buildings bill in this House.

Mr. TRIBBLE. I beg the gentleman's pardon. I said nothing about rivers and harbors bill.

Mr. CLINE. Do not take up my time. I want to call the attention of the gentleman from Georgia to what this Congress has done for Georgia in the last five years. It has paid into the Public Treasury internal revenue estimated at \$2,325,000. They have taken back in river and harbor improvements \$2,632,000. There has been paid to the citizens of Georgia by the Federal Government in pensions \$2,116,000, and now we are just erecting and completing 30 buildings in 30 cities of the State of Georgia at a cost of \$4,000,000. [Applause.]

Mr. HOWARD. Mr. Chairman, I raise the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. I make the point of order that the gentleman is not discussing the paragraph of the bill under consideration. The CHAIRMAN. The gentleman from Indiana will proceed in order.

Mr. CLINE. I will do so, with pleasure.

Mr. TRIBBLE. Mr. Chairman, I insist upon the point of order if the gentleman will not allow me to ask him a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. CLINE. Not at the present time. Mr. Chairman, for every dollar that the State of Georgia has paid into the public Treasury of the United States they have taken out nearly \$5.

Mr. HOWARD. Mr. Chairman, I raise the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. That the gentleman is not discussing the paragraph of the bill that is under consideration.

The CHAIRMAN. The gentleman from Indiana will proceed in order.

Mr. HOWARD. And that his argument is not germane.

Mr. TRIBBLE. Mr. Chairman, I raise the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TRIBBLE. The Chairman instructed me that I was out of order, and I call upon the Chair to pass upon the question of whether the gentleman is now out of order.

I do not propose for the gentleman to assail my State, and not be heard from, if that is the purpose of the gentleman.

Mr. CLINE. I am just referring to the bare question and making answer to the very proposition the gentleman invoked.

The CHAIRMAN. The Chair sustains the point of the gentleman. The gentleman will proceed in order.

Mr. CLINE. For every dollar expended—

Mr. HOWARD. Mr. Chairman—

The CHAIRMAN. The House will be in order. The time of the gentleman from Indiana [Mr. CLINE] has expired. [Laughter.]

Mr. HOWARD. Mr. Chairman, I rise to a point of order.

Mr. CLINE. Mr. Chairman, may I be allowed to extend my remarks in the RECORD on this point?

The CHAIRMAN. Is there objection?

Mr. HOWARD. Mr. Chairman, I object.

Mr. EDWARDS. Reserving the right to object, I ask unanimous consent that the gentleman may proceed in order, to finish his remarks, for five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. EDWARDS] asks unanimous consent that the gentleman from Indiana [Mr. CLINE] may be allowed to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDWICK. I do not believe that my friend from Indiana [Mr. CLINE] intends to make an assault on the State of Georgia here to-day.

Mr. CLINE. Oh, no; I have no such purpose and have made no assault. I am just answering the gentleman.

Mr. TRIBBLE. Mr. Chairman, I make the point of order I ought to have the right to answer the gentleman. The Chair will not allow me to discuss those questions. I propose to answer the gentleman if he assails my State.

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE] is recognized for five minutes. Does the gentleman yield to the gentleman from Georgia [Mr. HARDWICK]?

Mr. CLINE. I do not want to violate the rules of the House. If the gentleman insists on the point of order, I will take my seat.

Mr. HARDWICK. Will the gentleman yield for just a moment?

Mr. CLINE. Certainly.

Mr. HARDWICK. I did not understand that my friend was assailing the State of Georgia.

Mr. CLINE. Bless you, I want Georgia to get everything she can get for rivers and harbors and public buildings, but I do not want her to come back and take the well-earned support from the old soldiers who spent four years to teach the State that it was wrong and bring her back into the Union.

Mr. HARDWICK. I want to thank the gentleman in behalf of the delegation from Georgia for the very splendid tribute he has paid to the members of that delegation for the efficiency and zeal with which they serve their constituents. I want to thank the gentleman also because in all of these things we have received he has helped us to get the appropriation.

Mr. MANN. Mr. Chairman, the gentleman is not proceeding in order, and I ask that the gentleman from Indiana may proceed for five minutes with general debate, and that the gentleman from Georgia [Mr. TRIBBLE] be permitted to answer in five minutes.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to have printed and inserted in the RECORD, in connection with the section under discussion—

Mr. MANN. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. I ask that the gentleman from Indiana [Mr. CLINE] may be permitted to proceed in general debate for five minutes, and that the gentleman from Georgia [Mr. TRIBBLE] be permitted to answer in five minutes.

Mr. ANSBERRY. To that I object.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the paragraph. In the consideration, Mr. Chairman and gentlemen, of this very important paragraph I desire to say by way of kind reply to my friend from Missouri [Mr. BOOHER] that neither of the gentlemen from Georgia made any reference to the widow of the soldier which can not be found in the exact language of the report of the committee, the report itself showing that this widow "took up with" a man. We only quoted the report. I want to say to my friend, now, from Indiana [Mr. CLINE] that we are glad to have the report as to what is transpiring in the State of Georgia, but I will also admonish him that we do not advocate giving one appropriation in order to get another.

Mr. ANSBERRY. Mr. Chairman, I make the point of order that the gentleman is not addressing himself to this amendment.

The CHAIRMAN. The gentleman will proceed in order.

Mr. RODDENBERRY. Mr. Chairman, I desire to proceed deliberately and in order and say that under this section, which provides an appropriation and deals with the amount of pensions that go to the various sections of the country, although it may be true, as stated, that the disposition of these pensions and other appropriations are not in exact balance, yet if it were not for the balance of trade of \$200,000,000 that comes from the South in the way of the cotton product we would have a panic in this country—

Mr. ANSBERRY. I make the point of order.

Mr. RODDENBERRY (continuing). That Morgan, Guggenheim, and all the rest of them could never stop.

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] makes a point of order.

Mr. ANSBERRY. The gentleman is not proceeding in order.

Mr. RODDENBERRY. Relating to this item in this paragraph, which I move to strike out, Mr. Chairman, I desire to say it adds a tax equally on every citizen of the country, and the great southern country that maintains the balance of trade in favor of this Government is willing to pay its just and full proportion for its soldiers, and, if necessary, we will increase the amount of any item that deserves it.

Mr. ANSBERRY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Ohio will state his point of order.

Mr. ANSBERRY. My point of order is that the gentleman is not proceeding in order.

The CHAIRMAN. The gentleman will confine himself to the motion and proceed in order.

Mr. RODDENBERRY. Mr. Chairman, I am proceeding in order in the discussion of this paragraph, inasmuch as it deals with a public expenditure. I welcome it if it is a deserving case. We can afford it, considering our vast resources, our vast commerce, including our vast exportation of that commodity which keeps the balance of trade in our favor. We will bear all the burdens of the country with you and ask no favors, and will do justice to every single interest of this country.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to include in this discussion the report in this case.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent to insert the report in the RECORD. Is there objection?

Mr. ANSBERRY. I object.

The CHAIRMAN. The question is on agreeing to the motion to strike out the section.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of Belle A. Corbin, widow of John A. Corbin, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. I rise to inquire if this case, which is mentioned on page 75 of the report, comes within the rule of the committee? We have had a good deal of trouble to-day to find out what the rules of the committee are. The Members of the House no doubt observed the fact that one member of the committee got up here and in vigorous language spoke about his integrity having been impugned because it was charged that there are no written rules, that the committee has no written rules, and

then, another Member brings forth the rules and shows to the members of the committee in the presence of the House written rules on certain questions. I would like to know if this case comes within the rules, if they have any. I state emphatically that the law is against this claim, and challenge denial.

Mr. HAMILTON of West Virginia. What claim is it?

Mr. TRIBBLE. It is mentioned on page 75.

Mr. RODDENBERRY. It is at the bottom of page 30 of the bill.

Mr. TRIBBLE. Mr. Chairman, Belle A. Corbin was the wife of a soldier, and as the wife of a soldier, who has pensionable right, under the laws of the United States, she has a right to draw a pension. But, Mr. Chairman, she married again, and she surrendered her right to a pension. After she had lived with the man whom she married the second time she decided that she would rather have a pension than the man, and she deserted him, secured a divorce, and now comes in here and asks this committee to grant her a pension, and they give it to her. Now, is that within the law? It is against the law and the statutes of the United States, and you gentlemen must know it, although it may be within the rules prescribed by the gentlemen of this committee, but your rules are not law. I am calling for the enforcement of the law.

Now, I think that I have a right to know, Mr. Chairman, and the right to investigate, when these cases come before this House, and ascertain whether or not the committee is acting within the spirit of the law and within the letter of the law. Why, we have been criticized by gentlemen here, who refer to the gentleman from Georgia as being the first ever to rise and undertake to obstruct legislation for pensions in this House. In the name of God, is it not time for some man to have the nerve and the manhood to get up and contest such claims as are brought before this House some time or other?

The CHAIRMAN. The pro forma amendment will be considered as withdrawn. [Cries of "Read!" "Read!"] The Clerk will read.

The Clerk read as follows:

The name of William F. Marshall, late of Company I, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the paragraph, for the purpose of calling the gentleman's attention to a certain matter. I shall not detain the committee unduly.

Mr. RUSSELL. What is the name of that case?

Mr. RODDENBERRY. It is on page 31, line 12. I will not detain the committee; but I think the attention of the committee and of the House ought to be called to this fact: Here is the name of William F. Marshall, a soldier, and if you will look at the committee report you will see that there is a lack of uniformity in the rates. He gets \$40 a month, and just before it there is a widow. She is given only \$12 a month. I can not understand why a widow is not just as dependent and just as helpless as a man and why she should get only \$12 a month and he should get \$40 a month. And just before that there is a soldier, and he is given \$50 a month. It presents this situation:

Here is a Congressman's soldier who gets \$50, while another gets \$12; and here is a widow who gets \$12, and another gets \$30. It does seem to me that in the careful, painstaking wisdom of the committee there ought to be some remedy for that. I am not seeking to delay the committee or to make a vexatious objection.

Mr. RUSSELL. I know the gentleman is asking the question in good faith. Now, does not the gentleman from Georgia know that it is the policy of Congress and of the Pension Department, and always has been—whether right or wrong, I do not now assume to say—not to pay widows of soldiers as much as the soldiers themselves who did the fighting are paid?

Mr. RODDENBERRY. That is quite true.

Mr. RUSSELL. That is all there is in that point.

Mr. RODDENBERRY. But does not the gentleman think it would be more equitable, more just, and more patriotic to take a bill like this, with all its variations from \$12 to \$50 a month, and recommit it and let a proposition come in to equalize the items and give all soldiers \$24 or \$30 a month and all widows \$20 or \$24 a month? Does not that look as though it would be reasonable? It seems to me that the natural sense of equity, justice, and fairness of that proposition would cause it to address itself with future and present favor to the committee.

Mr. RUSSELL. Mr. Chairman, will the gentleman from Georgia vote for a bill like that?

Mr. RODDENBERRY. I would be glad to recommit the bill with instructions to the committee.

Mr. RUSSELL. That does not answer my question. Would the gentleman vote to pay all soldiers \$24 or \$30 a month and

all widows \$20 a month? Would the gentleman vote for a bill like that?

Mr. RODDENBERRY. If I get the opportunity I will move to recommit the bill with instructions to the committee to report immediately \$24 a month for all soldiers and \$20 a month for all widows in this bill; and if you will permit it to be recommitted and reported to the House I will vote for it, because it will save the country many thousands of dollars over the present provisions of the bill and be more equitable.

Mr. RUSSELL. That was the nature of the Sherwood bill, so far as the soldiers were concerned. Did the gentleman vote for that bill?

Mr. RODDENBERRY. No; I did not, but that bill covered the cases of people worth \$100,000 apiece. They ought not to be pensioned.

Mr. RUSSELL. I think not myself. I agree with the gentleman on that.

Mr. RODDENBERRY. The gentleman and I agree. Then, there was in that bill a provision that a soldier in a soldiers' home might draw \$30 a month. That was not fair. There were other insurmountable objections.

Mr. ANDERSON of Ohio. The gentleman says he would like to recommit the bill and give all soldiers \$24 or \$30 per month. Will not the gentleman take into consideration a soldier who has reached the age of 62 years as against the case of a soldier who is 80 years old, as this old soldier is at the present time? Will the gentleman not take into consideration a soldier who served 90 days as against a soldier who served over 4 years? Will he pension all soldiers alike, regardless of age, service, or disability?

Mr. RODDENBERRY. No. I would draft a bill covering soldiers—

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The question being taken on the motion to strike out the paragraph, it was rejected.

The Clerk read as follows:

The name of Albert Barfield, alias Albert Pound, late of Company C, Twenty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. ANSBERRY. Mr. Chairman, I move to strike out "twenty-four," in line 19, and to insert in lieu thereof "thirty." I desire to call the attention of the committee to the fact that this man, evidently a colored soldier, is suffering from curvature of the spine, partial paralysis, and total blindness. In my opinion he should be paid \$30 a month.

Mr. ANDERSON of Ohio. Which one is it?

Mr. ANSBERRY. Albert Barfield, on page 31, line 16. On this particular proposition I am quite in line with my patriotic friend from Georgia [Mr. RODDENBERRY], who has done so much this afternoon to point out errors in the bill.

Mr. ANDERSON of Ohio. Will the gentleman yield?

Mr. TRIBBLE. Certainly.

Mr. ANDERSON of Ohio. I would like to advise my colleague that it has been the practice of the committee not to grant an increase exceeding \$24 where the soldier served less than a year. While I would vote for the increase in this case to \$30, or in all similar cases, it is against the practice of the committee.

Mr. TRIBBLE. Mr. Chairman, I desire to say this in regard to the gentleman's amendment: This fight on special pensions started principally on the motion of a gentleman on the other side over there to increase a pension on the floor of the House from \$25 to \$70. To this I have called attention in previous remarks. The attention of the country was called to that particular fact. I have been assured by members of this committee to-day that no more Members will be allowed on the floor of the House to increase a pension without carrying it back to the committee and have the committee act on it first.

Mr. ANSBERRY. Mr. Chairman, I will withdraw the amendment. I only wanted to test the gentleman's patriotism.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the paragraph. So far as this gentleman from Georgia is concerned, so long as I am a Member of Congress, I will not willfully, knowingly, and deliberately vote to give a nigger \$24 or \$30 and the widow of a white soldier only \$12—never.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia to strike out the section.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The name of Edward B. North, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

Mr. MANN. Mr. Chairman, I move to strike out the last word to see if we can get some information in the committee

as to what the committee is going to do. May I respectfully inquire of the two gentlemen from Georgia, Mr. RODDENBERRY and Mr. TRIBBLE, whether they have a number of other paragraphs in the bill which they desire to discuss?

Mr. TRIBBLE. Answering for myself, I will say that I have several.

Mr. RODDENBERRY. Unless matters arise in the future unexpectedly, I have only two. There are a number I would like to address myself to, but I am physically unable to do so. There are, however, two others that I do desire five minutes in which to call attention of the members of the subcommittee and the Members of the House to inconsistencies.

Mr. MANN. May I further inquire if it is the gentleman's intention to make a motion to recommit?

Mr. RODDENBERRY. It is.

Mr. MANN. And does the gentleman intend to insist on a quorum?

Mr. RODDENBERRY. Mr. Chairman, it is very important to have a quorum here on this legislation.

Mr. MANN. If the gentleman will indulge me, it seems to me it would be wise for the committee to rise. It is very evident that there is only one or two ways in which these private pension bills can be passed. One would be by a rule such as was brought in two weeks ago; another would be by a rule which would authorize the Speaker to recognize a member of the committee to make a motion for suspension of the rules to pass the bill. I should think likely, if the opposition is to be continued, that in the state we are in, as far as the business of the House is concerned, the House would be justified in agreeing to a rule which would authorize the Speaker on Fridays to recognize a Member for a motion to suspend the rules and pass the private pension bill. If that is to be the case and we are to have that or some other such method it might as well be applied to this bill at another session as to sit here for several hours to-night and then not be able to pass it. It is perfectly manifest that the House can not get a quorum to-night.

Mr. RODDENBERRY. May I inquire with reference to the motion to suspend the rules and pass the bill, if there is any rule of the House now that prevents a motion to suspend the rules on Monday, on suspension day?

Mr. MANN. There is no rule of the House, but with the exception of the war claims bill, which in the last Congress was passed under a motion to suspend the rules, the Speaker has never heretofore recognized a Member for a motion to suspend the rules to pass a private bill.

Mr. RODDENBERRY. I have no doubt that the gentleman from Pennsylvania could assist the gentleman of the Rules Committee on this side in the preparation of such a rule.

Mr. MANN. It would not require the ingenuity of the gentleman from Pennsylvania. Any gentleman who has been in the House for two or three terms, who has seen a large share of the legislation of Congress pass through the House under motion to suspend the rules, without which Congress would be soon tied up on legislation so that it could not extricate itself, would readily recognize the fact that a large share of the business is passed under suspension of the rules, and would readily suggest that that would be the proper way to make a motion to pass a bill which two-thirds of the House desires to pass after short discussion.

Mr. RODDENBERRY. Mr. Chairman, I was altogether of the opinion of the gentleman from Illinois [Mr. MANN], that without any assistance we on this side could prepare rules of this sort, until it was brought to my attention two weeks ago that recourse was had to the great learning and ability of the gentleman from Pennsylvania [Mr. DALZELL], and he safely guided us through into the land of gadom.

Mr. LAMB. Oh, the gentleman from Pennsylvania, having been long a member of the majority of the House that did business, that passed more good legislation than any other legislative body in the same length of time, knows how it is done.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAMILTON of West Virginia. Mr. Chairman, what is before the House?

The CHAIRMAN. Nothing. The Clerk will read.

The Clerk read as follows:

The name of James D. Burcham, late of Company E, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, is it in order at this stage to suggest the absence of a quorum?

The CHAIRMAN. The Chair will count. One hundred and sixteen Members present, a quorum.

Mr. MANN. Mr. Chairman, I ask that the Chair count again. I am not willing to have the Chair guess at what is a quorum in this committee under any circumstance.

The CHAIRMAN (after counting). One hundred and eighty-eight Members present. The Clerk will read.

The Clerk read as follows:

The name of Joseph Carter, jr., late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia that the committee do now rise.

The question was taken, and on a division, demanded by Mr. RODDENBERRY, there were—ayes 24, noes 70.

Mr. TRIBBLE. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. RODDENBERRY. Mr. Chairman, I ask for tellers.

The CHAIRMAN. All those in favor of ordering tellers will rise and stand until counted.

Mr. ELLERBE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ELLERBE. Mr. Chairman, the gentleman from Georgia on my left [Mr. TRIBBLE] makes the point that there is no quorum present. After he had done that, the gentleman from Georgia on my right [Mr. RODDENBERRY], who has been very silent to-day, demanded tellers. I ask now if it is not, first, the proper thing to do for the Chair to decide the point of no quorum?

Mr. TRIBBLE. Mr. Chairman, I insist on the point of order that there is no quorum present. I insist that the division disclosed the fact of the absence of a quorum.

Mr. GARRETT. Mr. Chairman, I make the point of order that that point of order is dilatory.

The CHAIRMAN. The Chair has just counted a quorum.

Mr. TRIBBLE. Mr. Chairman, when the Chair counted it again on a division, the absence of a quorum was disclosed.

The CHAIRMAN. The number of those who stood up on the division did not constitute a quorum, but a number of gentlemen did not stand up. There was a quorum present. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Twelve gentlemen, not a sufficient number, and tellers are refused, and the Clerk will read.

The Clerk read as follows:

The name of Frederick Markgraf, late of Company F, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, a parliamentary inquiry. From what page is the Clerk reading?

The CHAIRMAN. The Clerk is reading from page 35.

Mr. RODDENBERRY. Mr. Chairman, is it in order for the Chair to ascertain if the Clerk made a mistake and skipped page 34?

The CHAIRMAN. The Chair presumes that the Clerk has read consecutively. The Clerk will proceed with the reading.

The Clerk read as follows:

The name of David Gilchrist, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. We come now to the item of Nancy Gaven, on line 21, page 36 of the bill. I find, on referring to the report, that the officers of the church federation of charity of Lebanon, Mo., in pleading for the restoration of this woman's name to the pension roll, believe in her good faith, so they say. Mr. Chairman, on the floor of the House to-day you have been told in eloquent language by the gentleman from Missouri [Mr. RUBEY] that this woman has been a pauper on the town of Lebanon. You have had a description of a pitiful scene which was enacted before him before he left his home. So deplorable is the condition of this woman and her family that the church federation at Lebanon, Mo., has for years and years and years, according to the statement of the gentleman from Missouri, had her in charge and supported her and her family as paupers.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. RUBEY. I say to the gentleman that he is absolutely mistaken.

Mr. TRIBBLE. What did the gentleman say?

Mr. RUBEY. In my remarks I did not use the word "pauper" at all.

Mr. TRIBBLE. Will the gentleman repeat what he said?

Mr. RUBEY. Mr. Chairman, I am not going into a discussion of that matter at all. When the gentleman gets through with his remarks let us go on and finish the bill. I have made my speech before this House, and I am willing to stand by it. [Applause.]

Mr. TRIBBLE. I withdraw the word "pauper," Mr. Chairman, and I will substitute for it the word "dependent"—that

she was dependent on the people of Lebanon and the church federation.

I want to say to you that I think it is getting to be a pretty severe hardship when the people of Georgia, to whom they refer, are not only called upon to carry the pension list of some of the Western States, but to carry on that list the dependent paupers who are not entitled to pensions. Now, Mr. Chairman, what are the facts? I weigh well my words, and I do not mean to criticize the committee, but I say they have not investigated these cases. These cases, I presume, come up in the committee room as they usually do in committee rooms, and the members of the committee are busy. They have passed up to this time about 600 cases. The gentleman can not get up on the floor of this House and say that they have inspected and passed upon the claims of these pensioners by personal investigation. Therefore I am not criticizing the committee. I have never in any of my pension speeches or remarks on the floor of this House criticized any man or set of men. You can read my speeches from the beginning, and you will find that that is true. What are the facts of this case? I will give them.

The husband, according to the report of the committee, A. J. Moore, died on March 19, 1865. Listen Mr. Chairman. This does not come from the mouth of my friend from Missouri [Mr. RUBEY]. I know he is an honest man, if there is an honest man on the floor of this House. He is my friend, and I love him; but these words do not come from him. But these words go to the country, and the country stands upon this record; and what does the record say. It says:

Shortly thereafter Nancy took up with Gaven, also a soldier, and, having become a Catholic, married him by ceremony February 15, 1878.

The CHAIRMAN. The gentleman's time has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. TRIBBLE. Now, there is the record.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of Mary E. Martin, widow of George G. Martin, late Lieutenant colonel First Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. Now, I want to conclude my remarks as to Nancy Gaven.

Mr. ANSBERRY. Mr. Chairman, I make the point of order that he can not conclude his remarks concerning this person while we are on another item.

The CHAIRMAN. The gentleman from Georgia will proceed.

Mr. ANSBERRY. He wants to talk about a case which we have passed.

Mr. TRIBBLE. If the House—

Mr. ANSBERRY. I did not want you to discuss a paragraph which has been passed.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] may proceed in order.

Mr. TRIBBLE. I respectfully submit it has been stated on the floor of this House here to-day that the committee had no disposition in the world to shut out the light of truth.

Mr. ANSBERRY. I am still of that opinion, but I do not regard the gentleman as the light of truth by any means.

Mr. TRIBBLE. I do not claim it, but I have not read a word but what is in the books and the record.

Mr. ANSBERRY. Have we not passed that item?

Mr. TRIBBLE. Yes, sir. We have passed that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of Mary De Krieger, widow of Peter W. De Krieger, late of Company C, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. Now, Mr. Chairman, I call attention to a case on page 103 of the report, where a woman is to receive a pension from the committee, and I desire to call attention to the record in the office of the Pension Bureau. The applicant filed a claim under the act of June 27, 1890, on March 27, 1891, which was rejected July 24, 1899.

Mr. ANDERSON of Ohio. Has the gentleman reference to Charles Pettys?

Mr. TRIBBLE. No, sir; to Mary De Krieger.

On July 24, 1890, the case was reopened and rejected again, after special examination March 11, 1907, on the ground that the evidence failed to establish legal presumption of the soldier's death.

They took an appeal the last time. Upon appeal this rejection was affirmed July 13, 1907, and the department agreed with the basis of the rejection by the bureau.

Now, Mr. Chairman, the point I make is, this committee comes in here and sets up this precedent in this bill. It is not a new one, I admit, but I say it is contrary to the law of the United States.

I say that no woman can draw a pension under the statute laws of the United States, unless it affirmatively appears that her husband is dead and that he had pensionable rights. Now, this committee takes this case from the bureau when the bureau refused it, and with their power, with force at arms—the power that they have—they say to the bureau, “You are wrong, and we are going to give this woman a pension.” Upon what evidence? How many members of the committee have heard of this case? I would like to know how many members of the committee have read this case. What is the testimony that is furnished to the committee? The testimony furnished to the committee was the testimony of a gambler—a gambler who went by an alias. The gambler is said to have lived in one town, and a man by the name of Daly lived in another town, far removed, and the gambler got his information from Daly. According to the report of the Pension Bureau, Mr. Daly also bears an alias. Mr. Daly says that one man, by the name of Johnson, presumed by him to be the woman's husband, from information furnished him, is dead, and here is another alias, not the name of the woman's husband, but a man by the name of Johnson. And yet Darby tells the gambler that Johnson is dead. What reason has anybody to conclude that Johnson is De Krieger. In the name of God, do you propose to go on and pick out any kind of a name and any kind of proof and insert it here in order that somebody may get a pension?

Now, here is a statement to the effect that, owing to some defect in Cobb's statement, a man with an alias, taken after 30 years, the bureau had declined to take his uncorroborated statement. Now, Mr. Chairman, the bureau says:

One Charles Cobb, a gambler, informed one Patrick H. Daly, whom he met in Cheyenne (Daly being from Quincy), that soldier, whom he knew as Johnson, died in a prospecting tour in the fall of 1876 in Colorado, he, De Krieger, alias Daly, being one of a party of four, Cobb also being of the party. Owing to some discrepancies in Cobb's statements, taken 30 years after the reputed death, the bureau declined to accept his uncorroborated statement.

This committee does not furnish the House with the untruthful things Cobb furnished the bureau, referred to, but calls on this House to give her a pension with this kind of evidence, rejected by the bureau.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman has no time to yield. His time has expired.

Mr. HOWARD. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am inclined to disagree with my colleague from Georgia [Mr. TRIBBLE] with reference to this claim. I have looked over this case carefully, and I think this woman's husband is dead. In other words, I am sure he is dead, and the reason I am so certain that he is dead is because he has never made any application for a pension. [Applause and laughter.] If he enlisted, there is no question about the fact that he would already have applied for a pension. If he lived in the district of some one of my good friends over in Ohio or Illinois or Indiana, he certainly would have been on the pension roll. [Laughter.]

But this is rather a peculiar case. It seems from the evidence submitted to the committee that this man and his wife frequently fought; that upon several occasions from 1866 to 1870 they had numerous and sundry fist and cuff fights, and it must be apparent that the wife at length got the better of the old man in the melees along about in 1870, and he ran away, and because of that fact they have not heard of him, and because he ran off and never came back they assume that he is dead. [Laughter.]

Now, Mr. Chairman, seriously, it looks to me as though this case should have been more seriously investigated by the committee before they brought in their report.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. TRIBBLE. My colleague has been solicitor general in Georgia, has he not?

Mr. HOWARD. Yes.

Mr. TRIBBLE. Did you ever draw a bill of indictment in behalf of a man who had an alias and believed him on oath?

Mr. HOWARD. I never did, and I never expect to. Now, it seems that somebody tried to boost up this old lady's claim. It developed that there were four gamblers, all hailing from that section of the country from which my distinguished colleague, Judge RUCKER, hails, and these gamblers, each with an alias, got together and submitted evidence to the Pension Bureau, and the Pension Bureau refused to believe their testimony and grant a pension to this woman. Now it appears from the state-

ment of my distinguished colleague [Mr. TRIBBLE] that they bring in a bill for a woman, whose husband has never been affirmatively proven to be dead.

Mr. SHACKLEFORD. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Missouri?

Mr. HOWARD. Yes.

Mr. SHACKLEFORD. Does not seven years' absence, without knowledge of the absentee being in life, establish in law death?

Mr. HOWARD. Ordinarily that is the rule, roughly stated.

Mr. SHACKLEFORD. Why would not that policy apply here, which would apply in a murder case or in any other case?

Mr. HOWARD. It would apply here if they had not fought between the years 1866 and 1870. It is not reasonable to suppose that a husband would write his wife an affectionate letter under those circumstances.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

The name of Hugh Lappin, late of Company I, Seventieth Regiment, and Company D, Seventy-third Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

Mr. RODDENBERY. Mr. Chairman, in regard to this particular pension, I move to strike out the paragraph. It is on page 44, line 11, page 104, of the report; the second item.

This alleged soldier, who I doubt not was a soldier as the record shows, now 72 years old, drew a pension of \$6 a month for many years. Later, under existing law, he drew a pension of \$12 for several years, and still later, under another law, he drew a pension of \$15 a month for some time. Now, the committee recommends that his pension be increased to \$36 a month, which is more than doubling it at one stroke, while just above it, on the same page, is the case of a widow, 64 years old, who is dependent, who married the soldier just after the war. The soldier died, and now the committee recommends \$20 for the widow. I want to suggest to the gentleman that the difference between \$20 and \$36 shows a disproportionate amount that can not be defended. So I wish to suggest again to this committee that there are in this bill some items that should have been more carefully considered.

Mr. AKIN of New York. Is this going to be another case where the old lady put the dingbats on the old man?

Mr. RODDENBERY. It does not so appear. So far as I can see, the soldier is entitled to his pension and the widow is entitled to her pension, but it shows an inequality and excessive amounts, and I trust that the committee in future, in the exercise of their discretion, having many burdens to carry and many difficult problems to solve, will not treat lightly the attention that we have sought to call to these matters. We do not expect to have these items voted down. We well know they will pass the House, but it is in no improper spirit that the attention of the committee and the attention of the House is called to these excesses. Let us be more careful. Let us be no less just than the Republicans were, but more cautious than they were, more careful than they were. Not to save money at the expense of the soldiers of the country, but to save money from undeserving cases, so that we may well compensate the soldiers of the country and protect our taxpayers.

The Republicans have been reckless in expenditures, as we have charged for 15 years, and they have been reckless in granting pensions. The Republicans have manifested a recklessness that it is our Democratic duty to the country and to the soldiers to stop. It is our public duty as Democrats to deal justly with these soldiers, but to correct the errors into which the Republicans fell, and to avoid the recklessness in which they indulged, and let the country and the soldiers know that the Democrats, without regard to North, East, South, or West, will pension the deserving soldier, but will not recklessly and unguardedly let an excessive amount or an improper pension be appropriated from the Treasury of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODDENBERY. I withdraw the pro forma amendment. The Clerk read as follows:

The name of Julia A. Rulo, widow of John Rulo, late of Company D, Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

Mr. CLINE. Mr. Chairman, I move to strike out “twenty” and insert “thirty,” in line 23, page 44.

The CHAIRMAN. The gentleman from Indiana moves to strike out the word “twenty” and insert the word “thirty.”

Mr. TRIBBLE. Mr. Chairman, I renew my objection, and I renew the statement that I made previously that I have had assurance from members of this committee—

Mr. CLINE. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The Chair thought the gentleman did not desire to speak, and for that reason he recognized the gentleman from Georgia.

Mr. CLINE. I do not want to make any extended remarks or to cast any reflection upon the committee, because it would be a violation of their rule to change this rate.

I do want to call attention to this woman. They were married in 1856. He served nearly four years in the service, and died in 1910. They lived together about 60 years. She is totally blind, partially paralyzed, requires the care and assistance of another person all the time, and I think her pension ought to be increased to \$30.

Mr. TRIBBLE. Mr. Chairman, I realize the fact that the House will pass the gentleman's amendment. I make my objection in the face of the fact that they will pass it. But, gentlemen, it sets a precedent; another man will come in here and repeat the same thing that we had on the floor previously and which started this fight on pensions. Now, the gentleman's amendment can go to the committee and the committee can bring it back in two weeks from now, and we can consider it. The chairman of the subcommittee assured me that hereafter the committee would not entertain amendments on the floor of the House; that they would insist on amendments increasing pensions going back to the committee and having a hearing on them before they would entertain them on the floor of the House.

Mr. HAMILTON of West Virginia. Mr. Chairman, I will have to say, in justice to the gentleman who has just spoken, that I did assure him that the committee would do all in its power to defeat all amendments except committee amendments. Now, in justice to the committee, I hope this amendment of the gentleman will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was considered, and the amendment was lost.

The Clerk read as follows:

The name of Della M. Williams, widow of David T. Williams, late of Company A, Seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the last paragraph read. Here is a widow, according to the report, that presents a case in which it is recommended that she be allowed \$20 a month. On the preceding page there was a soldier in the Army who is no more dependent, and the committee has just voted to give him a pension of \$40 a month. There is a manifest disparity in those cases. Soldiers all through this bill are given \$30 and \$36 and some \$40 a month. Right behind comes a widow who is only given \$12 or \$20 a month. Now, in the consideration of this measure there should be a just and sufficient reason given for discrimination and large amounts. Gentlemen here do not explain it.

The majority party in this House is charged, and our subcommittee is charged, with duty and public responsibility to deliberately and intelligently and justly consider these questions, and not grant a pension of \$40 to one valiant soldier, \$30 to another, and \$15 to one infirm widow, and \$30 to another. I submit to you, gentlemen, in all candor and all fairness, that we owe it to the country and to the soldiers and to the widows, in dealing with these things, to administer the pension laws justly. We ought to demonstrate what we claimed for 15 years, that we have more capacity for intelligent and fair and judicious legislation than our Republican friends. Are we pledged to imitate them? To be sure we have followed the distinguished ex-Speaker in one of our rules, but must we do it in our legislation? Can not we begin where they left off and where they recklessly expended money and dishonored the pension roll, can not we economize and clean it out and pay fair pensions to the real soldiers?

Let the people of this country understand that we are capable of doing justice to these old soldiers, and purge the roll of those who do not deserve it. It is our responsibility, it is our duty to the country, it is our duty to the soldiery, and our duty to ourselves.

The CHAIRMAN. Without objection the pro forma amendment of the gentleman from Georgia will be withdrawn.

The Clerk read as follows:

The name of James E. Greene, late of Company A, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. RODDENBERRY. Mr. Chairman, I do not want to interpose except for a moment. The committee will notice that the last three pensions—James E. Green, \$30 a month; Louis H. Walker, \$24 a month; and George E. Wilson, \$36 a month—

three soldiers in consecutive order, with different pension allowances, all with service in the Army. Now, it is equity that I desire to impress upon the committee, and the responsibility and duty of the Democrats to investigate and to correct this discriminating practice. Do not let gentlemen get impatient and disturbed about the future of the party because of the disposition we have indicated here for discussion. My Democratic brethren, rather than make much of dangers here, should turn to Kentucky, to that brilliant Democratic editor, of 50 years' party allegiance, who lately continually dips his scathing pen in gall and excoriates the name and fame of the governor of one of our States—a Democrat, who aspires to the Presidency. If you want harmony do not turn here, but go to the great Democratic editor and bid him lay down his bitter pen and with Democratic loyalty pay high respect and tribute to another potential national Democrat. You Democratic leaders of this side, who have the power and who control the destiny of our party—have it in the palms of your hands—I bid you leaders counsel yourselves together with the other Democratic leaders who are now striking at the very heart of the great commoner and let them pour the oil of peace and not the vitriol of discord upon his head, for, although he may never wear the crown of gold upon his brow, we should not press down upon him the wreath of thorns. [Applause.] Therein lies party harmony and the people's triumph.

The Clerk concluded the reading of the bill.

Mr. HAMILTON of West Virginia. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. FITZGERALD having assumed the chair as Speaker pro tempore, Mr. DIXON of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21230, and had authorized him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. RODDENBERRY) there were—ayes 80, noes 2.

Mr. RODDENBERRY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, the question will be taken on ordering the previous question, and the Clerk will call the roll.

The question was taken; and there were—ayes 170, noes 9, answered "present" 19, not voting 195, as follows:

YEAS—170.

Adair	Ellerbe	Kennedy	Rouse
Akin, N. Y.	Esch	Kinkaid, Nebr.	Rubey
Alexander	Falson	Kinkead, N. J.	Rucker, Colo.
Allen	Farr	Kitchin	Rucker, Mo.
Anderson, Minn.	Fergusson	Korby	Russell
Anderson, Ohio	Ferris	Lafferty	Scully
Ansberry	Fitzgerald	Lamb	Shackleford
Austin	Floyd, Ark.	Langham	Sharp
Barchfeld	Fordney	Lever	Sherwood
Barnhart	Fornes	Lewis	Simmons
Bathrick	Fowler	Lindbergh	Sisson
Berger	Francis	Littlepage	Sloan
Blackmon	French	Littleton	Smith, J. M. C.
Booher	Garner	Lloyd	Smith, Tex.
Bowman	Garrett	Lobeck	Stanley
Brown	Goldfogle	McCoy	Stedman
Bulkley	Good	McKinney	Steenerson
Burke, S. Dak.	Goodwin, Ark.	McLaughlin	Stephens, Cal.
Burke, Wis.	Gray	McMorran	Sterling
Burnett	Greene, Mass.	Maguire, Nebr.	Stone
Byrns, Tenn.	Gregg, Pa.	Mann	Sulloway
Campbell	Hamilton, W. Va.	Mays	Switzer
Cannon	Hamlin	Moore, Pa.	Talcott, N. Y.
Clark, Fla.	Hardwick	Morgan	Taylor, Colo.
Claypool	Hartman	Morrison	Thistlewood
Cline	Haugen	Moss, Ind.	Thomas
Cooper	Hawley	Murdoch	Tilson
Crago	Hay	Murray	Tuttle
Crumpacker	Hayden	Neeley	Underwood
Cullop	Heald	Nelson	Utter
Dalzell	Helm	Norris	Volstead
Daugherty	Hensley	Nye	Vreeland
Davidson	Higgins	Padgett	Watkins
Davis, Minn.	Hill	Pickett	Wedemeyer
Davis, W. Va.	Holland	Porter	Whitacre
Denver	Howell	Post	White
Dickinson	Hughes, N. J.	Powers	Wickliffe
Dixon, Ind.	Hull	Pray	Willis
Dodds	Humphreys, Miss.	Rainey	Wilson, Pa.
Doughton	Jackson	Raker	Wood, N. J.
Driscoll, D. A.	Jacoway	Rauch	Young, Kans.
Dwight	James	Rees	
Dyer	Kendall	Roberts, Nev.	

NAYS—9.

Byrnes, S. C.	Harrison, Miss.	Roddenberry	Tribble
Callaway	Howard	Stephens, Miss.	Witherspoon
Edwards			

ANSWERED "PRESENT"—19.

Adamson	Fairchild	Hamilton, Mich.	Parran
Bell, Ga.	Focht	Houston	Ransdell, La.
Candler	Foster, Ill.	Lee, Ga.	Sparkman
Dupre	Gallagher	McGillicuddy	Woods, Iowa
Estopinal	Gould	Page	

NOT VOTING—195.

Alken, S. C.	Doremus	Konop	Prouty
Ainey	Draper	Kopp	Pujo
Ames	Driscoll, M. E.	Lafean	Randell, Tex.
Andrus	Evans	La Follette	Redfield
Anthony	Fields	Langley	Reilly
Ashbrook	Finley	Lawrence	Reyburn
Ayres	Flood, Va.	Lee, Pa.	Richardson
Bartholdt	Foss	Legare	Riordan
Bartlett	Foster, Vt.	Lenroot	Roberts, Mass.
Bates	Fuller	Levy	Robinson
Beall, Tex.	Gardner, Mass.	Lindsay	Rodenberg
Bingham	Gardner, N. J.	Linthicum	Rothermel
Boehne	George	Longworth	Sabath
Borland	Gillett	Loud	Saunders
Bradley	Glass	McCall	Sells
Brantley	Godwin, N. C.	McCreary	Sheppard
Broussard	Goeke	McDermott	Sherley
Browning	Graham	McGuire, Okla.	Sims
Buchanan	Green, Iowa	McHenry	Slayden
Burgess	Gregg, Tex.	McKellar	Slemp
Burke, Pa.	Griest	McKenzie	Small
Burleson	Gudger	McKinley	Smith, Saml. W.
Butler	Guernsey	Macon	Smith, Cal.
Calder	Hamill	Madden	Smith, N. Y.
Cantrill	Hammond	Maher	Speer
Carlin	Hanna	Malby	Stack
Carter	Hardy	Martin, Colo.	Stephens, Nebr.
Cary	Harris	Martin, S. Dak.	Stephens, Tex.
Catlin	Harrison, N. Y.	Matthews	Stevens, Minn.
Clayton	Hayes	Miller	Sulzer
Collier	Hefflin	Mondell	Sweet
Connell	Helgesen	Moon, Pa.	Taggart
Conry	Henry, Conn.	Moon, Tenn.	Talbot, Md.
Copley	Henry, Tex.	Moore, Tex.	Taylor, Ala.
Covington	Hinds	Morse, Wis.	Taylor, Ohio
Cox, Ind.	Hobson	Mott	Thayer
Cox, Ohio	Howland	Needham	Towner
Cravens	Hubbard	Oldfield	Townsend
Curley	Hughes, Ga.	Olmsted	Turnbull
Currier	Hughes, W. Va.	O'Shaunessy	Underhill
Curry	Humphrey, Wash.	Palmer	Warburton
Danforth	Johnson, Ky.	Patten, N. Y.	Webb
Davenport	Johnson, S. C.	Patton, Pa.	Weeks
De Forest	Jones	Payne	Wilder
Dent	Kahn	Pepper	Wilson, Ill.
Dickson, Miss.	Kent	Peters	Wilson, N. Y.
Dies	Kindred	Plumley	Young, Mich.
Difenderfer	Knowland	Pou	Young, Tex.
Donohoe	Konig	Prince	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. GALLAGHER with Mr. FULLER.
 Mr. SHERLEY with Mr. GILLETT.
 Mr. OLDFIELD with Mr. BINGHAM.
 Mr. SHEPPARD with Mr. BATES.
 Mr. HOBSON with Mr. FAIRCHILD.
 Mr. FIELDS with Mr. LANGLEY.
 Mr. MACON with Mr. SMITH of California.
 Mr. GOULD with Mr. HINDS.
 Mr. RICHARDSON with Mr. MARTIN of South Dakota.
 Mr. TALBOTT of Maryland with Mr. PARRAN.
 Mr. FOSTER of Illinois with Mr. KOPP.
 Mr. McDERMOTT with Mr. FOSS.
 Mr. HUGHES of Georgia with Mr. DRAPER.
 Mr. AIKEN of South Carolina with Mr. AINEY.
 Mr. AYRES with Mr. AMES.
 Mr. BEALL of Texas with Mr. ANTHONY.
 Mr. BORLAND with Mr. BARTHOLDT.
 Mr. ASHBROOK with Mr. BROWNING.
 Mr. BRANTLEY with Mr. BURKE of Pennsylvania.
 Mr. BURGESS with Mr. CARY.
 Mr. BURLESON with Mr. CATLIN.
 Mr. CANTRILL with Mr. COPELY.
 Mr. CARTER with Mr. CURRIER.
 Mr. CLAYTON with Mr. CURRY.
 Mr. CONNELL with Mr. DANFORTH.
 Mr. CONRY with Mr. DE FOREST.
 Mr. COVINGTON with Mr. MICHAEL E. DRISCOLL.
 Mr. COX of Indiana with Mr. FOSTER of Vermont.
 Mr. COX of Ohio with Mr. FULLER.
 Mr. CURLEY with Mr. GARDNER of New Jersey.
 Mr. DAVENPORT with Mr. GREEN of Iowa.
 Mr. DENT with Mr. GRIEST.
 Mr. DICKSON of Mississippi with Mr. GUERNSEY.
 Mr. DONOHOE with Mr. HANNA.
 Mr. DOREMUS with Mr. HARRIS.
 Mr. FINLEY with Mr. HAYES.
 Mr. PALMER with Mr. CALDER.

Mr. BUCHANAN with Mr. LAFEAN.
 Mr. DIES with Mr. McGUIRE of Oklahoma.
 Mr. FLOOD of Virginia with Mr. HELGESEN.
 Mr. GEORGE with Mr. HOWLAND.
 Mr. GODWIN of North Carolina with Mr. HUBBARD.
 Mr. GOEKE with Mr. HUGHES of West Virginia.
 Mr. GRAHAM with Mr. HUMPHREY of Washington.
 Mr. GREGG of Texas with Mr. NEEDHAM.
 Mr. GUDGER with Mr. KNOWLAND.
 Mr. HARDY with Mr. LA FOLLETTE.
 Mr. HEFLIN with Mr. LAWRENCE.
 Mr. JOHNSON of Kentucky with Mr. LONGWORTH.
 Mr. TAYLOR of Alabama with Mr. TAYLOR of Ohio.
 Mr. TOWNSEND with Mr. TOWNER.
 Mr. TURNBULL with Mr. WARBURTON.
 Mr. UNDERHILL with Mr. WEEKS.
 Mr. TAGGART with Mr. YOUNG of Michigan.
 Mr. YOUNG of Texas with Mr. WILSON of Illinois.
 Mr. WILSON of New York with Mr. WILDER.
 Mr. HENRY of Texas with Mr. LENROOT.
 Mr. JOHNSON of South Carolina with Mr. LOUD.
 Mr. JONES with Mr. McCALL.
 Mr. KINDRED with Mr. McCREARY.
 Mr. KONIG with Mr. McKENZIE.
 Mr. LEE of Pennsylvania with Mr. McKINLEY.
 Mr. LEGARE with Mr. MADDEN.
 Mr. LEVY with Mr. MATTHEWS.
 Mr. MOON of Tennessee with Mr. MILLER.
 Mr. MOORE of Texas with Mr. MORSE of Wisconsin.
 Mr. O'SHAUNESSY with Mr. MOTT.
 Mr. POU with Mr. KENT.
 Mr. RANDELL of Texas with Mr. PATTON of Pennsylvania.
 Mr. REDFIELD with Mr. PAYNE.
 Mr. SAUNDERS with Mr. PLUMLEY.
 Mr. SIMS with Mr. PRINCE.
 Mr. SLAYDEN with Mr. REYBURN.
 Mr. STACK with Mr. ROBERTS of Massachusetts.
 Mr. STEPHENS of Nebraska with Mr. RODENBERG.
 Mr. STEPHENS of Texas with Mr. HAMILTON of Michigan.
 Mr. SULZER with Mr. Samuel W. SMITH.
 Mr. SWEET with Mr. SPEER.
 For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. ANDRUS.

Mr. PUJO with Mr. McMORRAN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. COLLIER with Mr. WOODS of Iowa.

Mr. FORNES with Mr. BRADLEY.

For balance of day:

Mr. HOUSTON with Mr. KAHN.

Until March 11:

Mr. WEBB with Mr. MOON of Pennsylvania.

Mr. DIFENDERFER with Mr. FOCHT.

Mr. DAVIS with Mr. PROUTY.

Until March 13:

Mr. HARRISON of New York with Mr. OLMSTED.

Until March 20:

Mr. PATTEN of New York with Mr. MALBY.

Mr. FOSTER of Illinois. Mr. Speaker, I understand the gentleman from Wisconsin, Mr. KOPP, did not vote.

The SPEAKER pro tempore. He is not recorded as voting. Mr. FOSTER of Illinois. I voted "aye." I would like to withdraw my vote.

Mr. HAMILTON of Michigan. Mr. Speaker, I desire to inquire if the gentleman from Texas, Mr. STEPHENS, voted.

The SPEAKER pro tempore. He is not recorded as voting.

Mr. HAMILTON of Michigan. I am paired with the gentleman from Texas and I desire to withdraw my vote of "aye" and answer "present."

Prior to the announcement the following took place.

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry. Is the Chair prepared to announce the result?

The SPEAKER pro tempore. The Chair is waiting until the Sergeant at Arms under the rule brings in absentees sufficient to make a quorum.

Mr. RODDENBERRY. Mr. Speaker, I understand, then, that a quorum is not present. I had heard no announcement of the result of the roll call.

The SPEAKER pro tempore. No announcement has been made and none will be made at present, or until the Sergeant at Arms executes his orders.

Mr. MANN. The Chair directed the Sergeant at Arms to notify absent Members, and we are simply waiting for them. That is all we can do.

Subsequently,

Mr. RODDENBERRY. Mr. Speaker, I rise to a point of order. The SPEAKER pro tempore. The gentleman will state it.

Mr. RODDENBERRY. I submit that under the rules of the House, when a call is made and a quorum does not appear, and the Speaker in the exercise of his rights directs the Sergeant at Arms to produce the Members at the bar, the Sergeant at Arms is required to detain those who are present and bring in the absentees. I make the point of order that Members are going out as fast as they come in.

The SPEAKER pro tempore. The Chair will state that so far as the Chair is informed the Sergeant at Arms is performing his duty.

Mr. RODDENBERRY. So far as the Chair observes?

The SPEAKER pro tempore. So far as the Chair is informed. Subsequently,

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. RODDENBERRY. Is it in order for me to submit a few remarks?

The SPEAKER pro tempore. The Chair thinks not.

Subsequently,

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. RODDENBERRY. While the Chair is waiting to obtain the presence of a quorum, would it not be in order, by unanimous consent to have some Members who introduced these bills explain the merits of their bills that they have not had time to explain as yet?

The SPEAKER pro tempore. That is not a parliamentary inquiry, and it would not be in order in the absence of a quorum.

Subsequently,

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. RODDENBERRY] be allowed to address the House for 10 minutes.

The SPEAKER pro tempore. It would not be in order. There is no business before the House.

Mr. RUCKER of Missouri. I assume it would not be business. It would be simply a speech.

Subsequently,

Mr. RODDENBERRY. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RODDENBERRY. Merely to observe, Mr. Speaker, that—

The SPEAKER pro tempore. It is not in order to make observations. The gentleman will be in order.

Subsequently,

Mr. RODDENBERRY. Mr. Speaker, may I ask the Chair if it may not be possible for us to obtain a quorum, so as to dispose of this matter before adjournment, in order that we may take up the Agriculture appropriation bill promptly in the morning and proceed with it?

The SPEAKER pro tempore (Mr. UNDERWOOD). The Chair will state to the gentleman from Georgia that the House, according to the parliamentary rules of the House, is endeavoring to obtain a quorum, and the Sergeant at Arms is notifying absentees to appear before the bar of the House.

Mr. RODDENBERRY. I certainly hope the Sergeant at Arms will succeed, so that we can reach the consideration of the Agriculture appropriation bill.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The motion is agreed to, and a quorum being present, the Doorkeeper will open the doors, and further proceedings under the call will be dispensed with.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 18.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be requested to make a supplemental or additional report or estimate concerning the work of levee construction in the improvement of the navigability of the Mississippi River on the east bank thereof from Vicksburg to Bayou Sara for use in connection with S. 4353, being a bill to aid in construction of levees and embankments on the east side of the Mississippi River.

—to the Committee on Rivers and Harbors.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4151. An act to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota.

ADJOURNMENT.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 9 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Saturday, March 9, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, recommending certain changes in his estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1913, under head of "Distinctive paper for United States securities" and "Expenses of national currency" (H. Doc. No. 603); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior submitting estimate of appropriation for installation and purchase of power press for the reproduction of United States maps, etc., issued by the General Land Office (H. Doc. No. 602); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMMONS, from the Committee on Agriculture, to which was referred the bill (H. R. 21291) to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, reported the same with amendment, accompanied by a report (No. 398), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the joint resolution (H. J. Res. 263) to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal, reported the same with amendment, accompanied by a report (No. 399), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 19776) for the relief of the heirs of Bluford West, deceased, and the same was referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 21531) making an appropriation for the deepening of the channels of the East River, in the harbor of New York; for the improving and deepening of the approaches to the wharves of said river on both sides thereof; for the improving and deepening of the channels known as Little Hell Gate and the Harlem Kills; to reduce the velocity of the tides in the East River and its connecting channels, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. PETERS: A bill (H. R. 21532) to incorporate the Rockefeller Foundation; to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: A bill (H. R. 21533) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 21534) making appropriation for the improvement of the Government roadway leading from Mounds, Mound City, and from the Cache River Bridge to the national cemetery near Mound City, Ill.; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 21535) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 21536) providing for extension of time in which to make water-right payments on account of inability, caused by loss of crops or other misfortune, to make payment at maturity; to the Committee on Irrigation of Arid Lands.

By Mr. BELL of Georgia: A bill (H. R. 21537) to provide for the erection of a public building at the city of Toccoa, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21538) to provide for the erection of a public building at the city of Jefferson, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21539) to provide for the erection of a public building at the city of Commerce, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21540) to provide for the erection of a public building at the city of Canton, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21541) to provide for the erection of a public building at the city of Buford, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21542) to provide for the erection of a public building at the city of Lawrenceville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21543) to provide for the erection of a public building at the city of Winder, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 21544) to provide for the physical valuation of properties of carriers subject to the act to regulate commerce and to secure information concerning their stocks and bonds and boards of directors; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 21545) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the acts of Congress approved, respectively, July 1, 1862; March 7, 1864; July 13, 1866; and March 2, 1867; to the Committee on War Claims.

By Mr. MOON of Tennessee: Resolution (H. Res. 444) to change the rules of the House temporarily for the consideration of H. R. 21279; to the Committee on Rules.

By Mr. NYE: Joint resolution (H. J. Res. 265) making public acknowledgment of the services of Capt. John Ericsson; to the Committee on Naval Affairs.

By Mr. LA FOLLETTE: Concurrent resolution (H. Con. Res. 43) to provide for printing Public Health Bulletin No. 51; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 21546) granting a pension to James W. McLaughlin; to the Committee on Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 21547) granting an increase of pension to Joseph Butler; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 21548) for the relief of E. L. George; to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 21549) granting a pension to Anne L. Holbrook; to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 21550) granting a pension to Robert Wilson; to the Committee on Pensions.

Also, a bill (H. R. 21551) granting a pension to Edward Robertson; to the Committee on Pensions.

By Mr. DOREMUS: A bill (H. R. 21552) granting a pension to Nettie Weidenbein; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21553) granting a pension to Caroline Reichold; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 21554) for the relief of the estate of William F. Graham; to the Committee on War Claims.

By Mr. FRANCIS: A bill (H. R. 21555) granting an increase of pension to Oliver Harding; to the Committee on Invalid Pensions.

By Mr. GREGG of Texas: A bill (H. R. 21556) for the relief of Theresa S. Randolph, heir of Meredith P. Tanner, deceased; to the Committee on War Claims.

By Mr. HAMELIN: A bill (H. R. 21557) for the relief of John Beverly; to the Committee on Military Affairs.

By Mr. HAMMOND: A bill (H. R. 21558) granting an increase of pension to William Frisbie; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 21559) to correct the relative and lineal rank of an officer of the United States Army; to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 21560) granting an increase of pension to Harlow Reilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21561) granting an increase of pension to Benjamin P. Simpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21562) granting an increase of pension to James A. Dowell; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 21563) granting an increase of pension to John W. Vandergriff; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 21564) for the relief of the heirs of Lewis Boatner, deceased; to the Committee on War Claims.

By Mr. KENDALL: A bill (H. R. 21565) granting an increase of pension to Ezekiel Bogard; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 21566) granting a pension to Michael Kennedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21567) granting a pension to William J. D. Pope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21568) granting an increase of pension to James Meikle; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 21569) granting an increase of pension to Susan C. Virgin; to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 21570) granting a pension to Edwin M. Deemer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21571) granting an honorable discharge to John O. Long; to the Committee on Military Affairs.

Also, a bill (H. R. 21572) granting an honorable discharge to Emanuel Damsohn; to the Committee on Military Affairs.

Also, a bill (H. R. 21573) granting a pension to Susannah M. Geiss; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 21574) granting an increase of pension to Hiram Rusk; to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 21575) granting an increase of pension to Nicholas La Croix; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 21576) to correct the military record of Thomas N. Jimerson; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 21577) granting an increase of pension to Henry C. Holter; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 21578) granting an increase of pension to William F. M. Balsley; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 21579) granting a pension to Herman E. Jansen; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 21580) granting an increase of pension to Francesca Perrine; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 21581) granting an increase of pension to Egbert F. Scott; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas (by request): A bill (H. R. 21582) for the relief of the estate of S. H. Carter; to the Committee on Claims.

By Mr. THAYER: A bill (H. R. 21583) granting an increase of pension to Julia J. Kendall; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 21584) granting an increase of pension to Ezra Salter; to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 21585) granting an increase of pension to Fred Myers; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Women's Protective Local Union, of Cabo Rojo, P. R., urging that residents of that island be granted American citizenship; to the Committee on Insular Affairs.

By Mr. ALEXANDER: Petition of the Women's Christian Temperance Union, of Pattonsburg, Mo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of John McConnell and others, of Henry County, Ohio, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Petition of Bricklayers' Union, No. 2, of Pittsburgh, Pa., for a thorough investigation of the affair at Lawrence, Mass., and the causes thereof; to the Committee on Rules.

Also, petition of the Chamber of Commerce, of Pittsburgh, Pa., indorsing the Sulzer bill to insure accuracy in weights and grade of original packages; to the Committee on Coinage, Weights, and Measures.

Also, papers to accompany bill granting a pension to Annie L. Holbrook; to the Committee on Invalid Pensions.

By Mr. BOWMAN: Petition of Parmelia Constine, secretary of the Hebrew Immigrant Aid Society, of Wilkes-Barre, Pa., opposing the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of C. I. Frayler, favoring a parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of Hazleton, Pa., asking that Lawrence, Mass., strike be investigated; to the Committee on Rules.

Also, petition of Dr. J. W. Williams, of Baltimore, Md., favoring continuation of appropriation to Columbia Hospital for Women; to the Committee on the District of Columbia.

Also, petition of Equal Rights Association of Kentucky, favoring woman's suffrage; to the Committee on the Judiciary.

Also, petition of the Active Workers' Association of Luzerne County, Pa., favoring the illiteracy test for admission of immigrants; to the Committee on Immigration and Naturalization.

By Mr. BROWNING: Petition of the Memorial Presbyterian Church of Wenonah, N. J., for passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. BULKLEY: Petition of 41 citizens of Cleveland, urging that a provision be incorporated in the naval appropriation bill for the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. CAMPBELL: Petition of citizens of Coffeyville, Kans., for passage of House bill 16450; to the Committee on the Judiciary.

By Mr. CANDLER: Petitions of Masonic Lodge of Corinth, the Woman's Christian Temperance Unions of Saltillo and Tupelo, and the Woman's Christian Temperance Union State officers of Mississippi, for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CATLIN: Petition of the German Alliance of Missouri, protesting against interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of the Polish National Alliance, protesting against immigration restriction laws; to the Committee on Immigration and Naturalization.

Also, petition of Northwest Missouri Press Association, opposing an increase in second-class postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Hilmer Commission Co., of St. Louis, favoring amending the oleomargarine law; to the Committee on Agriculture.

By Mr. CLINE: Petitions of the Woman's Christian Temperance Union of Fort Wayne and the Presbyterian Church of Ray, Ind., for an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of Local Union No. 37, International Union of Steam Engineers, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of citizens of the State of Indiana, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Petitions of the Methodist Episcopal Church and citizens of Wilmington, Pa., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DICKINSON: Papers to accompany bill for the relief of Claudius L. Pyle (H. R. 2077); to the Committee on Invalid Pensions.

By Mr. DOREMUS: Petition of Campbell Avenue Methodist Episcopal Church, of Detroit, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Memorial of the Carriage, Wagon, and Automobile Workers' International Union of North America, relative to strike at Lawrence, Mass.; to the Committee on Rules.

Also, petitions of Catholic societies of Buffalo and Gardenville, N. Y., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. MICHAEL E. DRISCOLL: Petition of the Methodist Church of Minoa, N. Y., favoring the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of voters of Manlius, N. Y., favoring adoption of House joint resolution 168; to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of Neillsville, Wis., protesting against Lever agricultural bill; to the Committee on Agriculture.

Also, petition of citizens of Monroe County, Wis., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FERGUSON: Petitions of citizens of the State of New Mexico, for changes in the public-land laws; to the Committee on the Public Lands.

Also, petition of New Mexico Christian Endeavor Union, in favor of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of United States Civil Service Retirement Association, for enactment of the Hamill bill; to the Committee on Reform in the Civil Service.

Also, petition of Union No. 23, International Printing Pressmen and Assistants' Union of North America, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, petition of Municipal Council, United Spanish War Veterans, New York City, for enactment of House bill 17470; to the Committee on Pensions.

Also, petitions of Simpson-Crawford Co., and Louis M. Hart, of New York City, protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fancy Leather Goods Manufacturers' Association of New York, for enactment of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petitions of citizens of the State of Illinois, for enactment of Berger old-age pension bill; to the Committee on Pensions.

By Mr. FULLER: Petition of Deutsche Krieger Verein of Peru, Ill., against the passage of any legislation now pending concerning interstate-commerce shipments of intoxicating liquor; to the Committee on the Judiciary.

Also, petition of Royal Mantel & Furniture Co., of Rockford, Ill., opposed to the passage of the Underwood bill (H. R. 20182), concerning the proposed duty on China wood oil; to the Committee on Ways and Means.

Also, petition of G. H. Gurler, of De Kalb, Ill., in opposition to the passage of the Lever bill, so far as it concerns the dairy interests; to the Committee on Agriculture.

Also, petition of Daniel Thiel, of Pecatonica, Ill., in opposition to the proposed extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Waldron Murphy Camp, No. 29, United Spanish War Veterans, of Chicago, Ill., favoring the passage of the Crago bill (H. R. 17470), to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of citizens of La Salle County, Ill., for the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GOEKE: Petition of 36 citizens of Lima, Ohio, asking that one battleship be built in a Government navy yard; to the Committee on Naval Affairs.

By Mr. GRAHAM: Petition of Post No. 411, Grand Army of the Republic, protesting against incorporating the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of National Anti-Injunction League, for enactment of House bill 11032; to the Committee on the Judiciary.

By Mr. GREGG of Pennsylvania: Petitions of the Methodist Episcopal Church of Alverton, First Baptist Church of Mount Pleasant, and Woman's Christian Temperance Union of Butler County, Pa., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Latrobe and Newton, Pa., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, memorial of Retail Merchants and Business Men's Association of southwestern Pennsylvania, for ratification of arbitration treaties, etc.; to the Committee on Foreign Affairs.

Also, memorial of Butler County (Pa.) Business Men's Association, in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GREGG of Texas: Petition of citizens of Galveston, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of Michigan: Petition of citizens of Paw Paw, Mich., protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Paw Paw, Mich., protesting against enactment of Senate bill 237; to the Committee on the District of Columbia.

Also, petitions of Grange No. 178, of St. Joseph County, and citizens of Hartford, Mich., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Saugatuck, Mich., in opposition to parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Michigan, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMLIN: Petition of numerous citizens of Springfield, Mo., favoring old-age pensions; to the Committee on Pensions.

By Mr. HENRY of Connecticut: Petitions of the Woman's Christian Temperance Union of New Britain, and citizens of Bristol, Conn., protesting against repeal of anticanteen law; to the Committee on Military Affairs.

By Mr. HINDS: Memorial of the Woman's Christian Temperance Union of North Berwick, Me., for legislation restricting the interstate traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of Socialists of Portland, Me., relative to the strike at Lawrence, Mass.; to the Committee on Rules.

By Mr. HOUSTON: Papers to accompany House bill 19749; to the Committee on Invalid Pensions.

Also, petition of citizens of Bedford County, Tenn., for enactment of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of citizens of Paterson, N. J., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. KINKAID of Nebraska: Petition of citizens of Valentine and Arabia, Nebr., urging the passage of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Elm Creek, Nebr., and of Lexington, Nebr., urging the passage of House bill 16689, validating sales of part of the right of way of the Union Pacific Railroad; to the Committee on the Public Lands.

Also, petition of citizens of Garfield County, Nebr., requesting the passage of a bill granting pensions to soldiers, sailors, and marines confined in Confederate prisons; to the Committee on Invalid Pensions.

Also, petition of the Christian Church of the village of Gering, Nebr., urging the passage of the Kenyon-Sheppard bill to withdraw from interstate commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Mr. LEE of Pennsylvania: Petition of sundry citizens of the State of Pennsylvania, urging the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of E. J. Babcock, of University of North Dakota, for enactment of House bill 6304; to the Committee on Mines and Mining.

Also, petition of Charles H. Levermore, of Adelphi College, Brooklyn, N. Y., for enactment of Senate bill 3; to the Committee on Agriculture.

Also, memorial of Municipal Council, United Spanish War Veterans, New York City, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. LLOYD: Petition of citizens of Mississippi, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Nebraska, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of John La Londe and 18 other residents of Black River, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of the Concordia Germania Turnverein, of Moline, Ill., in opposition to prohibition or amendment of interstate liquor laws; to the Committee on the Judiciary.

Also, petition of the Scandinavian Temperance Union, of Moline, Ill., in favor of the passage of the Kenyon-Sheppard bill for the regulation of interstate transportation of intoxicating liquor; to the Committee on the Judiciary.

By Mr. MALBY: Petition of citizens of Talleville, N. Y., favoring the passage of the Postal Progress League parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petitions of Union Church, Parishville, N. Y.; Christian Endeavor Society, Champlain, N. Y.; and Woman's Christian Temperance Unions of Malone and Champlain, N. Y., favoring the passage of the Kenyon-Sheppard bill to withdraw from interstate commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

Also, petitions of Fort Covington Grange, Fort Covington, N. Y., and Schuyler Falls Grange, Schuyler Falls, N. Y., protesting against the repeal of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. MARTIN of South Dakota: Petition of citizens of Big Stone City, S. Dak., in opposition to Lever bill and in favor of Haugen bill; to the Committee on Agriculture.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Hayes Brummett (H. R. 21151); to the Committee on Pensions.

By Mr. MOORE of Texas: Petition of druggists of Houston, Tex., protesting against certain legislation; to the Committee on Agriculture.

By Mr. MORGAN: Petitions of the Woman's Christian Temperance Unions, churches, etc., in the State of Oklahoma, for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the second congressional district of Oklahoma, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Cherokee, Okla., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of Central Federated Union of New York, for construction of at least one battleship in the Brooklyn Navy Yard, etc.; to the Committee on Naval Affairs.

Also, petition of Jefferson County (N. Y.) Grange, protesting against repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petitions of Granges Nos. 60, 535, 599, 684, and 721, in New York State, protesting against the Lever bill; to the Committee on Agriculture.

By Mr. MURRAY: Petitions of numerous citizens of Boston, Mass., and vicinity, urging the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. RAINEY: Petition of Warner Randolph Dry Goods Co. and sundry other merchants and business men of White Hall, Ill., protesting against the parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Will G. Loomans and sundry other citizens of Meredosia, Ill., protesting against a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Ellen L. Rupert, president of the Women's Christian Temperance Union, and 18 others of Rockport, Ill., favoring the speedy passage of the Kenyon-Sheppard interstate liquor bill (S. 4043, H. R. 16214); to the Committee on the Judiciary.

Also, petition of Robert S. Raap, Patrick J. S. Kerrett, Joseph G. Kirwan, John T. McCormick, John J. McGillen, James Carey, James Kelly, committee of Waldron Murphy Camp, No. 29, United Spanish War Veterans, favoring House bill 17470, the Crago pension bill; to the Committee on Pensions.

Also, petition of 18 citizens of Morgan County, Ill., protesting against the passage of the Lever bill and favoring the Haugen bill; to the Committee on Agriculture.

By Mr. RAKER: Memorial of Steam Schooner Association of San Francisco, favoring Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce, protesting against any reduction in the tariff on olive oil; to the Committee on Ways and Means.

By Mr. REDFIELD: Memorial of American Flint Glass Workers' Union No. 68, of Brooklyn, N. Y., favoring the Berger resolution providing for an investigation of strike conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. REILLY: Petitions of Connecticut Hardware Association, Iowa Retail Hardware Association, and Duquoin (Ill.) Retail Merchants' Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petitions of the First Methodist Episcopal Church of Asbury Park, the Methodist Episcopal and Presbyterian Churches of Barnegat, and the Presbyterian Church of Perth Amboy, all in the State of New Jersey, for passage of

Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SIMMONS: Petition of the Citizens' Temperance League of Kendall, N. Y., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of the Whittier Quarterly Meeting of the Friends' Church and the Men's League of the Friends' Church of Whittier, Cal.; from the First Methodist Episcopal Church of Covina, Cal.; and from numerous citizens of Pasadena, Cal., for the passage of the Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. STERLING: Petitions of citizens of Dwight and Lincoln, Ill., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of citizens of New York City, for enactment of House bill 17253; to the Committee on Ways and Means.

Also, petition of the United States Civil Service Retirement Association, for enactment of Hamill bill; to the Committee on Reform in the Civil Service.

Also, petition of Playground and Recreation Association of America, for enactment of House bill 17681; to the Committee on the District of Columbia.

Also, petition of Buffalo (N. Y.) Cooperative Store Co., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Municipal Council, United Spanish War Veterans, New York City, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of Simpson-Crawford Co., of New York City, protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. Whitridge Williams, of Baltimore, Md., for an appropriation for Columbia Hospital for Women; to the Committee on the District of Columbia.

Also, petition of E. J. Babcock, of University of North Dakota, for enactment of House bill 6304; to the Committee on Mines and Mining.

Also, memorial of National Injunction League, indorsing House bill 11032; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Commercial Club of Clarinda, Iowa, protesting against the proposed parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sharpsburg, Shambaugh, and Braddyville, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petitions of numerous citizens of New York, urging the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of numerous citizens of Dundee, N. Y., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. VREELAND: Petition of Friendship Seventh-Day Baptist Church, Friendship, Allegany County, N. Y., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union, of Nile, N. Y., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. WHITE: Petition of citizens of Cambridge, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petitions of Young People's Branch of the Woman's Christian Temperance Union, of South Bound Brook, N. J.; the Baptist Church, of Flemington, N. J.; Mount Carmel Baptist Church, of Lambertville, N. J.; Reformed Church, of Peapack, N. J.; and Woman's Christian Temperance Union, of Trenton, for the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of Locktown Grange, No. 88, Patrons of Husbandry, of Locktown, N. J., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. YOUNG of Kansas: Petition of citizens of Cawker City, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Cawker City, Kans., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, March 9, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MINIDOKA RECLAMATION PROJECT IN IDAHO (S. DOC. NO. 384).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 26th ultimo, certain information relative to water users on the Minidoka reclamation project in the State of Idaho, etc., which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Mary E. Broders, widow of Henry B. Broders, deceased, v. United States (S. Doc. No. 385);

Walter H. Coon v. United States (S. Doc. No. 386);

W. R. Milward, administrator of Charles Milward, deceased, v. United States (S. Doc. No. 387);

Robert W. Pool v. United States (S. Doc. No. 388);

Robert A. Ragan v. United States (S. Doc. No. 389);

Alice Reade, widow of John Reade, deceased, v. United States (S. Doc. No. 390);

Rachel M. Reubelt, widow of John A. Reubelt, deceased, v. United States (S. Doc. No. 391);

Harriet B. Riley, widow of William E. Riley, deceased, v. United States (S. Doc. No. 392);

Adam Schuh v. United States (S. Doc. No. 393);

Samuel C. Scott v. United States (S. Doc. No. 394);

Henry A. Smith v. United States (S. Doc. No. 395);

James P. Taber v. United States (S. Doc. No. 396);

Andrew J. Thomas v. United States (S. Doc. No. 397);

Fred von Baumbach v. United States (S. Doc. No. 398);

William E. Woodruff v. United States (S. Doc. No. 399); and Jacques Kalt v. United States (S. Doc. No. 400).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4151) to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the King's Daughters Circle of Clarkesburg, Va., of the congregation of the Christian Church of Ensley, Ala., and of the Woman's Christian Temperance Unions of Middlesex County, Mass.; Van Meter, Iowa; Palmyra, Wis.; Granville, Ill.; and of Kansas City, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Russian River Chamber of Commerce, of California, praying that an appropriation be made for the improvement of the Yosemite National Park, which were referred to the Committee on Public Lands.

Mr. BURTON. I present two memorials protesting against the reduction of the tariff on watches and watch movements

proposed in the pending tariff bill. One is signed by 2,771 employees of the Elgin National Watch Co. and the other by 670 employees of the Hampden Watch Co. I move that the memorials be referred to the Committee on Finance.

The motion was agreed to.

Mr. LORIMER presented memorials of sundry citizens of Chicago, Streator, Belleville, Galesburg, Danville, Quincy, Granite City, Centralia, Kewanee, East St. Louis, and Breese, all in the State of Illinois, remonstrating against the proposed abolishment of the hand-roller process of manufacturing paper currency, which were ordered to lie on the table.

Mr. BRISTOW presented a memorial of Local Post No. 203, Department of Kansas, Grand Army of the Republic, of Mulvane, Kans., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of the congregations of the Friends Church, the First Baptist Church, and the Fairview Christian Church, all of Wichita, in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cawker City, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Leavenworth, Kans., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, together with the so-called Root amendment, and also for the ratification of a similar treaty with Germany, which was ordered to lie on the table.

He also presented a petition of members of the Good Government Club of Topeka, Kans., praying that an appropriation be made to aid in stamping out the white-slave traffic, which was referred to the Committee on Appropriations.

He also presented a petition of Colonel King Camp, No. 2, Department of Kansas, United Spanish War Veterans, of Fort Leavenworth, Kans., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. WETMORE presented a petition of the Mount Pleasant Woman's Christian Temperance Union, of Providence, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented a petition of Local Lodge No. 116, Free and Accepted Masons, of Corinth, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. JOHNSTON of Alabama presented memorials of sundry citizens of Montgomery and Uniontown, in the State of Alabama, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULBERSON presented a petition of sundry citizens of Friendswood, Tex., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Hubbard and Seymour, in the State of Texas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented resolutions adopted by the Nebraska State Bottlers' Association, in convention at Lincoln, Nebr., favoring a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented a petition of sundry members of the Nebraska National Guard, residents of Kearney, Nebr., praying for the enactment of legislation to further increase the efficiency of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Cowles, Nebr., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Nebraska Woman Suffrage Association, praying for the adoption of an

amendment to the Constitution granting the right to women to vote, which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented memorials of sundry citizens of Sanford, Burlington, Chalybeate Springs, and Belhaven, all in the State of North Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Hendersonville, Sanford, Durham, Gum Neck, Heathsville, Clinton, Seagrove, and Mooresville, all in the State of North Carolina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Methodist Episcopal Church of Newton Grove and of the Methodist Episcopal Church of Wesley Chapel; of the Ministerial Association of Charlotte; of the Antislavery League of Raleigh; and of sundry citizens of Warrenton, Rowland, and Stoneville, all in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Newbern, N. C., remonstrating against the proposed abolishment of the Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented resolutions adopted by the Chamber of Commerce of Goldsboro, N. C., praying for the establishment of a Federal court at that place, which were referred to the Committee on the Judiciary.

Mr. KERN presented a petition of Major Henry Post, No. 230, Department of Indiana, Grand Army of the Republic, of Pendleton, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of the congregation of the Baptist Church of Clinton, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Terre Haute, Ind., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Lawrence County, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Marion, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of Winnicunnet Council, No. 3, Junior Order United American Mechanics, of Hampton, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BOURNE presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Toledo and Linville, in the State of Oregon, remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which were referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of Maine presented petitions of the Woman's Christian Temperance Union and of Comet Grange, Patrons of Husbandry, of Swanville, and of sundry citizens of Chester, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Green Mountain Pomona Grange, Patrons of Husbandry, of Hancock, Me., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Colonel L. H. Kendall Camp, No. 1, Department of Maine, United Spanish War Veterans, of

Biddeford, Me., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of A. E. Clark Camp, Sons of Veterans, of Belfast, Me., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

Mr. BURNHAM presented a petition of Winnicomet Council, No. 3, Junior Order United American Mechanics, of Hampton, N. H., and a petition of Suncook Valley Council, No. 18, Junior Order United American Mechanics, of Loudon, N. H., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. TILLMAN. I present a concurrent resolution adopted by the Legislature of South Carolina, which I ask may be printed in the RECORD and referred to the Committee on the Library.

There being no objection, the concurrent resolution was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas bills are now pending in both Houses of our National Congress, looking to the erection of monuments at the National Capital in commemoration of the signers of the Declaration of Independence and of the heroes of the American Revolution; and

Whereas South Carolina, by eminent representatives, took an active part in the adoption of the Declaration of Independence; and

Whereas more than a hundred battles were fought upon her soil in the historic struggle to establish the same, her people would have a share and interest in both of said monuments: Therefore be it

Resolved by the house of representatives (the senate concurring): First. That this general assembly indorse and approve the proposed bills to erect a monument to the signers of the Declaration of Independence and a monument to the heroes of the American Revolution at the National Capital and express the hope that the Representatives from this State in both Houses of Congress will support said proposition.

Second. That copies of this resolution signed by the clerks of the house and senate be mailed by them to the United States Senators and Members of the House of Representatives from this State in Congress.

IN THE HOUSE, COLUMBIA, S. C., FEBRUARY 2, 1912.

The house agrees to the resolution, and orders that it be sent to the senate for concurrence.

By order of the house.

JAS. A. HOYT,
Clerk of the House.

IN THE SENATE, COLUMBIA, S. C., FEBRUARY 2, 1912.

The senate agrees to the resolution, and orders that it be returned to the house with concurrence.

By order of the senate.

M. M. MANN,
Clerk of the Senate.

Mr. TILLMAN presented a petition of the Woman's Christian Temperance Union of Scranton, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SMOOT presented petitions of sundry citizens of Ferron, Utah, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

Mr. CURTIS presented a petition of sundry citizens of Glen Elder, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Scranton, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. PAGE presented a petition of the congregation of the Baptist Church of Lincoln, Vt., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BRADLEY presented a memorial of sundry citizens of Monticello, Ky., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CRANE presented a memorial of the executive committee of the Anti-Imperialist League, remonstrating against any appropriation being made for the construction of new battleships, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 5198) to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northwest quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian, reported it without amendment and submitted a report (No. 466) thereon.

Mr. CURTIS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, reported it with amendments and submitted a report (No. 467) thereon.

Mr. BRYAN, from the Committee on Naval Affairs, to which was referred the bill (S. 3088) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CLARKE of Arkansas, from the Committee on Military Affairs, to which was referred the bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post, reported it without amendment and submitted a report (No. 468) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 2504) to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes, reported it with an amendment and submitted a report (No. 469) thereon.

He also, from the same committee, to which was referred the bill (S. 2505) to provide for the extension of New Hampshire Avenue, in the District of Columbia, and for other purposes, submitted an adverse report (No. 470) thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 5737) granting an increase of pension to David F. Stewart (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5738) further to protect commerce against restraint and monopoly; to the Committee on Interstate Commerce.

By Mr. SIMMONS:

A bill (S. 5739) for the relief of heirs or estate of Joseph D. Hayes, deceased (with accompanying paper); to the Committee on Claims.

A bill (S. 5740) granting a pension to Louisa D. Stewart;

A bill (S. 5741) granting a pension to Frank C. Freeman;

A bill (S. 5742) granting an increase of pension to Petrona B. Freeman;

A bill (S. 5743) granting an increase of pension to J. N. Brown;

A bill (S. 5744) granting a pension to Martha A. E. Fox (with accompanying paper);

A bill (S. 5745) granting a pension to Clarence K. Pool (with accompanying paper); and

A bill (S. 5746) granting a pension to Charles G. Bryant (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5747) granting an increase of pension to Collins Blake (with accompanying paper); to the Committee on Pensions.

By Mr. WARREN (by request):

A bill (S. 5748) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. OLIVER:

A bill (S. 5749) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill; to the Joint Committee on the Fiftieth Anniversary of the Battle of Gettysburg.

By Mr. BRANDEGEE:

(By request.) A bill (S. 5750) to reimburse the National Savings & Trust Co., of Washington, D. C., for payment of certain Government warrants; to the Committee on Claims.

A bill (S. 5751) granting an increase of pension to Minnie Wadsworth Wood; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5752) granting an increase of pension to Nelson L. Porter (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5753) granting an increase of pension to Rudolph Alff (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5754) granting a pension to Walter W. Dow; and
A bill (S. 5755) granting a pension to Arthur H. King; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 5756) for the relief of W. R. Wells, administrator of the estate of James S. Wells, deceased; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 5757) to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States; to the Committee on Commerce.

OMNIBUS CLAIMS BILL.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1882, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

FIFTIETH ANNIVERSARY OF THE BATTLE OF GETTYSBURG.

Mr. OLIVER. I submit a concurrent resolution, and ask unanimous consent for its present consideration.

The concurrent resolution (S. Con. Res. 19) was read, considered by unanimous consent, and agreed to, as follows:

IN THE SENATE OF THE UNITED STATES,
March 9, 1912.

Whereas the General Assembly of the Commonwealth of Pennsylvania did on the 13th day of May, 1909, enact as follows:

"An act creating a commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission; authorizing the governor to appoint nine members thereof and fill vacancies that may occur therein; the commission to consider and arrange for the observance of the fiftieth anniversary of the Battle of Gettysburg; to invite the cooperation of the Congress of the United States and of other States, and to report to next session of general assembly, and making appropriation for the payment of expenses of said commission."

"SECTION 1. Be it enacted, etc., That within 30 days after the passage of this act the governor of the Commonwealth shall appoint nine citizens of Pennsylvania, who, when appointed, shall constitute a commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission, whose duty shall be to consider and arrange for a proper and fitting recognition and observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg; with authority to invite the cooperation of the Congress of the United States and of other States and Commonwealths; the commission to make report of its action, with recommendations, to the next session of the General Assembly of Pennsylvania. The governor shall make appointments to fill any vacancies that may occur in said commission. The members of the said commission shall serve without compensation, other than their actual and necessary expenses."

"SEC. 2. For the purpose of carrying out the provisions of this act, the sum of \$5,000, or so much thereof as may be necessary, is hereby specifically appropriated; said appropriation to be paid by warrants of the auditor general drawn upon the State treasurer, upon specifically itemized vouchers duly approved by the proper officers of said commission."

And whereas the Congress of the United States did on June 10, 1910, adopt the following concurrent resolution:

"Whereas the State of Pennsylvania has, by appropriate legislation, constituted a commission known as the 'Fiftieth Anniversary of the Battle of Gettysburg Commission,' to consider and arrange for a proper and fitting recognition and observance at Gettysburg of the fiftieth anniversary of the Battle of Gettysburg, with authority to invite the cooperation of the Congress of the United States and of other States and Commonwealths, and the said commission has extended an invitation to Congress and requested its cooperation in the matter: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of three Senators and three Representatives to confer with the fiftieth anniversary of the battle of Gettysburg commission and report as soon as may be, the recommendations of said committee as to the proper action to be taken by Congress to enable the United States fittingly to join in the celebration of the fiftieth anniversary of the battle of Gettysburg; and the necessary expenses of said committee shall be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House."

The following committee was appointed by the respective presiding officers:

Senate: Hon. GEORGE T. OLIVER, Hon. WELDON B. HEYBURN, Hon. ISIDOR RAYNER.

House: Hon. James A. Tawney, Hon. DANIEL F. LAFEAN, Hon. JOHN LAMB.

The Hon. GEORGE T. OLIVER has been selected as the chairman of the committee;

And whereas the above-named Hon. ISIDOR RAYNER has resigned and the Hon. CLAUDE A. SWANSON, a Senator from the State of Virginia, was appointed in his stead and is now a member of said congressional commission;

And whereas the General Assembly of the Commonwealth of Pennsylvania did on the 14th day of June, 1911, enact as follows:

"An act making an appropriation to the Fiftieth Anniversary of the Battle of Gettysburg Commission to enable the commission to further carry out the provisions of the act of assembly approved May 13, A. D. 1909, creating said commission and defining the duty thereof."

Whereas the act of assembly approved May 13, A. D. 1909, P. L. 1909, page 777, created a commission—

"To be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission, whose duty shall be to consider and arrange for a proper and fitting observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg; with authority to invite the cooperation of the Congress of the United States and of the other States and Commonwealths; the commission to make report of its action, with recom-

mendations, to the next session of the General Assembly of Pennsylvania," and made a preliminary appropriation for the purpose of carrying out the provisions of said act; and

Whereas the commission has duly presented to his excellency, the governor of the Commonwealth, for transmittal to the present session of the General Assembly of Pennsylvania, such report of its action, with recommendations and plans, as far as it has been possible at this early date to adopt plans: Now therefore

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, that to enable the commission to further carry out the provisions of the above-recited act in accordance with the said report, recommendations, and plans of the commission, the sum of \$50,000, or so much thereof as may be necessary, is hereby specifically appropriated; said appropriation to be paid by warrants of the auditor general drawn upon the State treasurer, upon specifically itemized vouchers duly approved by the officers of said commission: *Provided*, That the total amount to be expended by the Commonwealth of Pennsylvania in connection with this celebration shall not exceed \$250,000;

And whereas at a meeting of the State and national commissioners held at Washington on January 12, 1912, it was agreed to recommend to Congress that the necessary steps should be taken for the participation of the General Government to cooperate with the State of Pennsylvania in such commemoration on the 1st, 2d, 3d, and 4th days of July, 1913: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That preliminary to such legislation by Congress as may be necessary to enable the Government of the United States to be properly represented on such occasion the Secretary of War be, and he is hereby, authorized and directed to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission of the State of Pennsylvania, and.

First. To cause to be made such surveys, measurements, and estimates as will be necessary in regard to providing for a sufficient supply of good water for the use of those who shall attend the celebration.

Second. To investigate as to the necessary and proper provision required to be made for sewerage, sanitation, hospital, and policing during such celebration.

Third. To estimate upon the tents, camp equipment, supplies, and rations that, in his judgment, will be necessary to properly accommodate and provide for those who shall attend such commemoration, and to estimate what provision will be necessary to be made for local transportation and care of those who may or probably will participate in such celebration, and to give an estimate of the cost, separately stated, of the several provisions necessary to be made.

Fourth. To estimate the quantity of camp equipment, such as tents, bedding, and cooking outfits, necessary to accommodate the people attending, together with the cost per unit of a suitable ration to be issued and as to the best method of providing and issuing such rations.

Fifth. To prepare a plan of camp arrangement suitable to the occasion.

Sixth. To report to Congress upon all of these matters within 30 days after the passage of this resolution.

USE OF AUTOMOBILES IN NATIONAL PARKS.

Mr. WARREN submitted the following resolution (S. Res. 246), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to submit to the Senate, as early as practicable, a statement giving the names of the national parks under the control of the Department of the Interior, if any, in which automobiles or other motor cars are permitted to be used, and the rules and regulations governing such use; also such plans, if any, as may have been or are under consideration by the Department of the Interior for permitting the use of automobiles or motor cars in the Yellowstone National Park; and the estimates of cost, if any have been made, which would be entailed by the possible construction of new roads or changes in the use of present roads should automobiles be admitted to said park.

AMERICAN NATIONAL RED CROSS.

Mr. DU PONT. I move that the Senate proceed to the consideration of the motion entered yesterday by me to reconsider the vote by which the Senate passed the bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The motion was agreed to.

Mr. DU PONT. I move that the bill be postponed indefinitely.

The motion was agreed to.

COURTS IN MISSISSIPPI AND MICHIGAN.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. CLARK of Wyoming. I move that the Senate insist upon its amendments to the House bill and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed as conferees on the part of the Senate Mr. CLARK of Wyoming, Mr. NELSON, and Mr. BACON.

HOUSE BILL REFERRED.

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

PUBLIC UTILITIES COMMISSION.

Mr. GALLINGER. I move that the bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

AMENDMENT TO PRINTING LAWS.

Mr. SMOOT. I desire to give notice that on Tuesday, March 12, following the routine morning business, I shall address the Senate on the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

PENSION BILLS.

Mr. McCUMBER. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Georgia [Mr. SMITH], which will be stated.

The SECRETARY. On page 21, lines 24 and 25, and lines 1 and 2 on page 22, strike out the item relative to Frank A. Wardwell.

Mr. McCUMBER. Mr. President, in the consideration of previous pension bills, especially those of a general character, there have gone into the Record so many inaccurate statements that I felt called upon, believing that it would be to our advantage, to secure from the Commissioner of Pensions several sets of figures covering different aspects of the pension question, with the end in view that when we came to the consideration of the general pension bill we might have before us all, or practically all, of the information in as accurate a form as it is possible to get it for use in the discussion of that bill. Therefore we had prepared what is known as the Military and Naval Pensions of the United States, which was compiled for the use of the Senate Committee on Pensions, and we had it printed as a public document so that each Senator might have access to it. I can now fully understand how essential it was that we should have some data upon which we could rely in the examination of House bill No. 1 when it came before the committee. We found very many inaccuracies from our standpoint and therefore thought it best to get these figures before the Senate so that they might be used in the discussion, not only of that particular bill, but also in the discussion of any other measure relating to pensions.

To show how necessary was this precaution I have but to call attention to a statement made by the Senator from Georgia [Mr. SMITH] in his discussion yesterday, in which he quoted from a letter of a private soldier in a certain company certain information, which the Senator from Georgia undoubtedly relied upon or else he surely would not have stated it to the Senate; but it is so inaccurate that I am certain, when the Senator's attention is called to it, he himself will be glad to have the correction made.

I call attention to the following statement of the Senator from Georgia in yesterday's Record:

I have here a table of figures prepared by Mr. Henry S. Wells, private, Company K, Twenty-seventh New York. It discloses the fact that we have on the pension roll 121,181 men who were in the service only 90 days.

I did not in every instance have an opportunity clearly to understand all of the statements made by the Senator yesterday, or I should undoubtedly have called his attention to this inaccurate statement at the time. If the Senator will turn to page 9 of this record of "Military and Naval Pensions of the United States"—

Mr. SMITH of Georgia. I have not a copy of it.

Mr. McCUMBER. I will try to see that the Senator is furnished a copy—he will find the number of soldiers given who served 1 month, 2 months, 3 months, and every number of months up to 72, and he will find that of those who served less than 4 months, which would include those who served 3 months and those who served less than 4 months, there were 9,924 men, as against his estimate of 121,181. As the figures which are the basis of his calculation bear the relation to the actual figures of 9 to 121, the Senator can easily see that his calculations, based upon the erroneous figures, must be very wide of the truth. I call his attention to this and to the fact that we have the official record, which will assist him, undoubtedly, in the discussion of this case if he wants any data about service or age or anything of that kind.

It is probably due also that I should at this time, before the Senator from Georgia proceeds with the discussion, call attention to another statement made by the Senator in dealing with the case of Mr. Wardwell. The Senator said that Mr. Wardwell never fought in any battle at all. I am not certain whether he did or not, and I might be doing him an injustice if I admitted that he did not. I simply know that—

Mr. SMITH of Georgia. Let me correct the Senator to this extent—

Mr. McCUMBER. Just a moment; let me finish the sentence—I simply know that, according to the record which I have, he served upon certain vessels, and that one of those vessels was engaged in the bombardment of Fort Fisher; but whether he was on that particular vessel at the time of that bombardment I can not say. I only say that I do not know whether he was in any engagement at all, and I do not think the Senator from Georgia would say definitely that he was or that he was not. I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. I did not undertake to say that he had never been in a battle or that the vessel had never been in one. I did not mean definitely to state that he had not been, but I definitely stated that no proof had been submitted to show that he had been in a battle, and that from his very late enlistment and the condition of the war it seemed to be probable that he had not been.

Mr. McCUMBER. I think the Senator, in looking over the Record, will find in one place at least that he made the statement directly; but it was only as a matter of argument, and I fully understood the position of the Senator, that from his standpoint we should have positive evidence that the soldier did engage in battle before allowing him a pension.

Mr. SMITH of Georgia. That was my position.

Mr. McCUMBER. I did not at all wish to convey the idea that I supposed the Senator from Georgia was attempting to show positively that this applicant was not engaged in any battle.

Again, the Senator stated that this claimant does not earn his living by manual labor; that he is the editor of a paper; that therefore as editor of the paper, as anyone would understand, he did not earn a living by manual labor, and it was not necessary that he should perform any manual labor. The Senator, of course, makes the statement in order to meet and counteract whatever force there may have been in the report that the claimant was unable to perform manual labor. I stated, Mr. President, to the Senator the vocation of this particular claimant, that he was running a little country paper, and the Senator probably knows—I do not know whether it is the same in his State as it is in mine—that in the case of these little country papers you will find the editor setting the type; that in a great many instances he does not have enough business even to justify more than one typesetter. I do not know whether the Senator would call that manual labor or not; certainly it does not require a great deal of physical strength, but it does require eyesight, and as this claimant is almost blind, absolutely too blind to pick up type and set it, so far as this particular case is concerned his affliction is such that it prevents him from performing the duties necessary for carrying on his own business and conducting it profitably.

Mr. President, I simply called attention to the figures concerning the 90-day men that were given by the Senator to show how unsafe it is to rely upon estimates made by anyone other than some official in the Bureau of Pensions as a basis for making a calculation.

Mr. SMITH of Georgia. In quoting the figures that I did, I stated the authority upon which they were made. I did not pretend to have worked them out for myself. I have not been able to give that amount of detail time to the consideration of this question that would have enabled me to do so, and I have now for the first time this report from the Interior Department. I will take pains later on to examine the figures of this soldier, and see whether his comparisons of the pension paid to actual soldiers and to soldiers who rendered no actual services are correct.

With reference to the suggestion just made by the Senator from North Dakota as to what this particular pensioner should make from his newspaper, I would say that the owner or one of the joint owners of such a paper, a paper of 900 circulation, charging \$2 per paper for circulation. The income from such a paper would give a fairly comfortable support of a thousand dollars a year to each of the parties.

We have no evidence in this case which goes into details. We have not an affidavit from anybody as to the physical condition of this gentleman who is to receive a special pension. We have a certificate from a doctor in general terms that the applicant is not able to do manual labor, but he does not say

that he is not able to do work on his paper. There is nothing submitted to the Senate that could be regarded as evidence at all—

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Certainly.

Mr. McCUMBER. If the Senator from Georgia should come before me or before the committee of which I am chairman and state to those drafting the report that he is personally acquainted with Mr. Wardwell, or whoever the claimant might be; that he had known him for a great many years; that he had seen him only a short time ago and knew his physical and financial condition, and would give it to me, I would take his word absolutely upon that; and I am certain he would accept the word of any other Senator upon such a matter, although it was not placed in writing.

I will say that was the case in this particular case.

Mr. SMITH of Georgia. I certainly would accept the word of the Senator from North Dakota on any statement he would make to me and be absolutely sure that what he stated he believed to be correct. But I do not see how I could tell myself just what some friend of mine running a paper in Georgia was making unless I examined his books. I do not see how I could tell how prosperous he was. I would be compelled simply to take that which somebody told me. Here is a case where parties are seeking to take money out of the Treasury. It is the money of all the people. That money does not get into the Treasury in some mythical way. That money comes out of the pockets of the American citizens. They must pay it into the Treasury before it is paid out. Before it is taken out of the Treasury and given to some individual, evidence, even though it is ex parte, evidence in the shape of an affidavit, ought to be produced from the petitioner for an increase of pension that he is making nothing, that he requires the money, and that he is not able to do the work of running his paper.

Mr. McCUMBER. Mr. President, I will state to the Senator that we always require an affidavit or affidavits or a statement made by some Senator or some person who absolutely does know the condition.

Mr. SMITH of Georgia. Far be it from me to express a word of criticism against the committee, and certainly not any with reference to the chairman of the committee, and I do not wish to be put in the attitude of entertaining a critical feeling, but I say that when a Senator comes to examine the evidence he naturally would expect to find something in the record that would sustain his vote. Now, I desire to have read an amendment which I propose to offer to this entire bill, as an addition to it.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill the following provisos:

Provided, however, That no one of the said special pensions contained in this bill shall be paid to anyone of the parties herein named until the Pension Bureau has made investigation and found the said party to whom the same is to be paid did not enter the service in consideration of a bounty or for a payment made to him to serve as a substitute; and

Provided further, That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

Mr. SMITH of Georgia. At the time my remarks were suspended yesterday I had called the attention of the Senate to the fact that the report of the Commissioner of Pensions shows that the Government has already paid in pensions to the soldiers of the Civil War over \$4,000,000,000. The Senator from New Hampshire, who had served, as I understand, upon the Pensions Committee, expressed his surprise and interrupted to give me an opportunity to correct the statement. It is not to be wondered at that he was surprised. The amount is indeed startling, and yet here is the report of the Commissioner of Pensions, which shows that prior to the 1st of July last year our Government had paid to pensioners of the Civil War alone \$3,985,719,000. Since the 1st of last July—8 months—the additional payment has been about \$100,000,000. So that up to the present time the payment has been nearly \$4,100,000,000.

What I desire to urge as objection to these special pensions, and especially to this particular special pension, is that with this enormous sum paid out by our Government the distribution has not been carried out properly with respect to the men who did the fighting; that the men who actually stood in the ranks and served in battle have not received their fair proportion of this enormous sum of money.

There is not a dollar that has been paid, especially to the rank and file of the men who served and who carried from the battle injuries of service origin, that any American citizen begrudges for a moment. I refer to those who really rendered long service—the boys who volunteered in the early part of

the war and stood the fatigues and the dangers and the hardships. What I am urging is that the distribution has not been equitable and that the distribution is not now equitable. The sum has been immense, but it has been scattered too much away from the men who did the fighting to the men who did not do it.

The report of the Commissioner of Pensions shows that special pensions draw annually from the Treasury \$6,611,357, and that nearly half of the names on the special pension rolls were placed there by the last Congress. If we go back three or four Congresses, we find that a few hundred were placed on the special pension roll each year. Last year there were 9,600 in round numbers.

I wish to urge that instead of adding names by special pension bills at the rate of \$30 a month, we should determine what amount of money the Government can spare for pensions. Suppose we determine that \$150,000,000 a year can be spared for the soldiers of the Civil War. Then the course to pursue is to take up the question of distribution. Let the fight not be simply on the Treasury. Let the fight be one of distribution, and put the money where it properly should go, and give the money to the boys who did the fighting. If the income-tax law had been sustained and we had a system by which the Treasury could be more easily replenished, perhaps over \$150,000,000 a year could be given, but with all due regard to the other obligations of the Government I hardly think that more than that should be insisted upon.

Now, I believe we could take \$150,000,000 and almost double the pay of the boys who did the most fighting, if we trim a class who did not do any fighting or practically none, and a class that does not follow in the same line with the rank and the file.

Now, take the names on our rolls of those who are abroad; the names of people who are not citizens of the United States and who probably never were, who never went into the Army like the boys from Indiana and Ohio, because they thought they ought to, because they regarded it as a duty, but only went into it as soldiers of fortune. I do not mean to criticize them in any sense. They went in for what was in sight and went home thereafter. I do not think there would be any impropriety in striking that million dollars from the pension rolls and having that million dollars additional to give to the boys who belong to this country.

Take the list of those who went in for bounties; take the list of those who went in as substitutes; take the list of those who are in homes, being amply provided for by the Government in homes. Take the list of those who have ample means already themselves. If it were put to them that the Government had \$150,000,000 to distribute among the soldiers and that if they with their ample means did not take a part of it that much more would go to the other soldiers, they would not hesitate a moment to let it go, if this course were pursued of setting apart all the Treasury can stand for pensions.

Mr. BROWN. Mr. President—

The VICE PRESIDENT. Will the Senator from Georgia yield to the Senator from Nebraska?

Mr. SMITH of Georgia. Certainly.

Mr. BROWN. Does the Senator mean to advance the doctrine that in these pension matters the first thing to do is to inquire how much the country can spare to pay the pensions?

Mr. SMITH of Georgia. That is exactly what I was suggesting.

Mr. BROWN. If we on inquiry should find the country can spare nothing, the Senator would then be in favor of no pensions?

Mr. SMITH of Georgia. Not at all.

Mr. BROWN. I do not understand the position of the Senator.

Mr. SMITH of Georgia. Then I will try to make myself clear to the Senator. What I said was to take up the various obligations that were in front of us and adjust our distribution to the various responsibilities, determining according to our revenues what part we could justly distribute to each particular cause. I did not for a moment mean, I wish the Senator to understand, that the pensioners were to come last. I put them along with all the other responsibilities of the Government, that we should look at our income, look at our various responsibilities, and make a fair distribution budget.

Mr. BROWN. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield further?

Mr. SMITH of Georgia. Certainly.

Mr. BROWN. Then the Senator recognizes an obligation on the part of the country to pay what it can afford to pay to the old soldiers who deserve attention and care.

Mr. SMITH of Georgia. I certainly do.

Mr. BROWN. Then the Senator would measure the amount we give him, first, by our capacity to pay it, and, second, by how much we owe him individually?

Mr. SMITH of Georgia. I would not put it exactly that way. I do not regard it as an ordinary obligation. I regard it as a payment that could most properly be made and the propriety of which everybody recognizes.

Mr. BROWN. An obligation that we owe, whether we pay it or not, depends on whether or not it is a just obligation. Is not that true? If the obligation is just it ought to be paid, whether we have the money to pay it now or not. If it is unjust it ought not to be paid, no matter how little it is nor how well we could afford to pay it. Is not that true?

Mr. SMITH of Georgia. Yes; but there are different kinds of obligations. There is no fixed obligation in dollars and cents due to pensioners except as we recognize it by statute. I regard it as eminently proper that we should consider obligations to the soldier for his service to the country. It is not an obligation of the same character as a promise to pay a specific and definite sum.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. The Senator from Georgia yields?

Mr. SMITH of Georgia. Oh, yes.

Mr. McCUMBER. Mr. President, what does the Senator consider as the basis of obligation on the part of the Government? Does he not consider that the obligation is one growing out of gratitude for a service performed?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. The Senator will agree therefore that it is an obligation of honor and an obligation of gratitude. Would not the Senator measure that obligation in a way that would mean on the part of the Government that no man who served his country in those trying times; that no man who took a part in that great struggle for the preservation of his country; that no man who suffered hardships and the privations in that great struggle, should in his old age ever know the pangs of hunger or destitution? Would not the Senator therefore measure the quantity of money that should be expended to carry out that obligation by the requirements of the old soldiers in their later days, considering the disabilities of age and expend such an amount that none of them shall ever be forced into the poorhouse, or even into soldiers' homes, if they do not desire to go there?

Mr. SMITH of Georgia. The Senator's question involves several different propositions and is not easily answered in a few words. I will illustrate my view on the subject by reference to this particular case. A part of the question involves the privation and seriousness of the service of the old soldier. Take this case. There is no evidence of any privation at all. Here is an editor and owner of a paper in North Dakota, who was a sailor for awhile, who suffered no privation as an incident of the war, so far as this record shows. I regard the burden as resting upon the applicant for the increase of pension, and I am treating him as not entitled to any status favorable to himself than he shows. I do not mean to state it as a matter of fact, but in this case I have the right to presume that he has made the best case he can. Taking that position, he stands before the Senate with absolutely no privation that he ever had as an incident to service. He never was in a battle. He was just a sailor on a vessel. He did not fall in the class the Senator has described, so far as this record shows.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield further?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. Would the Senator limit the granting of pensions to those cases where the disability from which the soldier is suffering was incurred in the line of service?

Mr. SMITH of Georgia. No, not entirely, but where a man really has not been at the front and has not been in battle, and has done nothing but occupy a nominal position as a soldier, I do not see that he is any more entitled to recognition as a soldier than if he had not been in the Army at all.

Mr. McCUMBER. The Senator of course understands that the law of June 27, 1890, and the law of February 6, 1907, grant pensions upon a service of 90 days or more, and while one is based upon age and the other on the service of 90 days only, neither of them recognizes service disability, but grants the pension alone because of the supposed disability at least of the claimant. Now, does the Senator consider that that is an unjust basis for the granting of pensions?

Mr. SMITH of Georgia. I am not compelled to go that far for the present discussion. I certainly think it goes too far when this bill proposes to take a man in that class and give him \$18 more a month than the general law gives.

Mr. McCUMBER. Without reference to the division, does the Senator think we are now paying excessive pensions on the whole?

Mr. SMITH of Georgia. I think we are paying perhaps not enough to some and more perhaps to some than they are entitled to.

Mr. McCUMBER. That does not quite answer the question, but possibly I am asking a question that is a little difficult to answer. I think the Senator probably could state in general terms whether he thinks \$152,000,000, or about that, which we are now appropriating to pay the ex-soldiers, is more than we ought to appropriate.

Mr. SMITH of Georgia. Well, I do not say that. I have not opposed the Government paying them that much. I want to say to the Senator that what I have in my mind, lacking, perhaps, the details of the information I ought to have, is that a distribution should follow more the length of actual service on the battle field than is done.

Mr. McCUMBER. Mr. President, I should like to ask the Senator another question right in connection with that, because it will elucidate his idea as well as give us general information on his views. I am asking these questions from the Senator rather, perhaps, than from anyone else because he at one time occupied the position of Commissioner of Pensions.

Mr. SMITH of Georgia. No; Secretary of the Interior.

Mr. McCUMBER. I mean he was Secretary of the Interior, under whom the Commissioner of Pensions serves. Is it the Senator's idea that we should grade our pensions according to the length of service of the soldier?

Mr. SMITH of Georgia. I do not know that it can be entirely done in that way. I will say to you very frankly that this letter from which I read is addressed to you, and I suppose you have seen it. It is a letter published in the Quincy Journal, of Illinois, by a soldier, from which I read yesterday.

Mr. McCUMBER. My attention has never been called to such a letter.

Mr. SMITH of Georgia. It is addressed to Hon. P. J. McCUMBER, chairman of the Senate Committee on Pensions, and so forth.

Mr. McCUMBER. I have never seen the letter. He evidently addressed it to me and then published it without sending it.

Mr. SMITH of Georgia. From this letter and from a number of letters that I have received from men who have given years of active service, men who seem to have been in the midst of the fight in Virginia and elsewhere from the very first to the last of the war—

Mr. McCUMBER. I know that the Senator has given this matter a great deal of consideration, and I know that he experiences, like all of us do, the inability for us to arrive at any standard that will work with exact justice.

Mr. SMITH of Georgia. I realize that.

Mr. McCUMBER. And that is the reason why I introduced a double standard in the amendment, at least, of the bills which we have now before us. The Senator is aware that other things being equal, of course, the man who served his country the greater number of months is entitled to greater gratitude and consideration than one who served a much less number of months. On the other hand, the Senator knows, as we all do, that the real butcher work in the Civil War was during the last year, when the country demanded "On to Richmond," and when the fresh troops were rushed into the hardships of the battles of the Wilderness, many of them taking part in those battles before they had been even 30 days in the service. Taking all those matters into consideration, I think the Senator will agree with me how difficult it is to accept any standard and say that we shall measure the amount of pensions by the number of months that were served and make that a sole standard.

Mr. SMITH of Georgia. I do not question the fact that the men who work on these pension bills have tried to make them with the purpose of meting out justice, but as they stand to-day, if the figures furnished by this ex-soldier are in any sense approximately correct, it does seem that the very short-time man, who barely got into the struggle and perhaps never got out into a battle at all, who never suffered from a hardship at all, is in many instances receiving practically the same treatment as the soldier who stood the fight from the first.

Now, take the boys who went down to Cuba. I would rather talk about them, because there are as many of them my constituents in proportion to the population of the State as from any other State. I think the idea of classing those boys with the old soldier who went in the first of the war and fought the four years through would be utterly unreasonable. I do not mean to say that you are doing it, although I was shocked at the amount that has already been paid for pensions on account of the Spanish War.

Mr. McCUMBER. And the Senator understands that those soldiers who were called upon to fight the bolo men of the Philippine Islands are receiving far greater compensation for injuries suffered by them than the soldiers of the Civil War, who fought white men armed with guns and fought them hard, received after the close of the Civil War.

Mr. SMITH of Georgia. I want to say to the chairman of the committee that it will give me a great deal of pleasure to cooperate with him, as then I would be free from any embarrassment in checking the Spanish-American War pensions. I have declined to introduce special pension bills for quite a number of my friends, who thought they ought to get special pensions for the Spanish-American War, and it is not because I do not believe in showing gratitude. I just believe that there is a place where somebody ought to stand and look a little after the interests of all the people who have to contribute the money to the Treasury; and when they are my own friends I am not at all embarrassed in standing up against it.

Mr. McCUMBER. I make my statement not with any desire to check those who served their country in any war—

Mr. SMITH of Georgia. I know that.

Mr. McCUMBER. From receiving just compensation for their services, if any of them were injured, but like the Senator from Georgia, I would make a mighty big distinction between those soldiers and the soldiers who fought the Civil War.

Mr. SMITH of Georgia. Of course, if they were actually injured in the Spanish-American War, having actually received an injury, they would stand just exactly on as good a footing as a man injured anywhere else.

Mr. SHIVELY. They do now, do they not, under the law?

Mr. SMITH of Georgia. Yes; if they were injured.

Mr. SHIVELY. If actually injured, through wounds or disease, they receive precisely the same pension that the survivors of the Civil War receive for like injuries.

Mr. SMITH of Georgia. I do not know. I was just surprised to see that the figures already run up to over \$30,000,000.

Mr. McCUMBER. The Senator understands, does he not, that the soldier who was injured in the War with Spain or in the Philippines receives as much now as the soldier receives at the present time who was wounded or injured in the Civil War, and it amounts to from 4 to 10 times as much as he received a few years after the Civil War?

Mr. SMITH of Georgia. I know that immediately after the Civil War there was quite an indisposition on the part of a great many soldiers to receive any pensions at all, and there was, perhaps, no condition of the Treasury to put the country in a condition to encourage them in receiving what naturally the Government would have been glad to have paid.

Mr. McCUMBER. I think the Senator is right in both cases. There was the indisposition on the part of the soldier because he was still a young man then and able to earn a livelihood. Therefore he did not call for a pension until his waning strength required him to do so. And on the part of the Government that it was absolutely unable to pay very much in the first instance, and as it has increased in wealth and prosperity, it has attempted to fulfill its obligations.

Mr. SMITH of Georgia. I do not think anyone could say, as a whole, that the Government had lacked in its obligation when we think of over \$4,000,000,000 paid. I myself am just impressed with the idea, although I have not here the details to go into it, that some of the men who were on the battle field so long have not received their full proportion of the \$4,000,000,000.

Now, I wish to take up a little further this particular pension that I have moved to strike out and to test it by the rule that the Senator himself submits.

First. The beneficiary must exhaust all rights under the general pension laws through the regular channels of the Pension Bureau before the committee will take up a bill for his relief.

Well, the editor or newspaper man in North Dakota is receiving all that the general laws give him.

Second. In each case evidence must be filed with the bill or in the Pension Office, showing that the amount allowed under the general pension laws is not sufficient to give the beneficiary the ordinary necessities of life, and that the beneficiary has no other source of income or property which would allow him to secure those necessities independent of pension.

Now, I submit that there is no evidence in this case at all to meet that requirement.

There is no evidence as to how much this good man's paper pays him; there is no evidence as to how much he and his partner make out of it. In the ordinary course of affairs, I should say that they ought to make a couple of thousand dollars a year out of it. Certainly a paper of that size, conducted by them with, I may say, I believe the newspaper record gives it, 900 circulation, at \$2 from each subscriber, that would be \$1,800 outside of advertising. Then the advertising in a paper

of that sort, judging by similar agricultural counties, would be nearly as much more. The work is principally done, as the Senator says, by the men themselves, and so there ought to be at least a couple of thousand dollars profit a year out of the paper.

Mr. McCUMBER. I have no doubt, Mr. President, that Mr. Wardwell would very much rather have the calculation made by the Senator than to have the bare facts as they appear on his book.

Mr. SMITH of Georgia. But, Mr. President, we have not heard of any evidence on that subject; there is not any statement even by the applicant for increase of pension to sustain the Senator. We do not know all that was in the letter written by the editor and publisher. Part of the letter the Senator said was personal, and I did not press to have it read, although it had been filed with the Senate. We have not any affidavit from the claimant; we have not any proof; we have not any evidence. The rules the committee adopted declare that there must be evidence, and we have not a syllable of evidence to show any basis for any increase of pension to this, no doubt, admirable gentleman.

I would not object, perhaps, to a bill which provided for a pension to all editors who were getting old and needed a little more money; it would be very popular with the editors; but in this instance we have not the evidence that this editor needs it; we have not the evidence that he has not a comfortable support without it. The case does not measure up to the second requirement of the rules which the Senator furnishes us as the rules governing his committee.

Now, let us take the third rule:

Third. In each case medical evidence must be submitted, showing that the beneficiary is so disabled, from causes other than vicious habits, as to preclude the possibility of his earning a support by manual labor.

We have not any medical evidence at all. We have a statement by a physician, but that is not evidence. Surely to constitute evidence it should come in the shape of an affidavit. This statement does not go into details; it does not cover the case. Again:

IN THE CASE OF SOLDIERS.

In cases where the foregoing requirements have been complied with, and it has been shown that the soldier had a reasonably long and faithful service—

Now it is proposed to give him \$30 a month.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Certainly.

Mr. McCUMBER. I do not like to interrupt the Senator, if he does not wish to be interrupted—

Mr. SMITH of Georgia. I do not object at all.

Mr. McCUMBER. But upon this case, where the Senator makes a statement that is not borne out by the facts in the case, I think he would desire that I call his attention to it.

Mr. SMITH of Georgia. I would be very glad to have the Senator correct it.

Mr. McCUMBER. The Senator has perhaps forgotten the statement that I made yesterday that in all these cases we first send to the Bureau of Pensions. We then receive from the Bureau of Pensions all the testimony that has been introduced in the form of affidavits, doctors' certificates, examining surgeons' statements, and so forth, in the applications for the pensions before the bureau. Therefore, when we had this case before us, we had the evidence just of the kind that the Senator is speaking of and which has been sent back to the Bureau of Pensions. I simply make this statement so as to assure the Senator that we have not abandoned that rule in this case.

Mr. SMITH of Georgia. But, Mr. President—

Mr. McCUMBER. If the Senator from Georgia or any other Senator should call for the papers again that are now down in the Pension Bureau he would find considerable evidence from doctors, and so forth, as to the applicants' special ailments, their causes, and so forth, and those were considered in connection with the certificate of the doctor. The certificate which we had up to date was never filed in the Pension Bureau, but other certificates and evidence of physical condition have been filed, and those were all taken into consideration with this certificate. So the Senator will see that this is not the only evidence as to physical condition.

Mr. SMITH of Georgia. I understand the Senator, but yet I have not the records of the bureau. They were not left here; they must have been taken quite a while ago, at the time this pension was granted. We have a statement here showing when that was. Under the act of February 6, 1907, the pensioner draws his \$12 per month; but it was found necessary to supplement it, or it is supplemented by this bill, with a naked statement, and so far as the case specially before the committee was

concerned nothing was produced but the naked statement of the physician—nothing in the shape of an affidavit from this pensioner showing his necessities or what amount of money he was making.

Now I come to the fourth clause:

In cases where the foregoing requirements have been complied with, and it has been shown that the soldier had a reasonably long and faithful service—

In this case no "long and faithful service" was shown; in this case the pensioner was a sailor on board a vessel, and, so far as the record goes, never was in a battle, never in the war, but was only an ordinary sailor for three months before the war was over. Neither one of the vessels on which he served was in the second battle at Fort Fisher when the fort was captured, at least so far as the records that I can find are concerned. I looked over a list of the vessels that were in that battle, and neither one of the vessels on which he served participated in it. One or two of the vessels to which he was attached were in the first battle of Fort Fisher, in the early part of December, I think, but not the first vessel that he was on, so that he could hardly have been there.

Mr. McCUMBER. If the Senator will permit me, the *Tuscarora* was in the second engagement, was it not?

Mr. SMITH of Georgia. It is not contained in the list I examined this morning.

Mr. McCUMBER. I had the list and left it in my office, but I think the *Tuscarora* was in that engagement. I am not certain myself as to that, but Mr. Wardwell served on one of the vessels.

Mr. SMITH of Georgia. The *Tuscarora* was in the first battle of Fort Fisher. I find it so recorded, but I do not find that it was in the last or second battle. I find, also, that another one of the vessels on which he served was in the first battle at Fort Fisher—the *Mohican*.

I had intended to put into the RECORD the tabulated statement of figures about the disbursement of pensions prepared by Mr. Wells, but under the suggestion of the Senator from North Dakota that it is inaccurate I do not want to put it in until I get some one to take the reports of the Pension Commissioners, go over the figures, and have them in some way verified, because I would not wish to put such startling figures into the RECORD if the Senator is confident that they are entirely erroneous. I understand, though, that the Senator—

Mr. McCUMBER. Of course I have not examined the statement of Mr. Wells. I simply took the figures cited by the Senator on yesterday, and which he took from the statement to which he refers, either reading it or else giving his conclusions, and I simply know that that is woefully wrong.

Mr. SMITH of Georgia. I read from the figures themselves, and if those figures are woefully inaccurate I would not wish to put the calculation in the RECORD. I have no doubt that the soldier undertook to work them out correctly, but if he has not worked them out correctly I do not want to put them in the RECORD, because I would not wish to furnish any tabulated statement of figures that would make the distribution worse than it really is. I do not wish in any sense to indicate that it is worse than it really is. I simply insist that this particular pensioner's case does not present one which justifies taking him out of the class of soldiers to which he belongs; that it does not fall within the rules laid down by the committee; and therefore I insist upon my motion to strike out.

Mr. CURTIS. Mr. President, I had not intended to make any remarks on the pending special pension bill, and would not have done so had not the distinguished Senator from Georgia [Mr. SMITH] referred to the fact that he had had experience as Secretary of the Interior and, therefore, had had some fixed ideas in reference to pension legislation, and for the further fact that he referred to a plan which he thought should be followed.

It happened to be my fortune, good or bad, to be a Member of the House of Representatives when the distinguished Senator from Georgia [Mr. SMITH] was Secretary of the Interior. I represented in part a great soldier State, and it was my pleasure to aid and assist the soldiers in the district I then had the honor to represent whenever they wrote me. Being at that time a member of only one committee of the House, because my party was then in the minority, I had a great deal of time, and went to the Pension Office nearly every day, except holidays and Sundays, and examined the cases of my constituents. Being perfectly familiar with the action and the record of the Pension Office during that four years, I, for one, can not follow the Senator from Georgia, and I hope before any of the Senators on either side of this body make up their minds to follow his recommendation they will carefully study the policy of the administration of the Pension Bureau during the four years from 1893 to 1897.

I find that the records of the bureau show that by reason of the instructions of the then Secretary, HOKE SMITH, of May 27, 1893, 8,723 soldiers and sailors who were drawing pensions under the provisions of the act of June 27, 1890, were dropped from the rolls, and that 23,703 soldiers and sailors who were in receipt of pensions under the said act had their pensions reduced.

Mr. President, that action was taken without any notice whatever to the pensioners; they were given absolutely no chance to be heard; and so I was somewhat surprised to-day when I heard the Senator [Mr. SMITH] insist so strongly upon evidence being filed, when I remembered the case of a poor old soldier in Emporia, Kans., who had his pension taken away from him on an anonymous letter, and it took me six months to get that pension restored by the bureau.

But the action of the bureau at that time was such that Congress—a majority of the House then being of the party of the distinguished Senator [Mr. SMITH]—felt that they could not stand for the action of the department, and on the 21st of December, 1893, passed the following law:

Provided, That any pension heretofore or that may hereafter be granted to any applicant therefor under any law of the United States authorizing the granting and payment of pensions, on application made and adjudicated upon, shall be deemed and held by all officers of the United States to be a vested right in the grantee to that extent that payment thereof shall not be withheld or suspended until, after due notice to the grantee of not less than 30 days, the Commissioner of Pensions, after hearing all evidence, shall decide to annul, vacate, modify, or set aside the decision upon which such pension was granted. Such notice to grantee must contain a full and true statement of any charges or allegations upon which such decision granting such pension shall be sought to be in any manner disturbed or modified.

Again, a well-known order was issued by the then Secretary of the Interior, Mr. SMITH, and by the Commissioner of Pensions, Mr. Lochren, known as "Order 225." That order contained a provision known as paragraph 4, which was of very great injustice to the soldier, because it placed the rating of his pension in the hands of a medical referee in the bureau. I want to call your attention to paragraph 4 of that order. It reads:

4. To give the claimant a pensionable status under this act the disability must be such as to incapacitate him for the performance of manual labor in such a degree as to render him unable to earn a support; yet the act recognizes differences in the degree of such pensionable disability, giving \$12 per month in case of the greatest and \$6 per month in case of the lowest degree of such pensionable disability rendering the claimant unable to earn a support by manual labor. It also provides for intermediate ratings proportioned to the intermediate degrees of such pensionable disability. The proper ratings under this act will therefore be made in accordance with such rules for rating as the medical referee shall prescribe, subject to the approval of the commissioner.

WM. LOCHREN, Commissioner.

Approved:

HOKE SMITH, Secretary.

The medical referee issued the following: Oh, it is an order that the people of this country should read, and then be ashamed that there was ever such an order issued; and after it was issued there was such a storm of protest over this country of ours that it had to be recalled. Listen to this:

If there are two or more disabilities each demanding a rate of \$6, the rating of \$8 only shall be allowed; and if there are two or more disabilities each demanding a rate of \$8, the rating of \$10 shall be allowed; but two or more disabilities each demanding a rating below \$6 shall not be added to make a minimum rating, and such cases shall be rejected.

What is this? A man might be examined and have 20 ratings of \$6 each, and under that ruling he would be entitled to \$8, and I remember a case where a man was rated at forty-two-eight-hundredths and he was allowed a pension of \$8 a month. An application might be rated on separate disabilities at less than six-eighths on each and he would not be entitled to a pension under that rule. No wonder there was a storm of disapproval against such a ruling as that, and it was afterwards withdrawn by the Commissioner of Pensions, but the fixing of rates was left in the hands of the medical referee or the medical officer in the board of revision. The dissatisfaction became so great that Congress passed a law, as follows:

That from and after the passage of this act all pensioners now on the rolls who are pensioned at less than \$6 per month for any degree of pensionable disability shall have their pensions increased to \$6 per month, and that hereafter, whenever any applicant for pension would under existing rates be entitled to less than \$6 for any single disability or several combined disabilities, such pensioner shall be rated at not less than \$6 per month: *Provided also*, That the provisions hereof shall not be held to cover any pensionable period prior to the passage of this act, nor authorize a rerating of any claims for any part of such period, nor prevent the allowance.

Senators and Members of the House who desired to help the old soldiers were able to do so by going to the Pension Office and examining the reports of the local medical board. One day the Congressmen were told that the medical reports would not be given with the papers, and that they could not be examined. I am glad to say that action only lasted for a few hours, for after some little discussion the Members were again per-

mitted to see the reports, but the claimants or their attorneys were not permitted to examine them. This action in regard to claimants and their attorneys was not satisfactory, and Congress enacted the following law on July 18, 1894:

Provided, That the report of such examining surgeons, when filed in the Pension Office, shall be open to the examination and inspection of the claimant or his attorney, under such reasonable rules and regulations as the Secretary of the Interior may provide.

Another thing: In order, as I stated before, to prevent the use of these reports to help the old soldiers an order or an instruction of some kind was issued so that the boards, upon examining the claimants, did not report and rate each disability, and there was nothing upon which the Congressman could base an argument to the commissioner or the medical referee in behalf of the pensioner. They had to accept the finding of the medical referee, based upon the description made by the examining surgeons.

It was not strange that Congress was not satisfied with such action, and later—and after the term of the administration of Mr. Cleveland had expired—the following law was enacted:

That the report of such examining surgeons shall specifically state the rating which, in their judgment, the applicant is entitled to; and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described.

It seems to me that an examination of the laws enacted by Congress since 1893 shows the feeling of this body on the pension question.

Another thing. I notice that the distinguished Senator [Mr. SMITH] said he thought there should be a plan of payment and adjustment and that we should figure how much money we had for the pensioners and then rate the pensions accordingly. That is not quoting the Senator exactly, but that is the substance of what he means.

Mr. SMITH of Georgia. Substantially.

Mr. CURTIS. The then Secretary's position explains why, in 1894 when Congress appropriated \$166,000,000 for pensions, there was disbursed by the Pension Office only \$143,000,000.

In the last amendment offered by the Senator from Georgia [Mr. SMITH] provision is made for special examiners, and the cases are to be examined by them before they are acted upon. I should like in this connection to call attention to the amount of money that was spent for such examinations during the Senator's services as Secretary of the Interior. In 1893 there was appropriated for special examiners \$225,000; in 1894 there was used in this division \$400,000; in 1895, \$450,000; in 1896, \$497,000. In 1898 the appropriation was \$431,000, the appropriation having been made the year before.

Mr. SMITH of Michigan. I simply desire to say to the Senator from Kansas that they took that twenty-odd million dollars from the soldiers and gave it to the importers of European manufactures and merchandise. That administration had more sympathy for the importers of European products who were benefited by free trade than sympathies for the soldiers who fought the battles of the Republic.

Mr. CURTIS. In addition to the number of pensioners upon the rolls there were 50,000 attorneys practicing before the department, with from 5 to 10 witnesses in each case.

With thousands of men before whom testimony has been taken, there were only 963 indictments found in the three years of 1894, 1895, and 1896, and only 596 convictions had. The commissioner tells us that by and through the efforts of the special examining division and the law division there was recovered by the United States, in round numbers, \$20,000.

This is evidence that this large expenditure of money was not justified.

I call attention to these figures for this reason: There is absolutely no use of increasing the appropriations to provide for special examiners in the field.

Now, Mr. President, I intended to make a few remarks on the general pension bill when it comes up, as I want to talk about the various features of a pension bill—the Sherwood bill and the Smoot substitute bill—but I will not to-day take up the time of the Senate in discussing those measures.

I do want, however, to say something about other matters which have caused much trouble. After pensions claims were rejected, suspended, or dismissed, and new applications were filed for restoration, Congress became convinced that the old soldiers were not having fair treatment in the department, because, when allowed, the pensions were not dated from the time of filing the first application; so Congress passed the act of March 6, 1896, which provided that when such a pension claim was allowed the pension should date from the filing of the first application, provided the evidence showed a pensionable disability to have existed at the time of the filing of such first application.

Now, the Senator objects because \$4,000,000,000 has been expended for pensions. Why have we paid \$4,000,000,000 to the pensioners of this country? I as one Senator believe that this great Government has no right to measure in dollars and cents the services these men rendered; and if it were 10 times the amount, the debt the Government owes to the Union soldiers would not be paid. I believe we ought to give the Union soldiers most liberal pensions. Senators talk about soldiers' homes. If we pass the Sherwood bill and give a dollar a day to the soldiers of this country who served more than a year, 90 per cent of the soldiers who are able to get around will leave the soldiers' homes. If you will pass the dollar-a-day pension bill you will largely stop the enactment of private pension bills, because, no matter what figures you take, if you pass the Sherwood bill you will place over 200,000 soldiers upon the pension roll at a dollar a day.

So I ask Senators not to waste the time of the Senate while the soldiers are passing away every hour, but do that which will enable them to leave the soldiers' homes and return to their families and live as they would like to live, and would if enabled so to do. It is very strange to me that we should stop and haggle over the appropriations to pay pensioners when bills are enacted by Congress which require an expenditure of from \$5 to \$300 to collect \$1.

We can spend from \$400,000,000 to \$500,000,000 for the Panama Canal, and yet some one complains if we want to increase soldiers' pensions and appropriate \$45,000,000 a year to increase the pensions of the men who made it possible for us to build the Panama Canal; to increase the pensions of men who made it possible for us to be here to-day. I ask Senators upon the other side of the Chamber to recognize the great service that was rendered by the Union soldiers in saving and preserving this Union. We who represent this great and rich Nation should not haggle over the money that is asked to be appropriated to pay the soldiers who saved this country and who have helped to make it the greatest Nation in the world.

The PRESIDING OFFICER (Mr. LODGE in the chair). The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. McCUMBER. Before we proceed to a vote upon this amendment, as many Senators are absent and will have to be informed as to what we are voting upon, I suggest, before the vote is taken on the amendment, the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Kern	Shively
Bourne	Cullom	Lodge	Smith, Ga.
Brandegee	Cummins	Lorimer	Smith, Mich.
Briggs	Curtis	McCumber	Smoot
Bristow	Dillingham	Martine, N. J.	Swanson
Brown	Fletcher	Myers	Tillman
Bryan	Foster	Nixon	Warren
Burnham	Gallinger	Oliver	Watson
Burton	Gardner	Overman	Williams
Chilton	Guggenheim	Page	
Clark, Wyo.	Johnston, Ala.	Perkins	
Crane	Jones	Pomerene	

Mr. FOSTER. I wish to announce that my colleague [Mr. THORNTON] is unavoidably absent.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on account of the sickness of his mother.

Mr. OLIVER. I wish to state that my colleague [Mr. PENROSE] is necessarily absent to-day, and he is paired.

Mr. SMOOT. I desire to announce that my colleague [Mr. SUTHERLAND] is necessarily absent.

Mr. CRAWFORD. I wish to announce that my colleague [Mr. GAMBLE] is necessarily absent, and that he has a general pair.

The PRESIDING OFFICER. Forty-five Senators have answered to their names—not a quorum.

Mr. WILLIAMS. I move that the Senate adjourn.

The question being put, there were on a division—ayes 10, noes 23.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The motion is lost. The Senate refuses to adjourn.

Mr. BRADLEY, Mr. REED, Mr. WETMORE, and Mr. JOHNSON of Maine entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. Mr. President, I desire for one moment to engage the attention of the Senator from Georgia.

Mr. SMITH of Georgia. One moment. I rise to a point of order. The two hours have elapsed.

The PRESIDING OFFICER. The hour of 4 o'clock was passed while the roll was being called.

Mr. GALLINGER. There is no unfinished business, the unfinished business having been recommitted to the Committee on the District of Columbia.

The PRESIDING OFFICER. There is no unfinished business.

Mr. GALLINGER. Except the present bill, which becomes unfinished business.

The PRESIDING OFFICER. Except the pending bill.

Mr. SMITH of Georgia. Has that become unfinished business?

The PRESIDING OFFICER. It becomes the unfinished business.

Mr. GALLINGER. Mr. President, yesterday, and again today, the Senator from Georgia suggested that he thought it would be good legislation under the administration of the pension laws if we cut off all those residing in foreign countries who are receiving pensions, I think the Senator said, to the amount of about \$1,000,000 a year.

Now, Mr. President, that was done on one former occasion and Congress repealed it shortly after. If I mistake not, it was done while the honorable Senator was in the high position of Secretary of the Interior. A protest came up against that action on the part of the Senate. I was then acting as chairman of the Committee on Pensions of this body. I received a very pathetic letter, a well-written letter, from an old lady living in Ireland. In that letter the statement was made that her husband was killed in the Civil War; that he enlisted in the Union Army and died on the battle field; and she could not understand why, under such circumstances, the Government of the United States refused to give her a pension or to continue her pension on the ground that she was living in a foreign country. About that time—

Mr. SMITH of Georgia. Will the Senator from New Hampshire allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. I want to say that I would be thoroughly opposed to cutting off a pension of that kind where there was a service injury.

Mr. GALLINGER. But that is precisely what Congress did. It did not differentiate.

About that time I made a little trip into Canada, where I frequently go, and in the town where I chanced to have been born I came across quite a number of ex-soldiers. One of them whom I knew in boyhood had been shot through the chest, grievously wounded. He had been on the pension roll. He did not get any bounty when he entered the service; he entered it from patriotic motives, although a citizen of a foreign country; he wanted to fight. His pension was cut off, and he represented to me that it was a great hardship. He thought it a matter the Government of the United States ought not to be engaged in. I found several others who had received wounds and had suffered disabilities, and they made their plea.

Now, we ought to be careful about what we do in these matters. Acting upon the information I obtained in those cases and others, I introduced a bill to repeal that provision of law, and it was agreed to, and those pensions were restored.

I do not know how many men served in high positions in the Army who were citizens of foreign countries, but I feel sure the records will show that some of our men who distinguished themselves very much as officers in the Union Army were citizens of foreign countries. I chance now to think of one, Emil Frey. He is living in Berne, Switzerland. He was a brevet major of an Illinois regiment and rendered distinguished service as the commander of a company, and I think at one time he commanded the regiment; I am not quite sure. He is on the pension roll. He was on the pension roll at the time of that enactment, and he was cut off for the time being.

Mr. President, I am glad to have the Senator say that he would differentiate in certainly that class of cases. If there are some people living in Canada, for instance, who came here and for a bounty enlisted and served toward the close of the war, I think I would cheerfully join with the Senator in saying that those were not cases that appealed to either our generosity or our justice in matters of that kind.

This is all I care to say. I took a great interest in the matter a few years ago, when I was confronted with these facts, which I thought ought to be given consideration; and, as I said, I was responsible in a sense, because I introduced the bill to repeal the law. We have gone along in that way, and I certainly would be opposed to a sweeping repeal of that provision of our pension laws.

Mr. SMITH of Michigan. Mr. President, I want to suggest to the Senator from New Hampshire that it is just possible

many of the most caustic critics of the American pension system are among the men who found Canada a very convenient place of refuge when the war broke out and who did not come back until it was all over.

Mr. SMITH of Georgia. Mr. President, before we vote upon this subject I desire to offer a few remarks in reply to the Senator from Kansas [Mr. CURTIS]. At the time I had the honor of occupying the position of Secretary of the Interior there presided over the Pension Bureau as gallant a soldier as ever served in the Union Army. He was not simply a soldier who had enlisted for 90 days; he was not a soldier who went to the front for a bounty or to take somebody else's place; he was a colonel in the Army, and he carried the scars, the holes through him, of bullets. There was no more gallant officer upon the battle field at Gettysburg in the Union Army than the man who then presided over the Pension Office. With few exceptions the entire details of that office were under his control. I might say that the only differences he and I had were when I objected to what I thought was a little too rigid enforcement of his conception of law.

At the opening of the administration we found an order—I must speak from memory now; 16 years gone by—that practically set aside an act of Congress in the fixing of pensions. It was an order of the commissioner which practically eliminated the provisions of the statute applicable to the mode of classifying the pay of a pensioner. That question came up for consideration, and an opinion was rendered by the department following the statute. I can not now recall the name of the case in which the opinion was rendered; it has been so long ago, and I have had no occasion to think of it since. Possibly the Senator from Kansas can tell the name of the case to which I refer.

Mr. CURTIS. I think the Senator refers to what was known as the Bussey decision.

Mr. SMITH of Georgia. No.

Mr. CURTIS. That is the only one I know of.

Mr. SMITH of Georgia. That was not the decision rendered when I was Secretary of the Interior. The view of the law taken by the commissioner was sustained by the department, and after examination I think we found that a prior Assistant Secretary at least had rendered exactly the same opinion.

Mr. CURTIS. May I interrupt the Senator there?

Mr. SMITH of Georgia. Yes.

Mr. CURTIS. I think if the Senator will examine the Bussey decision he will conclude that it did not sustain the contention. That point was raised once before, and I had occasion to look up that decision and I found it did not sustain it.

Mr. SMITH of Georgia. I want to say to the Senator from Kansas that I speak solely relying on my memory, 16 years after the transaction, with no opportunity to have in any way refreshed my recollection about it for many years; but that the opinion which was rendered while I was Secretary of the Interior simply followed the statute, invoked no new rule, and required the department to administer the pension system under the law as it had been written by Congress, and not under a system of the Pension Bureau which had superseded the act of Congress.

That the effect of superseding the statute had been somewhat surprising I can illustrate by a little incident that happened in connection with my personal observation. There had been promoted to the position of Assistant Commissioner of Pensions one of the men in the Pension Bureau who had shown great proficiency. After he was promoted to the position of assistant commissioner on account of his ability and capacity for work, he brought to the attention of the department that he was drawing a pension of \$12 a month under a statute which only allowed this sum for total disability. I mention that simply to show that under the administration of the Pension Bureau, just before Judge Lochren took charge, the administration had drifted clear away from the law. The modification at the instance of the commissioner, a splendid ex-Union soldier, was solely in the line of bringing the bureau to a compliance with the statute; and the opinion rendered in the leading case as to the meaning of the statute to which I refer has never been reversed, so far as I know or so far as I have ever heard, by any subsequent administration of the Interior Department or the bureau itself. If the Commissioner of Pensions found it necessary to suspend a number of pensions, it was because he found that those pensions had been granted in deliberate disregard of the law and without any compliance on the part of the applicants with the proof required by the statute to show the disability of the particular pensioner.

With reference to the expenses of the department, from an examination of a list of expenditures in my hands (the whole matter had gone from my memory) I find that the expenses of

subsequent years were about the same as during the time this extra work was put upon the department during the administration of Judge Lochren. I find also that the pension roll, as made up by Judge Lochren under the statute, was not increased by subsequent administrations, although he reduced the pension payments about \$17,000,000 annually. So, however harsh it may have seemed to take from the pension roll men who had been put upon it, the subsequent administrations were compelled to recognize the fact that, taken as whole, the conduct of Judge Lochren in administering the Pension Bureau was in conformity with law. That there were individual instances that made cases of hardship I have no doubt is true, but that the general administration was simply an administration by that splendid man in conformity with the statute is sustained by the fact that the roll, when he retired, found no sudden increase upon its list by the next administration, which would have been the case—

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Certainly.

Mr. CURTIS. I think that can be explained by the fact that if you will examine into the record you will see that the board of review which had charge of all cases had 104,000 one year, and they found something to object to in each case so as to delay action.

Mr. SMITH of Georgia. I find from this report that the pension payments in 1894 were reduced to \$139,986,726.17; in 1895 to \$139,812,294.30; in 1898 they were \$141,651,879.80; in 1900 they were \$138,462,130.65; in 1901 they were \$138,531,483.84; in 1903 they were \$137,759,653.71; and in 1904 they were \$141,093,571.49. So the rather severe attack of the Senator from Kansas was hardly just, eloquent though it was; eloquent, as it is almost easy to be upon the subject on which he spoke; eloquent, as it is almost impossible not to be under the circumstances on the subject upon which he spoke. In spite of the fact that it was directed a little harshly toward me, it was so eloquent I could not help enjoying it. It was delightful to see the enthusiasm with which he described the valor of the soldiers and criticized the honest official conduct of one of the soldiers, Judge Lochren, although, of course, that criticism was directed toward myself. I only wish, without any opportunity to obtain the details, to give these facts in partial answer to the very eloquent speech of the Senator from Kansas.

I wish to assure him that, in spite of the feeling which he manifested on the subject, I entertain none; and I am sure that the effort of Col. Lochren, one of the heroes of Gettysburg, while he was at the head of that bureau was simply to follow the law, and the subsequent records of the bureau sustains his work.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia [Mr. SMITH].

Mr. SHIVELY. Mr. President, I ask that the amendment may be again read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out the item at the bottom of page 21 relative to Frank A. Wardwell, in the following words:

The name of Frank A. Wardwell, late of U. S. S. Vandalia and Ohio, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. Mr. President, I do not know whether we need a quorum to proceed with this matter. I do not know but that I ought to suggest the absence of a quorum.

Mr. SHIVELY. There has been no want of a quorum disclosed. We are just about taking a vote, which may possibly develop the presence of a quorum.

Mr. GALLINGER. I move that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has been stated by the Secretary. [Putting the question.] The yeas appear to have it. The yeas have it, and the amendment is lost.

Mr. SMITH of Georgia. I do not want to call for the yeas and nays, but I would be glad to vote for my own amendment. I unintentionally did not vote. I was speaking to the Senator from Georgia [Mr. Bacon] at the time. I am not insisting on a call of the roll on the amendment or on the question of the presence of a quorum. I do not think the presence of a quorum would affect the vote, and for that reason I am not going to make any point on the absence of a quorum.

The amendment was rejected.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole, and open to amendment.

Mr. BRYAN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. It is proposed to strike out lines 9, 10, 11, and 12, on page 16, of the bill, which read as follows:

The name of Heber Angel, late of Company M, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. BRYAN. I ask the Secretary to read the report of the committee on original Senate bill No. 2255, on page 37.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

S. 2255. Heber Angel was a private in Company M, Sixth Regiment Michigan Volunteer Cavalry. He served from February 16, 1865, to November 24, 1865, and was honorably discharged. He is a pensioner under the service act of February 6, 1907, at the rate of \$20 per month. He was formerly pensioned under the act of June 27, 1890, at \$12 per month. His application under the general law for chronic diarrhea and scurvy, filed November 20, 1886, was rejected June 7, 1899, because he could not furnish the necessary evidence to connect his disabilities with the military service.

Claimant is now upward of 77 years of age. The testimony on file in his case shows that he is generally broken down from rheumatism, bronchitis, disease of eyes, and other infirmities of old age, and is no longer able to perform manual labor or to do anything toward earning a support. It is also shown that he is a poor man without property or means of support other than his pension. On account of soldier's age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to \$24 per month.

Mr. BRYAN. Mr. President, from the reading of this report Mr. Angel served in the Civil War from February 16 to April 9, 1865. I have a report from the War Department as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

Heber Angel, late private, Company M, Sixth Michigan Cavalry volunteers.

The official records show that Heber Angel was enrolled February 16, 1865, at Lowell, Mich., and was mustered into service February 21, 1865, as a private of Company M, Sixth Michigan Cavalry Volunteers, to serve one year. It appears that he served faithfully until November 24, 1865, when he was mustered out and honorably discharged from service with the company as a private.

Nothing has been found of record to show that he was under treatment in hospital at any time within the period of his service.

Official statement furnished to Hon. HOKE SMITH, United States Senate, March 4, 1912.

By authority of the Secretary of War:

E. F. LADD, Adjutant-General.

From February 21, when he was mustered in, to April 9, 1865, when Lee surrendered, was 47 days. The report shows that he has drawn a pension under the act of June 27, 1890, at \$12 per month until the act of 1907 became effective, when he took advantage of the provisions of that act. Therefore he drew pensions for sixteen and a half years at \$144 a year, making \$2,376; then for three years at \$180 a year, making \$540; then for two years at \$240 a year, making 480; a total of \$3,396 for 47 days' service, or an average of \$72.25 a day.

The report further shows that in 1886 he made application for an increase of pension for an injury due to service, and that upon examination by the bureau his application was rejected. The report which I have read from the War Department also shows that he has been unable to show any injury due to that service; yet, Mr. President, we are now asked to single out this man from the great body of the soldiers and to increase his pension to \$24 per month, when he has already received \$3,396 for his six weeks' service with no injury at all.

It is not my purpose, Mr. President, to undertake to delay a vote upon these private pension bills. I call the attention of the Senate in this way to this case, so as to justify myself in placing in a few words before the Senate what we are trying to do and what we have been doing in private pension legislation. On the subject of general pension legislation I undertook to make myself understood some time ago. I base the right of a man to receive a pension not in a scrimmage between age and length of service, not on the question of whether he was 90 days in the war or whether he served three years, but I base it upon the question of whether or not, because of his patriotism to his country, he suffered injuries by reason of that service and is now in need of aid from that Government which he helped to save. On no other basis, in my judgment, can you justly deal with the great body of survivors of the Union Army.

Until 1890 you tried the plan of giving pensions to those who suffered disability, and not until then did this Government branch out into the plan of undertaking to pay men in the cold dollars of a pension roll for services to their country in time of war; but from 1890, when you undertook to grant pensions because of inability to earn a living by manual labor, although not due to service, until that act of 1907 you required only 90 days of service, and then gauged the amount received by age, there has been constant and continuous dissatisfaction with the policy of pension legislation.

I understand from the discussion that, so far, has taken place here that the Spanish-American War veteran does not seem to have many friends. I was interested in the question propounded

by the chairman of the committee to the Senator from Georgia [Mr. SMITH], in which he stated that this Government was more liberal to the survivors of that conflict than to those of the Civil War; but, as I understand, the survivors of the War with Spain base their right to a pension upon disability due to service, and that the same act of the same Congress is there to be taken advantage of by the survivors of the Civil War.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Dakota?

Mr. BRYAN. Certainly.

Mr. McCUMBER. Mr. President, lest the Senator himself may have obtained the wrong idea of what the statement was, I will repeat it. The statement was that the soldiers who obtained pensions immediately after the close of the Civil War for a degree of injury incurred in that war received only a small percentage of what the soldier of the Spanish War receives for like services after the close of the Spanish War. We were speaking at that time of the amounts that were paid for injuries incurred in the line of service, and while the soldier of the Civil War to-day is receiving just as much, he is receiving, when he is a very old man, what the Spanish War veteran is receiving for light wounds or injuries while he is a comparatively young man.

Mr. BRYAN. Well, the Spanish War soldier has not got old enough yet.

Mr. McCUMBER. In that respect certainly the Spanish-American soldier is receiving a great deal more in the line of benefit for his services than was the soldier of the Civil War at exactly the same length of time after the close of the war in which each was engaged.

Mr. BRYAN. I do not know how that may be. I have only to say a word for the Spanish-American veteran. I think it is just as bad to be killed with a bolo as with a bullet.

Mr. McCUMBER. I will give the Senator from Florida just one illustration, if the Senator will allow me.

The PRESIDING OFFICER. Does the Senator from Florida yield further?

Mr. BRYAN. I do.

Mr. McCUMBER. At the close of the Civil War the soldier who had lost an arm was allowed \$8 per month; at the present time he is allowed \$55 a month; and at the present time the soldier who lost an arm in the Spanish-American War is entitled to \$55 a month, as against the \$8 a month that the soldier of the Civil War received after the close of the war in which he was engaged.

Mr. BRYAN. Mr. President, the Senator from North Dakota ought not to object if a veteran of the War with Spain takes advantage of the liberal legislation enacted for the benefit of survivors of the Civil War. Under the general law as applied to either one of them they can draw more than they can under the act of 1890 or under the McCumber Act of 1907.

Mr. McCUMBER. The Senator says that I can not object. I certainly do not object; but I call attention to the fact that the soldier of the Civil War did not receive nearly as kind treatment at his age as does the soldier of the Spanish-American War.

Mr. BRYAN. That is only because he happened to come along at a fortunate time in his country's history in so far as pension legislation is concerned.

Now, under neither of the general pension bills before the Senate or that will be brought before the Senate will the question of need for pensions be presented. The report of the committee condemns basing a pension upon meritorious service and need as wrong in principle. They say that to take from a person his pension because he does not need it is to penalize thrift. It is no more so, in my judgment, Mr. President, than the fact that in the respective counties where we live not all of us are on the poor list. It is inevitable that people who, because of their fault or because of misfortune, have not earned enough of the world's goods to support themselves, whether they are survivors of the war or whether they are good citizens or bad citizens, have to be supported at public expense out of the taxes of the people; but when we come to private-pension legislation it is seen in every report that the basis for it is the need of the applicant. Why, then, does the committee shift its position? If it is reprehensible to urge need as a general proposition when general pension legislation is being considered, why is it urged in each report as being one of the basic questions upon which the Senate is asked to vote special legislation?

Mr. President, in the short time I have served upon the Committee on Pensions I have been impressed with the impossibility of giving fair consideration and just consideration to this class of legislation. More than 75 per cent of the bills introduced into the Senate of the United States are private pension

bills. They go to a committee of 14 members. The committee assembles around the table, the clerk of the committee, as stated by the chairman of the committee on yesterday, having written the report in each case. The number of cases is divided among the 14 Senators, and each Senator looks through those submitted to him, or is supposed to do so. If he has no objection they come here in the form of an omnibus bill. Therefore, Mr. President, unless objection is made, only one Senator of the United States and the clerk of the committee have had anything to say about that bill. It then comes to be passed by the Senate without consideration, because it is impossible to give each bill consideration. From the time the bill is introduced here until the Vice President and Secretary have, by a shorthand form, announced its passage, including the time when it is in the committee and referred to a Senator from the State where the claimant lives or from an adjoining State, if possible, no man except those one or two men knows anything about the case; yet it is supposed to be reprehensible, Mr. President, to stand here and call attention to these matters.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. Certainly.

Mr. SMITH of Michigan. I should like to suggest to the Senator from Florida that there was not that much formality in the enlistment of men for the war.

Mr. BRYAN. I hope, Mr. President, that the Senator from Michigan does not undertake by the illustration he has given to say that the method I have described is the proper method of enacting legislation.

Mr. SMITH of Michigan. It has been in vogue for a great many years, Mr. President; it has been in vogue when the Democratic Party were in possession of both branches of the Government, as well as when the Republican Party have been in control. There never has been any difference.

Mr. BRYAN. The Senator from Michigan may be responsible for the Republican Party, but I have had very little responsibility so far for the Democratic Party. Regardless, however, of party or who did it, I say it is not possible under that system to have well-considered legislation.

We come, then, to consider this case of a man who served 47 days and who has received \$3,400. Under the rules of the committee, as I understand, he must have had long service to entitle him to an increase by special act of Congress. But it is said he is 77 years of age. Well, Mr. President, there are other soldiers 77 years of age, and it is unfair to them to increase the pension of this man. If you want to put it on a basis of dollars and cents, they ought all to receive the same for like service. This man receives \$20 a month now, and he has received \$12 a month for the last 22 years, and it occurs to me that that is pretty fair compensation for 47 days' service.

The point I make with reference to the work done in the Committee on Pensions is this: I do not undertake to say that anybody should be criticized or blamed. It is the system, the undertaking to make exceptions, that is at fault. I believe we ought to do one of two things: We ought to enact satisfactory general-pension legislation and never enact a private-pension bill, or we ought to enact the rules of the Pension Committee, send them down to the Commissioner of Pensions, and let him administer the details of the method of paying out pensions. No man, I take it, would stand in his place here and undertake to say that we have given or can give intelligent consideration to these bills. If the chairman of the committee had realized that he was taking one man 77 years of age out of a list of about 1,500 and elevating him above the others in pay, notwithstanding the fact that some of that other 1,500 may have served four years during the war and this man had the long-standing service of only 47 days—I do not think it would have appealed to the well-established sense of justice of the Senator from North Dakota.

Mr. President, of course a man 77 years of age is unable to do manual labor; that goes without saying; but it is no more true of a man who served 47 days in the war than it is of a man who never went to the war, but is of that age. A case of poverty, of destitution, of old age appeals to the kindly feelings of us all, but where is the difference in the case of this man and that of any other man in like circumstances and conditions?

Sometimes I think, Mr. President, in considering this class of legislation, that it would not be out of place also to remember the great army that never went to war—the great industrial army. It has some deserters and some shirkers in it, but, on the whole, the members of that army have worked their way through life until some of them are 77 years of age. They are not asking anything at the hands of the Government ex-

cept a fair chance and that the power of taxation be not used against them for the benefit of some who do not need that aid.

I do not agree with much that was said by the Senator from Georgia as to the proper basis of pension legislation. I do not think we ought to take so many million dollars and divide that among those we consider entitled to it, but I do believe that we ought to establish the principle that a soldier who rendered meritorious service to his country and suffered by reason of that service should receive compensation, and that those who rendered no service or whose service, as in this case, was so short as to be inconsiderable, should be pensioned, if at all, in the first place, under the general law, and certainly should not be taken and placed above those of long service in the amount of pension received.

There is a feeling of dissatisfaction among the soldiers. I suppose the chairman of the committee, who was in the Chamber when I delivered some remarks upon the subject of pension legislation some time ago, might be of the opinion that I would find very little sympathy with the survivors of the Union Army; yet, Mr. President, I have had many letters from them, and, if I can find it, I want to read just one.

Mr. SHIVELY. What is the Senator proposing to establish by reading the letter—that he is in sympathy with the survivors of the Civil War?

Mr. BRYAN. If the Senator from Indiana will be patient the letter, if I can find it, will disclose to him the purpose.

Mr. SHIVELY. I thought the Senator might announce his purpose in desiring to read it.

Mr. BRYAN. It was from a member of the John A. Logan Chapter, at some place in New York, indorsing the proposition I had before the committee to make the pension roll public, and stating that the real soldiers in that war wanted it made public. They are placed now in an unfair position. They are forced by this legislation to make common cause with men of very nominal service. They do not like that; and I do not believe the Senator from Indiana down in his heart of hearts likes it or blames them for not liking it.

Mr. SHIVELY. If the Senator from Florida will permit me, he may not, but the Senator from Indiana is not going to take an extremely remote exceptional case and try to impress the Senate or the country that it is a typical case.

Mr. BRYAN. I have not said this case was typical. I moved to strike it out because I do not believe it can be defended by any Senator.

Mr. SHIVELY. The Senator just a few moments ago referred to the great industrial army, some of whose members are growing old and becoming infirm, but who are not asking for anything. What are we to infer from that—that we should not grant pensions at all?

Mr. BRYAN. What I had in mind was that this man, because of his 47 days' service for which he received \$3,400, had not placed himself so far superior to those men as to justify us in granting him by private bill an additional pension.

Mr. SHIVELY. Does the Senator claim that the facts are incorrectly reported in the report submitted to the Senate?

Mr. BRYAN. I have not claimed that.

Mr. SHIVELY. How does he shorten that service report into 47 days' service?

Mr. BRYAN. In the Civil War, I said. He served from February 21 to November 24, 1865; but I said in the beginning the surrender at Appomattox was on April 9, 1865.

Mr. OVERMAN. How did he get \$3,400 for serving 47 days?

Mr. BRYAN. He applied for pension under the disability clause of the general law, but having incurred no disability, he could not get a pension—

Mr. McCUMBER. Mr. President—

Mr. BRYAN. Now, just let me answer one at a time, if you please. Then, in 1890, being unable to perform manual labor, he got \$12 a month under the act of June 27, 1890.

Mr. McCUMBER. Could he get \$12 a month without having served 90 days?

Mr. SHIVELY. Certainly not.

Mr. BRYAN. Certainly not.

Mr. McCUMBER. Then he must have served more than 47 days.

Mr. BRYAN. Oh, no; I do not think so, because—

Mr. SMITH of Georgia. He could serve 90 days—

Mr. BRYAN. Wait a minute, if you please. If he had enlisted near the close of the war and served for a year afterwards he would draw a pension; for the Senator from North Dakota knows that while, as a matter of fact, the war was over on April 9, 1865, officially it was not declared over until August 20, 1866, and a man who had enlisted prior to the surrender of Lee

at Appomattox and served until 1866 will be counted as if he had served in the war a year.

Mr. CLARK of Wyoming. Mr. President—

Mr. McCUMBER. But the Senator must understand that the Supreme Court held that the war was not over until August, 1866.

Mr. BRYAN. Certainly.

Mr. McCUMBER. Several dates have been used by the department, but when we pass a law which declares that the soldier must have served 90 days in the Civil War we must find and recognize before he is allowed a pension the length of his service after his enlistment and during the continuance of the Civil War of at least 90 days.

Mr. BRYAN. Does not the Senator agree with me that it was impossible for Mr. Angel to have enlisted on February 21 and served 90 days in actual warfare in the Civil War?

Mr. McCUMBER. I say it depends upon where his regiment was sent. Our good Texas friends kept us busy for nearly a year later before that State was entirely subdued.

Mr. BRYAN. But you ask me how he could get a pension at all. His service commenced in February, 1865. The only way I know would be for him to have served after the close of the war.

Mr. McCUMBER. Under no decision has it ever been regarded as terminating on April 9, the date of the surrender at Appomattox.

Mr. BRYAN. Certainly. The war was officially declared to have closed in 1866.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. BRYAN. It is impossible for me to yield to more than one Senator at a time.

The PRESIDING OFFICER. The Chair entirely agrees with the Senator from Florida.

Mr. McCUMBER. I also call the Senator's attention to another matter. I think we are wasting a great deal of time.

Mr. BRYAN. If the Senator will withdraw that I will—

Mr. McCUMBER. There is a difference of only \$4 a month, and that \$4 a month is due to the fact, first, that he served at least more than 90 days and that he is in a destitute condition and is over 77 years of age.

Mr. BRYAN. Before the chairman of the committee takes his seat I should like to state that it is not said here that he was in a destitute condition. The statement here is that "he is a poor man without property or means of support other than his pension."

Mr. SHIVELY. What more would be necessary to constitute destitution than those conditions?

Mr. BRYAN. The Senator from Florida is a poor man, but not destitute exactly.

Mr. SHIVELY. The Senator has means of support. This man is without means of support other than his pension.

Mr. BRYAN. That brings to my mind this question—

Mr. McCUMBER. I hope the Senator will complete the reading of the report, because, if he will follow it a line further, he will find that it is found as a substantiated fact that "he is a poor man without property or means of support other than his pension."

Mr. BRYAN. I read that.

Mr. McCUMBER. If that is not destitution, I do not know what is.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. In a moment. I want to answer the Senator from Indiana, and then I will yield first to the Senator from Wyoming [Mr. CLARK].

Unquestionably a man 77 years of age is unable to perform manual labor. It is stated here that he is a poor man. It is not stated that he has no relatives—sons or daughters—who are not fully capable—

Mr. SHIVELY. Or neighbors.

Mr. BRYAN. I do not say neighbors; I will make my own remarks. It is not stated he has no relatives, sons and daughters, who are not capable of supporting him. Any man 77 years old may be unable to support himself and be without the means of support in his own name. Yet if he is a genuine survivor of the Civil War it seems to me there would be enough patriotism in those of this generation to see that he would not suffer for support.

Mr. SHIVELY. The real practical test the Senator would apply in such a case is whether a man either is in the poor-house or just going into it.

Mr. BRYAN. There is no disposition on my part to evade the proposition submitted by the Senator from Indiana. I said he stands no better or worse than any other man of his age who is in poverty.

Mr. SHIVELY. No worse than any other man in the same condition, the Senator means.

Mr. BRYAN. I mean that.

Mr. SHIVELY. I agree to that proposition.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. I yield first to the Senator from Wyoming.

Mr. CLARK of Wyoming. The occasion for my interruption has really passed. I wanted to call the attention of the Senator from Florida to another thing. The services of the soldiers did not terminate with the surrender at Appomattox. At the time of that surrender the soldiers of the United States were engaged in various parts of the country in a far more grueling conflict than that between the North and the South, to wit, on our borders, and those soldiers should receive their reward as well as those who were in the regiments in the conflict between the North and the South. It might well be that a soldier whose term of enlistment did not expire, as it says here, until he was mustered out in August, 1866, was engaged in deadly action during the entire six months following the surrender at Appomattox.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. I will yield to the Senator in a moment. I do not say the war ended officially in 1865. I know it technically continued until August, 1866, and I know that the soldiers who served during that period were technical soldiers.

Mr. CLARK of Wyoming. But the Senator from Florida has a number of times assumed, in making his calculation of 47 days, that the soldier's services terminated at the surrender at Appomattox.

Mr. BRYAN. How else could he get a pension under the general law?

Mr. CLARK of Wyoming. He was a soldier in the Civil War, and he is entitled to have counted his service until he was mustered out of the service of the United States.

Mr. BRYAN. But, if the Senator will permit me, I will make this suggestion to him: There is a difference in our legislation between a survivor of the Civil War in his pension and under the general law which the regular establishment has cared for.

Mr. CLARK of Wyoming. But the Senator would not contend for a moment that a soldier who enlisted between 1861 and 1864, and was ordered to the Northwest to engage in Indian warfare, and who was disabled in that warfare, was not entitled to a pension as a Civil War soldier?

Mr. BRYAN. Certainly not; and if this man had been injured in the war I would not say a word about it, but the fact is he is unable to show any injury as the result of his service.

Mr. SMITH of Michigan. The Senator from Wyoming says that the reason for his interruption has passed, but the reason for mine has not passed.

Mr. BRYAN. Therefore I yield.

Mr. SMITH of Michigan. While the distinguished Senator from Florida is exercising his talent to consign this veteran soldier to the poorhouse, I would have him know that he was a member of the gallant Michigan cavalry brigade which participated in nearly a hundred battles, and that he himself was with the brigade when it formed part of the force with which Gen. Sheridan made his movement against Gen. Early's army on the rebel communications in the direction of Gordonsville and Richmond, later meeting the rebel cavalry of Gen. Rosser, then to Lynchville, Five Forks, and Sailors Creek, and at the Battle of Appomattox—one of the most crucial and important in the history of the War of the Union—and even though he was not so unfortunate as to be picked out by some southern sharpshooter, his breast was still exposed to the enemy, and for that service, if he had no other claims, he is entitled to the patriotic and generous consideration of the Government he helped to save.

The Michigan cavalry brigade, commanded by Sheridan and Custer and Alger and Kidd, brought more glory to American arms than all the soldiers that ever enlisted from the State of Florida. Yet here stands the distinguished Senator in this august assembly and underrates the services of this poor soldier to his Government.

He did not dodge his duty; and if he had not enlisted in the war until the night before any great battle, or even of Appomattox, he would still have rendered a service sufficiently con-

spicuous to entitle him to this meager allowance at the hands of his countrymen.

There was no more brilliant service in the War of the Rebellion than that contributed by the Michigan Cavalry Brigade from Bull Run to Appomattox, and while this is not my bill, I rise to remind the Senator from Florida, who was not born until after the war, that he had better read the history of the Sixth Michigan Cavalry and familiarize himself with the stoical heroism of that gallant band who never lost a gun nor a flag. After the honored Senator has studied that history, perhaps he can find it in his heart to recognize this old man who perhaps was fortunate in not being wounded and unfortunate in not being killed in battles which shed luster upon American arms and testify in words of living light his deep devotion to his country in its hour of greatest need.

Mr. President, I think it most ungenerous for anyone to suggest in this Chamber that there should be denied a pension to a man who was a member of a brigade so gallant and heroic, whose heroism can not be doubted, and whose poverty and sickness call loudly for relief. He could have remained away from the service, as millions of others did, but his services were needed, and when he entered the South boasted that the war had only begun. He did not know how long it would last or the privations he would be called upon to endure in camp or prison; he thought not of the long marches or the bloody battles; he simply acted the part of a man and a patriot, and I am sure upon reflection the honored Senator from Florida will accord him his just meed of praise for the humble part he played in the world's greatest drama enacted among the forests and fields and mountains of his unfortunate yet beautiful Southland; to be sure he entered the onslaught, but the heroic service rendered never can be compensated for in dollars and cents.

Mr. BRYAN. Mr. President, there was so much in the athletic style of gymnastic eloquence connected with the question of the Senator from Michigan that I missed it. I understood that Appomattox was not one of the great battle fields. It was the place where the surrender took place.

Mr. SMITH of Michigan. The Senator has not read history aright. That is where the Confederacy made its last stand and marshaled its greatest generals—Lee, Longstreet, and Gordon.

Mr. BRYAN. There was no fight at Appomattox.

Mr. SMITH of Michigan. No fight?

Mr. BRYAN. Not as much fight as the Senator is making now.

Mr. SMITH of Michigan. There was no fight by the Senator from Florida; that is very evident; but both armies stubbornly contested for supremacy, the Confederates protecting the supplies of their army, and after the gallant Custer had captured the Lynchburg Pike and with his dauntless cavalry destroyed trainload after trainload of supplies, cutting off Richmond, while Cavalry and Infantry were constantly in action, the white flag of Lee was seen through the smoke of battle and the unconquerable Custer sent his chief of staff, Gen. Whitaker, inside the rebel lines; but firing did not cease until the surrender was unconditional.

Mr. BRYAN. I am perfectly willing to yield to any question of the Senator from Michigan, but really he ought not to take advantage of my youth and inexperience.

Mr. SMITH of Michigan. I do not find fault with the time the Senator from Florida arrived. He arrived as quickly as he could.

Mr. BRYAN. However late I arrived, I had about as much service in the Civil War as did the Senator from Michigan.

Mr. SMITH of Michigan. I was not born until the guns resounded in the South, but I have read history, and I am familiar with the gallantry of the Michigan brigade in which this soldier served, and I shall never permit any member of it to be stigmatized in my hearing without my resenting it.

Mr. BRYAN. Mr. President, of course the Senator from Michigan can say that I have stigmatized Mr. Heber Angel, but he can not point to a single word I have said criticizing him. I have simply stated the facts as disclosed by this report—that he did enlist in the Cavalry February 16, 1865. The Senator from Michigan even supplies the point that he enlisted rather late in the war, and at that time was 30 years of age. I know nothing of Mr. Angel, or, at least, I did not know anything of him until I heard the questions propounded by the Senator from Michigan, in which he stated, by way of preliminary, several things about the service of Mr. Angel in the great battle of Appomattox. I would hardly undertake to dispute a question of history with him, but he is the first historian I have heard make the statement that between the enlistment of Mr. Angel in February, 1865, and the surrender of the Confederate forces at Appomattox in April, 1865, there were 100 battles fought, and

that Mr. Angel had been in those hundred battles. If he was in those 100 battles—

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. Yes.

Mr. SMITH of Michigan. Did the Senator from Florida say that I said there were 100 battles after the enlistment of this man?

Mr. BRYAN. I said that the Senator from Michigan—

Mr. SMITH of Michigan. The Senator should not say that. I said that the Michigan Cavalry Brigade had fought in a hundred battles.

Mr. BRYAN. Was Angel in any of them?

Mr. SMITH of Michigan. Yes; several of them.

Mr. BRYAN. Was this man in the 100 battles?

Mr. SMITH of Michigan. Oh, Mr. President, the Senator grows facetious.

Mr. BRYAN. What have the 100 battles that this regiment engaged in to do with this man's service?

Mr. SMITH of Michigan. They have something to do with the military history of our country and the prowess of his comrades.

Mr. BRYAN. I supposed the Senator from Michigan was asking me a question.

Mr. SMITH of Michigan. The Senator is captious. He seeks to avoid the fact that he is undertaking to create the impression in this Chamber that this private soldier was in no battle at all; and I remind him that he was in several battles, and can give the Senator others if he desires.

Mr. BRYAN. I would be glad to have them.

Mr. SMITH of Michigan. I will do that in my own time.

Mr. BRYAN. I would be glad to have the list of battles and to have the Senator give them now.

Mr. SMITH of Michigan. I think he was at Five Forks, Waynesboro, Sailors Creek, and Appomattox, and you would hesitate to assail this man's military record if you knew how faithful he was as a soldier. You have not taken the trouble to examine. The truth is you have relied upon this fragmentary report and hypothecated a situation that does not exist at all.

Mr. BRYAN. I have hypothecated no situation at all.

Mr. SMITH of Michigan. You have undertaken to take away from this man any credit due him as a soldier.

Mr. BRYAN. I have—

Mr. SMITH of Michigan. I think the Senator upon reflection will accord this soldier his rightful due.

Mr. BRYAN. I have no doubt that the enlistment of Mr. Angel determined the whole contest.

Mr. SMITH of Michigan. He certainly did—

Mr. BRYAN. If the Senator from Michigan will state upon his responsibility that the surrender at Appomattox was due to the enlistment of Mr. Angel, I will withdraw the amendment I have offered.

Mr. SMITH of Michigan. Just say "in part," and I will agree to it. The surrender at Appomattox was due in part to this soldier and to every other soldier who imperiled his life for the Union.

Mr. BRYAN. I thought the broad, general statement of the Senator from Michigan needed qualification.

Mr. SMITH of Michigan. The statement of the Senator from Florida needs some—

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. BRYAN. Whatever may be my merits or demerits, I have only undertaken in a polite, gentlemanly manner to criticize this bill in this particular. Although Mr. Angel by his enlistment in this Cavalry regiment of Michigan Volunteers was the determining factor in that great war, and enlisted from the State of the Senator from Michigan, and although there were none, as the Senator very shrewdly points out, from the State which I have the honor in part to represent fighting upon that side in that war, yet I have conceived that even being from Florida, Mr. President, and not having served in the Union Army, as did Mr. Angel, and perhaps the distinguished Senator from Michigan himself, I have a right to express my convictions upon this or any other question coming before the Senate of the United States.

There is in my nature not the slightest disposition to be even overcritical of the pension roll because of the fact that I happen to come from a Southern State. But being on the Committee on Pensions, not believing it was the best way to try to consider over 3,000 pension bills—I would see only my share of bills and know nothing about the others—and because there I undertook to explain my position and thought it was misunderstood, I came from the committee room of the Committee on Pensions,

and as soon as I could get recognition from the Chair announced that I should speak upon pension legislation.

I do not think I showed any disposition then to fight pension legislation of the kind in which I believe, of the kind in which the leaders of the Union Army believe and have expressed themselves before the Committee on Pensions. They have no patience with the idea of placing the hundred-day men on a parity with the long-term soldiers. But yet a former Congressman, representing the Grand Army of the Republic, had to make this humiliating statement before the committee because it is the truth:

Of course, I think you will all concede, gentlemen, that No. 13 is a little better holdout than No. 11. Of course, I should favor that myself.

Then he proceeds:

There were over 600,000, as I recall—I could refer to it specifically if necessary—that served three months or less—90-day militia. * * * I say to you what I know to be a fact. While many of these men fought, and fought well, the great body of them simply went to man the forts, to release the three-year men that went to the front and did the shooting. That is a fact, gentlemen. Lots of these men never got the polish off their shoes. It is no disparagement to them. They did all they were called upon to do. They wore paper collars and ate soft bread. It was no fault of theirs. Ohio had how many regiments of that kind, Col. McElroy, that never lost a man?

Mr. McELROY. Oh, quite a number of them never saw any fighting and never heard a cannon.

Mr. GARDNER. Many of them never fired a gun. I say to you, gentlemen—and I am willing to defend this proposition before any Grand Army gathering in the country—that the man who went to war and served only 90 days and received no permanent disability from wounds or anything resulting from his service is not entitled to rank with the man who served two, three, or four years at the front.

Mr. Gardner, as I understand, was past commander of the Grand Army of the Republic. I understand that he was an officer in the Union Army from the State of Michigan. The Senator from Michigan has no quarrel with me. Let him quarrel with his own former Congressman, a general in the Union Army, a man afterwards elected to the head of the Grand Army of the Republic, who says it is unfair to take these 90-day men or a 47-day man and put them or him on a parity—much less above—the men who served three or four years.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida. [Putting the question.] The yeas appear to have it.

Mr. BRYAN. I ask for the yeas and nays.

Mr. MARTINE of New Jersey. Mr. President, what is the proposition?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 16 it is proposed to strike out all of lines 9, 10, 11, and 12, which read as follows:

The name of Heber Angel, late of Company M, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The PRESIDING OFFICER. The Senator from Florida asks for the yeas and nays on agreeing to his amendment.

The yeas and nays were not ordered.

The amendment was rejected.

The PRESIDING OFFICER. The bill is as in Committee of the Whole and open to amendment.

Mr. SMITH of Georgia. There is an amendment which has not been considered, which I have offered to the entire bill.

The PRESIDING OFFICER. The Senator now moves that amendment?

Mr. SMITH of Georgia. I move that amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

Provided, however, That no one of the said special pensions contained in this bill shall be paid to any one of the parties herein named until the Pension Bureau has made investigation and found the said party to whom the same is to be paid did not enter the service in consideration of a bounty or for a payment made to him to serve as a substitute; and

Provided further, That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. SHIVELY. Mr. President, if I recall aright, since this bill was reported to the Senate and while it has been pending on the calendar, five of the old soldiers named in it have passed away. Now it is proposed to remit all the cases reported in the bill to the Bureau of Pensions for a special investigation of each case. We might about as well lay the bill on the table as to adopt this amendment. Before such new investigation would be completed the majority of these men will have bidden good night to this world.

The PRESIDING OFFICER. The Senator from Indiana moves to lay the amendment on the table?

Mr. SHIVELY. I do not. I am willing to have a vote taken on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. SMITH].

The amendment was rejected.

Mr. SMITH of Georgia. Mr. President, I have a number of additional amendments that I contemplated submitting, but I am not prepared to say that any of them would appeal to the Senate more than those that have already been submitted, and I am not impressed with the idea that the Senate is impressed with the value of the amendments.

I have stated all along to the Senator from North Dakota that I do not propose to press this fight further than sufficiently far to present the views I have on the subject and the line of thought that is in my mind. That has been pretty well accomplished, and I do not think it worth while to press them, in view of the attitude of the Senate. It seems that only the absent are in favor of the amendments that I have offered; evidently the present are not, and I will not offer any more amendments to strike out particular names, not because I have not prepared them, but, as those that have been presented did not appeal to the Senate, I do not wish to take up the time of the Senate this evening to present the others.

Mr. SHIVELY. Mr. President, as illustrating the tendency toward economy involved in this afternoon's debate on this question, let me observe that the amendment, if adopted, would have saved the United States Government \$144 a year.

Mr. SMITH of Georgia. Mr. President, I want to reply to that.

Mr. McCUMBER. The Senator is mistaken. It would simply save to the Government \$48 a year.

Mr. SHIVELY. Is not this a case in which the increase is from \$12 to \$24?

Mr. McCUMBER. No; the applicant is now receiving \$20 a month under the law of 1907, and this allows him \$24 a month, so that the difference is only \$4 a month.

Mr. SHIVELY. Of course, Mr. President, it can be said that this consideration does not go to the principle involved in special pension bills. I freely admit this contention. On the other hand, those cases have been given a larger measure of examination and scrutiny than has been accorded to them in the discussion this afternoon. The committee avail themselves of all the evidence in each case on file in the Bureau of Pensions, of the history of the soldier's service as disclosed by the records in the War Department, of all additional evidence submitted to the Senate and referred to the committee, and of all additional facts transmitted directly to the committee. True, every member of the committee can not personally scrutinize each item of evidence in each case, nor can the Commissioner of Pensions do so in the cases adjudicated in the Bureau of Pensions. Expert judges of evidence assist in both places. While now and then may appear a case wherein the rate seems excessive, it will usually be found on closer examination that exceptional circumstances in the case justify the rate and that as rigid a rule of care and justice is observed and enforced by the committees of Congress as obtains in the adjudication of cases in the Bureau of Pensions itself.

Mr. SMITH of Georgia. Mr. President, I feel that the criticism of the Senator from Indiana is hardly just. I know he would not intentionally be unjust, but it would be scarcely fair to put us in the attitude of having consumed the time to-day solely with reference to these particular objections. We presented these objections, and found the sentiment of the Senate against them. I do not present the others, and go on with the balance of the bill, taking up many of these claims one by one, because, having measured the sentiment of the Senate, I can expect only adverse action, and I think it would not be proper for me to consume time uselessly. I cease further resistance to the bill, because I feel that the action of the Senate from the vote it has passed amounts to an indication of the view of the Senate on the other amendments that we would have presented. I had quite a large number of them that I had thought to bring to the attention of the Senate. I wish to disclaim the attitude which I would be put in if it was supposed that the time was taken up solely with reference to these two cases.

I cease further resistance, because the Senate has indicated its disagreement with the view I would otherwise continue to urge—

Mr. SHIVELY. Mr. President, it is but justice to the Senator from Georgia to say that I understood that these cases were being pressed simply as typical.

Mr. SMITH of Georgia. That was all.

The PRESIDING OFFICER. If no further amendment be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SERVICE PENSIONS.

Mr. McCUMBER. I think it is about time to adjourn to-day, and I do not desire to bring up the next pension bill on the calendar, but I do desire to make the general pension bill the unfinished business. For that purpose I will move that the bill be now taken up, and then I will allow the matter to go over until next Monday. So, Mr. President, with that in view, I move that the Senate proceed to the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. SMITH of Georgia. I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Georgia makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bourne	Crawford	Kern	Pomerene
Bradley	Cullom	Lodge	Shively
Brandeggee	Cummins	Lorimer	Smith, Ga.
Briggs	Curtis	McCumber	Smoot
Bristow	Dillingham	McLean	Swanson
Brown	Fletcher	Martine, N. J.	Warren
Burnham	Gallinger	Myers	Watson
Burton	Gardner	Oliver	Wetmore
Chilton	Hitchcock	Overman	
Clark, Wyo.	Johnson, Me.	Page	
Crane	Jones	Perkins	

The PRESIDING OFFICER. Forty-one Senators have answered to their names. A quorum is not present.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate do now adjourn. [Putting the question.] The yeas appear to have it. The yeas have it, and the Senate declines to adjourn.

Mr. OVERMAN. I appeal to the Senator from North Dakota to let this matter go over, and not to undertake to send for absent Senators.

Mr. McCUMBER. I think probably we can get enough Senators from their offices in the Senate Office Building in a minute or so. If they do not come I certainly shall not seek to protract the session.

Mr. SMOOT. I ask that the names of absent Senators be called.

The PRESIDING OFFICER. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. BACON, Mr. BORAH, Mr. BRYAN, Mr. SMITH of Michigan, and Mr. STEPHENSON answered to their names.

Mr. LEA entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-seven Senators, a quorum of the Senate, have responded to their names.

Mr. McCUMBER. I now renew my motion.

The PRESIDING OFFICER. The Senator from North Dakota moves that the Senate proceed to the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico. The question is on agreeing to the motion of the Senator from North Dakota.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. The motion is not debatable.

Mr. SMITH of Georgia. A question of parliamentary information. Is at this period a motion of that kind in order?

The PRESIDING OFFICER. A motion is in order to take up any bill on the calendar.

Mr. SMITH of Georgia. At any hour during the day?

The PRESIDING OFFICER. Certainly; and if taken up at this hour it makes it the unfinished business.

Mr. CULLOM. If the Senator from North Dakota has the bill up I will move—

The PRESIDING OFFICER. The motion has not yet been put to the Senate. The question is on the motion made by the Senator from North Dakota. [Putting the question.] The yeas appear to have it. The yeas have it, and the motion is agreed to.

Mr. SMITH of Georgia. I call for the yeas and nays on the motion.

The yeas and nays were not ordered.

Mr. SMITH of Georgia. I desire again to make the point of no quorum. I do not think there is a quorum in the Senate now. There was one a moment ago.

The PRESIDING OFFICER. The Senator from Georgia makes the point of no quorum.

Mr. SMITH of Michigan. I make the point of order that that motion is dilatory. The Senate has just determined by a roll call that a quorum is present. No business has been transacted since.

The PRESIDING OFFICER. The Chair thinks that business has been transacted. A motion has been made and put.

Mr. SMITH of Michigan. But it has not been disposed of.

The PRESIDING OFFICER. The motion has been put.

Mr. McCUMBER. The motion was made before the roll call and renewed after it.

The PRESIDING OFFICER. The motion was put and declared carried by the Chair.

Mr. McCUMBER. The motion was pending before the call, and therefore no business has intervened.

The PRESIDING OFFICER. In the opinion of the Chair, the putting and carrying of a motion is business. It has always been so held.

Mr. SMITH of Michigan. Does the Chair hold that that has been done since the last roll call?

The PRESIDING OFFICER. The motion was put; the Chair declared the motion carried, declaring that the ayes had it. The yeas and nays were demanded and refused.

Mr. SMITH of Michigan. I make the point just the same that the present call is dilatory.

The PRESIDING OFFICER. The Chair overrules the point.

Mr. OLIVER. Do I understand the motion that was put is a motion that is still pending? When a motion has been put and the yeas and nays have been called for, is that the transaction of business, under the rule?

The PRESIDING OFFICER. The Chair put the motion and declared the motion carried on a voice vote. The yeas and nays were then demanded. There was not a sufficient number, and the yeas and nays were refused. The bill was then before the Senate, and the Senator from Georgia made the point of order that there was no quorum present.

Mr. OVERMAN. I move that the Senate adjourn.

Mr. OLIVER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate do now adjourn.

Mr. OLIVER. I have the floor, and I do not like to have the floor taken away from me, especially by the Chair.

The PRESIDING OFFICER. The Chair was not aware that he was taking the floor from the Senator from Pennsylvania.

Mr. OLIVER. I make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will be in order until the Chair states the point. The Chair was not aware that the Senator from Pennsylvania was still holding the floor. He made a point of order, which the Chair did not think well taken.

Mr. OVERMAN. Will the Senator from Pennsylvania yield to me?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. OLIVER. I yield the floor.

Mr. OVERMAN. After the ruling the Chair made that the motion of the Senator from North Dakota had carried and that the bill is now the unfinished business, I do not want to have to stay here, and therefore I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Pennsylvania is entitled to the floor. The Chair did not understand that he had yielded it.

Mr. OLIVER. My purpose in holding the floor was to make the point. I understand that the call for the yeas and nays and putting the question before the Senate was in the nature of business that had been transacted.

The PRESIDING OFFICER. The demand for the yeas and nays was not seconded, and therefore the declaration of the Chair stands that the motion of the Senator from North Dakota was agreed to.

Mr. OLIVER. Then I was wrong in my point. I understood that the situation was different.

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry. I should like to understand the parliamentary status of the bill which has been called up by the Senator from North Dakota.

The PRESIDING OFFICER. The Chair understands that the motion of the Senator from North Dakota prevailed on a viva voce vote and that it was carried. It is now the unfinished business, a call for the yeas and nays not having been seconded.

Mr. OVERMAN. That being my understanding of the case, I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 54 minutes p. m.) the Senate adjourned until Monday, March 11, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 9, 1912.

The House met at 12 o'clock noon and was called to order by Mr. JAMES as Speaker pro tempore.

Rev. Royal A. Simonds, pastor of Trinity Methodist Episcopal Church, Knoxville, Tenn., offered the following prayer:

Almighty God, our heavenly Father, we thank Thee for all the privileges of life. We thank Thee especially on this occasion for our native country. We remember the patriotism of the old Jewish nation and how Jerusalem was so dear to them, and how Palestine became the Holy Land because they lived holy lives upon that soil; and we know very well that it was no more holy land than America can be if we will live holy lives upon our native soil; if we will recognize that this is a chosen land; if we will recognize that Almighty God is our Jehovah and that he leadeth the Nation. We pray Thee, O God, that as Thou didst lead that nation Thou wilt lead ours, and that Thou wilt lead the lawmakers of our Nation, and that Thou wilt bless individually each one of them with wisdom and foresight and caution and discretion. And, O Lord, we would not forget to ask Thee to bless abundantly the homes of Members and their families, some of whom are separated from them. Bless, we pray Thee, the districts from which they come, and keep us by Thy almighty power in Thine almighty hands, which are safe hands for us to rest in; kind hands, the hands of the Christ, in whose name we ask it all. Amen.

The Journal of the proceedings of yesterday was read and approved.

HYDRO-ELECTRIC CO. OF CALIFORNIA (H. DOC. NO. 612).

Mr. RAKER. Mr. Speaker, I ask unanimous consent to print as a House document the briefs, one of the defendant and one of the Government, in the California Hydro-Electric case.

The SPEAKER pro tempore (Mr. JAMES). Is there objection?

Mr. MADDEN. Reserving the right to object, I should like to inquire why is it necessary that briefs prepared by attorneys for corporations should be printed as House documents?

Mr. MANN. The request is to print the briefs both of the Government and of counsel for the defense.

Mr. MADDEN. Why should that be done?

Mr. RAKER. These briefs contain the various acts from the beginning of the Government down to the present time in relation to rights of way over public lands, reserved and unreserved, together with the decisions by the various courts in the West and the Supreme Court of the United States upon that subject. It is desired to print this document, so that the House may have this information before it, not only on the pending bill but on legislation that is now proposed in relation to rights of way and easements determinable and for a certain number of years. It is information that the Government has collected as the result of a great deal of labor and care, and also represents the work of counsel for the defense upon the same subject.

Mr. MADDEN. Does it cover all the decisions in the cases referred to?

Mr. RAKER. It goes into them very fully.

Mr. MADDEN. Are the same decisions duplicated in the brief?

Mr. RAKER. Part of them are. One side claims that the cases decide one way and the other side that the decisions are the other way. It is for the House to determine which is the better legislation.

Mr. MANN. These briefs contain valuable information.

The SPEAKER pro tempore. Is there objection to the request of the gentleman?

There was no objection.

AMERICAN NATIONAL RED CROSS.

The SPEAKER pro tempore laid before the House the following Senate resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4238) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The SPEAKER pro tempore. If there be no objection, this resolution will be agreed to.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 83. Joint resolution making appropriations to meet certain contingent expenses of the Senate.

The message also announced that the Senate had passed the following resolution (S. Res. 245):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Monday and Tuesday, March 11 and 12, 1912.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 83. Joint resolution making appropriations to meet certain contingent expenses of the Senate; to the Committee on Appropriations.

LAWS RELATING TO THE JUDICIARY.

The SPEAKER pro tempore laid before the House the bill H. R. 19238, an act to amend section 90 of "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911," with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Is the Senate amendment one which involves the expenditure of money and hence is required to be referred to the committee?

Mr. CLAYTON. Mr. Speaker, if the gentleman will permit me, I think not, but I am going to ask unanimous consent to disagree to the Senate amendments and ask for a conference.

Mr. MANN. It seems to me that as it requires an additional court to be held, it will require consideration in Committee of the Whole.

Mr. CLAYTON. My motion now is, if I may have the opportunity to make it, to disagree to the Senate amendments and ask for a conference, and perhaps the amendment may be eliminated altogether in conference.

The SPEAKER pro tempore. The Chair thinks that the point made by the gentleman from Illinois is well taken, and he will refer it to the Committee on the Judiciary, if the gentleman insists on his point.

Mr. MANN. I believe the request of the gentleman from Alabama was for unanimous consent. Here was a bill amending section 90 of the judicial title relating to the holding of court in one State. The Senate added an amendment to that providing for holding a court in another State, which is provided for in an entirely different place in the act. I do not think such an amendment ought to receive any sort of consideration in the House. If the gentleman wishes to disagree to the Senate amendment without asking for a conference, and without intending to agree to a conference, I have no objection. But providing in one section of the law, which relates to the holding of court in one State, provisions entirely apart from that, for holding court in another State, is so objectionable that it ought not to receive very favorable consideration of this body, whatever it has received in another distinguished body.

Mr. CLAYTON. Mr. Speaker, I quite agree with the view taken of this matter by the gentleman from Illinois, but it was with a view of expediting the matter that I had it in mind to ask to disagree and request a conference, thinking that we could get the matter acted upon by both Houses and the bill passed into law earlier than if we let it go to the Judiciary Committee and come back for report.

It was only to expedite the passage in the matter that was in my mind. However, in view of what the gentleman from Illinois [Mr. MANN] has said, I ask unanimous consent now, Mr. Speaker, to disagree to both of the Senate amendments. I may say that the first Senate amendment is wholly unnecessary. It seeks to amend the title of the bill by inserting the words "and for other purposes." Manifestly the title of the bill is sufficient if we disagree to the second Senate amendment. I think it is unnecessary to amend the title even if the House should ultimately agree to the second Senate amendment.

Mr. MANN. Because it would all be an amendment to section 90.

Mr. CLAYTON. Surely. The gentleman is entirely correct. He had happily anticipated what I was about to say, and I thank him for it. I therefore ask unanimous consent to disagree to the Senate amendment.

Mr. MANN. The gentleman does not intend to ask for a conference?

Mr. CLAYTON. No; I do not intend to ask for a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama that the House disagree to the Senate amendment? [After a pause.] The Chair hears none, and it is so ordered.

PENSIONS.

The SPEAKER pro tempore. The unfinished business is the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, upon which the previous question has been ordered.

The question is on agreeing to the amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 8, strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RODDENBERRY. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Move to recommit the bill with all amendments, with instructions to the committee to forthwith report to the House the bill so amended that pensions provided for all widows therein be made uniform at \$20 per month and pensions provided for all soldiers therein be made uniform at \$24 per month.

The SPEAKER pro tempore. The question is on agreeing to the motion to recommit, with instructions.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. RODDENBERRY) there were—ayes 130, noes 4.

Mr. RODDENBERRY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair sustains the point of order. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, the question will be taken on the passage of the bill, and the Clerk will call the roll.

The question was taken; and there were—yeas 214, nays 38, answered "present" 10, not voting 131, as follows:

YEAS—214.

Adair	Esch	Langham	Riordan
Ainey	Estopinal	Lawrence	Roberts, Nev.
Akin, N. Y.	Evans	Lewis	Rodenberg
Alexander	Farr	Lindbergh	Rothermel
Allen	Fergusson	Littlepage	Rouse
Anderson, Minn.	Ferris	Lloyd	Rubey
Anderson, Ohio	Fitzgerald	Lobeck	Rucker, Colo.
Andrus	Floyd, Ark.	Longworth	Rucker, Mo.
Ansberry	Fordney	Loud	Russell
Anthony	Fowler	McCall	Scully
Austin	Francis	McCoy	Sells
Ayres	French	McGillicuddy	Shackelford
Barnhart	Garrett	McKellar	Sharp
Bathrick	Good	McKinley	Sherwood
Bell, Ga.	Gray	McKinney	Simmons
Boehne	Green, Iowa	McLaughlin	Sloan
Booher	Greene, Mass.	McMorrin	Small
Borland	Gregg, Pa.	Madden	Smith, J. M. C.
Bowman	Hamilton, Mich.	Maguire, Nebr.	Smith, N. Y.
Brantley	Hamilton, W. Va.	Malby	Sparkman
Broussard	Hamlin	Mann	Steenerson
Brown	Hammond	Martin, Colo.	Stephens, Cal.
Bulkley	Hanna	Martin, S. Dak.	Stephens, Nebr.
Burke, S. Dak.	Hardwick	Mondell	Sterling
Burke, Wis.	Hartman	Moon, Tenn.	Stevens, Minn.
Butler	Haugen	Morgan	Stone
Byrns, Tenn.	Hawley	Morrison	Sulloway
Campbell	Hay	Morse, Wis.	Sweet
Cannon	Hayden	Moss, Ind.	Switzer
Carter	Hayes	Mott	Talcott, N. Y.
Clark, Fla.	Heald	Murdoch	Taylor, Colo.
Claypool	Helgesen	Murray	Taylor, Ohio
Cline	Henry, Conn.	Needham	Thayer
Cooper	Hensley	Neeley	Thistlewood
Crago	Higgins	Nelson	Thomas
Crumacker	Hill	Norris	Tilson
Cullop	Holland	Nye	Towner
Curley	Houston	Padgett	Turnbull
Dalzell	Hughes, N. J.	Patton, Pa.	Tuttle
Danforth	Hughes, W. Va.	Payne	Underhill
Daugherty	Humphrey, Wash.	Pepper	Underwood
Davidson	Humphreys, Miss.	Peters	Volstead
Davis, Minn.	Jackson	Pickett	Warburton
Denver	James	Plumley	Watkins
Dickinson	Kendall	Post	Wedemeyer
Dixon, Ind.	Kennedy	Powers	White
Dodds	Kinkaid, Nebr.	Pray	Willis
Doughton	Kinkaid, N. J.	Prince	Wilson, Pa.
Draper	Knowland	Rainey	Wood, N. J.
Driscoll, D. A.	Konop	Raker	Woods, Iowa
Driscoll, M. E.	Korbly	Rauch	Young, Kans.
Dupre	Lafferty	Redfield	Young, Mich.
Dwight	La Follette	Rees	
Dyer	Lamb	Reilly	

NAYS—38.

Adamson	Edwards	Howard	Sisson
Bartlett	Ellerbe	Jacoway	Slayden
Beall, Tex.	Faison	Jones	Smith, Tex.
Burgess	Garner	Kitchin	Stedman
Callaway	Godwin, N. C.	Lever	Stephens, Tex.
Candler	Goodwin, Ark.	Mays	Tribble
Clayton	Gregg, Tex.	Moore, Tex.	Wickliffe
Collier	Hardy	Page	Witherspoon
Dent	Harrison, Miss.	Pou	
Dies	Helm	Roddenbery	

ANSWERED "PRESENT"—10.

Finley	Gallagher	Lee, Ga.	Webb
Fornes	Gillett	Ransdell, La.	
Foster, Ill.	Gould	Stanley	

NOT VOTING—131.

Aiken, S. C.	Dickson, Miss.	Johnson, Ky.	Porter
Ames	Difenderfer	Johnson, S. C.	Prouty
Ashbrook	Donohoe	Kahn	Pujo
Barchfeld	Doremus	Kent	Randell, Tex.
Bartholdt	Fairchild	Kindred	Reyburn
Bates	Fields	Konig	Richardson
Berger	Flood, Va.	Kopp	Roberts, Mass.
Bingham	Focht	Lafean	Robinson
Blackmon	Foss	Langley	Sabbath
Bradley	Foster, Vt.	Lee, Pa.	Saunders
Browning	Fuller	Legare	Sheppard
Buchanan	Gardner, Mass.	Lenroot	Sherley
Burke, Pa.	Gardner, N. J.	Levy	Sims
Burleson	George	Lindsay	Slomp
Burnett	Glass	Linthicum	Smith, Saml. W.
Byrnes, S. C.	Goeke	Littleton	Smith, Cal.
Calder	Goldfogle	McCreary	Speer
Cantrill	Graham	McDermott	Stack
Carlin	Griest	McGuire, Okla.	Stephens, Miss.
Cary	Gudger	McKenzie	Sulzer
Catlin	Guernsey	Macon	Taggart
Connell	Hamill	Maher	Talbott, Md.
Conry	Harris	Matthews	Taylor, Ala.
Copley	Harrison, N. Y.	Miller	Townsend
Covington	Heflin	Moon, Pa.	Utter
Cox, Ind.	Henry, Tex.	Moore, Pa.	Vreeland
Cox, Ohio	Hinds	Oldfield	Weeks
Cravens	Hobson	Olmsted	Whitacre
Currier	Howell	O'Shaunessy	Wilder
Curry	Howland	Palmer	Wilson, Ill.
Davenport	Hubbard	Parran	Wilson, N. Y.
Davis, W. Va.	Hughes, Ga.	Patten, N. Y.	Young, Tex.
De Forest	Hull		

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SHEPPARD with Mr. BATES.

Mr. OLDFIELD with Mr. BINGHAM.

Mr. GALLAGHER with Mr. FULLER.

Mr. McDERMOTT with Mr. FOSS.

Mr. PALMER with Mr. CALDER.

Mr. BUCHANAN with Mr. LAFEAN.

Mr. STANLEY with Mr. CANNON.

Mr. FIELDS with Mr. LANGLEY.

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. GOULD with Mr. HINDS.

Mr. MACON with Mr. SMITH of California.

Mr. STEPHENS of Mississippi (against) with Mr. SPEER (for the bill).

Mr. WEBB (against) with Mr. MOON of Pennsylvania (in favor).

Mr. FINLEY with Mr. CURRIER.

Mr. BLACKMON (against) with Mr. GRIEST (for the bill).

Mr. O'SHAUNESSY with Mr. MOTT.

Mr. SHERLEY with Mr. GILLETT.

Mr. AIKEN of South Carolina with Mr. AMES.

Mr. ASHBROOK with Mr. BARCHFELD.

Mr. BURLESON with Mr. BARTHOLDT.

Mr. BURNETT with Mr. BROWNING.

Mr. BYRNES of South Carolina with Mr. BURKE of Pennsylvania.

Mr. CANTRILL with Mr. CARY.

Mr. CARLIN with Mr. CATLIN.

Mr. CONNELL with Mr. COPLE.

Mr. COVINGTON with Mr. CURRY.

Mr. COX of Indiana with Mr. DE FOREST.

Mr. COX of Ohio with Mr. FOSTER of Vermont.

Mr. DAVENPORT with Mr. GARDNER of New Jersey.

Mr. DICKSON of Mississippi with Mr. GARDNER of Massachusetts.

Mr. DONOHUE with Mr. GUERNSEY.

Mr. FLOOD of Virginia with Mr. HARRIS.

Mr. GEORGE with Mr. HOWELL.

Mr. GOEKE with Mr. HOWLAND.

Mr. GOLDFOGLE with Mr. HUBBARD.

Mr. GUDGER with Mr. KAHN.

Mr. HEFLIN with Mr. KENT.

Mr. HENRY of Texas with Mr. LENROOT.

Mr. HUGHES of Georgia with Mr. McCREARY.

Mr. JOHNSON of Kentucky with Mr. McGUIRE of Oklahoma.

Mr. KINDRED with Mr. McKENZIE.

Mr. KONIG with Mr. MATTHEWS.

Mr. LEE of Georgia with Mr. MILLER.

Mr. LEE of Pennsylvania with Mr. PORTER.

Mr. PUJO with Mr. REYBURN.

Mr. SAUNDERS with Mr. ROBERTS of Massachusetts.

Mr. SIMS with Mr. SAMUEL W. SMITH.

Mr. SULZER with Mr. UTTER.

Mr. WHITACRE with Mr. VREELAND.

Mr. WILSON of New York with Mr. WEEKS.

Mr. YOUNG of Texas with Mr. WILDER.

Mr. HULL with Mr. WILSON of Illinois.

Until Monday:

Mr. DIFENDERFER with Mr. FOCHT.

Mr. DAVIS of West Virginia with Mr. PROUTY.

Until Wednesday, March 13:

Mr. HARRISON of New York with Mr. OLMSTED.

Until March 20:

Mr. PATTEN of New York with Mr. MOORE of Pennsylvania.

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. MARTIN of South Dakota. Mr. Speaker, I have a general pair on political questions with the gentleman from Alabama, Mr. RICHARDSON, and I notice that that pair has been reported by the Clerk. I voted aye upon this proposition. I do not think that the gentleman from Alabama desires to be recorded as being paired against it, and therefore I think that pair should not apply to this situation.

The result of the vote was announced as above recorded.

On motion of Mr. HAMILTON of West Virginia, his motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. A quorum being present, further proceedings under the call will be dispensed with, and the Doorkeeper will open the doors.

SMELTER TRUST IN THE UNITED STATES.

Mr. MARTIN of Colorado. Mr. Speaker, I desire to offer the following privileged resolution of inquiry and move to discharge the committee from its further consideration and move the passage of the resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 419.

Resolved, That the Attorney General be, and he is hereby, directed, if not incompatible with the public service, to inform the House whether the Department of Justice has in its possession any information touching the existence of a Smelter Trust in the United States, including the American Smelting & Refining Co.; whether complaint of the existence of a Smelter Trust, or touching the operations of the American Smelting & Refining Co. as the same might be affected by the Sherman antitrust law, has reached the Department of Justice; whether any steps have been taken or are in contemplation to investigate the existence of or prosecute any Smelter Trust; together with copies of any information touching the existence and operations, if any, of such trust.

Mr. MANN. Mr. Speaker, I reserve the point of order.

Mr. MARTIN of Colorado. Mr. Speaker, I wish to offer and have pending an amendment. In line 11 strike out the four words "or are in contemplation." I propose to offer that amendment to the resolution.

The SPEAKER pro tempore. The Chair holds that the amendment will not be in order now. The only question now is whether to discharge the committee from the consideration of the original resolution and consider it.

Mr. MANN. If the gentleman proposes to offer that amendment I shall not insist on the point of order, although that provision in the resolution makes it subject to the point of order.

Mr. MARTIN of Colorado. I withdraw the amendment. Now, I do not care—

Mr. CARLIN. Mr. Speaker, reserving the point of order, I want to inquire of the gentleman if this is on the Discharge Calendar?

Mr. MARTIN of Colorado. No; it is not. It is a privileged resolution of inquiry. I do not understand that this sort of resolution has to be on the Discharge Calendar. It has been in the committee for nearly three weeks.

Mr. CLAYTON. Mr. Speaker, I may say that this resolution is under consideration by a subcommittee of the Committee on the Judiciary; that the Committee on the Judiciary has its next regular meeting on Tuesday next, and then the committee expects a report from the subcommittee on this resolution. Of course, Mr. Speaker, an examination of the resolution which is

proposed will show it is not in proper form and perhaps it had better be considered by the committee than to be adopted in its present form. I do not myself know what view the committee will take of the resolution when it gives it consideration. I merely make these suggestions.

Mr. MARTIN of Colorado. Mr. Speaker, I do not wish to take up the time of the House—

Mr. CLAYTON. Mr. Speaker, I desire to suggest that it is not a privileged resolution. I make the point of order that it is not a privileged resolution.

Mr. MARTIN of Colorado. Mr. Speaker, it is purely a resolution calling for information.

The SPEAKER pro tempore. The Chair thinks the resolution is privileged under Rule XXII, clause 5.

Mr. CLAYTON. It calls for matters in contemplation, which, in effect, is matter of opinion and not facts, and therefore that renders it nonprivileged.

The SPEAKER pro tempore. Under the rule a resolution of inquiry addressed to the head of an executive department must be reported to the House within one week after presentation. Of course that makes it privileged, because it is a resolution of inquiry, and the Chair will hold that the gentleman's motion to discharge the committee is in order.

Mr. MANN. Mr. Speaker, before the Speaker rules permit me to call attention to the uniform rule applying to all of these resolutions that we can only ask for facts and not for opinions. Now, this is a matter of opinion.

Mr. CLAYTON. Yes.

Mr. MANN. It asks whether a prosecution is in contemplation—

Mr. CLAYTON. And that renders it nonprivileged.

Mr. MARTIN of Colorado. Mr. Speaker, I consider that that inquiry calls only for the facts, but I do not stand on that proposition. I move to eliminate that from the resolution, but nevertheless—

Mr. CLAYTON. Mr. Speaker, it was expressly held in the case of a similar resolution which used the language "in contemplation" that the language rendered the resolution nonprivileged.

Mr. MARTIN of Colorado. Mr. Speaker, I can not understand the difference between the words "in contemplation" and the words "under advisement." I attribute the same meaning to those words, and both of those would have to apply to existing facts. If there is under way at this time in the Department of Justice any inquiry with reference to the existence of a Smelter Trust, or any prosecution of the Smelter Trust, that is a fact and not a matter of opinion.

Furthermore, Mr. Speaker, that information is necessary in order to enable me to determine whether I should follow this inquiry any further. There has been some complaint made, both by Congress and by the Department of Justice, in reference to these trust inquiries; that they were trying to anticipate each other; that the Department of Justice was starting suits against trusts when congressional investigations were pending; and that investigations were started against trusts when prosecutions were pending. Now, Mr. Speaker, I do not care to institute an investigation against the Smelter Trust if the Department of Justice is preparing to institute such an investigation or is preparing to institute a prosecution. And that is all I undertake to ascertain when using the words "or are in contemplation" in the resolution.

I want to say, furthermore, Mr. Speaker, if I may be permitted to proceed now, that I do not wish to unduly press this resolution. I do not think that I have unduly pressed it. The resolution itself shows that I introduced it in this House on the 19th of February. I was given a hearing—a brief one—before the Committee on the Judiciary some two weeks ago. At that meeting of the committee the resolution was referred to a subcommittee. I believe the chairman of the subcommittee will bear me out when I say that I told him more than a week ago that if I did not get action on this resolution I was in a position where I would have to move the discharge of the committee and ask action upon the resolution in the House.

Now, Mr. Speaker, gentlemen ought to know whether they want this information or not. I take it for granted that gentlemen here in the House have been reading the public prints and magazines and studying public questions for the past 10 or 12 years and know whether they have ever heard of the existence, the history, and the operations of a Smelter Trust. I assume that gentlemen here know whether they want an inquiry made of the Department of Justice and of the Attorney General of the United States, whether he has any information touching the existence of such a trust, or whether he is preparing to undertake an investigation or prosecution of such an institution. And I ought not to have to consume the time

of the House this morning in order to secure favorable action on the motion to discharge the committee from the consideration of this resolution.

Mr. Speaker, I propose to press a Smelter Trust investigation every day until the gavel falls on the last day of this session of Congress. I want it known by the Smelter Trust that I do not propose to lie down on this proposition. [Applause.]

It has been said that the House is getting tired of investigations and that probably the House at this day would not care to investigate the Smelter Trust, even though the Attorney General had no information concerning the existence of such a trust and was not proposing to conduct any such inquiry or prosecution; but I want to serve notice now, Mr. Speaker, that if the Smelter Trust is not investigated by this Congress it will not be my fault. And, with the time running on toward the close of the session, if I am to get action on it at all, I must get action on it soon.

Now, Mr. Chairman, I am ready to go into the merits of this question whenever it reaches that stage, but I ought not perhaps to put myself in the position of having this resolution voted upon without at least some statement of the facts which caused me to introduce it in this House. But it is a very small matter, and unless I am given some reason why this motion ought not to prevail and this resolution of inquiry be passed, I ought not to be called upon to take the time of the House in presenting an argument as to why the House ought to vote favorably on the motion.

Mr. FITZGERALD. Will the gentleman yield to a question?

Mr. MARTIN of Colorado. I will.

Mr. FITZGERALD. In view of the statement of the gentleman from Alabama that this was now being considered by a subcommittee of the Committee on the Judiciary, and that the matter would probably be considered by the committee next Tuesday, does not the gentleman think he might withhold his motion for the present, until after Tuesday, in order to see what action, if any, will be taken by the committee?

Mr. MARTIN of Colorado. Well, I will say this to the gentleman from New York—

Mr. CLAYTON. Mr. Speaker, in that connection let me say to the gentleman that if I were authorized to tell him of the action of the subcommittee in regard to this resolution, which foreshadows the probable action of the full committee, perhaps the gentleman would be content to let his motion stand in abeyance at this time.

Mr. MARTIN of Colorado. Just a word, then, Mr. Speaker—

Mr. CLAYTON. I can not, without violating the rules of the House, tell the gentleman what has been done in the committee, as he well knows. In justification of the Committee on the Judiciary, with the gentleman's permission, I want to say, Mr. Speaker, that there has not been a committee of this House that has had as much hard work to do at this session as the Committee on the Judiciary. It has had most troublesome legal questions to consider, as the Speaker knows, and as the membership of this House knows, and those who are familiar with the proceedings of that committee know that it is devoting more time to hearings and to the study of legislative propositions of national importance at this session of the House than any other committee. It could not act, Mr. Speaker, on all the matters at once or with the expedition and attention that each Member might want his particular measure to receive, but it has done the best it could. It has devoted its time day after day to the consideration of these matters, and the membership of that committee have had to neglect their other public duties and in many instances their duty on other committees in order to consider matters before this committee. It has been utterly impossible for that committee, with its limited clerical help, with nearly every Member on the majority side of the committee having membership on some other committees, with the diverse duties thus imposed upon him, to give the consideration to all subjects that others might want.

And then again, Mr. Speaker, I have by resolution in this House asked this House to do for the Committee on the Judiciary of this House what the Senate did for the Committee on the Judiciary over there. I have asked for more clerical assistance—one additional clerk. That has been denied me.

The Committee on the Judiciary has done the best it could. Day after day and hour after hour we have sat there patiently and worked. This House has given thousands of dollars to "smelling" committees. You have given a trained corps of experts to help the Committee on Ways and Means, and properly so. You have given experts to the Committee on Appropriations. You have denied any assistance to the Committee on the Judiciary. At the very beginning of this session I called the attention of this House to the enormous work devolved upon

that committee, and the leader of the Republican side in this House said, "You ought to have more clerical assistance." I have gone along and have done the best I could.

It may be that in following the conspicuous example of the gentleman from Colorado [Mr. MARTIN] others may seek to lodge complaints against the Committee on the Judiciary. We are human. I am working every day of my life in that committee.

Mr. MARTIN of Colorado. Mr. Speaker, if the gentleman will just permit me a moment now, I think I can bring this matter to a satisfactory conclusion.

I have not any desire, Mr. Speaker, to take this matter from the Committee on the Judiciary. I want to assure the chairman of the committee and every member on it that I am not intending the slightest reflection whatever upon the distinguished chairman or any of the members of this very able and busy committee, and that I am not suggesting any dereliction of duty, but am proceeding within the rule upon a matter of vital importance to my people. In view of the statements made by the distinguished chairman of the committee, I will withdraw my motion at this time.

The SPEAKER pro tempore. The gentleman withdraws the resolution.

REMARKS OF MR. AKIN OF NEW YORK.

Mr. FOSTER of Illinois. Mr. Speaker, I offer a resolution of high privilege.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 443.

Whereas the speech of Mr. AKIN of New York, printed in the CONGRESSIONAL RECORD of March 7, 1912, contains language improper and in violation of the privilege of debate: Be it

Resolved, That a committee of five Members be appointed to consider the remarks aforesaid and to report thereon to the House within 10 days.

Mr. FOSTER of Illinois. Mr. Speaker, I do not desire at this time to make any remarks upon this resolution for the appointment of this committee, unless some one desires some explanation or to speak.

Mr. BARTLETT. I ask the gentleman from Illinois if he will give us some information about what the remarks are. It is for the House to determine whether they are privileged or not.

Mr. FOSTER of Illinois. I will state, Mr. Speaker—

Mr. BARTLETT. I should like to have the resolution read, in order that the House may know what it is. I will reserve the point of order.

Mr. HUGHES of New Jersey. I make the point that it is too late to make the point of order.

The SPEAKER pro tempore. The Chair holds that the point of order comes too late, as the gentleman had spoken on his resolution.

Mr. BARTLETT. Mr. Speaker, I recognize that the point of order may probably be too late. I did not hear the reading of the resolution and wanted to know whether the language was embraced in it. I have no objection to an investigation of anything that is improper or alleged to be improper, but surely the gentleman ought not to call the previous question and require us to vote in the dark as to whether it is a violation of the rules of the House or require the Speaker to so hold.

Mr. LONGWORTH. I ask unanimous consent that the resolution be again reported.

The SPEAKER pro tempore. If there be no objection the resolution will be again reported.

The resolution was again reported.

Mr. COOPER. Mr. Speaker—

Mr. FOSTER of Illinois. Mr. Speaker, I think I have the floor.

Mr. COOPER. Will the gentleman permit a question?

Mr. FOSTER of Illinois. Yes.

Mr. BARTLETT. Is the motion for the previous question pending?

Mr. FOSTER of Illinois. I will withhold that motion. I want to state, Mr. Speaker, that the language which, in my judgment, is in violation of the rules of this House, is in reference to the President of the United States and a United States Senator. I yield to the gentleman from Wisconsin.

Mr. COOPER. The resolution is for the purpose of appointing a committee to investigate and report, but the preamble recites the fact about which the committee are to investigate. The preamble recites that the language is in violation of the rules, so that all the committee would have to do, if the House decides that that is the fact, is to report.

Mr. FOSTER of Illinois. I will state to the gentleman that this resolution follows exactly the language of the resolution under which the House appointed a committee to investigate the

speech of Mr. Willett, a former Member of this House from the State of New York.

Mr. COOPER. Mr. Speaker, we ought not to follow a bad precedent. In my judgment, this resolution ought simply to authorize the appointment of a committee to investigate and report as to whether or not the language in the speech is proper. I have had no chance to investigate it, and I doubt if any Member of the House has.

And while I might not vote against the resolution calling for the appointment of a committee to investigate and report, I do not think we ought to be called upon here to decide absolutely that the proprieties have been violated, but to let that question be decided by the committee.

Mr. FOSTER of Illinois. I will say that the resolution ought to recite some basis for the investigation, and I think that is all that this resolution does.

Mr. McCALL. I would like to say to the gentleman from Wisconsin that the House is presumed to know what occurs in debate. I do not think the resolution proceeds on the theory that there can be any doubt about the impropriety of the language that is found on page 1397 of the RECORD. I would not have a resolution to decide whether the language is proper or not, but if the preamble is stricken out the committee should be instructed to decide what should be done.

Mr. MANN. Mr. Speaker, I do not remember except as the gentleman from Illinois [Mr. FOSTER] has stated that this follows the language of the resolution in reference to the Willett speech—that is, whether or not it is in the exact language of the Willett resolution. At that time there was a resolution passed and a special committee appointed, of which I was chairman, and that committee reported in favor of striking out the Willett speech from the RECORD. Subsequently another speech was made on the floor of the House by the gentleman from Colorado. I do not remember the exact language of that resolution, but under it a committee, of which I was chairman, was appointed to consider it, and that committee reported back in favor of allowing the remarks to remain in the RECORD, although in both cases it was charged that they were improper under the rule.

Mr. BARTLETT. Mr. Speaker, I would like to ask the gentleman from Illinois if the permanent RECORD is not made up within four days after the temporary RECORD is published?

Mr. MANN. I think the permanent RECORD is made up in 10 days or 2 weeks after.

Mr. BARTLETT. It used to be within four or five days. Mr. Speaker, I do not mean to say that I am opposed to the investigation of this matter by a committee. I think, in fact, I am ready to vote now to strike this language from the RECORD. I do not know whether it was spoken on the floor of the House or was placed in the RECORD under leave to print.

Mr. FOSTER of Illinois. It was done under leave to print.

Mr. BARTLETT. Mr. Speaker, it does not take a committee of one or of five to tell me that this language was improper and ought not be permitted to be printed in the permanent or even the temporary RECORD.

Mr. MANN. And yet I think the orderly procedure would be to have it investigated by a committee.

Mr. BARTLETT. Mr. Speaker, I shall not oppose this proposition to appoint a committee. I will not again read into the RECORD the language contained in the RECORD of March 7. I would not read it again. It is a very serious reflection and criticism upon that great American citizen who now occupies the White House. [Applause.] While I differ with him in politics, and while I propose to vote against him in the election, I wish to say here that I condemn this language; and I will not by silence appear to oppose the appointment of a committee to determine upon the absolute impropriety of any man uttering such language on the floor of the House or by leave to print to write it in the CONGRESSIONAL RECORD. I rose to inquire what the resolution was, as I could not hear it distinctly; not that I was opposed to it. I had not had my attention called to this language. I think the gentleman from Illinois is acting very wisely and in the interest of good order and decency of the House in offering this resolution; and I think if the Members of the House would read the language referred to in this resolution they would almost as one man demand that the language be stricken from the RECORD eo instanti. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I ask for the previous question.

Mr. DALZELL. Mr. Speaker, I would like to ask a question of the gentleman from Illinois. Was this language that is contained in the RECORD, referred to in the resolution, spoken on the floor of the House, or was it put in the RECORD under leave to print?

Mr. FOSTER of Illinois. Under leave to print.

Mr. DALZELL. And not delivered on the floor of the House?
Mr. FOSTER of Illinois. And not delivered on the floor of the House.

Mr. FITZGERALD. Mr. Speaker, I think the better practice is to have the matter referred to a committee. While I have my own opinion as to the propriety of what has been inserted in the Record, still it is much better to avert the possibility at any time of acting hastily and unjustly in matters of this kind. If the language is improperly placed in the Record, I think it will emphasize the impropriety to have the House act on the report of a committee to which it may be referred.

Mr. FOSTER of Illinois. Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The resolution was agreed to.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the Agriculture appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agriculture appropriation bill, with Mr. BORLAND in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Modoc National Forest, Cal., \$10,950.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out, in lines 13 and 14, page 39, the words "ten thousand nine hundred and fifty dollars" and inserting in lieu thereof the words "twelve thousand two hundred and nineteen dollars."

Mr. RAKER. Mr. Chairman, this particular reserve, in the estimate and the amount allowed, in 1911 was granted \$12,219. I desire to call the attention of the committee to the fact that the gross receipts from this forest are as follows: Timber sales, \$1,627.77; timber settlement, \$11.50; grazing \$13,062.13; special use, \$38; making gross receipts of \$14,739.40. I desire to call particular attention to the fact that the grazing receipts alone upon this tract of land are more than we ask to have expended in its administration. Further, for 25 years this particular range, this national forest, has been and is now in my back yard, and one part of it is in the front yard, so that I have been acquainted with it. I have been over it in all its phases and I have been over all its trails and roads, and I know its different conditions. Commencing last year, the stockmen's associations all over my county, four of them—one in Surprise Valley, one in Pitt River Valley, one in Likely, and one in Canby—met and discussed the matter. They sent me resolution after resolution urging that there be another ranger designated for this forest. Those resolutions were taken up with the Forest Department, urging that they give another ranger. We were informed that they did not have the money with which it could be done, and we were not given this ranger, which 500 men belonging to these different organizations had demanded. They knocked at the door of the Department of Forestry and demanded that this other ranger be appointed, because we are paying now more for the privilege of ranging our stock upon this range than it costs for the administration of the range. I have a letter here from the president of the United Association stating to me that, having known this range and having known this country and being unable to get them assistance from the Forest Service, I ought to keep knocking at the doors of the Forest Department or the Congress until this request was granted.

When this forest was started the people gathered in my town, the largest gathering that had ever been there since I was a resident, in over 25 years, and they urged that the forest be established. The agent of the department was there, and it was the unanimous opinion of everybody that the forest be established. We are willing to maintain the forest, we are willing to maintain the ranges and preserve our natural resources and expend our money, but when these stockmen, when these farmers, are all expending their money through the Government for the purpose of protection, for the purpose of having their stock upon the ranges, we ought to be given a sufficient number of men to properly take care of the forest and give the permittees proper consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, I will repeat here what I have said in substance before along this line, that the money for these different forest reserves is apportioned by the Chief Forester. He knows the conditions, and it is supposed, the authority resting in him, that he has been discharging his duty.

I have said to the gentleman from California [Mr. RAKER] that if he will make a statement such as he has made here to Mr. Graves, very likely he will obtain the relief that he desires. It is not a matter for the committee, because we can not investigate each one of these 159 forests, and say whether \$10,000 shall be apportioned to one and \$12,000 to another. It is a matter of administration, and the Chief Forester has it in hand. We think he has managed it well, and I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, disagreed to by the House of Representatives, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. BACON as the conferees on the part of the Senate.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Nebraska National Forest, Nebr., \$4,231: *Provided*, That from the nurseries on said forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An act increasing the area of homesteads in a portion of Nebraska," approved April 28, 1904.

Mr. RAKER. Mr. Chairman, I move to strike out, on page 43, lines 1 and 2, "\$13,049" and insert in lieu thereof "\$19,823." This amount I ask to insert is the same amount that was in the appropriation bill for last year. I ask for a vote.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Sierra National Forest, Cal., \$13,049.

Mr. RAKER. Mr. Chairman, the reporter asked me a question, and I kindly gave him a word, and during that time the next item was inadvertently passed. I will not take up half a minute, and I would like to have unanimous consent to return to lines 15 and 16, page 39.

Mr. LAMB. All right.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to lines 15 and 16, page 39. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out, in lines 15 and 16, on page 39, "\$5,803" and insert in lieu thereof "\$10,924."

Mr. RAKER. I ask for a vote, Mr. Chairman.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 43, lines 1 and 2, strike out the words "thirteen thousand and forty-nine dollars" and insert in lieu thereof the words "nineteen thousand eight hundred and twenty-three dollars."

Mr. MANN. Mr. Chairman, the only reason the gentleman makes his motion is because he considers the action of the House last year more important than the proposed action now, that Congress then knew more about it than we know now.

Mr. RAKER. I would like to answer the gentleman. I feel from my personal knowledge of these forests, having been through them, knowing the conditions and knowing the position of our people, what they have been trying to do and are doing to-day, that we ought to have this increase in these particular ones that I am asking to have amended. I make that statement as to each one of them. The disposition of the committee is against me, having tested it in various forms, and when I have a vote I keep moving to amend on the same question until the question is fully settled. The committee may in their magnanimity consent before we get through to allow these to be amended. I hope they will. What it was last year does not settle the question, but for instance the committee can readily see from the votes heretofore taken and the position of the committee, of which I am not going to complain, that is as to the committee, they are my personal friends, and I admire the gentleman, but they are taking one position and I am taking another, and I think their position is not the one that ought to be taken.

Mr. MANN. The gentleman is not giving any information to the committee. The bill carries an appropriation of \$13,049. It

is very close figuring for this national forest. Now, the gentleman proposes to strike out that and insert \$19,823; very, very close figuring to get down to the difference between \$823 and \$825, and he gets down to the very notch—why not make it \$22.99—but he gives no information on the subject at all to the committee for making the change.

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RAKER. What information could I give here in five minutes, and what good would it do to stand here and read the information for an hour—

Mr. MANN. Well, the gentleman impugns both the motives and the integrity of the House.

Mr. RAKER. Oh, no; I do not.

Mr. MANN. I have seen gentlemen give information enough in five minutes on the floor of the House to change items in bills repeatedly, and I have frequently seen gentlemen in less than an hour convert the House to the views of the gentleman who was speaking, but I never saw anybody succeed in the House by simply making motions to strike out a few thousand and odd dollars and insert a few thousand and odd dollars and then say, Why, the House is not intelligent enough and competent to see to it, and hence he did not offer any information. I know the gentleman does not want it to go that way, and I gave him the chance to correct it.

Mr. RAKER. The gentleman from Illinois does not mean that, and I hardly think that is the proper way to put it up to me, namely, that the committee, or any one of them, or any Member of the House, has not the intelligence to understand it. It is absolutely the other way. I submitted the matter, as I stated, from my personal knowledge of the Modoc Reserve, and, further than that, because of the petition of the four stock-grazing organizations in my county demanding heretofore an assistant ranger when the appropriation was \$2,000 more than it is now, and now that it has been cut down \$2,000 we will then have another ranger taken out, and the property of these men not given the consideration that it should be given, as there are not enough men now upon the ranges to properly take care of them.

Mr. MANN. That has nothing to do with the gentleman's motion.

Mr. RAKER. He told me that he has done the best he could. He did not believe he could get more appropriation, and therefore he has taken \$300 from each one of the 154 national forests in the West.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Siskiyou National Forest, Oreg. and Cal., \$13,234.

Mr. RAKER. Mr. Chairman, on page 43, lines 5 and 6, I move to strike out the following words: "Thirteen thousand two hundred and thirty-four" and insert in lieu thereof the words "fifteen thousand and fifteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, lines 5 and 6, strike out the words "thirteen thousand two hundred and thirty-four" and insert in lieu thereof the words "fifteen thousand and fifteen."

Mr. RAKER. Mr. Chairman, one word. I make the same statement in regard to this as I made in regard to the other, as to the necessity for it, and I hope the committee will see its way clear to allow the same amount it allowed last year and which was necessary for the purposes intended.

Mr. LAMB. That is not explaining anything.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sitgreaves National Forest, Ariz., \$15,310.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I desire to have entered in the Record a letter from the Forest Service, under date of March 4, 1912; also a letter of date of March 2, 1912; also a letter of date of February 29, 1912, in relation to the matters that I have moved to amend in this bill.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert three letters in the Record. Is there objection?

Mr. MANN. Reserving the right to object, I have no objection to the letters being inserted, but if they are important as to this subject why should we not know what the substance of them is?

Mr. RAKER. I have not time to read them. I would like to have them read if I could.

Mr. LEVER. Let me inquire of the gentleman from California if his letter of March 4, 1912, which he desires to insert, is in reference to the appropriations for the national forests in the State of California?

Mr. RAKER. It shows those that were increased and those that were decreased.

Mr. LEVER. The gentleman, I suppose, is willing to admit the fact that the difference in the bill this year and last year, in reference to the forests in California, is only \$500 decrease?

Mr. RAKER. That is the reason I offered these in evidence. I wanted it in the Record so the people of California and this committee could see the facts. They have taken it from some and given it to others. They have taken it from those that I know need it as badly as the others need the increase, but to be fair to the committee and to the public I ask that the whole matter go into the Record.

Mr. MANN. Of course, Mr. Chairman, nobody reads these letters printed in fine type in the Record who has any self-respect, or respect for his eyes, at least. I have no objection to their being printed in the Record, but if it is important matter, why does not the gentleman state in substance what they say?

Mr. RAKER. They relate to matters that have been discussed in regard to the forests of California. One of the things that appears in the letters is that because of the condition of the funds there have been deducted \$300 from each national forest in California, which would amount to about \$56,000. Therefore, they could use that amount—

Mr. MANN. But the gentleman does not want the statement to go as he made it, and therefore I interrupt him. The gentleman stated there had been deducted \$300 to meet the—

Mr. RAKER. Three hundred dollars for each national forest in the West—all the national forests—so that they could use this \$56,000, or thereabouts, in controlling and handling the Appalachian National Forests. I think the committee will agree with me on that.

Mr. LEVER. Will my friend yield to me for one moment?

Mr. RAKER. I yield to my friend.

Mr. LEVER. In the discussion of the bill when last before the House I made the statement, and the chairman of the committee agreed to it, that this bill had not reduced the appropriations in the national forests for the purpose of taking care of the Appalachian new forests that may be created, and I desire to call the attention of the gentleman from California [Mr. RAKER] and of the members of the committee to the fact as brought out in the committee, because the members of the Committee on Agriculture do not desire to mislead anybody.

Mr. RAKER. I am satisfied of that beyond all question.

Mr. LEVER. I call attention to this colloquy and statement, contained on page 339 of the hearings:

Mr. GRAVES. We are considering offers only on the headwaters of navigable streams, and particularly in certain areas which we have designated as being the most important. I do not know whether that particular place you mentioned is in one of our designated areas or not. But we are especially considering the high mountains and more rugged portions of the watersheds of the navigable streams.

The CHAIRMAN. This amount of \$39,644—will you draw that from this Appalachian appropriation?

Mr. GRAVES. That will be drawn from the \$11,000,000 which was provided for purchase.

I based my statement the other day and the chairman of the committee based his statement on that testimony taken before the committee.

Mr. RAKER. Will the gentleman yield right there for a question?

Mr. LEVER. Yes.

Mr. RAKER. I want to say to the gentleman that I had then and have now no intention to impugn the good faith of anybody. I simply wanted to show that in all the national forests there had been a reduction of \$300 apiece, thereby leaving that amount of money less for the administration of the national forests outside of the Appalachian chain.

Mr. LEVER. I will state to the gentleman that I did not think he had any intention to impugn the motives of the members of this committee. I desire simply that this statement shall go in the Record. I will say to my friend further that the reduction of \$300 each from the various national forests does not go, all of it, to this Appalachian forest, but goes to other new forests created in the past fiscal year.

Mr. RAKER. I see.

Mr. MANN. Mr. Chairman, I ask that the gentleman may have five minutes more in order to have that first letter read. It is a short letter.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from California [Mr. RAKER] may be extended five minutes. Is there objection? There was no objection.

Mr. RAKER. This is headed "United States Department of Agriculture, Forest Service, Washington," and dated March 4, 1912, and entitled "Memorandum for Judge RAKER." It says:

In order to provide means for the protection and administration of lands acquired under the Weeks law without increasing the total appropriation for the Forest Service, a deduction of \$300 was made in the estimates for general expenses on each of the national forests.

I want to state that I read that same statement into the RECORD day before yesterday. I go on:

And this surplus carried 15 per cent allowed for general administration. Furthermore, it was found after the adoption of the statutory roll for supervisors and rangers that there were many inequalities in the amounts appropriated for the different forests, and a readjustment was made to make the appropriation conform more nearly to the actual needs of the different forests. In doing this the following reductions were made in the appropriations for national forests in California:

Inyo	\$664
Modoc	1,269
Mono	5,121
Sierra	6,774
Siskiyou	1,781
Angeles	6,406
California	98
Cleveland	8,438
Kern	2,880
Santa Barbara	1,887
Sequoia	2,898
Total	38,216

On the other hand, increases have been made in the estimates for national forests in California as follows:

Eldorado	\$1,005
Klamath	8,665
Monterey	1,930
Plumas	5,708
Shasta	6,717
Tahoe	1,530
Trinity	6,370
Lassen	5,794
Total	37,719

You will see by this that the actual difference in the estimates for the California forests between the years 1912 and 1913 is a matter of only about \$500.

Very sincerely, yours,

A. F. POTTER,
Associate Forester.

Mr. MANN. Then, I understand that while \$300 may have been deducted from each of the national forests, that really does not apply to those in California. In other words, you get just as much as you got before.

Mr. RAKER. I say that they are increased and scattered where they are needed without question, and deducted from the forests that do need it just as badly.

Mr. MANN. I do not know whether they needed it where the amounts were deducted as much as in those cases where they received the increase. The gentleman has not given any information on that subject.

Mr. RAKER. What more information would you have, I would ask the gentleman, concerning the Modoc National Forest, when I have stated plainly that I appealed for the service of another ranger and they could not restore it? And now, when they have reduced it, how can we get another man?

Mr. MANN. There may be no necessity for another ranger there. They have taken it out of that forest and put it into another. Evidently they were of opinion that it would be more needed in the other forest. The gentleman from California must understand that it would be absolutely impossible, out of any Treasury that we could construct and fill, to supply all the demands that could be made if the people were given all that they ask for.

Mr. RAKER. I know; but would not the gentleman concede that in an important forest, where the grazing privileges amount to a good deal more than the administrative expenses, there ought to be enough men to administer the forest thoroughly and give the permittees those rights and protection that they ought to have.

Mr. MANN. I think they ought to have enough in every one of the national forests, and I presume the Forester in making his estimates has endeavored to cover that. I never have known a department of the Government, in making estimates, to proceed on the theory of making them too low.

Mr. LEVER. And that has been the experience of everybody.

Mr. MANN. My observation is that they make them fully up to the requirements.

Mr. HAWLEY. Will the gentleman yield for a question?

Mr. LAMB. Certainly.

Mr. HAWLEY. In this matter of the Modoc National Forest, where there is an apparent decrease of \$1,269, is that a decrease, or is that largely accounted for by the transfer to the statutory roll of some of the rangers or supervisors?

Mr. RAKER. That statutory roll is so indefinite that you can not really get any satisfactory idea about that.

Mr. LAMB. It is too definite, if anything, but that matter of administration is left entirely to the department.

Mr. HAWLEY. I thought the gentleman from California might have looked into this. There may be, in fact, no reduction in the Modoc Forest appropriation if some of the employees were transferred to the statutory roll.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to insert in the RECORD a letter of March 2, 1912, and a letter of February 29, 1912, relating to the subject to which he has referred. Is there objection?

There was no objection.

The documents referred to are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, March 2, 1912.

HON. JOHN E. RAKER,
House of Representatives.

DEAR MR. RAKER: In further reference to your letter of February 24 and my reply of February 20:

In connection with the statement of receipts from the Trinity, Shasta, Klamath, and Modoc National Forests which I furnished you, it has occurred to me that you might be interested in the prospects for increased revenues from the national forests of northern California. The Forest Service is endeavoring to bring the receipts from the national forests up to an amount which will make them self-supporting as rapidly as this can be done consistently with conservative, businesslike administration of these public resources. The chief salable resource of the national forests is their timber, and increased revenues must for the present come largely through increased sales of timber.

On the Plumas National Forest, Cal., which was not included in the list concerning which you made inquiry but is located near them, in the northern portion of the State, sufficient timber has been sold to make the receipts more than offset expenditures. The receipts from the Plumas National Forest during the last fiscal year were as follows:

Timber sales	\$31,707.23
Timber settlement	590.57
Timber trespass	12.35
Grazing	6,403.54
Grazing trespass	56.99
Special uses	631.25
Total	39,401.93

The expenditures during the same period, exclusive of the cost of permanent improvements and fighting forest fires, totaled \$37,146.68, leaving a balance of receipts over expenditures of \$2,255.25.

On the Shasta National Forest we have as yet been unable to make the receipts offset expenditures, but there is good prospect that this will be done in the near future. A sale of 182,000,000 feet of timber, having a minimum value of \$409,000, is under negotiation with the Eastern Redwood Co. A second sale of 29,000,000 feet of timber, valued at \$52,975, on this forest is under negotiation with the La Moine Lumber & Trading Co. It is probable that at least the first of these sales will be consummated. This alone will increase the annual receipts from the Shasta by at least \$25,000 and make that forest more than self-supporting.

The advertisement of 120,000,000 feet of timber on the Klamath National Forest, which has been carefully cruised by the forest officers, is now under consideration and will doubtless be authorized as soon as further information on certain features of the tract is secured. The minimum value of this timber is \$146,000, and its sale would go far toward making the Klamath self-supporting.

During the last two years the Forest Service has endeavored to sell a large body of timber tributary to the proposed route of the Humboldt & Eastern Railroad in the Trinity National Forest, at the request of parties interested in the construction of that road. One billion feet of timber was advertised in the early part of 1911, at an initial stumpage price of \$1.50 per 1,000 board feet, or \$1,500,000 for the total amount. The department also agreed to advertise further bodies of timber for purchase from time to time after the removal of the timber on the first area is completed. Thus far it has not been possible to secure a contract for this timber under conditions which sufficiently protect the interests of the public. I am hopeful, however, that it may be possible to sell it within the next two or three years, and thereby insure an income which would add the Trinity to the list of national forests paying a net income over the cost of administration and protection.

Very sincerely, yours,

H. S. GRAVES, Forester.

[Important.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, February 29, 1912.

HON. JOHN E. RAKER,
House of Representatives.

DEAR MR. RAKER: Your letter of February 24 is received. In accordance with your request a copy of my report for the fiscal year ending June 30, 1911, is being sent you to-day under separate cover. The information you desire regarding the stand of timber, appropriations, expenditures, and receipts for the Klamath, Modoc, Shasta, and Trinity National Forests has been incorporated in the inclosed statements.

The estimated stand of timber for all four forests is necessarily rough, since they have been only partially cruised. These estimates are, therefore, subject to revision as more accurate information is obtained. The work of securing accurate estimates of the timber on the national forests is being carried on as rapidly as the funds available and other important work will permit.

I think a word of explanation is necessary to a clear understanding of the items under "Expenditures" in the inclosed statements. The item "Fighting forest fires" represents the amount expended in fighting fires. This does not represent the entire protective work. The whole forest force is organized for participation in protection. I have called the rangers and guards the protective force, although the crews making surveys and timber estimates are really also a part of the protective system. In addition to fire work the officers are engaged in administrative duties, such as supervising timber sales, directing free and special uses, examining claims, investigating trespasses, controlling and regulating grazing, making and supervising improvements, etc.

In comparing the amount of expenditures with the specific appropriation for each forest it should be borne in mind that the expenditures for improvements and fighting forest fires are not paid from such forest appropriation, but from the specific appropriation for improvement of

the national forests and fighting forest fires; that the expense necessary for the general administration of the Forest Service is drawn in amounts not exceeding 10 per cent of the total of all sums appropriated under "General expenses, Forest Service," which includes the appropriations for each national forest; and that under the terms of the appropriation act not to exceed 10 per cent of the amount appropriated for any national forest is available interchangeably for expenditure on any other national forest to meet necessary expenditures that could not be foreseen and provided for at the time the estimates are made.

I shall be very glad to furnish you any further information you may desire in this connection.

Very sincerely, yours,

H. S. GRAVES,
Forester.

Klamath National Forest, fiscal year ended June 30, 1911.

Estimated stand of timber, 18,318,500,000 board feet.

Appropriation (this amount is subject to reduction or increase under the 10 per cent clauses of the appropriation act) \$42,000.00

EXPENDITURES.	
Supervisor	1,950.00
Deputy supervisor	1,366.67
Clerical	1,051.00
Rangers, forest assistants, guards, and other assistants	19,141.29
Traveling expenses	2,088.11
Miscellaneous expenses	5,362.38
Fighting forest fires (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	11,054.00
Improvements (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	3,395.32
Total	45,408.77
RECEIPTS.	
Timber sales	1,570.02
Grazing	2,184.87
Special use	199.06
Gross receipts	3,953.95

Modoc National Forest, fiscal year ended June 30, 1911.

Estimated stand of timber, 1,624,000,000 board feet.

Appropriation (this amount is subject to reduction or increase under the 10 per cent clauses of the appropriation act) \$30,890.00

EXPENDITURES.	
Supervisor	1,775.00
Deputy supervisor	1,375.00
Clerical	1,108.34
Rangers, forest assistants, guards, and other assistants	14,815.58
Traveling expenses	1,227.86
Miscellaneous expenses	1,958.32
Fighting forest fires (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	2,113.59
Improvements (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	2,445.00
Total	26,818.69
RECEIPTS.	
Timber sales	1,627.77
Timber settlement	11.50
Grazing	13,062.13
Special use	38.00
Gross receipts	14,739.40

Trinity National Forest, fiscal year ended June 30, 1911.

Estimated stand of timber, 13,961,900,000 board feet.

Appropriation (this amount is subject to reduction or increase under the 10 per cent clauses of the appropriation act) \$36,000.00

EXPENDITURES.	
Supervisor	2,433.33
Deputy supervisor	1,775.00
Clerical	1,885.84
Rangers, forest assistants, guards, and other assistants	17,607.83
Traveling expenses	1,512.29
Miscellaneous expenses	6,984.76
Fighting forest fires (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	5,394.65
Improvements (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	3,395.86
Total	39,989.56
RECEIPTS.	
Timber sales	884.36
Timber settlement	314.26
Timber trespass	134.47
Grazing	3,082.25
Special use	162.00
Gross receipts	4,577.34

Shasta National Forest, fiscal year ended June 30, 1911.

Estimated stand of timber, 8,796,500,000 board feet.

Appropriation (this amount is subject to reduction or increase under the 10 per cent clauses of the appropriation act) \$38,675.00

EXPENDITURES.	
Supervisor	2,100.00
Deputy supervisor	1,724.72
Clerical	1,245.10
Rangers, forest assistants, guards, and other assistants	22,546.29

Traveling expenses	\$3,744.70
Miscellaneous expenses	8,725.99
Fighting forest fires (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	5,973.59
Improvements (this item is paid from the specific appropriations for fighting forest fires and improvement of the national forests)	3,326.24
Total	40,386.63

RECEIPTS.	
Timber sales	7,385.82
Timber settlement	28.22
Timber trespass	7,092.65
Grazing	2,505.65
Special use	35.75
Gross receipts	17,048.00

Mr. MANN. I think there ought to be some explanation by some one on the committee in reference to this Appalachian Forest. If they have deducted from the other forests an average of \$300 apiece, to be used for the care of the Appalachian Forest, it strikes me that that is not a very happy way of determining what amount should be appropriated. May I ask the gentleman from Oregon, who is on the Appalachian Commission, how far has the Appalachian Forest proceeded?

Mr. HAWLEY. Mr. Chairman, there have been five general areas or tracts in which authorizations for purchases have been made, one in the eastern part of Tennessee, one in the northern part of Georgia, two in the western part of North Carolina, and one on the border between Tennessee and Virginia.

Mr. MANN. How much area do they cover in acreage?

Mr. HAWLEY. The Tennessee tract covers about 79,000 acres, the Georgia tract about 32,000, the North Carolina tracts 21,000 and 18,000 acres, and the Virginia-Tennessee tract some 34,000 acres. These are the figures in round numbers, and make a total of about 184,000.

Mr. MANN. Where do you provide for the care of these forests in this bill?

Mr. LEVER. On page 45.

Mr. HAWLEY. So far as the work of the commission is concerned, that ends when the purchase of the lands has been made. The Department of Justice examines into the titles and sees that safe title is vested in the United States. The lands are then under the control of the Forest Service, in the Department of Agriculture, and appropriations for their administration and maintenance are made as for the other national forests.

Mr. MANN. When will the money be available to purchase these lands?

Mr. HAWLEY. The sum of \$2,000,000 is available for the fiscal year ending the 30th day of June of this year.

Mr. MANN. What will they cost?

Mr. HAWLEY. They vary in price.

Mr. MANN. The total amount.

Mr. HAWLEY. The total amount for the purchases already agreed upon is a little over \$1,002,000, speaking in round numbers.

Mr. HAUGEN. Will the gentleman state the amount paid per acre?

Mr. HAWLEY. The largest tract, 79,000 acres in Tennessee, was purchased at prices varying from \$3.50 to \$3.75 per acre, although \$15 an acre was paid for some 3,500 acres of heavily timbered evergreen land which we thought ought not be cut over, because the mountain slopes now covered would be denuded and the tops of the trees would make a very dangerous accumulation, in which forest fires might start.

Mr. MONDELL. Are these tracts solid and compact, and do they include all lands within the exterior boundaries?

Mr. HAWLEY. There are small areas in some of them, at present under private ownership; for some of these good title can not be guaranteed and others are not suitable for our purposes; but we expect to take over by means of friendly suits all lands that are necessary.

Mr. MANN. How close are these tracts to each other?

Mr. HAWLEY. I think 80 miles would cover the distance between the two farthest apart; they are in one general body where Virginia, Tennessee, North Carolina, and Georgia come close together.

Mr. MANN. Lying off the mountain ranges?

Mr. HAWLEY. Yes; lying on the mountain ranges.

Mr. RAKER. How many tracts are there; two?

Mr. HAWLEY. Five general areas or tracts.

Mr. HAUGEN. How were they purchased?

Mr. HAWLEY. We buy where lands can be assembled in large tracts. These general tracts consist of smaller tracts, some as small as 100 acres, and each smaller area offered by

the owner directly. I submit here the form upon which owners of lands make offers, and also a circular of information:
(Form 1000)

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

PROPOSAL FOR SALE OF LAND.

----- (city or town), ----- (street), ----- (State), -----, 191 .
The FORESTER,
Forest Service, United States Department of Agriculture,
Washington, D. C.

DEAR SIR: ----- (I or we), ----- (name, if corporation, "a corporation organized and existing under the laws of the State (or Territory) of -----, having an office and principal place of business at -----", of -----, State of -----, hereby propose to sell to the United States all that certain tract or parcel of land situate, lying, and being in the Township of ----- in ----- County, and State of -----, and (bounded; known) and described as follows: ----- (insert description by metes and bounds, grants, lot numbers, or by bounding by rivers, highways, or other boundaries), containing ----- acres, more or less, and consisting approximately of the following classes of land: (a) Merchantable forest ----- acres; (b) cut-over land ----- acres; (c) brush or burned land ----- acres; (d) abandoned farm land ----- acres.

Said land contains approximately ----- feet b. m. of merchantable timber of the following kinds: ----- (insert kinds in the order of their quantity).

----- (I or we) will sell said land at any time within six months from the date hereof, to the United States for \$----- (insert total for tract or rate per acre); or, if the right is reserved to ----- (me or us) to cut and remove so much of the timber as is merchantable within a period of ----- years from date of sale, and in accordance with such rules and regulations as may be agreed upon at the time of sale, ----- (I or we) will sell for \$----- (insert total for tract or rate per acre); or if the mineral rights are reserved to ----- (me or us), ----- (I or we) will sell for \$----- (insert total for tract or rate per acre).

Said land is free and clear from incumbrances, excepting ----- (if free and clear from incumbrances draw line through "excepting." If not, then insert brief statement of the nature of any and all incumbrances in effect on the date hereof. This should include all manner of bargains, sales, gifts, grants, devises, dowers, rights and titles of dower, uses, taxes, liens, debts, judgments, executions, recognizances, and all other estates, rights, titles, charges, and incumbrances whatsoever).

On the date hereof ----- (I or we) have the right, full power, and lawful authority to grant, bargain, sell, and convey said land. ----- (I or we) hereby grant to the officers of the United States Government unrestricted right and privilege to examine as fully as they may see fit said land and the timber standing thereon, with a view to said purchase, during the period for which this offer is valid.

Very respectfully,

(Signature) -----

NOTE.—If the above offer is made by a corporation, form of signature should be: X Y Z Co., by John Doe, president (or other officer or agent).

(Issued Mar. 27, 1911.)

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

(Henry S. Graves, Forester.)

Purchase of land under the Weeks law in the Southern Appalachian and White Mountains.

GENERAL INFORMATION.

The act of Congress approved March 1, 1911 (Public. No. 435), created a National Forest Reservation Commission and authorizes the acquisition of lands on the watersheds of navigable streams for the purpose of conserving their navigability. The Secretary of Agriculture is authorized and directed to examine, locate, and recommend to the commission for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and he is authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission. The full text of the law is to be found on page 7.

PURPOSE OF THE LAW.

The general purpose of this law is to secure the maintenance of a perpetual growth of forest on the watersheds of navigable streams where such growth will materially aid in preventing floods, in improving low waters, in preventing erosion of steep slopes and the silting up of the river channels, and thereby improve the flow of water for navigation.

INCIDENTAL BENEFITS.

While the improvement of the flow of navigable streams is the fundamental purpose, other benefits incidental in character but nevertheless important will be kept in view. Among these are (1) protection against disastrous erosion of the soil on mountain slopes and against the destruction of the soil and soil cover by forest fires; (2) preservation of water powers, since, like navigation, they depend for their value upon the evenness of stream flow; (3) preservation of the purity and regularity of flow of the mountain streams with a view to their use for the water supply of towns and cities; (4) preservation of a timber supply to meet the needs of the industries of the country; (5) preservation of the beauty and attractiveness of the uplands for the recreation and pleasure of the people.

RESTRICTIONS.

Aside from its application to the watersheds of navigable streams, the law is not restricted to particular regions, except that lands may be purchased only in the States whose legislatures have consented to the acquisition of such lands by the United States for the purpose of preserving the navigability of navigable streams. The States which have passed such legislation and in which purchases are now contemplated are: Maine, New Hampshire, Maryland, Virginia, West Virginia, North Carolina, Tennessee, South Carolina, and Georgia.

The sources of the navigable streams which have their origin in the Rocky Mountains or the mountains nearer the Pacific coast are already to a large extent protected by national forests. The Appalachian Mountains, including the White Mountains, are for the most part without such protection. Because of their altitude, steepness, and lack of

protection they are in a class by themselves in their need for the action authorized under this law.

FIRST EXAMINATIONS TO BE LIMITED TO APPALACHIAN AND WHITE MOUNTAIN REGIONS.

The first lands to be examined for purchase will therefore be in this region. The area needing protection in the Appalachians is very large. It is far larger than can be purchased with the funds appropriated under this law. Much difference exists, however, in the character of the lands in different parts of the region. Mountains are higher, slopes steeper, rainfall heavier, and the soil more easily washed in some sections than in others.

PURCHASES TO BE RECOMMENDED ONLY IN CERTAIN AREAS.

Careful examinations made during the past 10 years in practically all parts of the Appalachian region have proven that the conditions which affect stream flow to an extreme extent are to be found in relatively limited areas. These areas are scattered more or less widely. By careful selection of the tracts it will be possible to do much for the permanent improvement of the watersheds by the purchase of only a part of the mountainous region.

Within these areas not all, and in some cases not a very large proportion, of the land will be needed by the Government for the purpose in view. Just what lands should be purchased will be determined in every case as a result of a careful examination.

PROPOSALS FOR SALE INVITED.

Some of the important areas are already known, and the purpose of this circular is to invite proposals for the sale of lands within them. A list of such areas is to be found on page 4, and a blank form and an official envelope to be used in making proposal for sale accompany this circular. Additional copies of the blank may be had upon application to the Forester, Forest Service, Washington, D. C. The blank should be accurately and fully filled out and mailed, securely sealed in the envelope. If possible, a map showing the boundaries of the tract should be submitted with the proposal for sale. If the proposal is satisfactory, the Secretary of Agriculture will expect the owner to execute to him an option on the land for a reasonable length of time.

CLASSES OF LAND DESIRED.

Lands of the following classes will be considered for purchase when they lie within a designated area: (1) Timbered lands, including both land and timber; or the land with the timber reserved to the owner under rules of cutting to be agreed upon at the time of sale; (2) cut-over or culled lands; (3) brush or burned land not bearing merchantable timber in quantity, but covered with a growth of brush which is useful for watershed protection, and burned land whether covered with young timber growth or not; (4) abandoned farm land, whether remaining cleared or partially covered by timber growth. Good agricultural lands will not be considered.

Where valuable mineral deposits are known to exist, the right to remove such deposits may be reserved to the owner under conditions to be agreed upon, such conditions to be incorporated in the written instrument of conveyance.

Lands lying within the designated areas can not be recommended for purchase unless examination by the United States Geological Survey shows that their control will promote or protect the navigation of streams on whose watersheds they lie.

LANDS CONSIDERED ONLY WHEN OFFERED CHEAP.

Lands proposed at exorbitant prices will not be considered. The holding of land at too high a price in any of the areas will prevent the Government from undertaking purchases within it.

NO RESTRICTION AS TO SIZE OF TRACT.

No limitation is put upon the size of tracts to be proposed for sale. Proposals will be received for small as well as for large tracts within the areas designated, but small tracts can only be examined when they lie adjacent to or near large tracts which are being examined or where the aggregate of all tracts offered for sale is sufficient to justify an examination.

NOT NECESSARY TO SELL THROUGH AN AGENT.

The right of any landowner to deal through an agent is, of course, recognized. The placing of lands in agents' hands, however, is unnecessary, as the owners themselves may deal direct with the Government.

USE OF THE LANDS BY THE GOVERNMENT.

The lands purchased by the Government under this law are to be included in national forests. Such forests will in no way interfere with hunting and fishing within the areas. The laws of the States in which the forests are located will apply as at present, and the forests will be open to anyone and everyone. The use of the forests for all reasonable purposes, including recreation, will be encouraged.

PROCEDURE IN MAKING PURCHASES.

In general the procedure in making purchases will be as follows:

- (1) The filing of proposal for sale of land by the owner or owners.
- (2) Examination of lands. This examination will usually include a careful estimate of whatever timber is standing upon the tract, an estimate of the value of the tract as a whole for the production of timber, and the determination of its importance in regulating the flow of navigable streams.
- (3) Approval of lands for purchase by the National Forest Reservation Commission and the fixing of the purchase price or prices. Approval for purchase is given only after recommendation has been made by the Secretary of Agriculture on the basis of the field examinations.
- (4) Final negotiations with the owner or owners of lands as to terms of sale.
- (5) Examination of title.
- (6) Actual conveyance of the title of the land by the owner to the Government and payment therefor by the Government to the owner.

Mr. HAUGEN. The gentleman does not mean to say that the whole tract was purchased from one party?

Mr. HAWLEY. Oh, no; each individual tract was purchased from one seller.

Mr. MANN. And we have expended \$1,000,000?

Mr. HAWLEY. In round numbers pretty close to it. We have \$2,000,000 available each year for five years.

Mr. MANN. Originally it was \$13,000,000?

Mr. HAWLEY. Eleven millions.

Mr. MANN. You have lost one million.

Mr. LAMB. Mr. Chairman, I think I can answer some of these questions.

Mr. MANN. This Appalachian Forest Reserve is important and interesting matter to all of us.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from Oregon a question. I notice that the gentleman said that the average price was from \$3.50 to \$3.75 per acre on the whole tract. The purchase price of the 184,000 acres, aggregating \$1,002,000, at \$4 an acre would be \$736,000.

Mr. HAWLEY. The gentleman misunderstood my answer in part. I was asked what the largest tract cost per acre, and stated that all but a small portion covered with evergreen forest was purchased at the price of \$3.75 per acre.

Mr. HAUGEN. And the gentleman gave the tract in Tennessee.

Mr. MADDEN. Was it not understood when the legislation was being considered that a great many people owning these lands to be put in the forest reserve lying on the Appalachian and White Mountain Ranges would sell the land at a nominal price of something like 50 cents an acre, and that a good many would donate the land altogether?

Mr. HAWLEY. I know of no such statement.

Mr. MADDEN. It was so stated on the floor of the House.

Mr. HAWLEY. I made no such statement.

Mr. MADDEN. I do not say that the gentleman did, but it was stated that these lands would be turned over to the Government at a nominal price, and in many cases they would be given to the Government. Many of us feared the very thing that has happened would happen.

Mr. AUSTIN. I want to say to the gentleman that no such statement was made by anybody that represented the State of Tennessee.

Mr. MADDEN. I do not know what State they represented.

Mr. MANN. The gentleman from Tennessee could never be accused of giving something for which he could get pay out of the Treasury.

Mr. MADDEN. When they were arguing for this legislation, he did make a statement that the lands would be given to the Government substantially free in many cases. Some of us on the floor feared that when the Government committed itself to the project the price of these lands would go up a good deal higher than they ought to and above their real value. And what I fear now is that you are going to pay a higher price than ought to be paid.

Mr. HAWLEY. We get a statement of the sales of land in the immediate vicinity, actual sales, giving the names of the parties, the areas conveyed, the amounts they paid, with dates of sales, and then we make a thorough investigation; I think in no instance has the Government paid more than a reasonable price.

Mr. MONDELL. What did the gentleman say was the average price per acre paid for these tracts?

Mr. HAWLEY. I have not figured that out. The tracts vary in value.

Mr. MADDEN. According to the aggregate amount paid for the 184,000 acres, they cost \$5.44 per acre.

Mr. LAMB. Mr. Chairman, I insist that the gentlemen are roaming away from the point at issue.

Mr. MADDEN. We are trying to get information upon this matter, if that is roaming off. We ought to have this information that we are asking for, if anybody has it; and if not, we must get it in some other way.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to extend my remarks on this matter in the Record.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. BEALL of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon [Mr. HAWLEY] be permitted to continue on the floor for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEALL of Texas. I will state to the gentleman from Oregon that the Chief Forester said that the lands they had under consideration to purchase were offered to them for from \$3 to \$5 an acre.

Mr. HAUGEN. Mr. Chairman, I will state in that connection that people who appeared before the committee stated positively that these lands could be bought for little or nothing, at from 50 cents to \$1 an acre, and it appears that those lands which could then be bought at that price are now worth \$10 an acre.

Mr. LEVER. Mr. Chairman, I had the honor to be in charge of the Appalachian bill when it passed the House. What my friend says is true and not true. The statement was made be-

fore the committee that if Congress had acted upon this bill 10 years ago these lands could have been bought for from 50 cents to \$1 an acre. That is true, but land values in the South are going up. I have seen them go up from \$4 an acre in my own community to \$50 an acre within the last 10 years.

Mr. HAUGEN. If Congress had acted 10 years ago the lands that were then worth 50 cents an acre would have been worth \$5 an acre, but inasmuch as Congress did not act, the price stayed at 50 cents an acre. If Congress had not acted in this matter the price would still be 50 cents an acre or less.

Mr. LEVER. I do not think that is the testimony at all.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. I yield to the gentleman from Pennsylvania.

Mr. BOWMAN. Mr. Chairman, I would like to ask if there is not more or less small timber on the land under discussion?

Mr. HAWLEY. There is. The Tennessee tract will be bought on the basis of its being cut-over land; that is, we buy it as if it was cut over. Part is now cut over and part is to be cut over. But no second cutting will be allowed. The tract in the northern part of Georgia is virgin timber, a great deal of it marketable timber, but at this time it was so far removed from transportation that the price we paid—\$7 an acre—included the land and the timber on that tract.

Mr. BOWMAN. I think gentlemen will agree that the average price is very reasonable for land that has any quantity of timber on it at all, in view of the present price of timberland.

Mr. MANN. But I do not understand that under the bill it is the policy of the Government to buy timber or timbered land.

Mr. HAWLEY. When the Forest Service makes its report it includes an estimate for the value of an acre of that land without the timber. The lands have more or less timber, and some forest cover, under the theory of the bill, is absolutely necessary to make the lands of value. In the Gennett tract, in the northern part of Georgia, there is some good timber on the land. The estimate was made of the value of the timber, such as oak, poplar, or tulip tree, and pine, and hemlock. That estimate entered into the element of price, but the timber being so far removed from the railroad could not be cut for many years, and the danger of forest fire was so great that if we intended to put the law into force in good faith we must take the lands as they were offered at a fair price to protect the watersheds.

Mr. MANN. Of course, land that had timber on it that was so far removed from transportation that it could not be cut and utilized is one thing.

Mr. HAWLEY. That is, at the present time.

Mr. MANN. It is not worth much, so far as that is concerned, but, as I have always understood the theory of the bill, it was the intention to buy the land after the timber was cut off, the ordinary timber that was marketable—that that was to be cut off before the Government obtained control, leaving enough for seed purposes remaining on the land.

Mr. HAWLEY. It is the purpose of the commission to buy cut-over lands as far as available. I am not, of course, giving away the vote of the individual members of the commission, but we take suitable land, which is necessary under the theory on which the act was based, and some of it must necessarily have timber on it.

Mr. HAUGEN. I would like to ask the gentleman how the value of those lands are determined by the commission?

Mr. HAWLEY. The Forest Service sends men expert in soils and lumber to each locality. They make an estimate of the value of the land, together with the unmerchantable growths, and then of the forest cover of the land valuable for lumber, pulp wood, and tan bark, and for all other purposes, and from these elements a price is arrived at.

Mr. HAUGEN. Are expert cruisers and lumbermen employed?

Mr. HAWLEY. Yes. The cruisers and lumber experts are men who have had many years of experience in actual logging and lumbering operations.

In addition to the lumberman's examination, there is in the case of tracts containing valuable timber an estimate made on the basis of the actual measurement of all merchantable trees on a certain percentage of the tract. This is done by running strips across the tract at fixed intervals and tallying all trees of merchantable size by diameter, species, and number of merchantable log lengths. Usually 5 per cent of the area of a tract is actually measured in this way, but in the case of small tracts the percentage is increased in order to insure correct results.

Mr. HAUGEN. Does the commission act entirely on the recommendations and reports made—

Mr. HAWLEY. The Geological Survey makes a report, and in addition to that we have a statement of the actual transactions in the immediate vicinity as to the amount, prices paid, dates of purchases, with names of parties to the sale.

Mr. HAUGEN. Those are improved lands that are sold.

Mr. HAWLEY. Of all the lands. There is a great deal of wild land being transferred.

Mr. HAUGEN. How does it happen that these tracts are all purchased from one seller?

Mr. HAWLEY. They are not purchased from one seller.

Mr. HAUGEN. I understood the gentleman to make that statement.

Mr. HAWLEY. I said each individual tract was offered by one seller, so for the tracts there are at least five sellers, but really the sellers numbered 15. The Little River Lumber Co., who owned a tract of land in eastern Tennessee covering 79,000 acres, wanted to transfer it to the Government in a body, and we bought their entire holding because it was all in line with the purpose of the act and suitable for our purchases.

Mr. HAUGEN. You find it to the advantage of the Government to purchase in large tracts?

Mr. HAWLEY. Yes; where possible. If you will take the records of the commission, you will find that the purchases we have made and the prices we have paid as a rule are lower than other tracts, even those of very considerable quantities.

Mr. MANN. I do not remember just at the moment what has been done about the taxes on the property.

Mr. HAWLEY. You mean taxes that have already accrued.

Mr. MANN. Do the States cede jurisdiction? And is the property exempt from taxation after the Government acquires it?

Mr. HAWLEY. The property is exempt from taxes after the Government acquires it just the same as a national forest.

Mr. MANN. Well, that depends upon what the States have done in reference to it.

Mr. LEVER. All of these States have ceded jurisdiction even before the passage of this act.

Mr. HAWLEY. I knew the gentleman from South Carolina had that information.

Mr. MANN. In the national forests where we cut off timber we pay 25 per cent to the States in lieu of taxation. I take it in the Appalachian forests a good deal of the timber will not be cut off by the Government in many years to come.

Mr. HAWLEY. Some of them will not be lumbered for some years and some will be probably lumbered for some of the valuable wood—maybe poplar or tulip tree—within a short time, because one poplar tree is worth a good deal.

Mr. LEVER. Most of this timber is hardwood.

Mr. BEALL of Texas. Did the commission have any information as to how long the several vendors of this land had owned it prior to the sale?

Mr. HAWLEY. Yes; we had that information.

Mr. BEALL of Texas. There was suspicion that certain thrifty gentlemen in that country might have bought these lands for the purpose of selling them—

Mr. HAWLEY. The commission took into consideration that suspicion.

Mr. BEALL of Texas (continuing). At a fair price to the Government. Has that occurred, in the judgment of the gentleman?

Mr. HAWLEY. So far as that is concerned, sometimes they acquired small additions to their original holdings for the purpose of offering them in one compact body to the commission.

The following document will be of interest:

(Press notice.)

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., November 7, 1911.

Secretary Wilson announces to-day that hereafter the Department of Agriculture will not examine or recommend for purchase under the Weeks law timberlands upon which options have been secured with a view of selling to the Government at a profit. The department wishes to deal direct with the owners of lands, since this course will result in the payment to the owners of the full value of the land and at the same time make it possible for the Government to secure lands cheaper than through option holders.

The purchase of land through option holders means a lower price for the landowner and a higher price to the Government than is justified by the conditions. This decision to purchase only from the owners means that no action can be taken upon some of the proposals which have been made for the sale of lands; but as the appropriation available is limited to \$2,000,000 per year, there will be no difficulty in selecting from the large amount which is being offered a sufficient acreage to readily consume the entire appropriation as fast as it becomes available.

While the optioning of land in advance of the Government examiners has become an obstacle in certain localities in the South, Secretary Wilson says that, in general, his assistants have made excellent progress in examining and reporting upon lands and in reaching agreements with owners on terms and conditions of sale.

More than 1,800,000 acres have been offered in the southern Appalachians and White Mountains, over 400,000 acres have been examined, and agreements as to price have been reached with the owners for over 100,000 acres.

Four parties of estimators and five expert lumbermen have been busy in the field since the 1st of June securing the necessary information upon which to base reports to the National Forest Reservation Commission, by which all purchases of land must be authorized in accord-

ance with the provisions of the law. Secretary Wilson will ask that a meeting of the commission be called early in December for the purpose of considering some of the reports which are being prepared.

Before making his reports to the commission the Secretary will have reports from the Geological Survey showing whether the control of the lands examined will promote or protect the navigation of the streams on whose watersheds they lie. Only lands that are approved by the Geological Survey will be recommended for purchase.

The agents of the Agricultural Department will continue in the field all winter making examinations of lands offered for purchase. They are especially instructed to negotiate with the owners of small tracts. Much of the land offered for sale is held in tracts of less than 200 acres. It is tracts of this kind which have been optioned by speculators in the past and which the Government now expects to buy direct from the owners.

Mr. BEALL of Texas. I notice in the testimony of the Chief Forester that about 2,000,000 acres have been offered and about 400,000 examined. Do you know whether there is any disposition down there among those people to buy up these lands for the purpose of selling them advantageously to the Government?

Mr. HAWLEY. Well, if there is such a disposition and they have formed combinations, such combinations have not been brought to our notice.

Mr. LAMB. Mr. Chairman, I ask now to make a short statement in behalf of the Committee on Agriculture and to answer some of the questions that have been asked here, and especially to answer the question that was propounded by the gentleman from Illinois [Mr. MANN] to the gentleman from California [Mr. RAKER]. We were careful in interrogating the Forester along these various lines that have been discussed here, and you will see on page 316 the following:

The CHAIRMAN. I observe that some of these appropriations have decreased and some increased. Just give us, briefly, some of the reasons why you had to do this—whether it changes the general result or not.

Mr. GRAVES. We have made a total reduction in the forests here to provide for the administration of this new unit, Santa Rosa Forest, and also to provide for the administration of such forests as may be established in the southern Appalachians and White Mountains. That item is on page 43. We have reduced where we could in the general expenses and increased in some cases where we want to do special work in the examination of timber, estimates of timber, and where we are making large sales, and consequently there will be greater expenses connected with the administration of the sales. The amounts are necessarily going to vary slightly from year to year also, according to the distribution of our year-long men who are on the statutory roll; that is, the distribution of the rangers who are serving on the statutory roll will affect, to some extent, the amount we need for general expenses and for summer rangers, temporary men.

The CHAIRMAN. With regard to this increase for the contemplated Appalachian reservation do you think you can divide up these Appalachian reservations into districts like this? Is that your idea?

Mr. GRAVES. Yes, sir; but the forests have not been purchased yet. So the funds had to be lumped together.

That answers some questions, too.

The CHAIRMAN. I know that. Do you propose to subdivide these forests also?

Mr. GRAVES. Ultimately there will be individual forests, each of which will be estimated for separately.

Mr. LEVER. Would it be possible for you, Mr. Graves, to furnish the committee with a brief outline of the expenditures in each case in this national forest as you have it subdivided?

Mr. GRAVES. The estimates in each forest?

Mr. LEVER. Yes.

Mr. GRAVES. I have them here.

Mr. LEVER. And the purpose of the estimate—how the money is being spent, how the increase comes about, and how the decrease comes about—as compared with last year.

Mr. GRAVES. I have an estimate of the amount itemized for the expenditures.

He did, and I thought I had it here, gentlemen, but it would be too long to read anyhow.

The CHAIRMAN. You showed it to me the other day.

Mr. GRAVES. The reasons will be variable. It will be a slight increase of business or decrease of business—

That answers some of the questions, I will say, of the gentleman from California.

and also, as I say, the business will vary each year according to the running out of timber sales or increase of timber sales or an increase in the amount of reconnaissance, and so on; and also there will be a little shifting according to the distribution of our permanent force.

Mr. LEVER. I had in mind that an antagonistic friend of ours might tax the ingenuity of our chairman if he began to ask specific questions about these specific forests.

You see, my aid-de-camp [Mr. LEVER] is a sort of a prophet.

Mr. GRAVES. I can make a statement of that to go with our estimates.

The CHAIRMAN. Just one word more on that Appalachian business. Was that your idea, Mr. HAWLEY? I thought it was to conserve the watershed so as to protect it in the whole and not go into an extensive system like this.

Mr. HAWLEY. I understood it would have to be administered like any other forest.

Mr. GRAVES. A good deal of the land which will be purchased will doubtless be cut-over land, and it will not be possible for us to make some of those lands self-sustaining from the beginning.

Now, gentlemen, that answers some of these questions and puts the Committee on Agriculture right before this committee. This is a difficult question, and when you come in here with this Appalachian business I tell you frankly we had better cross that bridge when we get to it, and it is going to be a pretty difficult bridge, I think, to cross.

Mr. TAYLOR of Colorado. Are we not crossing that bridge all the time?

Mr. LAMB. We are crossing your bridge, but we have not crossed the other bridge yet.

Mr. Chairman, I ask for a vote.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate has been proceeding by unanimous consent. The Clerk will read.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I have no personal knowledge of the purchase of land for the Appalachian Reserve, except the purchase of an 80,000-acre tract in the eastern district of Tennessee, a large portion of which is in the district I represent. I know the gentleman from Illinois [Mr. MANN] will smile.

Mr. BUTLER. We are all going to smile. [Laughter.]

Mr. AUSTIN. He actually laughed. I want to make the prediction that the Government of the United States in 15 or 20 years will have no difficulty, in the event it should desire to part ownership of this property, to sell it at twice the present purchase price. The greatest rainfall region in the United States is in the Appalachian region, and this cut-over land in eastern Tennessee will have a splendid and valuable second growth of timber within the time mentioned by me.

Mr. MADDEN. How soon?

Mr. AUSTIN. Fifteen or twenty years. We all know how the value of hardwood timber land has increased in recent years.

I know of one section in the Appalachian region, in Monroe County, where about eight years ago a party purchased 42,000 acres of land for \$245,000, held it for five years, and sold it for \$750,000.

Mr. BUTLER. Is there any more of it down there?

Mr. AUSTIN. Now, something has been said about the purchase of land for 50 cents and a dollar per acre. That period has long since passed. The owners of those lands have long since realized the value of them. And not only that, but that country is filled with prospective purchasers of timber lands. This 80,000-acre tract of land in Blount and Sevier Counties was purchased about 15 or 20 years ago by practical timber men from Pennsylvania, and the other tract in Monroe County was first purchased by Pennsylvania people and afterwards sold to Pittsburgh people. There are no cheap timber lands anywhere left in the South.

Mr. RAKER. I would like to ask the gentleman whether in the cutting of timber his people simply cut off the ripe and proper timber and leave the balance stand without destroying it?

Mr. AUSTIN. I want to say that investigations have been made of that region by the Geological Survey and the Forestry Branch, and in this case the Appalachian Commission sent a subcommittee to the eastern district composed of the Member from Oregon [Mr. HAWLEY] and the Member from Georgia [Mr. LEE]. I went with those gentlemen on that trip—not all of it, but part of it—and I know they spent a number of days in going over that land and in seeing for themselves the value of the same. The Little River Lumber Co. spent half a million dollars in the construction of a railroad that penetrates this large area of land. There is no grab in its purchase by the Government. The Government in this particular case got full value for every dollar it has invested in it.

Mr. MADDEN. Who gets the railroad? [Laughter.]

Mr. AUSTIN. Well, the Government is not buying railroads at \$3.75 or \$3.80 an acre. [Laughter.] But the company and the Government have the means of entering these lands and controlling and removing the timber, because there is a standard-gauge railroad constructed all through that section. And I want to say that I congratulate the Government and Congress upon the care and caution that were exercised in this particular case, because it has been pending for over a year. And I want also to bear testimony to the fidelity and honesty of the gentleman from Oregon [Mr. HAWLEY] and the gentleman from Georgia [Mr. LEE], who had no other interest to subserve except the interests of the Government in this matter, and any insinuation or reflection in reference to their conduct in connection with this proposition is unfair and unkind, and without excuse. [Applause.]

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. AUSTIN. Certainly.

Mr. MANN. I do not know whether the gentleman will consider the question an insinuation or not. I have not heard any Member make an insinuation yet. But will the gentleman give us information as to whether this land is now being used for any purpose, whether any of it is herded or grazed upon?

Mr. AUSTIN. The Little River Lumber Co. has a mill at Townsend, Tenn., on part of the lands of this great tract, where they cut from 125,000 to 135,000 feet of hardwood lumber every day.

Mr. MANN. Apart from the cutting of the timber, is the land used for any purpose?

Mr. AUSTIN. Only a small portion of it. The timber has never been removed for the purpose of utilizing this land for any agriculture or other purposes. I expect to see the day when this land can be used advantageously in the cultivation of berries and fruits and in the development of orchards.

Mr. MANN. It ought to be used for that purpose, then.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes more. I desire to ask him a question.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Tennessee [Mr. AUSTIN] be extended for five minutes. Is there objection?

There was no objection.

Mr. HAUGEN. I would like to ask the gentleman from Tennessee if he contends that the Government bought these lands for the purpose of starting fruit growing and other agricultural activities there?

Mr. AUSTIN. No. I was simply speaking, in answer to the question of the gentleman from Illinois [Mr. MANN], as to what this land could be used for.

Mr. HAUGEN. If these lands can be used for fruit growing, for example, would it not be better to put these lands to some use in that way?

Mr. AUSTIN. The Government has bought this land for the purpose of preserving the water supply of the Appalachian region.

Mr. LEVER. And the bill provides, I may say, that if these lands become more valuable for agricultural purposes the Government shall have the right to open them up for settlement.

Mr. HAUGEN. May I ask the gentleman from Tennessee if some of the timber has been removed?

Mr. AUSTIN. Some of it was cut over some years ago, a considerable number of years ago, and other portions of it have been cut over within very recent years and up to date.

Mr. HAUGEN. Can the gentleman give us any estimate of the amount?

Mr. AUSTIN. A member of the committee from Oregon [Mr. HAWLEY] is in the Chamber at this time, and he can give the gentleman information as to how many acres have been cut over and how many have not been cut over.

Mr. HAUGEN. I would like to ask the gentleman if the Government contemplates buying timberlands in carrying out this project?

Mr. AUSTIN. The gentleman from South Carolina [Mr. LEVER] can furnish that information. I yield for that purpose to the gentleman from South Carolina.

Mr. HAUGEN. I understand the intention was to buy denuded lands and worthless lands and not the timberlands; and the representation was made before the committee when this legislation was under consideration that the lands that were desired could be bought for 50 cents an acre or less, or at least at \$1 an acre. I understand that was the value of the lands there.

Mr. LAMB. When that bill was first proposed it was true that some suitable lands could then have been purchased for one or two or three dollars an acre, but that project ran on for quite a number of years—at least 12 years—as I know from personal knowledge in my service here. Those lands were priced very low at that time and could have been bought at less than half of what they can be bought for now. There has been an advance in their value since that time and money has become cheaper.

Mr. AUSTIN. The value of timberlands has advanced, not only there but in every State in the Union.

Mr. MARTIN of South Dakota. What is the difference in the price of lumber now and then?

Mr. HAUGEN. Mr. Chairman, I am not raising these questions for the purpose of criticizing the department, and certainly not for the purpose of impugning the motives or the conduct of the distinguished gentleman from Oregon [Mr. HAWLEY] or any member of that commission. I have the highest regard for all of those men. They are men of integrity, experience, and good judgment; men whom we can well trust in the performance of this service. But, Mr. Chairman, certain representations were made before the committee which I think had much to do with influencing the committee in favorably reporting that bill.

And, Mr. Chairman, while representations were made that these lands could be purchased at from 50 cents to \$1 an acre,

and that many of the owners would, as stated, be glad to turn them over without any compensation, it seems that we have drifted away from that and into a policy where we are purchasing lands at from \$3 to \$20 an acre or more.

Mr. LEVER. That was 10 or 15 years ago.

Mr. HAUGEN. You passed this bill two or three years ago. Now, it is fair that this House should have information upon the subject, and especially that the Committee on Agriculture should give the information as to what has been done and what is contemplated to do.

Mr. LAMB. The gentleman has had ample opportunity to obtain information in the committee.

Mr. HAUGEN. We are to-day appropriating over \$5,000,000 for the Forest Service, in addition to this \$2,000,000 under the Weeks-Lever Act, all told, about \$7,000,000. As has been said here on the floor, only a few years ago it was stated by the Forester that this service could be made self-supporting inside of five years; that the revenues would equal the expenses of the service. The five years have gone by, and the receipts are about \$2,000,000 and the expenses \$5,000,000, to say nothing about the \$2,000,000 for the purchase of lands. They have full jurisdiction. The grass has been sold, the timber has been cut off, the lumber has been sold, and yet we are at an expense of \$3,000,000 in excess of the \$2,000,000 receipts from those sales and other sources; and as I said I do not bring this up for the purpose of criticizing anyone. I have no quarrel with the Forest Service or anyone connected with that department; but I contend that this is of enough importance that when anybody rises to ask a question for information he should be given a courteous reply and time to answer questions.

Mr. LAMB. Mr. Chairman, I had no idea my colleague on our committee was so eloquent. He might have obtained from the committee all the information he required along this line. There can be no complaint against anybody about this matter, and my friend is the last man who ought to complain, because he has had every opportunity to obtain this information.

Mr. HAUGEN. It was charged that certain ones had questioned the integrity of men who have this matter in charge, and I simply intended to say that I certainly did not say anything to criticize any Member of this House or anybody in the department.

Mr. AUSTIN. The gentleman from Iowa states that he is not here to make an insinuation. I understood him to say that the Appalachian bill received favorable consideration in view of statements made before the committee that this land could be purchased for 50 cents or a dollar an acre, and perhaps some of it given to the Government, and that statement was made in view of a previous statement made by a member of the Appalachian Commission who is a Member of this House, the gentleman from Oregon [Mr. HAWLEY], that the commission had gone ahead and paid \$3.85 an acre, and up to \$15 an acre. It looks as though that was an insinuation of a violation of an agreement under which this measure received favorable consideration.

Mr. HAUGEN. Oh, no; I said nothing about agreements or violations thereof. I said that they had drifted away from that policy, and from what was contemplated under the act.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph under consideration.

Mr. LEVER. The gentleman from Illinois misunderstands the parliamentary situation. The Appalachian paragraph is not yet under consideration.

Mr. LAMB. It has not been reached, and all this discussion is premature.

Mr. BUTLER. If we do not quit talking we will never reach it.

The CHAIRMAN. The Clerk will report the paragraph under consideration.

The Clerk read as follows:

Sitgreaves National Forest, Ariz., \$15,310.

Mr. FOWLER. I move to strike out the paragraph under consideration.

The CHAIRMAN. The Clerk will report the motion of the gentleman from Illinois.

The Clerk read as follows:

Strike out lines 7 and 8 on page 43.

Mr. FOWLER. Mr. Chairman, I am very much interested in the preservation of the forests of this country. Past history has shown that vast forests have been destroyed recklessly, and the Government now, in order to preserve our hardwood, is driven to the necessity of establishing forest reserves. I live so far away from these reserves that I am not familiar enough with them to satisfy myself as to what ought to be done with some of the proposed appropriations of this bill.

A very important question arises with reference to the 80,000-acre reserve in eastern Tennessee, a portion of which lies in the

district of the gentleman from that State, Mr. AUSTIN. I am interested in these discussions in various ways. I want to ask that distinguished gentleman, if he will be kind enough to answer me, a few questions in reference to this tract of 80,000 acres of land so that I may be able to get at some of the rest of the tracts in these reservations.

I desire to know if it is the policy of the Government in these reserves to protect anything else except the forests, and if the gentleman from Tennessee, who has served so long in this Chamber and seems to have dealt extensively in this matter, will answer that question I will be glad to have him.

Mr. AUSTIN. The gentleman is mistaken in stating that I have served in this House for so long a period. This is my second term.

Mr. FOWLER. Is that true? That is a long time. [Laughter.]

Mr. BUTLER. Longer than some Members have.

Mr. AUSTIN. It may be long to the gentleman from Illinois, but I am not complaining about the length of service.

Mr. FOWLER. I hope the gentleman's service will be still longer.

Mr. AUSTIN. The agitation of the Appalachian Forest Reserve and legislation along those lines began more than 10 years ago. We succeeded in passing a bill in the Senate, and it lodged in the committee room of the House. After that Congress expired we went back and had a bill passed by the Senate a second time. That was the third stage. Later we had it passed in the House and it failed in the Senate. So the legislation finally became a law during the Sixty-first Congress.

Mr. FOWLER. What was that for; for the preservation of the forests?

Mr. AUSTIN. The forests and the water supply at the head of the navigable rivers.

Mr. FOWLER. The forests or the water supply?

Mr. AUSTIN. Both.

Mr. BARTLETT. Will the gentleman yield?

Mr. FOWLER. As soon as I get this information. I would like to know if in that forest reserve there is any mineral that has been discovered—iron, zinc, or any other mineral?

Mr. AUSTIN. Yes; there is copper in the Appalachian Range—Ducktown, where the Tennessee Copper Co. operates. Ducktown was operated prior to the Civil War. In Carter County there is magnetic iron ore, which has been mined for more than 20 years and made into pig iron at the Embersville Furnace or the Johnson City Furnace. There are quantities of slate, barytes, and zinc through the Appalachian Forest Reserves. There is copper and marble and zinc and iron ore, slate, and barytes.

Mr. MADDEN. And there is sufficient magnetism in the iron ore to draw the money out of the Federal Treasury to buy these lands. [Laughter.]

Mr. AUSTIN. That is what we are here for.

Mr. FOWLER. It seems that there is much magnetism surrounding this whole affair.

Mr. BARTLETT. If the gentleman from Illinois will yield, I want to say that the Appalachian forestry bill was based and passed solely upon the assertion that the Government had the right to exercise control over interstate commerce by preserving the headwaters of the navigable streams. The Judiciary Committee of this House, on a resolution introduced by myself, reported to the House that Congress had no constitutional power to purchase land for the purpose of making forest reserves in the States when it owned no public domain, and the Appalachian forest reserve, as it is called, was not purchased or was not obtained for the exercise of any power to reserve forests in the States, but for the purpose of preserving and maintaining the headwaters of the navigable rivers.

I want to state that I was one of the men from that region that opposed even that view and voted against it.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to ask the gentleman if anybody has instituted any proceeding to test the constitutionality of that bill?

Mr. BARTLETT. I think not, and for the reason, as I understand it—I may be mistaken—the bill that passed Congress did not confer on the commission any power or authority to condemn land, but only by the consent of the State and the consent of the owners of the property to purchase it.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FOWLER. In a moment. I desire to know, while I am in favor of the preservation of the forests of America as much as any man, I would like to know from some distinguished gentleman under what power of the Constitution they have acted in purchasing this land for the purpose of forest reserves.

Mr. BARTLETT. Mr. Chairman, does the gentleman desire me to answer that question?

Mr. FOWLER. Yes.

Mr. BARTLETT. Mr. Chairman, I desire to state that I thought I had already done so. Congress exercised that power and granted the power in that bill to purchase this property, not for the purpose of a forest reservation, but for the purpose of preserving the navigable rivers of the country. That is all they did. They had no power to purchase it as a forest reservation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. MADDEN. Mr. Chairman, will my colleague allow me to ask the question of the gentleman from Georgia?

Mr. FOWLER. Mr. Chairman, I would like to follow my line of inquiry. The distinguished gentleman from Georgia undoubtedly has figured in this forest purchase.

Mr. BARTLETT. No, indeed. I was opposed to it.

Mr. FOWLER. But the gentleman has been here while such has been going on, and I want to ask him by what authority under the Constitution Congress has proceeded in buying these lands for that purpose?

Mr. BARTLETT. It has not bought them for forest reserves. They have dodged the constitutional question, in my opinion—and I do not mean any offense by that—because the Committee on the Judiciary of this House reported that Congress had no constitutional power to buy the land as forest reserves.

Mr. FOWLER. Mr. Chairman, I understand from my distinguished friend from Tennessee [Mr. AUSTIN], who has answered a question just awhile ago, that the Appalachian Reservation was purchased for a forest reservation.

Mr. AUSTIN. I said for both purposes.

Mr. FOWLER. I am trying to get things straightened out, so as to know how to vote. Here is a distinguished gentleman who has been able to get enough money out of the Treasury to buy 80,000 acres of forest reservation, as he says, and here is a distinguished gentleman from Georgia [Mr. BARTLETT], who says there is no constitutional power for that purpose. As a young Member, Mr. Chairman, I am in such a condition that I would like to have an answer from some gentleman who has been here long enough to know what has been the policy of the Government in buying these forest reservations?

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Mr. Chairman, I yield to the governor of Missouri.

Mr. RUBEY. Mr. Chairman, I only wanted the gentleman to address me as "the distinguished gentleman," in order that I might get that title.

Mr. FOWLER. I yield to the distinguished governor from Missouri. [Laughter.]

Mr. BUTLER. Mr. Chairman, I want to ask the gentleman a question.

Mr. FOWLER. I yield to the distinguished gentleman from Pennsylvania.

Mr. LAMB rose.

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. LAMB. Mr. Chairman, I rise to ask for order in the first place, and in the next place, if the gentleman's time has expired, I desire to move that all debate on this paragraph and all amendments thereto close in five minutes, so that we can get along and do some work.

Mr. BUTLER. Mr. Chairman, I would like to ask the gentleman a question. He has moved to strike out the paragraph with reference to Sitgreaves National Forest, Ariz. I want to know why he does that? I have to vote on this motion of his and I want to know how to vote.

Mr. FOWLER. Mr. Chairman, I can explain very readily that I moved to strike out the paragraph in order to get the floor so that some gentleman here could give me some information relative to these great forest reserves.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Illinois will be withdrawn, and the Clerk will read.

The Clerk read as follows:

And investigations independently, or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, \$83,728.

Mr. CULLOP. Mr. Chairman, I move to strike out the paragraph. I would like to ask the chairman of the committee where it is proposed now to buy other national forests?

Mr. LAMB. In the Appalachian and White Mountain regions.

Mr. CULLOP. Mr. Chairman, the Appalachian proposition never passed this House for the purpose of constituting national forests, but, as the gentleman from Georgia [Mr. BARTLETT] said, the only authority under the Constitution that could be found for the enactment of that law was to buy up the nude mountains, from which the timber had been cut, for the purpose of letting those mountains grow up with timber, so as to gather the rainfall, produce moisture, and feed the streams of the country, so as to make those navigable that were not navigable, and to keep navigable those that were navigable streams. It was a visionary dream, in the first instance, for the purpose of getting the public money out of the Treasury. It is now proposed by this House to inaugurate a new policy and divert it from the only purpose for which there could be found any constitutional authority for the passage of the law. This proposition has been handed back and forth in the public legislation of the country from time to time until, in the opinion of many, it has served the purpose sufficiently in the exhaustion of public money. Its real purpose should be deprecated, however laudable its ostensible purpose may appear upon a casual observation.

The Government first gave away much of these public lands and let the speculators cut the timber off of them and reap thousands and thousands, yes, millions of dollars' profit and then they come back to the Government and offer to sell the barren land to the Government with a view that some day it would reforest itself and assist in making navigable the streams of this country, or particularly of certain localities. It is a policy that can not be sustained and it is one that the American people ought to condemn. Now, Congress proposes by putting in an appropriation here in an agricultural bill to divert the purpose from the very hazy constitutional one, very hazy, indeed, to an unconstitutional one, conceded I take it by every Member of this House. It is a mere speculation of the landowners; a scheme to dispose of their unprofitable lands after they have taken the profit from them, which in many instances were acquired at nominal prices. In other words, when the citizen has anything to sell to the Government it is very valuable, but when the Government has anything to sell to the public it is of very little value. I insist upon my motion to strike out this paragraph, and I think the gentleman from Georgia [Mr. BARTLETT], who has just given a very lucid explanation of the origin of this legislation and the only basis under the Constitution that it could be based upon, will agree with me that now they ought not to divert the purpose of it and should not be permitted to do so. They want to sell the old hillsides now to the Government at large profits and have it invest the money of the people in them and then wait for generations that they may grow up and protect the ground so that it will hold the moisture to feed the streams of the country. What man can contemplate the period when it will come into use through that operation? The plan is visionary. Its realization is hopeless.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. CULLOP. Certainly.

Mr. BARTLETT. The gentleman is misinformed of the character of the Appalachian forests, because most of that is already timbered. It is not cut-over land, but the greater part of it is in the original forest. Now, I do not mean to say, and I do not want the gentleman to get the impression from my making that statement, that I at any time favored the proposition or approved the idea that the Government of the United States had any constitutional power to use the money of the people to buy within the State where the Government did not have any forest reserve or public-domain property for the purpose of devoting it to a forest reserve.

Mr. CULLOP. I understand the gentleman from Georgia that, while some of these lands have not yet been deforested or the timber cut off on much of them, the lumber speculators, who obtained them from the Government or of private proprietors at practically nothing, and have deforested them, and having no further use for them, propose to unload them on the Government at fancy prices.

Mr. PAGE. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. PAGE. No land in that section of the Southern Appalachian Range has ever belonged to the Government, so the gentleman is laboring under a misapprehension.

Mr. BARTLETT. Neither in North Carolina, South Carolina, nor Georgia has the United States ever had any public lands.

Mr. CULLOP. I understand that. They were acquired during the colonial period, but some lands in the Appalachian system were not.

Mr. PAGE. Will the gentleman allow me? The gentleman made the statement that these people obtained these lands from

the Government for small sums. They never obtained them from the Government at all.

Mr. CULLOP. I understand that; but all of these lands are not in North Carolina and Georgia.

Mr. PAGE. South Carolina, Virginia, and Tennessee.

Mr. BARTLETT. All in the same class.

Mr. CULLOP. But there were other lands that belonged in this class embraced in the system, but whether or not they were the proposition is objectionable and the policy can not be defended.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, I want to say that no gentleman here would buy a farm and turn it out on the common; that no man would buy 1,000 acres of timber and not have somebody on the tract to look after it and prevent depredation. Just so with the United States Government. I am not going to discuss the question of the Appalachian policy at all; but these lands have been bought and these forests must be protected. Now, as to whether you would have minor forestation, as you have now—

Mr. FOWLER. Will the gentleman yield?

Mr. LAMB. Yes.

Mr. FOWLER. I desire to ask the distinguished chairman of this committee if it is not a fact that this Appalachian reservation was purchased by the Government on the theory of the improvement of navigation, and that alone?

Mr. LAMB. Why, certainly.

Mr. FOWLER. Now, under what authority, if that be true, can you make an appropriation in a forest-reserve bill?

Mr. LAMB. I do not think my friend would say that when we have bought this land that we should turn it loose and leave it unprotected. If you did that you would destroy the very idea which has been had in view. You are bound to protect these hillsides and keep them from being destroyed by fire and the depredations of marauders. That is all this proposition is. Somebody has got to look after the interest of the Government's property after the Government has purchased it, and under the Appalachian bill this money appropriated can only purchase these different tracts of land, and then somebody has got to look after the Government's interest.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. LAMB. Yes.

Mr. BARTLETT. I do not understand that this bill in the least proposes to change the statute of 1911, but simply appropriates the money to carry out the purposes embraced in that statute?

Mr. LAMB. That is all.

Mr. BARTLETT. And you use the word "forest" not so much to designate it as a forest reserve, but as an indication of the particular act?

Mr. LEVER. To indicate how much money we are spending for that purpose.

Mr. BARTLETT. You do not change the law, but carry out the law?

Mr. FOWLER. Why do not you make your appropriation under the rivers and harbors bill, then?

Mr. BARTLETT. We have no authority to do so.

Mr. LAMB. The gentleman on the committee who offered this bill and under whose patronage it was passed, as stated, I ask to answer the gentleman.

Mr. LEVER. Mr. Chairman—

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. I want to ask the gentleman, the acting assistant chairman of this committee, how you expect this money to be expended over this new land which you are buying? What is the system of distributing this cash?

Mr. LEVER. The testimony of the officers of the Government before the committee is to the effect that this money will be spent upon the Appalachian reserve about as the money is spent upon the ordinary forest reserves in the West. The very strong probability is that not all of this appropriation here will be used, probably not half of it. It will be used only to the extent of protecting the forest lands that have been bought.

Mr. TAYLOR of Colorado. Have you ever made any appropriation to the Forest Service that has not been consumed?

Mr. LEVER. Oh, yes. We can show here from the figures that the Forest Service turns back into the Treasury each year certain sums of money, and from each forest unit in the Government certain sums of money.

Mr. TAYLOR of Colorado. What I wanted to ask the gentleman from Oregon [Mr. HAWLEY] was, when I was interrupted: Did the committee make any investigation about these lands as to why the price was raised and whether the price is not con-

tinually rising, and also whether or not there are any options on the land that the Government is supposed to buy?

Mr. LEVER. Let me say to my friend that the Committee on Agriculture has absolutely nothing to do with the buying of these lands in the southern Appalachian and the White Mountain region.

Mr. TAYLOR of Colorado. I expected to ask a member of the commission. But you are appropriating money—

Mr. LEVER. The bill which was passed by Congress appropriating \$11,000,000 for the purpose of buying land at the head of navigable streams in the White Mountains and Appalachian Ranges created a commission, and upon it was placed the duty of buying these lands, putting upon these lands the estimates which the commission thought was reasonable, and the Committee on Agriculture has absolutely nothing to do with it except to provide money in this bill with which to protect lands which have been purchased by the commission and which have become the property of the United States.

Mr. HAWLEY. Will the gentleman yield?

Mr. LEVER. I will yield.

Mr. TAYLOR of Colorado. I am not quite through.

Mr. LEVER. Just on that point of which we are speaking. The gentleman from Oregon [Mr. HAWLEY], than whom there is no better or wiser man in this House, is on the commission.

Mr. TAYLOR of Colorado. And I have great respect for the gentleman from Oregon.

Mr. HAWLEY. Is not the appropriation on page 45 for the protection of the lands in the East here on all fours with appropriations made for national forests in any other part of the country?

Mr. LEVER. That is true. We have under the Weeks-Lever law made certain purchases in the southern Appalachian region, property that belongs to the United States, and we have provided here in this bill the means for the protection of that property, and that is all.

Mr. TAYLOR of Colorado. What I want to ask you is this: Has this commission that has purchased this land and spent the money made any report to your committee?

Mr. LEVER. Not at all, because they are not required to report to our committee.

Mr. TAYLOR of Colorado. Has this commission ever reported on it to anybody else?

Mr. HAWLEY. We reported, as the law required, at the beginning of this Congress, to this Congress, and it is a printed document of Congress.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. CULLOP].

Mr. MONDELL. Mr. Chairman, I desire to address myself to the amendment offered by the gentleman from Indiana [Mr. CULLOP], which is now pending. I take it for granted, Mr. Chairman, that the Government must take care of the land it buys in the Appalachian Mountains, without regard to the question of how unwise the purchase may have been. Regardless of that, we shall have to take care of it.

Mr. LAMB. That is the very point I made.

Mr. MONDELL. But let me suggest to the committee that we passed a bill providing ultimately for the expenditure of \$11,000,000 for the use of the commission in the purchase and, I think, for the care of these lands during the period covered by the bill.

Mr. LAMB. No; in that the gentleman is mistaken.

Mr. MONDELL. Well, I think when the bill was pending before the House that was the understanding on the part of the majority of Members of the House.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Michigan?

Mr. MONDELL. In just a moment. I say, Mr. Chairman, that the appropriation in the bill was intended to cover all the expenses connected with these lands.

Mr. LEVER. It could not be.

Mr. McLAUGHLIN. Mr. Chairman, I have in my hand a copy of the Weeks Act, and section 11 of that act says expressly that these lands, after they are purchased, shall be controlled by appropriations made by the bills presented by the Committee on Agriculture, the same as other national forests are controlled.

Mr. MONDELL. Where does the gentleman find that?

Mr. McLAUGHLIN. In section 11, which says—

That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (26 Stats. L., 1103), and acts supplemental to and amendatory thereof.

Mr. MONDELL. There is nothing whatever in that about caring for the lands so purchased. Of course, the cost of the

care and maintenance of these reserves is to come out of that bill.

Mr. LAMB. Let me ask the gentleman a question right there.

Mr. MONDELL. Time flies.

Mr. LAMB. I will give the gentleman additional time.

Mr. MONDELL. Thank you.

Mr. LAMB. We did not pass the pure food and drug act and the insect act, and yet we have to provide money to carry on the administration of those acts.

Mr. MONDELL. Mr. Chairman, I contend that the House understood that the appropriations carried in the Weeks bill were to cover all the expenses incurred during the period during which those expenditures ran. There is nothing in that bill that would convey any other notion than that, and a fair interpretation of that bill would justify the striking out of this paragraph and inserting a provision whereby those expenditures should be paid out of the appropriations contained in the Appalachian appropriation bill.

Now, I want to ask the chairman of the committee a question. Is it or is it not true, as has been stated here, that the Forester has said, or has admitted, that the appropriation carried in this paragraph is made up of small sums clipped from the appropriations for the care of western forest reserves? Is that true?

Mr. LAMB. It is true in one respect, in that he apportioned this money out and made arrangements whereby \$32,000 taken from the general lump sum should be held back for that purpose.

Mr. MONDELL. Now, on what theory can any such action as that be justified? Assuming, for the sake of argument, that these Appalachian reserves should be appropriated for in this bill, upon what theory can you take the moneys needed for the care of western forest reserves and apply them to these other purposes?

Mr. LAMB. It is not needed. Of course the gentleman would not object to the Forester arranging his lump sum when appropriated and having enough left for this purpose?

Mr. MONDELL. Do I understand that the Forester last year had more money than he needed for these reserves by about \$300 per reserve?

Mr. LAMB. No; but can you not cut down your expenses and run a farm one year cheaper than another year?

Mr. MONDELL. Oh, yes; I know that. But you have no right to rob Peter to pay Paul.

Mr. LAMB. I knew the gentleman would quote Scripture before he got through.

Mr. MONDELL. That may be a quotation from Scripture.

Mr. LAMB. It ought to be.

Mr. MONDELL. It is true that there is no justification for taking from the appropriations for the western forests and applying the amount so taken to the Appalachian Forests.

Mr. LAMB. Not directly.

Mr. MONDELL. That is what has been done.

Mr. LAMB. Indirectly. He spares from his lump fund enough to administer these other forests.

Mr. MONDELL. In other words, the western forests are to pay for the administration of eastern forests. That is what is proposed, is it? We want to understand it. All we want is to have a clear understanding in regard to it.

Mr. LEVER. I shall be very glad to try to answer the gentleman's question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. The chairman of the Committee on Agriculture was kind enough to say he would not object to my having an extension.

Mr. LAMB. I will yield to the gentleman three minutes more.

Mr. MONDELL. I think the chairman of the committee took more than three minutes of my time.

Mr. LAMB. The gentleman wants to cut down on our forests and we will cut down on his speeches. [Laughter.]

Mr. LEVER. In the time of the gentleman from Wyoming I will say that the Forester, in the memorandum furnished to the gentleman from California [Mr. RAKER], says:

A readjustment was made to make the appropriation conform more nearly to the actual needs of the different forests. In doing this the following reductions were made in California.

Then he states the reductions and says that certain other increases were made in California. It is true that the Forester says, in another letter to Judge RAKER, that some money was taken from all of these national forests to take care of the additional forests created during the year. One of these is the Appalachian Reserve. Another is the Ruby National Forest in Nevada, \$3,580. Another is the Santa Rosa Forest in Nevada, \$8,400. So that the Forester has not given it all to the Atlantic seaboard, but he has taken some of this money and put it onto

these additional forests which have been taken in during the past year. Is that explanation satisfactory?

Mr. MONDELL. I am glad the gentleman has admitted it if it is a fact, but I regret the fact that the Forester has seen fit to take from the appropriation for the western forests without any reason therefor except that he needed the money somewhere else.

Mr. LEVER. And he says without hurting the service at all.

Mr. MONDELL. Possibly he did not care to ask Congress for any additional sum.

Mr. LEVER. Congress can not be held responsible for that, of course.

Mr. MONDELL. The Appalachian forests have been provided for by Congress, and I am not quarreling with that action; but if we are to have the Appalachian forests, we certainly should not expect them to be cared for at the expense of the western forests, and the gentleman will agree with me on that.

Mr. LEVER. But if the Forester tells the committee that he can administer the western forests as well as he did before with a reduction of \$300 each, should the committee say nay to a proposition to reduce expenditures in the Government service?

Mr. MONDELL. Certainly not. I am one of those who have been insisting for years that the clerical force of the Forestry Service could be reduced without any damage to the national forests, and I would be the last man on this floor to object to any reasonable reduction in expenses not directly used in caring for the forests.

Mr. LAMB. We reduced the clerical force appropriation \$55,000.

Mr. MONDELL. I understand there was some reduction, and I am glad it was made, but I notice that a greater reduction was made when you came to the matter of permanent improvements; and if there is any appropriation that ought to be increased that is the one.

Mr. LAMB. Let us cross that bridge when we get to it.

Mr. MONDELL. We might tramp over the planks of that bridge a little now. But there is no justification whatever for taking from the appropriation for the western forests a sufficient sum to administer the Appalachian forest simply because they need the money.

Mr. LAMB. We did not do that. What we did was through Mr. Graves's own suggestion. We called him in and asked him what he could administer the forest reserves for. He comes in and says he can do it for this amount we give him, and we could not object, and I do not think the gentleman from Wyoming ought to object.

Mr. MONDELL. We object to taking the money from the western reserves for the purpose of administering the Appalachian forest.

Mr. PAYNE. Mr. Chairman, the gentleman from Wyoming has expressed surprise that we have not got money enough to run the Appalachian Forest Reserve, and having ascertained that, he has expressed surprise that the forestry men in charge have gone after the first dollar in sight that was appropriated for that or any kindred purpose.

I am amazed at the gentleman from Wyoming. I remember, lo, these many years, that the gentleman from Wyoming has been asking for appropriations for irrigating certain arid lands in his section, and Congress was induced to pass legislation appropriating large sums of money for the irrigation of these lands, appropriating all the money that should be received from the sale of public lands. I remember some very solemn promises—of course, I do not want to embarrass the gentleman from Wyoming by saying that he was the author of any of them—that that entire expense was to be reimbursed out of money realized from the sale of these irrigated lands as time went on.

I remember something about grabbing all the money in sight, in addition to the millions received from the irrigated land, and finally, when that was exhausted, some gentlemen appeared before the Committee on Ways and Means in favor of a bonding proposition of \$30,000,000 to procure money to get the irrigated lands out of a hole, and especially to get the people who were induced to go out there by the overzealous agents of the Government, selected from the localities of these lands, to help them out so that they might have irrigation sooner and have work while waiting on irrigation projects.

I remember that the gentleman from Wyoming was particularly eloquent, as he always is when there is an appropriation in sight. [Laughter.] I think if the Appalachian friends could retain him in some way for that range he would get all the money that was necessary for that in addition to getting money for western reserves, as he did for the irrigated lands. He felt so badly that the Ways and Means Committee finally voted a bonding bill for \$20,000,000, but cut out a section or two of

the original act, covering arid lands where there was no water. I do not think that it affected particularly the lands in the gentleman's State, because there was some water somewhere near them, but it cut out the irrigated land where there was not any water.

I remember a good many tears were shed over that. I do not know that the gentleman from Wyoming was interested in that, and I do not remember any tears that he shed on that account. What I was trying to get at is that the gentleman from Wyoming should not be surprised when any project comes up here to see them try to grab money that belongs to something else, and when they get that exhausted to come in and ask us to issue bonds to keep them out of bankruptcy. [Applause.]

Mr. MONDELL. Mr. Chairman, how much time do I have to answer the gentleman's eloquent statement?

The CHAIRMAN. The time of the gentleman from Wyoming had expired when the gentleman from New York arose. The gentleman from New York was proceeding by unanimous consent.

Mr. MONDELL. I think I ought to have three minutes to answer the gentleman from New York.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. MONDELL. Mr. Chairman, I do not intend to deny, in fact I could not well deny, the soft impeachment of the gentleman from New York, that when we found we needed more money for irrigation purposes we asked for it. All we asked for was money rusting in the Treasury. But this is a proposition to take money away from another project, which the Forestry Service has insisted heretofore it needed, and use it on another. Have they finally concluded they need the money more in the Appalachians than they do in the Rocky Mountains, and so rob the Rocky Mountains for the benefit of the Appalachians? We are now trying to maintain a good-natured attitude toward the Appalachian Forest Reserves, but I fear that we can not if gentlemen insist on robbing our reserves of proper appropriations in order to appropriate money for the maintenance of the Appalachian Reserves. I notice this, that while you take this money away from our reserves at the rate of 2 cents an acre—for that is all it costs out there, and that is enough—you apply it to the Appalachian Reserves at the rate of 20 cents an acre, so that it is going to cost, right off the bat, 10 times as much per acre to take care of this Appalachian land as it does to take care of the western forest land.

Mr. LAMB. Oh, no; I challenge that statement.

Mr. MONDELL. The gentleman can figure it out for himself—\$34,000 for 155,000 acres.

Mr. LAMB. This money had not been allotted. This money is in reserve, in case they buy this land. Perhaps not one-fourth of this money will be expended.

Mr. MONDELL. It must have been appropriated in view of the amount purchased by the commission, of which my friend from Oregon [Mr. HAWLEY] is a member.

Mr. HAWLEY. Mr. Chairman, in addition to the lands already purchased, there are yet some \$800,000 for the purchase of additional lands, which must be cared for under this item. This item is a tentative item. Next year the Forester will know from actual experience how much to ask for.

Mr. MONDELL. And then it will be much larger.

Mr. HAWLEY. I do not know.

Mr. MONDELL. Have any of the lands that have been purchased been purchased with the understanding that they could be logged by the present owners before title passes to the Government?

Mr. HAWLEY. They have been purchased with this understanding, that title shall pass to the Government immediately, but they shall have the right to log the land under certain conditions.

Mr. MONDELL. So that by the time the Government actually secures the lands, which you purchase, they will have been logged over.

Mr. HAWLEY. We buy them on the basis of logged-over lands.

Mr. MONDELL. And you are paying as high as \$8 an acre for logged-over lands?

Mr. HAWLEY. No; less than \$4 an acre for logged-over land.

Mr. MONDELL. But they are all logged over or will be, will they not?

Mr. HAWLEY. No; not all of them.

Mr. MANN. Mr. Chairman, I understand the amendment of the gentleman from Indiana [Mr. CULLOP] to be to strike out the appropriation for the Appalachian forests. I hope that

amendment will not be agreed to. I was one of those who believed in the creation of the commission for the purchase of the Appalachian and White Mountain forests, and I still believe in those forests, and while it may be true that the prices which we pay for the land are higher than was named by those gentlemen who are enthusiastic for the passage of the bill before it was passed, that is a usual occurrence. No one here was deceived into the belief that much of this land would be purchased at the basis of \$1 an acre or \$2 an acre, although I am glad to learn that one of the main purchases is stated to be on the basis of between \$3 and \$4 an acre. Nor is the gentleman from Wyoming [Mr. MONDELL] correct in thinking that the permanent appropriation was intended to provide for the care of the forests. The law providing for the commission and the purchase of the lands makes a permanent appropriation for several years for the acquirement of the property.

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

Mr. MANN. Yes.

Mr. SIMS. I thought the argument was made that we were buying these lands to reforest them and not to deforest them. I understand they are now selling the forest off before they are buying the lands.

Mr. MANN. The gentleman from Tennessee has not his usually very accurate memory on the subject or he would know—

Mr. SIMS. I have a very sad recollection of the success of that scheme.

Mr. MANN. The gentleman from Tennessee has not an accurate memory of the subject or he would know that the bill itself provides for the purchase of land subject to mining claims and subject to the cutting of the timber on them. That was carried in the law itself, and it was the intention for the Government to buy land which would be mainly useful for the raising or culture of trees, but the Government not desiring to buy merchantable timber provided in the law so that merchantable timber might be cut off by the sellers of the land even after the Government had acquired the title, the purpose of the Government being to use land, which otherwise would be practically valueless, for the raising of timber for succeeding generations.

Mr. SIMS. And let me ask if the term "merchantable timber" is not exceedingly flexible? You may sell it from the size of your wrist up to the size of a 5-foot tree, and now we are going to cut it off in order to regrow it.

Mr. MANN. Oh, no; we are going to cut off the merchantable timber on the land, only we were paying less for the land itself upon which we propose to raise merchantable timber in the future. The absolute truth, which no one will deny, is that no one in this country as a private individual can afford to raise forest trees upon this land and protect it from fire, and that the only way it can be done is through governmental aid.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MANN. I yield.

Mr. FOWLER. I want to ask the gentleman if any of these forests have been established yet?

Mr. MANN. Well, in one sense they have been and in one sense they have not. The commission is going to purchase four tracts of land, but the purchase has not been concluded.

Mr. FOWLER. And do not they give the owners of this land 10 years to cut off the timber after title has been conveyed to the United States?

Mr. MANN. Well, I do not know how long a time they give, but they are permitted to give under the law which is here—if the gentleman will read section 9 he will see how it is covered.

Mr. FOWLER. I have just read it, but what I am getting after, if the gentleman will be kind enough, is I want to know what use this \$32,000 could be made of here if it is true that 10 years are given to the owners of the land in which to cut off the timber?

Mr. LAMB. I can explain that.

Mr. MANN. The gentleman can explain it in his own time. I do not know how much of this \$32,000 ought to be used. I regret myself that the Forester has seen fit to increase this amount or any other amount by reducing the amount for other national forests, if that is necessary. I do not think anyone would have made a reduction of \$300 for each national forest now upon any basis excepting an arbitrary one. We are going to acquire this land in this southern Appalachian Range and the White Mountains Range for the real purpose which I have indicated; the theoretical purpose is for the protection of the waters in the navigable streams. That was because certain gentlemen had certain constitutional scruples, which did not bother me, because I thought we had the power under the general authority of the Government to buy the land, and therefore

it was argued this was to be for the protection of watersheds and water; and then, as time goes on, for large quantities of lands on the mountain tops, where the people can not afford to protect the growth of trees there either from fire or marauders, it is the duty of the General Government to make provision, so that those who come after us may have some timber and forest for use, as we have enjoyed the bounties of nature which were left to us from those who preceded us.

Mr. BARTLETT. Mr. Chairman, just one word. Mr. Chairman, I hope the motion to strike out this provision will not prevail, and I think I can with as much grace as anyone express that hope, because at no time prior to the acquisition of this Appalachian region and the White Mountain region had I been an advocate of the proposed purchase. I first objected to it when there was a bill which in plain terms and words proposed that Congress should acquire this Appalachian and White Mountain forest country for the purpose of making a forest reserve, and I opposed it because I did not believe that Congress had the constitutional power or right or, if it did have the constitutional power and right, that it was a proper governmental policy that the Government of the United States should go into those States where it owned no public domain and acquire, either by purchase or condemnation, the forests of those States and use them for forest reserves, and I planted myself on the ground that Congress had no constitutional power to make such an acquisition, and I was sustained in that view by the unanimous report of the Judiciary Committee of this House, which passed upon resolutions submitted to them by the House, and I was further sustained in the contention afterwards by a decision of the Supreme Court of the United States in the case of Colorado against Kansas. But that has all passed beyond the domain of discussion here. Congress saw fit to pass that bill under the exercise of the authority we call the commerce power in the Constitution, "to regulate commerce between the States and foreign nations and Indian tribes," the power it has exercised to deepen or to widen or to improve the navigable streams of this country, claiming that as you might go down to the mouth of a stream and remove an obstruction in order to make the river navigable you could make the whole river navigable, and therefore they had the right to preserve the head waters of those streams by preserving the forests. And it was shown that the denudation of the forests of this region and the careless way of cutting the timber and destroying it and permitting it to be burned aided in the clogging of the rivers not only at their heads but all the way down.

The evidence from men who had experience and knowledge was before the committee, which I heard, when this resolution was investigated. The investigation showed that navigable streams were impeded and clogged by reason of the fact that forests were being denuded and wasted. I did not agree with the view of those who were as wise as I am, and probably wiser. But they decided, against my vote, to buy this property, and, having embarked upon that policy, it becomes the duty of Congress to take care of it and preserve the property that we have bought and for which we have spent many thousands of dollars and for which we will spend millions more. It is just as much our duty to preserve it as if we had purchased land and erected a building thereon, where we would be under obligations to take care of it and preserve it for the purpose for which Representatives in Congress purchased it. And, therefore, I have no hesitancy in voting for this appropriation.

Mr. LAMB. Mr. Chairman, I move to close debate on this paragraph.

Mr. FOWLER. Mr. Chairman, I am anxious to vote for this measure if it is a good one—

Mr. BARTLETT. I yield.

Mr. FOWLER. But I want to ask the gentleman a question.

Mr. BARTLETT. I yield.

Mr. FOWLER. Is it not a fact that no forest reservations have yet been opened upon this land?

Mr. BARTLETT. I know it to be a fact that it has been agreed that quite a quantity of the land is to be purchased by the commission to be—

Mr. FOWLER. Is it not a fact that the Government is giving the owners of the land 10 years to cut the timber off now?

Mr. LAMB. I know that question better than my friend does.

Mr. BARTLETT. Permit me to say—

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the gentleman have three minutes more.

Mr. BARTLETT. I want only a minute.

Mr. FOWLER. I want this information—

Mr. BARTLETT. The gentleman can get his own time.

I believe, knowing the character of the men who have been appointed to carry out that law, that its provisions have been complied with to the letter.

Mr. SIMS and Mr. FOWLER rose.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. Sims].

Mr. SIMS. I do not know specifically what the motion is, but I suppose it is to strike out any money to carry out the provision of a bad law.

Mr. LAMB. The motion is to strike out all of this paragraph appropriating money for the use of these forests.

Mr. SIMS. To buy more land?

Mr. LAMB. You have got that all wrong. This is to take care of the forests.

Mr. SIMS. I mean the Appalachian forests.

Mr. LAMB. Yes.

Mr. SIMS. Mr. Chairman, that matter was contemplated here for years and years, and the great and stalwart man from Illinois [Mr. CANNON], then Speaker of the House, for a long time prevented that piece of graft, but finally New England got too strong, and they overpowered him and dipped their hands into the Treasury to buy a lot of worn and wasted hilltops in the White Mountain region.

Mr. HIGGINS. Does not the gentleman know that there has not been a rod of land bought in New England under that act?

Mr. SIMS. I said to buy it.

Mr. HIGGINS. You said that New England dipped its hands into the Treasury.

Mr. SIMS. You had your mountain tops that nobody would buy but the Government.

Mr. HIGGINS. There have been hundreds of acres of land bought in Tennessee and not a rod in New England.

Mr. SIMS. Nobody would buy it.

Mr. HIGGINS. In Tennessee?

Mr. SIMS. Anywhere. Now, the statement has been made here that we are going to increase the rainfall by reforestation, in order that the moisture may be held back and to collect a reservoir of rain to run down the valleys in the summer to keep the rivers from running low. A great scientific argument!

Mr. LEVER. Will the gentleman yield?

Mr. SIMS. In a moment.

Mr. LEVER. My friend over here wants to protect forests from fire.

Mr. LAMB. I want to know who has the floor.

Mr. SIMS. I have it. I was recognized.

Mr. LAMB. I thought you were just an interloper.

Mr. SIMS. I asked for time and got it.

The CHAIRMAN. The committee will be in order. The regular order is the gentleman from Tennessee [Mr. Sims].

Mr. SIMS. The cry is to protect these old worn-out hilltops from fire. I want to protect the Treasury of the United States from fire.

Now, to-day petitions came to me asking me to vote for an old-age pension law. Well, between a lot of old, decrepit, half-starved people and a law that the old, worn-out mountain tops must be purchased and reforested at public expense, the pensions appeal more strongly to me.

I think it is absolutely a foolish piece of legislation. The law ought never to have been passed, and the best thing to do now is to refuse to appropriate to carry out a foolish law and repeal it just as quickly as possible.

Why, Mr. Chairman, if you want to do something to benefit mankind, if the Government wants to do anything of that sort, let it bear the expense of draining vast areas of swamp lands that are exceedingly productive as soon as they are drained. That will produce food products upon which men can live. That would be a useful enterprise, not like this thing of having a lot of waste land up there for the benefit of gentlemen who have already made their fortunes by allowing them permits to go onto that area and hunt or fish, and for a lot of scientific men to calculate how long it will take, after cutting down all the trees, to have them grow again. What good will such a project do me if I have to wait for years and years for the water to come down the watersheds in that way? [Laughter and applause.]

The House went wild when that Appalachian Park bill was considered. Poor Uncle Joe was sandbagged by New England. [Laughter.] We on our side could not prevent it. We could not get the votes to prevent it. Let us confine ourselves to buying the things that the Government needs and what the people need, and not go off upon fine-spun theories and into the vagaries of some scientists who calculate how many millions of years ago the hills of China had trees on them and how many hundred years it will take to produce new trees on those denuded areas. [Applause.]

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. SIMS. Yes.

Mr. MADDEN. Does the gentleman from Tennessee know that this commission has just purchased 80,000 acres of land in Tennessee for the purpose of which he has been talking?

Mr. SIMS. I do not know, but I suppose the commission will buy land where it is for sale. I know they could not buy it where it is not for sale, because condemnation proceedings were not provided for in the Appalachian Park bill. You can buy that which is for sale. But nobody wants to buy anything when the Government is the only purchaser of that thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. Sims] asks unanimous consent that he may proceed for five minutes more. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I have seen cases of this very kind come up here in the District of Columbia when I was a member of the committee having jurisdiction of those subjects. Now, a lot of gentlemen came up here with a scheme involving the purchase of a lot of old gullies and hillsides and unused land which it would take hundreds of thousands of dollars to improve, and they would say, "We have got an option on it, and we want to let the Government buy it before the price goes so high that the Government will not have enough money to pay for it. It is a bargain-counter proposition." In all such cases nobody else would have those lands. That is the way with the New England and Appalachian hilltops. Nobody wants them. But the minute you provide a large appropriation to buy them, that minute gentlemen get options on them. And no wonder, if they can retain the right to cut everything of value off of them; they are willing to sell the rock foundation, which it took the Lord all the years since the foundation of the world to grow trees upon; and yet they now give us an estimate of the exact number of years in which to do that. [Laughter.]

Mr. LAMB. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Virginia?

Mr. SIMS. With pleasure.

Mr. LAMB. Does not the gentleman credit the capacity of the commission sufficiently to suppose that those gentlemen will purchase these lands under proper conditions and terms, and that they will perform their work faithfully and conscientiously? They are not going to buy anything that is of no value.

Mr. SIMS. Oh, it is in this case just as it was when that other matter was presented to us in the Committee on the District of Columbia. When this proposition was taken up we were told that we should purchase the land on these mountain tops and stop the denuding of the forests in order that the rainfall might be conserved. The floods came down and washed away a lot of cotton mills in the district of my good friend from South Carolina [Mr. LEVER], and he did not want that to recur again. I do not blame him for feeling that way, because those mills are expensive. They wanted to buy up these hills and mountain tops to reforest them or increase the forests, or do something by which the floods would not run down in such a rapid and unchecked torrent as to wash away the industries of that State. I do not blame my friend from South Carolina for that.

Mr. LEVER. And nobody denies that the absorption of the rainfall by the forests will check the floods.

Mr. SIMS. Not a bit of it. But your cotton mills will wear out a thousand times over before there will be forests enough to check the floods in those mountains. We have it from scientific sources; it has been shown by the Weather service that these things are governed by great influences that it is utterly impossible for man, in his puny insignificance, to prevent, alter, or change. Take this tract of 80,000 acres. An aviator could go over the country looking for it, and it would be such a little speck on the landscape that he could not find it. Yet a great storm comes along, covering thousands and thousands of miles, and pours down the rain and forgets that there is any such thing as a little forest reserve there. The lumberman having cut off all the trees, and nothing but the brush being left, no good is done, except to somebody who gets money from the Government for that which he could not get from any other source under heaven.

Mr. BUTLER. Is there much land for sale at three or four dollars an acre in that region?

Mr. SIMS. The price will be \$10 an acre in a little while. The Government is able to pay. They say, "Why not put up

the price?" That is the way it is here in the District of Columbia.

Mr. BUTLER. The commission is not compelled to buy.

Mr. SIMS. If you go to condemn a piece of land in this District, experts on valuation are sworn to give estimates of the value, and they get as high as \$50 a day for their evidence, as I have heard. It is no trouble to get professional witnesses to increase the value of land. Hundreds of millions of acres of old hilltops can be bought if you will keep raising money by indirect taxation. This is all due to the vicious system of indirect taxation.

Mr. HAWLEY. In the matter of cutting trees, I think the gentleman is in error as to the denudation of the land. There are trees of a number of species growing on these lands to be purchased in Tennessee, and only three or four of them will be cut—the poplar, the chestnut, and one or two others—and the remainder will be left on the land for forest cover.

Mr. LAMB. And all the cutting will be done under the supervision of the Government.

Mr. SIMS. And the supervision costs as much as you get out of the timber.

Mr. LEVER. Mr. Chairman, I do not desire to delay a vote on this proposition, and I would not speak, except for the fact that I feel that the attitude of the Committee on Agriculture on this proposition should be known.

The question as to whether Congress made a mistake or did not make a mistake in the enactment of the Weeks-Lever law, which provides for the purchase of certain lands at the head of navigable streams in the White Mountains and the Appalachian Ranges, or as to whether that purchase was wise or unwise, is not now under discussion. The fact is that the law has been passed, that it has been acted upon by both the legislative and executive departments of the Government, and under the provisions of the law the various bureaus of the Government are making purchases of this land. The practical question for the committee is, Shall Congress appropriate money for the protection of property bought under an act of Congress or shall Congress decide that its former action was unwise in the passage of this act? This is the practical proposition involved, and all else is entirely not germane. I maintain—and I had something to do with the passage of this law—that there has not been passed at this Congress, certainly since I have been a Member of it, a piece of legislation that looked further into the future and means more to posterity than the passage of the so-called Weeks-Lever bill. For my own part, in the passage of that act, I have no apologies. On the contrary, I am quite proud of that part of my poor services in this House.

But we are not dealing with that proposition; that is behind us. The proposition before us now is, Shall this Congress appropriate money for the Forestry Service for the protection of the lands bought under that act? What are you going to do about it? We have appointed a commission under the terms of the Weeks-Lever Act to make this purchase. Are you proposing by this amendment to permit this property to become kicked and cuffed about by the marauder, by the hunter, by the fellow who does not care where he drops his matches in the forest? Is this Government property to be made the prey of the indifferent and the careless citizens of the country, or shall we protect it as we are protecting 159 other forests of the National Government in the West, as provided for in this bill? That is all there is to it. We have raised a lot of hurrah about it. We have discussed propositions that have been passed upon and settled. The plain proposition is whether this Congress proposes now to appropriate sufficient money, as recommended by the officers of the Government, for the protection of the property which belongs to it. Mr. Chairman, I ask for a vote.

Mr. FOWLER. Mr. Chairman, the gentleman will not cut off debate at this time.

Mr. LAMB. I ask that the gentleman be recognized for five minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. FOWLER. Mr. Chairman, the proposition in this paragraph of the bill is to appropriate \$32,590 to protect the forests from fires in what is known as the Appalachian Forest Reservation. While I am not acquainted with all of the facts surrounding the purchase of that proposed reservation of 80,000 acres of mountainous land in eastern Tennessee, I am acquainted with some of the salient features.

Mr. TILSON. The White Mountain Range is also provided for.

Mr. FOWLER. Yes; I understand that the White Mountains went in, and I understand that other mountains are to go in, if they can get there, and they will be taken in unless some friends of honest legislation have influence enough to keep out

of future purchases some of the rocky and barren wastes of mountain stretches in different portions of the country.

Mr. LEVER. They ought to have them all.

Mr. FOWLER. Yes; "they ought to have them all," and certain designing fellows are planning to sell all of them to the United States for the purpose of unloading upon the people of this country these waste lands which are absolutely valueless for any purpose whatever. Much less are they valuable for forest reserves. While I am in favor of preserving the forests of this country, and especially the hardwood forests, yet I am not willing to consent to a proposition to buy waste lands under the name of "improvements for river navigation," and thereafter setting apart these lands as forest reserves, when, at the same time, I know there is not enough soil to grow a tree a foot thick in a hundred years. I understand that the purchase of this tract of land will cost the Government millions of dollars, in the first instance, and that it will be cited in future Congresses as a precedent for the purpose of purchasing other barren, mountainous land at a vast expense to the people of this country, thereby giving a set of land sharks an opportunity to take options on these waste lands for a trifle in advance of their sale to the Government and thereafter, by manipulation of certain designing statesmen, they will be unloaded upon the taxpayers of this country at a vast profit to the land shark.

But, Mr. Chairman, that is not the question which I desire to discuss. I want to be fair with the committee who reported out this bill and recommended its passage, including the paragraph under discussion. I understand that the original design of a law which passed during the Sixty-first Congress gave authority to establish forest reservations under the plea of improvement to navigable streams. I understand that a forest reservation commission was created by that law with power to examine territory and purchase reservations at an expense to the United States of \$11,000,000. Under this power, I understand, they have selected what is known as the Appalachian Forest Reservation, which is now in process of being established but yet not completed. The law under which this commission is authorized to act provides, among other things, that the commission may permit the owners of the land to reserve the timber and minerals thereon. Under this power I understand that this commission—and I get my information from one of the commissioners—has permitted the owners of these lands to reserve the timber, and that they have been given a period of 10 years in which to cut, manufacture, and remove the same from said lands.

It will be seen that all that the Government gets is simply the land, without any timber, yet timber being the very object for which it is contended by the friends of the law this reservation was intended to conserve. The Government will have on its hands the land at least 10 years without a chance for a forest reservation, and it will be 10 years after the purchase of the land before the Government will get an opportunity to begin to grow a forest.

This paragraph of the bill proposes to appropriate \$32,500 to protect the forests on this land from fire during the next fiscal year—a forest which does not belong to the United States, either in whole or in part, but wholly belongs to the original owners of the land. They not only sold this land to the Government at an enormous and unreasonable price, but now they have the effrontery to ask Congress to appropriate this unreasonable sum to protect their own timber from forest fires. This is the essence of cheek; a fraud so patent on its face, like Banquo's ghost it ought to rise up to frighten even its friends away from its support.

Mr. LEVER. What does the gentleman think about it?

Mr. FOWLER. If we permit this appropriation to be made by this Congress, other bills will come in annually for the next 10 years with an appropriation increasing in amount each succeeding year, I apprehend, asking Congress to vote those large sums of money out of the Treasury to protect the individual timber of these land speculators, who will derive the entire benefit thereof at the expense of the taxpayers of the United States. [Applause.] I want it clearly understood that I am opposed to such legislation, and will vote against this item of the bill.

My colleague from South Carolina [Mr. LEVER] wants to know what I think about such legislation. To be plain and not misunderstood, and without casting reflections upon the gentleman or any of the committee, I think it is a fraud which ought to be condemned by every Member of this House.

I once heard of a circuit judge down in Missouri who was supported by a colored politician in his first race, and during his candidacy for reelection he met the colored politician with a "How are you, Sam? Am glad to see you. I am depending upon you to carry the colored vote for me." "You're is my second choice," replied the colored man. The judge, becoming

anxious, inquired as to who was his first choice. "My first choice is anybody to beat you're." I am for anything to beat this appropriation, and will be very glad to see enough votes cast against it to insure its defeat on final passage of the bill.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Indiana.

The amendment was considered and rejected.

The Clerk read as follows:

For fighting forest fires and for other unforeseen emergencies, \$150,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, between lines 2 and 3, on page 46, the following:

"That the War Department be, and it hereby is, authorized in its discretion to station Federal troops in the national forests within the State of California, during the months of July, August, and September each year, and in case of an emergency to be used for the purpose of preventing and fighting forest fires and protecting such national forests from fire."

Mr. LAMB. Mr. Chairman, I make the point of order on that.

Mr. HAY. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. A point of order has been made on the paragraph. In the opinion of the Chair the point of order is well taken. The point of order is therefore sustained, and the Clerk will read.

The Clerk read as follows:

For the purchase and maintenance of necessary field, office, and laboratory supplies, instruments and equipment, \$155,000.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 46, after line 5, insert:

"To be expended under the direction of the Secretary of Agriculture for survey and listing of lands within forest reserves chiefly valuable for agriculture and describing the same by metes and bounds, or otherwise, as required by the act of June 11, 1906, and the act of March 3, 1899, \$50,000: *Provided, however,* That any such survey and the plat and field notes thereof paid for out of this appropriation shall be made by an employee of the Forest Service under the direction of the United States surveyor general, but no land listed under the act of June 11, 1906, shall pass from the forest until patent issues."

Mr. LAMB. Mr. Chairman, I make the point of order on that.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman reserve the point of order?

Mr. LAMB. Mr. Chairman, I reserve the point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, the act of 1906, providing for settlement upon agricultural lands in forest reserves, contains a provision that the Secretary of Agriculture shall investigate and list portions of the forest which are adapted to agriculture, and that this may be done by metes and bounds, or otherwise. The procedure which has grown out of that legislation has been that when a settler applies for a certain piece of land the Department of Agriculture, through one of its officers, proceeds to mark the exterior boundaries of that piece of land by metes and bounds. It amounts to a preliminary survey of the lands, because in almost all instances these tracts are comparatively small and irregular in character. The law provides that the settler, when he comes to settle on the land and make his homestead entry, must have a plat approved by the surveyor general of the State describing the lands by metes and bounds, or otherwise. As a result of this there has grown up practically a duplication of the work. The Department of Agriculture is authorized under the law to mark or list the lands by metes and bounds, but the Land Department, when it comes to pass upon the homestead entry, must have a survey which is approved by the surveyor general of the State, who is under the direction of the General Land Office in the Interior Department. The result is there are two sets of markings or surveys, the first at the expense of the Government, and the other must be performed by the settler when he secures patent upon his entry. It has proved a great hardship on the settlers in the forest reserves because of the expense. It has caused them large expenditure and is the only class of cases where the Government does not provide the surveys under our system of homesteading. I have known instances where these expenses have often run as high as \$200 to the homesteader for marking the boundary.

The Department of the Interior and the Department of Agriculture have been endeavoring to work out a system by which this duplication will be avoided. As a result a proposition has been put forth in writing by the Secretary of Agriculture, and I will put it into the RECORD at this point, proposing that some one in each reserve, in the employ of the Forest Service, who has to do this listing shall be approved as a surveyor by the Commissioner of the General Land Office, in the Interior

Department, so that he may make this original list under the direction of the Interior Department, and in that way avoid the second survey, the expense of which has been thrown on the settler in each instance. Under date of September 19, 1911, the Secretary of the Interior, by way of letter to the Secretary of Agriculture, has approved of that scheme, so that they have announced that hereafter the listing will be done in this manner by an officer in the employ of the Forest Service, under the approval of the Department of the Interior, and so save the settler the unnecessary expense of going over these same lands with another surveyor. It is a proposition that ought to meet with commendation. It has been started by those officers under the appropriations already at their disposal. The proposition to which I have referred is contained in the following correspondence:

DECEMBER 31, 1910.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Referring to your letter (10-42043 "E." W. F. P.) of July 28, 1910, concerning proposed cooperation in the homestead entry surveys within national forests, and previous correspondence on the same subject, I have the honor to advise you that the Comptroller of the Treasury and the Solicitor of this department have recently held that lands listed under the act of June 11, 1906, are thereby segregated from the national forests; that the Secretary of Agriculture has no authority to expend any of the appropriations of his department to aid in the survey of such lands or lands embraced in entries made in accordance with the act of June 11, 1906, because they are not a part of the national forests, and that a survey of such lands is not a duty imposed upon the Interior Department "with respect to the national forests." Since your letter of July 28 relates wholly to the survey of lands after they are listed, or after they have been entered in accordance with the act of June 11, 1906, it is apparent that further consideration can not be given to the plan therein proposed.

However, it is a duty imposed by law upon the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, to survey the public lands, including "lands within boundaries of forest reservations"; also the act of May 23, 1908 (33 Stat., 2511), provides that:

"Hereafter officials of the Forest Service designated by the Secretary of Agriculture, * * * with respect to the national forests, shall aid the other Federal bureaus and departments, on request from them, in the performance of the duties imposed upon them by law."

And in his opinion of October 20, 1910, the Comptroller of the Treasury says:

"If the proposed survey by the Secretary of the Interior is to locate and bound the lands so as to enable the Secretary of Agriculture to 'list and describe such lands by metes and bounds or otherwise,' as chiefly valuable for agricultural purposes, under the act of June 11, 1906, I am of the opinion that such lands are still parts of the forest reserve, and under the act of May 23, 1908, supra, you are authorized to designate officials of your department to aid the Department of the Interior in effecting said surveys and pay their salaries and expenses from the appropriations indicated by you."

With a view, therefore, to securing such cooperation between the two departments, when application for listing is made under the act of June 11, 1906, as will obviate the necessity for two surveys of the same tract, and will enable the survey made as a basis for listing to be utilized also as a basis for patent, I have the honor to ask your consideration of the following suggestions: (1) That, in order to comply with the conditions imposed by the act of May 23, 1908, the Secretary of the Interior request of the Secretary of Agriculture that he render him such aid as he can in the survey of lands within the boundaries of national forests; (2) that the Secretary of Agriculture, in response thereto, will cause to be filed in the office of the various surveyors general, through the Secretary of the Interior, a list of competent land surveyors in the employ of the Forest Service; (3) that when an application is made to list a tract of land that will require a survey by metes and bounds under the act of June 11, 1906, and it has been determined by the proper forestry officers that such tract is of the character that may be listed, and the applicant has expressed a willingness to deposit a sum sufficient to cover the expense of the surveyor general's office in connection with the survey of such tract, a copy of such application will be forwarded to the proper surveyor general by the district forester, with a recommendation that the survey be made by one of the surveyors in the employ of the Forest Service whose name appears on the list on file in the surveyor general's office; (4) that the surveyor general shall then designate an employee of the Forest Service, whose name appears on the list in his office, to make a survey of the lands, the listing of which has been applied for, and transmit to the district forester the name of the employee designated, together with an estimate of what the expense of examining such survey in his office will be; (5) when such designation and estimate are received by the district forester the applicant will be immediately informed thereof. If he makes the deposit required by the surveyor general, the survey will be made under the direction and in accordance with the instructions of that official by such employee of the Forest Service; provided, however, that all surveys made in Lawrence and Pennington Counties, S. Dak., must be by metes and bounds as is required by section 4 of the act of June 11, 1906; (6) that when the survey is completed plats and field notes in sextuplicate shall be prepared by the surveyor, three sets of which shall be transmitted to the surveyor general, one kept on file in the office of the district forester, one sent to the supervisor, and the other forwarded with the listing letter to the Secretary of the Interior; (7) the expense of examining such survey in the surveyor general's office shall be paid from the deposit made by the applicant. When such survey is approved, two sets of the plats and field notes on file in the surveyor general's office shall, on demand of the applicant or entryman, be filed in the local land office and shall be accepted as a basis for patent, one set of such plats and field notes to be posted by the applicant on the ground during the period of advertising final proof, as required by law.

Before patent can issue to a tract of land entered under provision of the act of June 11, 1906, it is provided that the entryman shall, "within five years of the date of making settlement, file with the required proof of residence and cultivation a plat and field notes of the lands entered, made by or under the direction of the United States Surveyor General, etc." It is not prescribed that this survey must be made after entry. Under the practice now in vogue there is one survey made as a basis for listing, and when patent is desired another is made under the direc-

tion of the Surveyor General. The expense of the second survey is borne by the entryman, and it is for the purpose of relieving him of that burden, which does not have to be borne by settlers on unsurveyed, unreserved public lands, and for the purpose of preventing a duplication of work that these suggestions are made. It is hoped the plan proposed may accomplish both purposes.

I shall be glad if you will advise me at as early a date as is consistent with the proper transaction of the public business whether the suggestions herein made meet with your approval.

I have the honor to be, sir,

Very respectfully, your obedient servant,

(Signed) JAMES WILSON,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, September 19, 1911.

THE SECRETARY OF AGRICULTURE.

SIR: This department is in receipt of your letter of December 31, 1910, relative to a proposed cooperation of the two departments in the matter of surveys of homestead entries within national forests under the act of June 11, 1906 (34 Stat., 233), and the act of May 30, 1908 (35 Stat., 554), amendatory thereof, stating that the Comptroller of the Treasury and the Solicitor of the Department of Agriculture have held that lands listed under the act of June 11, 1906, are segregated from the national forests, and there is no authority to expend any part of the appropriation for the Agricultural Department for said surveys, as they are not, after such segregation, a part of the national forests.

The correctness of that ruling can not be questioned; but it is not an obstacle to the purpose sought to be accomplished by cooperation of the two departments, which is to avoid duplication of unnecessary work by having a listing survey made under authority of the Department of Agriculture, executed by competent surveyors and in such manner as to allow of its acceptance by the Land Department as the public-land survey and as the basis for a patent, thus saving to the settler the unnecessary execution of a second survey.

In many instances the listing of lands by the Secretary of Agriculture, under authority of said act, is confined to individual claims or rights and the listing is made by metes and bounds. It is in such cases that the cooperation between the two departments is especially desirable, inasmuch as the listing of the lands by the Secretary of Agriculture is a determination of the boundaries of the claim and no different survey can be made of such lands.

The act authorizes the Secretary of Agriculture, upon application or otherwise, to examine and ascertain as to the location and extent of the land within temporary or permanent forest reserves which, in his opinion, may be occupied for agricultural purposes and to list and describe the same by metes and bounds or otherwise. Upon the filing of such lists or description the Secretary of the Interior is required to declare the lands so listed open to entry in tracts of not exceeding 160 acres in area, not exceeding 1 mile in length.

An entryman desiring to obtain patent to any land described by metes and bounds is required to file with his proof a plat and field notes of the lands entered made by and under the direction of the surveyor general of the State in which the land is located, showing accurately the boundaries of such land, which shall be distinctly marked by monuments on the ground; that is, the applicant is required to cause such unsurveyed lands to be surveyed at his own expense by a reliable and competent surveyor to be designated by the surveyor general at some time before he makes final proof. Amended Regulations (38 L. D., 278).

In order that the listing survey may be utilized as the basis for patent, so as to avoid the necessity for a second survey, this department concurs in your suggestion that the Department of Agriculture cause to be filed in the office of the surveyor general a list of competent land surveyors in the employ of the Forest Service, and when a tract of land within a forest reserve is applied for under the act of June 11, 1906, and it has been determined by the Department of Agriculture that it is of the character that may be listed, a copy of the application will be forwarded to the proper surveyor general, who will designate an employee of the Forest Service whose name appears upon the list in his office to make a survey of the lands applied for and transmit to the district forester the name of the employee designated, with an estimate of the cost of necessary work to be performed in the office of the surveyor general, and upon the deposit of such cost in the office of the surveyor general, of which notice should be given to the district forester, the survey will be made by the employee designated, under the direction of the surveyor general, who will exercise supervision in every case as to the manner of the execution of the survey with reference to the running of lines and the establishment of monuments to mark the same.

All work necessary to be performed after the return of the survey to the surveyor general's office will be performed by his direction under the supervision of the General Land Office, and when the survey shall have been approved by the surveyor general and platted it will be accepted as the public-land survey and filed in the local office and in the General Land Office as the basis of patent for said tract.

Further instructions with reference to the details of work to be performed in the surveyor general's office will be given to that official by the General Land Office, with the approval of the department.

Very respectfully,

(Signed) SAMUEL ADAMS,
Acting Secretary.

I am advised by the Agricultural Department that in order to carry out this service and make it available for the current fiscal year they will have to have an appropriation of at least \$63,000, in addition to current funds. I have proposed by this amendment \$50,000. I believe that it is meritorious, and it would give uniformity to our general system of permitting settlers within the reservations to allow these lists made by the Agricultural Department under the law of 1906 to be made available for their benefit.

Mr. LAMB. Mr. Chairman, I do not think we can at this late hour of the evening, under this appropriation, discuss a question which has been presented here now involving so much, and I do not propose to discuss it, but I will say to my friend that when we make up our next appropriation bill, next December, if he will bring this proposition before the committee we will consider it, and now I insist upon the point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, upon the point of order I would like to be heard for a moment.

Mr. MONDELL. Mr. Chairman, will the gentleman withhold his point of order for five minutes?

Mr. LAMB. Yes; but at the end of the five minutes I will ask for a ruling.

Mr. MARTIN of South Dakota. Mr. Chairman, I shall request, of course, to be heard briefly on the point of order, either at this time or after the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I hope this amendment may be adopted. I am rather inclined to think that the new method could be put in operation without as large an expenditure as carried in the amendment which the gentleman has offered. In fact, I am of the opinion, Mr. Chairman, that this new method when in operation will not involve any considerable additional expenditure, and I think that is the view of the Forest Service. I took this matter up and discussed it somewhat during the consideration of the agricultural appropriation bill. There is, as the gentleman from South Dakota [Mr. MARTIN] has stated, a duplication of work. The forest officer now makes a survey and that survey may be as accurate as the survey subsequently made by the deputy surveyor, but as the man who makes it is not a deputy surveyor the entryman must go to the expense of having a deputy surveyor make the survey. I know a case where the survey of a homestead of less than 100 acres cost the entryman \$240, and I have a letter which I received from the Forester a few days ago in which he said that the cost, on the average, was from \$100 to \$200 in each case. When you take into consideration the fact that a forest homestead only averages about 80 acres or less, I think you will realize how large a sum this is and what a burden it is upon the entrymen, and it is altogether unnecessary, because the man who makes the original survey for the Forest Service could be equipped and qualified to make a survey that would be accurate and official. Therefore I hope that the committee will agree to the amendment.

Mr. MARTIN of South Dakota. Does the gentleman from Virginia desire to be heard upon the point of order?

Mr. LAMB. At the close of it I will ask for a ruling.

Mr. MARTIN of South Dakota. Mr. Chairman, I should like to be heard for a moment on the point of order. It seems to me clearly that this item is not subject to the point of order, and I base the authorization for an appropriation of this kind upon the act of June 11, 1906, providing for the settlement of agricultural lands in forest reserves and in the first paragraph of that act, which I will send to the Chair; I have a duplicate of it here—

The CHAIRMAN. The Chair has it before him.

Mr. MARTIN of South Dakota. It provides—

That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves—

Now, here are some exceptions—

which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

I think that is clearly an authorization.

The CHAIRMAN. The Chair will ask the gentleman from South Dakota this question: The terms of the act of June 11, 1906, provide that these surveys be made by the Surveyor General of the United States. The Surveyor General of the United States, as the Chair recollects, is an officer of the Interior Department.

Mr. MARTIN of South Dakota. Yes, sir.

The CHAIRMAN. And the amendment of the gentleman from South Dakota provides that this survey shall be made by an employee of the Forest Service?

Mr. MARTIN of South Dakota. Yes, sir.

The CHAIRMAN. Is not that a change of existing law?

Mr. MARTIN of South Dakota. No; the existing law provides that the listing and description of the land by metes and bounds shall be made by the Secretary of Agriculture. That is what my amendment provides.

The CHAIRMAN. It appears to the Chair that that is a change in existing law.

Mr. MARTIN of South Dakota. The item in the amendment simply says that this forest officer shall be under the direction of the surveyor general.

The CHAIRMAN. The Chair will call the attention of the committee—

Mr. MARTIN of South Dakota. That it shall be made by or under the direction of the United States Surveyor General.

The CHAIRMAN. It says it "shall be by an employee of the Forest Service under the direction of the Surveyor General." And the law says it shall be under the surveyor general.

Mr. MARTIN of South Dakota. The law says it shall be under the direction of the Secretary of Agriculture, and I do not conceive that the fact that this officer shall make this listing under the direction of the United States Surveyor General changes the authority for him to make the listing.

The CHAIRMAN. The Chair calls the attention of the committee to the last two lines of the amendment to the effect that—

no land listed under the act of June 11, 1906, shall pass from the forest until patent issues.

If that is anything more than a repetition it is certainly a change of existing law.

Mr. MARTIN of South Dakota. I will be frank with the Chair, and say that I think it is a serious question as to whether that portion is a change of existing law. My opinion is that it is not, but I am willing to strike out the last two lines so that there will be no question on the subject.

Mr. LEVER. We still reserve the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The Chair is of the opinion that the entire amendment is a change of existing law, and the point of order is sustained. The Clerk will read.

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper, and for other investigations and experiments to promote economy in the use of forest products, \$150,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item in the current law is \$177,040, and is reduced to \$150,000 in this bill. Now, can the gentleman tell me how much of that reduction is caused by transfer to the statutory roll?

Mr. RAKER. That is not this item, is it?

Mr. LAMB. This is to investigate the method of wood distillation, and is a decrease of \$27,040.

Mr. MANN. It is not a decrease of \$40,000.

Mr. LAMB. This appropriation has been reduced from \$177,040 to \$150,000, a decrease of \$27,040. Nine hundred dollars of this amount was recommended by the Forest Service and was made possible by a rearrangement of expenses, and we reduced the amount by \$26,140 in the interests of economy, and because we thought it could stand the reduction. These amounts had been increased in the last few years and we felt it to be our duty to curtail expenses.

Mr. MANN. I wish to be heard on the motion to, on page 46, line 11, strike out the word "fifty" and insert in lieu thereof the word "seventy-five."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 46, line 11, strike out the word "fifty" and insert in lieu thereof the word "seventy-five."

Mr. MANN. I hope the gentleman will agree to it. I do not pretend to be certain as to the amount, but I am certain the amount carried in the bill is not enough. The gentleman will remember that some years ago I was made the chairman of a special committee on the investigation of pulp and paper. Growing out of that investigation, in addition to other matters which the Government undertook, it made an investigation of plants for the purpose of ascertaining their paper-making qualities, and it undertook an investigation of the manufacture of ground wood from different kinds of trees. Ground wood, which is the basis of all of our newspaper paper and of a large share of the schoolbook paper and other similar paper, is now made from spruce wood. Spruce timber is to be found only in a few places of the United States in any large quantities. Two-thirds of it in the whole United States is supposed to be in the State of Maine, and the bulk of the spruce wood on the continent is in Canada.

Before we passed the Canadian reciprocity bill Canada had restricted the exportation of spruce wood from a number of her Provinces, or the Provinces had restricted the exportation of spruce wood from their Crown lands; and even since we passed the Canadian reciprocity law, which authorized the bringing in of print paper free when made from wood that is not restricted in exportation, they have added to the restrictions in several of the Provinces. And unless we find some substitute for spruce wood in the making of ground wood we will in the end become absolutely dependent upon Canada for our cheap print paper, which means that in the end we will pay a very much higher price for it.

Now, we commenced, through the Forestry Service, the study of the manufacture of ground wood from other kinds of wood,

so far largely from jack pine, which in the main is useless for other purposes, and with hemlock, which now is used partly for the manufacture of lumber and partly for the manufacture of sulphide paper pulp. The Government established a laboratory at Madison, Wis., for various purposes connected with the Forestry Service, and, in connection with that, another working laboratory at Wausau, Wis., for the actual test of the use of these other woods in making ground wood pulp.

Gentlemen will understand that ground wood pulp is made by pushing a stick of timber up against a coarse grindstone. It was thought for many years that it was practically impossible to make satisfactory ground wood pulp from any tree except the spruce, because it is not ground like flour, but in the grinding process the cellulose fiber is torn apart, and the other woods either do not furnish a fiber that is fine enough or else it is too fine. The woods that were tested were either ground into flour, which was of no use, or else into a pulp that was too coarse, which was of no use.

This Wausau laboratory has been making investigations, a part of the expense being borne by the manufacturers of pulp wood and the mill owners. They have made investigations which, so far as I am informed, have proven to be of immense value, and some of the paper mills or pulp mills are now finding that, following the recommendations of the Department of Agriculture, they are able to make satisfactory ground wood by the use at least of a considerable portion of hemlock and by the use of some jack pine. And I am satisfied that if we can proceed with those scientific investigations in connection with the actual work in the mills we will discover that we can make ground wood pulp, as the basis of cheap print paper, from a number of woods that grow in the North now, some of which are now almost valueless, like what they call the "popple" in the North.

That is the situation, where we are now almost dependent for the future of the cheap-paper industry upon Canada, and we ought not to take any of this appropriation away from this service. I should like the gentleman in charge of the bill to consent to give us—

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. MANN. Certainly.

Mr. FITZGERALD. There are a number of provisions in this bill for scientific investigations of various character. Is it intended that any of them shall ever be completed?

Mr. MANN. The gentleman asks that question. The scientific investigations along certain lines, so far as that is concerned, are constantly being completed, but science will never go out of date, and the information that can be acquired by scientific methods will never be exhausted.

Mr. FITZGERALD. That is not my question. This is a specific investigation.

Mr. MANN. I do not desire to be led away from the proposition I am discussing into the general subject. This investigation has been carried on only a year or two.

Mr. FITZGERALD. More than that.

Mr. MANN. I beg the gentleman's pardon. It has only been carried a year or two.

Mr. FITZGERALD. I think the gentleman is mistaken.

Mr. MANN. I am not mistaken, because I had the first item inserted in the bill, and that was inserted two years ago, in the bill which did not become available until the following July.

Mr. FITZGERALD. Is there not an item in this bill of \$30,000 for investigations of woods out of which paper may be manufactured?

Mr. MANN. There is not.

Mr. LAMB. There is an appropriation under the Bureau of Plant Industry for an investigation along this line. Besides we know they are now making paper out of soft woods.

Mr. FITZGERALD. There is an item for fiber investigation.

Mr. MANN. The provision under the Bureau of Plant Industry, which was \$7,000 or \$8,000, and increased by something like \$5,000, has nothing to do with this question. That is an investigation of ordinary plants which can be used in the manufacture of paper, but that paper is not ground wood paper at all. The only thing they use that for is making what they call soda pulp, which is a high-grade paper.

Mr. FITZGERALD. It is a different paper from this?

Mr. MANN. Oh, an entirely different paper. It has no relation to this cheap paper.

Mr. LAMB. Mr. Chairman, the Committee on Agriculture considered this matter carefully. There are many of us on the Committee on Agriculture who do not believe it is a function of the Forestry Bureau to test woods to find out what their timber strength will be or what are their properties for the manufac-

ture of paper. Many of us think that belongs to the Bureau of Plant Industry, and if you will note the hearings, some members of the committee said, "Why not transfer all this to the Bureau of Plant Industry?" I doubt if it belongs under the Bureau of Forestry; but admitting, for the sake of argument, that it does, let me tell you that \$150,000 is a liberal appropriation for it.

Mr. MANN. There is only a small amount of this used for this purpose, and it will be cut off. There is no \$150,000 used for this purpose.

Mr. LAMB. That is what it states that it is used for.

Mr. MANN. And it covers a lot of other things.

Mr. LAMB. The item reads:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper.

Mr. MANN. Yes; but the testing for paper is the last item that was inserted there and will be the first item cut down.

Mr. LAMB. It says:

And for other investigations and experiments to promote economy in the use of forest products, \$150,000.

Mr. MANN. Yes.

Mr. LAMB. I do not think it would be right to cut out the item for testing for paper. It would not be a proper thing for the chief of the bureau to cut that out.

Mr. MANN. They will have to cut it down.

Mr. LAMB. Besides, why should the Forester be engaged in this work, when he has a domain to preside over that is larger than the New England States, New York, Pennsylvania, and Maryland combined? He has sufficient other work to do.

Let me call attention to another fact connected with these appropriations. Two years ago some of us contended that all these appropriations outside of forest reserves and for the purpose of keeping the forests in order were going too far, and many of us contended that the work outside of the domain of forestry absorbed almost as much money as the Forestry Service proper. When we came to consider this bill I added up those items, and they amounted to \$680,000, and I offered amendments to reduce those appropriations, to bring them within the bounds of what we thought was at least reasonable.

We do not think that many of them ought to have been established, but we found them in operation and we did not propose in cutting out the dead tissue to hurt the living, and we thought we would reduce the expenditure what we could, and cut off pro rata along the different lines which you will see presently.

Now, my friends, the Bureau of Plant Industry ought to be doing this work. I do not think the work ought to be done in cooperation with the colleges. We have laboratories over here, and we can do this work as well as they can anywhere else, and I submit that the committee did not go beyond the bounds of reason when we cut off \$30,000 from this appropriation.

Mr. MANN. Mr. Chairman, when the item was first inserted in the agricultural appropriation bill it was \$10,000 without specifying under what bureau it should be expended. Subsequently, on the recommendation of the Department of Agriculture, it was partly given to the Bureau of Forestry and partly to the Bureau of Plant Industry. I doubt very much whether any great positive good comes out of that part that goes to the Bureau of Plant Industry. The Bureau of Forestry is the bureau testing wood in the grinding, and the test is made by trying it under all sorts of conditions, as to the condition of the grindstone, the sharpness of it, and other conditions, by making the test and disposing of the pulp.

Mr. LAMB. The Director of Public Roads is doing it too. He is testing wood, I know, in various ways.

Mr. MANN. Yes; but they are not testing wood in this way. There is no one else that can do it. The machinery in this case was largely furnished by the paper manufacturers. They have furnished the wood. They have done great service. The gentleman says he has cut appropriations off all along the line. He has cut this more than any other that I have noticed in the bill, and it affects the appropriation in the bill which is the most vital to the people of the country.

Mr. ESCH. Mr. Chairman, under the appropriation made three years ago a provision was made for a forest laboratory to be erected at Madison, Wis. Under the terms of that appropriation the State was to furnish the site and building. This the State has done, and that laboratory has been in operation, I think, a little less than two years.

Aside from the investigations now being made at that laboratory of pulp and print paper, it is extending its inquiries to find a substitute for hemlock bark for use in the tanning industry. It is a well-known fact that hemlock bark is becoming scarcer year by year, and it is only a question when the

supply will be entirely exhausted. The same may be said of oak bark used in tanning. The question therefore is, Can a substitute be found in the American forests to take the place of hemlock and oak bark? Already the United States is importing thousands of dollars' worth of quebracho as a substitute for tan bark.

The laboratory at Madison has been making experiments in barks to see if they can find a substitute, and if that laboratory can find such a substitute the returns will come back to the country a hundredfold. It does not seem to me that this decrease in the appropriation is in the exercise of economy, and I hope that the House will retain the old appropriation and not reduce it by \$25,000.

Mr. LEVER. Mr. Chairman, the committee agrees with the gentleman from Illinois that the matter of paper manufacture is an important proposition. We recognize the fact that the civilization of the future is going to depend largely on the fact of whether we get cheap print paper. These investigations being carried on by the Government at Madison, Wis., and at another point in Wisconsin, the Committee on Agriculture regards as highly important.

And yet, Mr. Chairman, I desire to call the attention of the committee to the fact that in the appropriation act for 1911, two years ago only, for this item we appropriated \$129,420, and immediately following, the next year, we gave for this same purpose the sum of \$177,040, an increase in round numbers of \$50,000. This is a pretty big increase for a purely scientific work.

Now, the estimate for this year was one hundred and seventy-seven thousand and some odd dollars. The committee concluded that this was more money than could be expended economically in this work. I find, too, Mr. Chairman, that the work on wood distillation, which my friend from Illinois [Mr. MANN] has in mind, calls for an expenditure during 1907 of only \$3,542; in 1909, \$3,207; and in 1910, \$980.

Mr. MANN. Wood distillation was not what I was talking about.

Mr. LEVER. It is the same proposition. For this year the estimate for this purpose amounts to \$8,360. I figure that the amount for this purpose is only 20 per cent of the total amount carried in the bill, and that if the reduction for this item is carried out, the reduction for studies in paper manufacture will be only \$1,600, on a basis of a 20 per cent reduction in the total appropriation. I regard this as exceedingly important work, and I hope the committee has made no mistake in making the reduction. We feel that we have not done so, and we interrogated Mr. Graves, the Forester, on that proposition. It had been suggested that there should be a cut of something like \$40,000 made in this item. I said to him:

I have the thought in my mind that this being rather a scientific work, perhaps we were rushing forward too rapidly and we could afford to go rather slowly on it; that perhaps a reduction here could be effected without crippling your work.

Mr. GRAVES. We have the work thoroughly established, the machines going, and an extensive cut there would, so to speak, stop the machinery.

Mr. LEVER. Of course we do not want to do that.

Mr. GRAVES. Anything like a \$40,000 cut would necessarily do that.

The CHAIRMAN. You do not think a cut of twenty-five or twenty-six thousand dollars would stop it or affect it materially?

Mr. GRAVES. It would not stop the work, but it would cripple the amount of work we do and our production would be that much diminished.

The committee thought that this, being a scientific work, necessarily must go along slowly; that a cut of \$25,000 not stopping the work at all, reducing it, diminishing it to some extent, would not in the end delay the results which we hoped to attain through the work provided for in this item in the bill.

Mr. MANN. Mr. Chairman, just a word. With all due deference to the other gentlemen and the Forestry Service, I believe I know as much about this matter as anybody in the Forestry Service, except from the technical side of it, and a great deal more than Mr. Graves does, because I have given very close attention to it. I have followed this work from the start up to the present time, kept in touch with what they are doing by correspondence, both with the people in the Forestry Service and with the people in the business who are making use of the information in the Forestry Service. I am prepared to say that if this item goes in the bill in the way it is, without any increase in the appropriation, it will practically ruin a service of inestimable value to the people of the country.

Mr. LEVER. Mr. Chairman, there is not a man on the floor of the House who does not know the expert information that the gentleman from Illinois has on this proposition. We have all admitted it here. I wonder if the gentleman would not agree, as a substitute for his amendment, to make it \$165,000, and let us get along.

Mr. MANN. I would be quite willing to do that, with the understanding, expressed in debate, that the extra amount of \$15,000 is put in for this purpose.

Mr. LEVER. I do not know that we could do that.

Mr. MANN. I do not mean to put it in the law, but I mean in debate, so that the Forestry Service will understand that the increase is for this purpose.

Mr. FITZGERALD. Why is it necessary to increase it?

Mr. MANN. It is absolutely essential. Mr. Chairman, I ask unanimous consent to modify my amendment by making it \$165,000 instead of \$175,000.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Strike out the word "seventy-five" and insert in lieu thereof the word "sixty-five."

The CHAIRMAN. Without objection the modification will be made.

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois.

Mr. FITZGERALD. Mr. Chairman, I wish to inquire of the gentleman in charge of this bill what information he has that would justify the committee in accepting the amendment?

Mr. LAMB. Mr. Chairman, we are cutting this item considerably, \$26,000, and we did it over the protest of the Forester, of course. We had no more evidence touching this item than what I have already given. Mr. MANN has thrown some further light on the subject.

Mr. FITZGERALD. No appropriation is ever reduced except it is against the protest of the official who is to expend the money.

Mr. MANN. The official who is to expend the money has not protested, so far as I know.

Mr. FITZGERALD. The gentleman from Virginia said he did.

Mr. MANN. I did not know about that. I have made an investigation of this matter since this bill was reported and have given to the House the information I obtained.

Mr. FITZGERALD. How much of this appropriation is to be expended in these particular investigations?

Mr. MANN. Probably twenty or thirty or forty thousand dollars. I can not tell the exact amount. I do not remember.

Mr. LAMB. I have given all the information we had. We were reducing these amounts all we could. We reduced them in proportion. I have previously stated that they had been increased too rapidly in preceding appropriation bills; at least some of us thought so.

Mr. MANN. And a large part of the expense is being paid by outside parties, the gentleman understands—as much as they are permitted to pay under the law.

Mr. LEVER. We made very serious cuts all along the line here.

Mr. LAMB. We cut the amounts over \$300,000.

Mr. LEVER. I regard this as important, and the gentleman from Illinois is better informed, perhaps, on this proposition than any man in the country. I confess I have been somewhat moved by his statement in respect to the proposition, and if he is willing to make a reasonable divide I am willing to accept it, so that we may get along.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois as amended.

The question was taken, and the amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I move to strike out the last two words of the paragraph. Mr. Chairman, I make this pro forma motion in order that I may attract the attention of the members of the committee to the situation at the port of Boston, which has been set forth in an editorial of the Boston Herald of date of Thursday, March 7, a day or two ago, in which, under the caption "Our expensive quarantine," the following editorial is printed:

OUR EXPENSIVE QUARANTINE.

There is something impressive in the fact that the city of Boston, through its quarantine department, is now caring for something over 500 steerage passengers from a chickenpox-infected ship which originally put into Portland, but which came to this port because the quarantine facilities at Portland were not adequate for handling so many persons suspected of infection. Apropos of this situation it is pertinent to inquire why the expense of maintaining quarantine at this port should be put upon the city of Boston, when this service is for the benefit, not of Boston alone, but for that of all sections of the country where immigrants or imported merchandise goes? It costs the Boston taxpayers about \$25,000 a year to support our quarantine establishment, not to mention the original cost of the plant, and the annual income therefrom is less than \$5,000. It is a fact that Boston is the only port in the country where the expense of quarantine is borne by the city where the port is located. In New York, Baltimore, and Philadelphia it is supported by the respective States in which these cities are located. At all the other principal ports the expenses and the cost of the plant come out of the Federal Treasury. This is as it should be. The quarantine

systems of all our ports are established and maintained for the benefit of the whole country, and the cost thereof should be borne by the Federal Treasury. This would not only be a more equitable arrangement financially, but it would make far greater uniformity and efficiency in quarantine regulations.

Mr. Chairman, in line with the suggestions made by that editorial clipping, I went to-day to the head of the Public Health and Marine-Hospital service, Dr. Blue, and discussed with him and with Dr. Glennan, who is in charge of the quarantine work, this entire matter of bringing the quarantine station in Boston under Federal supervision, and they have favored me by giving me a memorandum in regard to this proposition relative to the national administration of maritime quarantine. I believe it will help to a clear understanding of this entire proposition if I might be permitted under the rule of the committee to insert this memorandum, without any extended reading of it, and I therefore ask unanimous consent to insert it in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. Mr. Chairman, reserving the right to object, I desire to ask the gentleman how long the paper is which he wishes to insert?

Mr. MURRAY. Mr. Chairman, in words about 1,100 or 1,200, I should say at a guess; not more than that, and possibly only 1,000.

Mr. MANN. I do not object, but I suggest to the gentleman that if gentlemen want to insert matters entirely irrelevant to a bill which is being read under the five-minute rule that it is better to take the matter up in the House and not insert a lot of extraneous matter in a real discussion of a subject of interest to people.

Mr. MURRAY. May I be permitted to answer the gentleman that I shall assuredly take the suggestion to myself, and further to add that I hope some day to do something in this House which will meet with the unqualified approval of the constant objector from Illinois.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

MEMORANDUM IN RE NATIONAL ADMINISTRATION OF MARITIME QUARANTINE.

National quarantine is administered under the provisions of an act of Congress approved February 15, 1893, and succeeding acts, and certain acts and Revised Statutes which, in the opinion of the law officers of the Government, have not been superseded by the enactment of the act of 1893, above alluded to.

UNIFORMITY.

The distinguishing feature of national quarantine is its uniformity. It is provided in the act of 1893, and in the regulations provided under the same, that the requirements therein imposed by the Secretary of the Treasury shall be accepted and regarded as a minimum requirement at any port in the United States, and while State and local authorities have the right to impose such additional requirements as in their judgment may be necessary, they are forbidden to waive any requirement of the national regulations. This is conducive of uniformity of practice at all of the national quarantines, extending from Maine to New Orleans upon the Atlantic and Gulf coasts, and upon the Pacific coast of the United States, and at quarantine stations of Porto Rico, Hawaii, and the Philippines.

ELASTICITY.

The national quarantine service is further characterized by elasticity, i. e., emergencies suddenly arising at any point can be met by the transfer of officers or employees from another point. This is conducive to high efficiency. The officers and employees have been trained under a well-considered and carefully prepared code of regulations. The practice at one port is essentially the practice at all other ports, and does away with the inconvenience of a quarantine officer confronted with an exigency being obliged to devote time that can be ill spared from more important matters to train green, inexperienced subordinates to the proper discharge of important duties. The same remarks that apply to personnel apply to a certain extent to equipment. A sudden call for a quarantine vessel or for quarantine appliances can be met by the temporary transfer of such vessel or equipment from one station to another, the individual items being regarded as component parts of a great whole.

EFFICIENCY.

From time to time States and municipalities have surrendered their quarantine function to the National Government, as, for example, Maine, New Jersey, North Carolina, Florida, Mississippi, Louisiana, California, Oregon, and Washington. While these transfers or surrenders have all been made in accordance with law and with the full acquiescence of the constituted authorities of the various States, such transfer has not always been without local opposition. A careful review of the transactions and operations of the stations as transferred has always led, upon dispassionate investigation, to the belief that the efficiency of the service has in no case ever been impaired, but has always shown a marked improvement satisfactory to all interests concerned, such as health authorities, mercantile organizations, and shipping interests.

ECONOMY.

First. As a rule, while a high state of efficiency has been obtained, a standard of economy has been observed. By zealous, well-directed effort national stations are economically administered. With no local interests to subserve, a high state of discipline is maintained, and the stations operating with small but sufficient forces of trained employees are not subjected to the demands of local influence and the maintenance of employees other than those of demonstrated efficiency.

Second. A State or local quarantine system transferred to the National Government is a direct elimination of expense to the State or

municipality. The necessary expense of operation is spared to the State or municipality and the entire expense of the maintenance of the quarantine are paid from appropriations made by the Congress of the United States.

Third. The saving to commercial interests is great. No fees are charged at national quarantine stations to be borne by vessels. Inspections, disinfections, and the treatment of cases of quarantinable diseases removed from vessels at quarantine stations are without expense to the commercial interests. The economy is thus exhibited in two aspects, namely, a direct saving in the matter of outlay to State or municipality and an absence of fees or indirect tax upon commerce.

COOPERATION.

National quarantine is an integral part of a great national system in the relations of the General Government to commerce. All of the coordinate branches of the Government come into direct relation with the national quarantine system, namely, the collectors of customs of the various ports, the Immigration Service, the Revenue-Cutter Service, and the Life-Saving Service. From time to time these branches of the Government are called upon to render important aid in various ways to the national quarantine system. In the matter of immigration, arriving aliens pass directly from the supervision of the quarantine service to another national service—the Immigration Bureau; officers of the Revenue-Cutter Service and the vessels of that service can be made immediately available for aid to the quarantine service by the order of the Secretary of the Treasury. The Life-Saving Service with its highly trained organization may in time of stress be called upon to assist the operations of the quarantine service by the reporting of vessels, by the patrolling of the coast in time of the threatened introduction of epidemic disease, and important functions in the matter of bills of health and the entry of vessels from foreign ports where quarantinable diseases prevail is under the charge of the collector of customs, who are in close touch with national quarantine authorities.

EQUIPMENT.

National quarantine stations may be divided into two general classes—boarding and inspection stations at smaller and less important ports, and fully equipped quarantine stations at or near the large ports of entry of the United States. The requirements of a fully equipped quarantine station under the national regulations are comprehensive, and a vessel arriving at a national quarantine station with quarantinable disease on board, and where full facilities do not exist for the treatment of such an emergency, is remanded without delay to a near-by or adjoining national quarantine station fully prepared to meet all emergencies.

Extract from quarantine law of February 15, 1893:

"SEC. 8. That whenever the proper authorities of a State shall surrender to the United States the use of the buildings and disinfecting apparatus at a State quarantine station the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use if, in his opinion, they are necessary to the United States."

Extract from quarantine law of August 18, 1894:

"SEC. 5. That in any place where a quarantine station and plant is already established by State or local authorities it shall be the duty of the Secretary of the Treasury, before selecting and designating a quarantine station and grounds and anchorage for vessels, to examine such established stations and plants, with a view of obtaining a transfer of the site and plants to the United States, and whenever the proper authorities shall be ready to transfer the same or surrender the use thereof to the United States, the Secretary of the Treasury is authorized to obtain title thereto or possession and use thereof, and to pay a reasonable compensation therefor if, in his opinion, such purchase or use will be necessary to the United States for quarantine purposes and the quarantine stations established by the authority of this act shall, when so established, be used to prevent the introduction of all quarantinable diseases."

Mr. FITZGERALD. Mr. Chairman, I am not aware of the contents of the paper of Dr. Blue, but lest there might be a misapprehension that there is a uniform desire that the quarantine systems of the several States be taken over by the Federal Government I wish to say a word at this time. If there be anything of importance to the people of any city or State, it is to have control of its quarantine system. There are some men so far forgetful of the importance of this matter and so little familiar with the history of the development of the free institutions of this country that they are even now in the city of New York advocating and urging legislation to have the Federal Government take over the control of the quarantine system in the State of New York.

Mr. MURRAY. Mr. Chairman—

Mr. FITZGERALD. I yield to the gentleman.

Mr. MURRAY. Mr. Chairman, I just want to say to the gentleman from New York that I hope that I will not be misunderstood as being in favor of changing the situation in Boston. My only hope was that this memorandum would give a better understanding of the situation in Boston than might exist without it. That is my only purpose.

Mr. FITZGERALD. I am not criticizing the gentleman. I am speaking about a situation that exists in my own State. Without knowing what is in the paper submitted by the gentleman from Massachusetts, but having followed what the gentleman has said, it would seem as if there were protests in Boston against supporting the system and favoring its maintenance out of the Federal Treasury. To a city of over 4,000,000 people, with a port through which comes the great bulk of the immigrants to this country, there is no more important matter in the administration of its public affairs than the protection of the people against infection from those coming to this country. That is the situation in New York. I am so thoroughly convinced that this is a matter that should be controlled by the people of the locality and States and not be surrendered by

them to the Federal Government that I hope those who have thoughtlessly believed that this would relieve the people of some financial burden by having this work devolve upon the Federal Government will give some consideration to the other aspects of the case rather than to the mere question of financial burden.

The tendency throughout the country to shift the cost of every important governmental service on the Federal Treasury is tending to make the people forget the importance of keeping power and control of many services close to themselves. It will be a sad day for the city of New York if the people of that State forget the importance of retaining the control of its quarantine and health service and join in this movement to have the Federal Government control it. I say this, Mr. Chairman, because I know in the Legislature of the State of New York very recently resolutions have been offered and considered—I am not certain whether they have been adopted—urging legislation to enable the Federal Government to take from the State, or relieve the State from, responsibilities and duties of the utmost importance to the people, and which should be performed by the State. There is no unanimity of sentiment in favor of giving this power to the Federal Government, and I speak thus briefly to emphasize this fact.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For experiments and investigations of range conditions within national forests, and of methods for improving the range by reseeding, regulation of grazing, and other means, \$18,420.

Mr. RAKER. Mr. Chairman, I move to strike out all of line 15, on page 46, and insert in lieu thereof the following words: "Twenty-five thousand one hundred and eighty dollars."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from California.

The Clerk read as follows:

Page 46, line 15, strike out all of line 15 and insert in lieu thereof the words: "Twenty-five thousand one hundred and eighty dollars."

Mr. LAMB. Mr. Chairman, we made no change there and gave these people exactly what they asked.

Mr. MANN. It is just what it is in the current law.

Mr. RAKER. No.

Mr. LAMB. That is right.

Mr. RAKER. I expect the safest way is to read the record. The amount in the current law—

Mr. MANN. It is the same as the present law.

Mr. RAKER (continuing). Is \$18,420. Now they put in the estimate \$25,180, on page 141. I wanted to present it to the committee—

Mr. LAMB. It is exactly as much as the current law.

Mr. RAKER. I understand the amount in here is as it is under the current law. But I want to state to the committee the reason and the necessity for this increase. The Forester was before the committee and gave his testimony. You will find it on pages 323 and 324. He states that they are making scientific investigations for the purpose of improving the ranges that they are getting such a large amount from at the present time. At the bottom of the page he states:

That increase is primarily for an extension of these grazing studies we are making in the individual forests, to meet an increasing demand from the stock growers.

Now, this is the only item you will find from the many, many stock growers and permittees that are asking that the ranges be put in condition that they may get some return for the money invested. The department is urging that they be given this amount that they may improve the range conditions. They put it in their estimates and presented it before the committee, and the committee, in their wisdom, in the interests of economy, took out the amount. I believe when the facts are presented the amount ought to be the same as it was in the estimate. Let me read you a statement from the Forestry Department:

This appropriation is to provide for the continuance of the investigations and experiments initiated for the purpose of increasing the grazing capacity of national forest lands by the restoration of overgrazed areas, the introduction of new forage grasses and plants, the determination of better methods of range management and control, the construction of pastures and drift fences, the development of new sources of water supply for live stock, and the extermination of range-destroying rodents and predatory animals.

The estimated annual product of the stock grazed within the national forests is in excess of \$20,000,000, which is shared by more than 25,000 permittees. An increase of 5 per cent in the forage-producing capacity of the national-forest lands will add to the wealth of the communities adjacent to the national forests a sum largely in excess of the total cost of all of the investigations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I have another document from the Department of Agriculture upon this subject, and I would like unanimous consent for five minutes so that I may present it to the committee.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. It is as follows:

In 1911, 7,449,415 head of sheep and goats and approximately 1,493,438 head of cattle and horses were grazed on range within national forests. The estimated annual production of these stock is 52,000,000 pounds of wool, worth \$7,800,000; 4,470,000 lambs or sheep, worth about \$11,000,000; and 298,700 head of cattle and horses, worth about \$6,000,000; a grand total of \$25,000,000.

Although a great amount of investigative work has been done in the past by the United States Government, State institutions, and by individuals to determine the most efficient feeds and feeding methods for application to the raising of stock on the farm and in the feed lot, almost no attention has been given, in the way of investigation, to the improvement of the vast areas of range now within national forests, or to the methods of handling the stock, so as to get a higher efficiency from the forage produced.

Although the range within national forests has improved during the past seven years, as a result of preventing continued overstocking and by carefully regulated use, a great portion of the area is still far below a condition of maximum productivity.

The grazing studies investigations, undertaken by the Forest Service in 1907, were designed to develop methods of range improvement by seeding to cultivated forage plants, by developing systems of grazing which will permit of utilizing the forage and at the same time bring about improvement of range by natural reseeding of the native plants, and to improve the methods of handling the stock so as to eliminate all unnecessary waste of forage in utilization.

The essential principles to be followed in improvement have been worked out in special localities by the two men assigned to the investigations prior to 1910. A rotation system of grazing resulting in great improvement of partially depleted ranges by natural reseeding has been found practicable. Also it has been found that by more careful handling of stock, especially sheep, the carrying capacity of our grazing lands can be increased approximately 15 to 25 per cent, depending upon locality, type of range, and water facilities.

Now, to interpolate, if you can increase your range facilities from 15 to 25 per cent, you can imagine what a large amount that is. And these two men who have been employed by the Forest Service will be cut off if this appropriation is not allowed. And it seems to me in all fairness to this great industry, the stockmen's industry, where you are selling your pasturage, where practically all the pasturage belongs to the Government, where you are charging the cattle and sheep men and the horse-men so much per year for range—

Mr. BOWMAN. Will the gentleman yield for a question right there?

Mr. RAKER. I will.

Mr. BOWMAN. Is not \$24,000 a very small amount to spend upon an area that is greater than New England and the State of New York for the improvement of grasses?

Mr. LAMB. That is just one little item. That is not all.

Mr. RAKER. This is for two men. The record shows they have two men who have given two years of study to this work. And I want to say to you they are accomplishing wonders. Why should we cut off this important work at this time, when we are trying to lease the forest ranges and get some benefit from them?

Mr. LAMB. So far from cutting it off, we are giving them exactly what the current law requires. I do not think it would have hurt if we had cut it off somewhat, or had cut it out entirely.

Mr. RAKER. The gentleman does not quite present the matter as it is.

Mr. LAMB. The gentleman may think so, but I do not think so.

Mr. RAKER. Now, Mr. Chairman, as to all these questions where I have been discussing the cutting down of the amounts for the Forest Service in my district, I was told that the Forest Service recommended certain sums, and because they recommended those sums, they knowing their business and knowing what they wanted, the committee relies upon that information, which they have a right to rely on, and accordingly they cut these items. But now when we come in here with a report of the Forest Service, recommending and asking that this increased amount be given them, ought not the committee to follow that recommendation?

Mr. LAMB. That statement, Mr. Chairman, is absolutely misleading. We did not give everything that the Forester asked. I said to the gentleman that the lump sum was apportioned by the Forester himself.

Mr. RAKER. Oh, what is the use in discussing that? I do not like to get into controversy with the chairman of the committee.

Mr. LAMB. We did not give the Forester everything he asked. The lump sum was apportioned by himself.

Mr. RAKER. When I read the record one time and then read it the next day, they say it is not there.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from New York?

Mr. RAKER. Yes.

Mr. FITZGERALD. I understand the gentleman's position is that the Congress should appropriate the amounts requested by the department?

Mr. RAKER. No. That is not my position.

Mr. FITZGERALD. The gentleman is asking that this amount be fixed in accordance with the amount recommended by the Forest Service?

Mr. RAKER. No. That is not it.

Mr. FITZGERALD. What is it?

Mr. RAKER. I will explain that, in presenting a half dozen matters here to the committee, I was met, and successfully met, by the committee with the statement that the Forest Service had recommended so and so and that they stood on the recommendations of the Forest Service—

Mr. LAMB. No; the gentleman is mistaken. He was discussing the bill, and particularly the sums assigned by the Forester to each one of these forests. We appropriated the lump sum.

Mr. RAKER (continuing). And that, when the estimate is brought in and the department asks for an increase, so that they can continue their work, I then rely upon the Forest Service's estimate, thinking, as I do, on the statement made by the committee, that they have to rely upon the information received from the Forest Service in order to make their estimate upon it. That is my position.

Mr. FITZGERALD. If Congress should adopt the estimates submitted by the departments, it would be futile for us to go through the form, at least, of exercising our own judgment to determine how much should be appropriated for any particular service. Let me suggest to the gentleman from California that after he has studied longer the estimates and investigated the necessities of various services he will not rely so confidently upon an estimate as a criterion of the amount that should be appropriated for any service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, this is an important matter, and I should like to have five minutes more on this subject. I then shall not take longer time.

Mr. LAMB. The gentleman has had 10 minutes already.

Mr. RAKER. Yes; but I yielded to every man who wanted to interrupt me on the floor to ask questions.

Mr. LAMB. Surely the gentleman can not make complaint about not having had time. We have been just as patient as could be with all the gentleman's statements here.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes longer. Is there objection?

Mr. LAMB. This is a matter of \$5,000. We gave current law for this amount. Anyway, a forester can not do this. A botanist must do this anyhow. Some of these experiments ought to end some time. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MANN. What is the request?

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to be permitted to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. RAKER. I seem to be unable, Mr. Chairman, to present this matter to the committee so that they can understand the conditions. I thought I had made myself perfectly clear, in the first place, when I stated that I was relying upon the facts that were submitted. I was then met with the statement that the department had recommended so much, and therefore there should be no change.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from South Carolina?

Mr. RAKER. Certainly.

Mr. LEVER. The gentleman from California should take into consideration the fact that the appropriation for this purpose in the act for 1911—

Mr. RAKER. Is the same as it is in the present bill?

Mr. LEVER. No; not at all. It is \$11,820, and in the act of 1912 that sum was increased to the present sum, an increase of 50 per cent. The gentleman, of course, will realize that this is a scientific proposition. It is a study that must be conducted by scientists and experts, and the only thing that could be done, under the amendment suggested by the gentleman, would be to employ perhaps one more expert.

Mr. RAKER. Two, the man says.

Mr. LEVER. Two more experts, who would go out and study the grazing features of the forests. Does the gentleman think that work could not be as well done by the two or three men now doing the work, whose reports are open to the public?

Mr. RAKER. No; I do not think so. The ranges are too extensive and the country is too broad.

Mr. LAMB. If my friend will further excuse me, I will say for the information of the committee that the Bureau of Plant Industry is now doing experimental work right along this very line, and the Secretary in his report says:

The Bureau of Plant Industry rendered indispensable assistance in this work, as also in the study of the very important technical questions involved in the effort to improve the condition of depleted portions of the range.

He refers to this very subject, and the Bureau of Plant Industry is doing a part of this work. If there be virtue in the end to be reached, it seems to me these people who are employed are enough to determine what grasses should be used in these forests. It is a technical and botanical work, and it must end some time. The gentleman from South Carolina [Mr. LEVER] has told you we increased it 50 per cent two years ago—

Mr. RAKER. That is a long question?

Mr. LAMB. I did not ask a question. I got the time from my colleague.

Mr. RAKER. My time is going very rapidly, but then I never object.

Mr. FITZGERALD. Does the gentleman think there are any experts who are not now employed by the Department of Agriculture? [Laughter.]

Mr. RAKER. I think there are some very good experts employed by the Department of Agriculture.

Mr. FITZGERALD. I think they have employed everybody who can properly be characterized as experts in any of these lines.

Mr. BEALL of Texas. If anybody has been omitted, it has been by inadvertence.

Mr. RAKER. In order to put the investigative data into practical application and to adopt a comprehensive plan of improvement and development, as well as to most intelligently continue the investigative work, it is essential that more accurate data be available regarding the grazing resources, acreage and type of range, topography, watering facilities, growing seasons, the vegetation making up the forage, and its requirements of growth, as well as the relation of each grazing area to forest production and to watershed protection. Without these data we will lose efficiency in our efforts because of the vast area under consideration and the variance in local conditions and consequently the variation in methods of management necessary.

As forest management grows more and more intensive it becomes more and more essential that the Forest Service make every possible effort to improve the grazing management, so that grazing will do the least damage to tree reproduction. Otherwise the comparative merits of the interests involved will necessitate the entire restriction of grazing from areas where reforestation is necessary. The force now engaged in the investigative work of grazing is not sufficient to cover the approximately 130,000,000 acres now used for grazing within national forests and work out efficient systems of management within any reasonable period of time. For this reason the increase of \$6,000 was asked for in order to place a man qualified to handle this work in each of the six western districts.

There is no longer any great amount of unused range lands, and it is believed that the present condition of our ranges and our present methods of handling stock can be improved so as to result in the production of from 15 to 25 per cent more beef and mutton on the area now used.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment was rejected.

The Clerk read as follows:

For the purchase of seed and for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, \$150,000.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that provision.

Mr. MANN. This item takes the place of the provision in the bill of last year that covered \$166,000.

Mr. LAMB. This is a change of language.

Mr. MANN. I want to ask the gentleman in charge of the bill whether the "seed" referred to in the paragraph is tree seed?

Mr. LAMB. Yes.

Mr. MANN. It does not relate at all to grass seed?

Mr. LAMB. No, sir.

Mr. MANN. Does not the gentleman think that if the item remains in the bill it would be a good idea to insert the word "tree" before the word "seed," so that the department would not be tempted to take a part of this appropriation for the pur-

pose of seeding or reseeded the grass ground covered by the item preceding?

Mr. LAMB. This item is for the seeding with trees.

Mr. MANN. It does not say so, and I think could be used for the other purpose.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order. But I wish to inquire of the gentleman why no provision has been made in this paragraph, as there was in the one in the former bill, relating to regulations for the cutting of timber to be paid out of this appropriation. The paragraph of the former bill provided "for silviculture and other experiments and investigations in the national forests necessary for tree planting, for the reproduction of existing forests, and the regulation of cutting." The regulation of cutting of timber in the national forests was paid out of an appropriation of \$166,000. It is amazing how the service branches out in such minute ways under these items. It seems that they start out at the very beginning and as if they never would progress sufficiently far to end. That is why I look with so much reluctance on a change of language such as is proposed here.

Mr. LEVER. We have limited the authority of the bureau in this change of language. It may be that the whole item is subject to a point of order, I do not know.

Mr. FITZGERALD. I have withdrawn the point of order. But the department will never cease requesting money for the purchase of seeds for the replanting of forests.

Mr. LEVER. The gentleman can trust Congress to say how much they will give.

Mr. LAMB. I want to say that I asked that very question when the matter was before the committee.

Mr. RAKER. They will never stop asking for appropriations for that purpose.

Mr. LEVER. We do not want them to stop.

Mr. RAKER. Sure we do not, but let us make it efficient now.

Mr. LAMB. We know what seeds will do to plant in the forests now. These investigations have been carried on for years. Some of them should be finished, and that is why we cut the appropriation.

Mr. RAKER. We think we know; but if you will go out in the barren desert to-day and see trees 2 and 2½ feet in diameter that nobody said would grow there you would be surprised.

Mr. LEVER. We regard this as a most important item in this Forestry Bureau.

Mr. RAKER. We have eucalyptus trees growing out there that would surprise you.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 46, line 16, insert the word "tree" before the word "seed."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do that for the purpose of inquiring of the chairman of the committee whether it was the intention of the committee to reduce the amount available for the purchase of seeds and for seeding. I notice the item is reduced \$15,000 in the bill from the appropriation of the current year and \$36,000 in the bill from the estimates, but the paragraph is now confined to the purchase of seeds and for seeding and tree planting and for experiments and investigation along that line. So that the expenditure is limited more than it was or is in the current appropriation.

Mr. LAMB. It is all for tree and seed planting and for experiments; there are two points in it.

Mr. MONDELL. Therefore, it will probably afford as large an amount for the purchase of seed and tree planting as is available in the current appropriation, and possibly more?

Mr. LAMB. Yes.

Mr. MONDELL. I think it should, for this is an important work, as one-third of the national forests are now treeless.

If any considerable portion of that area is to be forested, it will require a very considerable amount of planting for many years to come.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting, on line 14, page 46, after the word "grazing," the following: "And for experiments and investigations"

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that the paragraph which he seeks to amend has been passed.

Mr. RAKER. When? I insist that the gentleman from Wyoming [Mr. MONDELL] withdrew his pro forma amendment.

Mr. MANN. The next paragraph has been read and amended.

Mr. LEVER. Mr. Chairman, we have passed that paragraph.

Mr. RAKER. Then, Mr. Chairman, I ask unanimous consent to return to that paragraph that I may offer the amendment. It will take but a moment to present it.

The CHAIRMAN. The gentleman asks unanimous consent to return to the paragraph which he seeks to amend. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, let the amendment be first read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, on line 14, page 46, after the word "grazing," the following: "And for experiments and investigations and determining the best methods for the prevention of offenses committed against the property of permittees within the national forests."

Mr. LEVER. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forests and forest lands, \$83,728.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter from the Modoc County (Cal.) Stock Association and also the resolutions passed by that association on March 25, 1911; also the letter of the Forester of April 6, 1911, to the president of the stock association and the letter of the stock association to the Forester of date May 7, 1911, relating to the depredations committed on public ranges.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by the insertion of certain documents to which he has referred. Is there objection?

There was no objection.

The documents are as follows:

ALTURAS, MODOC COUNTY, CAL., March 10, 1911.

DEAR SIR: The thieving of live stock is becoming somewhat common on that part of the Modoc National Forest Reserve which takes in that part of the Warner Range of mountains lying south of the Cedarville Pass. In fact, it is becoming such a menace to the business of stock raising for those having their ranges in and adjacent to the above-described locality that some of the smaller stockmen have quit the business and others are threatening to do likewise if a stop is not put to such live-stock thieving. Some of the thieves are known and suspicion has marked others; but up to the present time evidence sufficient for a conviction, or even to warrant the arrest of anyone, is not obtainable.

At its first meeting, held in Alturas on March 4, 1911, the Alturas Stock Association, a local association just being organized by the stockmen living in the valleys of the North and South Forks of Pit River, Pit River from Canby east, and in Goose Lake Valley from Davis Creek west, of which I was elected temporary president, I was elected a committee of one to take this matter up with the Forest Service.

We ask that one or more detectives skilled in the detection of such crimes be sent here by the Forest Service to take charge of the operations against such stock thieves looking to the securing of evidence sufficient to get convictions. Such thieving takes place principally during the months of June, July, August, and September.

We have taken notice of the fact that the Forest Service is employing range experts to attend to the improvement of forage plants within the reserves to the end that grazing upon the reserves may become more profitable to the stockmen using such ranges; that it is collecting facts in regard to everything that has a bearing upon grazing, and conducting expensive experiments to establish such facts and methods as will be beneficial to the grazing interests, and will improve and make more valuable the grazing branch of the forest-reserve property of the Government.

Your attention is called to the fact that the thieving of live stock is working directly against the above-described things that you feel to be of so much importance to the grazing interests of the reserves, in that it is discouraging the uses of the ranges thereon and the raising of live stock by the men engaged in the business in a small way whom you are trying to protect.

It has been pointed out to us that it is the duty of the forest rangers to prevent the thieving of live stock upon the reserves. This may be true; but, in the first place, they are not experts in such work; and, in the second place, so much of their time is taken up with other duties that they can not give it the required time. It is an easy matter for a thief to know where a ranger is and to avoid him as he would a vaquero when he is out stealing horses or cattle.

It is the belief of our association that the Forest Service should keep in its employ a certain number of detectives skilled in the detection of and procuring of evidence sufficient to convict live-stock thieves or any other class of thieves operating upon the reserves against its permittees or the purchasers of grazing privileges or timber, and that such detectives should be sent where they are needed to take charge of the ferreting out of all such crimes.

We observe that the Government keeps an organized body of Secret Service men to detect and punish crimes against its currency, its postal laws, its internal revenue, its customs duties, and for other purposes. It sells the range upon the reserves and much of the timber, thereby collecting a revenue which is used in defraying governmental expenses, just the same as that collected from any of its sources of revenue; and any thievery taking place within the reserves against the

users of such ranges and timber is an assault upon those revenues, and the employment of detectives to put a stop to such thievery is but a step in the right direction.

We feel that, as we have paid for the privilege of pasturing our stock upon the reserve and are complying with the regulations in regard to the same, we are entitled to protection against thieves, and that, as the Government has employed a supervisor and his assistants, rangers, and experts, and employees of various kinds and for various purposes to manage its reserves it is but a step further in the same direction to add a sufficient number of detectives to its corps of employees to ferret out all thieving against the purchasers and users of its grazing and timber privileges taking place within the borders of its respective reserves.

Very truly, yours,

W. J. DORRIS.

RESOLUTIONS PASSED BY THE ALTURAS STOCK ASSOCIATION AT ITS MEETING HELD IN ALTURAS ON THE 25TH OF MARCH, 1911.

Whereas by reason of its valleys surrounded by large grazing areas that are rocky, broken, precipitous, and mountainous, and suited to no other uses than that of grazing and timber, the industry of raising live stock is practically the backbone of all other enterprises and the foundation of all prosperity, in Modoc County; and

Whereas the thieving of live stock upon some parts of the Modoc National Forest is becoming so common that it is offering a serious menace to the business of the raising of live stock in the county, some of the stockmen having quit the business and others saying that they are losing nearly all of the increase of their herds every season that they turn their stock out upon those ranges, and that they can not stand it and will have to quit the business if something is not done to put a stop to such thieving; and

Whereas at its meeting held in Alturas on March 4, 1911, W. J. Dorris, temporary president of the Alturas Stock Association, was elected by the association a member of a committee of one to take up the matter of the thieving of live stock upon the national forests with the Forest Service; and

Whereas he, acting in that capacity, has sent a letter to the supervisor of the Modoc National Forest at Alturas, one copy to the district forester at San Francisco, and one copy to the Forester at Washington, D. C., the last two copies having been sent through the office of the supervisor at Alturas, and has secured the promise of the supervisor of the Modoc National Forest to take the matter up with the district forester in a personal interview along the lines set out in the letter above referred to, a copy of which is as follows: Now therefore be it

Resolved, By the Alturas Stock Association, at a regular meeting held in Alturas on March 25, 1911, that it is the sense of this association that the Forest Service should furnish detectives, or special-service men, skilled in the detection of such crimes, to operate against such thieves operating upon the national forests; and that we hereby authorize and instruct the committee on thieving to continue in its endeavors and to use all honorable means in its power to secure the sending of such detectives, or special-service men, by the Government to the Modoc National Forest to operate against that particular kind of thieving above referred to; and that, in the opinion of this association, there is nothing that will have a stronger tendency to promote a feeling of good-will among all classes of the users of the national forest for the Forest Service than the protection of its permittees against the above-described thievery.

The above resolution was adopted by the Alturas Stock Association at a meeting held in Alturas on March 25, 1911, at which a quorum of its members, for the transactions of business, was present.

W. J. DORRIS, *President*.

Attest:

W. H. FLOURNOY, *Secretary Pro Tempore*.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington April 6, 1911.

Mr. W. J. DORRIS,
President Alturas Stock Association, Alturas, Cal.

DEAR SIR: Your letter of March 27 is received.

The act creating the various national forests and establishing the powers of the forest officers states very specifically that—

"The jurisdiction, both civil and criminal, over persons within such reservations shall not be affected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such reservation is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State."

Under this act it has been repeatedly held by the Forester that the Forest Service can not employ detectives for the prevention or ferreting out of crime on such national-forest lands where the crimes specified are not attempted against the property of the United States. The stealing of live stock belonging to permittees on the national forests can not be considered as an attack upon the property of the United States, and for this reason requests for the employment of detectives of any kind have always been denied. The forest officers are instructed to use all reasonable efforts to assist the local law officers in the detection of criminals and the prevention of crime on the national forests either against the person or the citizens of the State or their property, but beyond this they are not allowed to go. I think that this is the only way in which this question can be handled, for while the Forester would be only too pleased to assist the stockmen in protecting their property by such means, I am sure you will readily see that the same protection might be accorded the citizens residing in the limits of the national forests to their property, their homes, and their lives, which would eventually very seriously complicate the administration of affairs on a national forest within a State.

Very truly, yours,

A. F. POTTER,
Associate Forester.

(Copy of a letter from the Forester to W. J. Dorris in regard to the sending of a detective to the Modoc National Forest to operate against live-stock thieves.)

ALTURAS, MODOC COUNTY, CAL., May 7, 1911.

THE FORESTER, Washington, D. C.

DEAR SIR: Your letter of the 6th of last month was duly received and the contents were carefully noted. The answer has been delayed until the present time awaiting the meeting of the executive committee of our association.

I think that you misunderstood the request of our association that detectives be sent to the Modoc National Forest to ferret out and to secure evidence sufficient to convict all persons guilty of the crime of stealing live stock from the permittees of the said national forest.

It was not our intention to imply that any prosecutions for such crimes should be had in any Federal court or under any Federal statute. I look upon the Federal laws which you quote as sound in principle and fully agree with you that any acts of the Forest Service in violation thereof would certainly lead to complications.

Our request and our desire in the matter is that the Forest Service send detectives to ferret out such crimes committed upon the national forest and to secure evidence against such thieves operating thereon to convict them of their crimes, and that such evidence then be handed over to the proper county or State officers, who will prosecute such offenders.

There is nothing in the Federal law which you have quoted to prevent such action upon your part, and that is all that we need. It will reach the situation. There is nothing in the law of the land, Federal, State, county, or district, of which I am aware, that prohibits any individual whatever, of any nationality or allegiance, from performing the thing that we are asking you to send detectives here to do. A citizen of Japan or the Malay Peninsula would have just as much right in the premises as a citizen of our country—to obtain and present to the proper authorities evidence sufficient to convict a person, any person, guilty of any crime, committed anywhere in these United States, in this case, the crime of stealing live stock from the permittees of the Modoc National Forest.

You call to my attention on the second page of your letter that "the forest officers are instructed to use all reasonable efforts to assist the law officers in the detection of criminals and the prevention of crime on the national forests either against the person, or the citizens of the State, or their property, but beyond this they are not allowed to go." This, of course, is your instructions to the officers and employees of the service.

If you have the right to instruct the forest officers and employees to use all reasonable efforts to assist the local law officers in the detection of criminals on the national forests, it naturally follows that you have the right to send to the national forest where crimes exist men who know to assist them.

If any person on his own initiative has a right to detect crime and secure evidence sufficient to convict criminals, it naturally follows that any officer or employee of the service has a right to take the initiative in the ferreting out of such crimes.

You intimate in your letter that it would not be good policy for you to take up the detection of the theft of live stock upon the national forests because to do so would make the service liable to the same extent for the detection of all other crimes existing on the said forests and therefore would "very seriously complicate the administration of affairs on a national forest within a State."

If it is optional with you as to whether you take up the theft of live stock upon the national forests at all or not, and such appears to be the case from my interpretation of the meaning of your letter, it is likewise optional with you as to whether you take up any crime or not. This being the case, you have the authority to take up or let alone any crime, or any series of crimes, as the needs of the case and the circumstances surrounding it may warrant you in the action decided upon. You can take up the thieving of live stock and leave all other crimes alone; you can take up all other crimes and leave the thieving of live stock alone. Should you decide to take up the thieving of live stock and assist the stockmen to convict such thieves, you have the authority to say whether the practice is carried on in any particular locality to the extent that will warrant your interference in the matter or not. You can go to the point where complications begin and then stop. You can take the whole matter up or you can let the whole matter alone. Your authority is ample.

You have decided to take the matter up and have ordered the officers and employees of the service to assist in the detection of crime committed upon the national forests. We are asking you to go a little further and send men who know how to assist in the detection of the one particular crime that almost always goes unpunished, that of "rustling live stock" upon the national forests. We think that it is good policy upon the part of the Forest Service to do this. The service will always be intimately associated with the grazing interests of the country.

At any rate the elemental difference existing between the crime of stealing live stock and other crimes is sufficient to protect you from complications with other crimes.

The Forest Service has taken charge of the ranges lying within the national forests and manages the grazing thereon and the use to which the stockmen may put the ranges. For all this the stockmen are paying a grazing fee. The value of that management to a community is largely determined by the increased revenues of the stock business of a man so using the ranges on the national forests over what it was before the establishment of such reserves. If such thieving is permitted to continue the said revenue is either entirely cut off or reduced to a point where a very bad showing is made, and the stockman feels that he is paying for something that he is not getting.

The evidence of nearly all other classes of crimes than that of the stealing of live stock is so much more easily obtained and the laws for the punishment of such other crimes are so much better enforced that the crime of the stealing of live stock stands in a class by itself. Such other crimes are usually committed in the communities or near the habitation of man, and every man near the place where such a crime has been committed assists in the bringing of the offender to the law. Many of the arrests made for the committing of such crimes are made upon the warrant of some neighbor. You may follow it down the entire line of offenses against the law, and you will observe that all of the crimes against man and his property in the rural districts are pretty well detected and punished, until you come to that of "rustling," and the difficulty of getting convictions in the latter offense is the reason that it is not better handled.

The ownership of live stock is, with rare exceptions, determined by a brand or a brand mark. Live stock is allowed to roam during the grazing season far from any human habitation, and some stock, no doubt, is not seen from the time that it is turned out the ranges until the first snow in the early part of the winter drives it into the open country. The large areas of rough, broken grazing land, full of mountains and canyons and timber, and uninhabited, make it an easy matter for thieves to watch their opportunity to dodge ranchmen, vaqueros, and others that may be in charge of such stock, and slaughter one at a time and dispose of the carcass in some handy market or drive the stolen animals to remote places where their brands are not known and sell them. In slaughtered animals the hide containing the mark and brand is very easily disposed of, which leaves no evidence of owner-

ship. Unbranded calves may be driven away from their mothers, weaned, and stolen under cover of the uninhabited stock ranges. Branded stock may be gathered in small bunches from the more unfrequented places where it is found upon the ranges and driven across the long expanses of uninhabited country leading therefrom to a place where the brands and marks are not known, and sold with but little danger to the thief.

The local machinery established for the enforcement of the laws is wholly inadequate for the capture of such thieves. By a careful analysis of the situation you will readily see that it is almost wholly beyond the control of the stockman himself.

The situation, it appears to me, can only be reached by detectives skilled in such work who will give their entire time to a given case or locality until some result is obtained. Such detectives are not to be found among the stockmen nor are they provided for in the local governments.

The Forest Service, by its present organization, is in a better position to furnish such detectives and handle the situation effectively than any other way that presents itself to us or of which we have knowledge. A detective skilled in such work, whose purpose would not be known in the community, and who would work in conjunction with the local forest service, it appears to me, would reach the situation.

In your letter you stated in substance that the Forester would be only too pleased to assist the stockmen in protecting their property if he had the authority to do so and could do so without "seriously complicating the administration of affairs on a national forest within a State." We have carefully considered the matter, and for the reasons herein given, think that the Forester has ample authority to do what we have asked of him, and also that favorable action upon his part in the matter will not seriously complicate the affairs of the Forest Service.

We therefore ask you to reconsider your decision in this matter and send a detective to the Modoc National Forest to secure evidence against those criminals guilty of the theft of live stock thereon sufficient to convict them of their crimes.

If you are not fully convinced of the expediency of such a move in this matter, we ask you to make the experiment, and then, if you find that it works badly, is time enough to recall such detective and decline to take up such matters in the future.

Yours, truly,

W. J. DORRIS,
Committee of One on the Theft of
Live Stock on the Modoc National Forest and
President of the Alturas Stock Association.

Mr. RAKER. Mr. Chairman, just one word and I am through with this matter. I desire to call the attention of the committee to this fact, that there are many, many thousands of permittees who use these ranges. Gentlemen should understand the extent of some of these ranges, as they contain from seventy-five to one hundred or one hundred and fifty thousand acres of land. The Government has retained charge and control of them, with a supervisor and rangers. These stockmen, cattlemen, and horsemen are permitted to put their stock upon these ranges by paying a certain fee. The Government sends out its supervisor and its rangers, and this provision was for the purpose of having these men now riding upon the ranges make report to the supervisor, that he in turn might report to the sheriff and the district attorney. People from Nevada, Oregon, and Idaho come into my State, and reversing that, in the ranges, they go from my State into those States—from one State into another. They are in the habit of taking the property of these permittees, when they are doing legitimate business and paying for the privilege, and while the Government has agents on this land, riding over it. It seems to me that you ought to permit these officers and request them to give information to the supervisor in order that the property of these people from whom you are receiving money should have some consideration.

I withdraw the pro forma amendment.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, \$275,000.

Mr. LAMB. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read, as a separate paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a separate paragraph, between lines 10 and 11—

Mr. MANN (interrupting the reading). Mr. Chairman, I rise to offer a preferential motion. That is a new paragraph, and I desire to offer an amendment to amend the paragraph just read by striking out, in line 10, the "\$275,000" and inserting in lieu thereof "\$500,000."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 47, line 10, strike out the words "two hundred and seventy-five thousand dollars" and insert in lieu thereof the words "five hundred thousand dollars."

Mr. MANN. Mr. Chairman, I would suggest to the gentleman that if he desires to let this be passed over, that may be done. There will be some discussion on this, and we shall want a vote upon it.

Mr. LEVER. Mr. Chairman, I suggest that we do that, that we pass over that item without prejudice, and read the balance of the subject under consideration.

Mr. MANN. Mr. Chairman, I ask unanimous consent to pass the paragraph just read, without prejudice, until after we have line 7, on page 48.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to pass the paragraph under consideration until after the reading of line 7, page 48. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, I desire to ask the gentleman from Illinois a question. Do I understand that this will not prevent any further amendments to the paragraph?

Mr. MANN. Oh, no. I merely asked unanimous consent that the paragraph be passed over.

Mr. LAMB. Mr. Chairman, I ask for the reading of my amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Insert as a new paragraph between lines 10 and 11, page 47. "Any contract or agreement heretofore or hereafter made for the sale of timber or other product of the national forests may be modified, altered, or canceled by the Secretary of Agriculture upon the application of the purchaser whenever the purchaser shall show to the satisfaction of the Secretary that owing to conditions beyond the purchaser's control and arising subsequent to the execution of the contract, the enforcement thereof will work serious hardship or injustice to the purchaser: *Provided*, That the United States shall in all such cases be fully reimbursed for any expenditures or damages incurred in connection with said contract: *Provided further*, That in no case shall the stumpage price stipulated in the contract or agreement be reduced by such modification or alteration: *And provided also*, That nothing herein shall be construed to limit the authority of the Secretary of Agriculture to modify, alter, or cancel any such contract or agreement for violation of its terms."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

Mr. LAMB. Mr. Chairman, this is an amendment which will work better for the whole Forest Service, and I desire to read a part of what the Secretary says—

Mr. FITZGERALD. Let us see about that.

Mr. LAMB. I read what the Secretary says:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 15, 1912.

Hon. JOHN LAMB,
House of Representatives.

MY DEAR COL. LAMB: There is attached a suggested amendment to the appropriation bill for this department now under consideration by your committee.

An exhaustive investigation of legal authorities conducted by the Solicitor of this department has shown that I am without authority to modify or cancel a contract for the purchase of timber on the national forests unless such modification would clearly be advantageous to the interests of the United States affected by such contract, or unless the conditions affecting the operation of the contract have been changed because of some act of the United States. This conclusion has been corroborated by the Comptroller of the Treasury.

Numerous cases have arisen in the administration of timber-sale contracts in which a modification of their terms is desirable to relieve the purchasers from serious hardship, but can not be made under the existing legal restrictions. In a typical case in point, now under consideration, a certain body of national-forest timber was purchased with a view to supplying local mines with timbers. The subsequent shutting down of the mines has absolutely destroyed the market for the timber cut. To force the purchaser under such conditions to comply with his contract as originally framed would be to cause him to incur a total loss of all money expended in cutting and removing the material. In such cases I desire authority to relieve the purchaser of hardship by modifying the terms of the contract so as to reduce the amount of timber which he is required to cut.

The suggested amendment has been so worded, in my judgment, as to protect the United States from possible injury arising from abuse of this authority. It is designed to cover only cases where circumstances arising subsequent to the execution of the contract, and wholly beyond the control of the contractor, would cause him serious loss if he is compelled to carry out the agreement as originally framed. Such action is not consistent with the honor of the United States or with the policy of justice and fair dealing which should be followed in transactions with national-forest users. Nor is it, in my judgment, consistent with the intent of Congress in its legislation regarding the national forests, which, generally speaking, is designed to promote the use of the national forests for the benefit, not the injury, of American citizens.

I hope that this amendment will, therefore, receive your favorable consideration.

Very sincerely, yours,

JAMES WILSON,
Secretary.

Mr. FITZGERALD. Mr. Chairman, I do not agree with the conclusions of the Secretary. There are much more serious cases than the one cited, which have arisen in other branches of the Government service. In the furnishing of supplies to the Army and Navy instances have arisen where the enforcement of contracts would work great hardships upon contractors. I recall a case, of which I have particular knowledge, where a contract was made to furnish bread to the Navy Department for a year. After the contract had been made, because of certain peculiar conditions the price of flour rose very materially and the person who made the contract desired to be relieved of it, because he would suffer a loss. The request, of course, was properly refused. The enactment of such a provision as this would make men much less careful in entering into contracts

with the Government for the purchase of timber. I do not know the manner in which the contracts are now made, but if this timber is sold on competitive bids, the fact that if conditions changed the man getting the contract might be relieved of an onerous contract and the loss fall on the Government rather than on him would make men extremely reckless in their attempts to secure such contracts. I do not believe this sort of legislation should be incorporated in this bill.

Mr. LAMB. Where would we get legislation to relieve just such a condition as this?

Mr. FITZGERALD. I do not believe there is any equity in favor of a man under such circumstances.

Mr. LAMB. If the gentleman from New York were to give a little time and attention to this matter, I think he would agree with the views expressed by the Secretary.

Mr. FITZGERALD. I would not. I have gone into it very fully in connection with other departments of the Government.

Mr. LAMB. I asked the Secretary to give me some concrete cases in regard to this matter for fear that objections would be made here. He furnished me with the following:

JANUARY 17, 1912.

MEMORANDUM CONCERNING BIGHORN TIMBER CO. SALE.

The Bighorn Timber Co., of Ranchester, Wyo., in July, 1909, entered into a contract with the Forester to purchase 100,000,000 board feet of timber from the Bighorn National Forest. The contract provided that all the timber should be cut within a period of five years, and at least 15,000,000 board feet should be cut during each year of the life of the contract. The requirement of a minimum amount to be cut each year is inserted in all Forest Service contracts to insure bona fide operations and to prevent the possibility of the purchaser holding the timber uncut for several years for speculative purposes.

Practically all of the timber cut by the Bighorn Timber Co. under its contract is manufactured into ties, which have from the beginning been sold to the Chicago, Burlington & Quincy Railroad, the only railroad through this portion of the country. A very small percentage of the timber from this sale, consisting of some rough lumber and mining props, can be sold to purchasers other than the railroad, but these other purchasers can use only a very small fraction of the timber cut and manufactured annually by the company. The success of the Bighorn Timber Co.'s operation is therefore absolutely dependent upon the market afforded by the Burlington Railroad Co. for railroad ties. When the timber company executed its contract with the Government it had every reason to believe that the railroad would continue to purchase ties in such amounts annually as would permit the company to carry out its contract with the Government.

The Bighorn Timber Co.'s last contract with the Burlington Railroad for the purchase of ties by the railroad expired in June, 1911. The timber company fully expected that the railroad would renew its contract as it had done on previous occasions. Contrary to these expectations, the timber company was informed in August, 1911, by Vice President Byram, of the Burlington, that his railroad had on hand a large surplus of ties which would be sufficient to supply the present needs of the company for maintenance and new construction for the years 1912 and 1913, and that the railroad would not consider for the present continuing its purchases of ties. It is evident that the general policy of retrenchment which the railroads throughout the country have adopted has operated to curtail present purchases of ties. The Burlington Railroad has, however, informed the Bighorn Timber Co. that it would renew its purchases of ties in 1913, but not before that time.

In brief, the action of the railroad company has swept away the market upon which the Bighorn Timber Co. was absolutely dependent for the sale of its timber. The timber company has recently applied for an extension of time on its contract with the Government so that it may suspend operations for one year, after which period it expects to renew operations to cut timber for sale to the railroad in 1913.

The situation described has been carefully investigated by the Forest Service, and the statements of the Bighorn Timber Co. with regard to the loss of their market have been verified. It is manifestly impossible for the timber company to cut 15,000,000 board feet of timber a year for which they can find no market. To attempt to cut such an amount of timber and hold it for future sale would involve the investment of a very large amount of money in stumpage and logging costs with no immediate returns. Furthermore, when the railroad resumes its purchases it will not buy an accumulated surplus of ties, but only such an amount as the timber company will produce in the course of an ordinary year's operation.

The timber company is in no manner responsible for the situation which has developed, and it is clearly impossible for the company to continue its operations as contemplated by the original contract. To attempt to force the company to perform the obligations of its contract under these circumstances would appear to be gross injustice. It seems clear that in cases such as these the Secretary of Agriculture should have the authority to modify, within his discretion, the terms of a contract so that the purchaser would not have to suffer hardship and financial loss. In this case such modification, which would consist of an extension of time of a year or a year and a half for the performance of the contract, would not entail any loss to the Government, since the sale of the timber would only be postponed but not canceled. On the other hand, if an attempt should be made to force the company to carry out the contract under the impossible conditions existing, it is extremely probable that the company would at once become insolvent and be forced out of business. In such an event the Government would have lost this immediate opportunity of selling the timber under contract, and it would undoubtedly be some time before another purchaser might be found for this particular body of timber.

JANUARY 17, 1912.

MEMORANDUM CONCERNING SALE OF TIMBER TO MR. ORLEANS LONGACRE, SR.

On November 11, 1909, Orleans Longacre, sr., entered into a contract with the Forest Service to purchase approximately 150,000 board feet of saw timber and 3,000 linear feet of mining stulls on the Prescott National Forest, Ariz. By the terms of the contract all cutting was to be completed on or before July 1, 1910. This timber was purchased for the purpose of supplying local mines, which furnished the only market for it. After he had cut approximately one-half of the timber,

these mines, to which he sold his product, discontinued operations. He was therefore left with no market whatsoever for his timber.

These conditions, which forced Mr. Longacre to abandon operations before he cut all of the timber included in the sale, could not have been foreseen and were wholly beyond his control. If he were forced to cut all the timber covered by the contract he could only have piled it and let it decay. Investigation has shown that failure to complete his contract would result in no damage to the United States.

In this and similar cases it seems clear that the Secretary of Agriculture should be given authority to relieve the purchaser from a serious hardship by modifying the contract so as to reduce the amount of timber covered by it.

The Secretary says:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 18, 1912.

Hon. JOHN LAMB,
House of Representatives.

MY DEAR COL. LAMB: Reference is made to my letter of January 15, inclosing a suggested amendment to the appropriation bill for this department, and to Associate Forester Potter's conference with you regarding this matter of January 16.

I inclose statements regarding two specific timber-sale contracts which serve as examples of cases in which I believe I should have the necessary authority to modify contracts to relieve purchasers from serious hardship.

The case of the timber-sale contract with Mr. Orleans Longacre, sr., is the case referred to in my letter of January 15, and the Bighorn Timber Co. sale is the case mentioned to you by Associate Forester Potter.

Very sincerely, yours,

JAMES WILSON,
Secretary.

Then I have a further communication from the Chief Forester that I will insert, for this is an important matter and should be provided for in this bill:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, March 8, 1912.

Hon. JOHN LAMB,
House of Representatives.

MY DEAR COL. LAMB: In further reference to Secretary Wilson's letter of January 15, suggesting an amendment to the appropriation bill for the department which would authorize the Secretary to modify timber-sale contracts where such action is necessary to relieve purchasers from serious hardship:

Under a decision rendered by the Comptroller of the Treasury on December 27, 1910, and in accordance with other existing legal authorities and precedents, the authority of the administrative officers to modify the terms of timber-sale contracts is restricted to exceedingly narrow limits. In effect, sale contracts can not be modified unless such action is clearly to the immediate, technical interests of the United States as defined in the specific transaction. Not only are broader considerations of equity and fair dealing with purchasers eliminated, but also the broader and permanent interests of the United States in developing a market for national forest stumpage and encouraging its sale by dealing equitably with its purchasers.

The latter feature of the present situation is extremely serious. With our present limitations in adapting sale contracts which have been made to subsequent conditions, unforeseen at the date of the execution of such contracts, I fear that the Forest Service will be seriously handicapped in its efforts to increase the sale of national forest timber. Reports have been received from practically every district indicating that the restrictions in this regard will prevent lumbermen from buying national forest timber and will result in the suspension of operations in a number of sales which have been made. In these cases the United States will be forced to cancel the contract at its own initiative and perhaps resort to action at law to recover damages sustained through such termination of the sale.

The object of the proposed amendment is not to favor purchasers of timber in any way detrimental to the public interests. It is to enable the department to adapt its sale contracts to actual conditions, which necessarily change from time to time, and to deal equitably with its purchasers in these matters. I can not emphasize too strongly that this action is necessary to put our sales business upon a permanent basis and increase its volume to the amount which is desired. If this legislation can not be secured we will be under a serious handicap in selling national forest timber, which I fear may result in a material reduction of the receipts which would otherwise be possible from this source.

Very sincerely, yours,

H. S. GRAVES, Forester.

Mr. FITZGERALD. This is simply giving the prospective contractor of the Government advantages he would not possess with anybody else, making it impossible for him to lose, and in case there is to be a loss it must fall on the Government.

Mr. LAMB. In my judgment, it is simply giving to the Secretary of Agriculture the power to rearrange or modify contracts just as you and I as individuals would have to do if certain contingencies arose over which we would have no control. That is the whole statement.

Mr. FITZGERALD. If the gentleman from Virginia owned a tract of timberland and made a contract for sale at a specific price, he would not be very much interested in relieving the purchaser from his contract obligation if the person with whom he made the contract informed him subsequently that the market he expected to place this timber in for some reason or other had failed to materialize. This very contract might have prevented some other person making an equally advantageous contract by which his timber would have been taken.

Mr. LAMB. I think, Mr. Chairman, I have made perhaps as many timber contracts as any individual here. I have cut millions of feet of timber and made all sorts of contracts. And this provision, I confidently say, is one that would hold good between two honorable private citizens negotiating a con-

tract or sale. And to save my life I can not see why there should be any objection to it. If it worked harm in 12 months, we could change it again, and I do not see that there could be any objection to complying with what has been carefully considered by the solicitor of the department, recommended by the Secretary of Agriculture, and advised and suggested by the Chief Forester.

Mr. BEALL of Texas. I have very great confidence in the Secretary of Agriculture and the Solicitor and the Chief Forester, but I think it would be very unfortunate for an amendment of this kind to be adopted because I think it would be unfair to the Government and would necessarily lead to very great abuses in which the Government would greatly suffer.

Mr. HUGHES of New Jersey. Will the gentleman yield there?

Mr. BEALL of Texas. Yes, sir.

Mr. HUGHES of New Jersey. I gathered from what the gentleman from Virginia said that a condition might arise where the Government, in view of the needs of a certain locality, might permit a certain amount of timber to be cut. Perhaps it would not care to have it cut, but in response to the needs of that particular locality would enter into contract for the sale of timber, and in case of beginning operations it would become apparent that the timber was not needed. The Government, perhaps, is not at all anxious to sell its timber, and yet under the rigid terms of the contract a man would be compelled to go on and cut timber and take timber that the Government would rather have standing.

Mr. LAMB. But the gentleman is stating a hypothetical case.

Mr. FITZGERALD. If the Government would prefer not to have the timber cut or sold they would never make the contract.

Mr. HUGHES of New Jersey. But suppose the Government would not agree about selling the timber in the first place?

Mr. FITZGERALD. Then it could never have made the contract.

Mr. HUGHES of New Jersey. But suppose that, in response to a local need, as a favor to a community, it would let them have this timber, and then the local needs should pass away. Then, under the terms of the original contract, they would have to go on and cut the timber just the same.

Mr. BEALL of Texas. It is possible, Mr. Chairman, for the gentleman to imagine extreme cases in which the party who makes the contract with the Government would be compelled to abide by the contract to his injury and where the equities would suggest that he might be entitled to some relief. But for every one of these extreme cases there would probably be many more other cases where the parties would without any real equity seek to rescind their contract for the purchase of timber. Now, it makes a one-sided contract if, when the purchaser insists upon a compliance, the Government has to comply; but if by reason of changed conditions—and that is a term which has a great deal of latitude in its meaning—

Mr. LAMB. Mr. Chairman, will the gentleman permit me a suggestion right there?

Mr. BEALL of Texas. Yes.

Mr. LAMB. The gentleman has not studied this case.

Mr. BEALL of Texas. I do not really think it is necessary, Mr. Chairman, for a man to study this case very long to see the inequity of it and the injustice of it to the Government.

Now, take one illustration which the chairman of the committee submitted, where a man bought timber in the expectation that a certain improvement would be made, and expected to realize a profit out of that. His calculations went awry; that enterprise was not carried on as he expected; and so under this amendment he would have the right to come to the Government and ask for a modification of the contract.

But let us take another case. Suppose a man makes a contract with the Government for the purchase of timber with certain conditions prevailing, and after that contract is made there is a change of conditions which makes it very much more profitable to him than either he or the Government contemplated it would be. He would not go to the Government then and ask for any change or modification of the contract. On the contrary, he would stand upon his legal rights, and he would exact the last farthing from the Government upon his contract. This proposition here is simply to invite—

Mr. LAMB. The gentleman is predicating a case that would not occur here.

Mr. BEALL of Texas. I am predicating a case that might easily occur.

Mr. LAMB. It is specific. I will cite in the record two concrete cases referred to by the Secretary that illustrates the absolute necessity for the amendment.

Mr. BEALL of Texas. No; it is general. If the amendment of the gentleman were specific—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Texas [Mr. BEALL] be extended five minutes.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent that the time of the gentleman from Texas [Mr. BEALL] be extended five minutes. Is there objection?

There was no objection.

Mr. BEALL of Texas. If it could be construed in such a way that this amendment of the gentleman from Virginia would apply to that specific case only, of course it would not be a matter that would be of very much concern to the committee or of very much concern to the country. But he proposes to put into this appropriation bill a provision which is general in its nature, under the scope of which anybody who is dissatisfied with any contract that he has made with the Government could come on and ask for a modification of it. Why, they say it is subject to the control of the Secretary of Agriculture; but—

Mr. ELLERBE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from South Carolina?

Mr. BEALL of Texas. Certainly.

Mr. ELLERBE. If the man who has made the contract comes and asks for this modification there is no provision in here that forces the Government, through its agents, to grant a modification, is there?

Mr. BEALL of Texas. No; there is no provision here that forces it, except by that silent force that always operates upon the Government that so often gives the Government the worst of it in a controversy with an individual. How many Senators and how many Representatives would go to the Secretary of Agriculture, where the interests of their constituents were involved, begging and importuning the Secretary and his subordinate officials to grant this relief?

The gentleman from South Carolina [Mr. ELLERBE] and every other gentleman knows the processes that would be carried on. The only effect of it and the only result of it will be injury and detriment and damage to the Government, and it will afford an avenue through which any man who makes a contract with the Government and then discovers that it is likely to be an unprofitable contract will begin to besiege the Department of Agriculture for a modification of it.

It is all wrong. It will not aid the Government. It will aid the man who makes a contract with the Government, expecting to get the better of the contract, and when conditions change somewhat and he discovers that his contract does not promise to be as profitable as he expected, then comes in and wants to be relieved from the obligations that he has assumed. The Government is held to its obligation, and the same rule should be applied to a man who makes a contract with the Government. [Applause.]

Mr. LAMB. Mr. Chairman, at this late hour I do not propose to press this matter further, but I do promise the committee that I will make it plain, in answer to my friend from Texas [Mr. BEALL], that this amendment ought to be agreed to.

I move that the committee do now rise.

The CHAIRMAN. Is the amendment withdrawn?

Mr. LAMB. No.

Mr. FITZGERALD. The point of order is reserved.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. FITZGERALD. The gentleman from Virginia [Mr. LAMB] wishes to have the committee rise. Let the point of order be reserved.

The CHAIRMAN. The point of order is reserved. The gentleman from Virginia moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. JAMES having resumed the chair as Speaker pro tempore, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. STEPHENS of Mississippi, indefinitely, on account of illness.

To Mr. COPLEY, for two weeks, on account of illness.

To Mr. MORGAN, for 10 days, on account of important business.

To Mr. BLACKMON, for the day, on account of sickness.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. RIORNAN, leave was granted to withdraw from the files of the House, without

leaving copies, the papers in the case of Theresa Sheidmantel, H. R. 23232, second session Sixty-first Congress, no adverse report having been made thereon.

PANAMA CANAL HEARINGS.

Mr. FINLEY. Mr. Speaker, I ask present consideration of a privileged resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 441.

Resolved, That 800 copies of hearings Nos. 1, 2, and 3 on the Panama Canal, before the Committee on Interstate and Foreign Commerce, House of Representatives, be printed for the use of the said committee.

The SPEAKER pro tempore. The Clerk will read the report (No. 404).

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 441) providing for the printing of 800 copies of Panama Canal hearings Nos. 1, 2, and 3, before the Committee on Interstate and Foreign Commerce, report the same back to the House with the recommendation that the resolution be agreed to. The estimated cost will be \$500.

The resolution was agreed to.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until Monday, March 11, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting for an appropriation adjudicated claim of schooner *Margaret Haskell* for damages sustained by collision with U. S. S. *Ammen* (H. Doc. No. 606); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting estimate of appropriation for repairs and improvement for New York (N. Y.) appraisers' stores (H. Doc. No. 604); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting petition signed by 79 United States storekeepers-gaugers in the fifth district of Illinois, requesting increase in their compensation (H. Doc. No. 605); to the Committee on Ways and Means and ordered to be printed.

4. A letter from the Secretary of Commerce and Labor, recommending that if an appropriation is authorized by Congress for the entertainment of representatives of international chambers of commerce that the Department of Commerce and Labor be given official authority to participate therein (H. Doc. No. 607); to the Committee on Foreign Affairs and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting detailed statement of the refunds of customs duties, etc., for the fiscal year ended June 30, 1911 (H. Doc. No. 608); to the Committee on Ways and Means and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbors of the island of Kauai, Hawaii (H. Doc. No. 609); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 16101) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming, reported the same with amendment, accompanied by a report (No. 400), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Special Committee to Investigate the Taylor and Other Systems of Shop Management, submitted a report thereon (No. 403), which said report was referred to the House Calendar.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 1647) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public

buildings, to authorize the erection and completion of public buildings, and for other purposes," reported the same without amendment, accompanied by a report (No. 402), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 21597) granting pensions and increase of pensions for certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 401), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 17865) granting an increase of pension to Nelson G. Smith, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUMPHREY of Washington: A bill (H. R. 21586) appropriating \$100,000 to be used by the Forest Service in constructing a road from the town of Glacier to Mount Baker, in the Mount Baker Forest Reserve; to the Committee on Agriculture.

By Mr. CARTER (by request): A bill (H. R. 21587) authorizing and directing the Secretary of the Interior to accept a surrender of certain segregated lands and to grant certain other lands of the same area in lieu thereof, to cancel certain claims for royalties, and for other purposes; to the Committee on the Public Lands.

By Mr. FERGUSON: A bill (H. R. 21588) to authorize the Secretary of the Treasury to pay to the governor of New Mexico, for the use of the State of New Mexico in the furnishing its capitol building, the unused balance of the sum appropriated for the purpose of defraying the expenses of the constitutional convention of said State and certain elections; to the Committee on Appropriations.

By Mr. HOWARD: A bill (H. R. 21589) to repeal the act authorizing the Director of the Census to collect and publish statistics of cotton ginned, approved February 23, 1901; to the Committee on the Census.

By Mr. RUSSELL: A bill (H. R. 21590) to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, in Missouri; to the Committee on Rivers and Harbors.

By Mr. JAMES: A bill (H. R. 21591) relating to the removal of civil cases from the State courts to United States courts; to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 21592) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," etc.; to the Committee on the Judiciary.

Also, a bill (H. R. 21593) to amend section 29 of the act entitled, "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898; to the Committee on the Judiciary.

Also, a bill (H. R. 21594) to appoint a commission to consider and report upon the general subject of the treatment of juvenile and first offenders, together with the best system of detention of Federal prisoners; to the Committee on the Judiciary.

By Mr. STERLING: A bill (H. R. 21595) to regulate the granting of restraining orders and injunctions; to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 21596) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: Resolution (H. Res. 445) to print additional copies of hearings before Committee on Foreign Affairs on H. R. 6746 and H. R. 7694; to the Committee on Printing.

By Mr. REILLY: Resolution (H. Res. 446) authorizing the payment of a certain sum of money to Mary Christmiller; to the Committee on Accounts.

By Mr. MCKINLEY: Resolution (H. Res. 447) authorizing the payment of a certain sum of money to Mary Perry; to the Committee on Accounts.

By Mr. SHARP: Resolution (H. Res. 448) requesting the Secretary of War to furnish information pertaining to the development of military aviation in the United States and foreign countries; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXI, private bills and resolutions were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 21598) granting a pension to Jacob Eley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21599) granting a pension to Peter M. Shultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21600) granting an increase of pension to Russell F. Oliver; to the Committee on Pensions.

By Mr. ANDRUS: A bill (H. R. 21601) for the relief of Thomas McClure; to the Committee on Military Affairs.

Also, a bill (H. R. 21602) granting an increase of pension to William Hopfensack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21603) granting an increase of pension to Thomas Graham; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 21604) for the relief of Christ Schrey; to the Committee on Claims.

Also, a bill (H. R. 21605) for the relief of Hugh Cameron; to the Committee on Claims.

Also, a bill (H. R. 21606) granting a pension to Virginia M. Mills; to the Committee on Pensions.

By Mr. BATHRICK: A bill (H. R. 21607) granting an increase of pension to Barney L. Starin; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 21608) granting an increase of pension to Addison Miller; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 21609) for the relief of Darnas Hebert; to the Committee on War Claims.

Also, a bill (H. R. 21610) for the relief of Joseph Bernard; to the Committee on War Claims.

Also, a bill (H. R. 21611) for the relief of Auguste Albarado; to the Committee on War Claims.

Also, a bill (H. R. 21612) for the relief of Jules J. Dubernard; to the Committee on War Claims.

Also, a bill (H. R. 21613) for the relief of Katherine Smith; to the Committee on War Claims.

Also, a bill (H. R. 21614) for the relief of Marie Alexander; to the Committee on War Claims.

Also, a bill (H. R. 21615) for the relief of Eleanore Nevin; to the Committee on War Claims.

Also, a bill (H. R. 21616) for the relief of Esmerante Arse-neaux and heirs of Ovignac Arseneaux, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21617) for the relief of the heirs of Edward Sigur, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21618) for the relief of the heirs of George Sallinger; to the Committee on War Claims.

Also, a bill (H. R. 21619) for the relief of the heirs of N. Hermogene Breaux; to the Committee on War Claims.

Also, a bill (H. R. 21620) for the relief of the heirs of John Vigneaux, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21621) for the relief of the heirs of Desire Landry; to the Committee on War Claims.

Also, a bill (H. R. 21622) for the relief of the heirs of Owen Conlan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21623) for the relief of the heirs of Pierre Emile Arceneaux; to the Committee on War Claims.

Also, a bill (H. R. 21624) for the relief of the heirs of Ursin Bernard; to the Committee on War Claims.

Also, a bill (H. R. 21625) for the relief of the heirs of Louis Broussard; to the Committee on War Claims.

Also, a bill (H. R. 21626) for the relief of the heirs of Sevenne Boudreau; to the Committee on War Claims.

Also, a bill (H. R. 21627) for the relief of the heirs of Carmelite Boudreau; to the Committee on War Claims.

Also, a bill (H. R. 21628) for the relief of the heirs of Joseph Ursin Broussard; to the Committee on War Claims.

Also, a bill (H. R. 21629) for the relief of the heirs of Natalie Boudreau and Severin Landry, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21630) for the relief of the heirs of Pierre Arvillien Broussard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21631) for the relief of the heirs of Onezime Melancon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21632) for the relief of the heirs of Duplessin Broussard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21633) for the relief of the heirs of Jean Southeune Mouton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21634) for the relief of the heirs or estate of Aymar Mouton, deceased; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 21635) granting an increase of pension to August Arnoldi; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21636) granting an increase of pension to Henry Prange; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 21637) granting an honorable discharge to John T. Turner; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 21638) granting a pension to Isabell Kelly; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 21639) granting a pension to Bishop Karshner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21640) granting an increase of pension to William S. Donohoe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21641) granting an increase of pension to John C. McIntire; to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 21642) granting a pension to Lula B. Cowart; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 21643) for the relief of Joseph B. Dornier, administrator of the estate of Jules and Louisa Dornier, deceased; to the Committee on War Claims.

By Mr. FIELDS: A bill (H. R. 21644) granting an increase of pension to Frederick Arn; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 21645) granting an increase of pension to Robert Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21646) granting an increase of pension to Peter J. Shanley; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 21647) granting a pension to Gertrude Clites; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 21648) for the relief of Harry O. Clark; to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 21649) for the relief of John R. Martin; to the Committee on War Claims.

Also, a bill (H. R. 21650) for the relief of J. C. Peeples; to the Committee on War Claims.

Also, a bill (H. R. 21651) for the relief of J. M. Woolf; to the Committee on War Claims.

Also, a bill (H. R. 21652) for the relief of Benjamin R. Waller; to the Committee on War Claims.

Also, a bill (H. R. 21653) for the relief of John C. Henley; to the Committee on War Claims.

Also, a bill (H. R. 21654) for the relief of S. Hodge; to the Committee on War Claims.

Also, a bill (H. R. 21655) for the relief of J. C. Shelby; to the Committee on War Claims.

Also, a bill (H. R. 21656) for the relief of William H. Calvert; to the Committee on War Claims.

Also, a bill (H. R. 21657) for the relief of Mary English; to the Committee on War Claims.

Also, a bill (H. R. 21658) for the relief of J. C. Glenn; to the Committee on War Claims.

Also, a bill (H. R. 21659) for the relief of George W. Landram and H. M. Hensor; to the Committee on War Claims.

Also, a bill (H. R. 21660) for the relief of Columbus Doom and the estate of Ben Doom, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21661) for the relief of the heirs of Joseph Chandet; to the Committee on War Claims.

Also, a bill (H. R. 21662) for the relief of the heirs of C. R. Young, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21663) for the relief of the estate of John Allred; to the Committee on War Claims.

Also, a bill (H. R. 21664) for the relief of the estate of N. N. Rice, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21665) for the relief of the estate of Seth Wright, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21666) for the relief of the estate of John M. Higgins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21667) for the relief of the estate of W. M. O'Hara, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21668) for the relief of the estate of S. F. Crider; to the Committee on Claims.

Also, a bill (H. R. 21669) for the relief of the estate of Mary H. S. Robertson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21670) for the relief of the estates of John H. Stovall, William Hughes, and Timothy L. Hughes; to the Committee on War Claims.

Also, a bill (H. R. 21671) for the relief of the estate of Leander Johnsey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21672) for the relief of the estate of Jonathan Polk, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21673) for the relief of the estate of Timothy Burgess, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21674) for the relief of the estate of H. Cothis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21675) for the relief of the estate of J. Milton Best, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21676) for the relief of the estate of P. F. Watterfield; to the Committee on War Claims.

Also, a bill (H. R. 21677) for the relief of the estate of T. J. Pritchett, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21678) for the relief of the estate of James A. Gregory, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21679) for the relief of the estate of Richard Pemberton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21680) for the relief of the estates of M. F. de Graffenried and T. D. de Graffenried, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21681) for the relief of the Christian Church of Cadiz, Ky.; to the Committee on War Claims.

Also, a bill (H. R. 21682) for the Relief of the trustees of the Methodist Episcopal Church South, at Paducah, Ky.; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 21683) granting an increase of pension to Samuel P. Robinson; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 21684) granting an increase of pension to Johanna Ward; to the Committee on Pensions.

Also, a bill (H. R. 21685) for the relief of James L. Dalton; to the Committee on Claims.

By Mr. NEELEY: A bill (H. R. 21686) granting a pension to Othello A. Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21687) granting an increase of pension to John G. Parker; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21688) granting a pension to Jacobena Schneider McGath; to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 21689) granting an increase of pension to Ephraim Martin; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 21690) granting an increase of pension to Ann Fagan; to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 21691) granting a pension to Adeline Beaver; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 21692) for the relief of John B. Hill; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 21693) granting an increase of pension to Henry M. Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21694) to remove the charge of desertion from the military record of Thomas Jefferson McCollister; to the Committee on Military Affairs.

By Mr. TAYLOR of Alabama: A bill (H. R. 21695) for the relief of Lydia H. Powers; to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 21696) granting an increase of pension to John Hendershott; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 21697) granting an increase of pension to George A. Stewart; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 21698) granting a pension to Evan A. Evans; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 21699) granting an increase of pension to James L. Warner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Tug Firemen and Linemen Protective Association of the Great Lakes, requesting that a rivers and harbors bill be passed at this session of Congress; to the Committee on Rivers and Harbors.

Also, memorial of Gregorio Cortes, of Huntsville, Tex., relative to conditions in Mexico; to the Committee on Military Affairs.

By Mr. AKIN of New York: Petition of the Woman's Christian Temperance Union of Glens Falls, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of Association of Army Nurses of the Civil War, of Germantown, Pa., favoring the granting of pensions to volunteer Army nurses; to the Committee on Pensions.

By Mr. ASHBROOK: Petition of General Federation of Woman's Clubs, for passage of the children's bureau bill; to the Committee on Labor.

Also, petition of Watkins & Dague, merchants, of Doylestown, Ohio, in opposition to the proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Gale Manufacturing Co., of Albion, Mich., for enactment of House bill 18981; to the Committee on Public Buildings and Grounds.

By Mr. BOWMAN: Petition of General Federation of Women's Clubs, for a children's bureau; to the Committee on Labor.

Also, petition of members of Company K, Tenth Regiment Pennsylvania Volunteer Infantry, for enactment of House bill 18502; to the Committee on Military Affairs.

By Mr. BROUSSARD: Papers to accompany bills for the relief of Marie Alexander; Emerante Arseneaux and estate of Ovigac Arseneaux, deceased; N. Hermogene Breaux, deceased; Darnas Hebert; estate of John Vigneaux; estate of J. Ursin Broussard, deceased; estate of Desire Landry, deceased; Joseph Bernard, jr.; estate of Duplessin Broussard, deceased; Onezima Melancon; estate of Pierre Arvillien Broussard, deceased; estate of Natalie Boudreau; heirs of Jean Southeune Mouton, deceased; estate of Owen Conlan, deceased; estate of P. Emile Arceneaux; Jules J. Dubernard; heirs of Carmelite Boudreau, deceased; heirs of Sevenne Boudreau, deceased; Louis Broussard; estate of Ursin Bernard, deceased; Auguste Albarado; Eleonore Neven; and estate of Aymar Mouton, deceased; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: Papers to accompany House bill 19812, to remove the charge of desertion against John L. Kelly; to the Committee on Military Affairs.

Also, petition of St. Antonius Society of Mount Calvary, Wis.; from the St. Nicholas Society of Port Washington, Wis.; from the St. Joseph's Society of St. Cloud, Wis.; from the St. Boniface Society of Sheboygan, Wis.; from the county Federation of Catholic Societies; and the St. Peter Claver Society, of Sheboygan, Wis., against the passage of a resolution of inquiry concerning Government institutions in which citizens wearing the habit of religious orders are employed; to the Committee on Indian Affairs.

Also, petition of citizens of Reeseville, Wis., against the passage of any legislation extending the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. BURLESON: Petition of Mishawaka Woman's Club, Mishawaka, Ind.; of Woman's Study Club, Wimbledon, N. Dak.; of Woman's Club, Phoenixville, Pa., urging Congress to order investigation of disease in dairy products; to the Committee on Agriculture.

Also, petition of Woman's Club, Phoenixville, Pa., urging repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Leonard Eck and other citizens of Teck, Travis County, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of C. E. Nash, president Nash Hardware Co., Fort Worth, Tex., urging reduction of letter postage from 2 cents to 1 cent; to the Committee on the Post Office and Post Roads.

Also, petitions of Woman's Christian Temperance Union of Austin, Tex., and Woman's Christian Temperance Union of Caldwell, Tex., in support of bill to prohibit interstate shipments of intoxicating liquors into "dry" territory; to the Committee on the Judiciary.

By Mr. BURNETT: Petition of citizens of Dekalb County, Ala., protesting against enactment of Senate bill 237; to the Committee on the District of Columbia.

By Mr. CALDER: Petition of Eva Perry Moore, president general of General Federation of Women's Clubs, favoring the children's bureau bill (S. 252); to the Committee on Labor.

Also, petition of E. J. Babcock, dean of the College of Mining Engineering, University of North Dakota, University, N. Dak., favoring the Foster bill (H. R. 6304); to the Committee on Mines and Mining.

By Mr. CARTER: Petitions of citizens of the State of Oklahoma, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of members of Company K, Tenth Regiment Pennsylvania Volunteer Infantry, for enactment of House bill 18502; to the Committee on Military Affairs.

Also, petition of the Green County (Pa.) Pomona Grange, for enactment of House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON: Petition of the pastors of the Methodist, United Brethren, and Presbyterian Churches and the president of the Woman's Christian Temperance Union of Raymore, Mo., in favor of the passage of House resolution 163; to the Committee on the Judiciary.

By Mr. DODDS: Petition of citizens of Pierson, Mich., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MICHAEL E. DRISCOLL: Petition of sundry citizens of the State of New York, for the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of residents of Solvay, N. Y., in favor of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of residents of Onondaga County, N. Y., in favor of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of Wilton, Wis., protesting against House bill 18493; to the Committee on Agriculture.

By Mr. FERGUSON: Petition of citizens of Taiban, N. Mex., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Memorial of Polish National Alliance, against further restrictions in the immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of E. E. Vogel, of New York City, protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Albert E. Lakin, of Streator, Ill., favoring the passage of House bill 17470, to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of Cooperative Furniture Co., of Rockford, Ill., against the passage of the Underwood bill (H. R. 20182), relating to the chemical schedule; to the Committee on Ways and Means.

Also, petition of Methodist Episcopal Church of Gardner, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Henry Stahle, of Plano, Ill., in opposition to the passage of parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petition of members of the German-American National Organization, of Hochheim Prairie, Tex., against interstate commerce liquor legislation; to the Committee on the Judiciary.

Also, petitions of officers of St. Joseph's Society and citizens of D'Hanis, Tex., and officers of St. Jacobus's Society and citizens of Sequin, Tex., protesting against measures relating to Indian mission interests; to the Committee on Indian Affairs.

By Mr. GOLDFOGLE: Petitions of Havens & Geddes Co. and Geddes-Brown Shoe Co., of Indianapolis, Ind.; Simpson-Crawford Co., of New York; John V. Farwell Co., of Chicago, Ill.; and John E. Hurst & Co., of Baltimore, Md., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of citizens of Chester, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of M. J. Fry and 33 others, of Springfield, Minn., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition from sundry citizens of Michigan, N. Dak., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Walter R. Lee, secretary Plumbers' Local Union 338, and sundry citizens of Fargo, N. Dak., in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of G. J. Shubart, Palermo, N. Dak., favoring reduction of duty on sugars; to the Committee on Ways and Means.

Also, petition of Methodist Episcopal Church of Devils Lake, N. Dak., favoring Kenyon-Sheppard interstate liquor bills (S. 4043, H. R. 16214); to the Committee on the Judiciary.

Also, petition of W. D. Robertson, of Velva, N. Dak., favoring parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of citizens of Patton, Pa., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of Catholic societies of Johnstown and Loretto, Pa., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. HAWLEY: Petitions of Woman's Christian Temperance Union and citizens of Portland, Oreg.; the Presbyterian Church of Fairmount, Oreg.; citizens of Plainview, Oreg.; and

of the Woman's Christian Temperance Union of East Eugene, Oreg., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of merchants of Medford, Oreg., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Petition of citizens of Salt Lake City, Utah, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KINKAID of Nebraska: Petition of citizens of Scotts Bluff, protesting against the passage of any parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions signed by citizens of Gothenburg, Nebr., urging the passage of House bill 16689, validating sales of part of right of way of Union Pacific Railroad; to the Committee on the Public Lands.

By Mr. LEE of Pennsylvania: Petition of Merchants' Association of Cresson, Pa., against extension of parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Neal Dow Woman's Christian Temperance Union, Cresson, Pa., against repeal of anticanteen law; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of General Federation of Woman's Clubs, in favor of children's bureau; to the Committee on Labor.

By Mr. LOUD: Petition of Five Lakes Grange, Gaylord, Mich., urging the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MCGILLICUDDY: Petitions of Brotherhood of First Baptist Church of Bath, Me.; Woman's Christian Temperance Unions of Bowdoin, Lisbon, and Webster; H. T. Crockett et al., North Haven, Me.; First Baptist Church of Belfast, Me.; Methodist Episcopal Church and Congregational Church of Belfast, Me.; Men's Class of Universalist Church of Belfast, Me.; Christian Endeavor Society of Troy and citizens of Citypoint, Me.; and First Congregational Church of Belfast, Me., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. MCHENRY: Petition of Fort McClure Chapter, Daughters of the American Revolution, Bloomsburg, Pa., urging passage of House bill 19641; to the Committee on Appropriations.

By Mr. McLAUGHLIN: Petition of H. W. Sachs and two others, residents of Edgetts, Mich., against establishing parcel post; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petitions of voters of Dryden, Mich., and citizens of Port Huron, Mich., in favor of the passage of the Kenyon-Sheppard bill; to the committee on the Judiciary.

Also, petition of some business men of Columbiaville, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOTTE: Petition of Albion Center Grange, of Albion Center, N. Y., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Grange of East Rodman, N. Y., against the Lever bill; to the Committee on Agriculture.

Also, memorial of veterans of the Civil War, of Carthage, N. Y., against the Smoot pension bill; to the Committee on Pensions.

By Mr. NEEDHAM: Petitions of Alameda and San Francisco Centers of the California Civic League, and the Mothers' Club of Sausalito, Cal., for more effective enforcement of the "white slave traffic act"; to the Committee on the Judiciary.

By Mr. NEELEY: Petitions of Woman's Christian Temperance Union of Hoisington, and citizens of Harper County, Kans., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Hutchinson, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Seward County, Kans., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of Woman's Christian Temperance Unions of Alamota and Pendennis, and citizens of McCracken, Kans., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Brownell, Kans., for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., favoring the enactment of the Berger bill, providing for old-age pensions; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: Petition of citizens of the State of Massachusetts, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. PRAY: Petition of merchants of Eureka, Mont., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Cleveland, Mont., for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of churches of Butte and residents of Butte and Walkerville, Mont., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of residents of Chester and Wibaux, Mont., for amendment to the public-land laws; to the Committee on the Public Lands.

Also, petition of residents of Butte, Meaderville, and Walkerville, Mont., for enactment of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. PUJO (by request): Petitions of union mass meeting of Leesville, La., and De Ridder, La., for the speedy passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Memorial of Wright & Wilhelmy Co., of Omaha, Nebr., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the Mississippi Retail Hardware Association, against parcel-post laws; to the Committee on the Post Office and Post Roads.

Also, memorial of the Lee Hardware Co., of Salina, Kans., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of L. Kuhn, James J. Bowman, and other citizens of Connecticut, favoring the insertion of a clause in naval appropriation bill for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Edward M. Weber and 25 other citizens of Connecticut, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. RIORDAN: Papers to accompany bill for the relief of Herman E. Jansen (H. R. 21579); to the Committee on Pensions.

By Mr. SHARP: Petition of citizens of New London, Ohio, for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

By Mr. SHERWOOD: Petition of Civil War veterans in Ohio, for enactment of the Sherwood pension bill; to the Committee on Invalid Pensions.

By Mr. SIMS: Petitions of citizens of Jackson, Tenn., for enactment of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petitions of citizens of Jackson, Tenn., for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. STEPHENS of California: Petitions of Chamber of Commerce of Sacramento, Los Angeles Chamber of Commerce,

Marine Engineers' Association, California Miners' Association, San Francisco Clearing House Association, San Francisco Labor Council, and Alameda Chamber of Commerce, protesting against the reduction of appropriation for the United States Mint at San Francisco; to the Committee on Appropriations.

By Mr. STERLING: Petition of citizens of San Jose, Ill., protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Alabama: Papers to accompany bill for the relief of Lydia H. Powers; to the Committee on War Claims.

By Mr. TILSON: Petition of Connecticut Hardware Association, for 1-cent letter postage and opposing extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TRIBBLE: Petitions of citizens of Hartwell, Lavonia, and Royston, Ga., urging reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of citizens of Lavonia, Ga., protesting against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of B. B. Braden for the members of the First Baptist Church of Creston, Iowa, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of W. H. Harnagel and 17 other citizens, of Clarinda, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petitions of citizens of Horseheads, N. Y., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WATKINS: Memorial of mass meeting of citizens of Mansfield, La., favoring passage of the Kenyon-Sheppard bill for removal of interstate-commerce protection to shipments of liquor into "dry" territory for illegal purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Kansas: Petition of citizens of Glen Elder, Kans., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ellsworth, Russell, Osborne, and Phillips Counties, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ellsworth, Russell, Osborne, and Phillips Counties, Kans., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Sherman and Thomas Counties, Kans., for passage of Berger old-age pension bill; to the Committee on Pensions.